

***In the Senate of the United States,***

*June 23 (legislative day, June 22), 2004.*

*Resolved*, That the bill from the House of Representatives (H.R. 4200) entitled “An Act to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Ronald W. Reagan Na-*

3 *tional Defense Authorization Act for Fiscal Year 2005”.*

1 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
 2 **CONTENTS.**

3 (a) *DIVISIONS.*—*This Act is organized into three divi-*  
 4 *sions as follows:*

5 (1) *Division A—Department of Defense Author-*  
 6 *izations.*

7 (2) *Division B—Military Construction Author-*  
 8 *izations.*

9 (3) *Division C—Department of Energy National*  
 10 *Security Authorizations and Other Authorizations.*

11 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 12 *this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Organization of Act into divisions; table of contents.*

*Sec. 3. Congressional defense committees defined.*

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*Sec. 103. Air Force.*

*Sec. 104. Defense-wide activities.*

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*Sec. 132. Prohibition of retirement of F-117 aircraft.*  
*Sec. 133. Senior scout mission bed-down initiative.*

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*Sec. 142. Report on maturity and effectiveness of the Global Information Grid Bandwidth Expansion (GIG-BE) Network.*

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*Sec. 216. Joint experimentation.*  
*Sec. 217. Infrastructure system security engineering development for the Navy.*  
*Sec. 218. Neurotoxin mitigation research.*  
*Sec. 219. Spiral development of joint threat warning system maritime variants.*  
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*Sec. 232. Patriot Advance Capability-3 and Medium Extended Air Defense System.*  
*Sec. 233. Comptroller General assessments of ballistic missile defense programs.*  
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*Sec. 242. Sense of the Senate regarding funding of the advanced shipbuilding enterprise under the national shipbuilding research program of the Navy.*

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*Sec. 2403. Energy conservation projects.*  
*Sec. 2404. Authorization of appropriations, Defense Agencies.*

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION  
SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.*  
*Sec. 2502. Authorization of appropriations, NATO.*

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.*

**TITLE XXVII—EXPIRATION AND EXTENSION OF  
AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.*  
*Sec. 2702. Extension of authorizations of certain fiscal year 2002 projects.*  
*Sec. 2703. Extension of authorization of certain fiscal year 2001 project.*  
*Sec. 2704. Effective date.*

**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military  
Family Housing Changes**

- Sec. 2801. Increase in thresholds for unspecified minor military construction projects.*  
*Sec. 2802. Modification of approval and notice requirements for facility repair projects.*  
*Sec. 2803. Additional reporting requirements relating to alternative authority for acquisition and improvement of military housing.*  
*Sec. 2804. Modification of authorities under alternative authority for acquisition and improvement of military housing.*

**Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Recodification and consolidation of certain authorities and limitations relating to real property administration.*  
*Sec. 2812. Modification and enhancement of authorities on facilities for reserve components.*  
*Sec. 2813. Authority to exchange or sell reserve component facilities and lands to obtain new reserve component facilities and lands.*  
*Sec. 2814. Repeal of authority of Secretary of Defense to recommend that installations be placed in inactive status during 2005 round of defense base closure and realignment.*

**Subtitle C—Land Conveyances**

- Sec. 2821. Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio.*  
*Sec. 2822. Land conveyance, Browning Army Reserve Center, Utah.*  
*Sec. 2823. Land exchange, Arlington County, Virginia.*  
*Sec. 2824. Land conveyance, Hampton, Virginia.*  
*Sec. 2825. Land conveyance, Seattle, Washington.*

- Sec. 2826. *Transfer of jurisdiction, Nebraska Avenue Naval Complex, District of Columbia.*
- Sec. 2827. *Land conveyance, Honolulu, Hawaii.*
- Sec. 2828. *Land conveyance, Portsmouth, Virginia.*
- Sec. 2829. *Land conveyance, former Griffiss Air Force Base, New York.*
- Sec. 2830. *Land exchange, Maxwell Air Force Base, Alabama.*
- Sec. 2831. *Land exchange, Naval Air Station, Patuxent River, Maryland.*
- Sec. 2832. *Land conveyance, March Air Force Base, California.*
- Sec. 2833. *Land conveyance, Sunflower Army Ammunition Plant, Kansas.*
- Sec. 2834. *Land conveyance, Naval Weapons Station, Charleston, South Carolina.*
- Sec. 2835. *Land conveyance, Louisiana Army Ammunition Plant, Doyline, Louisiana.*
- Sec. 2836. *Modification of authority for land conveyance, equipment and storage yard, Charleston, South Carolina.*

**Subtitle D—Other Matters**

- Sec. 2841. *Department of Defense Follow-On Laboratory Revitalization Demonstration Program.*
- Sec. 2842. *Jurisdiction and utilization of former public domain lands, Umatilla Chemical Depot, Oregon.*
- Sec. 2843. *Development of heritage center for the National Museum of the United States Army.*
- Sec. 2844. *Authority to settle claim of Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California.*
- Sec. 2845. *Comptroller general report on closure of Department of Defense Dependent Elementary and Secondary Schools and commissary stores.*

**TITLE XXIX—MARITIME ADMINISTRATION**

- Sec. 2901. *Modification of priority afforded applications for national defense tank vessel construction assistance.*

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

- Sec. 3101. *National Nuclear Security Administration.*
- Sec. 3102. *Defense environmental management.*
- Sec. 3103. *Other defense activities.*
- Sec. 3104. *Defense nuclear waste disposal.*

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

- Sec. 3111. *Limitation on availability of funds for Modern Pit Facility.*
- Sec. 3112. *Limitation on availability of funds for Advanced Nuclear Weapons Concepts Initiative.*
- Sec. 3113. *Limited authority to carry out new projects under Facilities and Infrastructure Recapitalization Program after project selection deadline.*



- Sec. 3114. Modification of milestone and report requirements for National Ignition Facility.*
- Sec. 3115. Modification of submittal date of annual plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.*
- Sec. 3116. Defense site acceleration completion.*
- Sec. 3117. National Academy of Sciences study.*
- Sec. 3118. Annual report on expenditures for safeguards and security.*
- Sec. 3119. Authority to consolidate counterintelligence offices of Department of Energy and National Nuclear Security Administration within National Nuclear Security Administration.*
- Sec. 3120. Treatment of waste material.*
- Sec. 3121. Local stakeholder organizations for Department of Energy environmental management 2006 closure sites.*
- Sec. 3122. Report on maintenance of retirement benefits for certain workers at 2006 closure sites after closure of sites.*
- Sec. 3123. Report on Efforts of National Nuclear Security Administration to understand plutonium aging.*

### **Subtitle C—Proliferation Matters**

- Sec. 3131. Modification of authority to use international nuclear materials protection and cooperation program funds outside the former Soviet Union.*
- Sec. 3132. Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.*

### **Subtitle D—Other Matters**

- Sec. 3141. Indemnification of Department of Energy contractors.*
- Sec. 3142. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.*
- Sec. 3143. Enhancement of Energy Employees Occupational Illness Compensation Program authorities.*
- Sec. 3144. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.*
- Sec. 3145. Review of Waste Isolation Pilot Plant, New Mexico, pursuant to competitive contract.*
- Sec. 3146. Compensation of Pajarito Plateau, New Mexico, homesteaders for acquisition of lands for Manhattan Project in World War II.*

### **Subtitle E—Energy Employees Occupational Illness Compensation Program**

- Sec. 3161. Coverage of individuals employed at atomic weapons employer facilities during periods of residual contamination.*
- Sec. 3162. Update of report on residual contamination of facilities.*
- Sec. 3163. Workers compensation.*
- Sec. 3164. Termination of effect of other enhancements of Energy Employees Occupational Illness Compensation Program.*
- Sec. 3165. Sense of Senate on resource center for energy employees under Energy Employee Occupational Illness Compensation Program in Western New York and Western Pennsylvania region.*
- Sec. 3166. Review by Congress of individuals designated by President as members of cohort.*

*Sec. 3167. Inclusion of certain former nuclear weapons program workers in special exposure cohort under the Energy Employees Occupational Illness Compensation Program.*

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

*Sec. 3201. Authorization.*

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

*Sec. 3301. Disposal of ferromanganese.*

*Sec. 3302. Revisions to required receipt objectives for certain previously authorized disposals from the National Defense Stockpile.*

*Sec. 3303. Prohibition on storage of mercury at certain facilities.*

**TITLE XXXIV—LOCAL LAW ENFORCEMENT ENHANCEMENT ACT**

*Sec. 3401. Short Title.*

*Sec. 3402. Findings.*

*Sec. 3403. Definition of hate crime.*

*Sec. 3404. Support for criminal investigations and prosecutions by State and local law enforcement officials.*

*Sec. 3405. Grant Program.*

*Sec. 3406. Authorization for additional personnel to assist State and local law enforcement.*

*Sec. 3407. Prohibition of certain hate crime acts.*

*Sec. 3408. Duties of Federal Sentencing Commission.*

*Sec. 3409. Statistics.*

*Sec. 3410. Severability.*

**TITLE XXXV—ASSISTANCE TO FIREFIGHTERS**

*Sec. 3501. Short title.*

*Sec. 3502. Authority of Secretary of Homeland Security for Firefighter Assistance Program.*

*Sec. 3503. Grants to volunteer emergency medical service organizations.*

*Sec. 3504. Grants for automated external defibrillator devices.*

*Sec. 3505. Criteria for reviewing grant applications.*

*Sec. 3506. Financial assistance for firefighter safety programs.*

*Sec. 3507. Assistance for applications.*

*Sec. 3508. Reduced requirements for matching funds.*

*Sec. 3509. Grant recipient limitations.*

*Sec. 3510. Other considerations.*

*Sec. 3511. Reports to congress.*

*Sec. 3512. Technical corrections.*

*Sec. 3513. Authorization of appropriations.*

**1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

**2** *For purposes of this Act, the term “congressional de-*  
**3** *fense committees” means—*

1           (1) *the Committee on Armed Services and the*  
2           *Committee on Appropriations of the Senate; and*

3           (2) *the Committee on Armed Services and the*  
4           *Committee on Appropriations of the House of Rep-*  
5           *resentatives.*

6           ***DIVISION A—DEPARTMENT OF***  
7           ***DEFENSE AUTHORIZATIONS***  
8           ***TITLE I—PROCUREMENT***  
9           ***Subtitle A—Authorization of***  
10           ***Appropriations***

11 ***SEC. 101. ARMY.***

12           *Funds are hereby authorized to be appropriated for fis-*  
13 *cal year 2005 for procurement for the Army as follows:*

14           (1) *For aircraft, \$2,702,640,000.*

15           (2) *For missiles, \$1,488,321,000.*

16           (3) *For weapons and tracked combat vehicles,*  
17           *\$1,693,595,000.*

18           (4) *For ammunition, \$1,598,302,000.*

19           (5) *For other procurement, \$5,384,296,000.*

20 ***SEC. 102. NAVY AND MARINE CORPS.***

21           (a) *NAVY.—Funds are hereby authorized to be appro-*  
22 *priated for fiscal year 2005 for procurement for the Navy*  
23 *as follows:*

24           (1) *For aircraft, \$8,870,832,000.*

1           (2) *For weapons, including missiles and tor-*  
2           *pedoes, \$2,183,829,000.*

3           (3) *For shipbuilding and conversion,*  
4           *\$10,127,027,000.*

5           (4) *For other procurement, \$4,904,978,000.*

6           (b) *MARINE CORPS.—Funds are hereby authorized to*  
7           *be appropriated for fiscal year 2005 for procurement for*  
8           *the Marine Corps in the amount of \$1,303,203,000.*

9           (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*  
10          *are hereby authorized to be appropriated for fiscal year*  
11          *2005 for procurement of ammunition for the Navy and the*  
12          *Marine Corps in the amount of \$873,140,000.*

13       **SEC. 103. AIR FORCE.**

14          *Funds are hereby authorized to be appropriated for fis-*  
15          *cal year 2005 for procurement for the Air Force as follows:*

16               (1) *For aircraft, \$13,033,674,000.*

17               (2) *For missiles, \$4,635,613,000.*

18               (3) *For ammunition, \$1,396,457,000.*

19               (4) *For other procurement, \$13,298,257,000.*

20       **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

21          *Funds are hereby authorized to be appropriated for fis-*  
22          *cal year 2005 for Defense-wide procurement in the amount*  
23          *of \$2,967,402,000.*

1           **Subtitle B—Army Programs**

2   **SEC. 111. LIGHT UTILITY HELICOPTER PROGRAM.**

3           (a) *LIMITATION.*—*Of the funds authorized to be appro-*  
4 *priated under section 101(1) for the procurement of light*  
5 *utility helicopters, \$45,000,000 may not be obligated or ex-*  
6 *pended until 30 days after the date on which the Secretary*  
7 *of the Army submits to the congressional defense committees*  
8 *a report that contains—*

9                   (1) *the Secretary’s certification that all required*  
10 *documentation for the acquisition of light utility heli-*  
11 *copters has been completed and approved; and*

12                   (2) *the Army aviation modernization plan re-*  
13 *quired by subsection (b).*

14           (b) *ARMY AVIATION MODERNIZATION PLAN.*—(1) *Not*  
15 *later than March 1, 2005, the Secretary of the Army shall*  
16 *submit to the congressional defense committees an updated*  
17 *modernization plan for Army aviation.*

18                   (2) *The updated Army aviation modernization plan*  
19 *shall contain, at a minimum, the following matters:*

20                           (A) *The analysis on which the plan is based.*

21                           (B) *A discussion of the Secretary’s decision to*  
22 *terminate the Comanche helicopter program and to*  
23 *restructure the aviation force of the Army.*

24                           (C) *The actions taken or to be taken to accelerate*  
25 *the procurement and development of aircraft surviv-*

1        *ability equipment for Army aircraft, together with a*  
2        *detailed list of aircraft survivability equipment that*  
3        *specifies such equipment by platform and by the re-*  
4        *lated programmatic funding for procurement.*

5                *(D) A discussion of the conversion of Apache hel-*  
6        *icopters to block III configuration, including the ra-*  
7        *tionale for converting only 501 Apache helicopters to*  
8        *that configuration and the costs associated with a*  
9        *conversion of all Apache helicopters to the block III*  
10        *configuration.*

11                *(E) A discussion of the procurement of light*  
12        *armed reconnaissance helicopters, including the ra-*  
13        *tionale for the requirement for light armed reconnais-*  
14        *sance helicopters and a discussion of the costs associ-*  
15        *ated with upgrading the light armed reconnaissance*  
16        *helicopter to meet Army requirements.*

17                *(F) The rationale for the Army's requirement for*  
18        *light utility helicopters, together with a summary and*  
19        *copy of the analysis of the alternative means for meet-*  
20        *ing such requirement that the Secretary considered in*  
21        *the determination to procure light utility helicopters,*  
22        *including, at a minimum, the analysis of the alter-*  
23        *native of using light armed reconnaissance helicopters*  
24        *and UH-60 Black Hawk helicopters instead of light*  
25        *utility helicopters to meet such requirement.*

1           (G) *The rationale for the procurement of cargo*  
2 *fixed-wing aircraft.*

3           (H) *The rationale for the initiation of a joint*  
4 *multi-role helicopter program.*

5           (I) *A description of the operational employment*  
6 *of the Army's restructured aviation force.*

7 **SEC. 112. UP-ARMORED HIGH MOBILITY MULTI-PURPOSE**  
8 **WHEELED VEHICLES OR WHEELED VEHICLE**  
9 **BALLISTIC ADD-ON ARMOR PROTECTION.**

10       (a) *AMOUNT.*—*Of the amount authorized to be appro-*  
11 *priated for the Army for fiscal year 2005 for other procure-*  
12 *ment under section 101(5), \$610,000,000 shall be available*  
13 *for both of the purposes described in subsection (b) and may*  
14 *be used for either or both of such purposes.*

15       (b) *PURPOSES.*—*The purposes referred to in subsection*  
16 *(a) are as follows:*

17           (1) *The procurement of up-armored high mobil-*  
18 *ity multi-purpose wheeled vehicles at a rate up to 450*  
19 *such vehicles each month.*

20           (2) *The procurement of wheeled vehicle ballistic*  
21 *add-on armor protection.*

22       (c) *ALLOCATION BY SECRETARY OF THE ARMY.*—(1)  
23 *The Secretary of the Army shall allocate the amount avail-*  
24 *able under subsection (a) between the two purposes set forth*

1 *in subsection (b) as the Secretary determines appropriate*  
2 *to meet the requirements of the Army.*

3 (2) *Not later than 15 days before making an allocation*  
4 *under paragraph (1), the Secretary shall transmit a notifi-*  
5 *cation of the proposed allocation to the congressional defense*  
6 *committees.*

7 (d) *PROHIBITION ON USE FOR OTHER PURPOSES.—*  
8 *The amount available under subsection (a) may not be used*  
9 *for any purpose other than a purpose specified in subsection*  
10 *(b).*

11 **SEC. 113. COMMAND-AND-CONTROL VEHICLES OR FIELD AR-**  
12 **TILLERY AMMUNITION SUPPORT VEHICLES.**

13 (a) *INCREASED AMOUNT FOR PROCUREMENT OF*  
14 *WEAPONS AND TRACKED COMBAT VEHICLES.—The amount*  
15 *authorized to be appropriated under section 101(3) is here-*  
16 *by increased by \$5,000,000.*

17 (b) *AMOUNT FOR COMMAND-AND-CONTROL VEHICLES*  
18 *OR FIELD ARTILLERY AMMUNITION SUPPORT VEHICLES.—*  
19 *Of the amount authorized to be appropriated under section*  
20 *101(3), \$5,000,000 may be used for the procurement of com-*  
21 *mand-and-control vehicles or field artillery ammunition*  
22 *support vehicles.*

23 (c) *OFFSET.—The amount authorized to be appro-*  
24 *priated by section 421 is hereby reduced by \$5,000,000,*



1 *with the amount of the reduction to be derived from excess*  
2 *amounts provided for military personnel of the Air Force.*

3 ***Subtitle C—Navy Programs***

4 ***SEC. 121. LHA(R) AMPHIBIOUS ASSAULT SHIP PROGRAM.***

5 *(a) AUTHORIZATION OF SHIP.—The Secretary of the*  
6 *Navy is authorized to procure the first amphibious assault*  
7 *ship of the LHA(R) class, subject to the availability of ap-*  
8 *propriations for that purpose.*

9 *(b) AUTHORIZED AMOUNT.—Of the amount authorized*  
10 *to be appropriated under section 102(a)(3) for fiscal year*  
11 *2005, \$150,000,000 shall be available for the advance pro-*  
12 *curement and advance construction of components for the*  
13 *first amphibious assault ship of the LHA(R) class. The Sec-*  
14 *retary of the Navy may enter into a contract or contracts*  
15 *with the shipbuilder and other entities for the advance pro-*  
16 *curement and advance construction of those components.*

17 ***SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR THE***

18 ***LIGHT WEIGHT 155-MILLIMETER HOWITZER***

19 ***PROGRAM.***

20 *(a) AUTHORITY.—Beginning with the fiscal year 2005*  
21 *program year, the Secretary of the Navy may, in accord-*  
22 *ance with section 2306b of title 10, United States Code,*  
23 *enter into a multiyear contract for the procurement of the*  
24 *light weight 155-millimeter howitzer.*

1       (b) *LIMITATION.*—*The Secretary may not enter into*  
2 *a multiyear contract for the procurement of light weight*  
3 *155 millimeter howitzers under subsection (a) until the Sec-*  
4 *retary determines on the basis of operational testing that*  
5 *the light weight 155-millimeter howitzer is effective for fleet*  
6 *use.*

7 **SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF SUB-**  
8 **MARINE ENGINEERED REFUELING OVERHAUL**  
9 **AND CONVERSION.**

10       (a) *ESTABLISHMENT.*—*The Secretary of the Navy may*  
11 *carry out a pilot program of flexible funding of engineered*  
12 *refueling overhauls and conversions of submarines in ac-*  
13 *cordance with this section.*

14       (b) *AUTHORITY.*—*Under the pilot program, the Sec-*  
15 *retary of the Navy may, subject to subsection (d), transfer*  
16 *amounts described in subsection (c) to the authorization of*  
17 *appropriations for the Navy for procurement for ship-*  
18 *building and conversion for any fiscal year to continue to*  
19 *provide authorization of appropriations for any engineered*  
20 *refueling conversion or overhaul of a submarine of the Navy*  
21 *for which funds were initially provided on the basis of the*  
22 *authorization of appropriations to which transferred.*

23       (c) *AMOUNTS AVAILABLE FOR TRANSFER.*—*The*  
24 *amounts available for transfer under this section are*  
25 *amounts authorized to be appropriated to the Navy for any*

1 *fiscal year after fiscal year 2004 and before fiscal year 2013*  
2 *for the following purposes:*

3 *(1) For procurement as follows:*

4 *(A) For shipbuilding and conversion.*

5 *(B) For weapons procurement.*

6 *(C) For other procurement.*

7 *(2) For operation and maintenance.*

8 *(d) LIMITATIONS.—(1) A transfer may be made with*  
9 *respect to a submarine under this section only to meet either*  
10 *(or both) of the following requirements:*

11 *(A) An increase in the size of the workload for*  
12 *engineered refueling overhaul and conversion to meet*  
13 *existing requirements for the submarine.*

14 *(B) A new engineered refueling overhaul and*  
15 *conversion requirement resulting from a revision of*  
16 *the original baseline engineered refueling overhaul*  
17 *and conversion program for the submarine.*

18 *(2) A transfer may not be made under this section be-*  
19 *fore the date that is 30 days after the date on which the*  
20 *Secretary of the Navy transmits to the congressional defense*  
21 *committees a written notification of the intended transfer.*  
22 *The notification shall include the following matters:*

23 *(A) The purpose of the transfer.*

24 *(B) The amounts to be transferred.*

1           (C) *Each account from which the funds are to be*  
2           *transferred.*

3           (D) *Each program, project, or activity from*  
4           *which the amounts are to be transferred.*

5           (E) *Each account to which the amounts are to*  
6           *be transferred.*

7           (F) *A discussion of the implications of the trans-*  
8           *fer for the total cost of the submarine engineered re-*  
9           *fueling overhaul and conversion program for which*  
10          *the transfer is to be made.*

11          (e) *MERGER OF FUNDS.—A transfer made from one*  
12          *account to another with respect to the engineered refueling*  
13          *overhaul and conversion of a submarine under the authority*  
14          *of this section shall be deemed to increase the amount au-*  
15          *thorized for the account to which the amount is transferred*  
16          *by an amount equal to the amount transferred and shall*  
17          *be available for the engineered refueling overhaul and con-*  
18          *version of such submarine for the same period as the ac-*  
19          *count to which transferred.*

20          (f) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*  
21          *ITY.—The authority to make transfers under this section*  
22          *is in addition to any other transfer authority provided in*  
23          *this or any other Act and is not subject to any restriction,*  
24          *limitation, or procedure that is applicable to the exercise*  
25          *of any such other authority.*

1           (g) *FINAL REPORT*.—Not later than October 1, 2011,  
 2 the Secretary of the Navy shall submit to the congressional  
 3 defense committees a report containing the Secretary’s eval-  
 4 uation of the efficacy of the authority provided under this  
 5 section.

6           (h) *TERMINATION OF PROGRAM*.—No transfer may be  
 7 made under this section after September 30, 2012.

## 8           ***Subtitle D—Air Force Programs***

### 9   ***SEC. 131. PROHIBITION OF RETIREMENT OF*** 10                                   ***KC-135E AIRCRAFT.***

11           *The Secretary of the Air Force may not retire any KC-*  
 12 *135E aircraft of the Air Force in fiscal year 2005.*

### 13   ***SEC. 132. PROHIBITION OF RETIREMENT OF*** 14                                   ***F-117 AIRCRAFT.***

15           *No F-117 aircraft in use by the Air Force during fis-*  
 16 *cal year 2004 may be retired during fiscal year 2005.*

### 17   ***SEC. 133. SENIOR SCOUT MISSION BED-DOWN INITIATIVE.***

18           (a) *AMOUNT FOR PROGRAM*.—The amount authorized  
 19 to be appropriated by section 103(1) is hereby increased by  
 20 \$2,000,000, with the amount of the increase to be available  
 21 for a bed-down initiative to enable the C-130 aircraft of  
 22 the Idaho Air National Guard to be the permanent carrier  
 23 of the *SENIOR SCOUT* mission shelters of the 169th Intel-  
 24 ligence Squadron of the Utah Air National Guard.

1       (b) *OFFSET.*—The amount authorized to be appro-  
2       priated by section 421 is hereby reduced by \$2,000,000,  
3       with the amount of the reduction to be derived from excess  
4       amounts provided for military personnel of the Air Force.

5                   ***Subtitle E—Other Matters***

6       ***SEC. 141. REPORT ON OPTIONS FOR ACQUISITION OF PRE-***  
7                   ***CISION-GUIDED MUNITIONS.***

8       (a) *REQUIREMENT FOR REPORT.*—Not later than  
9       March 1, 2005, the Secretary of Defense shall submit a re-  
10       port on options for the acquisition of precision-guided mu-  
11       nitions to the congressional defense committees.

12       (b) *CONTENT OF REPORT.*—The report shall include  
13       the following matters:

14               (1) *A list of the precision-guided munitions in*  
15       *the inventory of the Department of Defense.*

16               (2) *For each such munition—*

17                       (A) *the inventory level as of the most recent*  
18       *date that it is feasible to specify when the report*  
19       *is prepared;*

20                       (B) *the inventory objective that is necessary*  
21       *to execute the current National Military Strategy*  
22       *prescribed by the Chairman of the Joint Chiefs*  
23       *of Staff;*

24                       (C) *the year in which that inventory objec-*  
25       *tive would be expected to be achieved—*

- 1                   (i) if the munition were procured at  
2                   the minimum sustained production rate;  
3                   (ii) if the munition were procured at  
4                   the most economic production rate; and  
5                   (iii) if the munition were procured at  
6                   the maximum production rate; and  
7                   (D) the procurement cost (in constant fiscal  
8                   year 2004 dollars) at each of the production  
9                   rates specified in subparagraph (C).

10 **SEC. 142. REPORT ON MATURITY AND EFFECTIVENESS OF**  
11                   **THE GLOBAL INFORMATION GRID BAND-**  
12                   **WIDTH EXPANSION (GIG-BE) NETWORK.**

13           (a) *REPORT REQUIRED.*—Not later than 180 days after  
14 the date of the enactment of this Act, the Secretary of De-  
15 fense shall submit to the Committee on Armed Services of  
16 the Senate and the Committee on Armed Services of the  
17 House of Representatives a report on a test program to dem-  
18 onstrate the maturity and effectiveness of the Global Infor-  
19 mation Grid-Bandwidth Expansion (GIG-BE) network ar-  
20 chitecture.

21           (b) *CONTENTS OF REPORT.*—The report under sub-  
22 section (a) shall—

- 23                   (1) determine whether the results of the test pro-  
24                   gram described in subsection (a) demonstrate compli-

1        *ance of the GIG–BE architecture with the overall*  
2        *goals of the GIG–BE program;*

3            *(2) identify—*

4                    *(A) the extent to which the GIG–BE archi-*  
5                    *itecture does not meet the overall goals of the pro-*  
6                    *gram; and*

7                    *(B) the components that are not yet suffi-*  
8                    *ciently developed to achieve the overall goals of*  
9                    *the program;*

10            *(3) include a plan and cost estimates for achiev-*  
11            *ing compliance; and*

12            *(4) document the equipment and network con-*  
13            *figuration used to demonstrate real-world scenarios*  
14            *within the continental United States.*

15        **TITLE II—RESEARCH, DEVELOP-**  
16        **MENT, TEST AND EVALUA-**  
17        **TION**

18            **Subtitle A—Authorization of**  
19            **Appropriations**

20        **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

21        *Funds are hereby authorized to be appropriated for fis-*  
22        *cal year 2005 for the use of the Department of Defense for*  
23        *research, development, test, and evaluation as follows:*

24            *(1) For the Army, \$9,686,958,000.*

25            *(2) For the Navy, \$16,679,391,000.*



1           (3) *For the Air Force, \$21,264,267,000.*

2           (4) *For Defense-wide activities, \$20,635,937,000,*  
 3           *of which \$309,135,000 is authorized for the Director*  
 4           *of Operational Test and Evaluation.*

5 **SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.**

6           (a) *AMOUNT FOR PROJECTS.—Of the total amount au-*  
 7           *thorized to be appropriated by section 201, \$10,998,850,000*  
 8           *shall be available for science and technology projects.*

9           (b) *SCIENCE AND TECHNOLOGY DEFINED.—In this*  
 10          *section, the term “science and technology project” means*  
 11          *work funded in program elements for defense research, de-*  
 12          *velopment, test, and evaluation under Department of De-*  
 13          *fense budget activities 1, 2, or 3.*

14 ***Subtitle B—Program Requirements,***  
 15 ***Restrictions, and Limitations***

16 **SEC. 211. DD(X)-CLASS DESTROYER PROGRAM.**

17          (a) *AUTHORIZATION OF SHIP.—For the second de-*  
 18          *stroyer in the DD(X)-class destroyer program, the Secretary*  
 19          *of the Navy is authorized to use funds authorized to be ap-*  
 20          *propriated to the Navy under section 201(2).*

21          (b) *AMOUNT FOR DETAIL DESIGN.—Of the amount au-*  
 22          *thorized to be appropriated under section 201(2) for fiscal*  
 23          *year 2005, \$99,400,000 shall be available for the detail de-*  
 24          *sign of the second destroyer of the DD(X)-class.*

1 **SEC. 212. GLOBAL POSITIONING SYSTEM III SATELLITE.**

2 *Not more than 80 percent of the amount authorized*  
3 *to be appropriated by section 201(4) and available for the*  
4 *purpose of research, development, test, and evaluation on*  
5 *the Global Positioning System III satellite may be obligated*  
6 *or expended for that purpose until the Secretary of*  
7 *Defense—*

8 *(1) completes an analysis of alternatives for the*  
9 *satellite and ground architectures, satellite tech-*  
10 *nologies, and tactics, techniques, and procedures for*  
11 *the next generation global positioning system (GPS);*  
12 *and*

13 *(2) submits to the congressional defense commit-*  
14 *tees a report on the results of the analysis, including*  
15 *an assessment of the results of the analysis.*

16 **SEC. 213. INITIATION OF CONCEPT DEMONSTRATION OF**  
17 **GLOBAL HAWK HIGH ALTITUDE ENDURANCE**  
18 **UNMANNED AERIAL VEHICLE.**

19 *Section 221(c) of the Floyd D. Spence National De-*  
20 *fense Authorization Act for Fiscal Year 2001 (as enacted*  
21 *into law by Public Law 106–398; 114 Stat. 1654A–40) is*  
22 *amended by striking “March 1, 2001” and inserting*  
23 *“March 1, 2005”.*

1 **SEC. 214. JOINT UNMANNED COMBAT AIR SYSTEMS PRO-**  
2 **GRAM.**

3 (a) *EXECUTIVE COMMITTEE.*—(1) *The Secretary of*  
4 *Defense shall, subject to subsection (b), establish and require*  
5 *an executive committee to provide guidance and rec-*  
6 *ommendations for the management of the Joint Unmanned*  
7 *Combat Air Systems program to the Director of the Defense*  
8 *Advanced Research Projects Agency and the personnel who*  
9 *are managing the program for such agency.*

10 (2) *The executive committee established under para-*  
11 *graph (1) shall be composed of the following members:*

12 (A) *The Under Secretary of Defense for Acquisi-*  
13 *tion, Technology, and Logistics, who shall chair the*  
14 *executive committee.*

15 (B) *The Assistant Secretary of the Navy for Re-*  
16 *search, Development, and Acquisition.*

17 (C) *The Assistant Secretary of the Air Force for*  
18 *Acquisition.*

19 (D) *The Deputy Chief of Naval Operations for*  
20 *Warfare Requirements and Programs.*

21 (E) *The Deputy Chief of Staff of the Air Force*  
22 *for Air and Space Operations.*

23 (F) *Any additional personnel of the Department*  
24 *of Defense whom the Secretary determines appro-*  
25 *prate for membership on the executive committee.*

1           (b) *APPLICABILITY ONLY TO DARPA-MANAGED PRO-*  
2 *GRAM.—The requirements of subsection (a) apply with re-*  
3 *spect to the Joint Unmanned Combat Air Systems program*  
4 *only while the program is managed by the Defense Ad-*  
5 *vanced Research Projects Agency.*

6 **SEC. 215. JOINT STRIKE FIGHTER AIRCRAFT PROGRAM.**

7           (a) *REQUIREMENT FOR STUDY.—The Secretary of De-*  
8 *fense shall require the Defense Science Board to conduct a*  
9 *study on the Joint Strike Fighter aircraft program.*

10          (b) *MATTERS TO BE STUDIED.—The study shall in-*  
11 *clude, for each of the three variants of the Joint Strike*  
12 *Fighter aircraft, the following matters:*

13               (1) *The current status.*

14               (2) *The extent of the effects of excess aircraft*  
15 *weight on estimated performance.*

16               (3) *The validity of the technical approaches*  
17 *being considered to achieve the required performance.*

18               (4) *The risks of those technical approaches.*

19               (5) *A list of any alternative technical approaches*  
20 *that have the potential to achieve the required per-*  
21 *formance.*

22          (c) *REPORT.—The Secretary shall submit a report on*  
23 *the results of the study to the congressional defense commit-*  
24 *tees at the same time that the President submits the budget*

1 *for fiscal year 2006 to Congress under section 1105(a) of*  
2 *title 31, United States Code.*

3 **SEC. 216. JOINT EXPERIMENTATION.**

4 (a) *DEFENSE-WIDE PROGRAM ELEMENT.—The Sec-*  
5 *retary of Defense shall plan, program, and budget for all*  
6 *joint experimentation of the Armed Forces as a separate,*  
7 *dedicated program element under research, development,*  
8 *test, and evaluation, Defense-wide activities.*

9 (b) *APPLICABILITY TO FISCAL YEARS AFTER FISCAL*  
10 *YEAR 2005.—This section shall apply with respect to fiscal*  
11 *years beginning after 2005.*

12 **SEC. 217. INFRASTRUCTURE SYSTEM SECURITY ENGINEER-**  
13 **ING DEVELOPMENT FOR THE NAVY.**

14 (a) *INCREASE IN AMOUNT FOR RESEARCH, DEVELOP-*  
15 *MENT, TEST AND EVALUATION, NAVY.—The amount au-*  
16 *thorized to be appropriated by section 201(2) for research,*  
17 *development, test and evaluation, Navy, is hereby increased*  
18 *by \$3,000,000.*

19 (b) *AVAILABILITY OF AMOUNT FOR INFRASTRUCTURE*  
20 *SYSTEM SECURITY ENGINEERING DEVELOPMENT.—Of the*  
21 *amount authorized to be appropriated by section 201(2) for*  
22 *research, development, test, and evaluation, Navy, as in-*  
23 *creased by subsection (a), \$3,000,000 may be available for*  
24 *infrastructure system security engineering development.*

1           (c) *OFFSET.—(1) The amount authorized to be appro-*  
2 *priated by section 101(5) for other procurement, Army, is*  
3 *hereby reduced by \$1,000,000, with the amount of the reduc-*  
4 *tion to be allocated to Buffalo Landmine Vehicles.*

5           (2) *The amount authorized to be appropriated by sec-*  
6 *tion 102(b) for procurement for the Marine Corps is hereby*  
7 *reduced by \$500,000, with the amount of the reduction to*  
8 *be allocated to Combat Casualty Care.*

9           (3) *The amount authorized to be appropriated by sec-*  
10 *tion 201(1) for research, development, test, and evaluation,*  
11 *Army, is hereby reduced by \$1,000,000, with the amount*  
12 *of the reduction to the allocated to Active Coating Tech-*  
13 *nology.*

14           (4) *The amount authorized to be appropriated by sec-*  
15 *tion 201(4) for research, development, test, and evaluation,*  
16 *Defense-wide activities, is hereby reduced by \$500,000, with*  
17 *the amount of the reduction to be allocated to Radiation*  
18 *Hardened Complementary Metal Oxide Semi-Conductors.*

19 **SEC. 218. NEUROTOXIN MITIGATION RESEARCH.**

20           (a) *INCREASE IN AMOUNT FOR RESEARCH, DEVELOP-*  
21 *MENT, TEST, AND EVALUATION, DEFENSE-WIDE.—The*  
22 *amount authorized to be appropriated by section 201(4) for*  
23 *research, development, test, and evaluation, Defense-wide*  
24 *activities, is hereby increased by \$2,000,000.*

1           (b) *AVAILABILITY FOR NEUROTOXIN MITIGATION RE-*  
2 *SEARCH.*—*Of the amount authorized to be appropriated by*  
3 *section 201(4) for research, development, test, and evalua-*  
4 *tion, Defense-wide activities, as increased by subsection (a),*  
5 *\$2,000,000 may be available in Program Element*  
6 *PE 62384BP for neurotoxin mitigation research.*

7           (c) *OFFSET.*—*The amount authorized to be appro-*  
8 *riated by section 301(1) for operation and maintenance*  
9 *for the Army is hereby reduced by \$2,000,000, with the*  
10 *amount of the reduction to be allocated to Satellite Commu-*  
11 *nications Language training activity (SCOLA) at the*  
12 *Army Defense Language Institute.*

13 **SEC. 219. SPIRAL DEVELOPMENT OF JOINT THREAT WARN-**  
14 **ING SYSTEM MARITIME VARIANTS.**

15           (a) *AMOUNT FOR PROGRAM.*—*The amount authorized*  
16 *to be appropriated by section 201(4) is hereby increased by*  
17 *\$2,000,000, with the amount of the increase to be available*  
18 *in the program element PE 1160405BB for joint threat*  
19 *warning system maritime variants.*

20           (b) *OFFSET.*—*The amount authorized to be appro-*  
21 *riated by section 421 is hereby reduced by \$2,000,000,*  
22 *with the amount of the reduction to be derived from excess*  
23 *amounts provided for military personnel of the Air Force.*

1 **SEC. 220. ADVANCED FERRITE ANTENNA.**

2 (a) *AMOUNT FOR DEVELOPMENT AND TESTING.*—Of  
3 the amount authorized to be appropriated under section  
4 201(2), \$3,000,000 may be available for development and  
5 testing of the Advanced Ferrite Antenna.

6 (b) *OFFSET.*—The amount authorized to be appro-  
7 priated by section 421 is hereby reduced by \$3,000,000,  
8 with the amount of the reduction to be derived from excess  
9 amounts provided for military personnel of the Air Force.

10 **SEC. 221. PROTOTYPE LITTORAL ARRAY SYSTEM FOR OPER-**  
11 **ATING SUBMARINES.**

12 (a) *INCREASE IN AMOUNT FOR RESEARCH, DEVELOP-*  
13 *MENT, TEST, AND EVALUATION, NAVY.*—The amount au-  
14 thorized to be appropriated by section 201(2) for research,  
15 development, test, and evaluation for the Navy is hereby  
16 increased by \$5,000,000.

17 (b) *AVAILABILITY OF AMOUNT.*—Of the amount au-  
18 thorized to be appropriated by section 201(2) for research,  
19 development, test, and evaluation for the Navy, as increased  
20 by subsection (a), \$5,000,000 may be available for Program  
21 Element PE 0604503N for the design, development, and  
22 testing of a prototype littoral array system for operating  
23 submarines.

24 (c) *OFFSET.*—The amount authorized to be appro-  
25 priated by section 421 is hereby reduced by \$5,000,000,



1 *with the amount of the reduction to be derived from excess*  
 2 *amounts provided for military personnel of the Air Force.*

3 **SEC. 222. ADVANCED MANUFACTURING TECHNOLOGIES**  
 4 **AND RADIATION CASUALTY RESEARCH.**

5 (a) *ADDITIONAL AMOUNT FOR ADVANCED MANUFAC-*  
 6 *TURING STRATEGIES.*—*Of the amount authorized to be ap-*  
 7 *propriated by section 201(4) for research, development, test,*  
 8 *and evaluation, Defense-wide activities, the amount avail-*  
 9 *able for Advanced Manufacturing Technologies*  
 10 *(PE 0708011S) is hereby increased by \$2,000,000.*

11 (b) *AMOUNT FOR RADIATION CASUALTY RESEARCH.*—  
 12 *Of the amount authorized to be appropriated by section*  
 13 *201(4) for research, development, test, and evaluation, De-*  
 14 *fense-wide activities, \$3,000,000 may be available for Radi-*  
 15 *ation Casualty Research (PE 0603002D8Z).*

16 (c) *OFFSET.*—*The amount authorized to be appro-*  
 17 *priated by section 421 is hereby reduced by \$5,000,000,*  
 18 *with the amount of the reduction to be derived from excess*  
 19 *amounts provided for military personnel of the Air Force.*

20 ***Subtitle C—Ballistic Missile***  
 21 ***Defense***

22 **SEC. 231. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**  
 23 **BILITIES.**

24 *Funds authorized to be appropriated under section*  
 25 *201(4) for the Missile Defense Agency may be used for the*

1 *development and fielding of an initial set of ballistic missile*  
2 *defense capabilities.*

3 **SEC. 232. PATRIOT ADVANCE CAPABILITY-3 AND MEDIUM**  
4 **EXTENDED AIR DEFENSE SYSTEM.**

5 (a) *OVERSIGHT.*—*In the management of the combined*  
6 *program for the acquisition of the Patriot Advanced Capa-*  
7 *bility-3 missile system and the Medium Extended Air De-*  
8 *fense System, the Secretary of Defense shall require the Sec-*  
9 *retary of the Army to obtain the approval of the Director*  
10 *of the Missile Defense Agency before the Secretary of the*  
11 *Army—*

12 (1) *either—*

13 (A) *changes any system level technical spec-*  
14 *ifications that are in effect under the program as*  
15 *of the date of the enactment of this Act; or*

16 (B) *establishes any new system level tech-*  
17 *nical specifications after such date;*

18 (2) *makes any significant change in a procure-*  
19 *ment quantity (including any quantity in any future*  
20 *block procurement) that, as of such date, is planned*  
21 *for—*

22 (A) *the Patriot Advanced Capabilities-3*  
23 *missile system; or*

24 (B) *PAC-3 configuration-3 radars, launch-*  
25 *ers, or fire control units; or*

1           (3) *changes the baseline development schedule*  
2 *that is in effect for the program as of the date of the*  
3 *enactment of this Act.*

4           (b) *DEFINITIONS.—In this section:*

5           (1) *The term “system level technical specifica-*  
6 *tions”, with respect to a system to which this section*  
7 *applies, means technical specifications expressed in*  
8 *terms of technical performance, including test speci-*  
9 *fications, that affect the ability of the system to con-*  
10 *tribute to the capability of the ballistic missile defense*  
11 *system of the United States, as determined by the Di-*  
12 *rector of the Missile Defense Agency.*

13           (2) *The term “significant change”, with respect*  
14 *to a planned procurement quantity, means any*  
15 *change of such quantity that would result in a sig-*  
16 *nificant change in the contribution that, as of the*  
17 *date of the enactment of this Act, is planned for the*  
18 *Patriot Advanced Capability-3 system to make to the*  
19 *ballistic missile defense system of the United States.*

20           (3) *The term “baseline development schedule”*  
21 *means the schedule on which technology upgrades for*  
22 *the combined acquisition program referred to in sub-*  
23 *section (a) are planned for development.*

24           (4) *The terms “Patriot Advanced Capability-3”*  
25 *and “PAC-3 configuration-3”—*

1           (A) mean the air and missile defense system  
2           that, as of June 1, 2004, is referred to by either  
3           such name in the management of the combined  
4           acquisition program referred to in subsection (a);  
5           and

6           (B) include such system as it is improved  
7           with new air and missile defense technologies.

8   **SEC. 233. COMPTROLLER GENERAL ASSESSMENTS OF BAL-**  
9           **LISTIC MISSILE DEFENSE PROGRAMS.**

10       (a) *ANNUAL ASSESSMENTS.*—At the conclusion of each  
11       of 2004 through 2009, the Comptroller General of the  
12       United States shall conduct an assessment of the extent to  
13       which each ballistic missile defense program met the cost,  
14       scheduling, testing, and performance goals for such program  
15       for such year as established pursuant to section 232(c) of  
16       the National Defense Authorization Act for Fiscal Year  
17       2002 (10 U.S.C. 2431 note).

18       (b) *REPORTS ON ANNUAL ASSESSMENTS.*—Not later  
19       than February 15 of each of 2005 through 2010, the Com-  
20       ptroller General shall submit to the congressional defense  
21       committees a report on the assessment conducted by the  
22       Comptroller General under subsection (a) for the previous  
23       year.

1 **SEC. 234. BASELINES AND OPERATIONAL TEST AND EVAL-**  
2 **UATION FOR BALLISTIC MISSILE DEFENSE**  
3 **SYSTEM.**

4 (a) *TESTING CRITERIA.*—Not later than February 1,  
5 2005, the Secretary of Defense, in consultation with the Di-  
6 rector of Operational Test and Evaluation, shall prescribe  
7 appropriate criteria for operationally realistic testing of  
8 fieldable prototypes developed under the ballistic missile de-  
9 fense spiral development program. The Secretary shall sub-  
10 mit a copy of the prescribed criteria to the congressional  
11 defense committees.

12 (b) *USE OF CRITERIA.*—(1) The Secretary of Defense  
13 shall ensure that, not later than October 1, 2005, a test of  
14 the ballistic missile defense system is conducted consistent  
15 with the criteria prescribed under subsection (a).

16 (2) The Secretary of Defense shall ensure that each  
17 block configuration of the ballistic missile defense system  
18 is tested consistent with the criteria prescribed under sub-  
19 section (a).

20 (c) *RELATIONSHIP TO OTHER LAW.*—Nothing in this  
21 section shall be construed to exempt any spiral development  
22 program of the Department of Defense, after completion of  
23 the spiral development, from the applicability of any provi-  
24 sion of chapter 144 of title 10, United States Code, or sec-  
25 tion 139, 181, 2366, 2399, or 2400 of such title in accord-  
26 ance with the terms and conditions of such provision.

1           (d) *EVALUATION.*—(1) *The Director of Operational*  
2 *Test and Evaluation shall evaluate the results of each test*  
3 *conducted under subsection (a) as soon as practicable after*  
4 *the completion of such test.*

5           (2) *The Director shall submit to the Secretary of De-*  
6 *fense and the congressional defense committees a report on*  
7 *the evaluation of each test conducted under subsection (a)*  
8 *upon completion of the evaluation of such test under para-*  
9 *graph (1).*

10          (e) *COST, SCHEDULE, AND PERFORMANCE BASE-*  
11 *LINES.*—(1) *The Director of the Missile Defense Agency*  
12 *shall establish cost, schedule, and performance baselines for*  
13 *each block configuration of the Ballistic Missile Defense*  
14 *System being fielded. The cost baseline for a block configu-*  
15 *ration shall include full life cycle costs for the block configu-*  
16 *ration.*

17          (2) *The Director shall include the baselines established*  
18 *under paragraph (1) in the first Selected Acquisition Re-*  
19 *port for the Ballistic Missile Defense System that is sub-*  
20 *mitted to Congress under section 2432 of title 10, United*  
21 *States Code, after the establishment of such baselines.*

22          (3) *The Director shall also include in the Selected Ac-*  
23 *quisition Report submitted to Congress under paragraph*  
24 *(2) the significant assumptions used in determining the*  
25 *performance baseline under paragraph (1), including any*

1 *assumptions regarding threat missile countermeasures and*  
2 *decoys.*

3       (f) *VARIATIONS AGAINST BASELINES.*—*In the event the*  
4 *cost, schedule, or performance of any block configuration*  
5 *of the Ballistic Missile Defense System varies significantly*  
6 *(as determined by the Director of the Ballistic Missile De-*  
7 *fense Agency) from the applicable baseline established under*  
8 *subsection (d), the Director shall include such variation,*  
9 *and the reasons for such variation, in the Selected Acquisi-*  
10 *tion Report submitted to Congress under section 2432 of*  
11 *title 10, United States Code.*

12       (g) *MODIFICATIONS OF BASELINES.*—*In the event the*  
13 *Director of the Missile Defense Agency elects to undertake*  
14 *any modification of a baseline established under subsection*  
15 *(d), the Director shall submit to the congressional defense*  
16 *committees a report setting forth the reasons for such modi-*  
17 *fication.*

## 18                   ***Subtitle D—Other Matters***

### 19 ***SEC. 241. ANNUAL REPORT ON SUBMARINE TECHNOLOGY*** 20                   ***INSERTION.***

21       (a) *REPORT REQUIRED.*—(1) *For each of fiscal years*  
22 *2006, 2007, 2008, and 2009, the Secretary of Defense shall*  
23 *submit to the congressional defense committees a report on*  
24 *the submarine technologies that are available or potentially*  
25 *available for insertion in submarines of the Navy to reduce*

1 *the production and operating costs of the submarines while*  
2 *maintaining or improving the effectiveness of the sub-*  
3 *marines.*

4 *(2) The annual report for a fiscal year under para-*  
5 *graph (1) shall be submitted at the same time that the*  
6 *President submits to Congress the budget for that fiscal year*  
7 *under section 1105(a) of title 31, United States Code.*

8 *(b) CONTENT.—The report on submarine technologies*  
9 *under subsection (a) shall include, for each class of sub-*  
10 *marines of the Navy, the following matters:*

11 *(1) A list of the technologies that have been dem-*  
12 *onstrated, together with—*

13 *(A) a plan for the insertion of any such*  
14 *technologies that have been determined appro-*  
15 *priate for such submarines; and*

16 *(B) the estimated cost of such technology in-*  
17 *sertions.*

18 *(2) A list of the technologies that have not been*  
19 *demonstrated, together with a plan for the demonstra-*  
20 *tion of any such technologies that have the potential*  
21 *for being appropriate for such submarines.*



1 **SEC. 242. SENSE OF THE SENATE REGARDING FUNDING OF**  
2 **THE ADVANCED SHIPBUILDING ENTERPRISE**  
3 **UNDER THE NATIONAL SHIPBUILDING RE-**  
4 **SEARCH PROGRAM OF THE NAVY.**

5 (a) *FINDINGS.*—Congress makes the following findings:

6 (1) *The budget for fiscal year 2005, as submitted*  
7 *to Congress by the President, provides \$10,300,000 for*  
8 *the Advanced Shipbuilding Enterprise under the Na-*  
9 *tional Shipbuilding Research Program of the Navy.*

10 (2) *The Advanced Shipbuilding Enterprise is an*  
11 *innovative program to encourage greater efficiency in*  
12 *the national technology and industrial base.*

13 (3) *The leaders of the United States shipbuilding*  
14 *industry have embraced the Advanced Shipbuilding*  
15 *Enterprise as a method for exploring and collabo-*  
16 *rating on innovation in shipbuilding and ship repair*  
17 *that collectively benefits all components of the indus-*  
18 *try.*

19 (b) *SENSE OF THE SENATE.*—*It is the sense of the*  
20 *Senate—*

21 (1) *that the Senate—*

22 (A) *strongly supports the innovative Ad-*  
23 *vanced Shipbuilding Enterprise under the Na-*  
24 *tional Shipbuilding Research Program as an en-*  
25 *terprise between the Navy and industry that has*  
26 *yielded new processes and techniques that reduce*

1           *the cost of building and repairing ships in the*  
2           *United States; and*

3                   *(B) is concerned that the future-years de-*  
4           *fense program of the Department of Defense that*  
5           *was submitted to Congress for fiscal year 2005*  
6           *does not reflect any funding for the Advanced*  
7           *Shipbuilding Enterprise after fiscal year 2005;*  
8           *and*

9                   *(2) that the Secretary of Defense should continue*  
10          *to provide in the future-years defense program for*  
11          *funding the Advanced Shipbuilding Enterprise at a*  
12          *sustaining level in order to support additional re-*  
13          *search to further reduce the cost of designing, build-*  
14          *ing, and repairing ships.*

15           ***TITLE III—OPERATION AND***  
16                   ***MAINTENANCE***

17                   ***Subtitle A—Authorization of***  
18                           ***Appropriations***

19          ***SEC. 301. OPERATION AND MAINTENANCE FUNDING.***

20           *Funds are hereby authorized to be appropriated for fis-*  
21          *cal year 2005 for the use of the Armed Forces and other*  
22          *activities and agencies of the Department of Defense for ex-*  
23          *penses, not otherwise provided for, for operation and main-*  
24          *tenance, in amounts as follows:*

25                   *(1) For the Army, \$26,305,611,000.*

- 1           (2) *For the Navy, \$29,702,790,000.*
- 2           (3) *For the Marine Corps, \$3,682,727,000.*
- 3           (4) *For the Air Force, \$27,423,560,000.*
- 4           (5) *For Defense-wide activities, \$17,453,576,000.*
- 5           (6) *For the Army Reserve, \$1,925,728,000.*
- 6           (7) *For the Naval Reserve, \$1,240,038,000.*
- 7           (8) *For the Marine Corps Reserve, \$197,496,000.*
- 8           (9) *For the Air Force Reserve, \$2,154,790,000.*
- 9           (10) *For the Army National Guard,*  
10 *\$4,227,236,000.*
- 11          (11) *For the Air National Guard,*  
12 *\$4,366,738,000.*
- 13          (12) *For the United States Court of Appeals for*  
14 *the Armed Forces, \$10,825,000.*
- 15          (13) *For Environmental Restoration, Army,*  
16 *\$405,598,000.*
- 17          (14) *For Environmental Restoration, Navy,*  
18 *\$266,820,000.*
- 19          (15) *For Environmental Restoration, Air Force,*  
20 *\$397,368,000.*
- 21          (16) *For Environmental Restoration, Defense-*  
22 *wide, \$23,684,000.*
- 23          (17) *For Environmental Restoration, Formerly*  
24 *Used Defense Sites, \$256,516,000.*

1           (18) *For Overseas Humanitarian, Disaster, and*  
2           *Civic Aid programs, \$59,000,000.*

3           (19) *For Cooperative Threat Reduction pro-*  
4           *grams, \$409,200,000.*

5 **SEC. 302. WORKING CAPITAL FUNDS.**

6           *Funds are hereby authorized to be appropriated for fis-*  
7           *cal year 2005 for the use of the Armed Forces and other*  
8           *activities and agencies of the Department of Defense for*  
9           *providing capital for working capital and revolving funds*  
10          *in amounts as follows:*

11           (1) *For the Defense Working Capital Funds,*  
12           *\$1,625,686,000.*

13           (2) *For the National Defense Sealift Fund,*  
14           *\$1,269,252,000.*

15 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

16          (a) *DEFENSE HEALTH PROGRAM.—Funds are hereby*  
17          *authorized to be appropriated for the Department of Defense*  
18          *for fiscal year 2005 for expenses, not otherwise provided for,*  
19          *for the Defense Health Program, \$17,992,211,000, of*  
20          *which—*

21           (1) *\$17,555,169,000 is for Operation and Main-*  
22           *tenance;*

23           (2) *\$72,407,000 is for Research, Development,*  
24           *Test and Evaluation; and*

25           (3) *\$364,635,000 is for Procurement.*

1           (b) *CHEMICAL AGENTS AND MUNITIONS DESTRUC-*  
2 *TION, DEFENSE.*—(1) *Funds are hereby authorized to be ap-*  
3 *propriated for the Department of Defense for fiscal year*  
4 *2005 for expenses, not otherwise provided for, for Chemical*  
5 *Agents and Munitions Destruction, Defense,*  
6 *\$1,518,990,000, of which—*

7           (A) *\$1,138,801,000 is for Operation and Mainte-*  
8 *nance;*

9           (B) *\$301,209,000 is for Research, Development,*  
10 *Test and Evaluation; and*

11           (C) *\$78,980,000 is for Procurement.*

12           (2) *Amounts authorized to be appropriated under*  
13 *paragraph (1) are authorized for—*

14           (A) *the destruction of lethal chemical agents and*  
15 *munitions in accordance with section 1412 of the De-*  
16 *partment of Defense Authorization Act, 1986 (50*  
17 *U.S.C. 1521); and*

18           (B) *the destruction of chemical warfare materiel*  
19 *of the United States that is not covered by section*  
20 *1412 of such Act.*

21           (c) *DRUG INTERDICTION AND COUNTER-DRUG ACTIVI-*  
22 *TIES, DEFENSE-WIDE.*—*Funds are hereby authorized to be*  
23 *appropriated for the Department of Defense for fiscal year*  
24 *2005 for expenses, not otherwise provided for, for Drug*

1 *Interdiction and Counter-Drug Activities, Defense-Wide,*  
2 *\$852,697,000.*

3 (d) *DEFENSE INSPECTOR GENERAL.—Funds are here-*  
4 *by authorized to be appropriated for the Department of De-*  
5 *fense for fiscal year 2005 for expenses, not otherwise pro-*  
6 *vided for, for the Office of the Inspector General of the De-*  
7 *partment of Defense, \$164,562,000, of which—*

8 (1) *\$162,362,000 is for Operation and Mainte-*  
9 *nance;*

10 (2) *\$100,000 is for Research, Development, Test,*  
11 *and Evaluation; and*

12 (3) *\$2,100,000 is for Procurement.*

13 **SEC. 304. AMOUNT FOR ONE SOURCE MILITARY COUN-**  
14 **SELING AND REFERRAL HOTLINE.**

15 (a) *AUTHORIZATION OF APPROPRIATION OF ADDI-*  
16 *TIONAL AMOUNT.—The amount authorized to be appro-*  
17 *priated under section 301(5) is hereby increased by*  
18 *\$5,000,000, which shall be available (in addition to other*  
19 *amounts available under this Act for the same purpose)*  
20 *only for the Department of Defense One Source counseling*  
21 *and referral hotline.*

22 (b) *OFFSET.—The amount authorized to be appro-*  
23 *priated by section 421 is hereby reduced by \$5,000,000,*  
24 *with the amount of the reduction to be derived from excess*  
25 *amounts provided for military personnel of the Air Force.*

1 ***Subtitle B—Program Requirements,***  
2 ***Restrictions, and Limitations***

3 ***SEC. 311. COMMANDER’S EMERGENCY RESPONSE PRO-***  
4 ***GRAM.***

5 *(a) FUNDING.—Of the amounts authorized to be ap-*  
6 *propriated for fiscal year 2005 by section 301(5) for oper-*  
7 *ation and maintenance for Defense-wide activities, not*  
8 *more than \$300,000,000 may be made available in fiscal*  
9 *year 2005 for the following:*

10 *(1) The Commander’s Emergency Response Pro-*  
11 *gram, which was established by the Administrator of*  
12 *the Coalition Provisional Authority for the purpose of*  
13 *enabling United States military commanders in Iraq*  
14 *to respond to urgent humanitarian relief and recon-*  
15 *struction needs within their areas of responsibility by*  
16 *carrying out programs to provide immediate assist-*  
17 *ance to the people of Iraq.*

18 *(2) A similar program to enable United States*  
19 *military commanders in Afghanistan to respond in*  
20 *such manner to similar needs in Afghanistan.*

21 *(b) QUARTERLY REPORTS REQUIRED.—The Secretary*  
22 *of Defense shall submit to the congressional defense commit-*  
23 *tees on a quarterly basis reports on the use of amounts made*  
24 *available under subsection (a).*

1 **SEC. 312. LIMITATION ON TRANSFERS OUT OF WORKING**  
2 **CAPITAL FUNDS.**

3 *Section 2208 of title 10, United States Code, is amend-*  
4 *ed by adding at the end the following new subsection:*

5 “(r) *LIMITATION ON TRANSFERS.—(1) Notwith-*  
6 *standing any authority for transfer of funds provided in*  
7 *this section, no transfer may be made out of a working cap-*  
8 *ital fund or between or among working capital funds under*  
9 *such authority unless the Secretary of Defense has sub-*  
10 *mitted a notification of the proposed transfer to the congres-*  
11 *sional defense committees in accordance with customary*  
12 *procedures.*

13 “(2) *The amount of a transfer covered by a notification*  
14 *under paragraph (1) that is proposed to be made in a fiscal*  
15 *year does not count for the purpose of any limitation on*  
16 *the total amount of transfers that may be made for that*  
17 *fiscal year under authority provided to the Secretary of De-*  
18 *fense in a law authorizing appropriations for a fiscal year*  
19 *for military activities of the Department of Defense or a*  
20 *law making appropriations for the Department of De-*  
21 *fense.”.*

22 **SEC. 313. FAMILY READINESS PROGRAM OF THE NATIONAL**  
23 **GUARD.**

24 (a) *AMOUNT FOR PROGRAM.—The amount authorized*  
25 *to be appropriated by section 301(1) for operation and*  
26 *maintenance for the Army is hereby increased by*



1 \$10,000,000 for the Family Readiness Program of the Na-  
2 tional Guard.

3 (b) *OFFSET.*—The amount authorized to be appro-  
4 priated by section 421 is hereby reduced by \$10,000,000,  
5 with the amount of the reduction to be derived from excess  
6 amounts provided for military personnel of the Air Force.

## 7 **Subtitle C—Environmental** 8 **Provisions**

### 9 **SEC. 321. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS** 10 **IN CONNECTION WITH DEFENSE ENVIRON-** 11 **MENTAL RESTORATION PROGRAM.**

12 (a) *PAYMENT FOR ACTIVITIES AT FORMER DEFENSE*  
13 *PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL RE-*  
14 *MEDIAL ACTION.*—Section 2701(d) of title 10, United States  
15 Code, is amended—

16 (1) in paragraph (1), by striking “paragraph  
17 (3)” and inserting “paragraph (4)”;

18 (2) by redesignating paragraphs (2), (3), and  
19 (4), as paragraphs (3), (4), and (5), respectively; and

20 (3) by inserting after paragraph (1) the fol-  
21 lowing new paragraph (2):

22 “(2) *ACTIVITIES AT CERTAIN FORMER DEFENSE*  
23 *PROPERTY.*—In addition to agreements under para-  
24 *graph (1), the Secretary may also enter into agree-*  
25 *ments with owners of property subject to a covenant*

1       *provided by the United States under section*  
2       *120(h)(3)(A)(ii) of CERCLA (42 U.S.C.*  
3       *9620(h)(3)(A)(ii)) to reimburse the owners of such*  
4       *property for activities under this section with respect*  
5       *to such property by reason of the covenant.”.*

6       ***(b) SOURCE OF FUNDS FOR FORMER BRAC PROPERTY***  
7       ***SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL AC-***  
8       ***TION.—Section 2703 of such title is amended—***

9               *(1) in subsection (g)(1), by striking “The sole*  
10              *source” and inserting “Except as provided in sub-*  
11              *section (h), the sole source”; and*

12              *(2) by adding at the end the following new sub-*  
13              *section:*

14              ***“(h) SOLE SOURCE OF FUNDS FOR ENVIRONMENTAL***  
15       ***REMEDICATION AT CERTAIN BASE REALIGNMENT AND CLO-***  
16       ***SURE SITES.—In the case of property disposed of pursuant***  
17       ***to a base closure law and subject to a covenant described***  
18       ***in section 2701(d)(2) of this title, the sole source of funds***  
19       ***for activities under such section shall be the base closure***  
20       ***account established under the applicable base closure law.”.***

1 **SEC. 322. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**  
2 **TION AGENCY FOR CERTAIN COSTS IN CON-**  
3 **NECTION WITH MOSES LAKE WELLFIELD**  
4 **SUPERFUND SITE, MOSES LAKE, WASH-**  
5 **INGTON.**

6 (a) *AUTHORITY TO REIMBURSE.*—(1) *Using funds de-*  
7 *scribed in subsection (b), the Secretary of Defense may*  
8 *transfer not more than \$524,926.54 to the Moses Lake*  
9 *Wellfield Superfund Site 10–6J Special Account.*

10 (2) *The payment under paragraph (1) is to reimburse*  
11 *the Environmental Protection Agency for its costs, includ-*  
12 *ing interest, incurred in overseeing a remedial investiga-*  
13 *tion/feasibility study performed by the Department of the*  
14 *Army under the Defense Environmental Restoration Pro-*  
15 *gram at the former Larson Air Force Base, Moses Lake*  
16 *Superfund Site, Moses Lake, Washington.*

17 (3) *The reimbursement described in paragraph (2) is*  
18 *provided for in the interagency agreement entered into by*  
19 *the Department of the Army and the Environmental Protec-*  
20 *tion Agency for the Moses Lake Wellfield Superfund Site*  
21 *in March 1999.*

22 (b) *SOURCE OF FUNDS.*—*Any payment under sub-*  
23 *section (a) shall be made using funds authorized to be ap-*  
24 *propriated by section 301(17) for operation and mainte-*  
25 *nance for Environmental Restoration, Formerly Used De-*  
26 *fense Sites.*

1           (c) *USE OF FUNDS.—The Environmental Protection*  
2 *Agency shall use the amount transferred under subsection*  
3 *(a) to pay costs incurred by the Agency at the Moses Lake*  
4 *Wellfield Superfund Site.*

5 **SEC. 323. SATISFACTION OF CERTAIN AUDIT REQUIRE-**  
6                                   **MENTS BY THE INSPECTOR GENERAL OF THE**  
7                                   **DEPARTMENT OF DEFENSE.**

8           (a) *SATISFACTION OF REQUIREMENTS.—The Inspector*  
9 *General of the Department of Defense shall be deemed to*  
10 *be in compliance with the requirements of subsection (k)*  
11 *of section 111 of Comprehensive Environmental Response,*  
12 *Compensation, and Liability Act of 1980 (42 U.S.C. 9611)*  
13 *if the Inspector General conducts periodic audits of the pay-*  
14 *ments, obligations, reimbursements and other uses of the*  
15 *Fund described in that section, even if such audits do not*  
16 *occur on an annual basis.*

17           (b) *REPORTS TO CONGRESS ON AUDITS.—The Inspec-*  
18 *tor General shall submit to Congress a report on each audit*  
19 *conducted by the Inspector General as described in sub-*  
20 *section (a).*

1 **SEC. 324. COMPTROLLER GENERAL STUDY AND REPORT ON**  
2 **DRINKING WATER CONTAMINATION AND RE-**  
3 **LATED HEALTH EFFECTS AT CAMP LEJEUNE,**  
4 **NORTH CAROLINA.**

5 (a) *STUDY.*—*The Comptroller General of the United*  
6 *States shall conduct a study on drinking water contamina-*  
7 *tion and related health effects at Camp Lejeune, North*  
8 *Carolina. The study shall consist of the following:*

9 (1) *A study of the history of drinking water con-*  
10 *tamination at Camp Lejeune to determine, to the ex-*  
11 *tent practical—*

12 (A) *what contamination has been found in*  
13 *the drinking water;*

14 (B) *the source of such contamination and*  
15 *when it may have begun;*

16 (C) *when Marine Corps officials first be-*  
17 *came aware of such contamination;*

18 (D) *what actions have been taken to address*  
19 *such contamination;*

20 (E) *the appropriateness of such actions in*  
21 *light of the state of knowledge regarding con-*  
22 *tamination of that type, and applicable legal re-*  
23 *quirements regarding such contamination, as of*  
24 *the time of such actions; and*

25 (F) *any other matters that the Comptroller*  
26 *General considers appropriate.*

1           (2) *An assessment of the study on the possible*  
2           *health effects associated with the drinking of contami-*  
3           *nated drinking water at Camp Lejeune as proposed*  
4           *by the Agency for Toxic Substances and Disease Reg-*  
5           *istry (ATSDR), including whether the proposed*  
6           *study—*

7                   (A) *will address the appropriate at-risk*  
8                   *populations;*

9                   (B) *will encompass an appropriate time-*  
10                  *frame;*

11                  (C) *will consider all relevant health effects;*

12                  *and*

13                  (D) *can be completed on an expedited basis*  
14                  *without compromising its quality.*

15           (b) *AUTHORITY TO USE EXPERTS.—The Comptroller*  
16           *General may use experts in conducting the study required*  
17           *by subsection (a). Any such experts shall be independent,*  
18           *highly qualified, and knowledgeable in the matters covered*  
19           *by the study.*

20           (c) *PARTICIPATION BY OTHER INTERESTED PAR-*  
21           *TIES.—In conducting the study required by subsection (a),*  
22           *the Comptroller General shall ensure that interested parties,*  
23           *including individuals who lived or worked at Camp Lejeune*  
24           *during the period when the drinking water may have been*

1 *contaminated, have the opportunity to submit information*  
2 *and views on the matters covered by the study.*

3       *(d) CONSTRUCTION WITH ATSDR STUDY.—The re-*  
4 *quirement under subsection (a) that the Comptroller Gen-*  
5 *eral conduct the study required by paragraph (2) of that*  
6 *subsection may not be construed as a basis for the delay*  
7 *of the study proposed by Agency for Toxic Substances and*  
8 *Disease Registry as described in that subsection, but is in-*  
9 *tended to provide an independent review of the appropriate-*  
10 *ness and credibility of the study proposed by the Agency*  
11 *and to identify possible improvements in the plan or imple-*  
12 *mentation of the study proposed by the Agency.*

13       *(e) REPORT.—(1) Not later than one year after the*  
14 *date of the enactment of this Act, the Comptroller General*  
15 *shall submit to the congressional defense committees a re-*  
16 *port on the study required by subsection (a), including such*  
17 *recommendations as the Comptroller General considers ap-*  
18 *propriate for further study or for legislative or other action.*

19       *(2) Recommendations under paragraph (1) may in-*  
20 *clude recommendations for modifications or additions to the*  
21 *study proposed by the Agency for Toxic Substances and Dis-*  
22 *ease Registry, as described in subsection (a)(2), in order*  
23 *to improve the study.*

1 **SEC. 325. INCREASE IN AUTHORIZED AMOUNT OF ENVIRON-**  
2 **MENTAL REMEDIATION, FRONT ROYAL, VIR-**  
3 **GINIA.**

4 *Section 591(a)(2) of the Water Resources Development*  
5 *Act of 1999 (Public Law 106–53; 113 Stat. 378) is amended*  
6 *by striking “\$12,000,000” and inserting “\$22,000,000”.*

7 **SEC. 326. COMPTROLLER GENERAL STUDY AND REPORT ON**  
8 **ALTERNATIVE TECHNOLOGIES TO DECON-**  
9 **TAMINATE GROUNDWATER AT DEPARTMENT**  
10 **OF DEFENSE INSTALLATIONS.**

11 *(a) COMPTROLLER GENERAL STUDY.—The Comp-*  
12 *troller General of the United States shall conduct a study*  
13 *to determine whether or not cost-effective technologies are*  
14 *available to the Department of Defense for the cleanup of*  
15 *groundwater contamination at Department installations in*  
16 *lieu of traditional methods, such as pump and treat, that*  
17 *can be expensive and take many years to complete.*

18 *(b) ELEMENTS.—The study under subsection (a) shall*  
19 *include the following:*

20 *(1) An identification of current technologies*  
21 *being used or field tested by the Department to treat*  
22 *groundwater at Department installations, including*  
23 *the contaminants being addressed.*

24 *(2) An identification of cost-effective technologies*  
25 *described in that subsection that are currently under*  
26 *research, under development by commercial vendors,*



1        *or available commercially and being used outside the*  
2        *Department and that have potential for use by the*  
3        *Department to address the contaminants identified*  
4        *under paragraph (1).*

5                *(3) An evaluation of the potential benefits and*  
6        *limitations of using the technologies identified under*  
7        *paragraphs (1) and (2).*

8                *(4) A description of the barriers, such as cost, ca-*  
9        *pability, or legal restrictions, to using the technologies*  
10        *identified under paragraph (2).*

11                *(5) Any other matters the Comptroller General*  
12        *considers appropriate.*

13        *(c) REPORT.—By April 1, 2005, the Comptroller Gen-*  
14        *eral shall submit to Congress a report on the study under*  
15        *subsection (a). The report shall include the results of the*  
16        *study and any recommendations, including recommenda-*  
17        *tions for administrative or legislative action, that the*  
18        *Comptroller General considers appropriate.*

19        **SEC. 327. SENSE OF SENATE ON PERCHLORATE CONTAMI-**  
20                                **NATION OF GROUND AND SURFACE WATER.**

21        *(a) FINDINGS.—The Senate makes the following find-*  
22        *ings:*

23                *(1) Because finite water sources in the United*  
24        *States are stretched by regional drought conditions*  
25        *and increasing demand for water supplies, there is*

1        *increased need for safe and dependable supplies of*  
2        *fresh water for drinking and use for agricultural pur-*  
3        *poses.*

4            (2) *Perchlorate, a naturally occurring and man-*  
5        *made compound with medical, commercial, and na-*  
6        *tional defense applications, which has been used pri-*  
7        *marily in military munitions and rocket fuels, has*  
8        *been detected in fresh water sources intended for use*  
9        *as drinking water and water necessary for the pro-*  
10       *duction of agricultural commodities.*

11           (3) *If ingested in sufficient concentration and in*  
12        *adequate duration, perchlorate may interfere with*  
13        *thyroid metabolism, and this effect may impair the*  
14        *normal development of the brain in fetuses and*  
15        *newborns.*

16           (4) *The Federal Government has not yet estab-*  
17        *lished a drinking water standard for perchlorate.*

18           (5) *The National Academy of Sciences is con-*  
19        *ducting an assessment of the state of the science re-*  
20        *garding the effects on human health of perchlorate in-*  
21        *gestion that will aid in understanding the effect of*  
22        *perchlorate exposure on sensitive populations.*

23           (b) *SENSE OF SENATE.—It is the sense of the Senate*  
24        *that—*

1           (1) perchlorate has been identified as a contami-  
2           nant of drinking water sources or in the environment  
3           in 34 States and has been used or manufactured in  
4           44 States;

5           (2) perchlorate exposure at or above a certain  
6           level may adversely affect public health, particularly  
7           the health of vulnerable and sensitive populations;  
8           and

9           (3) the Department of Defense should—

10           (A) work to develop a national plan to re-  
11           mediate perchlorate contamination of the envi-  
12           ronment resulting from Department's activities  
13           to ensure the Department is prepared to respond  
14           quickly and appropriately once a drinking water  
15           standard is established;

16           (B) in cases in which the Department is al-  
17           ready remediating perchlorate contamination,  
18           continue that remediation;

19           (C) prior to the development of a drinking  
20           water standard for perchlorate, develop a plan to  
21           remediate perchlorate contamination in cases in  
22           which such contamination from the Depart-  
23           ment's activities is present in ground or surface  
24           water at levels that pose a hazard to human  
25           health; and

1           (D) continue the process of evaluating and  
2           prioritizing sites without waiting for the devel-  
3           opment of a Federal standard.

4 **SEC. 328. AMOUNT FOR RESEARCH AND DEVELOPMENT FOR**  
5 **IMPROVED PREVENTION OF LEISHMANIASIS.**

6           (a) *INCREASE IN AMOUNT FOR DEFENSE HEALTH*  
7 *PROGRAM.*—The amount authorized to be appropriated by  
8 section 303(a)(2) for the Defense Health Program for re-  
9 search, development, test, and evaluation is hereby in-  
10 creased by \$500,000, with the amount of the increase to be  
11 available for purposes relating to Leishmaniasis  
12 Diagnostics Laboratory.

13           (b) *INCREASE IN AMOUNT FOR RDT&E, ARMY FOR*  
14 *LEISHMANIASIS TOPICAL TREATMENT.*—The amount au-  
15 thorized to be appropriated by section 201(1) for research,  
16 development, test, and evaluation, Army, as increased by  
17 subsection (b), is hereby further increased by \$4,500,000,  
18 with the amount of the increase to be available in Program  
19 Element PE 0604807A for purposes relating to Leishmani-  
20 asis Topical Treatment.

21           (c) *OFFSET.*—The amount authorized to be appro-  
22 priated by section 421 is hereby reduced by \$5,000,000,  
23 with the amount of the reduction to be derived from excess  
24 amounts provided for military personnel of the Air Force.

1 **SEC. 329. REPORT REGARDING ENCROACHMENT ISSUES AF-**  
2 **FFECTING UTAH TEST AND TRAINING RANGE,**  
3 **UTAH.**

4 (a) *REPORT REQUIRED.*—(1) *The Secretary of the Air*  
5 *Force shall prepare a report that outlines current and an-*  
6 *ticipated encroachments on the use and utility of the special*  
7 *use airspace of the Utah Test and Training Range in the*  
8 *State of Utah, including encroachments brought about*  
9 *through actions of other Federal agencies. The Secretary*  
10 *shall include such recommendations as the Secretary con-*  
11 *siders appropriate regarding any legislative initiatives nec-*  
12 *essary to address encroachment problems identified by the*  
13 *Secretary in the report.*

14 (2) *It is the sense of the Senate that such recommenda-*  
15 *tions should be carefully considered for future legislative ac-*  
16 *tion.*

17 (b) *SUBMISSION OF REPORT.*—*Not later than one year*  
18 *after the date of the enactment of this Act, the Secretary*  
19 *shall submit the report to the Committee on Armed Services*  
20 *of the House of Representatives and the Committee on*  
21 *Armed Services of the Senate.*

22 (c) *PROHIBITION ON GROUND MILITARY OPER-*  
23 *ATIONS.*—*Nothing in this section shall be construed to per-*  
24 *mit a military operation to be conducted on the ground in*  
25 *a covered wilderness study area in the Utah Test and*  
26 *Training Range.*

1       (d) *COMMUNICATIONS AND TRACKING SYSTEMS.*—  
 2 *Nothing in this section shall be construed to prevent any*  
 3 *required maintenance of existing communications, instru-*  
 4 *mentation, or electronic tracking systems (or the infrastruc-*  
 5 *ture supporting such systems) necessary for effective testing*  
 6 *and training to meet military requirements in the Utah*  
 7 *Test and Training Range.*

8                               ***Subtitle D—Depot-Level***  
 9                               ***Maintenance and Repair***

10 ***SEC. 331. SIMPLIFICATION OF ANNUAL REPORTING RE-***  
 11                               ***QUIREMENTS CONCERNING FUNDS EX-***  
 12                               ***PENDED FOR DEPOT MAINTENANCE AND RE-***  
 13                               ***PAIR WORKLOADS.***

14       (a) *CONSOLIDATION AND REVISION OF DEPART-*  
 15 *MENTAL REPORTING REQUIREMENTS.*—*Section 2466(d) of*  
 16 *title 10, United States Code, is amended—*

17                       (1) *in paragraph (1)—*

18                               (A) *by striking “February 1” and inserting*  
 19                               *“April 1”; and*

20                               (B) *by striking “the preceding two fiscal*  
 21 *years” and inserting “the preceding fiscal year*  
 22 *and are projected to be expended in the fiscal*  
 23 *year in which submitted and ensuing fiscal*  
 24 *years”; and*

25                       (2) *by striking paragraph (2).*

1           (b) *TIMING AND CONTENT OF GAO VIEWS.*—Para-  
2 *graph (3) of such section—*

3                 (1) *is redesignated as paragraph (2); and*

4                 (2) *is amended—*

5                     (A) *by striking “60 days” and inserting*  
6 *“90 days”; and*

7                     (B) *by striking “whether—” and all that*  
8 *follows and inserting the following: “whether the*  
9 *Department of Defense has complied with the re-*  
10 *quirements of subsection (a) for the fiscal year*  
11 *preceding the fiscal year in which the report is*  
12 *submitted and whether the expenditure projec-*  
13 *tions for the other fiscal years covered by the re-*  
14 *port are reasonable.”.*

15 **SEC. 332. REPEAL OF REQUIREMENT FOR ANNUAL REPORT**

16 **ON MANAGEMENT OF DEPOT EMPLOYEES.**

17           (a) *REPEAL.*—*Section 2472 of title 10, United States*  
18 *Code, is amended by striking subsection (b).*

19           (b) *CONFORMING AMENDMENT.*—*Subsection (a) of*  
20 *such section is amended by striking “(a) PROHIBITION ON*  
21 *MANAGEMENT BY END STRENGTH.—”.*

1 **SEC. 333. EXTENSION OF SPECIAL TREATMENT FOR CER-**  
2 **TAIN EXPENDITURES INCURRED IN THE OP-**  
3 **ERATION OF CENTERS OF INDUSTRIAL AND**  
4 **TECHNICAL EXCELLENCE.**

5 *Section 2474(f)(1) of title 10, United States Code, is*  
6 *amended by striking “through 2006” and inserting*  
7 *“through 2009”.*

8 **Subtitle E—Extensions of Program**  
9 **Authorities**

10 **SEC. 341. TWO-YEAR EXTENSION OF DEPARTMENT OF DE-**  
11 **FENSE TELECOMMUNICATIONS BENEFIT.**

12 *Section 344(c) of the National Defense Authorization*  
13 *Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.*  
14 *1449) is amended by striking “September 30, 2004” and*  
15 *inserting “September 30, 2006”.*

16 **SEC. 342. TWO-YEAR EXTENSION OF ARSENAL SUPPORT**  
17 **PROGRAM INITIATIVE.**

18 *Section 343 of the Floyd D. Spence National Defense*  
19 *Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551*  
20 *note) is amended—*

21 *(1) in subsection (a), by striking “2004” and in-*  
22 *serting “2006”; and*

23 *(2) in subsection (g)—*

24 *(A) in paragraph (1), by striking “2004”*  
25 *and inserting “2006”; and*



1                   (B) in paragraph (2), by striking “2003”  
2                   and inserting “2005”.

3 **SEC. 343. REAUTHORIZATION OF WARRANTY CLAIMS RE-**  
4 **COVERY PILOT PROGRAM.**

5                   Section 391(f) of the National Defense Authorization  
6 Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C.  
7 2304 note) is amended by striking “September 30, 2004”  
8 and inserting “September 30, 2006”.

9                   **Subtitle F—Defense Dependents**  
10                   **Education**

11 **SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
12 **THAT BENEFIT DEPENDENTS OF MEMBERS**  
13 **OF THE ARMED FORCES AND DEPARTMENT**  
14 **OF DEFENSE CIVILIAN EMPLOYEES.**

15                   (a) *CONTINUATION OF DEPARTMENT OF DEFENSE*  
16 *PROGRAM FOR FISCAL YEAR 2005.*—Of the amount author-  
17 ized to be appropriated pursuant to section 301(5) for oper-  
18 ation and maintenance for Defense-wide activities,  
19 \$30,000,000 shall be available only for the purpose of pro-  
20 viding educational agencies assistance to local educational  
21 agencies.

22                   (b) *NOTIFICATION.*—Not later than June 30, 2005, the  
23 Secretary of Defense shall notify each local educational  
24 agency that is eligible for educational agencies assistance  
25 for fiscal year 2005 of—

1           (1) *that agency’s eligibility for the assistance;*  
2           *and*

3           (2) *the amount of the assistance for which that*  
4           *agency is eligible.*

5           (c) *DISBURSEMENT OF FUNDS.—The Secretary of De-*  
6           *fense shall disburse funds made available under subsection*  
7           *(a) not later than 30 days after the date on which notifica-*  
8           *tion to the eligible local educational agencies is provided*  
9           *pursuant to subsection (b).*

10          (d) *DEFINITIONS.—In this section:*

11           (1) *The term “educational agencies assistance”*  
12           *means assistance authorized under section 386(b) of*  
13           *the National Defense Authorization Act for Fiscal*  
14           *Year 1993 (Public Law 102–484; 20 U.S.C. 7703*  
15           *note).*

16           (2) *The term “local educational agency” has the*  
17           *meaning given that term in section 8013(9) of the El-*  
18           *ementary and Secondary Education Act of 1965 (20*  
19           *U.S.C. 7713(9)).*

20           (3) *The term “basic support payment” means a*  
21           *payment authorized under section 8003(b)(1) of the*  
22           *Elementary and Secondary Education Act of 1965*  
23           *(20 U.S.C. 7703(b)(1)).*

1 **SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
2 **ABILITIES.**

3 *Of the amount authorized to be appropriated pursuant*  
4 *to section 301(5) for operation and maintenance for De-*  
5 *fense-wide activities, \$5,000,000 shall be available for pay-*  
6 *ments under section 363 of the Floyd D. Spence National*  
7 *Defense Authorization Act for Fiscal Year 2001 (as enacted*  
8 *into law by Public Law 106–398; 114 Stat. 1654A–77; 20*  
9 *U.S.C. 7703a).*

10 **SEC. 353. SENSE OF THE SENATE REGARDING THE IMPACT**  
11 **OF THE PRIVATIZATION OF MILITARY HOUS-**  
12 **ING ON LOCAL SCHOOLS.**

13 *(a) FINDINGS.—The Senate finds the following:*

14 *(1) There are approximately 750,000 school-aged*  
15 *children of members of the active duty Armed Forces*  
16 *in the United States.*

17 *(2) Approximately 650,000 of those students are*  
18 *currently being served in public schools across the*  
19 *United States.*

20 *(3) The Department of Defense has embarked on*  
21 *military housing privatization initiatives using au-*  
22 *thorities provided in subchapter IV of chapter 169 of*  
23 *part IV of subtitle A of title 10, United States Code,*  
24 *which will result in the improvement or replacement*  
25 *of 120,000 military family housing units in the*  
26 *United States.*

1           (4) *The Secretary of each military department is*  
2           *authorized to include the construction of new school*  
3           *facilities in agreements carried out under subchapter*  
4           *IV of chapter 169 of part IV of subtitle A of title 10,*  
5           *United States Code.*

6           (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*  
7           *ate that the Department of Defense should support the con-*  
8           *struction of schools in housing privatization agreements*  
9           *that severely impact student populations.*

## 10           ***Subtitle G—Other Matters***

### 11           ***SEC. 361. CHARGES FOR DEFENSE LOGISTICS INFORMA-*** 12           ***TION SERVICES MATERIALS.***

13           (a) *AUTHORITY.—Subchapter I of chapter 8 of title 10,*  
14           *United States Code, is amended by adding at the end the*  
15           *following new section:*

#### 16           ***“§ 197. Defense Logistics Agency: fees charged for lo-*** 17           ***gistics information***

18           “(a) *AUTHORITY.—The Secretary of Defense may*  
19           *charge fees for providing information in the Federal Logis-*  
20           *tics Information System through Defense Logistics Informa-*  
21           *tion Services to a department or agency of the executive*  
22           *branch outside the Department of Defense, or to a State,*  
23           *a political subdivision of a State, or any person.*

24           “(b) *AMOUNT.—The fee or fees prescribed under sub-*  
25           *section (a) shall be such amount or amounts as the Sec-*

1 *retary of Defense determines appropriate for recovering the*  
 2 *costs of providing information as described in such sub-*  
 3 *section.*

4       “(c) *RETENTION OF FEES.*—*Fees collected under this*  
 5 *section shall be credited to the appropriation available for*  
 6 *Defense Logistics Information Services for the fiscal year*  
 7 *in which collected, shall be merged with other sums in such*  
 8 *appropriation, and shall be available for the same purposes*  
 9 *and period as the appropriation with which merged.*

10       “(d) *DEFENSE LOGISTICS INFORMATION SERVICES*  
 11 *DEFINED.*—*In this section, the term ‘Defense Logistics In-*  
 12 *formation Services’ means the organization within the De-*  
 13 *fense Logistics Agency that is known as Defense Logistics*  
 14 *Information Services.’”.*

15       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 16 *the beginning of such subchapter is amended by adding at*  
 17 *the end the following new item:*

“197. *Defense Logistics Agency: fees charged for logistics information.*”.

18 **SEC. 362. TEMPORARY AUTHORITY FOR CONTRACTOR PER-**  
 19 **FORMANCE OF SECURITY-GUARD FUNCTIONS.**

20       (a) *CONDITIONAL EXTENSION OF AUTHORITY.*—*Sub-*  
 21 *section (c) of section 332 of the Bob Stump National Defense*  
 22 *Authorization Act for Fiscal Year 2003 (Public Law 107-*  
 23 *314; 116 Stat. 2513) is amended—*

24               (1) *by inserting “(1)” after “AUTHORITY.—”;*  
 25       *and*

1           (2) by striking “at the end of the three-year pe-  
2           riod” and all that follows through the period at the  
3           end and inserting “at the end of September 30, 2006,  
4           except that such authority shall not be in effect under  
5           this section for any period after December 1, 2004,  
6           during which the Secretary has failed to comply with  
7           the requirement to submit the plan under subsection  
8           (d)(2).

9           “(2) No security-guard functions may be performed  
10          under any contract entered into using the authority pro-  
11          vided under this section during any period for which the  
12          authority for contractor performance of security-guard  
13          functions under this section is not in effect.

14          “(3) The term of any contract entered into using the  
15          authority provided under this section may not extend be-  
16          yond the date of the expiration of authority under para-  
17          graph (1).”

18          (b) *REAFFIRMATION AND REVISION OF REPORTING*  
19          *REQUIREMENT.*—Subsection (d) of such section is  
20          amended—

21                 (1) by striking “180 days after the date of the  
22                 enactment of this Act,” and inserting “December 1,  
23                 2004,”;

24                 (2) by redesignating paragraphs (1) and (2) as  
25                 paragraphs (2) and (4), respectively;

1           (3) by inserting after “shall—” the following  
2           new paragraph:

3           “(1) identify each contract for the performance of  
4           security-guard functions entered into pursuant to the  
5           authority in subsection (a) on or before September 30,  
6           2004, including information regarding—

7                   “(A) each installation at which such secu-  
8                   rity-guard functions are performed or are to be  
9                   performed;

10                   “(B) the period and amount of such con-  
11                   tract;

12                   “(C) the number of security guards em-  
13                   ployed or to be employed under such contract;  
14                   and

15                   “(D) the actions taken or to be taken within  
16                   the Department of Defense to ensure that the  
17                   conditions applicable under paragraph (1) of  
18                   subsection (a) or determined under paragraph  
19                   (2) of such subsection are satisfied;”;

20           (4) by striking “and” at the end of paragraph  
21           (2), as redesignated by paragraph (2); and

22           (5) by inserting after paragraph (2), as so redesi-  
23           gnated, the following new paragraph:

24                   “(3) identify any limitation or constraint on the  
25                   end strength of the civilian workforce of the Depart-

1        *ment of Defense that makes it difficult to meet re-*  
 2        *quirements identified under paragraph (2) by hiring*  
 3        *personnel as civilian employees of the Department of*  
 4        *Defense; and”.*

5        **SEC. 363. PILOT PROGRAM FOR PURCHASE OF CERTAIN MU-**  
 6                            **NICIPAL SERVICES FOR DEPARTMENT OF DE-**  
 7                            **FENSE INSTALLATIONS.**

8        (a) *AUTHORITY.*—*The Secretary of Defense may carry*  
 9        *out a pilot program to provide for the purchase of certain*  
 10        *services needed for a Department of Defense installation*  
 11        *from a county or municipality where the installation is lo-*  
 12        *cated.*

13        (b) *PURPOSE OF PROGRAM.*—*The purpose of the pilot*  
 14        *program is to provide the Secretary with a basis for evalu-*  
 15        *ating the efficacy of purchasing public works, utility, and*  
 16        *other services needed for Department of Defense installa-*  
 17        *tions from counties or municipalities where the installa-*  
 18        *tions are located.*

19        (c) *SERVICES AUTHORIZED FOR PROCUREMENT.*—  
 20        *Only the following services may be purchased for a partici-*  
 21        *pating installation under the pilot program:*

22                    (1) *Refuse collection.*

23                    (2) *Refuse disposal.*

24                    (3) *Library services.*

25                    (4) *Recreation services.*



1           (5) *Facility maintenance and repair.*

2           (6) *Utilities.*

3           (d) *PROGRAM INSTALLATIONS.*—*The Secretary of each*  
4 *military department may designate under this section not*  
5 *more than two installations of such military department*  
6 *for participation in the pilot program. Only installations*  
7 *located in the United States are eligible for designation*  
8 *under this subsection.*

9           (e) *REPORT.*—*Not later than February 1, 2010, the*  
10 *Secretary of Defense shall submit to Congress a report on*  
11 *any pilot program carried out under this section. The re-*  
12 *port shall include—*

13           (1) *the Secretary’s evaluation of the efficacy of*  
14 *purchasing public works, utility, and other services*  
15 *for Department of Defense installations from counties*  
16 *or municipalities where the installations are located;*  
17 *and*

18           (2) *any recommendations that the Secretary con-*  
19 *siders appropriate regarding authority to make such*  
20 *purchases.*

21           (f) *PERIOD OF PILOT PROGRAM.*—*The pilot program*  
22 *may be carried out during fiscal years 2005 through 2010.*

1 **SEC. 364. CONSOLIDATION AND IMPROVEMENT OF AU-**  
 2 **THORITIES FOR ARMY WORKING-CAPITAL**  
 3 **FUNDED FACILITIES TO ENGAGE IN PUBLIC-**  
 4 **PRIVATE PARTNERSHIPS.**

5 (a) *PUBLIC-PRIVATE PARTNERSHIPS AUTHORIZED.*—  
 6 Chapter 433 of title 10, United States Code, is amended  
 7 by adding at the end the following new section:

8 **“§4544. Army industrial facilities: public-private**  
 9 **partnerships**

10 “(a) *PUBLIC-PRIVATE PARTNERSHIPS AUTHOR-*  
 11 *IZED.*—A working-capital funded Army industrial facility  
 12 may enter into cooperative arrangements with non-Army  
 13 entities to carry out military or commercial projects with  
 14 the non-Army entities. A cooperative arrangement under  
 15 this section shall be known as a ‘public-private partner-  
 16 ship’.

17 “(b) *AUTHORIZED PARTNERSHIP ACTIVITIES.*—A  
 18 public-private partnership entered into by an Army indus-  
 19 trial facility may provide for any of the following activities:

20 “(1) *The sale of articles manufactured by the fa-*  
 21 *cility or services performed by the facility to persons*  
 22 *outside the Department of Defense.*

23 “(2) *The performance of—*

24 “(A) *work by a non-Army entity at the fa-*  
 25 *cility; or*

1                   “(B) work for a non-Army entity by the fa-  
2                   cility.

3                   “(3) The sharing of work by the facility and one  
4                   or more non-Army entities.

5                   “(4) The leasing, or use under a facilities use  
6                   contract or otherwise, of the facility (including excess  
7                   capacity) or equipment (including excess equipment)  
8                   of the facility by a non-Army entity.

9                   “(5) The preparation and submission of joint of-  
10                  fers by the facility and one or more non-Army enti-  
11                  ties for competitive procurements entered into with a  
12                  department or agency of the United States.

13                  “(c) *CONDITIONS FOR PUBLIC-PRIVATE PARTNER-*  
14                  *SHIPS.*—An activity described in subsection (b) may be car-  
15                  ried out as a public-private partnership at an Army indus-  
16                  trial facility only under the following conditions:

17                  “(1) In the case of an article to be manufactured  
18                  or services to be performed by the facility, the articles  
19                  can be substantially manufactured, or the services can  
20                  be substantially performed, by the facility without  
21                  subcontracting for more than incidental performance.

22                  “(2) The activity does not interfere with per-  
23                  formance of—

24                  “(A) work by the facility for the Depart-  
25                  ment of Defense; or

1                   “(B) a military mission of the facility.

2                   “(3) The activity meets one of the following ob-  
3                   jectives:

4                   “(A) Maximize utilization of the capacity of  
5                   the facility.

6                   “(B) Reduction or elimination of the cost of  
7                   ownership of the facility.

8                   “(C) Reduction in the cost of manufac-  
9                   turing or maintaining Department of Defense  
10                  products at the facility.

11                  “(D) Preservation of skills or equipment re-  
12                  lated to a core competency of the facility.

13                  “(4) The non-Army entity partner or purchaser  
14                  agrees to hold harmless and indemnify the United  
15                  States from any liability or claim for damages or in-  
16                  jury to any person or property arising out of the ac-  
17                  tivity, including any damages or injury arising out  
18                  of a decision by the Secretary of the Army or the Sec-  
19                  retary of Defense to suspend or terminate an activity,  
20                  or any portion thereof, during a war or national  
21                  emergency or to require the facility to perform other  
22                  work or provide other services on a priority basis,  
23                  except—

24                  “(A) in any case of willful misconduct or  
25                  gross negligence; and

1           “(B) in the case of a claim by a purchaser  
2           of articles or services under this section that  
3           damages or injury arose from the failure of the  
4           Government to comply with quality, schedule, or  
5           cost performance requirements in the contract to  
6           carry out the activity.

7           “(d) *METHODS OF PUBLIC-PRIVATE PARTNER-*  
8 *SHIPS.—To conduct an activity of a public-private partner-*  
9 *ship under this section, the approval authority described*  
10 *in subsection (f) for an Army industrial facility may, in*  
11 *the exercise of good business judgment—*

12           “(1) enter into a firm, fixed-price contract (or,  
13           if agreed to by the purchaser, a cost reimbursement  
14           contract) for a sale of articles or services or use of  
15           equipment or facilities;

16           “(2) enter into a multiyear partnership contract  
17           for a period not to exceed five years, unless a longer  
18           period is specifically authorized by law;

19           “(3) charge a partner the amounts necessary to  
20           recover the full costs of the articles or services pro-  
21           vided, including capital improvement costs, and  
22           equipment depreciation costs associated with pro-  
23           viding the articles, services, equipment, or facilities;

1           “(4) authorize a partner to use incremental  
2           funding to pay for the articles, services, or use of  
3           equipment or facilities; and

4           “(5) accept payment-in-kind.

5           “(e) *DEPOSIT OF PROCEEDS.*—(1) *The proceeds of*  
6 *sales of articles and services received in connection with the*  
7 *use of an Army industrial facility under this section shall*  
8 *be credited to the appropriation or working-capital fund*  
9 *that incurs the variable costs of manufacturing the articles*  
10 *or performing the services. Notwithstanding section 3302(b)*  
11 *of title 31, the amount so credited with respect to an Army*  
12 *industrial facility shall be available, without further appro-*  
13 *priation, as follows:*

14           “(A) *Amounts equal to the amounts of the vari-*  
15 *able costs so incurred shall be available for the same*  
16 *purposes as the appropriation or working-capital*  
17 *fund to which credited.*

18           “(B) *Amounts in excess of the amounts of the*  
19 *variable costs so incurred shall be available for oper-*  
20 *ations, maintenance, and environmental restoration*  
21 *at that Army industrial facility.*

22           “(2) *Amounts credited to a working-capital fund*  
23 *under paragraph (1) shall remain available until expended.*  
24 *Amounts credited to an appropriation under paragraph (1)*

1 *shall remain available for the same period as the appro-*  
2 *priation to which credited.*

3       “(f) *APPROVAL OF SALES.*—*The authority of an Army*  
4 *industrial facility to conduct a public-private partnership*  
5 *under this section shall be exercised at the level of the com-*  
6 *mander of the major subordinate command of the Army*  
7 *that has responsibility for the facility. The commander may*  
8 *approve such partnership on a case basis or a class basis.*

9       “(g) *COMMERCIAL SALES.*—*Except in the case of work*  
10 *performed for the Department of Defense, for a contract of*  
11 *the Department of Defense, for foreign military sales, or for*  
12 *authorized foreign direct commercial sales (defense articles*  
13 *or defense services sold to a foreign government or inter-*  
14 *national organization under export controls), a sale of arti-*  
15 *cles or services may be made under this section only if the*  
16 *approval authority described in subsection (f) determines*  
17 *that the articles or services are not available from a com-*  
18 *mercial source located in the United States in the required*  
19 *quantity or quality, or within the time required.*

20       “(h) *EXCLUSION FROM DEPOT-LEVEL MAINTENANCE*  
21 *AND REPAIR PERCENTAGE LIMITATION.*—*Amounts ex-*  
22 *pendent for depot-level maintenance and repair workload by*  
23 *non-Federal personnel at an Army industrial facility shall*  
24 *not be counted for purposes of applying the percentage limi-*  
25 *tation in section 2466(a) of this title if the personnel are*

1 *provided by a non-Army entity pursuant to a public-pri-*  
2 *vate partnership established under this section.*

3 “(i) *RELATIONSHIP TO OTHER LAWS.*—*Nothing in*  
4 *this section shall be construed to affect the application of—*

5 “(1) *foreign military sales and the export con-*  
6 *trols provided for in sections 30 and 38 of the Arms*  
7 *Export Control Act (22 U.S.C. 2770 and 2778) to ac-*  
8 *tivities of a public-private partnership under this sec-*  
9 *tion; and*

10 “(2) *section 2667 of this title to leases of non-ex-*  
11 *cess property in the administration of a public-pri-*  
12 *vate partnership under this section.*

13 “(j) *DEFINITIONS.*—*In this section:*

14 “(1) *The term ‘Army industrial facility’ includes*  
15 *an ammunition plant, an arsenal, a depot, and a*  
16 *manufacturing plant.*

17 “(2) *The term ‘non-Army entity’ includes the fol-*  
18 *lowing:*

19 “(A) *An executive agency.*

20 “(B) *An entity in industry or commercial*  
21 *sales.*

22 “(C) *A State or political subdivision of a*  
23 *State.*

24 “(D) *An institution of higher education or*  
25 *vocational training institution.*



1           “(3) *The term ‘incremental funding’ means a se-*  
2           *ries of partial payments that—*

3                   “(A) *are made as the work on manufacture*  
4                   *or articles is being performed or services are*  
5                   *being performed or equipment or facilities are*  
6                   *used, as the case may be; and*

7                   “(B) *result in full payment being completed*  
8                   *as the required work is being completed.*

9           “(4) *The term ‘full costs’, with respect to articles*  
10           *or services provided under this section, means the*  
11           *variable costs and the fixed costs that are directly re-*  
12           *lated to the production of the articles or the provision*  
13           *of the services.*

14           “(5) *The term ‘variable costs’ means the costs*  
15           *that are expected to fluctuate directly with the volume*  
16           *of sales or services provided or the use of equipment*  
17           *or facilities.”.*

18           (b) *CLERICAL AMENDMENT.—The table of sections at*  
19           *the beginning of such chapter is amended by adding at the*  
20           *end the following new item:*

*“4544. Army industrial facilities: public-private partnerships.”.*

21           **SEC. 365. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY**  
22                                   **OF WORLD WAR II.**

23           (a) *IN GENERAL.—For fiscal year 2005, the Secretary*  
24           *of Defense may conduct a program—*

1           (1) to commemorate the 60th anniversary of  
2           World War II; and

3           (2) to coordinate, support, and facilitate other  
4           such commemoration programs and activities of the  
5           Federal Government, State and local governments,  
6           and other persons.

7           (b) PROGRAM ACTIVITIES.—The program referred to  
8           in subsection (a) may include activities and ceremonies—

9           (1) to provide the people of the United States  
10           with a clear understanding and appreciation of the  
11           lessons and history of World War II;

12           (2) to thank and honor veterans of World War  
13           II and their families;

14           (3) to pay tribute to the sacrifices and contribu-  
15           tions made on the home front by the people of the  
16           United States;

17           (4) to foster an awareness in the people of the  
18           United States that World War II was the central  
19           event of the 20th century that defined the postwar  
20           world;

21           (5) to highlight advances in technology, science,  
22           and medicine related to military research conducted  
23           during World War II;

1           (6) *to inform wartime and postwar generations*  
2           *of the contributions of the Armed Forces of the United*  
3           *States to the United States;*

4           (7) *to recognize the contributions and sacrifices*  
5           *made by World War II allies of the United States;*  
6           *and*

7           (8) *to highlight the role of the Armed Forces of*  
8           *the United States, then and now, in maintaining*  
9           *world peace through strength.*

10          (c) *ESTABLISHMENT OF ACCOUNT.*—(1) *There is estab-*  
11 *lished in the Treasury of the United States an account to*  
12 *be known as the “Department of Defense 60th Anniversary*  
13 *of World War II Commemoration Account” which shall be*  
14 *administered by the Secretary as a single account.*

15          (2) *There shall be deposited in the account, from*  
16 *amounts appropriated to the Department of Defense for op-*  
17 *eration and maintenance of Defense Agencies, such amounts*  
18 *as the Secretary considers appropriate to conduct the pro-*  
19 *gram referred to in subsection (a).*

20          (3) *The Secretary may use the funds in the account*  
21 *established in paragraph (1) only for the purpose of con-*  
22 *ducting the program referred to in subsection (a).*

23          (4) *Not later than 60 days after the termination of*  
24 *the authority of the Secretary to conduct the program re-*  
25 *ferred to in subsection (a), the Secretary shall transmit to*

1 *the Committees on Armed Services of the Senate and House*  
2 *of Representatives a report containing an accounting of all*  
3 *the funds deposited into and expended from the account or*  
4 *otherwise expended under this section, and of any amount*  
5 *remaining in the account. Unobligated funds which remain*  
6 *in the account after termination of the authority of the Sec-*  
7 *retary under this section shall be held in the account until*  
8 *transferred by law after the Committees receive the report.*

9       *(d) ACCEPTANCE OF VOLUNTARY SERVICES.—(1) Not-*  
10 *withstanding section 1342 of title 31, United States Code,*  
11 *the Secretary may accept from any person voluntary serv-*  
12 *ices to be provided in furtherance of the program referred*  
13 *to in subsection (a).*

14       *(2) A person providing voluntary services under this*  
15 *subsection shall be considered to be an employee for the pur-*  
16 *poses of chapter 81 of title 5, United States Code, relating*  
17 *to compensation for work-related injuries. Such a person*  
18 *who is not otherwise employed by the Federal Government*  
19 *shall not be considered to be a Federal employee for any*  
20 *other purposes by reason of the provision of such service.*

21       *(3) The Secretary may reimburse a person providing*  
22 *voluntary services under this subsection for incidental ex-*  
23 *penses incurred by such person in providing such services.*  
24 *The Secretary shall determine which expenses are eligible*  
25 *for reimbursement under this paragraph.*

1 **SEC. 366. MEDIA COVERAGE OF THE RETURN TO THE**  
2 **UNITED STATES OF THE REMAINS OF DE-**  
3 **CEASED MEMBERS OF THE ARMED FORCES**  
4 **FROM OVERSEAS.**

5 (a) *FINDINGS.*—Congress makes the following findings:

6 (1) *The Department of Defense, since 1991, has*  
7 *relied on a policy of no media coverage of the trans-*  
8 *fers of the remains of members Ramstein Air Force*  
9 *Base, Germany, nor at Dover Air Force Base, Dela-*  
10 *ware, and the Port Mortuary Facility at Dover Air*  
11 *Force Base, nor at interim stops en route to the point*  
12 *of final destination in the transfer of the remains.*

13 (2) *The principal focus and purpose of the policy*  
14 *is to protect the wishes and the privacy of families of*  
15 *deceased members of the Armed Forces during their*  
16 *time of great loss and grief and to give families and*  
17 *friends of the dead the privilege to decide whether to*  
18 *allow media coverage at the member's duty or home*  
19 *station, at the interment site, or at or in connection*  
20 *with funeral and memorial services.*

21 (3) *In a 1991 legal challenge to the Department*  
22 *of Defense policy, as applied during Operation Desert*  
23 *Storm, the policy was upheld by the United States*  
24 *District Court for the District of Columbia, and on*  
25 *appeal, by the United States Court of Appeals for the*  
26 *District of Columbia in the case of JB Pictures, Inc.*

1 *v. Department of Defense and Donald B. Rice, Sec-*  
2 *retary of the Air Force on the basis that denying the*  
3 *media the right to view the return of remains at*  
4 *Dover Air Force Base does not violate the first*  
5 *amendment guarantees of freedom of speech and of the*  
6 *press.*

7 (4) *The United States Court of Appeals for the*  
8 *District of Columbia in that case cited the following*  
9 *two key Government interests that are served by the*  
10 *Department of Defense policy:*

11 (A) *Reducing the hardship on the families*  
12 *and friends of the war dead, who may feel obli-*  
13 *gated to travel great distances to attend arrival*  
14 *ceremonies at Dover Air Force Base if such cere-*  
15 *monies were held.*

16 (B) *Protecting the privacy of families and*  
17 *friends of the dead, who may not want media*  
18 *coverage of the unloading of caskets at Dover Air*  
19 *Force Base.*

20 (5) *The Court also noted, in that case, that the*  
21 *bereaved may be upset at the public display of the*  
22 *caskets of their loved ones and that the policy gives*  
23 *the family the right to grant or deny access to the*  
24 *media at memorial or funeral services at the home*

1       *base and that the policy is consistent in its concern*  
2       *for families.*

3       **(b) SENSE OF CONGRESS.**—*It is the sense of Congress*  
4       *that the Department of Defense policy regarding no media*  
5       *coverage of the transfer of the remains of deceased members*  
6       *of the Armed Forces appropriately protects the privacy of*  
7       *the members' families and friends of and is consistent with*  
8       *United States constitutional guarantees of freedom of speech*  
9       *and freedom of the press.*

10   **SEC. 367. TRACKING AND CARE OF MEMBERS OF THE**  
11                           **ARMED FORCES WHO ARE INJURED IN COM-**  
12                           **BAT.**

13       **(a) FINDINGS.**—*The Senate makes the following find-*  
14       *ings:*

15               **(1)** *Members of the Armed Forces of the United*  
16       *States place themselves in harm's way in the defense*  
17       *of democratic values and to keep the United States*  
18       *safe.*

19               **(2)** *This call to duty has resulted in the ultimate*  
20       *sacrifice of members of the Armed Forces of the*  
21       *United States who are killed or critically injured*  
22       *while serving the United States.*

23       **(b) SENSE OF SENATE.**—*It is the sense of the Senate—*

1           (1) to honor the sacrifice of the members of the  
2     *Armed Forces who have been killed or critically*  
3     *wounded while serving the United States;*

4           (2) to recognize the heroic efforts of the medical  
5     *personnel of the Armed Forces in treating wounded*  
6     *military personnel and civilians; and*

7           (3) to support advanced medical technologies  
8     *that assist the medical personnel of the Armed Forces*  
9     *in saving lives and reducing disability rates for mem-*  
10    *bers of the Armed Forces.*

11        (c) *POLICY ON TRACKING OF WOUNDED FROM COMBAT*  
12    *ZONES.—(1) Not later than 120 days after the date of the*  
13    *enactment of this Act, the Secretary of Defense shall—*

14           (A) *prescribe the policy of the Department of De-*  
15    *fense for providing timely notification to the next of*  
16    *kin of the status, including health and location, of*  
17    *members of the Armed Forces who are seriously ill or*  
18    *injured in a combat zone; and*

19           (B) *transmit to the Committees on Armed Serv-*  
20    *ices of the Senate and House of Representatives a*  
21    *copy of the policy prescribed under subparagraph (A).*

22        (2) *The policy prescribed under paragraph (1) shall*  
23    *ensure respect for the expressed desires of individual mem-*  
24    *bers of the Armed Forces regarding notification of next of*  
25    *kin under the policy, and shall also include standards of*



1 *timeliness for the initial and continuing notification of next*  
 2 *of kin under the policy.*

3       (d) *FUNDING FOR MEDICAL EQUIPMENT AND COMBAT*  
 4 *CASUALTY TECHNOLOGIES.*—(1) *The amount authorized to*  
 5 *be appropriated by section 201(4) for research, development,*  
 6 *test, and evaluation, Defense-wide activities, is hereby in-*  
 7 *creased by \$10,000,000, with the amount of the increase to*  
 8 *be allocated to Program Element PE 0603826D8Z.*

9       (2) *Of the amount authorized to be appropriated by*  
 10 *section 201(4) for research, development, test, and evalua-*  
 11 *tion, Defense-wide activities, and allocated to Program Ele-*  
 12 *ment PE 0603826D8Z, as provided by paragraph (1),*  
 13 *\$10,000,000 may be available for medical equipment and*  
 14 *combat casualty care technologies.*

15       (e) *OFFSET.*—*The amount authorized to be appro-*  
 16 *priated by section 421 is hereby reduced by \$10,000,000,*  
 17 *with the amount of the reduction to be derived from excess*  
 18 *amounts provided for military personnel of the Air Force.*

19 ***TITLE IV—MILITARY PERSONNEL***  
 20 ***AUTHORIZATIONS***

21 ***Subtitle A—Active Forces***

22 ***SEC. 401. END STRENGTHS FOR ACTIVE FORCES.***

23       *The Armed Forces are authorized strengths for active*  
 24 *duty personnel as of September 30, 2005, as follows:*

1           (1) *The Army, 502,400, subject to the condition*  
2           *that costs of active duty personnel of the Army in ex-*  
3           *cess of 482,400 shall be paid out of funds authorized*  
4           *to be appropriated for fiscal year 2005 for a contin-*  
5           *gent emergency reserve fund or as an emergency sup-*  
6           *plemental appropriation.*

7           (2) *The Navy, 365,900.*

8           (3) *The Marine Corps, 175,000.*

9           (4) *The Air Force, 359,700.*

10 **SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF**  
11                   **ARMY ACTIVE DUTY PERSONNEL END**  
12                   **STRENGTHS FOR FISCAL YEARS 2005**  
13                   **THROUGH 2009.**

14           (a) *AUTHORITY.*—*During fiscal years 2005 through*  
15           *2009, the Secretary of Defense is authorized to increase by*  
16           *up to 30,000 the end strength authorized for the Army for*  
17           *such fiscal year under section 115(a)(1)(A) of title 10,*  
18           *United States Code, as necessary to support the operational*  
19           *mission of the Army in Iraq and Afghanistan and to*  
20           *achieve transformational reorganization objectives of the*  
21           *Army, including objectives for increased numbers of combat*  
22           *brigades, unit manning, force stabilization and shaping,*  
23           *and rebalancing of the active and reserve component forces*  
24           *of the Army.*

1           (b) *RELATIONSHIP TO PRESIDENTIAL WAIVER AU-*  
2 *THORITY.*—*Nothing in this section shall be construed to*  
3 *limit the President’s authority under section 123a of title*  
4 *10, United States Code, to waive any statutory end strength*  
5 *in a time of war or national emergency.*

6           (c) *RELATIONSHIP TO OTHER VARIANCE AUTHOR-*  
7 *ITY.*—*The authority under subsection (a) is in addition to*  
8 *the authority to vary authorized end strengths that is pro-*  
9 *vided in subsections (e) and (f) of section 115 of title 10,*  
10 *United States Code.*

11          (d) *BUDGET TREATMENT.*—*If the Secretary of Defense*  
12 *plans to increase the Army active duty end strength for a*  
13 *fiscal year under subsection (a) of this section or pursuant*  
14 *to a suspension of end-strength limitation under section*  
15 *123a of title 10, United States Code, then the budget for*  
16 *the Department of Defense for such fiscal year as submitted*  
17 *to Congress shall specify the amounts necessary for funding*  
18 *the active duty end strength of the Army in excess of*  
19 *482,400 (the end strength authorized for active duty per-*  
20 *sonnel of the Army for fiscal year 2004 in section 401(1)*  
21 *of the National Defense Authorization Act for Fiscal Year*  
22 *2004 (Public Law 108–136; 117 Stat. 1450)).*

1 **SEC. 403. EXCLUSION OF SERVICE ACADEMY PERMANENT**  
 2 **AND CAREER PROFESSORS FROM A LIMITA-**  
 3 **TION ON CERTAIN OFFICER GRADE**  
 4 **STRENGTHS.**

5 *Section 523(b) of title 10, United States Code, is*  
 6 *amended by adding at the end the following new paragraph:*

7 *“(8) Up to 50 permanent professors of each of*  
 8 *the United States Military Academy and the United*  
 9 *States Air Force Academy, and up to 50 professors of*  
 10 *the United States Naval Academy who are career*  
 11 *military professors (as defined in regulations pre-*  
 12 *scribed by the Secretary of the Navy).”.*

13 ***Subtitle B—Reserve Forces***

14 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

15 *(a) IN GENERAL.—The Armed Forces are authorized*  
 16 *strengths for Selected Reserve personnel of the reserve com-*  
 17 *ponents as of September 30, 2005, as follows:*

18 *(1) The Army National Guard of the United*  
 19 *States, 350,000.*

20 *(2) The Army Reserve, 205,000.*

21 *(3) The Naval Reserve, 83,400.*

22 *(4) The Marine Corps Reserve, 39,600.*

23 *(5) The Air National Guard of the United*  
 24 *States, 106,800.*

25 *(6) The Air Force Reserve, 76,100.*

26 *(7) The Coast Guard Reserve, 10,000.*

1       (b) *ADJUSTMENTS.*—*The end strengths prescribed by*  
2 *subsection (a) for the Selected Reserve of any reserve compo-*  
3 *nent shall be proportionately reduced by—*

4           (1) *the total authorized strength of units orga-*  
5 *nized to serve as units of the Selected Reserve of such*  
6 *component which are on active duty (other than for*  
7 *training) at the end of the fiscal year; and*

8           (2) *the total number of individual members not*  
9 *in units organized to serve as units of the Selected*  
10 *Reserve of such component who are on active duty*  
11 *(other than for training or for unsatisfactory partici-*  
12 *pation in training) without their consent at the end*  
13 *of the fiscal year.*

14 *Whenever such units or such individual members are re-*  
15 *leased from active duty during any fiscal year, the end*  
16 *strength prescribed for such fiscal year for the Selected Re-*  
17 *serve of such reserve component shall be proportionately in-*  
18 *creased by the total authorized strengths of such units and*  
19 *by the total number of such individual members.*

20 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
21 **DUTY IN SUPPORT OF THE RESERVES.**

22       *Within the end strengths prescribed in section 411(a),*  
23 *the reserve components of the Armed Forces are authorized,*  
24 *as of September 30, 2005, the following number of Reserves*  
25 *to be serving on full-time active duty or full-time duty, in*

1 *the case of members of the National Guard, for the purpose*  
2 *of organizing, administering, recruiting, instructing, or*  
3 *training the reserve components:*

4 (1) *The Army National Guard of the United*  
5 *States, 26,602.*

6 (2) *The Army Reserve, 14,970.*

7 (3) *The Naval Reserve, 14,152.*

8 (4) *The Marine Corps Reserve, 2,261.*

9 (5) *The Air National Guard of the United*  
10 *States, 12,253.*

11 (6) *The Air Force Reserve, 1,900.*

12 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**

13 **(DUAL STATUS).**

14 *The minimum number of military technicians (dual*  
15 *status) as of the last day of fiscal year 2005 for the reserve*  
16 *components of the Army and the Air Force (notwith-*  
17 *standing section 129 of title 10, United States Code) shall*  
18 *be the following:*

19 (1) *For the Army Reserve, 7,299.*

20 (2) *For the Army National Guard of the United*  
21 *States, 25,076.*

22 (3) *For the Air Force Reserve, 9,954.*

23 (4) *For the Air National Guard of the United*  
24 *States, 22,956.*

1 **SEC. 414. FISCAL YEAR 2005 LIMITATIONS ON NON-DUAL**  
2 **STATUS TECHNICIANS.**

3 (a) *LIMITATIONS.—(1) Within the limitation provided*  
4 *in section 10217(c)(2) of title 10, United States Code, the*  
5 *number of non-dual status technicians employed by the Na-*  
6 *tional Guard as of September 30, 2005, may not exceed the*  
7 *following:*

8 (A) *For the Army National Guard of the United*  
9 *States, 1,600.*

10 (B) *For the Air National Guard of the United*  
11 *States, 350.*

12 (2) *The number of non-dual status technicians em-*  
13 *ployed by the Army Reserve as of September 30, 2005, may*  
14 *not exceed 795.*

15 (3) *The number of non-dual status technicians em-*  
16 *ployed by the Air Force Reserve as of September 30, 2005,*  
17 *may not exceed 90.*

18 (b) *NON-DUAL STATUS TECHNICIANS DEFINED.—In*  
19 *this section, the term “non-dual status technician” has the*  
20 *meaning given the term in section 10217(a) of title 10,*  
21 *United States Code.*

22 **SEC. 415. AUTHORIZED STRENGTHS FOR MARINE CORPS**  
23 **RESERVE OFFICERS IN ACTIVE STATUS IN**  
24 **GRADES BELOW GENERAL OFFICER.**

25 (a) *INCREASED STRENGTHS FOR FIELD GRADE AND*  
26 *COMPANY GRADE OFFICERS.—Section 12005(c)(1), of title*

1 10, United States Code, is amended by amending the table  
 2 to read as follows:

|   |               |
|---|---------------|
| “Colonel .....  | 2 percent     |
| “Lieutenant colonel .....   | 8 percent     |
| “Major .....  | 16 percent    |
| “Captain .....  | 39 percent    |
| “First lieutenant and second lieutenant (when combined with<br>the number authorized for general officer grades under sec-<br>tion 12004 of this title) ..... | 35 percent.”. |

3 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
 4 section (a) shall take effect on October 1, 2004.

5 ***Subtitle C—Authorizations of***  
 6 ***Appropriations***

7 ***SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-***  
 8 ***TARY PERSONNEL.***

9 *There is hereby authorized to be appropriated to the*  
 10 *Department of Defense for military personnel for fiscal year*  
 11 *2005 a total of \$104,535,458,000. The authorization in the*  
 12 *preceding sentence supersedes any other authorization of*  
 13 *appropriations (definite or indefinite) for such purpose for*  
 14 *fiscal year 2005.*

15 ***SEC. 422. ARMED FORCES RETIREMENT HOME.***

16 *There is hereby authorized to be appropriated for fiscal*  
 17 *year 2005 from the Armed Forces Retirement Home Trust*  
 18 *Fund the sum of \$61,195,000 for the operation of the Armed*  
 19 *Forces Retirement Home.*



1 **TITLE V—MILITARY PERSONNEL**  
2 **POLICY**  
3 **Subtitle A—Joint Officer Personnel**  
4 **Management**

5 **SEC. 501. MODIFICATION OF CONDITIONS OF ELIGIBILITY**  
6 **FOR WAIVER OF JOINT DUTY CREDIT RE-**  
7 **QUIREMENT FOR PROMOTION TO GENERAL**  
8 **OR FLAG OFFICER.**

9 (a) *CAREER FIELD SPECIALTIES WITH NO JOINT RE-*  
10 *QUIREMENTS.*—Paragraph (2) of section 619a(b) of title 10,  
11 *United States Code, is amended by striking “scientific and*  
12 *technical qualifications” and inserting “career field spe-*  
13 *cialty qualifications”.*

14 (b) *OFFICERS SELECTED FOR PROMOTION WHILE IN*  
15 *JOINT DUTY ASSIGNMENT.*—Paragraph (4) of such section  
16 *is amended by striking “if—” and all that follows and in-*  
17 *serting “if the officer’s total consecutive service in joint duty*  
18 *assignments meets the requirements of section 664 of this*  
19 *title for credit for having completed a full tour of duty in*  
20 *a joint duty assignment.”.*

21 **SEC. 502. MANAGEMENT OF JOINT SPECIALTY OFFICERS.**

22 (a) *EDUCATION AND EXPERIENCE REQUIREMENTS.*—  
23 (1) *Subsection (c) of section 661 of title 10, United States*  
24 *Code, is amended by striking paragraph (1) and inserting*  
25 *the following: “(1) An officer shall have the joint specialty*

1 *(and shall be designated with a joint specialty officer iden-*  
2 *tifier) upon—*

3 *“(A) successfully completing (in any sequence)—*

4 *“(i) a program accredited by Chairman of*  
5 *the Joint Chiefs of Staff that is presented by a*  
6 *joint professional military education institution;*  
7 *and*

8 *“(ii) a full tour of duty in a joint duty as-*  
9 *signment; or*

10 *“(B) completing two full tours of duty in joint*  
11 *duty assignments.”.*

12 *(2) Subsection (c) of such section is further amended—*

13 *(A) by striking paragraphs (2) and (3); and*

14 *(B) by redesignating paragraph (4) as para-*  
15 *graph (2).*

16 *(b) DESIGNATION OF JOINT SPECIALTY GENERAL AND*  
17 *FLAG OFFICER POSITIONS.—Section 661 of such title is*  
18 *further amended—*

19 *(1) by redesignating subsection (f) as subsection*  
20 *(g); and*

21 *(2) by inserting after subsection (e) the following*  
22 *new subsection (f):*

23 *“(f) JOINT SPECIALTY OFFICER DESIGNATION FOR*  
24 *GENERAL AND FLAG POSITIONS.—(1) The Secretary of De-*  
25 *fense shall ensure that the general and flag officer positions*

1 *required to be filled by officers with the joint specialty as*  
2 *joint duty assignments are designated as such.*

3       “(2) *An officer without the joint specialty may be as-*  
4 *signed to a position designated under paragraph (1) only*  
5 *if the Secretary of Defense determines that the assignment*  
6 *of that officer to such position is necessary and waives the*  
7 *requirement to assign an officer with the joint specialty to*  
8 *that position.*”.

9 **SEC. 503. REVISED PROMOTION POLICY OBJECTIVES FOR**  
10 **JOINT OFFICERS.**

11       *(a) QUALIFICATIONS.—Subsection (a) of section 662 of*  
12 *title 10, United States Code, is amended to read as follows:*

13       “(a) *QUALIFICATIONS.—(1) The Secretary of a mili-*  
14 *tary department shall prescribe for the officers in each of*  
15 *the armed forces under the jurisdiction of such Secretary*  
16 *policies and procedures to ensure that an adequate number*  
17 *of senior colonels, or in the case of the Navy, senior cap-*  
18 *tains, who are serving in or have served in joint duty as-*  
19 *signments meet the requirements of section 619a of this title*  
20 *for eligibility for promotion to brigadier general and rear*  
21 *admiral (lower half).*

22       “(2) *The Secretary of Defense shall ensure that the*  
23 *qualifications of officers assigned to joint duty assignments*  
24 *are such that—*

1           “(A) officers who are serving on or have served  
2           on the Joint Staff are expected, as a group, to be pro-  
3           moted to the next higher grade at a rate not less than  
4           the rate for officers of the same armed force in the  
5           same grade and competitive category who are serving  
6           on the headquarters staff of their armed force; and

7           “(B) officers who are serving in or have served  
8           in joint duty assignments are expected, as a group,  
9           to be promoted to the next higher grade at a rate not  
10          less than the rate for all officers of the same armed  
11          force in the same grade and competitive category.

12          “(3) The Secretary of Defense shall prescribe policies  
13          to ensure that the Secretaries of the military departments  
14          provide for promotion selection boards to give appropriate  
15          consideration to officers who are serving in or have served  
16          in joint duty assignments and are eligible for consideration  
17          by such boards.”.

18          (b) *CONFORMING AMENDMENT.*—Subsection (b) of such  
19          section is amended by striking “paragraphs (1), (2), and  
20          (3) of subsection (a)” and inserting “subparagraphs (A)  
21          and (B) of subsection (a)(2)”.

22          **SEC. 504. LENGTH OF JOINT DUTY ASSIGNMENTS.**

23          Section 664 of title 10, United States Code, is amended  
24          by striking subsection (b) and all that follows and inserting  
25          the following new subsections:

1       “(b) *FULL CREDIT FOR JOINT DUTY.*—An officer shall  
2 be credited with having completed a full tour of duty in  
3 a joint duty assignment upon the completion of any of the  
4 following:

5               “(1) *Service in a joint duty assignment that*  
6 *meets the standards of subsection (a).*

7               “(2) *Service in a joint duty assignment for a pe-*  
8 *riod that equals or exceeds the standard length of the*  
9 *joint duty assignments that is prescribed under sub-*  
10 *section (c) for the installation or other location of the*  
11 *officer’s joint duty assignment.*

12               “(3) *Cumulative service of at least one year on*  
13 *one or more headquarters staffs within a United*  
14 *States or multinational joint task force.*

15               “(4) *Service in a second joint duty assignment*  
16 *for not less than 24 months, without regard to how*  
17 *much of the officer’s service in the first joint duty as-*  
18 *signment has been credited as service in a joint duty*  
19 *assignment.*

20               “(5) *Any service in a joint duty assignment if*  
21 *the Secretary of Defense has granted a waiver for*  
22 *such officer under subsection (d).*

23       “(c) *STANDARD LENGTH OF JOINT DUTY ASSIGN-*  
24 *MENTS.*—The Secretary of Defense shall prescribe in regula-  
25 *tions, for each installation and other location authorized*

1 *joint duty assignment positions, the standard length of the*  
2 *joint duty assignments in such positions at that installa-*  
3 *tion or other location, as the case may be.*

4       “(d) *WAIVER AUTHORITY.*—*The Secretary of Defense*  
5 *may waive the applicability of this section in the case of*  
6 *any particular officer if the Secretary determines that it*  
7 *is in the national security interests of the United States*  
8 *to do so.”.*

9 **SEC. 505. REPEAL OF MINIMUM PERIOD REQUIREMENT FOR**  
10                   **PHASE II JOINT PROFESSIONAL MILITARY**  
11                   **EDUCATION.**

12       *Section 663 of title 10, United States Code, is amended*  
13 *by striking subsection (e).*

14 **SEC. 506. REVISED DEFINITIONS APPLICABLE TO JOINT**  
15                   **DUTY.**

16       (a) *JOINT DUTY ASSIGNMENT.*—*Subsection (b)(2) of*  
17 *section 668 of title 10, United States Code, is amended by*  
18 *striking “a list” in the matter preceding subparagraph (A)*  
19 *and inserting “a joint duty assignment list”.*

20       (b) *TOUR OF DUTY.*—*Subsection (c) of such section is*  
21 *amended to read as follows:*

22       “(c) *TOUR OF DUTY.*—*In this chapter, the term ‘tour*  
23 *of duty’ includes two or more consecutive tours of duty in*  
24 *joint duty assignment positions that is credited as service*  
25 *in a joint duty assignment under this chapter.”.*

1 ***Subtitle B—Other Officer Personnel***  
2 ***Policy***

3 ***SEC. 511. TRANSITION OF ACTIVE-DUTY LIST OFFICER***  
4 ***FORCE TO A FORCE OF ALL REGULAR OFFI-***  
5 ***CERS.***

6 *(a) ORIGINAL APPOINTMENTS AS COMMISSIONED OF-*  
7 *FICERS.—(1) Section 532 of title 10, United States Code,*  
8 *is amended by striking subsection (e).*

9 *(2) Subsection (a)(2) of such section is amended by*  
10 *striking “fifty-fifth birthday” and inserting “sixty-second*  
11 *birthday”.*

12 *(3)(A) Such section 532, as amended by paragraph*  
13 *(1), is further amended by adding at the end the following*  
14 *new subsection (e):*

15 *“(e) For an original appointment in a grade below*  
16 *major or, in the case of the Navy, a grade below lieutenant*  
17 *commander under subsection (a), the Secretary of Defense*  
18 *may waive the applicability of the requirement of sub-*  
19 *section (a)(1) to an alien lawfully admitted to permanent*  
20 *residence in the United States when the Secretary deter-*  
21 *mines that it is the national security interests of the United*  
22 *States to do so.”.*

23 *(B) Section 619(d) of title 10, United States Code, is*  
24 *amended by adding at the end the following new paragraph:*

1           “(5) *An officer in the grade of captain or, in the*  
2           *case of the Navy, lieutenant who is not a citizen of*  
3           *the United States.*”.

4           (4) *Section 531(a) of such title is amended to read as*  
5           *follows:*

6           “(a)(1) *Original appointments in the grades of second*  
7           *lieutenant through captain in the Regular Army, Regular*  
8           *Air Force, and Regular Marine Corps and in the grades*  
9           *of ensign through lieutenant in the Regular Navy shall be*  
10          *made by the President. The President may delegate to the*  
11          *Secretary of Defense authority to make such appointments.*

12          “(2) *Original appointments in the grades of major,*  
13          *lieutenant colonel, and colonel in the Regular Army, Reg-*  
14          *ular Air Force, and Regular Marine Corps and in the*  
15          *grades of lieutenant commander, commander, and captain*  
16          *in the Regular Navy shall be made by the President, by*  
17          *and with the advice and consent of the Senate.*”.

18          (b) *REPEAL OF TOTAL STRENGTH LIMITATION FOR*  
19          *ACTIVE DUTY REGULAR COMMISSIONED OFFICERS.—(1)*  
20          *Section 522 of title 10, United States Code, is repealed.*

21          (2) *The table of sections at the beginning of chapter*  
22          *32 of such title is amended by striking the item relating*  
23          *to section 522.*



1           (c) *FORCE SHAPING AUTHORITY.*—(1)(A) *Subchapter*  
2 *V of chapter 36 of such title is amended by adding at the*  
3 *end the following new section:*

4 **“§ 647. Force shaping authority**

5           “(a) *AUTHORITY.*—*The Secretary concerned may, sole-*  
6 *ly for the purpose of restructuring an armed force under*  
7 *the jurisdiction of that Secretary—*

8                   “(1) *discharge an officer described in subsection*  
9 *(b); or*

10                   “(2) *transfer such an officer from the active-duty*  
11 *list of that armed force to the reserve active-status list*  
12 *of a reserve component of that armed force.*

13           “(b) *COVERED OFFICERS.*—(1) *The authority under*  
14 *this section may be exercised in the case of an officer who—*

15                   “(A) *has completed not more than 5 years of*  
16 *service as a commissioned officer in the armed forces;*  
17 *or*

18                   “(B) *has completed more than 5 years of service*  
19 *as a commissioned officer in the armed forces, but has*  
20 *not completed a minimum service obligation applica-*  
21 *ble to that member.*

22           “(2) *In this subsection, the term ‘minimum service ob-*  
23 *ligation’ means the initial period of required active duty*  
24 *service together with any additional period of required ac-*

1 *tive duty service incurred during the initial period of re-*  
 2 *quired active duty service.*

3       “(c) *APPOINTMENT OF TRANSFERRED OFFICERS.—An*  
 4 *officer of the Regular Army, Regular Air Force, Regular*  
 5 *Navy, or Regular Marine Corps who is transferred to a re-*  
 6 *serve active-status list under this section shall be discharged*  
 7 *from the regular component concerned and appointed as a*  
 8 *reserve commissioned officer under section 12203 of this*  
 9 *title.*

10       “(d) *REGULATIONS.—The Secretary concerned shall*  
 11 *prescribe regulations for the exercise of the Secretary’s au-*  
 12 *thority under this section.”.*

13       (B) *The table of sections at the beginning of such sub-*  
 14 *chapter is amended by adding at the end the following new*  
 15 *item:*

*“647. Force shaping authority.”.*

16       (2) *Section 1174(e)(2)(B) of such title is amended by*  
 17 *inserting after “obligated service” the following: “, unless*  
 18 *the member is an officer discharged or released under the*  
 19 *authority of section 647 of this title”.*

20       (3) *Section 12201(a) of such title is amended—*

21           (A) *by inserting “(1)” after “(a)”;*

22           (B) *in the first sentence, by inserting “, except*  
 23 *as provided in paragraph (2),” after “the armed force*  
 24 *concerned and”;* and

1           (C) by adding at the end the following new para-  
2       graph:

3       “(2) An officer transferred from the active-duty list of  
4 an armed force to a reserve active-status list of an armed  
5 force under section 647 of this title is not required to sub-  
6 scribe to the oath referred to in paragraph (1) in order to  
7 qualify for an appointment under that paragraph.”.

8       (4) Section 12203 of such title is amended—

9           (A) by redesignating subsection (b) as subsection  
10       (c); and

11          (B) by inserting after subsection (a) the fol-  
12       lowing new subsection (b):

13       “(b) Subject to the authority, direction, and control of  
14 the President, the Secretary concerned may appoint as a  
15 reserve commissioned officer any regular officer transferred  
16 from the active-duty list of an armed force to the reserve  
17 active-status list of a reserve component under section 647  
18 of this title, notwithstanding the requirements of subsection  
19 (a).”.

20       (5) Section 531 of such title is amended by adding at  
21 the end the following new subsection:

22       “(c) Subject to the authority, direction, and control of  
23 the President, an original appointment as a commissioned  
24 officer in the Regular Army, Regular Air Force, Regular  
25 Navy, or Regular Marine Corps may be made by the Sec-

1 *retary concerned in the case of a reserve commissioned offi-*  
2 *cer upon the transfer of such officer from the reserve active-*  
3 *status list of a reserve component of the armed forces to*  
4 *the active-duty list of an armed force, notwithstanding the*  
5 *requirements of subsection (a).”.*

6 *(d) ACTIVE-DUTY READY RESERVE OFFICERS NOT ON*  
7 *ACTIVE-DUTY LIST.—Section 641(1)(F) of such title is*  
8 *amended by striking “section 12304” and inserting “sec-*  
9 *tions 12302 and 12304”.*

10 *(e) ALL REGULAR OFFICER APPOINTMENTS FOR STU-*  
11 *DENTS ATTENDING THE UNIVERSITY OF HEALTH*  
12 *SCIENCES.—Section 2114(b) of such title is amended by*  
13 *striking “Notwithstanding any other provision of law, they*  
14 *shall serve” and all that follows through “if qualified,” and*  
15 *inserting “Notwithstanding any other provision of law,*  
16 *they shall be appointed as regular officers in the grade of*  
17 *O–1 and shall serve on active duty in that grade. Upon*  
18 *graduation they shall be required to serve on active duty”.*

19 *(f) EFFECTIVE DATE.—This section and the amend-*  
20 *ments made by this section shall take effect 180 days after*  
21 *the date of the enactment of this Act.*

1 **SEC. 512. ELIGIBILITY OF NAVY STAFF CORPS OFFICERS TO**  
2 **SERVE AS DEPUTY CHIEFS OF NAVAL OPER-**  
3 **ATIONS AND ASSISTANT CHIEFS OF NAVAL**  
4 **OPERATIONS.**

5 (a) *DEPUTY CHIEFS OF NAVAL OPERATIONS.*—Section  
6 5036(a) of title 10, United States Code, is amended by strik-  
7 ing “in the line”.

8 (b) *ASSISTANT CHIEFS OF NAVAL OPERATIONS.*—Sec-  
9 tion 5037(a) of such title is amended by striking “in the  
10 line”.

11 **SEC. 513. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
12 **JOINT DUTY EXPERIENCE AS ELIGIBILITY RE-**  
13 **QUIREMENT FOR APPOINTMENT OF CHIEFS**  
14 **OF RESERVE COMPONENTS.**

15 Sections 3038(b)(4), 5143(b)(4), 5144(b)(4), and  
16 8038(b)(4) of title 10, United States Code, are amended by  
17 striking “December 31, 2004” and inserting “December 31,  
18 2005”.

19 **SEC. 514. LIMITATION ON NUMBER OF OFFICERS FROCKED**  
20 **TO MAJOR GENERAL AND REAR ADMIRAL**  
21 **(UPPER HALF).**

22 Section 777(d) of title 10, United States Code, is  
23 amended—

24 (1) by redesignating paragraphs (1) and (2) as  
25 paragraphs (2) and (3), respectively; and



1 *any recommended legislation that the Secretary considers*  
2 *appropriate regarding that issue.*

3       ***Subtitle C—Reserve Component***  
4                       ***Personnel Policy***

5       ***SEC. 521. REPEAL OF EXCLUSION OF ACTIVE DUTY FOR***  
6                       ***TRAINING FROM AUTHORITY TO ORDER RE-***  
7                       ***SERVES TO ACTIVE DUTY.***

8       (a) *GENERAL AUTHORITY TO ORDER RESERVES TO*  
9 *ACTIVE DUTY.*—*Section 12301 of title 10, United States*  
10 *Code, is amended—*

11               (1) *in the first sentence of subsection (a), by*  
12 *striking “(other than for training)”;*

13               (2) *in subsection (c)—*

14                       (A) *by striking “(other than for training)”*  
15 *and inserting “as described in subsection (a)” in*  
16 *the first sentence; and*

17                       (B) *by striking “(other than for training)”*  
18 *in the second sentence; and*

19               (3) *in subsection (e), by striking “(other than for*  
20 *training)” and inserting “as described in subsection*  
21 *(a)”.*

22       (b) *READY RESERVE 24-MONTH CALLUP AUTHOR-*  
23 *ITY.*—*Section 12302 of such title is amended by striking*  
24 *“(other than for training)” in subsections (a) and (c).*

1           (c) *SELECTED RESERVE AND INDIVIDUAL READY RE-*  
2 *SERVE 270-DAY CALLUP AUTHORITY.*—Section 12304(a) of  
3 *such title is amended by striking “(other than for train-*  
4 *ing)”*.

5           (d) *STANDBY RESERVE CALLUP AUTHORITY.*—Section  
6 *12306 of such title is amended—*

7                 (1) *in subsection (a), by striking “active duty*  
8 *(other than for training) only as provided in section*  
9 *12301 of this title” and inserting “active duty only*  
10 *as provided in section 12301 of this title, but subject*  
11 *to the limitations in subsection (b)”*; and

12                 (2) *in subsection (b)—*

13                     (A) *in paragraph (1), by striking “(other*  
14 *than for training)” and inserting “under section*  
15 *12301(a) of this title”*; and

16                     (B) *in paragraph (2), by striking “no other*  
17 *member” and all that follows through “without*  
18 *his consent” and inserting “notwithstanding sec-*  
19 *tion 12301(a) of this title, no other member in*  
20 *the Standby Reserve may be ordered to active*  
21 *duty as an individual under such section with-*  
22 *out his consent”*.



1 **SEC. 522. EXCEPTION TO MANDATORY RETENTION OF RE-**  
 2 **SERVES ON ACTIVE DUTY TO QUALIFY FOR**  
 3 **RETIREMENT PAY.**

4 *Section 12686(a) of title 10, United States Code, is*  
 5 *amended by inserting “(other than retired pay for non-reg-*  
 6 *ular service under chapter 1223 of this title)” after “a pure-*  
 7 *ly military retirement system”.*

8 **Subtitle D—Education and**  
 9 **Training**

10 **SEC. 531. ONE-YEAR EXTENSION OF ARMY COLLEGE FIRST**  
 11 **PILOT PROGRAM.**

12 *Section 573(h) of the National Defense Authorization*  
 13 *Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C.*  
 14 *513 note), is amended by striking “September 30, 2004”*  
 15 *and inserting “December 31, 2005”.*

16 **SEC. 532. MILITARY RECRUITER EQUAL ACCESS TO CAM-**  
 17 **PUS.**

18 *Subsection (b)(1) of section 983 of title 10, United*  
 19 *States Code, is amended—*

20 *(1) by striking “entry to campuses” and insert-*  
 21 *ing “access to campuses”; and*

22 *(2) by inserting before the semicolon at the end*  
 23 *the following: “in a manner that is at least equal in*  
 24 *quality and scope to the degree of access to campuses*  
 25 *and to students that is provided to any other em-*  
 26 *ployer”.*

1 **SEC. 533. EXCLUSION FROM DENIAL OF FUNDS FOR PRE-**  
2 **VENTING ROTC ACCESS TO CAMPUS OF**  
3 **AMOUNTS TO COVER INDIVIDUAL COSTS OF**  
4 **ATTENDANCE AT INSTITUTIONS OF HIGHER**  
5 **EDUCATION.**

6 (a) *CODIFICATION AND EXTENSION OF EXCLUSION.*—  
7 *Subsection (d) of section 983 of title 10, United States Code,*  
8 *is amended—*

9 (1) *by striking “The” after “(1)” and inserting*  
10 *“Except as provided in paragraph (3), the”; and*

11 (2) *by adding at the end the following new para-*  
12 *graph:*

13 *“(3) Any Federal funding specified in paragraph (1)*  
14 *that is provided to an institution of higher education, or*  
15 *to an individual, to be available solely for student financial*  
16 *assistance, related administrative costs, or costs associated*  
17 *with attendance, may be used for the purpose for which the*  
18 *funding is provided.”.*

19 (b) *CONFORMING AMENDMENTS.*—*Subsections (a) and*  
20 *(b) of such section are amended by striking “(including a*  
21 *grant of funds to be available for student aid)”.*

22 (c) *CONFORMING REPEAL OF CODIFIED PROVISION.*—  
23 *Section 8120 of the Department of Defense Appropriations*  
24 *Act, 2000 (Public Law 106–79; 10 U.S.C. 983 note), is re-*  
25 *pealed.*

1 **SEC. 534. TRANSFER OF AUTHORITY TO CONFER DEGREES**  
2 **UPON GRADUATES OF THE COMMUNITY COL-**  
3 **LEGE OF THE AIR FORCE.**

4 (a) *AUTHORITY OF AIR UNIVERSITY COMMANDER.*—  
5 *Subsection (a) of section 9317 of title 10, United States*  
6 *Code, is amended—*

7 (1) *by striking “and” at the end of paragraph*  
8 *(2);*

9 (2) *by striking the period at the end of para-*  
10 *graph (3) and inserting “; and”; and*

11 (3) *by adding at the end the following new para-*  
12 *graph:*

13 “(4) *an associate level degree upon graduates of*  
14 *the Community College of the Air Force who fulfill*  
15 *the requirements for that degree.”.*

16 (b) *TERMINATION OF EXISTING AUTHORITY.*—(1)  
17 *Paragraph (1) of section 9315(c) of such title is amended*  
18 *by striking “the commander” and all that follows through*  
19 *“at the level of associate” and inserting “an academic de-*  
20 *gree at the level of associate may be conferred under section*  
21 *9317 of this title”.*

22 (2) *Paragraph (2) of such section is amended by strik-*  
23 *ing “Air Education and Training Command of the Air*  
24 *Force” and inserting “Air University”.*

25 (c) *CONFORMING AND CLERICAL AMENDMENTS.*—(1)  
26 *The heading of section 9317 of title 10, United States Code,*

1 *is amended by striking “**graduate-level degrees**” and*  
2 *inserting “**conferral of degrees**”.*

3 (2) *The item relating to such section in the table of*  
4 *sections at the beginning of chapter 901 of such title is*  
5 *amended to read as follows:*

*“9317. Air University: conferral of degrees.”.*

6 **SEC. 535. REPEAL OF REQUIREMENT FOR OFFICER TO RE-**  
7 **TIRE UPON TERMINATION OF SERVICE AS SU-**  
8 **PERINTENDENT OF THE AIR FORCE ACAD-**  
9 **EMY.**

10 (a) *REPEALS.—Sections 8921 and 9333a of title 10,*  
11 *United States Code, are repealed.*

12 (b) *CLERICAL AMENDMENTS.—Subtitle D of title 10,*  
13 *United States Code, is amended—*

14 (1) *in the table of sections at the beginning of*  
15 *chapter 867, by striking the item relating to section*  
16 *8921; and*

17 (2) *in the table of sections at the beginning of*  
18 *chapter 903, by striking the item relating to section*  
19 *9333a.*

1     ***Subtitle E—Decorations, Awards,***  
 2                     ***and Commendations***

3     ***SEC. 541. AWARD OF MEDAL OF HONOR TO INDIVIDUAL IN-***  
 4                     ***TERRED IN THE TOMB OF THE UNKNOWNNS AS***  
 5                     ***REPRESENTATIVE OF CASUALTIES OF A WAR.***

6             ***(a) AWARD TO INDIVIDUAL AS REPRESENTATIVE.—***  
 7     *Chapter 57 of title 10, United States Code, is amended by*  
 8     *adding at the end the following new section:*

9     ***“§ 1134. Medal of honor: award to individual interred***  
 10                     ***in Tomb of the Unknowns as representa-***  
 11                     ***tive of casualties of a war***

12             *“The medal of honor awarded posthumously to a de-*  
 13     *ceased member of the armed forces who, as an unidentified*  
 14     *casualty of a particular war or other armed conflict, is in-*  
 15     *terred in the Tomb of the Unknowns at Arlington National*  
 16     *Cemetery, Virginia, is awarded to the member as the rep-*  
 17     *resentative of the members of the armed forces who died in*  
 18     *such war or other armed conflict and whose remains have*  
 19     *not been identified, and not to the individual personally.”.*

20             ***(b) CLERICAL AMENDMENT.—The table of sections at***  
 21     *the beginning of such chapter is amended by adding at the*  
 22     *end the following new item:*

*“1134. Medal of honor: award to individual interred in Tomb of the Unknowns  
           as representative of casualties of a war.”.*

1 **SEC. 542. SEPARATE CAMPAIGN MEDALS FOR OPERATION**  
2 **ENDURING FREEDOM AND FOR OPERATION**  
3 **IRAQI FREEDOM.**

4 (a) *REQUIREMENT.*—*The President shall establish a*  
5 *campaign medal specifically to recognize service by mem-*  
6 *bers of the uniformed services in Operation Enduring Free-*  
7 *dom and a separate campaign medal specifically to recog-*  
8 *nize service by members of the uniformed services in Oper-*  
9 *ation Iraqi Freedom.*

10 (b) *ELIGIBILITY.*—*Subject to such limitations as may*  
11 *be prescribed by the President, eligibility for a campaign*  
12 *medal established pursuant to subsection (a) shall be set*  
13 *forth in regulations to be prescribed by the Secretary con-*  
14 *cerned (as defined in section 101 of title 10, United States*  
15 *Code). In the case of regulations prescribed by the Secre-*  
16 *taries of the military departments, the regulations shall be*  
17 *subject to approval by the Secretary of Defense and shall*  
18 *be uniform throughout the Department of Defense.*

19 **SEC. 543. PLAN FOR REVISED CRITERIA AND ELIGIBILITY**  
20 **REQUIREMENTS FOR AWARD OF COMBAT IN-**  
21 **FANTRYMAN BADGE AND COMBAT MEDICAL**  
22 **BADGE FOR SERVICE IN KOREA AFTER JULY**  
23 **28, 1953.**

24 (a) *REQUIREMENT FOR PLAN.*—*Not later than 90 days*  
25 *after the date of the enactment of this Act, the Secretary*  
26 *of the Army shall submit to the Committees on Armed Serv-*

1 *ices of the Senate and the House of Representatives a plan*  
 2 *for revising the Army's criteria and eligibility requirements*  
 3 *for award of the Combat Infantryman Badge and the Com-*  
 4 *bat Medical Badge for service in the Republic of Korea after*  
 5 *July 28, 1953, to fulfill the purpose stated in subsection*  
 6 *(b).*

7 *(b) PURPOSE OF REVISED CRITERIA AND ELIGIBILITY*  
 8 *REQUIREMENTS.—The purpose for revising the criteria and*  
 9 *eligibility requirements for award of the Combat Infantry-*  
 10 *man Badge and the Combat Medical Badge for service in*  
 11 *the Republic of Korea after July 28, 1953, is to ensure fair-*  
 12 *ness in the standards applied to Army personnel in the*  
 13 *awarding of such badges for Army service in the Republic*  
 14 *of Korea in comparison to the standards applied to Army*  
 15 *personnel in the awarding of such badges for Army service*  
 16 *in other areas of operations.*

17 ***Subtitle F—Military Justice***

18 ***SEC. 551. REDUCED BLOOD ALCOHOL CONTENT LIMIT FOR***  
 19 ***OFFENSE OF DRUNKEN OPERATION OF A VE-***  
 20 ***HICLE, AIRCRAFT, OR VESSEL.***

21 *Section 911(b)(3) of title 10, United States Code (arti-*  
 22 *cle 111(b)(3) of the Uniform Code of Military Justice), is*  
 23 *amended by striking “0.10 grams” in both places it appears*  
 24 *and inserting “0.08 grams”.*

1 **SEC. 552. WAIVER OF RECOUPMENT OF TIME LOST FOR**  
2 **CONFINEMENT IN CONNECTION WITH A**  
3 **TRIAL.**

4 *Section 972 of title 10, United States Code, is amended*  
5 *by adding at the end the following new subsection:*

6 “(c) *WAIVER OF RECOUPMENT OF TIME LOST FOR*  
7 *CONFINEMENT.—The Secretary concerned shall waive li-*  
8 *ability for a period of confinement in connection with a*  
9 *trial under subsection (a)(3), or exclusion of a period of*  
10 *confinement in connection with a trial under subsection*  
11 *(b)(3), in a case upon the occurrence of any of the following*  
12 *events:*

13 “(1) *For each charge—*

14 “(A) *the charge is dismissed before or dur-*  
15 *ing trial in a final disposition of the charge; or*

16 “(B) *the trial results in an acquittal of the*  
17 *charge.*

18 “(2) *For each charge resulting in a conviction in*  
19 *such trial—*

20 “(A) *the conviction is set aside in a final*  
21 *disposition of such charge, other than in a grant*  
22 *of clemency; or*

23 “(B) *a judgment of acquittal or a dismissal*  
24 *is entered upon a reversal of the conviction on*  
25 *appeal.”.*



1 **SEC. 553. DEPARTMENT OF DEFENSE POLICY AND PROCE-**  
2 **DURES ON PREVENTION AND RESPONSE TO**  
3 **SEXUAL ASSAULTS INVOLVING MEMBERS OF**  
4 **THE ARMED FORCES.**

5 (a) *COMPREHENSIVE POLICY ON PREVENTION AND RE-*  
6 *SPONSE TO SEXUAL ASSAULTS.*—(1) *Not later than Janu-*  
7 *ary 1, 2005, the Secretary of Defense shall develop a com-*  
8 *prehensive policy for the Department of Defense on the pre-*  
9 *vention of and response to sexual assaults involving mem-*  
10 *bers of the Armed Forces.*

11 (2) *The policy shall be based on the recommendations*  
12 *of the Department of Defense Task Force on Care for Vic-*  
13 *tims of Sexual Assaults and on such other matters as the*  
14 *Secretary considers appropriate.*

15 (b) *ELEMENTS OF COMPREHENSIVE POLICY.*—*The pol-*  
16 *icy developed under subsection (a) shall address the fol-*  
17 *lowing matters:*

18 (1) *Prevention measures.*

19 (2) *Education and training on prevention and*  
20 *response.*

21 (3) *Investigation of complaints by command and*  
22 *law enforcement personnel.*

23 (4) *Medical treatment of victims.*

24 (5) *Confidential reporting of incidents.*

25 (6) *Victim advocacy and intervention.*

1           (7) *Oversight by commanders of administrative*  
2           *and disciplinary actions in response to substantiated*  
3           *incidents of sexual assault.*

4           (8) *Disposition of victims of sexual assault, in-*  
5           *cluding review by appropriate authority of adminis-*  
6           *trative separation actions involving victims of sexual*  
7           *assault.*

8           (9) *Disposition of members of the Armed Forces*  
9           *accused of sexual assault.*

10          (10) *Liaison and collaboration with civilian*  
11          *agencies on the provision of services to victims of sex-*  
12          *ual assault.*

13          (11) *Uniform collection of data on the incidence*  
14          *of sexual assaults and on disciplinary actions taken*  
15          *in substantiated cases of sexual assault.*

16          (c) *REPORT ON IMPROVEMENT OF CAPABILITY TO RE-*  
17          *SPOND TO SEXUAL ASSAULTS.*—*Not later than March 1,*  
18          *2005, the Secretary of Defense shall submit to Congress a*  
19          *proposal for such legislation as the Secretary considers nec-*  
20          *essary to enhance the capability of the Department of De-*  
21          *fense to address matters relating to sexual assaults involv-*  
22          *ing members of the Armed Forces.*

23          (d) *APPLICATION OF COMPREHENSIVE POLICY TO*  
24          *MILITARY DEPARTMENTS.*—*The Secretary shall ensure*  
25          *that, to the maximum extent practicable, the policy devel-*

1 *oped under subsection (a) is implemented uniformly by the*  
2 *military departments.*

3 *(e) POLICIES AND PROCEDURES OF MILITARY DE-*  
4 *PARTMENTS.—(1) Not later than March 1, 2005, the Secre-*  
5 *taries of the military departments shall prescribe regula-*  
6 *tions, or modify current regulations, on the policies and*  
7 *procedures of the military departments on the prevention*  
8 *of and response to sexual assaults involving members of the*  
9 *Armed Forces in order—*

10 *(A) to conform such policies and procedures to*  
11 *the policy developed under subsection (a); and*

12 *(B) to ensure that such policies and procedures*  
13 *include the elements specified in paragraph (2).*

14 *(2) The elements specified in this paragraph are as*  
15 *follows:*

16 *(A) A program to promote awareness of the inci-*  
17 *dence of sexual assaults involving members of the*  
18 *Armed Forces.*

19 *(B) A program to provide victim advocacy and*  
20 *intervention for members of the Armed Force con-*  
21 *cerned who are victims of sexual assault, which pro-*  
22 *gram shall make available, at home stations and in*  
23 *deployed locations, trained advocates who are readily*  
24 *available to intervene on behalf of such victims.*

1           (C) *Procedures for members of the Armed Force*  
2 *concerned to follow in the case of an incident of sex-*  
3 *ual assault involving a member of such Armed Force,*  
4 *including—*

5                 (i) *specification of the person or persons to*  
6 *whom the alleged offense should be reported;*

7                 (ii) *specification of any other person whom*  
8 *the victim should contact;*

9                 (iii) *procedures for the preservation of evi-*  
10 *dence; and*

11                 (iv) *procedures for confidential reporting*  
12 *and for contacting victim advocates.*

13           (D) *Procedures for disciplinary action in cases*  
14 *of sexual assault by members of the Armed Force con-*  
15 *cerned.*

16           (E) *Other sanctions authorized to be imposed in*  
17 *substantiated cases of sexual assault, whether forcible*  
18 *or nonforcible, by members of the Armed Force con-*  
19 *cerned.*

20           (F) *Training on the policies and procedures for*  
21 *all members of the Armed Force concerned, including*  
22 *specific training for members of the Armed Force con-*  
23 *cerned who process allegations of sexual assault*  
24 *against members of such Armed Force.*

1           (G) *Any other matters that the Secretary of De-*  
2           *fense considers appropriate.*

3           (f) *ANNUAL ASSESSMENT OF POLICIES AND PROCE-*  
4           *DURES.—Not later than January 15, 2006, and each year*  
5           *thereafter, each Secretary of a military department shall*  
6           *conduct an assessment of the implementation during the*  
7           *preceding fiscal year of the policies and procedures of such*  
8           *department on the prevention of and response to sexual as-*  
9           *saults involving members of the Armed Forces in order to*  
10          *determine the effectiveness of such policies and procedures*  
11          *during such fiscal year in providing an appropriate re-*  
12          *sponse to such sexual assaults.*

13          (g) *ANNUAL REPORTS.—(1) Not later than April 1,*  
14          *2005, and January 15 of each year thereafter, each Sec-*  
15          *retary of a military department shall submit to the Sec-*  
16          *retary of Defense a report on the sexual assaults involving*  
17          *members of the Armed Force concerned during the preceding*  
18          *year.*

19          (2) *Each report on an Armed Force under paragraph*  
20          *(1) shall contain the following:*

21                  (A) *The number of sexual assaults against mem-*  
22                  *bers of the Armed Force, and the number of sexual as-*  
23                  *saults by members of the Armed Force, that were re-*  
24                  *ported to military officials during the year covered by*

1        *such report, and the number of the cases so reported*  
2        *cases that were substantiated.*

3            *(B) A synopsis of and the disciplinary action*  
4        *taken in each substantiated case.*

5            *(C) The policies, procedures, and processes im-*  
6        *plemented by the Secretary concerned during the year*  
7        *covered by such report in response to incidents of sex-*  
8        *ual assault involving members of the Armed Force*  
9        *concerned.*

10           *(D) A plan for the actions that are to be taken*  
11        *in the year following the year covered by such report*  
12        *on the prevention of and response to sexual assault*  
13        *involving members of the Armed Forces concerned.*

14        *(3) Each report under paragraph (1) in 2006, 2007,*  
15        *and 2008 shall also include the assessment conducted by the*  
16        *Secretary concerned under subsection (f).*

17        *(4) The Secretary of Defense shall transmit to the Com-*  
18        *mittees on Armed Services of the Senate and the House of*  
19        *Representatives each report submitted to the Secretary*  
20        *under this subsection, together with the comments of the*  
21        *Secretary on each such report. The Secretary shall transmit*  
22        *the report on 2004 not later than May 1, 2005, and shall*  
23        *transmit the report on any year after 2004 not later than*  
24        *March 15 of the year following such year.*

1       (h) *SEXUAL ASSAULT DEFINED.*—*In this section, the*  
 2 *term “sexual assault” includes rape, acquaintance rape,*  
 3 *sexual assault, and other criminal sexual offenses.*

4       ***Subtitle G—Scope of Duties of***  
 5       ***Ready Reserve Personnel in In-***  
 6       ***active Duty Status***

7       ***SEC. 561. REDESIGNATION OF INACTIVE-DUTY TRAINING TO***  
 8                               ***ENCOMPASS OPERATIONAL AND OTHER DU-***  
 9                               ***TIES PERFORMED BY RESERVES WHILE IN IN-***  
 10                              ***ACTIVE DUTY STATUS.***

11       (a) *REDESIGNATION OF DUTY STATUS.*—(1) *The duty*  
 12 *status applicable to members of the reserve components of*  
 13 *the Armed Forces that is known as “inactive-duty training”*  
 14 *is redesignated as “inactive duty”.*

15       (2) *Any reference that is made in any law, regulation,*  
 16 *document, paper, or other record of the United States to*  
 17 *inactive-duty training, as such term applies to members of*  
 18 *the reserve components of the Armed Forces, shall be deemed*  
 19 *to be a reference to inactive duty.*

20       (b) *TITLE 10 CONFORMING AND CLERICAL AMEND-*  
 21 *MENTS.*—(1) *The following provisions of title 10, United*  
 22 *States Code, are amended by striking “inactive-duty train-*  
 23 *ing” each place it appears and inserting “inactive duty”:*  
 24 *sections 101(d)(7), 802(a)(3), 802(d)(2)(B), 802(d)(5)(B),*  
 25 *803(d), 936(a), 936(b), 976(a)(1)(C), 1061(b), 1074a(a),*

1 1076(a)(2)(B), 1076(a)(2)(C), 1204(2), 1448(f)(1)(B),  
2 1476(a)(1)(B), 1476(a)(2)(A), 1481(a)(2), 9446(a)(3),  
3 12602(a)(3), 12602(b)(3), and 18505(a).

4 (2) *The following provisions of such title are amended*  
5 *by striking “inactive duty training” each place it appears*  
6 *and inserting “inactive duty”: sections 1086(c)(2)(B),*  
7 *1175(e)(2), 1475(a)(2), 1475(a)(3), 2031(d)(2), and*  
8 *10204(b).*

9 (3) *Section 1206(2) of such title is amended by striking*  
10 *“in line of duty—” and all that follows through “residence;*  
11 *or” and inserting the following: “in line of duty while—*

12 (A) *performing active duty or inactive*  
13 *duty;*

14 (B) *traveling directly to or from the place*  
15 *at which such duty is performed; or*

16 (C) *remaining overnight immediately be-*  
17 *fore the commencement of inactive duty, or while*  
18 *remaining overnight between successive periods*  
19 *of inactive-duty training, at or in the vicinity of*  
20 *the site of the inactive duty, if the site is outside*  
21 *reasonable commuting distance of the member’s*  
22 *residence;”.*

23 (4) *Section 1471(b)(3)(A) of such title is amended by*  
24 *striking “for training” in clauses (ii) and (iii).*

25 (5) *Section 1478(a) of such title is amended—*



1           (A) in paragraph (3)—

2                   (i) by striking “from inactive duty train-  
3                   ing” and inserting “from the location of inactive  
4                   duty”; and

5                   (ii) by striking “on inactive duty training”  
6                   and inserting “on inactive duty”;

7           (B) in paragraph (7)—

8                   (i) by striking “inactive duty training” and  
9                   inserting “inactive duty”; and

10                  (ii) by striking “or training”; and

11           (C) in paragraph (8), by striking “inactive duty  
12           training” both places it appears and inserting “inac-  
13           tive duty”.

14           (6) Section 12317 of such title is amended by striking  
15           “, or to participate in inactive duty training,” and insert-  
16           ing “inactive duty”.

17           (7) Section 12319(c) of such title is amended—

18                   (A) by striking “inactive-duty training” both  
19                   places it appears and inserting “inactive duty”; and

20                   (B) by striking “that training)” and inserting  
21                   “that duty”.

22           (8) Section 12603(a) of such title is amended—

23                   (A) by striking “inactive duty training” and in-  
24                   serting “inactive duty”; and

1           (B) by striking “the training” and inserting  
2           “such duty”.

3           (9) Section 12604(a) of such title is amended by strik-  
4 ing “to inactive-duty training” and inserting “to perform  
5 inactive duty”.

6           (10)(A) The headings for sections 1204, 1206, 12603,  
7 and 18505 of such title are amended by striking “**inac-**  
8 **tive-duty training**” and inserting “**inactive duty**”.

9           (B) The heading for section 1475 of such title is  
10 amended by striking “**training**”.

11          (C) The heading for section 1476 of such title is  
12 amended by striking “**or training**”.

13          (D) The heading for section 12604 of such title is  
14 amended by striking “**attending inactive-duty**  
15 **training**” and inserting “**performing inactive**  
16 **duty**”.

17          (11)(A) The table of sections at the beginning of chap-  
18 ter 61 of such title is amended—

19               (i) by striking the item relating to section 1204  
20               and inserting the following:

“1204. Members on active duty for 30 days or less or on inactive duty: retire-  
ment.”;

21               and

22               (ii) by striking the item relating to section 1206  
23               and inserting the following:

“1206. Members on active duty for 30 days or less or on inactive duty: separa-  
tion.”.

1           (B) *The table of sections at the beginning of subchapter*  
 2 *II of chapter 75 of such title is amended by striking the*  
 3 *items relating to sections 1475 and 1476 and inserting the*  
 4 *following:*

“1475. *Death gratuity: death of members on active duty or inactive duty and of certain other persons.*

“1476. *Death gratuity: death after discharge or release from duty.*”.

5           (C) *The table of sections at the beginning of chapter*  
 6 *1217 of such title is amended by striking the items relating*  
 7 *to sections 12603 and 12604 and inserting the following:*

“12603. *Attendance of inactive duty assemblies: commercial travel at Federal supply schedule rates.*

“12604. *Billeting in Department of Defense facilities: Reserves performing inactive duty.*”.

8           (D) *The item relating to section 18505 in the table*  
 9 *of sections at the beginning of chapter 1805 of such title*  
 10 *is amended to read as follows:*

“18505. *Reserves traveling for inactive duty: space-required travel on military aircraft.*”.

11           (c) *TITLE 14 CONFORMING AMENDMENT.—Sections*  
 12 *704 and 705(a) of title 14, United States Code, are amended*  
 13 *by striking “inactive-duty training” and inserting “inac-*  
 14 *tive duty”.*

15           (d) *TITLE 37 CONFORMING AND CLERICAL AMEND-*  
 16 *MENTS.—(1) Sections 101(22), 205(e)(2)(A), and 433(d) of*  
 17 *title 37, United States Code, are amended by striking “in-*  
 18 *active-duty training” each place it appears and inserting*  
 19 *“inactive duty”.*

20           (2) *Section 204 of such title is amended—*

1           (A) in subsection (g)(1)—

2                 (i) in subparagraphs (B) and (D), by strik-  
3           ing “inactive-duty training” each place it ap-  
4           pears and inserting “inactive duty” and

5                 (ii) in subparagraph (C), by striking “or  
6           training”; and

7           (B) in subsection (h)(1)—

8                 (i) in subparagraphs (B) and (D), by strik-  
9           ing “inactive-duty training” each place it ap-  
10          pears and inserting “inactive duty”; and

11                (ii) in subparagraph (C), by striking “or  
12          training”; and

13          (3) Section 206 of such title is amended—

14           (A) in subsection (a)(3)—

15                 (i) by striking clause (ii) of subparagraph  
16           (A) and inserting the following:

17                         “(ii) inactive duty;”;

18                 (ii) in subparagraph (B), by striking “or  
19           training”; and

20                 (iii) in subparagraph (C), by striking “in-  
21           active-duty training” each place it appears and  
22           inserting “inactive duty”; and

23           (B) in subsection (b)(1), by inserting “or duty”  
24          after “kind of training”.

1       (4) Section 308d(a) of such title is amended by strik-  
2 ing “for training”.

3       (5) Section 415 of such title is amended—

4           (A) in subsection (a)(3), by striking “inactive-  
5 duty training” and inserting “inactive duty”; and

6           (B) in subsection (c)(1), by striking “on inactive  
7 duty training status” and inserting “inactive duty”.

8       (6) Section 552 of such title is amended—

9           (A) in subsection (a)—

10               (i) by striking “performing inactive-duty  
11 training,” in the matter preceding paragraph  
12 (1), and inserting “inactive duty,”; and

13               (ii) by striking “or inactive-duty training”  
14 in the second sentence and inserting “or inactive  
15 duty”; and

16           (B) in subsection (d), by striking “inactive-duty  
17 training” and inserting “on inactive duty”.

18       (7)(A) The heading for section 206 of such title is  
19 amended by striking “**inactive-duty training**” and  
20 inserting “**inactive duty**”.

21       (B) The item relating to such section in the table of  
22 sections at the beginning of chapter 3 of such title is amend-  
23 ed to read as follows:

“206. Reserves; members of National Guard: inactive duty.”.

1       (8) *The heading for subsection (c) of section 305b of*  
 2 *such title is amended by striking “DUTY*  
 3 *TRAINING.—” and inserting “DUTY.—”.*

4       (9) *The heading for subsection (e) of section 320 of such*  
 5 *title is amended by striking “DUTY*  
 6 *TRAINING.—” and inserting “DUTY.—”.*

7       (e) *PUBLIC LAW 108–136.—Section 644(c) of the Na-*  
 8 *tional Defense Authorization Act for Fiscal Year 2004 (Pub-*  
 9 *lic Law 108–136; 117 Stat. 1518) is amended by striking*  
 10 *“inactive-duty training” and inserting “inactive duty”.*

11 **SEC. 562. REPEAL OF UNNECESSARY DUTY STATUS DIS-**  
 12 **TINCTION FOR FUNERAL HONORS DUTY.**

13       (a) *TITLE 10 DUTY.—(1) Section 12503 of title 10,*  
 14 *United States Code, is repealed.*

15       (2) *Section 12552 of such title is repealed.*

16       (b) *TITLE 32 DUTY.—(1) Section 115 of title 32,*  
 17 *United States Code, is repealed.*

18       (2) *Section 114 of such title is amended by striking*  
 19 *the second sentence.*

20       (c) *TITLE 10 CONFORMING AND CLERICAL AMEND-*  
 21 *MENTS.—Title 10, United States Code, is amended as fol-*  
 22 *lows:*

23               (1) *Section 1074a(a) is amended—*

24                       (A) *in paragraph (1)—*

1                   (i) by inserting “or” at the end of sub-  
2                   paragraph (A);

3                   (ii) by striking “; or” at the end of  
4                   subparagraph (B) and inserting a period;  
5                   and

6                   (iii) by striking subparagraph (C);  
7                   (B) in paragraph (2)—

8                   (i) by inserting “or” at the end of sub-  
9                   paragraph (A);

10                  (ii) by striking “; or” at the end of  
11                  subparagraph (B) and inserting a period;  
12                  and

13                  (iii) by striking subparagraph (C);  
14                  and

15                  (C) by striking paragraph (4).

16                  (2) Section 1076(a)(2) is amended by striking  
17                  subparagraph (E).

18                  (3) Section 1204(2) is amended—

19                         (A) by inserting “or” at the end of subpara-  
20                         graph (A)(iii);

21                         (B) by striking “or” at the end of subpara-  
22                         graph (B)(iii) and inserting a period; and

23                         (C) by striking subparagraph (C).

1           (4) *Section 1206(2) is amended by striking “(B)*  
2 *while the member—” and all that follows through*  
3 *“immediately before so serving;”.*

4           (5) *Section 1481(a)(2) is amended—*

5                 *(A) by inserting “or” at the end of subpara-*  
6 *graph (D);*

7                 *(B) by striking “; or” at the end of sub-*  
8 *paragraph (E) and inserting a period; and*

9                 *(C) by striking subparagraph (F).*

10          (6) *Section 12732(a)(2)(E) is amended by insert-*  
11 *ing “(as such section 12503 or 115, respectively, was*  
12 *in effect before the date of the enactment of the Na-*  
13 *tional Defense Authorization Act for Fiscal Year*  
14 *2005)” after “section 115 of title 32”.*

15          (7)(A) *The table of sections at the beginning of*  
16 *chapter 1213 is amended by striking the item relating*  
17 *to section 12503.*

18          (B) *The table of sections at the beginning of*  
19 *chapter 1215 is amended by striking the item relating*  
20 *to 12552.*

21          (c) *TITLE 32 CLERICAL AMENDMENT.—The table of*  
22 *sections at the beginning of chapter 1 of title 32, United*  
23 *States Code, is amended by striking the item relating to*  
24 *section 115.*



1           (d) *TITLE 37 CONFORMING AMENDMENTS.*—Section  
2 *204 of title 37, United States Code, is amended—*

3           (1) *in subsection (g)(1)—*

4                   (A) *by inserting “or” at the end of subpara-*  
5 *graph (C);*

6                   (B) *by striking “; or” at the end of sub-*  
7 *paragraph (D) and inserting a period; and*

8                   (C) *by striking subparagraph (E); and*

9           (2) *in subsection (h)(1)—*

10                   (A) *by inserting “or” at the end of subpara-*  
11 *graph (C);*

12                   (B) *by striking “; or” at the end of sub-*  
13 *paragraph (D) and inserting a period; and*

14                   (C) *by striking subparagraph (E).*

15 **SEC. 563. CONFORMING AMENDMENTS TO OTHER LAWS RE-**  
16 **FERRING TO INACTIVE-DUTY TRAINING.**

17           (a) *TITLE 5.*—Section 6323(a)(1) of title 5, *United*  
18 *States Code, is amended by striking “inactive-duty train-*  
19 *ing” and inserting “inactive duty”.*

20           (b) *TITLE 38.*—(1) *The following provisions of title 38,*  
21 *United States Code, are amended by striking “inactive duty*  
22 *training” each place it appears and inserting “inactive*  
23 *duty”: sections 106(d)(1), 1112(c)(3)(A)(ii), 1302(b)(2),*  
24 *1312(a)(2)(A), 1965(3), 1965(4), 1965(5), 1967(a)(1)(B),*

1 1967(b), 1969(a)(3), 1977(e), 2402(2), 4303(13), and  
2 4303(16).

3 (2) Section 1968 of such title is amended—

4 (A) by striking “inactive duty training” and in-  
5 serting “inactive duty”—

6 (i) in subsection (a), in the matter pre-  
7 ceding paragraph (1);

8 (ii) in subsection (a)(3); and

9 (iii) in subsection (b)(2); and

10 (B) in subsection (a)(3)—

11 (i) by striking “such scheduled training pe-  
12 riod” and inserting “such period of scheduled  
13 duty”;

14 (ii) by striking “the date of such training”  
15 and inserting “the date on which such duty pe-  
16 riod ends”; and

17 (iii) by striking “such training terminated”  
18 and inserting “on which such duty period ends”.

19 **SEC. 564. CONFORMING AMENDMENTS TO OTHER LAWS RE-**  
20 **FERRING TO FUNERAL HONORS DUTY.**

21 (a) TITLE 5.—Section 6323(a)(1) of title 5, United  
22 States Code, is amended by striking “funeral honors duty  
23 (as described in section 12503 of title 10 and section 115  
24 of title 32),”.

1       (b) *TITLE 38.—Section 4303(13) of title 38, United*  
 2 *States Code, is amended—*

3           (1) *by inserting “and” after “full-time National*  
 4 *Guard duty,”; and*

5           (2) *by striking “, and a period for which a per-*  
 6 *son is absent from employment for the purpose of per-*  
 7 *forming funeral honors duty as authorized by section*  
 8 *12503 of title 10 or section 115 of title 32.”.*

9           ***Subtitle H—Other Matters***

10 ***SEC. 571. ACCESSION OF PERSONS WITH SPECIALIZED***  
 11 ***SKILLS.***

12       (a) *INITIAL SERVICE OBLIGATION.—Subsection (a) of*  
 13 *section 651 of title 10, United States Code, is amended—*

14           (1) *by inserting “(1)” after “(a)”;*

15           (2) *by striking “deferred under the next to the*  
 16 *last sentence of section 6(d)(1) of the Military Selec-*  
 17 *tive Service Act (50 U.S.C. App. 456(d)(1))” and in-*  
 18 *serting “described in paragraph (3)”;* and

19           (3) *by adding at the end the following new para-*  
 20 *graphs:*

21       “(2) *The Secretary concerned may—*

22           “(A) *wave the applicability of paragraph (1) to*  
 23 *a person who, as determined by the Secretary con-*  
 24 *cerned, is accessed into an armed force under the ju-*  
 25 *risdiction of that Secretary based on unique skills ac-*

1       *quired in a civilian occupation and is to serve in that*  
2       *armed force in a specialty requiring those skills; and*

3               *“(B) require any alternative period of obligated*  
4       *service that the Secretary considers appropriate to*  
5       *meet the needs of the armed force that such person is*  
6       *entering.*

7       *“(3) The requirement under paragraph (1) does not*  
8       *apply to a person who is deferred under the next to the*  
9       *last sentence of section 6(d)(1) of the Military Selective*  
10       *Service Act (50 U.S.C. App. 456(d)(1)).*

11       *(b) BASIC TRAINING PERIOD.—Subsection (c) of sec-*  
12       *tion 671 of such title is amended—*

13               *(1) by redesignating paragraph (2) as para-*  
14       *graph (3); and*

15               *(2) by striking “(c)(1)” and all that follows*  
16       *through “Any such period” in the second sentence of*  
17       *paragraph (1) and inserting the following:*

18       *“(c)(1) A period of basic training (or equivalent train-*  
19       *ing) shorter than 12 weeks may be established by the Sec-*  
20       *retary concerned for members of the armed forces who, as*  
21       *determined by the Secretary under regulations prescribed*  
22       *under paragraph (3)—*

23               *“(A) have been credentialed in a medical profes-*  
24       *sion or occupation and are serving in a health-care*  
25       *occupational specialty; or*

1           “(B) *have unique skills acquired in a civilian*  
2           *occupation and are to serve in a military specialty*  
3           *or position requiring those skills.*

4           “(2) *Any period of basic training under paragraph*  
5           *(1)*”.

6   **SEC. 572. FEDERAL WRITE-IN BALLOTS FOR ABSENTEE**  
7                   **MILITARY VOTERS LOCATED IN THE UNITED**  
8                   **STATES.**

9           (a) *DUTIES OF PRESIDENTIAL DESIGNEE.*—Section  
10 *101(b)(3) of the Uniformed and Overseas Citizens Absentee*  
11 *Voting Act (42 U.S.C. 1973ff(b)(3)) is amended by striking*  
12 *“overseas voters” and inserting “absent uniformed services*  
13 *voters and overseas voters”.*

14           (b) *FEDERAL WRITE-IN ABSENTEE BALLOT.*—Section  
15 *103 of such Act (42 U.S.C. 1973ff-2) is amended—*

16                   (1) *in subsection (a), by striking “overseas vot-*  
17 *ers” and inserting “absent uniformed services voters*  
18 *and overseas voters”;*

19                   (2) *in subsection (b), by striking the second sen-*  
20 *tence and inserting the following new sentence: “A*  
21 *Federal write-in absentee ballot of an absent uni-*  
22 *formed services voter or overseas voter shall not be*  
23 *counted—*

24                   (1) *if the application of the absent uniformed*  
25 *services voter or overseas voter for a State absentee*

1 *ballot is received by the appropriate State election of-*  
2 *ficial after the later of—*

3 *“(A) the deadline of the State for receipt of*  
4 *such application; or*

5 *“(B) the date that is 30 days before the gen-*  
6 *eral election; or*

7 *“(2) if a State absentee ballot of the absent uni-*  
8 *formed services voter or overseas voter is received by*  
9 *the appropriate State election official not later than*  
10 *the deadline for receipt of the State absentee ballot*  
11 *under State law.”;*

12 *(3) in subsection (c)(1), by striking “overseas*  
13 *voter” and inserting “absent uniformed services voter*  
14 *or overseas voter”;*

15 *(4) in subsection (d), by striking “overseas voter”*  
16 *both places it appears and inserting “absent uni-*  
17 *formed services voter or overseas voter”;* and

18 *(5) in subsection (e)(2), by striking “overseas*  
19 *voters” and inserting “absent uniformed services vot-*  
20 *ers and overseas voters”.*

21 *(c) CONFORMING AMENDMENTS.—(1) The heading of*  
22 *section 103 of such Act is amended to read as follows:*

1 **“SEC. 103. FEDERAL WRITE-IN ABSENTEE BALLOT IN GEN-**  
2 **ERAL ELECTIONS FOR FEDERAL OFFICE FOR**  
3 **ABSENT UNIFORMED SERVICES VOTERS AND**  
4 **OVERSEAS VOTERS.”.**

5 *(2) The subsection caption for subsection (d) of such*  
6 *section is amended by striking “OVERSEAS VOTER” and in-*  
7 *serting “ABSENT UNIFORMED SERVICES VOTER OR OVER-*  
8 *SEAS VOTER”.*

9 **SEC. 573. RENAMING OF NATIONAL GUARD CHALLENGE**  
10 **PROGRAM AND INCREASE IN MAXIMUM FED-**  
11 **ERAL SHARE OF COST OF STATE PROGRAMS**  
12 **UNDER THE PROGRAM.**

13 *(a) RENAMING.—The text of section 509 of title 32,*  
14 *United States Code, is amended by striking “National*  
15 *Guard Challenge Program” each place it appears and in-*  
16 *serting “National Guard Youth Challenge Program”.*

17 *(b) INCREASE IN MAXIMUM FEDERAL SHARE OF COST*  
18 *OF STATE PROGRAMS.—Subsection (d) of such section is*  
19 *amended by striking paragraphs (1), (2), (3), and (4), and*  
20 *inserting the following new paragraphs:*

21 *“(1) for fiscal year 2004, 60 percent of the costs*  
22 *of operating the State program during that year;*

23 *“(2) for fiscal year 2005, 65 percent of the costs*  
24 *of operating the State program during that year;*

25 *“(3) for fiscal year 2006, 70 percent of the costs*  
26 *of operating the State program during that year; and*

1           “(4) for fiscal year 2007 and each subsequent fis-  
 2           cal year, 75 percent of the costs of operating the State  
 3           program during such year.”.

4           (c) *CONFORMING AND CLERICAL AMENDMENTS.—(1)*  
 5           *The heading of such section is amended to read as follows:*

6           **“§ 509. National Guard Youth Challenge Program of**  
 7                    **opportunities for civilian youth”.**

8           (2) *The table of sections at the beginning of chapter*  
 9           *5 of such title is amended by striking the item relating to*  
 10          *section 509 and inserting the following new item:*

*“509. National Guard Youth Challenge Program of opportunities for civilian youth.”.*

11          **SEC. 574. APPEARANCE OF VETERANS SERVICE ORGANIZA-**  
 12                    **TIONS AT PRESEPARATION COUNSELING**  
 13                    **PROVIDED BY THE DEPARTMENT OF DE-**  
 14                    **FENSE.**

15          (a) *APPEARANCE TO COUNSELING FOR DISCHARGE OR*  
 16          *RELEASE FROM ACTIVE DUTY.—Section 1142 of title 10,*  
 17          *United States Code, is amended by adding at the end the*  
 18          *following new subsection:*

19          “(d) *APPEARANCE BY VETERANS SERVICE ORGANIZA-*  
 20          *TIONS.—(1) The Secretary concerned may permit a rep-*  
 21          *resentative of a veterans service organization to appear at*  
 22          *and participate in any preseparation counseling provided*  
 23          *to a member of the armed forces under this section.*



1       “(2) *For purposes of this subsection, a veterans service*  
2 *organization is any organization recognized by the Sec-*  
3 *retary of Veterans Affairs for the representation of veterans*  
4 *under section 5902 of title 38.*”

5       **(b) MEETING WITH RESERVES RELEASED FROM AC-**  
6 **TIVE DUTY FOR FURTHER SERVICE IN THE RESERVES.—**

7       (1) *A unit of a reserve component on active duty in the*  
8 *Armed Forces may, upon release from active duty in the*  
9 *Armed Forces for further service in the reserve components,*  
10 *meet with a veterans service organization for information*  
11 *and assistance relating to such release if the commander*  
12 *of the unit authorizes the meeting.*

13       (2) *The time of a meeting for a unit under paragraph*  
14 *(1) may be scheduled by the commander of the unit for such*  
15 *time after the release of the unit as described in that para-*  
16 *graph as the commander of the unit determines appropriate*  
17 *to maximize the benefit of the meeting to the members of*  
18 *the unit.*

19       (3) *For purposes of this subsection, a veterans service*  
20 *organization is any organization recognized by the Sec-*  
21 *retary of Veterans Affairs for the representation of veterans*  
22 *under section 5902 of title 38, United States Code.*

1 **SEC. 575. SENSE OF THE SENATE REGARDING RETURN OF**  
2 **MEMBERS TO ACTIVE DUTY SERVICE UPON**  
3 **REHABILITATION FROM SERVICE-RELATED**  
4 **INJURIES.**

5 (a) *FINDINGS.*—Congress makes the following findings:

6 (1) *The generation of young men and women*  
7 *currently serving on active duty in the Armed Forces,*  
8 *which history will record as being among the greatest,*  
9 *has shown in remarkable numbers an individual re-*  
10 *solve to recover from injuries incurred in such service*  
11 *and to return to active service in the Armed Forces.*

12 (2) *Since September 11, 2001, numerous brave*  
13 *soldiers, sailors, airmen, and Marines have incurred*  
14 *serious combat injuries, including (as of June 2004)*  
15 *approximately 100 members of the Armed Forces who*  
16 *have been fitted with artificial limbs as a result of*  
17 *devastating injuries sustained in combat overseas.*

18 (3) *In cases involving combat-related injuries*  
19 *and other service-related injuries it is possible, as a*  
20 *result of advances in technology and extensive reha-*  
21 *bitative services, to restore to members of the Armed*  
22 *Forces sustaining such injuries the capability to re-*  
23 *sume the performance of active military service, in-*  
24 *cluding, in a few cases, the capability to participate*  
25 *directly in the performance of combat missions.*

1       **(b) SENSE OF THE SENATE.**—*It is the sense of the Sen-*  
2 *ate that—*

3           *(1) members of the Armed Forces who on their*  
4 *own initiative are highly motivated to return to ac-*  
5 *tive duty service following rehabilitation from inju-*  
6 *ries incurred in their service in the Armed Forces,*  
7 *after appropriate medical review should be given the*  
8 *opportunity to present their cases for continuing to*  
9 *serve on active duty in varied military capacities;*

10          *(2) other than appropriate medical review, there*  
11 *should be no barrier in policy or law to such a mem-*  
12 *ber having the option to return to military service on*  
13 *active duty; and*

14          *(3) the Secretary of Defense should develop spe-*  
15 *cific protocols that expand options for such members*  
16 *to return to active duty service and to be retrained*  
17 *to perform military missions for which they are fully*  
18 *capable.*

1 **TITLE VI—COMPENSATION AND**  
2 **OTHER PERSONNEL BENEFITS**  
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. GEOGRAPHIC BASIS FOR HOUSING ALLOWANCE**  
5 **DURING SHORT-ASSIGNMENT PERMANENT**  
6 **CHANGES OF STATION FOR EDUCATION OR**  
7 **TRAINING.**

8 (a) *AUTHORITY.*—Paragraph (3) of subsection (d) of  
9 section 403 of title 37, United States Code, is amended by  
10 adding at the end the following new subparagraph:

11 “(C) *In the case of a member who is reassigned*  
12 *for a permanent change of station or permanent*  
13 *change of assignment from a duty station within the*  
14 *continental United States to another duty station*  
15 *within the continental United States for a period of*  
16 *not more than one year for the purpose of partici-*  
17 *parting in professional military education or training*  
18 *classes, the amount of the basic allowance for housing*  
19 *for the member may be based on whichever of the fol-*  
20 *lowing areas the Secretary concerned determines to*  
21 *provide the more equitable basis for the allowance:*

22 “(i) *The area of the duty station to which*  
23 *the member is reassigned.*

24 “(ii) *The area of the member’s last duty sta-*  
25 *tion, but only if, and for the period that, the*

1           *member's dependents reside in that area on and*  
2           *after the date of the member's departure for the*  
3           *duty station to which the member is reas-*  
4           *signed.”.*

5           **(b) CONFORMING AMENDMENT.**—*The heading of such*  
6           *subsection is amended by striking “ARE UNABLE TO” and*  
7           *inserting “DO NOT”.*

8           **SEC. 602. IMMEDIATE LUMP-SUM REIMBURSEMENT FOR UN-**  
9                           **USUAL   NONRECURRING   EXPENSES   IN-**  
10                           **CURRED FOR DUTY OUTSIDE THE CONTI-**  
11                           **NENTAL UNITED STATES.**

12           *Section 405 of title 37, United States Code, is amended*  
13           *by adding at the end the following new subsection:*

14           **“(d) NONRECURRING EXPENSES.**—*(1) The Secretary*  
15           *concerned may pay a member of the uniformed services on*  
16           *duty as described in subsection (a) a reimbursement for a*  
17           *nonrecurring expense incurred by the member incident to*  
18           *such duty that—*

19                    **“(A) is directly related to the conditions or loca-**  
20                    **tion of the duty;**

21                    **“(B) is of a nature or a magnitude not normally**  
22                    **incurred by members of the uniformed services on**  
23                    **duty inside the continental United States; and**

1           “(C) is not included in the per diem determined  
2           under subsection (b) as payable to the member under  
3           subsection (a).

4           “(2) Any reimbursement payable to a member under  
5           paragraph (1) is in addition to a per diem payable to that  
6           member under subsection (a).”.

7   **SEC. 603. PERMANENT INCREASE IN AUTHORIZED AMOUNT**  
8                           **OF FAMILY SEPARATION ALLOWANCE.**

9           (a) *PERMANENT AMOUNT.*—Subsection (a)(1) of sec-  
10          tion 427 of title 37, United States Code, is amended by  
11          striking “\$100” and inserting “\$250”.

12          (b) *REPEAL OF TEMPORARY AUTHORITY.*—Subsection  
13          (e) of such section is repealed.

14          (c) *EFFECTIVE DATE.*—This section and the amend-  
15          ments made by this section shall take effect on the earlier  
16          of—

17                  (1) the first day of the first month that begins  
18                  after the date of the enactment of this Act; or

19                  (2) January 1, 2005.

1     ***Subtitle B—Bonuses and Special***  
2                     ***and Incentive Pays***

3     ***SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND***  
4                     ***SPECIAL PAY AUTHORITIES FOR RESERVE***  
5                     ***FORCES.***

6             ***(a) SELECTED RESERVE REENLISTMENT BONUS.—***  
7     *Section 308b(g) of title 37, United States Code, is amended*  
8     *by striking “December 31, 2004” and inserting “December*  
9     *31, 2005”.*

10            ***(b) SELECTED RESERVE ENLISTMENT BONUS.—Sec-***  
11     *tion 308c(e) of such title is amended by striking “December*  
12     *31, 2004” and inserting “December 31, 2005”.*

13            ***(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED***  
14     ***TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of***  
15     *such title is amended by striking “December 31, 2004” and*  
16     *inserting “December 31, 2005”.*

17            ***(d) SELECTED RESERVE AFFILIATION BONUS.—Sec-***  
18     *tion 308e(e) of such title is amended by striking “December*  
19     *31, 2004” and inserting “December 31, 2005”.*

20            ***(e) READY RESERVE ENLISTMENT AND REENLIST-***  
21     ***MENT BONUS.—Section 308h(g) of such title is amended by***  
22     *striking “December 31, 2004” and inserting “December 31,*  
23     *2005”.*

1       (f) *PRIOR SERVICE ENLISTMENT BONUS.*—Section  
2 308i(f) of such title is amended by striking “December 31,  
3 2004” and inserting “December 31, 2005”.

4 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
5 **SPECIAL PAY AUTHORITIES FOR CERTAIN**  
6 **HEALTH CARE PROFESSIONALS.**

7       (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*  
8 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,  
9 is amended by striking “December 31, 2004” and inserting  
10 “December 31, 2005”.

11       (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*  
12 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*  
13 *RESERVE.*—Section 16302(d) of such title is amended by  
14 striking “January 1, 2005” and inserting “January 1,  
15 2006”.

16       (c) *ACCESSION BONUS FOR REGISTERED NURSES.*—  
17 Section 302d(a)(1) of title 37, United States Code, is  
18 amended by striking “December 31, 2004” and inserting  
19 “December 31, 2005”.

20       (d) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*  
21 *THETISTS.*—Section 302e(a)(1) of such title is amended by  
22 striking “December 31, 2004” and inserting “December 31,  
23 2005”.

24       (e) *SPECIAL PAY FOR SELECTED RESERVE HEALTH*  
25 *PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*



1 *TIES.*—Section 302g(f) of such title is amended by striking  
2 “December 31, 2004” and inserting “December 31, 2005”.

3 (f) *ACCESSION BONUS FOR DENTAL OFFICERS.*—Sec-  
4 tion 302h(a)(1) of such title is amended by striking “De-  
5 cember 31, 2004” and inserting “December 31, 2005”.

6 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
7 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
8 **CERS.**

9 (a) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*  
10 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)  
11 of title 37, United States Code, is amended by striking “De-  
12 cember 31, 2004” and inserting “December 31, 2005”.

13 (b) *NUCLEAR CAREER ACCESSION BONUS.*—Section  
14 312b(c) of such title is amended by striking “December 31,  
15 2004” and inserting “December 31, 2005”.

16 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—  
17 Section 312c(d) of such title is amended by striking “De-  
18 cember 31, 2004” and inserting “December 31, 2005”.

19 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**  
20 **SPECIAL PAY AUTHORITIES.**

21 (a) *AVIATION OFFICER RETENTION BONUS.*—Section  
22 301b(a) of title 37, United States Code, is amended by strik-  
23 ing “December 31, 2004” and inserting “December 31,  
24 2005”.

1       (b) *ASSIGNMENT INCENTIVE PAY.*—Section 307a(f) of  
 2 such title is amended by striking “December 31, 2005” and  
 3 inserting “December 31, 2006”.

4       (c) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—  
 5 Section 308(g) of such title is amended by striking “Decem-  
 6 ber 31, 2004” and inserting “December 31, 2005”.

7       (d) *ENLISTMENT BONUS FOR ACTIVE MEMBERS.*—  
 8 Section 309(e) of such title is amended by striking “Decem-  
 9 ber 31, 2004” and inserting “December 31, 2005”.

10       (e) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*  
 11 *MILITARY SKILLS.*—Section 323(i) of such title is amended  
 12 by striking “December 31, 2004” and inserting “December  
 13 31, 2005”.

14       (f) *ACCESSION BONUS FOR NEW OFFICERS IN CRIT-*  
 15 *ICAL SKILLS.*—Section 324(g) of such title is amended by  
 16 striking “December 31, 2004” and inserting “December 31,  
 17 2005”.

18 **SEC. 615. REDUCED SERVICE OBLIGATION FOR NURSES RE-**

19 **CEIVING NURSE ACCESSION BONUS.**

20       (a) *PERIOD OF OBLIGATED SERVICE.*—Section  
 21 302d(a)(1) of title 37, United States Code, is amended by  
 22 striking “four years” and inserting “three years”.

23       (b) *EFFECTIVE DATE AND APPLICABILITY.*—The  
 24 amendment made by subsection (a) shall take effect on Octo-  
 25 ber 1, 2004, and shall apply with respect to agreements en-

1 *tered into under section 302d of title 37, United States*  
2 *Code, on or after such date.*

3 **SEC. 616. ASSIGNMENT INCENTIVE PAY.**

4 *(a) DISCONTINUATION UPON COMMENCEMENT OF TER-*  
5 *MINAL LEAVE.—(1) Subsection (e) of section 307a of title*  
6 *37, United States Code, is amended by striking “absence*  
7 *of the member for authorized leave.” and inserting the fol-*  
8 *lowing:*

9 *“(2) absence of the member for authorized leave,*  
10 *other than leave authorized for a period ending upon*  
11 *the discharge of the member or the release of the mem-*  
12 *ber from active duty.”.*

13 *(2) Such subsection is further amended by striking “by*  
14 *reason of” and all that follows through “pursuant to orders*  
15 *or” and inserting “by reason of—*

16 *“(1) temporary duty performed by the member*  
17 *pursuant to orders; or”.*

18 *(b) DISCRETIONARY WRITTEN AGREEMENTS.—Sub-*  
19 *section (b) of such section is amended to read as follows:*

20 *“(b) WRITTEN AGREEMENT.—The Secretary concerned*  
21 *may require a member to enter into a written agreement*  
22 *with the Secretary in order to qualify for the incentive pay*  
23 *under this section. A written agreement under this sub-*  
24 *section shall set forth the period for which the incentive pay*

1 *is to be provided and the monthly rate at which the incen-*  
2 *tive pay is to be paid.”.*

3 (c) *EFFECTIVE DATE AND APPLICABILITY.*—(1) *The*  
4 *amendments made by subsection (a) shall take effect on Oc-*  
5 *tober 1, 2004.*

6 (2) *Paragraph (2) of section 307a(e) of title 37, United*  
7 *States Code, shall apply with respect to authorized leave*  
8 *for days after September 30, 2004.*

9 **SEC. 617. PERMANENT INCREASE IN AUTHORIZED AMOUNT**  
10 **OF HOSTILE FIRE AND IMMINENT DANGER**  
11 **SPECIAL PAY.**

12 (a) *PERMANENT AMOUNT.*—*Subsection (a) of section*  
13 *310 of title 37, United States Code, is amended by striking*  
14 *“\$150” in the matter preceding paragraph (1) and insert-*  
15 *ing “\$225”.*

16 (b) *REPEAL OF TEMPORARY AUTHORITY.*—*Subsection*  
17 *(e) of such section is repealed.*

18 (c) *EFFECTIVE DATE.*—*This section and the amend-*  
19 *ments made by this section shall take effect on the earlier*  
20 *of—*

21 (1) *the first day of the first month that begins*  
22 *after the date of the enactment of this Act; or*

23 (2) *January 1, 2005.*

1 **SEC. 618. ELIGIBILITY OF ENLISTED MEMBERS TO QUALIFY**  
2 **FOR CRITICAL SKILLS RETENTION BONUS**  
3 **WHILE SERVING ON INDEFINITE REENLIST-**  
4 **MENT.**

5 *Paragraph (2) of section 323(a) of title 37, United*  
6 *States Code, is amended to read as follows:*

7 *“(2) in the case of an enlisted member—*

8 *“(A) the member, if serving under an enlist-*  
9 *ment for a definite period—*

10 *“(i) reenlists for a period of at least*  
11 *one year; or*

12 *“(ii) voluntarily extends the member’s*  
13 *enlistment for a period of at least one year;*

14 *or*

15 *“(B) the member, if serving under an enlist-*  
16 *ment for an indefinite period, enters into a writ-*  
17 *ten agreement with the Secretary concerned to*  
18 *remain on active duty for at least one year*  
19 *under such enlistment.”.*

20 **SEC. 619. CLARIFICATION OF EDUCATIONAL PURSUITS**  
21 **QUALIFYING FOR SELECTED RESERVE EDU-**  
22 **CATION LOAN REPAYMENT PROGRAM FOR**  
23 **HEALTH PROFESSIONS OFFICERS.**

24 *Section 16302(a)(5) of title 10, United States Code,*  
25 *is amended by striking “regarding” and inserting “for a*  
26 *basic professional qualifying degree (as determined under*

1 *regulations prescribed by the Secretary), or graduate edu-*  
 2 *cation, in”.*

3 **SEC. 620. BONUS FOR CERTAIN INITIAL SERVICE OF COM-**  
 4 **MISSIONED OFFICERS IN THE SELECTED RE-**  
 5 **SERVE.**

6 *(a) AUTHORITY.—Chapter 5 of title 37, United States*  
 7 *Code, is amended by inserting after section 308i the fol-*  
 8 *lowing new section:*

9 **“§ 308j. Special pay: bonus for certain initial service**  
 10 **of commissioned officers in the Selected**  
 11 **Reserve**

12 *“(a) AFFILIATION BONUS.—(1) The Secretary con-*  
 13 *cerned may pay an affiliation bonus under this section to*  
 14 *an eligible commissioned officer in any of the armed forces*  
 15 *who enters into an agreement with the Secretary to serve,*  
 16 *for the period specified in the agreement, in the Selected*  
 17 *Reserve of the Ready Reserve of an armed force under the*  
 18 *Secretary’s jurisdiction—*

19 *“(A) in a critical officer skill designated under*  
 20 *paragraph (3); or*

21 *“(B) to meet a manpower shortage in—*

22 *“(i) a unit of that Selected Reserve; or*

23 *“(ii) a particular pay grade in that armed*  
 24 *force.*

1       “(2) *A commissioned officer is eligible for an affili-*  
2 *ation bonus under this section if the officer—*

3               “(A) *either—*

4                       “(i) *is serving on active duty for a period*  
5 *of more than 30 days; or*

6                       “(ii) *is a member of a reserve component*  
7 *not on active duty and, if the member formerly*  
8 *served on active duty, was released from active*  
9 *duty under honorable conditions;*

10               “(B) *has not previously served in the Selected*  
11 *Reserve of the Ready Reserve; and*

12               “(C) *is not entitled to receive retired or retainer*  
13 *pay.*

14       “(3)(A) *The Secretary concerned shall designate for an*  
15 *armed force under the Secretary’s jurisdiction the critical*  
16 *officer skills to which the bonus authority under this sub-*  
17 *section is to be applied.*

18               “(B) *A skill may be designated as a critical officer*  
19 *skill for an armed force under subparagraph (A) if, to meet*  
20 *requirements of that armed force, it is critical for that*  
21 *armed force to have a sufficient number of officers who are*  
22 *qualified in that skill.*

23       “(4) *An affiliation bonus payable pursuant to an*  
24 *agreement under this section to an eligible officer accrues*  
25 *on the date on which the person is assigned to a unit or*

1 *position in the Selected Reserve pursuant to such agree-*  
2 *ment.*

3       “(b) *ACCESSION BONUS.*—(1) *The Secretary concerned*  
4 *may pay an accession bonus under this section to an eligi-*  
5 *ble person who enters into an agreement with the*  
6 *Secretary—*

7               “(A) *to accept an appointment as a commis-*  
8 *sioned officer in the armed forces; and*

9               “(B) *to serve in the Selected Reserve of the*  
10 *Ready Reserve in a skill designated under paragraph*  
11 *(2) for a period specified in the agreement.*

12       “(2)(A) *The Secretary concerned shall designate for an*  
13 *armed force under the Secretary’s jurisdiction the officer*  
14 *skills to which the authority under this subsection is to be*  
15 *applied.*

16       “(B) *A skill may be designated for an armed force*  
17 *under subparagraph (A) if, to mitigate a current or pro-*  
18 *jected significant shortage of personnel in that armed force*  
19 *who are qualified in that skill, it is critical to increase the*  
20 *number of persons accessed into that armed force who are*  
21 *qualified in that skill or are to be trained in that skill.*

22       “(3) *An accession bonus payable to a person pursuant*  
23 *to an agreement under this section accrues on the date on*  
24 *which that agreement is accepted by the Secretary con-*  
25 *cerned.*



1       “(c) *PERIOD OF OBLIGATED SERVICE.*—An agreement  
2 entered into with the Secretary concerned under this section  
3 shall require the person entering into that agreement to  
4 serve in the Selected Reserve for a specified period. The pe-  
5 riod specified in the agreement shall be any period not less  
6 than three years that the Secretary concerned determines  
7 appropriate to meet the needs of the reserve component in  
8 which the service is to be performed.

9       “(d) *AMOUNT.*—The amount of a bonus under this sec-  
10 tion may be any amount not in excess of \$6,000 that the  
11 Secretary concerned determines appropriate.

12       “(e) *PAYMENT.*—Upon acceptance of a written agree-  
13 ment by the Secretary concerned under this section, the  
14 total amount of the bonus payable under the agreement be-  
15 comes fixed. The agreement shall specify whether the bonus  
16 is to be paid in one lump sum or in installments.

17       “(f) *RELATION TO OTHER ACCESSION BONUS AU-*  
18 *THORITY.*—No person may receive an affiliation bonus or  
19 accession bonus under this section and financial assistance  
20 under chapter 1608, 1609, or 1611 of title 10, or under sec-  
21 tion 302g of this title, for the same period of service.

22       “(g) *REPAYMENT FOR FAILURE TO COMMENCE OR*  
23 *COMPLETE OBLIGATED SERVICE.*—(1) A person who, after  
24 receiving all or part of the bonus under an agreement en-  
25 tered into by that person under this section, does not accept

1 *a commission as an officer or does not commence to partici-*  
2 *pate or does not satisfactorily participate in the Selected*  
3 *Reserve for the total period of service specified in the agree-*  
4 *ment shall repay to the United States such compensation*  
5 *or benefit, except under conditions prescribed by the Sec-*  
6 *retary concerned.*

7       “(2) *The Secretary concerned shall include in each*  
8 *agreement entered into by the Secretary under this section*  
9 *the requirements that apply for any repayment under this*  
10 *subsection, including the method for computing the amount*  
11 *of the repayment and any exceptions.*

12       “(3) *An obligation to repay the United States imposed*  
13 *under paragraph (1) is for all purposes a debt owed to the*  
14 *United States. A discharge in bankruptcy under title 11*  
15 *that is entered less than five years after the termination*  
16 *of an agreement entered into under this section does not*  
17 *discharge a person from a debt arising under an agreement*  
18 *entered into under this subsection or a debt arising under*  
19 *paragraph (1).”.*

20       (b) *CLERICAL AMENDMENT.—The table of sections at*  
21 *the beginning of such chapter is amended by adding at the*  
22 *end the following new item:*

“308j. *Special pay: bonus for certain initial service of commissioned officers in*  
*the Selected Reserve.”.*

1 **SEC. 621. RELATIONSHIP BETWEEN ELIGIBILITY TO RE-**  
2 **CEIVE SUPPLEMENTAL SUBSISTENCE ALLOW-**  
3 **ANCE AND ELIGIBILITY TO RECEIVE IMMI-**  
4 **NENT DANGER PAY, FAMILY SEPARATION AL-**  
5 **LOWANCE, AND CERTAIN FEDERAL ASSIST-**  
6 **ANCE.**

7 (a) *ENTITLEMENT NOT AFFECTED BY RECEIPT OF IM-*  
8 *MINENT DANGER PAY AND FAMILY SEPARATION ALLOW-*  
9 *ANCE.—Subsection (b)(2) of section 402a of title 37, United*  
10 *States Code, is amended by striking subparagraph (A) and*  
11 *inserting the following:*

12 “(A) shall not take into consideration—  
13 “(i) the amount of the supplemental subsist-  
14 ence allowance that is payable under this section;  
15 “(ii) the amount of special pay (if any)  
16 that is payable under section 310 of this section,  
17 relating to duty subject to hostile fire or immi-  
18 nent danger; or  
19 “(iii) the amount of family separation al-  
20 lowance (if any) that is payable under section  
21 427 of this title; but”.

22 (b) *ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—*  
23 *Section 402a of such title is amended—*

24 (1) *by redesignating subsections (g) and (h) as*  
25 *subsections (h) and (i), respectively; and*

1           (2) by inserting after subsection (f) the following  
2           new subsection (g):

3           “(g) *ELIGIBILITY FOR OTHER FEDERAL ASSIST-*  
4 *ANCE.—(1)(A) A child or spouse of a member of the armed*  
5 *forces receiving the supplemental subsistence allowance*  
6 *under this section who, except for the receipt of such allow-*  
7 *ance, would otherwise be eligible to receive a benefit de-*  
8 *scribed in subparagraph (B) shall be considered to be eligi-*  
9 *ble for that benefit.*

10          “(B) *The benefits referred to in subparagraph (A) are*  
11 *as follows:*

12           “(i) *Assistance provided under the Richard B.*  
13 *Russell National School Lunch Act (42 U.S.C. 1751*  
14 *et seq.).*

15           “(ii) *Assistance provided under the Child Nutri-*  
16 *tion Act of 1966 (42 U.S.C. 1771 et seq.).*

17           “(iii) *A service under the Head Start Act (42*  
18 *U.S.C. 9831 et seq.).*

19           “(iv) *Assistance under the Child Care and Devel-*  
20 *opment Block Grant Act of 1990 (42 U.S.C. 9858 et*  
21 *seq.).*

22          “(2) *A household that includes a member of the armed*  
23 *forces receiving the supplemental subsistence allowance*  
24 *under this section and, except for the receipt of such allow-*  
25 *ance, would otherwise be eligible to receive a benefit under*

1 *the Low-Income Home Energy Assistance Act of 1981 (42*  
2 *U.S.C. 8621 et seq.) shall be considered to be eligible for*  
3 *that benefit.”.*

4 *(c) REQUIREMENT FOR REPORT.—(1) Not later than*  
5 *180 days after the date of the enactment of this Act, the*  
6 *Secretary of Defense shall submit to the committees of Con-*  
7 *gress named in paragraph (2) a report on the accessibility*  
8 *of social services to members of the Armed Forces and their*  
9 *families. The report shall include the following matters:*

10 *(A) The social services for which members of the*  
11 *Armed Forces and their families are eligible under so-*  
12 *cial services programs generally available to citizens*  
13 *and other nationals of the United States.*

14 *(B) The extent to which members of the Armed*  
15 *Forces and their families utilize the social services for*  
16 *which they are eligible under the programs identified*  
17 *under subparagraph (A).*

18 *(C) The efforts made by each of the military*  
19 *departments—*

20 *(i) to ensure that members of the Armed*  
21 *Forces and their families are aware of the social*  
22 *services for which they are eligible under the pro-*  
23 *grams identified under subparagraph (A); and*

24 *(ii) to assist members and their families in*  
25 *applying for and obtaining such social services.*

1       (2) *The committees of Congress referred to in para-*  
 2 *graph (1) are as follows:*

3           (A) *The Committee on Armed Services and the*  
 4 *Committee on Health, Education, Labor, and Pen-*  
 5 *sions of the Senate.*

6           (B) *The Committee on Armed Services of the*  
 7 *House of Representatives.*

8       (d) *EFFECTIVE DATE.*—(1) *Except as provided in*  
 9 *paragraph (2), this section and the amendments made by*  
 10 *this section shall take effect on October 1, 2004.*

11       (2) *Subsection (c) shall take effect on the date of the*  
 12 *enactment of this Act.*

13                           ***Subtitle C—Travel and***  
 14                           ***Transportation Allowances***

15 ***SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES***  
 16                           ***FOR FAMILY MEMBERS TO ATTEND BURIAL***  
 17                           ***CEREMONIES OF MEMBERS WHO DIE ON***  
 18                           ***DUTY.***

19       (a) *AUTHORIZED TRAVEL DESTINATION.*—*Subsection*  
 20 *(a)(1) of section 411f of title 37, United States Code, is*  
 21 *amended by inserting before the period at the end the fol-*  
 22 *lowing: “at the location determined under subsection (a)(8)*  
 23 *or (d)(2) of section 1482 of title 10”.*

24       (b) *LIMITATION ON AMOUNT.*—*Subsection (b) of such*  
 25 *section is amended to read as follows:*

1       “(b) *LIMITATION ON AMOUNT.*—*Allowances for travel*  
 2 *under subsection (a) may not exceed the rates for two days*  
 3 *and the time necessary for such travel.*”.

4       (c) *UNCONDITIONAL ELIGIBILITY OF DECEASED’S*  
 5 *PARENTS.*—*Subsection (c)(1)(C) of such section is amended*  
 6 *by striking “If no person described in subparagraph (A)*  
 7 *or (B) is provided travel and transportation allowances*  
 8 *under subsection (a)(1), the” and inserting “The”.*

9       **SEC. 632. LODGING COSTS INCURRED IN CONNECTION**  
 10                                   **WITH DEPENDENT STUDENT TRAVEL.**

11       (a) *AUTHORITY.*—*Section 430(b)(1) of title 37, United*  
 12 *States Code, is amended—*

13               (1) *by inserting “(A)” after “(b) ALLOWANCE*  
 14 *AUTHORIZED.—(1)”;* *and*

15               (2) *by adding at the end the following new sub-*  
 16 *paragraph:*

17       “(B) *The allowance authorized under subparagraph*  
 18 *(A) for an eligible dependent’s travel may include reim-*  
 19 *bursement for costs that are incurred by or for the depend-*  
 20 *ent for lodging of the dependent that is necessitated by an*  
 21 *interruption in the travel caused by extraordinary cir-*  
 22 *cumstances prescribed in the regulations under subsection*  
 23 *(a). The amount of a reimbursement payable under this*  
 24 *subparagraph shall be a rate that is applicable to the cir-*

1 *cumstances under regulations prescribed by the Secretaries*  
 2 *concerned.”.*

3 (b) *EFFECTIVE DATE AND APPLICABILITY.—The*  
 4 *amendments made by subsection (a) shall take effect on Oc-*  
 5 *tober 1, 2004, and shall apply with respect to lodging that*  
 6 *commences on or after such date.*

7 ***Subtitle D—Retired Pay and***  
 8 ***Survivor Benefits***

9 ***SEC. 641. SPECIAL RULE FOR COMPUTING THE HIGH-36***  
 10 ***MONTH AVERAGE FOR DISABLED MEMBERS***  
 11 ***OF RESERVE COMPONENTS.***

12 (a) *COMPUTATION OF HIGH 36-MONTH AVERAGE.—*  
 13 *Subsection (c) of section 1407 of title 10, United States*  
 14 *Code, is amended by adding at the end the following new*  
 15 *paragraph:*

16 “(3) *SPECIAL RULE FOR RESERVE COMPONENT*  
 17 *MEMBERS.—In the application of paragraphs (1) and*  
 18 *(2) to a member of a reserve component of a uni-*  
 19 *formed service who is entitled to retired pay under*  
 20 *section 1201 or 1202 of this title, each month during*  
 21 *which the member performed duty for which basic*  
 22 *pay is paid under section 203 of title 37 or com-*  
 23 *ensation is paid under section 206 of such title shall*  
 24 *be treated as if it were one month of active service.”.*



1       (b) *EFFECTIVE DATES AND APPLICABILITY.*—(1)  
2 *Paragraph (3) of section 1407(c) of title 10, United States*  
3 *Code (as added by subsection (a)), shall take effect on Octo-*  
4 *ber 1, 2004, and shall apply with respect to months begin-*  
5 *ning on or after such date, except as provided in paragraph*  
6 *(2).*

7       (2) *For the computation of survivor annuities under*  
8 *subparagraph (A)(i) or (B) of section 1451(c)(1) of title 10,*  
9 *United States Code (as amended by section 642(b) of Public*  
10 *Law 107–107; 115 Stat. 1152)), paragraph (3) of section*  
11 *1407(c) of title 10, United States Code (as added by sub-*  
12 *section (a)), shall take effect as of September 10, 2001, and*  
13 *shall apply with respect to deaths of members of the uni-*  
14 *formed services occurring on or after that date.*

15 **SEC. 642. DEATH BENEFITS ENHANCEMENT.**

16       (a) *FINAL ACTIONS ON FISCAL YEAR 2004 DEATH*  
17 *BENEFITS STUDY.*—(1) *Congress finds that the study of the*  
18 *Federal death benefits for survivors of deceased members of*  
19 *the Armed Forces under section 647 of the National Defense*  
20 *Authorization Act for Fiscal Year 2004 (Public Law 108–*  
21 *136; 117 Stat. 1520) has given Congress sufficient insight*  
22 *to initiate action to provide for the enhancement of the cur-*  
23 *rent set of death benefits that are provided under law for*  
24 *the survivors.*

1           (2) *The Secretary of Defense shall expedite the comple-*  
2 *tion and submission of the final report, which was due on*  
3 *March 1, 2004, under section 647 of the National Defense*  
4 *Authorization Act for Fiscal Year 2004.*

5           (3) *It is the sense of Congress that the President should*  
6 *promptly submit to Congress any recommendation for legis-*  
7 *lation, together with a request for appropriations, that the*  
8 *President determines necessary to implement the death ben-*  
9 *efits enhancements that are recommended in the final report*  
10 *under section 647 of the National Defense Authorization Act*  
11 *for Fiscal Year 2004.*

12           (b) *INCREASES OF DEATH GRATUITY CONSISTENT*  
13 *WITH INCREASES OF RATES OF BASIC PAY.—Section 1478*  
14 *of title 10, United States Code, is amended—*

15                   (1) *in subsection (a), by inserting “(as adjusted*  
16 *under subsection (c))” before the period at the end of*  
17 *the first sentence; and*

18                   (2) *by adding at the end the following new sub-*  
19 *section:*

20                   “(c) *Effective on the date on which rates of basic pay*  
21 *under section 204 of this title are increased under section*  
22 *1009 of title 37 or any other provision of law, the amount*  
23 *of the death gratuity provided under subsection (a) shall*  
24 *be increased by the same overall average percentage of the*

1 *increase in the rates of basic pay taking effect on that*  
2 *date.”.*

3 (c) *FISCAL YEAR 2005 ACTIONS.*—*At the same time*  
4 *that the President submits to Congress the budget for fiscal*  
5 *year 2006 under section 1105(a) of title 31, United States*  
6 *Code, the President shall submit to the appropriate commit-*  
7 *tees of Congress referred to in subsection (g) a draft or*  
8 *drafts of legislation to provide enhanced death benefits for*  
9 *survivors of deceased members of the uniformed services. The*  
10 *draft legislation shall include provisions for the following:*

11 (1) *Revision of the Servicemembers’ Group Life*  
12 *Insurance program to provide for—*

13 (A) *an increase of the maximum benefit*  
14 *provided under Servicemembers’ Group Life In-*  
15 *surance to \$350,000, together with an increase,*  
16 *each fiscal year, by the same overall average per-*  
17 *centage increase that takes effect during such fis-*  
18 *cal year in the rates of basic pay under section*  
19 *204 of title 37, United States Code; and*

20 (B) *a minimum benefit of \$100,000 at no*  
21 *cost to the insured members of the uniformed*  
22 *services who elect the maximum coverage, to-*  
23 *gether with an increase in such minimum benefit*  
24 *each fiscal year by the same percentage increase*  
25 *as is described in subparagraph (A).*

1           (2) *An additional set of death benefits for each*  
2 *member of the uniformed services who dies in the line*  
3 *of duty while on active duty that includes, at a min-*  
4 *imum, an additional death gratuity in the amount*  
5 *that—*

6           (A) *in the case of a member not described*  
7 *in subparagraph (B), is equal to the sum of—*

8           (i) *the total amount of the basic pay to*  
9 *which the deceased member would have been*  
10 *entitled under section 204 of title 37,*  
11 *United States Code, if the member had not*  
12 *died and had continued to serve on active*  
13 *duty for an additional year; and*

14           (ii) *the total amount of all allowances*  
15 *and special pays that the member would*  
16 *have been entitled to receive under title 37,*  
17 *United States Code, over the one-year pe-*  
18 *riod beginning on the member's date of*  
19 *death if the member had not died and had*  
20 *continued to serve on active duty for an ad-*  
21 *ditional year with the unit to which the*  
22 *member was assigned or detailed on such*  
23 *date; and*

24           (B) *in the case of a member who dies as a*  
25 *result of an injury caused by or incurred while*

1           *exposed to hostile action (including any hostile*  
2           *fire or explosion and any hostile action from a*  
3           *terrorist source), is equal to twice the amount*  
4           *calculated under subparagraph (A).*

5           *(3) Any other new death benefits or enhancement*  
6           *of existing death benefits that the President rec-*  
7           *ommends.*

8           *(4) Retroactive applicability of the benefits re-*  
9           *ferred to in paragraph (2) and, as appropriate, the*  
10          *benefits recommended under paragraph (3) so as to*  
11          *provide the benefits—*

12                 *(A) for members of the uniformed services*  
13                 *who die in line of duty on or after October 7,*  
14                 *2001, of a cause incurred or aggravated while*  
15                 *deployed in support of Operation Enduring*  
16                 *Freedom; and*

17                 *(B) for members of the uniformed services*  
18                 *who die in line of duty on or after March 19,*  
19                 *2003, of a cause incurred or aggravated while*  
20                 *deployed in support of Operation Iraqi Freedom.*

21          *(d) CONSULTATION.—The President shall consult with*  
22          *the Secretary of Defense and the Secretary of Veterans Af-*  
23          *fairs in developing the draft legislation required under sub-*  
24          *section (c).*

1       (e) *FISCAL YEAR 2006 BUDGET SUBMISSION.*—The  
2 budget for fiscal year 2006 that is submitted to Congress  
3 under section 1105(a) of title 31, United States Code, shall  
4 include draft legislation (other than draft appropriations)  
5 that includes provisions that, on the basis of the assumption  
6 that the draft legislation submitted under subsection (c)  
7 would be enacted and would take effect in fiscal year  
8 2006—

9           (1) would offset fully the increased outlays that  
10 would result from enactment of the provisions of the  
11 draft legislation submitted under subsection (c), for  
12 fiscal year 2006 and each of the ensuing nine fiscal  
13 years;

14           (2) expressly state that they are proposed for the  
15 purpose of the offset described in paragraph (1); and

16           (3) are included in full in the estimates that are  
17 made by the Director of the Congressional Budget Of-  
18 fice and the Director of the Office of Management and  
19 Budget under section 252(d) of the Balanced Budget  
20 and Emergency Deficit Control Act of 1985 (2 U.S.C.  
21 902(d)) with respect to the fiscal years referred to in  
22 paragraph (1).

23       (f) *EARLY SUBMISSION OF PROPOSAL FOR ADDI-*  
24 *TIONAL DEATH BENEFITS.*—Congress urges the President  
25 to submit the draft of legislation for the additional set of

1 *death benefits under paragraph (2) of subsection (c) before*  
2 *the time for submission required under that subsection and*  
3 *as soon as is practicable after the date of the enactment*  
4 *of this Act.*

5 (g) *APPROPRIATE COMMITTEES OF CONGRESS.—For*  
6 *the purposes of subsection (c), the appropriate committees*  
7 *of Congress are as follows:*

8 (1) *The Committees on Armed Services of the*  
9 *Senate and the House of Representatives, with respect*  
10 *to draft legislation that is within the jurisdiction of*  
11 *such committees.*

12 (2) *The Committees on Veterans Affairs of the*  
13 *Senate and the House of Representatives, with respect*  
14 *to draft legislation within the jurisdiction of such*  
15 *committees.*

16 **SEC. 643. REPEAL OF PHASE-IN OF CONCURRENT RECEIPT**  
17 **OF RETIRED PAY AND VETERANS' DISABILITY**  
18 **COMPENSATION FOR VETERANS WITH SERV-**  
19 **ICE-CONNECTED DISABILITIES RATED AS 100**  
20 **PERCENT.**

21 *Section 1414 of title 10, United States Code, is*  
22 *amended—*

23 (1) *in subsection (a)(1)—*

24 (A) *by inserting after the first sentence the*  
25 *following new sentence: “During the period be-*

1            *ginning on January 1, 2004, and ending on De-*  
2            *cember 31, 2004, payment of retired pay to such*  
3            *a qualified retiree described in subsection*  
4            *(c)(1)(B) is subject to subsection (c).”; and*

5            *(B) in the last sentence, by inserting “(other*  
6            *than a qualified retiree covered by the preceding*  
7            *sentence)” after “such a qualified retiree”; and*  
8            *(2) in subsection (c)—*

9            *(A) in paragraph (1)—*

10            *(i) in subparagraph (A), by inserting*  
11            *“(other than a retiree described by subpara-*  
12            *graph (B))” after “the retiree”;*

13            *(ii) by redesignating subparagraphs*  
14            *(B) through (F) as subparagraphs (C)*  
15            *through (G), respectively; and*

16            *(iii) by inserting after subparagraph*  
17            *(A) the following new subparagraph (B):*

18            *“(B) For a month for which the retiree re-*  
19            *ceives veterans’ disability compensation for a*  
20            *disability rated as 100 percent, \$750.”;*

21            *(B) by redesignating paragraph (11) as*  
22            *paragraph (12); and*

23            *(C) by inserting after paragraph (10) the*  
24            *following new paragraph (11):*



1           “(11) *INAPPLICABILITY TO VETERANS WITH DIS-*  
2           *ABILITIES RATED AS 100 PERCENT AFTER CALENDAR*  
3           *YEAR 2004.—This subsection shall not apply to a*  
4           *qualified retiree described by paragraph (1)(B) after*  
5           *calendar year 2004.*”.

6   **SEC. 644. FULL SBP SURVIVOR BENEFITS FOR SURVIVING**  
7                           **SPOUSES OVER AGE 62.**

8           (a) *PHASED INCREASE IN BASIC ANNUITY.—*

9                   (1) *INCREASE TO 55 PERCENT.—Subsection*  
10           *(a)(1)(B)(i) of section 1451 of title 10, United States*  
11           *Code, is amended by striking “35 percent of the base*  
12           *amount.” and inserting “the product of the base*  
13           *amount and the percent applicable for the month. The*  
14           *percent applicable for a month is 35 percent for*  
15           *months beginning before October 2005, 40 percent for*  
16           *months beginning after September 2005 and before*  
17           *October 2008, 45 percent for months beginning after*  
18           *September 2008, and 55 percent for months beginning*  
19           *after September 2014.*”.

20                   (2) *RESERVE-COMPONENT ANNUITY.—Subsection*  
21           *(a)(2)(B)(i)(I) of such section is amended by striking*  
22           *“35 percent” and inserting “the percent specified*  
23           *under paragraph (1)(B)(i) as being applicable for the*  
24           *month*”.

1           (3) *SPECIAL-ELIGIBILITY ANNUITY.*—*Subsection*  
2           *(c)(1)(B)(i) of such section is amended—*

3                   (A) *by striking “35 percent” and inserting*  
4                   *“the applicable percent”; and*

5                   (B) *by adding at the end the following:*  
6                   *“The percent applicable for a month under the*  
7                   *preceding sentence is the percent specified under*  
8                   *subsection (a)(1)(B)(i) as being applicable for*  
9                   *the month.”.*

10           (4) *CONFORMING AMENDMENT.*—*The heading for*  
11           *subsection (d)(2)(A) of such section is amended to*  
12           *read as follows: “COMPUTATION OF ANNUITY.—”.*

13           (b) *PHASED ELIMINATION OF SUPPLEMENTAL ANNU-*  
14           *ITY.*—

15                   (1) *DECREASING PERCENTAGES.*—*Section*  
16                   *1457(b) of title 10, United States Code, is amended—*

17                           (A) *by striking “5, 10, 15, or 20 percent”*  
18                           *and inserting “the applicable percent”; and*

19                           (B) *by inserting after the first sentence the*  
20                           *following: “The percent used for the computation*  
21                           *shall be an even multiple of 5 percent and, what-*  
22                           *ever the percent specified in the election, may not*  
23                           *exceed 20 percent for months beginning before*  
24                           *October 2005, 15 percent for months beginning*  
25                           *after September 2005 and before October 2008,*

1           *and 10 percent for months beginning after Sep-*  
2           *tember 2008.”.*

3           (2) *REPEAL OF PROGRAM IN 2014.—Effective on*  
4           *October 1, 2014, chapter 73 of such title is*  
5           *amended—*

6                     (A) *by striking subchapter III; and*

7                     (B) *by striking the item relating to sub-*  
8                     *chapter III in the table of subchapters at the be-*  
9                     *ginning of that chapter.*

10          (c) *RECOMPUTATION OF ANNUITIES.—*

11                     (1) *REQUIREMENT FOR RECOMPUTATION.—Effec-*  
12                     *tive on the first day of each month referred to in*  
13                     *paragraph (2)—*

14                             (A) *each annuity under section 1450 of title*  
15                             *10, United States Code, that commenced before*  
16                             *that month, is computed under a provision of*  
17                             *section 1451 of that title amended by subsection*  
18                             *(a), and is payable for that month shall be re-*  
19                             *computed so as to be equal to the amount that*  
20                             *would be in effect if the percent applicable for*  
21                             *that month under that provision, as so amended,*  
22                             *had been used for the initial computation of the*  
23                             *annuity; and*

24                             (B) *each supplemental survivor annuity*  
25                             *under section 1457 of such title that commenced*

1           *before that month and is payable for that month*  
2           *shall be recomputed so as to be equal to the*  
3           *amount that would be in effect if the percent ap-*  
4           *plicable for that month under that section, as*  
5           *amended by this section, had been used for the*  
6           *initial computation of the supplemental survivor*  
7           *annuity.*

8           (2) *TIMES FOR RECOMPUTATION.*—*The require-*  
9           *ments for recomputation of annuities under para-*  
10          *graph (1) apply with respect to the following months:*

11                   (A) *October 2005.*

12                   (B) *October 2008.*

13                   (C) *October 2014.*

14          (d) *RECOMPUTATION OF RETIRED PAY REDUCTIONS*  
15 *FOR SUPPLEMENTAL SURVIVOR ANNUITIES.*—*The Sec-*  
16 *retary of Defense shall take such actions as are necessitated*  
17 *by the amendments made by subsection (b) and the require-*  
18 *ments of subsection (c)(1)(B) to ensure that the reductions*  
19 *in retired pay under section 1460 of title 10, United States*  
20 *Code, are adjusted to achieve the objectives set forth in sub-*  
21 *section (b) of that section.*

22 **SEC. 645. OPEN ENROLLMENT PERIOD FOR SURVIVOR BEN-**  
23 **EFIT PLAN COMMENCING OCTOBER 1, 2005.**

24          (a) *PERSONS NOT CURRENTLY PARTICIPATING IN*  
25 *SURVIVOR BENEFIT PLAN.*—

1           (1) *ELECTION OF SBP COVERAGE.*—An eligible  
2           retired or former member may elect to participate in  
3           the Survivor Benefit Plan under subchapter II of  
4           chapter 73 of title 10, United States Code, during the  
5           open enrollment period specified in subsection (f).

6           (2) *ELECTION OF SUPPLEMENTAL ANNUITY COV-*  
7           *ERAGE.*—An eligible retired or former member who  
8           elects under paragraph (1) to participate in the Sur-  
9           vivor Benefit Plan at the maximum level may also  
10          elect during the open enrollment period to participate  
11          in the Supplemental Survivor Benefit Plan estab-  
12          lished under subchapter III of chapter 73 of title 10,  
13          United States Code.

14          (3) *ELIGIBLE RETIRED OR FORMER MEMBER.*—  
15          For purposes of paragraphs (1) and (2), an eligible  
16          retired or former member is a member or former  
17          member of the uniformed services who on the day be-  
18          fore the first day of the open enrollment period is not  
19          a participant in the Survivor Benefit Plan and—

20                  (A) is entitled to retired pay; or

21                  (B) would be entitled to retired pay under  
22          chapter 1223 of title 10, United States Code, but  
23          for the fact that such member or former member  
24          is under 60 years of age.

1           (4) *STATUS UNDER SBP OF PERSONS MAKING*  
2           *ELECTIONS.—*

3                   (A) *STANDARD ANNUITY.—A person making*  
4                   *an election under paragraph (1) by reason of eli-*  
5                   *gibility under paragraph (3)(A) shall be treated*  
6                   *for all purposes as providing a standard annuity*  
7                   *under the Survivor Benefit Plan.*

8                   (B) *RESERVE-COMPONENT ANNUITY.—A*  
9                   *person making an election under paragraph (1)*  
10                  *by reason of eligibility under paragraph (3)(B)*  
11                  *shall be treated for all purposes as providing a*  
12                  *reserve-component annuity under the Survivor*  
13                  *Benefit Plan.*

14           (b) *ELECTION TO INCREASE COVERAGE UNDER*  
15 *SBP.—A person who on the day before the first day of the*  
16 *open enrollment period is a participant in the Survivor*  
17 *Benefit Plan but is not participating at the maximum base*  
18 *amount or is providing coverage under the Plan for a de-*  
19 *pendent child and not for the person's spouse or former*  
20 *spouse may, during the open enrollment period, elect to—*

21                   (1) *participate in the Plan at a higher base*  
22                   *amount (not in excess of the participant's retired*  
23                   *pay); or*

24                   (2) *provide annuity coverage under the Plan for*  
25                   *the person's spouse or former spouse at a base amount*

1       *not less than the base amount provided for the de-*  
2       *pendent child.*

3       (c) *ELECTION FOR CURRENT SBP PARTICIPANTS TO*  
4       *PARTICIPATE IN SUPPLEMENTAL SBP.—*

5           (1) *ELECTION.—A person who is eligible to make*  
6       *an election under this paragraph may elect during*  
7       *the open enrollment period to participate in the Sup-*  
8       *plemental Survivor Benefit Plan established under*  
9       *subchapter III of chapter 73 of title 10, United States*  
10       *Code.*

11           (2) *PERSONS ELIGIBLE.—Except as provided in*  
12       *paragraph (3), a person is eligible to make an elec-*  
13       *tion under paragraph (1) if on the day before the first*  
14       *day of the open enrollment period the person is a par-*  
15       *ticipant in the Survivor Benefit Plan at the max-*  
16       *imum level, or during the open enrollment period the*  
17       *person increases the level of such participation to the*  
18       *maximum level under subsection (b) of this section,*  
19       *and under that Plan is providing annuity coverage*  
20       *for the person's spouse or a former spouse.*

21           (3) *LIMITATION ON ELIGIBILITY FOR CERTAIN*  
22       *SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER AN-*  
23       *NUITY COMPUTATION.—A person is not eligible to*  
24       *make an election under paragraph (1) if (as deter-*  
25       *mined by the Secretary concerned) the annuity of a*

1 spouse or former spouse beneficiary of that person  
2 under the Survivor Benefit Plan is to be computed  
3 under section 1451(e) of title 10, United States Code.  
4 However, such a person may during the open enroll-  
5 ment period waive the right to have that annuity  
6 computed under such section 1451(e). Any such elec-  
7 tion is irrevocable. A person making such a waiver  
8 may make an election under paragraph (1) as in the  
9 case of any other participant in the Survivor Benefit  
10 Plan.

11 (d) *MANNER OF MAKING ELECTIONS.*—An election  
12 under this section shall be made in writing, signed by the  
13 person making the election, and received by the Secretary  
14 concerned before the end of the open enrollment period. Any  
15 such election shall be made subject to the same conditions,  
16 and with the same opportunities for designation of bene-  
17 ficiaries and specification of base amount, that apply under  
18 the Survivor Benefit Plan or the Supplemental Survivor  
19 Benefit Plan, as the case may be. A person making an elec-  
20 tion under subsection (a) to provide a reserve-component  
21 annuity shall make a designation described in section  
22 1448(e) of title 10, United States Code.

23 (e) *EFFECTIVE DATE FOR ELECTIONS.*—Any such elec-  
24 tion shall be effective as of the first day of the first calendar



1 *month following the month in which the election is received*  
2 *by the Secretary concerned.*

3 (f) *OPEN ENROLLMENT PERIOD.*—*The open enroll-*  
4 *ment period under this section shall be the one-year period*  
5 *beginning on October 1, 2005.*

6 (g) *EFFECT OF DEATH OF PERSON MAKING ELECTION*  
7 *WITHIN TWO YEARS OF MAKING ELECTION.*—*If a person*  
8 *making an election under this section dies before the end*  
9 *of the two-year period beginning on the effective date of the*  
10 *election, the election is void and the amount of any reduc-*  
11 *tion in retired pay of the person that is attributable to the*  
12 *election shall be paid in a lump sum to the person who*  
13 *would have been the deceased person's beneficiary under the*  
14 *voided election if the deceased person had died after the end*  
15 *of such two-year period.*

16 (h) *APPLICABILITY OF CERTAIN PROVISIONS OF*  
17 *LAW.*—*The provisions of sections 1449, 1453, and 1454 of*  
18 *title 10, United States Code, are applicable to a person*  
19 *making an election, and to an election, under this section*  
20 *in the same manner as if the election were made under the*  
21 *Survivor Benefit Plan or the Supplemental Survivor Ben-*  
22 *efit Plan, as the case may be.*

23 (i) *ADDITIONAL PREMIUM.*—*The Secretary of Defense*  
24 *shall prescribe in regulations premiums which a person*  
25 *electing under this section shall be required to pay for par-*

1 *ticipating in the Survivor Benefit Plan pursuant to the*  
2 *election. The total amount of the premiums to be paid by*  
3 *a person under the regulations shall be equal to the sum*  
4 *of—*

5 *(i) the total amount by which the retired pay of*  
6 *the person would have been reduced before the effective*  
7 *date of the election if the person had elected to par-*  
8 *ticipate in the Survivor Benefit Plan (for the same*  
9 *base amount specified in the election) at the first op-*  
10 *portunity that was afforded the member to partici-*  
11 *pate under chapter 73 of title 10, United States Code;*

12 *(ii) interest on the amounts by which the retired*  
13 *pay of the person would have been so reduced, com-*  
14 *puted from the dates on which the retired pay would*  
15 *have been so reduced at such rate or rates and accord-*  
16 *ing to such methodology as the Secretary of Defense*  
17 *determines reasonable; and*

18 *(iii) any additional amount that the Secretary*  
19 *determines necessary to protect the actuarial sound-*  
20 *ness of the Department of Defense Military Retire-*  
21 *ment Fund against any increased risk for the fund*  
22 *that is associated with the election.*

23 *(A) Premiums paid under the regulations shall be*  
24 *credited to the Department of Defense Military Retirement*  
25 *Fund.*

1       (B) *In this paragraph, the term “Department of De-*  
 2 *fense Military Retirement Fund” means the Department of*  
 3 *Defense Military Retirement Fund established under section*  
 4 *1461(a) of title 10, United States Code.*

5                   ***Subtitle E—Other Matters***

6   ***SEC. 651. INCREASED MAXIMUM PERIOD FOR LEAVE OF AB-***  
 7                   ***SENCE FOR PURSUIT OF A PROGRAM OF EDU-***  
 8                   ***CATION IN A HEALTH CARE PROFESSION.***

9       *Section 708(a) of title 10, United States Code, is*  
 10 *amended—*

11               (1) *by striking “for a period not to exceed two*  
 12 *years”; and*

13               (2) *by adding at the end the following: “The pe-*  
 14 *riod of a leave of absence granted under this section*  
 15 *may not exceed two years, except that the period may*  
 16 *exceed two years but may not exceed three years in*  
 17 *the case of an eligible member pursuing a program of*  
 18 *education in a health care profession.”.*

19   ***SEC. 652. ELIGIBILITY OF MEMBERS FOR REIMBURSEMENT***  
 20                   ***OF EXPENSES INCURRED FOR ADOPTION***  
 21                   ***PLACEMENTS MADE BY FOREIGN GOVERN-***  
 22                   ***MENTS.***

23       *Section 1052(g)(3) of title 10, United States Code, is*  
 24 *amended by adding at the end the following new subpara-*  
 25 *graph:*

1           “(D) A foreign government or an agency  
2 authorized by a foreign government to place chil-  
3 dren for adoption, in any case in which—

4                   “(i) the adopted child is entitled to  
5 automatic citizenship under section 320 of  
6 the Immigration and Nationality Act (8  
7 U.S.C. 1431); or

8                   “(ii) a certificate of citizenship has  
9 been issued for such child under section 322  
10 of that Act (8 U.S.C. 1433).”.

11 **SEC. 653. ACCEPTANCE OF FREQUENT TRAVELER MILES,**  
12 **CREDITS, AND TICKETS TO FACILITATE THE**  
13 **AIR OR SURFACE TRAVEL OF CERTAIN MEM-**  
14 **BERS OF THE ARMED FORCES AND THEIR**  
15 **FAMILIES.**

16       Section 2608 of title 10, United States Code, is  
17 amended—

18           (1) by redesignating subsections (g) through (k)  
19 as subsections (h) through (l), respectively; and

20           (2) by inserting after subsection (f) the following  
21 new subsection:

22       “(g) OPERATION HERO MILES.—(1) The Secretary of  
23 Defense may use the authority of subsection (a) to accept  
24 the donation of frequent traveler miles, credits, and tickets  
25 for air or surface transportation issued by any air carrier

1 *or surface carrier that serves the public and that consents*  
2 *to such donation, and under such terms and conditions as*  
3 *the air or surface carrier may specify. The Secretary shall*  
4 *designate a single office in the Department of Defense to*  
5 *carry out this subsection, including the establishment of*  
6 *such rules and procedures as may be necessary to facilitate*  
7 *the acceptance of such frequent traveler miles, credits, and*  
8 *tickets.*

9       “(2) *Frequent traveler miles, credits, and tickets ac-*  
10 *cepted under this subsection shall be used only in accord-*  
11 *ance with the rules established by the air carrier or surface*  
12 *carrier that is the source of the miles, credits, or tickets and*  
13 *shall be used only for the following purposes:*

14               “(A) *To facilitate the travel of a member of the*  
15 *armed forces who—*

16                       “(i) *is deployed on active duty outside the*  
17 *United States away from the permanent duty*  
18 *station of the member in support of a contin-*  
19 *gency operation; and*

20                       “(ii) *is granted, during such deployment,*  
21 *rest and recuperative leave, emergency leave,*  
22 *convalescent leave, or another form of leave au-*  
23 *thorized for the member.*

24               “(B) *In the case of a member of the armed forces*  
25 *recuperating from an injury or illness incurred or ag-*

1       *gravated in the line of duty during such deployment,*  
2       *to facilitate the travel of family members of the mem-*  
3       *ber to be reunited with the member.*

4       “(3) *For the use of miles, credits, or tickets under*  
5       *paragraph (2)(B) by family members of a member of the*  
6       *armed forces, the Secretary may, as the Secretary deter-*  
7       *mines appropriate, limit—*

8               “(A) *eligibility to family members who, by rea-*  
9               *son of affinity, degree of consanguinity, or otherwise,*  
10              *are sufficiently close in relationship to the member of*  
11              *the armed forces to justify the travel assistance;*

12              “(B) *the number of family members who may*  
13              *travel; and*

14              “(C) *the number of trips that family members*  
15              *may take.*

16       “(4) *Notwithstanding paragraph (2), the Secretary of*  
17       *Defense may, in an exceptional case, authorize a person not*  
18       *described in subparagraph (B) of that paragraph to use fre-*  
19       *quent traveler miles, credits, or a ticket accepted under this*  
20       *subsection to visit a member of the armed forces described*  
21       *in such subparagraph if that person has a notably close*  
22       *relationship with the member. The frequent traveler miles,*  
23       *credits, or ticket may be used by such person only in accord-*  
24       *ance with such conditions and restrictions as the Secretary*  
25       *determines appropriate and the rules established by the air*

1 *carrier or surface carrier that is the source of the miles,*  
2 *credits, or ticket.*

3       “(5) *The Secretary of Defense shall encourage air car-*  
4 *riers and surface carriers to participate in, and to facilitate*  
5 *through minimization of restrictions and otherwise, the do-*  
6 *nation, acceptance, and use of frequent traveler miles, cred-*  
7 *its, and tickets under this section.*

8       “(6) *The Secretary of Defense may enter into an agree-*  
9 *ment with a nonprofit organization to use the services of*  
10 *the organization—*

11               “(A) *to promote the donation of frequent traveler*  
12 *miles, credits, and tickets under paragraph (1), except*  
13 *that amounts appropriated to the Department of De-*  
14 *fense may not be expended for this purpose; and*

15               “(B) *to assist in administering the collection,*  
16 *distribution, and use of donated frequent traveler*  
17 *miles, credits, and tickets.*

18       “(7) *Members of the armed forces, family members,*  
19 *and other persons who receive air or surface transportation*  
20 *using frequent traveler miles, credits, or tickets donated*  
21 *under this subsection are deemed to recognize no income*  
22 *from such use. Donors of frequent traveler miles, credits,*  
23 *or tickets under this subsection are deemed to obtain no tax*  
24 *benefit from such donation.*

1       “(8) *In this subsection, the term ‘family member’ has*  
2 *the meaning given that term in section 411h(b)(1) of title*  
3 *37.*”.

4 **SEC. 654. CHILD CARE FOR CHILDREN OF MEMBERS OF**  
5 **ARMED FORCES ON ACTIVE DUTY FOR OPER-**  
6 **ATION ENDURING FREEDOM OR OPERATION**  
7 **IRAQI FREEDOM.**

8       (a) *CHILD CARE FOR CHILDREN WITHOUT ACCESS TO*  
9 *MILITARY CHILD CARE.*—(1) *In any case where the chil-*  
10 *dren of a covered member of the Armed Forces are geo-*  
11 *graphically dispersed and do not have practical access to*  
12 *a military child development center, the Secretary of De-*  
13 *fense may, to the extent funds are available for such pur-*  
14 *pose, provide such funds as are necessary permit the mem-*  
15 *ber’s family to secure access for such children to State li-*  
16 *censed child care and development programs and activities*  
17 *in the private sector that are similar in scope and quality*  
18 *to the child care and development programs and activities*  
19 *the Secretary would otherwise provide access to under sub-*  
20 *chapter II of chapter 88 of title 10, United States Code,*  
21 *and other applicable provisions of law.*

22       (2) *Funds may be provided under paragraph (1) in*  
23 *accordance with the provisions of section 1798 of title 10,*  
24 *United States Code, or by such other mechanism as the Sec-*  
25 *retary considers appropriate.*



1       (3) *The Secretary shall prescribe in regulations prior-*  
2 *ities for the allocation of funds for the provision of access*  
3 *to child care under paragraph (1) in circumstances where*  
4 *funds are inadequate to provide all children described in*  
5 *that paragraph with access to child care as described in*  
6 *that paragraph.*

7       (b) *PRESERVATION OF SERVICES AND PROGRAMS.—*  
8 *The Secretary shall provide for the attendance and partici-*  
9 *pation of children in military child development centers*  
10 *and child care and development programs and activities*  
11 *under subsection (a) in a manner that preserves the scope*  
12 *and quality of child care and development programs and*  
13 *activities otherwise provided by the Secretary.*

14       (c) *FUNDING.—Amounts otherwise available to the De-*  
15 *partment of Defense and the military departments under*  
16 *this Act may be available for purposes of providing access*  
17 *to child care under subsection (a).*

18       (d) *DEFINITIONS.—In this section:*

19               (1) *The term “covered members of the Armed*  
20 *Forces” means members of the Armed Forces on active*  
21 *duty, including members of the Reserves who are*  
22 *called or ordered to active duty under a provision of*  
23 *law referred to in section 101(a)(13)(B) of title 10,*  
24 *United States Code, for Operation Enduring Freedom*  
25 *or Operation Iraqi Freedom.*

1           (2) *The term “military child development cen-*  
 2           *ter” has the meaning given such term in section*  
 3           *1800(1) of title 10, United States Code.*

4 **SEC. 655. RELIEF FOR MOBILIZED MILITARY RESERVISTS**  
 5                   **FROM CERTAIN FEDERAL AGRICULTURAL**  
 6                   **LOAN OBLIGATIONS.**

7           *The Consolidated Farm and Rural Development Act*  
 8           *is amended by inserting after section 331F (7 U.S.C. 1981f)*  
 9           *the following:*

10 **“SEC. 332. RELIEF FOR MOBILIZED MILITARY RESERVISTS**  
 11                   **FROM CERTAIN AGRICULTURAL LOAN OBLI-**  
 12                   **GATIONS.**

13           “(a) *DEFINITION OF MOBILIZED MILITARY RESERV-*  
 14           *IST.—In this section, the term ‘mobilized military reservist’*  
 15           *means an individual who—*

16                   “(1) *is on active duty under section 688,*  
 17                   *12301(a), 12301(g), 12302, 12304, 12306, or 12406,*  
 18                   *or chapter 15 of title 10, United States Code, or any*  
 19                   *other provision of law during a war or during a na-*  
 20                   *tional emergency declared by the President or Con-*  
 21                   *gress, regardless of the location at which the active*  
 22                   *duty service is performed; or*

23                   “(2) *in the case of a member of the National*  
 24                   *Guard, is on full-time National Guard duty (as de-*  
 25                   *finied in section 101(d)(5) of title 10, United States*

1       Code) under a call to active service authorized by the  
2       President or the Secretary of Defense for a period of  
3       more than 30 consecutive days under section 502(f) of  
4       title 32, United States Code, for purposes of respond-  
5       ing to a national emergency declared by the President  
6       and supported by Federal funds.

7       “(b) *FORGIVENESS OF INTEREST PAYMENTS DUE*  
8       *WHILE BORROWER IS A MOBILIZED MILITARY RESERV-*  
9       *IST.—Any requirement that a borrower of a direct loan*  
10      *made under this title make any interest payment on the*  
11      *loan that would otherwise be required to be made while the*  
12      *borrower is a mobilized military reservist is rescinded.*

13      “(c) *DEFERRAL OF PRINCIPAL PAYMENTS DUE WHILE*  
14      *OR AFTER BORROWER IS A MOBILIZED MILITARY RESERV-*  
15      *IST.—The due date of any payment of principal on a direct*  
16      *loan made to a borrower under this title that would other-*  
17      *wise be required to be made while or after the borrower is*  
18      *a mobilized military reservist is deferred for a period equal*  
19      *in length to the period for which the borrower is a mobilized*  
20      *military reservist.*

21      “(d) *NONACCRUAL OF INTEREST.—Interest on a direct*  
22      *loan made to a borrower described in this section shall not*  
23      *accrue during the period the borrower is a mobilized mili-*  
24      *tary reservist.*

1       “(e) *BORROWER NOT CONSIDERED TO BE DELIN-*  
 2 *QUENT OR RECEIVING DEBT FORGIVENESS.*—*Notwith-*  
 3 *standing section 373 or any other provision of this title,*  
 4 *a borrower who receives assistance under this section shall*  
 5 *not, as a result of the assistance, be considered to be delin-*  
 6 *quent or receiving debt forgiveness for purposes of receiving*  
 7 *a direct or guaranteed loan under this title.”.*

8                   **TITLE VII—HEALTH CARE**  
 9       **Subtitle A—Enhanced Benefits for**  
 10                   **Reserves**

11 **SEC. 701. DEMONSTRATION PROJECT ON HEALTH BENE-**  
 12                   **FITS FOR RESERVES.**

13       (a) *DEMONSTRATION PROJECT REQUIRED.*—*The Sec-*  
 14 *retary of Defense shall carry out a demonstration project*  
 15 *under section 1092 of title 10, United States Code, to assess*  
 16 *the need for, and feasibility of, providing benefits under the*  
 17 *TRICARE program to members of the Ready Reserve of the*  
 18 *Armed Forces who are (1) eligible unemployment com-*  
 19 *pensation recipients, (2) in a period of continuous unem-*  
 20 *ployment from the end of their last month as eligible unem-*  
 21 *ployment compensation recipients, or (3) ineligible for cov-*  
 22 *erage by employer-sponsored health benefits plans for em-*  
 23 *ployees.*

24       (b) *DEFINITION.*—*In this section, the term “eligible*  
 25 *unemployment compensation recipient” has the meaning*

1 *given such term in section 1076b(j) of title 10, United*  
2 *States Code.*

3 **SEC. 702. PERMANENT EARLIER ELIGIBILITY DATE FOR**  
4 **TRICARE BENEFITS FOR MEMBERS OF RE-**  
5 **SERVE COMPONENTS.**

6 *Section 1074(d) of title 10, United States Code, is*  
7 *amended by striking paragraph (3).*

8 **SEC. 703. WAIVER OF CERTAIN DEDUCTIBLES FOR MEM-**  
9 **BERS ON ACTIVE DUTY FOR A PERIOD OF**  
10 **MORE THAN 30 DAYS.**

11 *Section 1095d(a) of title 10, United States Code, is*  
12 *amended by striking “a period of less than one year” both*  
13 *places that it appears and inserting “a period of more than*  
14 *30 days”.*

15 **SEC. 704. PROTECTION OF DEPENDENTS FROM BALANCE**  
16 **BILLING.**

17 *Section 1079(h)(4) of title 10, United States Code, is*  
18 *amended by adding at the end the following new subpara-*  
19 *graph:*

20 *“(C) In the case of a member of the reserve components*  
21 *serving on active duty for a period of more than 30 days*  
22 *in support of a contingency operation under a provision*  
23 *of law referred to in section 101(a)(13)(B) of this title, the*  
24 *Secretary may pay the amount applicable under subpara-*

1 *graph (B) to a dependent of such member who is referred*  
2 *to in subparagraph (A).”.*

3 **SEC. 705. PERMANENT EXTENSION OF TRANSITIONAL**  
4 **HEALTH CARE BENEFITS AND ADDITION OF**  
5 **REQUIREMENT FOR PRESEPARATION PHYS-**  
6 **ICAL EXAMINATION.**

7 *(a) PERMANENT REQUIREMENT.—(1) Paragraph (3)*  
8 *of section 1145(a) of title 10, United States Code, is amend-*  
9 *ed to read as follows:*

10 *“(3) Transitional health care for a member under sub-*  
11 *section (a) shall be available for 180 days beginning on the*  
12 *date on which the member is separated from active duty.”.*

13 *(2) The following provisions of law are repealed:*

14 *(A) Section 704 of the National Defense Author-*  
15 *ization Act for Fiscal Year 2004 (Public Law 108–*  
16 *136; 117 Stat. 1527; 10 U.S.C. 1145 note).*

17 *(B) Section 1117 of the Emergency Supple-*  
18 *mental Appropriations Act for Defense and for the*  
19 *Reconstruction of Iraq and Afghanistan, 2004 (Public*  
20 *Law 108–106; 117 Stat. 1218; 10 U.S.C. 1145 note).*

21 *(b) REQUIREMENT FOR PHYSICAL EXAMINATION.—*  
22 *Such section 1145(a), as amended by subsection (a), is fur-*  
23 *ther amended by adding at the end the following new para-*  
24 *graph:*

1       “(4) *The Secretary concerned shall require each mem-*  
2 *ber referred to in paragraph (1) to undergo a comprehensive*  
3 *physical examination immediately before the member is*  
4 *separated from active duty as described in paragraph (2).”.*

5       **SEC. 706. EXPANDED ELIGIBILITY OF READY RESERVE MEM-**  
6                                   **BERS UNDER TRICARE PROGRAM.**

7       (a) *UNCONDITIONAL ELIGIBILITY.*—*Subsection (a) of*  
8 *section 1076b of title 10, United States Code, is amended*  
9 *by striking “is eligible, subject to subsection (h), to enroll*  
10 *in TRICARE” and all that follows through “an employer-*  
11 *sponsored health benefits plan” and inserting “, except for*  
12 *a member who is enrolled or is eligible to enroll in a health*  
13 *benefits plan under chapter 89 of title 5, is eligible to enroll*  
14 *in TRICARE, subject to subsection (h).”.*

15       (b) *PERMANENT AUTHORITY.*—*Subsection (l) of such*  
16 *section is repealed.*

17       (c) *CONFORMING REPEAL OF OBSOLETE PROVI-*  
18 *SIONS.*—*Such section is further amended—*

19                   (1) *by striking subsections (i) and (j); and*

20                   (2) *by redesignating subsection (k) as subsection*

21                   (i).

1 **SEC. 707. CONTINUATION OF NON-TRICARE HEALTH BENE-**  
2 **FITS PLAN COVERAGE FOR CERTAIN RE-**  
3 **SERVES CALLED OR ORDERED TO ACTIVE**  
4 **DUTY AND THEIR DEPENDENTS.**

5 (a) *REQUIRED CONTINUATION.*—(1) Chapter 55 of  
6 title 10, United States Code, is amended by inserting after  
7 section 1078a the following new section:

8 **“§ 1078b. Continuation of non-TRICARE health bene-**  
9 **fits plan coverage for dependents of cer-**  
10 **tain Reserves called or ordered to active**  
11 **duty**

12 “(a) *PAYMENT OF PREMIUMS.*—The Secretary con-  
13 cerned shall pay the applicable premium to continue in  
14 force any qualified health benefits plan coverage for the  
15 members of the family of an eligible reserve component  
16 member for the benefits coverage continuation period if  
17 timely elected by the member in accordance with regulations  
18 prescribed under subsection (j).

19 “(b) *ELIGIBLE MEMBER; FAMILY MEMBERS.*—(1) A  
20 member of a reserve component is eligible for payment of  
21 the applicable premium for continuation of qualified health  
22 benefits plan coverage under subsection (a) while serving  
23 on active duty pursuant to a call or order issued under  
24 a provision of law referred to in section 101(a)(13)(B) of  
25 this title during a war or national emergency declared by  
26 the President or Congress.



1       “(2) *For the purposes of this section, the members of*  
2 *the family of an eligible reserve component member include*  
3 *only the member’s dependents described in subparagraphs*  
4 *(A), (D), and (I) of section 1072(2) of this title.*

5       “(c) *QUALIFIED HEALTH BENEFITS PLAN COV-*  
6 *ERAGE.—For the purposes of this section, health benefits*  
7 *plan coverage for the members of the family of a reserve*  
8 *component member called or ordered to active duty is quali-*  
9 *fied health benefits plan coverage if—*

10           “(1) *the coverage was in force on the date on*  
11 *which the Secretary notified the reserve component*  
12 *member that issuance of the call or order was pending*  
13 *or, if no such notification was provided, the date of*  
14 *the call or order;*

15           “(2) *on such date, the coverage applied to the re-*  
16 *serve component member and members of the family*  
17 *of the reserve component member; and*

18           “(3) *the coverage has not lapsed.*

19       “(d) *APPLICABLE PREMIUM.—The applicable pre-*  
20 *mium payable under this section for continuation of health*  
21 *benefits plan coverage for the family members of a reserve*  
22 *component member is the amount of the premium payable*  
23 *by the member for the coverage of the family members.*

24       “(e) *MAXIMUM AMOUNT.—The total amount that the*  
25 *Department of Defense may pay for the applicable premium*

1 of a health benefits plan for the family members of a reserve  
2 component member under this section in a fiscal year may  
3 not exceed the amount determined by multiplying—

4 “(1) the sum of one plus the number of the fam-  
5 ily members covered by the health benefits plan, by

6 “(2) the per capita cost of providing TRICARE  
7 coverage and benefits for dependents under this chap-  
8 ter for such fiscal year, as determined by the Sec-  
9 retary of Defense.

10 “(f) *BENEFITS COVERAGE CONTINUATION PERIOD.*—

11 *The benefits coverage continuation period under this section*  
12 *for qualified health benefits plan coverage for the family*  
13 *members of an eligible reserve component member called or*  
14 *ordered to active duty is the period that—*

15 “(1) begins on the date of the call or order; and

16 “(2) ends on the earlier of—

17 “(A) the date on which the reserve compo-  
18 nent member’s eligibility for transitional health  
19 care under section 1145(a) of this title termi-  
20 nates under paragraph (3) of such section; or

21 “(B) the date on which the reserve compo-  
22 nent member elects to terminate the continued  
23 qualified health benefits plan coverage of the  
24 member’s family members.

1       “(g) *EXTENSION OF PERIOD OF COBRA COVERAGE.*—

2       *Notwithstanding any other provision of law—*

3               “(1) *any period of coverage under a COBRA*  
4       *continuation provision (as defined in section*  
5       *9832(d)(1) of the Internal Revenue Code of 1986) for*  
6       *an eligible reserve component member under this sec-*  
7       *tion shall be deemed to be equal to the benefits cov-*  
8       *erage continuation period for such member under this*  
9       *section; and*

10              “(2) *with respect to the election of any period of*  
11       *coverage under a COBRA continuation provision (as*  
12       *so defined), rules similar to the rules under section*  
13       *4980B(f)(5)(C) of such Code shall apply.*

14       “(h) *NONDUPLICATION OF BENEFITS.*—*A member of*  
15       *the family of a reserve component member who is eligible*  
16       *for benefits under qualified health benefits plan coverage*  
17       *paid on behalf of the reserve component member by the Sec-*  
18       *retary concerned under this section is not eligible for bene-*  
19       *fits under the TRICARE program during a period of the*  
20       *coverage for which so paid.*

21       “(i) *REVOCABILITY OF ELECTION.*—*A reserve compo-*  
22       *nent member who makes an election under subsection (a)*  
23       *may revoke the election. Upon such a revocation, the mem-*  
24       *ber’s family members shall become eligible for benefits under*  
25       *the TRICARE program as provided for under this chapter.*

1       “(j) *REGULATIONS.*—*The Secretary of Defense shall*  
2 *prescribe regulations for carrying out this section. The regu-*  
3 *lations shall include such requirements for making an elec-*  
4 *tion of payment of applicable premiums as the Secretary*  
5 *considers appropriate.”.*

6       (2) *The table of sections at the beginning of such chap-*  
7 *ter is amended by inserting after the item relating to section*  
8 *1078a the following new item:*

*“1078b. Continuation of non-TRICARE health benefits plan coverage for depend-*  
*ents of certain Reserves called or ordered to active duty.”.*

9       (b) *APPLICABILITY.*—*Section 1078b of title 10, United*  
10 *States Code (as added by subsection (a)), shall apply with*  
11 *respect to calls or orders of members of reserve components*  
12 *of the Armed Forces to active duty as described in sub-*  
13 *section (b) of such section, that are issued by the Secretary*  
14 *of a military department before, on, or after the date of*  
15 *the enactment of this Act, but only with respect to qualified*  
16 *health benefits plan coverage (as described in subsection (c)*  
17 *of such section) that is in effect on or after the date of the*  
18 *enactment of this Act.*

## 19                   **Subtitle B—Other Matters**

### 20   **SEC. 711. REPEAL OF REQUIREMENT FOR PAYMENT OF SUB-** 21                   **SISTENCE CHARGES WHILE HOSPITALIZED.**

22       (a) *REPEAL.*—*Section 1075 of title 10, United States*  
23 *Code, is repealed.*

1       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
2 *the beginning of chapter 55 of such title is amended by*  
3 *striking the item relating to section 1075.*

4 **SEC. 712. OPPORTUNITY FOR YOUNG CHILD DEPENDENT OF**  
5 **DECEASED MEMBER TO BECOME ELIGIBLE**  
6 **FOR ENROLLMENT IN A TRICARE DENTAL**  
7 **PLAN.**

8       Section 1076a(k)(2) of title 10, United States Code, is  
9 amended—

10           (1) by striking “under subsection (a) or” and in-  
11           serting “under subsection (a),”; and

12           (2) by inserting after “under subsection (f),” the  
13           following: “or is not enrolled because the dependent is  
14           a child under the minimum age for enrollment,”.

15 **SEC. 713. PEDIATRIC DENTAL PRACTICE NECESSARY FOR**  
16 **PROFESSIONAL ACCREDITATION.**

17       Section 1077(c) of title 10, United States Code, is  
18 amended—

19           (1) by striking “A dependent” and inserting “(1)  
20           Except as specified in paragraph (2), a dependent”;  
21           and

22           (2) by adding at the end the following new para-  
23           graph:

24           “(2)(A) Dependents 12 years of age or younger who  
25 are covered by a dental plan under section 1076a of this

1 *title may be treated by postgraduate dental students in a*  
2 *dental treatment facility of the uniformed services accred-*  
3 *ited by the American Dental Association under a graduate*  
4 *dental education program accredited by the American Den-*  
5 *tal Association if—*

6           “(i) *treatment of pediatric dental patients is*  
7 *necessary in order to satisfy an accreditation stand-*  
8 *ard of the American Dental Association that is appli-*  
9 *cable to such facility or program, or training in pedi-*  
10 *atric dental care is necessary for the students to be*  
11 *professionally qualified to provide dental care for de-*  
12 *pendent children accompanying members of the uni-*  
13 *formed services outside the United States; and*

14           “(ii) *the caseload of pediatric patients at such*  
15 *facility is insufficient to support satisfaction of the*  
16 *accreditation or professional requirements in pedi-*  
17 *atric dental care that apply to such facility, program,*  
18 *or students.*

19           “(B) *The total number of dependents treated in all fa-*  
20 *cilities of the uniformed services under subparagraph (A)*  
21 *in a fiscal year may not exceed 2,000.”.*

22 **SEC. 714. SERVICES OF MARRIAGE AND FAMILY THERA-**  
23 **PISTS.**

24           (a) *AUTHORITY TO ENTER INTO PERSONAL SERVICES*  
25 *CONTRACTS.—Section 704(c)(2) of the National Defense*

1 *Authorization Act for Fiscal Year 1995 (Public Law 103–*  
2 *337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by*  
3 *inserting “marriage and family therapists certified as such*  
4 *by a certification recognized by the Secretary of Defense,”*  
5 *after “psychologists,”.*

6 (b) *APPLICABILITY OF LICENSURE REQUIREMENT FOR*  
7 *HEALTH-CARE PROFESSIONALS.—Section 1094(e)(2) of*  
8 *title 10, United States Code, is amended by inserting “mar-*  
9 *riage and family therapist certified as such by a certifi-*  
10 *cation recognized by the Secretary of Defense,” after “psy-*  
11 *chologist,”.*

12 **SEC. 715. CHIROPRACTIC HEALTH CARE BENEFITS ADVI-**  
13 **SORY COMMITTEE.**

14 (a) *ESTABLISHMENT.—Not later than 30 days after*  
15 *the date of the enactment of this Act, the Secretary of De-*  
16 *fense shall establish an oversight advisory committee to pro-*  
17 *vide the Secretary with advice and recommendations re-*  
18 *garding the continued development and implementation of*  
19 *an effective program of chiropractic health care benefits for*  
20 *members of the uniformed services on active duty.*

21 (b) *MEMBERSHIP.—The advisory committee shall be*  
22 *composed of members selected from among persons who, by*  
23 *reason of education, training, and experience, are experts*  
24 *in chiropractic health care, as follows:*

1           (1) *Members appointed by the Secretary of De-*  
2           *fense in such number as the Secretary determines ap-*  
3           *propriate for carrying out the duties of the advisory*  
4           *committee effectively.*

5           (2) *A representative of each of the Armed Forces,*  
6           *as designated by the Secretary of the military depart-*  
7           *ment concerned.*

8           (c) *CHAIRMAN.—The Secretary of Defense shall des-*  
9           *ignate one member of the advisory committee to serve as*  
10          *the Chairman of the advisory committee.*

11          (d) *MEETINGS.—The advisory committee shall meet at*  
12          *the call of the Chairman, but not fewer than three times*  
13          *each fiscal year, beginning in fiscal year 2005.*

14          (e) *DUTIES.—The advisory committee shall have the*  
15          *following duties:*

16               (1) *Review and evaluate the program of chiro-*  
17               *practic health care benefits provided to members of*  
18               *the uniformed services on active duty under chapter*  
19               *55 of title 10, United States Code.*

20               (2) *Provide the Secretary of Defense with advice*  
21               *and recommendations as described in subsection (a).*

22               (3) *Upon the Secretary's determination that the*  
23               *program of chiropractic health care benefits referred*  
24               *to in paragraph (1) has been fully implemented, pre-*  
25               *pare and submit to the Secretary a report containing*



1 *the advisory committee's evaluation of such program*  
2 *as implemented.*

3 (f) *APPLICABILITY OF TEMPORARY ORGANIZATIONS*  
4 *LAW.—(1) Section 3161 of title 5, United States Code, shall*  
5 *apply to the advisory committee under this section.*

6 (2) *The Federal Advisory Committee Act (5 U.S.C.*  
7 *App.) shall not apply to the oversight advisory committee*  
8 *under this section.*

9 (g) *TERMINATION.—The advisory committee shall ter-*  
10 *minate 90 days after the date on which the committee sub-*  
11 *mits the report to the Secretary of Defense under subsection*  
12 *(e)(3).*

13 **SEC. 716. GROUNDS FOR PRESIDENTIAL WAIVER OF RE-**  
14 **QUIREMENT FOR INFORMED CONSENT OR**  
15 **OPTION TO REFUSE REGARDING ADMINIS-**  
16 **TRATION OF DRUGS NOT APPROVED FOR**  
17 **GENERAL USE.**

18 (a) *INVESTIGATIONAL NEW DRUGS.—Section 1107(f)*  
19 *of title 10, United States Code, is amended—*

20 (1) *in paragraph (1), by striking “obtaining*  
21 *consent—” and all that follows through “(C) is” and*  
22 *inserting “obtaining consent is”; and*

23 (2) *by striking paragraph (2) and inserting the*  
24 *following new paragraph:*

1       “(2) *The waiver authority provided in paragraph (1)*  
2 *shall not be construed to apply to any case other than a*  
3 *case in which prior consent for administration of a par-*  
4 *ticular drug is required by reason of a determination by*  
5 *the Secretary of Health and Human Services that such drug*  
6 *is subject to the investigational new drug requirements of*  
7 *section 505(i) of the Federal Food, Drug, and Cosmetic*  
8 *Act.*”.

9       (b) *EMERGENCY USE DRUGS.*—Section 1107a(a) of  
10 *such title is amended—*

11             (1) *by inserting “(A)” after “PRESIDENT.—(1)”;*

12             (2) *by striking “is not feasible,” and all that fol-*  
13 *lows through “members affected, or”; and*

14             (3) *by adding at the end the following new sub-*  
15 *paragraph:*

16       “(B) *The waiver authority provided in subparagraph*  
17 *(A) shall not be construed to apply to any case other than*  
18 *a case in which an individual is required to be informed*  
19 *of an option to accept or refuse administration of a par-*  
20 *ticular product by reason of a determination by the Sec-*  
21 *retary of Health and Human Services that emergency use*  
22 *of such product is authorized under section 564 of the Fed-*  
23 *eral Food, Drug, and Cosmetic Act.*”.

1 **SEC. 717. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR**  
2 **MEDICAL AND DENTAL CARE AND DISABILITY**  
3 **BENEFITS.**

4 (a) *MEDICAL AND DENTAL CARE.*—(1) *Chapter 55 of*  
5 *title 10, United States Code, is amended by inserting after*  
6 *section 1074a the following new section:*

7 **“§ 1074b. Medical and dental care: cadets and mid-**  
8 **shipmen**

9 “(a) *ELIGIBILITY.*—*Under joint regulations prescribed*  
10 *by the administering Secretaries, the following persons are,*  
11 *except as provided in subsection (c), entitled to the benefits*  
12 *described in subsection (b):*

13 “(1) *A cadet at the United States Military Acad-*  
14 *emy, the United States Air Force Academy, or the*  
15 *Coast Guard Academy, and a midshipman at the*  
16 *United States Naval Academy, who incurs or aggra-*  
17 *vates an injury, illness, or disease in the line of duty.*

18 “(2) *Each member of, and each designated appli-*  
19 *cant for membership in, the Senior Reserve Officers’*  
20 *Training Corps who incurs or aggravates an injury,*  
21 *illness, or disease in the line of duty while performing*  
22 *duties under section 2109 of this title.*

23 “(b) *BENEFITS.*—*A person eligible for benefits in sub-*  
24 *section (a) for an injury, illness, or disease is entitled to—*

25 “(1) *the medical and dental care under this*  
26 *chapter that is appropriate for the treatment of the*

1        *injury, illness, or disease until the injury, illness, dis-*  
 2        *ease, or any resulting disability cannot be materially*  
 3        *improved by further hospitalization or treatment; and*  
 4                *“(2) meals during hospitalization.*

5        *“(c) EXCEPTION.—A person is not entitled to benefits*  
 6        *under subsection (b) for an injury, illness, or disease, or*  
 7        *the aggravation of an injury, illness, or disease that is a*  
 8        *result of the gross negligence or the misconduct of that per-*  
 9        *son.”.*

10        *(2) The table of sections at the beginning of such chap-*  
 11        *ter is amended by inserting after the item relating to section*  
 12        *1074a the following new item:*

*“1074b. Medical and dental care: cadets and midshipmen of the service acad-*  
*emies.”.*

13        *(b) ELIGIBILITY OF ACADEMY CADETS AND MID-*  
 14        *SHIPMEN FOR DISABILITY RETIRED PAY.—(1)(A) Section*  
 15        *1217 of title 10, United States Code, is amended to read*  
 16        *as follows:*

17        **“§ 1217. Cadets, midshipmen, and aviation cadets: ap-**  
 18                                ***plicability of chapter***

19        *“(a) This chapter applies to cadets at the United*  
 20        *States Military Academy, the United States Air Force*  
 21        *Academy, and the United States Coast Guard Academy and*  
 22        *midshipmen of the United States Naval Academy.*

23        *“(b) Monthly cadet pay and monthly midshipman pay*  
 24        *under section 203(c) of title 37 shall be considered to be*

1 *basic pay for purposes of this chapter and the computation*  
2 *of retired pay and severance and separation pay to which*  
3 *entitlement is established under this chapter.”.*

4 *(B) The item related to section 1217 in the table of*  
5 *sections at the beginning of chapter 61 of such title is*  
6 *amended to read as follows:*

*“1217. Cadets, midshipmen, and aviation cadets: applicability of chapter.”.*

7 *(2) The amendments made by paragraph (1) shall take*  
8 *effect on October 1, 2004.*

9 **SEC. 718. CONTINUATION OF SUB-ACUTE CARE FOR TRANSI-**  
10 **TION PERIOD.**

11 *Section 1074j(b) of title 10, United States Code, is*  
12 *amended by adding at the end the following new paragraph:*

13 *“(4) The Secretary of Defense may take such actions*  
14 *as are necessary to ensure that there is an effective transi-*  
15 *tion in the furnishing of part-time or intermittent home*  
16 *health care benefits for covered beneficiaries who were re-*  
17 *ceiving such benefits before the establishment of the program*  
18 *under this section. The actions taken under this paragraph*  
19 *may include the continuation of such benefits on an ex-*  
20 *tended basis for such time as the Secretary determines ap-*  
21 *propriate.”.*

1 **SEC. 719. TEMPORARY AUTHORITY FOR WAIVER OF COLLEC-**  
2 **TION OF PAYMENTS DUE FOR CHAMPUS BEN-**  
3 **EFITS RECEIVED BY DISABLED PERSONS UN-**  
4 **AWARE OF LOSS OF CHAMPUS ELIGIBILITY.**

5 (a) *AUTHORITY TO WAIVE DEBT.*—(1) *The Secretary*  
6 *of Defense, in consultation with the other administering*  
7 *Secretaries, may waive (in whole or in part) the collection*  
8 *of payments otherwise due from a person described in sub-*  
9 *section (b) for health benefits received by such person under*  
10 *section 1086 of title 10, United States Code, after the termi-*  
11 *nation of that person’s eligibility for such benefits.*

12 (2) *If the Secretary of Defense waives collection of pay-*  
13 *ments from a person under paragraph (1), the Secretary*  
14 *may also authorize a continuation of benefits for such per-*  
15 *son under such section 1086 for a period ending not later*  
16 *than the end of the period specified in subsection (c) of this*  
17 *section.*

18 (b) *ELIGIBLE PERSONS.*—*A person is eligible for relief*  
19 *under subsection (a)(1) if—*

20 (1) *the person is described in paragraph (1) of*  
21 *subsection (d) of section 1086 of title 10, United*  
22 *States Code;*

23 (2) *except for such paragraph, the person would*  
24 *have been eligible for the health benefits under such*  
25 *section; and*

26 (3) *at the time of the receipt of such benefits—*

1           (A) the person satisfied the criteria specified  
2           in paragraph (2)(B) of such subsection (d); and

3           (B) the person was unaware of the loss of  
4           eligibility to receive the health benefits.

5           (c) *PERIOD OF APPLICABILITY.*—The authority pro-  
6           vided under this section to waive collection of payments and  
7           to continue benefits shall apply, under terms and conditions  
8           prescribed by the Secretary of Defense, to health benefits  
9           provided under section 1086 of title 10, United States Code,  
10          during the period beginning on July 1, 1999, and ending  
11          at the end of December 31, 2004.

12          (d) *CONSULTATION WITH OTHER ADMINISTERING*  
13          *SECRETARIES.*—(1) The Secretary of Defense shall consult  
14          with the other administering Secretaries in exercising the  
15          authority provided in this section.

16          (2) In this subsection, the term “administering Secre-  
17          taries” has the meaning given such term in section 1072(3)  
18          of title 10, United States Code.

19          **SEC. 720. VACCINE HEALTHCARE CENTERS NETWORK.**

20          Section 1110 of title 10, United States Code, is amend-  
21          ed by adding at the end the following:

22          “(c) *VACCINE HEALTHCARE CENTERS NETWORK.*—(1)  
23          The Secretary shall carry out this section through the Vac-  
24          cine Healthcare Centers Network as established by the Sec-

1 *retary in collaboration with the Director of the Centers for*  
2 *Disease Control and Prevention.*

3       “(2) *In addition to conducting the activities described*  
4 *in subsection (b), it shall be the purpose of the Vaccine*  
5 *Healthcare Centers Network to improve—*

6           “(A) *the safety and quality of vaccine adminis-*  
7 *tration for the protection of members of the armed*  
8 *forces;*

9           “(B) *the submission of data to the Vaccine-re-*  
10 *lated Adverse Events Reporting System to include*  
11 *comprehensive content and follow-up data;*

12           “(C) *the access to clinical management services*  
13 *to members of the armed forces who experience vac-*  
14 *cine adverse events;*

15           “(D) *the knowledge and understanding by mem-*  
16 *bers of the armed forces and vaccine-providers of im-*  
17 *munization benefits and risks.*

18           “(E) *networking between the Department of De-*  
19 *fense, the Department of Health and Human Services,*  
20 *the Department of Veterans Affairs, and private advo-*  
21 *cacy and coalition groups with regard to immuniza-*  
22 *tion benefits and risks; and*

23           “(F) *clinical research on the safety and efficacy*  
24 *of vaccines.*



1       “(3) To achieve the purposes described in paragraph  
2 (2), the Vaccine Healthcare Centers Network, in collabora-  
3 tion with the medical departments of the armed forces, shall  
4 carry out the following:

5               “(A)(i) Establish a network of centers of excel-  
6 lence in clinical immunization safety assessment that  
7 provides for outreach, education, and confidential  
8 consultative and direct patient care services for vac-  
9 cine related adverse events prevention, diagnosis,  
10 treatment and follow-up with respect to members of  
11 the armed services.

12              “(ii) Such centers shall provide expert second  
13 opinions for such members regarding medical exemp-  
14 tions under this section and for additional care that  
15 is not available at the local medical facilities of such  
16 members.

17              “(B) Develop standardized educational outreach  
18 activities to support the initial and ongoing provision  
19 of training and education for providers and nursing  
20 personnel who are engaged in delivering immuniza-  
21 tion services to the members of the armed forces.

22              “(C) Develop a program for quality improve-  
23 ment in the submission and understanding of data  
24 that is provided to the Vaccine-related Adverse Events

1        *Reporting System, particularly among providers and*  
2        *members of the armed forces.*

3            *“(D) Develop and standardize a quality im-*  
4        *provement program for the Department of Defense re-*  
5        *lating to immunization services.*

6            *“(E) Develop an effective network system, with*  
7        *appropriate internal and external collaborative ef-*  
8        *forts, to facilitate integration, educational outreach,*  
9        *research, and clinical management of adverse vaccine*  
10       *events.*

11           *“(F) Provide education and advocacy for vaccine*  
12       *recipients to include access to vaccine safety pro-*  
13       *grams, medical exemptions, and quality treatment.*

14           *“(G) Support clinical studies with respect to the*  
15       *safety and efficacy of vaccines, including outcomes*  
16       *studies on the implementation of recommendations*  
17       *contained in the clinical guidelines for vaccine-related*  
18       *adverse events.*

19           *“(H) Develop implementation recommendations*  
20       *for vaccine exemptions or alternative vaccine strate-*  
21       *gies for members of the armed forces who have had*  
22       *prior, or who are susceptible to, serious adverse*  
23       *events, including those with genetic risk factors, and*  
24       *the discovery of treatments for adverse events that are*  
25       *most effective.*

1 “(4) *It is the sense of the Senate—*

2 “(A) *to recognize the important work being done*  
3 *by the Vaccine Healthcare Center Network for the*  
4 *members of the armed forces; and*

5 “(B) *that each of the military departments (as*  
6 *defined in section 102 of title 5, United States Code)*  
7 *is strongly encouraged to fund the Vaccine Healthcare*  
8 *Center Network.”.*

9 **SEC. 721. USE OF DEPARTMENT OF DEFENSE FUNDS FOR**  
10 **ABORTIONS IN CASES OF RAPE AND INCEST.**

11 *Section 1093(a) of title 10, United States Code, is*  
12 *amended by inserting before the period at the end the fol-*  
13 *lowing: “ or in a case in which the pregnancy is the result*  
14 *of an act of rape or incest”.*

15 **TITLE VIII—ACQUISITION POL-**  
16 **ICY, ACQUISITION MANAGE-**  
17 **MENT, AND RELATED MAT-**  
18 **TERS**

19 **Subtitle A—Acquisition Policy and**  
20 **Management**

21 **SEC. 801. RESPONSIBILITIES OF ACQUISITION EXECUTIVES**  
22 **AND CHIEF INFORMATION OFFICERS UNDER**  
23 **THE CLINGER-COHEN ACT.**

24 (a) **ACQUISITIONS OF INFORMATION TECHNOLOGY**  
25 **EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON SYS-**

1 *TEM.—(1) Chapter 131 of title 10, United States Code, is*  
2 *amended by inserting after section 2223 the following:*

3 **“§2223a. Acquisition of information technology**  
4 **equipment integral to a weapon or a**  
5 **weapon system**

6 *“(a) RESPONSIBILITIES OF ACQUISITION EXECU-*  
7 *TIVES.—The acquisition executive of each military depart-*  
8 *ment shall be responsible for ensuring that, with regard to*  
9 *a weapon or weapon system acquired or to be acquired by*  
10 *or for that military department—*

11 *“(1) the acquisition of information technology*  
12 *equipment that is integral to the weapon or a weapon*  
13 *system is conducted in a manner that is consistent*  
14 *with the capital planning, investment control, and*  
15 *performance and results-based management processes*  
16 *and requirements provided under sections 11302,*  
17 *11303, 11312, and 11313 of title 40, to the extent that*  
18 *such processes requirements are applicable to the ac-*  
19 *quisition of such equipment;*

20 *“(2) issues of spectrum availability, interoper-*  
21 *ability, and information security are appropriately*  
22 *addressed in the development of the weapon or weap-*  
23 *on system; and*

24 *“(3) in the case of information technology equip-*  
25 *ment that is to be incorporated into a weapon or a*

1 *weapon system under a major defense acquisition*  
2 *program, the information technology equipment is in-*  
3 *corporated in a manner that is consistent with—*

4 *“(A) the planned approach to applying cer-*  
5 *tain provisions of law to major defense acquisi-*  
6 *tion programs following the evolutionary acqui-*  
7 *sition process that the Secretary of Defense re-*  
8 *ported to Congress under section 802 of the Bob*  
9 *Stump National Defense Authorization Act for*  
10 *Fiscal Year 2003 (Public Law 107–314; 116*  
11 *Stat. 2602);*

12 *“(B) the acquisition policies that apply to*  
13 *spiral development programs under section 803*  
14 *of such Act (116 Stat. 2603; 10 U.S.C. 2430*  
15 *note); and*

16 *“(C) the software acquisition processes of*  
17 *the military department or Defense Agency con-*  
18 *cerned under section 804 of such Act (116 Stat.*  
19 *2604; 10 U.S.C. 2430 note).*

20 *“(b) BOARD OF SENIOR ACQUISITION OFFICIALS.—(1)*  
21 *The Secretary of Defense shall establish a board of senior*  
22 *acquisition officials to develop policy and provide oversight*  
23 *on the implementation of the requirements of this section*  
24 *and chapter 113 of title 40 in procurements of information*

1 *technology equipment that is integral to a weapon or a*  
2 *weapon system.*

3       “(2) *The board shall be composed of the following offi-*  
4 *cials:*

5               “(A) *The Under Secretary of Defense for Acquisi-*  
6 *tion, Technology, and Logistics, who shall be the*  
7 *Chairman.*

8               “(B) *The acquisition executives of the military*  
9 *departments.*

10              “(C) *The Chief Information Officer of the De-*  
11 *partment of Defense.*

12       “(3) *Any question regarding whether information tech-*  
13 *nology equipment is integral to a weapon or weapon system*  
14 *shall be resolved by the board in accordance with policies*  
15 *established by the board.*

16       “(c) *INAPPLICABILITY OF OTHER LAWS.—The fol-*  
17 *lowing provisions of law do not apply to information tech-*  
18 *nology equipment that is integral to a weapon or a weapon*  
19 *system:*

20               “(1) *Section 11315 of title 40.*

21               “(2) *The policies and procedures established*  
22 *under section 11316 of title 40.*

23               “(3) *Subsections (d) and (e) of section 811 of the*  
24 *Floyd D. Spence National Defense Authorization Act*  
25 *for Fiscal Year 2001 (as enacted into law by Public*

1       *Law 106–398; 114 Stat. 1654A–211), and the re-*  
2       *quirements and prohibitions that are imposed by De-*  
3       *partment of Defense Directive 5000.1 pursuant to*  
4       *subsections (b) and (c) of such section.*

5               “(4) *Section 351 of the Bob Stump National De-*  
6       *fense Authorization Act for Fiscal Year 2003 (Public*  
7       *Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note).*

8       “(d) *DEFINITIONS.—In this section:*

9               “(1) *The term ‘acquisition executive’, with re-*  
10       *spect to a military department, means the official*  
11       *who is designated as the senior procurement executive*  
12       *of the military department under section 16(3) of the*  
13       *Office of Federal Procurement Policy Act (41 U.S.C.*  
14       *414(3)).*

15               “(2) *The term ‘information technology’ has the*  
16       *meaning given such term in section 11101 of title 40.*

17               “(3) *The term ‘major defense acquisition pro-*  
18       *gram’ has the meaning given such term in section*  
19       *2430 of this title.”.*

20       “(2) *The table of sections at the beginning of such chap-*  
21       *ter is amended by inserting after the item relating to section*  
22       *2223 the following new item:*

      “2223a. *Acquisition of information technology equipment integral to a weapon or*  
      *a weapon system.”.*

23       “(b) *CONFORMING AMENDMENTS.—Section 2223 of such*  
24       *title is amended—*

1           (1) *by redesignating subsection (c) as subsection*  
2           *(d); and*

3           (2) *by inserting after subsection (b) the following*  
4           *new subsection (c):*

5           “(c) *EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON*  
6           *SYSTEM.—(1) In the case of information technology equip-*  
7           *ment that is integral to a weapon or weapon system ac-*  
8           *quired or to be acquired by or for a military department,*  
9           *the responsibilities under this section shall be performed by*  
10           *the acquisition executive of that military department pur-*  
11           *suant to the guidance and oversight of the board of senior*  
12           *acquisition officials established under section 2223a(b) of*  
13           *this title.*

14           “(2) *In this subsection, the term ‘acquisition executive’*  
15           *has the meaning given said term in section 2223a(d) of this*  
16           *title.’.*”

17           **SEC. 802. SOFTWARE-RELATED PROGRAM COSTS UNDER**  
18           **MAJOR DEFENSE ACQUISITION PROGRAMS.**

19           (a) *CONTENT OF QUARTERLY UNIT COST REPORT.—*  
20           *Subsection (b) of section 2433 of title 10, United States*  
21           *Code, is amended by adding at the end the following new*  
22           *paragraph:*

23           “(5) *Any significant changes in the total pro-*  
24           *gram cost for development and procurement of the*  
25           *software component of the program, schedule mile-*



1       stones for the software component of the program, or  
2       expected performance for the software component of  
3       the program that are known, expected, or anticipated  
4       by the program manager.”.

5       (b) *CONTENT OF SELECTED ACQUISITION REPORT.*—

6       (1) *Subsection (g)(1) of such section is amended by adding*  
7       *at the end the following new subparagraph:*

8               “(Q) *In any case in which one or more problems*  
9               *with the software component of the program signifi-*  
10              *cantly contributed to the increase in program unit*  
11              *costs, the action taken and proposed to be taken to*  
12              *solve such problems.”.*

13       (2) *Section 2432(e) of title 10, United States Code, is*  
14       *amended—*

15              (A) *by redesignating paragraphs (7), (8), and*  
16              *(9), as paragraphs (8), (9) and (10), respectively; and*

17              (B) *by inserting after paragraph (6) the fol-*  
18              *lowing new paragraph (7):*

19              “(7) *The reasons for any significant changes*  
20              *(from the previous Selected Acquisition Report) in the*  
21              *total program cost for development and procurement*  
22              *of the software component of the program, schedule*  
23              *milestones for the software component of the program,*  
24              *or expected performance for the software component of*

1 *the program that are known, expected, or anticipated*  
 2 *by the program manager.”.*

3 *(c) EFFECTIVE DATE.—The amendments made by this*  
 4 *section shall take effect on October 1, 2004, and shall apply*  
 5 *with respect to reports due to be submitted to Congress on*  
 6 *or after such date.*

7 **SEC. 803. INTERNAL CONTROLS FOR DEPARTMENT OF DE-**  
 8 **FENSE PURCHASES THROUGH GSA CLIENT**  
 9 **SUPPORT CENTERS.**

10 *(a) LIMITATION.—No official of the Department of De-*  
 11 *fense may place an order for, make a purchase of, or other-*  
 12 *wise procure property or services in an amount in excess*  
 13 *of \$100,000 through any particular GSA Client Support*  
 14 *Center until the Inspector General of the Department of De-*  
 15 *fense has, after the date of the enactment of this Act—*

16 *(1) reviewed the policies, procedures, and inter-*  
 17 *nal controls of such Client Support Center in con-*  
 18 *sultation with the Inspector General of the General*  
 19 *Services Administration; and*

20 *(2) certified in writing to the Secretary of De-*  
 21 *fense and the Administrator of General Services that*  
 22 *such policies, procedures, and internal controls are*  
 23 *adequate to ensure the compliance of such Client Sup-*  
 24 *port Center with the requirements of law and regula-*

1        *tions that are applicable to orders, purchases, and*  
2        *other procurements of property and services.*

3        *(b) GSA CLIENT SUPPORT CENTER DEFINED.—In*  
4        *this section, the term “GSA Client Support Center” means*  
5        *a Client Support Center of the Federal Technology Service*  
6        *of the General Services Administration.*

7        *(c) EFFECTIVE DATE AND APPLICABILITY.—This sec-*  
8        *tion shall take effect on the date of the enactment of this*  
9        *Act and shall apply with respect to orders, purchases, and*  
10       *other procurements that are initiated by the Department*  
11       *of Defense with a GSA Client Support Center on or after*  
12       *such date.*

13       **SEC. 804. DEFENSE COMMERCIAL SATELLITE SERVICES**  
14       **PROCUREMENT PROCESS.**

15       *(a) REQUIREMENT FOR DETERMINATION.—The Sec-*  
16       *retary of Defense shall review alternative mechanisms for*  
17       *procuring commercial satellite services and provide guid-*  
18       *ance to the Director of the Defense Information Systems*  
19       *Agency and the Secretaries of the military departments on*  
20       *how such procurements should be conducted. The alternative*  
21       *procurement mechanisms reviewed by the Secretary of De-*  
22       *fense shall, at a minimum, include the following:*

23                *(1) Procurement under indefinite delivery, in-*  
24                *definite quantity contracts of the Federal Technology*  
25                *Service of the General Services Administration.*

1           (2) *Procurement directly from commercial*  
2           *sources that are qualified as described in subsection*  
3           *(b), using full and open competition (as defined in*  
4           *section 4(6) of the Office of Federal Procurement Pol-*  
5           *icy Act (41 U.S.C. 403(6))).*

6           (3) *Procurement by any other means that has*  
7           *been used by the Director of the Defense Information*  
8           *Systems Agency or the Secretary of a military de-*  
9           *partment to enter into a contract for the procurement*  
10          *of commercial satellite services that is in force on the*  
11          *date of the enactment of this Act.*

12          (b) *QUALIFIED SOURCES.*—*A source of commercial*  
13          *satellite services referred to in paragraph (2) of subsection*  
14          *(a) is a qualified source if the source is incorporated under*  
15          *the laws of a State of the United States and is either—*

16               (1) *a source of commercial satellite services*  
17               *under a Federal Technology Service contract for the*  
18               *procurement of commercial satellite services described*  
19               *in paragraph (1) of such subsection that is in force*  
20               *on the date of the enactment of this Act; or*

21               (2) *a source of commercial satellite services that*  
22               *meets qualification requirements (as defined in sec-*  
23               *tion 2319 of title 10, United States Code, and estab-*  
24               *lished in accordance with that section) to enter into*

1        *a Federal Technology Service contract for the procure-*  
2        *ment of commercial satellite services.*

3        *(c) REPORT.—Not later than April 30, 2005, the Sec-*  
4        *retary of Defense shall submit to Congress a report setting*  
5        *forth the conclusions resulting from the Secretary’s review*  
6        *under subsection (a). The report shall include—*

7                *(1) the guidance provided under such subsection;*

8        *and*

9                *(2) a discussion of the rationale for that guid-*  
10        *ance.*

11        **SEC. 805. REVISION AND EXTENSION OF AUTHORITY FOR**  
12                        **ADVISORY PANEL ON REVIEW OF GOVERN-**  
13                        **MENT PROCUREMENT LAWS AND REGULA-**  
14                        **TIONS.**

15        *(a) RELATIONSHIP OF RECOMMENDATIONS TO SMALL*  
16        *BUSINESSES.—Section 1423 of the National Defense Au-*  
17        *thorization Act for Fiscal Year 2004 (Public Law 106–136;*  
18        *117 Stat. 1669; 41 U.S.C. 405 note) is amended—*

19                *(1) by redesignating subsection (d) as subsection*  
20        *(e); and*

21                *(2) by inserting after subsection (c) the following*  
22        *new subsection (d):*

23        *“(d) ISSUES RELATING TO SMALL BUSINESSES.—In*  
24        *developing recommendations under subsection (c)(2), the*  
25        *panel shall—*

1           “(1) consider the effects of its recommendations  
2           on small business concerns; and

3           “(2) include any recommended modifications of  
4           laws, regulations, and policies that the panel con-  
5           siders necessary to enhance and ensure competition in  
6           contracting that affords small business concerns  
7           meaningful opportunity to participate in Federal  
8           Government contracts.”.

9           (b) *REVISION AND EXTENSION OF REPORTING RE-*  
10 *QUIREMENT.*—Section 1423(d) of the National Defense Au-  
11 *thorization Act for Fiscal Year 2004 (Public Law 108–136;*  
12 *117 Stat. 1669; 41 U.S.C. 405 note) is amended—*

13           (1) by striking “one year after the establishment  
14           of the panel” and inserting “one year after the date  
15           of the enactment of the National Defense Authoriza-  
16           tion Act for Fiscal Year 2005”;

17           (2) by striking “Services and” both places it ap-  
18           pears and inserting “Services,”;

19           (3) by inserting “, and Small Business” after  
20           “Government Reform”; and

21           (4) by inserting “, and Small Business and En-  
22           trepreneurship” after “Governmental Affairs”.

1 **Subtitle B—General Contracting**  
2 **Authorities, Procedures, and**  
3 **Limitations, and Other Matters**

4 **SEC. 811. INCREASED THRESHOLDS FOR APPLICABILITY OF**  
5 **CERTAIN REQUIREMENTS.**

6 (a) *SENIOR PROCUREMENT EXECUTIVE APPROVAL OF*  
7 *USE OF PROCEDURES OTHER THAN COMPETITIVE PROCE-*  
8 *DURES.*—Section 2304(f)(1)(B) of title 10, United States  
9 Code, is amended by striking “\$50,000,000” both places it  
10 appears and inserting “\$75,000,000”.

11 (b) *INFORMATION ON SUBCONTRACTING AUTHORITY*  
12 *OF DEFENSE CONTRACTOR PERSONNEL.*—Section 2416(d)  
13 of such title is amended by striking “\$500,000” and insert-  
14 ing “\$1,000,000”.

15 **SEC. 812. PERIOD FOR MULTIYEAR TASK AND DELIVERY**  
16 **ORDER CONTRACTS.**

17 (a) *REVISED MAXIMUM PERIOD.*—Section 2304a(f) of  
18 title 10, United States Code, is amended by striking “a total  
19 period of not more than five years.” and inserting “any  
20 period up to five years and may extend the contract period  
21 for one or more successive periods pursuant to an option  
22 provided in the contract or a modification of the contract.  
23 The total contract period as extended may not exceed eight  
24 years unless such head of an agency personally determines

1 *in writing that exceptional circumstances necessitate a*  
2 *longer contract period.”.*

3       **(b) ANNUAL REPORT.**—*Not later than 60 days after*  
4 *the end of each of fiscal years 2005 through 2009, the Sec-*  
5 *retary of Defense shall submit to Congress a report setting*  
6 *forth each extension of a contract period to a total of more*  
7 *than eight years that was granted for task and delivery*  
8 *order contracts of the Department of Defense during such*  
9 *fiscal year under section 2304a(f) of title 10, United States*  
10 *Code. The report shall include, with respect to each such*  
11 *contract period extension—*

12           (1) *a discussion of the exceptional circumstances*  
13           *on which the extension was based; and*

14           (2) *the justification for the determination of ex-*  
15           *ceptional circumstances.*

16 **SEC. 813. SUBMISSION OF COST OR PRICING DATA ON NON-**  
17                           **COMMERCIAL MODIFICATIONS OF COMMER-**  
18                           **CIAL ITEMS.**

19       **(a) INAPPLICABILITY OF COMMERCIAL ITEMS EXCEP-**  
20 **TION TO NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL**  
21 **ITEMS.**—*Subsection (b) of section 2306a of title 10, United*  
22 *States Code, is amended by adding at the end the following*  
23 *new paragraph:*

24           “(3) **NONCOMMERCIAL MODIFICATIONS OF COM-**  
25           **MERCIAL ITEMS.**—(A) *The exception in paragraph*



1       (1)(B) does not apply to cost or pricing data on non-  
2       commercial modifications of a commercial item that  
3       are expected to cost, in the aggregate, more than  
4       \$500,000.

5               “(B) In this paragraph, the term ‘noncommer-  
6       cial modification’, with respect to a commercial item,  
7       means a modification of such item that is not a  
8       modification described in section 4(12)(C)(i) of the  
9       Office of Federal Procurement Policy Act (41 U.S.C.  
10      403(12)(C)(i)).

11              “(C) Nothing in subparagraph (A) shall be  
12      construed—

13                      “(i) to limit the applicability of the excep-  
14                      tion in subparagraph (A) or (C) of paragraph  
15                      (1) to cost or pricing data on a noncommercial  
16                      modification of a commercial item; or

17                      “(ii) to require the submission of cost or  
18                      pricing data on any aspect of an acquisition of  
19                      a commercial item other than the cost and pric-  
20                      ing of noncommercial modifications of such  
21                      item.”.

22      (b) *EFFECTIVE DATE AND APPLICABILITY.*—Para-  
23      graph (3) of section 2306a of title 10, United States Code  
24      (as added by subsection (a)), shall take effect on January  
25      1, 2005, and shall apply with respect to offers submitted,

1 *and to modifications of contracts or subcontracts made, on*  
2 *or after that date.*

3 **SEC. 814. DELEGATIONS OF AUTHORITY TO MAKE DETER-**  
4 **MINATIONS RELATING TO PAYMENT OF DE-**  
5 **FENSE CONTRACTORS FOR BUSINESS RE-**  
6 **STRUCTURING COSTS.**

7 *Section 2325(a)(2) of title 10, United States Code, is*  
8 *amended—*

9 *(1) by striking “paragraph (1) to an official”*  
10 *and all that follows and inserting “paragraph (1),*  
11 *with respect to a business combination, to an official*  
12 *of the Department of Defense—”; and*

13 *(2) by adding at the end the following:*

14 *“(A) below the level of an Assistant Secretary of*  
15 *Defense for cases in which the amount of restruc-*  
16 *turing costs is expected to exceed \$25,000,000 over a*  
17 *5-year period; or*

18 *“(B) below the level of the Director of the Defense*  
19 *Contract Management Agency for all other cases.”.*

20 **SEC. 815. LIMITATION REGARDING SERVICE CHARGES IM-**  
21 **POSED FOR DEFENSE PROCUREMENTS MADE**  
22 **THROUGH CONTRACTS OF OTHER AGENCIES.**

23 *(a) LIMITATION.—(1) Chapter 141 of title 10, United*  
24 *States Code, is amended by inserting after section 2382 the*  
25 *following new section 2383:*

1 **“§2383. Procurements through contracts of other**  
2 **agencies: service charges**

3 “(a) *LIMITATION.*—*The head of an agency may not*  
4 *procure goods or services (under section 1535 of title 31,*  
5 *pursuant to a designation under section 11302(e) of title*  
6 *40, or otherwise) through a contract entered into by an*  
7 *agency outside the Department of Defense if the amount*  
8 *charged such head of an agency by the contracting agency*  
9 *for the goods or services includes a service charge in a total*  
10 *amount that exceeds one percent of the amount charged by*  
11 *the contractor for such goods or services under the contract.*

12 “(b) *WAIVER AUTHORITY.*—(1) *The appropriate offi-*  
13 *cial of the Department of Defense may waive the limitation*  
14 *in subsection (a) in the case of any procurement for which*  
15 *that official determines that it is in the national security*  
16 *interests of the United States to do so.*

17 “(2) *The appropriate official for exercise of the waiver*  
18 *authority under paragraph (1) is as follows:*

19 “(A) *In the case of a procurement by a Defense*  
20 *Agency or Department of Defense Field Activity, the*  
21 *Secretary of Defense.*

22 “(B) *In the case of a procurement for a military*  
23 *department, the Secretary of that military depart-*  
24 *ment.*

25 “(3)(A) *The Secretary of Defense may not delegate the*  
26 *authority under paragraph (1) to any person other than*

1 *the Deputy Secretary of Defense or the Under Secretary of*  
2 *Defense for Acquisition, Technology, and Logistics.*

3 “(B) *The Secretary of a military department may not*  
4 *delegate the authority under paragraph (1) to any person*  
5 *other than the acquisition executive of that military depart-*  
6 *ment.*

7 “(c) *INAPPLICABILITY TO CONTRACTS FOR CERTAIN*  
8 *SERVICES.—This section does not apply to procurements of*  
9 *the following services:*

10 “(1) *Printing, binding, or blank-book work to*  
11 *which section 502 of title 44 applies.*

12 “(2) *Services available under programs pursuant*  
13 *to section 103 of the Library of Congress Fiscal Oper-*  
14 *ations Improvement Act of 2000 (Public Law 106–*  
15 *481; 114 Stat. 2187; 2 U.S.C. 182c).*

16 “(d) *INAPPLICABILITY TO COAST GUARD AND*  
17 *NASA.—This section does not apply to the Coast Guard*  
18 *when it is not operating as a service in the Navy or to*  
19 *the National Aeronautics and Space Administration.*

20 “(e) *DEFINITIONS.—In this section:*

21 “(1) *The term ‘head of an agency’ has the mean-*  
22 *ing given such term in section 2302 of this title.*

23 “(2) *The term ‘acquisition executive’, with re-*  
24 *spect to a military department, means the official*  
25 *who is designated as the senior procurement executive*

1       of that military department under section 16(3) of the  
2       Office of Federal Procurement Policy Act (41 U.S.C.  
3       414(3)).”.

4       (2) The table of sections at the beginning of such chap-  
5       ter is amended by inserting after the item relating to section  
6       2382 the following new item:

      “2383. Procurements through contracts of other agencies: service charges.”.

7       (b) *EFFECTIVE DATE AND APPLICABILITY.*—Section  
8       2383 of title 10, United States Code, shall take effect on  
9       October 1, 2004, and shall apply with respect to orders for  
10      goods or services that are issued by the head of an agency  
11      (as defined in section 2302 of such title) on or after such  
12      date.

13      **SEC. 816. SENSE OF THE SENATE ON EFFECTS OF COST IN-**  
14                                    **FLATION ON THE VALUE RANGE OF THE CON-**  
15                                    **TRACTS TO WHICH A SMALL BUSINESS CON-**  
16                                    **TRACT RESERVATION APPLIES.**

17      (a) *SENSE OF THE SENATE.*—It is the sense of the Sen-  
18      ate that—

19                   (1) in the administration of the requirement for  
20      reservation of contracts for small businesses under  
21      subsection (j) of section 15 of the Small Business Act  
22      (15 U.S.C. 644), the maximum amount in the con-  
23      tract value range provided under that subsection  
24      should be treated as being adjusted to the same  
25      amount to which the simplified acquisition threshold

1        *is increased whenever such threshold is increased*  
2        *under law; and*

3                *(2) the Administrator for Federal Procurement*  
4        *Policy, in consultation with the Federal Acquisition*  
5        *Regulatory Council, should ensure that appropriate*  
6        *governmentwide policies and procedures are in*  
7        *place—*

8                *(A) to monitor socioeconomic data con-*  
9        *cerning purchases made by means of purchase*  
10        *cards or credit cards issued for use in trans-*  
11        *actions on behalf of the Federal Government; and*

12                *(B) to encourage the placement of a fair*  
13        *portion of such purchases with small businesses*  
14        *consistent with governmentwide goals for small*  
15        *business prime contracting established under sec-*  
16        *tion 15(g) of the Small Business Act (15 U.S.C.*  
17        *644(g)).*

18        *(b) SIMPLIFIED ACQUISITION THRESHOLD DE-*  
19        *FINED.—In this section, the term “simplified acquisition*  
20        *threshold” has the meaning given such term in section 4(11)*  
21        *of the Office of Federal Procurement Policy Act (41 U.S.C.*  
22        *403(11)).*

1                   ***Subtitle C—Extensions of***  
2                   ***Temporary Program Authorities***

3   ***SEC. 821. EXTENSION OF CONTRACT GOAL FOR SMALL DIS-***  
4                   ***ADVANTAGED BUSINESS AND CERTAIN INSTI-***  
5                   ***TUTIONS OF HIGHER EDUCATION.***

6           *Section 2323(k) of title 10, United States Code, is*  
7   *amended by striking “2006” both places it appears and in-*  
8   *serting “2009”.*

9   ***SEC. 822. EXTENSION OF MENTOR-PROTEGE PROGRAM.***

10           *Section 831 of the National Defense Authorization Act*  
11   *for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302*  
12   *note) is amended—*

13                   *(1) in subsection (j)—*

14                           *(A) in paragraph (1), by striking “Sep-*  
15                           *tember 30, 2005” and inserting “September 30,*  
16                           *2010”; and*

17                           *(B) in paragraph (2), by striking “Sep-*  
18                           *tember 30, 2008” and inserting “September 30,*  
19                           *2013”; and*

20                           *(2) in subsection (l)(3), by striking “2007” and*  
21   *inserting “2012”.*

1 **SEC. 823. EXTENSION OF TEST PROGRAM FOR NEGOTIA-**  
2 **TION OF COMPREHENSIVE SMALL BUSINESS**  
3 **SUBCONTRACTING PLANS.**

4 *Section 834(e) of the National Defense Authorization*  
5 *Act for Fiscal Years 1990 and 1991 (Public Law 101–189;*  
6 *15 U.S.C. 637 note) is amended by striking “September 30,*  
7 *2005” and inserting “September 30, 2010”.*

8 **SEC. 824. EXTENSION OF PILOT PROGRAM ON SALES OF**  
9 **MANUFACTURED ARTICLES AND SERVICES OF**  
10 **CERTAIN ARMY INDUSTRIAL FACILITIES.**

11 *Section 141(a) of the National Defense Authorization*  
12 *Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C.*  
13 *4543 note) is amended by striking “through 2004” in the*  
14 *first sentence and inserting “through 2009”.*

15 **Subtitle D—Industrial Base Matters**

16 **SEC. 831. COMMISSION ON THE FUTURE OF THE NATIONAL**  
17 **TECHNOLOGY AND INDUSTRIAL BASE.**

18 *(a) ESTABLISHMENT.—There is established a commis-*  
19 *sion to be known as the Commission on the Future of the*  
20 *National Technology and Industrial Base (hereafter in this*  
21 *section referred to as the “Commission”).*

22 *(b) MEMBERSHIP.—(1) The Commission shall be com-*  
23 *posed of 12 members appointed by the President.*

24 *(2) The members of the Commission shall include—*

25 *(A) persons with extensive experience and na-*  
26 *tional reputations for expertise in the defense indus-*



1        *try, commercial industries that support the defense*  
2        *industry, and the economics, finance, national secu-*  
3        *rity, international trade, or foreign policy areas; and*

4            *(B) persons who are representative of labor orga-*  
5        *nizations associated with the defense industry, and*  
6        *persons who are representative of small business con-*  
7        *cerns or organizations of small business concerns that*  
8        *are involved in Department of Defense contracting*  
9        *and other Federal Government contracting.*

10        *(3) The appointment of the members of the Commis-*  
11        *sion under this subsection shall be made not later than*  
12        *March 1, 2005.*

13        *(4) Members shall be appointed for the life of the Com-*  
14        *mission. A vacancy in the Commission shall not affect its*  
15        *powers, but shall be filled in the same manner in which*  
16        *the original appointment was made.*

17        *(5) The President shall designate one member of the*  
18        *Commission to serve as the Chairman of the Commission.*

19        *(c) MEETINGS.—(1) The Commission shall meet at the*  
20        *call of the Chairman.*

21        *(2) A majority of the members of the Commission shall*  
22        *constitute a quorum, but a lesser number may hold hear-*  
23        *ings.*

24        *(d) DUTIES.—(1) The Commission shall—*

1           (A) *study the issues associated with the future of*  
2 *the national technology and industrial base in the*  
3 *global economy, particularly with respect to its effect*  
4 *on United States national security; and*

5           (B) *assess the future ability of the national tech-*  
6 *nology and industrial base to attain the national se-*  
7 *curity objectives set forth in section 2501 of title 10,*  
8 *United States Code.*

9           (2) *In carrying out the study and assessment under*  
10 *paragraph (1), the Commission shall consider the following*  
11 *matters:*

12           (A) *Existing and projected future capabilities of*  
13 *the national technology and industrial base.*

14           (B) *The impact on the national technology and*  
15 *industrial base of civil-military integration and the*  
16 *growing dependence of the Department of Defense on*  
17 *the commercial market for defense products and serv-*  
18 *ices.*

19           (C) *Any current or projected shortages of a crit-*  
20 *ical technology (as defined in section 2500(6) of title*  
21 *10, United States Code), or the raw materials nec-*  
22 *essary for the production of such technology, that*  
23 *could adversely affect the national security of the*  
24 *United States.*

1           (D) *The effects of domestic source restrictions on*  
2 *the strength of the national technology and industrial*  
3 *base.*

4           (E) *The effects of the policies and practices of*  
5 *United States allies and trading partners on the na-*  
6 *tional technology and industrial base.*

7           (F) *The effects on the national technology and*  
8 *industrial base of laws and regulations related to*  
9 *international trade and the export of defense tech-*  
10 *nologies and dual-use technologies.*

11           (G) *The adequacy of programs that support*  
12 *science and engineering education, including pro-*  
13 *grams that support defense science and engineering*  
14 *efforts at institutions of higher learning, with respect*  
15 *to meeting the needs of the national technology and*  
16 *industrial base.*

17           (H) *The implementation of policies and plan-*  
18 *ning required under subchapter II of chapter 148 of*  
19 *title 10, United States Code, and other provisions of*  
20 *law designed to support the national technology and*  
21 *industrial base.*

22           (I) *The role of the Manufacturing Technology*  
23 *program, other Department of Defense research and*  
24 *development programs, and the utilization of the au-*  
25 *thorities of the Defense Production Act of 1950 to pro-*

1       *vide transformational breakthroughs in advanced*  
2       *manufacturing technologies and processes that ensure*  
3       *the strength and productivity of the national tech-*  
4       *nology and industrial base.*

5           *(J) The role of small business concerns in*  
6       *strengthening the national technology and industrial*  
7       *base.*

8       *(e) REPORT.—Not later than March 1, 2007, the Com-*  
9       *mission shall submit a report on its activities to the Presi-*  
10      *dent and Congress. The report shall include the following*  
11      *matters:*

12           *(1) The findings and conclusions of the Commis-*  
13      *sion.*

14           *(2) The recommendations of the Commission for*  
15      *actions by Federal Government officials to support*  
16      *the maintenance of a robust national technology and*  
17      *industrial base in the 21st century.*

18           *(3) The recommendations of the Commission for*  
19      *addressing shortages in critical technologies, and*  
20      *shortages of raw materials necessary for the produc-*  
21      *tion of critical technologies, that could adversely affect*  
22      *the national security of the United States.*

23           *(4) Any recommendations for legislation or*  
24      *changes in regulations to support the implementation*  
25      *of the findings of the Commission.*

1           (5) *A discussion of appropriate measures to im-*  
2           *plement the recommendations of the Commission.*

3           (f) *ADMINISTRATIVE REQUIREMENTS AND AUTHORI-*  
4           *TIES.—(1) The Director of the Office of Management and*  
5           *Budget shall ensure that the Commission is provided such*  
6           *administrative services, facilities, staff, and other support*  
7           *services as may be necessary for the Commission to carry*  
8           *out its duties. Expenses of the Commission shall be paid*  
9           *out of funds available to the Director.*

10          (2) *The Commission may hold such hearings, sit and*  
11          *act at such times and places, take such testimony, and re-*  
12          *ceive such evidence as the Commission considers advisable*  
13          *to carry out the purposes of this section.*

14          (3) *The Commission may secure directly from any*  
15          *Federal department or agency such information as the com-*  
16          *mission considers necessary to carry out the provisions of*  
17          *this section. Upon a request of the Chairman of the Com-*  
18          *mission, the head of such department or agency shall fur-*  
19          *nish such information to the Commission.*

20          (4) *The Commission may use the United States mails*  
21          *in the same manner and under the same conditions as other*  
22          *departments and agencies of the Federal Government.*

23          (g) *PERSONNEL MATTERS.—(1) Members of the Com-*  
24          *mission shall serve without compensation for their service*  
25          *on the Commission, except that each member of the Com-*

1 mission who is not an officer or employee of the United  
2 States shall be allowed travel expenses, including per diem  
3 in lieu of subsistence, at rates authorized for employees of  
4 agencies under subchapter I of chapter 57 of title 5, United  
5 States Code, while away from their homes or regular places  
6 of business in the performance of services for the Commis-  
7 sion.

8 (2) Section 3161 of title 5, United States Code, shall  
9 apply to the Commission, except that—

10 (A) members of the Commission shall not be enti-  
11 tled to pay for services under subsection (d) of such  
12 section; and

13 (B) subsection (b)(2) of such section shall not  
14 apply to the employees of the Commission.

15 (h) *APPLICABILITY OF FEDERAL ADVISORY COM-*  
16 *MITTEE ACT.*—The Federal Advisory Committee Act (5  
17 U.S.C. App.) shall not apply to the Commission.

18 (i) *TERMINATION.*—The Commission shall terminate  
19 30 days after the date on which the Commission submits  
20 its report under subsection (e).

21 (j) *DEFINITION OF NATIONAL TECHNOLOGY AND IN-*  
22 *DUSTRIAL BASE.*—In this section, the term “national tech-  
23 nology and industrial base” has the meaning given such  
24 term in section 2500 of title 10, United States Code.

1 **SEC. 832. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR**  
2 **CONTENT REQUIREMENTS.**

3 (a) *AUTHORITY.*—Subchapter V of chapter 148 of title  
4 10, United States Code, is amended by adding at the end  
5 the following new section:

6 **“§2539c. Waiver of domestic source or content re-**  
7 **quirements**

8 “(a) *AUTHORITY.*—Except as provided in subsection  
9 (f), the Secretary of Defense may waive the application of  
10 any domestic source requirement or domestic content re-  
11 quirement referred to in subsection (b) and thereby author-  
12 ize the procurement of items that are grown, reprocessed,  
13 reused, produced, or manufactured—

14 “(1) in a foreign country that has a Declaration  
15 of Principles with the United States;

16 “(2) in a foreign country that has a Declaration  
17 of Principles with the United States substantially  
18 from components and materials grown, reprocessed,  
19 reused, produced, or manufactured in the United  
20 States or any foreign country that has a Declaration  
21 of Principles with the United States; or

22 “(3) in the United States substantially from  
23 components and materials grown, reprocessed, reused,  
24 produced, or manufactured in the United States or  
25 any foreign country that has a Declaration of Prin-  
26 ciples with the United States.

1       “(b) *COVERED REQUIREMENTS.*—*For purposes of this*  
2 *section:*

3               “(1) *A domestic source requirement is any re-*  
4 *quirement under law that the Department of Defense*  
5 *satisfy its requirements for an item by procuring an*  
6 *item that is grown, reprocessed, reused, produced, or*  
7 *manufactured in the United States or by a manufac-*  
8 *turer that is a part of the national technology and in-*  
9 *dustrial base (as defined in section 2500(1) of this*  
10 *title).*

11              “(2) *A domestic content requirement is any re-*  
12 *quirement under law that the Department of Defense*  
13 *satisfy its requirements for an item by procuring an*  
14 *item produced or manufactured partly or wholly from*  
15 *components and materials grown, reprocessed, reused,*  
16 *produced, or manufactured in the United States.*

17       “(c) *APPLICABILITY.*—*The authority of the Secretary*  
18 *to waive the application of a domestic source or content*  
19 *requirements under subsection (a) applies to the procure-*  
20 *ment of items for which the Secretary of Defense determines*  
21 *that—*

22              “(1) *application of the requirement would im-*  
23 *pede the reciprocal procurement of defense items*  
24 *under a Declaration of Principles with the United*  
25 *States; and*



1           “(2) *such country does not discriminate against*  
2           *defense items produced in the United States to a*  
3           *greater degree than the United States discriminates*  
4           *against defense items produced in that country.*

5           “(d) *LIMITATION ON DELEGATION.—The authority of*  
6           *the Secretary to waive the application of domestic source*  
7           *or content requirements under subsection (a) may not be*  
8           *delegated to any officer or employee other than the Under*  
9           *Secretary of Defense for Acquisition, Technology and Logis-*  
10          *tics.*

11          “(e) *CONSULTATIONS.—The Secretary may grant a*  
12          *waiver of the application of a domestic source or content*  
13          *requirement under subsection (a) only after consultation*  
14          *with the United States Trade Representative, the Secretary*  
15          *of Commerce, and the Secretary of State.*

16          “(f) *LAWS NOT WAIVABLE.—The Secretary of Defense*  
17          *may not exercise the authority under subsection (a) to*  
18          *waive any domestic source or content requirement con-*  
19          *tained in any of the following laws:*

20                  “(1) *The Small Business Act (15 U.S.C. 631 et*  
21                  *seq.).*

22                  “(2) *The Javits-Wagner-O’Day Act (41 U.S.C.*  
23                  *46 et seq.).*

24                  “(3) *Sections 7309 and 7310 of this title.*

25                  “(4) *Section 2533a of this title.*

1           “(g) *RELATIONSHIP TO OTHER WAIVER AUTHOR-*  
2 *ITY.—The authority under subsection (a) to waive a domes-*  
3 *tic source requirement or domestic content requirement is*  
4 *in addition to any other authority to waive such require-*  
5 *ment.*

6           “(h) *CONSTRUCTION WITH RESPECT TO LATER EN-*  
7 *ACTED LAWS.—This section may not be construed as being*  
8 *inapplicable to a domestic source requirement or domestic*  
9 *content requirement that is set forth in a law enacted after*  
10 *the enactment of this section solely on the basis of the later*  
11 *enactment.*

12           “(i) *DECLARATION OF PRINCIPLES.—(1) In this sec-*  
13 *tion, the term ‘Declaration of Principles’ means a written*  
14 *understanding (including any Statement of Principles) be-*  
15 *tween the Department of Defense and its counterpart in a*  
16 *foreign country signifying a cooperative relationship be-*  
17 *tween the Department and its counterpart to standardize*  
18 *or make interoperable defense equipment used by the armed*  
19 *forces and the armed forces of the foreign country across*  
20 *a broad spectrum of defense activities, including—*

21                   “(A) *harmonization of military requirements*  
22                   *and acquisition processes;*

23                   “(B) *security of supply;*

24                   “(C) *export procedures;*

25                   “(D) *security of information;*

1           “(E) ownership and corporate governance;

2           “(F) research and development;

3           “(G) flow of technical information; and

4           “(H) defense trade.

5           “(2) A Declaration of Principles is underpinned by a  
6 memorandum of understanding or other agreement pro-  
7 viding for the reciprocal procurement of defense items be-  
8 tween the United States and the foreign country concerned  
9 without unfair discrimination in accordance with section  
10 2531 of this title.”.

11           (b) CLERICAL AMENDMENT.—The table of sections at  
12 the beginning of such subchapter is amended by inserting  
13 after the item relating to section 2539b the following new  
14 item:

          “2539c. Waiver of domestic source or content requirements.”.

15 **SEC. 833. CONSISTENCY WITH UNITED STATES OBLIGA-**  
16 **TIONS UNDER TRADE AGREEMENTS.**

17           No provision of this Act or any amendment made by  
18 this Act shall apply to a procurement by or for the Depart-  
19 ment of Defense to the extent that the Secretary of Defense,  
20 in consultation with the Secretary of Commerce, the United  
21 States Trade Representative, and the Secretary of State, de-  
22 termines that it is inconsistent with United States obliga-  
23 tions under a trade agreement.

1 **SEC. 834. REPEAL OF CERTAIN REQUIREMENTS AND LIM-**  
 2 **TATIONS RELATING TO THE DEFENSE INDUS-**  
 3 **TRIAL BASE.**

4 (a) *ESSENTIAL ITEM IDENTIFICATION AND DOMESTIC*  
 5 *PRODUCTION CAPABILITIES IMPROVEMENT.*—Sections 812,  
 6 813, and 814 of the National Defense Authorization Act for  
 7 Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542,  
 8 1543, 1545; 10 U.S.C. 2501 note) are repealed.

9 (b) *ELIMINATION OF UNRELIABLE SOURCE FOR ITEMS*  
 10 *AND COMPONENTS.*—Section 821 of such Act (117 Stat.  
 11 1546; 10 U.S.C. 2534 note) is repealed.

12 ***Subtitle E—Defense Acquisition***  
 13 ***and Support Workforce***

14 **SEC. 841. LIMITATION AND REINVESTMENT AUTHORITY RE-**  
 15 **LATING TO REDUCTION OF THE DEFENSE AC-**  
 16 **QUISITION AND SUPPORT WORKFORCE.**

17 (a) *LIMITATION.*—Notwithstanding any other provi-  
 18 sion of law, the defense acquisition and support workforce  
 19 may not be reduced, during fiscal years 2005, 2006, and  
 20 2007, below the level of that workforce as of September 30,  
 21 2003, determined on the basis of full-time employee equiva-  
 22 lence, except as may be necessary to strengthen the defense  
 23 acquisition and support workforce in higher priority posi-  
 24 tions in accordance with this section.

25 (b) *INCREASE AND REALIGNMENT OF WORKFORCE.*—  
 26 (1)(A) During fiscal years 2005, 2006, and 2007, the Sec-

1 *retary of Defense shall increase the number of persons em-*  
2 *ployed in the defense acquisition and support workforce as*  
3 *follows:*

4 *(i) During fiscal year 2005, to 105 percent of the*  
5 *baseline number (as defined in subparagraph (B)).*

6 *(ii) During fiscal year 2006, to 110 percent of*  
7 *the baseline number.*

8 *(iii) During fiscal year 2007, to 115 percent of*  
9 *the baseline number.*

10 *(B) In this paragraph, the term “baseline number”,*  
11 *with respect to persons employed in the defense acquisition*  
12 *and support workforce, means the number of persons em-*  
13 *ployed in such workforce as of September 30, 2003 (deter-*  
14 *mined on the basis of full-time employee equivalence).*

15 *(C) The Secretary of Defense may waive a requirement*  
16 *in subparagraph (A) and, subject to subsection (a), employ*  
17 *in the defense acquisition and support workforce a lesser*  
18 *number of employees if the Secretary determines and cer-*  
19 *tifies to the congressional defense committees that the cost*  
20 *of increasing such workforce to the larger size as required*  
21 *under that subparagraph would exceed the savings to be de-*  
22 *rived from the additional oversight that would be achieved*  
23 *by having a defense acquisition and support workforce of*  
24 *such larger size.*

1           (2) *During fiscal years 2005, 2006, and 2007, the Sec-*  
2 *retary of Defense may realign any part of the defense acqui-*  
3 *sition and support workforce to support reinvestment in*  
4 *other, higher priority positions in such workforce.*

5           (c) *HIGHER PRIORITY POSITIONS.—For the purposes*  
6 *of this section, higher priority positions in the defense ac-*  
7 *quisition and support workforce include the following posi-*  
8 *tions:*

9                   (1) *Positions the responsibilities of which include*  
10 *drafting performance-based work statements for serv-*  
11 *ices contracts and overseeing the performance of con-*  
12 *tracts awarded pursuant to such work statements.*

13                   (2) *Positions the responsibilities of which include*  
14 *conducting spending analyses, negotiating company-*  
15 *wide pricing agreements, and taking other measures*  
16 *to reduce contract costs.*

17                   (3) *Positions the responsibilities of which include*  
18 *reviewing contractor quality control systems, assess-*  
19 *ing and analyzing quality deficiency reports, and*  
20 *taking other measures to improve product quality.*

21                   (4) *Positions the responsibilities of which include*  
22 *effectively conducting public-private competitions in*  
23 *accordance with Office of Management and Budget*  
24 *Circular A–76.*

1           (5) *Any other positions in the defense acquisition*  
2 *and support workforce that the Secretary of Defense*  
3 *identifies as being higher priority positions that are*  
4 *staffed at levels not likely to ensure efficient and effec-*  
5 *tive performance of all of the responsibilities of those*  
6 *positions.*

7           (d) *STRATEGIC ASSESSMENT AND PLAN.—(1) The Sec-*  
8 *retary of Defense shall—*

9           (A) *assess the extent to which the Department of*  
10 *Defense can recruit, retain, train, and provide profes-*  
11 *sional development opportunities for acquisition pro-*  
12 *fessionals over the 10-fiscal year period beginning*  
13 *with fiscal year 2005; and*

14           (B) *develop a human resources strategic plan for*  
15 *the defense acquisition and support workforce that in-*  
16 *cludes objectives and planned actions for improving*  
17 *the management of such workforce.*

18           (2) *The Secretary shall submit to Congress, not later*  
19 *than April 1, 2005, a report on the progress made in—*

20           (A) *completing the assessment required under*  
21 *paragraph (1); and*

22           (B) *completing and implementing the strategic*  
23 *plan required under such paragraph.*

24           (e) *DEFENSE ACQUISITION AND SUPPORT WORKFORCE*  
25 *DEFINED.—In this section, the term “defense acquisition*

1 *and support workforce” means members of the Armed*  
2 *Forces and civilian personnel who are assigned to, or are*  
3 *employed in, an organization of the Department of Defense*  
4 *that has acquisition as its predominant mission, as deter-*  
5 *mined by the Secretary of Defense.*

6 **SEC. 842. DEFENSE ACQUISITION WORKFORCE IMPROVE-**  
7 **MENTS.**

8 (a) *SELECTION CRITERIA FOR ACQUISITION CORPS*  
9 *AND FOR CRITICAL ACQUISITION POSITIONS.*—(1) *Section*  
10 *1732(b)(1)(A) of title 10, United States Code, is amended*  
11 *by striking “within grade GS–13 or above of” and inserting*  
12 *“for which the employee is being paid at a rate of basic*  
13 *pay that equals or exceeds the minimum rate of basic pay*  
14 *provided for grade GS–13 under”.*

15 (2) *Section 1733(b)(1)(A)(i) of such title is amended*  
16 *by striking “in a position within grade GS–14 or above*  
17 *of the General Schedule, or” and inserting “who is cur-*  
18 *rently serving in a position for which the employee is being*  
19 *paid at a rate of basic pay that equals or exceeds the min-*  
20 *imum rate of basic pay provided for grade GS–14 under*  
21 *the General Schedule or is required to be filled by an em-*  
22 *ployee who is”.*

23 (b) *SCHOLARSHIP PROGRAM.*—*Section 1742 of such*  
24 *title is amended—*



1           (1)     by     inserting     “(a)     *REQUIRED*  
2     *PROGRAMS.—*” before “*The Secretary of Defense shall*  
3     *conduct*”; and

4           (2) by adding at the end the following new sub-  
5     *section:*

6           “(b) *SCHOLARSHIP PROGRAM REQUIREMENTS.—*(1)  
7     *Each recipient of a scholarship under a program conducted*  
8     *under subsection (a)(3) shall be required to sign a written*  
9     *agreement that sets forth the terms and conditions of the*  
10    *scholarship. The agreement shall include the following:*

11           “(A) *Criteria for the recipient’s continued eligi-*  
12    *bility for the scholarship.*

13           “(B) *The terms of any requirement for the re-*  
14    *ipient to reimburse the United States for educational*  
15    *assistance provided under the scholarship upon—*

16           “(i) *a failure by the recipient to satisfy the*  
17    *criteria for continued eligibility for the scholar-*  
18    *ship; or*

19           “(ii) *a termination of the recipient’s service*  
20    *in the Department of Defense before the end of*  
21    *any period of obligated service provided in the*  
22    *agreement, as described in paragraph (2).*

23           “(2) *Subject to paragraph (3)(C), a recipient of a*  
24    *scholarship under the program shall reimburse the United*  
25    *States the total amount of educational assistance provided*

1 *to the recipient under the program if the recipient is volun-*  
2 *tarily separated from service or involuntarily separated for*  
3 *cause from the Department of Defense before the end of any*  
4 *period for which the recipient has agreed, as a condition*  
5 *of the scholarship, to continue in the service of the Depart-*  
6 *ment of Defense in an acquisition position.*

7       “(3)(A) *If an employee fails to fulfill an agreement to*  
8 *pay the Government any amount of educational assistance*  
9 *provided to that person under the program, a sum equal*  
10 *to such amount of the educational assistance is recoverable*  
11 *by the Government from the employee or his estate by—*

12               “(i) *setoff against accrued pay, compensation,*  
13 *amount of retirement credit, or other amount due the*  
14 *employee from the Government; and*

15               “(ii) *such other method as is provided by law for*  
16 *the recovery of amounts owing to the Government.*

17       “(B) *An obligation to reimburse the United States*  
18 *under an agreement entered into under this subsection is*  
19 *for all purposes a debt owed to the United States.*

20       “(C) *The Secretary of Defense may waive in whole or*  
21 *in part a reimbursement required under this subsection or*  
22 *under an agreement entered into under this subsection if*  
23 *the Secretary determines that the recovery would be against*  
24 *equity and good conscience or would be contrary to the best*  
25 *interests of the United States.*

1       “(D) A discharge in bankruptcy under title 11 that  
2 is entered less than five years after the termination of an  
3 agreement entered into under this subsection does not dis-  
4 charge a person executing the agreement from a debt arising  
5 under this subsection or such agreement.

6       “(4) Nothing in this subsection shall be considered to  
7 require that a position be offered to a recipient of a scholar-  
8 ship under the program after such recipient successfully  
9 completes the course of education for which the scholarship  
10 is granted. However, the agreement entered into under this  
11 subsection with respect to such scholarship shall be consid-  
12 ered terminated if the recipient is not, within the time spec-  
13 ified in the agreement, offered a full-time acquisition posi-  
14 tion in the Department of Defense that—

15               “(A) is commensurate with the recipient’s aca-  
16 demic degree and experience; and

17               “(B) is—

18                       “(i) in the excepted service, if the recipient  
19 has not previously acquired competitive status,  
20 with the right, after successful completion of two  
21 years of service and such other requirements as  
22 the Office of Personnel Management may pre-  
23 scribe, to be appointed to a position in the com-  
24 petitive service, notwithstanding subchapter I of  
25 chapter 33 of title 5; or

1                   “(ii) in the competitive service, if the recipi-  
2                   ent has previously acquired competitive status.”.

3           (c) *AUTHORITY TO ESTABLISH DIFFERENT MINIMUM*  
4 *REQUIREMENTS.*—(1) Section 1764(b) of such title is  
5 amended—

6           (A) by redesignating paragraph (5) as para-  
7           graph (6); and

8           (B) by inserting after paragraph (4) the fol-  
9           lowing new paragraph (5):

10                   “(5) Deputy program manager.”.

11           (2) Paragraph (1) of such section is amended by strik-  
12           ing “in paragraph (5)” and inserting “in paragraph (6)”.

13                   ***Subtitle F—Public-Private***  
14                   ***Competitions***

15           ***SEC. 851. PUBLIC-PRIVATE COMPETITION FOR WORK PER-***  
16                   ***FORMED BY CIVILIAN EMPLOYEES OF THE***  
17                   ***DEPARTMENT OF DEFENSE.***

18           (a) *LIMITATION.*—Section 2461(b) of title 10, United  
19           States Code, is amended by adding at the end the following  
20           new paragraph:

21                   “(5)(A) Notwithstanding subsection (d), a function of  
22           the Department of Defense performed by 10 or more civilian  
23           employees may not be converted, in whole or in part, to  
24           performance by a contractor unless the conversion is based  
25           on the results of a public-private competition process that—

1           “(i) formally compares the cost of civilian em-  
2           ployee performance of that function with the costs of  
3           performance by a contractor;

4           “(ii) creates an agency tender, including a most  
5           efficient organization plan, in accordance with Office  
6           of Management and Budget Circular A-76, as imple-  
7           mented on May 29, 2003;

8           “(iii) requires continued performance of the  
9           function by civilian employees unless the competitive  
10          sourcing official concerned determines that, over all  
11          performance periods stated in the solicitation of offers  
12          for performance of the activity or function, the cost of  
13          performance of the activity or function by a con-  
14          tractor would be less costly to the Department of De-  
15          fense by an amount that equals or exceeds the lesser  
16          of \$10,000,000 or 10 percent of the most efficient or-  
17          ganization’s personnel-related costs for performance of  
18          that activity or function by Federal employees; and

19          “(iv) ensures that the public sector bid would not  
20          be disadvantaged in the cost comparison process by a  
21          proposal of an offeror to reduce costs for the Depart-  
22          ment of Defense by not making an employer-spon-  
23          sored health insurance plan available to the workers  
24          who are to be employed in the performance of such  
25          function under a contract or by offering to such work-

1        *ers an employer-sponsored health benefits plan that*  
2        *requires the employer to contribute less towards the*  
3        *premium or subscription share than that which is*  
4        *paid by the Department of Defense for health benefits*  
5        *for civilian employees under chapter 89 of title 5.*

6        *“(B) Any function that is performed by civilian em-*  
7        *ployees of the Department of Defense and is proposed to*  
8        *be reengineered, reorganized, modernized, upgraded, ex-*  
9        *panded, or changed in order to become more efficient shall*  
10       *not be considered a new requirement for the purpose of the*  
11       *competition requirements in subparagraph (A) or the re-*  
12       *quirements for public-private competition in Office of Man-*  
13       *agement and Budget Circular A-76.*

14       *“(C) A function performed by more than 10 Federal*  
15       *Government employees may not be separated into separate*  
16       *functions for the purposes of avoiding the competition re-*  
17       *quirement in subparagraph (A) or the requirements for*  
18       *public-private competition in Office of Management and*  
19       *Budget Circular A-76.*

20       *“(D) The Secretary of Defense may waive the require-*  
21       *ment for a public-private competition under subparagraph*  
22       *(A) in specific instances if—*

23                *“(i) the written waiver is prepared by the Sec-*  
24        *retary of Defense or the relevant Assistant Secretary*

1       of Defense, Secretary of a military department, or  
2       head of a Defense Agency;

3               “(ii) the written waiver is accompanied by a de-  
4       tailed determination that national security interests  
5       are so compelling as to preclude compliance with the  
6       requirement for a public-private competition; and

7               “(iii) a copy of the waiver is published in the  
8       Federal Register within 10 working days after the  
9       date on which the waiver is granted, although use of  
10      the waiver need not be delayed until its publication.”.

11      (b) *INAPPLICABILITY TO BEST-VALUE SOURCE SELEC-*  
12 *TION PILOT PROGRAM.*—(1) Paragraph (5) of section  
13 2461(b) of title 10, United States Code, as added by sub-  
14 section (a), shall not apply with respect to the pilot pro-  
15 gram for best-value source selection for performance of in-  
16 formation technology services authorized by section 336 of  
17 the National Defense Authorization Act for Fiscal Year  
18 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461  
19 note).

20 **SEC. 852. PERFORMANCE OF CERTAIN WORK BY FEDERAL**  
21 **GOVERNMENT EMPLOYEES.**

22      (a) *GUIDELINES.*—(1) The Secretary of Defense shall  
23 prescribe guidelines and procedures for ensuring that con-  
24 sideration is given to using Federal Government employees  
25 on a regular basis for work that is performed under Depart-

1 *ment of Defense contracts and could be performed by Fed-*  
2 *eral Government employees.*

3 (2) *The guidelines and procedures prescribed under*  
4 *paragraph (1) shall provide for special consideration to be*  
5 *given to contracts that—*

6 (A) *have been performed by Federal Government*  
7 *employees at any time on or after October 1, 1980;*

8 (B) *are associated with the performance of inher-*  
9 *ently governmental functions;*

10 (C) *were not awarded on a competitive basis; or*

11 (D) *have been determined by a contracting offi-*  
12 *cer to be poorly performed due to excessive costs or in-*  
13 *ferior quality.*

14 (b) *NEW REQUIREMENTS.—(1) No public-private com-*  
15 *petition may be required under Office of Management and*  
16 *Budget Circular A-76 or any other provision of law or reg-*  
17 *ulation before the performance of a new requirement by*  
18 *Federal Government employees commences, the performance*  
19 *by Federal Government employees of work pursuant to sub-*  
20 *section (a) commences, or the scope of an existing activity*  
21 *performed by Federal Government employees is expanded.*  
22 *Office of Management and Budget Circular A-76 shall be*  
23 *revised to ensure that the heads of all Federal agencies give*  
24 *fair consideration to the performance of new requirements*  
25 *by Federal Government employees.*



1       (2) *The Secretary of Defense shall, to the maximum*  
2 *extent practicable, ensure that Federal Government employ-*  
3 *ees are fairly considered for the performance of new require-*  
4 *ments, with special consideration given to new requirements*  
5 *that include functions that—*

6           (A) *are similar to functions that have been per-*  
7 *formed by Federal Government employees at any time*  
8 *on or after October 1, 1980; or*

9           (B) *are associated with the performance of inher-*  
10 *ently governmental functions.*

11       (c) *USE OF FLEXIBLE HIRING AUTHORITY.—The Sec-*  
12 *retary shall include the use of the flexible hiring authority*  
13 *available through the National Security Personnel System*  
14 *in order to facilitate performance by Federal Government*  
15 *employees of new requirements and work that is performed*  
16 *under Department of Defense contracts.*

17       (d) *INSPECTOR GENERAL REPORT.—Not later than*  
18 *180 days after the enactment of this Act, the Inspector Gen-*  
19 *eral of the Department of Defense shall submit to the Com-*  
20 *mittees on Armed Services of the Senate and the House of*  
21 *Representatives a report on the compliance of the Secretary*  
22 *of Defense with the requirements of this section.*

23       (e) *DEFINITIONS.—In this section:*

24           (1) *The term “National Security Personnel Sys-*  
25 *tem” means the human resources management system*

1        *established under the authority of section 9902 of title*  
2        *5, United States Code.*

3            *(2) The term “inherently governmental function”*  
4        *has the meaning given that term in section 5 of the*  
5        *Federal Activities Inventory Reform Act of 1998*  
6        *(Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501*  
7        *note).*

8        **SEC. 853. COMPETITIVE SOURCING REPORTING REQUIRE-**  
9            **MENT.**

10        *Not later than February 1, 2005, the Inspector General*  
11        *of the Department of Defense shall submit to Congress a*  
12        *report addressing whether the Department of Defense—*

13            *(1) employs a sufficient number of adequately*  
14        *trained civilian employees—*

15            *(A) to conduct satisfactorily, taking into ac-*  
16        *count equity, efficiency and expeditiousness, all*  
17        *of the public-private competitions that are sched-*  
18        *uled to be undertaken by the Department of De-*  
19        *fense during the next fiscal year (including a*  
20        *sufficient number of employees to formulate sat-*  
21        *isfactorily the performance work statements and*  
22        *most efficient organization plans for the pur-*  
23        *poses of such competitions); and*

24            *(B) to administer any resulting contracts;*  
25        *and*

1           (2) has implemented a comprehensive and reli-  
2           able system to track and assess the cost and quality  
3           of the performance of functions of the Department of  
4           Defense by service contractors.

5           ***Subtitle G—Other Matters***

6           ***SEC. 861. INAPPLICABILITY OF CERTAIN FISCAL LAWS TO***  
7                                   ***SETTLEMENTS UNDER SPECIAL TEMPORARY***  
8                                   ***CONTRACT CLOSEOUT AUTHORITY.***

9           Section 804(a) of the National Defense Authorization  
10          Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
11          1541) is amended—

12                   (1) by inserting “(1)” after “(a) *AUTHOR-*  
13                   *ITY.—*”; and

14                   (2) by adding at the end the following new para-  
15                   graph:

16                   “(2) Under regulations which the Secretary of Defense  
17                   may prescribe, a settlement of a financial account for a con-  
18                   tract for the procurement of property or services under  
19                   paragraph (1) may be made without regard to—

20                           “(A) section 1301 of title 31, United States Code;  
21                   and

22                           “(B) any other provision of law that would pre-  
23                   clude the Secretary from charging payments under  
24                   the contract—

1           “(i) to an unobligated balance in an appro-  
2           piation available for funding that contract; or

3           “(ii) if and to the extent that the unobli-  
4           gated balance (if any) in such appropriation is  
5           insufficient for funding such payments, to any  
6           current appropriation that is available to the  
7           Department of Defense for funding contracts for  
8           the procurement of the same or similar property  
9           or services.”.

10 **SEC. 862. DEMONSTRATION PROGRAM ON EXPANDED USE**  
11                                   **OF RESERVES TO PERFORM DEVELOPMENTAL**  
12                                   **TESTING, NEW EQUIPMENT TRAINING, AND**  
13                                   **RELATED ACTIVITIES.**

14           (a) *REQUIREMENT FOR PROGRAM.*—The Secretary of  
15 the Army shall carry out a demonstration program on use  
16 of members of reserve components of the Armed Forces to  
17 perform test, evaluation, and related activities for an acqui-  
18 sition program. The Secretary shall design and carry out  
19 the demonstration program to achieve the purposes set forth  
20 in subsection (b).

21           (b) *PURPOSES.*—The purposes of the demonstration  
22 program are as follows:

23                   (1) *To determine whether cost savings and other*  
24                   *benefits result from use of members of reserve compo-*  
25                   *nents of the Armed Forces instead of contractor per-*

1        *sonnel to perform test and evaluation activities for an*  
2        *acquisition program and related acquisition, logistics,*  
3        *and new equipment training activities for the acqui-*  
4        *sition program.*

5            *(2) To evaluate the advisability of using appro-*  
6        *priations available for multiyear research, develop-*  
7        *ment, test, and evaluation and appropriations avail-*  
8        *able for multiyear procurements to reimburse reserve*  
9        *components for the pay, allowances, and other ex-*  
10       *penses paid to or for Reserves used for the acquisition*  
11       *program as described in paragraph (1).*

12        *(c) REIMBURSEMENT OF PERSONNEL ACCOUNTS OUT*  
13       *OF PROCUREMENT AND RDT&E ACCOUNTS.—(1) The Sec-*  
14       *retary of the Army may transfer from funds available to*  
15       *the Army for an acquisition program to a reserve compo-*  
16       *nent military personnel account the amount necessary to*  
17       *reimburse that account for costs charged to that account for*  
18       *military pay and allowances in connection with the use of*  
19       *reserve component personnel for such acquisition program*  
20       *under this section.*

21            *(2) Not more than \$10,000,000 may be transferred*  
22       *under this subsection during any fiscal year of the dem-*  
23       *onstration program.*

24            *(3) Funds transferred to an account under this sub-*  
25       *section shall be merged with other sums in the account and*

1 *shall be available for the same period and purposes as the*  
2 *sums with which merged.*

3 *(4) The transfer authority under this subsection is in*  
4 *addition to any other transfer authority provided in this*  
5 *or any other Act.*

6 *(d) NONWAIVER OF PERSONNEL AND TRAINING POLI-*  
7 *CIES AND PROCEDURES.—Nothing in this section may be*  
8 *construed to authorize any deviation from established per-*  
9 *sonnel or training policies or procedures that are applicable*  
10 *to the reserve components of the personnel used under the*  
11 *demonstration program.*

12 *(e) TERMINATION.—The demonstration program under*  
13 *this section shall terminate on September 30, 2009.*

14 **SEC. 863. APPLICABILITY OF COMPETITION EXCEPTIONS TO**  
15 **ELIGIBILITY OF NATIONAL GUARD FOR FI-**  
16 **NANCIAL ASSISTANCE FOR PERFORMANCE OF**  
17 **ADDITIONAL DUTIES.**

18 *Section 113(b)(1)(B) of title 32, United States Code,*  
19 *is amended by inserting before the period at the end the*  
20 *following: “, subject to the exceptions provided in section*  
21 *2304(c) of title 10”.*

22 **SEC. 864. MANAGEMENT PLAN FOR CONTRACTOR SECURITY**  
23 **PERSONNEL.**

24 *(a) REQUIREMENT FOR PLAN.—Not later than 90 days*  
25 *after the date of the enactment of this Act, the Secretary*

1 of Defense shall submit to the congressional defense commit-  
2 tees, the Select Committee on Intelligence of the Senate, and  
3 the Permanent Select Committee on Intelligence of the  
4 House of Representatives a plan for the management and  
5 oversight of contractor security personnel by Federal Gov-  
6 ernment personnel in areas where the Armed Forces are en-  
7 gaged in military operations. In the preparation of such  
8 plan, the Secretary shall coordinate, as appropriate, with  
9 the heads of other departments and agencies of the Federal  
10 Government that would be affected by the implementation  
11 of the plan.

12 (b) *POLICIES AND PROCEDURES.*—The plan under this  
13 section shall set forth policies and procedures applicable to  
14 contractor security personnel in potentially hazardous  
15 areas of military operations. The policies and procedures  
16 shall address the following matters:

17 (1) Warning contractor security personnel of po-  
18 tentially hazardous situations.

19 (2) Coordinating the movement of contractor se-  
20 curity personnel, especially through areas of increased  
21 risk or planned or ongoing military operations.

22 (3) Rapidly identifying contractor security per-  
23 sonnel by members of the Armed Forces.

24 (4) Sharing relevant threat information with  
25 contractor security personnel, and receiving informa-

1        *tion gathered by contractor security personnel for use*  
2        *by United States and coalition forces.*

3            (5) *Providing appropriate assistance to con-*  
4        *tractor security personnel who become engaged in hos-*  
5        *tile situations.*

6            (6) *Providing medical assistance for, and evacu-*  
7        *ation of, contractor personnel who become casualties*  
8        *as a result of enemy actions.*

9            (7) *Investigating background and qualifications*  
10       *of contractor security personnel and organizations.*

11           (8) *Establishing rules of engagement for armed*  
12       *contractor security personnel, and ensuring proper*  
13       *training and compliance with the rules of engage-*  
14       *ment.*

15        (c) *OPTIONS FOR ENHANCED AND COST-EFFECTIVE*  
16       *CONTRACTOR SECURITY.—The plan under subsection (a)*  
17       *shall include assessed options for enhancing contrac-*  
18       *tor security and reducing contractor security costs in Iraq or in*  
19       *locations of armed conflict in the future. The options cov-*  
20       *ered shall include the following:*

21           (1) *Temporary commissioning of contractor secu-*  
22       *rity personnel as reserve component officers in order*  
23       *to subject such personnel to the military chain of com-*  
24       *mand.*



1           (2) *Requiring contractor security personnel to*  
2 *obtain security clearances to facilitate the commu-*  
3 *nication of critical threat information.*

4           (3) *Establishing a contract schedule for compa-*  
5 *nies furnishing contractor security personnel to pro-*  
6 *vide a more orderly process for the selection, training,*  
7 *and compensation of such personnel.*

8           (4) *Establishing a contract schedule for compa-*  
9 *nies to provide more cost-effective insurance for con-*  
10 *tractor security personnel.*

11           (5) *Providing for United States indemnification*  
12 *of contractors to reduce the costs of insuring con-*  
13 *tractor security personnel.*

14 **SEC. 865. REPORT ON CONTRACTOR PERFORMANCE OF SE-**  
15 **CURITY, INTELLIGENCE, LAW ENFORCEMENT,**  
16 **AND CRIMINAL JUSTICE FUNCTIONS IN IRAQ.**

17           (a) *REPORT REQUIRED.*—*Not later than 60 days after*  
18 *the date of the enactment of this Act, the Secretary of De-*  
19 *fense shall submit to the congressional defense committees*  
20 *a report on the procurement of services, by an agency of*  
21 *the United States Government or by the Coalition Provi-*  
22 *sional Authority, for the performance of security, intel-*  
23 *ligence, law enforcement, and criminal justice functions in*  
24 *Iraq.*

1       (b) *CONTENT.*—*The report under subsection (a) shall*  
2 *include, at a minimum, the following:*

3           (1) *Each security, intelligence, law enforcement,*  
4 *or criminal justice function performed by a con-*  
5 *tractor in Iraq.*

6           (2) *For each such function—*

7               (A) *a determination of whether such func-*  
8 *tion is an inherently governmental function, to-*  
9 *gether with a discussion of the factual basis and*  
10 *rationale for that determination;*

11               (B) *an explanation of the basis for the deci-*  
12 *sion to rely on a contractor to perform such*  
13 *function, including a discussion of the extent to*  
14 *which the Armed Forces lacked the expertise or*  
15 *manpower to perform that function using Armed*  
16 *Forces personnel;*

17               (C) *a description of the chain of command*  
18 *for the contractor performing such function, to-*  
19 *gether with a discussion of the manner in which*  
20 *the United States Government or the Coalition*  
21 *Provisional Authority supervises and directs the*  
22 *contractor's performance of that function; and*

23               (D) *what sanctions are available to impose*  
24 *on any contractor employee who—*

1                   (i) fails to comply with a requirement  
2                   of law or regulation that applies to such  
3                   employee in the performance of that func-  
4                   tion; or

5                   (ii) engages in other misconduct in the  
6                   performance of that function.

7                   (3) An explanation of the legal status of con-  
8                   tractor employees in the performance of such func-  
9                   tions after the administration of the sovereign powers  
10                  of Iraq is transferred from the Coalition Provisional  
11                  Authority to a government of Iraq on June 30, 2004.

12                  (c) *COORDINATION.*—In the preparation of the report  
13                  under this section, the Secretary of Defense shall coordinate,  
14                  as appropriate, with the heads of any departments and  
15                  agencies of the Federal Government that are involved in the  
16                  procurement of services for the performance of functions de-  
17                  scribed in subsection (a).

18                  (d) *ADDITIONAL CONGRESSIONAL RECIPIENTS.*—In  
19                  addition to submitting the report under this section to the  
20                  congressional defense committees, the Secretary of Defense  
21                  shall also submit the report to the Select Committee on In-  
22                  telligence of the Senate and the Permanent Select Com-  
23                  mittee on Intelligence of the House of Representatives.

1 **SEC. 866. ACCREDITATION STUDY OF COMMERCIAL OFF-**  
2 **THE-SHELF PROCESSES FOR EVALUATING IN-**  
3 **FORMATION TECHNOLOGY PRODUCTS AND**  
4 **SERVICES.**

5 (a) *REQUIREMENT FOR STUDY.*—*The Secretary of De-*  
6 *fense shall carry out a study of commercial off-the-shelf*  
7 *processes that are available for measuring the quality of in-*  
8 *formation technology and related services through assess-*  
9 *ment of the production methods of the producers of the tech-*  
10 *nology.*

11 (b) *PURPOSES.*—*The purposes of the study of commer-*  
12 *cial off-the-shelf processes under subsection (a) are as fol-*  
13 *lows:*

14 (1) *To assess the value of such a process as a*  
15 *consistent methodology for identifying high quality*  
16 *information technology and the engineering sources*  
17 *capable of providing high quality information tech-*  
18 *nology and related services.*

19 (2) *To determine whether to accredit such a*  
20 *process for use in procurements of information tech-*  
21 *nology and related services throughout the Depart-*  
22 *ment of Defense.*

23 (c) *SAVINGS AND ENHANCEMENTS.*—*In carrying out*  
24 *the study under subsection (a), the Secretary shall deter-*  
25 *mine the benefits that would result for the Department of*  
26 *Defense from use throughout the Department of Defense of*

1 *a commercial off-the-shelf process described in that sub-*  
2 *section to measure the quality of information technology*  
3 *products and services in procurements described in sub-*  
4 *section (b)(2), including—*

5           (1) *projected annual savings in costs of develop-*  
6           *ment and maintenance of information technology;*  
7           *and*

8           (2) *quantified enhancements of productivity,*  
9           *schedule, performance, deficiency rates, and predict-*  
10          *ability.*

11          (d) *BASELINE DATA.—To define a baseline for meas-*  
12 *uring benefits under subsection (c), the Secretary shall use*  
13 *empirical data that is readily available to the Department*  
14 *of Defense and contractor sources.*

15          (e) *INFORMATION CONSIDERED.—The Secretary of De-*  
16 *fense may consider projections of savings and quantifica-*  
17 *tions of enhancements that are submitted by a contractor.*

18          (f) *INFORMATION TECHNOLOGY DEFINED.—In this*  
19 *section, the term “information technology” has the meaning*  
20 *given such term in section 11101(6) of title 40, United*  
21 *States Code.*

1 **SEC. 867. CONTRACTOR PERFORMANCE OF ACQUISITION**  
2 **FUNCTIONS CLOSELY ASSOCIATED WITH IN-**  
3 **HERENTLY GOVERNMENTAL FUNCTIONS.**

4 (a) *LIMITATION.*—(1) Chapter 141 of title 10, United  
5 States Code, is amended by inserting after section 2382 the  
6 following new section:

7 **“§2383. Contractor performance of acquisition func-**  
8 **tions closely associated with inherently**  
9 **governmental functions**

10 “(a) *LIMITATION.*—The head of an agency may enter  
11 a contract for the performance of acquisition functions  
12 closely associated with inherently governmental functions  
13 only if the Secretary determines that—

14 “(1) appropriate military or civilian personnel  
15 of the Department of Defense cannot reasonably be  
16 made available to perform the functions;

17 “(2) appropriate military or civilian personnel  
18 of the Department of Defense are—

19 “(A) to supervise contractor performance of  
20 the contract; and

21 “(B) to perform all inherently governmental  
22 functions associated with the functions to be per-  
23 formed under the contract; and

24 “(3) the contractor does not have an organiza-  
25 tional conflict of interest or the appearance of an or-

1        *ganizational conflict of interest in the performance of*  
2        *the functions under the contract.*

3        “(b) *DEFINITIONS.—In this section:*

4                “(1) *The term ‘head of an agency’ has the mean-*  
5                *ing given such term in section 2302(1) of this title,*  
6                *except that such term does not include the Secretary*  
7                *of Homeland Security or the Administrator of the*  
8                *National Oceanic and Atmospheric Administration.*

9                “(2) *The term ‘inherently governmental func-*  
10                *tions’ has the meaning given such term in subpart 7.5*  
11                *of part 7 of the Federal Acquisition Regulation.*

12                “(3) *The term ‘functions closely associated with*  
13                *inherently governmental functions’ means the func-*  
14                *tions described in section 7.503(d) of the Federal Ac-*  
15                *quisition Regulation.*

16                “(4) *The term ‘organizational conflict of interest’*  
17                *has the meaning given such term in subpart 9.5 of*  
18                *part 9 of the Federal Acquisition Regulation.”.*

19        (2) *The table of sections at the beginning of such chap-*  
20        *ter is amended by inserting after the item relating to section*  
21        *2382 the following new item:*

      “2383. *Contractor performance of acquisition functions closely associated with in-*  
      *herently governmental functions.”.*

22        (b) *EFFECTIVE DATE AND APPLICABILITY.—Section*  
23        *2383 of title 10, United States Code (as added by subsection*

1 (a), shall take effect on the date of enactment of this Act  
2 and shall apply to—

3 (1) contracts entered into on or after such date;

4 (2) any task or delivery order issued on or after  
5 such date under a contract entered into before, on, or  
6 after such date; and

7 (3) any decision on or after such date to exercise  
8 an option or otherwise extend a contract for program  
9 management or oversight of contracts for the recon-  
10 struction of Iraq, regardless of whether such program  
11 management or oversight contract was entered into  
12 before, on, or after the date of enactment of this Act.

13 **SEC. 868. CONTRACTING WITH EMPLOYERS OF PERSONS**  
14 **WITH DISABILITIES.**

15 (a) **INAPPLICABILITY OF RANDOLPH-SHEPPARD**  
16 **ACT.**—The Randolph-Sheppard Act does not apply to any  
17 contract described in subsection (b) for so long as the con-  
18 tract is in effect, including for any period for which the  
19 contract is extended pursuant to an option provided in the  
20 contract.

21 (b) **JAVITS-WAGNER-O'DAY CONTRACTS.**—Subsection  
22 (a) applies to any contract for the operation of a military  
23 mess hall, military troop dining facility, or any similar  
24 dining facility operated for the purpose of providing meals  
25 to members of the Armed Forces that—



1           (1) *was entered into before the date of the enact-*  
2           *ment of this Act with a nonprofit agency for the blind*  
3           *or an agency for other severely handicapped in com-*  
4           *pliance with section 3 of the Javits-Wagner-O'Day*  
5           *Act (41 U.S.C. 48); and*

6           (2) *either—*

7                   (A) *is in effect on such date; or*

8                   (B) *was in effect on the date of the enact-*  
9                   *ment of the National Defense Authorization Act*  
10                  *for Fiscal Year 2004 (Public Law 108–136).*

11          (c) *REPEAL OF SUPERSEDED LAW.—Section 852 of*  
12          *the National Defense Authorization Act for Fiscal Year*  
13          *2004 (Public Law 108–136; 117 Stat. 1556) is repealed.*

14          **SEC. 869. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

15          *The Secretary of Defense shall, to the extent prac-*  
16          *ticable, exercise existing statutory authority, including the*  
17          *authority provided by section 2865 of title 10, United States*  
18          *Code, and section 8256 of title 42, United States Code, to*  
19          *introduce life-cycle cost-effective upgrades to Federal assets*  
20          *through shared energy savings contracting, demand man-*  
21          *agement programs, and utility incentive programs.*

1 **SEC. 870. AVAILABILITY OF FEDERAL SUPPLY SCHEDULE**  
2 **SUPPLIES AND SERVICES TO UNITED SERV-**  
3 **ICE ORGANIZATIONS, INCORPORATED.**

4 *Section 220107 of title 36, United States Code, is*  
5 *amended by inserting after “Department of Defense” the*  
6 *following: “, including access to General Services Adminis-*  
7 *tration supplies and services through the Federal Supply*  
8 *Schedule of the General Services Administration,”.*

9 **SEC. 871. ACQUISITION OF AERIAL REFUELING AIRCRAFT**  
10 **FOR THE AIR FORCE.**

11 (a) **COMPLIANCE WITH APPLICABLE REQUIRE-**  
12 **MENTS.**—*The Secretary of Defense shall ensure that the Sec-*  
13 *retary of the Air Force does not proceed with the acquisition*  
14 *of aerial refueling aircraft for the Air Force by lease or*  
15 *other contract, either with full and open competition or*  
16 *under section 135 of the National Defense Authorization Act*  
17 *for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413)*  
18 *until the date that is 60 days after the date on which the*  
19 *Secretary Defense has—*

20 (1) *reviewed all documentation for the acquisi-*  
21 *tion, including—*

22 (A) *the completed aerial refueling analysis*  
23 *of alternatives (AOA) required by section 134(b)*  
24 *of the National Defense Authorization Act for*  
25 *Fiscal Year 2004, pursuant to “Analysis of Al-*

1           *ternatives (AoA) Guidance of KC-135 Recapital-*  
2           *ization”, dated February 24, 2004;*

3           *(B) the completed aerial refueling portion of*  
4           *the Mobility Capabilities Study;*

5           *(C) a new validated capabilities document*  
6           *in accordance with the applicable Chairman of*  
7           *Joint Chiefs of Staff Instruction; and*

8           *(D) the approval of a Defense Acquisition*  
9           *Board in accordance with Department of Defense*  
10          *regulations; and*

11          *(2) submitted to the congressional defense com-*  
12          *mittees a determination in writing that the acquisi-*  
13          *tion is in compliance with all currently applicable*  
14          *laws, Office of Management and Budget circulars,*  
15          *and regulations.*

16          *(b) INDEPENDENT REVIEW.—Not later than 45 days*  
17          *after the Secretary of Defense makes the determination de-*  
18          *scribed in paragraph (2) of subsection (a), the Comptroller*  
19          *General and the Inspector General of the Department of De-*  
20          *fense shall each review the documentation referred to in*  
21          *paragraph (1) of such subsection and submit to the congres-*  
22          *sional defense committees a report on the extent to which*  
23          *the acquisition is—*

24                  *(1) in compliance with the requirements of this*  
25          *section and all currently applicable laws, Office of*

1        *Management and Budget circulars, and regulations;*  
2        *and*

3            *(2) consistent with the analysis of alternatives*  
4        *referred to in subparagraph (A) of subsection (a)(1)*  
5        *and the other documentation referred to in such sub-*  
6        *section.*

7        *(c) LIMITATION ON ACQUISITION BEYOND LOW-RATE*  
8        *INITIAL PRODUCTION.—(1) The acquisition by lease or*  
9        *other contract of any aerial refueling aircraft for the Air*  
10       *Force beyond low-rate initial production shall be subject to,*  
11       *and for such acquisition the Secretary of the Air Force shall*  
12       *comply with, the requirements of sections 2366 and 2399*  
13       *of title 10, United States Code.*

14           *(2) For the purposes of this subsection, the term “low-*  
15       *rate initial production”, with respect to a lease, shall have*  
16       *the same meaning as applies in the administration of sec-*  
17       *tions 2366 and 2399 of title 10, United States Code, with*  
18       *regard to any other form of acquisition.*

19        *(d) SOURCE SELECTION FOR INTEGRATED SUPPORT*  
20        *OF AERIAL REFUELING AIRCRAFT FLEET.—For the selec-*  
21        *tion of a provider of integrated support for the aerial refuel-*  
22        *ing aircraft fleet in any acquisition by lease or other con-*  
23        *tract of aerial refueling aircraft for the Air Force, the Sec-*  
24        *retary of the Air Force shall—*

1           (1) before selecting the provider, perform all  
2 analyses required by law of—

3           (A) the costs and benefits of—

4                   (i) the alternative of using Federal  
5 Government personnel to provide such sup-  
6 port; and

7                   (ii) the alternative of using contractor  
8 personnel to provide such support;

9           (B) the core logistics requirements;

10          (C) use of performance-based logistics; and

11          (D) the length of contract period; and

12          (2) select the provider on the basis of fairly con-  
13 ducted full and open competition (as defined in sec-  
14 tion 4(6) of the Office of Federal Procurement Policy  
15 Act (41 U.S.C. 403(6))).

16          (e) *PRICE INFORMATION*.—Before the Secretary of the  
17 Air Force commits to acquiring by lease or other contract  
18 any aerial refueling aircraft for the Air Force, the Secretary  
19 shall require the manufacturer to provide, with respect to  
20 commercial items covered by the lease or contract, appro-  
21 priate information on the prices at which the same or simi-  
22 lar items have previously been sold that is adequate for eval-  
23 uating the reasonableness of the price for the items.

24          (f) *AUDIT SERVICES*.—The Secretary of the Air Force  
25 shall contact the Office of the Inspector General for the De-

1 *partment of Defense for review and approval of any Air*  
2 *Force use of non-Federal audit services for any lease or*  
3 *other contract for the acquisition of aerial refueling air-*  
4 *craft.*

5 **TITLE IX—DEPARTMENT OF DE-**  
6 **FENSE ORGANIZATION AND**  
7 **MANAGEMENT**

8 **Subtitle A—Reserve Components**

9 **SEC. 901. MODIFICATION OF STATED PURPOSE OF THE RE-**  
10 **SERVE COMPONENTS.**

11 *Section 10102 of title 10, United States Code, is*  
12 *amended by striking “, during and after the period needed*  
13 *to procure and train additional units and qualified persons*  
14 *to achieve the planned mobilization,”.*

15 **SEC. 902. COMMISSION ON THE NATIONAL GUARD AND RE-**  
16 **SERVES.**

17 *(a) ESTABLISHMENT.—There is established a commis-*  
18 *sion to be known as the “Commission on the National*  
19 *Guard and Reserves” (hereafter in this section referred to*  
20 *as the “Commission”).*

21 *(b) COMPOSITION.—(1) The Commission shall be com-*  
22 *posed of 13 members appointed as follows:*

23 *(A) Three members appointed by the chairman*  
24 *of the Committee on Armed Services of the Senate.*

1           (B) *Three members appointed by the chairman*  
2           *of the Committee on Armed Services of the House of*  
3           *Representatives.*

4           (C) *Two members appointed by the ranking mi-*  
5           *nority member of the Committee on Armed Services*  
6           *of the Senate.*

7           (D) *Two members appointed by the ranking mi-*  
8           *nority member of the Committee on Armed Service of*  
9           *the House of Representatives.*

10          (E) *Three members appointed by the Secretary*  
11          *of Defense.*

12          (2) *The members of the Commission shall be appointed*  
13          *from among persons who have knowledge and expertise in*  
14          *the following areas:*

15               (A) *National security.*

16               (B) *Roles and missions of any of the Armed*  
17               *Forces.*

18               (C) *The mission, operations, and organization of*  
19               *the National Guard of the United States.*

20               (D) *The mission, operations, and organization of*  
21               *the other reserve components of the Armed Forces.*

22               (E) *Military readiness of the Armed Forces.*

23               (F) *Personnel pay and other forms of compensa-*  
24               *tion.*

1           (G) *Other personnel benefits, including health*  
2           *care.*

3           (3) *Members of the Commission shall be appointed for*  
4 *the life of the Commission. A vacancy in the membership*  
5 *of the Commission shall not affect the powers of the Com-*  
6 *mission, but shall be filled in the same manner as the origi-*  
7 *nal appointment.*

8           (4) *The Secretary of Defense shall designate a member*  
9 *of the Commission to be chairman of the Commission.*

10          (c) *DUTIES.—(1) The Commission shall carry out a*  
11 *study of the following matters:*

12           (A) *The roles and missions of the National*  
13 *Guard and the other reserve components of the Armed*  
14 *Forces.*

15           (B) *The compensation and other benefits, includ-*  
16 *ing health care benefits, that are provided for mem-*  
17 *bers of the reserve components under the laws of the*  
18 *United States.*

19          (2) *In carrying out the study under paragraph (1),*  
20 *the Commission shall—*

21           (A) *assess the current roles and missions of the*  
22 *reserve components and identify appropriate poten-*  
23 *tial future roles and missions for the reserve compo-*  
24 *nents;*



1           (B) assess the capabilities of the reserve compo-  
2           nents and determine how the units and personnel of  
3           the reserve components may be best used to support  
4           the military operations of the Armed Forces and the  
5           achievement of national security objectives, including  
6           homeland defense, of the United States;

7           (C) assess—

8                 (i) the current organization and structure of  
9                 the National Guard and the other reserve compo-  
10                nents; and

11               (ii) the plans of the Department of Defense  
12                and the Armed Forces for future organization  
13                and structure of the National Guard and the  
14                other reserve components;

15           (D) assess the manner in which the National  
16           Guard and the other reserve components are currently  
17           organized and funded for training and identify an  
18           organizational and funding structure for training  
19           that best supports the achievement of training objec-  
20           tives and operational readiness;

21           (E) assess the effectiveness of the policies and  
22           programs of the National Guard and the other reserve  
23           components for achieving operational readiness and  
24           personnel readiness, including medical and personal  
25           readiness;

1           (F) assess—

2                 (i) the adequacy and appropriateness of the  
3                 compensation and benefits currently provided for  
4                 the members of the National Guard and the other  
5                 reserve components, including the availability of  
6                 health care benefits and health insurance; and

7                 (ii) the effects of proposed changes in com-  
8                 pensation and benefits on military careers in  
9                 both the regular and the reserve components of  
10                the Armed Forces;

11           (G) identify various feasible options for improv-  
12           ing the compensation and other benefits available to  
13           the members of the National Guard and the members  
14           of the other reserve components and assess—

15                 (i) the cost-effectiveness of such options; and

16                 (ii) the foreseeable effects of such options on  
17                 readiness, recruitment, and retention of per-  
18                 sonnel for careers in the regular and reserve com-  
19                 ponents the Armed Forces;

20           (H) assess the traditional military career paths  
21           for members of the National Guard and the other re-  
22           serve components and identify alternative career  
23           paths that could enhance professional development;  
24           and

1           (I) assess the adequacy of the funding provided  
2           for the National Guard and the other reserve compo-  
3           nents for several previous fiscal years, including the  
4           funding provided for National Guard and reserve  
5           component equipment and the funding provided for  
6           National Guard and other reserve component per-  
7           sonnel in active duty military personnel accounts and  
8           reserve military personnel accounts.

9           (d) *FIRST MEETING.*—The Commission shall hold its  
10          first meeting not later than 30 days after the date on which  
11          all members of the Commission have been appointed.

12          (e) *ADMINISTRATIVE AND PROCEDURAL AUTHORI-*  
13          *TIES.*—(1) Except as provided in paragraph (2), sections  
14          955, 956, 957, 958, and 959 of the National Defense Author-  
15          ization Act for Fiscal Year 1994 (Public Law 103–160; 107  
16          Stat. 1740; 10 U.S.C 111 note) shall apply to the Commis-  
17          sion.

18          (2)(A) The daily rate of pay payable under section  
19          957(a) of Public Law 103–160 shall be equal to the daily  
20          rate of basic pay prescribed for level IV of the Executive  
21          Schedule.

22          (B) Section 957(f) of Public Law 103–160 (relating  
23          to services of federally funded research and development  
24          centers) shall not apply to the Commission.

1       (3) *The following provisions of law do not apply to*  
2 *the Commission:*

3           (A) *Section 3161 of title 5, United States Code.*

4           (B) *The Federal Advisory Committee Act (5*  
5 *U.S.C. App.).*

6       (f) *REPORTS.—(1) Not later than March 31, 2005, the*  
7 *Commission shall submit to the Committees on Armed Serv-*  
8 *ices of the Senate and the House of Representatives a report*  
9 *setting forth—*

10           (A) *a strategic plan for the work of the Commis-*  
11 *sion;*

12           (B) *a discussion of the activities of the Commis-*  
13 *sion; and*

14           (C) *any initial findings of the Commission.*

15       (2) *Not later than December 31, 2005, the Commission*  
16 *shall submit a final report to the Committees of Congress*  
17 *referred to in paragraph (1). The final report shall include*  
18 *any recommendations that the Commission determines ap-*  
19 *propriate, including any recommended legislation, policies,*  
20 *regulations, directives, and practices.*

21       (g) *TERMINATION.—The Commission shall terminate*  
22 *90 days after the date on which the final report is submitted*  
23 *under subsection (f)(2).*

1       (h) *ANNUAL REVIEW BOARD.*—(1)(A) *Chapter 7 of*  
2 *title 10, United States Code, is amended by adding at the*  
3 *end the following new section:*

4       **“§ 186. Reserve components: annual review**

5       “(a) *INDEPENDENT REVIEW BOARD.*—*The Secretary*  
6 *of Defense shall appoint a board to review the reserve com-*  
7 *ponents of the armed forces.*

8       “(b) *COMPOSITION OF BOARD.*—(1) *The Secretary*  
9 *shall appoint the members of the board from among persons*  
10 *who have knowledge and expertise in the following areas:*

11               “(A) *National security.*

12               “(B) *Roles and missions of any of the armed*  
13 *forces.*

14               “(C) *The mission, operations, and organization*  
15 *of any of the reserve components.*

16               “(D) *Military readiness of the armed forces.*

17               “(E) *Personnel pay and other forms of com-*  
18 *ensation.*

19               “(F) *Other personnel benefits, including health*  
20 *care.*

21       “(2) *The Secretary of Defense shall designate a member*  
22 *of the board to be chairman of the board.*

23       “(c) *DUTIES.*—*The board shall, on an annual basis—*

24               “(1) *review—*

1           “(A) *the roles and missions of the reserve*  
2           *components; and*

3           “(B) *the compensation and other benefits,*  
4           *including health care benefits, that are provided*  
5           *for members of the reserve components under the*  
6           *laws of the United States; and*

7           “(2) *submit to the Secretary of Defense a report*  
8           *on the review, which shall include the findings of the*  
9           *board regarding the matters reviewed and any rec-*  
10          *ommendations that the board considers appropriate*  
11          *regarding those matters.*

12          “(d) *REPORT TO CONGRESS.—Promptly after receiv-*  
13          *ing the report under subsection (c)(2), the Secretary shall*  
14          *transmit the report, together with any comments and rec-*  
15          *ommendations that the Secretary considers appropriate, to*  
16          *the Committee on Armed Services of the Senate and the*  
17          *Committee on Armed Services of the House of Representa-*  
18          *tives.*

19          “(e) *ADMINISTRATIVE PROVISIONS.—Section 180(d) of*  
20          *this title shall apply to the members of the review board*  
21          *appointed under this section.”.*

22          “(B) *The table of sections at the beginning of such chap-*  
23          *ter is amended by adding at the end the following new item:*

          “186. *Reserve components: annual review.”.*

1       (2) *The first review board under section 186 of title*  
 2 *10, United States Code (as added by paragraph (1)), shall*  
 3 *be appointed during fiscal year 2006.*

4 **SEC. 903. CHAIN OF SUCCESSION FOR THE CHIEF OF THE**  
 5 **NATIONAL GUARD BUREAU.**

6       (a) *SENIOR OFFICER.*—(1) *Section 10502 of title 10,*  
 7 *United States Code, is amended by adding at the end the*  
 8 *following new subsection:*

9       “(e) *SUCCESSION.*—*Unless otherwise directed by the*  
 10 *President or the Secretary of Defense, the most senior officer*  
 11 *among the officers of the Army National Guard of the*  
 12 *United States and the officers of the Air National Guard*  
 13 *of the United States performing the duties of positions in*  
 14 *the National Guard Bureau shall act as the Chief of the*  
 15 *National Guard Bureau during any period that—*

16               “(1) *there is a vacancy in the position of Chief*  
 17 *of the National Guard Bureau; or*

18               “(2) *the Chief is unable to perform the duties of*  
 19 *that position.*”.

20       (2)(A) *The heading of such section is amended by add-*  
 21 *ing at the end the following: “; **succession**”.*

22       (B) *The item relating to such section in the table of*  
 23 *sections at the beginning of chapter 1011 of such title is*  
 24 *amended to read as follows:*

“10502. *Chief of the National Guard Bureau; appointment; adviser on National*  
*Guard matters; grade; succession.*”.

1           (b) *CONFORMING AMENDMENT.*—Section 10505 of such  
2 title is amended by striking subsections (d) and (e).

3 **SEC. 904. REDESIGNATION OF VICE CHIEF OF THE NA-**  
4                                   **TIONAL GUARD BUREAU AS DIRECTOR OF**  
5                                   **THE JOINT STAFF OF THE NATIONAL GUARD**  
6                                   **BUREAU.**

7           (a) *REDESIGNATION OF POSITION.*—Subsection (a)(1)  
8 of section 10505 of title 10, United States Code, is amended  
9 by striking “Vice Chief of the National Guard Bureau” and  
10 inserting “Director of the Joint Staff of the National Guard  
11 Bureau”.

12           (b) *CONFORMING AMENDMENTS.*—(1) Subsections  
13 (a)(3)(A), (a)(3)(B), (b), (c), and (d) of section 10505 of  
14 title 10, United States Code, are amended by striking “Vice  
15 Chief of the National Guard Bureau” and inserting “Direc-  
16 tor of the Joint Staff of the National Guard Bureau”.

17           (2) Subsection (a)(3)(B) of such section, as amended  
18 by paragraph (1), is further amended by striking “as the  
19 Vice Chief” and inserting “as the Director”.

20           (3) Paragraphs (2) and (4) of subsection (a) of such  
21 section are amended by striking “Chief and Vice Chief of  
22 the National Guard Bureau” and inserting “Chief of the  
23 National Guard Bureau and the Director of the Joint Staff  
24 of the National Guard Bureau”.

25           (4)(A) Subsection (e) of such section is amended—



1           (i) by striking “Chief and Vice Chief of the Na-  
 2           tional Guard Bureau or in the absence or disability  
 3           of both the Chief and Vice Chief of the National  
 4           Guard Bureau” and inserting “Chief of the National  
 5           Guard Bureau and the Director of the Joint Staff of  
 6           the National Guard Bureau or in the absence or dis-  
 7           ability of both the Chief and the Director”; and

8           (ii) by striking “Chief or Vice Chief” both places  
 9           it appears and inserting “Chief or Director”.

10          (B) The heading for such subsection is amended by  
 11 striking “VICE CHIEF.—” and inserting “DIRECTOR OF  
 12 THE JOINT STAFF.—”.

13          (5) Section 10506(a)(1) of title 10, United States Code,  
 14 is amended by striking “Chief and Vice Chief of the Na-  
 15 tional Guard Bureau” and inserting “Chief of the National  
 16 Guard Bureau and the Director of the Joint Staff of the  
 17 National Guard Bureau”.

18          (c) CLERICAL AMENDMENTS.—(1) The heading for sec-  
 19 tion 10505 of title 10, United States Code, is amended to  
 20 read as follows:

21 **“§ 10505. Director of the Joint Staff of the National**  
 22 **Guard Bureau”.**

23          (2) The item relating to such section in the table of  
 24 sections at the beginning of chapter 1011 of such title is  
 25 amended to read as follows:

“10505. Director of the Joint Staff of the National Guard Bureau.”.

1           (d) *OTHER REFERENCES.*—Any reference that is made  
2 in any law, regulation, document, paper, or other record  
3 of the United States to the Vice Chief of the National Guard  
4 Bureau shall be deemed to be a reference to the Director  
5 of the Joint Staff of the National Guard Bureau.

6 **SEC. 905. AUTHORITY TO REDESIGNATE THE NAVAL RE-**  
7 **SERVE.**

8           (a) *AUTHORITY OF SECRETARY OF THE NAVY.*—The  
9 Secretary of the Navy may, with the approval of the Presi-  
10 dent, redesignate the Naval Reserve as the “Navy Reserve”  
11 effective on the date that is 180 days after the date on which  
12 the Secretary submits recommended legislation under sub-  
13 section (b).

14           (b) *RECOMMENDED LEGISLATION.*—If the Secretary of  
15 the Navy exercises the authority to redesignate the Naval  
16 Reserve under subsection (a), the Secretary shall submit to  
17 the Committee on Armed Services of the Senate and the  
18 Committee on Armed Services of the House of Representa-  
19 tives recommended legislation that identifies each specific  
20 provision of law that refers to the Naval Reserve and sets  
21 forth an amendment to that specific provision of law to con-  
22 form the reference to the new designation.

23           (c) *EFFECT OF REDESIGNATION.*—On and after the ef-  
24 fective date of a redesignation of the Naval Reserve under  
25 subsection (a), any reference in any law, map, regulation,

1 *document, paper, or other record of the United States to*  
2 *the Naval Reserve shall be deemed to be a reference to the*  
3 *Navy Reserve.*

4 **SEC. 906. HOMELAND SECURITY ACTIVITIES OF THE NA-**  
5 **TIONAL GUARD.**

6 *(a) AUTHORITY.—Chapter 1 of title 32, United States*  
7 *Code, is amended by adding at the end the following new*  
8 *section:*

9 **“§ 116. Homeland security activities**

10 *“(a) USE OF PERSONNEL PERFORMING FULL-TIME*  
11 *NATIONAL GUARD DUTY.—The Governor of a State may,*  
12 *upon the request by the head of a Federal agency and with*  
13 *the concurrence of the Secretary of Defense, order any per-*  
14 *sonnel of the National Guard of the State to perform full-*  
15 *time National Guard duty under section 502(f) of this title*  
16 *for the purpose of carrying out homeland security activities,*  
17 *as described in subsection (b).*

18 *“(b) PURPOSE AND DURATION.—(1) The purpose for*  
19 *the use of personnel of the National Guard of a State under*  
20 *this section is to temporarily provide trained and dis-*  
21 *ciplined personnel to a Federal agency to assist that agency*  
22 *in carrying out homeland security activities.*

23 *“(2) The duration of the use of the National Guard*  
24 *of a State under this section shall be limited to a period*  
25 *of 180 days. The Governor of the State may, with the con-*

1 *currence of the Secretary of Defense, extend the period one*  
2 *time for an additional 90 days to meet extraordinary cir-*  
3 *cumstances.*

4       “(c) *RELATIONSHIP TO REQUIRED TRAINING.— A*  
5 *member of the National Guard serving on full-time Na-*  
6 *tional Guard duty under orders authorized under sub-*  
7 *section (a) shall participate in the training required under*  
8 *section 502(a) of this title in addition to the duty performed*  
9 *for the purpose authorized under that subsection. The pay,*  
10 *allowances, and other benefits of the member while partici-*  
11 *pating in the training shall be the same as those to which*  
12 *the member is entitled while performing duty for the pur-*  
13 *pose of carrying out homeland security activities. The mem-*  
14 *ber is not entitled to additional pay, allowances, or other*  
15 *benefits for participation in training required under section*  
16 *502(a)(1) of this title.*

17       “(d) *READINESS.—To ensure that the use of units and*  
18 *personnel of the National Guard of a State for homeland*  
19 *security activities does not degrade the training and readi-*  
20 *ness of such units and personnel, the following requirements*  
21 *shall apply in determining the homeland security activities*  
22 *that units and personnel of the National Guard of a State*  
23 *may perform:*

24               “(1) *The performance of the activities may not*  
25       *adversely affect the quality of that training or other-*

1       *wise interfere with the ability of a member or unit of*  
2       *the National Guard to perform the military functions*  
3       *of the member or unit.*

4               “(2) *National Guard personnel will not degrade*  
5       *their military skills as a result of performing the ac-*  
6       *tivities.*

7               “(3) *The performance of the activities will not*  
8       *result in a significant increase in the cost of training.*

9               “(4) *In the case of homeland security performed*  
10       *by a unit organized to serve as a unit, the activities*  
11       *will support valid unit training requirements.*

12              “(e) *PAYMENT OF COSTS.—(1) The Secretary of De-*  
13       *fense shall provide funds to the Governor of a State to pay*  
14       *costs of the use of personnel of the National Guard of the*  
15       *State for the performance of homeland security activities*  
16       *under this section. Such funds shall be used for the following*  
17       *costs:*

18                   “(A) *The pay, allowances, clothing, subsistence,*  
19       *gratuities, travel, and related expenses (including all*  
20       *associated training expenses, as determined by the*  
21       *Secretary), as authorized by State law, of personnel*  
22       *of the National Guard of that State used, while not*  
23       *in Federal service, for the purpose of homeland secu-*  
24       *rity activities.*

1           “(B) *The operation and maintenance of the*  
2           *equipment and facilities of the National Guard of*  
3           *that State used for the purpose of homeland security*  
4           *activities.*

5           “(2) *The Secretary of Defense shall require the head*  
6           *of an agency receiving support from the National Guard*  
7           *of a State in the performance of homeland security activi-*  
8           *ties under this section to reimburse the Department of De-*  
9           *fense for the payments made to the State for such support*  
10          *under paragraph (1).*

11          “(f) *MEMORANDUM OF AGREEMENT.—The Secretary of*  
12          *Defense and the Governor of a State shall enter into a*  
13          *memorandum of agreement with the head of each Federal*  
14          *agency to which the personnel of the National Guard of that*  
15          *State are to provide support in the performance of home-*  
16          *land security activities under this section. The memo-*  
17          *randum of agreement shall—*

18                 “(1) *specify how personnel of the National*  
19                 *Guard are to be used in homeland security activities;*

20                 “(2) *include a certification by the Adjutant Gen-*  
21                 *eral of the State that those activities are to be per-*  
22                 *formed at a time when the personnel are not in Fed-*  
23                 *eral service;*

24                 “(3) *include a certification by the Adjutant Gen-*  
25                 *eral of the State that—*

1           “(A) participation by National Guard per-  
2           sonnel in those activities is service in addition to  
3           training required under section 502 of this title;  
4           and

5           “(B) the requirements of subsection (d) of  
6           this section will be satisfied;

7           “(4) include a certification by the Attorney Gen-  
8           eral of the State (or, in the case of a State with no  
9           position of Attorney General, a civilian official of the  
10          State equivalent to a State attorney general), that the  
11          use of the National Guard of the State for the activi-  
12          ties provided for under the memorandum of agree-  
13          ment is authorized by, and is consistent with, State  
14          law;

15          “(5) include a certification by the Governor of  
16          the State or a civilian official of the State designated  
17          by the Governor that the activities provided for under  
18          the memorandum of agreement serve a State security  
19          purpose; and

20          “(6) include a certification by the head of the  
21          Federal agency that the agency will have a plan to  
22          ensure that the agency’s requirement for National  
23          Guard support ends not later than 179 days after the  
24          commencement of the support.

1           “(g) *EXCLUSION FROM END-STRENGTH COMPUTA-*  
2 *TION.*—*Notwithstanding any other provision of law, mem-*  
3 *bers of the National Guard on active duty or full-time Na-*  
4 *tional Guard duty for the purposes of administering (or*  
5 *during fiscal year 2003 otherwise implementing) this sec-*  
6 *tion shall not be counted toward the annual end strength*  
7 *authorized for Reserves on active duty in support of the re-*  
8 *serve components of the armed forces or toward the strengths*  
9 *authorized in sections 12011 and 12012 of title 10.*

10           “(h) *ANNUAL REPORT.*—*The Secretary of Defense shall*  
11 *submit to Congress an annual report regarding any assist-*  
12 *ance provided and activities carried out under this section*  
13 *during the preceding fiscal year. The report shall include*  
14 *the following:*

15                   “(1) *The number of members of the National*  
16 *Guard excluded under subsection (g) from the com-*  
17 *putation of end strengths.*

18                   “(2) *A description of the homeland security ac-*  
19 *tivities conducted with funds provided under this sec-*  
20 *tion.*

21                   “(3) *An accounting of the amount of funds pro-*  
22 *vided to each State.*

23                   “(4) *A description of the effect on military train-*  
24 *ing and readiness of using units and personnel of the*



1        *National Guard to perform homeland security activi-*  
2        *ties under this section.*

3        “(i) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*  
4        *tion shall be construed as a limitation on the authority of*  
5        *any unit of the National Guard of a State, when such unit*  
6        *is not in Federal service, to perform functions authorized*  
7        *to be performed by the National Guard by the laws of the*  
8        *State concerned.*

9        “(j) *DEFINITIONS.*—*For purposes of this section:*

10            “(1) *The term ‘Governor of a State’ means, in*  
11            *the case of the District of Columbia, the Commanding*  
12            *General of the National Guard of the District of Co-*  
13            *lumbia.*

14            “(2) *The term ‘State’ means each of the several*  
15            *States, the District of Columbia, the Commonwealth*  
16            *of Puerto Rico, or a territory or possession of the*  
17            *United States.”.*

18        (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
19        *the beginning of such section is amended by adding at the*  
20        *end the following new item:*

      “116. *Homeland security activities.*”.

1                   ***Subtitle B—Other Matters***

2   ***SEC. 911. STUDY OF ROLES AND AUTHORITIES OF THE DI-***  
3                   ***RECTOR OF DEFENSE RESEARCH AND ENGI-***  
4                   ***NEERING.***

5           (a) *STUDY REQUIRED.*—*The Secretary of Defense shall*  
6 *carry out a study of the roles and authorities of the Director*  
7 *of Defense Research and Engineering.*

8           (b) *CONTENT OF STUDY.*—*The study under this section*  
9 *shall include the following:*

10                   (1) *An examination of the past and current roles*  
11 *and authorities of the Director of Defense Research*  
12 *and Engineering.*

13                   (2) *An analysis to determine appropriate future*  
14 *roles and authorities for the Director, including an*  
15 *analysis of the following matters:*

16                           (A) *The relationship of the Director to other*  
17 *senior science and technology and acquisition of-*  
18 *ficials of the military departments and the De-*  
19 *fense Agencies*

20                           (B) *The relationship of the Director to the*  
21 *performance of the following functions:*

22                                   (i) *The planning, programming, and*  
23 *budgeting of the science and technology pro-*  
24 *grams of the Department of Defense, includ-*

1            *ing those of the military departments and*  
2            *the Defense Agencies.*

3            *(ii) The management of Department of*  
4            *Defense laboratories and technical centers,*  
5            *including the management of the Federal*  
6            *Government scientific and technical work-*  
7            *force for such laboratories and centers.*

8            *(iii) The promotion of the rapid tran-*  
9            *sition of technologies to acquisition pro-*  
10           *grams within the Department of Defense.*

11           *(iv) The promotion of the transfer of*  
12           *technologies into and from the commercial*  
13           *sector.*

14           *(v) The coordination of Department of*  
15           *Defense science and technology activities*  
16           *with organizations outside the Department*  
17           *of Defense, including other Federal Govern-*  
18           *ment agencies, international research orga-*  
19           *nizations, industry, and academia.*

20           *(vi) The technical review of Depart-*  
21           *ment of Defense acquisition programs and*  
22           *policies.*

23           *(vii) The training and educational ac-*  
24           *tivities for the national scientific and tech-*  
25           *nical workforce.*

1                   (viii) *The development of science and*  
2                   *technology policies and programs relating to*  
3                   *the maintenance of the national technology*  
4                   *and industrial base.*

5                   (3) *An examination of the duties of the Director*  
6                   *as the Chief Technology Officer of the Department of*  
7                   *Defense, especially in comparison to the duties of*  
8                   *similar positions in the Federal Government and in-*  
9                   *dustry.*

10                  (4) *An examination of any other matters that*  
11                  *the Secretary considers appropriate for the study.*

12                  (c) *REPORT.—(1) Not later than February 1, 2006, the*  
13                  *Secretary shall submit a report on the results of the study*  
14                  *under this section to the congressional defense committees.*

15                  (2) *The report shall include recommendations regard-*  
16                  *ing the appropriate roles, authorities, and resources that*  
17                  *should be assigned to the Director of Defense Research and*  
18                  *Engineering in order to enable the Director to serve effec-*  
19                  *tively as the Chief Technology Officer of the Department*  
20                  *of Defense and to support the transformation of the Armed*  
21                  *Forces.*

22                  (d) *ROLE OF DEFENSE SCIENCE BOARD IN STUDY AND*  
23                  *REPORT.—The Secretary shall act through the Defense*  
24                  *Science Board in carrying out the study under this section*  
25                  *and preparing the report under subsection (c).*

1 **SEC. 912. DIRECTORS OF SMALL BUSINESS PROGRAMS.**

2       (a) *REDESIGNATION OF EXISTING POSITIONS AND OF-*  
3 *FICES.—(1) Each of the following positions within the De-*  
4 *partment of Defense is redesignated as the Director of Small*  
5 *Business Programs:*

6           (A) *The Director of Small and Disadvantaged*  
7 *Business Utilization of the Department of Defense.*

8           (B) *The Director of Small and Disadvantaged*  
9 *Business Utilization of the Department of the Army.*

10          (C) *The Director of Small and Disadvantaged*  
11 *Business Utilization of the Department of the Navy.*

12          (D) *The Director of Small and Disadvantaged*  
13 *Business Utilization of the Department of the Air*  
14 *Force.*

15       (2) *Each of the following offices within the Department*  
16 *of Defense is redesignated as the Office of Small Business*  
17 *Programs:*

18           (A) *The Office of Small and Disadvantaged*  
19 *Business Utilization of the Department of Defense.*

20           (B) *The Office of Small and Disadvantaged*  
21 *Business Utilization of the Department of the Army.*

22           (C) *The Office of Small and Disadvantaged*  
23 *Business Utilization of the Department of the Navy.*

24           (D) *The Office of Small and Disadvantaged*  
25 *Business Utilization of the Department of the Air*  
26 *Force.*

1           (3) *Any reference that is made in any law, regulation,*  
2 *document, paper, or other record of the United States to*  
3 *a position or office redesignated by paragraph (1) or (2)*  
4 *shall be deemed to be a reference to the position or office*  
5 *as so redesignated.*

6           (b) *DEPARTMENT OF DEFENSE POSITION AND OF-*  
7 *FICE.—(1) Chapter 4 of title 10, United States Code, is*  
8 *amended by inserting after section 133b the following new*  
9 *section:*

10 **“§ 133c. Director of Small Business Programs**

11           “(a) *DIRECTOR.—There is a Director of Small Busi-*  
12 *ness Programs in the Department of Defense. The Director*  
13 *is appointed by the Secretary of Defense.*

14           “(b) *OFFICE OF SMALL BUSINESS PROGRAMS.—The*  
15 *Office of Small Business Programs of the Department of*  
16 *Defense is the office that is established within the Office of*  
17 *the Secretary of Defense under section 15(k) of the Small*  
18 *Business Act (15 U.S.C. 644(k)). The Director of Small*  
19 *Business Programs is the head of such office.*

20           “(c) *DUTIES AND POWERS.—(1) The Director of Small*  
21 *Business Programs shall, subject to paragraph (2), perform*  
22 *such duties regarding small business programs of the De-*  
23 *partment of Defense, and shall exercise such powers regard-*  
24 *ing those programs, as the Secretary of Defense may pre-*  
25 *scribe.*

1       “(2) Section 15(k) of the Small Business Act (15  
2 U.S.C. 644(k)), except for the designations of the Director  
3 and the Office, applies to the Director of Small Business  
4 Programs.”.

5       (2) The table of sections at the beginning of such chap-  
6 ter is amended by inserting after the item relating to section  
7 133b the following new item:

      “133c. Director of Small Business Programs.”.

8       (c) DEPARTMENT OF THE ARMY POSITION AND OF-  
9 FICE.—(1) Chapter 303 of title 10, United States Code, is  
10 amended by adding at the end the following new section:

11 **“§ 3024. Director of Small Business Programs**

12       “(a) DIRECTOR.—There is a Director of Small Busi-  
13 ness Programs in the Department of the Army. The Director  
14 is appointed by the Secretary of the Army.

15       “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The  
16 Office of Small Business Programs of the Department of  
17 the Army is the office that is established within the Depart-  
18 ment of the Army under section 15(k) of the Small Business  
19 Act (15 U.S.C. 644(k)). The Director of Small Business  
20 Programs is the head of such office.

21       “(c) DUTIES AND POWERS.—(1) The Director of Small  
22 Business Programs shall, subject to paragraph (2), perform  
23 such duties regarding small business programs of the De-  
24 partment of the Army, and shall exercise such powers re-

1 *garding those programs, as the Secretary of the Army may*  
 2 *prescribe.*

3 “(2) *Section 15(k) of the Small Business Act (15*  
 4 *U.S.C. 644(k)), except for the designations of the Director*  
 5 *and the Office, applies to the Director of Small Business*  
 6 *Programs.”.*

7 (2) *The table of sections at the beginning of such chap-*  
 8 *ter is amended by adding at the end the following new item:*

“3024. *Director of Small Business Programs.”.*

9 (d) *DEPARTMENT OF THE NAVY POSITION AND OF-*  
 10 *FICE.—(1) Chapter 503 of title 10, United States Code, is*  
 11 *amended by adding at the end the following new section:*

12 **“§ 5028. Director of Small Business Programs**

13 “(a) *DIRECTOR.—There is a Director of Small Busi-*  
 14 *ness Programs in the Department of the Navy. The Director*  
 15 *is appointed by the Secretary of the Navy.*

16 “(b) *OFFICE OF SMALL BUSINESS PROGRAMS.—The*  
 17 *Office of Small Business Programs of the Department of*  
 18 *the Navy is the office that is established within the Depart-*  
 19 *ment of the Navy under section 15(k) of the Small Business*  
 20 *Act (15 U.S.C. 644(k)). The Director of Small Business*  
 21 *Programs is the head of such office.*

22 “(c) *DUTIES AND POWERS.—(1) The Director of Small*  
 23 *Business Programs shall, subject to paragraph (2), perform*  
 24 *such duties regarding small business programs of the De-*  
 25 *partment of the Navy, and shall exercise such powers re-*



1 *garding those programs, as the Secretary of the Navy may*  
2 *prescribe.*

3 “(2) *Section 15(k) of the Small Business Act (15*  
4 *U.S.C. 644(k)), except for the designations of the Director*  
5 *and the Office, applies to the Director of Small Business*  
6 *Programs.*”.

7 (2) *The table of sections at the beginning of such chap-*  
8 *ter is amended by adding at the end the following new item:*  
*“5028. Director of Small Business Programs.”.*

9 (d) *DEPARTMENT OF THE AIR FORCE POSITION AND*  
10 *OFFICE.—(1) Chapter 803 of title 10, United States Code,*  
11 *is amended by adding at the end the following new section:*

12 **“§ 8024. Director of Small Business Programs**

13 “(a) *DIRECTOR.—There is a Director of Small Busi-*  
14 *ness Programs in the Department of the Air Force. The Di-*  
15 *rector is appointed by the Secretary of the Air Force.*

16 “(b) *OFFICE OF SMALL BUSINESS PROGRAMS.—The*  
17 *Office of Small Business Programs of the Department of*  
18 *the Air Force is the office that is established within the De-*  
19 *partment of the Air Force under section 15(k) of the Small*  
20 *Business Act (15 U.S.C. 644(k)). The Director of Small*  
21 *Business Programs is the head of such office.*

22 “(c) *DUTIES AND POWERS.—(1) The Director of Small*  
23 *Business Programs shall, subject to paragraph (2), perform*  
24 *such duties regarding small business programs of the De-*  
25 *partment of the Air Force, and shall exercise such powers*

1 regarding those programs, as the Secretary of the Air Force  
2 may prescribe.

3 “(2) Section 15(k) of the Small Business Act (15  
4 U.S.C. 644(k)), except for the designations of the Director  
5 and the Office, applies to the Director of Small Business  
6 Programs.”.

7 (2) The table of sections at the beginning of such chap-  
8 ter is amended by adding at the end the following new item:

“8024. Director of Small Business Programs.”.

9 **SEC. 913. LEADERSHIP POSITIONS FOR THE NAVAL POST-**  
10 **GRADUATE SCHOOL.**

11 (a) *DESIGNATION OF PRESIDENT.*—(1) The position of  
12 Superintendent of the Naval Postgraduate School is redesign-  
13 nated as President of the Naval Postgraduate School.

14 (2) Any reference to the Superintendent of the Naval  
15 Postgraduate School in any law, rule, regulation, docu-  
16 ment, record, or other paper of the United States shall be  
17 deemed to be a reference to the President of the Naval Post-  
18 graduate School.

19 (3) Sections 7042, 7044, 7048(a), and 7049(e) of title  
20 10, United States Code, are amended by striking “Super-  
21 intendent” each place it appears and inserting “President”.

22 (4) The heading of section 7042 of such title is amend-  
23 ed by striking “**Superintendent;**” in the section heading  
24 and inserting “**President;**”.

1           (b) *PROVOST AND ACADEMIC DEAN.*—(1) *The position*  
2 *of Academic Dean of the Naval Postgraduate School is re-*  
3 *designated as Provost and Academic Dean of the Naval*  
4 *Postgraduate School.*

5           (2) *Any reference to the Academic Dean of the Naval*  
6 *Postgraduate School in any law, rule, regulation, docu-*  
7 *ment, record, or other paper of the United States shall be*  
8 *deemed to be a reference to the Provost and Academic Dean*  
9 *of the Naval Postgraduate School.*

10          (3)(A) *Subsection (a) of section 7043 of title 10,*  
11 *United States Code, is amended to read as follows:*

12           “(a) *There is at the Naval Postgraduate School the sin-*  
13 *gle civilian position of Provost and Academic Dean. The*  
14 *Provost and Academic Dean shall be appointed, to serve*  
15 *for periods of not more than five years, by the Secretary*  
16 *of the Navy. Before making an appointment to the position*  
17 *of Provost and Academic Dean, the Secretary shall consult*  
18 *with the Board of Advisors for the Naval Postgraduate*  
19 *School and consider any recommendation of the leadership*  
20 *and faculty of the Naval Postgraduate School regarding an*  
21 *appointment to the position.*”.

22          (B) *The heading of such section is amended to read*  
23 *as follows:*

1 **“§ 7043. Provost and Academic Dean”.**

2 (4) Sections 7043(b) and 7081(a) of title 10, United  
3 States Code, are amended by striking “Academic Dean”  
4 and inserting “Provost and Academic Dean”.

5 (5) Section 5102(c)(10) of title 5, United States Code,  
6 is amended by striking “Academic Dean of the Post-  
7 graduate School of the Naval Academy” and inserting  
8 “Provost and Academic Dean of the Naval Postgraduate  
9 School”.

10 (c) CLERICAL AMENDMENTS.—The table of sections at  
11 the beginning of chapter 605 of such title 10, United States  
12 Code, is amended by striking the items related to sections  
13 7042 and 7043 and inserting the following new items:

“7042. President: assistants.

“7043. Provost and Academic Dean.”.

14 **SEC. 914. UNITED STATES MILITARY CANCER INSTITUTE.**

15 (a) ESTABLISHMENT.—Chapter 104 of title 10, United  
16 States Code, is amended by adding at the end the following  
17 new section:

18 **“§ 2117. United States Military Cancer Institute**

19 “(a) ESTABLISHMENT.—(1) There is a United States  
20 Military Cancer Institute in the University. The Director  
21 of the United States Military Cancer Institute is the head  
22 of the Institute.

23 “(2) The Institute is composed of clinical and basic  
24 scientists in the Department of Defense who have an exper-

1 *tise in research, patient care, and education relating to on-*  
2 *cology and who meet applicable criteria for participation*  
3 *in the Institute.*

4       “(3) *The components of the Institute include military*  
5 *treatment and research facilities that meet applicable cri-*  
6 *teria and are designated as affiliates of the Institute.*

7       “(b) *RESEARCH.—(1) The Director of the United*  
8 *States Military Cancer Institute shall carry out research*  
9 *studies on the following:*

10           “(A) *The epidemiological features of cancer, in-*  
11 *cluding assessments of the carcinogenic effect of ge-*  
12 *netic and environmental factors, and of disparities in*  
13 *health, inherent or common among populations of*  
14 *various ethnic origins.*

15           “(B) *The prevention and early detection of can-*  
16 *cer.*

17           “(C) *Basic, translational, and clinical investiga-*  
18 *tion matters relating to the matters described in sub-*  
19 *paragraphs (A) and (B).*

20       “(2) *The research studies under paragraph (1) shall*  
21 *include complementary research on oncologic nursing.*

22       “(c) *COLLABORATIVE RESEARCH.—The Director of the*  
23 *United States Military Cancer Institute shall carry out the*  
24 *research studies under subsection (b) in collaboration with*

1 *other cancer research organizations and entities selected by*  
2 *the Institute for purposes of the research studies.*

3       “(d) *ANNUAL REPORT.*—(1) *Promptly after the end of*  
4 *each fiscal year, the Director of the United States Military*  
5 *Cancer Institute shall submit to the President of the Univer-*  
6 *sity a report on the results of the research studies carried*  
7 *out under subsection (b).*

8       “(2) *Not later than 60 days after receiving the annual*  
9 *report under paragraph (1), the President of the University*  
10 *shall transmit such report to the Secretary of Defense and*  
11 *to Congress.*”.

12       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
13 *the beginning of such chapter is amended by adding at the*  
14 *end the following new item:*

*“2117. United States Military Cancer Institute.”.*

15 **SEC. 915. AUTHORITIES OF THE JUDGE ADVOCATES GEN-**  
16 **ERAL.**

17       (a) *DEPARTMENT OF THE ARMY.*—(1) *Section 3019(b)*  
18 *of title 10, United States Code, is amended by striking “The*  
19 *General Counsel” and inserting “Subject to sections 806*  
20 *and 3037 of this title, the General Counsel”.*

21       (2)(A) *Section 3037 of such title is amended to read*  
22 *as follows:*

1 **“§ 3037. Judge Advocate General, Assistant Judge Ad-**  
2 **vocate General: appointment; duties**

3 “(a) *POSITION OF JUDGE ADVOCATE GENERAL.—*  
4 *There is a Judge Advocate General in the Army, who is*  
5 *appointed by the President, by and with the advice and*  
6 *consent of the Senate, from officers of the Judge Advocate*  
7 *General’s Corps. The term of office is four years, but may*  
8 *be sooner terminated or extended by the President. The*  
9 *Judge Advocate General, while so serving, has the grade of*  
10 *lieutenant general.*

11 “(b) *APPOINTMENT.—The Judge Advocate General of*  
12 *the Army shall be appointed from those officers who at the*  
13 *time of appointment are members of the bar of a Federal*  
14 *court or the highest court of a State or Territory, and who*  
15 *have had at least eight years of experience in legal duties*  
16 *as commissioned officers.*

17 “(c) *DUTIES.—The Judge Advocate General, in addi-*  
18 *tion to other duties prescribed by law—*

19 “(1) *is the legal adviser of the Secretary of the*  
20 *Army, the Chief of Staff of the Army, and the Army*  
21 *Staff, and of all offices and agencies of the Depart-*  
22 *ment of the Army;*

23 “(2) *shall direct and supervise the members of*  
24 *the Judge Advocate General’s Corps and civilian at-*  
25 *torneys employed by the Department of the Army*  
26 *(other than those assigned or detailed to the Office of*

1       *the General Counsel of the Army) in the performance*  
2       *of their duties;*

3           “(3) shall direct and supervise the performance  
4       *of duties under chapter 47 of this title (the Uniform*  
5       *Code of Military Justice) by any member of the*  
6       *Army;*

7           “(4) shall receive, revise, and have recorded the  
8       *proceedings of courts of inquiry and military com-*  
9       *missions; and*

10          “(5) shall perform such other legal duties as may  
11       *be directed by the Secretary of the Army.*

12          “(d) *POSITION OF ASSISTANT JUDGE ADVOCATE GEN-*  
13       *ERAL.—There is an Assistant Judge Advocate General in*  
14       *the Army, who is appointed by the President, by and with*  
15       *the advice and consent of the Senate, from officers of the*  
16       *Army who have the qualifications prescribed in subsection*  
17       *(b) for the Judge Advocate General. The term of office of*  
18       *the Assistant Judge Advocate General is four years, but*  
19       *may be sooner terminated or extended by the President. An*  
20       *officer appointed as Assistant Judge Advocate General who*  
21       *holds a lower regular grade shall be appointed in the reg-*  
22       *ular grade of major general.*

23          “(e) *APPOINTMENTS RECOMMENDED BY SELECTION*  
24       *BOARDS.—Under regulations prescribed by the Secretary of*  
25       *Defense, the Secretary of the Army, in selecting an officer*



1 *for recommendation to the President under subsection (a)*  
2 *for appointment as the Judge Advocate General or under*  
3 *subsection (d) for appointment as the Assistant Judge Advo-*  
4 *cate General, shall ensure that the officer selected is rec-*  
5 *ommended by a board of officers that, insofar as prac-*  
6 *ticable, is subject to the procedures applicable to selection*  
7 *boards convened under chapter 36 of this title.”.*

8       *(B) The item relating to such section in the table of*  
9 *sections at the beginning of chapter 305 of such title is*  
10 *amended to read as follows:*

*“3037. Judge Advocate General, Assistant Judge Advocate General: appointment;  
duties.”.*

11       *(b) DEPARTMENT OF THE NAVY.—(1) Section 5019(b)*  
12 *of title 10, United States Code, is amended by striking “The*  
13 *General Counsel” and inserting “Subject to sections 806*  
14 *and 5148 of this title, the General Counsel”.*

15       *(2) Section 5148 of such title is amended—*

16             *(A) in subsection (b), by striking the fourth sen-*  
17 *tence and inserting the following: “The Judge Advo-*  
18 *cate General, while so serving, has the grade of vice*  
19 *admiral or lieutenant general, as appropriate.”; and*

20             *(B) by striking subsection (d) and inserting the*  
21 *following:*

22             *“(d) The Judge Advocate General, in addition to other*  
23 *duties prescribed by law—*

1           “(1) is the legal adviser of the Secretary of the  
2           Navy, the Chief of Naval Operations, and all offices,  
3           bureaus, and agencies of the Department of the Navy;

4           “(2) shall direct and supervise the judge advo-  
5           cates of the Navy and the Marine Corps and civilian  
6           attorneys employed by the Department of the Navy  
7           (other than those assigned or detailed to the Office of  
8           the General Counsel of the Navy) in the performance  
9           of their duties;

10           “(3) shall direct and supervise the performance  
11           of duties under chapter 47 of this title (the Uniform  
12           Code of Military Justice) by any member of the Navy  
13           or Marine Corps;

14           “(4) shall receive, revise, and have recorded the  
15           proceedings of courts of inquiry and military com-  
16           missions; and

17           “(5) shall perform such other legal duties as may  
18           be directed by the Secretary of the Navy.”.

19           (c) DEPARTMENT OF THE AIR FORCE.—(1) Section  
20           8019(b) of title 10, United States Code, is amended by strik-  
21           ing “The General Counsel” and inserting “Subject to sec-  
22           tions 806 and 8037 of this title, the General Counsel”.

23           (2) Section 8037 of such title is amended—

24           (A) in subsection (a), by striking the third sen-  
25           tence and inserting the following: “The Judge Advo-

1        *cate General, while so serving, has the grade of lieu-*  
2        *tenant general.”; and*

3                *(B) in subsection (c)—*

4                        *(i) by striking “General shall,” in the mat-*  
5                        *ter preceding paragraph (1) and inserting “Gen-*  
6                        *eral,”;*

7                        *(ii) by redesignating paragraphs (1) and*  
8                        *(2) as paragraphs (4) and (5), respectively, and,*  
9                        *in each such paragraph, by inserting “shall” be-*  
10                        *fore the first word; and*

11                        *(iii) by inserting after paragraph (1) the*  
12                        *following new paragraphs:*

13                        *“(1) is the legal adviser of the Secretary of the*  
14                        *Air Force, the Chief of Staff of the Air Force, and the*  
15                        *Air Staff, and of all offices and agencies of the De-*  
16                        *partment of the Air Force;*

17                        *“(2) shall direct and supervise the members of*  
18                        *the Air Force designated as judge advocates and civil-*  
19                        *ian attorneys employed by the Department of the Air*  
20                        *Force (other than those assigned or detailed to the Of-*  
21                        *fice of the General Counsel of the Air Force) in the*  
22                        *performance of their duties;*

23                        *“(3) shall direct and supervise the performance*  
24                        *of duties under chapter 47 of this title (the Uniform*

1       *Code of Military Justice) by any member of the Air*  
2       *Force;”.*

3       (d) *EXCLUSION FROM LIMITATION ON GENERAL AND*  
4       *FLAG OFFICER DISTRIBUTION.*—*Section 525(b) of title 10,*  
5       *United States Code, is amended by adding at the end the*  
6       *following new paragraph:*

7       “(9) *An officer while serving as the Judge Advocate*  
8       *General of the Army, the Judge Advocate General of the*  
9       *Navy, or the Judge Advocate General of the Air Force is*  
10       *in addition to the number that would otherwise be per-*  
11       *mitted for that officer’s armed force for officers serving on*  
12       *active duty in grades above major general or rear admiral*  
13       *under paragraph (1) or (2), as the case may be.”.*

## 14       **TITLE X—GENERAL PROVISIONS**

### 15       **Subtitle A—Financial Matters**

#### 16       **SEC. 1001. TRANSFER AUTHORITY.**

17       (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—(1)  
18       *Upon determination by the Secretary of Defense that such*  
19       *action is necessary in the national interest, the Secretary*  
20       *may transfer amounts of authorizations made available to*  
21       *the Department of Defense in this division for fiscal year*  
22       *2005 between any such authorizations for that fiscal year*  
23       *(or any subdivisions thereof). Amounts of authorizations so*  
24       *transferred shall be merged with and be available for the*  
25       *same purposes as the authorization to which transferred.*

1       (2) *The total amount of authorizations that the Sec-*  
2 *retary may transfer under the authority of this section may*  
3 *not exceed \$3,000,000,000.*

4       (b) *LIMITATIONS.—The authority provided by this sec-*  
5 *tion to transfer authorizations—*

6           (1) *may only be used to provide authority for*  
7 *items that have a higher priority than the items from*  
8 *which authority is transferred; and*

9           (2) *may not be used to provide authority for an*  
10 *item that has been denied authorization by Congress.*

11       (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*  
12 *fer made from one account to another under the authority*  
13 *of this section shall be deemed to increase the amount au-*  
14 *thorized for the account to which the amount is transferred*  
15 *by an amount equal to the amount transferred.*

16       (d) *NOTICE TO CONGRESS.—The Secretary shall*  
17 *promptly notify Congress of each transfer made under sub-*  
18 *section (a).*

19 **SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COM-**  
20 **MON-FUNDED BUDGETS IN FISCAL YEAR 2005.**

21       (a) *FISCAL YEAR 2005 LIMITATION.—The total*  
22 *amount contributed by the Secretary of Defense in fiscal*  
23 *year 2005 for the common-funded budgets of NATO may*  
24 *be any amount up to, but not in excess of, the amount speci-*  
25 *fied in subsection (b) (rather than the maximum amount*

1 *that would otherwise be applicable to those contributions*  
2 *under the fiscal year 1998 baseline limitation).*

3 (b) *TOTAL AMOUNT.*—*The amount of the limitation*  
4 *applicable under subsection (a) is the sum of the following:*

5 (1) *The amounts of unexpended balances, as of*  
6 *the end of fiscal year 2004, of funds appropriated for*  
7 *fiscal years before fiscal year 2005 for payments for*  
8 *those budgets.*

9 (2) *The amount specified in subsection (c)(1).*

10 (3) *The amount specified in subsection (c)(2).*

11 (4) *The total amount of the contributions author-*  
12 *ized to be made under section 2501.*

13 (c) *AUTHORIZED AMOUNTS.*—*Amounts authorized to*  
14 *be appropriated by titles II and III of this Act are available*  
15 *for contributions for the common-funded budgets of NATO*  
16 *as follows:*

17 (1) *Of the amount provided in section 201(1),*  
18 *\$756,000 for the Civil Budget.*

19 (2) *Of the amount provided in section 301(1),*  
20 *\$222,492,000 for the Military Budget.*

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

22 (1) *COMMON-FUNDED BUDGETS OF NATO.*—*The*  
23 *term “common-funded budgets of NATO” means the*  
24 *Military Budget, the Security Investment Program,*  
25 *and the Civil Budget of the North Atlantic Treaty Or-*

1        *ganization (and any successor or additional account*  
2        *or program of NATO).*

3            (2) *FISCAL YEAR 1998 BASELINE LIMITATION.*—

4        *The term “fiscal year 1998 baseline limitation”*  
5        *means the maximum annual amount of Department*  
6        *of Defense contributions for common-funded budgets of*  
7        *NATO that is set forth as the annual limitation in*  
8        *section 3(2)(C)(ii) of the resolution of the Senate giv-*  
9        *ing the advice and consent of the Senate to the ratifi-*  
10       *cation of the Protocols to the North Atlantic Treaty*  
11       *of 1949 on the Accession of Poland, Hungary, and the*  
12       *Czech Republic (as defined in section 4(7) of that res-*  
13       *olution), approved by the Senate on April 30, 1998.*

14 **SEC. 1003. REDUCTION IN OVERALL AUTHORIZATION DUE**  
15            **TO INFLATION SAVINGS.**

16        (a) *REDUCTION.*—*The total amount authorized to be*  
17        *appropriated by titles I, II, and III is the amount equal*  
18        *to the sum of the individual authorizations in those titles*  
19        *reduced by \$1,670,000,000.*

20        (b) *SOURCE OF SAVINGS.*—*Reductions required in*  
21        *order to comply with subsection (a) shall be derived from*  
22        *savings resulting from lower-than-expected inflation as a*  
23        *result of the annual review of the budget conducted by the*  
24        *Office of Management and Budget.*

1       (c) *ALLOCATION OF REDUCTION.*—*The Secretary of*  
2 *Defense shall allocate the reduction required by subsection*  
3 *(a) among the accounts in titles I, II, and III to reflect*  
4 *the extent to which net inflation savings are available in*  
5 *those accounts.*

6 **SEC. 1004. DEFENSE BUSINESS SYSTEMS INVESTMENT MAN-**  
7 **AGEMENT.**

8       (a) *REQUIREMENT FOR DEFENSE BUSINESS ENTER-*  
9 *PRISE ARCHITECTURE AND TRANSITION PLAN.*—(1) *Not*  
10 *later than September 30, 2005, the Secretary of Defense*  
11 *shall develop—*

12           (A) *a defense business enterprise architecture*  
13 *covering all defense business systems of the Depart-*  
14 *ment of Defense and the functions and activities sup-*  
15 *ported by such systems that—*

16                   (i) *is sufficiently defined to effectively*  
17 *guide, constrain, and permit implementation of*  
18 *interoperable business system solutions; and*

19                   (ii) *is consistent with the applicable policies*  
20 *and procedures prescribed by the Director of the*  
21 *Office of Management and Budget; and*

22           (B) *a transition plan for implementing the de-*  
23 *fense business enterprise architecture.*



1           (2) *In carrying out paragraph (1), the Secretary shall*  
2 *act through the Defense Business Systems Management*  
3 *Committee established under subsection (h).*

4           (b) *COMPOSITION OF ENTERPRISE ARCHITECTURE.—*  
5 *The defense business enterprise architecture developed under*  
6 *subsection (a)(1)(A) shall include the following:*

7                   (1) *An information infrastructure that, at a*  
8 *minimum, would enable the Department of Defense*  
9 *to—*

10                               (A) *comply with all Federal accounting, fi-*  
11 *nancial management, and reporting require-*  
12 *ments;*

13                               (B) *routinely produce timely, accurate, and*  
14 *reliable financial information for management*  
15 *purposes;*

16                               (C) *integrate budget, accounting, and pro-*  
17 *gram information and systems; and*

18                               (D) *provide for the systematic measurement*  
19 *of performance, including the ability to produce*  
20 *timely, relevant, and reliable cost information.*

21                   (2) *Policies, procedures, data standards, and sys-*  
22 *tem interface requirements that are to apply uni-*  
23 *formly throughout the Department of Defense.*

1           (c) *COMPOSITION OF TRANSITION PLAN.—(1) The*  
2 *transition plan developed under subsection (a)(1)(B) shall*  
3 *include the following:*

4                   (A) *The acquisition strategy for new systems*  
5 *that are expected to be needed to complete the defense*  
6 *business enterprise architecture.*

7                   (B) *A listing of the defense business systems as*  
8 *of December 2, 2002 (known as “legacy systems”),*  
9 *that will not be part of the objective defense business*  
10 *enterprise architecture, together with the schedule for*  
11 *terminating those legacy systems that provides for re-*  
12 *ducing the use of those legacy systems in phases.*

13                   (C) *A listing of the legacy systems (referred to in*  
14 *subparagraph (B)) that will be a part of the objective*  
15 *defense business system, together with a strategy for*  
16 *making the modifications to those systems that will be*  
17 *needed to ensure that such systems comply with the*  
18 *defense business enterprise architecture.*

19           (2) *Each of the strategies under paragraph (1) shall*  
20 *include specific time-phased milestones, performance*  
21 *metrics, and a statement of the financial and nonfinancial*  
22 *resource needs.*

23           (d) *CONDITIONS FOR USE OF FUNDS FOR DEFENSE*  
24 *BUSINESS SYSTEM MODERNIZATION.—(1) After September*  
25 *30, 2005, an officer or employee of the United States may*

1 *not obligate or expend an amount in excess of \$1,000,000*  
2 *for a defense business system modernization unless the Sec-*  
3 *retary of Defense or the official delegated authority for the*  
4 *system covered by such modernization under subsection (e)*  
5 *has determined in writing that such defense business system*  
6 *modernization—*

7           *(A) is consistent with the defense business enter-*  
8           *prise architecture and transition plan developed*  
9           *under subsection (a); or*

10           *(B) is necessary to—*

11                 *(i) achieve a critical national security ca-*  
12                 *pability or address a critical requirement in an*  
13                 *area such as safety or security; or*

14                 *(ii) prevent a significant adverse effect on a*  
15                 *project that is needed to achieve an essential ca-*  
16                 *pability, taking into consideration the alter-*  
17                 *native solutions for preventing such adverse ef-*  
18                 *fect.*

19           *(2) A violation of paragraph (1) is a violation of sec-*  
20 *tion 1341(a)(1)(A) of title 31, United States Code.*

21           *(e) ACCOUNTABILITY FOR DEFENSE BUSINESS SYS-*  
22 *TEMS.—The Secretary of Defense shall delegate authority*  
23 *for the planning, design, acquisition, development, deploy-*  
24 *ment, operation, maintenance, modernization, and over-*  
25 *sight of defense business systems as follows:*

1           (1) *To the Under Secretary of Defense for Acqui-*  
2           *sition, Technology, and Logistics, for—*

3                   (A) *defense business systems the primary*  
4                   *purpose of which is to support acquisition activi-*  
5                   *ties in the Department of Defense;*

6                   (B) *defense business systems the primary*  
7                   *purpose of which is to support logistics activities*  
8                   *in the Department of Defense; and*

9                   (C) *defense business systems the primary*  
10                  *purpose of which is to support installations and*  
11                  *environment activities in the Department of De-*  
12                  *fense.*

13           (2) *To the Under Secretary of Defense (Comp-*  
14           *troller) and Chief Financial Officer, for—*

15                   (A) *defense business systems the primary*  
16                   *purpose of which is to support financial manage-*  
17                   *ment activities in the Department of Defense;*  
18                   *and*

19                   (B) *defense business systems the primary*  
20                   *purpose of which is to support strategic planning*  
21                   *and budgeting activities in the Department of*  
22                   *Defense.*

23           (3) *To the Under Secretary of Defense for Per-*  
24           *sonnel and Readiness, for defense business systems the*  
25           *primary purpose of which is to support human re-*

1 source management activities in the Department of  
2 Defense.

3 (4) To the Assistant Secretary of Defense (Net-  
4 works and Information Integration) and Chief Infor-  
5 mation Officer, for defense business systems the pri-  
6 mary purpose of which is to support information  
7 technology infrastructure and information assurance  
8 activities of the Department of Defense.

9 (5) To the Deputy Secretary of Defense or an  
10 Under Secretary of Defense, as designated by the Sec-  
11 retary of Defense, for defense business systems the pri-  
12 mary purpose of which is to support any activity of  
13 the Department of Defense not described in another  
14 paragraph of this subsection.

15 (f) *DEFENSE BUSINESS SYSTEM INVESTMENT RE-*  
16 *VIEW.*—(1) The Secretary of Defense shall require each offi-  
17 cial to whom authority is delegated under subsection (e) to  
18 establish an investment review process to review the plan-  
19 ning, design, acquisition, development, deployment, oper-  
20 ation, maintenance, and modernization of all defense busi-  
21 ness systems covered by the authority so delegated to that  
22 official, and to analyze project cost benefits and risks of  
23 such systems.

24 (2) Each investment review process established under  
25 paragraph (1) shall be consistent with the requirements of

1 *section 11312 of title 40, United States Code, and shall in-*  
2 *clude the following features:*

3           (A) *An investment review board composed of ap-*  
4 *propriate officials from among the Armed Forces,*  
5 *combatant commands, the Joint Staff, and Defense*  
6 *Agencies.*

7           (B) *Review and approval, by the investment re-*  
8 *view board, of each defense business system as an in-*  
9 *vestment before the obligation or expenditure of funds*  
10 *on such system.*

11           (C) *Periodic review of each defense business sys-*  
12 *tem investment not less often than annually.*

13           (D) *Use of threshold criteria to ensure that each*  
14 *defense business system investment, and that account-*  
15 *ability for each defense business system investment, is*  
16 *reviewed at a level of review within the Department*  
17 *of Defense that is appropriate for the scope, com-*  
18 *plexity, and cost of the investment.*

19           (E) *Procedures for making determinations in ac-*  
20 *cordance with the requirements of subsection (d).*

21           (g) *DEFENSE BUSINESS SYSTEMS BUDGET EX-*  
22 *HIBIT.—For each budget for a fiscal year after fiscal year*  
23 *2005 that the President submits to Congress under section*  
24 *1105(a) of title 31, United States Code, the Secretary of*  
25 *Defense shall include in the documentation on major func-*

1 *tional category 050 (National Defense) that the Secretary*  
2 *submits to the congressional defense committees in support*  
3 *of such budget a defense business systems budget exhibit that*  
4 *includes the following information:*

5 *(1) Identification of each defense business system*  
6 *for which funding is proposed in that budget.*

7 *(2) Identification of all funds, by appropriation,*  
8 *proposed in that budget for each such system,*  
9 *including—*

10 *(A) funds for current services (to operate*  
11 *and maintain the system); and*

12 *(B) funds for business systems moderniza-*  
13 *tion, identified for each specific appropriation.*

14 *(3) For each such system, identification of the of-*  
15 *ficial to whom authority for such system is delegated*  
16 *under subsection (e).*

17 *(4) For each such system, a description of each*  
18 *determination made under subsection (d) with regard*  
19 *to such system.*

20 *(h) DEFENSE BUSINESS SYSTEM MANAGEMENT COM-*

21 *MITTEE.—(1) The Secretary of Defense shall establish a De-*  
22 *fense Business Systems Management Executive Committee.*

23 *The Committee shall be composed of the following members:*

24 *(A) The Deputy Secretary of Defense, who shall*  
25 *be the chairman of the Committee.*

1           (B) *The Under Secretary of Defense for Acquisi-*  
2           *tion, Logistics, and Technology.*

3           (C) *The Under Secretary of Defense for Per-*  
4           *sonnel and Readiness.*

5           (D) *The Under Secretary of Defense (Comp-*  
6           *troller) and Chief Financial Officer.*

7           (E) *The Assistant Secretary of Defense (Networks*  
8           *and Information Integration) and Chief Information*  
9           *Officer.*

10          (F) *The Secretaries of the military departments.*

11          (G) *The heads of the Defense Agencies.*

12          (H) *Any personnel assigned to the Joint Staff,*  
13          *personnel assigned to combatant commands, or other*  
14          *Department of Defense personnel that the Secretary of*  
15          *Defense designates to serve on the Committee.*

16          (2) *In addition to any other duties assigned to the*  
17          *Committee by the Secretary of Defense, the Committee shall*  
18          *have the following duties:*

19               (A) *To submit to the Secretary recommended*  
20               *policies and procedures that the Committee considers*  
21               *necessary to effectively integrate compliance with the*  
22               *requirements of this section into all business activities*  
23               *and any transformation, reform, reorganization, or*  
24               *process improvement initiatives undertaken within*  
25               *the Department of Defense.*



1           (B) To review and approve defense business sys-  
2           tems modernization plans, including review and ap-  
3           proval of any major update of the defense business en-  
4           terprise architecture.

5           (C) To coordinate defense business system mod-  
6           ernization initiatives to maximize benefits and mini-  
7           mize costs for the Department of Defense.

8           (D) To ensure that funds are not obligated for  
9           the modernization of any defense business system in  
10          violation of subsection (d)(1).

11          (E) To periodically report to the Secretary on  
12          the status of defense business system modernization ef-  
13          forts.

14          (i) *DEFINITIONS.*—*In this section:*

15           (1) The term “defense business system” means  
16           any information system (except a national security  
17           system, as defined in section 2315 of title 10, United  
18           States Code) that is operated by, for, or on behalf of  
19           the Department of Defense to support business activi-  
20           ties such as acquisition, financial management, logis-  
21           tics, strategic planning and budgeting, installations  
22           and environment, and human resource management.

23           (2) The term “enterprise architecture” has the  
24           meaning given that term in section 3601(4) of title  
25           44, United States Code.

1           (3) *The terms “information system” and “infor-*  
2 *mation technology” have the meanings given those*  
3 *terms in section 11101 of title 40, United States Code.*

4           (4) *The term “modernization”, with respect to a*  
5 *defense business system, means the acquisition or de-*  
6 *velopment of a new defense business system or any*  
7 *significant modification or enhancement of an exist-*  
8 *ing defense business system (other than as necessary*  
9 *to maintain current services).*

10          (j) *ANNUAL REPORT.*—*Not later than March 15 of*  
11 *2005 and each year thereafter through 2009, the Secretary*  
12 *of Defense shall submit to the congressional defense commit-*  
13 *tees a report on the progress made by the Department of*  
14 *Defense in implementing the defense business enterprise ar-*  
15 *chitecture and transition plan required by this section.*  
16 *Each report shall include, at a minimum, the following in-*  
17 *formation:*

18           (1) *A description of the specific actions taken*  
19 *and planned to be taken to implement the defense*  
20 *business enterprise architecture and the transition*  
21 *plan.*

22           (2) *Specific milestones, performance measures,*  
23 *and resource commitments for such actions.*

24          (k) *COMPTROLLER GENERAL ASSESSMENT.*—*Not later*  
25 *than 60 days after the date on which the Secretary of De-*

1 *fense approves the defense business enterprise architecture*  
 2 *and transition plan developed under subsection (a), and*  
 3 *again each year not later than 60 days after the submission*  
 4 *of the annual report under subsection (j), the Comptroller*  
 5 *General shall submit to the congressional defense committees*  
 6 *an assessment of the extent to which the actions taken by*  
 7 *the Department comply with the requirements of this sec-*  
 8 *tion.*

9       *(l) RELATIONSHIP TO OTHER LAW.—Nothing in this*  
 10 *section shall be construed to modify or affect the applica-*  
 11 *bility of the restrictions and requirements provided in sec-*  
 12 *tion 8088 of the Department of Defense Appropriations Act,*  
 13 *2003 (Public Law 107–248; 116 Stat. 1556).*

14       *(m) REPEAL OF SUPERSEDED LAW.—Section 1004 of*  
 15 *the Bob Stump National Defense Authorization Act for Fis-*  
 16 *cal Year 2003 (Public Law 107–314; 116 Stat. 2629; 10*  
 17 *U.S.C. 113 note) is repealed.*

18 **SEC. 1005. UNIFORM FUNDING AND MANAGEMENT OF SERV-**  
 19 **ICE ACADEMY ATHLETIC AND RECREATIONAL**  
 20 **EXTRACURRICULAR PROGRAMS.**

21       *(a) UNITED STATES MILITARY ACADEMY.—(1) Chap-*  
 22 *ter 403 of title 10, United States Code, is amended by add-*  
 23 *ing at the end the following new section:*

1 **“§4359. Athletic and recreational extracurricular**  
 2 **programs: uniform funding**

3 *“The authority and conditions provided in section*  
 4 *2494 of this title shall also apply to any athletic or rec-*  
 5 *reational extracurricular program of the Academy that—*

6 *“(1) is not considered a morale, welfare, or recre-*  
 7 *ation program referred to in such section;*

8 *“(2) is funded out of appropriated funds;*

9 *“(3) is supported by a supplemental mission*  
 10 *nonappropriated fund instrumentality; and*

11 *“(4) is not operated as a private organization.”.*

12 *(2) The table of sections at the beginning of such title*  
 13 *is amended by adding at the end the following new item:*

*“4359. Athletic and recreational extracurricular programs: uniform funding.”.*

14 *(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter*  
 15 *603 of title 10, United States Code, is amended by adding*  
 16 *at the end the following new section:*

17 **“§6978. Athletic and recreational extracurricular**  
 18 **programs: uniform funding**

19 *“The authority and conditions provided in section*  
 20 *2494 of this title shall also apply to any athletic or rec-*  
 21 *reational extracurricular program of the Naval Academy*  
 22 *that—*

23 *“(1) is not considered a morale, welfare, or recre-*  
 24 *ation program referred to in such section;*

25 *“(2) is funded out of appropriated funds;*

1           “(3) is supported by a supplemental mission  
2           nonappropriated fund instrumentality; and

3           “(4) is not operated as a private organization.”.

4           (2) *The table of sections at the beginning of such title*  
5 *is amended by adding at the end the following new item:*  
*“6978. Athletic and recreational extracurricular programs: uniform funding.”.*

6           (c) *UNITED STATES AIR FORCE ACADEMY.—(1) Chap-*  
7 *ter 903 of title 10, United States Code, is amended by add-*  
8 *ing at the end the following new section:*

9           “**§9358. Athletic and recreational extracurricular**  
10                           **programs: uniform funding**

11           *“The authority and conditions provided in section*  
12 *2494 of this title shall also apply to any athletic or rec-*  
13 *reational extracurricular program of the Academy that—*

14           “(1) is not considered a morale, welfare, or recre-  
15           ation program referred to in such section;

16           “(2) is funded out of appropriated funds;

17           “(3) is supported by a supplemental mission  
18           nonappropriated fund instrumentality; and

19           “(4) is not operated as a private organization.”.

20           (2) *The table of sections at the beginning of such title*  
21 *is amended by adding at the end the following new item:*  
*“9358. Athletic and recreational extracurricular programs: uniform funding.”.*

22           (d) *EFFECTIVE DATE AND APPLICABILITY.—This sec-*  
23 *tion and the amendments made by this section shall take*  
24 *effect on October 1, 2004, and shall apply with respect to*

1 *funds appropriated for fiscal years beginning on or after*  
2 *such date.*

3 **SEC. 1006. AUTHORIZATION OF APPROPRIATIONS FOR A**  
4 **CONTINGENT EMERGENCY RESERVE FUND**  
5 **FOR OPERATIONS IN IRAQ AND AFGHANI-**  
6 **STAN.**

7 (a) *AUTHORIZATION OF SUPPLEMENTAL APPROPRIA-*  
8 *TIONS.—In addition to any other amounts authorized to*  
9 *be appropriated by this Act, there is hereby authorized to*  
10 *be appropriated for the Department of Defense for fiscal*  
11 *year 2005, subject to subsections (b) and (c),*  
12 *\$25,000,000,000, to be available only for activities in sup-*  
13 *port of operations in Iraq and Afghanistan.*

14 (b) *SPECIFIC AMOUNTS.—Of the amount authorized to*  
15 *be appropriated under subsection (a), funds are authorized*  
16 *to be appropriated in amounts for purposes as follows:*

17 (1) *For the Army for operation and mainte-*  
18 *nance, \$14,500,000,000.*

19 (2) *For the Navy for operation and mainte-*  
20 *nance, \$1,000,000,000.*

21 (3) *For the Marine Corps for operation and*  
22 *maintenance, \$2,000,000,000.*

23 (4) *For the Air Force for operation and mainte-*  
24 *nance, \$1,000,000,000.*

1           (5) *For operation and maintenance, Defense-*  
2           *wide activities, \$2,000,000,000.*

3           (6) *For military personnel, \$2,000,000,000.*

4           (7) *An additional amount of \$2,500,000,000 to*  
5           *be available for transfer to—*

6                     (A) *operation and maintenance accounts;*

7                     (B) *military personnel accounts;*

8                     (C) *research, development, test, and evalua-*  
9                     *tion accounts;*

10                    (D) *procurement accounts;*

11                    (E) *classified programs; and*

12                    (F) *Coast Guard operating expenses.*

13           (c) *AUTHORIZATION CONTINGENT ON BUDGET RE-*  
14 *QUEST.—The authorization of appropriations in subsection*  
15 *(a) shall be effective only to the extent that a budget request*  
16 *for all or part of the amount authorized to be appropriated*  
17 *under such subsection for the purposes set forth in such sub-*  
18 *section is transmitted by the President to Congress after the*  
19 *date of the enactment of this Act and includes a designation*  
20 *of the requested amount as an emergency and essential to*  
21 *support activities in Iraq and Afghanistan.*

22           (d) *TRANSFER AUTHORITY.—(1) Of the amount au-*  
23 *thorized to be appropriated under subsection (b)(7) for*  
24 *transfer, no transfer may be made until the Secretary of*  
25 *Defense consults with the Chairmen and Ranking Members*

1 of the congressional defense committees and then notifies  
2 such committees in writing not later than five days before  
3 the transfer is made.

4 (2) The transfer authority provided under this section  
5 is in addition to any other transfer authority available to  
6 the Department of Defense.

7 (e) MONTHLY REPORT.—The Secretary of Defense  
8 shall submit to the congressional defense committees each  
9 month a report on the use of funds authorized to be appro-  
10 priated under this section. The report for a month shall in-  
11 clude in a separate display for each of Iraq and Afghani-  
12 stan, the activity for which the funds were used, the purpose  
13 for which the funds were used, the source of the funds used  
14 to carry out that activity, and the account to which those  
15 expenditures were charged.

## 16 **Subtitle B—Naval Vessels and** 17 **Shipyards**

### 18 **SEC. 1011. EXCHANGE AND SALE OF OBSOLETE NAVY SERV-** 19 **ICE CRAFT AND BOATS.**

20 (a) IN GENERAL.—Chapter 633 of title 10, United  
21 States Code, is amended by inserting after section 7309 the  
22 following new section:

#### 23 **“§ 7309a. Service craft and boats: exchange or sale**

24 “(a) IN GENERAL.—The Secretary of the Navy may,  
25 in acquiring personal property under section 503 of title



1 40, exchange or sell obsolete Navy service craft or boats that  
2 are similar to such personal property and apply the ex-  
3 change allowance or proceeds of sale in whole or part pay-  
4 ment for such personal property.

5       “(b) *USE OF PROCEEDS FOR COST OF PREPARATION*  
6 *OF SALE.*—In selling a service craft or boat under sub-  
7 section (a), the Secretary shall obtain, to the extent prac-  
8 ticable, amounts necessary to recover the full costs, whether  
9 direct or indirect, incurred by the Navy in preparing the  
10 service craft or boat for sale, including costs of towing, stor-  
11 age, defueling, removal and disposal of hazardous wastes,  
12 environmental surveys to determine the presence of regu-  
13 lated materials containing polychlorinated biphenyl (PCB),  
14 removal and disposal of such materials, and other related  
15 costs.

16       “(c) *TREATMENT OF ADDITIONAL PROCEEDS.*—(1)  
17 Any proceeds of sale of a service craft or boat under sub-  
18 section (a) that are in addition to amounts necessary to  
19 recover the costs of the preparation of sale of the service  
20 craft or boat under subsection (b) shall be deposited in an  
21 account in the Treasury established for purposes of this sec-  
22 tion.

23       “(2) Amounts in the account under paragraph (1)  
24 shall be available to the Secretary for the payment of costs  
25 associated with the preparation of obsolete Navy service

1 *craft or boats for sale or exchange under this section.*  
 2 *Amounts in the account shall be available for that purpose*  
 3 *without fiscal year limitation.*

4       “(3) *The Secretary shall, on a periodic basis, deposit*  
 5 *amounts in the account under paragraph (1) that are in*  
 6 *excess of the amounts otherwise utilized under paragraph*  
 7 *(2) in the general Treasury as miscellaneous receipts, or*  
 8 *in another account in the Treasury as otherwise provided*  
 9 *by law.*

10       “(d) *INAPPLICABILITY OF CERTAIN PROCUREMENT*  
 11 *REQUIREMENTS.—Notwithstanding section 503(b)(3) of*  
 12 *title 40, section 3709 of the Revised Statutes (41 U.S.C.*  
 13 *5) shall not apply to the exchange or sale of service craft*  
 14 *or boats under this section.*

15       “(e) *REGULATIONS.—The Secretary may prescribe reg-*  
 16 *ulations relating to the exercise of authority under this sec-*  
 17 *tion.”.*

18       “(b) *CLERICAL AMENDMENT.—The table of sections at*  
 19 *the beginning of such chapter is amended by inserting after*  
 20 *the item relating to section 7309 the following new item:*

      “7309a. *Service craft and boats: exchange or sale.*”.

21 **SEC. 1012. LIMITATION ON DISPOSAL OF OBSOLETE NAVAL**  
 22 **VESSEL.**

23       *The Secretary of the Navy may not dispose of the de-*  
 24 *commissioned destroyer ex-Edson (DD-946) before October*  
 25 *1, 2007, to an entity that is not a nonprofit organization*

1 *unless the Secretary first determines that there is no non-*  
2 *profit organization that meets the criteria for donation of*  
3 *that vessel under section 7306(a)(3) of title 10, United*  
4 *States Code.*

5 **SEC. 1013. AWARD OF CONTRACTS FOR SHIP DISMANTLING**  
6 **ON NET COST BASIS.**

7 (a) *IN GENERAL.*—Chapter 633 of title 10, United  
8 States Code, is amended by inserting after section 7305 the  
9 following new section:

10 **“§ 7305a. Contracts for ship dismantling: award on**  
11 ***net cost basis***

12 “(a) *AUTHORITY.*—Notwithstanding any other provi-  
13 sion of law, the Secretary of the Navy may use net cost  
14 as a criterion in the selection of an offeror for award of  
15 a contract for the dismantling of one or more ships stricken  
16 from the Naval Vessel Register and may accord that cri-  
17 terion such weight in the offer evaluation process as the Sec-  
18 retary considers appropriate and specifies in the solicita-  
19 tion of offers for that contract.

20 “(b) *COMPETITION.*—In exercising the authority under  
21 this section, the Secretary shall to the maximum extent  
22 practicable use the competitive procedure or combination  
23 of competitive procedures that is best suited under the cir-  
24 cumstances.

1       “(c) *RETENTION OF PROCEEDS.*—When the Secretary  
2 of the Navy awards a ship dismantling contract on a net  
3 cost basis, the contractor may retain the proceeds from the  
4 sale of scrap and reusable items from the vessel being dis-  
5 mantled.

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

7               “(1) The term ‘net cost’, with respect to a con-  
8 tract for the dismantling of a ship, means the amount  
9 equal to the excess of—

10                       “(A) the amount of the contractor’s gross  
11 cost of performance of the contract, over

12                       “(B) the estimated value of scrap and reus-  
13 able items that the contractor removes from the  
14 ship during performance of the contract, as stat-  
15 ed in the contractor’s offer for such contract.

16               “(2) The term ‘scrap’ means personal property  
17 that has no value except for its basic material con-  
18 tent.

19               “(3) The term ‘reusable item’, with respect to a  
20 ship, means any demilitarized component or remov-  
21 able portion of the ship or the ship’s equipment that  
22 the Navy has identified as excess to its needs but  
23 which has potential resale value on the open market.”.

1           (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 2 *the beginning of such chapter is amended by inserting after*  
 3 *the item relating to section 7305 the following new item:*

“7305a. *Contracts for ship dismantling; award on net cost basis.*”.

4 **SEC. 1014. AUTHORITY TO TRANSFER NAVAL VESSELS TO**  
 5 **CERTAIN FOREIGN COUNTRIES.**

6           (a) *AUTHORITY TO TRANSFER BY GRANT.*—*The Sec-*  
 7 *retary of the Navy is authorized to transfer vessels to foreign*  
 8 *countries on a grant basis under section 516 of the Foreign*  
 9 *Assistance Act of 1961 (22 U.S.C. 2321j) as follows:*

10           (1) *CHILE.*—*To the Government of Chile, the*  
 11 *SPRUANCE class destroyer O'BANNON (DD 987).*

12           (2) *PORTUGAL.*—*To the Government of Portugal,*  
 13 *the OLIVER HAZARD PERRY class guided missile*  
 14 *frigate GEORGE PHILIP (FFG 12) and the OLI-*  
 15 *VER HAZARD PERRY class guided missile frigate*  
 16 *USS SIDES (FFG 14).*

17           (b) *AUTHORITY TO TRANSFER BY SALE.*—*The Sec-*  
 18 *retary of the Navy is authorized to transfer vessels to foreign*  
 19 *countries on a sale basis under section 21 of the Arms Ex-*  
 20 *port Control Act (22 U.S.C. 2761) as follows:*

21           (1) *TAIWAN.*—*To the Taipei Economic and Cul-*  
 22 *tural Representative Office in the United States*  
 23 *(which is the Taiwan instrumentality designated pur-*  
 24 *suant to section 10(a) of the Taiwan Relations Act),*

1        *the ANCHORAGE class dock landing ship ANCHOR-*  
2        *AGE (LSD 36).*

3            (2) *CHILE.—To the Government of Chile, the*  
4        *SPRUANCE class destroyer FLETCHER (DD 992).*

5        (c) *GRANTS NOT COUNTED IN ANNUAL TOTAL OF*  
6        *TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of*  
7        *a vessel transferred to another country on a grant basis*  
8        *under section 516 of the Foreign Assistance Act of 1961 (22*  
9        *U.S.C. 2321j) pursuant to authority provided by subsection*  
10       *(a) shall not be counted for the purposes of subsection (g)*  
11       *of that section in the aggregate value of excess defense arti-*  
12       *cles transferred to countries under that section in any fiscal*  
13       *year.*

14       (d) *COSTS OF TRANSFERS.—Any expense incurred by*  
15       *the United States in connection with a transfer authorized*  
16       *by this section shall be charged to the recipient (notwith-*  
17       *standing section 516(e)(1) of the Foreign Assistance Act of*  
18       *1961 (22 U.S.C. 2321j(e)(1)).*

19       (e) *REPAIR AND REFURBISHMENT IN UNITED STATES*  
20       *SHIPYARDS.—To the maximum extent practicable, the*  
21       *President shall require, as a condition of the transfer of a*  
22       *vessel under this section, that the country to which the vessel*  
23       *is transferred have such repair or refurbishment of the vessel*  
24       *as is needed, before the vessel joins the naval forces of that*

1 country, performed at a shipyard located in the United  
2 States, including a United States Navy shipyard.

3 (f) *EXPIRATION OF AUTHORITY.*— The authority to  
4 transfer a vessel under this section shall expire at the end  
5 of the two-year period beginning on the date of the enact-  
6 ment of this Act.

### 7 **Subtitle C—Reports**

#### 8 **SEC. 1021. REPORT ON CONTRACTOR SECURITY IN IRAQ.**

9 (a) *REPORT REQUIRED.*—(1) Not later than 90 days  
10 after the date of the enactment of this Act, the Secretary  
11 of Defense shall submit a report on contractor security in  
12 Iraq to the congressional defense committees. The report  
13 shall include, at a minimum—

14 (A) information on the security of contractor em-  
15 ployees in Iraq, as described in subsection (b);

16 (B) information on contract security personnel  
17 in Iraq, as described in subsection (c); and

18 (C) any recommended actions that the Secretary  
19 considers appropriate to enhance contractor security  
20 in Iraq.

21 (2) The information included in the report shall be  
22 current as of September 30, 2004.

23 (b) *SECURITY OF CONTRACTOR EMPLOYEES IN*  
24 *IRAQ.*—The report under subsection (a) shall include infor-  
25 mation on contractor employees in Iraq, as follows:

1           (1) *The number of contractor employees in each*  
2 *of the following categories of nationals:*

3                   (A) *Nationals of the United States.*

4                   (B) *Nationals of Iraq.*

5                   (C) *Nationals of states other than the*  
6 *United States and Iraq.*

7           (2) *For each of the categories of nationals listed*  
8 *in paragraph (1), the number of casualties among*  
9 *contractor employees on and after May 1, 2003.*

10          (c) *CONTRACT SECURITY PERSONNEL.—The report re-*  
11 *quired by subsection (a) shall include information on con-*  
12 *tract security personnel of a contractor in Iraq, as follows:*

13           (1) *The number of contract security personnel*  
14 *engaged in providing security services to personnel or*  
15 *facilities in each of the following categories:*

16                   (A) *Personnel or facilities of the United*  
17 *States Government or the Coalition Provisional*  
18 *Authority.*

19                   (B) *Personnel or facilities of the Iraqi Gov-*  
20 *ernment.*

21                   (C) *Personnel or facilities of a contractor or*  
22 *subcontractor.*

23           (2) *For each of the categories of nationals listed*  
24 *in subsection (b)(1), the following information:*



1           (A) *The number of contract security per-*  
2           *sonnel.*

3           (B) *The range of annual rates of pay of the*  
4           *contract security personnel.*

5           (C) *The number of casualties among the*  
6           *contract security personnel on and after May 1,*  
7           *2003.*

8           (3) *The number, types, and sources of weapons*  
9           *that contract security personnel are authorized to pos-*  
10          *sess in each of the following categories:*

11                   (A) *Weapons provided by coalition forces.*

12                   (B) *Weapons supplied by the contractor.*

13                   (C) *Weapons supplied by other sources.*

14           (4) *The extent to which contract security per-*  
15          *sonnel are equipped with other critical equipment,*  
16          *such as body armor, armored vehicles, secure commu-*  
17          *nications, and friend-foe identification.*

18           (5) *An assessment of the extent to which contract*  
19          *security personnel have been engaged by hostile fire*  
20          *on and after May 1, 2003.*

21           (d) *COORDINATION.—In the preparation of the report*  
22          *under this section, the Secretary of Defense shall coordinate*  
23          *with the heads of any other departments and agencies of*  
24          *the Federal Government that are affected by the perform-*

1 *ance of Federal Government contracts by contractor per-*  
2 *sonnel in Iraq.*

3       *(e) ADDITIONAL CONGRESSIONAL RECIPIENTS.—In*  
4 *addition to submitting the report on contractor security*  
5 *under this section to the congressional defense committees,*  
6 *the Secretary of Defense shall also submit the report to any*  
7 *other committees of Congress that the Secretary determines*  
8 *appropriate to receive such report taking into consideration*  
9 *the requirements of the Federal Government that contractor*  
10 *personnel in Iraq are engaged in satisfying.*

11       *(f) FORMS OF REPORT.—The report required by this*  
12 *section shall be submitted in classified and unclassified*  
13 *forms.*

14       *(g) DEFINITIONS.—In this section:*

15           *(1) The term “contract security personnel” in-*  
16 *cludes employees of a contractor or subcontractor who,*  
17 *under a covered contract, provide security services in*  
18 *Iraq to—*

19                   *(A) personnel or facilities of the United*  
20 *States Government or the Coalition Provisional*  
21 *Authority;*

22                   *(B) personnel or facilities of the Iraqi Gov-*  
23 *ernment; or*

24                   *(C) personnel or facilities of a contractor.*

25           *(2) The term “covered contract”—*

1           (A) means a contract entered into by an  
2           agency of the United States Government or by  
3           the Coalition Provisional Authority for the pro-  
4           curement of products or services to be provided  
5           in Iraq, regardless of the source of the funding  
6           for such procurement; and

7           (B) includes a subcontract under such a  
8           contract, regardless of the source of the funding  
9           for such procurement.

10          (3) The term “national of the United States” has  
11          the meaning given such term in section 101(22) of the  
12          Immigration and Nationality Act (8 U.S.C.  
13          1101(22)).

14          (4) The term “national”, except as provided in  
15          paragraph (3), has the meaning given such term in  
16          section 101(21) of such Act.

17 **SEC. 1022. TECHNICAL CORRECTION TO REFERENCE TO**  
18 **CERTAIN ANNUAL REPORTS.**

19          Section 2474(f)(2) of title 10, United States Code, is  
20          amended by striking “section 2466(e)” and inserting “sec-  
21          tion 2466(d)”.

1 **SEC. 1023. STUDY OF ESTABLISHMENT OF MOBILIZATION**  
2 **STATION AT CAMP RIPLEY NATIONAL GUARD**  
3 **TRAINING CENTER, LITTLE FALLS, MIN-**  
4 **NESOTA.**

5 *Not later than 120 days after the date of the enactment*  
6 *of this Act, the Secretary of Defense shall carry out and*  
7 *complete a study on the feasibility of the use of Camp Rip-*  
8 *ley National Guard Training Center, Little Falls, Min-*  
9 *nesota, as a mobilization station for reserve components or-*  
10 *dered to active duty under provisions of law referred to in*  
11 *section 101(a)(13)(B) of title 10, United States Code. The*  
12 *study shall include consideration of the actions necessary*  
13 *to establish such center as a mobilization station.*

14 **SEC. 1024. REPORT ON TRAINING PROVIDED TO MEMBERS**  
15 **OF THE ARMED FORCES TO PREPARE FOR**  
16 **POST-CONFLICT OPERATIONS.**

17 *(a) STUDY ON TRAINING.—The Secretary of Defense*  
18 *shall conduct a study to determine the extent to which mem-*  
19 *bers of the Armed Forces assigned to duty in support of*  
20 *contingency operations receive training in preparation for*  
21 *post-conflict operations and to evaluate the quality of such*  
22 *training.*

23 *(b) MATTERS TO BE INCLUDED IN STUDY.—As part*  
24 *of the study under subsection (a), the Secretary shall specifi-*  
25 *cally evaluate the following:*

1           (1) *The doctrine, training, and leader-develop-*  
2           *ment system necessary to enable members of the*  
3           *Armed Forces to successfully operate in post-conflict*  
4           *operations.*

5           (2) *The adequacy of the curricula at military*  
6           *educational facilities to ensure that the Armed Forces*  
7           *has a cadre of members skilled in post-conflict duties,*  
8           *including a familiarity with applicable foreign lan-*  
9           *guages and foreign cultures.*

10          (3) *The training time and resources available to*  
11          *members and units of the Armed Forces to develop*  
12          *cultural awareness about ethnic backgrounds and reli-*  
13          *gious beliefs of the people living in areas in which*  
14          *post-conflict operations are likely to occur.*

15          (4) *The adequacy of training transformation to*  
16          *emphasize post-conflict operations, including inter-*  
17          *agency coordination in support of combatant com-*  
18          *manders.*

19          (c) *REPORT ON STUDY.—Not later than May 1, 2005,*  
20          *the Secretary shall submit to the Committee on Armed Serv-*  
21          *ices of the Senate and the Committee on Armed Services*  
22          *of the House of Representatives a report on the result of*  
23          *the study conducted under this section.*

1 **SEC. 1025. REPORT ON AVAILABILITY OF POTENTIAL OVER-**  
2 **LAND BALLISTIC MISSILE DEFENSE TEST**  
3 **RANGES.**

4 *The Secretary of Defense shall submit to Congress a*  
5 *report assessing the availability to the Department of De-*  
6 *fense of potential ballistic missile defense test ranges for*  
7 *overland intercept flight tests of defenses against ballistic*  
8 *missile systems with a range of 750 to 1,500 kilometers.*

9 **SEC. 1026. OPERATION OF THE FEDERAL VOTING ASSIST-**  
10 **ANCE PROGRAM AND THE MILITARY POSTAL**  
11 **SYSTEM.**

12 *(a) REQUIREMENT FOR REPORTS.—(1) The Secretary*  
13 *of Defense shall submit to Congress two reports on the ac-*  
14 *tions that the Secretary has taken to ensure that—*

15 *(A) the Federal Voting Assistance Program func-*  
16 *tions effectively to support absentee voting by mem-*  
17 *bers of the Armed Forces deployed outside the United*  
18 *States in support of Operation Iraqi Freedom, Oper-*  
19 *ation Enduring Freedom, and all other contingency*  
20 *operations; and*

21 *(B) the military postal system functions effec-*  
22 *tively to support the morale of the personnel described*  
23 *in subparagraph (A) and absentee voting by such*  
24 *members.*

1       (2)(A) *The first report under paragraph (1) shall be*  
2 *submitted not later than 60 days after the date of the enact-*  
3 *ment of this Act.*

4       (B) *The second report under paragraph (1) shall be*  
5 *submitted not later than 60 days after the date on which*  
6 *the first report is submitted under that paragraph.*

7       (3) *In this subsection, the term “Federal Voting Assist-*  
8 *ance Program” means the program referred to in section*  
9 *1566(b)(1) of title 10, United States Code.*

10       (b) *IMPLEMENTATION OF RECOMMENDED POSTAL SYS-*  
11 *TEM IMPROVEMENTS.—Not later than 90 days after the date*  
12 *of the enactment of this Act, the Secretary of Defense shall*  
13 *submit to Congress a report setting forth—*

14               (1) *the actions taken to implement the rec-*  
15 *ommendations of the Military Postal Service Agency*  
16 *Task Force, dated 28 August 2000; and*

17               (2) *in the case of each such recommendation not*  
18 *implemented or not fully implemented as of the date*  
19 *of report, the reasons for not implementing or not*  
20 *fully implementing such recommendation, as the case*  
21 *may be.*

1 **SEC. 1027. REPORT ON ESTABLISHING NATIONAL CENTERS**  
2 **OF EXCELLENCE FOR UNMANNED AERIAL**  
3 **AND GROUND VEHICLES.**

4 (a) *REPORT REQUIRED.*—Not later than 120 days  
5 after the date of the enactment of this Act, the Secretary  
6 of Defense shall submit to the congressional defense commit-  
7 tees a report on the need for one or more national centers  
8 of excellence for unmanned aerial and ground vehicles.

9 (b) *GOAL OF CENTERS.*—The goal of the centers cov-  
10 ered by the report is to promote interservice cooperation and  
11 coordination in the following areas:

12 (1) *Development of joint doctrine for the organi-*  
13 *zation, training, and use of unmanned aerial and*  
14 *ground vehicles.*

15 (2) *Joint research, development, test, and evalua-*  
16 *tion, and joint procurement of unmanned aerial and*  
17 *ground vehicles.*

18 (3) *Identification and coordination, in conjunc-*  
19 *tion with the private sector and academia, of the fu-*  
20 *ture development of unmanned aerial and ground ve-*  
21 *hicles.*

22 (4) *Monitoring of the development and utiliza-*  
23 *tion of unmanned aerial and ground vehicles in other*  
24 *nations for both military and non-military purposes.*

25 (5) *The providing of joint training and profes-*  
26 *sional development opportunities in the use and oper-*



1        *ation of unmanned aerial and ground vehicles to*  
2        *military personnel of all ranks and levels of responsi-*  
3        *bility.*

4        *(c) REPORT REQUIREMENTS.—The report shall in-*  
5        *clude, at a minimum, the following:*

6                *(1) A list of facilities where the Defense Depart-*  
7                *ment currently conducts or plans to conduct research,*  
8                *development, and testing activities on unmanned aer-*  
9                *ial and ground vehicles.*

10               *(2) A list of facilities where the Department of*  
11               *Defense currently deploys or has committed to deploy-*  
12               *ing unmanned aerial or ground vehicles.*

13               *(3) The extent to which existing facilities de-*  
14               *scribed in paragraphs (1) and (2) have sufficient un-*  
15               *used capacity and expertise to research, develop, test,*  
16               *and deploy the current and next generations of un-*  
17               *manned aerial and ground vehicles and to provide for*  
18               *the development of doctrine on the use and training*  
19               *of operators of such vehicles.*

20               *(4) The extent to which efficiencies on research,*  
21               *development, testing, and deployment of existing or*  
22               *future unmanned aerial and ground vehicles can be*  
23               *achieved through consolidation at one or more na-*  
24               *tional centers of excellence for unmanned aerial and*  
25               *ground vehicles.*

1           (5) *A list of potential locations for national cen-*  
 2           *ters of excellence.*

3           (d) *CONSIDERATIONS.—In determining the potential*  
 4           *locations for the national centers of excellence under this*  
 5           *section, the Secretary of Defense shall take into consider-*  
 6           *ation existing Air Force facilities that have—*

7                 (1) *a workforce of skilled personnel;*

8                 (2) *existing capacity of runways and other fa-*  
 9                 *cilities to accommodate the research, testing, and de-*  
 10                *ployment of current and future unmanned aerial ve-*  
 11                *hicles; and*

12                (3) *minimal restrictions on the research, develop-*  
 13                *ment, and testing of unmanned aerial vehicles result-*  
 14                *ing from proximity to large population centers or air-*  
 15                *space heavily utilized by commercial flights.*

16 **SEC. 1028. REPORT ON POST-MAJOR COMBAT OPERATIONS**

17                           **PHASE OF OPERATION IRAQI FREEDOM.**

18           (a) *REPORT REQUIRED.—(1) Not later than March 31,*  
 19           *2005, the Secretary of Defense shall submit to the congres-*  
 20           *sional defense committees a report on the conduct of mili-*  
 21           *tary operations during the post-major combat operations*  
 22           *phase of Operation Iraqi Freedom.*

23               (2) *The report shall be prepared in consultation with*  
 24           *the Chairman of the Joint Chiefs of Staff, the Commander*

1 *of the United States Central Command, and such other offi-*  
2 *cial as the Secretary considers appropriate.*

3 (b) *CONTENT.—(1) The report shall include a discus-*  
4 *sion of the matters described in paragraph (2), with a par-*  
5 *ticular emphasis on accomplishments and shortcomings and*  
6 *on near-term and long-term corrective actions to address*  
7 *such shortcomings.*

8 (2) *The matters to be discussed in the report are as*  
9 *follows:*

10 (A) *The military and political objectives of the*  
11 *international coalition conducting the post-major*  
12 *combat operations phase of Operation Iraqi Freedom,*  
13 *and the military strategy selected to achieve such ob-*  
14 *jectives, together with an assessment of the execution*  
15 *of the military strategy.*

16 (B) *The mobilization process for the reserve com-*  
17 *ponents of the Armed Forces, including the timeliness*  
18 *of notification, training and certification, and subse-*  
19 *quent demobilization.*

20 (C) *The use and performance of major items of*  
21 *United States military equipment, weapon systems,*  
22 *and munitions (including non-lethal weapons and*  
23 *munitions, items classified under special access proce-*  
24 *dures, and items drawn from prepositioned stocks)*  
25 *and any expected effects of the experience with the use*

1        *and performance of such items on the doctrinal and*  
2        *tactical employment of such items and on plans for*  
3        *continuing the acquisition of such items.*

4            *(D) Any additional requirements for military*  
5        *equipment, weapon systems, munitions, force struc-*  
6        *ture, or other capability identified during the post-*  
7        *major combat operations phase of Operation Iraqi*  
8        *Freedom, including changes in type or quantity for*  
9        *future operations.*

10           *(E) The effectiveness of joint air operations, to-*  
11        *gether with an assessment of the effectiveness of—*

12                *(i) the employment of close air support; and*

13                *(ii) attack helicopter operations.*

14           *(F) The use of special operations forces, includ-*  
15        *ing operational and intelligence uses.*

16           *(G) The scope of logistics support, including sup-*  
17        *port to and from other nations and from inter-*  
18        *national organizations and organizations and indi-*  
19        *viduals from the private sector in Iraq.*

20           *(H) The incidents of accidental fratricide, in-*  
21        *cluding a discussion of the effectiveness of the tracking*  
22        *of friendly forces and the use of the combat identifica-*  
23        *tion systems in mitigating friendly fire incidents.*

24           *(I) The adequacy of spectrum and bandwidth to*  
25        *transmit information to operational forces and assets,*

1        *including unmanned aerial vehicles, ground vehicles,*  
2        *and individual soldiers.*

3            *(J) The effectiveness of strategic, operational,*  
4        *and tactical information operations, including psy-*  
5        *chological operations and assets, organization, and*  
6        *doctrine related to civil affairs, in achieving estab-*  
7        *lished objectives, together with a description of techno-*  
8        *logical and other restrictions on the use of informa-*  
9        *tion operations capabilities.*

10           *(K) The readiness of the reserve component forces*  
11        *used in the post-major combat operations phase of*  
12        *Operation Iraqi Freedom, including an assessment of*  
13        *the success of the reserve component forces in accom-*  
14        *plishing their missions.*

15           *(L) The adequacy of intelligence support during*  
16        *the post-major combat operations phase of Operation*  
17        *Iraqi Freedom, including the adequacy of such sup-*  
18        *port in searches for weapons of mass destruction.*

19           *(M) The rapid insertion and integration, if any,*  
20        *of developmental but mission-essential equipment, or-*  
21        *ganizations, or procedures during the post-major com-*  
22        *bat operations phase of Operation Iraqi Freedom.*

23           *(N) A description of the coordination, commu-*  
24        *nication, and unity of effort between the Armed*  
25        *Forces, the Coalition Provisional Authority, other*

1 *United States government agencies and organizations,*  
2 *nongovernmental organizations, and political, secu-*  
3 *rity, and nongovernmental organizations of Iraq, in-*  
4 *cluding an assessment of the effectiveness of such ef-*  
5 *forts.*

6 *(O) The adequacy of training for military units*  
7 *once deployed to the United States Central Command,*  
8 *including training for changes in unit mission and*  
9 *continuation training for high-intensity conflict mis-*  
10 *sions.*

11 *(P) An estimate of the funding required to re-*  
12 *turn or replace equipment used to date in Operation*  
13 *Iraqi Freedom, including equipment in prepositioned*  
14 *stocks, to mission-ready condition.*

15 *(Q) A description of military civil affairs and*  
16 *reconstruction efforts, including through the Com-*  
17 *manders Emergency Response Program, and an as-*  
18 *essment of the effectiveness of such efforts and pro-*  
19 *grams.*

20 *(R) The adequacy of the requirements determina-*  
21 *tion and acquisition processes, acquisition, and dis-*  
22 *tribution of force protection equipment, including*  
23 *personal gear, vehicles, helicopters, and defense de-*  
24 *vices.*

1           (S) *The most critical lessons learned that could*  
2           *lead to long-term doctrinal, organizational, and tech-*  
3           *nological changes, and the probable effects that an im-*  
4           *plementation of those changes would have on current*  
5           *visions, goals, and plans for transformation of the*  
6           *Armed Forces or the Department of Defense.*

7           (T) *The planning for and implementation of mo-*  
8           *rale, welfare, and recreation programs for deployed*  
9           *forces and support to dependents, including rest and*  
10          *recuperation programs and personal communication*  
11          *benefits such as telephone, mail, and email services,*  
12          *including an assessment of the effectiveness of such*  
13          *programs.*

14          (U) *An analysis of force rotation plans, includ-*  
15          *ing individual personnel and unit rotations, differing*  
16          *deployment lengths, and in-theater equipment repair*  
17          *and leave behinds.*

18          (c) *FORM OF REPORT.*—*The report shall be submitted*  
19          *in unclassified form, but may include a classified annex.*

20          (d) *POST-MAJOR COMBAT OPERATIONS PHASE OF OP-*  
21          *ERATION IRAQI FREEDOM DEFINED.*—*In this section, the*  
22          *term “post-major combat operations phase of Operation*  
23          *Iraqi Freedom” means the period of Operation Iraqi Free-*  
24          *dom beginning on May 2, 2003, and ending on December*  
25          *31, 2004.*

1 **SEC. 1029. COMPTROLLER GENERAL ANALYSIS OF USE OF**  
2 **TRANSITIONAL BENEFIT CORPORATIONS IN**  
3 **CONNECTION WITH COMPETITIVE SOURCING**  
4 **OF PERFORMANCE OF DEPARTMENT OF DE-**  
5 **FENSE ACTIVITIES AND FUNCTIONS.**

6 (a) *REQUIREMENT FOR ANALYSIS.*—Not later than  
7 February 1, 2005, the Comptroller General shall submit to  
8 Congress an analysis of the potential for use of transitional  
9 benefit corporations in connection with competitive  
10 sourcing of the performance of activities and functions of  
11 the Department of Defense.

12 (b) *SPECIFIC ISSUES.*—The analysis under this section  
13 shall—

14 (1) address the capabilities of transitional ben-  
15 efit corporations—

16 (A) to preserve human capital and surge  
17 capability;

18 (B) to promote economic development and  
19 job creation;

20 (C) to generate cost savings; and

21 (D) to generate efficiencies that are com-  
22 parable to or exceed the efficiencies that result  
23 from competitive sourcing carried out by the De-  
24 partment of Defense under the procedures appli-  
25 cable to competitive sourcing by the Department  
26 of Defense; and



1           (2) *identify areas within the Department of De-*  
 2           *fense in which transitional benefit corporations could*  
 3           *be used to add value, reduce costs, and provide oppor-*  
 4           *tunities for beneficial use of employees and other re-*  
 5           *sources that are displaced by competitive sourcing of*  
 6           *the performance of activities and functions of the De-*  
 7           *partment of Defense.*

8           (d) *TRANSITIONAL BENEFIT CORPORATION DE-*  
 9           *FINED.*—*In this section, the term “transitional benefit cor-*  
 10           *poration” means a corporation that facilitates the transfer*  
 11           *of designated (usually underutilized) real estate, equipment,*  
 12           *intellectual property, or other assets of the United States*  
 13           *to the private sector in a process that enables employees*  
 14           *of the United States in positions associated with the use*  
 15           *of such assets to retain eligibility for Federal employee bene-*  
 16           *fits and to continue to accrue those benefits.*

17           **SEC. 1029A. COMPTROLLER GENERAL STUDY OF PROGRAMS**  
 18                           **OF TRANSITION ASSISTANCE FOR PER-**  
 19                           **SONNEL SEPARATING FROM THE ARMED**  
 20                           **FORCES.**

21           (a) *REQUIREMENT FOR STUDY.*—*The Comptroller*  
 22           *General shall carry out a study of the programs of the De-*  
 23           *partment of Defense and other departments and agencies*  
 24           *of the Federal Government under which transition assist-*

1 *ance is provided to personnel who are separating from ac-*  
2 *tive duty service in the Armed Forces.*

3 *(b) REPORT.—Not later than 180 days after the date*  
4 *of the enactment of this Act, the Comptroller General shall*  
5 *submit a report on the results of the study to the Committees*  
6 *on Armed Services of the Senate and the House of Rep-*  
7 *resentatives. The report shall include the following matters:*

8 *(1) Regarding the transition assistance programs*  
9 *under section 1142 and 1144 of title 10, United*  
10 *States Code—*

11 *(A) an analysis of the extent to which such*  
12 *programs are meeting the current needs of mem-*  
13 *bers of the Armed Forces as such personnel are*  
14 *discharged or released from active duty,*  
15 *including—*

16 *(i) a discussion of the original pur-*  
17 *poses of the programs;*

18 *(ii) a discussion of how the programs*  
19 *are currently being administered in rela-*  
20 *tionship to those purposes; and*

21 *(iii) an assessment of whether the pro-*  
22 *grams are adequate to meet the current*  
23 *needs of members of the reserve components,*  
24 *including the National Guard; and*

1           (B) any recommendations that the Comptroller General considers appropriate for improving such programs, including any recommendation regarding whether participation by members of the Armed Forces in such programs should be required.

2           (2) An analysis of the differences, if any, among the Armed Forces and among the commands of military installations of the Armed Forces regarding how transition assistance is being provided under the transition assistance programs, together with any recommendations that the Comptroller General considers appropriate—

3           (A) to achieve uniformity in the provision of assistance under such programs; and

4           (B) to ensure that the transition assistance is provided under such programs to members of the Armed Forces who are being separated at medical facilities of the uniformed services or Department of Veterans Affairs medical centers and to Armed Forces personnel on a temporary disability retired list under section 1202 or 1205 of title 10, United States Code.

5           (3) An analysis of the relationship of Department of Defense transition assistance programs to the

1 *transition assistance programs of the Department of*  
2 *Veterans Affairs and the Department of Labor, in-*  
3 *cluding the relationship of the benefits delivery at dis-*  
4 *charge program carried out jointly by the Department*  
5 *of Defense and the Department of Veterans Affairs to*  
6 *the other transition assistance programs.*

7 (4) *The rates of participation of Armed Forces*  
8 *personnel in the transition assistance programs, to-*  
9 *gether with any recommendations that the Comp-*  
10 *troller General considers appropriate to increase such*  
11 *participation rates, including any revisions of such*  
12 *programs that could result in increased participation.*

13 (5) *An assessment of whether the transition as-*  
14 *sistance information provided to Armed Forces per-*  
15 *sonnel omits transition information that would be*  
16 *beneficial to such personnel, including an assessment*  
17 *of the extent to which information is provided under*  
18 *the transition assistance programs regarding partici-*  
19 *pation in Federal Government procurement opportu-*  
20 *nities available at prime contract and subcontract*  
21 *levels to veterans with service-connected disabilities*  
22 *and other veterans, together with any recommenda-*  
23 *tions that the Comptroller General considers appro-*  
24 *priate regarding additional information that should*  
25 *be provided and any other recommendations that the*

1        *Comptroller General considers appropriate for en-*  
2        *hancing the provision of counseling on such procure-*  
3        *ment opportunities.*

4            (6) *An assessment of the extent to which rep-*  
5        *resentatives of military service organizations and vet-*  
6        *erans' service organizations are afforded opportunities*  
7        *to participate, and do participate, in preseparation*  
8        *briefings under transition assistance programs, to-*  
9        *gether with any recommendations that the Comp-*  
10       *troller General considers appropriate regarding how*  
11       *representatives of such organizations could better be*  
12       *used to disseminate transition assistance information*  
13       *and provide preseparation counseling to Armed*  
14       *Forces personnel, including personnel of the reserve*  
15       *components who are being released from active duty*  
16       *for continuation of service in the reserve components.*

17            (7) *An analysis of the use of post-deployment*  
18        *and predischARGE health screenings, together with any*  
19        *recommendations that the Comptroller General con-*  
20        *siders appropriate regarding whether and how to in-*  
21        *tegrate the health screening process and the transition*  
22        *assistance programs into a single, coordinated*  
23        *preseparation program for Armed Forces personnel*  
24        *being discharged or released from active duty.*

1           (8) *An analysis of the processes of the Armed*  
2 *Forces for conducting physical examinations of mem-*  
3 *bers of the Armed Forces in connection with discharge*  
4 *and release from active duty, including—*

5                   (A) *how post-deployment questionnaires are*  
6 *used;*

7                   (B) *the extent to which Armed Forces per-*  
8 *sonnel waive the physical examinations; and*

9                   (C) *how, and the extent to which, Armed*  
10 *Forces personnel are referred for followup health*  
11 *care.*

12           (9) *A discussion of the current process by which*  
13 *mental health screenings are conducted, followup men-*  
14 *tal health care is provided for, and services are pro-*  
15 *vided in cases of post-traumatic stress disorder and*  
16 *related conditions for members of the Armed Forces in*  
17 *connection with discharge and release from active*  
18 *duty, together with—*

19                   (A) *for each of the Armed Forces, the pro-*  
20 *grams that are in place to identify and treat*  
21 *cases of post-traumatic stress disorder and re-*  
22 *lated conditions; and*

23                   (B) *for persons returning from deployments*  
24 *in connection with Operation Enduring Freedom*  
25 *and Operation Iraqi Freedom—*

1                   (i) the number of persons treated as a  
2                   result of such screenings; and

3                   (ii) the types of interventions.

4           (c) *ACQUISITION OF SUPPORTING INFORMATION.*—In  
5 carrying out the study under this section, the Comptroller  
6 General shall seek to obtain views from the following per-  
7 sons:

8                   (1) *The Secretary of Defense and the Secretaries*  
9 *of the military departments.*

10                   (2) *The Secretary of Veterans Affairs.*

11                   (3) *The Secretary of Labor.*

12                   (4) *Armed Forces personnel who have received*  
13 *transition assistance under the programs covered by*  
14 *the study and Armed Forces personnel who have de-*  
15 *clined to accept transition assistance offered under*  
16 *such programs.*

17                   (5) *Representatives of military service organiza-*  
18 *tions and representatives of veterans' service organi-*  
19 *zations.*

20                   (6) *Persons having expertise in health care (in-*  
21 *cluding mental health care) provided under the De-*  
22 *fense Health Program, including Department of De-*  
23 *fense personnel, Department of Veterans Affairs per-*  
24 *sonnel, and persons in the private sector.*

1 **SEC. 1029B. STUDY ON COORDINATION OF JOB TRAINING**  
2 **AND CERTIFICATION STANDARDS.**

3 (a) *REQUIREMENT FOR STUDY.*—*The Secretary of De-*  
4 *fense and the Secretary of Labor shall jointly carry out a*  
5 *study to determine ways to coordinate the standards ap-*  
6 *plied by the Armed Forces for the training and certification*  
7 *of members of the Armed Forces in military occupational*  
8 *specialties with the standards that are applied to cor-*  
9 *responding civilian occupations by occupational licensing*  
10 *or certification agencies of governments and occupational*  
11 *certification agencies in the private sector.*

12 (b) *REPORT.*—*Not later than 180 days after the date*  
13 *of the enactment of this Act, the Secretary of Labor shall*  
14 *submit a joint report on the results of the study under sub-*  
15 *section (a) to Congress.*

16 **SEC. 1029C. CONTENT OF PRESEPARATION COUNSELING**  
17 **FOR PERSONNEL SEPARATING FROM ACTIVE**  
18 **DUTY SERVICE.**

19 *Section 1142 of title 10, United States Code, is*  
20 *amended—*

21 (1) *by adding at the end of subsection (b) the fol-*  
22 *lowing new paragraph:*

23 “(11) *Information on participation in Federal*  
24 *Government procurement opportunities that are*  
25 *available at the prime contract level and at sub-*



1       *contract levels to veterans with service-connected dis-*  
2       *abilities and other veterans.”; and*

3               *(2) by adding at the end the following new sub-*  
4       *section:*

5       “(d) *REQUIREMENTS RELATING TO COUNSELING ON*  
6       *PROCUREMENT OPPORTUNITIES.—(1) For the counseling*  
7       *under subsection (b)(11), the Secretary concerned may pro-*  
8       *vide for participation of representatives of the Secretary of*  
9       *Veterans Affairs, representatives of the Administrator of the*  
10       *Small Business Administration, representatives of other ap-*  
11       *propriate executive agencies, and representatives of Vet-*  
12       *erans’ Business Outreach Centers and Small Business De-*  
13       *velopment Centers.*

14       “(2) *The Secretary concerned may provide for the*  
15       *counseling under paragraph (11) of subsection (b) to be of-*  
16       *fered at medical centers of the Department of Veterans Af-*  
17       *fairs as well as the medical care facilities of the uniformed*  
18       *services and other facilities at which the counseling on the*  
19       *other matters required under such subsection is offered. The*  
20       *access of representatives described in paragraph (1) to a*  
21       *member of the armed forces to provide such counseling shall*  
22       *be subject to the consent of that member.”.*

1 **SEC. 1029D. PERIODIC DETAILED ACCOUNTING FOR OPER-**  
2 **ATIONS OF THE GLOBAL WAR ON TERRORISM.**

3 (a) *QUARTERLY ACCOUNTING.*—Not later than 45 days  
4 after the end of each quarter of a year, the Secretary of  
5 Defense shall submit to the congressional defense commit-  
6 tees, for such quarter for each operation described in sub-  
7 section (b), a full accounting of all costs incurred for such  
8 operation during such quarter and all amounts expended  
9 during such quarter for such operation, and the purposes  
10 for which such costs were incurred and such amounts were  
11 expended.

12 (b) *OPERATIONS COVERED.*—The operations referred  
13 to in subsection (a) are as follows:

14 (1) *Operation Iraqi Freedom.*

15 (2) *Operation Enduring Freedom.*

16 (3) *Operation Noble Eagle.*

17 (4) *Any other operation that the President des-*  
18 *ignates as being an operation of the Global War on*  
19 *Terrorism.*

20 (c) *REQUIREMENT FOR COMPREHENSIVENESS.*—For  
21 the purpose of providing a full and complete accounting of  
22 the costs and expenditures under subsection (a) for oper-  
23 ations described in subsection (b), the Secretary shall ac-  
24 count in the quarterly submission under subsection (a) for  
25 all costs and expenditures that are reasonably attributable  
26 to such operations, including personnel costs.

1 **SEC. 1029E. REPORT ON THE STABILIZATION OF IRAQ.**

2 *Not later than 120 days after the date of the enactment*  
3 *of this Act, the President shall submit to the congressional*  
4 *defense committees an unclassified report (with classified*  
5 *annex, if necessary) on the strategy of the United States*  
6 *and coalition forces for stabilizing Iraq. The report shall*  
7 *contain a detailed explanation of the strategy, together with*  
8 *the following information:*

9 *(1) A description of the efforts of the President*  
10 *to work with the United Nations to provide support*  
11 *for, and assistance to, the transitional government in*  
12 *Iraq, and, in particular, the efforts of the President*  
13 *to negotiate and secure adoption by the United Na-*  
14 *tions Security Council of Resolution 1546.*

15 *(2) A description of the efforts of the President*  
16 *to continue to work with North Atlantic Treaty Orga-*  
17 *nization (NATO) member states and non-NATO*  
18 *member states to provide support for and augment co-*  
19 *alition forces, including efforts, as determined by the*  
20 *United States combatant commander, in consultation*  
21 *with coalition forces, to evaluate the—*

22 *(A) the current military forces of the NATO*  
23 *and non-NATO member countries deployed to*  
24 *Iraq;*

1           (B) the current police forces of NATO and  
2 non-NATO member countries deployed to Iraq;  
3 and

4           (C) the current financial resources of NATO  
5 and non-NATO member countries provided for  
6 the stabilization and reconstruction of Iraq.

7           (3) As a result of the efforts described in para-  
8 graph (2)—

9           (A) a list of the NATO and non-NATO  
10 member countries that have deployed and will  
11 have agreed to deploy military and police forces;  
12 and

13           (B) with respect to each such country, the  
14 schedule and level of such deployments.

15           (4) A description of the efforts of the United  
16 States and coalition forces to develop the domestic se-  
17 curity forces of Iraq for the internal security and ex-  
18 ternal defense of Iraq, including a description of  
19 United States plans to recruit, train, equip, and de-  
20 ploy domestic security forces of Iraq.

21           (5) As a result of the efforts described in para-  
22 graph (4)—

23           (A) the number of members of the security  
24 forces of Iraq that have been recruited;

1           (B) the number of members of the security  
2           forces of Iraq that have been trained; and

3           (C) the number of members of the security  
4           forces of Iraq that have been deployed.

5           (6) A description of the efforts of the United  
6           States and coalition forces to assist in the reconstruc-  
7           tion of essential infrastructure of Iraq, including the  
8           oil industry, electricity generation, roads, schools, and  
9           hospitals.

10          (7) A description of the efforts of the United  
11          States, coalition partners, and relevant international  
12          agencies to assist in the development of political insti-  
13          tutions and prepare for democratic elections in Iraq.

14          (8) A description of the obstacles, including fi-  
15          nancial, technical, logistic, personnel, political, and  
16          other obstacles, faced by NATO in generating and de-  
17          ploying military forces out of theater to locations such  
18          as Iraq.

19 **SEC. 1029F. REPORTS ON MATTERS RELATING TO DETAIN-**  
20 **MENT OF PRISONERS BY THE DEPARTMENT**  
21 **OF DEFENSE.**

22          (a) *REPORTS REQUIRED.*—Not later than 90 days  
23          after the date of the enactment of this Act, and annually  
24          thereafter, the Secretary of Defense shall submit to the ap-  
25          propriate committees of Congress a report on the population

1 *of persons held by the Department of Defense for more than*  
2 *45 days and on the facilities in which such persons are held.*

3 (b) *REPORT ELEMENTS.—Each report under sub-*  
4 *section (a) shall include the following:*

5 (1) *General information on the foreign national*  
6 *detainees in the custody of the Department on the*  
7 *date of such report, including the following:*

8 (A) *The best estimate of the Department of*  
9 *the number of the total number of detainees in*  
10 *the custody of the Department as of the date of*  
11 *such report.*

12 (B) *The countries in which such detainees*  
13 *were detained, and the number of detainees de-*  
14 *tained in each such country.*

15 (C) *The best estimate of the Department of*  
16 *the total number of detainees released from the*  
17 *custody of the Department during the one-year*  
18 *period ending on the date of such report.*

19 (2) *For each foreign national detained and*  
20 *registered with the National Detainee Reporting*  
21 *Center by the Department on the date of such re-*  
22 *port the following:*

23 (A) *The Internment Serial Number or other*  
24 *appropriate identification number.*

25 (B) *The nationality, if available.*

1           (C) *The place at which taken into custody,*  
2           *if available.*

3           (D) *The circumstances of being taken into*  
4           *custody, if available.*

5           (E) *The place of detention.*

6           (F) *The current length of detention.*

7           (G) *A categorization as a civilian detainee,*  
8           *enemy prisoner of war/prisoner of war, or enemy*  
9           *combatant.*

10          (H) *Information as to transfer to the juris-*  
11          *isdiction of another country, including the iden-*  
12          *tity of such country.*

13          (3) *Information on the detention facilities and*  
14          *practices of the Department for the one-year period*  
15          *ending on the date of such report, including for each*  
16          *facility of the Department at which detainees were de-*  
17          *tained by the Department during such period the fol-*  
18          *lowing:*

19               (A) *The name of such facility.*

20               (B) *The location of such facility.*

21               (C) *The number of detainees detained at*  
22               *such facility as of the end of such period.*

23               (D) *The capacity of such facility.*

1           (E) *The number of military personnel as-*  
 2           *signed to such facility as of the end of such pe-*  
 3           *riod.*

4           (F) *The number of other employees of the*  
 5           *United States Government assigned to such facil-*  
 6           *ity as of the end of such period.*

7           (G) *The number of contractor personnel as-*  
 8           *signed to such facility as of the end of such pe-*  
 9           *riod.*

10       (c) *FORM OF REPORT.—Each report under subsection*  
 11       *(a) shall be submitted in unclassified form, but may include*  
 12       *a classified annex.*

13       (d) *APPROPRIATE COMMITTEES OF CONGRESS DE-*  
 14       *FINED.—In this section, the term “appropriate committees*  
 15       *of Congress” means—*

16           (1) *the Committee on Armed Services and the*  
 17           *Select Committee on Intelligence of the Senate; and*

18           (2) *the Committee on Armed Services and the*  
 19           *Permanent Select Committee on Intelligence of the*  
 20           *House of Representatives.*

21       ***Subtitle D—Matters Relating to***  
 22       ***Space***

23       ***SEC. 1031. SPACE POSTURE REVIEW.***

24       (a) *REQUIREMENT FOR COMPREHENSIVE REVIEW.—*  
 25       *In order to clarify the national security space policy and*



1 *strategy of the United States for the near term, the Sec-*  
2 *retary of Defense shall conduct a comprehensive review of*  
3 *the space posture of the United States over the posture re-*  
4 *view period.*

5 (b) *ELEMENTS OF REVIEW.*—*The review conducted*  
6 *under subsection (a) shall include, for the posture review*  
7 *period, the following:*

8 (1) *The role of space in United States military*  
9 *and national security strategy, planning, and pro-*  
10 *gramming.*

11 (2) *The policy, requirements, and objectives for*  
12 *space situational awareness.*

13 (3) *The policy, requirements, and objectives for*  
14 *space control.*

15 (4) *The policy, requirements, and objectives for*  
16 *space superiority, including defensive and offensive*  
17 *counterspace.*

18 (5) *The policy, requirements, and objectives for*  
19 *space exploitation, including force enhancement and*  
20 *force application.*

21 (6) *The policy, requirements, and objectives for*  
22 *intelligence surveillance and reconnaissance from*  
23 *space.*

24 (7) *Current and planned space programs, in-*  
25 *cluding how each such program will address the pol-*

1        *icy, requirements, and objectives described in para-*  
2        *graphs (1) through (6).*

3            *(8) The relationship among United States mili-*  
4        *tary space policy and national security space policy,*  
5        *space objectives, and arms control policy.*

6            *(9) The type of systems, including space systems,*  
7        *that are necessary to implement United States mili-*  
8        *tary and national security space policies.*

9            *(10) The effect of United States national security*  
10       *space policy on weapons proliferation.*

11        *(c) REPORTS.—(1) Not later than March 15, 2005, the*  
12       *Secretary of Defense shall submit to the congressional de-*  
13       *fense committees an interim report on the review conducted*  
14       *under subsection (a).*

15            *(2) Not later than December 31, 2005, the Secretary*  
16       *shall submit to the congressional defense committees a final*  
17       *report on the review.*

18            *(3) Each report under this subsection shall be sub-*  
19       *mitted in unclassified form, but may include a classified*  
20       *annex.*

21            *(4) The reports under this subsection shall also be sub-*  
22       *mitted to the Select Committee on Intelligence of the Senate*  
23       *and the Permanent Select Committee on Intelligence of the*  
24       *House of Representatives.*

1           (d) *JOINT UNDERTAKING WITH THE DIRECTOR OF*  
2 *CENTRAL INTELLIGENCE.*—*The Secretary of Defense shall*  
3 *conduct the review under this section, and submit the re-*  
4 *ports under subsection (c), jointly with the Director of Cen-*  
5 *tral Intelligence.*

6           (e) *POSTURE REVIEW PERIOD DEFINED.*—*In this sec-*  
7 *tion, the term “posture review period” means the period*  
8 *beginning one year after the date of the enactment of this*  
9 *Act and ending ten years after that date.*

10 **SEC. 1032. PANEL ON THE FUTURE OF MILITARY SPACE**  
11 **LAUNCH.**

12           (a) *IN GENERAL.*—(1) *The Secretary of Defense shall*  
13 *enter into a contract with a federally funded research and*  
14 *development center to establish a panel on the future mili-*  
15 *tary space launch requirements of the United States, in-*  
16 *cluding means of meeting such requirements.*

17           (2) *The Secretary shall enter into the contract not later*  
18 *than 60 days after the date of the enactment of this Act.*

19           (b) *MEMBERSHIP AND ADMINISTRATION OF PANEL.*—  
20 (1) *The panel shall consist of individuals selected by the*  
21 *federally funded research and development center from*  
22 *among private citizens of the United States with knowledge*  
23 *and expertise in one or more of the following areas:*

24                   (A) *Space launch operations.*

25                   (B) *Space launch technologies.*

1           (C) *Satellite and satellite payloads.*

2           (D) *State and national launch complexes.*

3           (E) *Space launch economics.*

4           (2) *The federally funded research and development cen-*  
5 *ter shall establish appropriate procedures for the adminis-*  
6 *tration of the panel, including designation of the chairman*  
7 *of the panel from among its members.*

8           (3) *All panel members shall hold security clearances*  
9 *appropriate for the work of the panel.*

10          (4) *The panel shall convene its first meeting not later*  
11 *than 30 days after the date on which all members of the*  
12 *panel have been selected.*

13          (c) *DUTIES.—(1) The panel shall conduct a review and*  
14 *assessment of the future military space launch requirements*  
15 *of the United States, including the means of meeting such*  
16 *requirements.*

17          (2) *The review and assessment shall take into account*  
18 *matters as follows:*

19               (A) *Launch economics.*

20               (B) *Operational concepts and architectures.*

21               (C) *Launch technologies, including—*

22                       (i) *reusable launch vehicles;*

23                       (ii) *expendable launch vehicles;*

24                       (iii) *low cost options; and*

25                       (iv) *revolutionary approaches.*

1           (D) *Payloads, including their implications for*  
2           *launch requirements.*

3           (E) *Launch infrastructure.*

4           (F) *Launch industrial base.*

5           (G) *Relationships among military, civilian, and*  
6           *commercial launch requirements.*

7           (3) *The review and assessment shall address military*  
8           *space launch requirements over each of the 5-year, 10-year,*  
9           *and 15-year periods beginning with 2005.*

10          (d) *COOPERATION OF FEDERAL AGENCIES.—(1) The*  
11          *panel may secure directly from the Department of Defense*  
12          *or any other department or agency of the Federal Govern-*  
13          *ment any information that the panel considers necessary*  
14          *to carry out its duties.*

15          (2) *The Secretary of Defense shall designate at least*  
16          *one senior civilian employee of the Department of Defense*  
17          *and at least one general or flag officer of an Armed Force*  
18          *to serve as liaison between the Department, the Armed*  
19          *Forces, and the panel.*

20          (e) *REPORT.—Not later than one year after the date*  
21          *of the first meeting of the panel under subsection (b)(4),*  
22          *the panel shall submit to the Secretary of Defense, the con-*  
23          *gressional defense committees, the Select Committee on In-*  
24          *telligence of the Senate, and the Permanent Select Com-*  
25          *mittee on Intelligence of the House of Representatives a re-*

1 *port on the results of the review and assessment under sub-*  
2 *section (c). The report shall include—*

3 *(1) the findings and conclusions of the panel on*  
4 *the future military space launch requirements of the*  
5 *United States, including means of meeting such re-*  
6 *quirements;*

7 *(2) the assessment of panel, and any rec-*  
8 *ommendations of the panel, on—*

9 *(A) launch operational concepts and archi-*  
10 *tectures;*

11 *(B) launch technologies;*

12 *(C) launch enabling technologies; and*

13 *(D) priorities for funding; and*

14 *(3) the assessment of the panel as to the best*  
15 *means of meeting the future military space launch re-*  
16 *quirements of the United States.*

17 *(f) TERMINATION.—The panel shall terminate 16*  
18 *months after the date on which the chairman of the panel*  
19 *is designated pursuant to subsection (b)(2).*

20 *(g) FUNDING.—Amounts authorized to be appro-*  
21 *priated to the Department of Defense shall be available to*  
22 *the Secretary of Defense for purposes of the contract re-*  
23 *quired by subsection (a).*

1 **SEC. 1033. OPERATIONALLY RESPONSIVE NATIONAL SECURITY**  
2 **PAYLOADS FOR SPACE SATELLITES.**

3 (a) *PLANNING, PROGRAMMING, AND MANAGEMENT.*—

4 (1) *Chapter 135 of title 10, United States Code, is amended*  
5 *by inserting after section 2273 the following new section:*

6 **“§2273a. Operationally responsive national security**  
7 **payloads**

8 “(a) *REQUIREMENT FOR PROGRAM ELEMENT.*—*The*  
9 *Secretary of Defense shall ensure that operationally respon-*  
10 *sive national security payloads of the Department of De-*  
11 *fense for space satellites are planned, programmed, and*  
12 *budgeted for as a separate, dedicated program element.*

13 “(b) *MANAGEMENT AUTHORITY.*—*The Secretary of De-*  
14 *fense shall assign management authority for the program*  
15 *element required under subsection (a) to the Director of the*  
16 *Office of Force Transformation.*

17 “(c) *DEFINITION OF OPERATIONALLY RESPONSIVE.*—  
18 *In this section, the term ‘operationally responsive’, with re-*  
19 *spect to a national security payload for a space satellite,*  
20 *means an experimental or operational payload not in excess*  
21 *of 5,000 pounds that—*

22 “(1) *can be developed and acquired within 18*  
23 *months after authority to proceed with development is*  
24 *granted; and*

25 “(2) *is responsive to requirements for capabili-*  
26 *ties at the operational and tactical levels of warfare.”.*

1           (2) *The table of sections at the beginning of such chap-*  
2 *ter is amended by inserting after the item relating to section*  
3 *2273 the following new item:*

*“2273a. Operationally responsive national security payloads.”.*

4           (b) *TIME FOR IMPLEMENTATION.*—*Section 2273a(a) of*  
5 *title 10, United States Code, shall apply with respect to*  
6 *fiscal years beginning after September 30, 2005.*

7           (c) *FUNDING.*—*Of the amount authorized to be appro-*  
8 *priated under section 201(4), \$25,000,000 shall be available*  
9 *for research, development, test, and evaluation of operation-*  
10 *ally responsive national security payloads for space sat-*  
11 *ellites.*

12 **SEC. 1034. NONDISCLOSURE OF CERTAIN PRODUCTS OF**  
13 **COMMERCIAL SATELLITE OPERATIONS.**

14           (a) *DISCLOSURE PROHIBITED.*—*Land remote sensing*  
15 *information may not be disclosed under section 552 of title*  
16 *5, United States Code.*

17           (b) *LAND REMOTE SENSING INFORMATION DE-*  
18 *FINED.*—*In this section, the term “land remote sensing*  
19 *information”*—

20                   (1) *means any data that—*

21                           (A) *are collected by land remote sensing;*  
22                           *and*

23                           (B) *are prohibited from sale to customers*  
24                           *other than the United States Government and its*



1           *affiliated users under the Land Remote Sensing*  
2           *Policy Act of 1992 (15 U.S.C. 5601 et seq.); and*  
3           (2) *includes any imagery and other product that*  
4           *is derived from such data.*

5           (c) *STATE OR LOCAL GOVERNMENT DISCLOSURES.—*  
6 *Land remote sensing information provided by the head of*  
7 *a department or agency of the United States to a State or*  
8 *local government may not be made available to the general*  
9 *public under any State or local law relating to the disclo-*  
10 *sure of information or records.*

11          (d) *SAFEGUARDING INFORMATION.—The head of each*  
12 *department or agency of the United States having land re-*  
13 *mote sensing information within that department or agency*  
14 *or providing such information to a State or local govern-*  
15 *ment shall take such actions, commensurate with the sensi-*  
16 *tivity of that information, as are necessary to protect that*  
17 *information from disclosure prohibited under this section.*

18          (e) *OTHER DEFINITIONS.—In this section, the terms*  
19 *“land remote sensing” and “United States Government and*  
20 *its affiliated users” have the meanings given such terms in*  
21 *section 3 of such Act (15 U.S.C. 5602).*

22 **SEC. 1035. SENSE OF CONGRESS ON SPACE LAUNCH**  
23 **RANGES.**

24           *It is the sense of Congress that the Secretary of Defense*  
25 *should provide support for, and continue the development,*

1 *certification, and deployment of range safety systems that*  
2 *are capable of—*

3 *(1) reducing costs related to national security*  
4 *space launches and launch infrastructure; and*

5 *(2) enhancing technical capabilities and oper-*  
6 *ational safety at the Eastern, Western, and other*  
7 *United States space launch ranges.*

8 ***Subtitle E—Defense Against***  
9 ***Terrorism***

10 ***SEC. 1041. TEMPORARY ACCEPTANCE OF COMMUNICATIONS***

11 ***EQUIPMENT PROVIDED BY LOCAL PUBLIC***

12 ***SAFETY AGENCIES.***

13 *(a) AUTHORITY.—Chapter 155 of title 10, United*  
14 *States Code, is amended by adding at the end the following*  
15 *new section:*

16 ***“§2613. Emergency communications equipment: tem-***  
17 ***porary acceptance from local public safe-***  
18 ***ty agencies***

19 ***“(a) AUTHORITY FOR TEMPORARY ACCEPTANCE OF***  
20 ***EQUIPMENT.—(1) Under regulations prescribed by the Sec-***  
21 ***retary concerned, the commander of a military installation***  
22 ***may include in a disaster response agreement with a local***  
23 ***public safety agency a clause that provides for the com-***  
24 ***mander to accept from the public safety agency for use dur-***  
25 ***ing a natural or man-made disaster any communications***

1 *equipment that is useful for communicating with such agen-*  
2 *cy during a joint response by the commander and such*  
3 *agency to such disaster.*

4       “(2) *The authority under paragraph (1) includes au-*  
5 *thority to accept services related to the operation and main-*  
6 *tenance of communications equipment accepted under that*  
7 *paragraph.*

8       “(3) *In the case of a military installation adminis-*  
9 *tered by an officer or employee of the United States, such*  
10 *officer or employee may exercise the authority of a com-*  
11 *mander under this section.*

12       “(b) *CONDITIONS.—Acceptance of communications*  
13 *equipment and services by a commander from a public safe-*  
14 *ty agency under subsection (a) is subject to the following*  
15 *conditions:*

16               “(1) *Acceptance of equipment is authorized only*  
17 *to the extent that communications equipment under*  
18 *the control of the commander is inadequate to meet*  
19 *requirements for communicating with that public*  
20 *safety agency during a joint response to a disaster.*

21               “(2) *Acceptance of services for the operation or*  
22 *maintenance of communications equipment is author-*  
23 *ized only to the extent that capabilities under the con-*  
24 *trol of the commander are inadequate to operate or*  
25 *maintain such equipment.*

1       “(c) *LIABILITY.—(1) An emergency response agree-*  
2 *ment under this section shall include a clause that—*

3               “(A) *specifies the means for the commander to*  
4 *pay for use, loss, or damage of equipment, and for*  
5 *services, accepted under the agreement; or*

6               “(B) *ensures that the United States is not liable*  
7 *for costs incurred for the acceptance and use of the*  
8 *equipment or services nor for any loss or damage of*  
9 *such equipment.*

10       “(2) *No person providing services accepted under an*  
11 *emergency response agreement may be considered to be an*  
12 *officer, employee, or agent of the United States for any pur-*  
13 *pose.*

14       “(d) *GUIDANCE.—The Secretary of Defense shall pre-*  
15 *scribe guidance for the administration of the requirements*  
16 *and authority under this section.*

17       “(e) *DEFINITIONS.—In this section:*

18               “(1) *The term ‘emergency response agreement’*  
19 *means a memorandum of agreement or memorandum*  
20 *of understanding that provides for mutual support by*  
21 *Department of Defense personnel and local public*  
22 *safety agency personnel in response to a natural or*  
23 *man-made disaster.*

1           “(2) *The term ‘military installation’ has the*  
2           *meaning given such term in section 2801(c) of this*  
3           *title.’.*”

4           **(b) CLERICAL AMENDMENT.**—*The table of sections at*  
5           *the beginning of such chapter is amended by adding at the*  
6           *end the following new item:*

                  “2613. *Emergency communications equipment: temporary acceptance from local*  
                  *public safety agencies.’.*”

7       **SEC. 1042. FULL-TIME DEDICATION OF AIRLIFT SUPPORT**  
8   **FOR HOMELAND DEFENSE OPERATIONS.**

9           **(a) DETERMINATION REQUIRED.**—*(1) The Secretary of*  
10           *Defense shall determine the feasibility and advisability of*  
11           *dedicating an airlift capability of the Armed Forces on a*  
12           *full-time basis to the support of homeland defense oper-*  
13           *ations, including operations in support of contingent re-*  
14           *quirements for transporting Weapons of Mass Destruction*  
15           *Civil Support Teams, Air Force expeditionary medical*  
16           *teams, and Department of Energy emergency response*  
17           *teams in response to natural disasters and man-made disas-*  
18           *ters.*

19           *(2) In making the determination under paragraph (1),*  
20           *the Secretary shall take into consideration the results of the*  
21           *study required under subsection (b).*

22           **(b) REQUIREMENT FOR STUDY AND PLAN.**—*(1) The*  
23           *Secretary of Defense shall conduct a study of the existing*  
24           *plans and capabilities of the Department of Defense for*

1 *meeting contingent requirements for transporting teams de-*  
2 *scribed in subsection (a)(1) in response to natural disasters*  
3 *and man-made disasters.*

4       (2) *The Secretary shall prepare a plan for resolving*  
5 *any deficiencies in the existing plans and capabilities for*  
6 *meeting the transportation requirements described in para-*  
7 *graph (1).*

8       (3) *The Secretary of Defense shall require the com-*  
9 *mander of the United States Northern Command and the*  
10 *commander of the United States Transportation Command*  
11 *to carry out jointly the study required under paragraph*  
12 *(1) and to prepare jointly the plan required under para-*  
13 *graph (2).*

14       (c) *REPORT.*—*Not later than April 1, 2005, the Sec-*  
15 *retary shall submit to the Committees on Armed Services*  
16 *of the Senate and the House of Representatives a report on*  
17 *the results of the study under subsection (b). The report*  
18 *shall include the following matters:*

19           (1) *The Secretary's determination under sub-*  
20 *section (a).*

21           (2) *An assessment and discussion of the ade-*  
22 *quacy of existing plans and capabilities of the De-*  
23 *partment of Defense for meeting the transportation*  
24 *requirements described in subsection (b)(1).*

25           (3) *The plan required under subsection (b)(2).*

1           (d) *DEFINITION.*—*In this section, the term “Weapons*  
2 *of Mass Destruction Civil Support Team” has the meaning*  
3 *given such term in section 305b(e) of title 37, United States*  
4 *Code.*

5 **SEC. 1043. SURVIVABILITY OF CRITICAL SYSTEMS EXPOSED**  
6                           **TO CHEMICAL OR BIOLOGICAL CONTAMINA-**  
7                           **TION.**

8           (a) *REQUIREMENT FOR IMPLEMENTATION PLAN.*—*Not*  
9 *later than 120 days after the date of the enactment of this*  
10 *Act, the Secretary of Defense shall submit to the congres-*  
11 *sional defense committees a plan, for implementation by the*  
12 *Department of Defense, that sets forth a systematic ap-*  
13 *proach for ensuring the survivability of defense critical sys-*  
14 *tems upon contamination of such systems by chemical or*  
15 *biological agents.*

16           (b) *CONTENT.*—*At a minimum, the plan under sub-*  
17 *section (a) shall include—*

18                   (1) *policies for ensuring that the survivability of*  
19 *defense critical systems in the event of contamination*  
20 *by chemical or biological agents is adequately ad-*  
21 *dressed throughout the Department of Defense;*

22                   (2) *a systematic process for identifying which*  
23 *systems are defense critical systems;*

1           (3) *specific testing procedures to be used during*  
 2           *the design and development of new defense critical*  
 3           *systems; and*

4           (4) *a centralized database that—*

5                 (A) *contains comprehensive information on*  
 6                 *the effects of chemical and biological agents and*  
 7                 *decontaminants on materials used in defense*  
 8                 *critical systems; and*

9                 (B) *is easily accessible to personnel who*  
 10                 *have duties to ensure the survivability of defense*  
 11                 *critical systems upon contamination of such sys-*  
 12                 *tems by chemical and biological agents.*

13           (c) *DEFENSE CRITICAL SYSTEMS DEFINED.—In this*  
 14           *section, the term “defense critical system” means a Depart-*  
 15           *ment of Defense system that is critical to the national secu-*  
 16           *rity of the United States.*

17           ***Subtitle F—Matters Relating to***  
 18                                 ***Other Nations***

19           ***SEC. 1051. HUMANITARIAN ASSISTANCE FOR THE DETEC-***  
 20                                 ***TION AND CLEARANCE OF LANDMINES AND***  
 21                                 ***EXPLOSIVE REMNANTS OF WAR.***

22           (a) *RESTATEMENT AND EXPANSION OF AUTHORITY.—*

23           (1) *Chapter 20 of title 10, United States Code, is amended*  
 24           *by adding at the end the following new section:*



1 **“§ 406. Humanitarian assistance for the detection and**  
2 **clearance of landmines and explosive**  
3 **remnants of war**

4 “(a) *IN GENERAL.*—Under regulations prescribed by  
5 the Secretary of Defense, members of the armed forces may  
6 provide humanitarian assistance for the detection and  
7 clearance of landmines or explosive remnants of war in a  
8 foreign country, including activities relating to the fur-  
9 nishing of education, training, and technical assistance, if  
10 the Secretary determines that the provision of such assist-  
11 ance will promote—

12 “(1) the security interests of both the United  
13 States and the country in which such assistance is to  
14 be provided; and

15 “(2) the specific operational readiness skills of  
16 the members of the armed forces who provide such as-  
17 sistance.

18 “(b) *LIMITATIONS ON ACTIVITIES OF MEMBERS OF*  
19 *THE ARMED FORCES.*—The Secretary shall ensure that no  
20 member of the armed forces, while providing assistance  
21 under this section—

22 “(1) engages in the physical detection, lifting or  
23 destroying of landmines or explosive remnants of war  
24 (unless the member does so for the concurrent purpose  
25 of supporting a United States military operation); or

1           “(2) provides such assistance as part of a mili-  
2           tary operation that does not involve the armed forces.

3           “(c) *REQUIREMENT FOR APPROVAL OF SECRETARY OF*  
4 *STATE.*—Humanitarian assistance for the detection and  
5 clearance of landmines and remnants of war may not be  
6 provided under this section to any foreign country unless  
7 the Secretary of State specifically approves the provision  
8 of such assistance to such foreign country.

9           “(d) *AVAILABILITY OF FUNDS FOR CERTAIN EX-*  
10 *PENSES.*—(1) To the extent provided in Acts authorizing  
11 appropriations for military activities of the Department of  
12 Defense, funds authorized to be appropriated to the Depart-  
13 ment for a fiscal year for humanitarian assistance shall  
14 be available for the purpose of providing assistance under  
15 this section.

16           “(2) Expenses incurred as a direct result of providing  
17 humanitarian assistance under this section to a foreign  
18 country shall be paid out of funds specifically appropriated  
19 for such purpose.

20           “(3) Expenses covered by paragraph (2) include the  
21 following:

22           “(A) Travel, transportation, and subsistence ex-  
23 penses of Department of Defense personnel providing  
24 humanitarian assistance under this section.

1           “(B) *The cost of any equipment, services, or sup-*  
2           *plies acquired for the purpose of carrying out or sup-*  
3           *porting the provision of such assistance, including*  
4           *any nonlethal, individual, or small-team landmine or*  
5           *explosive remnant of war clearing equipment or sup-*  
6           *plies that are to be transferred or otherwise furnished*  
7           *to a foreign country in furtherance of the provision*  
8           *of assistance under this section.*

9           “(4) *The cost of equipment, services and supplies pro-*  
10          *vided in any fiscal year to a foreign country under para-*  
11          *graph (3)(B) may not exceed \$5,000,000.”.*

12          (2) *The table of sections at the beginning of such chap-*  
13          *ter is amended by adding at the end the following new item:*

*“406. Humanitarian assistance for the detection and clearance of landmines and  
explosive remnants of war.”.*

14          (b) *REPEAL OF SUPERSEDED AUTHORITY.—Section*  
15          *401 of such title is amended—*

16                 (1) *in subsection (a), by striking paragraph (4);*

17                 (2) *in subsection (b)—*

18                         (A) *in paragraph (1), by striking “(1)”;*

19                         *and*

20                         (B) *by striking paragraph (2);*

21                 (3) *in subsection (c)—*

22                         (A) *by striking paragraphs (2) and (3); and*

23                         (B) *by redesignating paragraph (4) as*  
24                         *paragraph (2); and*

1           (4) *in subsection (e), by striking paragraph (5).*

2   **SEC. 1052. USE OF FUNDS FOR UNIFIED COUNTERDRUG**  
3                   **AND COUNTERTERRORISM CAMPAIGN IN CO-**  
4                   **LOMBIA.**

5           (a) *AUTHORITY.—(1) In fiscal years 2005 and 2006,*  
6 *funds available to the Department of Defense to provide as-*  
7 *sistance to the Government of Colombia may be used by*  
8 *the Secretary of Defense to support a unified campaign by*  
9 *the Government of Colombia against narcotics trafficking*  
10 *and against activities by organizations designated as ter-*  
11 *rorist organizations, such as the Revolutionary Armed*  
12 *Forces of Colombia (FARC), the National Liberation Army*  
13 *(ELN), and the United Self-Defense Forces of Colombia*  
14 *(AUC).*

15           (2) *The authority to provide assistance for a campaign*  
16 *under this subsection includes authority to take actions to*  
17 *protect human health and welfare in emergency cir-*  
18 *cumstances, including the undertaking of rescue operations.*

19           (b) *APPLICABILITY OF CERTAIN LAWS AND LIMITA-*  
20 *TIONS.—The use of funds pursuant to the authority in sub-*  
21 *section (a) shall be subject to the following:*

22                   (1) *Sections 556, 567, and 568 of the Foreign*  
23 *Operations, Export Financing, and Related Programs*  
24 *Appropriations Act, 2002 (Public Law 107–115; 115*  
25 *Stat. 2160, 2165, and 2166).*

1           (2) *Section 8077 of the Department of Defense*  
2           *Appropriations Act, 2004 (Public Law 108–87; 117*  
3           *Stat. 1090).*

4           (c) *NUMERICAL LIMITATION ON ASSIGNMENT OF*  
5           *UNITED STATES PERSONNEL.—Notwithstanding section*  
6           *3204(b) of the Emergency Supplemental Act, 2000 (Divi-*  
7           *sion B of Public Law 106–246; 114 Stat. 575), as amended*  
8           *by the Foreign Operations, Export Financing, and Related*  
9           *Programs Appropriations Act, 2002 (Public Law 107–115;*  
10          *115 Stat. 2131), the number of United States personnel as-*  
11          *signed to conduct activities in Colombia in connection with*  
12          *support of Plan Colombia under subsection (a) in fiscal*  
13          *years 2005 and 2006 shall be subject to the following limita-*  
14          *tions:*

15                 (1) *The number of United States military per-*  
16                 *sonnel assigned for temporary or permanent duty in*  
17                 *Colombia in connection with support of Plan Colom-*  
18                 *bia may not exceed 800.*

19                 (2) *The number of United States individual citi-*  
20                 *zens retained as contractors in Colombia in connec-*  
21                 *tion with support of Plan Colombia who are funded*  
22                 *by Federal funds may not exceed 600.*

23           (d) *LIMITATION ON PARTICIPATION OF UNITED*  
24           *STATES PERSONNEL.—No United States Armed Forces per-*  
25           *sonnel, United States civilian employees, or United States*

1 *civilian contractor personnel employed by the United States*  
2 *may participate in any combat operation in connection*  
3 *with assistance using funds pursuant to the authority in*  
4 *subsection (a), except for the purpose of acting in self de-*  
5 *fense or of rescuing any United States citizen, including*  
6 *any United States Armed Forces personnel, United States*  
7 *civilian employee, or civilian contractor employed by the*  
8 *United States.*

9       *(e) RELATION TO OTHER AUTHORITY.—The authority*  
10 *provided by subsection (a) is in addition to any other au-*  
11 *thority in law to provide assistance to the Government of*  
12 *Colombia.*

13       *(f) REPORT ON RELATIONSHIPS BETWEEN TERRORIST*  
14 *ORGANIZATIONS IN COLOMBIA AND FOREIGN GOVERN-*  
15 *MENTS AND ORGANIZATIONS.—(1) Not later than 60 days*  
16 *after the date of the enactment of this Act, the Secretary*  
17 *of State shall, in consultation with the Secretary of Defense*  
18 *and the Director of Central Intelligence, submit to the con-*  
19 *gressional defense committees and the Committee on For-*  
20 *ign Relations of the Senate and the Committee on Inter-*  
21 *national Relations of the House of Representatives a report*  
22 *that describes—*

23           *(A) any relationships between foreign govern-*  
24           *ments or organizations and organizations based in*  
25           *Colombia that have been designated as foreign ter-*

1 *rorist organizations under United States law, includ-*  
2 *ing the provision of any direct or indirect assistance*  
3 *to such organizations; and*

4 *(B) United States policies that are designed to*  
5 *address such relationships.*

6 *(2) The report under paragraph (1) shall be submitted*  
7 *in unclassified form, but may include a classified annex.*

8 **SEC. 1053. ASSISTANCE TO IRAQ AND AFGHANISTAN MILI-**  
9 **TARY AND SECURITY FORCES.**

10 *(a) AUTHORITY.—Subject to the limitations in sub-*  
11 *section (c), the Secretary of Defense may provide assistance*  
12 *in fiscal year 2005 to Iraq and Afghanistan military or*  
13 *security forces solely to enhance their ability to combat ter-*  
14 *rorism and support United States or coalition military op-*  
15 *erations in Iraq and Afghanistan, respectively.*

16 *(b) TYPE OF ASSISTANCE.—Assistance provided under*  
17 *subsection (a) may include equipment, supplies, services,*  
18 *and training.*

19 *(c) LIMITATIONS.—(1) The Secretary of Defense may*  
20 *provide assistance under this section only with the concur-*  
21 *rence of the Secretary of State and, in any case in which*  
22 *section 104(e) of the National Security Act of 1947 (50*  
23 *U.S.C. 403–4(e)) applies, the Director of Central Intel-*  
24 *ligence.*

1       (2) *The cost of assistance provided under this section*  
2 *may be paid only out of funds available to the Department*  
3 *of Defense for fiscal year 2005 for operation and mainte-*  
4 *nance and may not exceed \$250,000,000.*

5       (d) *RELATIONSHIP TO OTHER AUTHORITY.—The au-*  
6 *thority to provide assistance under this section is in addi-*  
7 *tion to any other authority to provide assistance to Iraq*  
8 *and Afghanistan.*

9       (e) *CONGRESSIONAL NOTIFICATION.—Not later than*  
10 *15 days before providing assistance to a recipient under*  
11 *this section, the Secretary of Defense shall submit to the*  
12 *congressional defense committees a notification of the assist-*  
13 *ance proposed to be provided.*

14 **SEC. 1054. ASSIGNMENT OF NATO NAVAL PERSONNEL TO**  
15 **SUBMARINE SAFETY RESEARCH AND DEVEL-**  
16 **OPMENT PROGRAMS.**

17       (a) *AUTHORITY.—Chapter 631 of title 10, United*  
18 *States Code, is amended by inserting after the item relating*  
19 *to section 7205 the following new section:*

20 **“§ 7206. Submarine safety research and development:**  
21 **acceptance of services of NATO naval per-**  
22 **sonnel**

23       “(a) *AUTHORITY.—The Secretary of the Navy may,*  
24 *subject to subsection (e), accept the assignment of one or*  
25 *more members of the navy of another member country of*



1 *the North Atlantic Treaty Organization to a command of*  
2 *the Navy for work on the development, standardization, or*  
3 *interoperability of submarine vessel safety and rescue sys-*  
4 *tems and procedures if the Secretary determines that doing*  
5 *so would facilitate the development, standardization, and*  
6 *interoperability of submarine vessel safety and rescue sys-*  
7 *tems and procedures for the Navy, the navy of that foreign*  
8 *country, and any other navy involved in that work.*

9       “(b) *RECIPROCITY NOT REQUIRED.*—*The authority*  
10 *under subsection (a) is not an exchange program. Recip-*  
11 *rocal assignments of members of the Navy to a navy of a*  
12 *foreign country is not a condition for the exercise of such*  
13 *authority.*

14       “(c) *PAYMENT OF PERSONNEL COSTS.*—(1) *The ac-*  
15 *ceptance of a member of a navy of a foreign country under*  
16 *this section is subject to the condition that the government*  
17 *of that country pay the salary, per diem allowance, subsist-*  
18 *ence costs, travel costs, cost of language or other training,*  
19 *and other costs for that member in accordance with the laws*  
20 *and regulations of such country.*

21       “(2) *Paragraph (1) does not apply to the following*  
22 *costs:*

23               “(A) *The cost of temporary duty directed by the*  
24 *Secretary of the Navy or an officer of the Navy au-*  
25 *thorized to do so.*

1           “(B) *The cost of a training program conducted*  
2           *to familiarize, orient, or certify foreign naval per-*  
3           *sonnel regarding unique aspects of their assignments.*

4           “(C) *Any cost incident to the use of the facilities*  
5           *of the Navy in the performance of assigned duties.*

6           “(d) *RELATIONSHIP TO OTHER AUTHORITY.—The*  
7           *provisions of this section shall apply to any other authority*  
8           *that the Secretary of the Navy may exercise, subject to the*  
9           *concurrence of the Secretary of State, to enter into an agree-*  
10           *ment with the government of a foreign country to provide*  
11           *for the assignment of members of the navy of that foreign*  
12           *country to a Navy submarine safety program. The Sec-*  
13           *retary of the Navy may prescribe regulations for the appli-*  
14           *cation of this section in the exercise of such authority.*

15           “(e) *TERMINATION OF AUTHORITY.—The Secretary of*  
16           *the Navy may not accept the assignment of a member of*  
17           *the navy of a foreign country under this section after Sep-*  
18           *tember 30, 2008.”.*

19           “(b) *CLERICAL AMENDMENT.—The table of sections at*  
20           *the beginning of such chapter is amended by inserting after*  
21           *the item relating to section 7205 the following new item:*

          “7206. *Submarine safety research and development: acceptance of services of*  
          *NATO naval personnel.”.*

1 **SEC. 1055. COMPENSATION FOR FORMER PRISONERS OF**  
2 **WAR.**

3 *Any plan of the Secretary of Defense to provide com-*  
4 *ensation to an individual who was injured in a military*  
5 *prison under the control of the United States in Iraq shall*  
6 *include a provision to address the injuries suffered by the*  
7 *17 citizens of the United States who were held as prisoners*  
8 *of war by the regime of Saddam Hussein during the First*  
9 *Gulf War.*

10 **SEC. 1056. DRUG ERADICATION EFFORTS IN AFGHANISTAN.**

11 *(a) FINDINGS.—Congress makes the following findings:*

12 *(1) The United States engaged in military ac-*  
13 *tion against the Taliban-controlled Government of Af-*  
14 *ghanistan in 2001 in direct response to the Taliban's*  
15 *support and aid to Al Qaeda.*

16 *(2) The military action against the Taliban in*  
17 *Afghanistan was designed, in part, to disrupt the ac-*  
18 *tivities of, and financial support for, terrorists.*

19 *(3) A greater percentage of the world's opium*  
20 *supply is now produced in Afghanistan than before*  
21 *the Taliban banned the cultivation or trade of opium.*

22 *(4) In 2004, more than two years after the*  
23 *Taliban was forcefully removed from power, Afghani-*  
24 *stan is supplying approximately 75 percent of the*  
25 *world's heroin.*

1           (5) *The estimated value of the opium harvested*  
2 *in Afghanistan in 2003 was \$2,300,000,000.*

3           (6) *Some of the profits associated with opium*  
4 *harvested in Afghanistan continue to fund terrorists*  
5 *and terrorist organizations, including Al Qaeda, that*  
6 *seek to attack the United States and United States in-*  
7 *terests.*

8           (7) *The global war on terror is and should re-*  
9 *main our Nation's highest national security priority.*

10          (8) *United States and Coalition counterdrug ef-*  
11 *forts in Afghanistan have not yet produced significant*  
12 *results.*

13          (9) *There are indications of strong, direct con-*  
14 *nections between terrorism and drug trafficking.*

15          (10) *The elimination of this funding source is*  
16 *critical to making significant progress in the global*  
17 *war on terror.*

18          (11) *The President of Afghanistan, Hamid*  
19 *Karzai, has stated that opium production poses a sig-*  
20 *nificant threat to the future of Afghanistan, and has*  
21 *established a plan of action to deal with this threat.*

22          (12) *The United Nations Office on Drugs and*  
23 *Crime has reported that Afghanistan is at risk of*  
24 *again becoming a failed state if strong actions are not*  
25 *taken against narcotics.*

1       (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
2 *that—*

3             (1) *the President should make the substantial re-*  
4 *duction of drug trafficking in Afghanistan a priority*  
5 *in the war on terror;*

6             (2) *the Secretary of Defense should, in coordina-*  
7 *tion with the Secretary of State, work to a greater ex-*  
8 *tent in cooperation with the Government of Afghani-*  
9 *stan and international organizations involved in*  
10 *counterdrug activities to assist in providing a secure*  
11 *environment for counterdrug personnel in Afghani-*  
12 *stan; and*

13            (3) *because the trafficking of narcotics is known*  
14 *to support terrorist activities and contributes to the*  
15 *instability of the Government of Afghanistan, addi-*  
16 *tional efforts should be made by the Armed Forces of*  
17 *the United States, in conjunction with and in sup-*  
18 *port of coalition forces, to significantly reduce nar-*  
19 *cotics trafficking in Afghanistan and neighboring*  
20 *countries, with particular focus on those trafficking*  
21 *organizations with the closest links to known terrorist*  
22 *organizations.*

23       (c) *REPORT.*—*Not later than 120 days after the date*  
24 *of the enactment of this Act, the Secretary of Defense shall*  
25 *submit to Congress a report that describes—*

1           (1) *progress made towards substantially reduc-*  
2           *ing the poppy cultivation and heroin production ca-*  
3           *pacilities in Afghanistan; and*

4           (2) *the extent to which profits from illegal drug*  
5           *activity in Afghanistan fund terrorist organizations*  
6           *and support groups that seek to undermine the Gov-*  
7           *ernment of Afghanistan.*

8 **SEC. 1057. HUMANE TREATMENT OF DETAINEES.**

9           (a) *FINDINGS.—Congress makes the following findings:*

10           (1) *After World War II, the United States and*  
11           *its allies created a new international legal order*  
12           *based on respect for human rights. One of its funda-*  
13           *mental tenets was a universal prohibition on torture*  
14           *and ill treatment.*

15           (2) *On June 26, 2003, the International Day in*  
16           *Support of Victims of Torture, President George W.*  
17           *Bush stated, “The United States is committed to the*  
18           *world-wide elimination of torture and we are leading*  
19           *this fight by example. I call on all governments to*  
20           *join with the United States and the community of*  
21           *law-abiding nations in prohibiting, investigating,*  
22           *and prosecuting all acts of torture and in under-*  
23           *taking to prevent other cruel and unusual punish-*  
24           *ment.”.*

1           (3) *The United States is a party to the Geneva*  
2           *Conventions, which prohibit torture, cruel treatment,*  
3           *or outrages upon personal dignity, in particular,*  
4           *humiliating and degrading treatment, during armed*  
5           *conflict.*

6           (4) *The United States is a party to 2 treaties*  
7           *that prohibit torture and cruel, inhuman, or degrad-*  
8           *ing treatment or punishment, as follows:*

9                   (A) *The International Covenant on Civil*  
10                   *and Political Rights, done at New York Decem-*  
11                   *ber 16, 1966.*

12                   (B) *The Convention against Torture and*  
13                   *Other Cruel, Inhuman or Degrading Treatment*  
14                   *or Punishment, done at New York December 10,*  
15                   *1984.*

16           (5) *The United States filed reservations to the*  
17           *treaties described in subparagraphs (A) and (B) of*  
18           *paragraph (4) stating that the United States con-*  
19           *siders itself bound to prevent “cruel, inhuman or de-*  
20           *grading treatment or punishment” to the extent that*  
21           *phrase means the cruel, unusual, and inhumane*  
22           *treatment or punishment prohibited by the 5th*  
23           *amendment, 8th amendment, or 14th amendment to*  
24           *the Constitution.*

1           (6) *Army Regulation 190-8* entitled “*Enemy*  
2 *Prisoners of War, Retained Personnel, Civilian In-*  
3 *ternees and Other Detainees*” provides that “*Inhu-*  
4 *mane treatment is a serious and punishable violation*  
5 *under international law and the Uniform Code of*  
6 *Military Justice (UCMJ)*.... *All prisoners will re-*  
7 *ceive humane treatment without regard to race, na-*  
8 *tionality, religion, political opinion, sex, or other cri-*  
9 *teria. The following acts are prohibited: murder, tor-*  
10 *ture, corporal punishment, mutilation, the taking of*  
11 *hostages, sensory deprivation, collective punishments,*  
12 *execution without trial by proper authority, and all*  
13 *cruel and degrading treatment*.... *All persons will be*  
14 *respected as human beings. They will be protected*  
15 *against all acts of violence to include rape, forced*  
16 *prostitution, assault and theft, insults, public curi-*  
17 *osity, bodily injury, and reprisals of any kind*....  
18 *This list is not exclusive.*”

19           (7) *The Field Manual on Intelligence Interroga-*  
20 *tion of the Department of the Army* states that “*acts*  
21 *of violence or intimidation, including physical or*  
22 *mental torture, threats, insults, or exposure to inhu-*  
23 *mane treatment as a means of or an aid to interroga-*  
24 *tion*” are “*illegal*”. Such *Manual* defines “*infliction*  
25 *of pain through... bondage (other than legitimate use*



1       of restraints to prevent escape)”, “forcing an indi-  
2       vidual to stand, sit, or kneel in abnormal positions  
3       for prolonged periods of time”, “food deprivation”,  
4       and “any form of beating” as “physical torture”, de-  
5       fines “abnormal sleep deprivation” as “mental tor-  
6       ture”, and prohibits the use of such tactics under any  
7       circumstances.

8               (8) *The Field Manual on Intelligence Interroga-*  
9       *tion of the Department of the Army states that “Use*  
10       *of torture and other illegal methods is a poor tech-*  
11       *nique that yields unreliable results, may damage sub-*  
12       *sequent collection efforts, and can induce the source to*  
13       *say what he thinks the interrogator wants to hear.*  
14       *Revelation of use of torture by U.S. personnel will*  
15       *bring discredit upon the U.S. and its armed forces*  
16       *while undermining domestic and international sup-*  
17       *port for the war effort. It may also place U.S. and*  
18       *allied personnel in enemy hands at a greater risk of*  
19       *abuse by their captors.”.*

20       (b) *PROHIBITION ON TORTURE OR CRUEL, INHUMAN,*  
21       *OR DEGRADING TREATMENT OR PUNISHMENT.—(1) No per-*  
22       *son in the custody or under the physical control of the*  
23       *United States shall be subject to torture or cruel, inhuman,*  
24       *or degrading treatment or punishment that is prohibited*  
25       *by the Constitution, laws, or treaties of the United States.*

1       (2) *Nothing in this section shall affect the status of*  
2 *any person under the Geneva Conventions or whether any*  
3 *person is entitled to the protections of the Geneva Conven-*  
4 *tions.*

5       (c) *RULES, REGULATIONS, AND GUIDELINES.—(1) Not*  
6 *later than 180 days after the date of enactment of this Act,*  
7 *the Secretary shall prescribe the rules, regulations, or guide-*  
8 *lines necessary to ensure compliance with the prohibition*  
9 *in subsection (b)(1) by the members of the United States*  
10 *Armed Forces and by any person providing services to the*  
11 *Department of Defense on a contract basis.*

12       (2) *The Secretary shall submit to the congressional de-*  
13 *fense committees the rules, regulations, or guidelines pre-*  
14 *scribed under paragraph (1), and any modifications to such*  
15 *rules, regulations, or guidelines—*

16           (A) *not later than 30 days after the effective date*  
17 *of such rules, regulations, guidelines, or modifica-*  
18 *tions; and*

19           (B) *in a manner and form that will protect the*  
20 *national security interests of the United States.*

21       (d) *REPORT TO CONGRESS.—(1) The Secretary shall*  
22 *submit, on a timely basis and not less than twice each year,*  
23 *a report to Congress on the circumstances surrounding any*  
24 *investigation of a possible violation of the prohibition in*  
25 *subsection (b)(1) by a member of the Armed Forces or by*

1 *a person providing services to the Department of Defense*  
2 *on a contract basis.*

3 (2) *A report required under paragraph (1) shall be*  
4 *submitted in a manner and form that—*

5 (A) *will protect the national security interests of*  
6 *the United States; and*

7 (B) *will not prejudice any prosecution of an in-*  
8 *dividual involved in, or responsible for, a violation of*  
9 *the prohibition in subsection (b)(1).*

10 (e) *DEFINITIONS.—In this section:*

11 (1) *The term “cruel, inhuman, or degrading*  
12 *treatment or punishment” means the cruel, unusual,*  
13 *and inhumane treatment or punishment prohibited*  
14 *by the 5th amendment, 8th amendment, or 14th*  
15 *amendment to the Constitution.*

16 (2) *The term “Geneva Conventions” means—*

17 (A) *the Convention for the Amelioration of*  
18 *the Condition of the Wounded and Sick in*  
19 *Armed Forces in the Field, done at Geneva Au-*  
20 *gust 12, 1949 (6 UST 3114);*

21 (B) *the Convention for the Amelioration of*  
22 *the Condition of the Wounded, Sick, and Ship-*  
23 *wrecked Members of Armed Forces at Sea, done*  
24 *at Geneva August 12, 1949 (6 UST 3217);*

1           (C) *the Convention Relative to the Treat-*  
2           *ment of Prisoners of War, done at Geneva Au-*  
3           *gust 12, 1949 (6 UST 3316); and*

4           (D) *the Convention Relative to the Protec-*  
5           *tion of Civilian Persons in Time of War, done*  
6           *at Geneva August 12, 1949 (6 UST 3516).*

7           (3) *The term “Secretary” means the Secretary of*  
8           *Defense.*

9           (4) *The term “torture” has the meaning given*  
10          *that term in section 2340 of title 18, United States*  
11          *Code.*

12 **SEC. 1058. UNITED NATIONS OIL-FOR-FOOD PROGRAM.**

13          (a) *RESPONSIBILITY OF INSPECTOR GENERAL OF THE*  
14          *DEPARTMENT OF DEFENSE FOR SECURITY OF DOCU-*  
15          *MENTS.—(1) The Inspector General of the Department of*  
16          *Defense, in cooperation with the Director of the Defense*  
17          *Contract Audit Agency and the Director of the Defense Con-*  
18          *tract Management Agency, shall ensure, not later than June*  
19          *30, 2004, the security of all documents relevant to the*  
20          *United Nations Oil-for-Food Program that are in the pos-*  
21          *session or control of the Coalition Provisional Authority.*

22          (2) *The Inspector General shall—*

23                  (A) *maintain copies of all such documents in the*  
24                  *United States at the Department of Defense; and*

1           (B) not later than August 31, 2004, deliver a  
2           complete set of all such documents to the Comptroller  
3           General of the United States.

4           (b) COOPERATION IN INVESTIGATIONS.—Each head of  
5           an Executive agency, including the Department of State,  
6           the Department of Defense, the Department of the Treasury,  
7           and the Central Intelligence Agency, and the Administrator  
8           of the Coalition Provisional Authority shall, upon a request  
9           in connection with an investigation of the United Nations  
10          Oil-for-Food Program made by the chairman of the Com-  
11          mittee on Foreign Relations, the Committee on Armed Serv-  
12          ices, the Committee on the Judiciary, the Committee on  
13          Governmental Affairs, the Select Committee on Intelligence,  
14          the Permanent Subcommittee on Investigations, or other  
15          committee of the Senate with relevant jurisdiction, prompt-  
16          ly provide to such chairman—

17               (1) access to any information and documents de-  
18               scribed in subsections (a) or (c) that are under the  
19               control of such agency and responsive to the request;  
20               and

21               (2) assistance relating to access to and utiliza-  
22               tion of such information and documents.

23           (c) INFORMATION FROM THE UNITED NATIONS.—(1)  
24           The Secretary of State shall use the voice and vote of the  
25           United States in the United Nations to urge the Secretary-

1 *General of the United Nations to provide the United States*  
2 *copies of all audits and core documents related to the*  
3 *United Nations Oil-for-Food Program.*

4       (2) *It is the sense of Congress that, pursuant to section*  
5 *941(b)(6) of the United Nations Reform Act of 1999 (title*  
6 *IX of division A of H.R. 3427 of the 106th Congress, as*  
7 *enacted into law by section 1000(a)(7) of Public Law 106–*  
8 *113; 113 Stat. 1501A-480), the Comptroller General of the*  
9 *United States should have full and complete access to finan-*  
10 *cial data relating to the United Nations, including infor-*  
11 *mation related to the financial transactions, organization,*  
12 *and activities of the United Nations Oil-for-Food Program.*

13       (3) *The Secretary of State shall facilitate the providing*  
14 *of access to the Comptroller General to the financial data*  
15 *described in paragraph (2).*

16       (d) *REVIEW OF OIL-FOR-FOOD PROGRAM BY COMP-*  
17 *TROLLER GENERAL.—(1) The Comptroller General of the*  
18 *United States shall conduct a review of United States over-*  
19 *sight of the United Nations Oil-for-Food Program. The*  
20 *review—*

21           (A) *in accordance with Generally Accepted Gov-*  
22 *ernment Auditing Standards, should not interfere*  
23 *with any ongoing criminal investigations or inquiries*  
24 *related to the Oil-for-Food program; and*

1           (B) may take into account the results of any in-  
2           vestigations or inquiries related to the Oil-for-Food  
3           program.

4           (2) The head of each Executive agency shall fully co-  
5           operate with the review under this subsection.

6           (e) EXECUTIVE AGENCY DEFINED.—In this section,  
7           the term “Executive agency” has the meaning given that  
8           term in section 105 of title 5, United States Code.

9           **SEC. 1059. SENSE OF CONGRESS ON THE GLOBAL PARTNER-**  
10                                   **SHIP AGAINST THE SPREAD OF WEAPONS OF**  
11                                   **MASS DESTRUCTION.**

12           It is the sense of Congress that the President should  
13           be commended for the steps taken at the G–8 summit at  
14           Sea Island, Georgia, on June 8–10, 2004, to demonstrate  
15           continued support for the Global Partnership against the  
16           Spread of Nuclear Weapons and Materials of Mass Destruc-  
17           tion and to expand the Partnership by welcoming new  
18           members and using the Partnership to coordinate non-  
19           proliferation projects in Libya, Iraq, and other countries;  
20           and that the President should—

21                   (1) expand the membership of donor nations to  
22                   the Partnership;

23                   (2) insure that Russia remains the primary  
24                   partner of the Partnership while also seeking to fund

1 *through the Partnership efforts in other countries*  
2 *with potentially vulnerable weapons or materials;*

3 (3) *develop for the Partnership clear program*  
4 *goals;*

5 (4) *develop for the Partnership transparent*  
6 *project prioritization and planning;*

7 (5) *develop for the Partnership project imple-*  
8 *mentation milestones under periodic review;*

9 (6) *develop under the Partnership agreements be-*  
10 *tween partners for project implementation; and*

11 (7) *give high priority and senior-level attention*  
12 *to resolving disagreements on site access and worker*  
13 *liability under the Partnership.*

14 **SEC. 1059A. EXCEPTION TO BILATERAL AGREEMENT RE-**  
15 **QUIREMENTS FOR TRANSFERS OF DEFENSE**  
16 **ITEMS.**

17 (a) *FINDINGS.—Congress makes the following findings:*

18 (1) *Close defense cooperation between the United*  
19 *States and each of the United Kingdom and Australia*  
20 *requires interoperability among the armed forces of*  
21 *those countries.*

22 (2) *The need for interoperability must be bal-*  
23 *anced with the need for appropriate and effective reg-*  
24 *ulation of trade in defense items.*



1           (3) *The Arms Export Control Act* (22 U.S.C.  
2           2751 *et seq.*) authorizes the executive branch to ad-  
3           minister arms export policies enacted by Congress in  
4           the exercise of its constitutional power to regulate  
5           commerce with foreign nations.

6           (4) *The executive branch has exercised its au-*  
7           *thority under the Arms Export Control Act, in part,*  
8           *through the International Traffic in Arms Regula-*  
9           *tions.*

10          (5) *Agreements to gain exemption from the*  
11          *International Traffic in Arms Regulations must be*  
12          *submitted to Congress for review.*

13          (b) *DEFINITIONS.—In this section:*

14               (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
15               *TEES.—The term “appropriate congressional commit-*  
16               *tees” means—*

17                       (A) *the Committee on Foreign Relations*  
18                       *and the Committee on Armed Services of the*  
19                       *Senate; and*

20                       (B) *the Committee on International Rela-*  
21                       *tions and the Committee on Armed Services of*  
22                       *the House of Representatives.*

23               (2) *DEFENSE ITEMS.—The term “defense items”*  
24               *has the meaning given the term in section 38 of the*  
25               *Arms Export Control Act (22 U.S.C. 2778).*

1           (3) *INTERNATIONAL TRAFFIC IN ARMS REGULA-*  
2           *TIONS.—The term “International Traffic in Arms*  
3           *Regulations” means the regulations maintained under*  
4           *parts 120 through 130 of title 22, Code of Federal*  
5           *Regulations, and any successor regulations.*

6           (c) *EXCEPTIONS FROM BILATERAL AGREEMENT RE-*  
7           *QUIREMENTS.—*

8           (1) *IN GENERAL.—Subsection (j) of section 38 of*  
9           *the Arms Export Control Act (22 U.S.C. 2778) is*  
10           *amended—*

11                   (A) *by redesignating paragraph (4) as*  
12                   *paragraph (5); and*

13                   (B) *by inserting after paragraph (3) the fol-*  
14                   *lowing new paragraph (4):*

15                   “*(4) EXCEPTIONS FROM BILATERAL AGREEMENT*  
16                   *REQUIREMENTS.—*

17                           “*(A) AUSTRALIA.—Subject to section 1055*  
18                           *of the National Defense Authorization Act for*  
19                           *Fiscal Year 2005, the requirements for a bilat-*  
20                           *eral agreement described in paragraph (2)(A)*  
21                           *shall not apply to a bilateral agreement between*  
22                           *the United States Government and the Govern-*  
23                           *ment of Australia with respect to transfers or*  
24                           *changes in end use of defense items within Aus-*  
25                           *tralia that will remain subject to the licensing*

1            *requirements of this Act after such agreement en-*  
2            *ters into force.*

3            “(B) UNITED KINGDOM.—Subject to section  
4            1055 of the National Defense Authorization Act  
5            for Fiscal Year 2005, the requirements for a bi-  
6            lateral agreement described in paragraphs  
7            (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not  
8            apply to a bilateral agreement between the  
9            United States Government and the Government  
10           of the United Kingdom for an exemption from  
11           the licensing requirements of this Act.”.

12           (2) CONFORMING AMENDMENT.—Paragraph (2)  
13           of such subsection is amended in the matter preceding  
14           subparagraph (A) by striking “A bilateral agreement”  
15           and inserting “Except as provided in paragraph (4),  
16           a bilateral agreement”.

17           (d) CERTIFICATIONS.—Not later than 30 days before  
18           authorizing an exemption from the licensing requirements  
19           of the International Traffic in Arms Regulations in accord-  
20           ance with any bilateral agreement entered into with the  
21           United Kingdom or Australia under section 38(j) of the  
22           Arms Export Control Act (22 U.S.C. 2778(j)), as amended  
23           by subsection (c), the President shall certify to the appro-  
24           priate congressional committees that such agreement—

1           (1) *is in the national interest of the United*  
2           *States and will not in any way affect the goals and*  
3           *policy of the United States under section 1 of the*  
4           *Arms Export Control Act (22 U.S.C. 2751);*

5           (2) *does not adversely affect the efficacy of the*  
6           *International Traffic in Arms Regulations to provide*  
7           *consistent and adequate controls for licensed exports*  
8           *of United States defense items; and*

9           (3) *will not adversely affect the duties or require-*  
10          *ments of the Secretary of State under the Arms Ex-*  
11          *port Control Act.*

12          (e) *NOTIFICATION OF BILATERAL LICENSING EXEMP-*  
13          *TIONS.—Not later than 30 days before authorizing an ex-*  
14          *emption from the licensing requirements of the Inter-*  
15          *national Traffic in Arms Regulations in accordance with*  
16          *any bilateral agreement entered into with the United King-*  
17          *dom or Australia under section 38(j) of the Arms Export*  
18          *Control Act (22 U.S.C. 2778(j)), as amended by subsection*  
19          *(c), the President shall submit to the appropriate congres-*  
20          *sional committees the text of the regulations that authorize*  
21          *such a licensing exemption.*

22          (f) *REPORT ON CONSULTATION ISSUES.—Not later*  
23          *than one year after the date of the enactment of this Act*  
24          *and annually thereafter for each of the following 5 years,*  
25          *the President shall submit to the appropriate congressional*

1 *committees a report on issues raised during the previous*  
2 *year in consultations conducted under the terms of any bi-*  
3 *lateral agreement entered into with Australia under section*  
4 *38(j) of the Arms Export Control Act, or under the terms*  
5 *of any bilateral agreement entered into with the United*  
6 *Kingdom under such section, for exemption from the licens-*  
7 *ing requirements of the Arms Export Control Act (22*  
8 *U.S.C. 2751 et seq.). Each report shall contain—*

9           (1) *information on any notifications or consulta-*  
10 *tions between the United States and the United King-*  
11 *dom under the terms of any agreement with the*  
12 *United Kingdom, or between the United States and*  
13 *Australia under the terms of any agreement with*  
14 *Australia, concerning the modification, deletion, or*  
15 *addition of defense items on the United States Muni-*  
16 *tions List, the United Kingdom Military List, or the*  
17 *Australian Defense and Strategic Goods List;*

18           (2) *a list of all United Kingdom or Australia*  
19 *persons and entities that have been designated as*  
20 *qualified persons eligible to receive United States ori-*  
21 *gin defense items exempt from the licensing require-*  
22 *ments of the Arms Export Control Act under the*  
23 *terms of such agreements, and listing any modifica-*  
24 *tion, deletion, or addition to such lists, pursuant to*

1 *the requirements of any agreement with the United*  
2 *Kingdom or any agreement with Australia;*

3 *(3) information on consultations or steps taken*  
4 *pursuant to any agreement with the United Kingdom*  
5 *or any agreement with Australia concerning coopera-*  
6 *tion and consultation with either government on the*  
7 *effectiveness of the defense trade control systems of*  
8 *such government;*

9 *(4) information on provisions and procedures*  
10 *undertaken pursuant to—*

11 *(A) any agreement with the United King-*  
12 *dom with respect to the handling of United*  
13 *States origin defense items exempt from the li-*  
14 *censing requirements of the Arms Export Control*  
15 *Act by persons and entities qualified to receive*  
16 *such items in the United Kingdom; and*

17 *(B) any agreement with Australia with re-*  
18 *spect to the handling of United States origin de-*  
19 *fense items exempt from the licensing require-*  
20 *ments of the Arms Export Control Act by persons*  
21 *and entities qualified to receive such items in*  
22 *Australia;*

23 *(5) information on any new understandings, in-*  
24 *cluding the text of such understandings, between the*  
25 *United States and the United Kingdom concerning*

1        *retransfer of United States origin defense items made*  
2        *pursuant to any agreement with the United Kingdom*  
3        *to gain exemption from the licensing requirements of*  
4        *the Arms Export Control Act;*

5            *(6) information on consultations with the Gov-*  
6        *ernment of the United Kingdom or the Government of*  
7        *Australia concerning the legal enforcement of any*  
8        *such agreements;*

9            *(7) information on United States origin defense*  
10        *items with respect to which the United States has*  
11        *provided an exception under the Memorandum of Un-*  
12        *derstanding between the United States and the United*  
13        *Kingdom and any agreement between the United*  
14        *States and Australia from the requirement for United*  
15        *States Government re-export consent that was not*  
16        *provided for under United States laws and regula-*  
17        *tions in effect on the date of the enactment of this Act;*  
18        *and*

19            *(8) information on any significant concerns that*  
20        *have arisen between the Government of Australia or*  
21        *the Government of the United Kingdom and the*  
22        *United States Government concerning any aspect of*  
23        *any bilateral agreement between such country and the*  
24        *United States to gain exemption from the licensing*  
25        *requirements of the Arms Export Control Act.*

1       (g) *SPECIAL NOTIFICATIONS.*—

2               (1) *REQUIRED NOTIFICATIONS.*—*The Secretary*  
3 *of State shall notify the appropriate congressional*  
4 *committees not later than 90 days after receiving any*  
5 *credible information regarding an unauthorized end-*  
6 *use or diversion of United States exports of goods or*  
7 *services made pursuant to any agreement with a*  
8 *country to gain exemption from the licensing require-*  
9 *ments of the Arms Export Control Act. The notifica-*  
10 *tion shall be made in a manner that is consistent*  
11 *with any ongoing efforts to investigate and commence*  
12 *civil actions or criminal investigations or prosecu-*  
13 *tions regarding such matters and may be made in*  
14 *classified or unclassified form.*

15               (2) *CONTENT.*—*The notification regarding an*  
16 *unauthorized end-use or diversion of goods or services*  
17 *under paragraph (1) shall include—*

18                       (A) *a description of the goods or services;*

19                       (B) *the United States origin of the good or*  
20 *service;*

21                       (C) *the authorized recipient of the good or*  
22 *service;*

23                       (D) *a detailed description of the unauthor-*  
24 *ized end-use or diversion, including any knowl-*



1           *edge by the United States exporter of such unau-*  
2           *thorized end-use or diversion;*

3                   *(E) any enforcement action taken by the*  
4           *Government of the United States; and*

5                   *(F) any enforcement action taken by the*  
6           *government of the recipient nation.*

7   **SEC. 1059B. REDESIGNATION AND MODIFICATION OF AU-**  
8                   **THORITIES RELATING TO INSPECTOR GEN-**  
9                   **ERAL OF THE COALITION PROVISIONAL AU-**  
10                  **THORITY.**

11           *(a) REDESIGNATION.—(1) Subsections (b) and (c)(1)*  
12   *of section 3001 of the Emergency Supplemental Appropria-*  
13   *tions Act for Defense and Reconstruction of Iraq and Af-*  
14   *ghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5*  
15   *U.S.C. App. 3 section 8G note) are each amended by strik-*  
16   *ing “Office of the Inspector General of the Coalition Provi-*  
17   *sional Authority” and inserting “Office of the Special In-*  
18   *spector General for Iraq Reconstruction”.*

19           *(2) Subsection (c)(1) of such section is further amended*  
20   *by striking “Inspector General of the Coalition Provisional*  
21   *Authority” and inserting “Special Inspector General for*  
22   *Iraq Reconstruction (in this section referred to as the ‘In-*  
23   *spector General’)”.*

24           *(3)(A) The heading of such section is amended to read*  
25   *as follows:*

1 **“SEC. 3001. SPECIAL INSPECTOR GENERAL FOR IRAQ RE-**  
2 **CONSTRUCTION.”.**

3 *(B) The heading of title III of such Act is amended*  
4 *to read as follows:*

5 **“TITLE III—SPECIAL INSPECTOR**  
6 **GENERAL FOR IRAQ RECON-**  
7 **STRUCTION”.**

8 *(b) CONTINUATION IN OFFICE.—The individual serv-*  
9 *ing as the Inspector General of the Coalition Provisional*  
10 *Authority as of the date of the enactment of this Act may*  
11 *continue to serve in that position after that date without*  
12 *reappointment under paragraph (1) of section 3001(c) of*  
13 *the Emergency Supplemental Appropriations Act for De-*  
14 *fense and Reconstruction of Iraq and Afghanistan, 2004,*  
15 *but remaining subject to removal as specified in paragraph*  
16 *(4) of that section.*

17 *(c) PURPOSES.—Subsection (a) of such section is*  
18 *amended—*

19 *(1) in paragraph (1), by striking “of the Coali-*  
20 *tion Provisional Authority (CPA)” and inserting*  
21 *“funded with amounts appropriated or otherwise*  
22 *made available to the Iraq Relief and Reconstruction*  
23 *Fund”;*

24 *(2) in paragraph (2)(B), by striking “fraud”*  
25 *and inserting “waste, fraud,”; and*

1           (3) in paragraph (3), by striking “the head of  
2           the Coalition Provisional Authority” and inserting  
3           “the Secretary of State and the Secretary of Defense”.

4           (d) *RESPONSIBILITIES OF ASSISTANT INSPECTOR*  
5 *GENERAL FOR AUDITING*.—Subsection (d)(1) of such sec-  
6 tion is amended by striking “of the Coalition Provisional  
7 Authority” and inserting “supported by the Iraq Relief and  
8 Reconstruction Fund”.

9           (e) *SUPERVISION*.—Such section is further amended—

10           (1) in subsection (e)(1), by striking “the head of  
11           the Coalition Provisional Authority” and inserting  
12           “the Secretary of State and the Secretary of Defense”;

13           (2) in subsection (h)—

14           (A) in paragraphs (4)(B) and (5), by strik-  
15           ing “head of the Coalition Provisional Author-  
16           ity” and inserting “Secretary of State”; and

17           (B) in paragraph (5), by striking “at the  
18           central and field locations of the Coalition Provi-  
19           sional Authority” and inserting “at appropriate  
20           locations of the Department of State in Iraq”;

21           (3) in subsection (j)—

22           (A) in paragraph (1), by striking “the head  
23           of the Coalition Provisional Authority” and in-  
24           serting “the Secretary of State and the Secretary  
25           of Defense”; and

1                   (B) in paragraph (2)—

2                   (i) in subparagraph (A)—

3                   (I) by striking “the head of the  
4                   Coalition Provisional Authority” the  
5                   first place it appears and inserting  
6                   “the Secretary of State or the Sec-  
7                   retary of Defense”; and

8                   (II) by striking “the head of the  
9                   Coalition Provisional Authority con-  
10                  siders” the second place it appears and  
11                  inserting “the Secretary of State or the  
12                  Secretary of Defense, as the case may  
13                  be, consider”; and

14                  (ii) in subparagraph (B), by striking  
15                  “the head of the Coalition Provisional Au-  
16                  thority considers” and inserting “the Sec-  
17                  retary of State or the Secretary of Defense,  
18                  as the case may be, consider”; and

19                  (4) in subsection (k), by striking “the head of the  
20                  Coalition Provisional Authority shall” each place it  
21                  appears and inserting “the Secretary of State and the  
22                  Secretary of Defense shall jointly”.

23                  (f) DUTIES.—Subsection (f)(1) of such section is  
24                  amended by striking “appropriated funds by the Coalition  
25                  Provisional Authority in Iraq” and inserting “amounts ap-

1 *propriated or otherwise made available to the Iraq Relief*  
2 *and Reconstruction Fund”.*

3       (g) *COORDINATION WITH INSPECTOR GENERAL OF*  
4 *DEPARTMENT OF STATE.—Subsection (f) of such section is*  
5 *further amended striking paragraphs (4) and (5) and in-*  
6 *serting the following new paragraph (4):*

7       “(4) *In carrying out the duties, responsibilities, and*  
8 *authorities of the Inspector General under this section, the*  
9 *Inspector General shall coordinate with, and receive the co-*  
10 *operation of, each of the following:*

11               “(A) *The Inspector General of the Department of*  
12 *Defense.*

13               “(B) *The Inspector General of the United States*  
14 *Agency for International Development.*

15               “(C) *The Inspector General of the Department of*  
16 *State.”.*

17       (h) *POWERS AND AUTHORITIES.—Subsection (g) of*  
18 *such section is amended by inserting before the period the*  
19 *following: “, including the authorities under subsection (e)*  
20 *of such section”.*

21       (i) *REPORTS.—Subsection (i) of such section is*  
22 *amended—*

23               (1) *in paragraph (1)—*

24                       (A) *in the first sentence, by striking “and*  
25 *every calendar quarter thereafter,” and all that*

1 follows through “the Coalition Provisional Au-  
2 thority” and inserting “again on July 30, 2004,  
3 and every calendar quarter thereafter, the In-  
4 spector General shall submit to the appropriate  
5 committees of Congress a report summarizing the  
6 activities of the Inspector General and the pro-  
7 grams and operations funded with amounts ap-  
8 propriated or otherwise made available to the  
9 Iraq Relief and Reconstruction Fund”;

10 (B) in subparagraph (B), by striking “the  
11 Coalition Provisional Authority” and inserting  
12 “the Department of Defense, the Department of  
13 State, and the United States Agency for Inter-  
14 national Development, as applicable,”;

15 (C) in subparagraph (E), by striking “ap-  
16 propriated funds” and inserting “such  
17 amounts”; and

18 (D) in subparagraph (F), by striking “the  
19 Coalition Provisional Authority” and inserting  
20 “the contracting department or agency”;

21 (2) in paragraph (2), by striking “by the Coali-  
22 tion Provisional Authority” and inserting “by any  
23 department or agency of the United States Govern-  
24 ment that involves the use of amounts appropriated

1       or otherwise made available to the Iraq Relief and  
2       Reconstruction Fund”;

3           (3) in paragraph (3), by striking “June 30,  
4       2004” and inserting “July 30, 2004”; and

5           (4) in paragraph (4), by striking “the Coalition  
6       Provisional Authority” and inserting “the Depart-  
7       ment of State and of the Department of Defense”.

8       (j) *TERMINATION*.—Subsection (o) of such section is  
9       amended to read as follows:

10       “(o) *TERMINATION*.—The Office of the Inspector Gen-  
11       eral shall terminate on the date that is 10 months after  
12       the date, as determined by the Secretary of State, on which  
13       80 percent of the amounts appropriated or otherwise made  
14       available to the Iraq Relief and Reconstruction Fund by  
15       chapter 2 of title II of this Act have been obligated.”.

16       **SEC. 1059C. TREATMENT OF FOREIGN PRISONERS.**

17       (a) *POLICY*.—(1) It is the policy of the United States  
18       to treat all foreign persons captured, detained, interned or  
19       otherwise held in the custody of the United States (herein-  
20       after “prisoners”) humanely and in accordance with stand-  
21       ards that the United States would consider legal if per-  
22       petrated by the enemy against an American prisoner.

23           (2) It is the policy of the United States that all  
24       officials of the United States are bound both in war-  
25       time and in peacetime by the legal prohibition

1       *against torture, cruel, inhuman or degrading treat-*  
2       *ment.*

3             (3) *If there is any doubt as to whether prisoners*  
4       *are entitled to the protections afforded by the Geneva*  
5       *Conventions, such prisoners shall enjoy the protections*  
6       *of the Geneva Conventions until such time as their*  
7       *status can be determined pursuant to the procedures*  
8       *authorized by Army Regulation 190–8, Section 1–6.*

9             (4) *It is the policy of the United States to expe-*  
10       *ditiously prosecute cases of terrorism or other crimi-*  
11       *nal acts alleged to have been committed by prisoners*  
12       *in the custody of the United States Armed Forces at*  
13       *Guantanamo Bay, Cuba, in order to avoid the indefi-*  
14       *nite detention of prisoners, which is contrary to the*  
15       *legal principles and security interests of the United*  
16       *States.*

17       (b) *REPORTING.*—*The Department of Defense shall*  
18       *submit to the appropriate congressional committees:*

19             (1) *A quarterly report providing the number of*  
20       *prisoners who were denied Prisoner of War (POW)*  
21       *status under the Geneva Conventions and the basis for*  
22       *denying POW status to each such prisoner.*

23             (2) *A report setting forth—*



1           (A) *the proposed schedule for military com-*  
2           *missions to be held at Guantanamo Bay, Cuba;*  
3           *and*

4           (B) *the number of individuals currently*  
5           *held at Guantanamo Bay, Cuba, the number of*  
6           *such individuals who are unlikely to face a mili-*  
7           *tary commission in the next six months, and the*  
8           *reason(s) for not bringing such individuals before*  
9           *a military commission.*

10          (3) *All International Committee of the Red Cross*  
11          *reports, completed prior to the enactment of this Act,*  
12          *concerning the treatment of prisoners in United*  
13          *States custody at Guantanamo Bay, Cuba, Iraq, and*  
14          *Afghanistan. Such ICRC reports should be provided,*  
15          *in classified form, not later than 15 days after enact-*  
16          *ment of this Act.*

17          (4) *A report setting forth all prisoner interroga-*  
18          *tion techniques approved by officials of the United*  
19          *States.*

20          (c) *ANNUAL TRAINING REQUIREMENT.—The Depart-*  
21          *ment of Defense shall certify that all Federal employees and*  
22          *civilian contractors engaged in the handling and/or interro-*  
23          *gating of prisoners have fulfilled an annual training re-*  
24          *quirement on the laws of war, the Geneva Conventions and*

1 *the obligations of the United States under international hu-*  
 2 *manitarian law.*

3 ***Subtitle G—Other Matters***

4 ***SEC. 1061. TECHNICAL AMENDMENTS RELATING TO DEFINI-***  
 5 ***TIONS OF GENERAL APPLICABILITY IN TITLE***  
 6 ***10, UNITED STATES CODE.***

7 *(a) CLARIFICATION OF DEFINITION OF “OPERATIONAL*  
 8 *RANGE”.—Section 101(e)(3) of title 10, United States Code,*  
 9 *is amended by striking “Secretary of Defense” and insert-*  
 10 *ing “Secretary of a military department”.*

11 *(b) AMENDMENTS RELATING TO DEFINITION OF CON-*  
 12 *GRESSIONAL DEFENSE COMMITTEES.—(1) Section 2215 of*  
 13 *title 10, United States Code, is amended—*

14 *(A) in subsection (a)—*

15 *(i) by striking “(a) CERTIFICATION RE-*  
 16 *QUIRED.—”; and*

17 *(ii) by striking “congressional committees*  
 18 *specified in subsection (b)” and inserting “con-*  
 19 *gressional defense committees”; and*

20 *(B) by striking subsection (b).*

21 *(2) Section 2515(d) of such title is amended—*

22 *(A) by striking “REPORT.—(1)” and inserting*  
 23 *“REPORT.—”;*

1           (B) by striking “congressional committees speci-  
2           fied in paragraph (2)” and inserting “congressional  
3           defense committees”; and

4           (C) by striking paragraph (2).

5           (3) Section 2676(d) of such title is amended by strik-  
6           ing “appropriate committees of Congress” in the first sen-  
7           tence and inserting “congressional defense committees”.

8   **SEC. 1062. TWO-YEAR EXTENSION OF AUTHORITY OF SEC-**  
9                           **RETARY OF DEFENSE TO ENGAGE IN COM-**  
10                          **MERCIAL ACTIVITIES AS SECURITY FOR IN-**  
11                          **TELLIGENCE      COLLECTION      ACTIVITIES**  
12                          **ABROAD.**

13           Section 431(a) of title 10, United States Code, is  
14           amended by striking “December 31, 2004” and inserting  
15           “December 31, 2006”.

16   **SEC. 1063. LIABILITY PROTECTION FOR PERSONS VOLUN-**  
17                          **TARILY      PROVIDING      MARITIME-RELATED**  
18                          **SERVICES ACCEPTED BY THE NAVY.**

19           Section 1588(d)(1) of title 10, United States Code, is  
20           amended by adding at the end the following new subpara-  
21           graph:

22                       “(F) In the case of a person aboard a sailing  
23                       vessel of the Navy to engage in the training of Navy  
24                       personnel or in a competition involving Navy per-

1       sonnel, the following provisions of law relating to  
2       claims in admiralty for damages or loss:

3               “(i) The Act entitled ‘An Act authorizing  
4       suits against the United States in admiralty,  
5       suits for salvage services, and providing for the  
6       release of merchant vessels belonging to the  
7       United States from arrest and attachment in for-  
8       eign jurisdictions, and for other purposes’, ap-  
9       proved March 9, 1920 (commonly known as the  
10      ‘Suits in Admiralty Act’) (46 U.S.C. App. 741  
11      et seq.).

12              “(ii) The Act entitled ‘An Act authorizing  
13      suits against the United States in admiralty for  
14      damage caused by and salvage services rendered  
15      to public vessels belonging to the United States,  
16      and for other purposes’, approved March 3, 1925  
17      (commonly known as the ‘Public Vessels Act’)  
18      (46 U.S.C. App. 781 et seq.).”.

19   **SEC. 1064. LICENSING OF INTELLECTUAL PROPERTY.**

20       (a) *AUTHORITY*.—Subchapter II of chapter 134 of title  
21   10, United States Code, is amended by adding at the end  
22   the following new section:

1 **“§ 2260. Licensing of intellectual property: retention of**  
2 **fees**

3 “(a) *AUTHORITY.*—Under regulations prescribed by  
4 the Secretary of Defense, the Secretary concerned may li-  
5 cense trademarks, service marks, certification marks, and  
6 collective marks owned or controlled by the Secretary con-  
7 cerned and may retain and expend fees received from such  
8 licensing in accordance with this section.

9 “(b) *DESIGNATED MARKS.*—The Secretary concerned  
10 shall designate the trademarks, service marks, certification  
11 marks, and collective marks as to which the Secretary exer-  
12 cises the authority to retain licensing fees under this sec-  
13 tion.

14 “(c) *USE OF FEES.*—The Secretary concerned shall use  
15 fees retained under this section for purposes as follows:

16 “(1) For payment of the following costs incurred  
17 by the Secretary:

18 “(A) Costs of securing trademark registra-  
19 tions.

20 “(B) Costs of operating the licensing pro-  
21 gram under this section.

22 “(2) For morale, welfare, and recreation activi-  
23 ties under the jurisdiction of the Secretary, to the ex-  
24 tent (if any) that the total amount of the licensing  
25 fees available under this section for a fiscal year ex-

1        *ceed the total amount needed for such fiscal year*  
 2        *under paragraph (1).*

3        “(d) *AVAILABILITY.—Fees received in a fiscal year and*  
 4        *retained under this section shall be available for obligations*  
 5        *in such fiscal year and the following two fiscal years.*

6        “(e) *DEFINITIONS.—In this section, the terms ‘trade-*  
 7        *mark’, ‘service mark’, ‘certification mark’, and ‘collective*  
 8        *mark’ have the meanings given such terms in section 45*  
 9        *of the Act entitled ‘An Act to provide for the registration*  
 10        *and protection of trademarks used in commerce, to carry*  
 11        *out the provisions of certain international conventions, and*  
 12        *for other purposes’, approved July 5, 1946 (commonly re-*  
 13        *ferred to as the ‘Trademark Act of 1946’) (15 U.S.C.*  
 14        *1127).”.*

15        (b) *CLERICAL AMENDMENT.—The table of sections at*  
 16        *the beginning of such subchapter is amended by adding at*  
 17        *the end the following new item:*

      “2260. *Licensing of intellectual property: retention of fees.*”.

18        **SEC. 1065. DELAY OF ELECTRONIC VOTING DEMONSTRATION PROJECT.**  
 19

20        *Section 1604(a) of the National Defense Authorization*  
 21        *Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.*  
 22        *1277; 42 U.S.C. 1973ff note) is amended—*

23                (1) *in paragraph (1), by striking “2002” and in-*  
 24                *serting “2006”; and*

25                (2) *in paragraph (2)—*

1                   (A) by striking “2002” and inserting  
2                   “2006”; and

3                   (B) by striking “2004” and inserting  
4                   “2008”.

5 **SEC. 1066. WAR RISK INSURANCE FOR MERCHANT MARINE**  
6 **VESSELS.**

7           (a) *EXTENSION OF AUTHORITY.*—Section 1214 of the  
8 *Merchant Marine Act, 1936 (46 U.S.C. App. 1294)* is  
9 *amended by striking “June 30, 2005” and inserting “De-*  
10 *cember 31, 2008”.*

11           (b) *INVESTMENT OF FUNDS EXCESS TO SHORT-TERM*  
12 *NEEDS.*—Section 1208 of such Act (46 U.S.C. App. 1288)  
13 *is amended—*

14                   (1) *by redesignating subsection (b) as subsection*  
15 *(c); and*

16                   (2) *in subsection (a), by striking “Upon the re-*  
17 *quest of the Secretary of Transportation,” and all*  
18 *that follows and inserting the following:*

19                   “*(b)(1) The Secretary of Transportation may request*  
20 *the Secretary of the Treasury to invest such portion of the*  
21 *insurance fund under subsection (a) as is not, in the judg-*  
22 *ment of the Secretary of Transportation, required to meet*  
23 *the current needs of the fund. The Secretary of the Treasury*  
24 *may make the requested investments.*”

1       “(2) Investments under paragraph (1) shall be made  
2 in public debt securities of the United States that—

3               “(A) mature at times suitable to the needs of the  
4 insurance fund; and

5               “(B) bear interest rates determined by the Sec-  
6 retary of the Treasury, taking into consideration cur-  
7 rent market yields on outstanding marketable obliga-  
8 tions of the United States of comparable maturity.

9       “(3) The interest and benefits accruing from securities  
10 under this subsection shall be deposited to the credit of the  
11 insurance fund.”.

12 **SEC. 1067. REPEAL OF QUARTERLY REPORTING REQUIRE-**  
13 **MENT CONCERNING PAYMENTS FOR DIS-**  
14 **TRICT OF COLUMBIA WATER AND SEWER**  
15 **SERVICES AND ESTABLISHMENT OF ANNUAL**  
16 **REPORT BY TREASURY.**

17       (a) WATER AND WATER SERVICE SUPPLIED FOR THE  
18 USE OF THE GOVERNMENT OF THE UNITED STATES.—Sec-  
19 tion 106(b)(5) of the District of Columbia Public Works Act  
20 of 1954 (sec. 34–2401.25(b), D.C. Official Code), as amend-  
21 ed by section 401 of the Miscellaneous Appropriations Act,  
22 2001 (as enacted by reference in section 1(a)(4) of the Con-  
23 solidated Appropriations Act, 2001), is amended to read as  
24 follows:



1       “(5) Not later than the 15th day of the month following  
2 the beginning of the fiscal year (beginning with fiscal year  
3 2005), the Secretary of the Treasury with respect to each  
4 Federal department, establishment, or agency receiving  
5 water services from the District of Columbia shall submit  
6 a report to the Committee on Government Reform of the  
7 House of Representatives, the Committee on Governmental  
8 Affairs of the Senate, and the Committees on Appropria-  
9 tions of the House of Representatives and Senate analyzing  
10 the promptness of payment with respect to the services fur-  
11 nished to such department, establishment, or agency.”.

12       (b) *SANITARY SEWER SERVICE CHARGES FOR UNITED*  
13 *STATES GOVERNMENT.*—Section 212(b)(5) of the District of  
14 Columbia Public Works Act of 1954 (sec. 34–2112(b), D.C.  
15 Official Code), as amended by section 401 of the Miscella-  
16 neous Appropriations Act, 2001 (as enacted by reference in  
17 section 1(a)(4) of the Consolidated Appropriations Act,  
18 2001), is amended to read as follows:

19       “(5) Not later than the 15th day of the month following  
20 the beginning of the fiscal year (beginning with fiscal year  
21 2005), the Secretary of the Treasury with respect to each  
22 Federal department, establishment, or agency receiving san-  
23 itary sewer services from the District of Columbia shall sub-  
24 mit a report to the Committee on Government Reform of  
25 the House of Representatives, the Committee on Govern-

1 *mental Affairs of the Senate, and the Committees on Appro-*  
 2 *priations of the House of Representatives and Senate ana-*  
 3 *lyzing the promptness of payment with respect to the serv-*  
 4 *ices furnished to such department, establishment, or agen-*  
 5 *cy.”.*

6 **SEC. 1068. RECEIPT OF PAY BY RESERVES FROM CIVILIAN**  
 7 **EMPLOYERS WHILE ON ACTIVE DUTY IN CON-**  
 8 **NECTION WITH A CONTINGENCY OPERATION.**

9 *Section 209 of title 18, United States Code, is amended*  
 10 *by adding at the end the following new subsection:*

11 *“(h) This section does not prohibit a member of the*  
 12 *reserve components of the armed forces on active duty pur-*  
 13 *suant to a call or order to active duty under a provision*  
 14 *of law referred to in section 101(a)(13) of title 10 from re-*  
 15 *ceiving from any person that employed such member before*  
 16 *the call or order to active duty any payment of any part*  
 17 *of the salary or wages that such person would have paid*  
 18 *the member if the member’s employment had not been inter-*  
 19 *rupted by such call or order to active duty.”.*

20 **SEC. 1069. PROTECTION OF ARMED FORCES PERSONNEL**  
 21 **FROM RETALIATORY ACTIONS FOR COMMU-**  
 22 **NICATIONS MADE THROUGH THE CHAIN OF**  
 23 **COMMAND.**

24 *(a) PROTECTED COMMUNICATIONS.—Section*  
 25 *1034(b)(1)(B) of title 10, United States Code, is amended—*

1           (1) *by striking “or” at the end of clause (iii)”;*

2           *and*

3           (2) *by striking clause (iv) and inserting the fol-*

4           *lowing:*

5                     *“(iv) any person or organization in the*  
6                     *chain of command; or*

7                     *“(v) any other person or organization des-*  
8                     *ignated pursuant to regulations or other estab-*  
9                     *lished administrative procedures for such com-*  
10                    *munications.”.*

11           (b) *EFFECTIVE DATE AND APPLICABILITY.—This sec-*  
12           *tion and the amendments made by this section shall take*  
13           *effect on the date of the enactment of this Act and shall*  
14           *apply with respect to any unfavorable personnel action*  
15           *taken or threatened, and any withholding of or threat to*  
16           *withhold a favorable personnel action, on or after that date.*

17           **SEC. 1070. MISSILE DEFENSE COOPERATION.**

18           (a) *DEPARTMENT OF STATE PROCEDURES FOR EXPE-*  
19           *DITED REVIEW OF LICENSES FOR THE TRANSFER OF DE-*  
20           *FENSE ITEMS RELATED TO MISSILE DEFENSE.—*

21                     (1) *EXPEDITED PROCEDURES.—The Secretary of*  
22                     *State shall, in consultation with the Secretary of De-*  
23                     *fense, establish procedures for considering technical*  
24                     *assistance agreements and related amendments and*  
25                     *munitions license applications for the export of de-*

1 *fense items related to missile defense not later than 30*  
2 *days after receiving such agreements, amendments,*  
3 *and munitions license applications, except in cases in*  
4 *which the Secretary of State determines that addi-*  
5 *tional time is required to complete a review of a tech-*  
6 *nical assistance agreement or related amendment or*  
7 *a munitions license application for foreign policy or*  
8 *national security reasons, including concerns regard-*  
9 *ing the proliferation of ballistic missile technology.*

10 (2) *STUDY ON COMPREHENSIVE AUTHORIZA-*  
11 *TIONS FOR MISSILE DEFENSE.—The Secretary of*  
12 *State shall, in consultation with the Secretary of De-*  
13 *fense, examine the feasibility of providing major*  
14 *project authorizations for programs related to missile*  
15 *defense similar to the comprehensive export authoriza-*  
16 *tion specified in section 126.14 of the International*  
17 *Traffic in Arms Regulations (section 126.14 of title*  
18 *22, Code of Federal Regulations).*

19 (3) *REPORT.—Not later than 180 days after the*  
20 *date of the enactment of this Act, the Secretary of*  
21 *State shall, in consultation with the Secretary of De-*  
22 *fense, submit to the Committee on Foreign Relations*  
23 *and the Committee on Armed Services of the Senate*  
24 *and the Committee on International Relations and*

1        *the Committee on Armed Services of the House of*  
2        *Representatives a report on—*

3                *(A) the implementation of the expedited*  
4                *procedures required under paragraph (1); and*

5                *(B) the feasibility of providing the major*  
6                *project authorization for projects related to mis-*  
7                *sile defense described in paragraph (2).*

8        *(b) DEPARTMENT OF DEFENSE PROCEDURES FOR EX-*  
9        *PEDITED REVIEW OF LICENSES FOR THE TRANSFER OF*  
10        *DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—*

11                *(1) PROCEDURES.—Not later than 180 days*  
12                *after the date of the enactment of this Act, the Sec-*  
13                *retary of Defense shall, in consultation with the Sec-*  
14                *retary of State, prescribe procedures to increase the*  
15                *efficiency and transparency of the practices used by*  
16                *the Department of Defense to review technical assist-*  
17                *ance agreements and related amendments and muni-*  
18                *tions license applications related to international co-*  
19                *operation on missile defense that are referred to the*  
20                *Department.*

21                *(2) REPORT.—Not later than 180 days after the*  
22                *date of the enactment of this Act, the Secretary of De-*  
23                *fense, in consultation with the Secretary of State,*  
24                *shall submit to the Committee on Armed Services and*  
25                *the Committee on Foreign Relations of the Senate and*

1       *the Committee on Armed Services and the Committee*  
2       *on International Relations of the House of Represent-*  
3       *atives a report—*

4               *(A) describing actions taken by the Sec-*  
5               *retary of Defense to coordinate with the Sec-*  
6               *retary of State the establishment of the expedited*  
7               *review process described in subsection (a)(1);*

8               *(B) identifying key defense items related to*  
9               *missile defense that are suitable for comprehen-*  
10              *sive licensing procedures; and*

11              *(C) describing the procedures prescribed*  
12              *pursuant to paragraph (1).*

13       *(c) DEFINITION OF DEFENSE ITEMS.—In this section,*  
14       *the term “defense items” has the meaning given that term*  
15       *in section 38(j)(4)(A) of the Arms Export Control Act (22*  
16       *U.S.C. 2778(j)(4)(A)).*

17       **SEC. 1071. POLICY ON NONPROLIFERATION OF BALLISTIC**  
18                               **MISSILES.**

19       *(a) POLICY.—It is the policy of the United States to*  
20       *develop, support, and strengthen international accords and*  
21       *other cooperative efforts to curtail the proliferation of bal-*  
22       *listic missiles and related technologies which could threaten*  
23       *the territory of the United States, allies and friends of the*  
24       *United States, and deployed members of the Armed Forces*  
25       *of the United States with weapons of mass destruction.*

1       **(b) SENSE OF CONGRESS.**—(1) *Congress makes the fol-*  
2 *lowing findings:*

3           **(A)** *Certain countries are seeking to acquire bal-*  
4 *listic missiles and related technologies that could be*  
5 *used to attack the United States or place at risk*  
6 *United States interests, forward-deployed members of*  
7 *the Armed Forces, and allies and friends of the*  
8 *United States.*

9           **(B)** *Certain countries continue to actively trans-*  
10 *fer or sell ballistic missile technologies in contraven-*  
11 *tion of standards of behavior established by the*  
12 *United States and allies and friends of the United*  
13 *States.*

14           **(C)** *The spread of ballistic missiles and related*  
15 *technologies worldwide has been slowed by a combina-*  
16 *tion of national and international export controls,*  
17 *forward-looking diplomacy, and multilateral interdic-*  
18 *tion activities to restrict the development and transfer*  
19 *of such weapons and technologies.*

20       **(2)** *It is the sense of Congress that—*

21           **(A)** *the United States should vigorously pursue*  
22 *foreign policy initiatives aimed at eliminating, reduc-*  
23 *ing, or retarding the proliferation of ballistic missiles*  
24 *and related technologies; and*

1           (B) *the United States and the international com-*  
2           *munity should continue to support and strengthen es-*  
3           *tablished international accords and other cooperative*  
4           *efforts, including United Nations Security Council*  
5           *Resolution 1540 and the Missile Technology Control*  
6           *Regime, that are designed to eliminate, reduce, or re-*  
7           *tard the proliferation of ballistic missiles and related*  
8           *technologies.*

9 **SEC. 1072. REIMBURSEMENT FOR CERTAIN PROTECTIVE,**  
10                   **SAFETY, OR HEALTH EQUIPMENT PUR-**  
11                   **CHASED BY OR FOR MEMBERS OF THE ARMED**  
12                   **FORCES FOR DEPLOYMENT IN OPERATIONS**  
13                   **IN IRAQ AND CENTRAL ASIA.**

14           (a) *REIMBURSEMENT REQUIRED.*—(1) *Subject to sub-*  
15           *sections (c) and (d), the Secretary of Defense shall reim-*  
16           *burse a member of the Armed Forces, or a person or entity*  
17           *referred to in paragraph (2), for the cost (including ship-*  
18           *ping cost) of any protective, safety, or health equipment*  
19           *that was purchased by such member, or such person or enti-*  
20           *ty on behalf of such member, before or during the deploy-*  
21           *ment of such member in Operation Noble Eagle, Operation*  
22           *Enduring Freedom, or Operation Iraqi Freedom for the use*  
23           *of such member in connection with such operation if the*  
24           *unit commander of such member certifies that such equip-*



1 *ment was critical to the protection, safety, or health of such*  
2 *member.*

3       (2) *A person or entity referred to in this paragraph*  
4 *is a family member or relative of a member of the Armed*  
5 *Forces, a non-profit organization, or a community group.*

6       (b) *COVERED PROTECTIVE, SAFETY, AND HEALTH*  
7 *EQUIPMENT.—(1) Subject to paragraph (2), protective,*  
8 *safety, and health equipment for which reimbursement shall*  
9 *be made under subsection (a) shall include personal body*  
10 *armor, collective armor or protective equipment (including*  
11 *armor or protective equipment for high mobility multi-pur-*  
12 *pose wheeled vehicles), and items provided through the*  
13 *Rapid Fielding Initiative of the Army such as the advanced*  
14 *(on-the-move) hydration system, the advanced combat hel-*  
15 *met, the close combat optics system, a Global Positioning*  
16 *System (GPS) receiver, and a soldier intercommunication*  
17 *device.*

18       (2) *Non-military equipment may be treated as protec-*  
19 *tive, safety, and health equipment for purposes of para-*  
20 *graph (1) only if such equipment provides protection, safe-*  
21 *ty, or health benefits, as the case may be, such as would*  
22 *be provided by equipment meeting military specifications.*

23       (c) *LIMITATIONS REGARDING DATE OF PURCHASE OF*  
24 *EQUIPMENT.—(1) In the case of armor or protective equip-*  
25 *ment for high mobility multi-purpose wheeled vehicles*

1 *(known as HUMVEEs), reimbursement shall be made under*  
2 *subsection (a) only for armor or equipment purchased dur-*  
3 *ing the period beginning on September 11, 2001, and end-*  
4 *ing on July 31, 2004 or any date thereafter as determined*  
5 *by the Secretary of Defense.*

6 *(2) In the case of any other protective, safety, and*  
7 *health equipment, reimbursement shall be made under sub-*  
8 *section (a) only for equipment purchased during the period*  
9 *beginning on September 11, 2001, and ending on December*  
10 *31, 2003 or any date thereafter as determined by the Sec-*  
11 *retary of Defense.*

12 *(d) LIMITATION REGARDING AMOUNT OF REIMBURSE-*  
13 *MENT.—The aggregate amount of reimbursement provided*  
14 *under subsection (a) for any protective, safety, and health*  
15 *equipment purchased by or on behalf of any given member*  
16 *of the Armed Forces may not exceed the lesser of—*

17 *(1) the cost of such equipment (including ship-*  
18 *ping cost); or*

19 *(2) \$1,100.*

20 *(e) OWNERSHIP OF EQUIPMENT.—The Secretary may*  
21 *provide, in regulations prescribed by the Secretary, that the*  
22 *United States shall assume title or ownership of any protec-*  
23 *tive, safety, or health equipment for which reimbursement*  
24 *is provided under subsection (a).*

1           (f) *FUNDING.*—Amounts for reimbursements under  
2 subsection (a) shall be derived from any amounts authorized  
3 to be appropriated by this Act.

4 **SEC. 1073. PRESERVATION OF SEARCH AND RESCUE CAPA-**  
5 **BILITIES OF THE FEDERAL GOVERNMENT.**

6           The Secretary of Defense may not reduce or eliminate  
7 search and rescue capabilities at any military installation  
8 in the United States unless the Secretary first certifies to  
9 the Committees on Armed Services of the Senate and the  
10 House of Representatives that equivalent search and rescue  
11 capabilities will be provided, without interruption and con-  
12 sistent with the policies and objectives set forth in the  
13 United States National Search and Rescue Plan entered  
14 into force on January 1, 1999, by—

15           (1) the Department of Interior, the Department  
16 of Commerce, the Department of Homeland Security,  
17 the Department of Transportation, the Federal Com-  
18 munications Commission, or the National Aero-  
19 nautics and Space Administration; or

20           (2) the Department of Defense, either directly or  
21 through a Department of Defense contract with an  
22 emergency medical service provider or other private  
23 entity to provide such capabilities.

1 **SEC. 1074. GRANT OF FEDERAL CHARTER TO KOREAN WAR**  
 2 **VETERANS ASSOCIATION, INCORPORATED.**

3 (a) *GRANT OF CHARTER.—Part B of subtitle II of title*  
 4 *36, United States Code, is amended—*

5 (1) *by striking the following:*

6 **“CHAPTER 1201—[RESERVED]”;** *and*

7 (2) *by inserting the following:*

8 **“CHAPTER 1201—KOREAN WAR VETERANS**  
 9 **ASSOCIATION, INCORPORATED**

**“Sec.**

*“120101. Organization.*

*“120102. Purposes.*

*“120103. Membership.*

*“120104. Governing body.*

*“120105. Powers.*

*“120106. Restrictions.*

*“120107. Duty to maintain corporate and tax-exempt status.*

*“120108. Records and inspection.*

*“120109. Service of process.*

*“120110. Liability for acts of officers and agents.*

*“120111. Annual report.*

10 **“§ 120101. Organization**

11 *“(a) FEDERAL CHARTER.—Korean War Veterans As-*  
 12 *sociation, Incorporated (in this chapter, the ‘corporation’),*  
 13 *incorporated in the State of New York, is a federally char-*  
 14 *tered corporation.*

15 *“(b) EXPIRATION OF CHARTER.—If the corporation*  
 16 *does not comply with the provisions of this chapter, the*  
 17 *charter granted by subsection (a) expires.*

1 **“§ 120102. Purposes**

2       *“The purposes of the corporation are as provided in*  
3 *its articles of incorporation and include—*

4               *“(1) organizing, promoting, and maintaining for*  
5 *benevolent and charitable purposes an association of*  
6 *persons who have seen honorable service in the Armed*  
7 *Forces during the Korean War, and of certain other*  
8 *persons;*

9               *“(2) providing a means of contact and commu-*  
10 *nication among members of the corporation;*

11               *“(3) promoting the establishment of, and estab-*  
12 *lishing, war and other memorials commemorative of*  
13 *persons who served in the Armed Forces during the*  
14 *Korean War; and*

15               *“(4) aiding needy members of the corporation,*  
16 *their wives and children, and the widows and chil-*  
17 *dren of persons who were members of the corporation*  
18 *at the time of their death.*

19 **“§ 120103. Membership**

20       *“Eligibility for membership in the corporation, and*  
21 *the rights and privileges of members of the corporation, are*  
22 *as provided in the bylaws of the corporation.*

23 **“§ 120104. Governing body**

24       *“(a) BOARD OF DIRECTORS.—The board of directors*  
25 *of the corporation, and the responsibilities of the board of*

1 *directors, are as provided in the articles of incorporation*  
2 *of the corporation.*

3       “(b) *OFFICERS.*—*The officers of the corporation, and*  
4 *the election of the officers of the corporation, are as provided*  
5 *in the articles of incorporation.*

6 **“§ 120105. Powers**

7       “*The corporation has only the powers provided in its*  
8 *bylaws and articles of incorporation filed in each State in*  
9 *which it is incorporated.*

10 **“§ 120106. Restrictions**

11       “(a) *STOCK AND DIVIDENDS.*—*The corporation may*  
12 *not issue stock or declare or pay a dividend.*

13       “(b) *POLITICAL ACTIVITIES.*—*The corporation, or a*  
14 *director or officer of the corporation as such, may not con-*  
15 *tribute to, support, or participate in any political activity*  
16 *or in any manner attempt to influence legislation.*

17       “(c) *LOAN.*—*The corporation may not make a loan to*  
18 *a director, officer, or employee of the corporation.*

19       “(d) *CLAIM OF GOVERNMENTAL APPROVAL OR AU-*  
20 *THORITY.*—*The corporation may not claim congressional*  
21 *approval, or the authority of the United States, for any of*  
22 *its activities.*

1 **“§ 120107. Duty to maintain corporate and tax-exempt**  
2 **status**

3 “(a) *CORPORATE STATUS.*—*The corporation shall*  
4 *maintain its status as a corporation incorporated under*  
5 *the laws of the State of New York.*

6 “(b) *TAX-EXEMPT STATUS.*—*The corporation shall*  
7 *maintain its status as an organization exempt from tax-*  
8 *ation under the Internal Revenue Code of 1986 (26 U.S.C.*  
9 *1 et seq.).*

10 **“§ 120108. Records and inspection**

11 “(a) *RECORDS.*—*The corporation shall keep—*

12 “(1) *correct and complete records of account;*

13 “(2) *minutes of the proceedings of its members,*  
14 *board of directors, and committees having any of the*  
15 *authority of its board of directors; and*

16 “(3) *at its principal office, a record of the names*  
17 *and addresses of its members entitled to vote on mat-*  
18 *ters relating to the corporation.*

19 “(b) *INSPECTION.*—*A member entitled to vote on mat-*  
20 *ters relating to the corporation, or an agent or attorney*  
21 *of the member, may inspect the records of the corporation*  
22 *for any proper purpose, at any reasonable time.*

23 **“§ 120109. Service of process**

24 “*The corporation shall have a designated agent in the*  
25 *District of Columbia to receive service of process for the cor-*

1 poration. Notice to or service on the agent is notice to or  
 2 service on the Corporation.

3 **“§ 120110. Liability for acts of officers and agents**

4 “The corporation is liable for the acts of its officers  
 5 and agents acting within the scope of their authority.

6 **“§ 120111. Annual report**

7 “The corporation shall submit an annual report to  
 8 Congress on the activities of the corporation during the pre-  
 9 ceding fiscal year. The report shall be submitted at the same  
 10 time as the report of the audit required by section 10101  
 11 of this title. The report may not be printed as a public docu-  
 12 ment.”.

13 (b) *CLERICAL AMENDMENT.*—The table of chapters at  
 14 the beginning of subtitle II of title 36, United States Code,  
 15 is amended by striking the item relating to chapter 1201  
 16 and inserting the following new item:

“1201. Korean War Veterans Association, Incorporated .....120101”.

17 **SEC. 1075. COORDINATION OF USERRA WITH THE INTERNAL**  
 18 **REVENUE CODE OF 1986.**

19 (a) *FINDINGS.*—Congress makes the following findings:

20 (1) Employers of reservists called up for active  
 21 duty are required to treat them as if they are on a  
 22 leave of absence or furlough under the Uniformed  
 23 Services Employment and Reemployment Rights Act  
 24 of 1994 (in this section referred to as “USERRA”).



1           (2) *USERRA* does not require employers to pay  
2           reservists who are on active duty, but many employ-  
3           ers pay the reservists the difference between their  
4           military stipends and their regular salaries. Some  
5           employers provide this “differential pay” for up to 3  
6           years.

7           (3) For employee convenience, many of these em-  
8           ployers also allow deductions from the differential  
9           payments for contributions to employer-provided re-  
10          tirement savings plans.

11          (b) *SENSE OF THE SENATE.*—It is the sense of the Sen-  
12          ate that the Internal Revenue Service should, to the extent  
13          it is able within its authority, provide guidance consistent  
14          with the goal of promoting and ensuring the validity of vol-  
15          untary differential pay arrangements, benefits payments,  
16          and contributions to retirement savings plans related there-  
17          to.

18          **SEC. 1076. AERIAL FIREFIGHTING EQUIPMENT.**

19          (a) *FINDINGS.*—Congress makes the following findings:

20               (1) *The National Interagency Fire Center does*  
21               *not possess an adequate number of aircraft for use in*  
22               *aerial firefighting and personnel at the Center rely on*  
23               *military aircraft to provide such firefighting services.*

24               (2) *It is in the national security interest of the*  
25               *United States for the National Interagency Fire Cen-*

1        *ter to purchase aircraft for use in aerial firefighting*  
2        *so that military aircraft used for aerial firefighting*  
3        *may be available for use by the Armed Forces.*

4        *(b) AUTHORITY TO PURCHASE AERIAL FIREFIGHTING*  
5        *EQUIPMENT.—(1) The Secretary of Agriculture is author-*  
6        *ized to purchase 10 aircraft, as described in paragraph (2),*  
7        *for the National Interagency Fire Center for use in aerial*  
8        *firefighting.*

9        *(2) The aircraft referred to in paragraph (1) shall be—*

10            *(A) aircraft that are specifically designed and*  
11            *built for aerial firefighting;*

12            *(B) certified by the Administrator of the Federal*  
13            *Aviation Administration for use in aerial fire-*  
14            *fighting; and*

15            *(C) manufactured in a manner that is consistent*  
16            *with the recommendations for aircraft used in aerial*  
17            *firefighting contained in—*

18                    *(i) the Blue Ribbon Panel Report to the*  
19                    *Chief of the Forest Service and the Director of*  
20                    *the Bureau of Land Management dated Decem-*  
21                    *ber 2002; and*

22                    *(ii) the Safety Recommendation of the*  
23                    *Chairman of the National Transportation Safety*  
24                    *Board related to aircraft used in aerial fire-*  
25                    *fighting dated April 23, 2004.*

1       (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
2 *authorized to be appropriated to the Secretary of Agri-*  
3 *culture for fiscal year 2005 such funds as may be necessary*  
4 *to purchase the 10 aircraft described in subsection (b).*

5 **SEC. 1077. SENSE OF SENATE ON AMERICAN FORCES RADIO**  
6 **AND TELEVISION SERVICE.**

7       (a) *FINDINGS.*—*The Senate makes the following find-*  
8 *ings:*

9           (1) *It is the mission of the American Forces*  
10 *Radio and Television Service to provide United*  
11 *States military commanders overseas and at sea with*  
12 *a broadcast media resource to effectively communicate*  
13 *Department of Defense, Service-unique, theater, and*  
14 *local command information to personnel under their*  
15 *commands and to provide United States military*  
16 *members, Department of Defense civilians, and their*  
17 *families stationed outside the continental United*  
18 *States and at sea with the same type and quality of*  
19 *American radio and television news, information,*  
20 *sports, and entertainment that would be available to*  
21 *them if they were in the continental United States.*

22           (2) *Key principles of American Forces Radio*  
23 *and Television Service broadcasting policy, as out-*  
24 *lined in Department of Defense Regulation 5120.20R,*  
25 *are to ensure political programming characterized by*

1       *fairness and balance and to provide a free flow of po-*  
2       *litical programming from United States commercial*  
3       *and public networks without manipulation or censor-*  
4       *ship of any news content to the men and women of*  
5       *the Armed Forces and their dependents.*

6               *(3) The stated policy of the American Forces*  
7       *Radio and Television Service is to select program-*  
8       *ming that represents a cross-section of popular Amer-*  
9       *ican radio and television offerings and to emulate*  
10       *stateside scheduling and programming seen and heard*  
11       *in the United States.*

12               *(4) It is the policy of American Forces Radio*  
13       *and Television Service to select news and public af-*  
14       *airs programs for airing that provide balance and*  
15       *diversity from available nationally recognized pro-*  
16       *gram sources, including broadcast and cable networks,*  
17       *Headquarters, American Forces Radio and Television*  
18       *Service, the military departments, and other govern-*  
19       *ment or public service agencies.*

20               *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*  
21       *ate that the mission statement and policies of the American*  
22       *Forces Radio and Television Service appropriately state the*  
23       *goal of maintaining equal opportunity balance with respect*  
24       *to political programming and that the Secretary of Defense*  
25       *should therefore ensure that these policies are fully being*

1 *implemented by developing appropriate methods of over-*  
2 *sight to ensure presentation of all sides of important public*  
3 *questions with the fairness and balance envisioned by the*  
4 *Department of Defense throughout the American Forces*  
5 *Radio and Television Service system.*

6 **SEC. 1078. SENSE OF CONGRESS ON AMERICA'S NATIONAL**  
7 **WORLD WAR I MUSEUM.**

8 *(a) FINDINGS.—Congress makes the following findings:*

9 *(1) The Liberty Memorial Museum in Kansas*  
10 *City, Missouri, was built in 1926 in honor of those*  
11 *individuals who served in World War I in defense of*  
12 *liberty and the Nation.*

13 *(2) The Liberty Memorial Association, a non-*  
14 *profit organization which originally built the Liberty*  
15 *Memorial Museum, is responsible for the finances, op-*  
16 *erations, and collections management of the Liberty*  
17 *Memorial Museum.*

18 *(3) The Liberty Memorial Museum is the only*  
19 *public museum in the Nation that exists for the exclu-*  
20 *sive purpose of interpreting the experiences of the*  
21 *United States and its allies in the World War I years*  
22 *(1914–1918), both on the battlefield and on the home*  
23 *front.*

24 *(4) The Liberty Memorial Museum project began*  
25 *after the 1918 Armistice through the efforts of a large-*

1 *scale, grass-roots civic and fundraising effort by the*  
2 *citizens and veterans of the Kansas City metropolitan*  
3 *area. After the conclusion of a national architectural*  
4 *design competition, ground was broken in 1921, con-*  
5 *struction began in 1923, and the Liberty Memorial*  
6 *Museum was opened to the public in 1926.*

7 (5) *In 1994, the Liberty Memorial Museum*  
8 *closed for a massive restoration and expansion*  
9 *project. The restored museum reopened to the public*  
10 *on Memorial Day, 2002, during a gala rededication*  
11 *ceremony.*

12 (6) *Exhibits prepared for the original museum*  
13 *buildings presaged the dramatic, underground expan-*  
14 *sion of core exhibition gallery space, with over 30,000*  
15 *square feet of new interpretive and educational exhib-*  
16 *its currently in development. The new exhibits, along*  
17 *with an expanded research library and archives, will*  
18 *more fully utilize the many thousands of historical*  
19 *objects, books, maps, posters, photographs, diaries, let-*  
20 *ters, and reminiscences of World War I participants*  
21 *that are preserved for posterity in the Liberty Memo-*  
22 *rial Museum's collections. The new core exhibition is*  
23 *scheduled to open on Veterans Day, 2006.*

24 (7) *The City of Kansas City, the State of Mis-*  
25 *souri, and thousands of private donors and philan-*

1        *thropic foundations have contributed millions of dol-*  
2        *lars to build and later to restore this national treas-*  
3        *ure. The Liberty Memorial Museum continues to re-*  
4        *ceive the strong support of residents from the States*  
5        *of Missouri and Kansas and across the Nation.*

6            (8) *Since the restoration and rededication of*  
7        *2002, the Liberty Memorial Museum has attracted*  
8        *thousands of visitors from across the United States*  
9        *and many foreign countries.*

10           (9) *There remains a need to preserve in a mu-*  
11        *seum setting evidence of the honor, courage, patriot-*  
12        *ism, and sacrifice of those Americans who offered*  
13        *their services and who gave their lives in defense of*  
14        *liberty during World War I, evidence of the roles of*  
15        *women and African Americans during World War I,*  
16        *and evidence of other relevant subjects.*

17           (10) *The Liberty Memorial Museum seeks to edu-*  
18        *cate a diverse group of audiences through its com-*  
19        *prehensive collection of historical materials, empha-*  
20        *sizing eyewitness accounts of the participants on the*  
21        *battlefield and the home front and the impact of*  
22        *World War I on individuals, then and now. The Lib-*  
23        *erty Memorial Museum continues to actively acquire*  
24        *and preserve such materials.*

1           (11) *A great opportunity exists to use the invaluable resources of the Liberty Memorial Museum to*  
2           *teach the “Lessons of Liberty” to the Nation’s school-*  
3           *children through on-site visits, classroom curriculum*  
4           *development, distance learning, and other educational*  
5           *initiatives.*

7           (12) *The Liberty Memorial Museum should always be the Nation’s museum of the national experience in the World War I years (1914–1918), where*  
8           *people go to learn about this critical period and*  
9           *where the Nation’s history of this monumental struggle will be preserved so that generations of the 21st*  
10          *century may understand the role played by the*  
11          *United States in the preservation and advancement of*  
12          *democracy, freedom, and liberty in the early 20th century.*

13          (13) *This initiative to recognize and preserve the*  
14          *history of the Nation’s sacrifices in World War I will*  
15          *take on added significance as the Nation approaches*  
16          *the centennial observance of this event.*

17          (14) *It is fitting and proper to refer to the Liberty Memorial Museum as “America’s National World*  
18          *War I Museum”.*

19          (b) *SENSE OF CONGRESS.—Congress—*



1           (1) recognizes the Liberty Memorial Museum in  
2           Kansas City, Missouri, including the museum’s future  
3           and expanded exhibits, collections, library, archives,  
4           and educational programs, as “America’s National  
5           World War I Museum”;

6           (2) recognizes that the continuing collection,  
7           preservation, and interpretation of the historical ob-  
8           jects and other historical materials held by the Lib-  
9           erty Memorial Museum enhance the knowledge and  
10          understanding of the Nation’s people of the American  
11          and allied experience during the World War I years  
12          (1914–1918), both on the battlefield and on the home  
13          front;

14          (3) commends the ongoing development and visi-  
15          bility of “Lessons of Liberty” educational outreach  
16          programs for teachers and students throughout the  
17          Nation; and

18          (4) encourages the need for present generations to  
19          understand the magnitude of World War I, how it  
20          shaped the Nation, other countries, and later world  
21          events, and how the sacrifices made then helped pre-  
22          serve liberty, democracy, and other founding prin-  
23          ciples for generations to come.

1 **SEC. 1079. REDUCTION OF BARRIERS FOR HISPANIC-SERV-**  
2 **ING INSTITUTIONS IN DEFENSE CONTRACTS,**  
3 **DEFENSE RESEARCH PROGRAMS, AND OTHER**  
4 **MINORITY-RELATED DEFENSE PROGRAMS.**

5 *Section 502(a)(5)(C) of the Higher Education Act of*  
6 *1965 (20 U.S.C. 1101a(a)(5)(C)) is amended by inserting*  
7 *before the period the following: “, which assurances—*

8 *“(i) may employ statistical extrap-*  
9 *olation using appropriate data from the Bu-*  
10 *reau of the Census or other appropriate*  
11 *Federal or State sources; and*

12 *“(ii) the Secretary shall consider as*  
13 *meeting the requirements of this subpara-*  
14 *graph, unless the Secretary determines,*  
15 *based on a preponderance of the evidence,*  
16 *that the assurances do not meet the require-*  
17 *ments”.*

18 **SEC. 1080. EXTENSION OF SCOPE AND JURISDICTION FOR**  
19 **CURRENT FRAUD OFFENSES.**

20 *(a) STATEMENTS OR ENTRIES GENERALLY.—Section*  
21 *1001 of title 18, United States Code, is amended by adding*  
22 *at the end the following:*

23 *“(d) JURISDICTION.—There is extraterritorial Federal*  
24 *jurisdiction over an offense under this section.*

25 *“(e) PROSECUTION.—A prosecution for an offense*  
26 *under this section may be brought—*

1           “(1) in accordance with chapter 211 of this title;

2           or

3           “(2) in any district where any act in further-  
4           ance of the offense took place.”.

5           **(b) MAJOR FRAUD AGAINST THE UNITED STATES.—**

6           Section 1031 of title 18, United States Code, is amended  
7           by adding at the end the following:

8           “(i) **JURISDICTION.**—There is extraterritorial Federal  
9           jurisdiction over an offense under this section.

10          “(j) **PROSECUTION.**—A prosecution for an offense  
11          under this section may be brought—

12                 “(1) in accordance with chapter 211 of this title;

13                 “(2) in any district where any act in further-  
14                 ance of the offense took place; or

15                 “(3) in any district where any party to the con-  
16                 tract or provider of goods or services is located.”.

17          **SEC. 1081. CONTRACTOR ACCOUNTABILITY.**

18          Section 3267(1)(A) of title 18, United States Code, is  
19          amended to read as follows:

20                 “(A) employed as—

21                         “(i) a civilian employee of—

22                                 “(I) the Department of Defense  
23                                 (including a nonappropriated fund in-  
24                                 strumentality of the Department); or

1           “(II) any other Federal agency, or  
2           any provisional authority, to the extent  
3           such employment relates to supporting  
4           the mission of the Department of De-  
5           fense overseas;

6           “(ii) a contractor (including a subcon-  
7           tractor at any tier) of—

8                   “(I) the Department of Defense  
9                   (including a nonappropriated fund in-  
10                  strumentality of the Department); or

11                   “(II) any other Federal agency, or  
12                   any provisional authority, to the extent  
13                  such employment relates to supporting  
14                  the mission of the Department of De-  
15                  fense overseas; or

16           “(iii) an employee of a contractor (or  
17           subcontractor at any tier) of—

18                   “(I) the Department of Defense  
19                   (including a nonappropriated fund in-  
20                  strumentality of the Department); or

21                   “(II) any other Federal agency, or  
22                   any provisional authority, to the extent  
23                  such employment relates to supporting  
24                  the mission of the Department of De-  
25                  fense overseas;”.

1 **SEC. 1082. DEFINITION OF UNITED STATES.**

2 *Section 2340(3) of title 18, United States Code, is*  
3 *amended to read as follows:*

4 *“(3) ‘United States’ means the several States of*  
5 *the United States, the District of Columbia, and the*  
6 *commonwealths, territories, and possessions of the*  
7 *United States.”.*

8 **SEC. 1083. MENTOR-PROTEGE PILOT PROGRAM.**

9 *Section 831(m)(2) of the National Defense Authoriza-*  
10 *tion Act for Fiscal Year 1991 (Public Law 101–510; 10*  
11 *U.S.C. 2302 note) is amended—*

12 *(1) in subparagraph (D), by striking “or” at the*  
13 *end;*

14 *(2) in subparagraph (E), by striking the period*  
15 *at the end and inserting a semicolon; and*

16 *(3) by adding at the end the following:*

17 *“(F) a small business concern owned and*  
18 *controlled by service–disabled veterans (as de-*  
19 *fined in section 8(d)(3) of the Small Business*  
20 *Act); and*

21 *“(G) a qualified HUBZone small business*  
22 *concern (as defined in section 3(p) of the Small*  
23 *Business Act).”.*

1 **SEC. 1084. BROADCAST DECENCY ENFORCEMENT ACT OF**  
2 **2004.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*  
4 *“Broadcast Decency Enforcement Act of 2004”.*

5 (b) *PURPOSE.*—*The purpose of this section is to in-*  
6 *crease the Federal Communications Commission’s (FCC)*  
7 *authority to fine for indecent broadcasts and prevent fur-*  
8 *ther relaxation of the media ownership rules in order to*  
9 *stem the rise of indecent programming.*

10 (c) *FINDINGS.*—*The Congress makes the following find-*  
11 *ings:*

12 (1) *Since 1996 there has been significant consoli-*  
13 *dation in the media industry, including:*

14 (A) *RADIO.*—*Clear Channel Communica-*  
15 *tions went from owning 43 radio stations prior*  
16 *to 1996 to over 1,200 as of January 2003; Cu-*  
17 *mulus Broadcasting, Inc. was established in*  
18 *1997 and owned 266 stations as of December*  
19 *2003, making it the second-largest radio owner-*  
20 *ship company in the country; and Infinity*  
21 *Broadcasting Corporation went from owning 43*  
22 *radio stations prior to 1996 to over 185 stations*  
23 *as of June 2004;*

24 (B) *TELEVISION.*—*Viacom/CBS’s national*  
25 *ownership of television stations increased from*  
26 *31.53 percent of United States television house-*

1           *holds prior to 1996 to 38.9 percent in 2004; GE/*  
2           *NBC's national ownership of television stations*  
3           *increased from 24.65 percent prior to 1996 to*  
4           *33.56 percent in 2004; News Corp./Fox's na-*  
5           *tional ownership of television stations increased*  
6           *from 22.05 percent prior to 1996 to 37.7 percent*  
7           *in 2004;*

8           (C) *MEDIA MERGERS.*—*In 2000, Viacom*  
9           *merged with CBS and UPN; in 2002, GE/NBC*  
10          *merged with Telemundo Communications, Inc.*  
11          *and in 2004 with Vivendi Universal Entertain-*  
12          *ment; in 2003 News Corp./Fox acquired a con-*  
13          *trolling interest in DirecTV; in 2000, Time War-*  
14          *ner, Inc. merged with America Online.*

15          (2) *Over the same period that there has been sig-*  
16          *nificant consolidation in the media industry, the*  
17          *number of indecency complaints also has increased*  
18          *dramatically. The largest owners of television and*  
19          *radio broadcast holdings have received the greatest*  
20          *number of indecency complaints and the largest fines,*  
21          *including:*

22                (A) *Over 80 percent of the fines proposed by*  
23                *the Federal Communications Commission for in-*  
24                *decent broadcasts were against stations owned by*  
25                *two of the top three radio companies. The top*

1           *radio company alone accounts for over two-*  
2           *thirds of the fines proposed by the FCC;*

3           *(B) Two of the largest fines proposed by the*  
4           *FCC were against two of the top three radio*  
5           *companies;*

6           *(C) In 2004, the FCC received over 500,000*  
7           *indecent complaints in response to the Super-*  
8           *bowl Halftime show aired on CBS and produced*  
9           *by MTV, both of which are owned by Viacom.*  
10          *This is the largest number of complaints ever re-*  
11          *ceived by the FCC for a single broadcast;*

12          *(D) The number of indecent complaints*  
13          *increased from 111 in 2000 to 240,350 in 2003;*

14          *(3) Media conglomerates do not consider or re-*  
15          *flect local community standards.*

16          *(A) The FCC has no record of a television*  
17          *station owned by one of the big four networks*  
18          *(Viacom/CBS, Disney/ABC, News Corp./Fox or*  
19          *GE/NBC) pre-empting national programming*  
20          *for failing to meet community standards;*

21          *(B) FCC records show that non-network*  
22          *owned stations have often rejected national net-*  
23          *work programming found to be indecent and of-*  
24          *fensive to local community standards;*



1           (C) A letter from an owned and operated  
2           station manager to a viewer stated that pro-  
3           gramming decisions are made by network head-  
4           quarters and not the local owned and operated  
5           television station management;

6           (D) The Parents Television Council has  
7           found that the “losers” of network ownership  
8           “are the local communities whose standards of  
9           decency are being ignored;”

10          (4) The Senate Commerce Committee has found  
11          that the current fines do not deter indecent broadcast  
12          because they are merely the cost of doing business for  
13          large media companies. Therefore, in order to prevent  
14          the continued rise of indecency violations, the FCC’s  
15          authority for indecency fines should be increased and  
16          further media consolidation should be prevented.

17          (d) INCREASE IN PENALTIES FOR OBSCENE, INDE-  
18          CENT, AND PROFANE BROADCAST.—Section 503(b)(2) of the  
19          Communications Act of 1934 (47 U.S.C. 503(b)(2)) is  
20          amended.—

21                 (1) by redesignating subparagraphs (C) and (D)  
22                 as subparagraphs (D) and (E), respectively;

23                 (2) by inserting after subparagraph (B) the fol-  
24                 lowing new subparagraph:

1           “(C) Notwithstanding subparagraph (A), if the  
2 violator is—

3           “(i)(I) a broadcast station licensee or per-  
4 mittee; or

5           “(II) an applicant for any broadcast li-  
6 cense, permit, certificate, or other instrument or  
7 authorization issued by the Commission; and

8           “(ii) determined by the Commission under  
9 paragraph (1) to have broadcast obscene, inde-  
10 cent, or profane language, the amount of any  
11 forfeiture penalty determined under this sub-  
12 section shall not exceed \$275,000 for each viola-  
13 tion or each day of a continuing violation, ex-  
14 cept that the amount assessed for any continuing  
15 violation shall not exceed a total of \$3,000,000  
16 for any single act or failure to act.”; and

17           (3) in subparagraph (D), as redesignated by  
18 paragraph (1), by striking “subparagraph (A) or  
19 (B)” and inserting “subparagraph (A), (B), or (C)”.

20           (e) *NEW BROADCAST MEDIA OWNERSHIP RULES SUS-*  
21 *PENDED.*—

22           (1) *SUSPENSION.*—Subject to the provisions of  
23 paragraphs(d)(2), the broadcast media ownership  
24 rules adopted by the Federal Communications Com-  
25 mission on June 2, 2003, pursuant to its proceeding

1       on broadcast media ownership rules, Report and  
2       Order FCC–03–127, published at 68 FR 46286, Au-  
3       gust 5, 2003, shall be invalid and without legal effect.

4               (2) CLARIFICATION.—The provisions of para-  
5       graph (1) shall not supersede the amendments made  
6       by section 629 of the Miscellaneous Appropriations  
7       and Offsets Act, 2004 (Public Law 108–199).

8               (f) ADDITIONAL FACTORS IN INDECENCY PENALTIES;  
9       EXCEPTION.—Section 503(b)(2) of the Communications Act  
10      of 1934 (47 U.S.C. 503(b)(2)), is further amended by add-  
11      ing at the end the following:

12              “(F) In the case of a violation in which the violator  
13      is determined by the Commission under paragraph (1) to  
14      have uttered obscene, indecent, or profane material, the  
15      Commission shall take into account, in addition to the mat-  
16      ters described in subparagraph (E), the following factors  
17      with respect to the degree of culpability of the violator:

18                      “(i) Whether the material uttered by the violator  
19      was live or recorded, scripted or unscripted.

20                      “(ii) Whether the violator had a reasonable op-  
21      portunity to review recorded or scripted programming  
22      or had a reasonable basis to believe live or unscripted  
23      programming would contain obscene, indecent, or  
24      profane material.

1           “(iii) *If the violator originated live or unscripted*  
2           *programming, whether a time delay blocking mecha-*  
3           *nism was implemented for the programming.*

4           “(iv) *The size of the viewing or listening audi-*  
5           *ence of the programming.*

6           “(v) *Whether the obscene incident or profane lan-*  
7           *guage was within live programming not produced by*  
8           *the station licensee or permittee.*

9           “(vi) *The size of the market.*

10          “(vii) *Whether the violation occurred during a*  
11          *children’s television program (as such term is used in*  
12          *the Children’s Television Programming Policy ref-*  
13          *erenced in section 73.4050(c) of the Commission’s reg-*  
14          *ulations (47 C.F.R. 73.4050(c)) or during a television*  
15          *program rated TVY, TVY7, TVY7FV, or TVG under*  
16          *the TV Parental Guidelines as such ratings were ap-*  
17          *proved by the Commission in implementation of sec-*  
18          *tion 551 of the Telecommunications Act of 1996,*  
19          *Video Programming Ratings, Report and Order, CS*  
20          *Docket No. 97-55, 13 F.C.C. Rcd. 8232 (1998)), and,*  
21          *with respect to a radio broadcast station licensee, per-*  
22          *mittee, or applicant, whether the target audience was*  
23          *primarily comprised of, or should reasonably have*  
24          *been expected to be primarily comprised of, children.”*

1       “(G) *The Commission may double the amount of any*  
2 *forfeiture penalty (not to exceed \$550,000 for the first viola-*  
3 *tion, \$750,000 for the second violation, and \$1,000,000 for*  
4 *the third or any subsequent violation not to exceed up to*  
5 *\$3,000,000 for all violations in a 24-hour time period not-*  
6 *withstanding section 503(b)(2)(C)) if the Commission deter-*  
7 *mines additional factors are present which are aggravating*  
8 *in nature, including—*

9               “(i) *whether the material uttered by the violator*  
10 *was recorded or scripted;*

11               “(ii) *whether the violator had a reasonable op-*  
12 *portunity to review recorded or scripted programming*  
13 *or had a reasonable basis to believe live or unscripted*  
14 *programming would contain obscene, indecent, or*  
15 *profane material;*

16               “(iii) *whether the violator failed to block live or*  
17 *unscripted programming;*

18               “(iv) *whether the size of the viewing or listening*  
19 *audience of the programming was substantially larger*  
20 *than usual, such as a national or international cham-*  
21 *pionship sporting event or awards program; and*

22               “(v) *whether the violation occurred during a chil-*  
23 *dren’s television program (as defined in subpara-*  
24 *graph (F) (vii)).”*

1 **SEC. 1085. CHILDREN'S PROTECTION FROM VIOLENT PRO-**  
2 **GRAMMING ACT.**

3 (a) *SHORT TITLE.*—*This section may be cited as the*  
4 *“Children’s Protection from Violent Programming Act”.*

5 (b) *FINDINGS.*—*The Congress makes the following*  
6 *findings:*

7 (1) *Television influences children’s perception of*  
8 *the values and behavior that are common and accept-*  
9 *able in society.*

10 (2) *Broadcast television, cable television, and*  
11 *video programming are—*

12 (A) *uniquely pervasive presences in the lives*  
13 *of all American children; and*

14 (B) *readily accessible to all American chil-*  
15 *dren.*

16 (3) *Violent video programming influences chil-*  
17 *dren, as does indecent programming.*

18 (4) *There is empirical evidence that children ex-*  
19 *posed to violent video programming at a young age*  
20 *have a higher tendency to engage in violent and ag-*  
21 *gressive behavior later in life than those children not*  
22 *so exposed.*

23 (5) *There is empirical evidence that children ex-*  
24 *posed to violent video programming have a greater*  
25 *tendency to assume that acts of violence are accept-*  
26 *able behavior and therefore to imitate such behavior.*

1           (6) *There is empirical evidence that children ex-*  
2           *posed to violent video programming have an in-*  
3           *creased fear of becoming a victim of violence, result-*  
4           *ing in increased self-protective behaviors and in-*  
5           *creased mistrust of others.*

6           (7) *There is a compelling governmental interest*  
7           *in limiting the negative influences of violent video*  
8           *programming on children.*

9           (8) *There is a compelling governmental interest*  
10          *in channeling programming with violent content to*  
11          *periods of the day when children are not likely to*  
12          *comprise a substantial portion of the television audi-*  
13          *ence.*

14          (9) *A significant amount of violent program-*  
15          *ming that is readily accessible to minors remains*  
16          *unrated specifically for violence and therefore cannot*  
17          *be blocked solely on the basis of its violent content.*

18          (10) *Age-based ratings that do not include con-*  
19          *tent rating for violence do not allow parents to block*  
20          *programming based solely on violent content thereby*  
21          *rendering ineffective any technology-based blocking*  
22          *mechanism designed to limit violent video program-*  
23          *ming.*

24          (11) *The most recent study of the television rat-*  
25          *ings system by the Kaiser Family Foundation con-*

1 *cludes that 79 percent of violent programming is not*  
2 *specifically rated for violence.*

3 *(12) Technology-based solutions, such as the V-*  
4 *chip, may be helpful in protecting some children, but*  
5 *cannot achieve the compelling governmental interest*  
6 *in protecting all children from violent programming*  
7 *when parents are only able to block programming*  
8 *that has, in fact, been rated for violence.*

9 *(13) Restricting the hours when violent program-*  
10 *ming can be shown protects the interests of children*  
11 *whose parents are unavailable, unable to supervise*  
12 *their children's viewing behavior, do not have the ben-*  
13 *efit of technology-based solutions, are unable to afford*  
14 *the costs of technology-based solutions, or are unable*  
15 *to determine the content of those shows that are only*  
16 *subject to age-based ratings.*

17 *(14) After further study, pursuant to a rule-*  
18 *making, the Federal Communications Commission*  
19 *may conclude that content-based ratings and blocking*  
20 *technology do not effectively protect children from the*  
21 *harm of violent video programming.*

22 *(15) If the Federal Communications Commission*  
23 *reaches the conclusion described in paragraph (14),*  
24 *the channeling of violent video programming will be*  
25 *the least restrictive means of limiting the exposure of*



1        *children to the harmful influences of violent video*  
2        *programming.*

3        **SEC. 1086. ASSESSMENT OF EFFECTIVENESS OF CURRENT**  
4                                    **RATING SYSTEM FOR VIOLENCE AND EFFEC-**  
5                                    **TIVENESS OF V-CHIP IN BLOCKING VIOLENT**  
6                                    **PROGRAMMING.**

7        *(a) REPORT.—The Federal Communications Commis-*  
8        *sion shall—*

9                    *(1) assess the effectiveness of measures to require*  
10                   *television broadcasters and multichannel video pro-*  
11                   *gramming distributors (as defined in section 602(13)*  
12                   *of the Communications Act of 1934 (47 U.S.C.*  
13                   *522(13)) to rate and encode programming that could*  
14                   *be blocked by parents using the V-chip undertaken*  
15                   *under section 715 of the Communications Act of 1934*  
16                   *(47 U.S.C. 715) and under subsections (w) and (x) of*  
17                   *section 303 of that Act (47 U.S.C. 303(w) and (x))*  
18                   *in accomplishing the purposes for which they were en-*  
19                   *acted; and*

20                   *(2) report its findings to the Committee on Com-*  
21                   *merce, Science, and Transportation of the United*  
22                   *States Senate and the Committee on Energy and*  
23                   *Commerce of the United States House of Representa-*  
24                   *tives, within 12 months after the date of enactment of*  
25                   *this Act, and annually thereafter.*

1           (b) *ACTION.*—If the Commission finds at any time, as  
2 a result of its ongoing assessment under subsection (a), that  
3 the measures referred to in subsection (a)(1) are insuffi-  
4 ciently effective, then the Commission shall complete a rule-  
5 making within 270 days after the date on which the Com-  
6 mission makes that finding to prohibit the distribution of  
7 violent video programming during the hours when children  
8 are reasonably likely to comprise a substantial portion of  
9 the audience.

10           (c) *DEFINITIONS.*—Any term used in this section that  
11 is defined in section 715 of the Communications Act of 1934  
12 (47 U.S.C. 715), or in regulations under that section, has  
13 the same meaning as when used in that section or in those  
14 regulations.

15 **SEC. 1087. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO**  
16                           **PROGRAMMING THAT IS NOT SPECIFICALLY**  
17                           **RATED FOR VIOLENCE AND THEREFORE IS**  
18                           **NOT BLOCKABLE.**

19           *Title VII of the Communications Act of 1934 (47*  
20 *U.S.C. 701 et seq.) is amended by adding at the end the*  
21 *following:*

1 **“SEC. 715. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO**  
2 **PROGRAMMING NOT SPECIFICALLY**  
3 **BLOCKABLE BY ELECTRONIC MEANS.**

4 “(a) *UNLAWFUL DISTRIBUTION.*—*It shall be unlawful*  
5 *for any person to distribute to the public any violent video*  
6 *programming not blockable by electronic means specifically*  
7 *on the basis of its violent content during hours when chil-*  
8 *dren are reasonably likely to comprise a substantial portion*  
9 *of the audience.*

10 “(b) *RULEMAKING PROCEEDING.*—*The Commission*  
11 *shall conduct a rulemaking proceeding to implement the*  
12 *provisions of this section and shall promulgate final regula-*  
13 *tions pursuant to that proceeding not later than 9 months*  
14 *after the date of enactment of the Children’s Protection from*  
15 *Violent Programming Act. As part of that proceeding, the*  
16 *Commission—*

17 “(1) *may exempt from the prohibition under*  
18 *subsection (a) programming (including news pro-*  
19 *grams and sporting events) whose distribution does*  
20 *not conflict with the objective of protecting children*  
21 *from the negative influences of violent video program-*  
22 *ming, as that objective is reflected in the findings in*  
23 *section 551(a) of the Telecommunications Act of 1996;*

24 “(2) *shall exempt premium and pay-per-view*  
25 *cable programming and premium and pay-per-view*  
26 *direct-to-home satellite programming; and*

1           “(3) shall define the term ‘hours when children  
2           are reasonably likely to comprise a substantial por-  
3           tion of the audience’ and the term ‘violent video pro-  
4           gramming’.

5           “(c) *ENFORCEMENT.*—

6           “(1) *FORFEITURE PENALTY.*—The forfeiture pen-  
7           alties established by section 503(b) for violations of  
8           section 1464 of title 18, United States Code, shall  
9           apply to a violation of this section, or any regulation  
10          promulgated under it in the same manner as if a vio-  
11          lation of this section, or such a regulation, were a vio-  
12          lation of law subject to a forfeiture penalty under that  
13          section.

14          “(2) *LICENSE REVOCATION.*—If a person repeat-  
15          edly violates this section or any regulation promul-  
16          gated under this section, the Commission shall, after  
17          notice and opportunity for hearing, revoke any license  
18          issued to that person under this Act.

19          “(3) *LICENSE RENEWALS.*—The Commission  
20          shall consider, among the elements in its review of an  
21          application for renewal of a license under this Act,  
22          whether the licensee has complied with this section  
23          and the regulations promulgated under this section.

24          “(d) *DEFINITIONS.*—For purposes of this section—

1           “(1) *BLOCKABLE BY ELECTRONIC MEANS.*—The  
2 term ‘blockable by electronic means’ means blockable  
3 by the feature described in section 303(x).

4           “(2) *DISTRIBUTE.*—The term ‘distribute’ means  
5 to send, transmit, retransmit, telecast, broadcast, or  
6 cablecast, including by wire, microwave, or satellite,  
7 but it does not include the transmission, retrans-  
8 mission, or receipt of any voice, data, graphics, or  
9 video telecommunications accessed through an inter-  
10 active computer service as defined in section 230(f)(2)  
11 of the Communications Act of 1934 (47 U.S.C.  
12 230(f)(2)), which is not originated or transmitted in  
13 the ordinary course of business by a television broad-  
14 cast station or multichannel video programming dis-  
15 tributor as defined in section 602(13) of that Act (47  
16 U.S.C. 522(13)).

17           “(3) *VIOLENT VIDEO PROGRAMMING.*—The term  
18 ‘violent video programming’ as defined by the Com-  
19 mission may include matter that is excessive or gra-  
20 tuitous violence within the meaning of the 1992  
21 *Broadcast Standards for the Depiction of Violence in*  
22 *Television Programs, December 1992.*”.

23 **SEC. 1088. SEPARABILITY.**

24           *If any provision of this title, or any provision of an*  
25 *amendment made by this title, or the application thereof*

1 *to particular persons or circumstances, is found to be un-*  
2 *constitutional, the remainder of this title or that amend-*  
3 *ment, or the application thereof to other persons or cir-*  
4 *cumstances shall not be affected.*

5 **SEC. 1089. EFFECTIVE DATE.**

6 *The prohibition contained in section 715 of the Com-*  
7 *munications Act of 1934 (as added by section 204 of this*  
8 *title) and the regulations promulgated thereunder shall take*  
9 *effect 1 year after the regulations are adopted by the Com-*  
10 *mission.*

11 **SEC. 1090. PILOT PROGRAM ON CRYPTOLOGIC SERVICE**  
12 **TRAINING.**

13 *(a) PROGRAM AUTHORIZED.—The Director of the Na-*  
14 *tional Security Agency may carry out a pilot program on*  
15 *cryptologic service training for the intelligence community.*

16 *(b) OBJECTIVE OF PROGRAM.—The objective of the*  
17 *pilot program is to increase the number of qualified entry-*  
18 *level language analysts and intelligence analysts available*  
19 *to the National Security Agency and the other elements of*  
20 *the intelligence community through the directed prepara-*  
21 *tion and recruitment of qualified entry-level language ana-*  
22 *lysts and intelligence analysts who commit to a period of*  
23 *service or a career in the intelligence community.*

24 *(c) PROGRAM SCOPE.—The pilot program shall be na-*  
25 *tional in scope.*

1           (d) *PROGRAM PARTICIPANTS.*—(1) *Subject to the pro-*  
2 *visions of this subsection, the Director shall select the par-*  
3 *ticipants in the pilot program from among individuals*  
4 *qualified to participate in the pilot program utilizing such*  
5 *procedures as the Director considers appropriate for pur-*  
6 *poses of the pilot program.*

7           (2) *Each individual who receives financial assistance*  
8 *under the pilot program shall perform one year of obligated*  
9 *service with the National Security Agency, or another ele-*  
10 *ment of the intelligence community approved by the Direc-*  
11 *tor, for each academic year for which such individual re-*  
12 *ceives such financial assistance upon such individual's com-*  
13 *pletion of post-secondary education.*

14           (3) *Each individual selected to participate in the pilot*  
15 *program shall be qualified for a security clearance appro-*  
16 *priate for the individual under the pilot program.*

17           (4) *The total number of participants in the pilot pro-*  
18 *gram at any one time may not exceed 400 individuals.*

19           (e) *PROGRAM MANAGEMENT.*—*In carrying out the*  
20 *pilot program, the Director shall—*

21                   (1) *identify individuals interested in working in*  
22 *the intelligence community, and committed to taking*  
23 *college-level courses that will better prepare them for*  
24 *a career in the intelligence community as a language*  
25 *analysts or intelligence analyst;*

1           (2) provide each individual selected for partici-  
2           pation in the pilot program—

3                   (A) financial assistance for the pursuit of  
4                   courses at institutions of higher education se-  
5                   lected by the Director in fields of study that will  
6                   qualify such individual for employment by an  
7                   element of the intelligence community as a lan-  
8                   guage analyst or intelligence analyst; and

9                   (B) educational counseling on the selection  
10                  of courses to be so pursued; and

11           (3) provide each individual so selected informa-  
12           tion on the opportunities available for employment in  
13           the intelligence community.

14           (f) *DURATION OF PROGRAM.*—(1) The Director shall  
15           terminate the pilot program not later than six years after  
16           the date of the enactment of this Act.

17           (2) The termination of the pilot program under para-  
18           graph (1) shall not prevent the Director from continuing  
19           to provide assistance, counseling, and information under  
20           subsection (e) to individuals who are participating in the  
21           pilot program on the date of termination of the pilot pro-  
22           gram throughout the academic year in progress as of that  
23           date.



1 **SEC. 1091. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

2       (a) *IN GENERAL.*—Section 801(c) of the National En-  
3 *ergy Conservation Policy Act (42 U.S.C. 8287(c)) is amend-*  
4 *ed by striking “2003” and inserting “2005”.*

5       (b) *PAYMENT OF COSTS.*—Section 802 of the National  
6 *Energy Conservation Policy Act (42 U.S.C. 8287a) is*  
7 *amended by inserting “, water, or wastewater treatment”*  
8 *after “payment of energy”.*

9       (c) *ENERGY SAVINGS.*—Section 804(2) of the National  
10 *Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is*  
11 *amended to read as follows:*

12               “(2) *The term ‘energy savings’ means a reduc-*  
13 *tion in the cost of energy, water, or wastewater treat-*  
14 *ment, from a base cost established through a method-*  
15 *ology set forth in the contract, used in an existing*  
16 *federally owned building or buildings or other feder-*  
17 *ally owned facilities as a result of—*

18                       “(A) *the lease or purchase of operating*  
19 *equipment, improvements, altered operation and*  
20 *maintenance, or technical services;*

21                       “(B) *the increased efficient use of existing*  
22 *energy sources by cogeneration or heat recovery,*  
23 *excluding any cogeneration process for other*  
24 *than a federally owned building or buildings or*  
25 *other federally owned facilities; or*

1           “(C) *the increased efficient use of existing*  
2           *water sources in either interior or exterior appli-*  
3           *cations.*”.

4           (d) *ENERGY SAVINGS CONTRACT.*—Section 804(3) of  
5 *the National Energy Conservation Policy Act (42 U.S.C.*  
6 *8287c(3)) is amended to read as follows:*

7           “(3) *The terms ‘energy savings contract’ and ‘en-*  
8           *ergy savings performance contract’ mean a contract*  
9           *that provides for the performance of services for the*  
10           *design, acquisition, installation, testing, and, where*  
11           *appropriate, operation, maintenance, and repair, of*  
12           *an identified energy or water conservation measure or*  
13           *series of measures at 1 or more locations. Such con-*  
14           *tracts shall, with respect to an agency facility that is*  
15           *a public building (as such term is defined in section*  
16           *3301 of title 40, United States Code), be in compli-*  
17           *ance with the prospectus requirements and procedures*  
18           *of section 3307 of title 40, United States Code.*”.

19           (e) *ENERGY OR WATER CONSERVATION MEASURE.*—  
20 *Section 804(4) of the National Energy Conservation Policy*  
21 *Act (42 U.S.C. 8287c(4)) is amended to read as follows:*

22           “(4) *The term ‘energy or water conservation*  
23           *measure’ means—*

24                   “(A) *an energy conservation measure, as de-*  
25                   *finied in section 551; or*

1           “(B) a water conservation measure that im-  
2           proves the efficiency of water use, is life-cycle  
3           cost-effective, and involves water conservation,  
4           water recycling or reuse, more efficient treatment  
5           of wastewater or stormwater, improvements in  
6           operation or maintenance efficiencies, retrofit ac-  
7           tivities, or other related activities, not at a Fed-  
8           eral hydroelectric facility.”.

9           (f) REVIEW.—Not later than 180 days after the date  
10          of the enactment of this Act, the Secretary of Energy shall  
11          complete a review of the Energy Savings Performance Con-  
12          tract program to identify statutory, regulatory, and admin-  
13          istrative obstacles that prevent Federal agencies from fully  
14          utilizing the program. In addition, this review shall iden-  
15          tify all areas for increasing program flexibility and effec-  
16          tiveness, including audit and measurement verification re-  
17          quirements, accounting for energy use in determining sav-  
18          ings, contracting requirements, including the identification  
19          of additional qualified contractors, and energy efficiency  
20          services covered. The Secretary shall report these findings  
21          to Congress and shall implement identified administrative  
22          and regulatory changes to increase program flexibility and  
23          effectiveness to the extent that such changes are consistent  
24          with statutory authority.

1           (g) *EXTENSION OF AUTHORITY.*—Any energy savings  
2 performance contract entered into under section 801 of the  
3 National Energy Conservation Policy Act (42 U.S.C. 8287)  
4 after October 1, 2003, and before the date of enactment of  
5 this Act, shall be deemed to have been entered into pursuant  
6 to such section 801 as amended by subsection (a) of this  
7 section.

8 **SEC. 1092. CLARIFICATION OF FISCAL YEAR 2004 FUNDING**  
9                                   **LEVEL FOR A NATIONAL INSTITUTE OF**  
10                                   **STANDARDS AND TECHNOLOGY ACCOUNT.**

11           For the purposes of applying sections 204 and 605 of  
12 the Departments of Commerce, Justice, and State, the Judi-  
13 ciary, and Related Agencies Appropriations Act, 2004 (di-  
14 vision B of Public Law 108–199) to matters in title II of  
15 such Act under the heading “NATIONAL INSTITUTE OF  
16 STANDARDS AND TECHNOLOGY” (118 Stat.69), in the ac-  
17 count under the heading “INDUSTRIAL TECHNOLOGY SERV-  
18 ICES”, the Secretary of Commerce shall make all determina-  
19 tions based on the Industrial Technology Services funding  
20 level of \$218,782,000 for reprogramming and transferring  
21 of funds for the Manufacturing Extension Partnership pro-  
22 gram and shall submit such a reprogramming or transfer,  
23 as the case may be, to the appropriate committees within  
24 30 days after the date of the enactment of this Act.

1 **SEC. 1093. REPORT ON OFFSET REQUIREMENTS UNDER**  
 2 **CERTAIN CONTRACTS.**

3 *Section 8138(b) of the Department of Defense Appro-*  
 4 *priations Act, 2004 (Public Law 108–87; 117 Stat. 1106;*  
 5 *10 U.S.C. 2532 note) is amended by adding at the end the*  
 6 *following new paragraph:*

7 *“(4) The extent to which any foreign country im-*  
 8 *poses, whether by law or practice, offsets in excess of*  
 9 *100 percent on United States suppliers of goods or*  
 10 *services, and the impact of such offsets with respect to*  
 11 *employment in the United States, sales revenue rel-*  
 12 *ative to the value of such offsets, technology transfer*  
 13 *of goods that are critical to the national security of*  
 14 *the United States, and global market share of United*  
 15 *States companies.”.*

16 **TITLE XI—DEPARTMENT OF DE-**  
 17 **FENSE CIVILIAN PERSONNEL**  
 18 **POLICY**

19 **SEC. 1101. SCIENCE, MATHEMATICS, AND RESEARCH FOR**  
 20 **TRANSFORMATION (SMART) DEFENSE SCHOL-**  
 21 **ARSHIP PILOT PROGRAM.**

22 *(a) REQUIREMENT FOR PROGRAM.—(1) The Secretary*  
 23 *of Defense shall carry out a pilot program to provide finan-*  
 24 *cial assistance for education in science, mathematics, engi-*  
 25 *neering, and technology skills and disciplines that, as deter-*  
 26 *mined by the Secretary, are critical to the national security*

1 *functions of the Department of Defense and are needed in*  
2 *the Department of Defense workforce.*

3       (2) *The pilot program under this section shall be car-*  
4 *ried out for three years beginning on October 1, 2004.*

5       (b) *SCHOLARSHIPS.—(1) Under the pilot program, the*  
6 *Secretary of Defense may award a scholarship in accord-*  
7 *ance with this section to a person who—*

8           (A) *is a citizen of the United States;*

9           (B) *is pursuing an undergraduate or advanced*  
10 *degree in a critical skill or discipline described in*  
11 *subsection (a) at an institution of higher education;*  
12 *and*

13           (C) *enters into a service agreement with the Sec-*  
14 *retary of Defense as described in subsection (c).*

15       (2) *The amount of the financial assistance provided*  
16 *under a scholarship awarded to a person under this sub-*  
17 *section shall be the amount determined by the Secretary of*  
18 *Defense as being necessary to pay all educational expenses*  
19 *incurred by that person, including tuition, fees, cost of*  
20 *books, laboratory expenses, and expenses of room and board.*  
21 *The expenses paid, however, shall be limited to those edu-*  
22 *cational expenses normally incurred by students at the in-*  
23 *stitution of higher education involved.*

1           (c) *SERVICE AGREEMENT FOR RECIPIENTS OF ASSIST-*  
2 *ANCE.—(1) To receive financial assistance under this*  
3 *section—*

4           (A) *in the case of an employee of the Department*  
5 *of Defense, the employee shall enter into a written*  
6 *agreement to continue in the employment of the de-*  
7 *partment for the period of obligated service deter-*  
8 *mined under paragraph (2); and*

9           (B) *in the case of a person not an employee of*  
10 *the Department of Defense, the person shall enter into*  
11 *a written agreement to accept and continue employ-*  
12 *ment in the Department of Defense for the period of*  
13 *obligated service determined under paragraph (2).*

14           (2) *For the purposes of this subsection, the period of*  
15 *obligated service for a recipient of a scholarship under this*  
16 *section shall be the period determined by the Secretary of*  
17 *Defense as being appropriate to obtain adequate service in*  
18 *exchange for the financial assistance provided under the*  
19 *scholarship. In no event may the period of service required*  
20 *of a recipient be less than the total period of pursuit of*  
21 *a degree that is covered by the scholarship. The period of*  
22 *obligated service is in addition to any other period for*  
23 *which the recipient is obligated to serve in the civil service*  
24 *of the United States.*

1       (3) *An agreement entered into under this subsection*  
2 *by a person pursuing an academic degree shall include any*  
3 *terms and conditions that the Secretary of Defense deter-*  
4 *mines necessary to protect the interests of the United States*  
5 *or otherwise appropriate for carrying out this section.*

6       (d) *REFUND FOR PERIOD OF UNSERVED OBLIGATED*  
7 *SERVICE.—(1) A person who voluntarily terminates service*  
8 *before the end of the period of obligated service required*  
9 *under an agreement entered into under subsection (c) shall*  
10 *refund to the United States an amount determined by the*  
11 *Secretary of Defense as being appropriate to obtain ade-*  
12 *quate service in exchange for financial assistance.*

13       (2) *An obligation to reimburse the United States im-*  
14 *posed under paragraph (1) is for all purposes a debt owed*  
15 *to the United States.*

16       (3) *The Secretary of Defense may waive, in whole or*  
17 *in part, a refund required under paragraph (1) if the Sec-*  
18 *retary determines that recovery would be against equity*  
19 *and good conscience or would be contrary to the best inter-*  
20 *ests of the United States.*

21       (4) *A discharge in bankruptcy under title 11, United*  
22 *States Code, that is entered less than five years after the*  
23 *termination of an agreement under this section does not dis-*  
24 *charge the person signing such agreement from a debt aris-*  
25 *ing under such agreement or under this subsection.*



1           (e) *RELATIONSHIP TO OTHER PROGRAMS.*—*The pilot*  
2 *program under this section is in addition to the authorities*  
3 *provided in chapter 111 of title 10, United States Code.*  
4 *The Secretary of Defense shall coordinate the provision of*  
5 *financial assistance under the authority of this section with*  
6 *the provision of financial assistance under the authorities*  
7 *provided in such chapter in order to maximize the benefits*  
8 *derived by the Department of Defense from the exercise of*  
9 *all such authorities.*

10           (f) *RECOMMENDATION ON PILOT PROGRAM.*—*Not later*  
11 *than February 1, 2007, the Secretary of Defense shall sub-*  
12 *mit to the Committees on Armed Services of the Senate and*  
13 *the House of Representatives, the Committee on Govern-*  
14 *mental Affairs of the Senate, and the Committee on Govern-*  
15 *ment Reform of the House of Representatives a plan for*  
16 *expanding and improving the national defense science and*  
17 *engineering workforce educational assistance pilot program*  
18 *carried out under this section as appropriate to improve*  
19 *recruitment and retention to meet the requirements of the*  
20 *Department of Defense for its science and engineering work-*  
21 *force on a short-term basis and on a long-term basis.*

22           (g) *CRITICAL HIRING NEED.*—*Section 3304(a)(3) of*  
23 *title 5, United States Code, is amended by striking subpara-*  
24 *graph (B) and inserting the following:*

1           “(B)(i) the Office of Personnel Management  
2           has determined that there exists a severe shortage  
3           of candidates or there is a critical hiring need;  
4           or

5           “(ii) the candidate is a participant in the  
6           Science, Mathematics, and Research for Trans-  
7           formation (SMART) Defense Scholarship Pilot  
8           Program under section 1101 of the National De-  
9           fense Authorization Act for Fiscal Year 2005.”.

10          (h) *INSTITUTION OF HIGHER EDUCATION DEFINED.*—  
11          In this section, the term “institution of higher education”  
12          has the meaning given such term in section 101 of the High-  
13          er Education Act of 1965 (21 U.S.C. 1001).

14          **SEC. 1102. FOREIGN LANGUAGE PROFICIENCY PAY.**

15          (a) *ELIGIBILITY FOR SERVICE NOT RELATED TO CON-*  
16          *TINGENCY OPERATIONS.*—Section 1596a(a)(2) of title 10,  
17          United States Code, is amended by striking “during a con-  
18          tingency operation supported by the armed forces”.

19          (b) *EFFECTIVE DATE AND APPLICABILITY.*—The  
20          amendment by this section shall take effect on October 1,  
21          2004, and shall apply with respect to months beginning on  
22          or after such date.

1 **SEC. 1103. PAY AND PERFORMANCE APPRAISAL PARITY FOR**  
2 **CIVILIAN INTELLIGENCE PERSONNEL.**

3 (a) *PAY RATES.*—Section 1602(a) of title 10, United  
4 States Code, is amended by striking “in relation to the rates  
5 of pay provided in subpart D of part III of title 5 for posi-  
6 tions subject to that subpart which have corresponding levels  
7 of duties and responsibilities” and inserting “in relation  
8 to the rates of pay provided for comparable positions in  
9 the Department of Defense, including Senior Executive  
10 Service positions (as defined in section 3132 of title 5) or  
11 other senior level positions”.

12 (b) *PERFORMANCE APPRAISAL SYSTEM.*—Section 1606  
13 of such title is amended by adding at the end the following  
14 new subsection:

15 “(d) *PERFORMANCE APPRAISALS.*—(1) *The Defense*  
16 *Intelligence Senior Executive Service shall be subject to a*  
17 *performance appraisal system which, as designed and ap-*  
18 *plied, is certified by the Secretary of Defense under section*  
19 *5307 of title 5 as making meaningful distinctions based on*  
20 *relative performance.*

21 “(2) *The performance appraisal system applicable to*  
22 *the Defense Intelligence Senior Executive Service under*  
23 *paragraph (1) may be the same performance appraisal sys-*  
24 *tem that is established and implemented within the Depart-*  
25 *ment of Defense for members of the Senior Executive Serv-*  
26 *ice.*”.

1 **SEC. 1104. ACCUMULATION OF ANNUAL LEAVE BY INTEL-**  
2 **LIGENCE SENIOR LEVEL EMPLOYEES.**

3 *Section 6304(f)(1) of title 5, United States Code, is*  
4 *amended—*

5 *(1) in the matter preceding subparagraph (A),*  
6 *by striking “in a position”;*

7 *(2) in subparagraphs (A), (B), (C), (D), and*  
8 *(E), by inserting “a position in” before “the”;*

9 *(3) by striking “or” at the end of subparagraph*  
10 *(D);*

11 *(4) by striking the period at the end of subpara-*  
12 *graph (E) and inserting “; or”; and*

13 *(5) by adding at the end the following new sub-*  
14 *paragraph:*

15 *“(F) a position designated as an Intelligence*  
16 *Senior Level position under section 1607(a) of title*  
17 *10.”.*

18 **SEC. 1105. PAY PARITY FOR SENIOR EXECUTIVES IN DE-**  
19 **FENSE NONAPPROPRIATED FUND INSTRU-**  
20 **MENTALITIES.**

21 *(a) AUTHORITY.—Chapter 81 of title 10, United States*  
22 *Code, is amended by inserting after section 1587 the fol-*  
23 *lowing new section:*

1 **“§ 1587a. Employees of nonappropriated fund instru-**  
2 **mentalities: senior executive pay levels**

3 “(a) *AUTHORITY.*—To achieve the objective stated in  
4 subsection (b), the Secretary of Defense may regulate the  
5 amount of total compensation that is provided for senior  
6 executives of nonappropriated fund instrumentalities who,  
7 for the fixing of pay by administrative action, are under  
8 the jurisdiction of the Secretary of Defense or the Secretary  
9 of a military department.

10 “(b) *PAY PARITY.*—The objective of an action taken  
11 with respect to the compensation of a senior executive under  
12 subsection (a) is to provide for parity between the total com-  
13 pensation provided for such senior executive and total com-  
14 pensation that is provided for Department of Defense em-  
15 ployees in Senior Executive Service positions or other sen-  
16 ior executive positions.

17 “(c) *STANDARDS OF COMPARABILITY.*—Subject to sub-  
18 section (d), the Secretary of Defense shall prescribe the  
19 standards of comparison that are to apply in the making  
20 of the determinations necessary to achieve the objective stat-  
21 ed in subsection (b).

22 “(d) *ESTABLISHMENT OF PAY RATES.*—The Secretary  
23 of Defense shall apply subsections (a) and (b) of section  
24 5382 of title 5 in the regulation of compensation under this  
25 section.

1       “(e) *RELATIONSHIP TO PAY LIMITATION.*—The Sec-  
2       retary of Defense may exercise the authority provided in  
3       subsection (a) without regard to section 5373 of title 5.

4       “(f) *DEFINITIONS.*—In this section:

5               “(1) The term ‘compensation’ includes rate of  
6       basic pay.

7               “(2) The term ‘Senior Executive Service posi-  
8       tion’ has the meaning given such term in section 3132  
9       of title 5.”.

10       (b) *CLERICAL AMENDMENT.*—The table of sections at  
11       the beginning of such chapter is amended by inserting after  
12       the item relating to section 1587 the following new item:

      “1587a. *Employees of nonappropriated fund instrumentalities: senior executive  
          pay levels.*”.

13       **SEC. 1106. HEALTH BENEFITS PROGRAM FOR EMPLOYEES**  
14                       **OF NONAPPROPRIATED FUND INSTRUMEN-**  
15                       **TALITIES.**

16       (a) *ESTABLISHMENT.*—(1) Chapter 81 of title 10,  
17       United States Code, as amended by section 1105(a), is fur-  
18       ther amended by inserting after section 1587a the following  
19       new section:

20       **“§ 1587b. Employees of nonappropriated fund instru-**  
21                       **mentalities: health benefits program**

22               “(a) *PROGRAM REQUIRED.*—The Secretary of Defense  
23       shall provide a uniform health benefits program for employ-

1 *ees of the Department of Defense assigned to a non-*  
2 *appropriated fund instrumentality of the United States.*

3       “(b) *EXEMPTION FROM STATE AND LOCAL LAWS,*  
4 *TAXES, AND OTHER REQUIREMENTS.—The exemption in*  
5 *section 8909(f) of title 5 shall apply to the program under*  
6 *subsection (a) and to a carrier, underwriting contractor,*  
7 *and plan administration contractor under such program*  
8 *in the same manner and to the same extent as such exemp-*  
9 *tion applies under section 8909(f) of such title to an ap-*  
10 *proved health benefits plan under chapter 89 of such title*  
11 *and a carrier, underwriting subcontractor, and plan ad-*  
12 *ministration subcontractor, respectively, of such a plan.”.*

13       (2) *The table of sections at the beginning of such chap-*  
14 *ter, as amended by section 1105(b), is further amended by*  
15 *inserting after the item relating to section 1587a the fol-*  
16 *lowing new item:*

*“1587b. Employees of nonappropriated fund instrumentalities: health benefits pro-*  
*gram.”.*

17       (b) *REPEAL OF SUPERSEDED LAW.—Section 349 of*  
18 *the National Defense Authorization Act for Fiscal Year*  
19 *1995 (Public Law 103–337; 108 Stat. 2727; 10 U.S.C. 1587*  
20 *note) is repealed.*

1 **SEC. 1107. BID PROTESTS BY FEDERAL EMPLOYEES IN AC-**  
2 **TIONS UNDER OFFICE OF MANAGEMENT AND**  
3 **BUDGET CIRCULAR A-76.**

4 (a) *ELIGIBILITY TO PROTEST.*—(1) *Section 3551(2) of*  
5 *title 31, United States Code, is amended to read as follows:*

6 “(2) *The term ‘interested party’—*

7 “(A) *with respect to a contract or a sollicita-*  
8 *tion or other request for offers described in para-*  
9 *graph (1), means an actual or prospective bidder*  
10 *or offeror whose direct economic interest would*  
11 *be affected by the award of the contract or by*  
12 *failure to award the contract; and*

13 “(B) *with respect to a public-private com-*  
14 *petition conducted under Office of Management*  
15 *and Budget Circular A-76 regarding perform-*  
16 *ance of an activity or function of a Federal*  
17 *agency, includes—*

18 “(i) *any official who submitted the*  
19 *agency tender in such competition; and*

20 “(ii) *any one person who, for the pur-*  
21 *pose of representing them in a protest under*  
22 *this subchapter that relates to such competi-*  
23 *tion, has been designated as their agent by*  
24 *a majority of the employees of such Federal*  
25 *agency who are engaged in the performance*  
26 *of such activity or function.”.*



1       (2)(A) *Subchapter V of chapter 35 of such title is*  
2 *amended by adding at the end the following new section:*

3       **“§3557. Expedited action in protests for public-pri-**  
4                                   **vate competitions**

5       *“For protests in cases of public-private competitions*  
6 *conducted under Office of Management and Budget Cir-*  
7 *cular A–76 regarding performance of an activity or func-*  
8 *tion of Federal agencies, the Comptroller General shall ad-*  
9 *minister the provisions of this subchapter in a manner best*  
10 *suited for expediting final resolution of such protests and*  
11 *final action in such competitions.”.*

12       (B) *The chapter analysis at the beginning of such*  
13 *chapter is amended by inserting after the item relating to*  
14 *section 3556 the following new item:*

*“3557. Expedited action in protests for public-private competitions.”.*

15       (b) *RIGHT TO INTERVENE IN CIVIL ACTION.—Section*  
16 *1491(b) of title 28, United States Code, is amended by add-*  
17 *ing at the end the following new paragraph:*

18       *“(5) If a private sector interested party commences an*  
19 *action described in paragraph (1) in the case of a public-*  
20 *private competition conducted under Office of Management*  
21 *and Budget Circular A–76 regarding performance of an ac-*  
22 *tivity or function of a Federal agency, then an official or*  
23 *person described in section 3551(2)(B) of title 31 shall be*  
24 *entitled to intervene in that action.”.*

1       (c) *APPLICABILITY.*—Subparagraph (B) of section  
2 3551(2) of title 31, United States Code (as added by sub-  
3 section (a)), and paragraph (5) of section 1491(b) of title  
4 28, United States Code (as added by subsection (b)), shall  
5 apply to—

6           (1) *protests and civil actions that challenge final*  
7 *selections of sources of performance of an activity or*  
8 *function of a Federal agency that are made pursuant*  
9 *to studies initiated under Office of Management and*  
10 *Budget Circular A–76 on or after January 1, 2004;*  
11 *and*

12           (2) *any other protests and civil actions that re-*  
13 *late to public-private competitions initiated under Of-*  
14 *fice of Management and Budget Circular A–76 on or*  
15 *after the date of the enactment of this Act.*

16 **SEC. 1108. REPORT ON HOW TO RECRUIT AND RETAIN INDI-**  
17 **VIDUALS WITH FOREIGN LANGUAGE SKILLS.**

18       (a) *FINDINGS.*—Congress makes the following findings:

19           (1) *The Federal Government has a requirement*  
20 *to ensure that the employees of its departments and*  
21 *agencies with national security responsibilities are*  
22 *prepared to meet the challenges of this evolving inter-*  
23 *national environment.*

24           (2) *According to a 2002 General Accounting Of-*  
25 *fice report, Federal agencies have shortages in trans-*

1        *lators and interpreters and an overall shortfall in the*  
2        *language proficiency levels needed to carry out their*  
3        *missions which has adversely affected agency oper-*  
4        *ations and hindered United States military, law en-*  
5        *forcement, intelligence, counterterrorism, and diplo-*  
6        *matic efforts.*

7            *(3) Foreign language skills and area expertise*  
8        *are integral to, or directly support, every foreign in-*  
9        *telligence discipline and are essential factors in na-*  
10       *tional security readiness, information superiority,*  
11       *and coalition peacekeeping or warfighting missions.*

12           *(4) Communicating in languages other than*  
13       *English and understanding and accepting cultural*  
14       *and societal differences are vital to the success of*  
15       *peacetime and wartime military and intelligence ac-*  
16       *tivities.*

17           *(5) Proficiency levels required for foreign lan-*  
18       *guage support to national security functions have*  
19       *been raised, and what was once considered proficiency*  
20       *is no longer the case. The ability to comprehend and*  
21       *articulate technical and complex information in for-*  
22       *foreign languages has become critical.*

23           *(6) According to the Joint Intelligence Com-*  
24       *mittee Inquiry into the 9/11 Terrorist Attacks, the In-*  
25       *telligence Community had insufficient linguists prior*

1       to September 11, 2001, to handle the challenge it  
2       faced in translating the volumes of foreign language  
3       counterterrorism intelligence it collected. Agencies  
4       within the Intelligence Community experienced back-  
5       logs in material awaiting translation, a shortage of  
6       language specialists and language-qualified field offi-  
7       cers, and a readiness level of only 30 percent in the  
8       most critical terrorism-related languages that are  
9       used by terrorists.

10               (7) *Because of this shortage, the Federal Govern-*  
11       *ment has had to enter into private contracts to pro-*  
12       *cure linguist and translator services, including in*  
13       *some positions that would be more appropriately*  
14       *filled by permanent Federal employees or members of*  
15       *the United States Armed Forces.*

16       (b) *REPORT.—In its fiscal year 2006 budget request,*  
17       *the Secretary of Defense shall submit to the Committees on*  
18       *Armed Services of the Senate and the House of Representa-*  
19       *tives and the Select Committee on Intelligence of the Senate*  
20       *and the Permanent Select Committee on Intelligence of the*  
21       *House of Representatives, a plan for expanding and im-*  
22       *proving the national security foreign language workforce of*  
23       *the Department of Defense as appropriate to improve re-*  
24       *ruitment and retention to meet the requirements of the De-*

1 *partment for its foreign language workforce on a short-term*  
2 *basis and on a long-term basis.*

3 **SEC. 1109. PLAN ON IMPLEMENTATION AND UTILIZATION**  
4 **OF FLEXIBLE PERSONNEL MANAGEMENT AU-**  
5 **THORITIES IN DEPARTMENT OF DEFENSE**  
6 **LABORATORIES.**

7 *(a) PLAN REQUIRED.—The Under Secretary of De-*  
8 *fense for Acquisition, Technology, and Logistics and the*  
9 *Under Secretary of Defense for Personnel and Readiness*  
10 *shall jointly develop a plan for the effective utilization of*  
11 *the personnel management authorities referred to in sub-*  
12 *section (b) in order to increase the mission responsiveness,*  
13 *efficiency, and effectiveness of Department of Defense lab-*  
14 *oratories.*

15 *(b) COVERED AUTHORITIES.—The personnel manage-*  
16 *ment authorities referred to in this subsection are the per-*  
17 *sonnel management authorities granted to the Secretary of*  
18 *Defense by the provisions of law as follows:*

19 *(1) Section 342(b) of the National Defense Au-*  
20 *thorization Act for Fiscal Year 1995 (Public Law*  
21 *103–337; 108 Stat. 2721), as amended by section*  
22 *1114 of the Floyd D. Spence National Defense Au-*  
23 *thorization Act for Fiscal Year 2001 (as enacted into*  
24 *law by Public Law 106–398 (114 Stat. 1654A–315)).*

1           (2) *Section 1101 of the Strom Thurmond Na-*  
2           *tional Defense Authorization Act for Fiscal Year 1999*  
3           *(Public Law 105–261; 5 U.S.C. 3104 note).*

4           (3) *Such other provisions of law as the Under*  
5           *Secretaries jointly consider appropriate for purposes*  
6           *of this section.*

7           (c) *PLAN ELEMENTS.—The plan under subsection (a)*  
8           *shall—*

9           (1) *include such elements as the Under Secre-*  
10           *taries jointly consider appropriate to provide for the*  
11           *effective utilization of the personnel management au-*  
12           *thorities referred to in subsection (b) as described in*  
13           *subsection (a), including the recommendations of the*  
14           *Under Secretaries for such additional authorities, in-*  
15           *cluding authorities for demonstration programs or*  
16           *projects, as are necessary to achieve the effective utili-*  
17           *zation of such personnel management authorities; and*

18           (2) *include procedures, including a schedule for*  
19           *review and decisions, on proposals to modify current*  
20           *demonstration programs or projects, or to initiate*  
21           *new demonstration programs or projects, on flexible*  
22           *personnel management at Department laboratories*

23           (d) *SUBMITTAL TO CONGRESS.—The Under Secre-*  
24           *taries shall jointly submit to Congress the plan under sub-*  
25           *section (a) not later than February 1, 2006.*

1 **SEC. 1110. NONREDUCTION IN PAY WHILE FEDERAL EM-**  
2 **EMPLOYEE IS PERFORMING ACTIVE SERVICE IN**  
3 **THE UNIFORMED SERVICES OR NATIONAL**  
4 **GUARD.**

5       (a) *SHORT TITLE.*—*This section may be cited as the*  
6 *“Reservists Pay Security Act of 2004”.*

7       (b) *IN GENERAL.*—*Subchapter IV of chapter 55 of title*  
8 *5, United States Code, is amended by adding at the end*  
9 *the following:*

10 **“§ 5538. Nonreduction in pay while serving in the uni-**  
11 **formed services or National Guard**

12       “(a) *An employee who is absent from a position of em-*  
13 *ployment with the Federal Government in order to perform*  
14 *active duty in the uniformed services pursuant to a call*  
15 *or order to active duty under a provision of law referred*  
16 *to in section 101(a)(13)(B) of title 10 shall be entitled, while*  
17 *serving on active duty, to receive, for each pay period de-*  
18 *scribed in subsection (b), an amount equal to the amount*  
19 *by which—*

20               “(1) *the amount of basic pay which would other-*  
21 *wise have been payable to such employee for such pay*  
22 *period if such employee’s civilian employment with*  
23 *the Government had not been interrupted by that*  
24 *service, exceeds (if at all)*

25               “(2) *the amount of pay and allowances which*  
26 *(as determined under subsection (d))—*

1           “(A) is payable to such employee for that  
2           service; and

3           “(B) is allocable to such pay period.

4           “(b)(1) Amounts under this section shall be payable  
5 with respect to each pay period (which would otherwise  
6 apply if the employee’s civilian employment had not been  
7 interrupted)—

8           “(A) during which such employee is entitled to  
9           reemployment rights under chapter 43 of title 38 with  
10          respect to the position from which such employee is  
11          absent (as referred to in subsection (a)); and

12          “(B) for which such employee does not otherwise  
13          receive basic pay (including by taking any annual,  
14          military, or other paid leave) to which such employee  
15          is entitled by virtue of such employee’s civilian em-  
16          ployment with the Government.

17          “(2) For purposes of this section, the period during  
18 which an employee is entitled to reemployment rights under  
19 chapter 43 of title 38—

20          “(A) shall be determined disregarding the provi-  
21          sions of section 4312(d) of title 38; and

22          “(B) shall include any period of time specified  
23 in section 4312(e) of title 38 within which an em-  
24 ployee may report or apply for employment or reem-  
25 ployment following completion of service on active



1       *duty to which called or ordered as described in sub-*  
2       *section (a).*

3       “(c) *Any amount payable under this section to an em-*  
4       *ployee shall be paid—*

5               “(1) *by such employee’s employing agency;*

6               “(2) *from the appropriation or fund which*  
7       *would be used to pay the employee if such employee*  
8       *were in a pay status; and*

9               “(3) *to the extent practicable, at the same time*  
10       *and in the same manner as would basic pay if such*  
11       *employee’s civilian employment had not been inter-*  
12       *rupted.*

13       “(d) *The Office of Personnel Management shall, in con-*  
14       *sultation with Secretary of Defense, prescribe any regula-*  
15       *tions necessary to carry out the preceding provisions of this*  
16       *section.*

17       “(e)(1) *The head of each agency referred to in section*  
18       *2302(a)(2)(C)(ii) shall, in consultation with the Office, pre-*  
19       *scribe procedures to ensure that the rights under this section*  
20       *apply to the employees of such agency.*

21       “(2) *The Administrator of the Federal Aviation Ad-*  
22       *ministration shall, in consultation with the Office, prescribe*  
23       *procedures to ensure that the rights under this section apply*  
24       *to the employees of that agency.*

25       “(f) *For purposes of this section—*

1           “(1) the terms ‘employee’, ‘Federal Government’,  
2           and ‘uniformed services’ have the same respective  
3           meanings as given them in section 4303 of title 38;

4           “(2) the term ‘employing agency’, as used with  
5           respect to an employee entitled to any payments  
6           under this section, means the agency or other entity  
7           of the Government (including an agency referred to in  
8           section 2302(a)(2)(C)(ii)) with respect to which such  
9           employee has reemployment rights under chapter 43  
10          of title 38; and

11          “(3) the term ‘basic pay’ includes any amount  
12          payable under section 5304.”.

13          (c) *CLERICAL AMENDMENT.*—The table of sections for  
14          chapter 55 of title 5, United States Code, is amended by  
15          inserting after the item relating to section 5537 the fol-  
16          lowing:

          “5538. Nonreduction in pay while serving in the uniformed services or National  
          Guard.”.

17          (d) *EFFECTIVE DATE.*—

18                 (1) *IN GENERAL.*—The amendments made by  
19                 this section shall apply with respect to pay periods  
20                 (as described in section 5538(b) of title 5, United  
21                 States Code, as amended by this section) beginning on  
22                 or after the date of enactment of this Act.

23                 (2) *CONDITIONAL RETROACTIVE APPLICATION.*—

1           (A) *IN GENERAL.*—*The amendments made*  
 2           *by this section shall apply with respect to pay*  
 3           *periods (as described in section 5538(b) of title*  
 4           *5, United States Code, as amended by this sec-*  
 5           *tion) beginning on or after October 11, 2002*  
 6           *through the date of enactment of this Act, subject*  
 7           *to the availability of appropriations.*

8           (B) *AUTHORIZATION OF APPROPRIA-*  
 9           *TIONS.*—*There are authorized to be appropriated*  
 10          *\$100,000,000 for purposes of subparagraph (A).*

11   **TITLE                   XII—COOPERATIVE**  
 12       **THREAT REDUCTION WITH**  
 13       **STATES OF THE FORMER SO-**  
 14       **VIET UNION**

15   **SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT RE-**  
 16       **DUCTION PROGRAMS AND FUNDS.**

17       (a) *SPECIFICATION OF CTR PROGRAMS.*—*For pur-*  
 18       *poses of section 301 and other provisions of this Act, Coop-*  
 19       *erative Threat Reduction programs are the programs speci-*  
 20       *fied in section 1501(b) of the National Defense Authoriza-*  
 21       *tion Act for Fiscal Year 1997 (Public Law 104–201; 110*  
 22       *Stat. 2731; 50 U.S.C. 2362 note).*

23       (b) *FISCAL YEAR 2005 COOPERATIVE THREAT REDUC-*  
 24       *TION FUNDS DEFINED.*—*As used in this title, the term “fis-*  
 25       *cal year 2005 Cooperative Threat Reduction funds” means*

1 *the funds appropriated pursuant to the authorization of ap-*  
2 *propriations in section 301 for Cooperative Threat Reduc-*  
3 *tion programs.*

4 *(c) AVAILABILITY OF FUNDS.—Funds appropriated*  
5 *pursuant to the authorization of appropriations in section*  
6 *301 for Cooperative Threat Reduction programs shall be*  
7 *available for obligation for three fiscal years.*

8 **SEC. 1202. FUNDING ALLOCATIONS.**

9 *(a) FUNDING FOR SPECIFIC PURPOSES.—Of the*  
10 *\$409,200,000 authorized to be appropriated to the Depart-*  
11 *ment of Defense for fiscal year 2005 in section 301(19) for*  
12 *Cooperative Threat Reduction programs, the following*  
13 *amounts may be obligated for the purposes specified:*

14 *(1) For strategic offensive arms elimination in*  
15 *Russia, \$58,522,000.*

16 *(2) For nuclear weapons storage security in Rus-*  
17 *sia, \$48,672,000.*

18 *(3) For nuclear weapons transportation security*  
19 *in Russia, \$26,300,000.*

20 *(4) For weapons of mass destruction prolifera-*  
21 *tion prevention in the states of the former Soviet*  
22 *Union, \$40,030,000.*

23 *(5) For chemical weapons destruction in Russia,*  
24 *\$158,400,000.*

1           (6) *For biological weapons proliferation preven-*  
2           *tion in the former Soviet Union, \$54,959,000.*

3           (7) *For defense and military contacts,*  
4           *\$8,000,000.*

5           (8) *For activities designated as Other Assess-*  
6           *ments/Administrative Support, \$14,317,000.*

7           (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*  
8           *FUNDS FOR OTHER PURPOSES.—No fiscal year 2005 Coop-*  
9           *erative Threat Reduction funds may be obligated or ex-*  
10          *pended for a purpose other than a purpose listed in para-*  
11          *graphs (1) through (8) of subsection (a) until 30 days after*  
12          *the date that the Secretary of Defense submits to Congress*  
13          *a report on the purpose for which the funds will be obligated*  
14          *or expended and the amount of funds to be obligated or ex-*  
15          *pended. Nothing in the preceding sentence shall be construed*  
16          *as authorizing the obligation or expenditure of fiscal year*  
17          *2005 Cooperative Threat Reduction funds for a purpose for*  
18          *which the obligation or expenditure of such funds is specifi-*  
19          *cally prohibited under this title or any other provision of*  
20          *law.*

21          (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*  
22          *AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any*  
23          *case in which the Secretary of Defense determines that it*  
24          *is necessary to do so in the national interest, the Secretary*  
25          *may obligate amounts appropriated for fiscal year 2005 for*

1 *a purpose listed in any of the paragraphs in subsection (a)*  
2 *in excess of the specific amount authorized for that purpose.*

3 (2) *An obligation of funds for a purpose stated in any*  
4 *of the paragraphs in subsection (a) in excess of the specific*  
5 *amount authorized for such purpose may be made using*  
6 *the authority provided in paragraph (1) only after—*

7 (A) *the Secretary submits to Congress notifica-*  
8 *tion of the intent to do so together with a complete*  
9 *discussion of the justification for doing so; and*

10 (B) *15 days have elapsed following the date of*  
11 *the notification.*

12 (3) *The Secretary may not, under the authority pro-*  
13 *vided in paragraph (1), obligate amounts for a purpose*  
14 *stated in any of paragraphs (5) through (8) of subsection*  
15 *(a) in excess of 125 percent of the specific amount author-*  
16 *ized for such purpose.*

17 **SEC. 1203. MODIFICATION AND WAIVER OF LIMITATION ON**

18 **USE OF FUNDS FOR CHEMICAL WEAPONS DE-**

19 **STRUCTION FACILITIES IN RUSSIA.**

20 (a) **MODIFICATION OF LIMITATION.**—*Section 1305 of*  
21 *the National Defense Authorization Act for Fiscal Year*  
22 *2000 (22 U.S.C. 5952 note) is amended by striking “or ex-*  
23 *pended”.*

24 (b) **WAIVER AUTHORITY.**—*The conditions described in*  
25 *section 1305 of the National Defense Authorization Act for*

1 *Fiscal Year 2000, as amended by subsection (a), shall not*  
2 *apply to the obligation of funds during a fiscal year for*  
3 *the planning, design, or construction of a chemical weapons*  
4 *destruction facility in Russia if the President submits to*  
5 *Congress a written certification with respect to such fiscal*  
6 *year that includes—*

7           (1) *a statement as to why the waiver of the con-*  
8 *ditions during the fiscal year covered by such certifi-*  
9 *cation is consistent with the national security inter-*  
10 *ests of the United States; and*

11           (2) *a plan to promote a full and accurate disclo-*  
12 *sure by Russia regarding the size, content, status, and*  
13 *location of its chemical weapons stockpile.*

14 **SEC. 1204. INCLUSION OF DESCRIPTIVE SUMMARIES IN AN-**  
15 **NUAL COOPERATIVE THREAT REDUCTION RE-**  
16 **PORTS AND BUDGET JUSTIFICATION MATE-**  
17 **RIALS.**

18 *Section 1307 of the Strom Thurmond National Defense*  
19 *Authorization Act for Fiscal Year 1999 (Public Law 105-*  
20 *261; 112 Stat. 2165; 22 U.S.C. 5952 note) is amended—*

21           (1) *in subsection (a), by striking “as part of the*  
22 *Secretary’s annual budget request to Congress” in the*  
23 *matter preceding paragraph (1) and inserting “in the*  
24 *materials and manner specified in subsection (c)”;*  
25 *and*

1           (2) by adding at the end the following new sub-  
2           section:

3           “(c) *INCLUSION IN CERTAIN MATERIALS SUBMITTED*  
4 *TO CONGRESS.*—*The summary required to be submitted to*  
5 *Congress in a fiscal year under subsection (a) shall be set*  
6 *forth by project category, and by amounts specified in para-*  
7 *graphs (1) and (2) of that subsection in connection with*  
8 *such project category, in each of the following:*

9           “(1) *The annual report on activities and assist-*  
10 *ance under Cooperative Threat Reduction programs*  
11 *required in such fiscal year under section 1308 of the*  
12 *Floyd D. Spence National Defense Authorization Act*  
13 *for Fiscal Year 2001 (as enacted into law by Public*  
14 *Law 106–398).*

15           “(2) *The budget justification materials submitted*  
16 *to Congress in support of the Department of Defense*  
17 *budget for the fiscal year succeeding such fiscal year*  
18 *(as submitted with the budget of the President under*  
19 *section 1105(a) of title 31, United States Code).*”.



1 **TITLE XIII—MEDICAL READI-**  
2 **NESS TRACKING AND HEALTH**  
3 **SURVEILLANCE**

4 **SEC. 1301. ANNUAL MEDICAL READINESS PLAN AND JOINT**  
5 **MEDICAL READINESS OVERSIGHT COM-**  
6 **MITTEE.**

7 (a) *REQUIREMENT FOR PLAN.*—The Secretary of De-  
8 fense shall develop a comprehensive plan to improve med-  
9 ical readiness, and Department of Defense tracking of the  
10 health status, of members of the Armed Forces throughout  
11 their service in the Armed Forces, and to strengthen medical  
12 readiness and tracking before, during, and after deployment  
13 of the personnel overseas. The matters covered by the com-  
14 prehensive plan shall include all elements that are described  
15 in this title and the amendments made by this title and  
16 shall comply with requirements in law.

17 (b) *JOINT MEDICAL READINESS OVERSIGHT COM-*  
18 *MITTEE.*—

19 (1) *ESTABLISHMENT.*—The Secretary of Defense  
20 shall establish a Joint Medical Readiness Oversight  
21 Committee.

22 (2) *COMPOSITION.*—The members of the Com-  
23 mittee are as follows:

1           (A) *The Under Secretary of Defense for Per-*  
2           *sonnel and Readiness, who shall chair the Com-*  
3           *mittee.*

4           (B) *The Assistant Secretary of Defense for*  
5           *Health Affairs.*

6           (C) *The Assistant Secretary of Defense for*  
7           *Reserve Affairs.*

8           (D) *The Surgeons General of the Armed*  
9           *Forces.*

10          (E) *The Assistant Secretary of the Army for*  
11          *Manpower and Reserve Affairs.*

12          (F) *The Assistant Secretary of the Navy for*  
13          *Manpower and Reserve Affairs.*

14          (G) *The Assistant Secretary of the Air*  
15          *Force for Manpower, Reserve Affairs, Installa-*  
16          *tions, and Environment.*

17          (H) *The Chief of the National Guard Bu-*  
18          *reau.*

19          (I) *The Chief of Army Reserve.*

20          (J) *The Chief of Naval Reserve.*

21          (K) *The Chief of Air Force Reserve.*

22          (L) *The Commander, Marine Corps Reserve.*

23          (M) *The Director of the Defense Manpower*  
24          *Data Center.*

1           (N) *A representative of the Department of*  
2 *Veterans Affairs designated by the Secretary of*  
3 *Veterans Affairs.*

4           (O) *Representatives of veterans and mili-*  
5 *tary health advocacy organizations appointed to*  
6 *the Committee by the Secretary of Defense.*

7           (P) *An individual from civilian life who is*  
8 *recognized as an expert on military health care*  
9 *treatment, including research relating to such*  
10 *treatment.*

11           (3) *DUTIES.—The duties of the Committee are as*  
12 *follows:*

13           (A) *To advise the Secretary of Defense on*  
14 *the medical readiness and health status of the*  
15 *members of the active and reserve components of*  
16 *the Armed Forces.*

17           (B) *To advise the Secretary of Defense on*  
18 *the compliance of the Armed Forces with the*  
19 *medical readiness tracking and health surveil-*  
20 *lance policies of the Department of Defense.*

21           (C) *To oversee the development and imple-*  
22 *mentation of the comprehensive plan required by*  
23 *subsection (a) and the actions required by this*  
24 *title and the amendments made by this title, in-*  
25 *cluding with respect to matters relating to—*

- 1                   (i) the health status of the members of  
2                   the reserve components of the Armed Forces;  
3                   (ii) accountability for medical readi-  
4                   ness;  
5                   (iii) medical tracking and health sur-  
6                   veillance;  
7                   (iv) declassification of information on  
8                   environmental hazards;  
9                   (v) postdeployment health care for  
10                  members of the Armed Forces; and  
11                  (vi) compliance with Department of  
12                  Defense and other applicable policies on  
13                  blood serum repositories.
- 14                  (D) To ensure unity and integration of ef-  
15                  forts across functional and organizational lines  
16                  within the Department of Defense with regard to  
17                  medical readiness tracking and health status sur-  
18                  veillance of members of the Armed Forces.
- 19                  (E) To establish and monitor compliance  
20                  with the medical readiness standards that are  
21                  applicable to members and those that are appli-  
22                  cable to units.
- 23                  (F) To improve continuity of care in co-  
24                  ordination with the Secretary of Veterans Af-  
25                  fairs, for members of the Armed Forces sepa-

1           *rating from active service with service-connected*  
2           *medical conditions.*

3           *(G) To prepare and submit to the Secretary*  
4           *of Defense and to the Committees on Armed*  
5           *Services of the Senate and the House of Rep-*  
6           *resentatives, not later than February 1 of each*  
7           *year, a report on—*

8                     *(i) the health status and medical readi-*  
9                     *ness of the members of the Armed Forces,*  
10                    *including the members of reserve compo-*  
11                    *nents, based on the comprehensive plan re-*  
12                    *quired under subsection (a) and the actions*  
13                    *required by this title and the amendments*  
14                    *made by this title; and*

15                    *(ii) compliance with Department of*  
16                    *Defense policies on medical readiness track-*  
17                    *ing and health surveillance.*

18           *(4) FIRST MEETING.—The first meeting of the*  
19           *Committee shall be held not later than 90 days after*  
20           *the date of the enactment of this Act.*

21   **SEC. 1302. MEDICAL READINESS OF RESERVES.**

22           *(a) COMPTROLLER GENERAL STUDY OF HEALTH OF*  
23           *RESERVES ORDERED TO ACTIVE DUTY FOR OPERATIONS*  
24           *ENDURING FREEDOM AND IRAQI FREEDOM.—*

1           (1) *REQUIREMENT FOR STUDY.*—*The Comptroller General of the United States shall carry out a*  
2 *study of the health of the members of the reserve com-*  
3 *ponents of the Armed Forces who have been called or*  
4 *ordered to active duty for a period of more than 30*  
5 *days in support of Operation Enduring Freedom and*  
6 *Operation Iraqi Freedom. The Comptroller General*  
7 *shall commence the study not later than 180 days*  
8 *after the date of the enactment of this Act.*

9  
10           (2) *PURPOSES.*—*The purposes of the study under*  
11 *this subsection are as follows:*

12                   (A) *To review the health status and medical*  
13 *fitness of the activated Reserves when they were*  
14 *called or ordered to active duty.*

15                   (B) *To review the effects, if any, on logistics*  
16 *planning and the deployment schedules for the*  
17 *operations referred to in paragraph (1) that re-*  
18 *sulted from deficiencies in the health or medical*  
19 *fitness of activated Reserves.*

20                   (C) *To review compliance of military per-*  
21 *sonnel with Department of Defense policies on*  
22 *medical and physical fitness examinations and*  
23 *assessments that are applicable to the reserve*  
24 *components of the Armed Forces.*

1           (3) *REPORT.*—*The Comptroller General shall,*  
2           *not later than one year after the date of the enact-*  
3           *ment of this Act, submit a report on the results of the*  
4           *study under this subsection to the Committees on*  
5           *Armed Services of the Senate and the House of Rep-*  
6           *resentatives. The report shall include the following*  
7           *matters:*

8                   (A) *With respect to the matters reviewed*  
9                   *under subparagraph (A) of paragraph (2)—*

10                           (i) *the percentage of activated Reserves*  
11                           *who were determined to be medically unfit*  
12                           *for deployment, together with an analysis of*  
13                           *the reasons why the member was unfit, in-*  
14                           *cluding medical illnesses or conditions most*  
15                           *commonly found among the activated Re-*  
16                           *serves that were grounds for determinations*  
17                           *of medical unfitness for deployment; and*

18                           (ii) *the percentage of the activated Re-*  
19                           *serves who, before being deployed, needed*  
20                           *medical care for health conditions identified*  
21                           *when called or ordered to active duty, to-*  
22                           *gether with an analysis of the types of care*  
23                           *that were provided for such conditions and*  
24                           *the reasons why such care was necessary.*

1           (B) *With respect to the matters reviewed*  
2           *under subparagraph (B) of paragraph (2)—*

3                   (i) *the delays and other disruptions in*  
4                   *deployment schedules that resulted from de-*  
5                   *ficiencies in the health status or medical fit-*  
6                   *ness of activated Reserves; and*

7                   (ii) *an analysis of the extent to which*  
8                   *it was necessary to merge units or otherwise*  
9                   *alter the composition of units, and the ex-*  
10                   *tent to which it was necessary to merge or*  
11                   *otherwise alter objectives, in order to com-*  
12                   *pensate for limitations on the deployability*  
13                   *of activated Reserves resulting from defi-*  
14                   *ciencies in the health status or medical fit-*  
15                   *ness of activated Reserves.*

16           (C) *With respect to the matters reviewed*  
17           *under subparagraph (C) of paragraph (2), an*  
18           *assessment of the extent of the compliance of re-*  
19           *serve component personnel with Department of*  
20           *Defense policies on routine medical and physical*  
21           *fitness examinations that are applicable to the*  
22           *reserve components of the Armed Forces.*

23           (D) *An analysis of the extent to which the*  
24           *medical care, if any, provided to activated Re-*  
25           *serves in each theater of operations referred to in*



1           *paragraph (1) related to preexisting conditions*  
2           *that were not adequately addressed before the de-*  
3           *ployment of such personnel to the theater.*

4           (4) *DEFINITIONS.—In this subsection:*

5                   (A) *The term “activated Reserves” means*  
6                   *the members of the Armed Forces referred to in*  
7                   *paragraph (1).*

8                   (B) *The term “active duty for a period of*  
9                   *more than 30 days” has the meaning given such*  
10                  *term in section 101(d) of title 10, United States*  
11                  *Code.*

12                  (C) *The term “health condition” includes a*  
13                  *mental health condition and a dental condition.*

14                  (D) *The term “reserve components of the*  
15                  *Armed Forces” means the reserve components*  
16                  *listed in section 10101 of title 10, United States*  
17                  *Code.*

18           (b) *ACCOUNTABILITY FOR INDIVIDUAL AND UNIT MED-*  
19           *ICAL READINESS.—*

20                   (1) *POLICY.—The Secretary of Defense shall*  
21                   *issue a policy to ensure that individual members and*  
22                   *commanders of reserve component units fulfill their*  
23                   *responsibilities for medical and dental readiness of*  
24                   *members of the units on the basis of—*

1           (A) frequent periodic health assessment of  
2 members (not less frequently than once every two  
3 years) using the predeployment assessment proce-  
4 dure required under section 1074f of title 10,  
5 United States Code, as the minimum standard of  
6 medical readiness; and

7           (B) any other information on the health  
8 status of the members that is available to the  
9 commanders.

10           (2) REVIEW AND FOLLOWUP CARE.—The regula-  
11 tions under this subsection shall provide for review of  
12 the health assessments under paragraph (1) by a med-  
13 ical professional and for any followup care and treat-  
14 ment that is needed for medical or dental readiness.

15           (3) MODIFICATION OF PREDEPLOYMENT HEALTH  
16 ASSESSMENT SURVEY.—In meeting the policy under  
17 paragraph (1), the Secretary shall—

18           (A) to the extent practicable, modify the  
19 predeployment health assessment survey to bring  
20 such survey into conformity with the detailed  
21 postdeployment health assessment survey in use  
22 as of October 1, 2004; and

23           (B) ensure the use of the predeployment  
24 health assessment survey, as so modified, for  
25 predeployment health assessments after that date.

1           (c) *UNIFORM POLICY ON DEFERRAL OF MEDICAL*  
2 *TREATMENT PENDING DEPLOYMENT TO THEATERS OF OP-*  
3 *ERATIONS.*—

4           (1) *REQUIREMENT FOR POLICY.*—*The Secretary*  
5 *of Defense shall prescribe, for uniform applicability*  
6 *throughout the Armed Forces, a policy on deferral of*  
7 *medical treatment of members pending deployment.*

8           (2) *CONTENT.*—*The policy prescribed under*  
9 *paragraph (1) shall specify the following matters:*

10           (A) *The circumstances under which treat-*  
11 *ment for medical conditions may be deferred to*  
12 *be provided within a theater of operations in*  
13 *order to prevent delay or other disruption of a*  
14 *deployment to that theater.*

15           (B) *The circumstances under which medical*  
16 *conditions are to be treated before deployment to*  
17 *that theater.*

18 **SEC. 1303. BASELINE HEALTH DATA COLLECTION PRO-**  
19 **GRAM.**

20           (a) *REQUIREMENT FOR PROGRAM.*—

21           (1) *IN GENERAL.*—*Chapter 55 of title 10, United*  
22 *States Code, is amended by inserting after section*  
23 *1092 the following new section:*

1 **“§ 1092a. Persons entering the armed forces: baseline**  
2 **health data**

3 “(a) *PROGRAM REQUIRED.*—*The Secretary of Defense*  
4 *shall carry out a program—*

5 “(1) *to collect baseline health data from all per-*  
6 *sons entering the armed forces;*

7 “(2) *to provide for computerized compilation*  
8 *and maintenance of the baseline health data; and*

9 “(3) *to analyze the data.*

10 “(b) *PURPOSES.*—*The program under this section*  
11 *shall be designed to achieve the following purposes:*

12 “(1) *To facilitate understanding of how expo-*  
13 *sures related to service in the armed forces affect*  
14 *health.*

15 “(2) *To facilitate development of early interven-*  
16 *tion and prevention programs to protect health and*  
17 *readiness.”.*

18 (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
19 *tions at the beginning of such chapter is amended by*  
20 *inserting after the item relating to section 1092 the*  
21 *following new item:*

“1092a. *Persons entering the armed forces: baseline health data.*”.

22 (3) *TIME FOR IMPLEMENTATION.*—*The Secretary*  
23 *of Defense shall implement the program required*  
24 *under section 1092a of title 10, United States Code*

1        *(as added by paragraph (1)), not later than two years*  
2        *after the date of the enactment of this Act.*

3        *(b) INTERIM STANDARDS FOR BLOOD SAMPLING.—The*  
4        *Secretary of Defense shall require under the medical track-*  
5        *ing system administered under section 1074f of title 10,*  
6        *United States Code, that—*

7            *(1) the blood samples necessary for the*  
8            *predeployment medical examination of a member of*  
9            *the Armed Forces required under subsection (b) of*  
10          *such section be drawn not earlier than 60 days before*  
11          *the date of the deployment; and*

12          *(2) the blood samples necessary for the*  
13          *postdeployment medical examination of a member of*  
14          *the Armed Forces required under such subsection be*  
15          *drawn not later than 30 days after the date on which*  
16          *the deployment ends.*

17        **SEC. 1304. MEDICAL CARE AND TRACKING AND HEALTH**

18                            **SURVEILLANCE IN THE THEATER OF OPER-**

19                            **ATIONS.**

20          *(a) RECORDKEEPING POLICY.—The Secretary of De-*  
21        *fense shall prescribe a policy that requires the records of*  
22        *all medical care provided to a member of the Armed Forces*  
23        *in a theater of operations to be maintained as part of a*  
24        *complete health record for the member.*

1       **(b) IN-THEATER MEDICAL TRACKING AND HEALTH**  
2 **SURVEILLANCE.**—

3           **(1) REQUIREMENT FOR EVALUATION.**—*The Sec-*  
4 *retary of Defense shall evaluate the system for the*  
5 *medical tracking and health surveillance of members*  
6 *of the Armed Forces in theaters of operations and*  
7 *take such actions as may be necessary to improve the*  
8 *medical tracking and health surveillance.*

9           **(2) REPORT.**—*Not later than one year after the*  
10 *date of the enactment of this Act, the Secretary of De-*  
11 *fense shall submit a report on the actions taken under*  
12 *paragraph (1) to the Committees on Armed Services*  
13 *of the Senate and the House of Representatives. The*  
14 *report shall include the following matters:*

15           **(A)** *An analysis of the strengths and weak-*  
16 *nesses of the medical tracking system adminis-*  
17 *tered under section 1074f of title 10, United*  
18 *States Code.*

19           **(B)** *An analysis of the efficacy of health*  
20 *surveillance systems as a means of detecting—*

21           **(i)** *any health problems (including*  
22 *mental health conditions) of members of the*  
23 *Armed Forces contemporaneous with the*  
24 *performance of the assessment under the*  
25 *system; and*

1                   (ii) exposures of the assessed members  
2                   to environmental hazards that potentially  
3                   lead to future health problems.

4                   (C) An analysis of the strengths and weak-  
5                   nesses of such medical tracking and surveillance  
6                   systems as a means for supporting future re-  
7                   search on health issues.

8                   (D) Recommended changes to such medical  
9                   tracking and health surveillance systems.

10                  (E) A summary of scientific literature on  
11                  blood sampling procedures used for detecting and  
12                  identifying exposures to environmental hazards.

13                  (F) An assessment of whether there is a  
14                  need for changes to regulations and standards for  
15                  drawing blood samples for effective tracking and  
16                  health surveillance of the medical conditions of  
17                  personnel before deployment, upon the end of a  
18                  deployment, and for a followup period of appro-  
19                  priate length.

20                  (c) *PLAN TO OBTAIN HEALTH CARE RECORDS FROM*  
21 *ALLIES.*—The Secretary of Defense shall develop a plan for  
22 obtaining all records of medical treatment provided to  
23 members of the Armed Forces by allies of the United States  
24 in Operation Enduring Freedom and Operation Iraqi Free-

1 *dom. The plan shall specify the actions that are to be taken*  
2 *to obtain all such records.*

3 (d) *POLICY ON IN-THEATER PERSONNEL LOCATOR*  
4 *DATA.*—Not later than one year after the date of the enact-  
5 ment of this Act, the Secretary of Defense shall prescribe  
6 a Department of Defense policy on the collection and dis-  
7 semination of in-theater individual personnel location data.

8 **SEC. 1305. DECLASSIFICATION OF INFORMATION ON EXPO-**  
9 **SURES TO ENVIRONMENTAL HAZARDS.**

10 (a) *REQUIREMENT FOR REVIEW.*—The Secretary of  
11 Defense shall review and, as determined appropriate, revise  
12 the classification policies of the Department of Defense with  
13 a view to facilitating the declassification of data that is  
14 potentially useful for the monitoring and assessment of the  
15 health of members of the Armed Forces who have been ex-  
16 posed to environmental hazards during deployments over-  
17 seas, including the following data:

18 (1) *In-theater injury rates.*

19 (2) *Data derived from environmental surveil-*  
20 *lance.*

21 (3) *Health tracking and surveillance data.*

22 (b) *CONSULTATION WITH COMMANDERS OF THEATER*  
23 *COMBATANT COMMANDS.*—The Secretary shall, to the extent  
24 that the Secretary considers appropriate, consult with the  
25 senior commanders of the in-theater forces of the combatant



1 *commands in carrying out the review and revising policies*  
2 *under subsection (a).*

3 **SEC. 1306. ENVIRONMENTAL HAZARDS.**

4 *(a) REPORT ON TRAINING OF FIELD MEDICAL PER-*  
5 *SONNEL.—*

6 *(1) REQUIREMENT FOR REPORT.—Not later than*  
7 *one year after the date of the enactment of this Act,*  
8 *the Secretary of Defense shall submit to the Commit-*  
9 *tees on Armed Services of the Senate and the House*  
10 *of Representatives a report on the training on envi-*  
11 *ronmental hazards that is provided by the Armed*  
12 *Forces to medical personnel of the Armed Forces who*  
13 *are deployable to the field in direct support of combat*  
14 *personnel.*

15 *(2) CONTENT.—The report under paragraph (1)*  
16 *shall include the following:*

17 *(A) An assessment of the adequacy of the*  
18 *training regarding—*

19 *(i) the identification of common envi-*  
20 *ronmental hazards and exposures to such*  
21 *hazards; and*

22 *(ii) the prevention and treatment of*  
23 *adverse health effects of such exposures.*

24 *(B) A discussion of the actions taken and to*  
25 *be taken to improve such training.*

1           (c) *REPORT ON RESPONSES TO HEALTH CONCERNS OF*  
2 *MEMBERS.*—

3           (1) *REQUIREMENT FOR REPORT.*—Not later than  
4 180 days after the date of the enactment of this Act,  
5 the Assistant Secretary of Defense for Health Affairs  
6 shall submit to the Secretary of Defense and the Com-  
7 mittees on Armed Services of the Senate and the  
8 House of Representatives a report on Department of  
9 Defense responses to concerns expressed by members of  
10 the Armed Forces during post-deployment health as-  
11 sessments about possibilities that the members were  
12 exposed to environmental hazards deleterious to the  
13 members' health during a deployment overseas.

14           (2) *CONTENT.*—The report regarding health con-  
15 cerns submitted under paragraph (1) shall include the  
16 following:

17           (A) A discussion of the actions taken by De-  
18 partment of Defense officials to investigate the  
19 circumstances underlying such concerns in order  
20 to determine the validity of the concerns.

21           (B) A discussion of the actions taken by De-  
22 partment of Defense officials to evaluate or treat  
23 members and former members of the Armed  
24 Forces who are confirmed to have been exposed

1           to environmental hazards deleterious to their  
2           health during deployments of the Armed Forces.

3 **SEC. 1307. POST-DEPLOYMENT MEDICAL CARE RESPON-**  
4                                   **SIBILITIES OF INSTALLATION COMMANDERS.**

5           (a) *REQUIREMENT FOR REGULATIONS.*—The Sec-  
6           retary of Defense shall prescribe a policy that requires the  
7           commander of each military installation at which members  
8           of the Armed Forces are to be processed upon redeployment  
9           from an overseas deployment—

10                   (1) to identify and analyze the anticipated  
11           health care needs of such members before the arrival  
12           of such members at that installation; and

13                   (2) to report such needs to the Secretary.

14           (b) *HEALTH CARE TO MEET NEEDS.*—The policy  
15           under this section shall include procedures for the com-  
16           mander of each military installation described in subsection  
17           (a) to meet the anticipated health care needs that are identi-  
18           fied by the commander in the performance of duties under  
19           the regulations, including the following:

20                   (1) Arrangements for health care provided by the  
21           Secretary of Veterans Affairs.

22                   (2) Procurement of services from local health  
23           care providers.

24                   (3) Temporary employment of health care per-  
25           sonnel to provide services at such installation.

1 **SEC. 1308. FULL IMPLEMENTATION OF MEDICAL READI-**  
2 **NESS TRACKING AND HEALTH SURVEIL-**  
3 **LANCE PROGRAM AND FORCE HEALTH PRO-**  
4 **TECTION AND READINESS PROGRAM.**

5 (a) *IMPLEMENTATION AT ALL LEVELS.*—*The Secretary*  
6 *of Defense, in conjunction with the Secretaries of the mili-*  
7 *tary departments, shall take such actions as are necessary*  
8 *to ensure that the Army, Navy, Air Force, and Marine*  
9 *Corps fully implement at all levels—*

10 (1) *the Medical Readiness Tracking and Health*  
11 *Surveillance Program under this title and the amend-*  
12 *ments made by this title; and*

13 (2) *the Force Health Protection and Readiness*  
14 *Program of the Department of Defense (relating to the*  
15 *prevention of injury and illness and the reduction of*  
16 *disease and noncombat injury threats).*

17 (b) *ACTION OFFICIAL.*—*The Secretary of Defense may*  
18 *act through the Under Secretary of Defense for Personnel*  
19 *and Readiness in carrying out subsection (a).*

20 **SEC. 1309. OTHER MATTERS.**

21 (a) *ANNUAL REPORTS.*—

22 (1) *REQUIREMENT FOR REPORTS.*—

23 (A) *Chapter 55 of title 10, United States*  
24 *Code, is amended by inserting after section*  
25 *1073a the following new section:*

1 **“§ 1073b. Recurring reports**

2       “(a) *ANNUAL REPORT ON HEALTH PROTECTION*  
3 *QUALITY.*—(1) *The Secretary of Defense shall submit to the*  
4 *Committees on Armed Services of the Senate and the House*  
5 *of Representatives each year a report on the Force Health*  
6 *Protection Quality Assurance Program of the Department*  
7 *of Defense. The report shall include the following matters:*

8               “(A) *The results of an audit of the extent to*  
9 *which the serum samples required to be obtained from*  
10 *members of the armed forces before and after a de-*  
11 *ployment are stored in the serum repository of the*  
12 *Department of Defense.*

13               “(B) *The results of an audit of the extent to*  
14 *which the health assessments required for members of*  
15 *the armed forces before and after a deployment are*  
16 *being maintained in the electronic database of the De-*  
17 *fense Medical Surveillance System.*

18               “(C) *An analysis of the actions taken by the De-*  
19 *partment of Defense personnel to respond to health*  
20 *concerns expressed by members of the armed forces*  
21 *upon return from a deployment.*

22               “(D) *An analysis of the actions taken by the Sec-*  
23 *retary to evaluate or treat members and former mem-*  
24 *bers of the armed forces who are confirmed to have*  
25 *been exposed to occupational or environmental haz-*  
26 *ards deleterious to their health during a deployment.*

1           “(2) *The Secretary of Defense shall act through the As-*  
2 *stant Secretary of Defense for Health Affairs in carrying*  
3 *out this subsection.*

4           “(b) *ANNUAL REPORT ON RECORDING OF HEALTH AS-*  
5 *SESSMENT DATA IN MILITARY PERSONNEL RECORDS.—The*  
6 *Secretary of Defense shall issue each year a report on the*  
7 *compliance by the military departments with applicable*  
8 *policies on the recording of health assessment data in mili-*  
9 *tary personnel records. The report shall include a discussion*  
10 *of the extent to which immunization status and*  
11 *predeployment and postdeployment health care data is*  
12 *being recorded in such records.”.*

13                       *(B) The table of sections at the beginning of*  
14 *such chapter is amended by inserting after the*  
15 *item relating to section 1073a the following new*  
16 *item:*

*“1073b. Recurring reports.”.*

17           (2) *INITIAL REPORT.—The first report under sec-*  
18 *tion 1073b(a) of title 10, United States Code (as*  
19 *added by paragraph (1)), shall be completed not later*  
20 *than 180 days after the date of the enactment of this*  
21 *Act.*

22           (b) *INTERNET ACCESSIBILITY OF HEALTH ASSESS-*  
23 *MENT INFORMATION FOR MEMBERS OF THE ARMED*  
24 *FORCES.—Not later than one year after the date of the en-*  
25 *actment of this Act, the Chief Information Officer of each*

1 *military department shall ensure that the online portal*  
2 *website of that military department includes the following*  
3 *information relating to health assessments:*

4           (1) *Information on the Department of Defense*  
5 *policies regarding predeployment and postdeployment*  
6 *health assessments, including policies on the following*  
7 *matters:*

8                   (A) *Health surveys.*

9                   (B) *Physical examinations.*

10                  (C) *Collection of blood samples and other*  
11 *tissue samples.*

12           (2) *Procedural information on compliance with*  
13 *such policies, including the following information:*

14                   (A) *Information for determining whether a*  
15 *member is in compliance.*

16                   (B) *Information on how to comply.*

17           (3) *Health assessment surveys that are either—*

18                   (A) *web-based; or*

19                   (B) *accessible (with instructions) in*  
20 *printer-ready form by download.*

21 **SEC. 1310. USE OF CIVILIAN EXPERTS AS CONSULTANTS.**

22           *Nothing in this title or an amendment made by this*  
23 *title shall be construed to limit the authority of the Sec-*  
24 *retary of Defense to procure the services of experts outside*  
25 *the Federal Government for performing any function to*

1 *comply with requirements for readiness tracking and health*  
 2 *surveillance of members of the Armed Forces that are appli-*  
 3 *cable to the Department of Defense.*

4 ***DIVISION B—MILITARY CON-***  
 5 ***STRUCTION AUTHORIZA-***  
 6 ***TIONS***

7 ***SEC. 2001. SHORT TITLE.***

8 *This division may be cited as the “Military Construc-*  
 9 *tion Authorization Act for Fiscal Year 2005”.*

10 ***TITLE XXI—ARMY***

11 ***SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND***  
 12 ***ACQUISITION PROJECTS.***

13 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*  
 14 *propriated pursuant to the authorization of appropriations*  
 15 *in section 2104(a)(1), the Secretary of the Army may ac-*  
 16 *quire real property and carry out military construction*  
 17 *projects for the installations and locations inside the United*  
 18 *States, and in the amounts, set forth in the following table:*

***Army: Inside the United States***

| <b><i>State</i></b>     | <b><i>Installation or location</i></b>          | <b><i>Amount</i></b> |
|-------------------------|---|----------------------|
| <i>Alabama</i> .....    | <i>Anniston Army Depot</i> .....                | <i>\$23,690,000</i>  |
|                         | <i>Fort Rucker</i> .....                        | <i>\$16,500,000</i>  |
| <i>Alaska</i> .....     | <i>Fort Richardson</i> .....                    | <i>\$24,300,000</i>  |
|                         | <i>Fort Wainwright</i> .....                    | <i>\$92,459,000</i>  |
| <i>Arizona</i> .....    | <i>Fort Huachuca</i> .....                      | <i>\$18,000,000</i>  |
| <i>California</i> ..... | <i>Fort Irwin</i> .....                         | <i>\$38,100,000</i>  |
|                         | <i>Sierra Army Depot</i> .....                  | <i>\$13,600,000</i>  |
| <i>Colorado</i> .....   | <i>Fort Carson</i> .....                        | <i>\$63,158,000</i>  |
| <i>Georgia</i> .....    | <i>Fort Benning</i> .....                       | <i>\$71,777,000</i>  |
|                         | <i>Fort Gillem</i> .....                        | <i>\$5,800,000</i>   |
|                         | <i>Fort McPherson</i> .....                     | <i>\$4,900,000</i>   |
|                         | <i>Fort Stewart/Hunter Army Air Field</i> ..... | <i>\$65,495,000</i>  |
| <i>Hawaii</i> .....     | <i>Helemano Military Reservation</i> .....      | <i>\$75,300,000</i>  |
|                         | <i>Hickam Air Field</i> .....                   | <i>\$11,200,000</i>  |
|                         | <i>Pohakuloa Training Area</i> .....            | <i>\$40,000,000</i>  |



**Army: Inside the United States—Continued**

| <b>State</b>         | <b>Installation or location</b>                | <b>Amount</b>          |
|----------------------|--|------------------------|
|                      | Schofield Barracks .....                       | \$162,792,000          |
|                      | Wheeler Army Air Field .....                   | \$24,000,000           |
| Kansas .....         | Fort Riley .....                               | \$59,550,000           |
| Kentucky .....       | Fort Campbell .....                            | \$92,000,000           |
|                      | Fort Knox .....                                | \$75,750,000           |
| Louisiana .....      | Fort Polk .....                                | \$70,953,000           |
| Maryland .....       | Aberdeen Proving Ground .....                  | \$13,000,000           |
| Missouri .....       | Fort Leonard Wood .....                        | \$28,150,000           |
| New Mexico .....     | White Sands Missile Range .....                | \$33,000,000           |
| New York .....       | Fort Drum .....                                | \$7,950,000            |
|                      | Fort Hamilton .....                            | \$7,600,000            |
|                      | Military Entrance Processing Station, Buffalo. | \$6,200,000            |
|                      | United States Military Academy, West Point.    | \$60,000,000           |
| North Carolina ..... | Fort Bragg .....                               | \$101,687,000          |
| Oklahoma .....       | Fort Sill .....                                | \$14,400,000           |
| Pennsylvania .....   | Letterkenny Depot .....                        | \$11,400,000           |
| Texas .....          | Fort Bliss .....                               | \$20,100,000           |
|                      | Fort Hood .....                                | \$78,088,000           |
|                      | Fort Sam Houston .....                         | \$11,400,000           |
| Virginia .....       | Fort A.P. Hill .....                           | \$14,775,000           |
|                      | Fort Myer .....                                | \$49,526,000           |
| Washington .....     | Fort Lewis .....                               | \$57,200,000           |
|                      | <b>Total</b> .....                             | <b>\$1,563,800,000</b> |

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
2 appropriated pursuant to the authorization of appropri-  
3 ations in section 2104(a)(2), the Secretary of the Army may  
4 acquire real property and carry out military construction  
5 projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the following  
7 table:

**Army: Outside the United States**

| <b>Country</b> | <b>Installation or location</b> | <b>Amount</b>        |
|----------------|---------------------------------|----------------------|
| Germany .....  | Grafenwoehr .....               | \$77,200,000         |
| Italy .....    | Livorno .....                   | \$26,000,000         |
| Korea .....    | Camp Humphreys .....            | \$12,000,000         |
|                | <b>Total</b> .....              | <b>\$115,200,000</b> |

8 **SEC. 2102. FAMILY HOUSING.**

9           (a) *CONSTRUCTION AND ACQUISITION.*—Using  
10 amounts appropriated pursuant to the authorization of ap-

1 *propriations in section 2104(a)(5)(A), the Secretary of the*  
 2 *Army may construct or acquire family housing units (in-*  
 3 *cluding land acquisition and supporting facilities) at the*  
 4 *installations or locations, for the purposes, and in the*  
 5 *amounts set forth in the following table:*

**Army: Family Housing**

| <b>State or Country</b> | <b>Installation or location</b>   | <b>Purpose</b>         | <b>Amount</b>        |
|-------------------------|-----------------------------------|------------------------|----------------------|
| <i>Alaska</i> .....     | <i>Fort Richardson</i> .....      | <i>92 Units</i> .....  | <i>\$42,000,000</i>  |
|                         | <i>Fort Wainwright</i> .....      | <i>246 Units</i> ..... | <i>\$124,000,000</i> |
| <i>Arizona</i> .....    | <i>Fort Huachuca</i> .....        | <i>205 Units</i> ..... | <i>\$41,000,000</i>  |
|                         | <i>Yuma Proving Grounds</i> ..... | <i>55 Units</i> .....  | <i>\$14,900,000</i>  |
| <i>Kansas</i> .....     | <i>Fort Riley</i> .....           | <i>126 Units</i> ..... | <i>\$33,000,000</i>  |
| <i>New Mexico</i> ..... | <i>White Sands Missile Range</i>  | <i>156 Units</i> ..... | <i>\$31,000,000</i>  |
| <i>Oklahoma</i> .....   | <i>Fort Sill</i> .....            | <i>247 Units</i> ..... | <i>\$47,000,000</i>  |
| <i>Virginia</i> .....   | <i>Fort Lee</i> .....             | <i>218 Units</i> ..... | <i>\$46,000,000</i>  |
|                         | <i>Fort Monroe</i> .....          | <i>68 Units</i> .....  | <i>\$16,000,000</i>  |
|                         |                                   | <i>Total</i> ....      | <i>\$394,900,000</i> |

6 (b) *PLANNING AND DESIGN.*—Using amounts appro-  
 7 priated pursuant to the authorization of appropriations in  
 8 section 2104(a)(5)(A), the Secretary of the Army may carry  
 9 out architectural and engineering services and construction  
 10 design activities with respect to the construction or im-  
 11 provement of family housing units in an amount not to  
 12 exceed \$29,209,000.

13 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 14 **UNITS.**

15 Subject to section 2825 of title 10, United States Code,  
 16 and using amounts appropriated pursuant to the author-  
 17 ization of appropriations in section 2104(a)(5)(A), the Sec-  
 18 retary of the Army may improve existing military family  
 19 housing units in an amount not to exceed \$211,990,000.

1 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

2       (a) *IN GENERAL.*—Funds are hereby authorized to be  
3 appropriated for fiscal years beginning after September 30,  
4 2004, for military construction, land acquisition, and mili-  
5 tary family housing functions of the Department of the  
6 Army in the total amount of \$3,507,891,000, as follows:

7           (1) *For military construction projects inside the*  
8 *United States authorized by section 2101(a),*  
9 *\$1,534,500,000.*

10          (2) *For military construction projects outside the*  
11 *United States authorized by section 2101(b),*  
12 *\$115,200,000.*

13          (3) *For unspecified minor military construction*  
14 *projects authorized by section 2805 of title 10, United*  
15 *States Code, \$20,000,000.*

16          (4) *For architectural and engineering services*  
17 *and construction design under section 2807 of title*  
18 *10, United States Code, \$154,335,000.*

19          (5) *For military family housing functions:*

20           (A) *For construction and acquisition, plan-*  
21 *ning and design, and improvement of military*  
22 *family housing and facilities, \$636,099,000.*

23           (B) *For support of military family housing*  
24 *(including the functions described in section*  
25 *2833 of title 10, United States Code),*  
26 *\$928,907,000.*

1           (6) *For the construction of phase 3 of a barracks*  
2 *complex renewal, Capron Road, Schofield Barracks,*  
3 *Hawaii, authorized by section 2101(a) of the Military*  
4 *Construction Authorization Act for Fiscal Year 2003*  
5 *(division B of Public Law 107–314; 116 Stat. 2681),*  
6 *\$48,000,000.*

7           (7) *For the construction of phase 3 of a mainte-*  
8 *nance complex at Fort Sill, Oklahoma, authorized by*  
9 *section 2101(a) of the Military Construction Author-*  
10 *ization Act for Fiscal Year 2003 (division B of Public*  
11 *Law 107–314; 116 Stat. 2681), as amended by section*  
12 *2106 of this Act, \$13,100,000.*

13           (8) *For the construction of phase 2 of a barracks*  
14 *complex, 5th and 16th Street, at Fort Stewart/Hunter*  
15 *Army Air Field, Georgia, authorized by section*  
16 *2101(a) of the Military Construction Authorization*  
17 *Act for Fiscal Year 2004 (division B of Public Law*  
18 *108–136; 117 Stat. 1697), as amended by section*  
19 *2105 of this Act, \$32,950,000.*

20           (9) *For the construction of phase 2 of the Lewis*  
21 *and Clark instructional facility, at Fort Leavenworth,*  
22 *Kansas, authorized by section 2101(a) of the Military*  
23 *Construction Authorization Act for Fiscal Year 2004*  
24 *(division B of Public Law 108–136; 117 Stat. 1697),*  
25 *\$44,000,000.*

1           (10) *For the construction of phase 2 of a bar-*  
2           *racks complex at Wheeler Sack Army Air Field, Fort*  
3           *Drum, New York, authorized by section 2101(a) of the*  
4           *Military Construction Authorization Act for Fiscal*  
5           *Year 2004 (division B of Public Law 108–136; 117*  
6           *Stat. 1697), as amended by section 2105 of this Act,*  
7           *\$48,000,000.*

8           (11) *For the construction of phase 2 of a bar-*  
9           *racks complex, Bastogne Drive, at Fort Bragg, North*  
10          *Carolina, authorized by section 2101(a) of the Mili-*  
11          *tary Construction Authorization Act for Fiscal Year*  
12          *2004 (division B of Public Law 108–136; 117 Stat.*  
13          *1697), \$48,000,000.*

14          (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*  
15          *PROJECTS.—Notwithstanding the cost variations author-*  
16          *ized by section 2853 of title 10, United States Code, and*  
17          *any other cost variation authorized by law, the total cost*  
18          *of all projects carried out under section 2101 of this Act*  
19          *may not exceed—*

20                 (1) *the total amount authorized to be appro-*  
21                 *priated under paragraphs (1) and (2) of subsection*  
22                 *(a);*

23                 (2) *\$41,000,000 (the balance of the amount au-*  
24                 *thorized under section 2101(a) for an upgrade to*

1 *Drum Road at the Helemano Military Reservation,*  
2 *Hawaii);*

3 (3) \$25,000,000 (the balance of the amount au-  
4 thorized under section 2101(a) to construct a vehicle  
5 maintenance facility at Schofield Barracks, Hawaii);

6 (4) \$25,000,000 (the balance of the amount au-  
7 thorized under section 2101(a) for construction of a  
8 barracks complex, 42nd Street and Indiana Avenue,  
9 at Fort Campbell, Kentucky);

10 (5) \$22,000,000 (the balance of the amount au-  
11 thorized under section 2101(a) for the construction of  
12 a basic combat training complex at Fort Knox, Ken-  
13 tucky);

14 (6) \$31,000,000 (the balance of the amount au-  
15 thorized under section 2101(a) for construction of a  
16 barracks complex, Blackjack Street, Fort Bragg, North  
17 Carolina); and

18 (7) \$25,500,000 (the balance of the amount au-  
19 thorized under section 2101(a) for construction of a  
20 library and learning center at the United States Mili-  
21 tary Academy, New York).

1 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2004 PROJECTS.**

3 *The table in section 2101(a) of the Military Construc-*  
4 *tion Authorization Act for Fiscal Year 2004 (division B*  
5 *of Public Law 108–136; 117 Stat. 1697) is amended—*

6 *(1) in the item relating to Fort Stewart, Geor-*  
7 *gia, by striking “\$113,500,000” in the amount col-*  
8 *umn and inserting “\$114,450,000”;*

9 *(2) in the item relating to Fort Drum, New*  
10 *York, by striking “\$130,700,000” in the amount col-*  
11 *umn and inserting “\$135,700,000”; and*

12 *(3) by striking the amount identified as the total*  
13 *in the amount column and inserting*  
14 *“\$1,043,150,000”.*

15 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**  
16 **CERTAIN FISCAL YEAR 2003 PROJECT.**

17 *The table in section 2101(a) of the Military Construc-*  
18 *tion Authorization Act for Fiscal Year 2003 (division B*  
19 *of Public Law 107–314; 116 Stat. 2681), as amended by*  
20 *section 2105(a)(2) of the Military Construction Authoriza-*  
21 *tion Act for Fiscal Year 2004 (division B of Public Law*  
22 *108–136; 117 Stat. 1701), is further amended—*

23 *(1) in the item relating to Fort Sill, Oklahoma,*  
24 *by striking “\$39,652,000” in the amount column and*  
25 *inserting “\$40,752,000”; and*

1           (2) by striking the amount identified as the total  
 2       in the amount column and inserting  
 3       “\$1,157,267,000”.

## 4           **TITLE XXII—NAVY**

### 5   **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 6           **ACQUISITION PROJECTS.**

7           (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 8       propriated pursuant to the authorization of appropriations  
 9       in section 2204(a)(1), the Secretary of the Navy may ac-  
 10      quire real property and carry out military construction  
 11      projects for the installations and locations inside the United  
 12      States, and in the amounts, set forth in the following table:

#### **Navy: Inside the United States**

| <b>State</b>               | <b>Installation or location</b>                         | <b>Amount</b>                             |
|----------------------------|---|---|
| Arizona .....              | Marine Corps Air Station, Yuma .....                    | \$26,670,000                              |
| California .....           | Marine Corps Base, Camp Pendleton .....                 | \$38,455,000                              |
|                            | Naval Air Facility, El Centro .....                     | \$54,331,000                              |
|                            | Recruit Depot, San Diego .....                          | \$8,110,000                               |
| Connecticut .....          | Naval Submarine Base, New London .....                  | \$50,302,000                              |
| District of Columbia ..... | Naval Observatory, Washington .....                     | \$3,239,000                               |
| Florida .....              | Eglin Air Force Base .....                              | \$2,060,000                               |
|                            | Naval Station, Mayport .....                            | \$6,200,000                               |
| Georgia .....              | Strategic Weapons Facility Atlantic,<br>Kings Bay ..... | \$16,000,000                              |
|                            | Illinois .....  | Naval Training Station, Great Lakes ..... |
| Maine .....                | Naval Air Station, Brunswick .....                      | \$4,690,000                               |
|                            | Portsmouth Naval Station .....                          | \$7,860,000                               |
| Maryland .....             | Naval Surface Warfare Center, Indian<br>Head .....      | \$13,900,000                              |
| Mississippi .....          | Naval Construction Battalion Center,<br>Gulfport .....  | \$4,350,000                               |
| Nevada .....               | Naval Air Station, Fallon .....                         | \$4,980,000                               |
| North Carolina .....       | Marine Corps Air Station, New River .....               | \$35,140,000                              |
|                            | Marine Corps Base, Camp Lejeune .....                   | \$13,420,000                              |
|                            | Washington County .....                                 | \$136,900,000                             |
| Rhode Island .....         | Naval Station Newport .....                             | \$9,080,000                               |
| South Carolina .....       | Naval Weapons Station, Charleston .....                 | \$18,140,000                              |
| Virginia .....             | Camp Elnore Marine Corps Detachment                     | \$13,500,000                              |
|                            | Marine Corps Base, Quantico .....                       | \$46,270,000                              |
|                            | Naval Air Station, Oceana .....                         | \$2,770,000                               |
|                            | Naval Amphibious Base, Little Creek .....               | \$2,850,000                               |
|                            | Naval Station, Norfolk .....                            | \$4,330,000                               |
|                            | Naval Weapons Station, Yorktown .....                   | \$9,870,000                               |
| Washington .....           | Naval Shipyard Puget Sound, Bremerton                   | \$20,305,000                              |
|                            | Naval Station, Bremerton .....                          | \$74,125,000                              |



**Navy: Inside the United States—Continued**

| <b>State</b> | <b>Installation or location</b>                         | <b>Amount</b> |
|--------------|---|---------------|
|              | <i>Strategic Weapons Facility Pacific, Bangor</i> ..... | \$131,090,000 |
|              | <i>Total</i> .....                                      | \$833,718,000 |

1           **(b) OUTSIDE THE UNITED STATES.**—Using amounts  
2 appropriated pursuant to the authorization of appropri-  
3 ations in section 2204(a)(2), the Secretary of the Navy may  
4 acquire real property and carry out military construction  
5 projects for the locations outside the United States, and in  
6 the amounts, set forth in the following table:

**Navy: Outside the United States**

| <b>Country</b>            | <b>Installation or location</b>                   | <b>Amount</b> |
|---------------------------|---|---------------|
| <i>Diego Garcia</i> ..... | <i>Naval Support Facility, Diego Garcia</i> ..... | \$17,500,000  |
| <i>Guam</i> .....         | <i>Naval Station, Guam</i> .....                  | \$33,200,000  |
| <i>Italy</i> .....        | <i>Sigonella</i> .....                            | \$22,550,000  |
|                           | <i>Total</i> .....                                | \$73,250,000  |

7           **(c) UNSPECIFIED WORLDWIDE.**—Using amounts ap-  
8 propriated pursuant to the authorization of appropriations  
9 in section 2204(a)(3), the Secretary of the Navy may ac-  
10 quire real property and carry out military construction  
11 projects for the installations or locations, and in the  
12 amount, set forth in the following table:

**Navy: Unspecified Worldwide**

| <b>Location</b>                   | <b>Installation or location</b>    | <b>Amount</b> |
|-----------------------------------|------------------------------------|---------------|
| <i>Worldwide Unspecified</i> .... | <i>Unspecified Worldwide</i> ..... | \$52,658,000  |
|                                   | <i>Total</i> .....                 | \$52,658,000  |

13 **SEC. 2202. FAMILY HOUSING.**

14           Using amounts appropriated pursuant to the author-  
15 ization of appropriations in section 2204(a)(6)(A), the Sec-

1 *retary of the Navy may construct or acquire family housing*  
 2 *units (including land acquisition and supporting facilities)*  
 3 *at the installations or locations, for the purposes, and in*  
 4 *the amounts set forth in the following table:*

***Navy: Family Housing***

| <b><i>State</i></b>         | <b><i>Installation or Location</i></b>                  | <b><i>Purpose</i></b>  | <b><i>Amount</i></b> |
|-----------------------------|---|------------------------|----------------------|
| <i>North Carolina .....</i> | <i>Marine Corps Air Station,<br/>Cherry Point .....</i> | <i>198 Units .....</i> | <i>\$27,002,000</i>  |
|                             |   | <i>Total ....</i>      | <i>\$27,002,000</i>  |

5 ***SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING***  
 6 ***UNITS.***

7 *Subject to section 2825 of title 10, United States Code,*  
 8 *and using amounts appropriated pursuant to the author-*  
 9 *ization of appropriations in section 2204(a)(6)(A), the Sec-*  
 10 *retary of the Navy may improve existing military family*  
 11 *housing units in an amount not to exceed \$112,105,000.*

12 ***SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.***

13 *(a) IN GENERAL.—Funds are hereby authorized to be*  
 14 *appropriated for fiscal years beginning after September 30,*  
 15 *2004, for military construction, land acquisition, and mili-*  
 16 *tary family housing functions of the Department of the*  
 17 *Navy in the total amount of \$1,843,716,000, as follows:*

18 *(1) For military construction projects inside the*  
 19 *United States authorized by section 2201(a),*  
 20 *\$694,338,000.*

1           (2) *For military construction projects outside the*  
2 *United States authorized by section 2201(b),*  
3 *\$73,250,000.*

4           (3) *For military construction projects at unspec-*  
5 *ified worldwide locations authorized by section*  
6 *2201(c), \$18,560,000.*

7           (4) *For unspecified minor military construction*  
8 *projects authorized by section 2805 of title 10, United*  
9 *States Code, \$12,000,000.*

10          (5) *For architectural and engineering services*  
11 *and construction design under section 2807 of title*  
12 *10, United States Code, \$87,067,000.*

13          (6) *For military family housing functions:*

14               (A) *For construction and acquisition, plan-*  
15 *ning and design, and improvement of military*  
16 *family housing and facilities, \$139,107,000.*

17               (B) *For support of military family housing*  
18 *(including functions described in section 2833 of*  
19 *title 10, United States Code), \$704,504,000.*

20          (7) *For the construction of phase 2 of the ter-*  
21 *tiary sewage treatment plant at Marine Corps Base,*  
22 *Camp Pendleton, California, authorized by section*  
23 *2201(a) of the Military Construction Authorization*  
24 *Act for Fiscal Year 2004 (division B of Public Law*  
25 *108–136; 117 Stat. 1703), \$25,690,000.*

1           (8) *For the construction of phase 2 of the general*  
2           *purpose berthing pier at Naval Weapons Station,*  
3           *Earle, New Jersey, authorized by section 2201(a) of*  
4           *the Military Construction Authorization Act for Fis-*  
5           *cal Year 2004, \$49,200,000.*

6           (9) *For the construction of phase 2 of pier 11 re-*  
7           *placement at Naval Station, Norfolk, Virginia, au-*  
8           *thorized by section 2201(a) of the Military Construc-*  
9           *tion Authorization Act for Fiscal Year 2004,*  
10          *\$40,000,000.*

11          (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*  
12          *PROJECTS.—Notwithstanding the cost variations author-*  
13          *ized by section 2853 of title 10, United States Code, and*  
14          *any other cost variation authorized by law, the total cost*  
15          *of all projects carried out under section 2201 of this Act*  
16          *may not exceed—*

17               (1) *the total amount authorized to be appro-*  
18               *priated under paragraphs (1), (2), and (3) of sub-*  
19               *section (a);*

20               (2) *\$21,000,000 (the balance of the amount au-*  
21               *thorized under section 2201(a) for the replacement of*  
22               *an aircraft parking apron and hangar at Naval Air*  
23               *Facility El Centro, California);*

24               (3) *\$70,000,000 (the balance of the amount au-*  
25               *thorized under section 2201(a) to acquire land inter-*

1        *ests for an outlying landing field in Washington*  
2        *County, North Carolina);*

3            (4) \$95,320,000 *(the balance of the amount au-*  
4        *thorized under section 2201(a) for construction of a*  
5        *limited area production and storage complex at the*  
6        *Strategic Weapons Facility Pacific, Bangor, Wash-*  
7        *ington); and*

8            (5) \$40,000,000 *(the balance of the amount au-*  
9        *thorized under section 2201(a) for the construction of*  
10       *a bachelor enlisted quarters at Naval Station Brem-*  
11       *erton, Washington).*

12    **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
13                            **CERTAIN FISCAL YEAR 2004 PROJECTS.**

14        *The table in section 2201(a) of the Military Construc-*  
15       *tion Authorization Act for Fiscal Year 2004 (division B*  
16       *of Public Law 108–136; 117 Stat. 1703) is amended—*

17            (1) *in the item relating to Various Locations,*  
18        *CONUS, by striking “\$56,360,000” in the amount*  
19        *column and inserting “\$61,510,000”; and*

20            (2) *by striking the amount identified as the total*  
21        *in the amount column and inserting*  
22        *“\$1,341,022,000”.*

# TITLE XXIII—AIR FORCE

## SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

### **Air Force: Inside the United States**

| <i>State</i>                | <i>Installation or location</i>              | <i>Amount</i> |
|-----------------------------|--|---------------|
| <i>Alaska</i> .....         | <i>Elmendorf Air Force Base</i> .....        | \$54,057,000  |
| <i>Arizona</i> .....        | <i>Davis-Monthan Air Force Base</i> .....    | \$10,029,000  |
|                             | <i>Luke Air Force Base</i> .....             | \$10,000,000  |
| <i>Arkansas</i> .....       | <i>Little Rock Air Force Base</i> .....      | \$5,031,000   |
| <i>California</i> .....     | <i>Beale Air Force Base</i> .....            | \$10,186,000  |
|                             | <i>Edwards Air Force Base</i> .....          | \$9,965,000   |
|                             | <i>Travis Air Force Base</i> .....           | \$15,244,000  |
| <i>Colorado</i> .....       | <i>Buckley Air Force Base</i> .....          | \$12,247,000  |
| <i>Delaware</i> .....       | <i>Dover Air Force Base</i> .....            | \$9,500,000   |
| <i>Florida</i> .....        | <i>Patrick Air Force Base</i> .....          | \$8,800,000   |
| <i>Georgia</i> .....        | <i>Moody Air Force Base</i> .....            | \$9,600,000   |
|                             | <i>Robins Air Force Base</i> .....           | \$15,000,000  |
| <i>Hawaii</i> .....         | <i>Hickam Air Force Base</i> .....           | \$34,400,000  |
|                             | <i>Maui Site</i> .....                       | \$7,500,000   |
| <i>Louisiana</i> .....      | <i>Barksdale Air Force Base</i> .....        | \$13,800,000  |
| <i>Maryland</i> .....       | <i>Andrews Air Force Base</i> .....          | \$17,100,000  |
| <i>Mississippi</i> .....    | <i>Columbus Air Force Base</i> .....         | \$7,700,000   |
| <i>Montana</i> .....        | <i>Malmstrom Air Force Base</i> .....        | \$5,600,000   |
| <i>Nebraska</i> .....       | <i>Offutt Air Force Base</i> .....           | \$6,721,000   |
| <i>New Mexico</i> .....     | <i>Cannon Air Force Base</i> .....           | \$9,500,000   |
| <i>North Carolina</i> ..... | <i>Pope Air Force Base</i> .....             | \$15,150,000  |
| <i>North Dakota</i> .....   | <i>Minot Air Force Base</i> .....            | \$9,900,000   |
| <i>Ohio</i> .....           | <i>Wright-Patterson Air Force Base</i> ..... | \$9,200,000   |
| <i>Oklahoma</i> .....       | <i>Altus Air Force Base</i> .....            | \$10,500,000  |
|                             | <i>Tinker Air Force Base</i> .....           | \$8,000,000   |
| <i>South Carolina</i> ..... | <i>Shaw Air Force Base</i> .....             | \$3,300,000   |
| <i>South Dakota</i> .....   | <i>Ellsworth Air Force Base</i> .....        | \$11,800,000  |
| <i>Tennessee</i> .....      | <i>Arnold Air Force Base</i> .....           | \$22,000,000  |
| <i>Texas</i> .....          | <i>Dyess Air Force Base</i> .....            | \$11,000,000  |
|                             | <i>Lackland Air Force Base</i> .....         | \$2,596,000   |
|                             | <i>Sheppard Air Force Base</i> .....         | \$50,284,000  |
| <i>Utah</i> .....           | <i>Hill Air Force Base</i> .....             | \$20,813,000  |
| <i>Wyoming</i> .....        | <i>F.E. Warren Air Force Base</i> .....      | \$5,500,000   |
|                             | <i>Total</i> .....                           | \$452,023,000 |

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2304(2), the Secretary of the Air Force may  
 4 acquire real property and carry out military construction  
 5 projects for the installations and locations outside the  
 6 United States, and in the amounts, set forth in the following  
 7 table:

**Air Force: Outside the United States**

| <b>Country</b>              | <b>Installation or location</b>          | <b>Amount</b> |
|-----------------------------|--|---------------|
| <i>Germany</i> .....        | <i>Ramstein Air Base</i> .....           | \$25,404,000  |
| <i>Greenland</i> .....      | <i>Thule Air Base</i> .....              | \$19,800,000  |
| <i>Guam</i> .....           | <i>Andersen Air Base</i> .....           | \$19,593,000  |
| <i>Italy</i> .....          | <i>Aviano Air Base</i> .....             | \$6,760,000   |
| <i>Korea</i> .....          | <i>Kunsan Air Base</i> .....             | \$37,100,000  |
|                             | <i>Osan Air Base</i> .....               | \$18,600,000  |
| <i>Portugal</i> .....       | <i>Lajes Field, Azores</i> .....         | \$5,689,000   |
| <i>United Kingdom</i> ..... | <i>Royal Air Force, Lakenheath</i> ..... | \$5,500,000   |
|                             | <i>Total</i> .....                       | \$138,446,000 |

8           (c) *UNSPECIFIED WORLDWIDE.*—Using amounts ap-  
 9 propriated pursuant to the authorization of appropriations  
 10 in section 2304(3), the Secretary of the Air Force may ac-  
 11 quire real property and carry out military construction  
 12 projects for the installations and locations, and in the  
 13 amounts, set forth in the following table:

**Air Force: Unspecified Worldwide**

| <b>Location</b>                    | <b>Installation or location</b>               | <b>Amount</b> |
|------------------------------------|---|---------------|
| <i>Worldwide Classified</i> .....  | <i>Worldwide Unspecified Classified</i> ..... | \$28,794,000  |
| <i>Worldwide Unspecified</i> ..... | <i>Worldwide Unspecified</i> .....            | \$26,121,000  |
|                                    | <i>Total</i> .....                            | \$54,915,000  |

14 **SEC. 2302. FAMILY HOUSING.**

15           (a) *CONSTRUCTION AND ACQUISITION.*—Using  
 16 amounts appropriated pursuant to the authorization of ap-

1 *propriations in section 2304(6)(A), the Secretary of the Air*  
 2 *Force may construct or acquire family housing units (in-*  
 3 *cluding land acquisition and supporting facilities) at the*  
 4 *installations or locations, for the purposes, and in the*  
 5 *amounts set forth in the following table:*

**Air Force: Family Housing**

| <b>State</b>         | <b>Installation or location</b>      | <b>Purpose</b>                      | <b>Amount</b> |
|----------------------|--------------------------------------|-------------------------------------|---------------|
| Arizona .....        | Davis-Monthan Air Force Base .....   | 250 Units .....                     | \$48,500,000  |
| California .....     | Edwards Air Force Base .....         | 218 Units .....                     | \$41,202,000  |
|                      | Vandenberg Air Force Base .....      | 120 Units .....                     | \$30,906,000  |
| Florida .....        | MacDill Air Force Base .....         | 61 Units .....                      | \$21,723,000  |
|                      | MacDill Air Force Base .....         | Housing Maintenance Facility.       | \$1,250,000   |
| Idaho .....          | Mountain Home Air Force Base .....   | 147 Units .....                     | \$39,333,000  |
| Mississippi .....    | Columbus Air Force Base ...          | Family Housing Management Facility. | \$711,000     |
| Missouri .....       | Whiteman Air Force Base ...          | 160 Units .....                     | \$37,087,000  |
| Montana .....        | Malmstrom Air Force Base .....       | 115 Units .....                     | \$29,910,000  |
| North Carolina ..... | Seymour Johnson Air Force Base ..... | 167 Units .....                     | \$32,693,000  |
| North Dakota .....   | Grand Forks Air Force Base .....     | 90 Units .....                      | \$26,169,000  |
|                      | Minot Air Force Base .....           | 142 Units .....                     | \$37,087,000  |
| South Carolina ..... | Charleston Air Force Base ..         | Fire Station                        | \$1,976,000   |
| South Dakota .....   | Ellsworth Air Force Base ...         | 75 Units .....                      | \$21,482,000  |
| Texas .....          | Dyess Air Force Base .....           | 127 Units .....                     | \$28,664,000  |
|                      | Goodfellow Air Force Base ..         | 127 Units .....                     | \$20,604,000  |
| Germany .....        | Ramstein Air Base .....              | 144 Units .....                     | \$57,691,000  |
| Italy .....          | Aviano Air Base .....                | Family Housing Office.              | \$2,542,000   |
| Korea .....          | Osan Air Base .....                  | 117 Units .....                     | \$46,834,000  |
| United Kingdom ..... | Royal Air Force, Lakenheath.         | 154 Units .....                     | \$43,976,000  |
|                      |                                      | Total ....                          | \$570,340,000 |

6 (b) *PLANNING AND DESIGN.*—Using amounts appro-  
 7 priated pursuant to the authorization of appropriations in  
 8 section 2304(6)(A), the Secretary of the Air Force may  
 9 carry out architectural and engineering services and con-  
 10 struction design activities with respect to the construction



1 *or improvement of military family housing units in an*  
2 *amount not to exceed \$38,266,000.*

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 *Subject to section 2825 of title 10, Unites States Code,*  
6 *and using amounts appropriated pursuant to the author-*  
7 *ization of appropriations in section 2304(6)(A), the Sec-*  
8 *retary of the Air Force may improve existing military fam-*  
9 *ily housing units in an amount not to exceed \$238,353,000.*

10 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
11 **FORCE.**

12 *(a) AUTHORIZATION OF APPROPRIATION.—Funds are*  
13 *hereby authorized to be appropriated for fiscal years begin-*  
14 *ning after September 30, 2004, for military construction,*  
15 *land acquisition, and military family housing functions of*  
16 *the Department of the Air Force in the total amount of*  
17 *\$2,485,542,000, as follows:*

18 *(1) For military construction projects inside the*  
19 *United States authorized by section 2301(a),*  
20 *\$452,023,000.*

21 *(2) For military construction projects outside the*  
22 *United States authorized by section 2301(b),*  
23 *\$138,446,000.*

1           (3) *For military construction projects at unspec-*  
2 *ified worldwide locations authorized by section*  
3 *2301(c), \$54,915,000.*

4           (4) *For unspecified minor construction projects*  
5 *authorized by section 2805 of title 10, United States*  
6 *Code, \$13,000,000.*

7           (5) *For architectural and engineering services*  
8 *and construction design under section 2807 of title*  
9 *10, United States Code, \$124,085,000.*

10          (6) *For military housing functions:*

11                 (A) *For construction and acquisition, plan-*  
12 *ning and design, and improvement of military*  
13 *family housing and facilities, \$846,959,000.*

14                 (B) *For support of military family housing*  
15 *(including functions described in section 2833 of*  
16 *title 10, United States Code), \$856,114,000.*

17          (b) *OFFSET FOR CERTAIN MILITARY CONSTRUCTION*  
18 *PROJECT.—The amount authorized to be appropriated by*  
19 *section 421 for military personnel is hereby reduced by*  
20 *\$5,500,000, with the amount of the reduction to be derived*  
21 *from excess amounts authorized for military personnel of*  
22 *the Air Force.*

# TITLE XXIV—DEFENSE AGENCIES

## SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

### ***Defense Agencies: Inside the United States***

| <b>Agency</b>  | <b>Installation or location</b>   | <b>Amount</b>   |              |
|--|---|---|--------------|
| <i>Defense Intelligence Agency</i> .....                   | <i>Bolling Air Force Base, District of Columbia</i> .....                   | \$6,000,000   |              |
| <i>Defense Logistics Agency</i> .....                      | <i>Defense Distribution Depot, New Cumberland, Pennsylvania</i> .....       | \$22,300,000  |              |
|  | <i>Defense Distribution Depot, Richmond, Virginia</i> .....                 | \$10,100,000  |              |
|  | <i>Defense Fuel Support Point, Naval Air Station Oceana, Virginia</i> ..... | \$3,589,000   |              |
|  | <i>Marine Corps Air Station, Cherry Point, North Carolina</i> .....         | \$22,700,000  |              |
|  | <i>Naval Air Station, Kingsville, Texas</i> .....                           | \$3,900,000   |              |
|  | <i>Naval Station, Pearl Harbor, Hawaii</i> .....                            | \$3,500,000   |              |
|  | <i>Tinker Air Force Base, Oklahoma</i> .....                                | \$5,400,000   |              |
|  | <i>Travis Air Force Base, California</i> .....                              | \$15,100,000  |              |
|  | <i>Huntsville, Alabama</i> .....  | \$19,560,000  |              |
|  | <i>National Security Agency</i> .....                                       | <i>Fort Meade, Maryland</i> .....                             | \$15,007,000 |
|  | <i>Special Operations Command</i>   | <i>Corona, California</i> .....                               | \$13,600,000 |
|  |   | <i>Fleet Combat Training Center, Dam Neck, Virginia</i> ..... | \$5,700,000  |
|  |   | <i>Fort A.P. Hill, Virginia</i> .....                         | \$1,500,000  |
|  |   | <i>Fort Bragg, North Carolina</i> .....                       | \$42,888,000 |
| <i>Fort Campbell, Kentucky</i> .....                       |   | \$3,500,000   |              |
| <i>Fort Stewart/Hunter Army Air Field, Georgia</i> .....   |   | \$17,600,000  |              |
| <i>Naval Air Station, North Island, California</i> .....   |   | \$1,000,000   |              |
| <i>Naval Amphibious Base, Little Creek, Virginia</i> ..... |   | \$33,200,000  |              |
| <i>Stennis Center, Mississippi</i> .....                   |   | \$6,000,000   |              |
| <i>Tri-Care Management Activity</i>                        |   | <i>Buckley Air Force Base, Colorado</i> .....                 | \$2,100,000  |
|  | <i>Fort Belvoir, Virginia</i> .....   | \$100,000,000   |              |
|  | <i>Fort Benning, Georgia</i> .....  | \$7,100,000   |              |
|  | <i>Jacksonville, Florida</i> .....  | \$28,438,000  |              |
|  | <i>Langley Air Force Base, Virginia</i> .....                               | \$50,800,000  |              |
|  | <i>Marine Corps Recruit Depot, Parris Island, South Carolina</i> .....      | \$25,000,000  |              |

**Defense Agencies: Inside the United States**—Continued

| <b>Agency</b> | <b>Installation or location</b> | <b>Amount</b> |
|---------------|---------------------------------|---------------|
|               | <i>Total</i> .....              | \$465,582,000 |

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
2 appropriated pursuant to the authorization of appropri-  
3 ations in section 2404(a)(2), the Secretary of Defense may  
4 acquire real property and carry out military construction  
5 projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the following  
7 table:

**Defense Agencies: Outside the United States**

| <b>Agency</b>                         | <b>Installation or location</b>                           | <b>Amount</b> |
|---------------------------------------|---|---------------|
| <i>Defense Education Agency</i> ..... | <i>Grafenwoehr, Germany</i> .....                         | \$36,247,000  |
|                                       | <i>Vilseck, Germany</i> .....                             | \$9,011,000   |
|                                       | <i>Naval Station, Guam</i> .....                          | \$26,964,000  |
| <i>Defense Logistics Agency</i> ..... | <i>Defense Fuel Support Point, Lajes Field, Portugal.</i> | \$19,113,000  |
| <i>Special Operations Command</i>     | <i>Naval Station, Guam, Marianas Islands.</i>             | \$2,200,000   |
| <i>Tri-Care Management Activity</i>   | <i>Diego Garcia</i> .....                                 | \$3,800,000   |
|                                       | <i>Grafenwoehr, Germany</i> .....                         | \$13,000,000  |
|                                       | <i>Total</i> .....  | \$110,335,000 |

8           (c) *UNSPECIFIED WORLDWIDE.*—Using the amounts  
9 appropriated pursuant to the authorization of appropri-  
10 ations in section 2404(a)(3), the Secretary of Defense may  
11 acquire real property and carry out military construction  
12 projects for the installations and locations, and in the  
13 amounts, set forth in the following table:

**Defense Agencies: Unspecified Worldwide**

| <b>Location</b>                    | <b>Installation or location</b>               | <b>Amount</b> |
|------------------------------------|---|---------------|
| <i>Worldwide Classified</i> .....  | <i>Worldwide Unspecified Classified</i> ..... | \$7,400,000   |
| <i>Worldwide Unspecified</i> ..... | <i>Worldwide Unspecified</i> .....            | \$2,900,000   |
|                                    | <i>Total</i> .....                            | \$10,300,000  |

1 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 *Subject to section 2825 of title 10, United States Code,*  
4 *and using amounts appropriated pursuant to the author-*  
5 *ization of appropriations in section 2404(a)(9)(A), the Sec-*  
6 *retary of Defense may improve existing military family*  
7 *housing units in an amount not to exceed \$49,000.*

8 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

9 *Using amounts appropriated pursuant to the author-*  
10 *ization of appropriations in section 2404(a)(7), the Sec-*  
11 *retary of Defense may carry out energy conservation*  
12 *projects under section 2865 of title 10, United States Code,*  
13 *in the amount of \$60,000,000.*

14 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**  
15 **AGENCIES.**

16 *(a) IN GENERAL.—Funds are hereby authorized to be*  
17 *appropriated for fiscal years beginning after September 30,*  
18 *2004, for military construction, land acquisition, and mili-*  
19 *tary family housing functions of the Department of Defense*  
20 *(other than the military departments) in the total amount*  
21 *of \$1,062,463,000, as follows:*

22 *(1) For military construction projects inside the*  
23 *United States authorized by section 2401(a),*  
24 *\$408,582,000.*

1           (2) *For military construction projects outside the*  
2 *United States authorized by section 2401(b),*  
3 *\$110,335,000.*

4           (3) *For the military construction projects at un-*  
5 *specified worldwide locations authorized by section*  
6 *2401(c), \$10,300,000.*

7           (4) *For unspecified minor military construction*  
8 *projects under section 2805 of title 10, United States*  
9 *Code, \$20,938,000.*

10          (5) *For contingency construction projects of the*  
11 *Secretary of Defense under section 2804 of title 10,*  
12 *United States Code, \$10,000,000.*

13          (6) *For architectural and engineering services*  
14 *and construction design under section 2807 of title*  
15 *10, United States Code, \$62,182,000.*

16          (7) *For energy conservation projects authorized*  
17 *by section 2404, \$60,000,000.*

18          (8) *For base closure and realignment activities*  
19 *as authorized by the Defense Base Closure and Re-*  
20 *alignment Act of 1990 (part A of title XXIX of Public*  
21 *Law 101–510; 10 U.S.C. 2687 note), \$246,116,000.*

22          (9) *For military family housing functions:*

23                (A) *For improvement of military family*  
24 *housing and facilities, \$49,000.*

1           (B) For support of military family housing  
2           (including functions described in section 2833 of  
3           title 10, United States Code), \$49,575,000.

4           (C) For credit to the Department of Defense  
5           Family Housing Improvement Fund established  
6           by section 2883(a)(1) of title 10, United States  
7           Code, \$2,500,000.

8           (10) For the construction of phase 6 of a muni-  
9           tions demilitarization facility at Pueblo Chemical Ac-  
10          tivity, Colorado, authorized by section 2401(a) of the  
11          Military Construction Authorization Act for Fiscal  
12          Year 1997 (division B of Public Law 104–201; 110  
13          Stat. 2775), as amended by section 2406 of the Mili-  
14          tary Construction Authorization Act for Fiscal Year  
15          2000 (division B of Public Law 106–65; 113 Stat.  
16          839) and section 2407 of the Military Construction  
17          Authorization Act for Fiscal Year 2003 (division B of  
18          Public Law 107–314; 116 Stat. 2698), \$44,792,000.

19          (11) For the construction of phase 5 of a muni-  
20          tions demilitarization facility at Blue Grass Army  
21          Depot, Kentucky, authorized by section 2401(a) of the  
22          Military Construction Authorization Act for Fiscal  
23          Year 2000 (division B of Public Law 106–65; 113  
24          Stat. 835), as amended by section 2405 of the Mili-  
25          tary Construction Authorization Act of 2002 (division

1 *B of Public Law 107–107; 115 Stat. 1298) and sec-*  
 2 *tion 2405 of the Military Construction Authorization*  
 3 *Act for Fiscal Year 2003 (division B of Public Law*  
 4 *107–314; 116 Stat. 2698), \$37,094,000.*

5 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*  
 6 *PROJECTS.—Notwithstanding the cost variations author-*  
 7 *ized by section 2853 of title 10, United States Code, and*  
 8 *any other cost variation authorized by law, the total cost*  
 9 *of all projects carried out under section 2401 of this Act*  
 10 *may not exceed—*

11 *(1) the total amount authorized to be appro-*  
 12 *priated under paragraphs (1), (2), and (3) of sub-*  
 13 *section (a); and*

14 *(2) \$57,000,000 (the balance of the amount au-*  
 15 *thorized under section 2401(a) for the replacement of*  
 16 *a hospital at Fort Belvoir, Virginia).*

17 **TITLE XXV—NORTH ATLANTIC**  
 18 **TREATY ORGANIZATION SE-**  
 19 **CURITY INVESTMENT PRO-**  
 20 **GRAM**

21 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
 22 **ACQUISITION PROJECTS.**

23 *The Secretary of Defense may make contributions for*  
 24 *the North Atlantic Treaty Organization Security Invest-*  
 25 *ment program as provided in section 2806 of title 10,*



1 *United States Code, in an amount not to exceed the sum*  
2 *of the amount authorized to be appropriated for this pur-*  
3 *pose in section 2502 and the amount collected from the*  
4 *North Atlantic Treaty Organization as a result of construc-*  
5 *tion previously financed by the United States.*

6 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

7 *Funds are hereby authorized to be appropriated for fis-*  
8 *cal years beginning after September 30, 2004, for contribu-*  
9 *tions by the Secretary of Defense under section 2806 of title*  
10 *10, United States Code, for the share of the United States*  
11 *of the cost of projects for the North Atlantic Treaty Organi-*  
12 *zation Security Investment program authorized by section*  
13 *2501, in the amount of \$165,800,000.*

14 **TITLE XXVI—GUARD AND**  
15 **RESERVE FORCES FACILITIES**

16 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
17 **TION AND LAND ACQUISITION PROJECTS.**

18 *There are authorized to be appropriated for fiscal*  
19 *years beginning after September 30, 2004, for the costs of*  
20 *acquisition, architectural and engineering services, and*  
21 *construction of facilities for the Guard and Reserve Forces,*  
22 *and for contributions therefor, under chapter 1803 of title*  
23 *10, United States Code (including the cost of acquisition*  
24 *of land for those facilities), the following amounts:*

25 (1) *For the Department of the Army—*

1           (A) for the Army National Guard of the  
2           United States, \$361,072,000; and

3           (B) for the Army Reserve, \$63,047,000.

4           (2) For the Department of the Navy, for the  
5           Naval and Marine Corps Reserve, \$25,285,000.

6           (3) For the Department of the Air Force—

7           (A) for the Air National Guard of the  
8           United States, \$214,418,000; and

9           (B) for the Air Force Reserve, \$99,206,000.

10 **TITLE XXVII—EXPIRATION AND**  
11 **EXTENSION OF AUTHORIZA-**  
12 **TIONS**

13 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
14 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
15 **LAW.**

16           (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*  
17 *YEARS.*—*Except as provided in subsection (b), all author-*  
18 *izations contained in titles XXI through XXVI for military*  
19 *construction projects, land acquisition, family housing*  
20 *projects and facilities, and contributions to the North At-*  
21 *lantic Treaty Organization Security Investment program*  
22 *(and authorizations of appropriations therefor) shall expire*  
23 *on the later of—*

24           (1) *October 1, 2007; or*



1 the date of the enactment of an Act authorizing funds for  
 2 military construction for fiscal year 2006, whichever is  
 3 later.

4 (b) TABLES.—The tables referred to in subsection (a)  
 5 are as follows:

**Army: Extension of 2002 Project Authorizations**

| <b>State</b>        | <b>Installation or location</b>      | <b>Project</b>                             | <b>Amount</b> |
|---------------------|--------------------------------------|--|---------------|
| <i>Alaska</i> ..... | <i>Fort Wainwright</i> .....         | <i>Power Plant Cooling Tower</i> .....     | \$23,000,000  |
| <i>Hawaii</i> ..... | <i>Pohakuloa Training Area</i> ..... | <i>Parker Ranch Land Acquisition</i> ..... | \$1,500,000   |

**Air Force: Extension of 2002 Project Authorizations**

| <b>State</b>           | <b>Installation or location</b>       | <b>Project</b>                                 | <b>Amount</b> |
|------------------------|---------------------------------------|--|---------------|
| <i>Colorado</i> .....  | <i>Buckley Air Force Base</i>         | <i>Construct Family Housing (55 Units)</i> ... | \$11,400,000  |
| <i>Louisiana</i> ..... | <i>Barksdale Air Force Base</i> ..... | <i>Replace Family Housing (56 Units)</i> ..... | \$7,300,000   |

6 **SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN**  
 7 **FISCAL YEAR 2001 PROJECT.**

8 (a) EXTENSION.—Notwithstanding section 2701 of the  
 9 Military Construction Authorization Act for Fiscal Year  
 10 2001 (division B of the Floyd D. Spence National Defense  
 11 Authorization Act for Fiscal Year 2001 (as enacted into law  
 12 by Public Law 106–398; 114 Stat. 1654A–407)), authoriza-  
 13 tions set forth in the table in subsection (b), as provided  
 14 in section 2102 of that Act and extended by section 2702  
 15 of the Military Construction Authorization Act for Fiscal

1 Year 2004 (division B of Public Law 108–136; 117 Stat.  
 2 1716), shall remain in effect until October 1, 2005, or the  
 3 date of the enactment of an Act authorizing funds for mili-  
 4 tary construction for fiscal year 2006, whichever is later.

5 (b) *TABLE.*—The table referred to in subsection (a) is  
 6 as follows:

**Army: Extension of 2001 Project Authorization**

| <i>State</i>                | <i>Installation or loca-<br/>tion</i> | <i>Project</i>  | <i>Amount</i> |
|-----------------------------|---------------------------------------|---|---------------|
| <i>South Carolina .....</i> | <i>Fort Jackson .....</i>             | <i>New Construc-<br/>tion—Family<br/>Housing (1<br/>Unit) .....</i> | \$250,000     |

7 **SEC. 2704. EFFECTIVE DATE.**

8 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of*  
 9 *this Act shall take effect on the later of—*

10 (1) *October 1, 2004; or*

11 (2) *the date of the enactment of this Act.*

12 **TITLE XXVIII—GENERAL**  
 13 **PROVISIONS**

14 **Subtitle A—Military Construction**  
 15 **Program and Military Family**  
 16 **Housing Changes**

17 **SEC. 2801. INCREASE IN THRESHOLDS FOR UNSPECIFIED**  
 18 **MINOR MILITARY CONSTRUCTION PROJECTS.**

19 (a) *INCREASE.*—Section 2805(a)(1) of title 10, United  
 20 States Code, is amended—

21 (1) *by striking “\$1,500,000” and inserting*  
 22 *“\$2,500,000”; and*

1           (2) *by striking “\$3,000,000” and inserting*  
2           *“\$4,000,000”.*

3           (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
4 *section (a) shall take effect on October 1, 2004.*

5 **SEC. 2802. MODIFICATION OF APPROVAL AND NOTICE RE-**  
6                           **QUIREMENTS FOR FACILITY REPAIR**  
7                           **PROJECTS.**

8           (a) *INCREASE IN THRESHOLD FOR APPROVAL RE-*  
9 *QUIREMENT.*—*Subsection (b) of section 2811 of title 10,*  
10 *United States Code, is amended by striking “\$5,000,000”*  
11 *and inserting “\$7,500,000”.*

12           (b) *INFORMATION REQUIRED IN COST ESTIMATE FOR*  
13 *MULTI-YEAR PROJECTS.*—*Subsection (d)(1) of such section*  
14 *is amended by inserting before the semicolon the following:*  
15 *“, including, in the case of a multi-year repair project to*  
16 *a single facility, the total cost of all phases of such project”.*

17           (c) *EFFECTIVE DATE.*—*The amendments made by this*  
18 *section shall take effect on October 1, 2004.*

19 **SEC. 2803. ADDITIONAL REPORTING REQUIREMENTS RE-**  
20                           **LATING TO ALTERNATIVE AUTHORITY FOR**  
21                           **ACQUISITION AND IMPROVEMENT OF MILI-**  
22                           **TARY HOUSING.**

23           (a) *PROJECT REPORTS.*—*Paragraph (2) of subsection*  
24 *(a) of section 2884 of title 10, United States Code, is*  
25 *amended to read as follows:*

1       “(2) *The report on a proposed contract, conveyance,*  
2 *or lease under paragraph (1) shall include the following:*

3               “(A) *A description of the contract, conveyance,*  
4 *or lease, including a summary of the terms of the con-*  
5 *tract, conveyance, or lease.*

6               “(B) *A description of the authorities to be uti-*  
7 *lized in entering into the contract, conveyance, or*  
8 *lease and the intended method of participation of the*  
9 *United States in the contract, conveyance, or lease*  
10 *(including a justification of the intended method of*  
11 *participation).*

12               “(C) *A statement of the scored cost of the con-*  
13 *tract, conveyance, or lease (as determined by the Of-*  
14 *fice of Management and Budget).*

15               “(D) *A statement of the United States funds re-*  
16 *quired for the contract, conveyance, or lease and a de-*  
17 *scription of the source of such funds.*

18               “(E) *An economic assessment of the life cycle*  
19 *costs of the contract, conveyance, or lease, including*  
20 *an estimate of the amount of United States funds that*  
21 *would be paid over the life of the contract, convey-*  
22 *ance, or lease from amounts derived from payments*  
23 *of government allowances (including basic allowance*  
24 *for housing under section 403 of title 37) if the hous-*  
25 *ing affected by the project were fully occupied by*

1        *military personnel over the life of the contract, con-*  
2        *veyance, or lease.”.*

3        *(b) ANNUAL REPORTS.—Subsection (b) of such section*  
4        *is amended—*

5                *(1) by redesignating paragraph (5) as para-*  
6        *graph (6); and*

7                *(2) by inserting after paragraph (4) the fol-*  
8        *lowing new paragraph (5):*

9                *“(5) A report setting forth—*

10                        *“(A) an estimate of the amounts of basic al-*  
11                        *lowance for housing under section 403 of title 37*  
12                        *that will be paid during the fiscal year in which*  
13                        *the budget is submitted to members of the armed*  
14                        *forces living in housing provided under the au-*  
15                        *thorities in this subchapter during such fiscal*  
16                        *year, set forth by armed force; and*

17                        *“(B) an estimate of the amounts of basic al-*  
18                        *lowance for housing that will be paid during the*  
19                        *fiscal year for which the budget is submitted to*  
20                        *members of the armed forces living in such hous-*  
21                        *ing during such fiscal year, set forth by armed*  
22                        *force.”.*



1 **SEC. 2804. MODIFICATION OF AUTHORITIES UNDER ALTER-**  
2 **NATIVE AUTHORITY FOR ACQUISITION AND**  
3 **IMPROVEMENT OF MILITARY HOUSING.**

4 (a) *REQUIREMENTS FOR CONTRACTS FOR LEASING OF*  
5 *HOUSING.*—Section 2874 of title 10, United States Code,  
6 is amended by striking subsection (b) and inserting the fol-  
7 lowing new subsection (b):

8 “(b) *CONTRACT TERMS.*—Any contract for the lease of  
9 housing units under subsection (a) shall include the fol-  
10 lowing provisions:

11 “(1) *That the obligation of the United States to*  
12 *make payments under such contract in any fiscal*  
13 *year shall be subject to appropriations being available*  
14 *for such fiscal year and specifically for the project*  
15 *covered by such contract.*

16 “(2) *A commitment to obligate the necessary*  
17 *amount for a fiscal year covered by such contract*  
18 *when and to the extent that funds are appropriated*  
19 *for the project covered by such contract.*

20 “(3) *That the commitment described in para-*  
21 *graph (2) does not constitute an obligation of the*  
22 *United States.”.*

23 (b) *INVESTMENTS SUBJECT TO AVAILABILITY OF AP-*  
24 *PROPRIATIONS.*—Section 2875(a) of such title is amended  
25 by inserting “, subject to the availability of appropriations  
26 for such purpose,” after “may”.

1       (c) *REPEAL OF CERTAIN AUTHORITIES.*—

2               (1) *RENTAL GUARANTEES.*—Section 2876 of such  
3 title is repealed.

4               (2) *DIFFERENTIAL LEASE PAYMENTS.*—Section  
5 2877 of such title is repealed.

6               (3) *ASSIGNMENT OF MEMBERS OF THE ARMED*  
7 *FORCES TO HOUSING UNITS.*—Section 2882 of such  
8 title is repealed.

9       (d) *INCREASE IN AMOUNT OF BUDGET AUTHORITY*  
10 *FOR MILITARY FAMILY HOUSING.*—Section 2883(g)(1) of  
11 such title is amended by striking “\$850,000,000” and in-  
12 serting “\$850,000,001”.

13       (e) *CLERICAL AMENDMENTS.*—The table of sections at  
14 the beginning of subchapter IV of chapter 169 of such title  
15 is amended by striking the items relating to sections 2876,  
16 2877, and 2882.

17               ***Subtitle B—Real Property and***  
18               ***Facilities Administration***

19 ***SEC. 2811. RECODIFICATION AND CONSOLIDATION OF CER-***  
20 ***TAIN AUTHORITIES AND LIMITATIONS RELAT-***  
21 ***ING TO REAL PROPERTY ADMINISTRATION.***

22       (a) *CERTAIN PROVISIONS ON LAND ACQUISITION.*—

23               (1) *RECODIFICATION.*—Section 2661 of title 10,  
24 United States Code, is amended by adding at the end  
25 the following new subsections:

1       “(c) *COMMISSIONS ON LAND PURCHASE CON-*  
 2 *TRACTS.—The maximum amount payable as a commission*  
 3 *on a contract for the purchase of land from funds appro-*  
 4 *priated for the Department of Defense is 2 percent of the*  
 5 *purchase price.*

6       “(d) *AVAILABILITY OF FUNDS FOR ACQUISITION OF*  
 7 *CERTAIN INTERESTS IN LANDS.—Appropriations available*  
 8 *to the Department of Defense for operation and mainte-*  
 9 *nance or construction may be used for the following:*

10           “(1) *The acquisition of land or interests in land*  
 11 *under section 2672 of this title.*

12           “(2) *The acquisition of interests in land under*  
 13 *section 2675 of this title.”.*

14           (2) *STYLISTIC AMENDMENTS.—Such section is*  
 15 *further amended—*

16                   (A) *in subsection (a), by inserting “AVAIL-*  
 17 *ABILITY OF FUNDS FOR REPAIR OF FACILITIES*  
 18 *AND FOR INSTALLATION OF EQUIPMENT.—”*  
 19 *after “(a)”;* and

20                   (B) *in subsection (b), by inserting “LEASES;*  
 21 *DEFENSE ACCESS ROADS.—” after “(b)”.*

22           (b) *CERTAIN PROVISIONS ON USE OF FACILITIES.—*  
 23 *Section 2679 of such title is amended to read as follows:*

1 **“§2679. Use of facilities: use by private organizations;**  
2 **use as polling places**

3 “(a) *USE OF SPACE AND EQUIPMENT BY VETERANS*  
4 *SERVICE ORGANIZATIONS.—(1) Upon certification to the*  
5 *Secretary concerned by the Secretary of Veterans Affairs,*  
6 *the Secretary concerned shall allow accredited, paid, full-*  
7 *time representatives of the organizations named in section*  
8 *5902 of title 38, or of other organizations recognized by the*  
9 *Secretary of Veterans Affairs, to function on military in-*  
10 *stallations under the jurisdiction of the Secretary concerned*  
11 *that are on land and from which persons are discharged*  
12 *or released from active duty.*

13 “(2) *The commanding officer of a military installation*  
14 *allowing representatives to function on the installation*  
15 *under paragraph (1) shall allow the representatives to use*  
16 *available space and equipment at the installation.*

17 “(3) *The regulations prescribed to carry out section*  
18 *2679 of title 10, United States Code (as in effect on the*  
19 *day before the date of the enactment of the National Defense*  
20 *Authorization Act for Fiscal Year 2005), that are in effect*  
21 *on January 1, 1958, shall remain in effect until changed*  
22 *by joint action of the Secretary concerned and the Secretary*  
23 *of Veterans Affairs.*

24 “(4) *This subsection does not authorize the violation*  
25 *of measures of military security.*

1       “(b) *LICENSES TO AMERICAN NATIONAL RED CROSS*  
2 *FOR ERECTION AND USE OF BUILDINGS.*—(1) *Under such*  
3 *conditions as the Secretary concerned may prescribe, such*  
4 *Secretary may issue a revocable license to the American Na-*  
5 *tional Red Cross to—*

6               “(A) *erect and maintain, on any military in-*  
7 *stallation under the jurisdiction of such Secretary,*  
8 *buildings for the storage of supplies; or*

9               “(B) *use, for the storage of supplies, buildings*  
10 *erected by the United States.*

11       “(2) *Supplies stored in buildings erected or used under*  
12 *this subsection are available to aid the civilian population*  
13 *in a serious national disaster.*

14       “(c) *USE OF CERTAIN FACILITIES AS POLLING*  
15 *PLACES.*—(1) *Notwithstanding chapter 29 of title 18 (in-*  
16 *cluding sections 592 and 593 of such title) or any other*  
17 *provision of law, the Secretary of Defense or Secretary of*  
18 *a military department may not (except as provided in*  
19 *paragraph (3)) prohibit the designation or use of a quali-*  
20 *fying facility under the jurisdiction of such Secretary as*  
21 *an official polling place for Federal, State, or local elec-*  
22 *tions.*

23       “(2) *A Department of Defense facility is a qualifying*  
24 *facility for purposes of this subsection if as of December*  
25 *31, 2000—*

1           “(A) the facility is designated as an official poll-  
2           ing place by a State or local election official; or

3           “(B) the facility has been used as such an offi-  
4           cial polling place since January 1, 1996.

5           “(3) The limitation in paragraph (1) may be waived  
6 by the Secretary of Defense or the Secretary of a military  
7 department with respect to a particular Department of De-  
8 fense facility if such Secretary determines that local secu-  
9 rity conditions require prohibition of the designation or use  
10 of that facility as an official polling place for any elec-  
11 tion.”.

12           (c) *REPEAL OF SUPERSEDED PROVISIONS.*—Sections  
13 2666, 2670, and 2673 of such title are repealed.

14           (d) *CLERICAL AMENDMENTS.*—The table of sections for  
15 chapter 159 of such title is amended—

16           (1) by striking the items relating to sections  
17 2666, 2670, and 2673; and

18           (2) by striking the item relating to section 2679  
19 and inserting the following new item:

“Sec. 2679. Use of facilities: use by private organizations; use as polling places.”.

20 **SEC. 2812. MODIFICATION AND ENHANCEMENT OF AU-**  
21 **THORITIES ON FACILITIES FOR RESERVE**  
22 **COMPONENTS.**

23           (a) *INTERESTS IN LAND.*—

24           (1) *DEFINITION OF TERM.*—Section 18232 of  
25 title 10, United States Code, is amended—

1           (A) by striking paragraph (2);

2           (B) by redesignating paragraph (3) as  
3 paragraph (4); and

4           (C) by inserting after paragraph (1) the fol-  
5 lowing new paragraphs:

6           “(2) The term ‘facility’ includes any armory,  
7 readiness center, building, structure, or other im-  
8 provement of real property needed for the administra-  
9 tion and training of any unit of the reserve compo-  
10 nents of the armed forces.

11           “(3) The term ‘interest in land’ includes a fee  
12 title, lease, easement, license, permit, or agreement on  
13 use of a parcel of real property needed for the admin-  
14 istration and training of any unit of the reserve com-  
15 ponents of the armed forces.”.

16           (2) UTILIZATION OF TERM.—(A) Section  
17 18231(1) of such title is amended by inserting before  
18 the semicolon the following: “, and the acquisition of  
19 interests in land for such purposes”.

20           (B) Section 18233 of such title is amended—

21           (i) in subsection (a), by inserting “or inter-  
22 ests in land” after “facilities” each place it ap-  
23 pears; and

24           (ii) in subsection (f)(2), by striking “real  
25 property” and inserting “interests in land”.

1           (C) Section 18233a(a)(1) of such title is amend-  
2           ed by inserting “or interest in land” after “facility”.

3           (b) *MODIFICATION AND ENHANCEMENT OF ACQUI-  
4 TION AUTHORITY.*—Section 18233 of such title is further  
5 amended—

6           (1) in subsection (a)—

7           (A) in the matter preceding paragraph (1),  
8           by striking “and to” and inserting “chapters 159  
9           and 169 of this title, and”; and

10           (B) in paragraph (1), by striking “trans-  
11           fer,” and inserting “transfer from a military de-  
12           partment, another department or agency of the  
13           Federal Government, or a State agency,”; and

14           (2) in subsection (f)(2), by striking “exchange of  
15           Government-owned land, or otherwise” and inserting  
16           “or exchange of Government-owned land”.

17           (c) *AUTHORITY TO CARRY OUT SMALL PROJECTS.*—

18           (1) *MODIFICATION OF LIMITATION ON AUTHOR-  
19 ITY.*—Section 18233a(a) of such title is further  
20 amended—

21           (A) in paragraph (1), by striking  
22           “\$1,500,000” and inserting “\$750,000”; and

23           (B) in paragraph (2), by adding at the end  
24           the following new subparagraph:





1           (4) *CONFORMING AMENDMENTS.*—Section 18233a  
2 of such title is further amended—

3           (A) by striking “(1) Except as provided in  
4 paragraph (2)” and inserting “Except as pro-  
5 vided in subsection (b)”; and

6           (B) by redesignating paragraph (2) as sub-  
7 section (b) and in that subsection, as so  
8 redesignated—

9           (i) by striking “Paragraph (1)” and  
10 inserting “Subsection (a)”; and

11           (ii) by redesignating subparagraphs  
12 (A), (B), (C), and (D) as paragraphs (1),  
13 (2), (3), and (4), respectively; and

14           (iii) in paragraph (2), as so  
15 redesignated—

16           (I) by redesignating clauses (i)  
17 and (ii) as subparagraphs (A) and  
18 (B), respectively; and

19           (II) in subparagraph (B), as so  
20 redesignated, by striking “(I) 25 per-  
21 cent, or (II)” and inserting “(i) 25  
22 percent, or (ii)”.

23           (5) *CLERICAL AMENDMENTS.*—(A) The heading  
24 of section 18233a of such title is amended to read as  
25 follows:

1 **“§ 18233a. Limitation on certain projects”.**

2           (B) *The table of sections at the beginning of*  
 3 *chapter 1803 of such title is amended by striking the*  
 4 *item relating to section 18233a and inserting the fol-*  
 5 *lowing new items:*

*“18233a. Limitation on certain projects.*

*“18233b. Authority to carry out small projects with operation and maintenance funds.”.*

6 **SEC. 2813. AUTHORITY TO EXCHANGE OR SELL RESERVE**  
 7 **COMPONENT FACILITIES AND LANDS TO OB-**  
 8 **TAIN NEW RESERVE COMPONENT FACILITIES**  
 9 **AND LANDS.**

10           (a) *IN GENERAL.—The Secretary of Defense may au-*  
 11 *thorize each Secretary of a military department to carry*  
 12 *out projects to assess the feasibility and advisability of ob-*  
 13 *taining new facilities and lands for the reserve components*  
 14 *of such department through the exchange or sale of existing*  
 15 *facilities or lands of such reserve components.*

16           (b) *TRANSACTIONS AUTHORIZED.—Pursuant to the*  
 17 *authority under subsection (a), the Secretary of a military*  
 18 *department may carry out any transaction as follows:*

19           (1) *An exchange of an existing facility or exist-*  
 20 *ing interest in land of a reserve component of such*  
 21 *department for a new facility, an interest in land, or*  
 22 *an addition to an existing facility for the reserve*  
 23 *component.*

1           (2) *A sale of an existing facility or existing in-*  
2           *terest in land of a reserve component of such depart-*  
3           *ment with the proceeds of sale used to acquire a new*  
4           *facility, an interest in land, or an addition to an ex-*  
5           *isting facility for the reserve component.*

6           (3) *A combination of an exchange and sale of an*  
7           *existing facility, interest in land, or both of a reserve*  
8           *component of such department with the use of the ex-*  
9           *change allowance and proceeds of sale to acquire a fa-*  
10          *cility, an interest in land, or an addition to an exist-*  
11          *ing facility for the reserve component.*

12          (c) *FACILITIES AND LANDS SUBJECT TO TRANS-*  
13          *ACTION.—A facility or interest in land of a reserve compo-*  
14          *nent that may be exchanged or sold pursuant to the author-*  
15          *ity under subsection (a) is any facility or interest in land*  
16          *under the control of the military department concerned that*  
17          *is not excess property, as that term is defined in section*  
18          *102(3) of title 40, United States Code.*

19          (d) *FAIR MARKET VALUE TO BE OBTAINED IN TRANS-*  
20          *ACTION.—In any exchange or sale of an existing facility*  
21          *pursuant to the authority under subsection (a), the United*  
22          *States shall receive cash, a replacement facility or addition*  
23          *to an existing facility, an interest in land, or a combination*  
24          *thereof of in an amount not less than the fair market value*

1 *of the existing facility, as determined by the Secretary of*  
2 *the military department concerned.*

3 *(e) REQUIREMENTS FOR REPLACEMENT FACILITIES.—*

4 *(1) A facility obtained as a replacement facility for an ex-*  
5 *isting facility, or as an addition to an existing facility,*  
6 *pursuant to the authority under subsection (a) shall, as de-*  
7 *termined by the Secretary of the military department*  
8 *concerned—*

9 *(A) be complete and usable, fully functional, and*  
10 *ready for occupancy, and satisfy fully all operational*  
11 *requirements of the existing facility; and*

12 *(B) meet all applicable Federal, State, and local*  
13 *requirements relating to health, safety, fire, and the*  
14 *environment.*

15 *(2) A facility obtained as a replacement facility for*  
16 *an existing facility, or as an addition to an existing facil-*  
17 *ity, pursuant to the authority under subsection (a) shall*  
18 *meet the requirements specified in subparagraphs (A) and*  
19 *(B) of paragraph (1) before the conclusion of the exchange*  
20 *or sale of the existing facility concerned.*

21 *(f) AGREEMENT REQUIRED.—The Secretary of a mili-*  
22 *tary department shall carry out each transaction pursuant*  
23 *to the authority under subsection (a) through an agreement*  
24 *for that purpose entered into by such Secretary and the per-*  
25 *son or entity carrying out the transaction.*

1           (g) *SELECTION AMONG COMPETING PARTICIPANTS.*—

2   (1) *If more than one person or entity notifies the Secretary*  
3 *of a military department of an interest in carrying out a*  
4 *transaction pursuant to the authority under subsection (a),*  
5 *the Secretary shall, except as provided in paragraph (2),*  
6 *select the person or entity to carry out the transaction*  
7 *through the use of competitive procedures.*

8           (2) *The Secretary of a military department may use*  
9 *procedures other than competitive procedures to select*  
10 *among persons and entities to carry out a transaction pur-*  
11 *suant to the authority under subsection (a), but only in*  
12 *accordance with subsections (c) through (f) of section 2304*  
13 *of title 10, United States Code.*

14           (h) *NOTICE AND WAIT REQUIREMENT.*—(1) *The Sec-*  
15 *retary of a military department may not enter into an*  
16 *agreement pursuant to the authority under subsection (a)*  
17 *until 30 days after the date on which such Secretary sub-*  
18 *mits to the congressional defense committees a report on the*  
19 *agreement.*

20           (2) *A report on an agreement under paragraph (1)*  
21 *shall include the following:*

22                   (A) *A description of terms of the agreement, in-*  
23 *cluding a description of any funds to be received by*  
24 *the United States under the agreement and the pro-*  
25 *posed use of such funds.*

1           (B) *A description of the existing facility, interest*  
2           *in land, or both of a reserve component covered by the*  
3           *agreement, including the fair market value of such fa-*  
4           *cility, interest in land, or both and the method of de-*  
5           *termination of such fair market value.*

6           (C) *Data on the facility or addition to an exist-*  
7           *ing facility, if any, to be received by the United*  
8           *States under the agreement, which data shall meet re-*  
9           *quirements for data to be provided Congress for mili-*  
10          *tary construction projects to obtain a similar facility*  
11          *or addition to an existing facility.*

12          (D) *A certification that the existing facility, in-*  
13          *terest in land, or both of a reserve component covered*  
14          *by the agreement is not required by another military*  
15          *department.*

16          (3) *Section 2662 of title 10, United States Code, shall*  
17          *not apply to any transaction carried out pursuant to the*  
18          *authority under subsection (a).*

19          (i) *TREATMENT OF FUNDS RECEIVED IN TRANS-*  
20          *ACTIONS.—(1) The Secretary of a military department*  
21          *shall deposit in a special account in the Treasury estab-*  
22          *lished for such purpose pursuant to section 572(b) of title*  
23          *40, United States Code, any amounts received pursuant to*  
24          *an agreement entered into by such Secretary pursuant to*  
25          *the authority under subsection (a).*

1       (2) *Amounts deposited by the Secretary of a military*  
2 *department under paragraph (1) in the account established*  
3 *by such Secretary under that paragraph with respect to an*  
4 *agreement shall be available to such Secretary, without fur-*  
5 *ther appropriation, as follows:*

6           (A) *For the construction or acquisition of facili-*  
7 *ties, or of additions to existing facilities, for the re-*  
8 *serve component concerned at the location to which*  
9 *such agreement applies.*

10          (B) *To the extent that such amounts are not re-*  
11 *quired for purposes of subparagraph (A), for mainte-*  
12 *nance, protection, alteration, repair, improvement, or*  
13 *restoration (including environmental restoration) of*  
14 *facilities or property of the reserve component con-*  
15 *cerned at the location to which such agreement ap-*  
16 *plies.*

17       (3) *Amounts available under paragraph (2) shall re-*  
18 *main available until expended.*

19       (j) *SOLE AUTHORITY FOR EXCHANGES OF FACILITIES*  
20 *AND LANDS.—Except as otherwise specifically authorized*  
21 *by law, during the period of the authority under subsection*  
22 *(a), the authority under that subsection to exchange facili-*  
23 *ties or interests in land of the reserve components to obtain*  
24 *facilities, interests in land, or additions to facilities for the*



1 *reserve components is the sole authority available in law*  
2 *for that purpose.*

3       (k) *CONSTRUCTION WITH OTHER MILITARY CON-*  
4 *STRUCTION LAWS.—Transactions pursuant to the authority*  
5 *under subsection (a) shall not be treated as military con-*  
6 *struction projects requiring an authorization in law as oth-*  
7 *erwise required by section 2802 of title 10, United States*  
8 *Code.*

9       (l) *REPORT.—Not later than March 1, 2007, the Sec-*  
10 *retary of Defense shall submit to the congressional defense*  
11 *committees a report on the exercise of the authority under*  
12 *subsection (a). The report shall include the following:*

13           (1) *A description of the projects carried out*  
14 *under the authority.*

15           (2) *A description of the analysis and criteria*  
16 *used to identify existing facilities and interests in*  
17 *land to be exchanged or sold under the authority.*

18           (3) *An assessment of the utility to the Depart-*  
19 *ment of Defense of the authority, including rec-*  
20 *ommendations for modifications of such authority in*  
21 *order to enhance the utility of such authority for the*  
22 *Department.*

23           (4) *An assessment of interest in future exchanges*  
24 *or sales in the event the authority is extended.*

1           (5) *An assessment of the advisability of making*  
2           *the authority, including any modifications of the au-*  
3           *thority recommended under paragraph (3), perma-*  
4           *nent.*

5           (m) *DEFINITIONS.—In this section:*

6           (1) *The term “facility” includes an armory,*  
7           *readiness center, or other structure, and storage or*  
8           *other facilities, normally needed for the administra-*  
9           *tion and training of a unit of a reserve component.*

10          (2) *The terms “armory” and “readiness center”*  
11          *have the meanings given such terms in section*  
12          *18232(3) of title 10, United States Code.*

13          (n) *EXPIRATION DATE.—No transaction may be com-*  
14          *menced pursuant to the authority under subsection (a) after*  
15          *September 30, 2006.*

16       **SEC. 2814. REPEAL OF AUTHORITY OF SECRETARY OF DE-**  
17                               **ENSE TO RECOMMEND THAT INSTALLA-**  
18                               **TIONS BE PLACED IN INACTIVE STATUS DUR-**  
19                               **ING 2005 ROUND OF DEFENSE BASE CLOSURE**  
20                               **AND REALIGNMENT.**

21          *Section 2914 of the Defense Base Closure and Realign-*  
22          *ment Act of 1990 (part A of title XXIX of Public Law 101–*  
23          *510; 10 U.S.C. 2687 note) is amended by striking subsection*  
24          *(c).*

1           **Subtitle C—Land Conveyances**

2   **SEC. 2821. TRANSFER OF ADMINISTRATIVE JURISDICTION,**  
3                           **DEFENSE SUPPLY CENTER, COLUMBUS, OHIO.**

4           (a) *TRANSFER AUTHORIZED.*—The Secretary of the  
5 Army may transfer, without reimbursement, to the Sec-  
6 retary of Veterans Affairs administrative jurisdiction of a  
7 parcel of real property consisting of approximately 20 acres  
8 and comprising a portion of the Defense Supply Center in  
9 Columbus, Ohio.

10          (b) *USE OF PROPERTY.*—The Secretary of Veterans Af-  
11 fairs may only use the property transferred under sub-  
12 section (a) as the site for the construction of a new out-  
13 patient clinic for the provision of medical services to vet-  
14 erans.

15          (c) *COSTS.*—Any administrative costs in connection  
16 with the transfer of property under subsection (a), includ-  
17 ing the costs of the survey required by subsection (e), shall  
18 be borne by the Secretary of Veterans Affairs.

19          (d) *RETURN OF JURISDICTION TO ARMY.*—If at any  
20 time the Secretary of the Army determines that the property  
21 transferred under subsection (a) is not being utilized for  
22 the outpatient clinic described in subsection (b), then, at  
23 the election of the Secretary of the Army, the Secretary of  
24 Veterans Affairs shall return to the Secretary of the Army  
25 administrative jurisdiction of the property.

1       (e) *EXEMPTION FROM FEDERAL SCREENING.*—The  
2 conveyance under subsection (a) is exempt from the require-  
3 ment to screen the property for other Federal use pursuant  
4 to section 2693 of title 10, United States Code.

5       (f) *DESCRIPTION OF PROPERTY.*—The exact acreage  
6 and legal description of the real property to be transferred  
7 under subsection (a) shall be determined by a survey satis-  
8 factory to the Secretary of the Army.

9       (g) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-  
10 retary of the Army may require such additional terms and  
11 conditions in connection with the transfer under subsection  
12 (a) as the Secretary considers appropriate to protect the  
13 interests of the United States.

14 **SEC. 2822. LAND CONVEYANCE, BROWNING ARMY RESERVE**  
15 **CENTER, UTAH.**

16       (a) *CONVEYANCE AUTHORIZED.*—(1) The Secretary of  
17 the Army may convey, without consideration, to the State  
18 of Utah (in this section referred to as the “State”) all right,  
19 title, and interest of the United States in and to a parcel  
20 of unimproved real property consisting of approximately  
21 10 acres and located at the Browning Army Reserve Center,  
22 Utah.

23       (2) The purpose of the conveyance is to permit the De-  
24 partment of Veterans Affairs of the State of Utah to con-

1 *struct and operate a facility for the provision of nursing*  
2 *care for veterans.*

3       **(b) PAYMENT OF COSTS OF CONVEYANCE.**—(1) *The*  
4 *Secretary may require the State to cover costs to be incurred*  
5 *by the Secretary, or to reimburse the Secretary for costs*  
6 *incurred by the Secretary, to carry out the conveyance*  
7 *under subsection (a), including survey costs, costs related*  
8 *to environmental documentation, and other administrative*  
9 *costs related to the conveyance. If amounts paid to the Sec-*  
10 *retary in advance exceed the costs actually incurred by the*  
11 *Secretary to carry out the conveyance, the Secretary shall*  
12 *refund the excess amount to the State.*

13       (2) *Amounts received under paragraph (1) shall be*  
14 *credited to the fund or account that was used to cover the*  
15 *costs incurred by the Secretary. Amounts so credited shall*  
16 *be merged with amounts in such fund or account, and shall*  
17 *be available for the same purposes, and subject to the same*  
18 *conditions and limitations, as amounts in such fund or ac-*  
19 *count.*

20       **(c) DESCRIPTION OF PROPERTY.**—*The exact acreage*  
21 *and legal description of the property to be conveyed under*  
22 *subsection (a) shall be determined by a survey satisfactory*  
23 *to the Secretary.*

24       **(d) ADDITIONAL TERMS AND CONDITIONS.**—*The Sec-*  
25 *retary may require such additional terms and conditions*

1 *in connection with the conveyance under subsection (a) as*  
2 *the Secretary considers appropriate to protect the interests*  
3 *of the United States.*

4 **SEC. 2823. LAND EXCHANGE, ARLINGTON COUNTY, VIR-**  
5 **GINIA.**

6 (a) *EXCHANGE AUTHORIZED.*—(1) *The Secretary of*  
7 *Defense may convey to Arlington County, Virginia (in this*  
8 *section referred to as the “County”), all right, title, and*  
9 *interest of the United States in and to a parcel of real prop-*  
10 *erty, together with any improvements thereon, consisting of*  
11 *not more than 4.5 acres and located along the western*  
12 *boundary of the Navy Annex property, Virginia, for the*  
13 *purpose of the construction of a freedmen heritage museum*  
14 *and an Arlington history museum.*

15 (2) *The size of the parcel of real property conveyed*  
16 *under paragraph (1) shall be such that the acreage of the*  
17 *parcel shall be equivalent to the acreage of the parcel of*  
18 *real property conveyed under subsection (b). The Secretary*  
19 *shall determine the acreage of the parcels, and such deter-*  
20 *mination shall be final.*

21 (b) *CONSIDERATION.*—*As consideration for the convey-*  
22 *ance of property under subsection (a), the County shall con-*  
23 *vey to the United States all right, title, and interest of the*  
24 *County in and to a parcel of real property, together with*  
25 *any improvements thereon, consisting of not more than 4.5*

1 *acres and known as the Southgate Road right-of-way be-*  
2 *tween Arlington National Cemetery, Virginia, and the Navy*  
3 *Annex property.*

4 *(c) DESCRIPTION OF PROPERTY.—The exact acreage*  
5 *and legal description of the parcels of real property to be*  
6 *conveyed under this section shall be determined by surveys*  
7 *satisfactory to the Secretary.*

8 *(d) PAYMENT OF COSTS OF CONVEYANCES.—(1) The*  
9 *Secretary may require the County to cover costs to be in-*  
10 *curring by the Secretary, or to reimburse the Secretary for*  
11 *costs incurred by the Secretary, to carry out the convey-*  
12 *ances under subsections (a) and (b), including survey costs,*  
13 *costs related to environmental documentation, and other ad-*  
14 *ministrative costs related to the conveyances. If amounts are*  
15 *collected from the County in advance of the Secretary incur-*  
16 *ring the actual costs, and the amount collected exceeds the*  
17 *costs actually incurred by the Secretary to carry out the*  
18 *conveyance, the Secretary shall refund the excess amount*  
19 *to the County.*

20 *(2) Amounts received as reimbursement under para-*  
21 *graph (1) shall be credited to the fund or account that was*  
22 *used to cover the costs incurred by the Secretary in carrying*  
23 *out the conveyances. Amounts so credited shall be merged*  
24 *with amounts in such fund or account, and shall be avail-*

1 *able for the same purposes, and subject to the same condi-*  
2 *tions and limitations, as amounts in such fund or account.*

3 *(e) REVERSIONARY INTEREST.—(1) If at any time the*  
4 *Secretary determines that the property conveyed to the*  
5 *County under subsection (a) is not being used for the pur-*  
6 *poses stated in that subsection, then, at the option of the*  
7 *Secretary, all right, title, and interest in and to the prop-*  
8 *erty, including any improvements thereon, shall revert to*  
9 *the United States, and the United States shall have the*  
10 *right of immediate entry onto the property.*

11 *(2) If the Secretary exercises the reversionary interest*  
12 *provided for in paragraph (1), the Secretary shall pay the*  
13 *County, from amounts available to the Secretary for mili-*  
14 *tary construction for the Defense Agencies, an amount equal*  
15 *to the fair market value of the property covered by the rever-*  
16 *sionary interest, as determined by the Secretary.*

17 *(f) EXEMPTION FROM FEDERAL SCREENING.—The*  
18 *conveyance under subsection (a) is exempt from the require-*  
19 *ment to screen the property for other Federal use pursuant*  
20 *to sections 2693 and 2696 of title 10, United States Code.*

21 *(g) INCLUSION OF SOUTHGATE ROAD RIGHT-OF-WAY*  
22 *PROPERTY IN TRANSFER OF NAVY ANNEX PROPERTY FOR*  
23 *ARLINGTON NATIONAL CEMETERY.—Subsection (a) of sec-*  
24 *tion 2881 of the Military Construction Authorization Act*  
25 *for Fiscal Year 2000 (division B of Public Law 106–65;*



1 113 Stat. 879) is amended by striking “three parcels of real  
2 property consisting of approximately 36 acres” and insert-  
3 ing “four parcels of real property consisting of approxi-  
4 mately 40 acres”.

5 (h) *TERMINATION OF RESERVATION OF CERTAIN NAVY*  
6 *ANNEX PROPERTY FOR MEMORIALS OR MUSEUMS.*—Sub-  
7 section (b) of such section, as amended by section 2863(f)  
8 of the Military Construction Authorization Act for Fiscal  
9 Year 2002 (division B of Public Law 107–107; 115 Stat.  
10 1332) and section 2851(a)(1) of the Military Construction  
11 Authorization Act for Fiscal Year 2003 (division B of Pub-  
12 lic Law 107–314; 116 Stat. 2726), is further amended—

13 (1) by striking “(1) Subject to paragraph (2),  
14 the Secretary” and inserting “The Secretary”; and

15 (2) by striking paragraph (2).

16 (i) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-  
17 retary may require such additional terms and conditions  
18 in connection with the conveyances under this section as  
19 the Secretary considers appropriate to protect the interests  
20 of the United States.

21 **SEC. 2824. LAND CONVEYANCE, HAMPTON, VIRGINIA.**

22 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the  
23 Army may convey, without consideration, to the Hampton  
24 City School Board, Hampton, Virginia (in this section re-  
25 ferred to as the “Board”), all right, title, and interest of

1 *the United States in and to a parcel of real property, in-*  
2 *cluding any improvements thereon, that consists of approxi-*  
3 *mately 29.8 acres, is located on Downey Farm Road in*  
4 *Hampton, Virginia, and is known as the Butler Farm*  
5 *United States Army Reserve Center in order to permit the*  
6 *Board to utilize the property for public education purposes.*

7       (b) *CONDITION OF CONVEYANCE.—The conveyance*  
8 *under subsection (a) shall be subject to the condition that*  
9 *the Board accept the real property described in subsection*  
10 *(a) in its condition at the time of the conveyance, commonly*  
11 *known as conveyance “as is”.*

12       (c) *PAYMENT OF COSTS OF CONVEYANCE.—(1) The*  
13 *Secretary may require the Board to cover costs to be in-*  
14 *curred by the Secretary, or to reimburse the Secretary for*  
15 *costs incurred by the Secretary, to carry out the conveyance*  
16 *under subsection (a), including survey costs, costs related*  
17 *to environmental documentation, and other administrative*  
18 *costs related to the conveyance. If amounts are collected*  
19 *from the Board in advance of the Secretary incurring the*  
20 *actual costs, and the amount collected exceeds the costs actu-*  
21 *ally incurred by the Secretary to carry out the conveyance,*  
22 *the Secretary shall refund the excess amount to the Board.*

23       (2) *Amounts received as reimbursement under para-*  
24 *graph (1) shall be credited to the fund or account that was*  
25 *used to cover the costs incurred by the Secretary in carrying*

1 *out the conveyance. Amounts so credited shall be merged*  
2 *with amounts in such fund or account, and shall be avail-*  
3 *able for the same purposes, and subject to the same condi-*  
4 *tions and limitations, as amounts in such fund or account.*

5 (d) *EXEMPTION FROM FEDERAL SCREENING.—The*  
6 *conveyance authorized by subsection (a) is exempt from the*  
7 *requirement to screen the property for other Federal use*  
8 *pursuant to section 2693 and 2696 of title 10, United States*  
9 *Code.*

10 (e) *DESCRIPTION OF PROPERTY.—The exact acreage*  
11 *and legal description of the property to be conveyed under*  
12 *subsection (a) shall be determined by a survey satisfactory*  
13 *to the Secretary.*

14 (f) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
15 *retary may require such additional terms and conditions*  
16 *in connection with the conveyance under subsection (a) as*  
17 *the Secretary considers appropriate to protect the interests*  
18 *of the United States.*

19 **SEC. 2825. LAND CONVEYANCE, SEATTLE, WASHINGTON.**

20 (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*  
21 *Army may convey, without consideration, to the State of*  
22 *Washington (in this section referred to as the “State”) all*  
23 *right, title, and interest of the United States in and to a*  
24 *parcel of real property, including any improvements there-*  
25 *on, consisting of approximately 9.747 acres in Seattle,*

1 *Washington, and comprising a portion of the National*  
2 *Guard Facility, Pier 91, for the purpose of permitting the*  
3 *State to convey the facility unencumbered for economic de-*  
4 *velopment purposes.*

5       (b) *CONDITION OF CONVEYANCE.*—*The conveyance*  
6 *under subsection (a) shall be subject to the condition that*  
7 *the State accept the real property in its condition at the*  
8 *time of the conveyance, commonly known as conveyance “as*  
9 *is”.*

10       (c) *ADMINISTRATIVE EXPENSES.*—(1) *The State shall*  
11 *reimburse the Secretary for the administrative expenses in-*  
12 *curred by the Secretary in carrying out the conveyance*  
13 *under subsection (a), including expenses related to surveys*  
14 *and legal descriptions, boundary monumentation, environ-*  
15 *mental surveys, necessary documentation, travel, and deed*  
16 *preparation.*

17       (2) *Section 2695(c) of title 10, United States Code,*  
18 *shall apply to any amounts received by the Secretary as*  
19 *reimbursement under this subsection.*

20       (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
21 *and legal description of the property to be conveyed under*  
22 *subsection (a) shall be determined by a survey satisfactory*  
23 *to the Secretary. The cost of the survey shall be borne by*  
24 *the United States, subject to the requirement for reimburse-*  
25 *ment under subsection (c).*

1           (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
2 *retary may require such additional terms and conditions*  
3 *in connection with the conveyance under subsection (a) as*  
4 *the Secretary considers appropriate to protect the interests*  
5 *of the United States.*

6 **SEC. 2826. TRANSFER OF JURISDICTION, NEBRASKA AVE-**  
7                           **NUE NAVAL COMPLEX, DISTRICT OF COLUM-**  
8                           **BIA.**

9           (a) *TRANSFER REQUIRED.*—*The Secretary of the Navy*  
10 *shall transfer to the administrative jurisdiction of the Ad-*  
11 *ministrator of General Services the parcel of Department*  
12 *of the Navy real property in the District of Columbia*  
13 *known as the Nebraska Avenue Complex for the purpose of*  
14 *permitting the Administrator to use the Complex to accom-*  
15 *modate the Department of Homeland Security. The Com-*  
16 *plex shall be transferred in its existing condition.*

17           (b) *AUTHORITY TO RETAIN MILITARY FAMILY HOUS-*  
18 *ING.*—*The Secretary of the Navy may retain administrative*  
19 *jurisdiction over the portion of the Complex that the Sec-*  
20 *retary considers to be necessary for continued use as Navy*  
21 *family housing.*

22           (c) *TIME FOR TRANSFER.*—*The transfer of adminis-*  
23 *trative jurisdiction over the Complex to the Administrator*  
24 *under subsection (c) shall be completed not later than Janu-*  
25 *ary 1, 2005.*

1       (d) *RELOCATION OF NAVY ACTIVITIES.*—As part of the  
2 transfer of the Complex under this section, the Secretary  
3 of the Navy shall relocate Department of the Navy activities  
4 at the Complex to other locations.

5       (e) *PAYMENT OF RELOCATION COSTS.*—Subject to the  
6 availability of appropriations for this purpose, the Sec-  
7 retary of Homeland Security shall be responsible for the  
8 payment of—

9           (1) all reasonable costs, including costs to move  
10 furnishings and equipment, related to the relocation  
11 of Department of the Navy activities from the Com-  
12 plex under subsection (d);

13           (2) all reasonable costs, including rent, incident  
14 to the occupancy by such activities of interim leased  
15 space; and

16           (3) all reasonable costs incident to the acqui-  
17 sition of permanent facilities for Department of the  
18 Navy activities relocated from the Complex.

19       (f) *SUBMISSION OF COST ESTIMATES.*—As soon as  
20 practicable after the date of the enactment of this Act, but  
21 not later than January 1, 2005, the Secretary of the Navy  
22 shall submit to the congressional defense committees an ini-  
23 tial estimate of the amounts that will be necessary to cover  
24 the costs to permanently relocate Department of the Navy  
25 activities from the Complex. The Secretary shall include in

1 *the estimate anticipated land acquisition and facility con-*  
2 *struction costs. The Secretary shall revise the estimate as*  
3 *necessary whenever information regarding the actual costs*  
4 *for the relocation is obtained.*

5 *(g) CERTIFICATION OF RELOCATION COSTS.—At the*  
6 *end of the three-year period beginning on the date of the*  
7 *transfer of the Complex under subsection (a), the Secretary*  
8 *of the Navy shall submit to Congress written notice—*

9 *(1) specifying the total amount expended under*  
10 *subsection (e) to cover the costs of relocating Depart-*  
11 *ment of the Navy activities from the Complex;*

12 *(2) specifying the total amount expended to ac-*  
13 *quire permanent facilities for Department of the Navy*  
14 *activities relocated from the Complex; and*

15 *(3) certifying whether the amounts paid are suf-*  
16 *ficient to complete all relocation actions.*

17 **SEC. 2827. LAND CONVEYANCE, HONOLULU, HAWAII.**

18 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*  
19 *Navy may convey, without consideration but subject to the*  
20 *conditions specified in subsection (b), to the City and Coun-*  
21 *ty of Honolulu, Hawaii, all right, title, and interest of the*  
22 *United States in and to a parcel of real property, including*  
23 *improvements thereon, consisting of approximately 5.16*  
24 *acres located at 890 Valkenberg Avenue, Honolulu, Hawaii,*  
25 *and currently used by the City and County of Honolulu*

1 *as the site of a fire station and firefighting training facility.*  
2 *The purpose of the conveyance is to enhance the capability*  
3 *of the City and County of Honolulu to provide fire protec-*  
4 *tion and firefighting services to the civilian and military*  
5 *properties in the area and to provide a location for fire-*  
6 *fighting training for civilian and military personnel.*

7 (b) *CONDITIONS OF CONVEYANCE.—The conveyance*  
8 *under subsection (a) shall be subject to the following condi-*  
9 *tions:*

10 (1) *That the City and County of Honolulu ac-*  
11 *cept the real property in its condition at the time of*  
12 *the conveyance, commonly known as conveyance “as*  
13 *is”.*

14 (2) *That the City and County of Honolulu make*  
15 *the firefighting training facility available to the fire*  
16 *protection and firefighting units of the military de-*  
17 *partments for training not less than 2 days per week*  
18 *on terms satisfactory to the Secretary.*

19 (c) *PAYMENT OF COSTS OF CONVEYANCE.—(1) The*  
20 *Secretary shall require the City and County of Honolulu*  
21 *to cover costs to be incurred by the Secretary, or to reim-*  
22 *burse the Secretary for costs incurred by the Secretary, to*  
23 *carry out the conveyance under subsection (a), including*  
24 *survey costs, costs related to environmental documentation,*  
25 *and other administrative costs related to the conveyance.*



1 *If amounts are collected from the City and County of Hono-*  
2 *lulu in advance of the Secretary incurring the actual costs,*  
3 *and the amount collected exceeds the costs actually incurred*  
4 *by the Secretary to carry out the conveyance, the Secretary*  
5 *shall refund the excess amount, without interest, to the City*  
6 *and County of Honolulu.*

7       (2) *Amounts received under paragraph (1) shall be*  
8 *credited to the fund or account that was used to cover the*  
9 *costs incurred by the Secretary in carrying out the convey-*  
10 *ance. Amounts so credited shall be merged with amounts*  
11 *in such fund or account, and shall be available for the same*  
12 *purposes, and subject to the same conditions and limita-*  
13 *tions, as amounts in such fund or account.*

14       (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
15 *and legal description of the property to be conveyed under*  
16 *subsection (a) shall be determined by a survey satisfactory*  
17 *to the Secretary.*

18       (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
19 *retary may require such additional terms and conditions*  
20 *in connection with the conveyance under subsection (a) as*  
21 *the Secretary considers appropriate to protect the interests*  
22 *of the United States.*

23 **SEC. 2828. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.**

24       (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
25 *Navy may convey, without consideration, to the City of*

1 *Portsmouth, Virginia (in this section referred to as the*  
2 *“City”), all right, title, and interest of the United States*  
3 *in and to a parcel of real property, including any improve-*  
4 *ments thereon, consisting of approximately 0.49 acres lo-*  
5 *cated at 517 King Street, Portsmouth, Virginia, and known*  
6 *as the “Navy YMCA Building”, for economic revitalization*  
7 *purposes.*

8       **(b) CONDITIONS OF CONVEYANCE.**—*The conveyance*  
9 *under subsection (a) shall be subject to the following condi-*  
10 *tions:*

11           **(1)** *That the City accept the real property de-*  
12 *scribed in subsection (a) in its condition at the time*  
13 *of the conveyance, commonly known as conveyance*  
14 *“as is”.*

15           **(2)** *That the City bear all costs related to the en-*  
16 *vironmental remediation, use, and redevelopment of*  
17 *the real property.*

18       **(c) PAYMENT OF COSTS OF CONVEYANCE.**—**(1)** *The*  
19 *Secretary may require the City to cover costs to be incurred*  
20 *by the Secretary, or to reimburse the Secretary for costs*  
21 *incurred by the Secretary, to carry out the conveyance*  
22 *under subsection (a), including survey costs, costs related*  
23 *to environmental documentation, and other administrative*  
24 *costs related to the conveyance. If amounts paid to the Sec-*  
25 *retary in advance exceed the costs actually incurred by the*

1 *Secretary to carry out the conveyance, the Secretary shall*  
2 *refund the excess amount to the City.*

3       (2) *Amounts received under paragraph (1) shall be*  
4 *credited to the fund or account that was used to cover the*  
5 *costs incurred by the Secretary. Amounts so credited shall*  
6 *be merged with amounts in such fund or account, and shall*  
7 *be available for the same purposes, and subject to the same*  
8 *conditions and limitations, as amounts in such fund or ac-*  
9 *count.*

10       (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
11 *and legal description of the property to be conveyed under*  
12 *subsection (a) shall be determined by a survey satisfactory*  
13 *to the Secretary.*

14       (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
15 *retary may require such additional terms and conditions*  
16 *in connection with the conveyance under subsection (a) as*  
17 *the Secretary considers appropriate to protect the interests*  
18 *of the United States.*

19 **SEC. 2829. LAND CONVEYANCE, FORMER GRIFFISS AIR**  
20 **FORCE BASE, NEW YORK.**

21       (a) *CONVEYANCE AUTHORIZED.*—(1) *The Secretary of*  
22 *the Air Force may convey to the Oneida County Industrial*  
23 *Development Agency, New York, the local reuse authority*  
24 *for the former Griffiss Air Force Base (in this section re-*  
25 *ferred to as the “Authority”), all right, title and interest*

1 *of the United States in and to a parcel of real property*  
2 *consisting of 9.639 acres and including four buildings de-*  
3 *scribed in paragraph (2) that were vacated by the Air Force*  
4 *in conjunction with its relocation to the Consolidated Intel-*  
5 *ligence and Reconnaissance Laboratory at Air Force Re-*  
6 *search Laboratory—Rome Research Site, Rome, New York.*

7 (2) *The buildings described in this paragraph are the*  
8 *buildings located on the real property referred in paragraph*  
9 *(1) as follows:*

10 (A) *Building 240 (117,323 square feet).*

11 (B) *Building 247 (13,199 square feet).*

12 (C) *Building 248 (4,000 square feet).*

13 (D) *Building 302 (20,577 square feet).*

14 (3) *The purpose of the conveyance under this sub-*  
15 *section is to permit the Authority to develop the parcel and*  
16 *structures conveyed for economic purposes in a manner con-*  
17 *sistent with the Defense Base Closure and Realignment Act*  
18 *of 1990 (part A of title XXIX of Public Law 101–510; 10*  
19 *U.S.C. 2687 note).*

20 (b) *CONDITION OF CONVEYANCE.—The conveyance*  
21 *under subsection (a) shall be subject to the condition that*  
22 *the Authority accept the real property in its condition at*  
23 *the time of the conveyance, commonly known as conveyance*  
24 *“as is”.*

1           (c) *CONSIDERATION.*—As consideration for the convey-  
2      *ance of property under subsection (a), the Authority shall*  
3      *pay the United States an amount equal to the fair market*  
4      *of value, as determined by the Secretary.*

5           (d) *TREATMENT OF PROCEEDS.*—Any consideration  
6      *received under subsection (c) shall be deposited in the De-*  
7      *partment of Defense Base Closure Account 1990 established*  
8      *by section 2906 of the Defense Base Closure and Realign-*  
9      *ment Act of 1990, and shall be available for use in accord-*  
10     *ance with subsection (b) of such section.*

11          (e) *DESCRIPTION OF PROPERTY.*—The exact acreage  
12     *and legal description of the real property to be conveyed*  
13     *under subsection (a) shall be determined by a survey satis-*  
14     *factory to the Secretary. The cost of the survey shall be borne*  
15     *by the Authority.*

16          (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-  
17     *retary may require such additional terms and conditions*  
18     *in connection with the conveyance under subsection (a) as*  
19     *the Secretary considers appropriate to protect the interests*  
20     *of the United States.*

21     **SEC. 2830. LAND EXCHANGE, MAXWELL AIR FORCE BASE,**  
22                             **ALABAMA.**

23          (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the  
24     *Air Force may convey to the City of Montgomery, Alabama*  
25     *(in this section referred to as the “City”), all right, title,*

1 *and interest of the United States in and to a parcel of real*  
2 *property, including any improvements thereon, consisting*  
3 *of approximately 28 acres and including all of the Maxwell*  
4 *Heights Housing site and located at Maxwell Air Force*  
5 *Base, Alabama.*

6       (b) *CONSIDERATION.—(1) As consideration for the con-*  
7 *veyance of property under subsection (a), the City shall con-*  
8 *vey to the United States all right, title, and interest of the*  
9 *City to a parcel of real property, including any improve-*  
10 *ments thereon, consisting of approximately 35 acres and*  
11 *designated as project AL 6–4, that is owned by the City*  
12 *and is contiguous to Maxwell Air Force Base, for the pur-*  
13 *pose of allowing the Secretary to incorporate such property*  
14 *into a project for the acquisition or improvement of mili-*  
15 *tary housing under subchapter IV of chapter 169 of title*  
16 *10, United States Code. The Secretary shall have adminis-*  
17 *trative jurisdiction over the real property received under*  
18 *this subsection.*

19       (2) *If the fair market value of the real property re-*  
20 *ceived under paragraph (1) is less than the fair market*  
21 *value of the real property conveyed under subsection (a) (as*  
22 *determined pursuant to an appraisal acceptable to the Sec-*  
23 *retary), the Secretary may require the City to provide, pur-*  
24 *suant to negotiations between the Secretary and the City,*  
25 *in-kind consideration the value of which when added to the*

1 *fair market value of the property conveyed under subsection*  
2 *(b) equals the fair market value of the property conveyed*  
3 *under subsection (a).*

4       (c) *PAYMENT OF COSTS OF CONVEYANCE.—(1) The*  
5 *Secretary may require the City to cover costs to be incurred*  
6 *by the Secretary, or to reimburse the Secretary for costs*  
7 *incurred by the Secretary, to carry out the conveyances*  
8 *under subsections (a) and (b), including survey costs, costs*  
9 *related to environmental documentation, and other admin-*  
10 *istrative costs related to the conveyances. If amounts are*  
11 *collected from the City in advance of the Secretary incur-*  
12 *ring the actual costs, and the amount collected exceeds the*  
13 *costs actually incurred by the Secretary to carry out the*  
14 *conveyance, the Secretary shall refund the excess amount*  
15 *to the City.*

16       (2) *Amounts received as reimbursement under para-*  
17 *graph (1) shall be credited to the fund or account that was*  
18 *used to cover the costs incurred by the Secretary in carrying*  
19 *out the conveyances. Amounts so credited shall be merged*  
20 *with amounts in such fund or account, and shall be avail-*  
21 *able for the same purposes, and subject to the same condi-*  
22 *tions and limitations, as amounts in such fund or account.*

23       (d) *DESCRIPTION OF PROPERTY.—The exact acreage*  
24 *and legal description of the property to be conveyed under*

1 *subsections (a) and (b) shall be determined by surveys satis-*  
2 *factory to the Secretary.*

3 *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
4 *retary may require such additional terms and conditions*  
5 *in connection with the conveyances under subsections (a)*  
6 *and (b) as the Secretary considers appropriate to protect*  
7 *the interests of the United States.*

8 **SEC. 2831. LAND EXCHANGE, NAVAL AIR STATION, PATUX-**  
9 **ENT RIVER, MARYLAND.**

10 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*  
11 *Navy may convey to the State of Maryland (in this section*  
12 *referred to as “State”), all right, title, and interest of the*  
13 *United States in and to a parcel of real property, including*  
14 *improvements thereon, consisting of approximately five*  
15 *acres at Naval Air Station, Patuxent River, Maryland, and*  
16 *containing the Point Lookout Lighthouse, other structures*  
17 *related to the lighthouse, and an archaeological site per-*  
18 *taining to the military hospital that was located on the*  
19 *property during the Civil War. The conveyance shall in-*  
20 *clude artifacts pertaining to the military hospital recovered*  
21 *by the Navy and held at the installation.*

22 *(b) PROPERTY RECEIVED IN EXCHANGE.—As consid-*  
23 *eration for the conveyance of the real property under sub-*  
24 *section (a), the State shall convey to the United States a*  
25 *parcel of real property consisting of approximately five*



1 *acres located in Point Lookout State Park, St. Mary's*  
2 *County, Maryland.*

3       (c) *PAYMENT OF COSTS OF CONVEYANCE.—(1) The*  
4 *Secretary may require the State to cover costs to be incurred*  
5 *by the Secretary, or to reimburse the Secretary for costs*  
6 *incurred by the Secretary, to carry out the conveyance*  
7 *under subsection (a), including survey costs, costs related*  
8 *to environmental documentation, relocation expenses in-*  
9 *curred under subsection (b), and other administrative costs*  
10 *related to the conveyance. If amounts are collected from the*  
11 *State in advance of the Secretary incurring the actual costs,*  
12 *and the amount collected exceeds the costs actually incurred*  
13 *by the Secretary to carry out the conveyance, the Secretary*  
14 *shall refund the excess amount to State.*

15       (2) *Amounts received as reimbursement under para-*  
16 *graph (1) shall be credited to the fund or account that was*  
17 *used to cover the costs incurred by the Secretary in carrying*  
18 *out the conveyance. Amounts so credited shall be merged*  
19 *with amounts in such fund or account, and shall be avail-*  
20 *able for the same purposes, and subject to the same condi-*  
21 *tions and limitations, as amounts in such fund or account.*

22       (d) *DESCRIPTION OF PROPERTY.—The exact acreage*  
23 *and legal description of the properties to be conveyed under*  
24 *this section shall be determined by surveys satisfactory to*  
25 *the Secretary.*

1           (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
2 *retary may require such additional terms and conditions*  
3 *in connection with the conveyances under this section as*  
4 *the Secretary considers appropriate to protect the interests*  
5 *of the United States.*

6 **SEC. 2832. LAND CONVEYANCE, MARCH AIR FORCE BASE,**  
7 **CALIFORNIA.**

8           (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
9 *Air Force may convey to the March Joint Powers Authority*  
10 *(in this section referred to as the “MJPA”) all right, title,*  
11 *and interest of the United States in and to a parcel of real*  
12 *property, including any improvements thereon, consisting*  
13 *of approximately 15 acres located in Riverside County,*  
14 *California, and containing the former Defense Reutilization*  
15 *and Marketing Office facility for March Air Force Base,*  
16 *which is also known as Parcel A–6, for the purpose of eco-*  
17 *nomics development and revitalization.*

18           (b) *CONSIDERATION.*—(1) *As consideration for the con-*  
19 *veyance of property under subsection (a), the MJPA shall*  
20 *pay the United States an amount equal to the fair market*  
21 *value, as determined by the Secretary, of the property to*  
22 *be conveyed under such subsection.*

23           (2) *The consideration received under this subsection*  
24 *shall be deposited in the special account in the Treasury*  
25 *established under section 572(b) of title 40, United States*

1 Code, and available in accordance with the provisions of  
2 paragraph (5)(B)(ii).

3 (c) *DESCRIPTION OF PROPERTY.*—The exact acreage  
4 and legal description of the real property to be conveyed  
5 under subsection (a) shall be determined by a survey satis-  
6 factory to the Secretary. The cost of the survey shall be borne  
7 by the MJPA.

8 (d) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-  
9 retary may require such additional terms and conditions  
10 in connection with the conveyance under subsection (a) as  
11 the Secretary considers appropriate to protect the interests  
12 of the United States.

13 **SEC. 2833. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNI-**  
14 **TION PLANT, KANSAS.**

15 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the  
16 Army, in consultation with the Administrator of General  
17 Services, may convey to an entity selected by the Board of  
18 Commissioners of Johnson County, Kansas (in this section  
19 referred to as the “entity” and the “Board”, respectively),  
20 all right, title, and interest of the United States in and to  
21 a parcel of real property, including any improvements  
22 thereon, consisting of approximately 9,065 acres and con-  
23 taining the Sunflower Army Ammunition Plant. The pur-  
24 pose of the conveyance is to facilitate the re-use of the prop-  
25 erty for economic development and revitalization.

1           (b) *CONSIDERATION.*—(1) *As consideration for the con-*  
2 *veyance under subsection (a), the entity shall provide the*  
3 *United States, whether by cash payment, in-kind contribu-*  
4 *tion, or a combination thereof, an amount that is not less*  
5 *than the fair market value, as determined by an appraisal*  
6 *of the property acceptable to the Administrator and the Sec-*  
7 *retary. The Secretary may authorize the entity to carry out,*  
8 *as in-kind consideration, environmental remediation ac-*  
9 *tivities for the property conveyed under such subsection.*

10           (2) *The Secretary shall deposit any cash received as*  
11 *consideration under this subsection in a special account es-*  
12 *tablished pursuant to section 572(b) of title 40, United*  
13 *States Code, to pay for environmental remediation and ex-*  
14 *plosives cleanup of the property conveyed under subsection*  
15 *(a).*

16           (c) *CONSTRUCTION WITH PREVIOUS LAND CONVEY-*  
17 *ANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION*  
18 *PLANT.*—*The authority in subsection (a) to make the con-*  
19 *veyance described in that subsection is in addition to the*  
20 *authority under section 2823 of the Military Construction*  
21 *Authorization Act for Fiscal Year 2003 (division B of Pub-*  
22 *lic Law 107–314; 116 Stat. 2712) to make the conveyance*  
23 *described in that section.*

24           (d) *ENVIRONMENTAL REMEDIATION AND EXPLOSIVES*  
25 *CLEANUP.*—(1) *Notwithstanding any other provision of*

1 *law, the Secretary may enter into a multi-year cooperative*  
2 *agreement or contract with the entity to undertake environ-*  
3 *mental remediation and explosives cleanup of the property,*  
4 *and may utilize amounts authorized to be appropriated for*  
5 *the Secretary for purposes of environmental remediation*  
6 *and explosives cleanup under the agreement.*

7       (2) *The terms of the cooperative agreement or contract*  
8 *may provide for advance payments on an annual basis or*  
9 *for payments on a performance basis. Payments may be*  
10 *made over a period of time agreed to by the Secretary and*  
11 *the entity or for such time as may be necessary to perform*  
12 *the environmental remediation and explosives cleanup of*  
13 *the property, including any long-term operation and main-*  
14 *tenance requirements.*

15       (e) *PAYMENT OF COSTS OF CONVEYANCE.—(1) The*  
16 *Secretary may require the entity or other persons to cover*  
17 *costs to be incurred by the Secretary, or to reimburse the*  
18 *Secretary for costs incurred by the Secretary, to carry out*  
19 *the conveyance under subsection (a), including survey costs,*  
20 *costs related to environmental, and other administrative*  
21 *costs related to the conveyance.*

22       (2) *Amounts received under paragraph (1) shall be*  
23 *credited to the appropriation, fund, or account from which*  
24 *the costs were paid. Amounts so credited shall be merged*  
25 *with funds in such appropriation, fund, or account, and*

1 *shall be available for the same purposes, and subject to the*  
2 *same limitations, as the funds with which merged.*

3 (f) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
4 *and legal description of the real property to be conveyed*  
5 *under subsection (a) shall be determined by a survey jointly*  
6 *satisfactory to the Secretary and the Administrator.*

7 (g) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
8 *retary and the Administrator may require such additional*  
9 *terms and conditions in connection with the conveyance of*  
10 *real property under subsection (a), and the environmental*  
11 *remediation and explosives cleanup under subsection (d),*  
12 *as the Secretary and the Administrator jointly consider ap-*  
13 *propriate to protect the interests of the United States.*

14 **SEC. 2834. LAND CONVEYANCE, NAVAL WEAPONS STATION,**  
15 **CHARLESTON, SOUTH CAROLINA.**

16 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
17 *Navy may convey to the Berkeley County Sanitation Au-*  
18 *thority, South Carolina (in this section referred to as the*  
19 *“Authority”), all right, title, and interest of the United*  
20 *States in and to a parcel of real property, including any*  
21 *improvements thereon, consisting of not more than 38 acres*  
22 *and comprising a portion of the Naval Weapons Station,*  
23 *Charleston, South Carolina, for the purpose of allowing the*  
24 *Authority to expand an existing sewage treatment plant.*

1           (b) *CONSIDERATION.*—As consideration for the convey-  
2      *ance of property under subsection (a), the Authority shall*  
3      *provide the United States, whether by cash payment, in-*  
4      *kind services, or a combination thereof, an amount that is*  
5      *not less than the fair market value, as determined by an*  
6      *appraisal acceptable to the Secretary, of the property con-*  
7      *veyed under such subsection.*

8           (c) *PAYMENT OF COSTS OF CONVEYANCE.*—(1) *The*  
9      *Secretary may require the Authority to cover costs incurred*  
10     *by the Secretary, or to reimburse the Secretary for costs*  
11     *incurred by the Secretary, to carry out the conveyance*  
12     *under subsection (a), including appraisal costs, survey*  
13     *costs, costs related to compliance with the National Envi-*  
14     *ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and*  
15     *environmental remediation, and other administrative costs*  
16     *related to the conveyance. If the amounts are collected from*  
17     *the Authority in advance of the Secretary incurring the ac-*  
18     *tual costs, and the amount collected exceeds the costs actu-*  
19     *ally incurred by the Secretary to carry out the conveyance,*  
20     *the Secretary shall refund the excess amount to the Author-*  
21     *ity.*

22           (2) *Amounts received as reimbursement under para-*  
23     *graph (1) shall be credited to the fund or account that was*  
24     *used to cover the costs incurred by the Secretary in carrying*  
25     *out the conveyance. Amounts so credited shall be merged*

1 *with amounts in such fund or account, and shall be made*  
2 *available for the same purposes, and subject to the same*  
3 *conditions and limitations, as amounts in such fund or ac-*  
4 *count.*

5 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
6 *and legal description of the property to be conveyed under*  
7 *subsection (a) shall be determined by a survey satisfactory*  
8 *to the Secretary. The cost of the survey shall be borne by*  
9 *the Authority.*

10 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
11 *retary may require such additional terms and conditions*  
12 *in connection with the conveyance under subsection (a) as*  
13 *the Secretary considers appropriate to protect the interests*  
14 *of the United States.*

15 **SEC. 2835. LAND CONVEYANCE, LOUISIANA ARMY AMMUNI-**  
16 **TION PLANT, DOYLINE, LOUISIANA.**

17 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
18 *Army may convey to the State of Louisiana (in this section*  
19 *referred to as the “State”) all right, title, and interest of*  
20 *the United States in and to a parcel of real property, in-*  
21 *cluding any improvements thereon, consisting of approxi-*  
22 *mately 14,949 acres located at the Louisiana Army Ammu-*  
23 *nition Plant, Doyline, Louisiana.*

24 (b) *CONSIDERATION.*—*As consideration for the convey-*  
25 *ance of property under subsection (a), the State shall—*



1           (1) *maintain at least 13,500 acres of such prop-*  
2 *erty for the purpose of military training, unless the*  
3 *Secretary determines that fewer acres are required for*  
4 *such purpose;*

5           (2) *ensure that any other uses that are made of*  
6 *the property conveyed under subsection (a) do not ad-*  
7 *versely impact military training;*

8           (3) *accommodate the use of such property, at no*  
9 *cost or fee, for meeting the present and future train-*  
10 *ing needs of Armed Forces units, including units of*  
11 *the Louisiana National Guard and the other active*  
12 *and reserve components of the Armed Forces;*

13           (4) *assume, starting on the date that is five*  
14 *years after the date of the conveyance of such prop-*  
15 *erty, responsibility for any monitoring, sampling, or*  
16 *reporting requirements that are associated with the*  
17 *environmental restoration activities of the Army on*  
18 *the Louisiana Army Ammunition Plant, and shall*  
19 *bear such responsibility until such time as such moni-*  
20 *toring, sampling, or reporting is no longer required;*  
21 *and*

22           (5) *assume the rights and responsibilities of the*  
23 *Army under the armaments retooling manufacturing*  
24 *support agreement between the Army and the facility*  
25 *use contractor with respect to the Louisiana Army*

1        *Ammunition Plant in accordance with the terms of*  
2        *such agreement in effect at the time of the conveyance.*

3        (c) *PAYMENT OF COSTS OF CONVEYANCE.—(1) The*  
4        *Secretary may require the State to cover costs to be incurred*  
5        *by the Secretary, or to reimburse the Secretary for costs*  
6        *incurred by the Secretary, to carry out the conveyance*  
7        *under subsection (a), including survey costs, costs related*  
8        *to environmental documentation, and other administrative*  
9        *costs related to the conveyance. If amounts are collected*  
10       *from the State in advance of the Secretary incurring the*  
11       *actual costs, and the amount collected exceeds the costs actu-*  
12       *ally incurred by the Secretary to carry out the conveyance,*  
13       *the Secretary shall refund the excess amount to State.*

14       (2) *Amounts received as reimbursement under para-*  
15       *graph (1) shall be credited to the fund or account that was*  
16       *used to cover the costs incurred by the Secretary in carrying*  
17       *out the conveyance. Amounts so credited shall be merged*  
18       *with amounts in such fund or account, and shall be avail-*  
19       *able for the same purposes, and subject to the same condi-*  
20       *tions and limitations, as amounts in such fund or account.*

21       (d) *DESCRIPTION OF PROPERTY.—The exact acreage*  
22       *and legal description of the real property to be conveyed*  
23       *under subsection (a) shall be determined by surveys satis-*  
24       *factory to the Secretary. The cost of each survey shall be*  
25       *borne by the State.*

1       (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
 2 *retary may require such additional terms and conditions*  
 3 *in connection with the conveyance under subsection (a) as*  
 4 *the Secretary considers appropriate to protect the interests*  
 5 *of the United States.*

6 **SEC. 2836. MODIFICATION OF AUTHORITY FOR LAND CON-**  
 7 **VEYANCE, EQUIPMENT AND STORAGE YARD,**  
 8 **CHARLESTON, SOUTH CAROLINA.**

9       Section 563(h) of the Water Resources Development  
 10 Act of 1999 (Public Law 106–53; 113 Stat. 360) is amended  
 11 to read as follows:

12       “(h) CHARLESTON, SOUTH CAROLINA.—

13               “(1) *IN GENERAL.*—*The Secretary may convey to*  
 14 *the City of Charleston, South Carolina (in this sec-*  
 15 *tion referred to as the ‘City’), all right, title, and in-*  
 16 *terest of the United States in and to a parcel of real*  
 17 *property of the Corps of Engineers, together with any*  
 18 *improvements thereon, that is known as the Equip-*  
 19 *ment and Storage Yard and consists of approximately*  
 20 *1.06 acres located on Meeting Street in Charleston,*  
 21 *South Carolina, in as-is condition.*

22               “(2) *CONSIDERATION.*—*As consideration for the*  
 23 *conveyance of property under paragraph (1), the City*  
 24 *shall provide the United States, whether by cash pay-*  
 25 *ment, in-kind contribution, or a combination thereof,*

1        *an amount that is not less than the fair market value*  
2        *of the property conveyed, as determined by the Sec-*  
3        *retary.*

4            “(3) *USE OF PROCEEDS.*—*Amounts received as*  
5        *consideration under this subsection may be used by*  
6        *the Corps of Engineers, Charleston District, as fol-*  
7        *lows:*

8            “(A) *Any amounts received as consideration*  
9        *may be used to carry out activities under this*  
10       *Act, notwithstanding any requirements associ-*  
11       *ated with the Plant Replacement and Improve-*  
12       *ment Program (PRIP), including—*

13            “(i) *leasing, purchasing, or con-*  
14        *structing an office facility within the*  
15        *boundaries of Charleston, Berkeley, and*  
16        *Dorchester Counties, South Carolina; and*

17            “(ii) *satisfying any PRIP balances.*

18            “(B) *Any amounts received as consideration*  
19        *that are in excess of the fair market value of the*  
20        *property conveyed under paragraph (1) may be*  
21        *used for any authorized activities of the Corps of*  
22        *Engineers, Charleston District.*

23            “(4) *DESCRIPTION OF PROPERTY.*—*The exact*  
24        *acreage and legal description of the real property to*  
25        *be conveyed under paragraph (1) and any property*

1       *transferred to the United States as consideration*  
2       *under paragraph (2) shall be determined by surveys*  
3       *satisfactory to the Secretary.*

4               “(5) *ADDITIONAL TERMS AND CONDITIONS.—The*  
5       *Secretary may require such additional terms and*  
6       *conditions in connection with the conveyance under*  
7       *paragraph (1) as the Secretary considers appropriate*  
8       *to protect the interests of the United States.”.*

9               ***Subtitle D—Other Matters***

10 ***SEC. 2841. DEPARTMENT OF DEFENSE FOLLOW-ON LABORA-***  
11               ***TORY REVITALIZATION DEMONSTRATION***  
12               ***PROGRAM.***

13       *(a) FOLLOW-ON PROGRAM AUTHORIZED.—(1) The*  
14       *Secretary of Defense may carry out a program (to be known*  
15       *as the “Department of Defense Follow-On Laboratory Revi-*  
16       *talization Demonstration Program”) for the revitalization*  
17       *of Department of Defense laboratories. Under the program,*  
18       *the Secretary may carry out minor military construction*  
19       *projects in accordance with subsection (b) and other appli-*  
20       *cable law to improve laboratories covered by the program.*

21       *(2) The program under this section is the successor*  
22       *program to the Department of Defense Laboratory Revital-*  
23       *ization Demonstration Program carried out under section*  
24       *2892 of the Military Construction Authorization Act for*

1 *Fiscal Year 1996 (division B of Public Law 104–106; 10*  
2 *U.S.C. 2805 note).*

3 (b) *INCREASED MAXIMUM AMOUNTS APPLICABLE TO*  
4 *MINOR CONSTRUCTION PROJECTS.—For purpose of any*  
5 *military construction project carried out under the*  
6 *program—*

7 (1) *the amount provided in the second sentence*  
8 *of subsection (a)(1) of section 2805 of title 10, United*  
9 *States Code, shall be deemed to be \$3,000,000;*

10 (2) *the amount provided in subsection (b)(1) of*  
11 *such section shall be deemed to be \$1,500,000; and*

12 (3) *the amount provided in subsection (c)(1)(B)*  
13 *of such section shall be deemed to be \$1,000,000.*

14 (c) *PROGRAM REQUIREMENTS.—(1) Not later than 30*  
15 *days before commencing the program, the Secretary shall—*

16 (A) *designate the Department laboratories at*  
17 *which construction may be carried out under the pro-*  
18 *gram; and*

19 (B) *establish procedures for the review and ap-*  
20 *proval of requests from Department laboratories to*  
21 *carry out such construction.*

22 (2) *The laboratories designated under paragraph*  
23 *(1)(A) may not include Department laboratories that are*  
24 *contractor owned.*

1       (3) *The Secretary shall notify Congress of the Depart-*  
2 *ment laboratories designated under paragraph (1)(A).*

3       (d) *REPORT.*—*Not later than September 30, 2005, the*  
4 *Secretary shall submit to the congressional defense commit-*  
5 *tees a report on the program under this section. The report*  
6 *shall include—*

7           (1) *a list and description of the construction*  
8 *projects carried out under the program, and of any*  
9 *projects carried out under the program referred to in*  
10 *subsection (a) during the period beginning on October*  
11 *1, 2003, and ending on the date of the enactment of*  
12 *this Act, including the location and costs of each such*  
13 *project; and*

14           (2) *the assessment of the Secretary of the advis-*  
15 *ability of extending or expanding the authority for*  
16 *the program under this section.*

17       (e) *CONSTRUCTION OF AUTHORITY.*—*Nothing in this*  
18 *section may be construed to limit any other authority pro-*  
19 *vided by law for any military construction project at a De-*  
20 *partment laboratory covered by the program.*

21       (f) *DEFINITIONS.*—*In this section:*

22           (1) *The term “laboratory” includes—*

23                   (A) *a research, engineering, and develop-*  
24 *ment center;*

1                   (B) a test and evaluation activity owned,  
2                   funded, and operated by the Federal Government  
3                   through the Department of Defense; and

4                   (C) a supporting facility of a laboratory.

5                   (2) The term “supporting facility”, with respect  
6                   to a laboratory, means any building or structure that  
7                   is used in support of research, development, test, and  
8                   evaluation at the laboratory.

9                   (g) *EXPIRATION OF AUTHORITY.*—The authority to  
10                  carry out a project under the program under this section  
11                  expires on September 30, 2006.

12                  **SEC. 2842. JURISDICTION AND UTILIZATION OF FORMER**  
13                                 **PUBLIC DOMAIN LANDS, UMATILLA CHEM-**  
14                                 **ICAL DEPOT, OREGON.**

15                  (a) *JURISDICTION.*—The various parcels of real prop-  
16                  erty consisting of approximately 8,300 acres and located  
17                  within the boundaries of Umatilla Chemical Depot, Oregon,  
18                  that were previously withdrawn from the public domain are  
19                  determined to be no longer suitable for return to the public  
20                  domain and are hereby transferred to the administrative  
21                  jurisdiction of the Secretary of the Army.

22                  (b) *UTILIZATION.*—The Secretary shall combine the  
23                  real property transferred under subsection (a) with other  
24                  lands and lesser interests comprising the Umatilla Chem-  
25                  ical Depot for purposes of their management and disposal



1 *pursuant to title II of the Defense Authorization Amend-*  
2 *ments and Base Closure and Realignment Act of 1988 (Pub-*  
3 *lic Law 100–526; 10 U.S.C. 2687 note) and other applicable*  
4 *law.*

5 **SEC. 2843. DEVELOPMENT OF HERITAGE CENTER FOR THE**  
6 **NATIONAL MUSEUM OF THE UNITED STATES**  
7 **ARMY.**

8 (a) *AUTHORITY TO ENTER INTO AGREEMENT.—(1)*  
9 *The Secretary of the Army may enter into an agreement*  
10 *with the Army Historical Foundation, a nonprofit organi-*  
11 *zation, for the design, construction, and operation of a facil-*  
12 *ity or group of facilities at Fort Belvoir, Virginia (in this*  
13 *section referred to as the “center”), for the National Mu-*  
14 *seum of the United States Army.*

15 (2) *The center shall be used for the identification,*  
16 *curation, storage, and public viewing of artifacts and art-*  
17 *work of significance to the United States Army, as agreed*  
18 *to by the Secretary.*

19 (3) *The center may also be used to support such edu-*  
20 *cation, training, research, and associated purposes as the*  
21 *Secretary considers appropriate.*

22 (b) *DESIGN AND CONSTRUCTION.—(1) The design of*  
23 *the center shall be subject to the approval of the Secretary.*

24 (2) *For each phase of the development of the center,*  
25 *the Secretary may—*

1           (A) *accept funds from the Army Historical*  
2           *Foundation for the design and construction of such*  
3           *phase of the center; or*

4           (B) *permit the Army Historical Foundation to*  
5           *contract for the design and construction of such phase*  
6           *of the center.*

7           (c) *ACCEPTANCE OF FACILITY.—(1) Upon satisfactory*  
8           *completion, as determined by the Secretary, of any phase*  
9           *of the center, and upon the satisfaction of any and all fi-*  
10           *nancial obligations incident thereto by the Army Historical*  
11           *Foundation, the Secretary shall accept such phase of the*  
12           *center from the Army Historical Foundation, and all right,*  
13           *title, and interest in and to such phase of the center shall*  
14           *vest in the United States.*

15           (2) *Upon becoming property of the United States, a*  
16           *phase of the center accepted under paragraph (1) shall be*  
17           *under the jurisdiction of the Secretary.*

18           (d) *USE OF CERTAIN GIFTS.—(1) Under regulations*  
19           *prescribed by the Secretary, the Commander of the United*  
20           *States Army Center of Military History may, without re-*  
21           *gard to section 2601 of title 10, United States Code, accept,*  
22           *hold, administer, invest, and spend any gift, devise, or be-*  
23           *quest of personal property of a value of \$250,000 or less*  
24           *made to the United States if such gift, devise, or bequest*

1 *is for the benefit of the National Museum of the United*  
2 *States Army or the center.*

3       (2) *The Secretary may pay or authorize the payment*  
4 *of any reasonable and necessary expense in connection with*  
5 *the conveyance or transfer of a gift, devise, or bequest under*  
6 *this subsection.*

7       (e) *LEASE OF FACILITY.*—(1) *The Secretary may lease,*  
8 *under such terms and conditions as the Secretary considers*  
9 *appropriate for the agreement authorized by subsection (a),*  
10 *portions of the center developed under that subsection to the*  
11 *Army Historical Foundation for use by the public, commer-*  
12 *cial and nonprofit entities, State and local governments,*  
13 *and other departments and agencies of the Federal Govern-*  
14 *ment for use in generating revenue for activities of the cen-*  
15 *ter and for such administrative purposes as may be nec-*  
16 *essary for the support of the center.*

17       (2) *The amount of consideration paid to the Secretary*  
18 *by the Army Historical Foundation for a lease under para-*  
19 *graph (1) may not exceed an amount equal to the actual*  
20 *cost, as determined by the Secretary, of the operations and*  
21 *maintenance of the center.*

22       (3) *Notwithstanding any other provision of law, the*  
23 *Secretary shall use amounts paid under paragraph (2) to*  
24 *cover the costs of operation of the center.*

1           (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
2 *retary may require such additional terms and conditions*  
3 *in connection with the agreement authorized by subsection*  
4 *(a) as the Secretary considers appropriate to protect the*  
5 *interests of the United States.*

6 **SEC. 2844. AUTHORITY TO SETTLE CLAIM OF OAKLAND**  
7                   **BASE REUSE AUTHORITY AND REDEVELOP-**  
8                   **MENT AGENCY OF THE CITY OF OAKLAND,**  
9                   **CALIFORNIA.**

10           (a) *AUTHORITY.*—*The Secretary of the Navy may pay*  
11 *funds as agreed to by both parties, in the amount of*  
12 *\$2,100,000, to the Oakland Base Reuse Authority and Rede-*  
13 *velopment Agency of the City of Oakland, California, in*  
14 *settlement of Oakland Base Reuse Authority and Redevelop-*  
15 *ment Agency of the City of Oakland v. the United States,*  
16 *Case No. C02–4652 MHP, United States District Court,*  
17 *Northern District of California, including any appeal.*

18           (b) *CONSIDERATION.*—*As consideration, the Oakland*  
19 *Base Reuse Authority and Redevelopment Agency shall*  
20 *agree that the payment constitutes a final settlement of all*  
21 *claims against the United States related to said case and*  
22 *give to the Secretary a release of all claims to the eighteen*  
23 *officer housing units located at the former Naval Medical*  
24 *Center Oakland, California. The release shall be in a form*  
25 *that is satisfactory to the Secretary.*

1           (c) *SOURCE OF FUNDS.*—*The Secretary may use funds*  
2 *in the Department of Defense Base Closure Account 1990*  
3 *established pursuant to section 2906 of the Defense Base*  
4 *Closure and Realignment Act of 1990 (part A of title XXIX*  
5 *of Public Law 101–510; 10 U.S.C. 2687 note) for the pay-*  
6 *ment authorized by subsection (a) or the proceeds of sale*  
7 *from the eighteen housing units and property described in*  
8 *subsection (b).*

9   **SEC. 2845. COMPTROLLER GENERAL REPORT ON CLOSURE**  
10                           **OF DEPARTMENT OF DEFENSE DEPENDENT**  
11                           **ELEMENTARY AND SECONDARY SCHOOLS**  
12                           **AND COMMISSARY STORES.**

13           (a) *COMPTROLLER GENERAL REPORT.*—*Not later than*  
14 *180 days after the date of the enactment of this Act, the*  
15 *Comptroller General of the United States shall submit to*  
16 *the appropriate committees of Congress a report that in-*  
17 *cludes the following:*

18                   (1) *With respect to Department of Defense de-*  
19                   *pendent elementary and secondary schools—*

20                           (A) *an assessment by the Comptroller Gen-*  
21                           *eral of the policy of the Department of Defense,*  
22                           *and the criteria utilized by the Department, re-*  
23                           *garding the closure of schools, including whether*  
24                           *or not such policy and criteria are consistent*  
25                           *with Department policies and procedures on the*

1           *preservation of the quality of life of members of*  
2           *the Armed Forces; and*

3                   *(B) an assessment by the Comptroller Gen-*  
4                   *eral of any current or on-going studies or assess-*  
5                   *ments of the Department with respect to any of*  
6                   *the schools.*

7           *(2) With respect to commissary stores—*

8                   *(A) an assessment by the Comptroller Gen-*  
9                   *eral of the policy of the Department of Defense,*  
10                   *and the criteria utilized by the Department, re-*  
11                   *garding the closure of commissary stores, includ-*  
12                   *ing whether or not such policy and criteria are*  
13                   *consistent with Department policies and proce-*  
14                   *dures on the preservation of the quality of life of*  
15                   *members of the Armed Forces; and*

16                   *(B) an assessment by the Comptroller Gen-*  
17                   *eral of any current or on-going studies or assess-*  
18                   *ments of the Department with respect to any of*  
19                   *the commissary stores.*

20           *(b) APPROPRIATE COMMITTEES OF CONGRESS DE-*  
21           *FINED.—In this section, the term “appropriate committees*  
22           *of Congress” means—*

23                   *(1) the Committee on Armed Services of the Sen-*  
24                   *ate; and*

1           (2) *the Committee on Armed Services of the*  
2           *House of Representatives.*

3                           **TITLE XXIX—MARITIME**  
4                           **ADMINISTRATION**

5   **SEC. 2901. MODIFICATION OF PRIORITY AFFORDED APPLI-**  
6                           **CATIONS FOR NATIONAL DEFENSE TANK VES-**  
7                           **SEL CONSTRUCTION ASSISTANCE.**

8           *Section 3542(d) of the Maritime Security Act of 2003*  
9           *(title XXXV of Public Law 108–136; 117 Stat. 1821; 46*  
10          *U.S.C. 53101 note) is amended—*

11                   (1) *in paragraph (1), by striking “and” at the*  
12                   *end;*

13                   (2) *by redesignating paragraph (2) as para-*  
14                   *graph (3); and*

15                   (3) *by inserting after paragraph (1) the fol-*  
16                   *lowing new paragraph (2):*

17                           “(2) *shall give priority consideration to a pro-*  
18                           *posal submitted by an applicant who has been accept-*  
19                           *ed for participation in the Shipboard Technology*  
20                           *Evaluation Program as outlined in Navigation and*  
21                           *Vessel Inspection Circular 01–04, issued by the Com-*  
22                           *mandant of the United States Coast Guard on Janu-*  
23                           *ary 2, 2004; and”.*

1 ***DIVISION C—DEPARTMENT OF***  
2 ***ENERGY NATIONAL SECURITY***  
3 ***AUTHORIZATIONS AND***  
4 ***OTHER AUTHORIZATIONS***  
5 ***TITLE XXXI—DEPARTMENT OF***  
6 ***ENERGY NATIONAL SECURITY***  
7 ***PROGRAMS***  
8 ***Subtitle A—National Security***  
9 ***Programs Authorizations***

10 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***  
11 ***TION.***

12 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
13 *hereby authorized to be appropriated to the Department of*  
14 *Energy for fiscal year 2005 for the activities of the National*  
15 *Nuclear Security Administration in carrying out programs*  
16 *necessary for national security in the amount of*  
17 *\$9,165,145,000, to be allocated as follows:*

18 *(1) For weapons activities, \$6,674,898,000.*

19 *(2) For defense nuclear nonproliferation activi-*  
20 *ties, \$1,348,647,000.*

21 *(3) For naval reactors, \$797,900,000.*

22 *(4) For the Office of the Administrator for Nu-*  
23 *clear Security, \$343,700,000.*

24 *(b) AUTHORIZATION OF NEW PLANT PROJECTS.—*  
25 *From funds referred to in subsection (a) that are available*



1 *for carrying out plant projects, the Secretary of Energy*  
2 *may carry out new plant projects for weapons activities,*  
3 *as follows:*

4 (1) *For readiness in technical base and facilities:*

5 *Project 05-D-140, Readiness in Technical*  
6 *Base and Facilities Program (RTBF), project*  
7 *engineering and design (PED), various loca-*  
8 *tions, \$11,600,000.*

9 *Project 05-D-401, Building 12-64 produc-*  
10 *tion bays upgrade, Pantex Plant, Amarillo,*  
11 *Texas, \$25,000,000.*

12 *Project 05-D-402, Beryllium Capability*  
13 *(BeC) Project, Y-12 National Security Complex,*  
14 *Oak Ridge, Tennessee, \$3,627,000.*

15 (2) *For facilities and infrastructure recapitaliza-*  
16 *tion:*

17 *Project 05-D-160, Facilities and Infra-*  
18 *structure Recapitalization Program (FIRP),*  
19 *project engineering and design (PED), various*  
20 *locations, \$8,700,000.*

21 *Project 05-D-601, compressed air upgrades,*  
22 *Y-12 National Security Complex, Oak Ridge,*  
23 *Tennessee, \$4,400,000.*

1            *Project 05–D–602, power grid infrastruc-*  
2            *ture upgrade (PGIU), Los Alamos National Lab-*  
3            *oratory, Los Alamos, New Mexico, \$10,000,000.*

4            *Project 05–D–603, new master substation,*  
5            *technical areas I and IV, Sandia National Lab-*  
6            *oratories, Albuquerque, New Mexico, \$600,000.*

7            *(3) For safeguards and security:*

8            *Project 05–D–170, safeguards and security,*  
9            *project engineering and design (PED), various*  
10           *locations, \$17,000,000.*

11           *Project 05–D–701, security perimeter, Los*  
12           *Alamos National Laboratory, Los Alamos, New*  
13           *Mexico, \$20,000,000.*

14           *(4) For naval reactors:*

15           *Project 05–N–900, materials development*  
16           *facility building, Schenectady, New York,*  
17           *\$6,200,000.*

18    **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

19           *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
20           *hereby authorized to be appropriated to the Department of*  
21           *Energy for fiscal year 2005 for environmental management*  
22           *activities in carrying out programs necessary for national*  
23           *security in the amount of \$6,954,402,000, to be allocated*  
24           *as follows:*

1           (1) *For defense site acceleration completion,*  
2           \$5,971,932,000.

3           (2) *For defense environmental services,*  
4           \$982,470,000.

5           **(b) AUTHORIZATION OF NEW PLANT PROJECT.**—*From*  
6 *funds referred to in subsection (a)(2) that are available for*  
7 *carrying out plant projects, the Secretary of Energy may*  
8 *carry out, for environmental management activities, the fol-*  
9 *lowing new plant project:*

10           *Project 05–D–405, salt waste processing facility,*  
11           *Savannah River Site, Aiken, South Carolina,*  
12           \$52,000,000.

13 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

14           *Funds are hereby authorized to be appropriated to the*  
15 *Department of Energy for fiscal year 2005 for other defense*  
16 *activities in carrying out programs necessary for national*  
17 *security in the amount of \$568,096,000.*

18 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

19           *Funds are hereby authorized to be appropriated to the*  
20 *Department of Energy for fiscal year 2005 for defense nu-*  
21 *clear waste disposal for payment to the Nuclear Waste Fund*  
22 *established in section 302(c) of the Nuclear Waste Policy*  
23 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*  
24 \$108,000,000.

1 **Subtitle B—Program Authoriza-**  
2 **tions, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 3111. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
5 **MODERN PIT FACILITY.**

6 (a) *LIMITATION.*—Of the amount authorized to be ap-  
7 propriated by section 3101(a)(1) for the National Nuclear  
8 Security Administration for weapons activities and avail-  
9 able for the Modern Pit Facility, not more than 50 percent  
10 of such amount may be obligated or expended until 30 days  
11 after the latter of the following:

12 (1) *The date of the submittal of the revised nu-*  
13 *clear weapons stockpile plan specified in the joint ex-*  
14 *planatory statement to accompany the report of the*  
15 *Committee on Conference on the bill H.R. 2754 of the*  
16 *108th Congress.*

17 (2) *The date on which the Administrator for Nu-*  
18 *clear Security submits to the congressional defense*  
19 *committees a report setting forth the validated pit*  
20 *production requirements for the Modern Pit Facility.*

21 (b) *VALIDATED PIT PRODUCTION REQUIREMENTS.*—  
22 (1) *The validated pit production requirements in the report*  
23 *under subsection (a)(2) shall be established by the Adminis-*  
24 *trator in conjunction with the Chairman of the Nuclear*  
25 *Weapons Council.*

1       (2) *The validated pit production requirements shall—*

2           (A) *include specifications regarding the number*  
3 *of pits that will be required to be produced in order*  
4 *to support the weapons that will be retained in the*  
5 *nuclear weapons stockpile, set forth by weapon type*  
6 *and by year; and*

7           (B) *take into account any surge capacity that*  
8 *may be included in the annual pit production capa-*  
9 *bility.*

10       (c) *FORM OF REPORT.—The report described in sub-*  
11 *section (a)(2) shall be submitted in unclassified form, but*  
12 *may include a classified annex.*

13 **SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
14 **ADVANCED NUCLEAR WEAPONS CONCEPTS**  
15 **INITIATIVE.**

16       (a) *LIMITATION.—None of the funds authorized to be*  
17 *appropriated by this title may be obligated or expended for*  
18 *purposes of additional or exploratory studies under the Ad-*  
19 *vanced Nuclear Weapons Concepts Initiative until 30 days*  
20 *after the date on which the Administrator for Nuclear Secu-*  
21 *rity submits to the congressional defense committees a de-*  
22 *tailed report on the activities for such studies under the Ini-*  
23 *tiative that are planned for fiscal year 2005.*

1           (b) *FORM OF REPORT.*—The report under subsection  
2 (a) shall be submitted in unclassified form, but may include  
3 a classified annex.

4 **SEC. 3113. LIMITED AUTHORITY TO CARRY OUT NEW**  
5                           **PROJECTS UNDER FACILITIES AND INFRA-**  
6                           **STRUCTURE RECAPITALIZATION PROGRAM**  
7                           **AFTER PROJECT SELECTION DEADLINE.**

8           (a) *LIMITED AUTHORITY TO CARRY OUT NEW*  
9 *PROJECTS.*—Section 3114(a) of the National Defense Au-  
10 *thorization Act for Fiscal Year 2004 (Public Law 108–136;*  
11 *117 Stat. 1744; 50 U.S.C. 2453 note) is amended—*

12                   (1) *in the subsection caption, by striking “DEAD-*  
13 *LINE FOR”;*

14                   (2) *in paragraph (2), by striking “No project”*  
15 *and inserting “Except as provided in paragraph (3),*  
16 *no project”;* and

17                   (3) *by adding at the end the following new para-*  
18 *graph:*

19                   “(3)(A) *Subject to the provisions of this paragraph, a*  
20 *project described in subparagraph (B) may be carried out*  
21 *under the Facilities and Infrastructure Recapitalization*  
22 *Program after December 31, 2004, if the Administrator ap-*  
23 *proves the project. The Administrator may not delegate the*  
24 *authority to approve projects under the preceding sentence.*

1       “(B) A project described in this subparagraph is a  
2 project that consists of a specific building, facility, or other  
3 improvement (including fences, roads, or similar improve-  
4 ments).

5       “(C) Funds may not be obligated or expended for a  
6 project under this paragraph until 60 days after the date  
7 on which the Administrator submits to the congressional de-  
8 fense committees a notice on the project, including a de-  
9 scription of the project and the nature of the project, a state-  
10 ment explaining why the project was not included in the  
11 Facilities and Infrastructure Recapitalization Program  
12 under paragraph (1), and a statement explaining why the  
13 project was not included in any other program under the  
14 jurisdiction of the Administrator.

15       “(D) The total number of projects that may be carried  
16 out under this paragraph in any fiscal year may not exceed  
17 five projects.

18       “(E) The Administrator may not utilize the authority  
19 in this paragraph until 60 days after the later of—

20               “(i) the date of the submittal to the congressional  
21 defense committees of a list of the projects selected for  
22 inclusion in the Facilities and Infrastructure Recapi-  
23 talization Program under paragraph (1); or

1           “(ii) the date of the submittal to the congres-  
2           sional defense committees of the report required by  
3           subsection (c).

4           “(F) A project may not be carried out under this para-  
5           graph unless the project will be completed by September 30,  
6           2011.”.

7           (b) *CONSTRUCTION OF AUTHORITY.*—The amendments  
8           made by subsection (a) may not be construed to authorize  
9           any delay in either of the following:

10           (1) The selection of projects for inclusion in the  
11           Facilities and Infrastructure Recapitalization Pro-  
12           gram under subsection (a) of section 3114 of the Na-  
13           tional Defense Authorization Act for Fiscal Year  
14           2004.

15           (2) The submittal of the report required by sub-  
16           section (c) of such section.

17   **SEC. 3114. MODIFICATION OF MILESTONE AND REPORT RE-**  
18                           **QUIREMENTS FOR NATIONAL IGNITION FA-**  
19                           **CILITY.**

20           (a) *NOTIFICATION ON MILESTONES TO ACHIEVE IGNI-*  
21           *TION.*—Subsection (a) of section 3137 of the National De-  
22           fense Authorization Act for Fiscal Year 2002 (Public Law  
23           107–107; 115 Stat. 1369) is amended by striking “each  
24           Level I milestone and Level II milestone for the National



1 *Ignition Facility.*” and inserting the following: “each mile-  
2 *stone for the National Ignition Facility as follows:*

3           “(1) *Each Level I milestone.*

4           “(2) *Each Level II milestone.*

5           “(3) *Each milestone to achieve ignition.*”.

6           (b) *REPORT ON FAILURE OF TIMELY ACHIEVEMENT*  
7 *OF MILESTONES.*—Subsection (b) of such section is amend-  
8 *ed by striking “a Level I milestone or Level II milestone*  
9 *for the National Ignition Facility” and inserting “a mile-*  
10 *stone for the National Ignition Facility referred to in sub-*  
11 *section (a)”.*

12           (c) *MILESTONES TO ACHIEVE IGNITION.*—Subsection  
13 (c) of such section is amended to read as follows:

14           “(c) *MILESTONES.*—For purposes of this section:

15           “(1) *The Level I and Level II milestones for the*  
16 *National Ignition Facility are as established in the*  
17 *August 2000 revised National Ignition Facility base-*  
18 *line document.*

19           “(2) *The milestones of the National Ignition Fa-*  
20 *cility to achieve ignition are such milestones (other*  
21 *than the milestones referred to in paragraph (1)) as*  
22 *the Administrator shall establish on any activities at*  
23 *the National Ignition Facility that are required to*  
24 *enable the National Ignition Facility to achieve igni-*

1        *tion and be a fully functioning user facility by De-*  
 2        *cember 31, 2011.”.*

3        *(d) SUBMITTAL TO CONGRESS OF MILESTONES TO*  
 4        *ACHIEVE IGNITION.—Not later than January 31, 2005, the*  
 5        *Administrator for Nuclear Security shall submit to the con-*  
 6        *gressional defense committees a report setting forth the mile-*  
 7        *stones of the National Ignition Facility to achieve ignition*  
 8        *as established by the Administration under subsection (c)(2)*  
 9        *of section 3137 of the National Defense Authorization Act*  
 10       *for Fiscal Year 2002, as amended by subsection (c) of this*  
 11       *section. The report shall include—*

12            *(1) a description of each milestone established;*  
 13        *and*  
 14            *(2) a proposal for the funding to be required to*  
 15        *meet each such milestone.*

16        *(e) EXTENSION OF SUNSET.—Subsection (d) of section*  
 17        *3137 of such Act is amended by striking “September 30,*  
 18        *2004” and inserting “December 31, 2011”.*

19        **SEC. 3115. MODIFICATION OF SUBMITTAL DATE OF ANNUAL**  
 20                            **PLAN FOR STEWARDSHIP, MANAGEMENT, AND**  
 21                            **CERTIFICATION OF WARHEADS IN THE NU-**  
 22                            **CLEAR WEAPONS STOCKPILE.**

23        *Section 4203(c) of the Atomic Energy Defense Act (50*  
 24        *U.S.C. 2523(c)) is amended is amended by striking “March*

1 15 of each year thereafter” and inserting “May 1 of each  
2 year thereafter”.

3 **SEC. 3116. DEFENSE SITE ACCELERATION COMPLETION.**

4 (a) *IN GENERAL.*—Notwithstanding any other provi-  
5 sion of law, with respect to material stored at a Department  
6 of Energy site at which activities are regulated by the State  
7 pursuant to approved closure plans or permits issued by  
8 the State, high-level radioactive waste does not include ra-  
9 dioactive material resulting from the reprocessing of spent  
10 nuclear fuel that the Secretary of Energy determines—

11 (1) does not require permanent isolation in a  
12 deep geologic repository for spent fuel or highly radio-  
13 active waste pursuant to criteria promulgated by the  
14 Department of Energy by rule approved by the Nu-  
15 clear Regulatory Commission;

16 (2) has had highly radioactive radionuclides re-  
17 moved to the maximum extent practical in accordance  
18 with the Nuclear Regulatory Commission-approved  
19 criteria; and

20 (3) in the case of material derived from the stor-  
21 age tanks, is disposed of in a facility (including a  
22 tank) within the State pursuant to a State-approved  
23 closure plan or a State-issued permit, authority for  
24 the approval or issuance of which is conferred on the  
25 State outside of this Act.

1           (b) *INAPPLICABILITY TO CERTAIN MATERIALS.*—Sub-  
2 section (a) shall not apply to any material otherwise cov-  
3 ered by that subsection that is transported from the State.

4           (c) *SCOPE OF AUTHORITY TO CARRY OUT ACTIONS.*—  
5 The Department of Energy may implement any action  
6 authorized—

7                 (1) by a State-approved closure plan or State-  
8 issued permit in existence on the date of enactment of  
9 this section; or

10                (2) by a closure plan approved by the State or  
11 a permit issued by the State during the pendency of  
12 the rulemaking provided for in subsection (a).

13 Any such action may be completed pursuant to the terms  
14 of the closure plan or the State-issued permit notwith-  
15 standing the final criteria adopted by the rulemaking pur-  
16 suant to subsection (a).

17           (d) *STATE DEFINED.*—In this section, the term  
18 “State” means the State of South Carolina.

19           (e) *CONSTRUCTION.*—(1) Nothing in this section shall  
20 affect, alter, or modify the full implementation of—

21                 (A) the settlement agreement entered into by the  
22 United States with the State of Idaho in the actions  
23 captioned *Public Service Co. of Colorado v. Batt*,  
24 *Civil No. 91-0035-S-EJL*, and *United States v.*  
25 *Batt, Civil No. 91-0054-S-EJL*, in the United States

1 *District Court for the District of Idaho, and the con-*  
2 *sent order of the United States District Court for the*  
3 *District of Idaho, dated October 17, 1995, that effec-*  
4 *tuates the settlement agreement;*

5 *(B) the Idaho National Engineering Laboratory*  
6 *Federal Facility Agreement and Consent Order; or*

7 *(C) the Hanford Federal Facility Agreement and*  
8 *Consent Order.*

9 *(2) Nothing in this section establishes any precedent*  
10 *or is binding on the State of Idaho, the State of Washington,*  
11 *the State of Oregon, or any other State for the management,*  
12 *storage, treatment, and disposition of radioactive and haz-*  
13 *ardous materials.*

14 **SEC. 3117. NATIONAL ACADEMY OF SCIENCES STUDY.**

15 *(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not*  
16 *later than 30 days after the date of the enactment of this*  
17 *Act, the Secretary of Energy shall enter into a contract with*  
18 *the National Research Council of the National Academies*  
19 *to conduct a study of the necessary technologies and re-*  
20 *search gaps in the Department of Energy's program to re-*  
21 *move high-level radioactive waste from the storage tanks at*  
22 *the Department's sites in South Carolina, Washington and*  
23 *Idaho.*

24 *(b) MATTERS TO BE ADDRESSED IN STUDY.—The*  
25 *study shall address the following:*

1           (1) *the quantities and characteristics of waste in*  
2 *each high-level waste storage tank described in para-*  
3 *graph (a), including data uncertainties;*

4           (2) *the technologies by which high-level radio-*  
5 *active waste is currently being removed from the*  
6 *tanks for final disposal under the Nuclear Waste Pol-*  
7 *icy Act;*

8           (3) *technologies currently available but not in*  
9 *use in removing high-level radioactive waste from the*  
10 *tanks;*

11           (4) *any technology gaps that exist to effect the*  
12 *removal of high-level radioactive waste from the*  
13 *tanks;*

14           (5) *other matters that in the judgement of the*  
15 *National Research Council directly relate to the focus*  
16 *of this study.*

17           (c) *TIME LIMITATION.*—*The National Research Coun-*  
18 *cil shall conduct the review over a one year period begin-*  
19 *ning upon execution of the contract described in subsection*  
20 *(a).*

21           (d) *REPORTS.*—(1) *The National Research Council*  
22 *shall submit its findings, conclusions and recommendations*  
23 *to the Secretary of Energy and to the relevant Committees*  
24 *of jurisdiction of the United States Senate and House of*  
25 *Representatives.*



1 **“SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFE-**  
2 **GUARDS AND SECURITY.**

3 *“The Secretary of Energy shall submit to Congress*  
4 *each year, in the budget justification materials submitted*  
5 *to Congress in support of the budget of the President for*  
6 *the fiscal year beginning in such year (as submitted under*  
7 *section 1105(a) of title 31, United States Code), the fol-*  
8 *lowing:*

9 *“(1) A detailed description and accounting of the*  
10 *proposed obligations and expenditures by the Depart-*  
11 *ment of Energy for safeguards and security in car-*  
12 *rying out programs necessary for the national secu-*  
13 *rity for the fiscal year covered by such budget, includ-*  
14 *ing any technologies on safeguards and security pro-*  
15 *posed to be deployed or implemented during such fis-*  
16 *cal year.*

17 *“(2) With respect to the fiscal year ending in the*  
18 *year before the year in which such budget is sub-*  
19 *mitted, a detailed description and accounting of—*

20 *“(A) the policy on safeguards and security,*  
21 *including any modifications in such policy*  
22 *adopted or implemented during such fiscal year;*

23 *“(B) any initiatives on safeguards and se-*  
24 *curity in effect or implemented during such fis-*  
25 *cal year;*



1           “(C) the amount obligated and expended for  
2           safeguards and security during such fiscal year,  
3           set forth by total amount, by amount per pro-  
4           gram, and by amount per facility; and

5           “(D) the technologies on safeguards and se-  
6           curity deployed or implemented during such fis-  
7           cal year.”.

8           (b) *CLERICAL AMENDMENT.*—The table of contents for  
9           that Act is amended by inserting after the item relating  
10          to section 4731 the following new item:

          “Sec. 4732. Annual report on expenditures for safeguards and security.”.

11   **SEC. 3119. AUTHORITY TO CONSOLIDATE COUNTERINTEL-**  
12                           **LIGENCE OFFICES OF DEPARTMENT OF EN-**  
13                           **ERGY AND NATIONAL NUCLEAR SECURITY**  
14                           **ADMINISTRATION WITHIN NATIONAL NU-**  
15                           **CLEAR SECURITY ADMINISTRATION.**

16          (a) *AUTHORITY.*—The Secretary of Energy may con-  
17          solidate the counterintelligence programs and functions re-  
18          ferred to in subsection (b) within the Office of Defense Nu-  
19          clear Counterintelligence of the National Nuclear Security  
20          Administration and provide for their discharge by that Of-  
21          fice.

22          (b) *COVERED PROGRAMS AND FUNCTIONS.*—The pro-  
23          grams and functions referred to in this subsection are as  
24          follows:

1           (1) *The functions and programs of the Office of*  
2           *Counterintelligence of the Department of Energy*  
3           *under section 215 of the Department of Energy Orga-*  
4           *nization Act (42 U.S.C. 7144b).*

5           (2) *The functions and programs of the Office of*  
6           *Defense Nuclear Counterintelligence of the National*  
7           *Nuclear Security Administration under section 3232*  
8           *of the National Nuclear Security Administration Act*  
9           *(50 U.S.C. 2422), including the counterintelligence*  
10          *programs under section 3233 of that Act (50 U.S.C.*  
11          *2423).*

12          (c) *ESTABLISHMENT OF POLICY.—The Secretary shall*  
13          *have the responsibility to establish policy for the discharge*  
14          *of the counterintelligence programs and functions consoli-*  
15          *dated within the National Nuclear Security Administration*  
16          *under subsection (a) as provided for under section 213 of*  
17          *the Department of Energy Organization Act (42 U.S.C.*  
18          *7144).*

19          (d) *PRESERVATION OF COUNTERINTELLIGENCE CAPA-*  
20          *BILITY.—In consolidating counterintelligence programs and*  
21          *functions within the National Nuclear Security Adminis-*  
22          *tration under subsection (a), the Secretary shall ensure that*  
23          *the counterintelligence capabilities of the Department of*  
24          *Energy and the National Nuclear Security Administration*  
25          *are in no way degraded or compromised.*

1       (e) *REPORT ON EXERCISE OF AUTHORITY.*—In the  
2 event the Secretary exercises the authority in subsection (a),  
3 the Secretary shall submit to the congressional defense com-  
4 mittees a report on the exercise of the authority. The report  
5 shall include—

6           (1) a description of the manner in which the  
7 counterintelligence programs and functions referred to  
8 in subsection (b) shall be consolidated within the Of-  
9 fice of Defense Nuclear Counterintelligence of the Na-  
10 tional Nuclear Security Administration and dis-  
11 charged by that Office;

12           (2) a notice of the date on which that Office shall  
13 commence the discharge of such programs and func-  
14 tions, as so consolidated; and

15           (3) a proposal for such legislative action as the  
16 Secretary considers appropriate to effectuate the dis-  
17 charge of such programs and functions, as so consoli-  
18 dated, by that Office.

19       (f) *DEADLINE FOR EXERCISE OF AUTHORITY.*—The  
20 authority in subsection (a) may be exercised, if at all, not  
21 later than one year after the date of the enactment of this  
22 Act.

23 **SEC. 3120. TREATMENT OF WASTE MATERIAL.**

24       (a) *AVAILABILITY OF FUNDS FOR TREATMENT.*—Of  
25 the amount authorized to be appropriated by section

1 3102(a)(1) for environmental management for defense site  
2 acceleration completion, \$350,000,000 shall be available for  
3 the following purposes at the sites referred to in subsection  
4 (b):

5 (1) The safe management of tanks or tank farms  
6 used to store waste from reprocessing activities.

7 (2) The on-site treatment and storage of wastes  
8 from reprocessing activities and related waste.

9 (3) The consolidation of tank waste.

10 (4) The emptying and cleaning of storage tanks.

11 (5) Actions under section 3116.

12 (b) SITES.—The sites referred to in this subsection are  
13 as follows:

14 (1) The Idaho National Engineering and Envi-  
15 ronmental Laboratory, Idaho.

16 (2) The Savannah River Site, Aiken, South  
17 Carolina.

18 (3) The Hanford Site, Richland, Washington.

19 (c) EFFECTIVE DATE.—This section shall become effec-  
20 tive 1 day after enactment.

21 **SEC. 3121. LOCAL STAKEHOLDER ORGANIZATIONS FOR DE-**  
22 **PARTMENT OF ENERGY ENVIRONMENTAL**  
23 **MANAGEMENT 2006 CLOSURE SITES.**

24 (a) ESTABLISHMENT.—(1) The Secretary of Energy  
25 shall establish for each Department of Energy Environ-

1 *mental Management 2006 closure site a local stakeholder*  
2 *organization having the responsibilities set forth in sub-*  
3 *section (c).*

4       (2) *The local stakeholder organization shall be estab-*  
5 *lished in consultation with interested elected officials of*  
6 *local governments in the vicinity of the closure site con-*  
7 *cerned.*

8       (b) *COMPOSITION.—A local stakeholder organization*  
9 *for a Department of Energy Environmental Management*  
10 *2006 closure site under subsection (a) shall be composed of*  
11 *such elected officials of local governments in the vicinity*  
12 *of the closure site concerned as the Secretary considers ap-*  
13 *propriate to carry out the responsibilities set forth in sub-*  
14 *section (c) who agree to serve on the organization, or the*  
15 *designees of such officials.*

16       (c) *RESPONSIBILITIES.—A local stakeholder organiza-*  
17 *tion for a Department of Energy Environmental Manage-*  
18 *ment 2006 closure site under subsection (a) shall—*

19               (1) *solicit and encourage public participation in*  
20 *appropriate activities relating to the closure and post-*  
21 *closure operations of the site;*

22               (2) *disseminate information on the closure and*  
23 *post-closure operations of the site to the State govern-*  
24 *ment of the State in which the site is located, local*  
25 *and Tribal governments in the vicinity of the site,*

1       *and persons and entities having a stake in the closure*  
2       *or post-closure operations of the site;*

3             (3) *transmit to appropriate officers and employ-*  
4       *ees of the Department of Energy questions and con-*  
5       *cerns of governments, persons, and entities referred to*  
6       *paragraph (2) on the closure and post-closure oper-*  
7       *ations of the site; and*

8             (4) *perform such other duties as the Secretary*  
9       *and the local stakeholder organization jointly deter-*  
10       *mine appropriate to assist the Secretary in meeting*  
11       *post-closure obligations of the Department at the site.*

12            (d) *DEADLINE FOR ESTABLISHMENT.—The local stake-*  
13       *holder organization for a Department of Energy Environ-*  
14       *mental Management 2006 closure site shall be established*  
15       *not later than six months before the closure of the site.*

16            (e) *INAPPLICABILITY OF FEDERAL ADVISORY COM-*  
17       *MITTEE ACT.—The Federal Advisory Committee Act (5*  
18       *U.S.C. App.) shall not apply to local stakeholder organiza-*  
19       *tions under this section.*

20            (f) *DEPARTMENT OF ENERGY ENVIRONMENTAL MAN-*  
21       *AGEMENT 2006 CLOSURE SITE DEFINED.—In this section,*  
22       *the term “Department of Energy Environmental Manage-*  
23       *ment 2006 closure site” means each clean up site of the De-*  
24       *partment of Energy scheduled by the Department as of Jan-*  
25       *uary 1, 2004, for closure in 2006.*

1 **SEC. 3122. REPORT ON MAINTENANCE OF RETIREMENT**  
2 **BENEFITS FOR CERTAIN WORKERS AT 2006**  
3 **CLOSURE SITES AFTER CLOSURE OF SITES.**

4 (a) *REPORT REQUIRED.*—Not later than 60 days after  
5 the date of the enactment of this Act, the Assistant Secretary  
6 of Energy for Environmental Management shall submit to  
7 the Secretary of Energy a report on the maintenance of re-  
8 tirements benefits for workers at Department of Energy  
9 2006 closure sites after the closure of such sites.

10 (b) *ELEMENTS.*—The report under subsection (a) shall  
11 include the following:

12 (1) *The number of workers at Department of En-*  
13 *ergy 2006 closure sites that could lose retirement ben-*  
14 *efits as a result of the early closure of such a site.*

15 (2) *The impact on collective bargaining agree-*  
16 *ments with workers at Department of Energy 2006*  
17 *closure sites of the loss of their retirement benefits as*  
18 *described in paragraph (1).*

19 (3) *The cost of providing retirement benefits,*  
20 *after the closure of Department of Energy 2006 clo-*  
21 *sure sites, to workers at such sites who would other-*  
22 *wise lose their benefits as described in paragraph (1)*  
23 *after the closure of such sites.*

24 (c) *TRANSMITTAL TO CONGRESS.*—Not later than 30  
25 days after receiving the report under subsection (a), the Sec-  
26 retary shall transmit the report to Congress, together with

1 *such recommendations, including recommendations for leg-*  
2 *islative action, as the Secretary considers appropriate.*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) The term “Department of Energy 2006 clo-*  
5 *sure site” means the following:*

6 *(A) The Rocky Flats Environmental Tech-*  
7 *nology Site, Colorado.*

8 *(B) The Fernald Plant, Ohio.*

9 *(C) The Mound Plant, Ohio.*

10 *(2) The term “worker” means any employee who*  
11 *is employed by contract to perform cleanup, security,*  
12 *or administrative duties or responsibilities at a De-*  
13 *partment of Energy 2006 closure site.*

14 *(3) The term “retirement benefits” means health,*  
15 *pension, and any other retirement benefits.*

16 **SEC. 3123. REPORT ON EFFORTS OF NATIONAL NUCLEAR**  
17 **SECURITY ADMINISTRATION TO UNDER-**  
18 **STAND PLUTONIUM AGING.**

19 *(a) STUDY.—(1) The Administrator for Nuclear Secu-*  
20 *rity shall enter into a contract with a Federally Funded*  
21 *Research and Development Center (FFRDC) providing for*  
22 *a study to assess the efforts of the National Nuclear Security*  
23 *Administration to understand the aging of plutonium in*  
24 *nuclear weapons.*



1       (2) *The Administrator shall make available to the*  
2 *FFRDC contractor under this subsection all information*  
3 *that is necessary for the contractor to successfully complete*  
4 *a meaningful study on a timely basis.*

5       (b) *REPORT REQUIRED.—(1) Not later than two years*  
6 *after the date of the enactment of this Act, the Adminis-*  
7 *trator shall submit to Congress a report on the findings of*  
8 *the study on the efforts of the Administration to understand*  
9 *the aging of plutonium in nuclear weapons.*

10       (2) *The report shall include the recommendations of*  
11 *the study for improving the knowledge, understanding, and*  
12 *application of the fundamental and applied sciences related*  
13 *to the study of plutonium aging.*

14       (3) *The report shall be submitted in unclassified form,*  
15 *but may include a classified annex.*

## 16       ***Subtitle C—Proliferation Matters***

### 17       ***SEC. 3131. MODIFICATION OF AUTHORITY TO USE INTER-*** 18                               ***NATIONAL NUCLEAR MATERIALS PROTEC-*** 19                               ***TION AND COOPERATION PROGRAM FUNDS*** 20                               ***OUTSIDE THE FORMER SOVIET UNION.***

21       (a) *APPLICABILITY OF AUTHORITY LIMITED TO*  
22 *PROJECTS NOT PREVIOUSLY AUTHORIZED.—Subsection*  
23 *(a) of section 3124 of the National Defense Authorization*  
24 *Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.*  
25 *1747) is amended by inserting “that has not previously*

1 *been authorized by Congress” after “states of the former So-*  
2 *viet Union”.*

3 (b) *REPEAL OF LIMITATION ON TOTAL AMOUNT OF*  
4 *OBLIGATION.—Such section is further amended—*

5 (1) *by striking subsection (c); and*

6 (2) *by redesignating subsections (d), (e), and (f)*  
7 *as subsections (c), (d), and (e), respectively.*

8 **SEC. 3132. ACCELERATION OF REMOVAL OR SECURITY OF**  
9 **FISSILE MATERIALS, RADIOLOGICAL MATE-**  
10 **RIALS, AND RELATED EQUIPMENT AT VUL-**  
11 **NERABLE SITES WORLDWIDE.**

12 (a) *SENSE OF CONGRESS.—(1) It is the sense of Con-*  
13 *gress that the security, including the rapid removal or se-*  
14 *cure storage, of high-risk, proliferation-attractive fissile ma-*  
15 *terials, radiological materials, and related equipment at*  
16 *vulnerable sites worldwide should be a top priority among*  
17 *the activities to achieve the national security of the United*  
18 *States.*

19 (2) *It is the sense of Congress that the President may*  
20 *establish in the Department of Energy a task force to be*  
21 *known as the Task Force on Nuclear Materials to carry out*  
22 *the program authorized by subsection (b).*

23 (b) *PROGRAM AUTHORIZED.—The Secretary of Energy*  
24 *may carry out a program to undertake an accelerated, com-*  
25 *prehensive worldwide effort to mitigate the threats posed by*

1 *high-risk, proliferation-attractive fissile materials, radio-*  
2 *logical materials, and related equipment located at sites po-*  
3 *tentially vulnerable to theft or diversion.*

4 (c) *PROGRAM ELEMENTS.—(1) Activities under the*  
5 *program under subsection (b) may include the following:*

6 (A) *Accelerated efforts to secure, remove, or*  
7 *eliminate proliferation-attractive fissile materials or*  
8 *radiological materials in research reactors, other reac-*  
9 *tors, and other facilities worldwide.*

10 (B) *Arrangements for the secure shipment of pro-*  
11 *liferation-attractive fissile materials, radiological ma-*  
12 *terials, and related equipment to other countries will-*  
13 *ing to accept such materials and equipment, or to the*  
14 *United States if such countries cannot be identified,*  
15 *and the provision of secure storage or disposition of*  
16 *such materials and equipment following shipment.*

17 (C) *The transportation of proliferation-attractive*  
18 *fissile materials, radiological materials, and related*  
19 *equipment from sites identified as proliferation risks*  
20 *to secure facilities in other countries or in the United*  
21 *States.*

22 (D) *The processing and packaging of prolifera-*  
23 *tion-attractive fissile materials, radiological mate-*  
24 *rials, and related equipment in accordance with re-*

1        *quired standards for transport, storage, and disposi-*  
2        *tion.*

3            *(E) The provision of interim security upgrades*  
4        *for vulnerable, proliferation-attractive fissile mate-*  
5        *rials and radiological materials and related equip-*  
6        *ment pending their removal from their current sites.*

7            *(F) The utilization of funds to upgrade security*  
8        *and accounting at sites where proliferation-attractive*  
9        *fissile materials or radiological materials will remain*  
10       *for an extended period of time in order to ensure that*  
11       *such materials are secure against plausible potential*  
12       *threats and will remain so in the future.*

13           *(G) The management of proliferation-attractive*  
14       *fissile materials, radiological materials, and related*  
15       *equipment at secure facilities.*

16           *(H) Actions to ensure that security, including se-*  
17       *curity upgrades at sites and facilities for the storage*  
18       *or disposition of proliferation-attractive fissile mate-*  
19       *rials, radiological materials, and related equipment,*  
20       *continues to function as intended.*

21           *(I) The provision of technical support to the*  
22       *International Atomic Energy Agency (IAEA), other*  
23       *countries, and other entities to facilitate removal of,*  
24       *and security upgrades to facilities that contain, pro-*

1 *liferation-attractive fissile materials, radiological ma-*  
2 *terials, and related equipment worldwide.*

3 *(J) The development of alternative fuels and ir-*  
4 *radiation targets based on low-enriched uranium to*  
5 *convert research or other reactors fueled by highly-en-*  
6 *riched uranium to such alternative fuels, as well as*  
7 *the conversion of reactors and irradiation targets em-*  
8 *ploying highly-enriched uranium to employment of*  
9 *such alternative fuels and targets.*

10 *(K) Accelerated actions for the blend down of*  
11 *highly-enriched uranium to low-enriched uranium.*

12 *(L) The provision of assistance in the closure*  
13 *and decommissioning of sites identified as presenting*  
14 *risks of proliferation of proliferation-attractive fissile*  
15 *materials, radiological materials, and related equip-*  
16 *ment.*

17 *(M) Programs to—*

18 *(i) assist in the placement of employees dis-*  
19 *placed as a result of actions pursuant to the pro-*  
20 *gram in enterprises not representing a prolifera-*  
21 *tion threat; and*

22 *(ii) convert sites identified as presenting*  
23 *risks of proliferation regarding proliferation-at-*  
24 *tractive fissile materials, radiological materials,*  
25 *and related equipment to purposes not rep-*

1            *representing a proliferation threat to the extent nec-*  
2            *essary to eliminate the proliferation threat.*

3            *(2) The Secretary of Energy shall, in coordination*  
4            *with the Secretary of State, carry out the program in con-*  
5            *sultation with, and with the assistance of, appropriate de-*  
6            *partments, agencies, and other entities of the United States*  
7            *Government.*

8            *(3) The Secretary of Energy shall, with the concur-*  
9            *rence of the Secretary of State, carry out activities under*  
10           *the program in collaboration with such foreign govern-*  
11           *ments, non-governmental organizations, and other inter-*  
12           *national entities as the Secretary considers appropriate for*  
13           *the program.*

14           *(d) REPORTS.—(1) Not later than March 15, 2005, the*  
15           *Secretary shall submit to Congress a classified interim re-*  
16           *port on the program under subsection (b).*

17           *(2) Not later than January 1, 2006, the Secretary shall*  
18           *submit to Congress a classified final report that includes*  
19           *the following:*

20                    *(A) A survey by the Secretary of the facilities*  
21                    *and sites worldwide that contain proliferation-attract-*  
22                    *ive fissile materials, radiological materials, or re-*  
23                    *lated equipment.*

24                    *(B) A list of sites determined by the Secretary to*  
25                    *be of the highest priority, taking into account risk of*

1 *theft from such sites, for removal or security of pro-*  
2 *liferation-attractive fissile materials, radiological ma-*  
3 *terials, or related equipment, organized by level of*  
4 *priority.*

5 *(C) A plan, including activities under the pro-*  
6 *gram under this section, for the removal, security, or*  
7 *both of proliferation-attractive fissile materials, radi-*  
8 *ological materials, or related equipment at vulnerable*  
9 *facilities and sites worldwide, including measurable*  
10 *milestones, metrics, and estimated costs for the imple-*  
11 *mentation of the plan.*

12 *(3) A summary of each report under this subsection*  
13 *shall also be submitted to Congress in unclassified form.*

14 *(e) FUNDING.—Amounts authorized to be appropriated*  
15 *to the Secretary of Energy for defense nuclear nonprolifera-*  
16 *tion activities shall be available for purposes of the program*  
17 *under this section.*

18 *(f) DEFINITIONS.—In this section:*

19 *(1) The term “fissile materials” means pluto-*  
20 *onium, highly-enriched uranium, or other material ca-*  
21 *pable of sustaining an explosive nuclear chain reac-*  
22 *tion, including irradiated items containing such ma-*  
23 *terials if the radiation field from such items is not*  
24 *sufficient to prevent the theft or misuse of such items.*

1           (2) *The term “radiological materials” includes*  
2 *Americium-241, Californium-252, Cesium-137, Co-*  
3 *balt-60, Iridium-192, Plutonium-238, Radium-226*  
4 *and Strontium-90, Curium-244, Strontium-90, and*  
5 *irradiated items containing such materials, or other*  
6 *materials designated by the Secretary of Energy for*  
7 *purposes of this paragraph.*

8           (3) *The term “related equipment” includes*  
9 *equipment useful for enrichment of uranium in the*  
10 *isotope 235 and for extraction of fissile materials*  
11 *from irradiated fuel rods and other equipment des-*  
12 *ignated by the Secretary of Energy for purposes of*  
13 *this section.*

14           (4) *The term “highly-enriched uranium” means*  
15 *uranium enriched to or above 20 percent in isotope*  
16 *235.*

17           (5) *The term “low-enriched uranium” means*  
18 *uranium enriched below 20 percent in isotope 235.*

19           (6) *The term “proliferation-attractive”, in the*  
20 *case of fissile materials and radiological materials,*  
21 *means quantities and types of such materials that are*  
22 *determined by the Secretary of Energy to present a*  
23 *significant risk to the national security of the United*  
24 *States if diverted to a use relating to proliferation.*



1                   ***Subtitle D—Other Matters***

2   ***SEC. 3141. INDEMNIFICATION OF DEPARTMENT OF ENERGY***

3                   ***CONTRACTORS.***

4           *Section 170 d.(1)(A) of the Atomic Energy Act of 1954*  
5 *(42 U.S.C. 2210(d)(1)(A)) is amended by striking “until*  
6 *December 31, 2004” and inserting “until December 31,*  
7 *2006”.*

8   ***SEC. 3142. TWO-YEAR EXTENSION OF AUTHORITY FOR AP-***

9                   ***POINTMENT OF CERTAIN SCIENTIFIC, ENGI-***  
10                  ***NEERING, AND TECHNICAL PERSONNEL.***

11           *Section 4601(c)(1) of the Atomic Energy Defense Act*  
12 *(50 U.S.C. 2701(c)(1)) is amended by striking “September*  
13 *30, 2004” and inserting “September 30, 2006”.*

14   ***SEC. 3143. ENHANCEMENT OF ENERGY EMPLOYEES OCCU-***

15                  ***PATIONAL ILLNESS COMPENSATION PRO-***  
16                  ***GRAM AUTHORITIES.***

17           *(a) STATE AGREEMENTS.—Section 3661 of the Floyd*  
18 *D. Spence National Defense Authorization Act for Fiscal*  
19 *Year 2001 (as enacted into law by Public Law 106–394)*  
20 *(42 U.S.C. 7385o) is amended—*

21                   *(1) in subsection (b), by striking “Pursuant to*  
22 *agreements under subsection (a), the” and inserting*  
23 *“The”;*

24                   *(2) in subsection (c), by striking “provided in an*  
25 *agreement under subsection (a), and if”;* and

1           (3) *in subsection (e), by striking “If provided in*  
2           *an agreement under subsection (a)” and inserting “If*  
3           *a panel has reported a determination under sub-*  
4           *section (d)(5)”.*

5           (b) *PHYSICIAN PANELS.—Subsection (d) of such sec-*  
6           *tion is amended by striking paragraph (2) and inserting*  
7           *the following new paragraph (2):*

8           “(2) *The Secretary of Health and Human Services*  
9           *shall, in consultation with the Secretary of Energy, select*  
10           *the individuals to serve as panel members based on experi-*  
11           *ence and competency in diagnosing occupational illnesses.*  
12           *The Secretary shall appoint the individuals so selected as*  
13           *panel members or shall obtain by contract the services of*  
14           *such individuals as panel members.”.*

15   **SEC. 3144. SUPPORT FOR PUBLIC EDUCATION IN THE VICIN-**  
16                            **ITY OF LOS ALAMOS NATIONAL LABORATORY,**  
17                            **NEW MEXICO.**

18           *The Secretary of Energy shall require that the primary*  
19           *management and operations contract for Los Alamos Na-*  
20           *tional Laboratory, New Mexico, that involves Laboratory*  
21           *operations after September 30, 2005, shall contain terms*  
22           *requiring the contractor under such contract to provide sup-*  
23           *port to the Los Alamos Public School District, New Mexico,*  
24           *for the elementary and secondary education of students by*

1 *the School District in the amount of \$8,000,000 in each*  
2 *fiscal year.*

3 **SEC. 3145. REVIEW OF WASTE ISOLATION PILOT PLANT,**  
4 **NEW MEXICO, PURSUANT TO COMPETITIVE**  
5 **CONTRACT.**

6 (a) *CONTRACT REQUIREMENT.*—*The Secretary of En-*  
7 *ergy shall use competitive procedures to enter into a con-*  
8 *tract to conduct independent reviews and evaluations of the*  
9 *design, construction, and operations of the Waste Isolation*  
10 *Pilot Plant in New Mexico (hereafter in this section referred*  
11 *as the “WIPP”) as they relate to the protection of the public*  
12 *health and safety and the environment. The contract shall*  
13 *be for a period of one year, beginning on October 1, 2004,*  
14 *and shall be renewable for four additional one-year periods*  
15 *with the consent of the contractor and subject to the author-*  
16 *ization and appropriation of funds for such purpose.*

17 (b) *CONTENT OF CONTRACT.*—*A contract entered into*  
18 *under subsection (a) shall require the following:*

19 (1) *The contractor shall appoint a Director and*  
20 *Deputy Director, who shall be scientists of national*  
21 *eminence in the field of nuclear waste disposal, shall*  
22 *be free from any biases related to the activities of the*  
23 *WIPP, and shall be widely known for their integrity*  
24 *and scientific expertise.*

1           (2) *The Director shall appoint staff. The profes-*  
2           *sional staff shall consist of scientists and engineers of*  
3           *recognized integrity and scientific expertise who rep-*  
4           *resent scientific and engineering disciplines needed*  
5           *for a thorough review of the WIPP, including dis-*  
6           *ciplines such as geology, hydrology, health physics,*  
7           *environmental engineering, probability risk analysis,*  
8           *mining engineering, and radiation chemistry. The*  
9           *disciplines represented in the staff shall change as*  
10          *may be necessary to meet changed needs in carrying*  
11          *out the contract for expertise in any certain scientific*  
12          *or engineering discipline. Scientists employed under*  
13          *the contract shall have qualifications and experience*  
14          *equivalent to the qualifications and experience re-*  
15          *quired for scientists employed by the Federal Govern-*  
16          *ment in grades GS-13 through GS-15.*

17           (3) *Scientists employed under the contract shall*  
18          *have an appropriate support staff.*

19           (4) *The Director and Deputy Director shall each*  
20          *be appointed for a term of 5 years, subject to contract*  
21          *renewal, and may be removed only for misconduct or*  
22          *incompetence. The staff shall be appointed for such*  
23          *terms as the Director considers appropriate.*

24           (5) *The rates of pay of professional staff and the*  
25          *procedures for increasing the rates of pay of profes-*

1       sional staff shall be equivalent to those rates and pro-  
 2       cedures provided for the General Schedule pay system  
 3       under chapter 53 of title 5, United States Code.

4               (6) *The results of reviews and evaluations car-*  
 5       *ried out under the contract shall be published.*

6       (c) *ADMINISTRATION.*—*The contractor shall establish*  
 7       *general policies and guidelines to be used by the Director*  
 8       *in carrying out the work under the contract.*

9       **SEC. 3146. COMPENSATION OF PAJARITO PLATEAU, NEW**  
 10               **MEXICO, HOMESTEADERS FOR ACQUISITION**  
 11               **OF LANDS FOR MANHATTAN PROJECT IN**  
 12               **WORLD WAR II.**

13       (a) *ESTABLISHMENT OF COMPENSATION FUND.*—  
 14       *There is established in the Treasury of the United States*  
 15       *a fund to be known as the Pajarito Plateau Homesteaders*  
 16       *Compensation Fund (in this section referred to as the*  
 17       *“Fund”). The Fund shall be dedicated to the settlement of*  
 18       *the two lawsuits in the United States District Court for*  
 19       *the District of New Mexico consolidated as Civ. No. 00–*  
 20       *60.*

21       (b) *ELEMENTS OF FUND.*—*The Fund shall consist of*  
 22       *the following:*

23               (1) *Amounts available for deposit in the Fund*  
 24       *under subsection (j).*

1           (2) *Interest earned on amounts in the Fund*  
2           *under subsection (g).*

3           (c) *USE OF FUND.*—*The Fund shall be available for*  
4 *the settlement of the consolidated lawsuits in accordance*  
5 *with the following requirements:*

6           (1) *The settlement shall be subject to preliminary*  
7 *and final approval by the Court in accordance with*  
8 *rule 23(e) of the Federal Rules of Civil Procedure.*

9           (2) *Lead Counsel and Counsel for the United*  
10 *States of America shall recommend to the Court rea-*  
11 *sonable procedures by which the claims for monies*  
12 *from the Fund shall be administered, which rec-*  
13 *ommendations shall include mechanisms—*

14                   (A) *to identify class members;*

15                   (B) *to receive claims from class members so*  
16 *identified;*

17                   (C) *to determine in accordance with sub-*  
18 *section (d) eligible claimants from among class*  
19 *members submitting claims; and*

20                   (D) *to resolve contests, if any, among eligi-*  
21 *ble claimants with respect to a particular eligible*  
22 *tract regarding the disbursement of monies in*  
23 *the Fund with respect to such eligible tract.*

1           (3) *Lead Counsel and Counsel for the United*  
2 *States of America shall provide evidence to the Court*  
3 *to assist the Court in—*

4                   (A) *identifying each class member by name*  
5 *and whereabouts;*

6                   (B) *providing notice of the settlement proc-*  
7 *ess for the consolidated lawsuits to each class*  
8 *member so identified; and*

9                   (C) *providing the forms, and describing the*  
10 *procedure, for making claims to each class mem-*  
11 *ber so identified.*

12           (4) *After the provision of notice to class members*  
13 *under paragraph (3), if, within a time period to be*  
14 *established by the Court, more than 10 percent of the*  
15 *class members submit to the Court written notice of*  
16 *their determination to be excluded from participation*  
17 *in the settlement of the consolidated lawsuits—*

18                   (A) *the Fund shall not serve as the basis for*  
19 *the settlement of the consolidated lawsuits and*  
20 *the provisions of this section shall have no fur-*  
21 *ther force or effect; and*

22                   (B) *amounts in the Fund shall not be dis-*  
23 *bursed, but shall be retained in the Treasury as*  
24 *miscellaneous receipts.*

1           (5) *The Court may award attorney fees and ex-*  
2           *penses from the Fund pursuant to rule 23 of the Fed-*  
3           *eral Rules of Civil Procedure, except that the award*  
4           *of attorney fees may not exceed 20 percent of the*  
5           *Fund and the award of expenses may not exceed 2*  
6           *percent of the Fund. Any attorney fees and expenses*  
7           *so paid shall be paid from the Fund before distribu-*  
8           *tion of the amount in the Fund to eligible claimants*  
9           *entitled thereto.*

10           (6) *The Fund shall be available to pay settlement*  
11           *awards in accordance with the following:*

12                   (A) *The balance of the amount of the Fund*  
13                   *that is available for disbursement after any*  
14                   *award of attorney fees and expenses under para-*  
15                   *graph (5) shall be allocated proportionally by el-*  
16                   *igible tract according to its acreage as compared*  
17                   *with all eligible tracts.*

18                   (B) *The allocation for each eligible tract*  
19                   *shall be allocated pro rata among all eligible*  
20                   *claimants having an interest in such eligible*  
21                   *tract according to the extent of their interest in*  
22                   *such eligible tract, as determined under the laws*  
23                   *of the State of New Mexico.*



1           (C) *Payments from the Fund under this*  
2           *paragraph shall be made by the Secretary of the*  
3           *Treasury.*

4           (7) *Any amounts available for disbursement with*  
5           *respect to an eligible tract that are not awarded to el-*  
6           *igible claimants with respect to that tract by reason*  
7           *of paragraph (6)(B) shall be retained in the Treasury*  
8           *as miscellaneous receipts.*

9           (d) *ELIGIBLE CLAIMANTS.—(1) For purposes of this*  
10          *section, an eligible claimant is any class member deter-*  
11          *mined by the Court, by a preponderance of evidence and*  
12          *pursuant to procedures established under subsection (c)(2),*  
13          *to be a person or entity who held a fee simple ownership*  
14          *in an eligible tract at the time of its acquisition by the*  
15          *United States during World War II for use in the Manhat-*  
16          *tan Project, or the heir, successor in interest, assignee, or*  
17          *beneficiary of such a person or entity.*

18          (2) *The status of a person or entity as an heir, suc-*  
19          *cessor in interest, assignee, or beneficiary for purposes of*  
20          *this subsection shall be determined under the laws of the*  
21          *State of New Mexico, including the descent and distribution*  
22          *law of the State of New Mexico.*

23          (e) *FULL RESOLUTION OF CLAIMS AGAINST UNITED*  
24          *STATES.—(1) The acceptance of a disbursement from the*  
25          *Fund by an eligible claimant under this section shall con-*

1 *stitute a final and complete release of the defendants in the*  
2 *consolidated lawsuits with respect to such eligible claimant,*  
3 *and shall be in full satisfaction of any and all claims of*  
4 *such eligible claimant against the United States arising out*  
5 *of acts described in the consolidated lawsuits.*

6       (2) *Upon the disbursement of the amount in the Fund*  
7 *to eligible claimants entitled thereto under this section, the*  
8 *Court shall, subject to the provisions of rule 23(e) of the*  
9 *Federal Rules of Civil Procedure, enter a final judgment*  
10 *dismissing with prejudice the consolidated lawsuits and all*  
11 *claims and potential claims on matters covered by the con-*  
12 *solidated lawsuits.*

13       (f) *COMPENSATION LIMITED TO AMOUNTS IN FUND.—*

14 (1) *An eligible claimant may be paid under this section*  
15 *only from amounts in the Fund.*

16       (2) *Nothing in this section shall authorize the payment*  
17 *to a class member by the United States Government of any*  
18 *amount authorized by this section from any source other*  
19 *than the Fund.*

20       (g) *INVESTMENT OF FUND.—(1) The Secretary of the*  
21 *Treasury shall, in accordance with the requirements of sec-*  
22 *tion 9702 of title 31, United States Code, and the provisions*  
23 *of this subsection, direct the form and manner by which*  
24 *the Fund shall be safeguarded and invested so as to maxi-*  
25 *mize its safety while earning a return comparable to other*

1 *common funds in which the United States Treasury is the*  
2 *source of payment.*

3       (2) *Interest on the amount deposited in the Fund shall*  
4 *accrue from the date of the enactment of the Act appro-*  
5 *priating amounts for deposit in the Fund until the date*  
6 *on which the Secretary of the Treasury disburses the*  
7 *amount in the Fund to eligible claimants who are entitled*  
8 *thereto under subsection (c).*

9       (h) *PRESERVATION OF RECORDS.—(1) All documents,*  
10 *personal testimony, and other records created or received*  
11 *by the Court in the consolidated lawsuits shall be kept and*  
12 *maintained by the Archivist of the United States, who shall*  
13 *preserve such documents, testimony, and records in the Na-*  
14 *tional Archives of the United States.*

15       (2) *The Archivist shall make available to the public*  
16 *the materials kept and maintained under paragraph (1).*

17       (i) *DEFINITIONS.—In this section:*

18               (1) *The term “Court” means the United States*  
19 *District Court for the District of New Mexico having*  
20 *jurisdiction over the consolidated lawsuits.*

21               (2) *The term “consolidated lawsuits” means the*  
22 *two lawsuits in the United States District Court for*  
23 *the District of New Mexico consolidated as Civ. No.*  
24 *00–60.*

1           (3)(A) *The term “eligible tract” means private*  
2 *real property located on the Pajarito Plateau of what*  
3 *is now Los Alamos County, New Mexico, that was ac-*  
4 *quired by the United States during World War II for*  
5 *use in the Manhattan Project and which is the subject*  
6 *of the consolidated lawsuits.*

7           (B) *The term does not include lands of the Los*  
8 *Alamos Ranch School and of the A.M. Ross Estate*  
9 *(doing business as Anchor Ranch).*

10          (4) *The term “class member” means the fol-*  
11 *lowing:*

12           (A) *Any person or entity who claims to*  
13 *have held a fee simple ownership in an eligible*  
14 *tract at the time of its acquisition by the United*  
15 *States during World War II for use in the Man-*  
16 *hattan Project.*

17           (B) *Any person or entity claiming to be the*  
18 *heir, successor in interest, assignee, or bene-*  
19 *ficiary of a person or entity who held a fee sim-*  
20 *ple ownership in an eligible tract at the time of*  
21 *its acquisition by the United States during*  
22 *World War II for use in the Manhattan Project.*

23          (j) *FUNDING.—Of the amount authorized to be appro-*  
24 *priated by section 3101(a)(4) for the National Nuclear Se-*  
25 *curity Administration for the Office of the Administrator*

1 *for Nuclear Security, \$10,000,000 shall be available for de-*  
2 *posit in the Fund under subsection (b)(1).*

3 ***Subtitle E—Energy Employees Oc-***  
4 ***cupational Illness Compensation***  
5 ***Program***

6 ***SEC. 3151. COVERAGE OF INDIVIDUALS EMPLOYED AT***  
7 ***ATOMIC WEAPONS EMPLOYER FACILITIES***  
8 ***DURING PERIODS OF RESIDUAL CONTAMINA-***  
9 ***TION.***

10 *(a) COVERAGE.—Paragraph (3) of section 3621 of the*  
11 *Energy Employees Occupational Illness Compensation Pro-*  
12 *gram Act of 2000 (title XXXVI of the Floyd D. Spence Na-*  
13 *tional Defense Authorization Act for Fiscal Year 2001 (as*  
14 *enacted into law by Public Law 106–398); 42 U.S.C. 7384l)*  
15 *is amended to read as follows:*

16 *“(3) The term ‘atomic weapons employee’ means*  
17 *any of the following:*

18 *“(A) An individual employed by an atomic*  
19 *weapons employer during a period when the em-*  
20 *ployer was processing or producing, for the use*  
21 *by the United States, material that emitted radi-*  
22 *ation and was used in the production of an*  
23 *atomic weapon, excluding uranium mining and*  
24 *milling.*

25 *“(B) An individual employed—*

1           “(i) at a facility with respect to which  
2           the National Institute for Occupational  
3           Safety and Health, in its report dated Octo-  
4           ber 2003 and titled ‘Report on Residual Ra-  
5           dioactive and Beryllium Contamination at  
6           Atomic Weapons Employer Facilities and  
7           Beryllium Vendor Facilities’, or any update  
8           to that report, found that there is a poten-  
9           tial for significant residual contamination  
10          outside of the period in which weapons-re-  
11          lated production occurred;

12          “(ii) by an atomic weapons employer  
13          or subsequent owner or operators of a facil-  
14          ity described in clause (i); and

15          “(ii) during a period, as specified in  
16          such report or any update to such report, of  
17          potential for significant residual radioactive  
18          contamination at such facility.”.

19 **SEC. 3152. UPDATE OF REPORT ON RESIDUAL CONTAMINA-**  
20 **TION OF FACILITIES.**

21          (a) **UPDATE OF REPORT.**—Not later than December  
22          31, 2006, the Director of the National Institute for Occupa-  
23          tional Safety and Health shall submit to Congress an up-  
24          date to the report required by section 3151(b) of the Na-

1 *tional Defense Authorization Act for Fiscal Year 2002 (Pub-*  
2 *lic Law 107–107; 42 U.S.C. 7384 note).*

3 (b) *ELEMENTS.—The update shall—*

4 (1) *for each facility for which such report found*  
5 *that insufficient information was available to deter-*  
6 *mine whether significant residual contamination was*  
7 *present, determine whether significant residual con-*  
8 *tamination was present;*

9 (2) *for each facility for which such report found*  
10 *that significant residual contamination remained*  
11 *present as of the date of the report, determine the date*  
12 *on which such contamination ceased to be present;*

13 (3) *for each facility for which such report found*  
14 *that significant residual contamination was present*  
15 *but for which the Director has been unable to deter-*  
16 *mine the extent to which such contamination is at-*  
17 *tributable to atomic weapons-related activities, iden-*  
18 *tify the specific dates of coverage attributable to such*  
19 *activities and, in so identifying, presume that such*  
20 *contamination is attributable to such activities until*  
21 *there is evidence of decontamination of residual con-*  
22 *tamination identified with atomic weapons-related*  
23 *activities; and*

24 (4) *if new information that pertains to the re-*  
25 *port has been made available to the Director since*

1       that report was submitted, identify and describe such  
2       information.

3       (c) *PUBLICATION.*—*The Director shall ensure that the*  
4 *report referred to in subsection (a) is published in the Fed-*  
5 *eral Register not later than 15 days after being released.*

6       **SEC. 3153. WORKERS COMPENSATION.**

7       (a) *IN GENERAL.*—*Subtitle D of the Energy Employ-*  
8 *ees Occupational Illness Compensation Program Act of*  
9 *2000 (title XXXVI of the Floyd D. Spence National Defense*  
10 *Authorization Act for Fiscal Year 2001 (as enacted into law*  
11 *by Public Law 106–398); 42 U.S.C. 7385o) is amended to*  
12 *read as follows:*

13       **“Subtitle D—Workers Compensation**

14       **“SEC. 3661. COVERED DEPARTMENT OF ENERGY CON-**  
15       **TRACTOR EMPLOYEES.**

16       “(a) *IN GENERAL.*—*In this subtitle, the term ‘covered*  
17 *Department of Energy contractor employee’ means any De-*  
18 *partment of Energy contractor employee determined under*  
19 *section 3663 to have contracted an occupational illness or*  
20 *covered illness through exposure at a Department of Energy*  
21 *facility.*

22       “(b) *EXCLUSION OF ILLNESS THROUGH EXPOSURE*  
23 *AFTER COMMENCEMENT OF NEW PROGRAM.*—*For purposes*  
24 *of this subtitle, an occupational illness or covered illness*  
25 *shall not include any illness contracted by a Department*



1 of Energy contractor employee through exposure at a De-  
2 partment of Energy facility if the exposure occurs after the  
3 date of the enactment of the National Defense Authorization  
4 Act for Fiscal Year 2005.

5 **“SEC. 3662. WORKERS COMPENSATION.**

6       “(a) *IN GENERAL.*—Except as provided in subsection  
7 (b), a covered Department of Energy contractor employee,  
8 or the survivor of a covered Department of Energy con-  
9 tractor employee if the covered Department of Energy con-  
10 tractor employee is deceased, shall receive workers com-  
11 pensation in an amount determined under section 3664.

12       “(b) *ELECTION TO PROCEED UNDER STATE WORK-*  
13 *ERS’ COMPENSATION SYSTEM.*—(1) A Department of En-  
14 ergy contractor employee otherwise covered by this section  
15 may elect to seek workers’ compensation under the appro-  
16 priate State workers’ compensation system for the occupa-  
17 tional illness or covered illness of the covered Department  
18 of Energy contractor employee rather than seek workers  
19 compensation for the occupational illness or covered illness,  
20 as the case may be, under this subtitle.

21       “(2) Any Department of Energy contractor employee  
22 making an election under paragraph (1) who becomes enti-  
23 tled to workers’ compensation under the appropriate State  
24 workers’ compensation system following an election under

1 *that paragraph is not entitled to receive workers compensa-*  
 2 *tion under this subtitle.*

3       “(c) *FUNDING.*—*The Secretary of Labor shall make*  
 4 *payments of workers compensation under this section from*  
 5 *amounts authorized to be appropriated for such purpose*  
 6 *under section 3670.*

7 **“SEC. 3663. DETERMINATIONS REGARDING CONTRACTION**  
 8                   **OF OCCUPATIONAL OR COVERED ILLNESSES.**

9       “(a) *EMPLOYEES COVERED BY PREVIOUS DETERMINA-*  
 10 *TION OF ENTITLEMENT TO COMPENSATION AND BENE-*  
 11 *FITS.*—(1) *A Department of Energy contractor employee*  
 12 *who has been determined to be entitled to compensation and*  
 13 *benefits for an occupational illness contracted in the per-*  
 14 *formance of duty at a Department of Energy facility under*  
 15 *subtitle B shall be treated as having contracted the occupa-*  
 16 *tional illness through exposure at the Department of Energy*  
 17 *facility for purposes of this subtitle.*

18       “(2) *A determination, pursuant to activities under*  
 19 *paragraph (2) of section 3163(d) of the National Defense*  
 20 *Authorization Act for Fiscal Year 2005 before or during the*  
 21 *period of transition of administration of this subtitle to the*  
 22 *Department of Labor under paragraph (1) of such section,*  
 23 *that an individual contracted an occupational illness*  
 24 *through exposure at a Department of Energy facility for*

1 *purposes of this subtitle shall be valid for purposes of this*  
2 *subtitle.*

3       “(b) *OTHER EMPLOYEES.*—*In the case of a Depart-*  
4 *ment of Energy contractor employee not previously covered*  
5 *by a determination described in subsection (a) with respect*  
6 *to an occupational illness, the Department of Energy con-*  
7 *tractor employee shall be determined to have contracted an*  
8 *illness (in this subtitle referred to as a ‘covered illness’)*  
9 *through exposure at a Department of Energy facility for*  
10 *purposes of this subtitle if—*

11               “(1) *it is at least as likely as not that exposure*  
12 *to a toxic substance was a significant factor in aggra-*  
13 *vating, contributing to, or causing the illness; and*

14               “(2) *it is at least as likely as not that the expo-*  
15 *sure to such toxic substance was related to employ-*  
16 *ment at a Department of Energy facility.*

17       “(c) *DETERMINATIONS REGARDING EMPLOYEES NOT*  
18 *PREVIOUSLY COVERED BY DETERMINATION OF ENTITLE-*  
19 *MENT.*—(1) *The Secretary of Labor shall make each deter-*  
20 *mination under subsection (b) as to whether or not a De-*  
21 *partment of Energy contractor employee described in that*  
22 *subsection contracted a covered illness related to employ-*  
23 *ment at a Department of Energy facility.*

24               “(2) *The Secretary may utilize the services of physi-*  
25 *cians for purposes of making determinations under this sub-*

1 *section. Any physicians so utilized shall possess appropriate*  
2 *expertise and experience in the evaluation and diagnosis*  
3 *of illnesses aggravated, contributed to, or caused by expo-*  
4 *sure to toxic substances.*

5       “(3) *The Secretary may secure the services of physi-*  
6 *cians under this subsection through the appointment of phy-*  
7 *sicians or by contract.*

8       “(4) *The Secretary shall consult with the Secretary of*  
9 *Health and Human Services before utilizing the services of*  
10 *physicians for purposes of making determinations under*  
11 *this subsection.*

12 **“SEC. 3664. AMOUNT OF WORKERS COMPENSATION.**

13       “(a) *IN GENERAL.—The amount of workers compensa-*  
14 *tion payable to a covered Department of Energy contractor*  
15 *employee, or the eligible survivors of a covered Department*  
16 *of Energy contractor employee, for an occupational illness*  
17 *or covered illness under section 3662 is the amount of work-*  
18 *ers’ compensation to which the Department of Energy con-*  
19 *tractor employee, or the eligible survivors, respectively,*  
20 *would otherwise be entitled for the occupational illness or*  
21 *covered illness, as the case may be, under the appropriate*  
22 *State workers’ compensation system.*

23       “(b) *INAPPLICABILITY OF CERTAIN STATE WORKERS’*  
24 *COMPENSATION SYSTEM LIMITATIONS.—The amount of*  
25 *workers’ compensation to which a covered Department of*

1 *Energy contractor employee would otherwise be entitled*  
2 *under subsection (a) shall be determined without regard to*  
3 *any requirements under the appropriate State workers’*  
4 *compensation system for each of the following:*

5           “(1) *Statutes of limitation, or other rules lim-*  
6 *iting compensation to claims filed within a specified*  
7 *period after last exposure to a toxic substance or after*  
8 *last employment by an employer where the employee*  
9 *was exposed to a toxic substance.*

10           “(2) *Exposure rules, including minimum periods*  
11 *of exposure to toxic substances.*

12           “(3) *Causation rules more stringent than the*  
13 *standard in section 3663(b).*

14           “(4) *Burdens of proof, quantum of proof stand-*  
15 *ards, or both more stringent than the standard in sec-*  
16 *tion 3663(b).*

17           “(5) *Return to work requirements, including ob-*  
18 *ligations to participate in vocational rehabilitation*  
19 *and medical examinations connected with the ability*  
20 *to return to work.*

21           “(6) *Medical examinations in addition to med-*  
22 *ical examinations required by the Secretary of Labor*  
23 *for the application of section 3663 in determining*  
24 *causation or required by the Secretary of Labor for*

1        *the application of subsection (c) in determining the*  
2        *amount of workers' compensation payable.*

3        “(c) *DETERMINATION OF AMOUNT.—(1) The Secretary*  
4        *of Labor shall determine the amount of workers compensa-*  
5        *tion payable to each covered Department of Energy con-*  
6        *tractor employee under section 3662.*

7        “(2)(A) *The Secretary may utilize the assistance of the*  
8        *workers' compensation system personnel of any State in*  
9        *making determinations under paragraph (1).*

10       “(B) *The utilization of assistance under subparagraph*  
11       *(A) shall be in accordance with an agreement entered into*  
12       *by the Secretary and the chief executive officer of the State*  
13       *concerned.*

14       “(C) *An agreement under subparagraph (B) may pro-*  
15       *vide for the Secretary to reimburse the State concerned for*  
16       *the costs of the State in providing assistance under the*  
17       *agreement.*

18       “(3)(A) *The Secretary may utilize the services of phy-*  
19       *sicians for purposes of making determinations under this*  
20       *subsection.*

21       “(B) *Any physicians utilized under subparagraph (A)*  
22       *shall possess appropriate expertise and experience in the*  
23       *evaluation and determination of the extent of permanent*  
24       *physical impairments.*

1       “(C) *The Secretary may secure the services of physi-*  
2 *cians under subparagraph (A) through the appointment of*  
3 *physicians or by contract.*

4       **“SEC. 3665. MEDICAL BENEFITS.**

5       “(a) *IN GENERAL.—A Department of Energy con-*  
6 *tractor employee eligible for workers compensation for an*  
7 *occupational illness or covered illness under this subtitle*  
8 *shall be furnished medical benefits specified in section 3629*  
9 *for the occupational illness or covered illness, as the case*  
10 *may be, to the same extent, and under the same conditions*  
11 *and limitations, as an individual eligible for medical bene-*  
12 *fits under that section is furnished medical benefits under*  
13 *that section.*

14       “(b) *FUNDING.—Amounts for payments for medical*  
15 *benefits under this section shall be derived from amounts*  
16 *authorized to be appropriated for such purpose under sec-*  
17 *tion 3670.*

18       **“SEC. 3666. REVIEW OF CERTAIN DETERMINATIONS.**

19       “(a) *STATUS AS DEPARTMENT OF ENERGY CON-*  
20 *TRACTOR EMPLOYEE.—An individual may seek the review*  
21 *of a determination that the individual is not a Department*  
22 *of Energy contractor employee.*

23       “(b) *ELIGIBILITY AND AMOUNT OF WORKERS COM-*  
24 *PENSATION.—A Department of Energy contractor employee*  
25 *may seek the review of any determination as follows:*

1           “(1) A determination under section 3663(b) that  
2           the Department of Energy contractor employee is not  
3           a covered Department of Energy contractor employee.

4           “(2) A determination under 3664 of the amount  
5           of workers compensation payable to the Department  
6           of Energy contractor employee under section 3662.

7           “(c) REVIEW.—(1) The review of a determination  
8           under subsection (a) or (b) shall be conducted by the Sec-  
9           retary of Labor in accordance with procedures applicable  
10          for the review of claims under sections 30.310 through  
11          30.320 of title 20, Code of Federal Regulations, or any suc-  
12          cessor regulations.

13          “(2)(A) The review of a determination under sub-  
14          section (b)(1) shall include review by a physician or physi-  
15          cian panel.

16          “(B) Each physician or physician on a panel under  
17          subparagraph (A) shall be a physician with experience and  
18          competency in diagnosing illnesses aggravated, contributed  
19          to, or caused by exposure to toxic substances.

20          “(C) The Secretary of Labor may investigate any alle-  
21          gation that a physician appointed under this paragraph  
22          has a conflict of interest. If the Secretary of Labor deter-  
23          mines that a conflict of interest exists, the Secretary shall  
24          notify the Secretary of Health and Human Services, who  
25          shall review the allegation.



1       “(D) *Each review by a physician or physician panel*  
2 *under subparagraph (A) shall be conducted in accordance*  
3 *with such procedures as the Secretary shall prescribe.*

4       “(3)(A) *The results of each review under this sub-*  
5 *section shall be submitted to the Secretary.*

6       “(B) *The Secretary shall accept the results of any por-*  
7 *tion of a review under this subsection that consists of a re-*  
8 *view by a physician or physician panel under paragraph*  
9 *(2) unless there is substantial evidence to the contrary.*

10       “(d) *REVERSAL OF DETERMINATIONS.—Except as pro-*  
11 *vided in subsection (c)(3)(B), the Secretary of Labor may*  
12 *vacate or reverse any determination described in subsection*  
13 *in subsection (a) or (b) if the Secretary determines, as the*  
14 *result of a review of such determination under subsection*  
15 *(c), that such determination was erroneous.*

16       **“SEC. 3667. ATTORNEY FEES.**

17       “(a) *IN GENERAL.—Except as provided in subsection*  
18 *(b), the provisions of section 3648 shall apply to the avail-*  
19 *ability of attorney fees for assistance on a claim under this*  
20 *subtitle to the same extent, and subject to the same condi-*  
21 *tions and limitations, that such provisions apply to the*  
22 *availability of attorney fees for assistance on a claim under*  
23 *subtitle B.*

24       “(b) *ATTORNEY FEE SCHEDULE.—(1) The Secretary*  
25 *of Labor may, by regulation, modify the application of sec-*

1 *tion 3648 to the availability of attorney fees under this sub-*  
2 *title to establish a schedule for attorney fees under this sub-*  
3 *title that will ensure representation of claimants and ap-*  
4 *propriate compensation for such representation.*

5       “(2) *The amount of attorney fees for assistance on*  
6 *claims under the schedule of attorney fees shall take into*  
7 *appropriate account the nature and complexity of the legal*  
8 *issues involved in such claims and the procedural level at*  
9 *which assistance is given.*

10 **“SEC. 3668. ADMINISTRATIVE MATTERS.**

11       “(a) *IN GENERAL.—The Secretary of Labor shall ad-*  
12 *minister the provisions of this subtitle.*

13       “(b) *CONTRACT AUTHORITY.—(1) The Secretary may*  
14 *enter into contracts with appropriate persons and entities*  
15 *in order to administer the provisions of this subtitle.*

16       “(2) *The authority of the Secretary to enter into con-*  
17 *tracts under this subtitle shall be effective in any fiscal year*  
18 *only to the extent and in such amount as are provided in*  
19 *advance in appropriations Acts.*

20       “(c) *RECORDS.—(1)(A) The Secretary of Energy shall*  
21 *provide to the Secretary of Labor all records, files, and other*  
22 *data, whether paper, electronic, imaged, or otherwise, devel-*  
23 *oped by the Secretary of Energy that are applicable to the*  
24 *administration of the provisions of this subtitle by the Sec-*  
25 *retary of Labor, including records, files, and data on facil-*

1 *ity industrial hygiene, employment of individuals or*  
2 *groups, exposure and medical records, and claims applica-*  
3 *tions.*

4       “(B) *In providing records, files, and other data under*  
5 *this paragraph, the Secretary of Energy shall preserve the*  
6 *current organization of such records, files, and other data,*  
7 *and shall provide such description and indexing of such*  
8 *records, files, and other data as the Secretary of Energy*  
9 *and the Secretary of Labor jointly consider appropriate to*  
10 *facilitate their use by the Secretary of Labor for purposes*  
11 *of this subtitle.*

12       “(2) *The Secretary of Energy and the Secretary of*  
13 *Labor shall jointly undertake such actions as are appro-*  
14 *priate to retrieve records applicable to the claims of Depart-*  
15 *ment of Energy contractor employees for workers compensa-*  
16 *tion under this subtitle, including employment records,*  
17 *records of exposure to beryllium, radiation, silicon, or met-*  
18 *als or volatile organic chemicals, and records regarding*  
19 *medical treatment.*

20       “(d) *REGULATIONS.—The Secretary of Labor shall*  
21 *prescribe regulations necessary for the administration of the*  
22 *provisions of this subtitle.*

1 **“SEC. 3669. OFFICE OF OMBUDSMAN.**

2       “(a) *ESTABLISHMENT.*—*There is established in the De-*  
3 *partment of Labor an office to be known as the ‘Office of*  
4 *the Ombudsman’ (in this section referred to as the ‘Office’).*

5       “(b) *HEAD.*—*The head of the Office shall be the Om-*  
6 *budsman. The individual serving as Ombudsman shall be*  
7 *either of the following:*

8               “(1) *An officer or employee of the Department of*  
9 *Labor designated by the Secretary for purposes of this*  
10 *section from among officers and employees of the De-*  
11 *partment who have experience and expertise necessary*  
12 *to carry out the duties of the Office specified in sub-*  
13 *section (c).*

14               “(2) *An individual employed by the Secretary*  
15 *from the private sector from among individuals in the*  
16 *private sector who have experience and expertise nec-*  
17 *essary to carry out the duties of the Office specified*  
18 *in subsection (c).*

19       “(c) *DUTIES.*—*The duties of the Office shall be as fol-*  
20 *lows:*

21               “(1) *To assist individuals in making claims*  
22 *under this subtitle.*

23               “(2) *To provide information on the benefits*  
24 *available under this subtitle and on the requirements*  
25 *and procedures applicable to the provision of such*  
26 *benefits.*

1           “(3) *To act as an advocate on behalf of individ-*  
2           *uals seeking benefits under this subtitle.*

3           “(4) *To make recommendations to the Secretary*  
4           *regarding the location of centers (to be known as ‘re-*  
5           *source centers’) for the acceptance and development of*  
6           *claims for benefits under this subtitle.*

7           “(5) *To carry out such other duties with respect*  
8           *to this subtitle as the Secretary shall specify for pur-*  
9           *poses of this section.*

10          “(d) *INDEPENDENT OFFICE.—The Secretary shall take*  
11          *appropriate actions to ensure the independence of the Office*  
12          *within the Department of Labor, including independence*  
13          *from other officers and employees of the Department en-*  
14          *gaged in activities relating to the administration of the pro-*  
15          *visions of this subtitle.*

16          “(e) *ANNUAL REPORT.—(1) Not later than February*  
17          *15 each year, the Ombudsman shall submit to Congress a*  
18          *report on activities under this subtitle.*

19          “(2) *Each report under paragraph (1) shall set forth*  
20          *the following:*

21                 “(A) *The number and types of complaints, griev-*  
22                 *ances, and requests for assistance received by the Om-*  
23                 *budsman under this subtitle during the preceding*  
24                 *year.*

1           “(B) *An assessment of the most common difficul-*  
2           *ties encountered by claimants and potential claimants*  
3           *under this subtitle during the preceding year.*

4           “(C) *Such recommendations as the Ombudsman*  
5           *considers appropriate for the improvement of the*  
6           *practices of the Department of Labor in admin-*  
7           *istering this subtitle.*

8           “(D) *Such recommendations at the Ombudsman*  
9           *considers appropriate for modifying the authorities*  
10          *and requirements of this subtitle in order to better ad-*  
11          *dress the workers compensation interests of covered*  
12          *Department of Energy contractor employees and oth-*  
13          *ers, as determined by the Ombudsman, meriting bene-*  
14          *fits under this subtitle.*

15          “(3) *No official of the Department of Labor, or of any*  
16          *other department or agency of the Federal Government,*  
17          *may require the review or approval of a report of the Om-*  
18          *budsman under this subsection before the submittal of such*  
19          *report to Congress.*

20          “(f) *OUTREACH.—The Secretary of Labor and the Sec-*  
21          *retary of Health and Human Services shall each undertake*  
22          *outreach to advise the public of the existence and duties of*  
23          *the Office.*

1 **“SEC. 3670. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*  
3 *authorized to be appropriated to the Secretary of Labor for*  
4 *fiscal year 2005 and each fiscal year thereafter such sums*  
5 *as may be necessary in such fiscal year for—*

6 “(1) *the provision of compensation and benefits*  
7 *under this subtitle; and*

8 “(2) *the administration of the provisions of this*  
9 *subtitle.*

10 “(b) *AVAILABILITY WITHOUT FISCAL YEAR LIMITA-*  
11 *TION.*—*Amounts authorized to be appropriated by sub-*  
12 *section (a) shall remain available without fiscal year limi-*  
13 *tation.*

14 “(c) *AVAILABILITY OF AMOUNTS SUBJECT TO APPRO-*  
15 *PRIATIONS ACTS.*—*The authority to provide compensation*  
16 *and benefits under this subtitle shall be effective in any fis-*  
17 *cal year only to the extent and in such amounts as are pro-*  
18 *vided in advance in appropriations Acts.”.*

19 (b) *CONFORMING AMENDMENT.*—*Section 3643 of the*  
20 *Energy Employees Occupational Illness Compensation Pro-*  
21 *gram Act of 2000 (42 U.S.C. 7385b) is amended by striking*  
22 *“The acceptance” and inserting “Except as provided in*  
23 *subtitle D, the acceptance”.*

24 (c) *REGULATIONS.*—*The Secretary of Labor shall pre-*  
25 *scribe the regulations required by section 3668(d) of the En-*  
26 *ergy Employees Occupational Illness Compensation Pro-*

1 *gram Act of 2000, as amended by this section, not later*  
2 *than 120 days after the date of the enactment of this Act.*  
3 *The Secretary may prescribe interim final regulations nec-*  
4 *essary to meet the deadlines specified in the preceding sen-*  
5 *tence and subsection (d)(1).*

6       (d) *TRANSITION.—(1) The Secretary of Labor shall*  
7 *commence the administration of the provisions of subtitle*  
8 *D of the Energy Employees Occupational Illness Compensa-*  
9 *tion Program Act of 2000, as amended by this section, not*  
10 *later than 180 days after the date of the enactment of this*  
11 *Act.*

12       (2) *The Secretary of Energy and the Secretary of*  
13 *Labor shall jointly take such actions as are appropriate—*

14           (A) *to identify the activities under subtitle D of*  
15 *the Energy Employees Occupational Illness Com-*  
16 *ensation Program Act of 2000, as in effect on the*  
17 *day before the date of the enactment of this Act, that*  
18 *will continue under that subtitle, as amended by this*  
19 *section, upon the commencement of the administra-*  
20 *tion of that subtitle, as so amended, by the Secretary*  
21 *of Labor under paragraph (1); and*

22           (B) *to ensure the continued discharge of such ac-*  
23 *tivities until the commencement of the administration*  
24 *of that subtitle, as so amended, by the Secretary of*  
25 *Labor under paragraph (1).*



1           (3)(A) *In carrying out activities under paragraph (2),*  
2 *the Secretary of Energy shall only conduct a causation re-*  
3 *view on a claim if the claim is completely prepared and*  
4 *awaiting review as of the date of the enactment of this Act.*

5           (B) *Activities under paragraph (2) on any claim cov-*  
6 *ered by such activities that is not described by subpara-*  
7 *graph (A) shall be carried out by the Secretary of Labor.*

8           (e) *PROVISION OF RECORDS.—The Secretary of En-*  
9 *ergy shall, to the maximum extent practicable, complete the*  
10 *provision of records to the Secretary of Labor under section*  
11 *3668(c)(1) of the Energy Employees Occupational Illness*  
12 *Compensation Program Act of 2000, as amended by this*  
13 *section, not later than 60 days after the date of the enact-*  
14 *ment of this Act.*

15           (f) *SITE PROFILES.—(1)(A) The Secretary of Labor*  
16 *shall prepare a site profile for each of the 14 Department*  
17 *of Energy facilities that have received the most number of*  
18 *claims for compensation and benefits under subtitle D of*  
19 *the Energy Employees Occupational Illness Compensation*  
20 *Program Act of 2000 as of the date of the enactment of this*  
21 *Act.*

22           (B) *The Secretary of Labor shall prepare a site profile*  
23 *under subparagraph (A) utilizing the former worker med-*  
24 *ical screening programs of the Department of Energy.*

1       (2) *If the Secretary of Labor determines that the prep-*  
2 *aration of a site profile for a facility cannot be performed*  
3 *under paragraph (1) because no worker medical screening*  
4 *activities occurred for the facility, or that preparation of*  
5 *the profile is otherwise impracticable, the site profile for*  
6 *the facility shall be prepared by the National Institute of*  
7 *Occupational Safety and Health.*

8       (3) *All site profiles required by this subsection shall*  
9 *be completed not later than 210 days after the date of the*  
10 *enactment of this Act.*

11       (4) *The Secretary of Energy shall provide the Sec-*  
12 *retary of Labor with any support that the Secretary of*  
13 *Labor considers necessary for carrying out this subsection.*

14       (5) *In this subsection, the term “site profile”, in the*  
15 *case of a Department of Energy facility, means an exposure*  
16 *assessment that—*

17               (A) *identifies any processes and toxic substances*  
18 *used in the facility;*

19               (B) *establishes the times in which such toxic sub-*  
20 *stances were used in the facility; and*

21               (C) *establishes the degree of exposure to such*  
22 *toxic substances taking into account available records*  
23 *and studies and information on such processes and*  
24 *toxic substances.*

1       (g) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
2 *that the Secretary of Energy should—*

3           (1) *adopt a policy not to oppose any final posi-*  
4 *tive determinations with respect to injured workers at*  
5 *Department of Energy facilities and atomic weapons*  
6 *employer facilities under State adjudication systems*  
7 *unless such determinations are frivolous; and*

8           (2) *incorporate the policy referred to in para-*  
9 *graph (1) in all Department of Energy contracts with*  
10 *non-Federal government entities to which such policy*  
11 *could apply.*

12       (h) *FUNDING FOR ADMINISTRATION IN FISCAL YEAR*  
13 *2005.*—(1) *Of the amount authorized to be appropriated*  
14 *for fiscal year 2005 by section 3102(a)(1) for environmental*  
15 *management for defense site acceleration completion,*  
16 *\$2,000,000 shall be available for purposes of the adminis-*  
17 *tration of the provisions of subtitle D of the Energy Em-*  
18 *ployees Occupational Illness Compensation Program Act of*  
19 *2000, as amended by this section, during fiscal year 2005.*

20           (2) *The Secretary of Energy shall transfer to the Sec-*  
21 *retary of Labor the amount available under paragraph (1)*  
22 *for the purposes specified in that paragraph.*

23           (3) *The Secretary of Labor shall utilize amounts trans-*  
24 *ferred to the Secretary under paragraph (2) for the purposes*  
25 *specified in paragraph (1).*

1 **SEC. 3154. TERMINATION OF EFFECT OF OTHER ENHANCE-**  
2 **MENTS OF ENERGY EMPLOYEES OCCUPA-**  
3 **TIONAL ILLNESS COMPENSATION PROGRAM.**

4 *Notwithstanding any other provision of this Act, sec-*  
5 *tion 3143, relating to enhancements of the Energy Employ-*  
6 *ees Occupational Illness Compensation Program, shall have*  
7 *no force or effect, and the amendments specified in such*  
8 *section shall not be made.*

9 **SEC. 3155. SENSE OF SENATE ON RESOURCE CENTER FOR**  
10 **ENERGY EMPLOYEES UNDER ENERGY EM-**  
11 **PLOYEE OCCUPATIONAL ILLNESS COMPENSA-**  
12 **TION PROGRAM IN WESTERN NEW YORK AND**  
13 **WESTERN PENNSYLVANIA REGION.**

14 *(a) FINDINGS.—The Senate makes the following find-*  
15 *ings:*

16 *(1) New York has 36 current or former Depart-*  
17 *ment of Energy facilities involved in nuclear weapons*  
18 *production-related activities statewide, mostly atomic*  
19 *weapons employer facilities, and 14 such facilities in*  
20 *western New York. Despite having one of the greatest*  
21 *concentrations of such facilities in the United States,*  
22 *western New York, and abutting areas of Pennsyl-*  
23 *vania, continue to be severely underserved by the En-*  
24 *ergy Employees Occupational Illness Compensation*  
25 *Program under the Energy Employees Occupational*  
26 *Illness Compensation Program Act of 2000 (title*

1 *XXXVI of the Floyd D. Spence National Defense Au-*  
2 *thorization Act for Fiscal Year 2001 (as enacted into*  
3 *law by Public Law 106–398); 42 U.S.C. 7384 et seq.).*

4 (2) *The establishment of a permanent resource*  
5 *center in western New York would represent a sub-*  
6 *stantial step toward improving services under the En-*  
7 *ergy Employees Occupational Illness Compensation*  
8 *Program for energy employees in this region.*

9 (3) *The number of claims submitted to the De-*  
10 *partment under subtitle B of the Energy Employees*  
11 *Occupational Illness Compensation Program Act of*  
12 *2000 from the western New York region, including*  
13 *western Pennsylvania, exceeds the number of such*  
14 *claims filed at resource centers in Hanford, Wash-*  
15 *ington, Portsmouth, Ohio, Los Alamos, New Mexico,*  
16 *the Nevada Test Site, Nevada, the Rocky Flats Envi-*  
17 *ronmental Technology Site, Colorado, the Idaho Na-*  
18 *tional Engineering Laboratory, Idaho, and the Am-*  
19 *chitka Test Site, Alaska.*

20 (4) *Energy employees in the western New York*  
21 *region, including western Pennsylvania, deserve as-*  
22 *sistance under subtitle B of the Energy Employees*  
23 *Occupational Illness Compensation Program Act of*  
24 *2000 commensurate with the assistance provided en-*

1        *ergy employees at other locations in the United*  
2        *States.*

3        *(b) SENSE OF SENATE.—It is the sense of the Senate*  
4        *to encourage the Office of Ombudsman of the Department*  
5        *of Labor, as established by section 3669 of the Energy Em-*  
6        *ployees Occupational Illness Compensation Program Act of*  
7        *2000 (as amended by section 3163 of this Act), to—*

8                *(1) review the availability of assistance under*  
9                *subtitle B of the Energy Employees Occupational Ill-*  
10               *ness Compensation Program Act of 2000 for energy*  
11               *employees in the western New York region, including*  
12               *western Pennsylvania; and*

13               *(2) recommend a location in that region for a re-*  
14               *source center to provide such assistance to such energy*  
15               *employees.*

16        **SEC. 3156. REVIEW BY CONGRESS OF INDIVIDUALS DES-**  
17                        **IGNATED BY PRESIDENT AS MEMBERS OF CO-**  
18                        **HORT.**

19        *Section 3621(14)(C)(ii) of that Act (42 U.S.C. 10*  
20        *7384l(14)(C)(ii)) is amended by striking “180 days” and*  
21        *inserting “60 days.”*

1 **SEC. 3157. INCLUSION OF CERTAIN FORMER NUCLEAR**  
2 **WEAPONS PROGRAM WORKERS IN SPECIAL**  
3 **EXPOSURE COHORT UNDER THE ENERGY EM-**  
4 **PLOYEES OCCUPATIONAL ILLNESS COM-**  
5 **PENSATION PROGRAM.**

6 (a) *FINDINGS.*—Congress makes the following findings:

7 (1) *Energy workers at the former Mallinkrodt fa-*  
8 *cilities (including the St. Louis downtown facility*  
9 *and the Weldon Springs facility) were exposed to lev-*  
10 *els of radionuclides and radioactive materials that*  
11 *were much greater than the current maximum allow-*  
12 *able Federal standards.*

13 (2) *The Mallinkrodt workers at the St. Louis site*  
14 *were exposed to excessive levels of airborne uranium*  
15 *dust relative to the standards in effect during the*  
16 *time, and many workers were exposed to 200 times*  
17 *the preferred levels of exposure.*

18 (3)(A) *The chief safety officer for the Atomic En-*  
19 *ergy Commission during the Mallinkrodt-St. Louis*  
20 *operations described the facility as 1 of the 2 worst*  
21 *plants with respect to worker exposures.*

22 (B) *Workers were excreting in excess of a milli-*  
23 *gram of uranium per day causing kidney damage.*

24 (C) *A recent epidemiological study found excess*  
25 *levels of nephritis and kidney cancer from inhalation*  
26 *of uranium dusts.*

1           (4) *The Department of Energy has admitted that*  
2           *those Mallinkrodt workers were subjected to risks and*  
3           *had their health endangered as a result of working*  
4           *with these highly radioactive materials.*

5           (5) *The Department of Energy reported that*  
6           *workers at the Weldon Springs feed materials plant*  
7           *handled plutonium and recycled uranium, which are*  
8           *highly radioactive.*

9           (6) *The National Institute of Occupational Safe-*  
10          *ty and Health admits that—*

11                 (A) *the operations at the St. Louis down-*  
12                 *town site consisted of intense periods of proc-*  
13                 *essing extremely high levels of radionuclides; and*

14                 (B) *the Institute has virtually no personal*  
15                 *monitoring data for Mallinkrodt workers prior to*  
16                 *1948.*

17           (7) *The National Institute of Occupational Safe-*  
18           *ty and Health has informed claimants and their sur-*  
19           *vivors at those 3 Mallinkrodt sites that if they are not*  
20           *interviewed as a part of the dose reconstruction proc-*  
21           *ess, it—*

22                 (A) *would hinder the ability of the Institute*  
23                 *to conduct dose reconstruction for the claimant;*  
24                 *and*



1           (B) may result in a dose reconstruction that  
2           incompletely or inaccurately estimates the radi-  
3           ation dose to which the energy employee named  
4           in the claim had been exposed.

5           (8) Energy workers at the Iowa Army Ammuni-  
6           tion Plant (also known as the Burlington Atomic En-  
7           ergy Commission Plant and the Iowa Ordnance  
8           Plant) between 1947 and 1975 were exposed to levels  
9           of radionuclides and radioactive material, including  
10          enriched uranium, plutonium, tritium, and depleted  
11          uranium, in addition to beryllium and photon radi-  
12          ation, that are greater than the current maximum  
13          Federal standards for exposure.

14          (9) According to the National Institute of Occu-  
15          pational Safety and Health—

16               (A) between 1947 and 1975, no records, in-  
17               cluding bioassays or air samples, have been lo-  
18               cated that indicate any monitoring occurred of  
19               internal doses of radiation to which workers de-  
20               scribed in paragraph (8) were exposed;

21               (B) between 1947 and 1955, no records, in-  
22               cluding dosimetry badges, have been located to  
23               indicate that any monitoring occurred of the ex-  
24               ternal doses of radiation to which such workers  
25               were exposed;

1           (C) between 1955 and 1962, records indi-  
2           cate that only 8 to 23 workers in a workforce of  
3           over 1,000 were monitored for external radiation  
4           doses; and

5           (D) between 1970 and 1975, the high point  
6           of screening at the Iowa Army Ammunition  
7           Plant, only 25 percent of the workforce was  
8           screened for exposure to external radiation.

9           (10) The Department of Health and Human  
10          Services published the first notice of proposed rule-  
11          making concerning the Special Exposure Cohort on  
12          June 25, 2002, and the final rule published on May  
13          26, 2004.

14          (11) Many of those former workers have died  
15          while waiting for the proposed rule to be finalized, in-  
16          cluding some claimants who were waiting for dose re-  
17          construction to be completed.

18          (12) Because of the aforementioned reasons, in-  
19          cluding the serious lack of records and the death of  
20          many potential claimants, it is not feasible to conduct  
21          valid dose reconstructions for the Iowa Army Ammu-  
22          nition Plant facility or the Mallinkrodt facilities.

23          (b) *INCLUSION OF CERTAIN FORMER WORKERS IN CO-*  
24          *HORT.*—Section 3621(14) of the Energy Employees Occupa-  
25          tional Illness Compensation Program Act of 2000 (title

1 *XXXVI of the Floyd D. Spence National Defense Authoriza-*  
2 *tion Act for Fiscal Year 2001 (as enacted into law by Public*  
3 *Law 106–398); 42 U.S.C. 7384l(14)) is amended—*

4 *(1) by redesignating subparagraph (C) as sub-*  
5 *paragraph (D); and*

6 *(2) by inserting after subparagraph (B) the fol-*  
7 *lowing new subparagraph (C):*

8 *“(C) Subject to the provisions of section*  
9 *3612A and section 3146(e) of the National De-*  
10 *fense Authorization Act for Fiscal Year 2005, the*  
11 *employee was so employed for a number of work*  
12 *days aggregating at least 45 workdays at a facil-*  
13 *ity operated under contract to the Department of*  
14 *Energy by Mallinkrodt Incorporated or its suc-*  
15 *cessors (including the St. Louis downtown or*  
16 *‘Destrehan’ facility during any of calendar years*  
17 *1942 through 1958 and the Weldon Springs feed*  
18 *materials plant facility during any of calendar*  
19 *years 1958 through 1966), or at a facility oper-*  
20 *ated by the Department of Energy or under con-*  
21 *tract by Mason & Hangar-Silas Mason Com-*  
22 *pany at the Iowa Army Ammunition Plant (also*  
23 *known as the Burlington Atomic Energy Com-*  
24 *mission Plant and the Iowa Ordnance Plant)*

1           *during any of the calendar years 1947 through*  
2           *1975, and during the employment—*

3                   “(i)(I) *was monitored through the use*  
4                   *of dosimetry badges for exposure at the*  
5                   *plant of the external parts of an employee’s*  
6                   *body to radiation; or*

7                   “(II) *was monitored through the use of*  
8                   *bioassays, in vivo monitoring, or breath*  
9                   *samples for exposure at the plant to inter-*  
10                  *nal radiation; or*

11                  “(ii) *worked in a job that had expo-*  
12                  *sures comparable to a job that is monitored,*  
13                  *or should have been monitored, under stand-*  
14                  *ards of the Department of Energy in effect*  
15                  *on the date of enactment of this subpara-*  
16                  *graph through the use of dosimetry badges*  
17                  *for monitoring external radiation exposures,*  
18                  *or bioassays, in vivo monitoring, or breath*  
19                  *samples for internal radiation exposures, at*  
20                  *a facility.”.*

21           (c) *FUNDING OF COMPENSATION AND BENEFITS.—(1)*  
22   *Such Act is further amended by inserting after section 3612*  
23   *the following new section:*

1 **“SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS**  
2 **FOR CERTAIN MEMBERS OF THE SPECIAL EX-**  
3 **POSURE COHORT.**

4 “(a) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
5 *hereby authorized to be appropriated to the Department of*  
6 *Labor for each fiscal year after fiscal year 2004 such sums*  
7 *as may be necessary for the provision of compensation and*  
8 *benefits under the compensation program for members of*  
9 *the Special Exposure Cohort described in section*  
10 *3621(14)(C) in such fiscal year.*

11 “(b) *PROHIBITION ON USE FOR ADMINISTRATIVE*  
12 *COSTS.—(1) No amount authorized to be appropriated by*  
13 *subsection (a) may be utilized for purposes of carrying out*  
14 *the compensation program for the members of the Special*  
15 *Exposure Cohort referred to in that subsection or admin-*  
16 *istering the amount authorized to be appropriated by sub-*  
17 *section (a).*

18 “(2) *Amounts for purposes described in paragraph (1)*  
19 *shall be derived from amounts authorized to be appro-*  
20 *priated by section 3614(a).*

21 “(c) *PROVISION OF COMPENSATION AND BENEFITS*  
22 *SUBJECT TO APPROPRIATIONS ACTS.—The provision of*  
23 *compensation and benefits under the compensation program*  
24 *for members of the Special Exposure Cohort referred to in*  
25 *subsection (a) in any fiscal year shall be subject to the*  
26 *availability of appropriations for that purpose for such fis-*

1 *cal year and to applicable provisions of appropriations*  
2 *Acts.”.*

3 *(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d))*  
4 *is amended—*

5 *(A) by inserting “(1)” before “Subject”; and*

6 *(B) by adding at the end the following new*  
7 *paragraph:*

8 *“(2) Amounts for the provision of compensation and*  
9 *benefits under the compensation program for members of*  
10 *the Special Exposure Cohort described in section*  
11 *3621(14)(C) may be derived from amounts authorized to*  
12 *be appropriated by section 3612A(a).”.*

13 *(d) OFFSET.—The total amount authorized to be ap-*  
14 *propriated under subtitle A of this title is hereby reduced*  
15 *by \$61,000,000.*

16 *(e) CERTIFICATION.—Funds shall be available to pay*  
17 *claims approved by the National Institute of Occupational*  
18 *Safety and Health for a facility by reason of section*  
19 *3621(14)(C) of the Energy Employees Occupational Illness*  
20 *Compensation Program Act of 2000, as amended by sub-*  
21 *section (b)(2), if the Director of the National Institute of*  
22 *Occupational Safety and Health certifies with respect to*  
23 *such facility each of the following:*

24 *(1) That no atomic weapons work or related*  
25 *work has been conducted at such facility after 1976.*

1           (2) *That fewer than 50 percent of the total num-*  
2           *ber of workers engaged in atomic weapons work or re-*  
3           *lated work at such facility were accurately monitored*  
4           *for exposure to internal and external ionizing radi-*  
5           *ation during the term of their employment.*

6           (3) *That individual internal and external expo-*  
7           *sure records for employees at such facility are not*  
8           *available, or the exposure to radiation of at least 40*  
9           *percent of the exposed workers at such facility cannot*  
10          *be determined from the individual internal and exter-*  
11          *nal exposure records that are available.*

12          (f) *SENSE OF THE SENATE.—It is the sense of the Sen-*  
13          *ate that all employees who are eligible to apply for benefits*  
14          *under the compensation program established by the Energy*  
15          *Employees Occupational Illness Compensation Act should*  
16          *be treated fairly and equitably with regard to inclusion*  
17          *under the special exposure cohort provisions of this Act.*

18          **TITLE       XXXII—DEFENSE       NU-**  
19          **CLEAR   FACILITIES   SAFETY**  
20          **BOARD**

21          **SEC. 3201. AUTHORIZATION.**

22          *There are authorized to be appropriated for fiscal year*  
23          *2005, \$21,268,000 for the operation of the Defense Nuclear*  
24          *Facilities Safety Board under chapter 21 of the Atomic En-*  
25          *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

1           **TITLE XXXIII—NATIONAL**  
2           **DEFENSE STOCKPILE**

3   **SEC. 3301. DISPOSAL OF FERROMANGANESE.**

4           (a) *DISPOSAL AUTHORIZED.*—*The Secretary of De-*  
5 *fense may dispose of up to 50,000 tons of ferromanganese*  
6 *from the National Defense Stockpile during fiscal year*  
7 *2005.*

8           (b) *CONTINGENT AUTHORITY FOR ADDITIONAL DIS-*  
9 *POSAL.*—*After the disposal of ferromanganese authorized by*  
10 *subsection (a)—*

11                 (1) *the Secretary may dispose of up to an addi-*  
12 *tional 25,000 tons of ferromanganese from the Na-*  
13 *tional Defense Stockpile before September 30, 2005;*  
14 *and*

15                 (2) *if the Secretary completes the disposal au-*  
16 *thorized by paragraph (1) before September 30, 2005,*  
17 *the Secretary may dispose of up to an additional*  
18 *25,000 tons of ferromanganese from the National De-*  
19 *fense Stockpile before that date.*

20           (c) *CERTIFICATION.*—*The Secretary may dispose of*  
21 *ferromanganese under paragraph (1) or (2) of subsection*  
22 *(b) only if the Secretary, with the concurrence of the Sec-*  
23 *retary of Commerce, certifies to the congressional defense*  
24 *committees not later than 30 days before the commencement*  
25 *of disposal under the applicable paragraph that—*



1           (1) *the disposal of ferromanganese under such*  
2           *paragraph is in the national interest due to extraor-*  
3           *dinary circumstances in markets for ferromanganese;*

4           (2) *the disposal of ferromanganese under such*  
5           *paragraph will not cause undue harm to domestic*  
6           *manufacturers of ferroalloys; and*

7           (3) *the disposal of ferromanganese under such*  
8           *paragraph is consistent with the requirements and*  
9           *purpose of the National Defense Stockpile under the*  
10          *Strategic and Critical Materials Stock Piling Act (50*  
11          *U.S.C. 98 et seq.).*

12          (d) *DELEGATION OF RESPONSIBILITY.*—*The Secretary*  
13          *of Defense and the Secretary of Commerce may each dele-*  
14          *gate the responsibility of such Secretary under subsection*  
15          *(c) to an appropriate official within the Department of De-*  
16          *fense or the Department of Commerce, as the case may be.*

17          (e) *NATIONAL DEFENSE STOCKPILE DEFINED.*—*In*  
18          *this section, the term “National Defense Stockpile” means*  
19          *the stockpile provided for in section 4 of the Strategic and*  
20          *Critical Materials Stock Piling Act (50 U.S.C. 98c).*

1 **SEC. 3302. REVISIONS TO REQUIRED RECEIPT OBJECTIVES**  
2 **FOR CERTAIN PREVIOUSLY AUTHORIZED DIS-**  
3 **POSALS FROM THE NATIONAL DEFENSE**  
4 **STOCKPILE.**

5 *Section 3303(a) of the Strom Thurmond National De-*  
6 *fense Authorization Act for Fiscal Year 1999 (50 U.S.C.*  
7 *98d note) is amended—*

8 *(1) in paragraph (4), by striking “and” at the*  
9 *end;*

10 *(2) in paragraph (5), by striking the period at*  
11 *the end and inserting “; and”; and*

12 *(3) by adding at the end the following new para-*  
13 *graph:*

14 *“(6) \$870,000,000 by the end of fiscal year*  
15 *2014.”.*

16 **SEC. 3303. PROHIBITION ON STORAGE OF MERCURY AT**  
17 **CERTAIN FACILITIES.**

18 *(a) PROHIBITION.—The Secretary of Defense may not*  
19 *store mercury from the National Defense Stockpile at any*  
20 *facility that is not owned or leased by the United States.*

21 *(b) NATIONAL DEFENSE STOCKPILE DEFINED.—In*  
22 *this section, the term “National Defense Stockpile” means*  
23 *the stockpile provided for in section 4 of the Strategic and*  
24 *Critical Materials Stock Piling Act (50 U.S.C. 98c).*

1 **TITLE XXXIV—LOCAL LAW EN-**  
2 **FORCEMENT ENHANCEMENT**  
3 **ACT.**

4 **SEC. 3401. SHORT TITLE.**

5 *This title may be cited as the “Local Law Enforcement*  
6 *Enhancement Act of 2004”.*

7 **SEC. 3402. FINDINGS.**

8 *Congress makes the following findings:*

9 (1) *The incidence of violence motivated by the*  
10 *actual or perceived race, color, religion, national ori-*  
11 *gin, gender, sexual orientation, or disability of the*  
12 *victim poses a serious national problem.*

13 (2) *Such violence disrupts the tranquility and*  
14 *safety of communities and is deeply divisive.*

15 (3) *State and local authorities are now and will*  
16 *continue to be responsible for prosecuting the over-*  
17 *whelming majority of violent crimes in the United*  
18 *States, including violent crimes motivated by bias.*  
19 *These authorities can carry out their responsibilities*  
20 *more effectively with greater Federal assistance.*

21 (4) *Existing Federal law is inadequate to ad-*  
22 *dress this problem.*

23 (5) *The prominent characteristic of a violent*  
24 *crime motivated by bias is that it devastates not just*  
25 *the actual victim and the family and friends of the*

1 *victim, but frequently savages the community sharing*  
2 *the traits that caused the victim to be selected.*

3 (6) *Such violence substantially affects interstate*  
4 *commerce in many ways, including—*

5 (A) *by impeding the movement of members*  
6 *of targeted groups and forcing such members to*  
7 *move across State lines to escape the incidence or*  
8 *risk of such violence; and*

9 (B) *by preventing members of targeted*  
10 *groups from purchasing goods and services, ob-*  
11 *taining or sustaining employment, or partici-*  
12 *parting in other commercial activity.*

13 (7) *Perpetrators cross State lines to commit such*  
14 *violence.*

15 (8) *Channels, facilities, and instrumentalities of*  
16 *interstate commerce are used to facilitate the commis-*  
17 *sion of such violence.*

18 (9) *Such violence is committed using articles*  
19 *that have traveled in interstate commerce.*

20 (10) *For generations, the institutions of slavery*  
21 *and involuntary servitude were defined by the race,*  
22 *color, and ancestry of those held in bondage. Slavery*  
23 *and involuntary servitude were enforced, both prior to*  
24 *and after the adoption of the 13th amendment to the*  
25 *Constitution of the United States, through widespread*

1       *public and private violence directed at persons be-*  
2       *cause of their race, color, or ancestry, or perceived*  
3       *race, color, or ancestry. Accordingly, eliminating ra-*  
4       *cially motivated violence is an important means of*  
5       *eliminating, to the extent possible, the badges, inci-*  
6       *dents, and relics of slavery and involuntary servitude.*

7           (11) *Both at the time when the 13th, 14th, and*  
8       *15th amendments to the Constitution of the United*  
9       *States were adopted, and continuing to date, members*  
10      *of certain religious and national origin groups were*  
11      *and are perceived to be distinct “races”. Thus, in*  
12      *order to eliminate, to the extent possible, the badges,*  
13      *incidents, and relics of slavery, it is necessary to pro-*  
14      *hibit assaults on the basis of real or perceived reli-*  
15      *gions or national origins, at least to the extent such*  
16      *religions or national origins were regarded as races*  
17      *at the time of the adoption of the 13th, 14th, and 15th*  
18      *amendments to the Constitution of the United States.*

19           (12) *Federal jurisdiction over certain violent*  
20      *crimes motivated by bias enables Federal, State, and*  
21      *local authorities to work together as partners in the*  
22      *investigation and prosecution of such crimes.*

23           (13) *The problem of crimes motivated by bias is*  
24      *sufficiently serious, widespread, and interstate in na-*



1           *a violation of the hate crime laws of the State*  
2           *or Indian tribe.*

3           (2) *PRIORITY.*—*In providing assistance under*  
4           *paragraph (1), the Attorney General shall give pri-*  
5           *ority to crimes committed by offenders who have com-*  
6           *mitted crimes in more than 1 State and to rural ju-*  
7           *risdictions that have difficulty covering the extraor-*  
8           *dinary expenses relating to the investigation or pros-*  
9           *ecution of the crime.*

10          (b) *GRANTS.*—

11           (1) *IN GENERAL.*—*The Attorney General may*  
12           *award grants to assist State, local, and Indian law*  
13           *enforcement officials with the extraordinary expenses*  
14           *associated with the investigation and prosecution of*  
15           *hate crimes.*

16           (2) *OFFICE OF JUSTICE PROGRAMS.*—*In imple-*  
17           *menting the grant program, the Office of Justice Pro-*  
18           *grams shall work closely with the funded jurisdictions*  
19           *to ensure that the concerns and needs of all affected*  
20           *parties, including community groups and schools, col-*  
21           *leges, and universities, are addressed through the local*  
22           *infrastructure developed under the grants.*

23           (3) *APPLICATION.*—

24           (A) *IN GENERAL.*—*Each State that desires*  
25           *a grant under this subsection shall submit an*

1           *application to the Attorney General at such*  
2           *time, in such manner, and accompanied by or*  
3           *containing such information as the Attorney*  
4           *General shall reasonably require.*

5           *(B) DATE FOR SUBMISSION.—Applications*  
6           *submitted pursuant to subparagraph (A) shall be*  
7           *submitted during the 60-day period beginning on*  
8           *a date that the Attorney General shall prescribe.*

9           *(C) REQUIREMENTS.—A State or political*  
10          *subdivision of a State or tribal official applying*  
11          *for assistance under this subsection shall—*

12                   *(i) describe the extraordinary purposes*  
13                   *for which the grant is needed;*

14                   *(ii) certify that the State, political sub-*  
15                   *division, or Indian tribe lacks the resources*  
16                   *necessary to investigate or prosecute the*  
17                   *hate crime;*

18                   *(iii) demonstrate that, in developing a*  
19                   *plan to implement the grant, the State, po-*  
20                   *litical subdivision, or tribal official has con-*  
21                   *sulted and coordinated with nonprofit, non-*  
22                   *governmental victim services programs that*  
23                   *have experience in providing services to vic-*  
24                   *tims of hate crimes; and*



1                   (iv) certify that any Federal funds re-  
2                   ceived under this subsection will be used to  
3                   supplement, not supplant, non-Federal  
4                   funds that would otherwise be available for  
5                   activities funded under this subsection.

6                   (4) *DEADLINE.*—An application for a grant  
7                   under this subsection shall be approved or dis-  
8                   approved by the Attorney General not later than 30  
9                   business days after the date on which the Attorney  
10                  General receives the application.

11                  (5) *GRANT AMOUNT.*—A grant under this sub-  
12                  section shall not exceed \$100,000 for any single juris-  
13                  diction within a 1 year period.

14                  (6) *REPORT.*—Not later than December 31, 2005,  
15                  the Attorney General shall submit to Congress a re-  
16                  port describing the applications submitted for grants  
17                  under this subsection, the award of such grants, and  
18                  the purposes for which the grant amounts were ex-  
19                  pended.

20                  (7) *AUTHORIZATION OF APPROPRIATIONS.*—  
21                  There is authorized to be appropriated to carry out  
22                  this subsection \$5,000,000 for each of fiscal years  
23                  2005 and 2006.

1 **SEC. 3405. GRANT PROGRAM.**

2 (a) *AUTHORITY TO MAKE GRANTS.*—*The Office of*  
3 *Justice Programs of the Department of Justice shall award*  
4 *grants, in accordance with such regulations as the Attorney*  
5 *General may prescribe, to State and local programs de-*  
6 *signed to combat hate crimes committed by juveniles, in-*  
7 *cluding programs to train local law enforcement officers in*  
8 *identifying, investigating, prosecuting, and preventing hate*  
9 *crimes.*

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
11 *authorized to be appropriated such sums as may be nec-*  
12 *essary to carry out this section.*

13 **SEC. 3406. AUTHORIZATION FOR ADDITIONAL PERSONNEL**  
14 **TO ASSIST STATE AND LOCAL LAW ENFORCE-**  
15 **MENT.**

16 *There are authorized to be appropriated to the Depart-*  
17 *ment of the Treasury and the Department of Justice, in-*  
18 *cluding the Community Relations Service, for fiscal years*  
19 *2005, 2006, and 2007 such sums as are necessary to in-*  
20 *crease the number of personnel to prevent and respond to*  
21 *alleged violations of section 249 of title 18, United States*  
22 *Code, as added by section \_\_\_\_ 07.*

23 **SEC. 3407. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

24 (a) *IN GENERAL.*—*Chapter 13 of title 18, United*  
25 *States Code, is amended by adding at the end the following:*

1 **“§ 249. Hate crime acts**

2 “(a) *IN GENERAL.*—

3 “(1) *OFFENSES INVOLVING ACTUAL OR PER-*  
4 *CEIVED RACE, COLOR, RELIGION, OR NATIONAL ORI-*  
5 *GIN.*—*Whoever, whether or not acting under color of*  
6 *law, willfully causes bodily injury to any person or,*  
7 *through the use of fire, a firearm, or an explosive or*  
8 *incendiary device, attempts to cause bodily injury to*  
9 *any person, because of the actual or perceived race,*  
10 *color, religion, or national origin of any person—*

11 “(A) *shall be imprisoned not more than 10*  
12 *years, fined in accordance with this title, or*  
13 *both; and*

14 “(B) *shall be imprisoned for any term of*  
15 *years or for life, fined in accordance with this*  
16 *title, or both, if—*

17 “(i) *death results from the offense; or*

18 “(ii) *the offense includes kidnaping or*  
19 *an attempt to kidnap, aggravated sexual*  
20 *abuse or an attempt to commit aggravated*  
21 *sexual abuse, or an attempt to kill.*

22 “(2) *OFFENSES INVOLVING ACTUAL OR PER-*  
23 *CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-*  
24 *UAL ORIENTATION, OR DISABILITY.*—

25 “(A) *IN GENERAL.*—*Whoever, whether or*  
26 *not acting under color of law, in any cir-*

1           *cumstance described in subparagraph (B), will-*  
2           *fully causes bodily injury to any person or,*  
3           *through the use of fire, a firearm, or an explosive*  
4           *or incendiary device, attempts to cause bodily*  
5           *injury to any person, because of the actual or*  
6           *perceived religion, national origin, gender, sex-*  
7           *ual orientation, or disability of any person—*

8                   *“(i) shall be imprisoned not more than*  
9                   *10 years, fined in accordance with this title,*  
10                   *or both; and*

11                   *“(ii) shall be imprisoned for any term*  
12                   *of years or for life, fined in accordance with*  
13                   *this title, or both, if—*

14                   *“(I) death results from the offense;*

15                   *or*

16                   *“(II) the offense includes kid-*  
17                   *naping or an attempt to kidnap, ag-*  
18                   *gravated sexual abuse or an attempt to*  
19                   *commit aggravated sexual abuse, or an*  
20                   *attempt to kill.*

21           *“(B) CIRCUMSTANCES DESCRIBED.—For*  
22           *purposes of subparagraph (A), the circumstances*  
23           *described in this subparagraph are that—*

24                   *“(i) the conduct described in subpara-*  
25                   *graph (A) occurs during the course of, or as*

1           *the result of, the travel of the defendant or*  
2           *the victim—*

3                     “(I) *across a State line or na-*  
4                     *tional border; or*

5                     “(II) *using a channel, facility, or*  
6                     *instrumentality of interstate or foreign*  
7                     *commerce;*

8                     “(ii) *the defendant uses a channel, fa-*  
9                     *cility, or instrumentality of interstate or*  
10                    *foreign commerce in connection with the*  
11                    *conduct described in subparagraph (A);*

12                    “(iii) *in connection with the conduct*  
13                    *described in subparagraph (A), the defend-*  
14                    *ant employs a firearm, explosive or incen-*  
15                    *diary device, or other weapon that has trav-*  
16                    *eled in interstate or foreign commerce; or*

17                    “(iv) *the conduct described in subpara-*  
18                    *graph (A)—*

19                    “(I) *interferes with commercial or*  
20                    *other economic activity in which the*  
21                    *victim is engaged at the time of the*  
22                    *conduct; or*

23                    “(II) *otherwise affects interstate*  
24                    *or foreign commerce.*

1       “(b) *CERTIFICATION REQUIREMENT.*—No prosecution  
2 of any offense described in this subsection may be under-  
3 taken by the United States, except under the certification  
4 in writing of the Attorney General, the Deputy Attorney  
5 General, the Associate Attorney General, or any Assistant  
6 Attorney General specially designated by the Attorney Gen-  
7 eral that—

8               “(1) he or she has reasonable cause to believe  
9 that the actual or perceived race, color, religion, na-  
10 tional origin, gender, sexual orientation, or disability  
11 of any person was a motivating factor underlying the  
12 alleged conduct of the defendant; and

13               “(2) he or his designee or she or her designee has  
14 consulted with State or local law enforcement officials  
15 regarding the prosecution and determined that—

16                       “(A) the State does not have jurisdiction or  
17 does not intend to exercise jurisdiction;

18                       “(B) the State has requested that the Fed-  
19 eral Government assume jurisdiction;

20                       “(C) the State does not object to the Federal  
21 Government assuming jurisdiction; or

22                       “(D) the verdict or sentence obtained pursu-  
23 ant to State charges left demonstratively  
24 unvindicated the Federal interest in eradicating  
25 bias-motivated violence.

1       “(c) *DEFINITIONS.*—*In this section—*

2               “(1) *the term ‘explosive or incendiary device’ has*  
3       *the meaning given the term in section 232 of this*  
4       *title; and*

5               “(2) *the term ‘firearm’ has the meaning given*  
6       *the term in section 921(a) of this title.”.*

7       “(b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
8       *analysis for chapter 13 of title 18, United States Code, is*  
9       *amended by adding at the end the following:*

      “249. *Hate crime acts.*”.

10   **SEC. 3408. DUTIES OF FEDERAL SENTENCING COMMISSION.**

11       “(a) *AMENDMENT OF FEDERAL SENTENCING GUIDE-*  
12       *LINES.*—*Pursuant to the authority provided under section*  
13       *994 of title 28, United States Code, the United States Sen-*  
14       *tencing Commission shall study the issue of adult recruit-*  
15       *ment of juveniles to commit hate crimes and shall, if appro-*  
16       *priate, amend the Federal sentencing guidelines to provide*  
17       *sentencing enhancements (in addition to the sentencing en-*  
18       *hancement provided for the use of a minor during the com-*  
19       *mission of an offense) for adult defendants who recruit juve-*  
20       *niles to assist in the commission of hate crimes.*

21       “(b) *CONSISTENCY WITH OTHER GUIDELINES.*—*In car-*  
22       *rying out this section, the United States Sentencing Com-*  
23       *mission shall—*

24               “(1) *ensure that there is reasonable consistency*  
25       *with other Federal sentencing guidelines; and*

1           (2) *avoid duplicative punishments for substan-*  
 2           *tially the same offense.*

3 **SEC. 3409. STATISTICS.**

4           *Subsection (b)(1) of the first section of the Hate Crimes*  
 5 *Statistics Act (28 U.S.C. 534 note) is amended by inserting*  
 6 *“gender,” after “race,”.*

7 **SEC. 3410. SEVERABILITY.**

8           *If any provision of this title, an amendment made by*  
 9 *this title, or the application of such provision or amend-*  
 10 *ment to any person or circumstance is held to be unconsti-*  
 11 *tutional, the remainder of this title, the amendments made*  
 12 *by this title, and the application of the provisions of such*  
 13 *to any person or circumstance shall not be affected thereby.*

14           **TITLE XXXV—ASSISTANCE TO**  
 15           **FIREFIGHTERS.**

16 **SEC. 3501. SHORT TITLE.**

17           *This title may be cited as the “Assistance to Fire-*  
 18 *fighters Act of 2004”.*

19 **SEC. 3502. AUTHORITY OF SECRETARY OF HOMELAND SE-**  
 20           **CURITY FOR FIREFIGHTER ASSISTANCE PRO-**  
 21           **GRAM.**

22           *(a) IN GENERAL.—Subsection (b)(1) of section 33 of*  
 23 *the Federal Fire Prevention and Control Act of 1974 (15*  
 24 *U.S.C. 2229) is amended by striking “Director” in the mat-*  
 25 *ter preceding subparagraph (A) and inserting “Secretary*



1 *of Homeland Security, in consultation with the Adminis-*  
 2 *trator,”.*

3 (b) *CONFORMING AMENDMENT.*—*Such section is fur-*  
 4 *ther amended by striking “Director” each place it appears*  
 5 *and inserting “Secretary of Homeland Security”.*

6 (c) *TECHNICAL AMENDMENT.*—*The heading of sub-*  
 7 *section (b)(8) of such section is amended by striking “DI-*  
 8 *RECTOR” and inserting “SECRETARY”.*

9 **SEC. 3503. GRANTS TO VOLUNTEER EMERGENCY MEDICAL**  
 10 **SERVICE ORGANIZATIONS.**

11 (a) *AUTHORITY TO AWARD GRANTS TO VOLUNTEER*  
 12 *EMERGENCY MEDICAL SERVICE SQUADS.*—*Paragraph*  
 13 *(1)(A) of section 33(b) of the Federal Fire Prevention and*  
 14 *Control Act of 1974 (15 U.S.C. 2229(b)) is amended by in-*  
 15 *serting “or to volunteer emergency medical service organi-*  
 16 *zations” after “fire departments”.*

17 (b) *USE OF GRANT FUNDS.*—*Paragraph (3)(F) of such*  
 18 *section is amended by inserting “or volunteer emergency*  
 19 *medical service organizations that are not affiliated with*  
 20 *a for-profit entity” after “fire departments”.*

21 (c) *SPECIAL RULE FOR APPLICATIONS FOR VOLUN-*  
 22 *TEER EMERGENCY MEDICAL SERVICES.*—*Paragraph (5) of*  
 23 *such section is amended by adding at the end, the following*  
 24 *new subparagraph:*

1           “(C) *SPECIAL RULE FOR VOLUNTEER EMER-*  
 2           *GENCY MEDICAL SERVICES.*—*The Secretary of*  
 3           *Homeland Security shall permit an applicant*  
 4           *seeking grant funds for volunteer emergency med-*  
 5           *ical services under paragraph (3)(F) to use the*  
 6           *same application form to seek grant funds for*  
 7           *one or more of the other purposes set out in sub-*  
 8           *paragraphs (A) through (O) of paragraph (3).”.*

9   **SEC. 3504. GRANTS FOR AUTOMATED EXTERNAL**  
 10           **DEFIBRILLATOR DEVICES.**

11           *Paragraph (3) of section 33(b) of the Federal Fire Pre-*  
 12           *vention and Control Act of 1974 (15 U.S.C. 2229(b)) is*  
 13           *amended by adding at the end the following new subpara-*  
 14           *graph:*

15                   “(O) *To obtain automated external*  
 16                   *defibrillator devices.”.*

17   **SEC. 3405. CRITERIA FOR REVIEWING GRANT APPLICA-**  
 18           **TIONS.**

19           *Paragraph (2) of section 33(b) of the Federal Fire Pre-*  
 20           *vention and Control Act of 1974 (15 U.S.C. 2229(b)) is*  
 21           *amended to read as follows:*

22                   “(2) *CRITERIA AND REVIEW OF APPLICATIONS.*—

23                           “(A) *PRELIMINARY REVIEW CRITERIA.*—

24                                   “(i) *IN GENERAL.*—*The Secretary of*  
 25                                   *Homeland Security shall establish specific*

1            *criteria for the preliminary review of an*  
2            *application submitted under this section. If*  
3            *an application does not meet such criteria,*  
4            *the application may not receive further con-*  
5            *sideration for a grant under this section.*

6            “(ii) *ANNUAL REVIEW OF CRITERIA.—*  
7            *Not less often than once each year, the Sec-*  
8            *retary of Homeland Security, in consulta-*  
9            *tion with the Administrator, shall convene a*  
10           *meeting of individuals who are members of*  
11           *a fire service and are recognized for exper-*  
12           *tise in firefighting or in emergency medical*  
13           *services provided by fire services, and who*  
14           *are not employees of the Federal Govern-*  
15           *ment for the purpose of reviewing and pro-*  
16           *posing changes to the criteria established*  
17           *under clause (i).*

18           “(B) *SELECTION THROUGH REVIEW BY EX-*  
19           *PERTS.—*

20           “(i) *REQUIREMENT FOR REVIEW.—The*  
21           *Secretary of Homeland Security shall*  
22           *award grants under this section based on*  
23           *the review of applications for such grants*  
24           *by a panel of fire service personnel ap-*  
25           *pointed by a national organization recog-*

1           nized for expertise in the operation and ad-  
2           ministration of fire services.

3           “(ii) *ROLE OF THE SECRETARY.*—The  
4           Secretary of Homeland Security shall pro-  
5           vide for the administration of the review  
6           panel described in clause (i) and shall en-  
7           sure that an individual appointed to such  
8           panel is a recognized expert in firefighting,  
9           medical services provided by fire services,  
10          fire prevention, or research on firefighter  
11          safety.”.

12 **SEC. 3506. FINANCIAL ASSISTANCE FOR FIREFIGHTER**  
13 **SAFETY PROGRAMS.**

14          (a) *AUTHORITY.*—Paragraph (1)(B) of section 33(b) of  
15 *the Federal Fire Prevention and Control Act of 1974 (15*  
16 *U.S.C. 2229(b)) is amended by inserting “and firefighter*  
17 *safety” after “prevention”.*

18          (b) *EXPANSION OF EXISTING PROGRAM.*—

19                  (1) *FIREFIGHTER SAFETY ASSISTANCE.*—Para-  
20                  graph (4) of such section is amended—

21                          (A) in subparagraph (A)(ii), by striking  
22                          “organizations that are recognized” and all that  
23                          follows and inserting “organizations eligible  
24                          under subparagraph (B) for the purposes de-  
25                          scribed in subparagraph (C).”; and

1           (B) by striking subparagraph (B), and in-  
2           serting the following new subparagraphs:

3           “(B) *ELIGIBILITY FOR ASSISTANCE.*—An  
4           organization may be eligible for assistance under  
5           subparagraph (A)(ii), if such organization is a  
6           national, State, local, or community organiza-  
7           tion that is not a fire service and that is recog-  
8           nized for experience and expertise with respect to  
9           programs and activities that promote—

10                   “(i) fire prevention or fire safety; or

11                   “(ii) the health and safety of fire-  
12                   fighting personnel.

13           “(C) *USE OF FUNDS.*—Assistance provided  
14           under subparagraph (A)(ii) shall be used—

15                   “(i) to carry out fire prevention pro-  
16                   grams; or

17                   “(ii) to fund research to improve the  
18                   health and safety of firefighting personnel.

19           “(D) *PRIORITY.*—In selecting organizations  
20           described in subparagraph (B) to receive assist-  
21           ance under this paragraph, the Secretary of  
22           Homeland Security shall give priority—

23                   “(i) to organizations that focus on pre-  
24                   venting injuries from fire to members of

1                    *groups at high risk of such injuries, with an*  
 2                    *emphasis on children; and*

3                    *“(ii) to organizations that focus on re-*  
 4                    *searching methods to improve the health*  
 5                    *and safety of firefighting personnel.*

6                    *“(E) ALLOCATION OF FUNDS.—Not less*  
 7                    *than 66 percent of the total amount of funds*  
 8                    *made available in a fiscal year to carry out this*  
 9                    *paragraph shall be made available of the pro-*  
 10                   *grams described in subparagraph (A)(ii).”.*

11                   *(2) CONFORMING AMENDMENT.—The heading of*  
 12                   *such paragraph is amended to read as follows:*

13                   *“(4) FIRE PREVENTION AND FIREFIGHTER SAFE-*  
 14                   *TY PROGRAMS.—”.*

15                   *(c) AVAILABILITY OF FUNDS FOR FIRE PREVENTION*  
 16                   *AND FIREFIGHTER SAFETY PROGRAMS.—Paragraph (4)(A)*  
 17                   *of such section, as amended by subsection (b), is further*  
 18                   *amended in the matter preceding clause (i), by striking “5*  
 19                   *percent” and inserting “6 percent”.*

20                   **SEC. 3507. ASSISTANCE FOR APPLICATIONS.**

21                   *Paragraph (5) of section 33(b) of the Federal Fire Pre-*  
 22                   *vention and Control Act of 1974 (15 U.S.C. 2229(b)), as*  
 23                   *amended by section 3(c), is further amended by adding at*  
 24                   *the end the following new subparagraph:*

1           “(D) ASSISTANCE TO PREPARE AN APPLICA-  
2           TION.—The Secretary of Homeland Security  
3           shall provide assistance with the preparation of  
4           applications for grants under this section.”.

5 **SEC. 3508. REDUCED REQUIREMENTS FOR MATCHING**  
6           **FUNDS.**

7           (a) AMOUNT REQUIRED.—Paragraph (6) of section  
8           33(b) of the Federal Fire Prevention and Control Act of  
9           1974 (15 U.S.C. 2229(b)) is amended by striking subpara-  
10          graphs (A) and (B) and inserting the following:

11           “(A) IN GENERAL.—Subject to subpara-  
12          graphs (B) and (C), the Secretary of Homeland  
13          Security may provide assistance under this sub-  
14          section only if the applicant for such assistance  
15          agrees to match 20 percent of such assistance for  
16          any fiscal year with an equal amount of non-  
17          Federal funds.

18           “(B) REQUIREMENT FOR SMALL COMMUNITY  
19          ORGANIZATIONS.—In the case of an applicant  
20          whose personnel—

21                   “(i) serve jurisdictions of 50,000 or  
22                   fewer residents, the percent applied under  
23                   the matching requirement of subparagraph  
24                   (A) shall be 10 percent; or

1                   “(ii) serve jurisdictions of 20,000 or  
2                   fewer residents, the percent applied under  
3                   the matching requirement of subparagraph  
4                   (A) shall be 5 percent.”.

5           (b) *EXCEPTION.*—Such paragraph, as amended by  
6 subsection (a), is further amended by adding at the end the  
7 following new subparagraph:

8                   “(C) *EXCEPTION.*—No matching funds may  
9                   be required under this subsection for assistance  
10                  provided under subparagraph (A)(ii) of para-  
11                  graph (4) to an organization described in sub-  
12                  paragraph (B) of such paragraph.”.

13           (c) *SPECIAL RULE FOR REQUESTS FOR AUTOMATED*  
14 *EXTERNAL DEFIBRILLATOR DEVICES.*—Section 33(b) of  
15 such Act is further amended by adding at the end the fol-  
16 lowing new paragraph:

17                   “(13) *SPECIAL RULES FOR GRANTS FOR AUTO-*  
18 *MATED EXTERNAL DEFIBRILLATOR DEVICES.*—

19                   “(A) *LIMITATIONS.*—The Secretary of  
20                   Homeland Security shall reduce the percentage  
21                   of non-Federal matching funds for a grant as de-  
22                   scribed in subparagraph (B) if—

23                               “(i) the applicant is requesting grant  
24                               funds to obtain one or more automated ex-



1            *ternal defibrillator devices, as authorized by*  
2            *paragraph (3)(O);*

3            *“(ii) the award of such grant will re-*  
4            *sult in the applicant possessing exactly one*  
5            *such device for each first-due emergency ve-*  
6            *hicle operated by the applicant;*

7            *“(iii) the applicant certifies to the Sec-*  
8            *retary of Homeland Security that the appli-*  
9            *cant possesses, at the time such application*  
10           *is filed, a number of such devices that is less*  
11           *than the number of first-due emergency ve-*  
12           *hicles operated by the applicant and that*  
13           *the applicant is capable of storing, in a*  
14           *manner conducive to rapid use, such devices*  
15           *on each such vehicle; and*

16           *“(iv) the applicant has not previously*  
17           *received a grant under this subsection to ob-*  
18           *tain such devices.*

19           *“(B) MATCHING REQUIREMENTS.—If an*  
20           *applicant meets the criteria set out in clauses*  
21           *(i), (ii), (iii), and (iv) of subparagraph (A), the*  
22           *Secretary of Homeland Security shall reduce the*  
23           *percentage of non-Federal matching funds re-*  
24           *quired by paragraph (6) by 2 percentage points*

1           *for all assistance requested in the application*  
2           *submitted by such applicant.*

3           “(C) *FIRST-DUE DEFINED.*—*In this para-*  
4           *graph, the term ‘first-due’ means the firefighting*  
5           *and emergency medical services vehicles that are*  
6           *utilized by a fire service for immediate response*  
7           *to an emergency situation.”.*

8   **SEC. 3509. GRANT RECIPIENT LIMITATIONS.**

9           (a) *LIMITATIONS ON GRANT AMOUNTS.*—*Subpara-*  
10          *graph (A) of section 33(b)(10) of the Federal Fire Preven-*  
11          *tion and Control Act of 1974 (15 U.S.C. 2229(b)(10)) is*  
12          *amended to read as follows:*

13                  “(A) *LIMITATIONS ON GRANT AMOUNT.*—

14                          “(i) *GENERAL LIMITATION.*—*Subject to*  
15                          *clause (ii), a recipient of assistance under*  
16                          *this section may not receive in a fiscal year*  
17                          *an amount of such assistance that exceeds*  
18                          *the greater of \$2,250,000 or the amount*  
19                          *equal to 0.5 percent of the total amount of*  
20                          *funds appropriated for such assistance for*  
21                          *such fiscal year.*

22                          “(ii) *LIMITATIONS ON BASIS OF POPU-*  
23                          *LATION.*—*Subject to clause (iii), a recipient*  
24                          *of assistance under this section that serves*  
25                          *a jurisdiction of less than 1,000,000 indi-*

1            *viduals may not receive more than*  
2            *\$1,500,000 of such assistance for a fiscal*  
3            *year, except that such a recipient that*  
4            *serves a jurisdiction of less than 500,000 in-*  
5            *dividuals may not receive more than*  
6            *\$1,000,000 of such assistance during a fis-*  
7            *cal year.*

8            *“(iii) WAIVER.—With respect to assist-*  
9            *ance provided in a fiscal year before fiscal*  
10           *year 2007, the Secretary of Homeland Secu-*  
11           *rity, in consultation with the Adminis-*  
12           *trator, may waive the limitations set out in*  
13           *clause (ii) if the Secretary determines that*  
14           *a waiver is warranted by an extraordinary*  
15           *need for assistance for fire suppression ac-*  
16           *tivities by a jurisdiction, whether such need*  
17           *is caused by the likelihood of terrorist at-*  
18           *tack, natural disaster, destructive fires oc-*  
19           *curring over a large geographic area, or*  
20           *some other cause.”.*

21           *(b) LIMITATIONS ON GRANTS FOR VOLUNTEER EMER-*  
22           *GENCY MEDICAL SERVICES.—Such section, as amended by*  
23           *subsection (a), is further amended by adding at the end the*  
24           *following new subparagraph:*

1           “(C) *LIMITATIONS ON EXPENDITURES FOR*  
2           *VOLUNTEER EMERGENCY MEDICAL SERVICES.—*  
3           *Not more than 3.5 percent of the funds appro-*  
4           *priated to provide grants under this section for*  
5           *a fiscal year may be awarded to volunteer emer-*  
6           *gency medical service organizations.”.*

7 **SEC. 3510. OTHER CONSIDERATIONS.**

8           *Section 33(b) of the Federal Fire Prevention and Con-*  
9           *trol Act of 1974 (15 U.S.C. 2229(b)), as amended by section*  
10          *8, is amended by adding at the end the following new para-*  
11          *graph:*

12           “(14) *OTHER CONSIDERATIONS.—In providing*  
13          *assistance under this section, the Secretary of Home-*  
14          *land Security shall—*

15           “(A) *consider the extent to which the recipi-*  
16          *ent of such assistance is able to enhance the*  
17          *daily operations of a fire service and to improve*  
18          *the protection of people and property from fire;*  
19          *and*

20           “(B) *ensure that such assistance awarded to*  
21          *a volunteer emergency medical service organiza-*  
22          *tion will not be used to provide emergency med-*  
23          *ical services in a geographic area if such services*  
24          *are adequately provided by a fire service in such*  
25          *area.”.*

1 **SEC. 3511. REPORTS TO CONGRESS.**

2 (a) *STUDY AND REPORT ON ASSISTANCE TO FIRE-*  
3 *FIGHTERS.*—

4 (1) *STUDY.*—*The Secretary, in conjunction with*  
5 *the National Fire Protection Association, shall con-*  
6 *duct a study—*

7 (A) *to assess the types of activities that are*  
8 *carried out by fire services;*

9 (B) *to determine whether the level of Fed-*  
10 *eral funding made available to fire services is*  
11 *adequate;*

12 (C) *to assess categories of services, including*  
13 *emergency medical services, that are not ade-*  
14 *quately provided by fire services on either the*  
15 *national or State level; and*

16 (D) *to measure the effect, if any, of the as-*  
17 *sistance provided under section 33 of the Federal*  
18 *Fire Prevention and Control Act of 1974 (15*  
19 *U.S.C. 2229) on the needs of fire services identi-*  
20 *fied in the report submitted to Congress under*  
21 *section 1701(b) of the Floyd D. Spence National*  
22 *Defense Authorization Act for Fiscal Year 2001*  
23 *(as enacted into law by Public Law 106–398;*  
24 *114 Stat. 1654A–363).*

25 (2) *REPORT.*—*Not later than 18 months after the*  
26 *date of the enactment of this Act, the Secretary shall*

1       submit to Congress a report on the findings of the  
2       study described in paragraph (1).

3       (b) *REPORT BY GAO.*—Not later than 18 months after  
4       the date of the enactment of this Act, the Comptroller Gen-  
5       eral of the United States shall submit to Congress a report  
6       on—

7               (1) the administration of the assistance provided  
8       under section 33 of the Federal Fire Prevention and  
9       Control Act of 1974 (15 U.S.C. 2229); and

10              (2) the success of the Secretary in administering  
11       the Federal Emergency Management Agency.

12       (c) *REPORT ON WAIVER OF AMOUNT LIMITATIONS.*—  
13       Not later than 18 months after the date of the enactment  
14       of this Act, the Secretary shall submit to Congress a report  
15       on the instances, if any, of the use of the waiver authority  
16       set out in section 33(b)(10)(A)(iii) of the Federal Fire Pre-  
17       vention and Control Act of 1974 (15 U.S.C.  
18       2229(b)(10)(A)(iii)), as added by section 9.

19       (d) *DEFINITIONS.*—In this section:

20              (1) *FIRE SERVICE.*—The term “fire service” has  
21       the meaning given that term in section 4 of the Fed-  
22       eral Fire Prevention and Control Act of 1974 (15  
23       U.S.C. 2203).

24              (2) *SECRETARY.*—The term “Secretary” means  
25       the Secretary of Homeland Security.

1 **SEC. 3512. TECHNICAL CORRECTIONS.**

2 (a) *REPEAL OF DUPLICATIVE DEFINITION.*—Sub-  
3 section (d) of section 33 of the Federal Fire Prevention and  
4 Control Act of 1974 (15 U.S.C. 2229) is repealed.

5 (b) *REDESIGNATIONS NECESSITATED BY DUPLICATIVE*  
6 *NUMBERING.*—The sections 33 and 34 of the Federal Fire  
7 Prevention and Control Act of 1974 (15 U.S.C. 2230 and  
8 2231) that were added by sections 105 and 106 of Public  
9 Law 106–503 (114 Stat. 2301) are redesignated as sections  
10 34 and 35, respectively.

11 **SEC. 3513. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) *FIREFIGHTER ASSISTANCE PROGRAMS.*—Section  
13 33(e) of the Federal Fire Prevention and Control Act of  
14 1974 (15 U.S.C. 2229(e)) is amended by striking the first  
15 sentence and inserting “There are authorized to be appro-  
16 priated for the purposes of this section \$900,000,000 for fis-  
17 cal year 2005, \$950,000,000 for fiscal year 2006, and  
18 \$1,000,000,000 for each of the fiscal years 2007 through  
19 2010.”.

20 (b) *STUDY ON ASSISTANCE TO FIREFIGHTERS.*—There  
21 are authorized to be appropriated to the Secretary of Home-

- 1 *land Security \$300,000 for fiscal year 2005 to carry out*
- 2 *the requirements of section 4011(a).*

Attest:

*Secretary.*



108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4200**

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**AMENDMENT**