

107TH CONGRESS  
2D SESSION

# S. 2514

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## AN ACT

To authorize appropriations for fiscal year 2003 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.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “National Defense Au-  
5        thorization Act for Fiscal Year 2003”.

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 Au-  
 6 thorizations.

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

9 (3) Division C—Department of Energy Na-  
 10 tional Security Authorizations and Other Authoriza-  
 11 tions.

12 (b) TABLE OF CONTENTS.—The table of contents for  
 13 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. 3173. One-year extension of authority of Department of Energy to pay voluntary separation incentive payments.
- Sec. 3174. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.

#### **Subtitle F—Disposition of Weapons-Usable Plutonium at Savannah River, South Carolina**

- Sec. 3181. Findings.
- Sec. 3182. Disposition of weapons-usable plutonium at Savannah River Site.
- Sec. 3183. Study of facilities for storage of plutonium and plutonium materials at Savannah River Site.

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

- Sec. 3201. Authorization.
- Sec. 3202. Authorization of appropriations for the formerly used sites remedial action program of the Corps of Engineers.

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

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

- 4 (1) the Committee on Armed Services and the  
5 Committee on Appropriations of the Senate; and

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

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

9 **SEC. 101. ARMY.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal year 2003 for procurement for the Army as follows:

12 (1) For aircraft, \$2,144,386,000.

13 (2) For missiles, \$1,653,150,000.

14 (3) For weapons and tracked combat vehicles,  
15 \$2,242,882,000.

16 (4) For ammunition, \$1,205,499,000.

17 (5) For other procurement, \$5,513,679,000.

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

19 (a) NAVY.—Funds are hereby authorized to be appro-  
20 priated for fiscal year 2003 for procurement for the Navy  
21 as follows:

22 (1) For aircraft, \$9,037,209,000.

23 (2) For weapons, including missiles and tor-  
24 pedoes, \$2,505,820,000.



1           (3) For shipbuilding and conversion,  
2           \$8,624,160,000.

3           (4) For other procurement, \$4,515,500,000.

4           (b) MARINE CORPS.—Funds are hereby authorized to  
5 be appropriated for fiscal year 2003 for procurement for  
6 the Marine Corps in the amount of \$1,341,219,000.

7           (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
8 are hereby authorized to be appropriated for fiscal year  
9 2003 for procurement of ammunition for the Navy and  
10 the Marine Corps in the amount of \$1,173,157,000.

11 **SEC. 103. AIR FORCE.**

12           Funds are hereby authorized to be appropriated for  
13 fiscal year 2003 for procurement for the Air Force as fol-  
14 lows:

15           (1) For aircraft, \$12,613,605,000.

16           (2) For ammunition, \$1,275,864,000.

17           (3) For missiles, \$3,258,162,000.

18           (4) For other procurement, \$10,477,840,000.

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

20           Funds are hereby authorized to be appropriated for  
21 fiscal year 2003 for Defense-wide procurement in the  
22 amount of \$3,054,943,000.

23 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

24           Funds are hereby authorized to be appropriated for  
25 fiscal year 2003 for procurement for the Inspector General

1 of the Department of Defense in the amount of  
2 \$2,000,000.

3 **SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
4 **TION, DEFENSE.**

5 There is hereby authorized to be appropriated for the  
6 Office of the Secretary of Defense for fiscal year 2003  
7 the amount of \$1,490,199,000 for—

8 (1) the destruction of lethal chemical agents  
9 and munitions in accordance with section 1412 of  
10 the Department of Defense Authorization Act, 1986  
11 (50 U.S.C. 1521); and

12 (2) the destruction of chemical warfare materiel  
13 of the United States that is not covered by section  
14 1412 of such Act.

15 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal year 2003 for the Department of Defense for pro-  
18 curement for carrying out health care programs, projects,  
19 and activities of the Department of Defense in the total  
20 amount of \$278,742,000.

1           **Subtitle B—Army Programs**

2   **SEC. 111. PILOT PROGRAM ON SALES OF MANUFACTURED**  
3                   **ARTICLES AND SERVICES OF CERTAIN ARMY**  
4                   **INDUSTRIAL FACILITIES WITHOUT REGARD**  
5                   **TO AVAILABILITY FROM DOMESTIC SOURCES.**

6           (a) EXTENSION OF PROGRAM.—Subsection (a) of  
7 section 141 of the National Defense Authorization Act for  
8 Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543  
9 note) is amended by striking “through 2002” in the first  
10 sentence and inserting “through 2004”.

11           (b) USE OF OVERHEAD FUNDS MADE SURPLUS BY  
12 SALES.—Such section is further amended—

13                   (1) by redesignating subsection (c) as sub-  
14 section (d); and

15                   (2) by inserting after subsection (b) the fol-  
16 lowing new subsection (c):

17           “(c) For each Army industrial facility participating  
18 in the pilot program that sells manufactured articles and  
19 services in a total amount in excess of \$20,000,000 in any  
20 fiscal year, the amount equal to one-half of one percent  
21 of such total amount shall be transferred from the sums  
22 in the Army Working Capital Fund for unutilized plant  
23 capacity to appropriations available for the following fiscal  
24 year for the demilitarization of conventional ammunition  
25 by the Army.”.

1           (c) UPDATE OF INSPECTOR GENERAL'S REVIEW.—  
2 The Inspector General of the Department of Defense shall  
3 review the experience under the pilot program carried out  
4 under section 141 of Public Law 105–85 and, not later  
5 than July 1, 2003, submit to Congress a report on the  
6 results of the review. The report shall contain the views,  
7 information, and recommendations called for under sub-  
8 section (d) of such section (as redesignated by subsection  
9 (b)(1)). In carrying out the review and preparing the re-  
10 port, the Inspector General shall take into consideration  
11 the report submitted to Congress under such subsection  
12 (as so redesignated).

### 13           **Subtitle C—Navy Programs**

#### 14   **SEC. 121. INTEGRATED BRIDGE SYSTEM.**

15           (a) AMOUNT FOR PROGRAM.—Of the amount author-  
16 ized to be appropriated by section 102(a)(4), \$5,000,000  
17 shall be available for the procurement of the integrated  
18 bridge system in items less than \$5,000,000.

19           (b) OFFSETTING REDUCTION.—Of the total amount  
20 authorized to be appropriated by section 102(a)(4), the  
21 amount available for the integrated bridge system in Aegis  
22 support equipment is hereby reduced by \$5,000,000.

1 **SEC. 122. EXTENSION OF MULTIYEAR PROCUREMENT AU-**  
2 **THORITY FOR DDG-51 CLASS DESTROYERS.**

3 Section 122(b) of the National Defense Authorization  
4 Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat.  
5 2446), as amended by section 122 of Public Law 106-  
6 65 (113 Stat. 534) and section 122(a) of the Floyd D.  
7 Spence National Defense Authorization Act for Fiscal  
8 Year 2001 (as enacted into law by Public Law 106-398;  
9 114 Stat. 1654A-24), is further amended by striking “Oc-  
10 tober 1, 2005” in the first sentence and inserting “Octo-  
11 ber 1, 2007”.

12 **SEC. 123. MAINTENANCE OF SCOPE OF CRUISER CONVER-**  
13 **SION OF TICONDEROGA CLASS AEGIS CRUIS-**  
14 **ERS.**

15 The Secretary of the Navy should maintain the scope  
16 of the cruiser conversion program for the Ticonderoga  
17 class of AEGIS cruisers such that the program—

18 (1) covers all 27 Ticonderoga class AEGIS  
19 cruisers; and

20 (2) modernizes the class of cruisers to include  
21 an appropriate mix of upgrades to ships’ capabilities  
22 for theater missile defense, naval fire support, and  
23 air dominance.

1 **SEC. 124. MARINE CORPS LIVE FIRE RANGE IMPROVE-**  
2 **MENTS.**

3 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
4 TIONS.—The amount authorized to be appropriated by  
5 section 102(b) for procurement for the Marine Corps is  
6 hereby increased by \$1,900,000, with the amount of the  
7 increase to be allocated to Training Devices.

8 (b) AVAILABILITY.—(1) Of the amount authorized to  
9 be appropriated by section 102(b) for procurement for the  
10 Marine Corps, as increased by subsection (a), \$1,900,000  
11 shall be available as follows:

12 (A) For upgrading live fire range target mov-  
13 ers.

14 (B) To bring live fire range radio controls into  
15 compliance with Federal Communications Commis-  
16 sion narrow band requirements.

17 (2) Amounts available under paragraph (1) for the  
18 purposes set forth in that paragraph are in addition to  
19 any other amounts available in this Act for such purposes.

20 (c) OFFSETTING REDUCTION.—The amount author-  
21 ized to be appropriated by section 103(1) for the C-17  
22 interim contractor support is reduced by \$1,900,000.

23 **Subtitle D—Air Force Programs**

24 **SEC. 131. C-130J AIRCRAFT PROGRAM.**

25 (a) MULTIYEAR PROCUREMENT AUTHORITY.—Be-  
26 ginning with the fiscal year 2003 program year, the Sec-

1 retary of the Air Force may, in accordance with section  
2 2306b of title 10, United States Code, enter into a  
3 multiyear contract for the procurement of C-130J aircraft  
4 and variants of the C-130J aircraft, subject to subsection  
5 (b), and except that, notwithstanding subsection (k) of  
6 such section, such a contract may be for a period of six  
7 program years.

8 (b) LIMITATION.—The Secretary of the Air Force  
9 may not enter into a multiyear contract authorized by sub-  
10 section (a) until the C-130J aircraft has been cleared for  
11 worldwide over-water capability.

12 **SEC. 132. PATHFINDER PROGRAMS.**

13 (a) SPIRAL DEVELOPMENT PLAN FOR SELECTED  
14 PATHFINDER PROGRAMS.—Not later than February 1,  
15 2003, the Secretary of the Air Force shall—

16 (1) identify among the pathfinder programs  
17 listed in subsection (e) each pathfinder program that  
18 the Secretary shall conduct as a spiral development  
19 program; and

20 (2) submit to the Secretary of Defense for each  
21 pathfinder program identified under paragraph (1) a  
22 spiral development plan that meets the requirements  
23 of section 803(c).

1 (b) APPROVAL OR DISAPPROVAL OF SPIRAL DEVELOP-  
2 OPMENT PLANS.—Not later than March 15, 2003, the  
3 Secretary of Defense shall—

4 (1) review each spiral development plan sub-  
5 mitted under subsection (a)(2);

6 (2) approve or disapprove the conduct as a spi-  
7 ral development plan of the pathfinder program cov-  
8 ered by each such spiral development plan; and

9 (3) submit to the congressional defense commit-  
10 tees a copy of each spiral development plan approved  
11 under paragraph (2).

12 (c) ASSESSMENT OF PATHFINDER PROGRAMS NOT  
13 SELECTED OR APPROVED FOR SPIRAL DEVELOPMENT.—

14 Not later than March 15, 2003, each official of the De-  
15 partment of Defense specified in subsection (d) shall sub-  
16 mit to the congressional defense committees the assess-  
17 ment required of such official under that subsection for  
18 the acquisition plan for each pathfinder program as fol-  
19 lows:

20 (1) Each pathfinder program that is not identi-  
21 fied by the Secretary of the Air Force under sub-  
22 section (a)(1) as a program that the Secretary shall  
23 conduct as a spiral development program.

24 (2) Each pathfinder program that is dis-  
25 approved by the Secretary of Defense for conduct as



1 a spiral development program under subsection  
2 (b)(2).

3 (d) OFFICIALS AND REQUIRED ASSESSMENTS FOR  
4 PROGRAMS OUTSIDE SPIRAL DEVELOPMENT.—The offi-  
5 cials specified in this subsection, and the assessment re-  
6 quired of such officials, are as follows:

7 (1) The Director of Operational Test and Eval-  
8 uation, who shall assess the test contents of the ac-  
9 quisition plan for each pathfinder program covered  
10 by subsection (c).

11 (2) The Chairman of the Joint Requirements  
12 Oversight Council, who shall assess the extent to  
13 which the acquisition plan for each such pathfinder  
14 program addresses validated military requirements.

15 (3) The Under Secretary of Defense (Comp-  
16 troller), in coordination with the Under Secretary of  
17 Defense for Acquisition, Technology, and Logistics,  
18 who shall conduct an independent programmatic  
19 evaluation of the acquisition plan for each such  
20 pathfinder program, including an analysis of the  
21 total cost, schedule, and technical risk associated  
22 with development of such program.

23 (e) PATHFINDER PROGRAMS.—The pathfinder pro-  
24 grams listed in this subsection are the program as follows:

25 (1) Space Based Radar.

- 1 (2) Global Positioning System.
- 2 (3) Global Hawk.
- 3 (4) Combat Search and Rescue.
- 4 (5) B-2 Radar.
- 5 (6) Predator B.
- 6 (7) B-1 Defensive System Upgrade.
- 7 (8) Multi Mission Command and Control Con-
- 8 stellation.
- 9 (9) Unmanned Combat Air Vehicle.
- 10 (10) Global Transportation Network.
- 11 (11) C-5 Avionics Modernization Program.
- 12 (12) Hunter/Killer.
- 13 (13) Tanker/Lease.
- 14 (14) Small Diameter Bomb.
- 15 (15) KC-767.
- 16 (16) AC-130 Gunship.

17 **SEC. 133. OVERSIGHT OF ACQUISITION FOR DEFENSE**  
18 **SPACE PROGRAMS.**

19 (a) IN GENERAL.—The Office of the Secretary of De-  
20 fense shall maintain oversight of acquisition for defense  
21 space programs.

22 (b) REPORT ON OVERSIGHT.—(1) Not later than  
23 March 15, 2003, the Secretary of Defense shall submit  
24 to the congressional defense committees a detailed plan

1 on how the Office of the Secretary of Defense shall provide  
2 oversight of acquisition for defense space programs.

3 (2) The plan shall set forth the following:

4 (A) The organizations in the Office of the Sec-  
5 retary of Defense, and the Joint Staff organizations,  
6 to be involved in oversight of acquisition for defense  
7 space programs.

8 (B) The process for the review of defense space  
9 programs by the organizations specified under sub-  
10 paragraph (A).

11 (C) The process for the provision by such orga-  
12 nizations of technical, programmatic, scheduling,  
13 and budgetary advice on defense space programs to  
14 the Deputy Secretary of Defense and the Under Sec-  
15 retary of the Air Force.

16 (D) The process for the development of inde-  
17 pendent cost estimates for defense space programs,  
18 including the organization responsible for developing  
19 such cost estimates and when such cost estimates  
20 shall be required.

21 (E) The process for the development of the  
22 budget for acquisition for defense space programs.

23 (F) The process for the resolution of issues re-  
24 garding acquisition for defense space programs that

1       are raised by the organizations specified under sub-  
2       paragraph (A).

3       (c) **DEFENSE SPACE PROGRAM DEFINED.**—In this  
4       section, the term “defense space program” means any  
5       major defense acquisition program (as that term is defined  
6       in section 2430 of title 10, United States Code) for the  
7       acquisition of—

8               (1) space-based assets, space launch assets, or  
9       user equipment for such assets; or

10              (2) earth-based or spaced-based assets dedi-  
11       cated primarily to space surveillance or space con-  
12       trol.

13       **SEC. 134. LEASING OF TANKER AIRCRAFT.**

14       The Secretary of the Air Force shall not enter into  
15       any lease for tanker aircraft until the Secretary submits  
16       the report required by section 8159(c)(6) of the Depart-  
17       ment of Defense Appropriations Act, 2002 (division A of  
18       Public Law 107–117; 115 Stat. 2284) and obtains author-  
19       ization and appropriation of funds necessary to enter into  
20       a lease for such aircraft consistent with his publicly stated  
21       commitments to the Congress to do so.

22       **SEC. 135. COMPASS CALL PROGRAM.**

23       Of the amount authorized to be appropriated by sec-  
24       tion 103(1), \$12,700,000 shall be available for the Com-

1 pass Call program within classified projects and not within  
2 the Defense Airborne Reconnaissance Program.

3 **SEC. 136. SENSE OF CONGRESS REGARDING ASSURED AC-**  
4 **CESS TO SPACE.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) Assured access to space is a vital national  
8 security interest of the United States.

9 (2) The Evolved Expendable Launch Vehicle  
10 program of the Department of Defense is a critical  
11 element of the Department's plans for assuring  
12 United States access to space.

13 (3) Significant contractions in the commercial  
14 space launch marketplace have eroded the overall vi-  
15 ability of the United States space launch industrial  
16 base and could hamper the ability of the Depart-  
17 ment of Defense to provide assured access to space  
18 in the future.

19 (4) The continuing viability of the United  
20 States space launch industrial base is a critical ele-  
21 ment of any strategy to ensure the long-term ability  
22 of the United States to assure access to space.

23 (5) The Under Secretary of the Air Force, as  
24 acquisition executive for space programs in the De-  
25 partment of Defense, has been authorized to develop

1 a strategy to address United States space launch  
2 and assured access to space requirements.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that the Under Secretary of the Air Force should—

5 (1) evaluate all options for sustaining the  
6 United States space launch industrial base;

7 (2) develop an integrated, long-range, and ade-  
8 quately funded plan for assuring United States ac-  
9 cess to space; and

10 (3) submit to Congress a report on the plan at  
11 the earliest opportunity practicable.

12 **SEC. 137. MOBILE EMERGENCY BROADBAND SYSTEM.**

13 (a) AMOUNT FOR PROGRAM.—Of the total amount  
14 authorized to be appropriated by section 103(4),  
15 \$1,000,000 may be available for the procurement of tech-  
16 nical communications-electronics equipment for the Mobile  
17 Emergency Broadband System.

18 (b) OFFSETTING REDUCTION.—Of the total amount  
19 authorized to be appropriated by section 103(4), the  
20 amount available under such section for the Navy for  
21 other procurement for gun fire control equipment, SPQ-  
22 9B solid state transmitter, is hereby reduced by  
23 \$1,000,000.

1 **TITLE II—RESEARCH, DEVELOP-**  
2 **MENT, TEST, AND EVALUA-**  
3 **TION**

4 **Subtitle A—Authorization of**  
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2003 for the use of the Department of Defense  
9 for research, development, test, and evaluation as follows:

10 (1) For the Army, \$7,297,033,000.

11 (2) For the Navy, \$12,927,135,000.

12 (3) For the Air Force, \$18,608,684,000.

13 (4) For Defense-wide activities,  
14 \$17,543,927,000, of which \$361,554,000 is author-  
15 ized for the Director of Operational Test and Eval-  
16 uation.

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

18 (a) **AMOUNT FOR PROJECTS.**—Of the total amount  
19 authorized to be appropriated by section 201,  
20 \$10,164,358,000 shall be available for science and tech-  
21 nology projects.

22 (b) **SCIENCE AND TECHNOLOGY DEFINED.**—In this  
23 section, the term “science and technology project” means  
24 work funded in program elements for defense research, de-

1 velopment, test, and evaluation under Department of De-  
 2 fense budget activities 1, 2, or 3.

3 **SEC. 203. DEFENSE HEALTH PROGRAMS.**

4 Funds are hereby authorized to be appropriated for  
 5 fiscal year 2003 for the Department of Defense for re-  
 6 search, development, test, and evaluation for carrying out  
 7 health care programs, projects, and activities of the De-  
 8 partment of Defense in the total amount of \$67,214,000.

9 **Subtitle B—Program Require-**  
 10 **ments, Restrictions, and Limita-**  
 11 **tions**

12 **SEC. 211. BASIC SEISMIC RESEARCH PROGRAM FOR SUP-**  
 13 **PORT OF NATIONAL REQUIREMENTS FOR**  
 14 **MONITORING NUCLEAR EXPLOSIONS.**

15 (a) MANAGEMENT OF PROGRAM.—(1) The Secretary  
 16 of the Air Force shall manage the Department of Defense  
 17 program of basic seismic research in support of national  
 18 requirements for monitoring nuclear explosions. The Sec-  
 19 retary shall manage the program in the manner necessary  
 20 to support Air Force mission requirements relating to the  
 21 national requirements.

22 (2) The Secretary shall act through the Director of  
 23 the Air Force Research Laboratory in carrying out para-  
 24 graph (1).



1 (c) AMOUNT FOR PROGRAM.—Of the amount author-  
2 ized to be appropriated by section 201(4), \$20,000,000  
3 shall be available for the program referred to in subsection  
4 (a).

5 **SEC. 212. ADVANCED SEAL DELIVERY SYSTEM.**

6 To the extent provided in appropriations Acts, the  
7 Secretary of Defense may use for research, development,  
8 test, and evaluation for the Advanced SEAL Delivery Sys-  
9 tem any funds that were authorized to be appropriated  
10 to the Department of Defense for fiscal year 2002 for the  
11 procurement of that system, were appropriated pursuant  
12 to such authorization of appropriations, and are no longer  
13 needed for that purpose.

14 **SEC. 213. ARMY EXPERIMENTATION PROGRAM REGARDING**  
15 **DESIGN OF THE OBJECTIVE FORCE.**

16 (a) REQUIREMENT FOR REPORT.—Not later than  
17 March 30, 2003, the Secretary of the Army shall submit  
18 to Congress a report on the experimentation program re-  
19 garding design of the objective force that is required by  
20 subsection (g) of section 113 of the Floyd D. Spence Na-  
21 tional Defense Authorization Act for Fiscal Year 2001,  
22 as added by section 113 of the National Defense Author-  
23 ization Act for Fiscal Year 2002 (Public Law 107–107;  
24 115 Stat. 1029).

1 (b) BUDGET DISPLAY.—Amounts provided for the  
2 experimentation program in the budget for fiscal year  
3 2004 that is submitted to Congress under section 1105(a)  
4 of title 31, United States Code, shall be displayed as a  
5 distinct program element in that budget and in the sup-  
6 porting documentation submitted to Congress by the Sec-  
7 retary of Defense.

8 **SEC. 214. REALLOCATION OF AMOUNT AVAILABLE FOR IN-**  
9 **DIRECT FIRE PROGRAMS.**

10 (a) REDUCTION OF AMOUNT FOR CRUSADER.—Of  
11 the amount authorized to be appropriated by section  
12 201(1) for the Army for research, development, test, and  
13 evaluation, the amount available for continued research  
14 and development of the Crusader artillery system is hereby  
15 reduced by \$475,600,000.

16 (b) INCREASE OF AMOUNT FOR FUTURE COMBAT  
17 SYSTEMS.—Of the amount authorized to be appropriated  
18 by section 201(1) for the Army for research, development,  
19 test, and evaluation, the amount available for research and  
20 development for the Objective Force indirect fire systems  
21 is hereby increased by \$475,600,000. The amount of the  
22 increase shall be available only for meeting the needs of  
23 the Army for indirect fire capabilities, and may not be  
24 used under the authority of this section until 30 days after  
25 the date on which the Secretary of Defense submits to

1 the congressional defense committees the report required  
2 by subsection (d), together with a notification of the Sec-  
3 retary's plan to use such funds to meet the needs of the  
4 Army for indirect fire capabilities.

5 (c) USE OF FUNDS.—Subject to subsection (b), the  
6 Secretary of Defense may use the amount available under  
7 such subsection for any program for meeting the needs  
8 of the Army for indirect fire capabilities.

9 (d) REPORTING REQUIREMENT.—(1) Not later than  
10 30 days after the date of the enactment of this Act, the  
11 Chief of Staff of the Army shall complete a review of the  
12 full range of Army programs that could provide improved  
13 indirect fire for the Army over the next 20 years and shall  
14 submit to the Secretary of Defense a report containing  
15 the recommendation of the Chief of Staff on which alter-  
16 native for improving indirect fire for the Army is the best  
17 alternative for that purpose. The report shall also include  
18 information on each of the following funding matters:

19 (A) The manner in which the amount available  
20 under subsection (b) should be best invested to sup-  
21 port the improvement of indirect fire capabilities for  
22 the Army.

23 (B) The manner in which the amount provided  
24 for indirect fire programs of the Army in the future-  
25 years defense program submitted to Congress with

1       respect to the budget for fiscal year 2003 under sec-  
2       tion 221 of title 10, United States Code, should be  
3       best invested to support improved indirect fire for  
4       the Army.

5           (C) The manner in which the amounts de-  
6       scribed in subparagraphs (A) and (B) should be best  
7       invested to support the improvement of indirect fire  
8       capabilities for the Army in the event of a termi-  
9       nation of the Crusader artillery system program.

10          (D) The portion of the amount available under  
11       subsection (b) that should be reserved for paying  
12       costs associated with a termination of the Crusader  
13       artillery system program in the event of such a ter-  
14       mination.

15          (2) The Secretary of Defense shall submit the report,  
16       together with any comments and recommendations that  
17       the Secretary considers appropriate, to the congressional  
18       defense committees.

19          (e) ANNUAL UPDATES.—(1) The Secretary shall sub-  
20       mit to the congressional defense committees, at the same  
21       time that the President submits the budget for a fiscal  
22       year referred to in paragraph (4) to Congress under sec-  
23       tion 1105(a) of title 31, United States Code, a report on  
24       the investments proposed to be made in indirect fire pro-  
25       grams for the Army.

1           (2) If the Crusader artillery system program has been  
2 terminated by the time the annual report is submitted in  
3 conjunction with the budget for a fiscal year, the report  
4 shall—

5           (A) identify the amount proposed for expendi-  
6 ture for the Crusader artillery system program for  
7 that fiscal year in the future-years defense program  
8 that was submitted to Congress in 2002 under sec-  
9 tion 221 of title 10, United States Code; and

10          (B) specify—

11           (i) the manner in which the amount pro-  
12 vided in that budget would be expended for im-  
13 proved indirect fire capabilities for the Army;  
14 and

15           (ii) the extent to which the expenditures in  
16 that manner would improve indirect fire capa-  
17 bilities for the Army.

18          (3) The requirement to submit an annual report  
19 under paragraph (1) shall apply with respect to budgets  
20 for fiscal years 2004, 2005, 2006, 2007, and 2008.

21 **SEC. 215. LASER WELDING AND CUTTING DEMONSTRATION.**

22          (a) AMOUNT FOR PROGRAM.—Of the total amount  
23 authorized to be appropriated by section 201(2) for re-  
24 search, development, test, and evaluation for the Navy,  
25 \$6,000,000 shall be available for the laser welding and

1 cutting demonstration in force protection applied research  
2 (PE 0602123N).

3 (b) OFFSETTING REDUCTION.—Of the total amount  
4 authorized to be appropriated by section 201(2) for re-  
5 search, development, test, and evaluation for the Navy, the  
6 amount available for laser welding and cutting demonstra-  
7 tion in surface ship and submarine HM&E advanced tech-  
8 nology (PE 0603508N) is hereby reduced by \$6,000,000.

9 **SEC. 216. ANALYSIS OF EMERGING THREATS.**

10 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
11 TIONS.—The amount authorized to be appropriated by  
12 section 201(2) for research, development, test, and evalua-  
13 tion for the Navy is hereby increased by \$2,000,000 with  
14 the amount of the increase to be allocated to Marine Corps  
15 Advanced Technology Demonstration (ATD) (PE  
16 0603640M).

17 (b) AVAILABILITY.—(1) Of the amount authorized to  
18 be appropriated by section 201(2) for research, develop-  
19 ment, test, and evaluation for the Navy, as increased by  
20 subsection (a), \$2,000,000 may be available for analysis  
21 of emerging threats.

22 (2) The amount available under paragraph (1) for  
23 analysis of emerging threats is in addition to any other  
24 amounts available under this Act for analysis of emerging  
25 threats.

1 (c) OFFSET.—The amount authorized to be appro-  
2 priated by section 201(1) for research, development, test,  
3 and evaluation for the Army is hereby reduced by  
4 \$2,000,000, with the amount of the reduction allocated  
5 as follows:

6 (1) \$1,000,000 may be allocated to Weapons  
7 and Munitions Technology (PE 0602624A) and  
8 available for countermobility systems.

9 (2) \$1,000,000 may be allocated to Warfighter  
10 Advanced Technology (PE 0603001A) and available  
11 for Objective Force Warrior technologies.

12 **SEC. 217. PROHIBITION ON TRANSFER OF MEDICAL FREE**  
13 **ELECTRON LASER PROGRAM.**

14 Notwithstanding any other provision of law, the Med-  
15 ical Free Electron Laser Program (PE 0602227D8Z) may  
16 not be transferred from the Department of Defense to the  
17 National Institutes of Health, or to any other department  
18 or agency of the Federal Government.

19 **SEC. 218. DEMONSTRATION OF RENEWABLE ENERGY USE.**

20 Of the amount authorized to be appropriated by sec-  
21 tion 201(2), \$2,500,000 shall be available for the dem-  
22 onstration of renewable energy use program within the  
23 program element for the Navy energy program and not  
24 within the program element for facilities improvement.

1 **SEC. 219A. RADAR POWER TECHNOLOGY FOR THE ARMY.**

2 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
3 TIONS.—The amount authorized to be appropriated by  
4 section 201(1) for the Department of Defense for re-  
5 search, development, test, and evaluation for the Army is  
6 hereby increased by \$4,500,000, with the amount of the  
7 increase to be allocated to Army missile defense systems  
8 integration (DEM/VAL) (PE 0603308A).

9 (b) AVAILABILITY FOR RADAR POWER TECH-  
10 NOLOGY.—(1) Of the amount authorized to be appro-  
11 priated by section 201(1) for the Department of Defense  
12 for research, development, test, and evaluation for the  
13 Army, as increased by subsection (a), \$4,500,000 shall be  
14 available for radar power technology.

15 (2) The amount available under paragraph (1) for  
16 radar power technology is in addition to any other  
17 amounts available under this Act for such technology.

18 (c) OFFSET.—The amount authorized to be appro-  
19 priated by section 201(2) for research, development, test,  
20 and evaluation for the Navy is hereby reduced by  
21 \$4,500,000, with the amount of the reduction to be allo-  
22 cated to common picture advanced technology (PE  
23 0603235N).

24 **SEC. 219B. CRITICAL INFRASTRUCTURE PROTECTION.**

25 (a) AMOUNT FOR PROGRAM.—Of the amount author-  
26 ized to be appropriated in section 201(4), \$4,500,000 may



1 be available for critical infrastructure protection (PE  
2 35190D8Z).

3 (b) OFFSET.—Of the amount authorized to be appro-  
4 priated by section 201(2), the amount for power projection  
5 advanced technology (PE 63114N) is hereby reduced by  
6 \$4,500,000.

7 **SEC. 219C. THEATER AEROSPACE COMMAND AND CONTROL**  
8 **SIMULATION FACILITY UPGRADES.**

9 (a) AVAILABILITY OF FUNDS.—(1) The amount au-  
10 thorized to be appropriated by section 201(3) for the Air  
11 Force for wargaming and simulation centers (PE  
12 0207605F) is increased by \$2,500,000. The total amount  
13 of the increase may be available for Theater Aerospace  
14 Command and Control Simulation Facility (TACCSF) up-  
15 grades.

16 (2) The amount available under paragraph (1) for  
17 Theater Aerospace Command and Control Simulation Fa-  
18 cility upgrades is in addition to any other amounts avail-  
19 able under this Act for such upgrades.

20 (b) OFFSET.—The amount authorized to be appro-  
21 priated by section 201(2) for the Navy for Mine and Expe-  
22 ditionary Warfare Applied Research (PE 0602782N) is  
23 reduced by \$2,500,000.

1 **SEC. 219D. DDG OPTIMIZED MANNING INITIATIVE.**

2 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
3 TIONS.—The amount authorized to be appropriated by  
4 section 201(2) for research, development, test, and evalua-  
5 tion for the Navy is hereby increased by \$2,500,000, with  
6 the amount of the increase to be allocated to surface com-  
7 batant combat system engineering (PE 0604307N).

8 (b) AVAILABILITY.—(1) Of the amount authorized to  
9 be appropriated by section 201(2) for research, develop-  
10 ment, test, and evaluation for the Navy, as increased by  
11 subsection (a), \$2,500,000 may be available for the DDG  
12 optimized manning initiative.

13 (2) The amount available under paragraph (1) for the  
14 initiative referred to in that paragraph is in addition to  
15 any other amounts available under this Act for that initia-  
16 tive.

17 (c) OFFSET.—The amount authorized to be appro-  
18 priated by section 201(1) for research, development, test,  
19 and evaluation for artillery systems DEM/VAL (PE  
20 0603854A), by \$2,500,000.

21 **SEC. 219E. AGROTERRORIST ATTACKS.**

22 (a) AVAILABILITY.—(1) Of the amount authorized to  
23 be appropriated by section 201(4) for research, develop-  
24 ment, test, and evaluation, defense-wide, the amount avail-  
25 able for basic research for the Chemical and Biological De-  
26 fense Program (PE 0601384BP) is hereby increased by

1 \$1,000,000, with the amount of such increase to be avail-  
2 able for research, analysis, and assessment of efforts to  
3 counter potential agroterrorist attacks.

4 (2) The amount available under paragraph (1) for re-  
5 search, analysis, and assessment described in that para-  
6 graph is in addition to any other amounts available in this  
7 Act for such research, analysis, and assessment.

8 (b) OFFSET.—Of the amount authorized to be appro-  
9 priated by section 201(4) for research, development, test,  
10 and evaluation, Defense-wide, the amount available for bi-  
11 ological terrorism and agroterrorism risk assessment and  
12 prediction in the program element relating to the Chemical  
13 and Biological Defense Program (PE 0603384BP) is  
14 hereby reduced by \$1,000,000.

15 **SEC. 219F. VERY HIGH SPEED SUPPORT VESSEL FOR THE**  
16 **ARMY.**

17 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
18 TIONS.—The amount authorized to be appropriated by  
19 section 201(1) for research, development, test, and evalua-  
20 tion for the Army is hereby increased by \$5,500,000, with  
21 the amount of the increase to be allocated to logistics and  
22 engineering equipment—advanced development (PE  
23 0603804A).

24 (b) AVAILABILITY.—(1) Of the amount authorized to  
25 be appropriated by section 201(1) for research, develop-

1 ment, test, and evaluation for the Army, as increased by  
2 subsection (a), \$5,500,000 may be available for develop-  
3 ment of a prototype composite hull design to meet the the-  
4 ater support vessel requirement.

5 (2) The amount available under paragraph (1) for de-  
6 velopment of the hull design referred to in that paragraph  
7 is in addition to any other amounts available under this  
8 Act for development of that hull design.

9 (c) OFFSET.—The amount authorized to be appro-  
10 priated by section 201(2) for research, development, test,  
11 and evaluation for the Navy is hereby decreased by  
12 \$5,500,000, with the amount of the decrease to be allo-  
13 cated to submarine tactical warfare system (PE  
14 0604562N) and amounts available under that program  
15 element for upgrades of combat control software to com-  
16 mercial architecture.

17 **SEC. 219G. FULL-SCALE HIGH-SPEED PERMANENT MAGNET**  
18 **GENERATOR.**

19 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
20 TIONS.—The amount authorized to be appropriated by  
21 section 201(2) for research, development, test, and evalua-  
22 tion for the Navy is hereby increased by \$1,000,000, with  
23 the amount of the increase to be allocated to Force Protec-  
24 tion Advanced Technology (PE 0603123N).

1 (b) AVAILABILITY.—(1) Of the amount authorized to  
2 be appropriated by section 201(2) for research, develop-  
3 ment, test, and evaluation for the Navy, as increased by  
4 subsection (a), \$1,000,000 may be available for develop-  
5 ment and demonstration of a full-scale high-speed perma-  
6 nent magnet generator.

7 (2) The amount available under paragraph (1) for de-  
8 velopment and demonstration of the generator described  
9 in that paragraph is in addition to any other amounts  
10 available in this Act for development and demonstration  
11 of that generator.

12 (c) OFFSET.—The amount authorized to be appro-  
13 priated by section 201(1) for research, development, test,  
14 and evaluation for the Army is hereby reduced by  
15 \$1,000,000, with the amount of the reduction to be allo-  
16 cated to Artillery Systems—Dem/Val (PE 0603854A).

17 **SEC. 219H. AVIATION-SHIPBOARD INFORMATION TECH-**  
18 **NOLOGY INITIATIVE.**

19 Of the amount authorized to be appropriated by sec-  
20 tion 201(2) for shipboard aviation systems, up to  
21 \$8,200,000 may be used for the aviation-shipboard infor-  
22 mation technology initiative.

1 **SEC. 219I. AEROSPACE RELAY MIRROR SYSTEM (ARMS)**  
 2 **DEMONSTRATION.**

3 Of the amount authorized to be appropriated by sec-  
 4 tion 201(3) for the Department of Defense for research,  
 5 development, test, and evaluation for the Air Force,  
 6 \$6,000,000 may be available for the Aerospace Relay Mir-  
 7 ror System (ARMS) Demonstration.

8 **SEC. 219J. LITTORAL SHIP PROGRAM.**

9 (a) AMOUNT FOR PROGRAM.—Of the amount author-  
 10 ized to be appropriated by section 201(2) for research and  
 11 development, test and evaluation, Navy, \$4,000,000 may  
 12 be available for requirements development of a littoral ship  
 13 in Ship Concept Advanced Design (PE 0603563N).

14 (b) OFFSETTING REDUCTION.—Of the total amount  
 15 authorized to be appropriated by section 201(2) for re-  
 16 search and development, test and evaluation, Navy, the  
 17 amount available for FORCENET in Tactical Command  
 18 System (PE 0604231N), is hereby reduced by an addi-  
 19 tional \$4,000,000.

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

22 **SEC. 221. ANNUAL OPERATIONAL ASSESSMENTS AND RE-**  
 23 **VIEWS OF BALLISTIC MISSILE DEFENSE PRO-**  
 24 **GRAM.**

25 (a) ANNUAL OPERATIONAL ASSESSMENT.—(1)(A)  
 26 During the first quarter of each fiscal year, the Director

1 of Operational Test and Evaluation shall conduct an oper-  
2 ational assessment of the missile defense programs listed  
3 in paragraph (3).

4 (B) The annual assessment shall include—

5 (i) a detailed, quantitative evaluation of the po-  
6 tential operational effectiveness, reliability, and suit-  
7 ability of the system or systems under each program  
8 as the program exists during the fiscal year of the  
9 assessment;

10 (ii) an evaluation of the adequacy of testing  
11 through the end of the previous fiscal year to meas-  
12 ure and predict the effectiveness of the systems; and

13 (iii) a determination of the threats, or type of  
14 threats, against which the systems would be ex-  
15 pected to be effective and those against which the  
16 systems would not be expected to be effective.

17 (C) The first assessment under this paragraph shall  
18 be conducted during fiscal year 2003.

19 (2) Not later than January 15 of each year, the Di-  
20 rector of Operational Test and Evaluation shall submit to  
21 the Secretary of Defense and the congressional defense  
22 committees a report on the assessment conducted during  
23 the preceding quarter-year. The report shall include the  
24 evaluation of the potential of the system or systems to-  
25 gether with a discussion of the basis for the evaluation.

1           (3) The requirement for an annual operational as-  
2           essment under paragraph (1) shall apply to programs  
3           under the United States Missile Defense Agency as fol-  
4           lows:

5                   (A) The Ground-based Midcourse Defense pro-  
6           gram.

7                   (B) The Sea-based Midcourse Defense program.

8                   (C) The Theater High Altitude Area Defense  
9           (THAAD) program.

10                  (D) The Air-based Boost program (formerly  
11           known as the Airborne Laser Defense program).

12           (b) ANNUAL REQUIREMENTS REVIEWS.—(1) During  
13           the first quarter of each fiscal year, the Joint Require-  
14           ments Oversight Council established under section 181 of  
15           title 10, United States Code, shall review the cost, sched-  
16           ule, and performance criteria for the missile defense pro-  
17           grams under the United States Missile Defense Agency  
18           and assess the validity of the criteria in relation to military  
19           requirements. The first review shall be carried out in fiscal  
20           year 2003.

21           (2) Not later than January 15 of each year, the  
22           Chairman of the Joint Requirements Oversight Council  
23           shall submit to the Secretary of Defense and the congres-  
24           sional defense committees a report on the results of the



1 review carried out under paragraph (1) during the pre-  
2 ceding quarter-year.

3 **SEC. 222. REPORT ON MIDCOURSE DEFENSE PROGRAM.**

4 (a) REQUIREMENT FOR REPORT.—Not later than  
5 January 15, 2003, the Secretary of Defense shall submit  
6 to the congressional defense committees a report on the  
7 Midcourse Defense program of the United States Missile  
8 Defense Agency. The report shall include the following in-  
9 formation:

10 (1) The development schedule, together with an  
11 estimate of the annual costs through the completion  
12 of development.

13 (2) The planned procurement schedule, together  
14 with the Secretary's best estimates of the annual  
15 costs of, and number of units to be procured under,  
16 the program through the completion of the procure-  
17 ment.

18 (3) The current program acquisition unit cost  
19 and the history of acquisition unit costs from the  
20 date the program (including its antecedent program)  
21 was first included in a Selected Acquisition Report  
22 under section 2432 of title 10, United States Code.

23 (4) The current procurement unit cost, and the  
24 history of procurement unit costs from the date the  
25 program (including any antecedent program) was

1 first included in a Selected Acquisition Report under  
2 such section 2432.

3 (5) The reasons for any changes in program ac-  
4 quisition cost, program acquisition unit cost, pro-  
5 curement cost, or procurement unit cost, and the  
6 reasons for any changes in program schedule.

7 (6) The major contracts under the program and  
8 the reasons for any changes in cost or schedule  
9 variances under the contracts.

10 (7) The Test and Evaluation Master Plan de-  
11 veloped for the program in accordance with the re-  
12 quirements and guidance of Department of Defense  
13 regulation 5000.2-R.

14 (b) SEGREGATION OF GROUND-BASED AND SEA-  
15 BASED EFFORTS.—The report under subsection (a) shall  
16 separately display the schedules, cost estimates, cost his-  
17 tories, contracts, and test plans for—

18 (1) the National Missile Defense/Ground-based  
19 Midcourse Defense program; and

20 (2) the Navy TheaterWide/Sea-based Midcourse  
21 Defense program.

22 **SEC. 223. REPORT ON AIR-BASED BOOST PROGRAM.**

23 Not later than January 15, 2003, the Secretary of  
24 Defense shall submit to the congressional defense commit-  
25 tees a report on the Air-based Boost program (formerly

1 known as the Airborne Laser program). The report shall  
2 contain the following information:

3 (1) The development schedule together with the  
4 estimated annual costs of the program through the  
5 completion of development.

6 (2) The planned procurement schedule, together  
7 with the Secretary's best estimates of the annual  
8 costs of, and number of units to be procured under,  
9 the program through the completion of the procure-  
10 ment.

11 (3) The current program acquisition unit cost,  
12 and the history of program acquisition unit costs  
13 from the date the program (including any ante-  
14 cedent program) was first included in a Selected Ac-  
15 quisition Report under section 2432 of title 10,  
16 United States Code.

17 (4) The current procurement unit cost, and the  
18 history of procurement unit costs from the date the  
19 program (including any antecedent program) was  
20 first included in a Selected Acquisition Report under  
21 such section 2432.

22 (5) The reasons for any changes in program ac-  
23 quisition cost, program acquisition unit cost, pro-  
24 curement cost, or procurement unit cost, and the  
25 reasons for any changes in program schedule.

1           (6) The major contracts under the program and  
2 the reasons for any changes in cost or schedule  
3 variances under the contracts.

4           (7) The Test and Evaluation Master Plan de-  
5 veloped for the program in accordance with the re-  
6 quirements and guidance of Department of Defense  
7 regulation 5000.2-R.

8 **SEC. 224. REPORT ON THEATER HIGH ALTITUDE AREA DE-**  
9 **FENSE PROGRAM.**

10          (a) REQUIREMENT FOR REPORT.—Not later than  
11 January 15, 2003, the Secretary of Defense shall submit  
12 to the congressional defense committees a report on the  
13 Theater High Altitude Area Defense program. The report  
14 shall contain the following information:

15           (1) The development schedule together with the  
16 estimated annual costs of the program through the  
17 completion of development.

18           (2) The planned procurement schedule, together  
19 with the Secretary's best estimates of the annual  
20 costs of, and number of units to be procured under,  
21 the program through the completion of the procure-  
22 ment.

23           (3) The current program acquisition unit cost  
24 and the history of program acquisition unit costs  
25 from the date the program (including any ante-

1       cedent program) was first included in a Selected Ac-  
2       quisition Report under section 2432 of title 10,  
3       United States Code.

4           (4) The current procurement unit cost, and the  
5       history of procurement unit costs from the date the  
6       program (including any antecedent program) was  
7       first included in a Selected Acquisition Report under  
8       such section 2432.

9           (5) The reasons for any changes in program ac-  
10      quisition cost, program acquisition unit cost, pro-  
11      curement cost, or procurement unit cost, and the  
12      reasons for any changes in program schedule.

13          (6) The major contracts under the program and  
14      the reasons for any changes in cost or schedule  
15      variances under the contracts.

16          (7) The Test and Evaluation Master Plan de-  
17      veloped for the program in accordance with the re-  
18      quirements and guidance of Department of Defense  
19      regulation 5000.2-R.

20      (b) FUNDING LIMITATION.—Not more than 50 per-  
21      cent of the amount authorized to be appropriated by this  
22      Act for the United States Missile Defense Agency for the  
23      Theater High Altitude Area Defense program may be ex-  
24      pended until the submission of the report required under  
25      subsection (a).

1 **SEC. 225. REFERENCES TO NEW NAME FOR BALLISTIC MIS-**  
2 **SILE DEFENSE ORGANIZATION.**

3 (a) CONFORMING AMENDMENTS.—The following pro-  
4 visions of law are amended by striking “Ballistic Missile  
5 Defense Organization” each place it appears and inserting  
6 “United States Missile Defense Agency”:

7 (1) Sections 223 and 224 of title 10, United  
8 States Code.

9 (2) Sections 232, 233, and 235 of the National  
10 Defense Authorization Act for Fiscal Year 2002  
11 (Public Law 107–107).

12 (b) OTHER REFERENCES.—Any reference to the Bal-  
13 listic Missile Defense Organization in any other provision  
14 of law or in any regulation, map, document, record, or  
15 other paper of the United States shall be considered to  
16 be a reference to the United States Missile Defense Agen-  
17 cy.

18 **SEC. 226. LIMITATION ON USE OF FUNDS FOR NUCLEAR**  
19 **ARMED INTERCEPTORS.**

20 None of the funds authorized to be appropriated by  
21 this or any other Act may be used for research, develop-  
22 ment, test, evaluation, procurement, or deployment of nu-  
23 clear armed interceptors of a missile defense system.

1 **SEC. 227. REPORTS ON FLIGHT TESTING OF GROUND-**  
2 **BASED MIDCOURSE NATIONAL MISSILE DE-**  
3 **FENSE SYSTEM.**

4 (a) **REQUIREMENT.**—The Director of the United  
5 States Missile Defense Agency shall submit to the congress-  
6 sional defense committees a report on each flight test of  
7 the Ground-based Midcourse national missile defense sys-  
8 tem. The report shall be submitted not later than 120 days  
9 after the date of the test.

10 (b) **CONTENT.**—A report on a flight test under sub-  
11 section (a) shall include the following matters:

12 (1) A thorough discussion of the content and  
13 objectives of the test.

14 (2) For each test objective, a statement regard-  
15 ing whether the objective was achieved.

16 (3) For any test objective not achieved—

17 (A) a thorough discussion describing the  
18 reasons for not achieving the objective; and

19 (B) a discussion of any plans for future  
20 tests to achieve the objective.

21 (c) **FORMAT.**—The reports required under subsection  
22 (a) shall be submitted in classified and unclassified form.

1 **Subtitle D—Improved Management**  
2 **of Department of Defense Test**  
3 **and Evaluation Facilities**

4 **SEC. 231. DEPARTMENT OF DEFENSE TEST AND EVALUA-**  
5 **TION RESOURCE ENTERPRISE.**

6 (a) ESTABLISHMENT.—Section 139 of title 10,  
7 United States Code, is amended by adding at the end the  
8 following new subsection:

9 “(k)(1) There is a Test and Evaluation Resource En-  
10 terprise within the Department of Defense. The head of  
11 the Test and Evaluation Resource Enterprise shall report  
12 to the Director of Operational Test and Evaluation.

13 “(2)(A) The head of the Test and Evaluation Re-  
14 source Enterprise shall manage all funds available to the  
15 Department of Defense for the support of investment in,  
16 operation and maintenance of, development of, and man-  
17 agement of the test and evaluation facilities and resources  
18 of the Major Range and Test Facility Base. All such funds  
19 shall be transferred to and placed under the control of the  
20 head of the Department of Defense Test and Evaluation  
21 Resource Enterprise.

22 “(B) Subparagraph (A) shall not be construed to au-  
23 thorize the head of the Test and Evaluation Enterprise,  
24 nor to impair the authority of the Secretary of a military  
25 department, to manage the funds available to that military



1 department for the support of investment in, operation  
2 and maintenance of, development of, and management of  
3 the training facilities and resources of the Major Range  
4 and Test Facility Base.

5 “(3) The head of the Test and Evaluation Resource  
6 Enterprise shall—

7 “(A) ensure that the planning for and execution  
8 of the testing of a system within the Major Range  
9 and Test Facility Base is performed by the activity  
10 of a military department that is responsible for the  
11 testing;

12 “(B) ensure that the military department oper-  
13 ating a facility or resource within the Major Range  
14 and Test Facility Base charges an organization  
15 using the facility or resource for testing only the in-  
16 cremental cost of the operation of the facility or re-  
17 source that is attributable to the testing;

18 “(C) ensure that the military department oper-  
19 ating a facility or resource within the Major Range  
20 and Test Facility Base comprehensively and consist-  
21 ently applies sound enterprise management practices  
22 in the management of the facility or resource;

23 “(D) make investments that are prudent for en-  
24 suring that Department of Defense test and evalua-  
25 tion facilities and resources are adequate to meet the

1 current and future testing requirements of Depart-  
2 ment of Defense programs;

3 “(E) ensure that there is in place a simplified  
4 financial management and accounting system for  
5 Department of Defense test and evaluation facilities  
6 and resources and that the system is uniformly ap-  
7 plied to the operation of such facilities and resources  
8 throughout the Department; and

9 “(F) ensure that unnecessary costs of owning  
10 and operating Department of Defense test and eval-  
11 uation resources are not incurred.

12 “(4) In this section, the term ‘Major Range and Test  
13 Facility Base’ means the test and evaluation facilities and  
14 resources that are designated by the Director of Oper-  
15 ational Test and Evaluation as facilities and resources  
16 comprising the Major Range and Test Facility Base.”.

17 (b) EFFECTIVE DATE AND TRANSITION REQUIRE-  
18 MENTS.—(1) The amendment made by paragraph (1)  
19 shall take effect one year after the date of the enactment  
20 of this Act.

21 (2)(A) The Secretary of Defense shall develop a tran-  
22 sition plan to ensure that the head of the Test and Evalua-  
23 tion Resource Enterprise is prepared to assume the re-  
24 sponsibilities under subsection (k) of section 139 of title

1 10, United States Code (as added by subsection (a)), on  
2 the effective date provided in paragraph (1).

3 (B) Until the Test and Evaluation Resource Enter-  
4 prise has been established, all investments of \$500,000 or  
5 more in the Major Range and Test Facility Base of the  
6 Department of Defense shall be subject to the approval  
7 of the Director of Operational Test and Evaluation.

8 (C) In this paragraph, the term “Major Range and  
9 Test Facility Base” has the meaning given that term in  
10 section 139(k)(4) of title 10, United States Code, as added  
11 by subsection (a).

12 **SEC. 232. TRANSFER OF TESTING FUNDS FROM PROGRAM**  
13 **ACCOUNTS TO INFRASTRUCTURE ACCOUNTS.**

14 (a) **TRANSFER OF FUNDS.**—Notwithstanding any  
15 other provision of this Act, amounts authorized to be ap-  
16 propriated by this title for demonstration and validation,  
17 engineering and manufacturing development, and oper-  
18 ational systems development shall be transferred to the  
19 major test and evaluation investment programs of the  
20 military departments and to the Central Test and Evalua-  
21 tion Investment Program of the Department of Defense,  
22 as follows:

23 (1) For transfer to the major test and evalua-  
24 tion investment program of the Army, the amount  
25 equal to 0.625 percent of the total amount author-

1        ized to be appropriated by this title for the Army for  
2        demonstration and validation, engineering and man-  
3        ufacturing development, and operational systems de-  
4        velopment.

5            (2) For transfer to the major test and evalua-  
6        tion investment program of the Navy, the amount  
7        equal to 0.625 percent of the total amount author-  
8        ized to be appropriated by this title for the Navy for  
9        demonstration and validation, engineering and man-  
10       ufacturing development, and operational systems de-  
11       velopment.

12           (3) For transfer to the major test and evalua-  
13        tion investment program of the Air Force, the  
14        amount equal to 0.625 percent of the total amount  
15        authorized to be appropriated by this title for the  
16        Air Force for demonstration and validation, engi-  
17        neering and manufacturing development, and oper-  
18        ational systems development.

19           (4) For transfer to the Central Test and Eval-  
20        uation Investment Program of the Department of  
21        Defense, the amount equal to 0.625 percent of the  
22        total amount authorized to be appropriated by this  
23        title for Defense-wide demonstration and validation,  
24        engineering and manufacturing development, and  
25        operational systems development.

1 (b) INSTITUTIONAL FUNDING OF TEST AND EVALUA-  
2 TION FACILITIES.—(1)(A) Chapter 433 of title 10, United  
3 States Code, is amended by inserting after the table of  
4 sections at the beginning of such chapter the following new  
5 section:

6 **“§ 4531. Test and evaluation: use of facilities**

7 “(a) CHARGES FOR USE.—The Secretary of the  
8 Army may charge an entity for using a facility or resource  
9 of the Army within the Major Range and Test Facility  
10 Base for testing. The amount charged may not exceed the  
11 incremental cost to the Army of the use of the facility or  
12 resource by that user for the testing.

13 “(b) INSTITUTIONAL AND OVERHEAD COSTS.—The  
14 institutional and overhead costs of a facility or resource  
15 of the Army that is within the Major Range and Test Fa-  
16 cility Base shall be paid out of the major test and evalua-  
17 tion investment accounts of the Army, the Central Test  
18 and Evaluation Investment Program of the Department  
19 of Defense, and other appropriate appropriations made di-  
20 rectly to the Army.

21 “(c) MAJOR RANGE AND TEST FACILITY BASE DE-  
22 FINED.—In this section:

23 “(1) The term ‘Major Range and Test Facility  
24 Base’ has the meaning given the term in section  
25 139(k)(4) of this title.

1           “(2) The term ‘institutional and overhead  
2 costs’, with respect to a facility or resource within  
3 the Major Range Test and Facility Base—

4                   “(A) means the costs of maintaining, oper-  
5 ating, upgrading, and modernizing the facility  
6 or resource; and

7                   “(B) does not include an incremental cost  
8 of operating the facility or resource that is at-  
9 tributable to the use of the facility or resource  
10 for testing under a particular program.”.

11       (B) The table of section at the beginning of such  
12 chapter is amended by inserting before the item relating  
13 to section 7522 the following new item:

“4531. Test and evaluation: use of facilities.”.

14       (2)(A) Chapter 645 of title 10, United States Code,  
15 is amended by inserting after the table of sections at the  
16 beginning of such chapter the following new section:

17 **“§ 7521. Test and evaluation: use of facilities**

18       “(a) CHARGES FOR USE.—The Secretary of the Navy  
19 may charge an entity for using a facility or resource of  
20 the Navy within the Major Range and Test Facility Base  
21 for testing. The amount charged may not exceed the incre-  
22 mental cost to the Navy of the use of the facility or re-  
23 source by that user for the testing.

24       “(b) INSTITUTIONAL AND OVERHEAD COSTS.—The  
25 institutional and overhead costs of a facility or resource

1 of the Navy that is within the Major Range and Test Fa-  
2 cility Base shall be paid out of the major test and evalua-  
3 tion investment accounts of the Navy, the Central Test  
4 and Evaluation Investment Program of the Department  
5 of Defense, and other appropriate appropriations made di-  
6 rectly to the Navy.

7 “(c) MAJOR RANGE AND TEST FACILITY BASE DE-  
8 FINED.—In this section:

9 “(1) The term ‘Major Range and Test Facility  
10 Base’ has the meaning given the term in section  
11 139(k)(4) of this title.

12 “(2) The term ‘institutional and overhead  
13 costs’, with respect to a facility or resource within  
14 the Major Range Test and Facility Base—

15 “(A) means the costs of maintaining, oper-  
16 ating, upgrading, and modernizing the facility  
17 or resource; and

18 “(B) does not include an incremental cost  
19 of operating the facility or resource that is at-  
20 tributable to the use of the facility or resource  
21 for testing under a particular program.”.

22 (B) The table of section at the beginning of such  
23 chapter is amended by inserting before the item relating  
24 to section 7522 the following new item:

“7521. Test and evaluation: use of facilities.”.

1           (3)(A) Chapter 933 of title 10, United States Code,  
2 is amended by inserting after the table of sections at the  
3 beginning of such chapter the following new section:

4 **“§ 9531. Test and evaluation: use of facilities**

5           “(a) CHARGES FOR USE.—The Secretary of the Air  
6 Force may charge an entity for using a facility or resource  
7 of the Air Force within the Major Range and Test Facility  
8 Base for testing. The amount charged may not exceed the  
9 incremental cost to the Air Force of the use of the facility  
10 or resource by that user for the testing.

11           “(b) INSTITUTIONAL AND OVERHEAD COSTS.—The  
12 institutional and overhead costs of a facility or resource  
13 of the Air Force that is within the Major Range and Test  
14 Facility Base shall be paid out of the major test and eval-  
15 uation investment accounts of the Air Force, the Central  
16 Test and Evaluation Investment Program of the Depart-  
17 ment of Defense, and other appropriate appropriations  
18 made directly to the Air Force.

19           “(c) MAJOR RANGE AND TEST FACILITY BASE DE-  
20 FINED.—In this section:

21                   “(1) The term ‘Major Range and Test Facility  
22 Base’ has the meaning given the term in section  
23 139(k)(4) of this title.



1           “(2) The term ‘institutional and overhead  
2 costs’, with respect to a facility or resource within  
3 the Major Range Test and Facility Base—

4           “(A) means the costs of maintaining, oper-  
5 ating, upgrading, and modernizing the facility  
6 or resource; and

7           “(B) does not include an incremental cost  
8 of operating the facility or resource that is at-  
9 tributable to the use of the facility or resource  
10 for testing under a particular program.”.

11       (B) The table of section at the beginning of such  
12 chapter is amended by inserting before the item relating  
13 to section 9532 the following new item:

“9531. Test and evaluation: use of facilities.”.

14       (4) Not later than 30 days after the date of the enact-  
15 ment of this Act, the Under Secretary of Defense (Comp-  
16 troller) shall review the funding policies of each military  
17 department to ensure that the Secretary of the military  
18 department has in place the policies necessary to comply  
19 with the Secretary’s responsibilities under section 4531,  
20 7521, or 9531 of title 10, United States Code (as added  
21 by this subsection), as the case may be. The Under Sec-  
22 retary shall consult with the Director of Operational Test  
23 and Evaluation in carrying out the review.

1 **SEC. 233. INCREASED INVESTMENT IN TEST AND EVALUA-**  
2 **TION FACILITIES.**

3 (a) AMOUNT.—Of the amount authorized to be ap-  
4 propriated under section 201(4), \$251,276,000 shall be  
5 available for the Central Test and Evaluation Investment  
6 Program of the Department of Defense.

7 (b) ADDITIONAL AVAILABLE FUNDING.—In addition  
8 to the amount made available under subsection (a),  
9 amounts transferred pursuant to section 232(a)(4) shall  
10 be available for the Central Test and Evaluation Invest-  
11 ment Program of the Department of Defense.

12 **SEC. 234. UNIFORM FINANCIAL MANAGEMENT SYSTEM FOR**  
13 **DEPARTMENT OF DEFENSE TEST AND EVAL-**  
14 **UATION FACILITIES.**

15 (a) REQUIREMENT FOR SYSTEM.—Not later than two  
16 years after the date of the enactment of this Act, the Sec-  
17 retary of Defense shall implement a single financial man-  
18 agement and accounting system for all test and evaluation  
19 facilities of the Department of Defense.

20 (b) SYSTEM FEATURES.—The financial management  
21 and accounting system shall be designed to achieve, at a  
22 minimum, the following functional objectives:

23 (1) Enable managers within the Department of  
24 Defense to compare the costs of conducting test and  
25 evaluation activities in the various facilities of the  
26 military departments.

1 (2) Enable the Secretary of Defense—

2 (A) to make prudent investment decisions;

3 and

4 (B) to reduce the extent to which unneces-  
5 sary costs of owning and operating Department  
6 of Defense test and evaluation facilities are in-  
7 curred.

8 (3) Enable the Department of Defense to track  
9 the total cost of test and evaluation activities.

10 (4) Comply with the financial management en-  
11 terprise architecture developed by the Secretary of  
12 Defense under section 1006.

13 **SEC. 235. TEST AND EVALUATION WORKFORCE IMPROVE-**  
14 **MENTS.**

15 (a) **REPORT ON CAPABILITIES.**—Not later than  
16 March 15, 2003, the Under Secretary of Defense for Ac-  
17 quisition, Technology, and Logistics shall submit to Con-  
18 gress a report on the capabilities of the test and evaluation  
19 workforce of the Department of Defense. The Under Sec-  
20 retary shall consult with the Under Secretary of Defense  
21 for Personnel and Readiness and the Director of Oper-  
22 ational Test and Evaluation in preparing the report.

23 (b) **REQUIREMENT FOR PLAN.**—(1) The report shall  
24 contain a plan for taking the actions necessary to ensure  
25 that the test and evaluation workforce of the Department

1 of Defense is of sufficient size and has the expertise nec-  
2 essary to timely and accurately identify issues of military  
3 suitability and effectiveness of Department of Defense sys-  
4 tems through testing of the systems.

5 (2) The plan shall set forth objectives for the size,  
6 composition, and qualifications of the workforce, and shall  
7 specify the actions (including recruitment, retention, and  
8 training) and milestones for achieving the objectives.

9 (c) ADDITIONAL MATTERS.—The report shall also in-  
10 clude the following matters:

11 (1) An assessment of the changing size and de-  
12 mographics of the test and evaluation workforce, in-  
13 cluding the impact of anticipated retirements among  
14 the most experienced personnel over the five-year pe-  
15 riod beginning with 2003, together with a discussion  
16 of the management actions necessary to address the  
17 changes.

18 (2) An assessment of the anticipated workloads  
19 and responsibilities of the test and evaluation work-  
20 force over the ten-year period beginning with 2003,  
21 together with the number and qualifications of mili-  
22 tary and civilian personnel necessary to carry out  
23 such workloads and responsibilities.

24 (3) The Secretary's specific plans for using the  
25 demonstration authority provided in section 4308 of

1 the National Defense Authorization Act for Fiscal  
2 Year 1996 (Public Law 104–106; 10 U.S.C. 1701  
3 note) and other special personnel management au-  
4 thorities of the Secretary to attract and retain quali-  
5 fied personnel in the test and evaluation workforce.

6 (4) Any recommended legislation or additional  
7 special authority that the Secretary considers appro-  
8 priate for facilitating the recruitment and retention  
9 of qualified personnel for the test and evaluation  
10 workforce.

11 (5) Any other matters that are relevant to the  
12 capabilities of the test and evaluation workforce.

13 **SEC. 236. COMPLIANCE WITH TESTING REQUIREMENTS.**

14 (a) ANNUAL OT&E REPORT.—Subsection (g) of sec-  
15 tion 139 of title 10, United States Code, is amended by  
16 inserting after the fourth sentence the following: “The re-  
17 port for a fiscal year shall also include an assessment of  
18 the waivers of and deviations from requirements in test  
19 and evaluation master plans and other testing require-  
20 ments that occurred during the fiscal year, any concerns  
21 raised by the waivers or deviations, and the actions that  
22 have been taken or are planned to be taken to address  
23 the concerns.”.

1 (b) REORGANIZATION OF PROVISION.—Subsection  
2 (g) of such section, as amended by subsection (a), is fur-  
3 ther amended—

4 (1) by inserting “(1)” after “(g)”;

5 (2) by designating the second sentence as para-  
6 graph (2);

7 (3) by designating the third sentence as para-  
8 graph (3);

9 (4) by designating the matter consisting of the  
10 fourth and fifth sentences as paragraph (4);

11 (5) by designating the sixth sentence as para-  
12 graph (5); and

13 (6) by realigning paragraphs (2), (3), (4), and  
14 (5), as so designated, two ems from the left margin.

15 **SEC. 237. REPORT ON IMPLEMENTATION OF DEFENSE**  
16 **SCIENCE BOARD RECOMMENDATIONS.**

17 (a) REQUIREMENT.—Not later than March 1, 2003,  
18 the Secretary of Defense shall submit to the congressional  
19 defense committees a report on the extent of the imple-  
20 mentation of the recommendations set forth in the Decem-  
21 ber 2000 Report of the Defense Science Board Task Force  
22 on Test and Evaluation Capabilities.

23 (b) CONTENT.—The report shall include the fol-  
24 lowing:

1           (1) For each recommendation that is being im-  
2           plemented or that the Secretary plans to  
3           implement—

4                   (A) a summary of all actions that have  
5                   been taken to implement the recommendation;  
6                   and

7                   (B) a schedule, with specific milestones,  
8                   for completing the implementation of the rec-  
9                   ommendation.

10          (2) For each recommendation that the Sec-  
11          retary does not plan to implement—

12                   (A) the reasons for the decision not to im-  
13                   plement the recommendation; and

14                   (B) a summary of any alternative actions  
15                   the Secretary plans to take to address the pur-  
16                   poses underlying the recommendation.

17          (3) A summary of any additional actions the  
18          Secretary plans to take to address concerns raised in  
19          the December 2000 Report of the Defense Science  
20          Board Task Force on Test and Evaluation Capabili-  
21          ties about the state of the test and evaluation infra-  
22          structure of the Department of Defense.

1                   **Subtitle E—Other Matters**

2   **SEC. 241. PILOT PROGRAMS FOR REVITALIZING DEPART-**  
3                   **MENT OF DEFENSE LABORATORIES.**

4           (a) **ADDITIONAL PILOT PROGRAM.**—(1) The Sec-  
5   retary of Defense may carry out a pilot program to dem-  
6   onstrate improved efficiency in the performance of re-  
7   search, development, test, and evaluation functions of the  
8   Department of Defense.

9           (2) Under the pilot program, the Secretary of De-  
10   fense shall provide the director of one science and tech-  
11   nology laboratory, and the director of one test and evalua-  
12   tion laboratory, of each military department with author-  
13   ity for the following:

14           (A) To use innovative methods of personnel  
15   management appropriate for ensuring that the se-  
16   lected laboratories can—

17                   (i) employ and retain a workforce appro-  
18                   priately balanced between permanent and tem-  
19                   porary personnel and among workers with ap-  
20                   propriate levels of skills and experience; and

21                   (ii) effectively shape workforces to ensure  
22                   that the workforces have the necessary sets of  
23                   skills and experience to fulfill their organiza-  
24                   tional missions.



1           (B) To develop or expand innovative methods of  
2 entering into and expanding cooperative relation-  
3 ships and arrangements with private sector organi-  
4 zations, educational institutions (including primary  
5 and secondary schools), and State and local govern-  
6 ments to facilitate the training of a future scientific  
7 and technical workforce that will contribute signifi-  
8 cantly to the accomplishment of organizational mis-  
9 sions.

10           (C) To develop or expand innovative methods of  
11 establishing cooperative relationships and arrange-  
12 ments with private sector organizations and edu-  
13 cational institutions to promote the establishment of  
14 the technological industrial base in areas critical for  
15 Department of Defense technological requirements.

16           (D) To waive any restrictions not required by  
17 law that apply to the demonstration and implemen-  
18 tation of methods for achieving the objectives set  
19 forth in subparagraphs (A), (B), and (C).

20           (3) The Secretary may carry out the pilot program  
21 under this subsection at each selected laboratory for a pe-  
22 riod of three years beginning not later than March 1,  
23 2003.

24           (b) RELATIONSHIP TO FISCAL YEARS 1999 AND  
25 2000 REVITALIZATION PILOT PROGRAMS.—The pilot pro-

1 gram under this section is in addition to, but may be car-  
2 ried out in conjunction with, the fiscal years 1999 and  
3 2000 revitalization pilot programs.

4 (c) REPORTS.—(1) Not later than January 1, 2003,  
5 the Secretary shall submit to Congress a report on the  
6 experience under the fiscal years 1999 and 2000 revital-  
7 ization pilot programs in exercising the authorities pro-  
8 vided for the administration of those programs. The report  
9 shall include a description of—

10 (A) barriers to the exercise of the authorities  
11 that have been encountered;

12 (B) the proposed solutions for overcoming the  
13 barriers; and

14 (C) the progress made in overcoming the bar-  
15 riers.

16 (2) Not later than September 1, 2003, the Secretary  
17 of Defense shall submit to Congress a report on the imple-  
18 mentation of the pilot program under subsection (a) and  
19 the fiscal years 1999 and 2000 revitalization pilot pro-  
20 grams. The report shall include, for each such pilot pro-  
21 gram, the following:

22 (A) Each laboratory selected for the pilot pro-  
23 gram.

1           (B) To the extent practicable, a description of  
2           the innovative methods that are to be tested at each  
3           laboratory.

4           (C) The criteria to be used for measuring the  
5           success of each method to be tested.

6           (3) Not later than 90 days after the expiration of the  
7           period for the participation of a laboratory in a pilot pro-  
8           gram referred to in paragraph (2), the Secretary of De-  
9           fense shall submit to Congress a final report on the par-  
10          ticipation of that laboratory in the pilot program. The re-  
11          port shall include the following:

12           (A) A description of the methods tested.

13           (B) The results of the testing.

14           (C) The lessons learned.

15           (D) Any proposal for legislation that the Sec-  
16          retary recommends on the basis of the experience at  
17          that laboratory under the pilot program.

18          (d) EXTENSION OF AUTHORITY FOR OTHER REVI-  
19          TALIZATION PILOT PROGRAMS.—(1) Section 246(a)(4) of  
20          the Strom Thurmond National Defense Authorization Act  
21          for Fiscal Year 1999 (Public Law 105–261; 112 Stat.  
22          1956; 10 U.S.C. 2358 note) is amended by striking “a  
23          period of three years” and inserting “up to six years”.

24          (2) Section 245(a)(4) of the National Defense Au-  
25          thorization Act for Fiscal Year 2000 (Public Law 106–

1 65; 113 Stat. 553; 10 U.S.C. 2358 note) is amended by  
2 striking “a period of three years” and inserting “up to  
3 five years”.

4 (e) PARTNERSHIPS UNDER PILOT PROGRAM.—(1)  
5 The Secretary of Defense may authorize one or more lab-  
6 oratories and test centers participating in the pilot pro-  
7 gram under subsection (a) or in one of the fiscal years  
8 1999 and 2000 revitalization pilot programs to enter into  
9 a cooperative arrangement (in this subsection referred to  
10 as a “public-private partnership”) with entities in the pri-  
11 vate sector and institutions of higher education for the  
12 performance of work.

13 (2) A competitive process shall be used for the selec-  
14 tion of entities outside the Government to participate in  
15 a public-private partnership.

16 (3)(A) Not more than one public-private partnership  
17 may be established as a limited liability corporation.

18 (B) An entity participating in a limited liability cor-  
19 poration as a party to a public-private partnership under  
20 the pilot program may contribute funds to the corporation,  
21 accept contribution of funds for the corporation, and pro-  
22 vide materials, services, and use of facilities for research,  
23 technology, and infrastructure of the corporation, if it is  
24 determined under regulations prescribed by the Secretary  
25 of Defense that doing so will improve the efficiency of the

1 performance of research, test, and evaluation functions of  
2 the Department of Defense.

3 (f) EXCEPTED SERVICE UNDER PILOT PROGRAM.—

4 (1) To facilitate recruitment of experts in science and en-  
5 gineering to improve the performance of research, test,  
6 and evaluation functions of the Department of Defense,  
7 the Secretary of Defense may—

8 (A) designate a total of not more than 30 sci-  
9 entific, engineering, and technology positions at the  
10 laboratories and test centers participating in the  
11 pilot program under subsection (a) or in any of the  
12 fiscal years 1999 and 2000 revitalization pilot pro-  
13 grams as positions in the excepted service (as de-  
14 fined in section 2103(a) of title 5, United States  
15 Code);

16 (B) appoint individuals to such positions; and

17 (C) fix the compensation of such individuals.

18 (2) The maximum rate of basic pay for a position  
19 in the excepted service pursuant to a designation made  
20 under paragraph (1) may not exceed the maximum rate  
21 of basic pay authorized for senior-level positions under  
22 section 5376 of title 5, United States Code, notwith-  
23 standing any provision of such title governing the rates  
24 of pay or classification of employees in the executive  
25 branch.

1 (g) FISCAL YEARS 1999 AND 2000 REVITALIZATION  
 2 PILOT PROGRAMS DEFINED.—In this section, the term  
 3 “fiscal years 1999 and 2000 revitalization pilot programs”  
 4 means the pilot programs authorized by—

5 (1) section 246 of the Strom Thurmond Na-  
 6 tional Defense Authorization Act for Fiscal Year  
 7 1999 (Public Law 105–261; 112 Stat. 1955; 10  
 8 U.S.C. 2358 note); and

9 (2) section 245 of the National Defense Author-  
 10 ization Act for Fiscal Year 2000 (Public Law 106–  
 11 65; 113 Stat. 552; 10 U.S.C. 2358 note).

12 **SEC. 242. TECHNOLOGY TRANSITION INITIATIVE.**

13 (a) ESTABLISHMENT AND CONDUCT.—(1) Chapter  
 14 139 of title 10, United States Code, is amended by insert-  
 15 ing after section 2359 the following new section:

16 **“§ 2359a. Technology Transition Initiative**

17 “(a) REQUIREMENT FOR PROGRAM.—The Secretary  
 18 of Defense shall carry out a Technology Transition Initia-  
 19 tive to facilitate the rapid transition of new technologies  
 20 from science and technology programs of the Department  
 21 of Defense into acquisition programs for the production  
 22 of the technologies.

23 “(b) OBJECTIVES.—The objectives of the Initiative  
 24 are as follows:

1           “(1) To accelerate the introduction of new tech-  
2           nologies into Department of Defense acquisition pro-  
3           grams appropriate for the technologies.

4           “(2) To successfully demonstrate new tech-  
5           nologies in relevant environments.

6           “(3) To ensure that new technologies are suffi-  
7           ciently mature for production.

8           “(c) MANAGEMENT.—(1) The Secretary of Defense  
9           shall designate a senior official in the Office of the Sec-  
10          retary of Defense to manage the Initiative.

11          “(2) In administering the Initiative, the Initiative  
12          Manager shall—

13                 “(A) report directly to the Under Secretary of  
14                 Defense for Acquisition, Technology, and Logistics;  
15                 and

16                 “(B) obtain advice and other assistance from  
17                 the Technology Transition Council established under  
18                 subsection (e).

19          “(3) The Initiative Manager shall—

20                 “(A) in consultation with the Technology Tran-  
21                 sition Council established under subsection (e), iden-  
22                 tify promising technologies that have been dem-  
23                 onstrated in science and technology programs of the  
24                 Department of Defense;

1           “(B) develop a list of those technologies that  
2           have promising potential for transition into acquisi-  
3           tion programs of the Department of Defense and  
4           transmit the list to the acquisition executive of each  
5           military department and to Congress;

6           “(C) identify potential sponsors in the Depart-  
7           ment of Defense to undertake the transition of such  
8           technologies into production;

9           “(D) work with the science and technology com-  
10          munity and the acquisition community to develop  
11          memoranda of agreement, joint funding agreements,  
12          and other cooperative arrangements to provide for  
13          the transition of the technologies into production;  
14          and

15          “(E) provide funding support for selected  
16          projects under subsection (d).

17          “(d) JOINTLY FUNDED PROJECTS.—(1) The acquisi-  
18          tion executive of each military department shall select  
19          technology projects of the military department to rec-  
20          ommend for funding support under the Initiative and shall  
21          submit a list of the recommended projects, ranked in order  
22          of priority, to the Initiative Manager. The projects shall  
23          be selected, in a competitive process, on the basis of the  
24          highest potential benefits in areas of interest identified by  
25          the Secretary of that military department.



1           “(2) The Initiative Manager, in consultation with the  
2 Technology Transition Council established under sub-  
3 section (e), shall select projects for funding support from  
4 among the projects on the lists submitted under paragraph  
5 (1). The Initiative Manager shall provide funds for each  
6 selected project. The total amount provided for a project  
7 shall be determined by agreement between the Initiative  
8 Manager and the acquisition executive of the military de-  
9 partment concerned, but shall not be less than the amount  
10 equal to 50 percent of the total cost of the project.

11           “(3) The Initiative Manager shall not fund any one  
12 project under this subsection for more than 3 years.

13           “(4) The acquisition executive of the military depart-  
14 ment shall manage each project selected under paragraph  
15 (2) that is undertaken by the military department. Memo-  
16 randa of agreement, joint funding agreements, and other  
17 cooperative arrangements between the science and tech-  
18 nology community and the acquisition community shall be  
19 used in carrying out the project if the acquisition executive  
20 determines that it is appropriate to do so to achieve the  
21 objectives of the project.

22           “(e) TECHNOLOGY TRANSITION COUNCIL.—(1)  
23 There is a Technology Transition Council in the Depart-  
24 ment of Defense. The Council is composed of the following  
25 members:

1           “(A) The science and technology executives of  
2 the military departments and Defense Agencies.

3           “(B) The acquisition executives of the military  
4 departments.

5           “(C) The members of the Joint Requirements  
6 Oversight Council.

7           “(2) The Technology Transition Council shall provide  
8 advice and assistance to the Initiative Manager under this  
9 section.

10          “(f) DEFINITIONS.—In this section:

11           “(1) The term ‘acquisition executive’, with re-  
12 spect to a military department, means the official  
13 designated as the senior procurement executive for  
14 that military department under section 16(3) of the  
15 Office of Federal Procurement Policy Act (41 U.S.C.  
16 414(3)).

17           “(2) The term ‘Initiative’ means the Tech-  
18 nology Transition Initiative carried out under this  
19 section.

20           “(3) The term ‘Initiative Manager’ means the  
21 official designated to manage the Initiative under  
22 subsection (c).”.

23          (2) The table of sections at the beginning of such  
24 chapter is amended by inserting after the item relating  
25 to section 2395 the following new item:

“2359a. Technology Transition Initiative.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Of the  
2 amount authorized to be appropriated under section  
3 201(4), \$50,000,000 shall be available for the Technology  
4 Transition Initiative under section 2359a of title 10,  
5 United States Code (as added by subsection (a)), and for  
6 other technology transition activities of the Department  
7 of Defense.

8 **SEC. 243. ENCOURAGEMENT OF SMALL BUSINESSES AND**  
9 **NONTRADITIONAL DEFENSE CONTRACTORS**  
10 **TO SUBMIT PROPOSALS POTENTIALLY BENE-**  
11 **FICIAL FOR COMBATING TERRORISM.**

12 (a) ESTABLISHMENT OF OUTREACH PROGRAM.—  
13 During the 3-year period beginning on the date of the en-  
14 actment of this Act, the Secretary of Defense shall carry  
15 out a program of outreach to small businesses and non-  
16 traditional defense contractors for the purpose set forth  
17 in subsection (b).

18 (b) PURPOSE.—The purpose of the outreach program  
19 is to provide a process for reviewing and evaluating re-  
20 search activities of, and new technologies being developed  
21 by, small businesses and nontraditional defense contrac-  
22 tors that have the potential for meeting a defense require-  
23 ment or technology development goal of the Department  
24 of Defense that relates to the mission of the Department  
25 of Defense to combat terrorism.

1 (c) GOALS.—The goals of the outreach program are  
2 as follows:

3 (1) To increase efforts within the Department  
4 of Defense to survey and identify technologies being  
5 developed outside the Department that have the po-  
6 tential described in subsection (b).

7 (2) To provide the Under Secretary of Defense  
8 for Acquisition, Technology, and Logistics with a  
9 source of expert advice on new technologies for com-  
10 bating terrorism.

11 (3) To increase efforts to educate nontradi-  
12 tional defense contractors on Department of Defense  
13 acquisition processes, including regulations, proce-  
14 dures, funding opportunities, military needs and re-  
15 quirements, and technology transfer so as to encour-  
16 age such contractors to submit proposals regarding  
17 research activities and technologies described in sub-  
18 section (b).

19 (4) To increase efforts to provide timely re-  
20 sponse by the Department of Defense to acquisition  
21 proposals (including unsolicited proposals) submitted  
22 to the Department by small businesses and by non-  
23 traditional defense contractors regarding research  
24 activities and technologies described in subsection

1 (b), including through the use of electronic trans-  
2 actions to facilitate the processing of proposals.

3 (d) REVIEW PANEL.—(1) The Secretary shall ap-  
4 point, under the outreach program, a panel for the review  
5 and evaluation of proposals described in subsection (c)(4).

6 (2) The panel shall be composed of qualified per-  
7 sonnel from the military departments, relevant Defense  
8 Agencies, industry, academia, and other private sector or-  
9 ganizations.

10 (3) The panel shall review and evaluate proposals  
11 that, as determined by the panel, may present a unique  
12 and valuable approach for meeting a defense requirement  
13 or technology development goal related to combating ter-  
14 rorism. In carrying out duties under this paragraph, the  
15 panel may act through representatives designated by the  
16 panel.

17 (4) The panel shall—

18 (A) within 60 days after receiving such a pro-  
19 posal, transmit to the source of the proposal a notifi-  
20 cation regarding whether the proposal has been se-  
21 lected for review by the panel;

22 (B) to the maximum extent practicable, com-  
23 plete the review of each selected proposal within 120  
24 days after the proposal is selected for review by the  
25 panel; and

1 (C) after completing the review, transmit an  
2 evaluation of the proposal to the source of the pro-  
3 posal.

4 (5) The Secretary shall ensure that the panel, in re-  
5 viewing and evaluating proposals under this subsection,  
6 has the authority to obtain assistance, to a reasonable ex-  
7 tent, from the appropriate technical resources of the lab-  
8 oratories, research, development, and engineering centers,  
9 test and evaluation activities, and other elements of the  
10 Department of Defense.

11 (6) If, after completing the review of a proposal, the  
12 panel determines that the proposal represents a unique  
13 and valuable approach to meeting a defense requirement  
14 or technology development goal related to combating ter-  
15 rorism, the panel shall submit that determination to the  
16 Under Secretary of Defense for Acquisition, Technology,  
17 and Logistics together with any recommendations that the  
18 panel considers appropriate regarding the proposal.

19 (7) The Secretary of Defense shall ensure that there  
20 is no conflict of interest on the part of a member of the  
21 panel with respect to the review and evaluation of a pro-  
22 posal by the panel.

23 (e) DEFINITIONS.—In this section:

24 (1) The term “nontraditional defense con-  
25 tractor” means an entity that has not, for at least

1 one year prior to the date of the enactment of this  
2 Act, entered into, or performed with respect to, any  
3 contract described in paragraph (1) or (2) of section  
4 845(e) of the National Defense Authorization Act  
5 for Fiscal Year 1994 (10 U.S.C. 2371 note).

6 (2) The term “small business” means a busi-  
7 ness concern that meets the applicable size stand-  
8 ards prescribed pursuant to section 3(a) of the  
9 Small Business Act (15 U.S.C. 632(a)).

10 **SEC. 244. VEHICLE FUEL CELL PROGRAM.**

11 (a) PROGRAM.—The Secretary of Defense shall carry  
12 out a vehicle fuel cell technology development program in  
13 cooperation with the Secretary of Energy, the heads of  
14 other Federal agencies appropriate for participation in the  
15 program, and industry.

16 (b) GOALS AND OBJECTIVES.—The goals and objec-  
17 tives of the program shall be as follows:

18 (1) To identify and support technological ad-  
19 vances that are necessary for the development of fuel  
20 cell technology for use in vehicles of types to be used  
21 by the Department of Defense.

22 (2) To ensure that critical technology advances  
23 are shared among the various fuel cell technology  
24 programs within the Federal Government.

1           (3) To ensure maximum leverage of Federal  
2           Government funding for fuel cell technology develop-  
3           ment.

4           (c) CONTENT OF PROGRAM.—The program shall  
5           include—

6           (1) development of vehicle propulsion tech-  
7           nologies and fuel cell auxiliary power units, together  
8           with pilot demonstrations of such technologies, as  
9           appropriate; and

10          (2) development of technologies necessary to ad-  
11          dress critical issues such as hydrogen storage and  
12          the need for a hydrogen fuel infrastructure.

13          (d) COOPERATION WITH INDUSTRY.—(1) The Sec-  
14          retary shall include the automobile and truck manufac-  
15          turing industry and its systems and component suppliers  
16          in the cooperative involvement of industry in the program.

17          (2) The Secretary of Defense shall consider whether,  
18          in order to facilitate the cooperation of industry in the  
19          program, the Secretary and one or more companies in in-  
20          dustry should enter into a cooperative agreement that es-  
21          tablishes an entity to carry out activities required under  
22          subsection (c). An entity established by any such agree-  
23          ment shall be known as a defense industry fuel cell part-  
24          nership.



1           (3) The Secretary of Defense shall provide for indus-  
2 try to bear, in cash or in kind, at least one-half of the  
3 total cost of carrying out the program.

4           (e) AMOUNT FOR PROGRAM.—Of the amount author-  
5 ized to be appropriated by section 201(4), \$10,000,000  
6 shall be available for the program required by this section.

7 **SEC. 245. DEFENSE NANOTECHNOLOGY RESEARCH AND DE-**  
8 **VELOPMENT PROGRAM.**

9           (a) ESTABLISHMENT.—The Secretary of Defense  
10 shall carry out a defense nanotechnology research and de-  
11 velopment program.

12           (b) PURPOSES.—The purposes of the program are as  
13 follows:

14               (1) To ensure United States global superiority  
15 in nanotechnology necessary for meeting national se-  
16 curity requirements.

17               (2) To coordinate all nanoscale research and  
18 development within the Department of Defense, and  
19 to provide for interagency cooperation and collabora-  
20 tion on nanoscale research and development between  
21 the Department of Defense and other departments  
22 and agencies of the United States that are involved  
23 in nanoscale research and development.

24               (3) To develop and manage a portfolio of fun-  
25 damental and applied nanoscience and engineering

1 research initiatives that is stable, consistent, and  
2 balanced across scientific disciplines.

3 (4) To accelerate the transition and deployment  
4 of technologies and concepts derived from nanoscale  
5 research and development into the Armed Forces,  
6 and to establish policies, procedures, and standards  
7 for measuring the success of such efforts.

8 (5) To collect, synthesize, and disseminate crit-  
9 ical information on nanoscale research and develop-  
10 ment.

11 (c) ADMINISTRATION.—In carrying out the program,  
12 the Secretary shall act through the Director of Defense  
13 Research and Engineering, who shall supervise the plan-  
14 ning, management, and coordination of the program. The  
15 Director, in consultation with the Secretaries of the mili-  
16 tary departments and the heads of participating Defense  
17 Agencies and other departments and agencies of the  
18 United States, shall—

19 (1) prescribe a set of long-term challenges and  
20 a set of specific technical goals for the program;

21 (2) develop a coordinated and integrated re-  
22 search and investment plan for meeting the long-  
23 term challenges and achieving the specific technical  
24 goals; and

1           (3) develop memoranda of agreement, joint  
2 funding agreements, and other cooperative arrange-  
3 ments necessary for meeting the long-term chal-  
4 lenges and achieving the specific technical goals.

5           (d) ANNUAL REPORT.—Not later than March 1 of  
6 each of 2004, 2005, 2006, and 2007, the Director of De-  
7 fense Research and Engineering shall submit to the con-  
8 gressional defense committees a report on the program.  
9 The report shall contain the following matters:

10           (1) A review of—

11                 (A) the long-term challenges and specific  
12 goals of the program; and

13                 (B) the progress made toward meeting the  
14 challenges and achieving the goals.

15           (2) An assessment of current and proposed  
16 funding levels, including the adequacy of such fund-  
17 ing levels to support program activities.

18           (3) A review of the coordination of activities  
19 within the Department of Defense and with other  
20 departments and agencies.

21           (4) An assessment of the extent to which effec-  
22 tive technology transition paths have been estab-  
23 lished as a result of activities under the program.

1           (5) Recommendations for additional program  
2           activities to meet emerging national security require-  
3           ments.

4 **SEC. 246. ACTIVITIES AND ASSESSMENT OF THE DEFENSE**  
5           **EXPERIMENTAL PROGRAM TO STIMULATE**  
6           **COMPETITIVE RESEARCH.**

7           (a) AUTHORIZED ACTIVITIES.—Subsection (e) of sec-  
8           tion 257 of the National Defense Authorization Act for  
9           Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358  
10          note), is amended—

11           (1) in paragraph (1), by striking “research  
12           grants” and inserting “grants for research and in-  
13           strumentation to support such research”; and

14           (2) by adding at the end the following new  
15           paragraph:

16           “(3) Any other activities that are determined  
17           necessary to further the achievement of the objec-  
18           tives of the program.”.

19           (b) COORDINATION.—Subsection (e) of such section  
20          is amended by adding at the end the following:

21           “(4) The Secretary shall contract with the National  
22          Research Council to assess the effectiveness of the Defense  
23          Experimental Program to Stimulate Competitive Research  
24          in achieving the program objectives set forth in subsection

1 (b). The assessment provided to the Secretary shall in-  
2 clude the following:

3           “(A) An assessment of the eligibility require-  
4           ments of the program and the relationship of such  
5           requirements to the overall research base in the  
6           States, the stability of research initiatives in the  
7           States, and the achievement of the program objec-  
8           tives, together with any recommendations for modi-  
9           fication of the eligibility requirements.

10           “(B) An assessment of the program structure  
11           and the effects of that structure on the development  
12           of a variety of research activities in the States and  
13           the personnel available to carry out such activities,  
14           together with any recommendations for modification  
15           of program structure, funding levels, and funding  
16           strategy.

17           “(C) An assessment of the past and ongoing ac-  
18           tivities of the State planning committees in sup-  
19           porting the achievement of the program objectives.

20           “(D) An assessment of the effects of the var-  
21           ious eligibility requirements of the various Federal  
22           programs to stimulate competitive research on the  
23           ability of States to develop niche research areas of  
24           expertise, exploit opportunities for developing inter-

1 disciplinary research initiatives, and achieve program  
2 objectives.”.

3 **SEC. 247. FOUR-YEAR EXTENSION OF AUTHORITY OF**  
4 **DARPA TO AWARD PRIZES FOR ADVANCED**  
5 **TECHNOLOGY ACHIEVEMENTS.**

6 (a) EXTENSION.—Section 2374a(f) of title 10,  
7 United States Code, is amended by striking “September  
8 30, 2003” and inserting “September 30, 2007”.

9 (b) REPORT ON ADMINISTRATION OF PROGRAM.—(1)  
10 Not later than December 31, 2002, the Director of the  
11 Defense Advanced Research Projects Agency shall submit  
12 to the congressional defense committees a report on the  
13 proposal of the Director for the administration of the pro-  
14 gram to award prizes for advanced technology achieve-  
15 ments under section 2374a of title 10, United States  
16 Code.

17 (2) The report shall include the following:

18 (A) A description of the proposed goals of the  
19 competition under the program, including the tech-  
20 nology areas to be promoted by the competition and  
21 the relationship of such area to military missions of  
22 the Department of Defense.

23 (B) The proposed rules of the competition  
24 under the program and a description of the proposed  
25 management of the competition.

1 (C) A description of the manner in which funds  
2 for cash prizes under the program will be allocated  
3 within the accounts of the Agency if a prize is  
4 awarded and claimed.

5 (D) A statement of the reasons why the com-  
6 petition is a preferable means of promoting basic,  
7 advanced, and applied research, technology develop-  
8 ment, or prototype projects than other means of pro-  
9 motion of such activities, including contracts, grants,  
10 cooperative agreements, and other transactions.

## 11 **TITLE III—OPERATION AND** 12 **MAINTENANCE**

### 13 **Subtitle A—Authorization of** 14 **Appropriations**

#### 15 **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

16 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
17 are hereby authorized to be appropriated for fiscal year  
18 2003 for the use of the Armed Forces and other activities  
19 and agencies of the Department of Defense for expenses,  
20 not otherwise provided for, for operation and maintenance,  
21 in amounts as follows:

22 (1) For the Army, \$24,180,742,000.

23 (2) For the Navy, \$29,368,961,000.

24 (3) For the Marine Corps, \$3,558,732,000.

25 (4) For the Air Force, \$27,445,764,000.

- 1           (5)       For       Defense-wide       activities,  
2       \$14,492,266,000.
- 3           (6) For the Army Reserve, \$1,962,610,000.
- 4           (7) For the Naval Reserve, \$1,233,759,000.
- 5           (8)       For       the       Marine       Corps       Reserve,  
6       \$190,532,000.
- 7           (9) For the Air Force Reserve, \$2,165,004,000.
- 8           (10)     For       the       Army       National     Guard,  
9       \$4,506,267,000.
- 10          (11)     For       the       Air       National     Guard,  
11       \$4,114,910,000.
- 12          (12)     For       the       Defense     Inspector     General,  
13       \$155,165,000.
- 14          (13)     For       the       United     States     Court     of     Appeals  
15       for     the     Armed     Forces,     \$9,614,000.
- 16          (14)     For       Environmental     Restoration,     Army,  
17       \$395,900,000.
- 18          (15)     For       Environmental     Restoration,     Navy,  
19       \$256,948,000.
- 20          (16)     For       Environmental     Restoration,     Air     Force,  
21       \$389,773,000.
- 22          (17)     For       Environmental     Restoration,     Defense-  
23       wide,     \$23,498,000.
- 24          (18)     For       Environmental     Restoration,     Formerly  
25       Used     Defense     Sites,     \$252,102,000.



1           (19) For Overseas Humanitarian, Disaster, and  
2           Civic Aid programs, \$58,400,000.

3           (20) For Drug Interdiction and Counter-drug  
4           Activities, Defense-wide, \$873,907,000.

5           (21) For the Kaho'olawe Island Conveyance,  
6           Remediation, and Environmental Restoration Trust  
7           Fund, \$25,000,000.

8           (22) For Defense Health Program,  
9           \$14,202,441,000.

10          (23) For Cooperative Threat Reduction pro-  
11          grams, \$416,700,000.

12          (24) For Overseas Contingency Operations  
13          Transfer Fund, \$50,000,000.

14          (25) For Support for International Sporting  
15          Competitions, Defense, \$19,000,000.

16          (b) ADJUSTMENT.—The total amount authorized to  
17          be appropriated pursuant to subsection (a) is reduced  
18          by—

19               (1) \$159,790,000, which represents savings re-  
20               sulting from reduced travel; and

21               (2) \$615,200,000, which represents savings re-  
22               sulting from foreign currency fluctuations.

23          **SEC. 302. WORKING CAPITAL FUNDS.**

24          Funds are hereby authorized to be appropriated for  
25          fiscal year 2003 for the use of the Armed Forces and other

1 activities and agencies of the Department of Defense for  
2 providing capital for working capital and revolving funds  
3 in amounts as follows:

4 (1) For the Defense Working Capital Funds,  
5 \$387,156,000.

6 (2) For the National Defense Sealift Fund,  
7 \$934,129,000.

8 (3) For the Defense Commissary Agency Work-  
9 ing Capital Fund, \$969,200,000.

10 (4) For the Pentagon Reservation Maintenance  
11 Revolving Fund, \$328,000,000.

12 **SEC. 303. ARMED FORCES RETIREMENT HOME.**

13 There is hereby authorized to be appropriated for fis-  
14 cal year 2003 from the Armed Forces Retirement Home  
15 Trust Fund the sum of \$69,921,000 for the operation of  
16 the Armed Forces Retirement Home, including the Armed  
17 Forces Retirement Home—Washington and the Armed  
18 Forces Retirement Home—Gulfport.

19 **SEC. 304. RANGE ENHANCEMENT INITIATIVE FUND.**

20 (a) AVAILABILITY OF FUNDS.—Of the amount au-  
21 thorized to be appropriated by section 301(a)(5) for oper-  
22 ation and maintenance for defense-wide activities,  
23 \$20,000,000 shall be available for the Range Enhance-  
24 ment Initiative Fund for the purpose specified in sub-  
25 section (b).

1 (b) PURPOSE.—Subject to subsection (c), amounts  
2 authorized to be appropriated for the Range Enhancement  
3 Initiative Fund shall be available to the Secretary of De-  
4 fense and the Secretaries of the military departments to  
5 purchase restrictive easements, including easements that  
6 implement agreements entered into under section 2697 of  
7 title 10, United States Code, as added by section 2811  
8 of this Act.

9 (c) TRANSFER OF AMOUNTS.—(1) Amounts in the  
10 Range Enhancement Initiative Fund shall, subject to ap-  
11 plicable limitations in appropriations Acts, be made avail-  
12 able to the Secretary of a military department under sub-  
13 section (b) by transfer from the Fund to the applicable  
14 operation and maintenance account of the military depart-  
15 ment, including the operation and maintenance account  
16 for the active component, or for a reserve component, of  
17 the military department.

18 (2) Authority to transfer amounts under paragraph  
19 (1) is in addition to any other authority to transfer funds  
20 under this Act.

21 **SEC. 305. NAVY PILOT HUMAN RESOURCES CALL CENTER,**  
22 **CUTLER, MAINE.**

23 Of the amount authorized to be appropriated by sec-  
24 tion 301(a)(2) for operation and maintenance for the

1 Navy, \$1,500,000 may be available for the Navy Pilot  
2 Human Resources Call Center, Cutler, Maine.

3 **SEC. 306. NATIONAL ARMY MUSEUM, FORT BELVOIR, VIR-**  
4 **GINIA.**

5 (a) **ACTIVATION EFFORTS.**—The Secretary of the  
6 Army may carry out efforts to facilitate the commence-  
7 ment of development for the National Army Museum at  
8 Fort Belvoir, Virginia.

9 (b) **FUNDING.**—(1) The amount authorized to be ap-  
10 propriated by section 301(a)(1) for operation and mainte-  
11 nance for the Army is hereby increased by \$100,000.

12 (2) Of the amount authorized to be appropriated by  
13 section 301(a)(1) for operation and maintenance for the  
14 Army, as increased by paragraph (1), \$100,000 shall be  
15 available to carry out the efforts authorized by subsection  
16 (a).

17 (c) **OFFSET.**—The amount authorized to be appro-  
18 priated by section 201(1) for research, development, test,  
19 and evaluation for the Army is hereby reduced by  
20 \$100,000.

21 **SEC. 307. DISPOSAL OF OBSOLETE VESSELS OF THE NA-**  
22 **TIONAL DEFENSE RESERVE FLEET.**

23 Of the amount authorized to be appropriated by sec-  
24 tion 301(a)(2) for operation and maintenance for the  
25 Navy, \$20,000,000 may be available, without fiscal year

1 limitation if so provided in appropriations Acts, for ex-  
2 penses related to the disposal of obsolete vessels in the  
3 Maritime Administration National Defense Reserve Fleet.

4           **Subtitle B—Environmental**  
5           **Provisions**

6 **SEC. 311. ENHANCEMENT OF AUTHORITY ON COOPERATIVE**  
7           **AGREEMENTS FOR ENVIRONMENTAL PUR-**  
8           **POSES.**

9           Section 2701(d) of title 10, United States Code, is  
10 amended—

11           (1) by redesignating paragraphs (2) and (3) as  
12 paragraphs (3) and (4), respectively; and

13           (2) by inserting after paragraph (1) the fol-  
14 lowing new paragraph (2):

15           “(2) **CROSS-FISCAL YEAR AGREEMENTS.**—An  
16 agreement with an agency under paragraph (1) may  
17 be for a period that begins in one fiscal year and  
18 ends in another fiscal year if (without regard to any  
19 option to extend the period of the agreement) the  
20 period of the agreement does not exceed two years.”.

1 **SEC. 312. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CONSTRUCTION PROJECTS FOR ENVIRON-**  
3 **MENTAL RESPONSES.**

4 (a) RESTATEMENT AND MODIFICATION OF AUTHOR-  
5 ITY.—(1) Chapter 160 of title 10, United States Code,  
6 is amended by adding at the end the following new section:

7 **“§ 2711. Environmental restoration projects for envi-**  
8 **ronmental responses**

9 “(a) The Secretary of Defense or the Secretary of  
10 a military department may carry out an environmental  
11 restoration project if that Secretary determines that the  
12 project is necessary to carry out a response under this  
13 chapter or CERCLA.

14 “(b) Any construction, development, conversion, or  
15 extension of a structure or installation of equipment that  
16 is included in an environmental restoration project may  
17 not be considered military construction (as that term is  
18 defined in section 2801(a) of this title).

19 “(c) Funds authorized for deposit in an account es-  
20 tablished by section 2703(a) of this title shall be the only  
21 source of funds to conduct an environmental restoration  
22 project under this section.

23 “(d) In this section, the term ‘environmental restora-  
24 tion project’ includes construction, development, conver-  
25 sion, or extension of a structure or installation of equip-  
26 ment in direct support of a response.”.

1       (2) The table of sections at the beginning of that  
2 chapter is amended by adding at the end the following  
3 new item:

“2711. Environmental restoration projects for environmental responses.”.

4       (b) **REPEAL OF SUPERSEDED PROVISION.**—(1) Sec-  
5 tion 2810 of title 10, United States Code, is repealed.

6       (2) The table of sections at the beginning of chapter  
7 169 of that title is amended by striking the item relating  
8 to section 2810.

9       **SEC. 313. INCREASED PROCUREMENT OF ENVIRON-**  
10                                   **MENTALLY PREFERABLE PRODUCTS.**

11       (a) **PROCUREMENT GOALS.**—(1) The Secretary of  
12 Defense shall establish goals for the increased procure-  
13 ment by the Department of Defense of procurement items  
14 that are environmentally preferable or are made with re-  
15 covered materials.

16       (2) The goals established under paragraph (1) shall  
17 be consistent with the requirements of section 6002 of the  
18 Solid Waste Disposal Act (42 U.S.C. 6962).

19       (3) In establishing goals under paragraph (1), the  
20 Secretary shall review the Comprehensive Procurement  
21 Guidelines and Guidance on Acquisition of Environ-  
22 mentally Preferable Products and Services developed pur-  
23 suant to Executive Order 13101 and products identified  
24 as environmentally preferable in the Federal Logistics In-  
25 formation System.

1 (4) In establishing goals under paragraph (1), the  
2 Secretary shall establish a procurement goal for each cat-  
3 egory of procurement items that is environmentally pref-  
4 erable or is made with recovered materials.

5 (5) The goals established under paragraph (1) shall  
6 apply to Department purchases in each category of pro-  
7 curement items designated by the Secretary for purposes  
8 of paragraph (4), but shall not apply to—

9 (A) products or services purchased by Depart-  
10 ment contractors and subcontractors, even if such  
11 products or services are incorporated into procure-  
12 ment items purchased by the Department; or

13 (B) credit card purchases or other local pur-  
14 chases that are made outside the requisitioning proc-  
15 ess of the Department.

16 (b) ASSESSMENT OF TRAINING AND EDUCATION.—  
17 The Secretary shall assess the need to establish a pro-  
18 gram, or enhance existing programs, for training and edu-  
19 cating Department of Defense procurement officials and  
20 contractors to ensure that they are aware of Department  
21 requirements, preferences, and goals for the procurement  
22 of items that are environmentally preferable or are made  
23 with recovered materials.

24 (c) TRACKING SYSTEM.—The Secretary shall develop  
25 a tracking system to identify the extent to which the De-



1 department of Defense is procuring items that are environ-  
2 mentally preferable or are made with recovered materials.  
3 The tracking system shall separately track procurement  
4 of each category of procurement items for which a goal  
5 has been established under subsection (a)(4).

6 (d) INITIAL REPORT.—Not later than 120 days after  
7 the date of the enactment of this Act, the Secretary shall  
8 submit to the congressional defense committees a report  
9 that sets forth—

10 (1) the initial goals the Secretary plans to es-  
11 tablish under subsection (a); and

12 (2) the findings of the Secretary as a result of  
13 the assessment under subsection (b), together with  
14 any recommendations of the Secretary as a result of  
15 the assessment.

16 (e) IMPLEMENTATION.—Not later than 180 days  
17 after the date of the enactment of this Act, the Secretary  
18 shall—

19 (1) establish an initial set of goals in accord-  
20 ance subsection (a);

21 (2) begin the implementation of any rec-  
22 ommendations of the Secretary under subsection  
23 (d)(2) as a result of the assessment under subsection  
24 (b); and

1           (3) implement the tracking system required by  
2 subsection (c).

3           (f) ANNUAL REPORT.—Not later than March 1 of  
4 each year from 2004 through 2007, the Secretary shall  
5 submit to Congress a report on the progress made in the  
6 implementation of this section. Each report shall—

7           (1) identify each category of procurement items  
8 for which a goal has been established under sub-  
9 section (a) as of the end of such year; and

10           (2) provide information from the tracking sys-  
11 tem required by subsection (b) that indicates the ex-  
12 tent to which the Department has met the goal for  
13 the category of procurement items as of the end of  
14 such year.

15           (g) DEFINITIONS.—In this section:

16           (1) ENVIRONMENTALLY PREFERABLE.—The  
17 term “environmentally preferable”, in the case of a  
18 procurement item, means that the item has a lesser  
19 or reduced effect on human health and the environ-  
20 ment when compared with competing procurement  
21 items that serve the same purpose. The comparison  
22 may be based upon consideration of raw materials  
23 acquisition, production, manufacturing, packaging,  
24 distribution, reuse, operation, maintenance, or dis-

1 posal of the procurement item, or other appropriate  
2 matters.

3 (2) **PROCUREMENT ITEM.**—The term “procure-  
4 ment item” has the meaning given that term in sec-  
5 tion 1004(16) of the Solid Waste Disposal Act (40  
6 U.S.C. 6903(16)).

7 (3) **RECOVERED MATERIALS.**—The term “re-  
8 covered materials” means waste materials and by-  
9 products that have been recovered or diverted from  
10 solid waste, but does not include materials and by-  
11 products generated from, and commonly used within,  
12 an original manufacturing process.

13 **SEC. 314. CLEANUP OF UNEXPLODED ORDNANCE ON**  
14 **KAHO’OLAWÉ ISLAND, HAWAII.**

15 (a) **LEVEL OF CLEANUP REQUIRED.**—The Secretary  
16 of the Navy shall continue activities for the clearance and  
17 removal of unexploded ordnance on the Island of  
18 Kaho’olawe, Hawaii, and related remediation activities,  
19 until the later of the following dates:

20 (1) The date on which the Kaho’olawe Island  
21 access control period expires.

22 (2) The date on which the Secretary achieves  
23 each of the following objectives:

1           (A) The inspection and assessment of all of  
2           Kaho’olawe Island in accordance with current  
3           procedures.

4           (B) The clearance of 75 percent of  
5           Kaho’olawe Island to the degree specified in the  
6           Tier One standards in the memorandum of un-  
7           derstanding.

8           (C) The clearance of 25 percent of  
9           Kaho’olawe Island to the degree specified in the  
10          Tier Two standards in the memorandum of un-  
11          derstanding.

12          (b) DEFINITIONS.—In this section:

13           (1) The term “Kaho’olawe Island access control  
14           period” means the period for which the Secretary of  
15           the Navy is authorized to retain the control of access  
16           to the Island of Kaho’olawe, Hawaii, under title X  
17           of the Department of Defense Appropriations Act,  
18           1994 (Public Law 103–139; 107 Stat. 1480).

19           (2) The term “memorandum of understanding”  
20           means the Memorandum of Understanding Between  
21           the United States Department of the Navy and the  
22           State of Hawaii Concerning the Island of  
23           Kaho’olawe, Hawaii.

1     **Subtitle C—Defense Dependents’**  
2                     **Education**

3     **SEC. 331. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
4                     **THAT BENEFIT DEPENDENTS OF MEMBERS**  
5                     **OF THE ARMED FORCES AND DEPARTMENT**  
6                     **OF DEFENSE CIVILIAN EMPLOYEES.**

7             (a) CONTINUATION OF DEPARTMENT OF DEFENSE  
8 PROGRAM FOR FISCAL YEAR 2003.—Of the amount au-  
9 thorized to be appropriated pursuant to section 301(a)(5)  
10 for operation and maintenance for Defense-wide activities,  
11 \$30,000,000 shall be available only for the purpose of pro-  
12 viding educational agencies assistance to local educational  
13 agencies.

14             (b) NOTIFICATION.—Not later than June 30, 2003,  
15 the Secretary of Defense shall notify each local edu-  
16 cational agency that is eligible for assistance or a payment  
17 under subsection (a) for fiscal year 2003 of—

18                     (1) that agency’s eligibility for the assistance or  
19                     payment; and

20                     (2) the amount of the assistance or payment for  
21                     which that agency is eligible.

22             (c) DISBURSEMENT OF FUNDS.—The Secretary of  
23 Defense shall disburse funds made available under sub-  
24 section (a) not later than 30 days after the date on which

1 notification to the eligible local educational agencies is  
2 provided pursuant to subsection (b).

3 (d) DEFINITIONS.—In this section:

4 (1) The term “educational agencies assistance”  
5 means assistance authorized under section 386(b) of  
6 the National Defense Authorization Act for Fiscal  
7 Year 1993 (Public Law 102–484; 20 U.S.C. 7703  
8 note).

9 (2) The term “local educational agency” has  
10 the meaning given that term in section 8013(9) of  
11 the Elementary and Secondary Education Act of  
12 1965 (20 U.S.C. 7713(9)).

13 **SEC. 332. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
14 **ABILITIES.**

15 Of the amount authorized to be appropriated pursu-  
16 ant to section 301(a)(5) for operation and maintenance  
17 for Defense-wide activities, \$5,000,000 shall be available  
18 for payments under section 363 of the Floyd D. Spence  
19 National Defense Authorization Act for Fiscal Year 2001  
20 (as enacted into law by Public Law 106–398; 114 Stat.  
21 1654A–77; 20 U.S.C. 7703a).

1 **SEC. 333. OPTIONS FOR FUNDING DEPENDENT SUMMER**  
2 **SCHOOL PROGRAMS.**

3 Section 1402(d)(2) of the Defense Dependents' Edu-  
4 cation Act of 1978 (20 U.S.C. 921(d)(2)) is amended to  
5 read as follows:

6 “(2) The Secretary shall provide any summer school  
7 program under this subsection on the same financial basis  
8 as programs offered during the regular school year, except  
9 that the Secretary may charge reasonable fees for all or  
10 portions of such summer school programs to the extent  
11 that the Secretary determines appropriate.”.

12 **SEC. 334. COMPTROLLER GENERAL STUDY OF ADEQUACY**  
13 **OF COMPENSATION PROVIDED FOR TEACH-**  
14 **ERS IN THE DEPARTMENT OF DEFENSE**  
15 **OVERSEAS DEPENDENTS' SCHOOLS.**

16 (a) **ADDITIONAL CONSIDERATION FOR STUDY.**—Sub-  
17 section (b) of section 354 of the National Defense Author-  
18 ization Act for Fiscal Year 2002 (Public Law 107–107;  
19 115 Stat. 1064) is amended by inserting after paragraph  
20 (2) the following new paragraph:

21 “(3) Whether the process for setting teacher  
22 compensation is efficient and cost effective.”.

23 (b) **EXTENSION OF TIME FOR REPORTING.**—Sub-  
24 section (c) of such section is amended by striking “May  
25 1, 2002” and inserting “December 12, 2002”.

1                   **Subtitle D—Other Matters**

2   **SEC. 341. USE OF HUMANITARIAN AND CIVIC ASSISTANCE**  
 3                   **FUNDS FOR RESERVE COMPONENT MEMBERS**  
 4                   **OF SPECIAL OPERATIONS COMMAND EN-**  
 5                   **GAGED IN ACTIVITIES RELATING TO CLEAR-**  
 6                   **ANCE OF LANDMINES.**

7           Section 401(c) of title 10, United States Code, is  
 8 amended by adding at the end the following new para-  
 9 graph (5):

10           “(5) Up to 10 percent of the amount available for  
 11 a fiscal year for activities described in subsection (e)(5)  
 12 may be expended for the pay and allowances of reserve  
 13 component members of the Special Operations Command  
 14 performing duty in connection with training and activities  
 15 related to the clearing of landmines for humanitarian pur-  
 16 poses.”.

17   **SEC. 342. CALCULATION OF FIVE-YEAR PERIOD OF LIMITA-**  
 18                   **TION FOR NAVY-MARINE CORPS INTRANET**  
 19                   **CONTRACT.**

20           (a) COMMENCEMENT OF PERIOD.—The five-year pe-  
 21 riod of limitation that is applicable to the multiyear Navy-  
 22 Marine Corps Intranet contract under section 2306c of  
 23 title 10, United States Code, shall be deemed to have  
 24 begun on the date on which the Under Secretary of De-  
 25 fense for Acquisition, Technology, and Logistics and the



1 Chief Information Officer of the Department of Defense  
2 approved the ordering of additional workstations under  
3 such contract in accordance with subsection (c) of section  
4 814 of the Floyd D. Spence National Defense Authoriza-  
5 tion Act for Fiscal Year 2001, as added by section 362(a)  
6 of the National Defense Authorization Act for Fiscal Year  
7 2002 (Public Law 107–107; 115 Stat. 1065).

8 (b) DEFINITION.—In this section, the term “Navy-  
9 Marine Corps Intranet contract” has the meaning given  
10 such term in section 814(i)(1) of the Floyd D. Spence Na-  
11 tional Defense Authorization Act for Fiscal Year 2001 (as  
12 amended by section 362(c) of Public Law 107–107 (115  
13 Stat. 1067)).

14 **SEC. 343. REIMBURSEMENT FOR RESERVE COMPONENT IN-**  
15 **TELLIGENCE SUPPORT.**

16 (a) SOURCE OF FUNDS.—Chapter 1003 of title 10,  
17 United States Code, is amended by adding at the end the  
18 following new section:

19 **“§ 10115. Reimbursement for reserve component in-**  
20 **telligence support**

21 “(a) AUTHORITY.—Funds appropriated or otherwise  
22 made available to a military department, Defense Agency,  
23 or combatant command for operation and maintenance  
24 shall be available for the pay, allowances, and other costs  
25 that would be charged to appropriations for a reserve com-

1 ponent for the performance of duties by members of that  
 2 reserve component in providing intelligence or counter-  
 3 intelligence support to—

4 “(1) such military department, Defense Agency,  
 5 or combatant command; or

6 “(2) a joint intelligence activity, including any  
 7 such activity for which funds are authorized to be  
 8 appropriated within the National Foreign Intel-  
 9 ligence Program, the Joint Military Intelligence Pro-  
 10 gram, or the Tactical Intelligence and Related Ac-  
 11 tivities aggregate (or any successor to such program  
 12 or aggregate).

13 “(b) CONSTRUCTION OF PROVISION.—Nothing in  
 14 this section shall be construed to authorize deviation from  
 15 established reserve component personnel or training proce-  
 16 dures.”.

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

“10115. Reimbursement for reserve component intelligence support.”.

20 **SEC. 344. REBATE AGREEMENTS UNDER THE SPECIAL SUP-**  
 21 **PLEMENTAL FOOD PROGRAM.**

22 (a) APPLICABILITY TO NAVY EXCHANGE MAR-  
 23 KETS.—Paragraph (1)(A) of section 1060a(e) of title 10,  
 24 United States Code, is amended by inserting “or Navy Ex-  
 25 change Markets” after “commissary stores”.

1 (b) INCREASED MAXIMUM PERIOD OF AGREE-  
2 MENT.—Paragraph (3) of such section 1060a(e) is amend-  
3 ed by striking “subsection may not exceed one year” in  
4 the first sentence and inserting “subsection, including any  
5 period of extension of the contract by modification of the  
6 contract, exercise of an option, or other cause, may not  
7 exceed three years”.

8 **SEC. 345. LOGISTICS SUPPORT AND SERVICES FOR WEAP-**  
9 **ON SYSTEMS CONTRACTORS.**

10 (a) AUTHORITY.—The Secretary of Defense may  
11 make available, in accordance with this section and the  
12 regulations prescribed under subsection (e), logistics sup-  
13 port and logistics services to a contractor in support of  
14 the performance by the contractor of a contract for the  
15 construction, modification, or maintenance of a weapon  
16 system that is entered into by an official of the Depart-  
17 ment of Defense.

18 (b) SUPPORT CONTRACTS.—Any logistics support  
19 and logistics services that is to be provided under this sec-  
20 tion to a contractor in support of the performance of a  
21 contract shall be provided under a separate contract that  
22 is entered into by the Director of the Defense Logistics  
23 Agency with that contractor.

24 (c) SCOPE OF SUPPORT AND SERVICES.—The logis-  
25 ties support and logistics services that may be provided

1 under this section in support of the performance of a con-  
2 tract described in subsection (a) are the distribution, dis-  
3 posal, and cataloging of materiel and repair parts nec-  
4 essary for the performance of that contract.

5 (d) LIMITATIONS.—(1) The number of contracts de-  
6 scribed in subsection (a) for which the Secretary makes  
7 logistics support and logistics services available under the  
8 authority of this section may not exceed five contracts.  
9 The total amount of the estimated costs of all such con-  
10 tracts for which logistics support and logistics services are  
11 made available under this section may not exceed  
12 \$100,000,000.

13 (2) No contract entered into by the Director of the  
14 Defense Logistics Agency under subsection (b) may be for  
15 a period in excess of five years, including periods for which  
16 the contract is extended under options to extend the con-  
17 tract.

18 (e) REGULATIONS.—Before exercising the authority  
19 under this section, the Secretary of Defense shall prescribe  
20 in regulations such requirements, conditions, and restric-  
21 tions as the Secretary determines appropriate to ensure  
22 that logistics support and logistics services are provided  
23 under this section only when it is in the best interests of  
24 the United States to do so. The regulations shall include,  
25 at a minimum, the following:

1           (1) A requirement for the authority under this  
2 section to be used only for providing logistics sup-  
3 port and logistics services in support of the perform-  
4 ance of a contract that is entered into using com-  
5 petitive procedures (as defined in section 4 of the  
6 Office of Federal Procurement Policy Act (41 U.S.C.  
7 403)).

8           (2) A requirement for the solicitation of offers  
9 for a contract described in subsection (a), for which  
10 logistics support and logistics services are to be  
11 made available under this section, to include—

12                 (A) a statement that the logistics support  
13 and logistics services are to be made available  
14 under the authority of this section to any con-  
15 tractor awarded the contract, but only on a  
16 basis that does not require acceptance of the  
17 support and services; and

18                 (B) a description of the range of the logis-  
19 tics support and logistics services that are to be  
20 made available to the contractor.

21           (3) A requirement for the rates charged a con-  
22 tractor for logistics support and logistics services  
23 provided to a contractor under this section to reflect  
24 the full cost to the United States of the resources  
25 used in providing the support and services, including

1 the costs of resources used, but not paid for, by the  
2 Department of Defense.

3 (4) A requirement to credit to the General  
4 Fund of the Treasury amounts received by the De-  
5 partment of Defense from a contractor for the cost  
6 of logistics support and logistics services provided to  
7 the contractor by the Department of Defense under  
8 this section but not paid for out of funds available  
9 to the Department of Defense.

10 (5) With respect to a contract described in sub-  
11 section (a) that is being performed for a department  
12 or agency outside the Department of Defense, a pro-  
13 hibition, in accordance with applicable contracting  
14 procedures, on the imposition of any charge on that  
15 department or agency for any effort of Department  
16 of Defense personnel or the contractor to correct de-  
17 ficiencies in the performance of such contract.

18 (6) A prohibition on the imposition of any  
19 charge on a contractor for any effort of the con-  
20 tractor to correct a deficiency in the performance of  
21 logistics support and logistics services provided to  
22 the contractor under this section.

23 (f) RELATIONSHIP TO TREATY OBLIGATIONS.—The  
24 Secretary shall ensure that the exercise of authority under  
25 this section does not conflict with any obligation of the

1 United States under any treaty or other international  
2 agreement.

3 (g) TERMINATION OF AUTHORITY.—(1) The author-  
4 ity provided in this section shall expire on September 30,  
5 2007, subject to paragraph (2).

6 (2) The expiration of the authority under this section  
7 does not terminate—

8 (A) any contract that was entered into by the  
9 Director of the Defense Logistics Agency under sub-  
10 section (b) before the expiration of the authority or  
11 any obligation to provide logistics support and logis-  
12 tics services under that contract; or

13 (B) any authority—

14 (i) to enter into a contract described in  
15 subsection (a) for which a solicitation of offers  
16 was issued in accordance with the regulations  
17 prescribed pursuant to subsection (e)(2) before  
18 the date of the expiration of the authority; or

19 (ii) to provide logistics support and logis-  
20 tics services to the contractor with respect to  
21 that contract in accordance with this section.

22 **SEC. 346. CONTINUATION OF ARSENAL SUPPORT PROGRAM**  
23 **INITIATIVE.**

24 (a) EXTENSION THROUGH FISCAL YEAR 2004.—  
25 Subsection (a) of section 343 of the Floyd D. Spence Na-

1 tional Defense Authorization Act for Fiscal Year 2001 (as  
2 enacted into law by Public Law 106–398; 114 Stat.  
3 1654A–65) is amended by striking “and 2002” and in-  
4 serting “through 2004”.

5 (b) REPORTING REQUIREMENTS.—Subsection (g) of  
6 such section is amended—

7 (1) in paragraph (1), by striking “2002” and  
8 inserting “2004”; and

9 (2) in paragraph (2), by striking the first sen-  
10 tence and inserting the following new sentence: “Not  
11 later than July 1, 2003, the Secretary of the Army  
12 shall submit to the congressional defense committees  
13 a report on the results of the demonstration pro-  
14 gram since its implementation, including the Sec-  
15 retary’s views regarding the benefits of the program  
16 for Army manufacturing arsenals and the Depart-  
17 ment of the Army and the success of the program  
18 in achieving the purposes specified in subsection  
19 (b).”.



1 **SEC. 347. TWO-YEAR EXTENSION OF AUTHORITY OF THE**  
2 **SECRETARY OF DEFENSE TO ENGAGE IN**  
3 **COMMERCIAL ACTIVITIES AS SECURITY FOR**  
4 **INTELLIGENCE COLLECTION ACTIVITIES**  
5 **ABROAD.**

6 Section 431(a) of title 10, United States Code, is  
7 amended by striking “December 31, 2002” in the second  
8 sentence and inserting “December 31, 2004”.

9 **SEC. 348. INSTALLATION AND CONNECTION POLICY AND**  
10 **PROCEDURES REGARDING DEFENSE SWITCH**  
11 **NETWORK.**

12 (a) **ESTABLISHMENT OF POLICY AND PROCE-**  
13 **DURES.**—Not later than 180 days after the date of the  
14 enactment of this Act, the Secretary of Defense shall es-  
15 tablish clear and uniform policy and procedures, applicable  
16 to the military departments and Defense Agencies, regard-  
17 ing the installation and connection of telecom switches to  
18 the Defense Switch Network.

19 (b) **ELEMENTS OF POLICY AND PROCEDURES.**—The  
20 policy and procedures shall address at a minimum the fol-  
21 lowing:

22 (1) Clear interoperability and compatibility re-  
23 quirements for procuring, certifying, installing, and  
24 connecting telecom switches to the Defense Switch  
25 Network.

1           (2) Current, complete, and enforceable testing,  
2           validation, and certification procedures needed to en-  
3           sure the interoperability and compatibility require-  
4           ments are satisfied.

5           (c) EXCEPTIONS.—(1) The Secretary of Defense may  
6           specify certain circumstances in which—

7           (A) the requirements for testing, validation, and  
8           certification of telecom switches may be waived; or

9           (B) interim authority for the installation and  
10          connection of telecom switches to the Defense Switch  
11          Network may be granted.

12          (2) Only the Assistant Secretary of Defense for Com-  
13          mand, Control, Communications, and Intelligence, after  
14          consultation with the Chairman of the Joint Chiefs of  
15          Staff, may approve a waiver or grant of interim authority  
16          under paragraph (1).

17          (d) INVENTORY OF DEFENSE SWITCH NETWORK.—  
18          The Secretary of Defense shall prepare and maintain an  
19          inventory of all telecom switches that, as of the date on  
20          which the Secretary issues the policy and procedures—

21                 (1) are installed or connected to the Defense  
22                 Switch Network; but

23                 (2) have not been tested, validated, and cer-  
24                 tified by the Defense Information Systems Agency  
25                 (Joint Interoperability Test Center).

1 (e) INTEROPERABILITY RISKS.—(1) The Secretary of  
2 Defense shall, on an ongoing basis—

3 (A) identify and assess the interoperability risks  
4 that are associated with the installation or connec-  
5 tion of uncertified switches to the Defense Switch  
6 Network and the maintenance of such switches on  
7 the Defense Switch Network; and

8 (B) develop and implement a plan to eliminate  
9 or mitigate such risks as identified.

10 (2) The Secretary shall initiate action under para-  
11 graph (1) upon completing the initial inventory of telecom  
12 switches required by subsection (d).

13 (f) TELECOM SWITCH DEFINED.—In this section, the  
14 term “telecom switch” means hardware or software de-  
15 signed to send and receive voice, data, or video signals  
16 across a network that provides customer voice, data, or  
17 video equipment access to the Defense Switch Network or  
18 public switched telecommunications networks.

19 **SEC. 349. ENGINEERING STUDY AND ENVIRONMENTAL**  
20 **ANALYSIS OF ROAD MODIFICATIONS IN VI-**  
21 **CINITY OF FORT BELVOIR, VIRGINIA.**

22 (a) STUDY AND ANALYSIS.—(1) The Secretary of the  
23 Army shall conduct a preliminary engineering study and  
24 environmental analysis to evaluate the feasibility of estab-  
25 lishing a connector road between Richmond Highway

1 (United States Route 1) and Telegraph Road in order to  
2 provide an alternative to Beulah Road (State Route 613)  
3 and Woodlawn Road (State Route 618) at Fort Belvoir,  
4 Virginia, which were closed as a force protection measure.

5 (2) It is the sense of Congress that the study and  
6 analysis should consider as one alternative the extension  
7 of Old Mill Road between Richmond Highway and Tele-  
8 graph Road.

9 (b) CONSULTATION.—The study required by sub-  
10 section (a) shall be conducted in consultation with the De-  
11 partment of Transportation of the Commonwealth of Vir-  
12 ginia and Fairfax County, Virginia.

13 (c) REPORT.—The Secretary shall submit to Con-  
14 gress a summary report on the study and analysis re-  
15 quired by subsection (a). The summary report shall be  
16 submitted together with the budget justification materials  
17 in support of the budget of the President for fiscal year  
18 2006 that is submitted to Congress under section 1105(a)  
19 of title 31, United States Code.

20 (d) FUNDING.—Of the amount authorized to be ap-  
21 propriated by section 301(a)(1) for the Army for operation  
22 and maintenance, \$5,000,000 may be available for the  
23 study and analysis required by subsection (a).

1 **SEC. 350. EXTENSION OF WORK SAFETY DEMONSTRATION**  
2 **PROGRAM.**

3 Section 1112 of the Floyd D. Spence National De-  
4 fense Authorization Act for Fiscal Year 2001 (as enacted  
5 into law by Public Law 106–398; 114 Stat. 1654A–313)  
6 is amended—

7 (1) in subsection (d), by striking “September  
8 30, 2002” and inserting “September 30, 2003”; and

9 (2) in subsection (e)(2), by striking “December  
10 1, 2002” and inserting “December 1, 2003”.

11 **SEC. 351. LIFT SUPPORT FOR MINE WARFARE SHIPS AND**  
12 **OTHER VESSELS.**

13 (a) AMOUNT.—Of the amount authorized to be ap-  
14 propriated by section 302(2), \$10,000,000 shall be avail-  
15 able for implementing the recommendations resulting from  
16 the Navy’s Non-Self Deployable Watercraft (NDSW)  
17 Study and the Joint Chiefs of Staff Focused Logistics  
18 Study, which are to determine the requirements of the  
19 Navy for providing lift support for mine warfare ships and  
20 other vessels.

21 (b) OFFSETTING REDUCTION.—Of the amount au-  
22 thorized to be appropriated by section 302(2), the amount  
23 provided for the procurement of mine countermeasures  
24 ships cradles is hereby reduced by \$10,000,000.

1 **SEC. 352. NAVY DATA CONVERSION ACTIVITIES.**

2 (a) **AMOUNT FOR ACTIVITIES.**—The amount author-  
3 ized to be appropriated by section 301(a)(2) is hereby in-  
4 creased by \$1,500,000. The total amount of such increase  
5 may be available for the Navy Data Conversion and Man-  
6 agement Laboratory to support data conversion activities  
7 for the Navy.

8 (b) **OFFSET.**—The amount authorized to be appro-  
9 priated by section 301(a)(1) is hereby reduced by  
10 \$1,500,000 to reflect a reduction in the utilities privatiza-  
11 tion efforts previously planned by the Army.

12 **TITLE IV—MILITARY**  
13 **PERSONNEL AUTHORIZATIONS**  
14 **Subtitle A—Active Forces**

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

16 The Armed Forces are authorized strengths for active  
17 duty personnel as of September 30, 2003, as follows:

- 18 (1) The Army, 485,000.  
19 (2) The Navy, 379,200.  
20 (3) The Marine Corps, 175,000.  
21 (4) The Air Force, 362,500.

1 **SEC. 402. AUTHORITY TO INCREASE STRENGTH AND GRADE**  
2 **LIMITATIONS TO ACCOUNT FOR RESERVE**  
3 **COMPONENT MEMBERS ON ACTIVE DUTY IN**  
4 **SUPPORT OF A CONTINGENCY OPERATION.**

5 (a) **ACTIVE DUTY STRENGTH.**—Section 115(c)(1) of  
6 title 10, United States Code, is amended to read as fol-  
7 lows:

8 “(1) increase the end strength authorized pur-  
9 suant to subsection (a)(1)(A) for a fiscal year for  
10 any of the armed forces by—

11 “(A) a number equal to not more than 2  
12 percent of that end strength;

13 “(B) a number equal to the number of  
14 members of the reserve components of that  
15 armed force on active duty under section  
16 12301(d) of this title in support of a contin-  
17 gency operation in that fiscal year; or

18 “(C) a number not greater than the sum  
19 of the numbers authorized by subparagraphs  
20 (A) and (B).”.

21 (b) **AUTHORIZED DAILY AVERAGE FOR MEMBERS IN**  
22 **PAY GRADES E–8 AND E–9 ON ACTIVE DUTY.**—Section  
23 517 of such title is amended by adding at the end the  
24 following new paragraph:

25 “(d) The Secretary of Defense may increase the au-  
26 thorized daily average number of enlisted members on ac-

1 tive duty in an armed force in pay grades E–8 and E–  
2 9 in a fiscal year under subsection (a) by the number of  
3 enlisted members of reserve components of that armed  
4 force in pay grades E–8 and E–9, respectively, that are  
5 on active duty in that fiscal year under section 12301(d)  
6 of this title in support of a contingency operation.”.

7 (c) AUTHORIZED STRENGTHS FOR COMMISSIONED  
8 OFFICERS IN PAY GRADES O–4, O–5, AND O–6 ON AC-  
9 TIVE DUTY.—Section 523 of such title is amended—

10 (1) in subsection (a), by striking “subsection  
11 (c)” in paragraphs (1) and (2) and inserting “sub-  
12 sections (c) and (e)”;

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

15 “(e) The Secretary of Defense may increase the au-  
16 thorized total number of commissioned officers serving on  
17 active duty in the Army, Navy, Air Force, or Marine Corps  
18 in a grade referred to in subsection (c) at the end of any  
19 fiscal year under that subsection by the number of com-  
20 missioned officers of reserve components of the Army,  
21 Navy, Air Force, or Marine Corps, respectively, that are  
22 then serving on active duty in that grade under section  
23 12301(d) of this title in support of a contingency oper-  
24 ation.”.



1 (d) AUTHORIZED STRENGTHS FOR GENERAL AND  
2 FLAG OFFICERS ON ACTIVE DUTY.—Section 526(a) of  
3 such title is amended—

4 (1) by redesignating paragraphs (1), (2), (3),  
5 and (4) as subparagraphs (A), (B), (C), and (D), re-  
6 spectively;

7 (2) by striking “LIMITATIONS.—The” and in-  
8 serting “LIMITATIONS.—(1) Except as provided in  
9 paragraph (2), the”; and

10 (3) by adding at the end the following new  
11 paragraph (2):

12 “(2) The Secretary of Defense may increase the num-  
13 ber of general and flag officers authorized to be on active  
14 duty in the Army, Navy, Air Force, or Marine Corps under  
15 paragraph (1) by the number of reserve general or flag  
16 officers of reserve components of the Army, Navy, Air  
17 Force, or Marine Corps, respectively, that are on active  
18 duty under section 12301(d) of this title in support of a  
19 contingency operation.”.

20 **SEC. 403. INCREASED ALLOWANCE FOR NUMBER OF MA-**  
21 **RINE CORPS GENERAL OFFICERS ON ACTIVE**  
22 **DUTY IN GRADES ABOVE MAJOR GENERAL.**

23 Section 525(b)(2)(B) of title 10, United States Code,  
24 is amended by striking “16.2 percent” and inserting “17.5  
25 percent”.

1 **SEC. 404. INCREASE IN AUTHORIZED STRENGTHS FOR MA-**  
 2 **RINE CORPS OFFICERS ON ACTIVE DUTY IN**  
 3 **THE GRADE OF COLONEL.**

4 The table in section 523(a)(1) of title 10, United  
 5 States Code, is amended by striking the figures under the  
 6 heading “Colonel” in the portion of the table relating to  
 7 the Marine Corps and inserting the following:

“571  
 632  
 653  
 673  
 694  
 715  
 735”.

8 **Subtitle B—Reserve Forces**

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

10 (a) IN GENERAL.—The Armed Forces are authorized  
 11 strengths for Selected Reserve personnel of the reserve  
 12 components as of September 30, 2003, as follows:

13 (1) The Army National Guard of the United  
 14 States, 350,000.

15 (2) The Army Reserve, 205,000.

16 (3) The Naval Reserve, 87,800.

17 (4) The Marine Corps Reserve, 39,558.

18 (5) The Air National Guard of the United  
 19 States, 106,600.

20 (6) The Air Force Reserve, 75,600.

21 (7) The Coast Guard Reserve, 9,000.

1 (b) ADJUSTMENTS.—The end strengths prescribed by  
2 subsection (a) for the Selected Reserve of any reserve com-  
3 ponent 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  
6 such component which are on active duty (other  
7 than for 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  
17 Reserve of such reserve component shall be proportion-  
18 ately increased by the total authorized strengths of such  
19 units and 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  
23 411(a), the reserve components of the Armed Forces are  
24 authorized, as of September 30, 2003, the following num-  
25 ber of Reserves to be serving on full-time active duty or

1 full-time duty, in the case of members of the National  
2 Guard, for the purpose of organizing, administering, re-  
3 cruiting, instructing, or training the reserve components:

4 (1) The Army National Guard of the United  
5 States, 24,492.

6 (2) The Army Reserve, 13,888.

7 (3) The Naval Reserve, 14,572.

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

9 (5) The Air National Guard of the United  
10 States, 11,727.

11 (6) The Air Force Reserve, 1,498.

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 2003 for the re-  
16 serve 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, 6,599.

20 (2) For the Army National Guard of the United  
21 States, 24,102.

22 (3) For the Air Force Reserve, 9,911.

23 (4) For the Air National Guard of the United  
24 States, 22,495.

1 **SEC. 414. FISCAL YEAR 2003 LIMITATIONS ON NON-DUAL**  
2 **STATUS TECHNICIANS.**

3 (a) **LIMITATIONS.**—(1) Within the limitation pro-  
4 vided in section 10217(c)(2) of title 10, United States  
5 Code, the number of non-dual status technicians employed  
6 by the National Guard as of September 30, 2003, may  
7 not exceed the following:

8 (A) For the Army National Guard of the  
9 United 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, 2003,  
14 may not exceed 995.

15 (3) The Air Force Reserve may not employ any per-  
16 son as a non-dual status technician during fiscal year  
17 2003.

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.

1           **Subtitle C—Authorization of**  
 2                           **Appropriations**

3   **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
 4                           **TARY PERSONNEL.**

5           There is hereby authorized to be appropriated to the  
 6 Department of Defense for military personnel for fiscal  
 7 year 2003 a total of \$94,352,208,000. The authorization  
 8 in the preceding sentence supersedes any other authoriza-  
 9 tion of appropriations (definite or indefinite) for such pur-  
 10 pose for fiscal year 2003.

11   **TITLE V—MILITARY PERSONNEL**  
 12                           **POLICY**

13           **Subtitle A—Officer Personnel**  
 14                           **Policy**

15   **SEC. 501. EXTENSION OF CERTAIN REQUIREMENTS AND EX-**  
 16                           **CLUSIONS APPLICABLE TO SERVICE OF GEN-**  
 17                           **ERAL AND FLAG OFFICERS ON ACTIVE DUTY**  
 18                           **IN CERTAIN JOINT DUTY ASSIGNMENTS.**

19           (a) **RECOMMENDATIONS FOR ASSIGNMENT TO SEN-**  
 20 **IOR JOINT OFFICER POSITIONS.**—Section 604(c) of title  
 21 10, United States Code, is amended by striking “Sep-  
 22 tember 30, 2003” and inserting “December 31, 2003”.

23           (b) **INAPPLICABILITY OF GRADE DISTRIBUTION RE-**  
 24 **QUIREMENTS.**—Section 525(b)(5)(C) of such title is

1 amended by striking “September 30, 2003” and inserting  
2 “December 31, 2003”.

3 (c) EXCLUSION FROM STRENGTH LIMITATION.—Sec-  
4 tion 526(b)(3) of such title is amended by striking “Octo-  
5 ber 1, 2002” and inserting “December 31, 2003”.

6 **SEC. 502. EXTENSION OF AUTHORITY TO WAIVE REQUIRE-**  
7 **MENT FOR SIGNIFICANT JOINT DUTY EXPERI-**  
8 **ENCE FOR APPOINTMENT AS A CHIEF OF A**  
9 **RESERVE COMPONENT OR A NATIONAL**  
10 **GUARD DIRECTOR.**

11 (a) CHIEF OF ARMY RESERVE.—Section 3038(b)(4)  
12 of title 10, United States Code, is amended by striking  
13 “October 1, 2003” and inserting “December 31, 2003”.

14 (b) CHIEF OF NAVAL RESERVE.—Section 5143(b)(4)  
15 of such title is amended by striking “October 1, 2003”  
16 and inserting “December 31, 2003”.

17 (c) COMMANDER, MARINE FORCES RESERVE.—Sec-  
18 tion 5144(b)(4) of such title is amended by striking “Octo-  
19 ber 1, 2003” and inserting “December 31, 2003”.

20 (d) CHIEF OF AIR FORCE RESERVE.—Section  
21 8038(b)(4) of such title 10, United States Code, is amend-  
22 ed by striking “October 1, 2003” and inserting “Decem-  
23 ber 31, 2003”.

1 (e) DIRECTORS OF THE NATIONAL GUARD.—Section  
 2 10506(a)(3)(D) of such title is amended by striking “Oc-  
 3 tober 1, 2003” and inserting “December 31, 2003”.

4 **SEC. 503. REPEAL OF LIMITATION ON AUTHORITY TO**  
 5 **GRANT CERTAIN OFFICERS A WAIVER OF RE-**  
 6 **QUIRED SEQUENCE FOR JOINT PROFES-**  
 7 **SIONAL MILITARY EDUCATION AND JOINT**  
 8 **DUTY ASSIGNMENT.**

9 Section 661(c)(3)(D) of title 10, United States Code,  
 10 is amended by striking “In the case of officers in grades  
 11 below brigadier general” and all that follows through “se-  
 12 lected for the joint specialty during that fiscal year.”.

13 **SEC. 504. EXTENSION OF TEMPORARY AUTHORITY FOR RE-**  
 14 **CALL OF RETIRED AVIATORS.**

15 Section 501(e) of the National Defense Authorization  
 16 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
 17 589) is amended by striking “September 30, 2002” and  
 18 inserting “September 30, 2008”.

19 **SEC. 505. INCREASED GRADE FOR HEADS OF NURSE**  
 20 **CORPS.**

21 (a) ARMY.—Section 3069(b) of title 10, United  
 22 States Code, is amended by striking “brigadier general”  
 23 in the second sentence and inserting “major general”.

24 (b) NAVY.—The first sentence of section 5150(c) of  
 25 such title is amended—



1           (1) by inserting “rear admiral (upper half) in  
2           the case of an officer in the Nurse Corps or” after  
3           “for promotion to the grade of”; and

4           (2) by inserting “in the case of an officer in the  
5           Medical Service Corps” after “rear admiral (lower  
6           half)”.

7           (c) AIR FORCE.—Section 8069(b) of such title is  
8           amended by striking “brigadier general” in the second  
9           sentence and inserting “major general”.

10 **SEC. 506. REINSTATEMENT OF AUTHORITY TO REDUCE**

11 **SERVICE REQUIREMENT FOR RETIREMENT**

12 **IN GRADES ABOVE O-4.**

13           (a) OFFICERS ON ACTIVE DUTY.—Subsection  
14           (a)(2)(A) of section 1370 of title 10, United States Code,  
15           is amended—

16           (1) by striking “may authorize” and all that  
17           follows and inserting “may, in the case of retire-  
18           ments effective during the period beginning on Sep-  
19           tember 1, 2002, and ending on December 31, 2004,  
20           authorize—”; and

21           (2) by adding at the end the following:

22           “(1) the Deputy Under Secretary of Defense  
23           for Personnel and Readiness to reduce such 3-year  
24           period of required service to a period not less than

1 two years for retirements in grades above colonel or,  
2 in the case of the Navy, captain; and

3 “(2) the Secretary of a military department or  
4 the Assistant Secretary of a military department  
5 having responsibility for manpower and reserve af-  
6 fairs to reduce such 3-year period to a period of re-  
7 quired service not less than two years for retire-  
8 ments in grades of lieutenant colonel and colonel or,  
9 in the case of the Navy, commander and captain.”.

10 (b) RESERVE OFFICERS.—Subsection (d)(5) of such  
11 section is amended—

12 (1) in the first sentence—

13 (A) by striking “may authorize” and all  
14 that follows and inserting “may, in the case of  
15 retirements effective during the period begin-  
16 ning on September 1, 2002, and ending on De-  
17 cember 31, 2004, authorize—”; and

18 (B) by adding at the end the following:

19 “(A) the Deputy Under Secretary of Defense  
20 for Personnel and Readiness to reduce such 3-year  
21 period of required service to a period not less than  
22 two years for retirements in grades above colonel or,  
23 in the case of the Navy, captain; and

24 “(B) the Secretary of a military department or  
25 the Assistant Secretary of a military department

1       having responsibility for manpower and reserve af-  
2       fairs to reduce such 3-year period of required service  
3       to a period not less than two years for retirements  
4       in grades of lieutenant colonel and colonel or, in the  
5       case of the Navy, commander and captain.”;

6               (2) by designating the second sentence as para-  
7       graph (6) and realigning such paragraph, as so re-  
8       designated 2 ems from the left margin; and

9               (3) in paragraph (6), as so redesignated, by  
10       striking “this paragraph” and inserting “paragraph  
11       (5)”.

12       (c) ADVANCE NOTICE TO THE PRESIDENT AND CON-  
13       GRESS.—Such section is further amended by adding at the  
14       end the following new subsection:

15               “(e) ADVANCE NOTICE TO CONGRESS.—(1) The Sec-  
16       retary of Defense shall notify the Committees on Armed  
17       Services of the Senate and House of Representatives of—

18               “(A) an exercise of authority under paragraph  
19       (2)(A) of subsection (a) to reduce the 3-year min-  
20       imum period of required service on active duty in a  
21       grade in the case of an officer to whom such para-  
22       graph applies before the officer is retired in such  
23       grade under such subsection without having satisfied  
24       that 3-year service requirement; and

1           “(B) an exercise of authority under paragraph  
2           (5) of subsection (d) to reduce the 3-year minimum  
3           period of service in grade required under paragraph  
4           (3)(A) of such subsection in the case of an officer  
5           to whom such paragraph applies before the officer is  
6           credited with satisfactory service in such grade  
7           under subsection (d) without having satisfied that 3-  
8           year service requirement.

9           “(2) The requirement for a notification under para-  
10          graph (1) is satisfied in the case of an officer to whom  
11          subsection (c) applies if the notification is included in the  
12          certification submitted with respect to such officer under  
13          paragraph (1) of such subsection.

14          “(3) The notification requirement under paragraph  
15          (1) does not apply to an officer being retired in the grade  
16          of lieutenant colonel or colonel or, in the case of the Navy,  
17          commander or captain.”.

## 18           **Subtitle B—Reserve Component** 19           **Personnel Policy**

### 20   **SEC. 511. TIME FOR COMMENCEMENT OF INITIAL PERIOD** 21           **OF ACTIVE DUTY FOR TRAINING UPON EN-** 22           **LISTMENT IN RESERVE COMPONENT.**

23          Section 12103(d) of title 10, United States Code, is  
24          amended by striking “270 days” in the second sentence  
25          and inserting “one year”.

1 **SEC. 512. AUTHORITY FOR LIMITED EXTENSION OF MED-**  
2 **ICAL DEFERMENT OF MANDATORY RETIRE-**  
3 **MENT OR SEPARATION OF RESERVE COMPO-**  
4 **NENT OFFICER.**

5 (a) **AUTHORITY.**—Chapter 1407 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 14519. Deferment of retirement or separation for**  
9 **medical reasons**

10 “(a) **AUTHORITY.**—If, in the case of an officer re-  
11 quired to be retired or separated under this chapter or  
12 chapter 1409 of this title, the Secretary concerned deter-  
13 mines that the evaluation of the physical condition of the  
14 officer and determination of the officer’s entitlement to  
15 retirement or separation for physical disability require  
16 hospitalization or medical observation and that such hos-  
17 pitalization or medical observation cannot be completed  
18 with confidence in a manner consistent with the officer’s  
19 well being before the date on which the officer would oth-  
20 erwise be required to retire or be separated, the Secretary  
21 may defer the retirement or separation of the officer.

22 “(b) **PERIOD OF DEFERMENT.**—A deferral of retire-  
23 ment or separation under subsection (a) may not extend  
24 for more than 30 days after the completion of the evalua-  
25 tion requiring hospitalization or medical observation.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
 2 at the beginning of such chapter is amended by adding  
 3 at the end the following new item:

“14519. Deferment of retirement or separation for medical reasons.”.

4 **SEC. 513. REPEAL OF PROHIBITION ON USE OF AIR FORCE**  
 5 **RESERVE AGR PERSONNEL FOR AIR FORCE**  
 6 **BASE SECURITY FUNCTIONS.**

7 (a) REPEAL.—Section 12551 of title 10, United  
 8 States Code, is repealed.

9 (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of chapter 1215 of such title is amended  
 11 by striking the item relating to section 12551.

12 **Subtitle C—Education and**  
 13 **Training**

14 **SEC. 521. INCREASE IN AUTHORIZED STRENGTHS FOR THE**  
 15 **SERVICE ACADEMIES.**

16 (a) UNITED STATES MILITARY ACADEMY.—Section  
 17 4342 of title 10, United States Code, is amended—

18 (1) in subsection (a), by striking “4,000” in the  
 19 first sentence and inserting “4,400”; and

20 (2) in subsection (i), by striking “variance in  
 21 that limitation” and inserting “variance above that  
 22 limitation”.

23 (b) UNITED STATES NAVAL ACADEMY.—Section  
 24 6954 of title 10, United States Code, is amended—

1 (1) in subsection (a), by striking “4,000” in the  
2 first sentence and inserting “4,400”; and

3 (2) in subsection (g), by striking “variance in  
4 that limitation” and inserting “variance above that  
5 limitation”.

6 (c) UNITED STATES AIR FORCE ACADEMY.—Section  
7 9342 of title 10, United States Code, is amended—

8 (1) in subsection (a), by striking “4,000” in the  
9 first sentence and inserting “4,400”; and

10 (2) in subsection (i), by striking “variance in  
11 that limitation” and inserting “variance above that  
12 limitation”.

## 13 **Subtitle D—Decorations, Awards,** 14 **and Commendations**

### 15 **SEC. 531. WAIVER OF TIME LIMITATIONS FOR AWARD OF** 16 **CERTAIN DECORATIONS TO CERTAIN PER-** 17 **SONS.**

18 (a) WAIVER.—Any limitation established by law or  
19 policy for the time within which a recommendation for the  
20 award of a military decoration or award must be sub-  
21 mitted shall not apply to awards of decorations described  
22 in this section, the award of each such decoration having  
23 been determined by the Secretary concerned to be war-  
24 ranted in accordance with section 1130 of title 10, United  
25 States Code.

1 (b) DISTINGUISHED-SERVICE CROSS OF THE  
2 ARMY.—Subsection (a) applies to the award of the Distin-  
3 guished-Service Cross of the Army as follows:

4 (1) To Henry Johnson of Albany, New York,  
5 for extraordinary heroism in France during the pe-  
6 riod of May 13 to 15, 1918, while serving as a mem-  
7 ber of the Army.

8 (2) To Hilliard Carter of Jackson, Mississippi,  
9 for extraordinary heroism in actions near Troung  
10 Loung, Republic of Vietnam, on September 28,  
11 1966, while serving as a member of the Army.

12 (3) To Albert C. Welch of Highland Ranch,  
13 Colorado, for extraordinary heroism in actions in  
14 Ong Thanh, Binh Long Province, Republic of Viet-  
15 nam, on October 17, 1967, while serving as a mem-  
16 ber of the Army.

17 (c) DISTINGUISHED FLYING CROSS OF THE NAVY.—  
18 Subsection (a) applies to the award of the Distinguished  
19 Flying Cross of the Navy as follows:

20 (1) To Eduardo Coppola of Falls Church,  
21 Virginia, for extraordinary achievement while par-  
22 ticipating in aerial flight during World War II, while  
23 serving as a member of the Navy.

24 (2) To James Hoisington, Jr., of Stillman Val-  
25 ley, Illinois, for extraordinary achievement while par-



1        participating in aerial flight during World War II, while  
2        serving as a member of the Navy.

3            (3) To William M. Melvin of Lawrenceburg,  
4        Tennessee, for extraordinary achievement while par-  
5        ticipating in aerial flight during World War II, while  
6        serving as a member of the Navy.

7            (4) To Vincent Urbank of Tom River, New Jer-  
8        sey, for extraordinary achievement while partici-  
9        pating in aerial flight during World War II, while  
10       serving as a member of the Navy.

11 **SEC. 532. KOREA DEFENSE SERVICE MEDAL.**

12        (a) FINDINGS.—Congress makes the following find-  
13       ings:

14            (1) More than 40,000 members of the United  
15        States Armed Forces have served on the Korean Pe-  
16        ninsula each year since the signing of the cease-fire  
17        agreement in July 1953 ending the Korean War.

18            (2) An estimated 1,200 members of the United  
19        States Armed Forces died as a direct result of their  
20        service in Korea since the cease-fire agreement in  
21        July 1953.

22        (b) ARMY.—(1) Chapter 357 of title 10, United  
23        States Code, is amended by adding at the end the fol-  
24        lowing new section:

1 **“§ 3755. Korea Defense Service Medal**

2       “(a) The Secretary of the Army shall issue a cam-  
3 paign medal, to be known as the Korea Defense Service  
4 Medal, to each person who while a member of the Army  
5 served in the Republic of Korea or the waters adjacent  
6 thereto during the KDSM eligibility period and met the  
7 service requirements for the award of that medal pre-  
8 scribed under subsection (c).

9       “(b) In this section, the term ‘KDSM eligibility pe-  
10 riod’ means the period beginning on July 28, 1954, and  
11 ending on such date after the date of the enactment of  
12 this section as may be determined by the Secretary of De-  
13 fense to be appropriate for terminating eligibility for the  
14 Korea Defense Service Medal.

15       “(c) The Secretary of the Army shall prescribe service  
16 requirements for eligibility for the Korea Defense Service  
17 Medal. Those requirements shall not be more stringent  
18 than the service requirements for award of the Armed  
19 Forces Expeditionary Medal for instances in which the  
20 award of that medal is authorized.”.

21       (2) The table of sections at the beginning of such  
22 chapter is amended by adding at the end the following  
23 new item:

“3755. Korea Defense Service Medal.”.

1 (c) NAVY AND MARINE CORPS.—(1) Chapter 567 of  
2 title 10, United States Code, is amended by adding at the  
3 end the following new section:

4 **“§ 6257. Korea Defense Service Medal**

5 “(a) The Secretary of the Navy shall issue a cam-  
6 paign medal, to be known as the Korea Defense Service  
7 Medal, to each person who while a member of the Navy  
8 or Marine Corps served in the Republic of Korea or the  
9 waters adjacent thereto during the KDSM eligibility pe-  
10 riod and met the service requirements for the award of  
11 that medal prescribed under subsection (c).

12 “(b) In this section, the term ‘KDSM eligibility pe-  
13 riod’ means the period beginning on July 28, 1954, and  
14 ending on such date after the date of the enactment of  
15 this section as may be determined by the Secretary of De-  
16 fense to be appropriate for terminating eligibility for the  
17 Korea Defense Service Medal.

18 “(c) The Secretary of the Navy shall prescribe service  
19 requirements for eligibility for the Korea Defense Service  
20 Medal. Those requirements shall not be more stringent  
21 than the service requirements for award of the Armed  
22 Forces Expeditionary Medal for instances in which the  
23 award of that medal is authorized.”.

1           (2) The table of sections at the beginning of such  
2 chapter is amended by adding at the end the following  
3 new item:

“6257. Korea Defense Service Medal.”.

4           (d) AIR FORCE.—(1) Chapter 857 of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7 **“§ 8755. Korea Defense Service Medal**

8           “(a) The Secretary of the Air Force shall issue a  
9 campaign medal, to be known as the Korea Defense Serv-  
10 ice Medal, to each person who while a member of the Air  
11 Force served in the Republic of Korea or the waters adja-  
12 cent thereto during the KDSM eligibility period and met  
13 the service requirements for the award of that medal pre-  
14 scribed under subsection (c).

15           “(b) In this section, the term ‘KDSM eligibility pe-  
16 riod’ means the period beginning on July 28, 1954, and  
17 ending on such date after the date of the enactment of  
18 this section as may be determined by the Secretary of De-  
19 fense to be appropriate for terminating eligibility for the  
20 Korea Defense Service Medal.

21           “(c) The Secretary of the Air Force shall prescribe  
22 service requirements for eligibility for the Korea Defense  
23 Service Medal. Those requirements shall not be more  
24 stringent than the service requirements for award of the

1 Armed Forces Expeditionary Medal for instances in which  
2 the award of that medal is authorized.”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by adding at the end the following  
5 new item:

“8755. Korea Defense Service Medal.”.

6 (e) AWARD FOR SERVICE BEFORE DATE OF ENACT-  
7 MENT.—The Secretary of the military department con-  
8 cerned shall take appropriate steps to provide in a timely  
9 manner for the issuance of the Korea Defense Service  
10 Medal, upon application therefor, to persons whose eligi-  
11 bility for that medal is by reason of service in the Republic  
12 of Korea or the waters adjacent thereto before the date  
13 of the enactment of this Act.

14 **Subtitle E—National Call to**  
15 **Service**

16 **SEC. 541. ENLISTMENT INCENTIVES FOR PURSUIT OF**  
17 **SKILLS TO FACILITATE NATIONAL SERVICE.**

18 (a) AUTHORITY.—(1) Chapter 5 of title 37, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing new section:

21 **“§ 326. Enlistment incentives for pursuit of skills to**  
22 **facilitate national service**

23 “(a) INCENTIVES AUTHORIZED.—The Secretary of  
24 Defense may carry out a program in accordance with the  
25 provisions of this section under which program a National

1 Call to Service participant described in subsection (b) shall  
2 be entitled to an incentive specified in subsection (d).

3 “(b) NATIONAL CALL TO SERVICE PARTICIPANT.—

4 In this section, the term ‘National Call to Service partici-  
5 pant’ means a person who first enlists in the armed forces  
6 pursuant to a written agreement (prescribed by the Sec-  
7 retary of the military department concerned) under which  
8 agreement the person shall—

9 “(1) upon completion of initial entry training  
10 (as prescribed by the Secretary of Defense), serve on  
11 active duty in the armed forces in a military occupa-  
12 tional specialty designated by the Secretary of De-  
13 fense under subsection (c) for a period of 15  
14 months; and

15 “(2) upon completion of such service on active  
16 duty, and without a break in service, serve the min-  
17 imum period of obligated service specified in the  
18 agreement under this section—

19 “(A) on active duty in the armed forces;

20 “(B) in the Selected Reserve;

21 “(C) in the Individual Ready Reserve;

22 “(D) in the Peace Corps, Americorps, or  
23 another national service program jointly des-  
24 ignated by the Secretary of Defense and the

1 head of such program for purposes of this sec-  
2 tion; or

3 “(E) in any combination of service referred  
4 to in subparagraphs (A) through (D) that is ap-  
5 proved by the Secretary of the military depart-  
6 ment concerned pursuant to regulations pre-  
7 scribed by the Secretary of Defense.

8 “(c) DESIGNATED MILITARY OCCUPATIONAL SPE-  
9 CIALTIES.—The Secretary of Defense shall designate mili-  
10 tary occupational specialties for purposes of subsection  
11 (b)(1). Such military occupational specialties shall be mili-  
12 tary occupational specialties that will facilitate, as deter-  
13 mined by the Secretary, pursuit of national service by Na-  
14 tional Call to Service participants during and after their  
15 completion of duty or service under an agreement under  
16 subsection (b).

17 “(d) INCENTIVES.—The incentives specified in this  
18 subsection are as follows:

19 “(1) Payment of a bonus in the amount of  
20 \$5,000.

21 “(2) Payment of outstanding principal and in-  
22 terest on qualifying student loans of the National  
23 Call to Service participant in an amount not to ex-  
24 ceed \$18,000.

1           “(3) Entitlement to an allowance for edu-  
2           cational assistance at the monthly rate equal to the  
3           monthly rate payable for basic educational assist-  
4           ance allowances under section 3015(a)(1) of title 38  
5           for a total of 12 months.

6           “(4) Entitlement to an allowance for edu-  
7           cational assistance at the monthly rate equal to  $\frac{2}{3}$   
8           of the monthly rate payable for basic educational as-  
9           sistance allowances under section 3015(b)(1) of title  
10          38 for a total of 36 months.

11          “(e) ELECTION OF INCENTIVES.—A National Call to  
12          Service participant shall elect in the agreement under sub-  
13          section (b) which incentive under subsection (d) to receive.  
14          An election under this subsection is irrevocable.

15          “(f) PAYMENT OF BONUS AMOUNTS.—(1) Payment  
16          to a National Call to Service participant of the bonus  
17          elected by the National Call to Service participant under  
18          subsection (d)(1) shall be made in such time and manner  
19          as the Secretary of Defense shall prescribe.

20          “(2)(A) Payment of outstanding principal and inter-  
21          est on the qualifying student loans of a National Call to  
22          Service participant, as elected under subsection (d)(2),  
23          shall be made in such time and manner as the Secretary  
24          of Defense shall prescribe.



1       “(B) Payment under this paragraph of the out-  
2 standing principal and interest on the qualifying student  
3 loans of a National Call to Service participant shall be  
4 made to the holder of such student loans, as identified  
5 by the National Call to Service participant to the Sec-  
6 retary of the military department concerned for purposes  
7 of such payment.

8       “(3) Payment of a bonus or incentive in accordance  
9 with this subsection shall be made by the Secretary of the  
10 military department concerned.

11       “(g) COORDINATION WITH MONTGOMERY GI BILL  
12 BENEFITS.—(1) A National Call to Service participant  
13 who elects an incentive under paragraph (3) or (4) of sub-  
14 section (d) is not entitled to educational assistance under  
15 chapter 1606 of title 10 or basic educational assistance  
16 under subchapter II of chapter 30 of title 38.

17       “(2)(A) The Secretary of Defense shall, to the max-  
18 imum extent practicable, administer the receipt by Na-  
19 tional Call to Service participants of incentives under  
20 paragraph (3) or (4) of subsection (d) as if such National  
21 Call to Service participants were, in receiving such incen-  
22 tives, receiving educational assistance for members of the  
23 Selected Reserve under chapter 1606 of title 10.

24       “(B) The Secretary of Defense shall, in consultation  
25 with the Secretary of Veterans Affairs, prescribe regula-

1 tions for purposes of subparagraph (A). Such regulations  
2 shall, to the maximum extent practicable, take into ac-  
3 count the administrative provisions of chapters 30 and 36  
4 of title 38 that are specified in section 16136 of title 10.

5       “(3) Except as provided in paragraph (1), nothing  
6 in this section shall prohibit a National Call to Service  
7 participant who satisfies through service under subsection  
8 (b) the eligibility requirements for educational assistance  
9 under chapter 1606 of title 10 or basic educational assist-  
10 ance under chapter 30 of title 38 from an entitlement to  
11 such educational assistance under chapter 1606 of title 10  
12 or basic educational assistance under chapter 30 of title  
13 38, as the case may be.

14       “(h) REPAYMENT.—(1) If a National Call to Service  
15 participant who has entered into an agreement under sub-  
16 section (b) and received or benefited from an incentive  
17 under subsection (d)(1) or (d)(2) fails to complete the  
18 total period of service specified in such agreement, the Na-  
19 tional Call to Service participant shall refund to the  
20 United States the amount that bears the same ratio to  
21 the amount of the incentive as the uncompleted part of  
22 such service bears to the total period of such service.

23       “(2) Subject to paragraph (3), an obligation to reim-  
24 burse the United States imposed under paragraph (1) is  
25 for all purposes a debt owed to the United States.

1       “(3) The Secretary concerned may waive, in whole  
2 or in part, a reimbursement required under paragraph (1)  
3 if the Secretary concerned determines that recovery would  
4 be against equity and good conscience or would be con-  
5 trary to the best interests of the United States.

6       “(4) A discharge in bankruptcy under title 11 that  
7 is entered into less than 5 years after the termination of  
8 an agreement entered into under subsection (b) does not  
9 discharge the person signing the agreement from a debt  
10 arising under the agreement or under paragraph (1).

11       “(i) FUNDING.—Amounts for payment of incentives  
12 under subsection (d), including payment of allowances for  
13 educational assistance under that subsection, shall be de-  
14 rived from amounts available to the Secretary of the mili-  
15 tary department concerned for payment of pay, allow-  
16 ances, and other expenses of the members of the armed  
17 force concerned.

18       “(j) REGULATIONS.—The Secretary of Defense and  
19 the Secretaries of the military departments shall prescribe  
20 regulations for purposes of the program under this sec-  
21 tion.

22       “(k) DEFINITIONS.—In this section:

23               “(1) The term ‘Americorps’ means the  
24 Americorps program carried out under subtitle C of

1 title I of the National and Community Service Act  
2 of 1990 (42 U.S.C. 12571 et seq.).

3 “(2) The term ‘qualifying student loan’ means  
4 a loan, the proceeds of which were used to pay the  
5 cost of attendance (as defined in section 472 of the  
6 Higher Education Act of 1965 (20 U.S.C. 1087ll) at  
7 an institution of higher education (as defined in sec-  
8 tion 101 of the Higher Education Act of 1965 (20  
9 U.S.C. 1001).

10 “(3) The term ‘Secretary of a military depart-  
11 ment’ includes the Secretary of Transportation, with  
12 respect to matters concerning the Coast Guard when  
13 it is not operating as a service in the Navy.”.

14 (2) The table of sections at the beginning of that  
15 chapter is amended by inserting after the item relating  
16 to section 325 the following new item:

“326. Enlistment incentives for pursuit of skills to facilitate national service.”.

17 (b) EFFECTIVE DATE.—The amendments made by  
18 subsection (a) shall take effect on October 1, 2002. No  
19 individual entering into an enlistment before that date  
20 may participate in the program under section 326 of title  
21 37, United States Code, as added by that subsection.

1 **SEC. 542. MILITARY RECRUITER ACCESS TO INSTITUTIONS**  
2 **OF HIGHER EDUCATION.**

3 (a) ACCESS TO INSTITUTIONS OF HIGHER EDU-  
4 CATION.—Section 503 of title 10, United States Code, is  
5 amended—

6 (1) by redesignating subsection (d) as sub-  
7 section (e); and

8 (2) by inserting after subsection (c) the fol-  
9 lowing new subsection (d):

10 “(d) ACCESS TO INSTITUTIONS OF HIGHER EDU-  
11 CATION.—(1) Each institution of higher education receiv-  
12 ing assistance under the Higher Education Act of 1965  
13 (20 U.S.C. 1001 et seq.)—

14 “(A) shall provide to military recruiters the  
15 same access to students at the institution as is pro-  
16 vided generally to prospective employers of those  
17 students; and

18 “(B) shall, upon a request made by military re-  
19 cruiters for military recruiting purposes, provide ac-  
20 cess to the names, addresses, and telephone listings  
21 of students at the institution, notwithstanding sec-  
22 tion 444(a)(5)(B) of the General Education Provi-  
23 sions Act (20 U.S.C. 1232g(a)(5)(B)).

24 “(2) An institution of higher education may not re-  
25 lease a student’s name, address, and telephone listing  
26 under paragraph (1)(B) without the prior written consent

1 of the student or the parent of the student (in the case  
 2 of a student under the age of 18) if the student, or a par-  
 3 ent of the student, as appropriate, has submitted a request  
 4 to the institution of higher education that the student’s  
 5 information not be released for a purpose covered by that  
 6 subparagraph without prior written consent. Each institu-  
 7 tion of higher education shall notify students and parents  
 8 of the rights provided under the preceding sentence.

9 “(3) In this subsection, the term ‘institution of higher  
 10 education’ has the meaning given the term in section 101  
 11 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

12 (b) NOTIFICATION.—The Secretary of Education  
 13 shall provide to institutions of higher education notice of  
 14 the provisions of subsection (d) of section 503 of title 10,  
 15 United States Code, as amended by subsection (a) of this  
 16 section. Such notice shall be provided not later than 120  
 17 days after the date of the enactment of this Act, and shall  
 18 be provided in consultation with the Secretary of Defense.

## 19 **Subtitle F—Other Matters**

### 20 **SEC. 551. BIENNIAL SURVEYS ON RACIAL, ETHNIC, AND** 21 **GENDER ISSUES.**

22 (a) DIVISION OF ANNUAL SURVEY INTO TWO BIEN-  
 23 NIAL SURVEYS.—Section 481 of title 10, United States  
 24 Code, is amended to read as follows:

1 **“§ 481. Racial, ethnic, and gender issues: biennial**  
2 **surveys**

3 “(a) IN GENERAL.—The Secretary of Defense shall  
4 carry out two separate biennial surveys in accordance with  
5 this section to identify and assess racial, ethnic, and gen-  
6 der issues and discrimination among members of the  
7 armed forces serving on active duty and the extent (if any)  
8 of activity among such members that may be seen as so-  
9 called ‘hate group’ activity.

10 “(b) BIENNIAL SURVEY ON RACIAL AND ETHNIC  
11 ISSUES.—One of the surveys conducted every two years  
12 under this section shall solicit information on racial and  
13 ethnic issues and the climate in the armed forces for form-  
14 ing professional relationships among members of the  
15 armed forces of the various racial and ethnic groups. The  
16 information solicited shall include the following:

17 “(1) Indicators of positive and negative trends  
18 for professional and personal relationships among  
19 members of all racial and ethnic groups.

20 “(2) The effectiveness of Department of De-  
21 fense policies designed to improve relationships  
22 among all racial and ethnic groups.

23 “(3) The effectiveness of current processes for  
24 complaints on and investigations into racial and eth-  
25 nic discrimination.

1       “(c) BIENNIAL SURVEY ON GENDER ISSUES.—One  
2 of the surveys conducted every two years under this sec-  
3 tion shall solicit information on gender issues, including  
4 issues relating to gender-based harassment and discrimi-  
5 nation, and the climate in the armed forces for forming  
6 professional relationships between male and female mem-  
7 bers of the armed forces. The information solicited shall  
8 include the following:

9           “(1) Indicators of positive and negative trends  
10 for professional and personal relationships between  
11 male and female members of the armed forces.

12           “(2) The effectiveness of Department of De-  
13 fense policies designed to improve professional rela-  
14 tionships between male and female members of the  
15 armed forces.

16           “(3) The effectiveness of current processes for  
17 complaints on and investigations into gender-based  
18 discrimination.

19       “(d) SURVEYS TO ALTERNATE EVERY YEAR.—The  
20 biennial survey under subsection (b) shall be conducted  
21 in odd-numbered years. The biennial survey under sub-  
22 section (c) shall be conducted in even-numbered years.

23       “(e) IMPLEMENTING ENTITY.—The Secretary shall  
24 carry out the biennial surveys through entities in the De-  
25 partment of Defense as follows:



1           “(1) The biennial review under subsection (b),  
2 through the Armed Forces Survey on Racial and  
3 Ethnic Issues.

4           “(2) The biennial review under subsection (c),  
5 through the Armed Forces Survey on Gender Issues.

6           “(f) REPORTS TO CONGRESS.—Upon the completion  
7 of a biennial survey under this section, the Secretary shall  
8 submit to Congress a report containing the results of the  
9 survey.

10          “(g) INAPPLICABILITY TO COAST GUARD.—The re-  
11 quirements for surveys under this section do not apply to  
12 the Coast Guard.”.

13          (b) CLERICAL AMENDMENT.—The item relating to  
14 such section in the table of sections at the beginning of  
15 chapter 23 of such title is amended to read as follows:

“481. Racial, ethnic, and gender issues: biennial surveys.”.

16 **SEC. 552. LEAVE REQUIRED TO BE TAKEN PENDING RE-**  
17 **VIEW OF A RECOMMENDATION FOR RE-**  
18 **MOVAL BY A BOARD OF INQUIRY.**

19          (a) REQUIREMENT.—Section 1182(c) of title 10,  
20 United States Code, is amended—

21           (1) by inserting “(1)” after “(c)”; and

22           (2) by adding at the end the following new  
23 paragraph:

24          “(2) Under regulations prescribed by the Secretary  
25 concerned, an officer referred to in paragraph (1) may be

1 required to take leave pending the completion of the action  
 2 under this chapter in the case of that officer. The officer  
 3 may be required to begin such leave at any time following  
 4 the officer's receipt of the report of the board of inquiry,  
 5 including the board's recommendation for removal from  
 6 active duty, and the expiration of any period allowed for  
 7 submission by the officer of a rebuttal to that report. The  
 8 leave may be continued until the date on which action by  
 9 the Secretary concerned under this chapter is completed  
 10 in the case of the officer or may be terminated at any  
 11 earlier time."

12 (b) PAYMENT FOR MANDATORY EXCESS LEAVE  
 13 UPON DISAPPROVAL OF CERTAIN INVOLUNTARY SEPARA-  
 14 TION RECOMMENDATIONS.—Chapter 40 of such title is  
 15 amended by inserting after section 707 the following new  
 16 section:

17 **“§ 707a. Payment upon disapproval of certain board**  
 18 **of inquiry recommendations for excess**  
 19 **leave required to be taken**

20 “(a) An officer—

21 “(1) who is required to take leave under section  
 22 1182(e)(2) of this title, any period of which is  
 23 charged as excess leave under section 706(a) of this  
 24 title, and

1           “(2) whose recommendation for removal from  
2           active duty in a report of a board of inquiry is not  
3           approved by the Secretary concerned under section  
4           1184 of this title,  
5 shall be paid, as provided in subsection (b), for the period  
6 of leave charged as excess leave.

7           “(b)(1) An officer entitled to be paid under this sec-  
8 tion shall be deemed, for purposes of this section, to have  
9 accrued pay and allowances for each day of leave required  
10 to be taken under section 1182(c)(2) of this title that is  
11 charged as excess leave (except any day of accrued leave  
12 for which the officer has been paid under section  
13 706(b)(1) of this title and which has been charged as ex-  
14 cess leave).

15           “(2) The officer shall be paid the amount of pay and  
16 allowances that is deemed to have accrued to the officer  
17 under paragraph (1), reduced by the total amount of his  
18 income from wages, salaries, tips, other personal service  
19 income, unemployment compensation, and public assist-  
20 ance benefits from any Government agency during the pe-  
21 riod the officer is deemed to have accrued pay and allow-  
22 ances. Except as provided in paragraph (3), such payment  
23 shall be made within 60 days after the date on which the  
24 Secretary concerned decides not to remove the officer from  
25 active duty.

1       “(3) If an officer is entitled to be paid under this  
2 section, but fails to provide sufficient information in a  
3 timely manner regarding the officer’s income when such  
4 information is requested under regulations prescribed  
5 under subsection (c), the period of time prescribed in para-  
6 graph (2) shall be extended until 30 days after the date  
7 on which the member provides the information requested.

8       “(c) This section shall be administered under uniform  
9 regulations prescribed by the Secretaries concerned. The  
10 regulations may provide for the method of determining an  
11 officer’s income during any period the officer is deemed  
12 to have accrued pay and allowances, including a require-  
13 ment that the officer provide income tax returns and other  
14 documentation to verify the amount of the officer’s in-  
15 come.”.

16       (c) CONFORMING AMENDMENTS.—(1) Section 706 of  
17 such title is amended by inserting “or 1182(c)(2)” after  
18 “section 876a” in subsections (a), (b), and (c).

19       (2) The heading for such section is amended to read  
20 as follows:

21       **“§ 706. Administration of required leave”.**

22       (d) CLERICAL AMENDMENTS.—The table of sections  
23 at the beginning of chapter 40 of title 10, United States  
24 Code, is amended—

1 (1) by striking the item relating to section 706  
2 and inserting the following:

“706. Administration of required leave.”;

3 and

4 (2) by inserting after the item relating to sec-  
5 tion 707 the following new item:

“707a. Payment upon disapproval of certain board of inquiry recommendations  
for excess leave required to be taken.”.

6 **SEC. 553. STIPEND FOR PARTICIPATION IN FUNERAL HON-**  
7 **ORS DETAILS.**

8 Section 1491(d) of title 10, United States Code, is  
9 amended—

10 (1) by striking paragraph (1) and inserting the  
11 following:

12 “(A) For a participant in the funeral honors  
13 detail who is a member or former member of the  
14 armed forces in a retired status or is not a member  
15 of the armed forces (other than a former member in  
16 a retired status) and not an employee of the United  
17 States, either—

18 “(i) transportation; or

19 “(ii) a daily stipend prescribed annually by  
20 the Secretary of Defense at a single rate that  
21 is designed to defray the costs for transpor-  
22 tation and other expenses incurred by the par-

1 participant in connection with participation in the  
2 funeral honors detail.”;

3 (2) by inserting “(1)” after “(d) SUPPORT.—”;

4 (3) by redesignating paragraph (2) as subpara-  
5 graph (B);

6 (4) in subparagraph (B), as so redesignated, by  
7 inserting “members of the armed forces in a retired  
8 status and” after “training for”; and

9 (5) by adding at the end the following:

10 “(2) A stipend paid under paragraph (1)(A) to a  
11 member or former member of the armed forces in a retired  
12 status shall be in addition to any other compensation to  
13 which the retired member may be entitled.”.

14 **SEC. 554. WEAR OF ABAYAS BY FEMALE MEMBERS OF THE**  
15 **ARMED FORCES IN SAUDI ARABIA.**

16 (a) PROHIBITIONS RELATING TO WEAR OF  
17 ABAYAS.—No member of the Armed Forces having au-  
18 thority over a member of the Armed Forces and no officer  
19 or employee of the United States having authority over  
20 a member of the Armed Forces may—

21 (1) require or encourage that member to wear  
22 the abaya garment or any part of the abaya garment  
23 while the member is in the Kingdom of Saudi Arabia  
24 pursuant to a permanent change of station or orders  
25 for temporary duty; or

1           (2) take any adverse action, whether formal or  
2           informal, against the member for choosing not to  
3           wear the abaya garment or any part of the abaya  
4           garment while the member is in the Kingdom of  
5           Saudi Arabia pursuant to a permanent change of  
6           station or orders for temporary duty.

7           (b) INSTRUCTION.—(1) The Secretary of Defense  
8           shall provide each female member of the Armed Forces  
9           ordered to a permanent change of station or temporary  
10          duty in the Kingdom of Saudi Arabia with instructions  
11          regarding the prohibitions in subsection (a) immediately  
12          upon the arrival of the member at a United States military  
13          installation within the Kingdom of Saudi Arabia. The in-  
14          structions shall be presented orally and in writing. The  
15          written instruction shall include the full text of this sec-  
16          tion.

17          (2) In carrying out paragraph (1), the Secretary shall  
18          act through the Commander in Chief, United States Cen-  
19          tral Command and Joint Task Force Southwest Asia, and  
20          the commanders of the Army, Navy, Air Force, and Ma-  
21          rine Corps components of the United States Central Com-  
22          mand and Joint Task Force Southwest Asia.

23          (c) PROHIBITION ON USE OF FUNDS FOR PROCURE-  
24          MENT OF ABAYAS.—Funds appropriated or otherwise  
25          made available to the Department of Defense may not be

1 used to procure abayas for regular or routine issuance to  
2 members of the Armed Forces serving in the Kingdom of  
3 Saudi Arabia or for any personnel of contractors accom-  
4 panying the Armed Forces in the Kingdom of Saudi Ara-  
5 bia in the performance of contracts entered into with such  
6 contractors by the United States.

7 **TITLE VI—COMPENSATION AND**  
8 **OTHER PERSONNEL BENEFITS**  
9 **Subtitle A—Pay and Allowances**

10 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2003.**

11 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The  
12 adjustment to become effective during fiscal year 2003 re-  
13 quired by section 1009 of title 37, United States Code,  
14 in the rates of monthly basic pay authorized members of  
15 the uniformed services shall not be made.

16 (b) **INCREASE IN BASIC PAY.**—Effective on January  
17 1, 2003, the rates of monthly basic pay for members of  
18 the uniformed services within each pay grade are as fol-  
19 lows:



COMMISSIONED OFFICERS <sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	7,474.50	7,719.30	7,881.60	7,927.20	8,129.40
O-7 ...	6,210.90	6,499.20	6,633.00	6,739.20	6,930.90
O-6 ...	4,603.20	5,057.10	5,388.90	5,388.90	5,409.60
O-5 ...	3,837.60	4,323.00	4,622.40	4,678.50	4,864.80
O-4 ...	3,311.10	3,832.80	4,088.70	4,145.70	4,383.00
O-3 <sup>3</sup>	2,911.20	3,300.30	3,562.20	3,883.50	4,069.50
O-2 <sup>3</sup>	2,515.20	2,864.70	3,299.40	3,410.70	3,481.20
O-1 <sup>3</sup>	2,183.70	2,272.50	2,746.80	2,746.80	2,746.80
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	8,468.70	8,547.30	8,868.90	8,961.30	9,238.20
O-7 ...	7,120.80	7,340.40	7,559.40	7,779.00	8,468.70
O-6 ...	5,641.20	5,672.10	5,672.10	5,994.60	6,564.30
O-5 ...	4,977.00	5,222.70	5,403.00	5,635.50	5,991.90
O-4 ...	4,637.70	4,954.50	5,201.40	5,372.70	5,471.10
O-3 <sup>3</sup>	4,273.50	4,405.80	4,623.30	4,736.10	4,736.10
O-2 <sup>3</sup>	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 <sup>3</sup>	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup>	\$0.00	\$12,077.70	\$12,137.10	\$12,389.40	\$12,829.20
O-9 ...	0.00	10,563.60	10,715.70	10,935.60	11,319.60
O-8 ...	9,639.00	10,008.90	10,255.80	10,255.80	10,255.80
O-7 ...	9,051.30	9,051.30	9,051.30	9,051.30	9,096.90
O-6 ...	6,898.80	7,233.30	7,423.50	7,616.10	7,989.90
O-5 ...	6,161.70	6,329.10	6,519.60	6,519.60	6,519.60
O-4 ...	5,528.40	5,528.40	5,528.40	5,528.40	5,528.40
O-3 <sup>3</sup>	4,736.10	4,736.10	4,736.10	4,736.10	4,736.10
O-2 <sup>3</sup>	3,481.20	3,481.20	3,481.20	3,481.20	3,481.20
O-1 <sup>3</sup>	2,746.80	2,746.80	2,746.80	2,746.80	2,746.80

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is \$14,155.50, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE  
DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT  
OFFICER**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	\$3,883.50	\$4,069.50
O-2E	0.00	0.00	0.00	3,410.70	3,481.20
O-1E	0.00	0.00	0.00	2,746.80	2,933.70
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	\$4,273.50	\$4,405.80	\$4,623.30	\$4,806.30	\$4,911.00
O-2E	3,591.90	3,778.80	3,923.40	4,031.10	4,031.10
O-1E	3,042.00	3,152.70	3,261.60	3,410.70	3,410.70
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	\$5,054.40	\$5,054.40	\$5,054.40	\$5,054.40	\$5,054.40
O-2E	4,031.10	4,031.10	4,031.10	4,031.10	4,031.10
O-1E	3,410.70	3,410.70	3,410.70	3,410.70	3,410.70

**WARRANT OFFICERS<sup>1</sup>**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,008.10	3,236.10	3,329.10	3,420.60	3,578.10
W-3 ..	2,747.10	2,862.00	2,979.30	3,017.70	3,141.00
W-2 ..	2,416.50	2,554.50	2,675.10	2,763.00	2,838.30
W-1 ..	2,133.90	2,308.50	2,425.50	2,501.10	2,662.50
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,733.50	3,891.00	4,044.60	4,203.60	4,356.00
W-3 ..	3,281.70	3,467.40	3,580.50	3,771.90	3,915.60
W-2 ..	2,993.10	3,148.50	3,264.00	3,376.50	3,453.90
W-1 ..	2,782.20	2,888.40	3,006.90	3,085.20	3,203.40
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ..	\$0.00	\$5,169.30	\$5,346.60	\$5,524.50	\$5,703.30
W-4 ..	4,512.00	4,664.40	4,822.50	4,978.20	5,137.50
W-3 ..	4,058.40	4,201.50	4,266.30	4,407.00	4,548.00
W-2 ..	3,579.90	3,705.90	3,831.00	3,957.30	3,957.30
W-1 ..	3,320.70	3,409.50	3,409.50	3,409.50	3,409.50

<sup>1</sup> Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS<sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ...	0.00	0.00	0.00	0.00	0.00
E-7 ...	2,068.50	2,257.80	2,343.90	2,428.20	2,516.40
E-6 ...	1,770.60	1,947.60	2,033.70	2,117.10	2,204.10
E-5 ...	1,625.40	1,733.70	1,817.40	1,903.50	2,037.00
E-4 ...	1,502.70	1,579.80	1,665.30	1,749.30	1,824.00
E-3 ...	1,356.90	1,442.10	1,528.80	1,528.80	1,528.80
E-2 ...	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 <sup>3</sup>	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>2</sup>	\$0.00	\$3,564.30	\$3,645.00	\$3,747.00	\$3,867.00
E-8 ...	2,975.40	3,061.20	3,141.30	3,237.60	3,342.00
E-7 ...	2,667.90	2,753.40	2,838.30	2,990.40	3,066.30
E-6 ...	2,400.90	2,477.40	2,562.30	2,636.70	2,663.10
E-5 ...	2,151.90	2,236.80	2,283.30	2,283.30	2,283.30
E-4 ...	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3 ...	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2 ...	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 <sup>3</sup>	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>2</sup>	\$3,987.30	\$4,180.80	\$4,344.30	\$4,506.30	\$4,757.40
E-8 ...	3,530.10	3,625.50	3,787.50	3,877.50	4,099.20
E-7 ...	3,138.60	3,182.70	3,331.50	3,427.80	3,671.40
E-6 ...	2,709.60	2,709.60	2,709.60	2,709.60	2,709.60
E-5 ...	2,283.30	2,283.30	2,283.30	2,283.30	2,283.30
E-4 ...	1,824.00	1,824.00	1,824.00	1,824.00	1,824.00
E-3 ...	1,528.80	1,528.80	1,528.80	1,528.80	1,528.80
E-2 ...	1,290.00	1,290.00	1,290.00	1,290.00	1,290.00
E-1 <sup>3</sup>	1,150.80	1,150.80	1,150.80	1,150.80	1,150.80

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, the rate of basic pay for this grade is \$5,732.70, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,064.70.

**1 SEC. 602. RATE OF BASIC ALLOWANCE FOR SUBSISTENCE**  
**2 FOR ENLISTED PERSONNEL OCCUPYING SIN-**  
**3 GLE GOVERNMENT QUARTERS WITHOUT**  
**4 ADEQUATE AVAILABILITY OF MEALS.**

**5 (a) AUTHORITY TO PAY INCREASED RATE.**—Section  
**6 402(d) of title 37, United States Code, is amended to read**  
**7 as follows:**

1       “(d) SPECIAL RATE FOR ENLISTED MEMBERS OCCU-  
 2 PYING SINGLE QUARTERS WITHOUT ADEQUATE AVAIL-  
 3 ABILITY OF MEALS.—The Secretary of Defense, and the  
 4 Secretary of Transportation with respect to the Coast  
 5 Guard when it is not operating as a service in the Navy,  
 6 may pay an enlisted member the basic allowance for sub-  
 7 sistence under this section at a monthly rate that is twice  
 8 the amount in effect under subsection (b)(2) while—

9           “(1) the member is assigned to single Govern-  
 10 ment quarters which have no adequate food storage  
 11 or preparation facility in the quarters; and

12           “(2) there is no Government messing facility  
 13 serving those quarters that is capable of making  
 14 meals available to the occupants of the quarters.”.

15       (b) EFFECTIVE DATE.—Subsection (a) and the  
 16 amendment made by such subsection shall take effect on  
 17 October 1, 2002.

18 **SEC. 603. BASIC ALLOWANCE FOR HOUSING IN CASES OF**  
 19 **LOW-COST OR NO-COST MOVES.**

20       Section 403 of title 37, United States Code, is  
 21 amended—

22           (1) by transferring paragraph (7) of subsection

23           (b) to the end of the section; and

24           (2) in such paragraph—

1 (A) by striking “(7)” and all that follows  
 2 through “circumstances of which make it nec-  
 3 essary that the member be” and inserting “(o)  
 4 TREATMENT OF LOW-COST AND NO-COST  
 5 MOVES AS NOT BEING REASSIGNMENTS.—In  
 6 the case of a member who is assigned to duty  
 7 at a location or under circumstances that make  
 8 it necessary for the member to be”; and

9 (B) by inserting “for the purposes of this  
 10 section” after “may be treated”.

11 **SEC. 604. TEMPORARY AUTHORITY FOR HIGHER RATES OF**  
 12 **PARTIAL BASIC ALLOWANCE FOR HOUSING**  
 13 **FOR CERTAIN MEMBERS ASSIGNED TO HOUS-**  
 14 **ING UNDER ALTERNATIVE AUTHORITY FOR**  
 15 **ACQUISITION AND IMPROVEMENT OF MILI-**  
 16 **TARY HOUSING.**

17 (a) **AUTHORITY.**—The Secretary of Defense may pre-  
 18 scribe and, under section 403(n) of title 37, United States  
 19 Code, pay for members of the Armed Forces (without de-  
 20 pendants) in privatized housing higher rates of partial  
 21 basic allowance for housing than those that are authorized  
 22 under paragraph (2) of such section 403(n).

23 (b) **MEMBERS IN PRIVATIZED HOUSING.**—For the  
 24 purposes of this section, a member of the Armed Forces  
 25 (without dependents) is a member of the Armed Forces

1 (without dependents) in privatized housing while the mem-  
2 ber is assigned to housing that is acquired or constructed  
3 under the authority of subchapter IV of chapter 169 of  
4 title 10, United States Code.

5 (c) TREATMENT OF HOUSING AS GOVERNMENT  
6 QUARTERS.—For purposes of section 403 of title 37,  
7 United States Code, a member of the Armed Forces (with-  
8 out dependents) in privatized housing shall be treated as  
9 residing in quarters of the United States or a housing fa-  
10 cility under the jurisdiction of the Secretary of a military  
11 department while a higher rate of partial allowance for  
12 housing is paid for the member under this section.

13 (d) PAYMENT TO PRIVATE SOURCE.—The partial  
14 basic allowance for housing paid for a member at a higher  
15 rate under this section may be paid directly to the private  
16 sector source of the housing to whom the member is obli-  
17 gated to pay rent or other charge for residing in such  
18 housing if the private sector source credits the amount so  
19 paid against the amount owed by the member for the rent  
20 or other charge.

21 (e) TERMINATION OF AUTHORITY.—Rates prescribed  
22 under subsection (a) may not be paid under the authority  
23 of this section in connection with contracts that are en-  
24 tered into after December 31, 2007, for the construction

1 or acquisition of housing under the authority of sub-  
2 chapter IV of chapter 169 of title 10, United States Code.

3 **Subtitle B—Bonuses and Special**  
4 **and Incentive Pays**

5 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
6 **SPECIAL PAY AUTHORITIES FOR RESERVE**  
7 **FORCES.**

8 (a) **SELECTED RESERVE REENLISTMENT BONUS.**—  
9 Section 308b(f) of title 37, United States Code, is amend-  
10 ed by striking “December 31, 2002” and inserting “De-  
11 cember 31, 2003”.

12 (b) **SELECTED RESERVE ENLISTMENT BONUS.**—Sec-  
13 tion 308c(e) of such title is amended by striking “Decem-  
14 ber 31, 2002” and inserting “December 31, 2003”.

15 (c) **SPECIAL PAY FOR ENLISTED MEMBERS AS-**  
16 **SIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section  
17 308d(c) of such title is amended by striking “December  
18 31, 2002” and inserting “December 31, 2003”.

19 (d) **SELECTED RESERVE AFFILIATION BONUS.**—Sec-  
20 tion 308e(e) of such title is amended by striking “Decem-  
21 ber 31, 2002” and inserting “December 31, 2003”.

22 (e) **READY RESERVE ENLISTMENT AND REENLIST-**  
23 **MENT BONUS.**—Section 308h(g) of such title is amended  
24 by striking “December 31, 2002” and inserting “Decem-  
25 ber 31, 2003”.

1 (f) PRIOR SERVICE ENLISTMENT BONUS.—Section  
2 308i(f) of such title is amended by striking “December  
3 31, 2002” and inserting “December 31, 2003”.

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  
9 Code, is amended by striking “December 31, 2002” and  
10 inserting “December 31, 2003”.

11 (b) REPAYMENT OF EDUCATION LOANS FOR CER-  
12 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
13 LECTED RESERVE.—Section 16302(d) of such title is  
14 amended by striking “January 1, 2003” and inserting  
15 “January 1, 2004”.

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, 2002” and inserting  
19 “December 31, 2003”.

20 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
21 THETISTS.—Section 302e(a)(1) of such title is amended  
22 by striking “December 31, 2002” and inserting “Decem-  
23 ber 31, 2003”.

24 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
25 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-



1 CIALTIES.—Section 302g(f) of such title is amended by  
2 striking “December 31, 2002” and inserting “December  
3 31, 2003”.

4 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
5 Section 302h(a)(1) of such title is amended by striking  
6 “December 31, 2002” and inserting “December 31,  
7 2003”.

8 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
9 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
10 **CERS.**

11 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
12 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
13 312(e) of title 37, United States Code, is amended by  
14 striking “December 31, 2002” and inserting “December  
15 31, 2003”.

16 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
17 312b(c) of such title is amended by striking “December  
18 31, 2002” and inserting “December 31, 2003”.

19 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
20 BONUS.—Section 312c(d) of such title is amended by  
21 striking “December 31, 2002” and inserting “December  
22 31, 2003”.

1 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**  
2 **SPECIAL PAY AUTHORITIES.**

3 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
4 tion 301b(a) of title 37, United States Code, is amended  
5 by striking “December 31, 2002” and inserting “Decem-  
6 ber 31, 2003”.

7 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
8 BERS.—Section 308(g) of such title is amended by strik-  
9 ing “December 31, 2002” and inserting “December 31,  
10 2003”.

11 (c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—  
12 Section 309(e) of such title is amended by striking “De-  
13 cember 31, 2002” and inserting “December 31, 2003”.

14 (d) RETENTION BONUS FOR MEMBERS WITH CRIT-  
15 ICAL MILITARY SKILLS.—Section 323(i) of such title is  
16 amended by striking “December 31, 2002” and inserting  
17 “December 31, 2003”.

18 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
19 ICAL SKILLS.—Section 324(g) of such title is amended by  
20 striking “December 31, 2002” and inserting “December  
21 31, 2003”.

1 **SEC. 615. INCREASED MAXIMUM AMOUNT PAYABLE AS**  
2 **MULTIYEAR RETENTION BONUS FOR MED-**  
3 **ICAL OFFICERS OF THE ARMED FORCES.**

4 Section 301d(a)(2) of title 37, United States Code,  
5 is amended by striking “\$14,000” and inserting  
6 “\$25,000”.

7 **SEC. 616. INCREASED MAXIMUM AMOUNT PAYABLE AS IN-**  
8 **CENTIVE SPECIAL PAY FOR MEDICAL OFFI-**  
9 **CERS OF THE ARMED FORCES.**

10 Section 302(b)(1) of title 37, United States Code, is  
11 amended—

12 (1) by striking “fiscal year 1992, and” in the  
13 second sentence and inserting “fiscal year 1992,”;  
14 and

15 (2) by inserting before the period at the end of  
16 such sentence the following: “and before fiscal year  
17 2003, and \$50,000 for any twelve-month period be-  
18 ginning after fiscal year 2002”.

19 **SEC. 617. ASSIGNMENT INCENTIVE PAY.**

20 (a) **AUTHORITY.**—(1) Chapter 5 of title 37, United  
21 States Code, is amended by inserting after section 305a  
22 the following new section:

23 **“§ 305b. Special pay: assignment incentive pay**

24 “(a) **AUTHORITY.**—The Secretary concerned, with  
25 the concurrence of the Secretary of Defense, may pay  
26 monthly incentive pay under this section to a member of

1 a uniformed service for a period that the member performs  
2 service, while entitled to basic pay, in an assignment that  
3 is designated by the Secretary concerned.

4 “(b) MAXIMUM RATE.—The maximum monthly rate  
5 of incentive pay payable to a member under this section  
6 is \$1,500.

7 “(c) RELATIONSHIP TO OTHER PAY AND ALLOW-  
8 ANCES.—Incentive pay paid to a member under this sec-  
9 tion is in addition to any other pay and allowances to  
10 which the member is entitled.

11 “(d) STATUS NOT AFFECTED BY TEMPORARY DUTY  
12 OR LEAVE.—The service of a member in an assignment  
13 referred to in subsection (a) shall not be considered dis-  
14 continued during any period that the member is not per-  
15 forming service in such assignment by reason of tem-  
16 porary duty performed by the member pursuant to orders  
17 or absence of the member for authorized leave.

18 “(e) TERMINATION OF AUTHORITY.—No assignment  
19 incentive pay may be paid under this section for months  
20 beginning more than three years after the date of the en-  
21 actment of the National Defense Authorization Act for  
22 Fiscal Year 2003.”.

23 (2) The table of sections at the beginning of such  
24 chapter is amended by inserting after the item relating  
25 to section 305a the following new item:

“305b. Special pay: assignment incentive pay.”.

1 (b) ANNUAL REPORT.—Not later than February 28  
 2 of each of 2004 and 2005, the Secretary of Defense shall  
 3 submit to the Committees on Armed Services of the Sen-  
 4 ate and the House of Representatives a report on the ad-  
 5 ministration of the authority under section 305b of title  
 6 37, United States Code, as added by subsection (a). The  
 7 report shall include an assessment of the utility of that  
 8 authority.

9 **SEC. 618. INCREASED MAXIMUM AMOUNTS FOR PRIOR**  
 10 **SERVICE ENLISTMENT BONUS.**

11 Section 308i(b)(1) of title 37, United States Code,  
 12 is amended—

13 (1) in subparagraph (A), by striking “\$5,000”  
 14 and inserting “\$8,000”;

15 (2) in subparagraph (B), by striking “\$2,500”  
 16 and inserting “\$4,000”; and

17 (3) in subparagraph (C), by striking “\$2,000”  
 18 and inserting “\$3,500”.

19 **Subtitle C—Travel and**  
 20 **Transportation Allowances**

21 **SEC. 631. DEFERRAL OF TRAVEL IN CONNECTION WITH**  
 22 **LEAVE BETWEEN CONSECUTIVE OVERSEAS**  
 23 **TOURS.**

24 (a) DATE TO WHICH TRAVEL MAY BE DEFERRED.—  
 25 Section 411b(a)(2) of title 37, United States Code, is

1 amended by striking “not more than one year” in the first  
2 sentence and all that follows through “operation ends.”  
3 in the second sentence and inserting the following: “the  
4 date on which the member departs the duty station in ter-  
5 mination of the consecutive tour of duty at that duty sta-  
6 tion or reports to another duty station under the order  
7 involved, as the case may be.”.

8 (b) EFFECTIVE DATE AND SAVINGS PROVISION.—(1)  
9 The amendment made by subsection (a) shall take effect  
10 on October 1, 2002.

11 (2) Section 411b(a) of title 37, United States Code,  
12 as in effect on September 30, 2002, shall continue to apply  
13 with respect to travel described in subsection (a)(2) of  
14 such title (as in effect on such date) that commences be-  
15 fore October 1, 2002.

16 **SEC. 632. TRANSPORTATION OF MOTOR VEHICLES FOR**  
17 **MEMBERS REPORTED MISSING.**

18 (a) AUTHORITY TO SHIP TWO MOTOR VEHICLES.—  
19 Subsection (a) of section 554 of title 37, United States  
20 Code, is amended by striking “one privately owned motor  
21 vehicle” both places it appears and inserting “two pri-  
22 vately owned motor vehicles”.

23 (b) PAYMENTS FOR LATE DELIVERY.—Subsection (i)  
24 of such section is amended by adding at the end the fol-  
25 lowing: “In a case in which two motor vehicles of a mem-

1 ber (or the dependent or dependents of a member) are  
 2 transported at the expense of the United States, no reim-  
 3 bursement is payable under this subsection unless both  
 4 motor vehicles do not arrive at the authorized destination  
 5 of the vehicles by the designated delivery date.”.

6 (c) APPLICABILITY.—The amendments made by sub-  
 7 section (a) shall apply with respect to members whose eli-  
 8 gibility for benefits under section 554 of title 37, United  
 9 States Code, commences on or after the date of the enact-  
 10 ment of this Act.

11 **SEC. 633. DESTINATIONS AUTHORIZED FOR GOVERNMENT**  
 12 **PAID TRANSPORTATION OF ENLISTED PER-**  
 13 **SONNEL FOR REST AND RECUPERATION**  
 14 **UPON EXTENDING DUTY AT DESIGNATED**  
 15 **OVERSEAS LOCATIONS.**

16 Section 705(b)(2) of title 10, United States Code, is  
 17 amended by inserting before the period at the end the fol-  
 18 lowing: “, or to an alternative destination at a cost not  
 19 to exceed the cost of the round-trip transportation from  
 20 the location of the extended tour of duty to such nearest  
 21 port and return”.

1 **SEC. 634. VEHICLE STORAGE IN LIEU OF TRANSPORTATION**  
 2 **TO CERTAIN AREAS OF THE UNITED STATES**  
 3 **OUTSIDE CONTINENTAL UNITED STATES.**

4 Section 2634(b) of title 10, United States Code, is  
 5 amended:

6 (1) by redesignating paragraphs (2), (3), and  
 7 (4) as paragraphs (3), (4), and (5), respectively; and

8 (2) by inserting after paragraph (1) the fol-  
 9 lowing new paragraph (2):

10 “(2) In lieu of transportation authorized by this sec-  
 11 tion, if a member is ordered to make a change of perma-  
 12 nent station to Alaska, Hawaii, Puerto Rico, the Northern  
 13 Mariana Islands, Guam, or any territory or possession of  
 14 the United States and laws, regulations, or other restric-  
 15 tions preclude transportation of a motor vehicle described  
 16 in subsection (a) to the new station, the member may elect  
 17 to have the vehicle stored at the expense of the United  
 18 States at a location approved by the Secretary con-  
 19 cerned.”.

20 **Subtitle D—Retirement and**  
 21 **Survivor Benefit Matters**

22 **SEC. 641. PAYMENT OF RETIRED PAY AND COMPENSATION**  
 23 **TO DISABLED MILITARY RETIREES.**

24 (a) IN GENERAL.—Section 1414 of title 10, United  
 25 States Code, is amended to read as follows:



1 **“§ 1414. Members eligible for retired pay who have**  
2 **service-connected disabilities: payment of**  
3 **retired pay and veterans’ disability com-**  
4 **ensation**

5 “(a) PAYMENT OF BOTH RETIRED PAY AND COM-  
6 PENSATION.—Except as provided in subsection (b), a  
7 member or former member of the uniformed services who  
8 is entitled to retired pay (other than as specified in sub-  
9 section (c)) and who is also entitled to veterans’ disability  
10 compensation is entitled to be paid both without regard  
11 to sections 5304 and 5305 of title 38.

12 “(b) SPECIAL RULE FOR CHAPTER 61 CAREER RE-  
13 TIREES.—The retired pay of a member retired under  
14 chapter 61 of this title with 20 years or more of service  
15 otherwise creditable under section 1405 of this title at the  
16 time of the member’s retirement is subject to reduction  
17 under sections 5304 and 5305 of title 38, but only to the  
18 extent that the amount of the member’s retired pay under  
19 chapter 61 of this title exceeds the amount of retired pay  
20 to which the member would have been entitled under any  
21 other provision of law based upon the member’s service  
22 in the uniformed services if the member had not been re-  
23 tired under chapter 61 of this title.

24 “(c) EXCEPTION.—Subsection (a) does not apply to  
25 a member retired under chapter 61 of this title with less

1 than 20 years of service otherwise creditable under section  
2 1405 of this title at the time of the member's retirement.

3 “(d) DEFINITIONS.—In this section:

4 “(1) The term ‘retired pay’ includes retainer  
5 pay, emergency officers’ retirement pay, and naval  
6 pension.

7 “(2) The term ‘veterans’ disability compensa-  
8 tion’ has the meaning given the term ‘compensation’  
9 in section 101(13) of title 38.”.

10 (b) REPEAL OF SPECIAL COMPENSATION PRO-  
11 GRAM.—Section 1413 of such title is repealed.

12 (c) CONFORMING AMENDMENT.—Section 641(d) of  
13 the National Defense Authorization Act for Fiscal Year  
14 2002 (Public Law 107–107; 115 Stat. 1150; 10 U.S.C.  
15 1414 note) is repealed.

16 (d) CLERICAL AMENDMENTS.—The table of sections  
17 at the beginning of chapter 71 of title 10, United States  
18 Code, is amended by striking the items relating to sections  
19 1413 and 1414 and inserting the following new item:

“1414. Members eligible for retired pay who have service-connected disabilities:  
payment of retired pay and veterans’ disability compensation.”.

20 (e) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect on—

22 (1) the first day of the first month that begins  
23 after the date of the enactment of this Act; or

1           (2) the first day of the fiscal year that begins  
2           in the calendar year in which this Act is enacted, if  
3           later than the date specified in paragraph (1).

4           (f) PROHIBITION ON RETROACTIVE BENEFITS.—No  
5           benefits may be paid to any person by reason of section  
6           1414 of title 10, United States Code, as amended by sub-  
7           section (a), for any period before the effective date speci-  
8           fied in subsection (e).

9           **SEC. 642. INCREASED RETIRED PAY FOR ENLISTED RE-**  
10                           **SERVES CREDITED WITH EXTRAORDINARY**  
11                           **HEROISM.**

12           (a) AUTHORITY.—Section 12739 of title 10, United  
13           States Code, is amended—

14                   (1) by redesignating subsections (b) and (c) as  
15                   subsections (c) and (d), respectively;

16                   (2) by inserting after subsection (a) the fol-  
17                   lowing new subsection (b):

18           “(b) If an enlisted member retired under section  
19           12731 of this title has been credited by the Secretary con-  
20           cerned with extraordinary heroism in the line of duty, the  
21           member’s retired pay shall be increased by 10 percent of  
22           the amount determined under subsection (a). The Sec-  
23           retary’s determination as to extraordinary heroism is con-  
24           clusive for all purposes.”; and

1           (3) in subsection (c), as redesignated by para-  
2           graph (1), by striking “amount computed under sub-  
3           section (a),” and inserting “total amount of the  
4           monthly retired pay computed under subsections (a)  
5           and (b)”.

6           (b) EFFECTIVE DATE.—The amendments made by  
7           subsection (a) shall take effect on October 1, 2002, and  
8           shall apply with respect to retired pay for months begin-  
9           ning on or after that date.

10 **SEC. 643. EXPANDED SCOPE OF AUTHORITY TO WAIVE**  
11 **TIME LIMITATIONS ON CLAIMS FOR MILI-**  
12 **TARY PERSONNEL BENEFITS.**

13           (a) AUTHORITY.—Section 3702(e)(1) of title 31,  
14           United States Code, is amended by striking “a claim for  
15           pay, allowances, or payment for unused accrued leave  
16           under title 37 or a claim for retired pay under title 10”  
17           and inserting “a claim referred to in subsection  
18           (a)(1)(A)”.

19           (b) APPLICABILITY.—The amendment made by sub-  
20           section (a) shall apply with respect to claims presented  
21           to the Secretary of Defense under section 3702 of title  
22           31, United States Code, on or after the date of the enact-  
23           ment of this Act.

1           **Subtitle E—Other Matters**

2   **SEC. 651. ADDITIONAL AUTHORITY TO PROVIDE ASSIST-**  
3                   **ANCE FOR FAMILIES OF MEMBERS OF THE**  
4                   **ARMED FORCES.**

5           (a) **AUTHORITY.**—(1) Subchapter I of chapter 88 of  
6 title 10, United States Code, is amended by adding at the  
7 end the following new section:

8   **“§ 1788. Additional family assistance**

9           “(a) **AUTHORITY.**—The Secretary of Defense may  
10 provide for the families of members of the armed forces  
11 serving on active duty, in addition to any other assistance  
12 available for such families, any assistance that the Sec-  
13 retary considers appropriate to ensure that the children  
14 of such members obtain needed child care, education, and  
15 other youth services.

16           “(b) **PRIMARY PURPOSE OF ASSISTANCE.**—The as-  
17 sistance authorized by this section should be directed pri-  
18 marily toward providing needed family support, including  
19 child care, education, and other youth services, for chil-  
20 dren of members of the Armed Forces who are deployed,  
21 assigned to duty, or ordered to active duty in connection  
22 with a contingency operation.”.

1           (2) The table of sections at the beginning of such sub-  
 2 chapter is amended by adding at the end the following  
 3 new item:

“1788. Additional family assistance.”.

4           (b) **EFFECTIVE DATE.**—Section 1788 of title 10,  
 5 United States Code, as added by subsection (a), shall take  
 6 effect on October 1, 2002.

7 **SEC. 652. TIME LIMITATION FOR USE OF MONTGOMERY GI**  
 8                           **BILL ENTITLEMENT BY MEMBERS OF THE SE-**  
 9                           **LECTED RESERVE.**

10          (a) **EXTENSION OF LIMITATION PERIOD.**—Section  
 11 16133(a)(1) of title 10, United States Code, is amended  
 12 by striking “10-year” and inserting “14-year”.

13          (b) **EFFECTIVE DATE AND APPLICABILITY.**—The  
 14 amendment made by subsection (a) shall take effect on  
 15 October 1, 2002, and shall apply with respect to periods  
 16 of entitlement to educational assistance under chapter  
 17 1606 of title 10, United States Code, that begin on or  
 18 after October 1, 1992.

19 **SEC. 653. STATUS OF OBLIGATION TO REFUND EDU-**  
 20                           **CATIONAL ASSISTANCE UPON FAILURE TO**  
 21                           **PARTICIPATE SATISFACTORILY IN SELECTED**  
 22                           **RESERVE.**

23          Section 16135 of title 10, United States Code, is  
 24 amended by adding at the end the following new sub-  
 25 section:

1       “(c)(1) An obligation to pay a refund to the United  
2 States under subsection (a)(1)(B) in an amount deter-  
3 mined under subsection (b) is, for all purposes, a debt  
4 owed to the United States.

5       “(2) A discharge in bankruptcy under title 11 that  
6 is entered for a person less than five years after the termi-  
7 nation of the person’s enlistment or other service described  
8 in subsection (a) does not discharge the person from a  
9 debt arising under this section with respect to that enlist-  
10 ment or other service.”.

11 **SEC. 654. PROHIBITION ON ACCEPTANCE OF HONORARIA**  
12 **BY PERSONNEL AT CERTAIN DEPARTMENT**  
13 **OF DEFENSE SCHOOLS.**

14       (a) **REPEAL OF EXEMPTION.**—Section 542 of the Na-  
15 tional Defense Authorization Act for Fiscal Year 1993  
16 (Public Law 102–484; 106 Stat. 2413; 10 U.S.C. prec.  
17 2161 note) is repealed.

18       (b) **EFFECTIVE DATE AND APPLICABILITY.**—The  
19 amendment made by subsection (a) shall take effect on  
20 October 1, 2002, and shall apply with respect to appear-  
21 ances made, speeches presented, and articles published on  
22 or after that date.

1 **SEC. 655. RATE OF EDUCATIONAL ASSISTANCE UNDER**  
2 **MONTGOMERY GI BILL OF DEPENDENTS**  
3 **TRANSFERRED ENTITLEMENT BY MEMBERS**  
4 **OF THE ARMED FORCES WITH CRITICAL**  
5 **SKILLS.**

6 (a) CLARIFICATION.—Section 3020(h) of title 38,  
7 United States Code, is amended—

8 (1) in paragraph (2)—

9 (A) by striking “paragraphs (4) and (5)”  
10 and inserting “paragraphs (5) and (6)”; and

11 (B) by striking “and at the same rate”;

12 (2) by redesignating paragraphs (3) through  
13 (6) as paragraphs (4) through (7), respectively; and

14 (3) by inserting after paragraph (2) the fol-  
15 lowing new paragraph (3):

16 “(3)(A) Subject to subparagraph (B), the monthly  
17 rate of educational assistance payable to a dependent to  
18 whom entitlement is transferred under this section shall  
19 be the monthly amount payable under sections 3015 and  
20 3022 of this title to the individual making the transfer.

21 “(B) The monthly rate of assistance payable to a de-  
22 pendent under subparagraph (A) shall be subject to the  
23 provisions of section 3032 of this title, except that the pro-  
24 visions of subsection (a)(1) of that section shall not apply  
25 even if the individual making the transfer to the dependent  
26 under this section is on active duty during all or any part



1 of enrollment period of the dependent in which such enti-  
2 tlement is used.”.

3 (b) EFFECTIVE DATE.—The amendments made by  
4 subsection (a) shall take effect as if included in the enact-  
5 ment of the National Defense Authorization Act for Fiscal  
6 Year 2002 (Public Law 107–107), to which such amend-  
7 ments relate.

8 **SEC. 656. PAYMENT OF INTEREST ON STUDENT LOANS.**

9 (a) AUTHORITY.—(1) Chapter 109 of title 10, United  
10 States Code, is amended by adding at the end the fol-  
11 lowing new section:

12 **“§ 2174. Interest payment program: members on ac-  
13 tive duty**

14 “(a) AUTHORITY.—(1) The Secretary concerned may  
15 pay in accordance with this section the interest and any  
16 special allowances that accrue on one or more student  
17 loans of an eligible member of the armed forces.

18 “(2) The Secretary of a military department may ex-  
19 ercise the authority under paragraph (1) only if approved  
20 by the Secretary of Defense and subject to such require-  
21 ments, conditions, and restrictions as the Secretary of De-  
22 fense may prescribe.

23 “(b) ELIGIBLE PERSONNEL.—A member of the  
24 armed forces is eligible for the benefit under subsection  
25 (a) while the member—

1           “(1) is serving on active duty in fulfillment of  
2           the member’s first enlistment in the armed forces or,  
3           in the case of an officer, is serving on active duty  
4           and has not completed more than three years of  
5           service on active duty;

6           “(2) is the debtor on one or more unpaid loans  
7           described in subsection (c); and

8           “(3) is not in default on any such loan.

9           “(c) STUDENT LOANS.—The authority to make pay-  
10          ments under subsection (a) may be exercised with respect  
11          to the following loans:

12           “(1) A loan made, insured, or guaranteed under  
13          part B of title IV of the Higher Education Act of  
14          1965 (20 U.S.C. 1071 et seq.).

15           “(2) A loan made under part D of such title  
16          (20 U.S.C. 1087a et seq.).

17           “(3) A loan made under part E of such title  
18          (20 U.S.C. 1087aa et seq.).

19           “(d) MAXIMUM BENEFIT.—The months for which in-  
20          terest and any special allowance may be paid on behalf  
21          of a member of the armed forces under this section are  
22          any 36 consecutive months during which the member is  
23          eligible under subsection (b).

1       “(e) FUNDS FOR PAYMENTS.—Appropriations avail-  
2 able for the pay and allowances of military personnel shall  
3 be available for payments under this section.

4       “(f) COORDINATION.—(1) The Secretary of Defense  
5 and, with respect to the Coast Guard when it is not oper-  
6 ating as a service in the Navy, the Secretary of Transpor-  
7 tation shall consult with the Secretary of Education re-  
8 garding the administration of the authority under this sec-  
9 tion.

10       “(2) The Secretary concerned shall transfer to the  
11 Secretary of Education the funds necessary—

12               “(A) to pay interest and special allowances on  
13 student loans under this section (in accordance with  
14 sections 428(o) and 464(j) of the Higher Education  
15 Act of 1965 (20 U.S.C. 1078(o) and 1087dd(j));  
16 and

17               “(B) to reimburse the Secretary of Education  
18 for any reasonable administrative costs incurred by  
19 the Secretary in coordinating the program under  
20 this section with the administration of the student  
21 loan programs under parts B, D, and E of title IV  
22 of the Higher Education Act of 1965.

23       “(g) SPECIAL ALLOWANCE DEFINED.—In this sec-  
24 tion, the term ‘special allowance’ means a special allow-

1 ance that is payable under section 438 of the Higher Edu-  
2 cation Act of 1965 (20 U.S.C. 1087-1).”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by adding at the end the following  
5 new item:

“2174. Interest payment program: members on active duty.”.

6 (b) FEDERAL FAMILY EDUCATION LOANS AND DI-  
7 RECT LOANS.—(1) Subsection (c)(3) of section 428 of the  
8 Higher Education Act of 1965 (20 U.S.C. 1078) is  
9 amended—

10 (A) in clause (i) of subparagraph (A)—

11 (i) by striking “or” at the end of subclause

12 (II);

13 (ii) by inserting “or” at the end of sub-  
14 clause (III); and

15 (iii) by adding at the end the following new  
16 subclause:

17 “(IV) is eligible for interest pay-  
18 ments to be made on such loan for  
19 service in the Armed Forces under  
20 section 2174 of title 10, United States  
21 Code, and, pursuant to that eligibility,  
22 the interest is being paid on such loan  
23 under subsection (o);”;

24 (B) in clause (ii)(II) of subparagraph (A), by  
25 inserting “or (i)(IV)” after “clause (i)(II)”; and

1 (C) by striking subparagraph (C) and inserting  
2 the following:

3 “(C) shall contain provisions that specify  
4 that—

5 “(i) the form of forbearance granted  
6 by the lender pursuant to this paragraph,  
7 other than subparagraph (A)(i)(IV), shall  
8 be temporary cessation of payments, unless  
9 the borrower selects forbearance in the  
10 form of an extension of time for making  
11 payments, or smaller payments than were  
12 previously scheduled; and

13 “(ii) the form of forbearance granted  
14 by the lender pursuant to subparagraph  
15 (A)(i)(IV) shall be the temporary cessation  
16 of all payments on the loan other than  
17 payments of interest on the loan, and pay-  
18 ments of any special allowance payable  
19 with respect to the loan under section 438  
20 of this Act, that are made under sub-  
21 section (o); and”.

22 (2) Section 428 of such Act is further amended by  
23 adding at the end the following new subsection:

24 “(o) ARMED FORCES STUDENT LOAN INTEREST  
25 PAYMENT PROGRAM.—

1           “(1) **AUTHORITY.**—Using funds received by  
2 transfer to the Secretary under section 2174 of title  
3 10, United States Code, for the payment of interest  
4 and any special allowance on a loan to a member of  
5 the Armed Forces that is made, insured, or guaran-  
6 teed under this part, the Secretary shall pay the in-  
7 terest and special allowance on such loan as due for  
8 a period not in excess of 36 consecutive months. The  
9 Secretary may not pay interest or any special allow-  
10 ance on such a loan out of any funds other than  
11 funds that have been so transferred.

12           “(2) **FORBEARANCE.**—During the period in  
13 which the Secretary is making payments on a loan  
14 under paragraph (1), the lender shall grant the bor-  
15 rower forbearance in accordance with the guaranty  
16 agreement under subsection (c)(3)(A)(i)(IV).

17           “(3) **SPECIAL ALLOWANCE DEFINED.**—For the  
18 purposes of this subsection, the term ‘special allow-  
19 ance’, means a special allowance that is payable with  
20 respect to a loan under section 438 of this Act.”.

21           **(c) FEDERAL PERKINS LOANS.**—Section 464 of the  
22 Higher Education Act of 1965 (20 U.S.C. 1087dd) is  
23 amended—

24           (1) in subsection (e)—

1 (A) by striking “or” at the end of para-  
2 graph (1);

3 (B) by striking the period at the end of  
4 paragraph (2) and inserting “; or”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(3) the borrower is eligible for interest pay-  
8 ments to be made on such loan for service in the  
9 Armed Forces under section 2174 of title 10, United  
10 States Code, and, pursuant to that eligibility, the in-  
11 terest on such loan is being paid under subsection  
12 (j), except that the form of a forbearance under this  
13 paragraph shall be a temporary cessation of all pay-  
14 ments on the loan other than payments of interest  
15 on the loan that are made under subsection (j).”;  
16 and

17 (2) by adding at the end the following new sub-  
18 section:

19 “(j) ARMED FORCES STUDENT LOAN INTEREST  
20 PAYMENT PROGRAM.—

21 “(1) AUTHORITY.—Using funds received by  
22 transfer to the Secretary under section 2174 of title  
23 10, United States Code, for the payment of interest  
24 on a loan made under this part to a member of the  
25 Armed Forces, the Secretary shall pay the interest

1 on the loan as due for a period not in excess of 36  
2 consecutive months. The Secretary may not pay in-  
3 terest on such a loan out of any funds other than  
4 funds that have been so transferred.

5 “(2) FORBEARANCE.—During the period in  
6 which the Secretary is making payments on a loan  
7 under paragraph (1), the institution of higher edu-  
8 cation shall grant the borrower forbearance in ac-  
9 cordance with subsection (e)(3).”.

10 (d) EFFECTIVE DATE.—The amendments made by  
11 this section shall apply with respect to interest, and any  
12 special allowance under section 438 of the Higher Edu-  
13 cation Act of 1965, that accrue for months beginning on  
14 or after October 1, 2003, on student loans described in  
15 subsection (c) of section 2174 of title 10, United States  
16 Code (as added by subsection (a)), that were made before,  
17 on, or after such date to members of the Armed Forces  
18 who are on active duty (as defined in section 101(d) of  
19 title 10, United States Code) on or after that date.



1 **SEC. 657. MODIFICATION OF AMOUNT OF BACK PAY FOR**  
2 **MEMBERS OF NAVY AND MARINE CORPS SE-**  
3 **LECTED FOR PROMOTION WHILE INTERNED**  
4 **AS PRISONERS OF WAR DURING WORLD WAR**  
5 **II TO TAKE INTO ACCOUNT CHANGES IN CON-**  
6 **SUMER PRICE INDEX.**

7 (a) MODIFICATION.—Section 667(c) of the Floyd D.  
8 Spence National Defense Authorization Act for Fiscal  
9 Year 2001 (as enacted into law by Public Law 106–398;  
10 114 Stat. 1654A–170) is amended by adding at the end  
11 the following new paragraph:

12 “(3) The amount determined for a person under  
13 paragraph (1) shall be increased to reflect increases in  
14 cost of living since the basic pay referred to in paragraph  
15 (1)(B) was paid to or for that person, calculated on the  
16 basis of the Consumer Price Index (all items—United  
17 States city average) published monthly by the Bureau of  
18 Labor Statistics.”.

19 (b) RECALCULATION OF PREVIOUS PAYMENTS.—In  
20 the case of any payment of back pay made to or for a  
21 person under section 667 of the Floyd D. Spence National  
22 Defense Authorization Act for Fiscal Year 2001 before the  
23 date of the enactment of this Act, the Secretary of the  
24 Navy shall—

1           (1) recalculate the amount of back pay to which  
2           the person is entitled by reason of the amendment  
3           made by subsection (a); and

4           (2) if the amount of back pay, as so recal-  
5           culated, exceeds the amount of back pay so paid, pay  
6           the person, or the surviving spouse of the person, an  
7           amount equal to the excess.

## 8           **TITLE VII—HEALTH CARE**

### 9   **SEC. 701. ELIGIBILITY OF SURVIVING DEPENDENTS FOR** 10                   **TRICARE DENTAL PROGRAM BENEFITS** 11                   **AFTER DISCONTINUANCE OF FORMER EN-** 12                   **ROLLMENT.**

13           Section 1076a(k)(2) of title 10, United States Code,  
14 is amended by striking “if the dependent is enrolled on  
15 the date of the death of the members in a dental benefits  
16 plan established under subsection (a)” and inserting “if,  
17 on the date of the death of the member, the dependent  
18 is enrolled in a dental benefits plan established under sub-  
19 section (a) or is not enrolled in such a plan by reason of  
20 a discontinuance of a former enrollment under subsection  
21 (f)”.

### 22   **SEC. 702. ADVANCE AUTHORIZATION FOR INPATIENT MEN-** 23                   **TAL HEALTH SERVICES.**

24           Section 1079(i)(3) of title 10, United States Code,  
25 is amended—

1 (1) by inserting “(A)” after “(3)”;

2 (2) by striking “Except in the case of an emer-  
3 gency,” and inserting “Except as provided in sub-  
4 paragraphs (B) and (C),”; and

5 (3) by adding at the end the following new sub-  
6 paragraph:

7 “(B) Preadmission authorization for inpatient mental  
8 health services is not required under subparagraph (A) in  
9 the case of an emergency.

10 “(C) Preadmission authorization for inpatient mental  
11 health services is not required under subparagraph (A) in  
12 a case in which any benefits are payable for such services  
13 under part A of title XVIII of the Social Security Act (42  
14 U.S.C. 1395e et seq.). The Secretary shall require, how-  
15 ever, advance authorization for the continued provision of  
16 the inpatient mental health services after benefits cease  
17 to be payable for such services under part A of such title  
18 in such case.”.

19 **SEC. 703. CONTINUED TRICARE ELIGIBILITY OF DEPEND-**  
20 **ENTS RESIDING AT REMOTE LOCATIONS**  
21 **AFTER DEPARTURE OF SPONSORS FOR UN-**  
22 **ACCOMPANIED ASSIGNMENTS.**

23 Section 1079(p) of title 10, United States Code, is  
24 amended—

1           (1) in paragraph (1), by striking “dependents  
2 referred to in subsection (a) of a member of the uni-  
3 formed services referred to in section 1074(c)(3) of  
4 this title who are residing with the member” and in-  
5 serting “dependents described in paragraph (3)”;

6           (2) by redesignating paragraph (3) as para-  
7 graph (4); and

8           (3) by inserting after paragraph (2), the fol-  
9 lowing new paragraph (3):

10          “(3) This subsection applies with respect to a depend-  
11 ent referred to in subsection (a) who—

12           “(A) is a dependent of a member of the uni-  
13 formed services referred to in section 1074(c)(3) of  
14 this title and is residing with the member; or

15           “(B) is a dependent of a member who, after  
16 having served in a duty assignment described in sec-  
17 tion 1074(c)(3) of this title, has relocated without  
18 the dependent pursuant to orders for a permanent  
19 change of duty station from a remote location de-  
20 scribed in subparagraph (B)(ii) of such section  
21 where the member and the dependent resided to-  
22 gether while the member served in such assignment,  
23 if the orders do not authorize dependents to accom-  
24 pany the member to the new duty station at the ex-

1       pense of the United States and the dependent con-  
2       tinues to reside at the same remote location.”.

3       **SEC. 704. APPROVAL OF MEDICARE PROVIDERS AS**  
4                                   **TRICARE PROVIDERS.**

5       Section 1079 of title 10, United States Code, is  
6       amended by adding at the end the following new sub-  
7       section:

8           “(q) A physician or other health care practitioner who  
9       is eligible to receive reimbursement for services provided  
10      under the Medicare Program under title XVIII of the So-  
11      cial Security Act (42 U.S.C. 1395 et seq.) shall be consid-  
12      ered approved to provide medical care under this section  
13      and section 1086 of this title.”.

14      **SEC. 705. CLAIMS INFORMATION.**

15           (a) CORRESPONDENCE TO MEDICARE CLAIMS INFOR-  
16      MATION REQUIREMENTS.—Section 1095c of title 10,  
17      United States Code, is amended by adding at the end the  
18      following new subsection:

19           “(d) CORRESPONDENCE TO MEDICARE CLAIMS IN-  
20      FORMATION REQUIREMENTS.—The Secretary of Defense,  
21      in consultation with the other administering Secretaries,  
22      shall limit the requirements for information in support of  
23      claims for payment for health care items and services pro-  
24      vided under the TRICARE program so that the informa-  
25      tion required under the program is substantially the same

1 as the information that would be required for claims for  
2 reimbursement for those items and services under title  
3 XVIII of the Social Security Act (42 U.S.C. 1395 et  
4 seq.).”.

5 (b) **APPLICABILITY.**—The Secretary of Defense, in  
6 consultation with the other administering Secretaries re-  
7 ferred to in section 1072(3) of title 10, United States  
8 Code, shall apply the limitations required under subsection  
9 (d) of section 1095e of such title (as added by subsection  
10 (a)) with respect to contracts entered into under the  
11 TRICARE program on or after October 1, 2002.

12 **SEC. 706. DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE**  
13 **RETIREE HEALTH CARE FUND.**

14 (a) **SOURCE OF FUNDS FOR MONTHLY ACCRUAL**  
15 **PAYMENTS INTO THE FUND.**—Section 1116(e) of title 10,  
16 United States Code, is amended by striking “health care  
17 programs” and inserting “pay of members”.

18 (b) **MANDATORY PARTICIPATION OF OTHER UNI-**  
19 **FORMED SERVICES.**—Section 1111(e) of such title is  
20 amended—

21 (1) in the first sentence, by striking “may enter  
22 into an agreement with any other administering Sec-  
23 retary” and inserting “shall enter into an agreement  
24 with each other administering Secretary”; and

1           (2) in the second sentence, by striking “Any  
2           such” and inserting “The”.

3 **SEC. 707. TECHNICAL CORRECTIONS RELATING TO TRANSI-**  
4 **TIONAL HEALTH CARE FOR MEMBERS SEPA-**  
5 **RATED FROM ACTIVE DUTY.**

6           (a) CONTINUED APPLICABILITY TO DEPENDENTS.—  
7 Subsection (a)(1) of section 736 of the National Defense  
8 Authorization Act for Fiscal Year 2002 (Public Law 107–  
9 107; 115 Stat. 1172) is amended to read as follows:

10           “(1) in paragraph (1), by striking ‘paragraph  
11           (2), a member’ and all that follows through ‘of the  
12           member),’ and inserting ‘paragraph (3), a member  
13           of the armed forces who is separated from active  
14           duty as described in paragraph (2) (and the depend-  
15           ents of the member)’;”.

16           (b) CLARIFICATION REGARDING THE COAST  
17 GUARD.—Subsection (b)(2) of such section is amended to  
18 read as follows:

19           “(2) in subsection (e)—  
20           “(A) by striking the first sentence; and  
21           “(B) by striking ‘the Coast Guard’ in the  
22           second sentence and inserting ‘the members of  
23           the Coast Guard and their dependents’.”.

24           (c) EFFECTIVE DATE.—The amendments made by  
25 this section shall take effect as of December 28, 2001,

1 and as if included in the National Defense Authorization  
2 Act for Fiscal Year 2002 as enacted.

3 **SEC. 708. EXTENSION OF TEMPORARY AUTHORITY FOR EN-**  
4 **TERING INTO PERSONAL SERVICES CON-**  
5 **TRACTS FOR THE PERFORMANCE OF HEALTH**  
6 **CARE RESPONSIBILITIES FOR THE ARMED**  
7 **FORCES AT LOCATIONS OTHER THAN MILI-**  
8 **TARY MEDICAL TREATMENT FACILITIES.**

9 Section 1091(a)(2) of title 10, United States Code,  
10 is amended by striking “December 31, 2002” and insert-  
11 ing “December 31, 2003”.

12 **SEC. 709. RESTORATION OF PREVIOUS POLICY REGARDING**  
13 **RESTRICTIONS ON USE OF DEPARTMENT OF**  
14 **DEFENSE MEDICAL FACILITIES.**

15 Section 1093 of title 10, United States Code, is  
16 amended—

17 (1) by striking subsection (b); and

18 (2) in subsection (a), by striking “RESTRICTION  
19 ON USE OF FUNDS.—”.



1 **SEC. 710. HEALTH CARE UNDER TRICARE FOR TRICARE**  
2 **BENEFICIARIES RECEIVING MEDICAL CARE**  
3 **AS VETERANS FROM THE DEPARTMENT OF**  
4 **VETERANS AFFAIRS.**

5 Section 1097 of title 10, United States Code, is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(f) PERSONS RECEIVING MEDICAL CARE FROM THE  
9 DEPARTMENT OF VETERANS AFFAIRS.—A covered bene-  
10 ficiary who is enrolled in and seeks care under the  
11 TRICARE program may not be denied such care on the  
12 ground that the covered beneficiary is receiving health  
13 care from the Department of Veterans Affairs on an ongo-  
14 ing basis if the Department of Veterans Affairs cannot  
15 provide the covered beneficiary with the particular care  
16 sought by the covered beneficiary within the maximum pe-  
17 riod provided in the access to care standards that are ap-  
18 plicable to that particular care under TRICARE program  
19 policy.”.

1 **TITLE VIII—ACQUISITION POL-**  
 2 **ICY, ACQUISITION MANAGE-**  
 3 **MENT, AND RELATED MAT-**  
 4 **TERS**

5 **Subtitle A—Major Defense**  
 6 **Acquisition Programs**

7 **SEC. 801. BUY-TO-BUDGET ACQUISITION OF END ITEMS.**

8 (a) **AUTHORITY.**—(1) Chapter 131 of title 10, United  
 9 States Code, is amended by adding at the end the fol-  
 10 lowing new section:

11 **“§ 2228. Buy-to-budget acquisition: end items**

12 “(a) **AUTHORITY TO ACQUIRE ADDITIONAL END**  
 13 **ITEMS.**—Using funds available to the Department of De-  
 14 fense for the acquisition of an end item, the head of agen-  
 15 cy making the acquisition may acquire a higher quantity  
 16 of the end item than the quantity specified for the end  
 17 item in a law providing for the funding of that acquisition  
 18 if that head of an agency makes each of the following find-  
 19 ings:

20 “(1) The agency has an established requirement  
 21 for the end item that is expected to remain substan-  
 22 tially unchanged throughout the period of the acqui-  
 23 sition.

24 “(2) It is possible to acquire the higher quan-  
 25 tity of the end item without additional funding be-

1       cause of production efficiencies or other cost reduc-  
2       tions.

3           “(3) The amount of the funds used for the ac-  
4       quisition of the higher quantity of the end item will  
5       not exceed the amount provided under that law for  
6       the acquisition of the end item.

7           “(4) The amount so provided is sufficient to en-  
8       sure that each unit of the end item acquired within  
9       the higher quantity is fully funded as a complete end  
10      item.

11       “(b) REGULATIONS.—The Secretary of Defense shall  
12      prescribe regulations for the administration of this section.  
13      The regulations shall include, at a minimum, the fol-  
14      lowing:

15           “(1) The level of approval within the Depart-  
16      ment of Defense that is required for a decision to  
17      acquire a higher quantity of an end item under sub-  
18      section (a).

19           “(2) Authority to exceed by up to 10 percent  
20      the quantity of an end item approved in a justifica-  
21      tion and approval of the use of procedures other  
22      than competitive procedures for the acquisition of  
23      the end item under section 2304 of this title, but  
24      only to the extent necessary to acquire a quantity of

1 the end item permitted in the exercise of authority  
2 under subsection (a).

3 “(c) NOTIFICATION OF CONGRESS.—The head of an  
4 agency is not required to notify Congress in advance re-  
5 garding a decision under the authority of this section to  
6 acquire a higher quantity of an end item than is specified  
7 in a law described in subsection (a), but shall notify the  
8 congressional defense committees of the decision not later  
9 than 30 days after the date of the decision.

10 “(d) WAIVER BY OTHER LAW.—A provision of law  
11 may not be construed as prohibiting the acquisition of a  
12 higher quantity of an end item under this section unless  
13 that provision of law—

14 “(1) specifically refers to this section; and

15 “(2) specifically states that the acquisition of  
16 the higher quantity of the end item is prohibited  
17 notwithstanding the authority provided in this sec-  
18 tion.

19 “(e) DEFINITIONS.—(1) For the purposes of this sec-  
20 tion, a quantity of an end item shall be considered speci-  
21 fied in a law if the quantity is specified either in a provi-  
22 sion of that law or in any related representation that is  
23 set forth separately in a table, chart, or explanatory text  
24 included in a joint explanatory statement or governing  
25 committee report accompanying the law.

1 “(2) In this section:

2 “(A) The term ‘congressional defense com-  
3 mittees’ means—

4 “(i) the Committee on Armed Services  
5 and the Committee on Appropriations of  
6 the Senate; and

7 “(ii) the Committee on Armed Serv-  
8 ices and the Committee on Appropriations  
9 of the House of Representatives.

10 “(B) The term ‘head of an agency’ means  
11 the Secretary of Defense, the Secretary of the  
12 Army, the Secretary of the Navy, and the Sec-  
13 retary of the Air Force.”.

14 (2) The table of sections at the beginning of such  
15 chapter is amended by adding at the end the following  
16 new item:

“2228. Buy-to-budget acquisition: end items.”.

17 (b) TIME FOR ISSUANCE OF FINAL REGULATIONS.—  
18 The Secretary of Defense shall issue the final regulations  
19 under section 2228(b) of title 10, United States Code (as  
20 added by subsection (a)), not later than 120 days after  
21 the date of the enactment of this Act.

22 **SEC. 802. REPORT TO CONGRESS ON INCREMENTAL ACQUI-**  
23 **SITION OF MAJOR SYSTEMS.**

24 (a) REPORT REQUIRED.—Not later than 120 days  
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall submit to the congressional defense com-  
2 mittees a report on the approach that the Secretary plans  
3 to take to applying the requirements of chapter 144 of  
4 title 10, United States Code, sections 139, 181, 2366,  
5 2399, and 2400 of such title, Department of Defense Di-  
6 rective 5000.1, Department of Defense Instruction  
7 5000.2, and Chairman of the Joint Chiefs of Staff In-  
8 struction 3170.01B, and other provisions of law and regu-  
9 lations applicable to incremental acquisition programs.

10 (b) CONTENT OF REPORT.—The report shall, at a  
11 minimum, address the following matters:

12 (1) The manner in which the Secretary plans to  
13 establish and approve, for each increment of an in-  
14 cremental acquisition program—

15 (A) operational requirements; and

16 (B) cost and schedule goals.

17 (2) The manner in which the Secretary plans,  
18 for each increment of an incremental acquisition  
19 program—

20 (A) to meet requirements for operational  
21 testing and live fire testing;

22 (B) to monitor cost and schedule perform-  
23 ance; and

1 (C) to comply with laws requiring reports  
2 to Congress on results testing and on cost and  
3 schedule performance.

4 (3) The manner in which the Secretary plans to  
5 ensure that each increment of an incremental acqui-  
6 sition program is designed—

7 (A) to achieve interoperability within and  
8 among United States forces and United States  
9 coalition partners; and

10 (B) to optimize total system performance  
11 and minimize total ownership costs by giving  
12 appropriate consideration to—

13 (i) logistics planning;

14 (ii) manpower, personnel, and train-  
15 ing;

16 (iii) human, environmental, safety, oc-  
17 cupational health, accessibility, surviv-  
18 ability, operational continuity, and security  
19 factors;

20 (iv) protection of critical program in-  
21 formation; and

22 (v) spectrum management.

23 (c) DEFINITIONS.—In this section:

24 (1) The term “incremental acquisition pro-  
25 gram” means an acquisition program that is to be

1 conducted in discrete phases or blocks, with each  
2 phase or block consisting of the planned production  
3 and acquisition of one or more units of a major sys-  
4 tem.

5 (2) The term “increment” refers to one of the  
6 discrete phases or blocks of an incremental acquisi-  
7 tion program.

8 (3) The term “major system” has the meaning  
9 given such term in section 2302(5) of title 10,  
10 United States Code.

11 **SEC. 803. PILOT PROGRAM FOR SPIRAL DEVELOPMENT OF**  
12 **MAJOR SYSTEMS.**

13 (a) **AUTHORITY.**—The Secretary of Defense is au-  
14 thorized to conduct a pilot program for the spiral develop-  
15 ment of major systems and to designate research and de-  
16 velopment programs of the military departments and De-  
17 fense Agencies to participate in the pilot program.

18 (b) **DESIGNATION OF PARTICIPATING PROGRAMS.**—

19 (1) A research and development program for a major sys-  
20 tem of a military department or Defense Agency may be  
21 conducted as a spiral development program only if the  
22 Secretary of Defense approves a spiral development plan  
23 submitted by the Secretary of that military department  
24 or head of that Defense Agency, as the case may be, and



1 designates the program as a participant in the pilot pro-  
2 gram under this section.

3 (2) The Secretary of Defense shall submit a copy of  
4 each spiral development plan approved under this section  
5 to the congressional defense committees.

6 (c) SPIRAL DEVELOPMENT PLANS.—A spiral devel-  
7 opment plan for a participating program shall, at a min-  
8 imum, include the following matters:

9 (1) A rationale for dividing the program into  
10 separate spirals, together with a preliminary identi-  
11 fication of the spirals to be included.

12 (2) A program strategy, including overall cost,  
13 schedule, and performance goals for the total pro-  
14 gram.

15 (3) Specific cost, schedule, and performance pa-  
16 rameters, including measurable exit criteria, for the  
17 first spiral to be conducted.

18 (4) A testing plan to ensure that performance  
19 goals, parameters, and exit criteria are met.

20 (5) An appropriate limitation on the number of  
21 prototype units that may be produced under the pro-  
22 gram.

23 (6) Specific performance parameters, including  
24 measurable exit criteria, that must be met before the

1 program proceeds into production of units in excess  
2 of the limitation on the number of prototype units.

3 (d) GUIDANCE.—Not later than 120 days after the  
4 date of the enactment of this Act, the Secretary of Defense  
5 shall issue guidance for the implementation of the spiral  
6 development pilot program authorized by this section. The  
7 guidance shall, at a minimum, include the following mat-  
8 ters:

9 (1) A process for the development, review, and  
10 approval of each spiral development plan submitted  
11 by the Secretary of a military department or head  
12 of a Defense Agency.

13 (2) A process for establishing and approving  
14 specific cost, schedule, and performance parameters,  
15 including measurable exit criteria, for spirals to be  
16 conducted after the first spiral.

17 (3) Appropriate planning, testing, reporting,  
18 oversight, and other requirements to ensure that the  
19 spiral development program—

20 (A) satisfies realistic and clearly-defined  
21 performance standards, cost objectives, and  
22 schedule parameters (including measurable exit  
23 criteria for each spiral);

1           (B) achieve interoperability within and  
2 among United States forces and United States  
3 coalition partners; and

4           (C) optimize total system performance and  
5 minimize total ownership costs by giving appro-  
6 priate consideration to—

7                   (i) logistics planning;

8                   (ii) manpower, personnel, and train-  
9 ing;

10                   (iii) human, environmental, safety, oc-  
11 cupational health, accessibility, surviv-  
12 ability, operational continuity, and security  
13 factors;

14                   (iv) protection of critical program in-  
15 formation; and

16                   (v) spectrum management.

17           (4) A process for independent validation of the  
18 satisfaction of exit criteria and other relevant re-  
19 quirements.

20           (5) A process for operational testing of fieldable  
21 prototypes to be conducted before or in conjunction  
22 with the fielding of the prototypes.

23           (e) REPORTING REQUIREMENT.—The Secretary shall  
24 submit to Congress at the end of each quarter of a fiscal  
25 year a status report on each research and development

1 program that is a participant in the pilot program. The  
2 report shall contain information on unit costs that is simi-  
3 lar to the information on unit costs under major defense  
4 acquisition programs that is required to be provided to  
5 Congress under chapter 144 of title 10, United States  
6 Code, except that the information on unit costs shall ad-  
7 dress projected prototype costs instead of production  
8 costs.

9 (f) APPLICABILITY OF EXISTING LAW.—Nothing in  
10 this section shall be construed to exempt any program of  
11 the Department of Defense from the application of any  
12 provision of chapter 144 of title 10, United States Code,  
13 section 139, 181, 2366, 2399, or 2400 of such title, or  
14 any requirement under Department of Defense Directive  
15 5000.1, Department of Defense Instruction 5000.2, or  
16 Chairman of the Joint Chiefs of Staff Instruction  
17 3170.01B in accordance with the terms of such provision  
18 or requirement.

19 (g) TERMINATION OF PROGRAM PARTICIPATION.—  
20 The conduct of a participating program as a spiral devel-  
21 opment program under the pilot program shall terminate  
22 when the decision is made for the participating program  
23 to proceed into the production of units in excess of the  
24 number of prototype units permitted under the limitation

1 provided in spiral development plan for the program pur-  
2 suant to subsection (c)(5).

3 (h) TERMINATION OF PILOT PROGRAM.—(1) The au-  
4 thority to conduct a pilot program under this section shall  
5 terminate three years after the date of the enactment of  
6 this Act.

7 (2) The termination of the pilot program shall not  
8 terminate the authority of the Secretary of a military de-  
9 partment or head of a Defense Agency to continue to con-  
10 duct, as a spiral development program, any research and  
11 development program that was designated to participate  
12 in the pilot program before the date on which the pilot  
13 program terminates. In the continued conduct of such a  
14 research and development program as a spiral develop-  
15 ment program on and after such date, the spiral develop-  
16 ment plan approved for the program, the guidance issued  
17 under subsection (d), and subsections (e), (f), and (g) shall  
18 continue to apply.

19 (i) DEFINITIONS.—In this section:

20 (1) The term “spiral development program”  
21 means a research and development program that—

22 (A) is conducted in discrete phases or  
23 blocks, each of which will result in the develop-  
24 ment of fieldable prototypes; and

1 (B) will not proceed into acquisition until  
2 specific performance parameters, including  
3 measurable exit criteria, have been met.

4 (2) The term “spiral” means one of the discrete  
5 phases or blocks of a spiral development program.

6 (3) The term “major system” has the meaning  
7 given such term in section 2302(5) of title 10,  
8 United States Code.

9 (4) The term “participating program” means a  
10 research and development program that is des-  
11 ignated to participate in the pilot program under  
12 subsection (b).

13 **SEC. 804. IMPROVEMENT OF SOFTWARE ACQUISITION**  
14 **PROCESSES.**

15 (a) ESTABLISHMENT OF PROGRAMS.—(1) The Sec-  
16 retary of each military department shall establish a pro-  
17 gram to improve the software acquisition processes of that  
18 military department.

19 (2) The head of each Defense Agency that manages  
20 a major defense acquisition program with a substantial  
21 software component shall establish a program to improve  
22 the software acquisition processes of that Defense Agency.

23 (3) The programs required by this subsection shall  
24 be established not later than 120 days after the date of  
25 the enactment of this Act.

1 (b) PROGRAM REQUIREMENTS.—A program to im-  
2 prove software acquisition processes under this section  
3 shall, at a minimum, include the following:

4 (1) A documented process for software acquisi-  
5 tion planning, requirements development and man-  
6 agement, project management and oversight, and  
7 risk management.

8 (2) Efforts to develop systems for performance  
9 measurement and continual process improvement.

10 (3) A system for ensuring that each program  
11 office with substantial software responsibilities im-  
12 plements and adheres to established processes and  
13 requirements.

14 (c) DEPARTMENT OF DEFENSE GUIDANCE.—The  
15 Assistant Secretary of Defense for Command, Control,  
16 Communications, and Intelligence, in consultation with  
17 the Under Secretary of Defense for Acquisition, Tech-  
18 nology, and Logistics, shall—

19 (1) prescribe uniformly applicable guidance for  
20 the administration of all of the programs established  
21 under subsection (a) and take such actions as are  
22 necessary to ensure that the military departments  
23 and Defense Agencies comply with the guidance; and

24 (2) assist the Secretaries of the military depart-  
25 ments and the heads of the Defense Agencies to

1 carry out such programs effectively by identifying,  
2 and serving as a clearinghouse for information re-  
3 garding, best practices in software acquisition proc-  
4 esses in both the public and private sectors.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “Defense Agency” has the mean-  
7 ing given the term in section 101(a)(11) of title 10,  
8 United States Code.

9 (2) The term “major defense acquisition pro-  
10 gram” has the meaning given the term in section  
11 2430 of title 10, United States Code.

12 **SEC. 805. INDEPENDENT TECHNOLOGY READINESS ASSESS-**  
13 **MENTS.**

14 Section 804(b) of the National Defense Authorization  
15 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.  
16 1180) is amended—

17 (1) by striking “and” at the end of paragraph  
18 (1);

19 (2) by striking the period at the end of para-  
20 graph (2) and inserting “; and”; and

21 (3) by adding at the end the following new  
22 paragraph:

23 “(3) identify each case in which an authori-  
24 tative decision has been made within the Depart-  
25 ment of Defense not to conduct an independent



1 technology readiness assessment for a critical tech-  
2 nology on a major defense acquisition program and  
3 explain the reasons for the decision.”.

4 **SEC. 806. TIMING OF CERTIFICATION IN CONNECTION WITH**  
5 **WAIVER OF SURVIVABILITY AND LETHALITY**  
6 **TESTING REQUIREMENTS.**

7 (a) CERTIFICATION FOR EXPEDITED PROGRAMS.—  
8 Paragraph (1) of subsection (c) of section 2366 of title  
9 10, United States Code, is amended to read as follows:

10 “(1) The Secretary of Defense may waive the applica-  
11 tion of the survivability and lethality tests of this section  
12 to a covered system, munitions program, missile program,  
13 or covered product improvement program if the Secretary  
14 determines that live-fire testing of such system or program  
15 would be unreasonably expensive and impractical and sub-  
16 mits a certification of that determination to Congress—

17 “(A) before Milestone B approval for the sys-  
18 tem or program; or

19 “(B) in the case of a system or program initi-  
20 ated at—

21 “(i) Milestone B, as soon as is practicable  
22 after the Milestone B approval; or

23 “(ii) Milestone C, as soon as is practicable  
24 after the Milestone C approval.”.

1 (b) DEFINITIONS.—Subsection (e) of such section is  
2 amended by adding at the end the following new para-  
3 graphs:

4 “(8) The term ‘Milestone B approval’ means a  
5 decision to enter into system development and dem-  
6 onstration pursuant to guidance prescribed by the  
7 Secretary of Defense for the management of Depart-  
8 ment of Defense acquisition programs.

9 “(9) The term ‘Milestone C approval’ means a  
10 decision to enter into production and deployment  
11 pursuant to guidance prescribed by the Secretary of  
12 Defense for the management of Department of De-  
13 fense acquisition programs.”.

## 14 **Subtitle B—Procurement Policy** 15 **Improvements**

### 16 **SEC. 811. PERFORMANCE GOALS FOR CONTRACTING FOR** 17 **SERVICES.**

18 (a) INDIVIDUAL PURCHASES OF SERVICES.—Sub-  
19 section (a) of section 802 of the National Defense Author-  
20 ization Act for Fiscal Year 2002 (Public Law 107–107;  
21 10 U.S.C. 2330 note) is amended by adding at the end  
22 the following new paragraphs:

23 “(3) To support the attainment of the goals estab-  
24 lished in paragraph (2), the Department of Defense shall  
25 have the following goals:

1           “(A) To increase, as a percentage of all of the  
2 individual purchases of services made by or for the  
3 Department of Defense under multiple award con-  
4 tracts for a fiscal year (calculated on the basis of  
5 dollar value), the volume of the individual purchases  
6 of services that are made on a competitive basis and  
7 involve the receipt of two or more offers from quali-  
8 fied contractors to a percentage as follows:

9           “(i) For fiscal year 2003, a percentage not  
10 less than 50 percent.

11           “(ii) For fiscal year 2004, a percentage  
12 not less than 60 percent.

13           “(iii) For fiscal year 2011, a percentage  
14 not less than 80 percent.

15           “(B) To increase, as a percentage of all of the  
16 individual purchases of services made by or for the  
17 Department of Defense under multiple award con-  
18 tracts for a fiscal year (calculated on the basis of  
19 dollar value), the use of performance-based pur-  
20 chasing specifying firm fixed prices for the specific  
21 tasks to be performed to a percentage as follows:

22           “(i) For fiscal year 2003, a percentage not  
23 less than 30 percent.

24           “(ii) For fiscal year 2004, a percentage  
25 not less than 40 percent.

1           “(iii) For fiscal year 2005, a percentage  
2           not less than 50 percent.

3           “(iv) For fiscal year 2011, a percentage  
4           not less than 80 percent.”.

5           (b) EXTENSION AND REVISION OF REPORTING RE-  
6           QUIREMENT.—Subsection (b) of such section is  
7           amended—

8           (1) by striking “March 1, 2006”, and inserting  
9           “March 1, 2011”; and

10          (2) by adding at the end the following new  
11          paragraphs:

12           “(6) Regarding the individual purchases of  
13           services that were made by or for the Department  
14           of Defense under multiple award contracts in the fis-  
15           cal year preceding the fiscal year in which the report  
16           is required to be submitted, information (determined  
17           using the data collection system established under  
18           section 2330a of title 10, United States Code) as  
19           follows:

20           “(A) The percentage (calculated on the  
21           basis of dollar value) of such purchases that are  
22           purchases that were made on a competitive  
23           basis and involved receipt of two or more offers  
24           from qualified contractors.

1           “(B) The percentage (calculated on the  
2           basis of dollar value) of such purchases that are  
3           performance-based purchases specifying firm  
4           fixed prices for the specific tasks to be per-  
5           formed.”.

6           (c) DEFINITIONS.—Such section is further amended  
7 by adding at the end the following new subsection:

8           “(c) DEFINITIONS.—In this section:

9           “(1) The term ‘individual purchase’ means a  
10          task order, delivery order, or other purchase.

11          “(2) The term ‘multiple award contract’  
12          means—

13                 “(A) a contract that is entered into by the  
14                 Administrator of General Services under the  
15                 multiple award schedule program referred to in  
16                 section 2302(2)(C) of title 10, United States  
17                 Code;

18                 “(B) a multiple award task order contract  
19                 that is entered into under the authority of sec-  
20                 tions 2304a through 2304d of title 10, United  
21                 States Code, or sections 303H through 303K of  
22                 the Federal Property and Administrative Serv-  
23                 ices Act of 1949 (41 U.S.C. 253h through  
24                 253k); and

1           “(C) any other indefinite delivery, indefi-  
2           nite quantity contract that is entered into by  
3           the head of a Federal agency with two or more  
4           sources pursuant to the same solicitation.”.

5 **SEC. 812. GRANTS OF EXCEPTIONS TO COST OR PRICING**  
6                   **DATA CERTIFICATION REQUIREMENTS AND**  
7                   **WAIVERS OF COST ACCOUNTING STANDARDS.**

8           (a) GUIDANCE FOR EXCEPTIONS IN EXCEPTIONAL  
9 CIRCUMSTANCES.—(1) Not later than 60 days after the  
10 date of the enactment of this Act, the Secretary of Defense  
11 shall issue guidance on the circumstances under which it  
12 is appropriate to grant—

13           (A) an exception pursuant to section  
14 2306a(b)(1)(C) of title 10, United States Code, re-  
15 lating to submittal of certified contract cost and  
16 pricing data; or

17           (B) a waiver pursuant to section 26(f)(5)(B) of  
18 the Office of Federal Procurement Policy Act (41  
19 U.S.C. 422(f)(5)(B)), relating to the applicability of  
20 cost accounting standards to contracts and sub-  
21 contracts.

22           (2) The guidance shall, at a minimum, include a limi-  
23 tation that a grant of an exception or waiver referred to  
24 in paragraph (1) is appropriate with respect to a contract  
25 or subcontract, or (in the case of submittal of certified

1 cost and pricing data) a modification, only upon a deter-  
2 mination that the property or services cannot be obtained  
3 under the contract, subcontract, or modification, as the  
4 case may be, without the grant of the exception or waiver.

5 (b) SEMIANNUAL REPORT.—(1) The Secretary of De-  
6 fense shall transmit to the congressional defense commit-  
7 tees promptly after the end of each half of a fiscal year  
8 a report on the exceptions to cost or pricing data certifi-  
9 cation requirements and the waivers of applicability of cost  
10 accounting standards that, in cases described in para-  
11 graph (2), were granted during that half of the fiscal year.

12 (2) The report for a half of a fiscal year shall include  
13 an explanation of—

14 (A) each decision by the head of a procuring ac-  
15 tivity within the Department of Defense to exercise  
16 the authority under subparagraph (B) or (C) of sub-  
17 section (b)(1) of section 2306a of title 10, United  
18 States Code, to grant an exception to the require-  
19 ments of such section in the case of a contract, sub-  
20 contract, or contract or subcontract modification  
21 that is expected to have a price of \$15,000,000 or  
22 more; and

23 (B) each decision by the Secretary of Defense  
24 or the head of an agency within the Department of  
25 Defense to exercise the authority under subsection

1 (f)(5)(B) of section 26 of the Office of Federal Pro-  
2 curement Policy Act to waive the applicability of the  
3 cost accounting standards under such section in the  
4 case of a contract or subcontract that is expected to  
5 have a value of \$15,000,000 or more.

6 (c) ADVANCE NOTIFICATION OF CONGRESS.—(1)  
7 The Secretary of Defense shall transmit to the congres-  
8 sional defense committees an advance notification of—

9 (A) any decision by the head of a procuring ac-  
10 tivity within the Department of Defense to exercise  
11 the authority under subsection (b)(1)(C) of section  
12 2306a of title 10, United States Code, to grant an  
13 exception to the requirements of such section in the  
14 case of a contract, subcontract, or contract or sub-  
15 contract modification that is expected to have a  
16 price of \$75,000,000 or more; or

17 (B) any decision by the Secretary of Defense or  
18 the head of an agency within the Department of De-  
19 fense to exercise the authority under subsection  
20 (f)(5)(B) of section 26 of the Office of Federal Pro-  
21 curement Policy Act to waive the applicability of the  
22 cost accounting standards under such section to a  
23 contract or subcontract that is expected to have a  
24 value of \$75,000,000 or more.



1           (2) The notification under paragraph (1) regarding  
2 a decision to grant an exception or waiver shall be trans-  
3 mitted not later than 10 days before the exception or waiv-  
4 er is granted.

5           (d) CONTENTS OF REPORTS AND NOTIFICATIONS.—  
6 A report pursuant to subsection (b) and a notification pur-  
7 suant to subsection (c) shall include, for each grant of an  
8 exception or waiver, the following matters:

9           (1) A discussion of the justification for the  
10 grant of the exception or waiver, including at a  
11 minimum—

12                   (A) in the case of an exception granted  
13 pursuant to section 2306a(b)(1)(B) of title 10,  
14 United States Code, an explanation of the basis  
15 for the determination that the products or serv-  
16 ices to be purchased are commercial items; and

17                   (B) in the case of an exception granted  
18 pursuant to section 2306a(b)(1)(C) of such  
19 title, or a waiver granted pursuant to section  
20 26(f)(5)(B) of the Office of Federal Procure-  
21 ment Policy Act, an explanation of the basis for  
22 the determination that it would not have been  
23 possible to obtain the products or services from  
24 the offeror without the grant of the exception or  
25 waiver.

1           (2) A description of the specific steps taken or  
2           to be taken within the Department of Defense to en-  
3           sure that the price of each contract, subcontract, or  
4           modification covered by the report or notification, as  
5           the case may be, is fair and reasonable.

6           (e) **EFFECTIVE DATE.**—The requirements of this sec-  
7           tion shall apply to each exception or waiver that is granted  
8           under a provision of law referred to in subsection (a) on  
9           or after the date on which the guidance required by that  
10          subsection (a) is issued.

11 **SEC. 813. EXTENSION OF REQUIREMENT FOR ANNUAL RE-**  
12 **PORT ON DEFENSE COMMERCIAL PRICING**  
13 **MANAGEMENT IMPROVEMENT.**

14          Section 803(c)(4) of the Strom Thurmond National  
15          Defense Authorization Act for Fiscal Year 1999 (Public  
16          Law 105–261; 112 Stat. 2082; 10 U.S.C. 2306a note) is  
17          amended by striking “2000, 2001, and 2002,” and insert-  
18          ing “2000 through 2006,”.

19 **SEC. 814. INTERNAL CONTROLS ON THE USE OF PURCHASE**  
20 **CARDS.**

21          (a) **REQUIREMENT FOR ENHANCED INTERNAL CON-**  
22 **TROLS.**—Not later than 120 days after the date of the  
23          enactment of this Act, the Secretary of Defense shall take  
24          action to ensure that appropriate internal controls for the  
25          use of purchase cards issued by the Federal Government

1 to Department of Defense personnel are in place through-  
2 out the Department of Defense. At a minimum, the inter-  
3 nal controls shall include the following:

4 (1) A requirement that the receipt and accept-  
5 ance, and the documentation of the receipt and ac-  
6 ceptance, of the property or services purchased on a  
7 purchase card be verified by a Department of De-  
8 fense official who is independent of the purchaser.

9 (2) A requirement that the monthly purchase  
10 card statements of purchases on a purchase card be  
11 reviewed and certified for accuracy by an official of  
12 the Department of Defense who is independent of  
13 the purchaser.

14 (3) Specific policies limiting the number of pur-  
15 chase cards issued, with the objective of significantly  
16 reducing the number of cardholders.

17 (4) Specific policies on credit limits authorized  
18 for cardholders, with the objective of minimizing fi-  
19 nancial risk to the Federal Government.

20 (5) Specific criteria for identifying employees el-  
21 igible to be issued purchase cards, with the objective  
22 of ensuring the integrity of cardholders.

23 (6) Accounting procedures that ensure that  
24 purchase card transactions are properly recorded in  
25 Department of Defense accounting records.

1           (7) Requirements for regular internal review of  
2 purchase card statements to identify—

3           (A) potentially fraudulent, improper, and  
4 abusive purchases;

5           (B) any patterns of improper cardholder  
6 transactions, such as purchases of prohibited  
7 items; and

8           (C) categories of purchases that should be  
9 made through other mechanisms to better ag-  
10 gregate purchases and negotiate lower prices.

11       (b) TRAINING.—The Secretary of Defense shall en-  
12 sure that all Department of Defense purchase cardholders  
13 are aware of the enhanced internal controls instituted pur-  
14 suant to subsection (a).

15       (c) COMPTROLLER GENERAL REVIEW.—Not later  
16 than March 1, 2003, the Comptroller General shall—

17           (1) review the actions that have been taken  
18 within the Department of Defense to comply with  
19 the requirements of this section; and

20           (2) submit a report on the actions reviewed to  
21 the congressional defense committees.

1 **SEC. 815. ASSESSMENT REGARDING FEES PAID FOR ACQUI-**  
2 **SITIONS UNDER OTHER AGENCIES' CON-**  
3 **TRACTS.**

4 (a) REQUIREMENT FOR ASSESSMENT AND RE-  
5 PORT.—Not later than March 1, 2003, the Secretary of  
6 Defense shall carry out an assessment to determine the  
7 total amount paid by the Department of Defense as fees  
8 for the acquisition of property and services by the Depart-  
9 ment of Defense under contracts between other depart-  
10 ments and agencies of the Federal Government and the  
11 sources of the property and services in each of fiscal years  
12 2000, 2001, and 2002, and submit a report on the results  
13 of the assessment to Congress.

14 (b) CONTENT OF REPORT.—The report shall include  
15 the Secretary's views on what, if any, actions should be  
16 taken within the Department of Defense to reduce the  
17 total amount of the annual expenditures on fees described  
18 in subsection (a) and to use the amounts saved for other  
19 authorized purposes.

20 **SEC. 816. PILOT PROGRAM FOR TRANSITION TO FOLLOW-**  
21 **ON CONTRACTS FOR CERTAIN PROTOTYPE**  
22 **PROJECTS.**

23 Section 845 of the National Defense Authorization  
24 Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amend-  
25 ed by—

1           (1) redesignating subsections (e), (f), and (g) as  
2           subsections (f), (g), and (h), respectively; and

3           (2) inserting after subsection (d) the following  
4           new subsection (e):

5           “(e) PILOT PROGRAM FOR TRANSITION TO FOLLOW-  
6           ON CONTRACTS.—(1) The Secretary of Defense is author-  
7           ized to carry out a pilot program for follow-on contracting  
8           for the production of items or processes that are developed  
9           by nontraditional defense contractors under prototype  
10          projects carried out under this section.

11          “(2) Under the pilot program—

12                 “(A) a qualifying contract for the procurement  
13                 of such an item or process, or a qualifying sub-  
14                 contract under a contract for the procurement of  
15                 such an item or process, may be treated as a con-  
16                 tract or subcontract, respectively, for the procure-  
17                 ment of commercial items, as defined in section  
18                 4(12) of the Office of Federal Procurement Policy  
19                 Act (41 U.S.C. 403(12)); and

20                 “(B) the item or process may be treated as an  
21                 item or process, respectively, that is developed in  
22                 part with Federal funds and in part at private ex-  
23                 pense for the purposes of section 2320 of title 10,  
24                 United States Code.

1       “(3) For the purposes of the pilot program, a quali-  
2 fying contract or subcontract is a contract or subcontract,  
3 respectively, with a nontraditional defense contractor  
4 that—

5               “(A) does not exceed \$20,000,000; and

6               “(B) is either—

7                       “(i) a firm, fixed-price contract or sub-  
8 contract; or

9                       “(ii) a fixed-price contract or subcontract  
10 with economic price adjustment.

11       “(4) The authority to conduct a pilot program under  
12 this subsection shall terminate on September 30, 2005.  
13 The termination of the authority shall not affect the valid-  
14 ity of contracts or subcontracts that are awarded or modi-  
15 fied during the period of the pilot program, without regard  
16 to whether the contracts or subcontracts are performed  
17 during the period.”.

18 **SEC. 817. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR**

19 **CONTENT REQUIREMENTS.**

20       (a) **AUTHORITY.**—Subchapter V of chapter 148 of  
21 title 10, United States Code, is amended by adding at the  
22 end the following new section:

1 **“§ 2539c. Waiver of domestic source or content re-**  
2 **quirements**

3 “(a) *AUTHORITY*.—Except as provided in subsection  
4 (f), the Secretary of Defense may waive the application  
5 of any domestic source requirement or domestic content  
6 requirement referred to in subsection (b) and thereby au-  
7 thorize the procurement of items that are grown, repro-  
8 cessed, reused, produced, or manufactured—

9 “(1) in a foreign country that has a reciprocal  
10 defense procurement memorandum of understanding  
11 or agreement with the United States;

12 “(2) in a foreign country that has a reciprocal  
13 defense procurement memorandum of understanding  
14 or agreement with the United States substantially  
15 from components and materials grown, reprocessed,  
16 reused, produced, or manufactured in the United  
17 States or any foreign country that has a reciprocal  
18 defense procurement memorandum of understanding  
19 or agreement with the United States; or

20 “(3) in the United States substantially from  
21 components and materials grown, reprocessed, re-  
22 used, produced, or manufactured in the United  
23 States or any foreign country that has a reciprocal  
24 defense procurement memorandum of understanding  
25 or agreement with the United States.



1       “(b) COVERED REQUIREMENTS.—For purposes of  
2 this section:

3           “(1) A domestic source requirement is any re-  
4 quirement under law that the Department of De-  
5 fense satisfy its requirements for an item by pro-  
6 curing an item that is grown, reprocessed, reused,  
7 produced, or manufactured in the United States or  
8 by a manufacturer that is a part of the national  
9 technology and industrial base (as defined in section  
10 2500(1) of this title).

11           “(2) A domestic content requirement is any re-  
12 quirement under law that the Department of De-  
13 fense satisfy its requirements for an item by pro-  
14 curing an item produced or manufactured partly or  
15 wholly from components and materials grown, re-  
16 processed, reused, produced, or manufactured in the  
17 United States.

18       “(c) APPLICABILITY.—The authority of the Secretary  
19 to waive the application of a domestic source or content  
20 requirements under subsection (a) applies to the procure-  
21 ment of items for which the Secretary of Defense deter-  
22 mines that—

23           “(1) application of the requirement would im-  
24 pede the reciprocal procurement of defense items  
25 under a memorandum of understanding providing

1 for reciprocal procurement of defense items between  
2 a foreign country and the United States in accord-  
3 ance with section 2531 of this title; and

4 “(2) such country does not discriminate against  
5 defense items produced in the United States to a  
6 greater degree than the United States discriminates  
7 against defense items produced in that country.

8 “(d) LIMITATION ON DELEGATION.—The authority  
9 of the Secretary to waive the application of domestic  
10 source or content requirements under subsection (a) may  
11 not be delegated to any officer or employee other than the  
12 Under Secretary of Defense for Acquisition, Technology  
13 and Logistics.

14 “(e) CONSULTATIONS.—The Secretary may grant a  
15 waiver of the application of a domestic source or content  
16 requirement under subsection (a) only after consultation  
17 with the United States Trade Representative, the Sec-  
18 retary of Commerce, and the Secretary of State.

19 “(f) LAWS NOT WAIVABLE.—The Secretary of De-  
20 fense may not exercise the authority under subsection (a)  
21 to waive any domestic source or content requirement con-  
22 tained in any of the following laws:

23 “(1) The Small Business Act (15 U.S.C. 631 et  
24 seq.).

1           “(2) The Javits-Wagner-O’Day Act (41 U.S.C.  
2           et seq.).

3           “(3) Sections 7309 and 7310 of this title.

4           “(4) Section 2533a of this title.

5           “(g) RELATIONSHIP TO OTHER WAIVER AUTHOR-  
6           ITY.—The authority under subsection (a) to waive a do-  
7           mestic source requirement or domestic content require-  
8           ment is in addition to any other authority to waive such  
9           requirement.

10          “(h) CONSTRUCTION WITH RESPECT TO LATER EN-  
11          ACTED LAWS.—This section may not be construed as  
12          being inapplicable to a domestic source requirement or do-  
13          mestic content requirement that is set forth in a law en-  
14          acted after the enactment of this section solely on the  
15          basis of the later enactment.”.

16          (b) CLERICAL AMENDMENT.—The table of sections  
17          at the beginning of such subchapter is amended by insert-  
18          ing after the item relating to section 2539b the following  
19          new item:

          “2539e. Waiver of domestic source or content requirements.”.

1           **Subtitle C—Other Matters**

2   **SEC. 821. EXTENSION OF THE APPLICABILITY OF CERTAIN**  
3                   **PERSONNEL DEMONSTRATION PROJECT EX-**  
4                   **CEPTIONS TO AN ACQUISITION WORKFORCE**  
5                   **DEMONSTRATION PROJECT.**

6           Section 4308(b)(3)(B) of the National Defense Au-  
7   thorization Act for Fiscal Year 1996 (Public Law 104–  
8   106; 10 U.S.C. 1701 note) is amended to read as follows:

9                   “(B) commences before November 18,  
10                   2007.”.

11   **SEC. 822. MORATORIUM ON REDUCTION OF THE DEFENSE**  
12                   **ACQUISITION AND SUPPORT WORKFORCE.**

13           (a) **PROHIBITION.**—Notwithstanding any other provi-  
14   sion of law, the defense acquisition and support workforce  
15   may not be reduced, during fiscal years 2003, 2004, and  
16   2005, below the level of that workforce as of September  
17   30, 2002, determined on the basis of full-time equivalent  
18   positions.

19           (b) **WAIVER AUTHORITY.**—The Secretary of Defense  
20   may waive the prohibition in subsection (a) and reduce  
21   the level of the defense acquisition and support workforce  
22   upon submitting to Congress the Secretary’s certification  
23   that the defense acquisition and support workforce, at the  
24   level to which reduced, will be able efficiently and effec-  
25   tively to perform the workloads that are required of that

1 workforce consistent with the cost-effective management  
2 of the defense acquisition system to obtain best value  
3 equipment and with ensuring military readiness.

4 (c) DEFENSE ACQUISITION AND SUPPORT WORK-  
5 FORCE DEFINED.—In this section, the term “defense ac-  
6 quisition and support workforce” means Armed Forces  
7 and civilian personnel who are assigned to, or are em-  
8 ployed in, an organization of the Department of Defense  
9 that is—

10 (1) an acquisition organization specified in De-  
11 partment of Defense Instruction 5000.58, dated  
12 January 14, 1992; or

13 (2) an organization not so specified that has ac-  
14 quisition as its predominant mission, as determined  
15 by the Secretary of Defense.

16 **SEC. 823. EXTENSION OF CONTRACT GOAL FOR SMALL DIS-**  
17 **ADVANTAGED BUSINESSES AND CERTAIN IN-**  
18 **STITUTIONS OF HIGHER EDUCATION.**

19 Section 2323(k) of title 10, United States Code, is  
20 amended by striking “2003” both places it appears and  
21 inserting “2006”.

1 **SEC. 824. MENTOR-PROTEGE PROGRAM ELIGIBILITY FOR**  
2 **HUBZONE SMALL BUSINESS CONCERNS AND**  
3 **SMALL BUSINESS CONCERNS OWNED AND**  
4 **CONTROLLED BY SERVICE-DISABLED VET-**  
5 **ERANS.**

6 Section 831(m)(2) of the National Defense Author-  
7 ization Act for Fiscal Year 1991 (10 U.S.C. 2302 note),  
8 is amended—

9 (1) by striking “or” at the end of subparagraph  
10 (D);

11 (2) by striking the period at the end of sub-  
12 paragraph (E) and inserting a semicolon; and

13 (3) by adding at the end the following new sub-  
14 paragraphs:

15 “(F) a qualified HUBZone small business  
16 concern, within the meaning of section 3(p)(5)  
17 of the Small Business Act (15 U.S.C.  
18 632(p)(5)); or

19 “(G) a small business concern owned and  
20 controlled by service-disabled veterans, as de-  
21 fined in section 3(q)(2) of the Small Business  
22 Act (15 U.S.C. 632(q)(2)).”

1 **SEC. 825. REPEAL OF REQUIREMENTS FOR CERTAIN RE-**  
2 **VIEWS BY THE COMPTROLLER GENERAL.**

3 The following provisions of the National Defense Au-  
4 thorization Act for Fiscal Year 1996 (Public Law 104-  
5 106) are repealed:

6 (1) Section 912(d) (110 Stat. 410; 10 U.S.C.  
7 2216 note), relating to Comptroller General reviews  
8 of the administration of the Defense Modernization  
9 Account.

10 (2) Section 5312(e) (110 Stat. 695; 40 U.S.C.  
11 1492), relating to Comptroller General monitoring of  
12 a pilot program for solutions-based contracting for  
13 acquisition of information technology.

14 (3) Section 5401(c)(3) (110 Stat. 697; 40  
15 U.S.C. 1501), relating to a Comptroller General re-  
16 view and report regarding a pilot program to test  
17 streamlined procedures for the procurement of infor-  
18 mation technology products and services available  
19 for ordering through multiple award schedules.

20 **SEC. 826. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
21 **PURCHASE OF DINITROGEN TETROXIDE, HY-**  
22 **DRAZINE, AND HYDRAZINE-RELATED PROD-**  
23 **UCTS.**

24 (a) IN GENERAL.—Chapter 141 of title 10, United  
25 States Code, is amended by inserting after section 2410n  
26 the following new section:

1 **“§ 2410o. Multiyear procurement authority: purchase**  
 2 **of dinitrogen tetroxide, hydrazine, and**  
 3 **hydrazine-related products**

4 “(a) TEN-YEAR CONTRACT PERIOD.—The Secretary  
 5 of Defense may enter into a contract for a period of up  
 6 to 10 years for the purchase of dinitrogen tetroxide, hy-  
 7 drazone, and hydrazine-related products for the support of  
 8 a United States national security program or a United  
 9 States space program.

10 “(b) EXTENSIONS.—A contract entered into for more  
 11 than one year under the authority of subsection (a) may  
 12 be extended for a total of not more than 10 years pursuant  
 13 to any option or options set forth in the contract.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
 15 at the beginning of chapter 141 is amended by adding at  
 16 the end the following item:

“2410o. Multiyear procurement authority: purchase of dinitrogen tetroxide, hy-  
 drazone, and hydrazine-related products.”.

17 **SEC. 827. MULTIYEAR PROCUREMENT AUTHORITY FOR EN-**  
 18 **VIRONMENTAL SERVICES FOR MILITARY IN-**  
 19 **STALLATIONS.**

20 (a) AUTHORITY.—Subsection (b) of section 2306c of  
 21 title 10, United States Code, is amended by adding at the  
 22 end the following new paragraph:

23 “(5) Environmental remediation services for—  
 24 “(A) an active military installation;



1           “(B) a military installation being closed or  
2           realigned under a base closure law; or

3           “(C) a site formerly used by the Depart-  
4           ment of Defense.”.

5           (b) DEFINITIONS.—Such section is further amended  
6 by adding at the end the following new subsection:

7           “(g) ADDITIONAL DEFINITIONS.—In this section:

8           “(1) The term ‘base closure law’ has the mean-  
9           ing given such term in section 2667(h)(2) of this  
10          title.

11          “(2) The term ‘military installation’ has the  
12          meaning given such term in section 2801(c)(2) of  
13          this title.”.

14 **SEC. 828. INCREASED MAXIMUM AMOUNT OF ASSISTANCE**  
15                   **FOR TRIBAL ORGANIZATIONS OR ECONOMIC**  
16                   **ENTERPRISES CARRYING OUT PROCURE-**  
17                   **MENT TECHNICAL ASSISTANCE PROGRAMS**  
18                   **IN TWO OR MORE SERVICE AREAS.**

19          Section 2414(a)(4) of title 10, United States Code,  
20 is amended by striking “\$300,000” and inserting  
21 “\$600,000”.

1 **SEC. 829. AUTHORITY FOR NONPROFIT ORGANIZATIONS TO**  
2 **SELF-CERTIFY ELIGIBILITY FOR TREATMENT**  
3 **AS QUALIFIED ORGANIZATIONS EMPLOYING**  
4 **SEVERELY DISABLED UNDER MENTOR-PRO-**  
5 **TEGE PROGRAM.**

6 Section 831 of the National Defense Authorization  
7 Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amend-  
8 ed by adding at the end the following new subsection:

9 “(n) SELF-CERTIFICATION OF NONPROFIT ORGANI-  
10 ZATIONS AS QUALIFIED ORGANIZATIONS EMPLOYING THE  
11 SEVERELY DISABLED.—(1) The Secretary of Defense  
12 may, in accordance with such requirements as the Sec-  
13 retary may establish, permit a business entity operating  
14 on a non-profit basis to self-certify its eligibility for treat-  
15 ment as a qualified organization employing the severely  
16 disabled under subsection (m)(2)(D).

17 “(2) The Secretary shall treat any entity described  
18 in paragraph (1) that submits a self-certification under  
19 that paragraph as a qualified organization employing the  
20 severely disabled until the Secretary receives evidence, if  
21 any, that such entity is not described by paragraph (1)  
22 or does not merit treatment as a qualified organization  
23 employing the severely disabled in accordance with appli-  
24 cable provisions of subsection (m).

25 “(3) Paragraphs (1) and (2) shall cease to be effec-  
26 tive on the effective date of regulations prescribed by the

1 Small Business Administration under this section setting  
2 forth a process for the certification of business entities as  
3 eligible for treatment as a qualified organization employ-  
4 ing the severely disabled under subsection (m)(2)(D).”.

5 **SEC. 830. REPORT ON EFFECTS OF ARMY CONTRACTING**  
6 **AGENCY.**

7 (a) IN GENERAL.—The Secretary of the Army shall  
8 submit a report on the effects of the establishment of an  
9 Army Contracting Agency on small business participation  
10 in Army procurements during the first year of operation  
11 of such an agency to—

12 (1) the Committee on Armed Services of the  
13 House of Representatives;

14 (2) the Committee on Armed Services of the  
15 Senate;

16 (3) the Committee on Small Business of the  
17 House of Representatives; and

18 (4) the Committee on Small Business and En-  
19 trepreneurship of the Senate.

20 (b) CONTENT.—The report required under subsection  
21 (a) shall include, in detail—

22 (1) the justification for the establishment of an  
23 Army Contracting Agency;

24 (2) the impact of the creation of an Army Con-  
25 tracting Agency on—

1 (A) Army compliance with—

2 (i) Department of Defense Directive  
3 4205.1;

4 (ii) section 15(g) of the Small Busi-  
5 ness Act (15 U.S.C. 644(g)); and

6 (iii) section 15(k) of the Small Busi-  
7 ness Act (15 U.S.C. 644(k));

8 (B) small business participation in Army  
9 procurement of products and services for af-  
10 fected Army installations, including—

11 (i) the impact on small businesses lo-  
12 cated near Army installations, including—

13 (I) the increase or decrease in  
14 the total value of Army prime con-  
15 tracting with local small businesses;  
16 and

17 (II) the opportunities for small  
18 business owners to meet and interact  
19 with Army procurement personnel;  
20 and

21 (ii) any change or projected change in  
22 the use of consolidated contracts and bun-  
23 dled contracts; and

24 (3) a description of the Army's plan to address  
25 any negative impact on small business participation

1 in Army procurement, to the extent such impact is  
2 identified in the report.

3 (c) TIME FOR SUBMISSION.—The report under this  
4 section shall be due 15 months after the date of the estab-  
5 lishment of the Army Contracting Agency.

6 **TITLE IX—DEPARTMENT OF DE-**  
7 **FENSE ORGANIZATION AND**  
8 **MANAGEMENT**

9 **SEC. 901. TIME FOR SUBMITTAL OF REPORT ON QUADREN-**  
10 **NIAL DEFENSE REVIEW.**

11 Section 118(d) of title 10, United States Code, is  
12 amended by striking “not later than September 30 of the  
13 year in which the review is conducted” in the second sen-  
14 tence and inserting “in the year following the year in  
15 which the review is conducted, but not later than the date  
16 on which the President submits the budget for the next  
17 fiscal year to Congress under section 1105(a) of title 31”.

18 **SEC. 902. INCREASED NUMBER OF DEPUTY COMMANDANTS**  
19 **AUTHORIZED FOR THE MARINE CORPS.**

20 Section 5045 of title 10, United States Code, is  
21 amended by striking “five” and inserting “six”.

22 **SEC. 903. BASE OPERATING SUPPORT FOR FISHER HOUSES.**

23 (a) EXPANSION OF REQUIREMENT TO INCLUDE  
24 ARMY AND AIR FORCE.—Section 2493(f) of title 10,  
25 United States Code, is amended to read as follows:

1       “(f) **BASE OPERATING SUPPORT.**—The Secretary of  
2 the military department concerned shall provide base oper-  
3 ating support for Fisher Houses associated with health  
4 care facilities of that military department.”.

5       (b) **EFFECTIVE DATE.**—The amendment made by  
6 subsection (a) shall take effect on October 1, 2002.

7 **SEC. 904. PREVENTION AND MITIGATION OF CORROSION.**

8       (a) **ESTABLISHMENT.**—Not later than 120 days after  
9 the date of the enactment of this Act, the Secretary of  
10 Defense shall designate an officer or employee of the De-  
11 partment of Defense as the senior official responsible  
12 (after the Secretary of Defense and the Under Secretary  
13 of Defense for Acquisition, Technology, and Logistics) for  
14 the prevention and mitigation of corrosion of the military  
15 equipment and infrastructure of the Department. The des-  
16 igned official shall report directly to the Under Sec-  
17 retary of Defense for Acquisition, Technology, and Logis-  
18 tics.

19       (b) **DUTIES.**—The official designated under sub-  
20 section (a) shall direct and coordinate initiatives through-  
21 out the Department of Defense to prevent and mitigate  
22 corrosion of the military equipment and infrastructure of  
23 the Department, including efforts to facilitate the preven-  
24 tion and mitigation of corrosion through—

1           (1) development and recommendation of policy  
2 guidance on the prevention and mitigation of corro-  
3 sion which the Secretary of Defense shall issue;

4           (2) review of the annual budget proposed for  
5 the prevention and mitigation of corrosion by the  
6 Secretary of each military department and submittal  
7 of recommendations regarding the proposed budget  
8 to the Secretary of Defense;

9           (3) direction and coordination of the efforts  
10 within the Department of Defense to prevent or  
11 mitigate corrosion during—

12                 (A) the design, acquisition, and mainte-  
13 nance of military equipment; and

14                 (B) the design, construction, and mainte-  
15 nance of infrastructure; and

16           (4) monitoring of acquisition practices—

17                 (A) to ensure that the use of corrosion pre-  
18 vention technologies and the application of cor-  
19 rosion prevention treatments are fully consid-  
20 ered during research and development in the  
21 acquisition process; and

22                 (B) to ensure that, to the extent deter-  
23 mined appropriate in each acquisition program,  
24 such technologies and treatments are incor-  
25 porated into the program, particularly during

1           the engineering and design phases of the acqui-  
2           sition process.

3           (c) INTERIM REPORT.—When the President submits  
4 the budget for fiscal year 2004 to Congress pursuant to  
5 section 1105(a) of title 31, United States Code, the Sec-  
6 retary of Defense shall submit to Congress a report re-  
7 garding the actions taken under this section. The report  
8 shall include the following matters:

9           (1) The organizational structure for the per-  
10          sonnel carrying out the responsibilities of the official  
11          designated under subsection (a) with respect to the  
12          prevention and mitigation of corrosion.

13          (2) An outline and milestones for developing a  
14          long-term corrosion prevention and mitigation strat-  
15          egy.

16          (d) LONG-TERM STRATEGY.—(1) Not later than one  
17 year after the date of the enactment of this Act, the Sec-  
18 retary of Defense shall submit to Congress a long-term  
19 strategy to reduce corrosion and the effects of corrosion  
20 on the military equipment and infrastructure of the De-  
21 partment of Defense.

22          (2) The strategy shall provide for the following ac-  
23 tions:



1           (A) Expanding the emphasis on corrosion pre-  
2           vention and mitigation to include coverage of infra-  
3           structure.

4           (B) Applying uniformly throughout the Depart-  
5           ment of Defense requirements and criteria for the  
6           testing and certification of new technologies for the  
7           prevention of corrosion.

8           (C) Implementing programs, including pro-  
9           grams supporting databases, to foster the collection  
10          and analysis of—

11           (i) data useful for determining the extent  
12           of the effects of corrosion on the maintenance  
13           and readiness of military equipment and infra-  
14           structure; and

15           (ii) data on the costs associated with the  
16           prevention and mitigation of corrosion.

17          (D) Implementing programs, including sup-  
18          porting databases, to ensure that a focused and co-  
19          ordinated approach is taken throughout the Depart-  
20          ment of Defense to collect, review, validate, and dis-  
21          tribute information on proven methods and products  
22          that are relevant to the prevention of corrosion of  
23          military equipment and infrastructure.

1           (E) Implementing a program to identify specific  
2 funding in future budgets for the total life cycle  
3 costs of the prevention and mitigation of corrosion.

4           (F) Establishing a coordinated research and de-  
5 velopment program for the prevention and mitiga-  
6 tion of corrosion for new and existing military equip-  
7 ment and infrastructure that includes a plan to  
8 transition new corrosion prevention technologies into  
9 operational systems.

10         (3) The strategy shall also include, for the actions  
11 provided for pursuant to paragraph (2), the following:

12           (A) Policy guidance.

13           (B) Performance measures and milestones.

14           (C) An assessment of the necessary program  
15 management resources and necessary financial re-  
16 sources.

17         (e) GAO REVIEWS.—The Comptroller General shall  
18 monitor the implementation of the long-term strategy re-  
19 quired under subsection (d) and, not later than 18 months  
20 after the date of the enactment of this Act, submit to Con-  
21 gress an assessment of the extent to which the strategy  
22 has been implemented.

23         (f) DEFINITIONS.—In this section:



1 half of the Institute, accept foreign gifts or donations in  
2 order to defray the costs of, or enhance the operation of,  
3 the Institute.

4 “(2) Funds received by the Secretary under para-  
5 graph (1) shall be credited to appropriations available for  
6 the Department of Defense for the Institute. Funds so  
7 credited shall be merged with the appropriations to which  
8 credited and shall be available for the Institute for the  
9 same purposes and same period as the appropriations with  
10 which merged.

11 “(3) The Secretary of Defense shall notify Congress  
12 if the total amount of money accepted under paragraph  
13 (1) exceeds \$1,000,000 in any fiscal year. Any such notice  
14 shall list each of the contributors of such money and the  
15 amount of each contribution in such fiscal year.

16 “(4) For the purposes of this subsection, a foreign  
17 gift or donation is a gift or donation of funds, materials  
18 (including research materials), property, or services (in-  
19 cluding lecture services and faculty services) from a for-  
20 eign government, a foundation or other charitable organi-  
21 zation in a foreign country, or an individual in a foreign  
22 country.”.

23 (b) CONTENT OF ANNUAL REPORT TO CONGRESS.—  
24 Subsection (i) of such section, as redesignated by sub-  
25 section (a)(1), is amended by inserting after the first sen-

1 tence the following: “The report shall include a copy of  
2 the latest report of the Board of Visitors received by the  
3 Secretary under subsection (e)(5), together with any com-  
4 ments of the Secretary on the Board’s report.”.

5 **SEC. 906. VETERINARY CORPS OF THE ARMY.**

6 (a) COMPOSITION AND ADMINISTRATION.—(1) Chap-  
7 ter 307 of title 10, United States Code, is amended by  
8 inserting after section 3070 the following new section  
9 3071:

10 **“§ 3071. Veterinary Corps: composition; Chief and as-  
11 sistant chief; appointment; grade**

12 “(a) COMPOSITION.—The Veterinary Corps consists  
13 of the Chief and assistant chief of that corps and other  
14 officers in grades prescribed by the Secretary of the Army.

15 “(b) CHIEF.—The Secretary of the Army shall ap-  
16 point the Chief from the officers of the Regular Army in  
17 that corps whose regular grade is above lieutenant colonel  
18 and who are recommended by the Surgeon General. An  
19 appointee who holds a lower regular grade may be ap-  
20 pointed in the regular grade of brigadier general. The  
21 Chief serves during the pleasure of the Secretary, but not  
22 for more than four years, and may not be reappointed to  
23 the same position.

24 “(c) ASSISTANT CHIEF.—The Surgeon General shall  
25 appoint the assistant chief from the officers of the Regular

1 Army in that corps whose regular grade is above lieuten-  
2 ant colonel. The assistant chief serves during the pleasure  
3 of the Surgeon General, but not for more than four years  
4 and may not be reappointed to the same position.”.

5 (2) The table of sections at the beginning of such  
6 chapter is amended by inserting after the item relating  
7 to section 3070 the following new item:

“3071. Veterinary Corps: composition; Chief and assistant chief; appointment;  
grade.”.

8 (b) EFFECTIVE DATE.—Section 3071 of title 10,  
9 United States Code, as added by subsection (a), shall take  
10 effect on October 1, 2002.

11 **SEC. 907. UNDER SECRETARY OF DEFENSE FOR INTEL-**  
12 **LIGENCE.**

13 (a) ESTABLISHMENT OF POSITION.—Chapter 4 of  
14 title 10, United States Code, is amended—

15 (1) by transferring section 137 within such  
16 chapter to appear following section 138;

17 (2) by redesignating sections 137 and 139 as  
18 sections 139 and 139a, respectively; and

19 (3) by inserting after section 136a the following  
20 new section 137:

21 **“§ 137. Under Secretary of Defense for Intelligence**

22 “(a) There is an Under Secretary of Defense for In-  
23 telligence, appointed from civilian life by the President,  
24 by and with the advice and consent of the Senate.

1       “(b) Subject to the authority, direction, and control  
2 of the Secretary of Defense, the Under Secretary of De-  
3 fense for Intelligence shall perform such duties and exer-  
4 cise such powers as the Secretary of Defense may pre-  
5 scribe in the area of intelligence.

6       “(c) The Under Secretary of Defense for Personnel  
7 and Readiness takes precedence in the Department of De-  
8 fense after the Under Secretary of Defense for Personnel  
9 and Readiness.”.

10       (b) CONFORMING AMENDMENTS.—(1) Section 131 of  
11 such title is amended—

12           (A) by striking paragraphs (2), (3), (4), and  
13 (5), and inserting the following:

14           “(2) The Under Secretaries of Defense, as fol-  
15 lows:

16                   “(A) The Under Secretary of Defense for  
17 Acquisition, Technology, and Logistics.

18                   “(B) The Under Secretary of Defense for  
19 Policy.

20                   “(C) The Under Secretary of Defense  
21 (Comptroller).

22                   “(D) The Under Secretary of Defense for  
23 Personnel and Readiness.

24                   “(E) The Under Secretary of Defense for  
25 Intelligence.”; and

1 (B) by redesignating paragraphs (6), (7), (8),  
 2 (9), (10), and (11) as paragraphs (3), (4), (5), (6),  
 3 (7), and (8), respectively.

4 (2) The table of sections at the beginning of chapter  
 5 4 of such title is amended—

6 (A) by striking the item relating to section 137  
 7 and inserting the following:

“137. Under Secretary of Defense for Intelligence.”;

8 and

9 (B) by striking the item relating to section 139  
 10 and inserting the following:

“139. Director of Research and Engineering.

“139a. Director of Operational Test and Evaluation.”.

11 (c) EXECUTIVE LEVEL III.—Section 5314 of title 5,  
 12 United States Code, is amended by inserting after “Under  
 13 Secretary of Defense for Personnel and Readiness.” the  
 14 following:

15 “Under Secretary of Defense for Intelligence.”.

## 16 **TITLE X—GENERAL PROVISIONS**

### 17 **Subtitle A—Financial Matters**

#### 18 **SEC. 1001. TRANSFER AUTHORITY.**

19 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

20 (1) Upon determination by the Secretary of Defense that  
 21 such action is necessary in the national interest, the Sec-  
 22 retary may transfer amounts of authorizations made avail-  
 23 able to the Department of Defense in this division for fis-



1 cal year 2003 between any such authorizations for that  
2 fiscal year (or any subdivisions thereof). Amounts of au-  
3 thorizations so transferred shall be merged with and be  
4 available for the same purposes as the authorization to  
5 which transferred.

6 (2) The total amount of authorizations that the Sec-  
7 retary may transfer under the authority of this section  
8 may not exceed \$2,500,000,000.

9 (b) LIMITATIONS.—The authority provided by this  
10 section to transfer authorizations—

11 (1) may only be used to provide authority for  
12 items that have a higher priority than the items  
13 from which authority is transferred; and

14 (2) may not be used to provide authority for an  
15 item that has been denied authorization by Con-  
16 gress.

17 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
18 transfer made from one account to another under the au-  
19 thority of this section shall be deemed to increase the  
20 amount authorized for the account to which the amount  
21 is transferred by an amount equal to the amount trans-  
22 ferred.

23 (d) NOTICE TO CONGRESS.—The Secretary shall  
24 promptly notify Congress of each transfer made under  
25 subsection (a).

1 **SEC. 1002. REALLOCATION OF AUTHORIZATIONS OF APPRO-**  
2 **PRIATIONS FROM BALLISTIC MISSILE DE-**  
3 **FENSE TO SHIPBUILDING.**

4 (a) AMOUNT.—Notwithstanding any other provision  
5 of this Act, the total amount authorized to be appropriated  
6 under section 201(4) is hereby reduced by \$690,000,000,  
7 and the amount authorized to be appropriated under sec-  
8 tion 102(a)(3) is hereby increased by \$690,000,000.

9 (b) SOURCE OF REDUCTION.—The total amount of  
10 the reduction in the amount authorized to be appropriated  
11 under section 201(4) shall be derived from the amount  
12 provided under that section for ballistic missile defense for  
13 research, development, test, and evaluation.

14 (c) ALLOCATION OF INCREASE.—Of the additional  
15 amount authorized to be appropriated under section  
16 102(a)(3) pursuant to subsection (a)—

17 (1) \$415,000,000 shall be available for advance  
18 procurement of a Virginia class submarine;

19 (2) \$125,000,000 shall be available for advance  
20 procurement of a DDG–51 class destroyer; and

21 (3) \$150,000,000 shall be available for advance  
22 procurement of an LPD–17 class amphibious trans-  
23 port dock.

1 **SEC. 1003. AUTHORIZATION OF APPROPRIATIONS FOR CON-**  
2 **TINUED OPERATIONS FOR THE WAR ON TER-**  
3 **RORISM.**

4 (a) AMOUNT.—(1) In addition to the amounts au-  
5 thorized to be appropriated under divisions A and B,  
6 funds are hereby authorized to be appropriated for fiscal  
7 year 2003 (subject to subsection (b)) in the total amount  
8 of \$10,000,000,000 for the conduct of operations in con-  
9 tinuation of the war on terrorism in accordance with the  
10 Authorization for Use of Military Force (Public Law 107–  
11 40; 50 U.S.C. 1541 note).

12 (2) The amount authorized to be appropriated under  
13 paragraph (1) shall be available for increased operating  
14 costs, transportation costs, costs of humanitarian efforts,  
15 costs of special pays, costs of enhanced intelligence efforts,  
16 increased personnel costs for members of the reserve com-  
17 ponents ordered to active duty under a provision of law  
18 referred to in section 101(a)(13)(B) of title 10, United  
19 States Code, and other costs related to operations referred  
20 to in paragraph (1).

21 (b) AUTHORIZATION CONTINGENT ON BUDGET RE-  
22 QUEST.—The authorization of appropriations in sub-  
23 section (a) shall be effective only to the extent of the  
24 amount provided in a budget request for the appropriation  
25 of funds for purposes set forth in subsection (a) that is

1 submitted by the President to Congress after the date of  
2 the enactment of this Act and—

3 (1) includes a designation of the requested  
4 amount as being essential to respond to or protect  
5 against acts or threatened acts of terrorism; and

6 (2) specifies a proposed allocation and plan for  
7 the use of the appropriation for purposes set forth  
8 in subsection (a).

9 **SEC. 1004. AUTHORIZATION OF EMERGENCY SUPPLE-**  
10 **MENTAL APPROPRIATIONS FOR FISCAL YEAR**  
11 **2002.**

12 Amounts authorized to be appropriated to the De-  
13 partment of Defense for fiscal year 2002 in the National  
14 Defense Authorization Act for Fiscal Year 2002 (Public  
15 Law 107–107) are hereby adjusted, with respect to any  
16 such authorized amount, by the amount by which appro-  
17 priations pursuant to such authorization were increased  
18 (by a supplemental appropriation) or decreased (by a re-  
19 scission), or both, in any law making supplemental appro-  
20 priations for fiscal year 2002 that is enacted during the  
21 107th Congress, second session.

22 **SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COM-**  
23 **MON-FUNDED BUDGETS IN FISCAL YEAR 2003.**

24 (a) **FISCAL YEAR 2003 LIMITATION.**—The total  
25 amount contributed by the Secretary of Defense in fiscal

1 year 2003 for the common-funded budgets of NATO may  
2 be any amount up to, but not in excess of, the amount  
3 specified in subsection (b) (rather than the maximum  
4 amount that would otherwise be applicable to those con-  
5 tributions under the fiscal year 1998 baseline limitation).

6 (b) TOTAL AMOUNT.—The amount of the limitation  
7 applicable under subsection (a) is the sum of the following:

8 (1) The amounts of unexpended balances, as of  
9 the end of fiscal year 2002, of funds appropriated  
10 for fiscal years before fiscal year 2003 for payments  
11 for those budgets.

12 (2) The amount specified in subsection (c)(1).

13 (3) The amount specified in subsection (c)(2).

14 (4) The total amount of the contributions au-  
15 thORIZED to be made under section 2501.

16 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
17 be appropriated by titles II and III of this Act are avail-  
18 able for contributions for the common-funded budgets of  
19 NATO as follows:

20 (1) Of the amount provided in section 201(1),  
21 \$750,000 for the Civil Budget.

22 (2) Of the amount provided in section  
23 301(a)(1), \$205,623,000 for the Military Budget.

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

1 (1) COMMON-FUNDED BUDGETS OF NATO.—

2 The term “common-funded budgets of NATO”  
3 means the Military Budget, the Security Investment  
4 Program, and the Civil Budget of the North Atlantic  
5 Treaty Organization (and any successor or addi-  
6 tional account or program of NATO).

7 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—

8 The term “fiscal year 1998 baseline limitation”  
9 means the maximum annual amount of Department  
10 of Defense contributions for common-funded budgets  
11 of NATO that is set forth as the annual limitation  
12 in section 3(2)(C)(ii) of the resolution of the Senate  
13 giving the advice and consent of the Senate to the  
14 ratification of the Protocols to the North Atlantic  
15 Treaty of 1949 on the Accession of Poland, Hun-  
16 gary, and the Czech Republic (as defined in section  
17 4(7) of that resolution), approved by the Senate on  
18 April 30, 1998.

19 **SEC. 1006. DEVELOPMENT AND IMPLEMENTATION OF FI-**  
20 **NANCIAL MANAGEMENT ENTERPRISE ARCHI-**  
21 **TECTURE.**

22 (a) REQUIREMENT FOR ENTERPRISE ARCHITECTURE  
23 AND TRANSITION PLAN.—Not later than March 15, 2003,  
24 the Secretary of Defense shall develop a proposed financial  
25 management enterprise architecture for all budgetary, ac-

1 counting, finance, and data feeder systems of the Depart-  
2 ment of Defense, together with a transition plan for imple-  
3 menting the proposed enterprise architecture.

4 (b) COMPOSITION OF ARCHITECTURE.—The pro-  
5 posed financial management enterprise architecture devel-  
6 oped under subsection (a) shall describe a system that,  
7 at a minimum—

8 (1) includes data standards and system inter-  
9 face requirements that are to apply uniformly  
10 throughout the Department of Defense;

11 (2) enables the Department of Defense—

12 (A) to comply with Federal accounting, fi-  
13 nancial management, and reporting require-  
14 ments;

15 (B) to routinely produce timely, accurate,  
16 and useful financial information for manage-  
17 ment purposes;

18 (C) to integrate budget, accounting, and  
19 program information and systems; and

20 (D) to provide for the systematic measure-  
21 ment of performance, including the ability to  
22 produce timely, relevant, and reliable cost infor-  
23 mation.

24 (c) COMPOSITION OF TRANSITION PLAN.—The tran-  
25 sition plan developed under subsection (a) shall contain

1 specific time-phased milestones for modifying or elimi-  
2 nating existing systems and for acquiring new systems  
3 necessary to implement the proposed enterprise architec-  
4 ture.

5 (d) EXPENDITURES FOR IMPLEMENTATION.—The  
6 Secretary of Defense may not obligate more than  
7 \$1,000,000 for a defense financial system improvement on  
8 or after the enterprise architecture approval date unless  
9 the Financial Management Modernization Executive Com-  
10 mittee determines that the defense financial system im-  
11 provement is consistent with the proposed enterprise ar-  
12 chitecture and transition plan.

13 (e) EXPENDITURES PENDING ARCHITECTURE AP-  
14 PROVAL.—The Secretary of Defense may not obligate  
15 more than \$1,000,000 for a defense financial system im-  
16 provement during the enterprise architecture pre-approval  
17 period unless the Financial Management Modernization  
18 Executive Committee determines that the defense finan-  
19 cial system improvement is necessary—

20 (1) to achieve a critical national security capa-  
21 bility or address a critical requirement in an area  
22 such as safety or security; or

23 (2) to prevent a significant adverse effect (in  
24 terms of a technical matter, cost, or schedule) on a  
25 project that is needed to achieve an essential capa-



1 bility, taking into consideration in the determination  
2 the alternative solutions for preventing the adverse  
3 effect.

4 (f) COMPTROLLER GENERAL REVIEW.—Not later  
5 than March 1 of each of 2003, 2004, and 2005, the Comp-  
6 troller General shall submit to the congressional defense  
7 committees a report on defense financial management sys-  
8 tem improvements that have been undertaken during the  
9 previous year. The report shall include the Comptroller  
10 General’s assessment of the extent to which the improve-  
11 ments comply with the requirements of this section.

12 (g) DEFINITIONS.—In this section:

13 (1) The term “defense financial system  
14 improvement”—

15 (A) means the acquisition of a new budg-  
16 etary, accounting, finance, or data feeder sys-  
17 tem for the Department of Defense, or a modi-  
18 fication of an existing budgetary, accounting, fi-  
19 nance, or data feeder system of the Department  
20 of Defense; and

21 (B) does not include routine maintenance  
22 and operation of any such system.

23 (2) The term “enterprise architecture approval  
24 date” means the date on which the Secretary of De-  
25 fense approves a proposed financial management en-

1       enterprise architecture and a transition plan that sat-  
2       isfy the requirements of this section.

3           (3) The term “enterprise architecture pre-ap-  
4       proval period” means the period beginning on the  
5       date of the enactment of this Act and ending on the  
6       day before the enterprise architecture approval date.

7           (4) The term “feeder system” means a data  
8       feeder system within the meaning of section  
9       2222(c)(2) of title 10, United States Code.

10          (5) The term “Financial Management Mod-  
11       ernization Executive Committee” means the Finan-  
12       cial Management Modernization Executive Com-  
13       mittee established pursuant to section 185 of title  
14       10, United States Code.

15       **SEC. 1007. DEPARTMENTAL ACCOUNTABLE OFFICIALS IN**  
16                               **THE DEPARTMENT OF DEFENSE.**

17          (a) DESIGNATION AND ACCOUNTABILITY.—Chapter  
18       165 of title 10, United States Code, is amended by insert-  
19       ing after section 2773 the following new section:

20       **“§ 2773a. Departmental accountable officials**

21           “(a) DESIGNATION.—The Secretary of Defense may  
22       designate, in writing, as a departmental accountable offi-  
23       cial any employee of the Department of Defense or any  
24       member of the armed forces who—

1           “(1) has a duty to provide a certifying official  
2 of the Department of Defense with information,  
3 data, or services directly relied upon by the certi-  
4 fying official in the certification of vouchers for pay-  
5 ment; and

6           “(1) is not otherwise accountable under subtitle  
7 III of title 31 or any other provision of law for pay-  
8 ments made on the basis of the vouchers.

9           “(b) PECUNIARY LIABILITY.—(1) The Secretary of  
10 Defense may, in a designation of a departmental account-  
11 able official under subsection (a), subject that official to  
12 pecuniary liability, in the same manner and to the same  
13 extent as an official accountable under subtitle III of title  
14 31, for an illegal, improper, or incorrect payment made  
15 pursuant to a voucher certified by a certifying official of  
16 the Department of Defense on the basis of information,  
17 data, or services that—

18           “(A) the departmental accountable official pro-  
19 vides to the certifying official in the performance of  
20 a duty described in subsection (a)(1); and

21           “(B) the certifying official directly relies upon  
22 in certifying the voucher.

23           “(2) Any pecuniary liability imposed on a depart-  
24 mental accountable official under this subsection for a loss  
25 to the United States resulting from an illegal, improper,

1 or incorrect payment shall be joint and several with that  
 2 of any other employee or employees of the United States  
 3 or member or members of the uniformed services who are  
 4 pecuniarily liable for the loss.

5 “(c) RELIEF FROM PECUNIARY LIABILITY.—The  
 6 Secretary of Defense shall relieve a departmental account-  
 7 able official from pecuniary liability imposed under sub-  
 8 section (b) in the case of a payment if the Secretary deter-  
 9 mines that the payment was not a result of fault or neg-  
 10 ligence on the part of the departmental accountable offi-  
 11 cial.

12 “(d) CERTIFYING OFFICIAL DEFINED.—In this sec-  
 13 tion, the term ‘certifying official’ means an employee who  
 14 has the responsibilities specified in section 3528(a) of title  
 15 31.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
 17 at the beginning of such chapter is amended by inserting  
 18 after the item relating to section 2773 the following new  
 19 item:

“2773a. Departmental accountable officials.”.

20 **SEC. 1008. DEPARTMENT-WIDE PROCEDURES FOR ESTAB-**  
 21 **LISHING AND LIQUIDATING PERSONAL PECU-**  
 22 **NIARY LIABILITY.**

23 (a) REPORT OF SURVEY PROCEDURES.—(1) Chapter  
 24 165 of title 10, United States Code, is amended by insert-  
 25 ing after section 2786 the following new section:

1 **“§ 2787. Reports of survey**

2       “(a) REGULATIONS.—Under regulations prescribed  
3 pursuant to subsection (e), any officer of the armed forces  
4 or any civilian employee of the Department of Defense  
5 designated in accordance with the regulations may act  
6 upon reports of survey and vouchers pertaining to the loss,  
7 spoilage, unserviceability, unsuitability, or destruction of,  
8 or damage to, property of the United States under the  
9 control of the Department of Defense.

10       “(b) FINALITY OF ACTION.—(1) Action taken under  
11 subsection (a) is final except as provided in paragraph (2).

12       “(2) An action holding a person pecuniarily liable for  
13 loss, spoilage, destruction, or damage is not final until ap-  
14 proved by a person designated to do so by the Secretary  
15 of a military department, commander of a combatant com-  
16 mand, or Director of a Defense Agency, as the case may  
17 be, who has jurisdiction of the person held pecuniarily lia-  
18 ble. The person designated to provide final approval shall  
19 be an officer of an armed force, or a civilian employee,  
20 under the jurisdiction of the official making the designa-  
21 tion.

22       “(c) REGULATIONS.—The Secretary of Defense shall  
23 prescribe regulations to carry out this section.”.

1           (2) The table of sections at the beginning of chapter  
2 165 of such title is amended by inserting after the item  
3 relating to section 2786 the following new item:

“2787. Reports of survey.”.

4           (b) **DAMAGE OR REPAIR OF ARMS AND EQUIP-**  
5 **MENT.**—Section 1007(e) of title 37, United States Code,  
6 is amended by striking “Army or the Air Force” and in-  
7 serting “Army, Navy, Air Force, or Marine Corps”.

8           (c) **REPEAL OF SUPERSEDED PROVISIONS.**—(1) Sec-  
9 tions 4835 and 9835 of title 10, United States Code, are  
10 repealed.

11           (2) The tables of sections at the beginning of chap-  
12 ters 453 and 953 of such title are amended by striking  
13 the items relating to sections 4835 and 9835, respectively.

14 **SEC. 1009. TRAVEL CARD PROGRAM INTEGRITY.**

15           (a) **AUTHORITY.**—Section 2784 of title 10, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing new subsections:

18           “(d) **DISBURSEMENT OF ALLOWANCES DIRECTLY TO**  
19 **CREDITORS.**—(1) The Secretary of Defense may require  
20 that any part of the travel or transportation allowances  
21 of an employee of the Department of Defense or a member  
22 of the armed forces be disbursed directly to the issuer of  
23 a Defense travel card if the amount is disbursed to the  
24 issuer in payment of amounts of expenses of official travel

1 that are charged by the employee or member on the De-  
2 fense travel card.

3 “(2) For the purposes of this subsection, the travel  
4 and transportation allowances referred to in paragraph (1)  
5 are amounts to which an employee of the Department of  
6 Defense is entitled under section 5702 of title 5 and or  
7 a member of the armed forces is entitled section 404 of  
8 title 37.

9 “(e) OFFSETS FOR DELINQUENT TRAVEL CARD  
10 CHARGES.—(1) The Secretary of Defense may require  
11 that there be deducted and withheld from any pay payable  
12 to an employee of the Department of Defense or a member  
13 of the armed forces any amount that is owed by the em-  
14 ployee or member to a creditor by reason of one or more  
15 charges of expenses of official travel of the employee or  
16 member on a Defense travel card issued by the creditor  
17 if the employee or member—

18 “(A) is delinquent in the payment of such  
19 amount under the terms of the contract under which  
20 the card is issued; and

21 “(B) does not dispute the amount of the delin-  
22 quency.

23 “(2) The amount deducted and withheld from pay  
24 under paragraph (1) with respect to a debt owed a creditor

1 as described in that paragraph shall be disbursed to the  
2 creditor to reduce the amount of the debt.

3 “(3) The amount of pay deducted and withheld from  
4 the pay owed to an employee or member with respect to  
5 a pay period under paragraph (1) may not exceed 15 per-  
6 cent of the disposable pay of the employee or member for  
7 that pay period, except that a higher amount may be de-  
8 ducted and withheld with the written consent of the em-  
9 ployee or member.

10 “(4) The Secretary of Defense shall prescribe proce-  
11 dures for deducting and withholding amounts from pay  
12 under this subsection. The procedures shall be substan-  
13 tially equivalent to the procedures under section 3716 of  
14 title 31.

15 “(f) UNDER SECRETARY OF DEFENSE (COMP-  
16 TROLLER).—The Secretary of Defense shall act through  
17 the Under Secretary of Defense (Comptroller) in carrying  
18 out this section.

19 “(g) DEFINITIONS.—In this section:

20 “(1) The term ‘Defense travel card’ means a  
21 charge or credit card that—

22 “(A) is issued to an employee of the De-  
23 partment of Defense or a member of the armed  
24 forces under a contract entered into by the De-





1 designated as account F3885, and for which no appropria-  
2 tion for the Department of Defense has been identified—

3 (A) any undistributed collection credited to  
4 such account in such case shall be deposited to the  
5 miscellaneous receipts of the Treasury; and

6 (B) subject to paragraph (2), any undistributed  
7 disbursement recorded in such account in such case  
8 shall be canceled.

9 (2) An undistributed disbursement may not be can-  
10 celed under paragraph (1) until the Secretary of Defense  
11 has made a written determination that the appropriate of-  
12 ficial or officials of the Department of Defense have at-  
13 tempted without success to locate the documentation nec-  
14 essary to demonstrate which appropriation should be  
15 charged and further efforts are not in the best interests  
16 of the United States.

17 (b) RESOLUTION OF CHECK ISSUANCE DISCREP-  
18 ANCIES.—(1) In the case of any check drawn on the  
19 Treasury that was issued by or on behalf of the Depart-  
20 ment of Defense before October 31, 1998, for which the  
21 Secretary of the Treasury has reported to the Department  
22 of Defense a discrepancy between the amount paid and  
23 the amount of the check as transmitted to the Department  
24 of Treasury, and for which no specific appropriation for  
25 the Department of Defense can be identified as being asso-

1 ciated with the check, the discrepancy shall be canceled,  
2 subject to paragraph (2).

3 (2) A discrepancy may not be canceled under para-  
4 graph (1) until the Secretary of Defense has made a writ-  
5 ten determination that the appropriate official or officials  
6 of the Department of Defense have attempted without suc-  
7 cess to locate the documentation necessary to demonstrate  
8 which appropriation should be charged and further efforts  
9 are not in the best interests of the United States.

10 (c) CONSULTATION.—The Secretary of Defense shall  
11 consult the Secretary of the Treasury in the exercise of  
12 the authority granted by subsections (a) and (b).

13 (d) DURATION OF AUTHORITY.—(1) A particular un-  
14 distributed disbursement may not be canceled under sub-  
15 section (a) more than 30 days after the date of the written  
16 determination made by the Secretary of Defense under  
17 such subsection regarding that undistributed disburse-  
18 ment.

19 (2) A particular discrepancy may not be canceled  
20 under subsection (b) more than 30 days after the date  
21 of the written determination made by the Secretary of De-  
22 fense under such subsection regarding that discrepancy.

23 (3) No authority may be exercised under this section  
24 after the date that is two years after the date of the enact-  
25 ment of this Act.

1 **SEC. 1011. ADDITIONAL AMOUNT FOR BALLISTIC MISSILE**  
2 **DEFENSE OR COMBATING TERRORISM IN AC-**  
3 **CORDANCE WITH NATIONAL SECURITY PRI-**  
4 **ORITIES OF THE PRESIDENT.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-  
6 tion to other amounts authorized to be appropriated by  
7 other provisions of this division, there is hereby authorized  
8 to be appropriated for the Department of Defense for fis-  
9 cal year 2003, \$814,300,000 for whichever of the fol-  
10 lowing purposes the President determines that the addi-  
11 tional amount is necessary in the national security inter-  
12 ests of the United States:

13 (1) Research, development, test, and evaluation  
14 for ballistic missile defense programs of the Depart-  
15 ment of Defense.

16 (2) Activities of the Department of Defense for  
17 combating terrorism at home and abroad.

18 (b) **OFFSET.**—The total amount authorized to be ap-  
19 propriated under the other provisions of this division is  
20 hereby reduced by \$814,300,000 to reflect the amounts  
21 that the Secretary determines unnecessary by reason of  
22 a revision of assumptions regarding inflation that are ap-  
23 plied as a result of the midsession review of the budget  
24 conducted by the Office of Management and Budget dur-  
25 ing the spring and early summer of 2002.

1 (c) PRIORITY FOR ALLOCATING FUNDS.—In the ex-  
2 penditure of additional funds made available by a lower  
3 rate of inflation, the top priority shall be the use of such  
4 funds for Department of Defense activities for protecting  
5 the American people at home and abroad by combating  
6 terrorism at home and abroad.

7 **SEC. 1012. AVAILABILITY OF AMOUNTS FOR OREGON ARMY**  
8 **NATIONAL GUARD FOR SEARCH AND RESCUE**  
9 **AND MEDICAL EVACUATION MISSIONS IN AD-**  
10 **VERSE WEATHER CONDITIONS.**

11 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
12 TIONS FOR ARMY PROCUREMENT.—The amount author-  
13 ized to be appropriated by section 101(1) for procurement  
14 for the Army for aircraft is hereby increased by  
15 \$3,000,000.

16 (b) AVAILABILITY.—Of the amount authorized to be  
17 appropriated by section 101(1) for procurement for the  
18 Army for aircraft, as increased by subsection (a),  
19 \$3,000,000 shall be available for the upgrade of three  
20 UH–60L Blackhawk helicopters of the Oregon Army Na-  
21 tional Guard to the capabilities of UH–60Q Search and  
22 Rescue model helicopters, including Star Safire FLIR,  
23 Breeze-Eastern External Rescue Hoist, and Air Methods  
24 COTS Medical Systems upgrades, in order to improve the  
25 utility of such UH–60L Blackhawk helicopters in search

1 and rescue and medical evacuation missions in adverse  
2 weather conditions.

3 (c) INCREASE IN AUTHORIZATION OF APPROPRIA-  
4 TIONS FOR MILITARY PERSONNEL.—The amount author-  
5 ized to be appropriated by section 421 for military per-  
6 sonnel is hereby increased by \$1,800,000.

7 (d) AVAILABILITY.—Of the amount authorized to be  
8 appropriated by section 421 for military personnel, as in-  
9 creased by subsection (d), \$1,800,000 shall be available  
10 for up to 26 additional personnel for the Oregon Army  
11 National Guard.

12 (e) OFFSET.—The amount authorized to be appro-  
13 priated by section 301(a)(1) for operation and mainte-  
14 nance for the Army is hereby reduced by \$4,800,000, with  
15 the amount of the reduction to be allocated to Base Oper-  
16 ations Support (Servicewide Support).

17 **Subtitle B—Naval Vessels and**  
18 **Shipyards**

19 **SEC. 1021. NUMBER OF NAVY SURFACE COMBATANTS IN**  
20 **ACTIVE AND RESERVE SERVICE.**

21 (a) CONTINGENT REQUIREMENT FOR REPORT.—If,  
22 on the date of the enactment of this Act, the total number  
23 of Navy ships comprising the force of surface combatants  
24 is less than 116, the Secretary of the Navy shall submit  
25 a report on the size of that force to the Committees on

1 Armed Services of the Senate and the House of Represent-  
2 atives. The report shall be submitted not later than 90  
3 days after such date and shall include a risk assessment  
4 for such force that is based on the same assumptions as  
5 those that were applied in the QDR 2001 current force  
6 risk assessment.

7 (b) LIMITATION ON REDUCTION.—The force of sur-  
8 face combatants may not be reduced at any time after the  
9 date of the enactment of this Act from a number of ships  
10 (whether above, equal to, or below 116) to a number of  
11 ships below 116 before the date that is 90 days after the  
12 date on which the Secretary of the Navy submits to the  
13 committees referred to in subsection (a) a written notifica-  
14 tion of the reduction. The notification shall include the  
15 following information:

16 (1) The schedule for the reduction.

17 (2) The number of ships that are to comprise  
18 the reduced force of surface combatants.

19 (3) A risk assessment for the reduced force that  
20 is based on the same assumptions as those that were  
21 applied in the QDR 2001 current force risk assess-  
22 ment.

23 (c) PRESERVATION OF SURGE CAPABILITY.—When-  
24 ever the total number of Navy ships comprising the force  
25 of surface combatants is less than 116, the Secretary of

1 the Navy shall maintain on the Naval Vessel Register a  
2 sufficient number of surface combatant ships to enable the  
3 Navy to regain a total force of 116 surface combatant  
4 ships in active and reserve service in the Navy within 120  
5 days after the President decides to increase the force of  
6 surface combatants.

7 (d) DEFINITIONS.—In this section:

8 (1) The term “force of surface combatants”  
9 means the surface combatant ships in active and re-  
10 serve service in the Navy.

11 (2) The term “QDR 2001 current force risk as-  
12 sessment” means the risk assessment associated  
13 with a force of 116 surface combatant ships in ac-  
14 tive and reserve service in the Navy that is set forth  
15 in the report on the quadrennial defense review sub-  
16 mitted to Congress on September 30, 2001, under  
17 section 118 of title 10, United States Code.

18 **SEC. 1022. PLAN FOR FIELDING THE 155-MILLIMETER GUN**  
19 **ON A SURFACE COMBATANT.**

20 (a) REQUIREMENT FOR PLAN.—The Secretary of the  
21 Navy shall submit to Congress a plan for fielding the 155-  
22 millimeter gun on one surface combatant ship in active  
23 service in the Navy. The Secretary shall submit the plan  
24 at the same time that the President submits the budget



1 for fiscal year 2004 to Congress under section 1105(a)  
2 of title 31, United States Code.

3 (b) FIELDING ON EXPEDITED SCHEDULE.—The plan  
4 shall provide for fielding the 155-millimeter gun on an ex-  
5 pedited schedule that is consistent with the achievement  
6 of safety of operation and fire support capabilities meeting  
7 the fire support requirements of the Marine Corps, but  
8 not later than October 1, 2006.

9 **SEC. 1023. REPORT ON INITIATIVES TO INCREASE OPER-**  
10 **ATIONAL DAYS OF NAVY SHIPS.**

11 (a) REQUIREMENT FOR REPORT ON INITIATIVES.—

12 (1) The Under Secretary of Defense for Acquisition, Tech-  
13 nology, and Logistics shall submit to the Committees on  
14 Armed Services of the Senate and the House of Represent-  
15 atives a report on Department of Defense initiatives to  
16 increase the number of operational days of Navy ships as  
17 described in subsection (b).

18 (2) The report shall cover the ongoing Department  
19 of Defense initiatives as well as potential initiatives that  
20 are under consideration within the Department of De-  
21 fense.

22 (b) INITIATIVES WITHIN LIMITS OF EXISTING  
23 FLEET AND DEPLOYMENT POLICY.—The Under Sec-  
24 retary shall, in the report, assess the feasibility and iden-  
25 tify the projected effects of conducting initiatives that

1 have the potential to increase the number of operational  
2 days of Navy ships available to the commanders-in-chief  
3 of the regional unified combatant commands without in-  
4 creasing the number of Navy ships and without increasing  
5 the routine lengths of deployments of Navy ships above  
6 six months.

7 (c) REQUIRED FOCUS AREAS.—The report shall, at  
8 a minimum, address the following four focus areas:

9 (1) Assignment of additional ships, including  
10 submarines, to home ports closer to the areas of op-  
11 eration for the ships (known as “forward home-  
12 porting”).

13 (2) Assignment of ships to remain in a forward  
14 area of operations, together with rotation of crews  
15 for each ship so assigned.

16 (3) Retention of ships for use until the end of  
17 the full service life, together with investment of the  
18 funds necessary to support retention to that extent.

19 (4) Prepositioning of additional ships with,  
20 under normal circumstances, small crews in a for-  
21 ward area of operations.

22 (d) TIME FOR SUBMITTAL.—The report shall be sub-  
23 mitted at the same time that the President submits the  
24 budget for fiscal year 2004 to Congress under section  
25 1105(a) of title 31, United States Code.

1 **SEC. 1024. ANNUAL LONG-RANGE PLAN FOR THE CON-**  
2 **STRUCTION OF SHIPS FOR THE NAVY.**

3 (a) FINDINGS.—Congress makes the following find-  
4 ings:

5 (1) Navy ships provide a forward presence for  
6 the United States that is a key to the national de-  
7 fense of the United States.

8 (2) The Navy has demonstrated that its ships  
9 contribute significantly to homeland defense.

10 (3) The Navy’s ship recapitalization plan is in-  
11 adequate to maintain the ship force structure that is  
12 described as the current force in the 2001 Quadren-  
13 nial Defense Review.

14 (4) The Navy is decommissioning ships as  
15 much as 10 years earlier than the projected ship life  
16 upon which ship replacement rates are based.

17 (5) The current force was assessed in the 2001  
18 Quadrennial Defense Review as having moderate to  
19 high risk, depending on the scenario considered.

20 (b) ANNUAL SHIP CONSTRUCTION PLAN.—(1) Chap-  
21 ter 9 of title 10, United States Code, is amended by add-  
22 ing at the end the following new section:

23 **“§ 231. Annual ship construction plan**

24 “(a) ANNUAL SHIP CONSTRUCTION PLAN.—The Sec-  
25 retary of Defense shall include in the defense budget mate-

1 rials for each fiscal year a plan for the construction of  
2 combatant and support ships for the Navy that—

3           “(1) supports the National Security Strategy;

4           or

5           “(2) if there is no National Security Strategy in  
6 effect, supports the ship force structure called for in  
7 the report of the latest Quadrennial Defense Review.

8           “(b) CONTENT.—The ship construction plan included  
9 in the defense budget materials for a fiscal year shall pro-  
10 vide in detail for the construction of combatant and sup-  
11 port ships for the Navy over the 30 consecutive fiscal years  
12 beginning with the fiscal year covered by the defense budg-  
13 et materials and shall include the following matters:

14           “(1) A description of the necessary ship force  
15 structure of the Navy.

16           “(2) The estimated levels of funding necessary  
17 to carry out the plan, together with a discussion of  
18 the procurement strategies on which such estimated  
19 funding levels are based.

20           “(3) A certification by the Secretary of Defense  
21 that both the budget for the fiscal year covered by  
22 the defense budget materials and the future-years  
23 defense program submitted to Congress in relation  
24 to such budget under section 221 of this title pro-  
25 vide for funding ship construction for the Navy at

1 a level that is sufficient for the procurement of the  
2 ships provided for in the plan on schedule.

3 “(4) If the budget for the fiscal year provides  
4 for funding ship construction at a level that is not  
5 sufficient for the recapitalization of the force of  
6 Navy ships at the annual rate necessary to sustain  
7 the force, an assessment (coordinated with the com-  
8 manders of the combatant commands in advance)  
9 that describes and discusses the risks associated  
10 with the reduced force structure that will result from  
11 funding ship construction at such insufficient level.

12 “(c) DEFINITIONS.—In this section:

13 “(1) The term ‘budget’, with respect to a fiscal  
14 year, means the budget for such fiscal year that is  
15 submitted to Congress by the President under sec-  
16 tion 1105(a) of title 31.

17 “(2) The term ‘defense budget materials’, with  
18 respect to a fiscal year, means the materials sub-  
19 mitted to Congress by the Secretary of Defense in  
20 support of the budget for such fiscal year.

21 “(3) The term ‘Quadrennial Defense Review’  
22 means the Quadrennial Defense Review that is car-  
23 ried out under section 118 of this title.”.

1           (2) The table of sections at the beginning of such  
2 chapter is amended by adding at the end the following  
3 new item:

“231. Annual ship construction plan.”.

## 4                           **Subtitle C—Reporting** 5                           **Requirements**

6 **SEC. 1031. REPEAL AND MODIFICATION OF VARIOUS RE-**  
7                           **PORTING REQUIREMENTS APPLICABLE WITH**  
8                           **RESPECT TO THE DEPARTMENT OF DEFENSE.**

9           (a) PROVISIONS OF TITLE 10.—Title 10, United  
10 States Code, is amended as follows:

11                   (1)(A) Section 183 is repealed.

12                   (B) The table of sections at the beginning of  
13 chapter 7 is amended by striking the item relating  
14 to section 183.

15                   (2)(A) Sections 226 and 230 are repealed.

16                   (B) The table of sections at the beginning of  
17 chapter 9 is amended by striking the items relating  
18 to sections 226 and 230.

19                   (3) Effective two years after the date of the en-  
20 actment of this Act—

21                           (A) section 483 is repealed; and

22                           (B) the table of sections at the beginning  
23 of chapter 23 is amended by striking the item  
24 relating to section 483.

1           (4) Section 526 is amended by striking sub-  
2 section (c).

3           (5) Section 721(d) is amended—

4                 (A) by striking paragraph (2); and

5                 (B) by striking “(1)” before “If an offi-  
6 cer”.

7           (6) Section 1095(g) is amended—

8                 (A) by striking paragraph (2); and

9                 (B) by striking “(1)” after “(g)”.

10          (7) Section 1798 is amended by striking sub-  
11 section (d).

12          (8) Section 1799 is amended by striking sub-  
13 section (d).

14          (9) Section 2220 is amended—

15                 (A) by striking subsections (b) and (c);

16                 (B) by striking “(1)” after “ESTABLISH-  
17 MENT OF GOALS.—”; and

18                 (C) by striking “(2) The” and inserting  
19 “(b) EVALUATION OF COST GOALS.—The”.

20          (10) Section 2350a(g) is amended by striking  
21 paragraph (4).

22          (11) Section 2350f is amended by striking sub-  
23 section (c).

24          (12) Section 2350k is amended by striking sub-  
25 section (d).

1           (13) Section 2367(d) is amended by striking  
2           “EFFORT.—(1) In the” and all that follows through  
3           “(2) After the close of” and inserting “EFFORT.—  
4           After the close of”.

5           (14) Section 2391 is amended by striking sub-  
6           section (c).

7           (15) Section 2486(b)(12) is amended by strik-  
8           ing “, except that” and all that follows and inserting  
9           the following: “, except that the Secretary shall no-  
10          tify Congress of any addition of, or change in, a  
11          merchandise category under this paragraph.”.

12          (16) Section 2492 is amended by striking sub-  
13          section (c) and inserting the following:

14          “(c) NOTIFICATION OF CONDITIONS NECESSITATING  
15          RESTRICTIONS.—The Secretary of Defense shall notify  
16          Congress of any change proposed or made to any of the  
17          host nation laws or any of the treaty obligations of the  
18          United States, and any changed conditions within host na-  
19          tions, if the change would necessitate the use of quantity  
20          or other restrictions on purchases in commissary and ex-  
21          change stores located outside the United States.”.

22          (17)(A) Section 2504 is repealed.

23          (B) The table of sections at the beginning of  
24          subchapter II of chapter 148 is amended by striking  
25          the item relating to section 2504.



1 (18) Section 2506—

2 (A) is amended by striking subsection (b);

3 and

4 (B) by striking “(a) DEPARTMENTAL  
5 GUIDANCE.—”.

6 (19) Section 2537(a) is amended by striking  
7 “\$100,000” and inserting “\$10,000,000”.

8 (20) Section 2611 is amended by striking sub-  
9 section (e).

10 (21) Section 2667(d) is amended by striking  
11 paragraph (3).

12 (22) Section 2813 is amended by striking sub-  
13 section (c).

14 (23) Section 2827 is amended—

15 (A) by striking subsection (b); and

16 (B) by striking “(a) Subject to subsection  
17 (b), the Secretary” and inserting “The Sec-  
18 retary”.

19 (24) Section 2867 is amended by striking sub-  
20 section (c).

21 (25) Section 4416 is amended by striking sub-  
22 section (f).

23 (26) Section 5721(f) is amended—

24 (A) by striking paragraph (2); and

1 (B) by striking “(1)” after the subsection  
2 heading.

3 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR  
4 FISCAL YEAR 1995.—Section 553(b) of the National De-  
5 fense Authorization Act for Fiscal Year 1995 (Public Law  
6 103–337; 108 Stat. 2772; 10 U.S.C. 4331 note) is amend-  
7 ed by striking the last sentence.

8 (c) BALLISTIC MISSILE DEFENSE ACT OF 1995.—  
9 Section 234 of the Ballistic Missile Defense Act of 1995  
10 (subtitle C of title II of Public Law 104–106; 10 U.S.C.  
11 2431 note) is amended by striking subsection (f).

12 **SEC. 1032. ANNUAL REPORT ON WEAPONS TO DEFEAT**  
13 **HARDENED AND DEEPLY BURIED TARGETS.**

14 (a) ANNUAL REPORT.—Not later than April 1, 2003,  
15 and each year thereafter, the Secretary of Defense, Sec-  
16 retary of Energy, and Director of Central Intelligence  
17 shall jointly submit to the congressional defense commit-  
18 tees a report on the research and development activities  
19 undertaken by their respective agencies during the pre-  
20 ceding fiscal year to develop a weapon to defeat hardened  
21 and deeply buried targets.

22 (b) REPORT ELEMENTS.—The report for a fiscal  
23 year under subsection (a) shall—

24 (1) include a discussion of the integration and  
25 interoperability of the various programs to develop a

1        weapon referred to in that subsection that were un-  
2        dertaken during such fiscal year, including a discus-  
3        sion of the relevance of such programs to applicable  
4        decisions of the Joint Requirements Oversight Coun-  
5        cil; and

6            (2) set forth separately a description of the re-  
7        search and development activities, if any, to develop  
8        a weapon referred to in that subsection that were  
9        undertaken during such fiscal year by each military  
10       department, the Department of Energy, and the  
11       Central Intelligence Agency.

12 **SEC. 1033. REVISION OF DATE OF ANNUAL REPORT ON**  
13            **COUNTERPROLIFERATION ACTIVITIES AND**  
14            **PROGRAMS.**

15        Section 1503(a) of the National Defense Authoriza-  
16       tion Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is  
17       amended by striking “February 1 of each year” and in-  
18       serting “May 1 each year”.

19 **SEC. 1034. QUADRENNIAL QUALITY OF LIFE REVIEW.**

20        (a) REQUIREMENT FOR REVIEW.—Chapter 23 of title  
21       10, United States Code, is amended by adding at the end  
22       the following new section:

23 **“§ 488. Quadrennial quality of life review**

24        “(a) REVIEW REQUIRED.—(1) The Secretary of De-  
25       fense shall every four years, two years after the submission

1 of the quadrennial defense review to Congress under sec-  
2 tion 118 of this title, conduct a comprehensive examina-  
3 tion of the quality of life of the members of the armed  
4 forces (to be known as the ‘quadrennial quality of life re-  
5 view’). The review shall include examination of the pro-  
6 grams, projects, and activities of the Department of De-  
7 fense, including the morale, welfare, and recreation activi-  
8 ties.

9 “(2) The quadrennial review shall be designed to re-  
10 sult in determinations, and to foster policies and actions,  
11 that reflect the priority given the quality of life of mem-  
12 bers of the armed forces as a primary concern of the De-  
13 partment of Defense leadership.

14 “(b) CONDUCT OF REVIEW.—Each quadrennial qual-  
15 ity of life review shall be conducted so as—

16 “(1) to assess quality of life priorities and  
17 issues consistent with the most recent National Se-  
18 curity Strategy prescribed by the President pursuant  
19 to section 108 of the National Security Act of 1947  
20 (50 U.S.C. 404a);

21 “(2) to identify actions that are needed in order  
22 to provide members of the armed forces with the  
23 quality of life reasonably necessary to encourage the  
24 successful execution of the full range of missions

1 that the members are called on to perform under the  
2 national security strategy;

3 “(3) to provide a full accounting of the backlog  
4 of installations in need of maintenance and repair,  
5 to determine how the disrepair affects performance  
6 and quality of life of members and their families,  
7 and to identify the budget plan that would be re-  
8 quired to provide the resources necessary to remedy  
9 the backlog of maintenance and repair; and

10 “(4) to identify other actions that have the po-  
11 tential for improving the quality of life of the mem-  
12 bers of the armed forces.

13 “(c) CONSIDERATIONS.—Among the matters consid-  
14 ered by the Secretary in conducting the quadrennial re-  
15 view, the Secretary shall include the following matters:

16 “(1) Infrastructure.

17 “(2) Military construction.

18 “(3) Physical conditions at military installations  
19 and other Department of Defense facilities.

20 “(4) Budget plans.

21 “(5) Adequacy of medical care for members of  
22 the armed forces and their dependents.

23 “(6) Adequacy of housing and the basic allow-  
24 ance for housing and basic allowance for subsistence.

25 “(7) Housing-related utility costs.

1           “(8) Educational opportunities and costs.

2           “(9) Length of deployments.

3           “(10) Rates of pay, and pay differentials be-  
4       tween the pay of members and the pay of civilians.

5           “(11) Retention and recruiting efforts.

6           “(12) Workplace safety.

7           “(13) Support services for spouses and chil-  
8       dren.

9           “(14) Other elements of Department of Defense  
10       programs and Federal Government policies and pro-  
11       grams that affect the quality of life of members.

12       “(d) SUBMISSION OF QQLR TO CONGRESSIONAL  
13       COMMITTEES.—The Secretary shall submit a report on  
14       each quadrennial quality of life review to the Committees  
15       on Armed Services of the Senate and the House of Rep-  
16       resentatives. The report shall be submitted not later than  
17       September 30 of the year in which the review is conducted.  
18       The report shall include the following:

19           “(1) The results of the review, including a com-  
20       prehensive discussion of how the quality of life of  
21       members of the armed forces affects the national se-  
22       curity strategy of the United States.

23           “(2) The long-term quality of life problems of  
24       the armed forces, together with proposed solutions.

1           “(3) The short-term quality of life problems of  
2 the armed forces, together with proposed solutions.

3           “(4) The assumptions used in the review.

4           “(5) The effects of quality of life problems on  
5 the morale of the members of the armed forces.

6           “(6) The quality of life problems that affect the  
7 morale of members of the reserve components in  
8 particular, together with solutions.

9           “(7) The effects of quality of life problems on  
10 military preparedness and readiness.

11          “(8) The appropriate ratio of—

12               “(A) the total amount expended by the De-  
13 partment of Defense in a fiscal year for pro-  
14 grams, projects, and activities designed to im-  
15 prove the quality of life of members of the  
16 armed forces, to

17               “(B) the total amount expended by the De-  
18 partment of Defense in the fiscal year.”.

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

“488. Quadrennial quality of life review.”.

1 **SEC. 1035. REPORTS ON EFFORTS TO RESOLVE WHERE-**  
2 **ABOUTS AND STATUS OF CAPTAIN MICHAEL**  
3 **SCOTT SPEICHER, UNITED STATES NAVY.**

4 (a) **REPORTS.**— Not later than 60 days after the date  
5 of the enactment of this Act, and every 90 days thereafter,  
6 the Secretary of Defense shall, in consultation with the  
7 Secretary of State and the Director of Central Intel-  
8 ligence, submit to Congress a report on the efforts of the  
9 United States Government to determine the whereabouts  
10 and status of Captain Michael Scott Speicher, United  
11 States Navy.

12 (b) **PERIOD COVERED BY REPORTS.**—The first re-  
13 port under subsection (a) shall cover efforts described in  
14 that subsection preceding the date of the report, and each  
15 subsequent report shall cover efforts described in that sub-  
16 section during the 90-day period ending on the date of  
17 such report.

18 (c) **REPORT ELEMENTS.**—Each report under sub-  
19 section (a) shall describe, for the period covered by such  
20 report—

21 (1) all direct and indirect contacts with the  
22 Government of Iraq, or any successor government,  
23 regarding the whereabouts and status of Michael  
24 Scott Speicher;

25 (2) any request made to the government of an-  
26 other country, including the intelligence service of



1 such country, for assistance in resolving the where-  
2 abouts and status of Michael Scott Speicher, includ-  
3 ing the response to such request;

4 (3) each current lead on the whereabouts and  
5 status of Michael Scott Speicher, including an as-  
6 sessment of the utility of such lead in resolving the  
7 whereabouts and status of Michael Scott Speicher;  
8 and

9 (4) any cooperation with nongovernmental orga-  
10 nizations or international organizations in resolving  
11 the whereabouts and status of Michael Scott  
12 Speicher, including the results of such cooperation.

13 (d) FORM OF REPORTS.—Each report under sub-  
14 section (a) shall be submitted in classified form, but may  
15 include an unclassified summary.

16 **SEC. 1036. REPORT ON EFFORTS TO ENSURE ADEQUACY OF**  
17 **FIRE FIGHTING STAFFS AT MILITARY INSTAL-**  
18 **LATIONS.**

19 Not later than May 31, 2003, the Secretary of De-  
20 fense shall submit to Congress a report on the actions  
21 being undertaken to ensure that the fire fighting staffs  
22 at military installations are adequate under applicable De-  
23 partment of Defense regulations.

1 **SEC. 1037. REPORT ON DESIGNATION OF CERTAIN LOU-**  
2 **ISIANA HIGHWAY AS DEFENSE ACCESS ROAD.**

3 Not later than March 1, 2003, the Secretary of the  
4 Army shall submit to the congressional defense commit-  
5 tees a report containing the results of a study on the ad-  
6 visability of designating Louisiana Highway 28 between  
7 Alexandria, Louisiana, and Leesville, Louisiana, a road  
8 providing access to the Joint Readiness Training Center,  
9 Louisiana, and to Fort Polk, Louisiana, as a defense ac-  
10 cess road for purposes of section 210 of title 23, United  
11 States Code.

12 **SEC. 1038. PLAN FOR FIVE-YEAR PROGRAM FOR ENHANCE-**  
13 **MENT OF MEASUREMENT AND SIGNATURES**  
14 **INTELLIGENCE CAPABILITIES.**

15 (a) FINDING.—Congress finds that the national in-  
16 terest will be served by the rapid exploitation of basic re-  
17 search on sensors for purposes of enhancing the measure-  
18 ment and signatures intelligence (MASINT) capabilities  
19 of the Federal Government.

20 (b) PLAN FOR PROGRAM.—(1) Not later than March  
21 30, 2003, the Director of the Central Measurement and  
22 Signatures Intelligence Office shall submit to Congress a  
23 plan for a five-year program of research intended to pro-  
24 vide for the incorporation of the results of basic research  
25 on sensors into the measurement and signatures intel-  
26 ligence systems fielded by the Federal Government, includ-

1 ing the review and assessment of basic research on sensors  
2 for that purpose.

3 (2) Activities under the plan shall be carried out by  
4 a consortium consisting of such governmental and non-  
5 governmental entities as the Director considers appro-  
6 priate for purposes of incorporating the broadest prac-  
7 ticable range of sensor capabilities into the systems re-  
8 ferred to in paragraph (1). The consortium may include  
9 national laboratories, universities, and private sector enti-  
10 ties.

11 (3) The plan shall include a proposal for the funding  
12 of activities under the plan, including cost-sharing by non-  
13 governmental participants in the consortium under para-  
14 graph (2).

15 **SEC. 1039. REPORT ON VOLUNTEER SERVICES OF MEM-**  
16 **BERS OF THE RESERVE COMPONENTS IN**  
17 **EMERGENCY RESPONSE TO THE TERRORIST**  
18 **ATTACKS OF SEPTEMBER 11, 2001.**

19 (a) REQUIREMENT FOR REPORT.—Not later than 90  
20 days after the date of the enactment of this Act, the Sec-  
21 retary of Defense shall submit to the Committees on  
22 Armed Services of the Senate and the House of Represent-  
23 atives a report on volunteer services described in sub-  
24 section (b) that were provided by members of the National  
25 Guard and other reserve components of the Armed Forces,

1 while not in a duty status pursuant to orders, during the  
2 period of September 11 through 14, 2001. The report  
3 shall include a discussion of any personnel actions that  
4 the Secretary considers appropriate for the members re-  
5 garding the performance of such services.

6 (b) COVERED SERVICES.—The volunteer services re-  
7 ferred to in subsection (a) are as follows:

8 (1) Volunteer services provided in the vicinity of  
9 the site of the World Trade Center, New York, New  
10 York, in support of emergency response to the ter-  
11 rorist attack on the World Trade Center on Sep-  
12 tember 11, 2001.

13 (2) Volunteer services provided in the vicinity of  
14 the Pentagon in support of emergency response to  
15 the terrorist attack on the Pentagon on September  
16 11, 2001.

17 **SEC. 1040. BIENNIAL REPORTS ON CONTRIBUTIONS TO**  
18 **PROLIFERATION OF WEAPONS OF MASS DE-**  
19 **STRUCTION AND DELIVERY SYSTEMS BY**  
20 **COUNTRIES OF PROLIFERATION CONCERN.**

21 (a) REPORTS.—Not later than six months after the  
22 date of the enactment of this Act, and every six months  
23 thereafter, the President shall submit to Congress a report  
24 identifying each foreign person that, during the six-month  
25 period ending on the date of such report, made a material

1 contribution to the development by a country of prolifera-  
2 tion concern of—

3 (1) nuclear, biological, or chemical weapons; or

4 (2) ballistic or cruise missile systems.

5 (b) FORM OF SUBMITTAL.—(1) A report under sub-  
6 section (a) may be submitted in classified form, whether  
7 in whole or in part, if the President determines that sub-  
8 mittal in that form is advisable.

9 (2) Any portion of a report under subsection (a) that  
10 is submitted in classified form shall be accompanied by  
11 an unclassified summary of such portion.

12 (c) DEFINITIONS.—In this section:

13 (1) The term “foreign person” means—

14 (A) a natural person that is an alien;

15 (B) a corporation, business association,  
16 partnership, society, trust, or any other non-  
17 governmental entity, organization, or group  
18 that is organized under the laws of a foreign  
19 country or has its principal place of business in  
20 a foreign country;

21 (C) any foreign governmental entity oper-  
22 ating as a business enterprise; and

23 (D) any successor, subunit, or subsidiary  
24 of any entity described in subparagraph (B) or  
25 (C).

1           (2) The term “country of proliferation concern”  
2           means any country identified by the Director of Cen-  
3           tral Intelligence as having engaged in the acquisition  
4           of dual-use and other technology useful for the de-  
5           velopment or production of weapons of mass de-  
6           struction (including nuclear, chemical, and biological  
7           weapons) and advanced conventional munitions in  
8           the most current report under section 721 of the  
9           Combatting Proliferation of Weapons of Mass De-  
10          struction Act of 1996 (title VII of Public Law 104–  
11          293; 50 U.S.C. 2366), or any successor report on  
12          the acquisition by foreign countries of dual-use and  
13          other technology useful for the development or pro-  
14          duction of weapons of mass destruction.

## 15           **Subtitle D—Homeland Defense**

### 16   **SEC. 1041. HOMELAND SECURITY ACTIVITIES OF THE NA-** 17           **TIONAL GUARD.**

18           (a) **AUTHORITY.**—Chapter 1 of title 32, United  
19   States Code, is amended by adding at the end the fol-  
20   lowing new section:

#### 21   **“§ 116. Homeland security activities**

22           “(a) **USE OF PERSONNEL PERFORMING FULL-TIME**  
23   **NATIONAL GUARD DUTY.**—The Governor of a State may,  
24   upon the request by the head of a Federal law enforcement  
25   agency and with the concurrence of the Secretary of De-

1 fense, order any personnel of the National Guard of the  
2 State to perform full-time National Guard duty under sec-  
3 tion 502(f) of this title for the purpose of carrying out  
4 homeland security activities, as described in subsection  
5 (b).

6 “(b) PURPOSE AND DURATION.—(1) The purpose for  
7 the use of personnel of the National Guard of a State  
8 under this section is to temporarily provide trained and  
9 disciplined personnel to a Federal law enforcement agency  
10 to assist that agency in carrying out homeland security  
11 activities until that agency is able to recruit and train a  
12 sufficient force of Federal employees to perform the home-  
13 land security activities.

14 “(2) The duration of the use of the National Guard  
15 of a State under this section shall be limited to a period  
16 of 179 days. The Governor of the State may, with the con-  
17 currence of the Secretary of Defense, extend the period  
18 one time for an additional 90 days to meet extraordinary  
19 circumstances.

20 “(c) RELATIONSHIP TO REQUIRED TRAINING.—A  
21 member of the National Guard serving on full-time Na-  
22 tional Guard duty under orders authorized under sub-  
23 section (a) shall participate in the training required under  
24 section 502(a) of this title in addition to the duty per-  
25 formed for the purpose authorized under that subsection.

1 The pay, allowances, and other benefits of the member  
2 while participating in the training shall be the same as  
3 those to which the member is entitled while performing  
4 duty for the purpose of carrying out homeland security  
5 activities. The member is not entitled to additional pay,  
6 allowances, or other benefits for participation in training  
7 required under section 502(a)(1) of this title.

8 “(d) READINESS.—To ensure that the use of units  
9 and personnel of the National Guard of a State for home-  
10 land security activities does not degrade the training and  
11 readiness of such units and personnel, the following re-  
12 quirements shall apply in determining the homeland secu-  
13 rity activities that units and personnel of the National  
14 Guard of a State may perform:

15 “(1) The performance of the activities may not  
16 adversely affect the quality of that training or other-  
17 wise interfere with the ability of a member or unit  
18 of the National Guard to perform the military func-  
19 tions of the member or unit.

20 “(2) National Guard personnel will not degrade  
21 their military skills as a result of performing the ac-  
22 tivities.

23 “(3) The performance of the activities will not  
24 result in a significant increase in the cost of train-  
25 ing.



1           “(4) In the case of homeland security per-  
2           formed by a unit organized to serve as a unit, the  
3           activities will support valid unit training require-  
4           ments.

5           “(e) PAYMENT OF COSTS.—(1) The Secretary of De-  
6           fense shall provide funds to the Governor of a State to  
7           pay costs of the use of personnel of the National Guard  
8           of the State for the performance of homeland security ac-  
9           tivities under this section. Such funds shall be used for  
10          the following costs:

11           “(A) The pay, allowances, clothing, subsistence,  
12           gratuities, travel, and related expenses (including all  
13           associated training expenses, as determined by the  
14           Secretary), as authorized by State law, of personnel  
15           of the National Guard of that State used, while not  
16           in Federal service, for the purpose of homeland secu-  
17           rity activities.

18           “(B) The operation and maintenance of the  
19           equipment and facilities of the National Guard of  
20           that State used for the purpose of homeland security  
21           activities.

22           “(2) The Secretary of Defense shall require the head  
23           of a law enforcement agency receiving support from the  
24           National Guard of a State in the performance of homeland  
25           security activities under this section to reimburse the De-

1 partment of Defense for the payments made to the State  
2 for such support under paragraph (1).

3 “(f) MEMORANDUM OF AGREEMENT.—The Secretary  
4 of Defense and the Governor of a State shall enter into  
5 a memorandum of agreement with the head of each Fed-  
6 eral law enforcement agency to which the personnel of the  
7 National Guard of that State are to provide support in  
8 the performance of homeland security activities under this  
9 section. The memorandum of agreement shall—

10 “(1) specify how personnel of the National  
11 Guard are to be used in homeland security activities;

12 “(2) include a certification by the Adjutant  
13 General of the State that those activities are to be  
14 performed at a time when the personnel are not in  
15 Federal service;

16 “(3) include a certification by the Adjutant  
17 General of the State that—

18 “(A) participation by National Guard per-  
19 sonnel in those activities is service in addition  
20 to training required under section 502 of this  
21 title; and

22 “(B) the requirements of subsection (d) of  
23 this section will be satisfied;

24 “(4) include a certification by the Attorney  
25 General of the State (or, in the case of a State with

1 no position of Attorney General, a civilian official of  
2 the State equivalent to a State attorney general),  
3 that the use of the National Guard of the State for  
4 the activities provided for under the memorandum of  
5 agreement is authorized by, and is consistent with,  
6 State law;

7 “(5) include a certification by the Governor of  
8 the State or a civilian law enforcement official of the  
9 State designated by the Governor that the activities  
10 provided for under the memorandum of agreement  
11 serve a State law enforcement purpose; and

12 “(6) include a certification by the head of the  
13 Federal law enforcement agency that the agency will  
14 have a plan to ensure that the agency’s requirement  
15 for National Guard support ends not later than 179  
16 days after the commencement of the support.

17 “(g) EXCLUSION FROM END-STRENGTH COMPUTA-  
18 TION.—Notwithstanding any other provision of law, mem-  
19 bers of the National Guard on active duty or full-time Na-  
20 tional Guard duty for the purposes of administering (or  
21 during fiscal year 2003 otherwise implementing) this sec-  
22 tion shall not be counted toward the annual end strength  
23 authorized for reserves on active duty in support of the  
24 reserve components of the armed forces or toward the

1 strengths authorized in sections 12011 and 12012 of title  
2 10.

3 “(h) ANNUAL REPORT.—The Secretary of Defense  
4 shall submit to Congress an annual report regarding any  
5 assistance provided and activities carried out under this  
6 section during the preceding fiscal year. The report shall  
7 include the following:

8 “(1) The number of members of the National  
9 Guard excluded under subsection (g) from the com-  
10 putation of end strengths.

11 “(2) A description of the homeland security ac-  
12 tivities conducted with funds provided under this  
13 section.

14 “(3) An accounting of the amount of funds pro-  
15 vided to each State.

16 “(4) A description of the effect on military  
17 training and readiness of using units and personnel  
18 of the National Guard to perform homeland security  
19 activities under this section.

20 “(i) STATUTORY CONSTRUCTION.—Nothing in this  
21 section shall be construed as a limitation on the authority  
22 of any unit of the National Guard of a State, when such  
23 unit is not in Federal service, to perform law enforcement  
24 functions authorized to be performed by the National  
25 Guard by the laws of the State concerned.

1 “(j) DEFINITIONS.—For purposes of this section:

2 “(1) The term ‘Governor of a State’ means, in  
3 the case of the District of Columbia, the Com-  
4 manding General of the National Guard of the Dis-  
5 trict of Columbia.

6 “(2) The term ‘State’ means each of the several  
7 States, the District of Columbia, the Commonwealth  
8 of Puerto Rico, or a territory or possession of the  
9 United States.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of such section is amended by adding at  
12 the end the following new item:

“116. Homeland security activities.”.

13 **SEC. 1042. CONDITIONS FOR USE OF FULL-TIME RESERVES**  
14 **TO PERFORM DUTIES RELATING TO DEFENSE**  
15 **AGAINST WEAPONS OF MASS DESTRUCTION.**

16 Section 12310(c)(3) of title 10, United States Code,  
17 is amended by striking “only—” and all that follows  
18 through “(B) while assigned” and inserting “only while  
19 assigned”.

1 **SEC. 1043. WEAPON OF MASS DESTRUCTION DEFINED FOR**  
2 **PURPOSES OF THE AUTHORITY FOR USE OF**  
3 **RESERVES TO PERFORM DUTIES RELATING**  
4 **TO DEFENSE AGAINST WEAPONS OF MASS**  
5 **DESTRUCTION.**

6 (a) WEAPON OF MASS DESTRUCTION REDEFINED.—  
7 Section 12304(i)(2) of title 10, United States Code, is  
8 amended to read as follows:

9 “(2) The term ‘weapon of mass destruction’  
10 means—

11 “(A) any weapon that is designed or,  
12 through its use, is intended to cause death or  
13 serious bodily injury through the release, dis-  
14 semination, or impact of toxic or poisonous  
15 chemicals or their precursors;

16 “(B) any weapon that involves a disease  
17 organism;

18 “(C) any weapon that is designed to re-  
19 lease radiation or radioactivity at a level dan-  
20 gerous to human life; and

21 “(D) any large conventional explosive that  
22 is designed to produce catastrophic loss of life  
23 or property.”.

24 (b) CONFORMING AMENDMENT.—Section  
25 12310(c)(1) of such title is amended by striking “section  
26 1403 of the Defense Against Weapons of Mass Destruc-

1 tion Act of 1996 (50 U.S.C. 2302(1))” and inserting “sec-  
2 tion 12304(i)(2) of this title”.

3 **SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE HOME-**  
4 **LAND DEFENSE ACTIVITIES.**

5 (a) REPORT REQUIRED.—Not later than February 1,  
6 2003, the Secretary of Defense shall submit to the con-  
7 gressional defense committees a report on what actions of  
8 the Department of Defense would be necessary to carry  
9 out the Secretary’s expressed intent—

10 (1) to place new emphasis on the unique oper-  
11 ational demands associated with the defense of the  
12 United States homeland; and

13 (2) to restore the mission of defense of the  
14 United States to the position of being the primary  
15 mission of the Department of Defense.

16 (b) CONTENT OF THE REPORT.—The report shall  
17 contain, in accordance with the other provisions of this  
18 section, the following matters:

19 (1) HOMELAND DEFENSE CAMPAIGN PLAN.—A  
20 homeland defense campaign plan.

21 (2) INTELLIGENCE.—A discussion of the rela-  
22 tionship between—

23 (A) the intelligence capabilities of—

24 (i) the Department of Defense; and

1 (ii) other departments and agencies of  
2 the United States; and

3 (B) the performance of the homeland de-  
4 fense mission.

5 (3) THREAT AND VULNERABILITY ASSESS-  
6 MENT.—A compliance-based national threat and vul-  
7 nerability assessment.

8 (4) TRAINING AND EXERCISING.—A discussion  
9 of the Department of Defense plans for training and  
10 exercising for the performance of the homeland de-  
11 fense mission.

12 (5) BIOTERRORISM INITIATIVE.—An evaluation  
13 of the need for a Department of Defense bioter-  
14 rorism initiative to improve the ability of the depart-  
15 ment to counter bioterror threats and to assist other  
16 agencies to improve the national ability to counter  
17 bioterror threats.

18 (6) CHEMICAL BIOLOGICAL INCIDENT RE-  
19 SPONSE TEAMS.—An evaluation of the need for and  
20 feasibility of developing and fielding Department of  
21 Defense regional chemical biological incident re-  
22 sponse teams.

23 (7) OTHER MATTERS.—Any other matters that  
24 the Secretary of Defense considers relevant regard-



1 ing the efforts necessary to carry out the intent re-  
2 ferred to in subsection (a).

3 (c) HOMELAND DEFENSE CAMPAIGN PLAN.—

4 (1) ORGANIZATION, PLANNING, AND INTER-  
5 OPERABILITY.—

6 (A) IN GENERAL.—The homeland defense  
7 campaign plan under subsection (b)(1) shall  
8 contain a discussion of the organization and  
9 planning of the Department of Defense for  
10 homeland defense, including the expectations  
11 for interoperability of the Department of De-  
12 fense with other departments and agencies of  
13 the Federal Government and with State and  
14 local governments.

15 (B) CONTENT.—The plan shall include the  
16 following matters:

17 (i) The duties, definitions, missions,  
18 goals, and objectives of organizations in  
19 the Department of Defense that apply  
20 homeland defense, together with an organi-  
21 zational assessment with respect to the  
22 performance of the homeland defense mis-  
23 sion and a discussion of any plans for  
24 making functional realignments of organi-

1 zations, authorities, and responsibilities for  
2 carrying out that mission.

3 (ii) The relationships among the lead-  
4 ers of the organizations (including the Sec-  
5 retary of Defense, the Joint Chiefs of  
6 Staff, the Commander in Chief of United  
7 States Northern Command, the Com-  
8 manders in Chief of the other regional uni-  
9 fied combatant commands, and the reserve  
10 components) in the performance of such  
11 duties.

12 (iii) The reviews, evaluations, and  
13 standards that are established or are to be  
14 established for determining and ensuring  
15 the readiness of the organizations to per-  
16 form such duties.

17 (2) RESPONSE TO ATTACK ON CRITICAL INFRA-  
18 STRUCTURE.—

19 (A) IN GENERAL.—The homeland defense  
20 campaign plan shall contain an outline of the  
21 duties and capabilities of the Department of  
22 Defense for responding to an attack on critical  
23 infrastructure of the United States, including  
24 responding to an attack on critical infrastruc-  
25 ture of the department, by means of a weapon

1 of mass destruction or a CBRNE weapon or by  
2 a cyber means.

3 (B) VARIOUS ATTACK SCENARIOS.—The  
4 outline shall specify, for each major category of  
5 attack by a means described in subparagraph  
6 (A), the variations in the duties, responses, and  
7 capabilities of the various Department of De-  
8 fense organizations that result from the vari-  
9 ations in the means of the attack.

10 (C) DEFICIENCIES.—The outline shall  
11 identify any deficiencies in capabilities and set  
12 forth a plan for rectifying any such deficiencies.

13 (D) LEGAL IMPEDIMENTS.—The outline  
14 shall identify and discuss each impediment in  
15 law to the effective performance of the home-  
16 land defense mission.

17 (3) ROLES AND RESPONSIBILITIES IN INTER-  
18 AGENCY PROCESS.—

19 (A) IN GENERAL.—The homeland defense  
20 campaign plan shall contain a discussion of the  
21 roles and responsibilities of the Department of  
22 Defense in the interagency process of policy-  
23 making and planning for homeland defense.

24 (B) INTEGRATION WITH STATE AND LOCAL  
25 ACTIVITIES.—The homeland defense campaign

1 plan shall include a discussion of Department of  
2 Defense plans to integrate Department of De-  
3 fense homeland defense activities with the  
4 homeland defense activities of other depart-  
5 ments and agencies of the United States and  
6 the homeland defense activities of State and  
7 local governments, particularly with regard to  
8 issues relating to CBRNE and cyber attacks.

9 (d) INTELLIGENCE CAPABILITIES.—The discussion  
10 of the relationship between the intelligence capabilities and  
11 the performance of the homeland defense mission under  
12 subsection (b)(2) shall include the following matters:

13 (1) ROLES AND MISSIONS.—The roles and mis-  
14 sions of the Department of Defense for the employ-  
15 ment of the intelligence capabilities of the depart-  
16 ment in homeland defense.

17 (2) INTERAGENCY RELATIONSHIPS.—A discus-  
18 sion of the relationship between the Department of  
19 Defense and the other departments and agencies of  
20 the United States that have duties for collecting or  
21 analyzing intelligence in relation to homeland de-  
22 fense, particularly in light of the conflicting demands  
23 of duties relating to the collection and analysis of  
24 domestic intelligence and duties relating to the col-  
25 lection and analysis of foreign intelligence.

1           (3) INTELLIGENCE-RELATED CHANGES.—Any  
2 changes that are necessary in the Department of  
3 Defense in order to provide effective intelligence sup-  
4 port for the performance of homeland defense mis-  
5 sions, with respect to—

6           (A) the preparation of threat assessments  
7 and other warning products by the Department  
8 of Defense;

9           (B) collection of terrorism-related intel-  
10 ligence through human intelligence sources, sig-  
11 nals intelligence sources, and other intelligence  
12 sources; and

13           (C) intelligence policy, capabilities, and  
14 practices.

15           (4) LEGAL IMPEDIMENTS.—Any impediments  
16 in law to the effective performance of intelligence  
17 missions in support of homeland defense.

18           (e) THREAT AND VULNERABILITY ASSESSMENT.—

19           (1) CONTENT.—The compliance-based national  
20 threat and vulnerability assessment under subsection  
21 (b)(3) shall include a discussion of the following  
22 matters:

23           (A) CRITICAL FACILITIES.—The threat of  
24 terrorist attack on critical facilities, programs,  
25 and systems of the United States, together with

1 the capabilities of the Department of Defense  
2 to deter and respond to any such attack.

3 (B) DOD VULNERABILITY.—The vulner-  
4 ability of installations, facilities, and personnel  
5 of the Department of Defense to attack by per-  
6 sons using weapons of mass destruction,  
7 CBRNE weapons, or cyber means.

8 (C) BALANCED SURVIVABILITY ASSESS-  
9 MENT.—Plans to conduct a balanced surviv-  
10 ability assessment for use in determining the  
11 vulnerabilities of targets referred to in subpara-  
12 graphs (A) and (B).

13 (D) PROCESS.—Plans, including timelines  
14 and milestones, necessary to develop a process  
15 for conducting compliance-based vulnerability  
16 assessments for critical infrastructure, together  
17 with the standards to be used for ensuring that  
18 the process is executable.

19 (2) DEFINITION OF COMPLIANCE-BASED.—In  
20 subsection (b)(3) and paragraph (1)(D) of this sub-  
21 section, the term “compliance-based”, with respect  
22 to an assessment, means that the assessment is con-  
23 ducted under policies and procedures that require  
24 correction of each deficiency identified in the assess-  
25 ment to a standard set forth in Department of De-

1       fense Instruction 2000.16 or another applicable De-  
2       partment of Defense instruction, directive, or policy.

3       (f) TRAINING AND EXERCISING.—The discussion of  
4       the Department of Defense plans for training and exer-  
5       cising for the performance of the homeland defense mis-  
6       sion under subsection (b)(4) shall contain the following  
7       matters:

8               (1) MILITARY EDUCATION.—The plans for the  
9       training and education of members of the Armed  
10      Forces specifically for performance of homeland de-  
11      fense missions, including any anticipated changes in  
12      the curriculum in—

13               (A) the National Defense University, the  
14      war colleges of the Armed Forces, graduate  
15      education programs, and other senior military  
16      schools and education programs; and

17               (B) the Reserve Officers' Training Corps  
18      program, officer candidate schools, enlisted and  
19      officer basic and advanced individual training  
20      programs, and other entry level military edu-  
21      cation and training programs.

22               (2) EXERCISES.—The plans for using exercises  
23      and simulation in the training of all components of  
24      the Armed Forces, including—

1 (A) plans for integrated training with de-  
2 partments and agencies of the United States  
3 outside the Department of Defense and with  
4 agencies of State and local governments; and

5 (B) plans for developing an opposing force  
6 that, for the purpose of developing potential  
7 scenarios of terrorist attacks on targets inside  
8 the United States, simulates a terrorist group  
9 having the capability to engage in such attacks.

10 (g) BIOTERRORISM INITIATIVE.—The evaluation of  
11 the need for a Department of Defense bioterrorism initia-  
12 tive under subsection (b)(5) shall include a discussion that  
13 identifies and evaluates options for potential action in  
14 such an initiative, as follows:

15 (1) PLANNING, TRAINING, EXERCISE, EVALUA-  
16 TION, AND FUNDING.—Options for—

17 (A) refining the plans of the Department  
18 of Defense for biodefense to include participa-  
19 tion of other departments and agencies of the  
20 United States and State and local governments;

21 (B) increasing biodefense training, exer-  
22 cises, and readiness evaluations by the Depart-  
23 ment of Defense, including training, exercises,  
24 and evaluations that include participation of



1 other departments and agencies of the United  
2 States and State and local governments;

3 (C) increasing Department of Defense  
4 funding for biodefense; and

5 (D) integrating other departments and  
6 agencies of the United States and State and  
7 local governments into the plans, training, exer-  
8 cises, evaluations, and resourcing.

9 (2) DISEASE SURVEILLANCE.—Options for the  
10 Department of Defense to develop an integrated dis-  
11 ease surveillance detection system and to improve  
12 systems for communicating information and warn-  
13 ings of the incidence of disease to recipients within  
14 the Department of Defense and to other depart-  
15 ments and agencies of the United States and State  
16 and local governments.

17 (3) EMERGENCY MANAGEMENT STANDARD.—  
18 Options for broadening the scope of the Revised  
19 Emergency Management Standard of the Joint  
20 Commission on Accreditation of Healthcare Organi-  
21 zations by including the broad and active participa-  
22 tion of Federal, State, and local governmental agen-  
23 cies that are expected to respond in any event of a  
24 CBRNE or cyber attack.

1           (4) LABORATORY RESPONSE NETWORK.—Op-  
2           tions for the Department of Defense—

3                   (A) to participate in the laboratory re-  
4                   sponse network for bioterrorism; and

5                   (B) to increase the capacity of Department  
6                   of Defense laboratories rated by the Secretary  
7                   of Defense as level D laboratories to facilitate  
8                   participation in the network.

9           (h) CHEMICAL BIOLOGICAL INCIDENT RESPONSE  
10          TEAMS.—The evaluation of the need for and feasibility of  
11          developing and fielding Department of Defense regional  
12          chemical biological incident response teams under sub-  
13          section (b)(6) shall include a discussion and evaluation of  
14          the following options:

15                   (1) REGIONAL TEAMS.—Options for the De-  
16                   partment of Defense, using the chemical biological  
17                   incident response force as a model, to develop, equip,  
18                   train, and provide transportation for five United  
19                   States based, strategically located, regional chemical  
20                   biological incident response teams.

21                   (2) RESOURCING.—Options and preferred  
22                   methods for providing the resources and personnel  
23                   necessary for developing and fielding any such  
24                   teams.

25           (i) DEFINITIONS.—In this section:

1           (1) CBRNE.—The term “CBRNE” means  
2 chemical, biological, radiological, nuclear, or explo-  
3 sive.

4           (2) WEAPON OF MASS DESTRUCTION.—The  
5 term “weapon of mass destruction” has the meaning  
6 given such term in section 1403 of the Defense  
7 Against Weapons of Mass Destruction Act of 1996  
8 (50 U.S.C. 2302).

9 **SEC. 1045. STRATEGY FOR IMPROVING PREPAREDNESS OF**  
10 **MILITARY INSTALLATIONS FOR INCIDENTS**  
11 **INVOLVING WEAPONS OF MASS DESTRUC-**  
12 **TION.**

13           (a) COMPREHENSIVE PLAN.—The Secretary of De-  
14 fense shall develop a comprehensive plan for improving the  
15 preparedness of military installations for preventing and  
16 responding to incidents involving use or threat of use of  
17 weapons of mass destruction.

18           (b) CONTENT.—The comprehensive plan shall set  
19 forth the following:

20           (1) A strategy that—

21           (A) identifies—

22                   (i) long-term goals and objectives;

23                   (ii) resource requirements; and

1 (iii) factors beyond the control of the  
2 Secretary that could impede the achieve-  
3 ment of the goals and objectives; and

4 (B) includes a discussion of—

5 (i) the extent to which local, regional,  
6 or national military response capabilities  
7 are to be developed and used; and

8 (ii) how the Secretary will coordinate  
9 these capabilities with local, regional, or  
10 national civilian capabilities.

11 (2) A performance plan that—

12 (A) provides a reasonable schedule, with  
13 milestones, for achieving the goals and objec-  
14 tives of the strategy;

15 (B) performance criteria for measuring  
16 progress in achieving the goals and objectives;

17 (C) a description of the process, together  
18 with a discussion of the resources, necessary to  
19 achieve the goals and objectives;

20 (D) a description of the process for evalu-  
21 ating results.

22 (c) SUBMITTAL TO CONGRESS.—The Secretary shall  
23 submit the comprehensive plan to the Committees on  
24 Armed Services of the Senate and the House of Represent-

1 atives not later than 180 days after the date of the enact-  
2 ment of this Act.

3 (d) COMPTROLLER GENERAL REVIEW AND RE-  
4 PORT.—Not later than 60 days after the Secretary sub-  
5 mits the comprehensive plan to Congress under subsection  
6 (c), the Comptroller General shall review the plan and sub-  
7 mit an assessment of the plan to the committees referred  
8 to in that subsection.

9 (e) ANNUAL REPORT.—(1) In each of 2004, 2005,  
10 and 2006, the Secretary of Defense shall include a report  
11 on the comprehensive plan in the materials that the Sec-  
12 retary submits to Congress in support of the budget sub-  
13 mitted by the President such year pursuant to section  
14 1105(a) of title 31, United States Code.

15 (2) The report shall include—

16 (A) a discussion of any revision that the Sec-  
17 retary has made in the comprehensive plan since the  
18 last report; and

19 (B) an assessment of the progress made in  
20 achieving the goals and objectives of the strategy set  
21 forth in the plan.

22 (3) No report is required under this subsection after  
23 the Secretary submits under this subsection a report con-  
24 taining a declaration that the goals and objectives set  
25 forth in the strategy have been achieved.

1                   **Subtitle E—Other Matters**

2   **SEC. 1061. CONTINUED APPLICABILITY OF EXPIRING GOV-**  
3                   **ERNMENTWIDE INFORMATION SECURITY RE-**  
4                   **QUIREMENTS TO THE DEPARTMENT OF DE-**  
5                   **FENSE.**

6           (a) IN GENERAL.—Chapter 131 of title 10, United  
7 States Code, is amended by inserting after section 2224  
8 the following new section:

9   **“§ 2224a. Information security: continued applica-**  
10                   **bility of expiring Governmentwide re-**  
11                   **quirements to the Department of Defense**

12           “(a) IN GENERAL.—The provisions of subchapter II  
13 of chapter 35 of title 44 shall continue to apply with re-  
14 spect to the Department of Defense, notwithstanding the  
15 expiration of authority under section 3536 of such title.

16           “(b) RESPONSIBILITIES.—In administering the provi-  
17 sions of subchapter II of chapter 35 of title 44 with re-  
18 spect to the Department of Defense after the expiration  
19 of authority under section 3536 of such title, the Secretary  
20 of Defense shall perform the duties set forth in that sub-  
21 chapter for the Director of the Office of Management and  
22 Budget.”.

23           (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of such chapter is amended by inserting

1 after the item relating to section 2224 the following new  
2 item:

“2224a. Information security: continued applicability of expiring Government-wide requirements to the Department of Defense.”.

3 **SEC. 1062. ACCEPTANCE OF VOLUNTARY SERVICES OF**  
4 **PROCTORS FOR ADMINISTRATION OF ARMED**  
5 **SERVICES VOCATIONAL APTITUDE BATTERY.**

6 Section 1588(a) of title 10, United States Code, is  
7 amended by adding at the end the following new para-  
8 graph:

9 “(6) Voluntary services as a proctor for the ad-  
10 ministration of the Armed Services Vocational Apti-  
11 tude Battery.”.

12 **SEC. 1063. EXTENSION OF AUTHORITY FOR SECRETARY OF**  
13 **DEFENSE TO SELL AIRCRAFT AND AIRCRAFT**  
14 **PARTS FOR USE IN RESPONDING TO OIL**  
15 **SPILLS.**

16 (a) **FOUR-YEAR EXTENSION.**—Subsection (a)(1) of  
17 section 740 of the Wendell H. Ford Aviation Investment  
18 and Reform Act for the 21st Century (Public Law 106–  
19 181; 114 Stat. 173; 10 U.S.C. 2576 note) is amended by  
20 striking “September 30, 2002” and inserting “September  
21 30, 2006”.

22 (b) **ADDITIONAL REPORT.**—Subsection (f) of such  
23 section is amended by striking “March 31, 2002” and in-  
24 serting “March 31, 2006”.

1 **SEC. 1064. AMENDMENTS TO IMPACT AID PROGRAM.**

2 (a) ELIGIBILITY FOR HEAVILY IMPACTED LOCAL  
3 EDUCATIONAL AGENCIES AFFECTED BY PRIVATIZATION  
4 OF MILITARY HOUSING.—Section 8003(b)(2) of the Ele-  
5 mentary and Secondary Education Act of 1965 (20 U.S.C.  
6 7703(b)(2)) is amended by adding at the end the fol-  
7 lowing:

8 “(H) ELIGIBILITY FOR HEAVILY IMPACTED  
9 LOCAL EDUCATIONAL AGENCIES AFFECTED BY  
10 PRIVATIZATION OF MILITARY HOUSING.—

11 “(i) IN GENERAL.—For any fiscal  
12 year beginning with fiscal year 2003, a  
13 heavily impacted local educational agency  
14 that received a basic support payment  
15 under subparagraph (A) for the prior fiscal  
16 year, but is ineligible for such payment for  
17 the current fiscal year under subparagraph  
18 (B) or (C), as the case may be, by reason  
19 of the conversion of military housing units  
20 to private housing described in clause (ii),  
21 shall be deemed to meet the eligibility re-  
22 quirements under subparagraph (B) or  
23 (C), as the case may be, for the period  
24 during which the housing units are under-  
25 going such conversion, and shall be paid  
26 under the same provisions of subparagraph



1 (D) or (E) as the agency was paid in the  
2 prior fiscal year.

3 “(ii) CONVERSION OF MILITARY  
4 HOUSING UNITS TO PRIVATE HOUSING DE-  
5 SCRIBED.—For purposes of clause (i),  
6 ‘conversion of military housing units to  
7 private housing’ means the conversion of  
8 military housing units to private housing  
9 units pursuant to subchapter IV of chapter  
10 169 of title 10, United States Code, or  
11 pursuant to any other related provision of  
12 law.”.

13 (b) COTERMINOUS MILITARY SCHOOL DISTRICTS.—  
14 Section 8003(a) of the Elementary and Secondary Edu-  
15 cation Act of 1965 (20 U.S.C. 7703(a)) is amended by  
16 adding at the end the following:

17 “(6) COTERMINOUS MILITARY SCHOOL DIS-  
18 TRICTS.—For purposes of computing the amount of  
19 a payment for a local educational agency for chil-  
20 dren described in paragraph (1)(D)(i), the Secretary  
21 shall consider such children to be children described  
22 in paragraph (1)(B) if the agency is a local edu-  
23 cational agency whose boundaries are the same as a  
24 Federal military installation.”.

1 **SEC. 1065. DISCLOSURE OF INFORMATION ON SHIPBOARD**  
2 **HAZARD AND DEFENSE PROJECT TO DEPART-**  
3 **MENT OF VETERANS AFFAIRS.**

4 (a) **PLAN FOR DISCLOSURE OF INFORMATION.**—Not  
5 later than 90 days after the date of the enactment of this  
6 Act, the Secretary of Defense shall submit to Congress  
7 and the Secretary of Veterans Affairs a comprehensive  
8 plan for the review, declassification, and submittal to the  
9 Department of Veterans Affairs of all medical records and  
10 information of the Department of Defense on the Ship-  
11 board Hazard and Defense (SHAD) project of the Navy  
12 that are relevant to the provision of benefits by the Sec-  
13 retary of Veterans Affairs to members of the Armed  
14 Forces who participated in that project.

15 (b) **PLAN REQUIREMENTS.**—(1) The records and in-  
16 formation covered by the plan under subsection (a) shall  
17 be the records and information necessary to permit the  
18 identification of members of the Armed Forces who were  
19 or may have been exposed to chemical or biological agents  
20 as a result of the Shipboard Hazard and Defense project.

21 (2) The plan shall provide for completion of all activi-  
22 ties contemplated by the plan not later than one year after  
23 the date of the enactment of this Act.

24 (c) **REPORTS ON IMPLEMENTATION.**—(1) Not later  
25 than 90 days after the date of the enactment of this Act,  
26 and every 90 days thereafter until completion of all activi-

1 ties contemplated by the plan under subsection (a), the  
2 Secretary of Defense shall submit to Congress and the  
3 Secretary of Veterans Affairs a report on progress in the  
4 implementation of the plan during the 90-day period end-  
5 ing on the date of such report.

6 (2) Each report under paragraph (1) shall include,  
7 for the period covered by such report—

8 (A) the number of records reviewed;

9 (B) each test, if any, under the Shipboard Haz-  
10 ard and Defense project identified during such re-  
11 view;

12 (C) for each test so identified—

13 (i) the test name;

14 (ii) the test objective;

15 (iii) the chemical or biological agent or  
16 agents involved; and

17 (iv) the number of members of the Armed  
18 Forces, and civilian personnel, potentially ef-  
19 fected by such test; and

20 (D) the extent of submittal of records and in-  
21 formation to the Secretary of Veterans Affairs under  
22 this section.

1 **SEC. 1066. TRANSFER OF HISTORIC DF-9E PANTHER AIR-**  
2 **CRAFT TO WOMEN AIRFORCE SERVICE PI-**  
3 **LOTS MUSEUM.**

4 (a) **AUTHORITY TO CONVEY.**—The Secretary of the  
5 Navy may convey, without consideration, to the Women  
6 Airforce Service Pilots Museum in Quartzsite, Arizona (in  
7 this section referred to as the “W.A.S.P. museum”), all  
8 right, title, and interest of the United States in and to  
9 a DF-9E Panther aircraft (Bureau Number 125316).  
10 The conveyance shall be made by means of a conditional  
11 deed of gift.

12 (b) **CONDITION OF AIRCRAFT.**—The aircraft shall be  
13 conveyed under subsection (a) in “as is” condition. The  
14 Secretary is not required to repair or alter the condition  
15 of the aircraft before conveying ownership of the aircraft.

16 (c) **REVERTER UPON BREACH OF CONDITIONS.**—  
17 The Secretary shall include in the instrument of convey-  
18 ance of the aircraft under subsection (a)—

19 (1) a condition that the W.A.S.P. museum not  
20 convey any ownership interest in, or transfer posses-  
21 sion of, the aircraft to any other party without the  
22 prior approval of the Secretary; and

23 (2) a condition that if the Secretary determines  
24 at any time that the W.A.S.P. museum has conveyed  
25 an ownership interest in, or transferred possession  
26 of, the aircraft to any other party without the prior

1 approval of the Secretary, all right, title, and inter-  
2 est in and to the aircraft, including any repair or al-  
3 teration of the aircraft, shall revert to the United  
4 States, and the United States shall have the right of  
5 immediate possession of the aircraft.

6 (d) CONVEYANCE AT NO COST TO THE UNITED  
7 STATES.—The conveyance of the aircraft under subsection  
8 (a) shall be made at no cost to the United States. Any  
9 costs associated with the conveyance, costs of determining  
10 compliance with subsection (b), and costs of operation and  
11 maintenance of the aircraft conveyed shall be borne by the  
12 W.A.S.P. museum.

13 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
14 Secretary may require such additional terms and condi-  
15 tions in connection with a conveyance under this section  
16 as the Secretary considers appropriate to protect the inter-  
17 ests of the United States.

18 **SEC. 1067. REWARDS FOR ASSISTANCE IN COMBATING TER-**

19 **RORISM.**

20 (a) AUTHORITY.—Chapter 3 of title 10, United  
21 States Code, is amended by inserting after section 127a  
22 the following new section:

1 **“§ 127b. Rewards for assistance in combating ter-**  
2 **rorism**

3 “(a) **AUTHORITY.**—The Secretary of Defense may  
4 pay a monetary reward to a person for providing United  
5 States personnel with information or nonlethal assistance  
6 that is beneficial to—

7 “(1) an operation of the armed forces con-  
8 ducted outside the United States against inter-  
9 national terrorism; or

10 “(2) force protection of the armed forces.

11 “(b) **MAXIMUM AMOUNT.**—The amount of a reward  
12 paid to a recipient under this section may not exceed  
13 \$200,000.

14 “(c) **DELEGATION TO COMMANDER OF COMBATANT**  
15 **COMMAND.**—(1) The Secretary of Defense may delegate  
16 to the commander of a combatant command authority to  
17 pay a reward under this section in an amount not in excess  
18 of \$50,000.

19 “(2) A commander to whom authority to pay rewards  
20 is delegated under paragraph (1) may further delegate au-  
21 thority to pay a reward under this section in an amount  
22 not in excess of \$2,500.

23 “(c) **COORDINATION.**—(1) The Secretary of Defense,  
24 in consultation with the Secretary of State and the Attor-  
25 ney General, shall prescribe policies and procedures for of-  
26 fering and paying rewards under this section, and other-

1 wise for administering the authority under this section,  
2 that ensure that the payment of a reward under this sec-  
3 tion does not duplicate or interfere with the payment of  
4 a reward authorized by the Secretary of State or the At-  
5 torney General.

6 “(2) The Secretary of Defense shall coordinate with  
7 the Secretary of State regarding any payment of a reward  
8 in excess of \$100,000 under this section.

9 “(d) PERSONS NOT ELIGIBLE.—The following per-  
10 sons are not eligible to receive an award under this section:

11 “(1) A citizen of the United States.

12 “(2) An employee of the United States.

13 “(3) An employee of a contractor of the United  
14 States.

15 “(e) ANNUAL REPORT.—(1) Not later than 60 days  
16 after the end of each fiscal year, the Secretary of Defense  
17 shall submit to the Committees on Armed Services and  
18 the Committees on Appropriations of the Senate and the  
19 House of Representatives a report on the administration  
20 of the rewards program during that fiscal year.

21 “(2) The report for a fiscal year shall include infor-  
22 mation on the total amount expended during that fiscal  
23 year to carry out this section, including—

24 “(A) a specification of the amount, if any, ex-  
25 pended to publicize the availability of rewards; and

1           “(B) with respect to each award paid during  
2           that fiscal year—

3                   “(i) the amount of the reward;

4                   “(ii) the recipient of the reward; and

5                   “(iii) a description of the information or  
6           assistance for which the reward was paid, to-  
7           gether with an assessment of the significance of  
8           the information or assistance.

9           “(3) The Secretary may submit the report in classi-  
10   fied form if the Secretary determines that it is necessary  
11   to do so.

12           “(f) DETERMINATIONS BY THE SECRETARY.—A de-  
13   termination by the Secretary under this section shall be  
14   final and conclusive and shall not be subject to judicial  
15   review.”.

16           (b) CLERICAL AMENDMENT.—The table of sections  
17   at the beginning of such chapter is amended by inserting  
18   after the item relating to section 127a the following new  
19   item:

                  “127b. Rewards for assistance in combating terrorism.”.

20   **SEC. 1068. PROVISION OF SPACE AND SERVICES TO MILI-**  
21                   **TARY WELFARE SOCIETIES.**

22           (a) AUTHORITY TO PROVIDE SPACE AND SERV-  
23   ICES.—Chapter 152 of title 10, United States Code, is  
24   amended by adding at the end the following new section:



1 **“§ 2566. Space and services: provision to military wel-**  
 2 **fare societies**

3 “(a) **AUTHORITY TO PROVIDE SPACE AND SERV-**  
 4 **ICES.**—The Secretary of a military department may pro-  
 5 vide, without charge, space and services under the jurisdic-  
 6 tion of that Secretary to a military welfare society.

7 “(b) **DEFINITIONS.**—In this section:

8 “(1) The term ‘military welfare society’ means  
 9 the following:

10 “(A) The Army Emergency Relief Society.

11 “(B) The Navy-Marine Corps Relief Soci-  
 12 ety.

13 “(C) The Air Force Aid Society, Inc.

14 “(2) The term ‘services’ includes lighting, heat-  
 15 ing, cooling, electricity, office furniture, office ma-  
 16 chines and equipment, telephone and other informa-  
 17 tion technology services (including installation of  
 18 lines and equipment, connectivity, and other associ-  
 19 ated services), and security systems (including in-  
 20 stallation and other associated expenses).”.

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

“2566. Space and services: provision to military welfare societies.”.

24 **SEC. 1069. COMMENDATION OF MILITARY CHAPLAINS.**

25 (a) **FINDINGS.**—Congress finds the following:

1           (1) Military chaplains have served with those  
2 who fought for the cause of freedom since the found-  
3 ing of the Nation.

4           (2) Military chaplains and religious support  
5 personnel of the Armed Forces have served with dis-  
6 tinction as uniformed members of the Armed Forces  
7 in support of the Nation's defense missions during  
8 every conflict in the history of the United States.

9           (3) 400 United States military chaplains have  
10 died in combat, some as a result of direct fire while  
11 ministering to fallen Americans, while others made  
12 the ultimate sacrifice as a prisoner of war.

13           (4) Military chaplains currently serve in hu-  
14 manitarian operations, rotational deployments, and  
15 in the war on terrorism.

16           (5) Religious organizations make up the very  
17 fabric of religious diversity and represent unparal-  
18 leled levels of freedom of conscience, speech, and  
19 worship that set the United States apart from any  
20 other nation on Earth.

21           (6) Religious organizations have richly blessed  
22 the uniformed services by sending clergy to comfort  
23 and encourage all persons of faith in the Armed  
24 Forces.

1           (7) During the sinking of the USS Dorchester  
2           in February 1943 during World War II, four chap-  
3           lains (Reverend Fox, Reverend Poling, Father  
4           Washington, and Rabbi Goode) gave their lives so  
5           that others might live.

6           (8) All military chaplains aid and assist mem-  
7           bers of the Armed Forces and their family members  
8           with the challenging issues of today's world.

9           (9) The current war against terrorism has  
10          brought to the shores of the United States new  
11          threats and concerns that strike at the beliefs and  
12          emotions of Americans.

13          (10) Military chaplains must, as never before,  
14          deal with the spiritual well-being of the members of  
15          the Armed Forces and their families.

16          (b) **COMMENDATION.**—Congress, on behalf of the Na-  
17          tion, expresses its appreciation for the outstanding con-  
18          tribution that all military chaplains make to the members  
19          of the Armed Forces and their families.

20          (c) **PRESIDENTIAL PROCLAMATION.**—The President  
21          is authorized and requested to issue a proclamation calling  
22          on the people of the United States to recognize the distin-  
23          guished service of the Nation's military chaplains.

1 **SEC. 1070. GRANT OF FEDERAL CHARTER TO KOREAN WAR**  
 2 **VETERANS ASSOCIATION, INCORPORATED.**

3 (a) GRANT OF CHARTER.—Part B of subtitle II of  
 4 title 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  
 12 Association, Incorporated (in this chapter, the ‘corpora-  
 13 tion’), incorporated in the State of New York, is a feder-  
 14 ally chartered 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.

18 **“§ 120102. Purposes**

19 “The purposes of the corporation are as provided in  
 20 its articles of incorporation and include—

1           “(1) organizing, promoting, and maintaining  
2           for benevolent and charitable purposes an associa-  
3           tion of persons who have seen honorable service in  
4           the Armed Forces during the Korean War, and of  
5           certain other persons;

6           “(2) providing a means of contact and commu-  
7           nication among members of the corporation;

8           “(3) promoting the establishment of, and estab-  
9           lishing, war and other memorials commemorative of  
10          persons who served in the Armed Forces during the  
11          Korean War; and

12          “(4) aiding needy members of the corporation,  
13          their wives and children, and the widows and chil-  
14          dren of persons who were members of the corpora-  
15          tion at the time of their death.

16 **“§ 120103. Membership**

17          “Eligibility for membership in the corporation, and  
18          the rights and privileges of members of the corporation,  
19          are as provided in the bylaws of the corporation.

20 **“§ 120104. Governing body**

21          “(a) BOARD OF DIRECTORS.—The board of directors  
22          of the corporation, and the responsibilities of the board  
23          of directors, are as provided in the articles of incorporation  
24          of the corporation.

1           “(b) OFFICERS.—The officers of the corporation, and  
2 the election of the officers of the corporation, are as pro-  
3 vided in the articles of incorporation.

4 **“§ 120105. Powers**

5           “The corporation has only the powers provided in its  
6 bylaws and articles of incorporation filed in each State in  
7 which it is incorporated.

8 **“§ 120106. Restrictions**

9           “(a) STOCK AND DIVIDENDS.—The corporation may  
10 not issue stock or declare or pay a dividend.

11           “(b) POLITICAL ACTIVITIES.—The corporation, or a  
12 director or officer of the corporation as such, may not con-  
13 tribute to, support, or participate in any political activity  
14 or in any manner attempt to influence legislation.

15           “(c) LOAN.—The corporation may not make a loan  
16 to a director, officer, or employee of the corporation.

17           “(d) CLAIM OF GOVERNMENTAL APPROVAL OR AU-  
18 THORITY.—The corporation may not claim congressional  
19 approval, or the authority of the United States, for any  
20 of its activities.

21 **“§ 120107. Duty to maintain corporate and tax-ex-**  
22 **empt status**

23           “(a) CORPORATE STATUS.—The corporation shall  
24 maintain its status as a corporation incorporated under  
25 the laws of the State of New York.

1       “(b) TAX-EXEMPT STATUS.—The corporation shall  
2 maintain its status as an organization exempt from tax-  
3 ation under the Internal Revenue Code of 1986 (26 U.S.C.  
4 1 et seq.).

5 **“§ 120108. Records and inspection**

6       “(a) RECORDS.—The corporation shall keep—

7           “(1) correct and complete records of account;

8           “(2) minutes of the proceedings of its members,  
9 board of directors, and committees having any of the  
10 authority of its board of directors; and

11           “(3) at its principal office, a record of the  
12 names and addresses of its members entitled to vote  
13 on matters relating to the corporation.

14       “(b) INSPECTION.—A member entitled to vote on  
15 matters relating to the corporation, or an agent or attor-  
16 ney of the member, may inspect the records of the cor-  
17 poration for any proper purpose, at any reasonable time.

18 **“§ 120109. Service of process**

19       ““The corporation shall have a designated agent in the  
20 District of Columbia to receive service of process for the  
21 corporation. Notice to or service on the agent is notice  
22 to or service on the Corporation.

23 **“§ 120110. Liability for acts of officers and agents**

24       ““The corporation is liable for the acts of its officers  
25 and agents acting within the scope of their authority.

1 **“§ 120111. Annual report**

2 “The corporation shall submit an annual report to  
3 Congress on the activities of the corporation during the  
4 preceding fiscal year. The report shall be submitted at the  
5 same time as the report of the audit required by section  
6 10101 of this title. The report may not be printed as a  
7 public document.”.

8 (b) CLERICAL AMENDMENT.—The table of chapters  
9 at the beginning of subtitle II of title 36, United States  
10 Code, is amended by striking the item relating to chapter  
11 1201 and inserting the following new item:

“1201. Korean War Veterans Association, Incorporated .....120101”.

12 **TITLE XI—DEPARTMENT OF DE-**  
13 **FENSE CIVILIAN PERSONNEL**  
14 **POLICY**

15 **SEC. 1101. EXTENSION OF AUTHORITY TO PAY SEVERANCE**  
16 **PAY IN A LUMP SUM.**

17 Section 5595(i)(4) of title 5, United States Code, is  
18 amended by striking “October 1, 2003” and inserting  
19 “October 1, 2006”.

20 **SEC. 1102. EXTENSION OF VOLUNTARY SEPARATION INCEN-**  
21 **TIVE PAY AUTHORITY.**

22 Section 5597(e) of title 5, United States Code, is  
23 amended by striking “September 30, 2003” and inserting  
24 “September 30, 2006”.



1 **SEC. 1103. EXTENSION OF COST-SHARING AUTHORITY FOR**  
2 **CONTINUED FEHBP COVERAGE OF CERTAIN**  
3 **PERSONS AFTER SEPARATION FROM EM-**  
4 **PLOYMENT.**

5 Section 8905a(d)(4)(B) of title 5, United States  
6 Code, is amended—

7 (1) by striking “October 1, 2003” both places  
8 it appears and inserting “October 1, 2006”; and

9 (2) by striking “February 1, 2004” in clause  
10 (ii) and inserting “February 1, 2007”.

11 **SEC. 1104. ELIGIBILITY OF NONAPPROPRIATED FUNDS EM-**  
12 **PLOYEES TO PARTICIPATE IN THE FEDERAL**  
13 **EMPLOYEES LONG-TERM CARE INSURANCE**  
14 **PROGRAM.**

15 Section 9001(1) of title 5, United States Code, is  
16 amended—

17 (1) by striking “and” at the end of subpara-  
18 graph (B);

19 (2) by striking the comma at the end of sub-  
20 paragraph (C) and inserting “; and”; and

21 (3) by inserting after subparagraph (C) the fol-  
22 lowing new subparagraph:

23 “(D) an employee paid from non-  
24 appropriated funds referred to in section  
25 2105(c) of this title;”.

1 **SEC. 1105. INCREASED MAXIMUM PERIOD OF APPOINT-**  
2 **MENT UNDER THE EXPERIMENTAL PER-**  
3 **SONNEL PROGRAM FOR SCIENTIFIC AND**  
4 **TECHNICAL PERSONNEL.**

5 Section 1101(c)(1) of the Strom Thurmond National  
6 Defense Authorization Act for Fiscal Year 1999 (Public  
7 Law 105–261; 112 Stat. 2140; 5 U.S.C. 3104 note) is  
8 amended by striking “4 years” and inserting “5 years”.

9 **SEC. 1106. QUALIFICATION REQUIREMENTS FOR EMPLOY-**  
10 **MENT IN DEPARTMENT OF DEFENSE PROFES-**  
11 **SIONAL ACCOUNTING POSITIONS.**

12 (a) **PROFESSIONAL CERTIFICATION.**—The Secretary  
13 of Defense may prescribe regulations that require a person  
14 employed in a professional accounting position within the  
15 Department of Defense to be a certified public accountant  
16 and that apply the requirement to all such positions or  
17 to selected positions, as the Secretary considers appro-  
18 priate.

19 (b) **WAIVERS AND EXEMPTIONS.**—(1) The Secretary  
20 may include in the regulations imposing a requirement  
21 under subsection (a), as the Secretary considers  
22 appropriate—

23 (A) any exemption from the requirement; and

24 (B) authority to waive the requirement.

25 (2) The Secretary shall include in the regulations an  
26 exemption for persons employed in positions covered by

1 the requirement before the date of the enactment of this  
2 Act.

3 (c) EXCLUSIVE AUTHORITY.—No requirement im-  
4 posed under subsection (a), and no waiver or exemption  
5 provided in the regulations pursuant to subsection (b),  
6 shall be subject to review or approval by the Office of Per-  
7 sonnel Management.

8 (d) DEFINITION.—For the purposes of this section,  
9 the term “professional accounting position” means a posi-  
10 tion in the GS–510, GS–511, or GS–505 series for which  
11 professional accounting duties are prescribed.

12 (e) EFFECTIVE DATE.—This section shall take effect  
13 120 days after the date of the enactment of this Act.

14 **SEC. 1107. HOUSING BENEFITS FOR UNACCOMPANIED**  
15 **TEACHERS REQUIRED TO LIVE AT GUANTA-**  
16 **NAMO BAY NAVAL STATION, CUBA.**

17 Section 7(b) of the Defense Department Overseas  
18 Teachers Pay and Personnel Practices Act (20 U.S.C.  
19 905(b)) is amended—

20 (1) by inserting “(1)” after “(b)”; and

21 (2) by adding at the end the following new  
22 paragraph:

23 “(2)(A) A teacher assigned to teach at Guantanamo  
24 Bay Naval Station, Cuba, who is not accompanied at such  
25 station by any dependent—

1           “(i) shall be offered for lease any available mili-  
 2           tary family housing at such station that is suitable  
 3           for occupancy by the teacher and is not needed to  
 4           house members of the armed forces and dependents  
 5           accompanying them or other civilian personnel and  
 6           any dependents accompanying them; and

7           “(ii) for any period for which such housing is  
 8           leased to the teacher, shall receive a quarters allow-  
 9           ance in the amount determined under paragraph (1).

10          “(B) A teacher is entitled to the quarters allowance  
 11         in accordance with subparagraph (A)(ii) without regard  
 12         to whether other Government furnished quarters are avail-  
 13         able for occupancy by the teacher without charge to the  
 14         teacher.”.

15         **TITLE XII—MATTERS RELATING**  
 16                 **TO OTHER NATIONS**  
 17         **Subtitle A—Cooperative Threat Re-**  
 18                 **duction With States of the**  
 19                 **Former Soviet Union**

20         **SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT RE-**  
 21                 **DUCTION PROGRAMS AND FUNDS.**

22           (a) SPECIFICATION OF CTR PROGRAMS.—For pur-  
 23         poses of section 301 and other provisions of this Act, Co-  
 24         operative Threat Reduction programs are the programs  
 25         specified in section 1501(b) of the National Defense Au-

1 thORIZATION Act for Fiscal Year 1997 (Public Law 104–  
2 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

3 (b) FISCAL YEAR 2003 COOPERATIVE THREAT RE-  
4 Duction FUNDS DEFINED.—As used in this title, the  
5 term “fiscal year 2003 Cooperative Threat Reduction  
6 funds” means the funds appropriated pursuant to the au-  
7 thorization of appropriations in section 301 for Coopera-  
8 tive Threat Reduction programs.

9 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
10 pursuant to the authorization of appropriations in section  
11 301 for Cooperative Threat Reduction programs shall be  
12 available for obligation for three fiscal years.

13 **SEC. 1202. FUNDING ALLOCATIONS.**

14 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
15 \$416,700,000 authorized to be appropriated to the De-  
16 partment of Defense for fiscal year 2003 in section  
17 301(a)(23) for Cooperative Threat Reduction programs,  
18 not more than the following amounts may be obligated for  
19 the purposes specified:

20 (1) For strategic offensive arms elimination in  
21 Russia, \$70,500,000.

22 (2) For strategic nuclear arms elimination in  
23 Ukraine, \$6,500,000.

24 (3) For weapons of mass destruction infrastruc-  
25 ture elimination in Ukraine, \$8,800,000.

1           (4) For weapons of mass destruction infrastruc-  
2           ture elimination in Kazakhstan, \$9,000,000.

3           (5) For weapons transportation security in Rus-  
4           sia, \$19,700,000.

5           (6) For weapons storage security in Russia,  
6           \$40,000,000.

7           (7) For weapons of mass destruction prolifera-  
8           tion prevention in the former Soviet Union,  
9           \$40,000,000.

10          (8) For biological weapons proliferation preven-  
11          tion activities in the former Soviet Union,  
12          \$55,000,000.

13          (9) For chemical weapons destruction in Rus-  
14          sia, \$133,600,000.

15          (10) For activities designated as Other Assess-  
16          ments/Administrative Support, \$14,700,000.

17          (11) For defense and military contacts,  
18          \$18,900,000.

19          (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
20 FUNDS FOR OTHER PURPOSES.—No fiscal year 2003 Co-  
21 operative Threat Reduction funds may be obligated or ex-  
22 pended for a purpose other than a purpose listed in para-  
23 graphs (1) through (11) of subsection (a) until 30 days  
24 after the date that the Secretary of Defense submits to  
25 Congress a report on the purpose for which the funds will

1 be obligated or expended and the amount of funds to be  
2 obligated or expended. Nothing in the preceding sentence  
3 shall be construed as authorizing the obligation or expend-  
4 iture of fiscal year 2003 Cooperative Threat Reduction  
5 funds for a purpose for which the obligation or expendi-  
6 ture of such funds is specifically prohibited under this title  
7 or any other provision of law.

8 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
9 AMOUNTS.—(1) Subject to paragraph (2), in any case in  
10 which the Secretary of Defense determines that it is nec-  
11 essary to do so in the national interest, the Secretary may  
12 obligate amounts appropriated for fiscal year 2003 for a  
13 purpose listed in any of the paragraphs in subsection (a)  
14 in excess of the amount specifically authorized for such  
15 purpose.

16 (2) An obligation of funds for a purpose stated in  
17 any of the paragraphs in subsection (a) in excess of the  
18 specific amount authorized for such purpose may be made  
19 using the authority provided in paragraph (1) only after—

20 (A) the Secretary submits to Congress notifica-  
21 tion of the intent to do so together with a complete  
22 discussion of the justification for doing so; and

23 (B) 15 days have elapsed following the date of  
24 the notification.

1 **SEC. 1203. AUTHORIZATION OF USE OF COOPERATIVE**  
2 **THREAT REDUCTION FUNDS FOR PROJECTS**  
3 **AND ACTIVITIES OUTSIDE THE FORMER SO-**  
4 **VIET UNION.**

5 (a) COOPERATIVE THREAT REDUCTION PROGRAMS  
6 AND FUNDS.—For purposes of this section:

7 (1) Cooperative Threat Reduction programs  
8 are—

9 (A) the programs specified in section  
10 1501(b) of the National Defense Authorization  
11 Act for Fiscal Year 1997 (Public Law 104–201;  
12 110 Stat. 2731; 50 U.S.C. 2362 note); and

13 (B) any other similar programs, as des-  
14 ignated by the Secretary of Defense, to address  
15 critical emerging proliferation threats in the  
16 states of the former Soviet Union that jeop-  
17 ardize United States national security.

18 (2) Cooperative Threat Reduction funds, for a  
19 fiscal year, are the funds authorized to be appro-  
20 priated for Cooperative Threat Reduction programs  
21 for that fiscal year.

22 (b) AUTHORIZATION OF USE OF CTR FUNDS FOR  
23 THREAT REDUCTION ACTIVITIES OUTSIDE THE FORMER  
24 SOVIET UNION.—(1) Notwithstanding any other provision  
25 of law and subject to the succeeding provisions of this sec-  
26 tion, the Secretary of Defense may obligate and expend



1 Cooperative Threat Reduction funds for fiscal year 2003,  
2 or Cooperative Threat Reduction funds for a fiscal year  
3 before fiscal year 2003 that remain available for obligation  
4 as of the date of the enactment of this Act, for prolifera-  
5 tion threat reduction projects and activities outside the  
6 states of the former Soviet Union if the Secretary deter-  
7 mines that such projects and activities will—

8           (A) assist the United States in the resolution of  
9           critical emerging proliferation threats; or

10           (B) permit the United States to take advantage  
11           of opportunities to achieve long-standing United  
12           States nonproliferation goals.

13           (2) The amount that may be obligated under para-  
14 graph (1) in any fiscal year for projects and activities de-  
15 scribed in that paragraph may not exceed \$50,000,000.

16           (c) AUTHORIZED USES OF FUNDS.—The authority  
17 under subsection (b) to obligate and expend Cooperative  
18 Threat Reduction funds for a project or activity includes  
19 authority to provide equipment, goods, and services for the  
20 project or activity, but does not include authority to pro-  
21 vide cash directly to the project or activity.

22           (d) SOURCE AND REPLACEMENT OF FUNDS USED.—  
23 (1) The Secretary shall, to the maximum extent prac-  
24 ticable, ensure that funds for projects and activities under  
25 subsection (b) are derived from funds that would otherwise

1 be obligated for a range of Cooperative Threat Reduction  
2 programs, so that no particular Cooperative Threat Re-  
3 duction program is the exclusive or predominant source  
4 of funds for such projects and activities.

5       (2) If the Secretary obligates Cooperative Threat Re-  
6 duction funds under subsection (b) in a fiscal year, the  
7 first budget of the President that is submitted under sec-  
8 tion 1105(a) of title 31, United States Code, after such  
9 fiscal year shall set forth, in addition to any other amounts  
10 requested for Cooperative Threat Reduction programs in  
11 the fiscal year covered by such budget, a request for Coop-  
12 erative Threat Reduction funds in the fiscal year covered  
13 by such budget in an amount equal to the amount so obli-  
14 gated. The request shall also set forth the Cooperative  
15 Threat Reduction program or programs for which such  
16 funds would otherwise have been obligated, but for obliga-  
17 tion under subsection (b).

18       (3) Amounts authorized to be appropriated pursuant  
19 to a request under paragraph (2) shall be available for  
20 the Cooperative Threat Reduction program or programs  
21 set forth in the request under the second sentence of that  
22 paragraph.

23       (e) LIMITATION ON OBLIGATION OF FUNDS.—Except  
24 as provided in subsection (f), the Secretary may not obli-  
25 gate and expend Cooperative Threat Reduction funds for

1 a project or activity under subsection (b) until 30 days  
2 after the date on which the Secretary submits to the con-  
3 gressional defense committees a report on the purpose for  
4 which the funds will be obligated and expended, and the  
5 amount of the funds to be obligated and expended.

6 (f) EXCEPTION.—(1) The Secretary may obligate and  
7 expend Cooperative Threat Reduction funds for a project  
8 or activity under subsection (b) without regard to sub-  
9 section (e) if the Secretary determines that a critical  
10 emerging proliferation threat warrants immediate obliga-  
11 tion and expenditure of such funds.

12 (2) Not later than 72 hours after first obligating  
13 funds for a project or activity under paragraph (1), the  
14 Secretary shall submit to the congressional defense com-  
15 mittees a report containing a detailed justification for the  
16 obligation of funds. The report on a project or activity  
17 shall include the following:

18 (A) A description of the critical emerging pro-  
19 liferation threat to be addressed, or the long-stand-  
20 ing United States nonproliferation goal to be  
21 achieved, by the project or activity.

22 (B) A description of the agreement, if any,  
23 under which the funds will be used, including wheth-  
24 er or not the agreement provides that the funds will

1 not be used for purposes contrary to the national se-  
2 curity interests of the United States.

3 (C) A description of the contracting process, if  
4 any, that will be used in the implementation of the  
5 project or activity.

6 (D) An analysis of the effect of the obligation  
7 of funds for the project or activity on ongoing Coop-  
8 erative Threat Reduction programs.

9 (E) An analysis of the need for additional or  
10 follow-up threat reduction assistance, including  
11 whether or not the need for such assistance justifies  
12 the establishment of a new cooperative threat reduc-  
13 tion program or programs to account for such assist-  
14 ance.

15 (F) A description of the mechanisms to be used  
16 by the Secretary to assure that proper audits and  
17 examinations of the project or activity are carried  
18 out.

19 (g) REPORT ON ESTABLISHMENT OF NEW COOPERA-  
20 TIVE THREAT REDUCTION PROGRAMS.—(1) If the Sec-  
21 retary employs the authority in subsection (b) in any two  
22 fiscal years, the Secretary shall submit to Congress a re-  
23 port on the advisability of establishing one or more new  
24 cooperative threat reduction programs to account for  
25 projects and activities funded using such authority.

1           (2) The report required by paragraph (1) shall be  
2 submitted along with the budget justification materials in  
3 support of the Department of Defense budget (as sub-  
4 mitted with the budget of the President under section  
5 1105(a) of title 31, United States Code) in the first budg-  
6 et submitted after the end of the two consecutive fiscal  
7 years referred to in that paragraph.

8 **SEC. 1204. WAIVER OF LIMITATIONS ON ASSISTANCE**  
9                           **UNDER PROGRAMS TO FACILITATE COOPER-**  
10                           **ATIVE THREAT REDUCTION AND NON-**  
11                           **PROLIFERATION.**

12           (a) ASSISTANCE UNDER COOPERATIVE THREAT RE-  
13 Duction Act of 1993.—Section 1203 of the Cooperative  
14 Threat Reduction Act of 1993 (title XII of Public Law  
15 103–160; 107 Stat. 1778; 22 U.S.C. 5952) is amended  
16 by adding at the end the following new subsection:

17           “(e) WAIVER OF RESTRICTIONS.—(1) The restric-  
18 tions in subsection (d) shall cease to apply to a state for  
19 a year if the President submits to the Speaker of the  
20 House of Representative and the President pro tempore  
21 of the Senate a written certification that the waiver of  
22 such restrictions in such year is important to the national  
23 security interests of the United States, together with a re-  
24 port containing the following:

1           “(A) A description of the activity or activities  
2           that prevent the President from certifying that the  
3           state is committed to the matters set forth in sub-  
4           section (d) in such year as otherwise provided for in  
5           that subsection.

6           “(B) A description of the strategy, plan, or pol-  
7           icy of the President for promoting the commitment  
8           of the state to such matters, notwithstanding the  
9           waiver.

10          “(2) The matter included in the report under para-  
11          graph (1) shall be submitted in unclassified form, but may  
12          include a classified annex.”.

13          (b) ADMINISTRATION OF RESTRICTIONS ON ASSIST-  
14          ANCE.—Subsection (d) of that section is amended—

15                 (1) by striking “any year” and inserting “any  
16                 fiscal year”; and

17                 (2) by striking “that year” and inserting “such  
18                 fiscal year”.

19          (c) ELIGIBILITY REQUIREMENTS UNDER FREEDOM  
20          SUPPORT ACT.—Section 502 of the FREEDOM Support  
21          Act (Public Law 102–511; 106 Stat. 3338; 22 U.S.C.  
22          5852) is amended—

23                 (1) by striking “Funds” and inserting “(a)  
24                 ELIGIBILITY.—Except as provided in subsection (b),  
25                 funds”; and

1           (2) by adding at the end the following new sub-  
2           section:

3           “(b) WAIVER OF ELIGIBILITY REQUIREMENTS.—(1)  
4           Funds may be obligated for a fiscal year under subsection  
5           (a) for assistance or other programs and activities for an  
6           independent state of the former Soviet Union that does  
7           not meet one or more of the requirements for eligibility  
8           under paragraphs (1) through (4) of that subsection if the  
9           President certifies in writing to the Congress that the  
10          waiver of such requirements in such fiscal year is impor-  
11          tant to the national security interests of the United States.

12          “(2) At the time of the exercise of the authority in  
13          paragraph (1) with respect to an independent state of the  
14          former Soviet Union for a fiscal year, the President shall  
15          submit to the congressional defense committees a report  
16          on the following:

17                 “(A) A description of the activity or activities  
18                 that prevent the President from certifying that the  
19                 state is committed to each matter in subsection (a)  
20                 in such fiscal year to which the waiver under para-  
21                 graph (1) applies.

22                 “(B) A description of the strategy, plan, or pol-  
23                 icy of the President for promoting the commitment  
24                 of the state to each such matter, notwithstanding  
25                 the waiver.

1       “(3) In this subsection, the term ‘congressional de-  
2 fense committees’ means—

3               “(A) the Committee on Armed Services and the  
4 Committee on Appropriations of the Senate; and

5               “(B) the Committee on Armed Services and the  
6 Committee on Appropriations of the House of Rep-  
7 resentatives.”.

8       (d) EFFECTIVE DATE.—The amendments made by  
9 this section shall take effect on October 1, 2002.

10 **SEC. 1205. RUSSIAN TACTICAL NUCLEAR WEAPONS.**

11       (a) FINDINGS.—The Congress makes the following  
12 findings:

13               (1) Al Qaeda and other terrorist organizations,  
14 in addition to rogue states, are known to be working  
15 to acquire weapons of mass destruction, and particu-  
16 larly nuclear warheads.

17               (2) The largest and least secure potential  
18 source of nuclear warheads for terrorists or rogue  
19 states is Russia’s arsenal of nonstrategic or “tac-  
20 tical” nuclear warheads, which according to unclassi-  
21 fied estimates numbers from 7,000 to 12,000 war-  
22 heads. Security at Russian nuclear weapon storage  
23 sites is insufficient, and tactical nuclear warheads  
24 are more vulnerable to terrorist or rogue state acqui-  
25 sition due to their smaller size, greater portability,



1 and greater numbers compared to Russian strategic  
2 nuclear weapons.

3 (3) Russia's tactical nuclear warheads were not  
4 covered by the START treaties or the recent Mos-  
5 cow Treaty. Russia is not legally bound to reduce its  
6 tactical nuclear stockpile and the United States has  
7 no inspection rights regarding Russia's tactical nu-  
8 clear arsenal.

9 (b) SENSE OF THE SENATE.—(1) One of the most  
10 likely nuclear weapon attack scenarios against the United  
11 States would involve detonation of a stolen Russian tac-  
12 tical nuclear warhead smuggled into the country.

13 (2) It is a top national security priority of the United  
14 States to accelerate efforts to account for, secure, and re-  
15 duce Russia's stockpile of tactical nuclear warheads and  
16 associated fissile material.

17 (3) This imminent threat warrants a special non-  
18 proliferation initiative.

19 (c) REPORT.—Not later than 30 days after enact-  
20 ment of this Act, the President shall report to Congress  
21 on efforts to reduce the particular threats associated with  
22 Russia's tactical nuclear arsenal and the outlines of a spe-  
23 cial initiative related to reducing the threat from Russia's  
24 tactical nuclear stockpile.

1           **Subtitle B—Other Matters**

2   **SEC. 1211. ADMINISTRATIVE SUPPORT AND SERVICES FOR**  
3           **COALITION LIAISON OFFICERS.**

4           (a) **AUTHORITY.**—Chapter 6 of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7   **“§ 169. Administrative support and services for coali-**  
8           **tion liaison officers**

9           “(a) **AUTHORITY.**—The Secretary of Defense may  
10 provide administrative services and support for the per-  
11 formance of duties by any liaison officer of another nation  
12 involved in a coalition while the liaison officer is assigned  
13 temporarily to the headquarters of a combatant command,  
14 component command, or subordinate operational com-  
15 mand of the United States in connection with the planning  
16 for or conduct of a coalition operation.

17           “(b) **TRAVEL, SUBSISTENCE, AND OTHER EX-**  
18 **PENSES.**—The Secretary may pay the travel, subsistence,  
19 and similar personal expenses of a liaison officer of a de-  
20 veloping country in connection with the assignment of that  
21 liaison officer to the headquarters of a combatant com-  
22 mand as described in subsection (a) if the assignment is  
23 requested by the commander of the combatant command.

24           “(c) **REIMBURSEMENT.**—To the extent that the Sec-  
25 retary determines appropriate, the Secretary may provide

1 the services and support authorized under subsections (a)  
 2 and (b) with or without reimbursement from (or on behalf  
 3 of) the recipients.

4 “(d) DEFINITIONS.—In this section:

5 “(1) The term ‘administrative services and sup-  
 6 port’ includes base or installation support services,  
 7 office space, utilities, copying services, fire and po-  
 8 lice protection, and computer support.

9 “(2) The term ‘coalition’ means an ad hoc ar-  
 10 rangement between or among the United States and  
 11 one or more other nations for common action.”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
 13 at the beginning of such chapter 6 is amended by adding  
 14 at the end the following new item:

“169. Administrative support and services for coalition liaison officers.”.

15 **SEC. 1212. USE OF WARSAW INITIATIVE FUNDS FOR TRAVEL**  
 16 **OF OFFICIALS FROM PARTNER COUNTRIES.**

17 Section 1051(b) of title 10, United States Code, is  
 18 amended—

19 (1) in paragraph (1), by striking “paragraph  
 20 (2)” and inserting “paragraphs (2) and (3)”;

21 (2) by redesignating paragraph (3) as para-  
 22 graph (4); and

23 (3) by inserting after paragraph (2) the fol-  
 24 lowing new paragraph (3):

1       “(3) In the case of defense personnel of a country  
2 that is participating in the Partnership for Peace program  
3 of the North Atlantic Treaty Organization (NATO), ex-  
4 penses authorized to be paid under subsection (a) may be  
5 paid in connection with travel of personnel to the territory  
6 of any of the countries participating in the Partnership  
7 for Peace program or of any of the NATO member coun-  
8 tries.”.

9       **SEC. 1213. SUPPORT OF UNITED NATIONS-SPONSORED EF-**  
10                               **FORTS TO INSPECT AND MONITOR IRAQI**  
11                               **WEAPONS ACTIVITIES.**

12       (a) **LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-**  
13 **CAL YEAR 2003.**—The total amount of the assistance for  
14 fiscal year 2003 that is provided by the Secretary of De-  
15 fense under section 1505 of the Weapons of Mass Destruc-  
16 tion Control Act of 1992 (22 U.S.C. 5859a) as activities  
17 of the Department of Defense in support of activities  
18 under that Act may not exceed \$15,000,000.

19       (b) **EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**  
20 **ANCE.**—Subsection (f) of section 1505 of the Weapons of  
21 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)  
22 is amended by striking “2002” and inserting “2003”.

1 **SEC. 1214. ARCTIC AND WESTERN PACIFIC ENVIRON-**  
2 **MENTAL COOPERATION PROGRAM.**

3 (a) IN GENERAL.—(1) Subchapter II of chapter 138  
4 of title 10, United States Code, is amended by adding at  
5 the end the following new section:

6 **“§ 2350m. Arctic and Western Pacific Environmental**  
7 **Cooperation Program**

8 “(a) AUTHORITY TO CONDUCT PROGRAM.—The Sec-  
9 retary of Defense may, with the concurrence of the Sec-  
10 retary of State, conduct on a cooperative basis with coun-  
11 tries located in the Arctic and Western Pacific regions a  
12 program of environmental activities provided for in sub-  
13 section (b) in such regions. The program shall be known  
14 as the ‘Arctic and Western Pacific Environmental Co-  
15 operation Program’.

16 “(b) PROGRAM ACTIVITIES.—(1) Except as provided  
17 in paragraph (2), activities under the program under sub-  
18 section (a) may include cooperation and assistance on en-  
19 vironmental matters in the Arctic and Western Pacific re-  
20 gions among elements of the Department of Defense and  
21 the military departments or agencies of countries located  
22 in such regions.

23 “(2) Activities under the program may not include  
24 activities relating to the following:

1           “(A) The conduct of any peacekeeping exercise  
2           or other peacekeeping-related activity with the Rus-  
3           sian Federation.

4           “(B) The provision of housing.

5           “(C) The provision of assistance to promote en-  
6           vironmental restoration.

7           “(D) The provision of assistance to promote job  
8           retraining.

9           “(c) LIMITATION ON FUNDING FOR PROJECTS  
10          OTHER THAN RADIOLOGICAL PROJECTS.—Not more than  
11          20 percent of the amount made available for the program  
12          under subsection (a) in any fiscal year may be available  
13          for projects under the program other than projects on ra-  
14          diological matters.

15          “(d) ANNUAL REPORT.—(1) Not later than March  
16          1, 2003, and each year thereafter, the Secretary of De-  
17          fense shall submit to Congress a report on activities under  
18          the program under subsection (a) during the preceding fis-  
19          cal year.

20          “(2) The report on the program for a fiscal year  
21          under paragraph (1) shall include the following:

22                 “(A) A description of the activities carried out  
23                 under the program during that fiscal year, including  
24                 a separate description of each project under the pro-  
25                 gram.

1           “(B) A statement of the amounts obligated and  
2           expended for the program during that fiscal year,  
3           set forth in aggregate and by project.

4           “(C) A statement of the life cycle costs of each  
5           project, including the life cycle costs of such project  
6           as of the end of that fiscal year and an estimate of  
7           the total life cycle costs of such project upon comple-  
8           tion of such project.

9           “(D) A statement of the participants in the ac-  
10          tivities carried out under the program during that  
11          fiscal year, including the elements of the Depart-  
12          ment of Defense and the military departments or  
13          agencies of other countries.

14          “(E) A description of the contributions of the  
15          military departments and agencies of other countries  
16          to the activities carried out under the program dur-  
17          ing that fiscal year, including any financial or other  
18          contributions to such activities.”.

19          (2) The table of sections at the beginning of that sub-  
20          chapter is amended by adding at the end the following  
21          new item:

          “2350m. Arctic and Western Pacific Environmental Cooperation Program.”.

22          (b) REPEAL OF SUPERSEDED AUTHORITY ON ARCTIC  
23          MILITARY COOPERATION PROGRAM.—Section 327 of the  
24          Strom Thurmond National Defense Authorization Act for

1 Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1965)  
2 is repealed.

3 **SEC. 1215. DEPARTMENT OF DEFENSE HIV/AIDS PREVEN-**  
4 **TION ASSISTANCE PROGRAM.**

5 (a) EXPANSION OF PROGRAM.—The Secretary of De-  
6 fense is authorized to expand, in accordance with this sec-  
7 tion, the Department of Defense program of HIV/AIDS  
8 prevention educational activities undertaken in connection  
9 with the conduct of United States military training, exer-  
10 cises, and humanitarian assistance in sub-Saharan African  
11 countries.

12 (b) ELIGIBLE COUNTRIES.—The Secretary may  
13 carry out the program in all eligible countries. A country  
14 shall be eligible for activities under the program if the  
15 country—

16 (1) is a country suffering a public health crisis  
17 (as defined in subsection (e)); and

18 (2) participates in the military-to-military con-  
19 tacts program of the Department of Defense.

20 (c) PROGRAM ACTIVITIES.—The Secretary shall pro-  
21 vide for the activities under the program—

22 (1) to focus, to the extent possible, on military  
23 units that participate in peace keeping operations;  
24 and



1 (2) to include HIV/AIDS-related voluntary  
2 counseling and testing and HIV/AIDS-related sur-  
3 veillance.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—Of the amount authorized to  
6 be appropriated by section 301(a)(22) to the De-  
7 partment of Defense for operation and maintenance  
8 of the Defense Health Program, \$30,000,000 may  
9 be available for carrying out the program described  
10 in subsection (a) as expanded pursuant to this sec-  
11 tion.

12 (2) AVAILABILITY OF FUNDS.—Amounts appro-  
13 priated pursuant to paragraph (1) are authorized to  
14 remain available until expended.

15 (e) COUNTRY SUFFERING A PUBLIC HEALTH CRISIS  
16 DEFINED.—In this section, the term “country suffering  
17 a public health crisis” means a country that has rapidly  
18 rising rates of incidence of HIV/AIDS or in which HIV/  
19 AIDS is causing significant family, community, or societal  
20 disruption.

21 **SEC. 1216. MONITORING IMPLEMENTATION OF THE 1979**  
22 **UNITED STATES-CHINA AGREEMENT ON CO-**  
23 **OPERATION IN SCIENCE AND TECHNOLOGY.**

24 (a) RESPONSIBILITIES OF THE OFFICE OF SCIENCE  
25 AND TECHNOLOGY COOPERATION.—The Office of Science

1 and Technology Cooperation of the Department of State  
2 shall monitor the implementation of the 1979 United  
3 States-China Agreement on Cooperation in Science and  
4 Technology and its protocols (in this section referred to  
5 as the “Agreement”), and keep a systematic account of  
6 the protocols thereto. The Office shall coordinate the ac-  
7 tivities of all agencies of the United States Government  
8 that carry out cooperative activities under the Agreement.

9 (b) GUIDELINES.—The Secretary of State shall en-  
10 sure that all activities conducted under the Agreement and  
11 its protocols comply with applicable laws and regulations  
12 concerning the transfer of militarily sensitive and dual-use  
13 technologies.

14 (c) REPORTING REQUIREMENT.—

15 (1) IN GENERAL.—Not later than April 1,  
16 2004, and every two years thereafter, the Secretary  
17 of State, shall submit a report to Congress, in both  
18 classified and unclassified form, on the implementa-  
19 tion of the Agreement and activities thereunder.

20 (2) REPORT ELEMENTS.—Each report under  
21 this subsection shall provide an evaluation of the  
22 benefits of the Agreement to the Chinese economy,  
23 military, and defense industrial base and shall in-  
24 clude the following:

1           (A) An accounting of all activities con-  
2           ducted under the Agreement since the previous  
3           report, and a projection of activities to be un-  
4           dertaken in the next two years.

5           (B) An estimate of the costs to the United  
6           States to administer the Agreement within the  
7           period covered by the report.

8           (C) An assessment of how the Agreement  
9           has influenced the policies of the People's Re-  
10          public of China toward scientific and techno-  
11          logical cooperation with the United States.

12          (D) An analysis of the involvement of Chi-  
13          nese nuclear weapons and military missile spe-  
14          cialists in the activities of the Joint Commis-  
15          sion.

16          (E) A determination of the extent to which  
17          the activities conducted under the Agreement  
18          have enhanced the military and industrial base  
19          of the People's Republic of China, and an as-  
20          sessment of the impact of projected activities  
21          for the next two years, including transfers of  
22          technology, on China's economic and military  
23          capabilities.

1 (F) Any recommendations on improving  
 2 the monitoring of the activities of the Commis-  
 3 sion by the Secretaries of Defense and State.

4 (3) CONSULTATION PRIOR TO SUBMISSION OF  
 5 REPORTS.—The Secretary of State shall prepare the  
 6 report in consultation with the Secretaries of Com-  
 7 merce, Defense, and Energy, the Directors of the  
 8 National Science Foundation and the Federal Bu-  
 9 reau of Investigation, and the intelligence commu-  
 10 nity.

11 **DIVISION B—MILITARY CON-**  
 12 **STRUCTION AUTHORIZA-**  
 13 **TIONS**

14 **SEC. 2001. SHORT TITLE.**

15 This division may be cited as the “Military Construc-  
 16 tion Authorization Act for Fiscal Year 2003”.

17 **TITLE XXI—ARMY**

18 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**

19 **ACQUISITION PROJECTS.**

20 (a) INSIDE THE UNITED STATES.—Using amounts  
 21 appropriated pursuant to the authorization of appropria-  
 22 tions in section 2104(a)(1), the Secretary of the Army  
 23 may acquire real property and carry out military construc-  
 24 tion projects for the installations and locations inside the

1 United States, and in the amounts, set forth in the fol-  
 2 lowing table:

**Army: Inside the United States**

State	Installation or location	Amount
Alabama .....	Anniston Army Depot .....	\$1,900,000
	Fort Rucker .....	\$6,550,000
Alaska .....	Fort Richardson .....	\$15,000,000
	Fort Wainwright .....	\$111,010,000
Arkansas .....	Pine Bluff Arsenal .....	\$18,937,000
Colorado .....	Fort Carson .....	\$1,100,000
District of Columbia .....	Walter Reed Army Medical Center ..	\$17,500,000
Georgia .....	Fort Benning .....	\$74,250,000
	Fort Stewart/Hunter Army Air Field.	\$26,000,000
Hawaii .....	Schofield Barracks .....	\$191,000,000
Kansas .....	Fort Leavenworth .....	\$3,150,000
	Fort Riley .....	\$74,000,000
Kentucky .....	Blue Grass Army Depot .....	\$5,500,000
	Fort Campbell .....	\$99,000,000
	Fort Knox .....	\$6,800,000
Louisiana .....	Fort Polk .....	\$31,000,000
Maryland .....	Fort Detrick .....	\$19,700,000
Missouri .....	Fort Leonard Wood .....	\$15,500,000
New York .....	Fort Drum .....	\$1,500,000
North Carolina .....	Fort Bragg .....	\$85,500,000
Oklahoma .....	Fort Sill .....	\$35,000,000
Pennsylvania .....	Letterkenny Army Depot .....	\$1,550,000
Texas .....	Fort Hood .....	\$69,000,000
Washington .....	Fort Lewis .....	\$53,000,000
Total .....		\$964,697,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2104(a)(2), the Secretary of the Army  
 6 may acquire real property and carry out military construc-  
 7 tion projects for the installations and locations outside the  
 8 United States, and in the amounts, set forth in the fol-  
 9 lowing table:

**Army: Outside the United States**

Country	Installation or location	Amount
Belgium .....	Chievres Air Base .....	\$13,600,000
Germany .....	Area Support Group, Bamberg .....	\$17,200,000
	Darmstadt .....	\$3,500,000
	Grafenwoehr .....	\$69,866,000
	Heidelberg .....	\$8,300,000
	Landstuhl .....	\$2,400,000
	Mannheim .....	\$43,350,000

**Army: Outside the United States**—Continued

Country	Installation or location	Amount
Italy .....	Schweinfurt .....	\$2,000,000
	Vicenza .....	\$34,700,000
Korea .....	Camp Carroll .....	\$20,000,000
	Camp Castle .....	\$6,800,000
	Camp Hovey .....	\$25,000,000
	Camp Humphreys .....	\$36,000,000
	Camp Tango .....	\$12,600,000
	Camp Henry .....	\$10,200,000
	K16 Airfield .....	\$40,000,000
Qatar .....	Qatar .....	\$8,600,000
	Total .....	\$354,116,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(3), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installation and location, and in the  
6 amount, set forth in the following table:

**Army: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Unspecified Worldwide .....	\$4,000,000

7 **SEC. 2102. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using  
9 amounts appropriated pursuant to the authorization of ap-  
10 propriations in section 2104(a)(6)(A), the Secretary of the  
11 Army may construct or acquire family housing units (in-  
12 cluding land acquisition and supporting facilities) at the  
13 installations, for the purposes, and in the amounts set  
14 forth in the following table:

**Army: Family Housing**

State or Country	Installation or loca- tion	Purpose	Amount
Alaska .....	Fort Wainwright .....	38 Units .....	\$17,752,000
Arizona .....	Yuma Proving Ground .....	33 Units .....	\$6,100,000

**Army: Family Housing**—Continued

State or Country	Installation or location	Purpose	Amount
Germany .....	Stuttgart .....	1 Units .....	\$990,000
Korea .....	Yongsan .....	10 Units .....	\$3,100,000
	Total: .....		\$27,942,000

1 (b) **PLANNING AND DESIGN.**—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2104(a)(6)(A), the Secretary of the Army may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of family housing units in an amount not  
7 to exceed \$15,653,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2104(a)(6)(A),  
13 the Secretary of the Army may improve existing military  
14 family housing units in an amount not to exceed  
15 \$239,751,000.

16 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

17 (a) **IN GENERAL.**—Funds are hereby authorized to  
18 be appropriated for fiscal years beginning after September  
19 30, 2002, for military construction, land acquisition, and  
20 military family housing functions of the Department of the  
21 Army in the total amount of \$3,007,345,000 as follows:

1           (1) For military construction projects inside the  
2 United States authorized by section 2101(a),  
3 \$758,497,000.

4           (2) For military construction projects outside  
5 the United States authorized by section 2101(b),  
6 \$354,116,000.

7           (3) For military construction projects at un-  
8 specified worldwide locations authorized by section  
9 2101(c), \$4,000,000.

10           (4) For unspecified minor construction projects  
11 authorized by section 2805 of title 10, United States  
12 Code, \$20,500,000.

13           (5) For architectural and engineering services  
14 and construction design under section 2807 of title  
15 10, United States Code, \$148,864,000.

16           (6) For military family housing functions:

17               (A) For construction and acquisition, plan-  
18 ning and design and improvement of military  
19 family housing and facilities, \$283,346,000.

20               (B) For support of military family housing  
21 (including the functions described in section  
22 2833 of title 10, United States Code),  
23 \$1,122,274,000.

24           (7) For the construction of phase 4 of an am-  
25 munition demilitarization facility at Pueblo Chemical



1 Activity, Colorado, authorized by section 2401(a) of  
2 the Military Construction Authorization Act for Fis-  
3 cal Year 1997 (division B of Public Law 104–201;  
4 110 Stat. 2775), as amended by section 2406 of the  
5 Military Construction Authorization Act for Fiscal  
6 Year 2000 (division B of Public Law 106–65; 113  
7 Stat. 839) and section 2108 of this Act,  
8 \$38,000,000.

9 (8) For the construction of phase 5 of an am-  
10 munition demilitarization facility at Newport Army  
11 Depot, Indiana, authorized by section 2401(a) of the  
12 Military Construction Authorization Act for Fiscal  
13 Year 1999 (division B of Public Law 105–261; 112  
14 Stat. 2193), \$61,494,000.

15 (9) For the construction of phase 5 of an am-  
16 munition demilitarization facility at Aberdeen Prov-  
17 ing Ground, Maryland, authorized by section  
18 2401(a) of the Military Construction Authorization  
19 Act for Fiscal Year 1999, as amended by section  
20 2406 of the Military Construction Authorization Act  
21 for Fiscal Year 2002 (division B of Public Law 107–  
22 107; 115 Stat. 1299), \$30,600,000.

23 (10) For the construction of phase 3 of an am-  
24 munition demilitarization facility at Blue Grass  
25 Army Depot, Kentucky, authorized by section

1 2401(a) of the Military Construction Authorization  
2 Act for Fiscal Year 2000 (113 Stat. 835), as  
3 amended by section 2405 of the Military Construc-  
4 tion Authorization Act for Fiscal Year 2002 (115  
5 Stat. 1298) and section 2106 of this Act,  
6 \$10,300,000.

7 (11) For the construction of phase 3 of an am-  
8 munition demilitarization support facility at Blue  
9 Grass Army Depot, Kentucky, authorized by section  
10 2401(a) of the Military Construction Authorization  
11 Act for Fiscal Year 2000, \$8,300,000.

12 (12) For the construction of phase 2 of Saddle  
13 Access Road, Pohakoula Training Facility, Hawaii,  
14 authorized by section 2101(a) of the Military Con-  
15 struction Authorization Act for Fiscal Year 2001  
16 (division B of the Floyd D. Spence National Defense  
17 Authorization Act for Fiscal Year 2001, as enacted  
18 into law by Public Law 106–398; 114 Stat. 1654A–  
19 389), \$13,000,000.

20 (13) For the construction of phase 3 of a bar-  
21 racks complex, Butner Road, at Fort Bragg, North  
22 Carolina, authorized by section 2101(a) of the Mili-  
23 tary Construction Authorization Act for Fiscal Year  
24 2001, \$50,000,000.

1           (14) For the construction of phase 2 of a bar-  
2 racks complex, D Street, at Fort Richardson, Alas-  
3 ka, authorized by section 2101(a) of the Military  
4 Construction Authorization Act for Fiscal Year 2002  
5 (115 Stat. 1280), \$21,000,000.

6           (15) For the construction of phase 2 of a bar-  
7 racks complex, Nelson Boulevard, at Fort Carson,  
8 Colorado, authorized by section 2101(a) of the Mili-  
9 tary Construction Authorization Act for Fiscal Year  
10 2002, as amended by section 2105 of this Act,  
11 \$42,000,000.

12           (16) For the construction of phase 2 of a basic  
13 combat trainee complex at Fort Jackson, South  
14 Carolina, authorized by section 2101(a) of the Mili-  
15 tary Construction Authorization Act for Fiscal Year  
16 2002, as amended by section 2105 of this Act,  
17 \$39,000,000.

18           (17) For the construction of phase 2 of a bar-  
19 racks complex, 17th and B Streets at Fort Lewis,  
20 Washington, authorized by section 2101(a) of the  
21 Military Construction Authorization Act for Fiscal  
22 Year 2002, \$50,000,000.

23           (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
24 PROJECTS.—Notwithstanding the cost variations author-  
25 ized by section 2853 of title 10, United States Code, and

1 any other cost variation authorized by law, the total cost  
2 of all projects carried out under section 2101 of this Act  
3 may not exceed—

4 (1) the total amount authorized to be appro-  
5 priated under paragraphs (1), (2), and (3) of sub-  
6 section (a);

7 (2) \$18,000,000 (the balance of the amount au-  
8 thorized under section 2101(a) for construction of a  
9 barracks complex, Main Post, at Fort Benning,  
10 Georgia);

11 (3) \$100,000,000 (the balance of the amount  
12 authorized under section 2101(a) for construction of  
13 a barracks complex, Capron Avenue, at Schofield  
14 Barracks, Hawaii);

15 (4) \$13,200,000 (the balance of the amount au-  
16 thorized under section 2101(a) for construction of a  
17 combined arms collective training facility at Fort  
18 Riley, Kansas);

19 (5) \$50,000,000 (the balance of the amount au-  
20 thorized under section 2101(a) for construction of a  
21 barracks complex, Range Road, at Fort Campbell,  
22 Kentucky); and

23 (6) \$25,000,000 (the balance of the amount au-  
24 thorized under section 2101(a) for construction of a

1 consolidated maintenance complex at Fort Sill, Okla-  
2 homa).

3 (c) ADJUSTMENT.—The total amount authorized to  
4 be appropriated pursuant to paragraphs (1) through (17)  
5 of subsection (a) is the sum of the amounts authorized  
6 to be appropriated in such paragraphs, reduced by—

7 (1) \$18,596,000, which represents savings re-  
8 sulting from adjustments to foreign currency ex-  
9 change rates for military construction, military fam-  
10 ily housing construction, and military family housing  
11 support outside the United States; and

12 (2) \$29,350,000, which represents adjustments  
13 for the accounting of civilian personnel benefits.

14 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
15 **CERTAIN FISCAL YEAR 2002 PROJECTS.**

16 (a) MODIFICATION.—The table in section 2101(a) of  
17 the Military Construction Authorization Act for Fiscal  
18 Year 2002 (division B of Public Law 107-107; 115 Stat.  
19 1281) is amended—

20 (1) in the item relating to Fort Carson, Colo-  
21 rado, by striking “\$66,000,000” in the amount col-  
22 umn and inserting “\$67,000,000”; and

23 (2) in the item relating to Fort Jackson, South  
24 Carolina, by striking “\$65,650,000” in the amount  
25 column and inserting “\$68,650,000”.

1 (b) CONFORMING AMENDMENTS.—Section 2104(b)  
2 of that Act (115 Stat. 1284) is amended—

3 (1) in paragraph (3), by striking  
4 “\$41,000,000” and inserting “\$42,000,000”; and

5 (2) in paragraph (4), by striking  
6 “\$36,000,000” and inserting “\$39,000,000”.

7 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**  
8 **CERTAIN FISCAL YEAR 2000 PROJECT.**

9 (a) MODIFICATION.—The table in section 2401(a) of  
10 the Military Construction Authorization Act for Fiscal  
11 Year 2000 (division B of Public Law 106–65; 113 Stat.  
12 835), as amended by section 2405 of the Military Con-  
13 struction Authorization Act for Fiscal Year 2002 (division  
14 B of Public Law 107–107; 115 Stat. 1298), is further  
15 amended—

16 (1) under the agency heading relating to Chem-  
17 ical Demilitarization, in the item relating to Blue  
18 Grass Army Depot, Kentucky, by striking  
19 “\$254,030,000” in the amount column and inserting  
20 “\$290,325,000”; and

21 (2) by striking the amount identified as the  
22 total in the amount column and inserting  
23 “\$748,245,000”.

24 (b) CONFORMING AMENDMENT.—Section 2405(b)(3)  
25 of that Act (113 Stat. 839), as so amended, is further

1 amended by striking “\$231,230,000” and inserting  
2 “\$267,525,000”.

3 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**  
4 **CERTAIN FISCAL YEAR 1999 PROJECT.**

5 (a) MODIFICATION.—The table in section 2401(a) of  
6 the Military Construction Authorization Act for Fiscal  
7 Year 1999 (division B of Public Law 105–261; 112 Stat.  
8 2193) is amended—

9 (1) under the agency heading relating to Chem-  
10 ical Demilitarization, in the item relating to Newport  
11 Army Depot, Indiana, by striking “\$191,550,000”  
12 in the amount column and inserting  
13 “\$293,853,000”; and

14 (2) by striking the amount identified as the  
15 total in the amount column and inserting  
16 “\$829,919,000”.

17 (b) CONFORMING AMENDMENT.—Section 2404(b)(2)  
18 of that Act (112 Stat. 2196) is amended by striking  
19 “\$162,050,000” and inserting “\$264,353,000”.

20 **SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT**  
21 **CERTAIN FISCAL YEAR 1997 PROJECT.**

22 (a) MODIFICATION.—The table in section 2401(a) of  
23 the Military Construction Authorization Act for Fiscal  
24 Year 1997 (division B of Public Law 104–201; 110 Stat.  
25 2775), as amended by section 2406 of the Military Con-

1 struction Authorization Act for Fiscal Year 2000 (division  
2 B of Public Law 106–65; 113 Stat. 839), is further  
3 amended—

4 (1) under the agency heading relating to Chem-  
5 ical Demilitarization Program, in the item relating  
6 to Pueblo Chemical Activity, Colorado, by striking  
7 “\$203,500,000” in the amount column and inserting  
8 “\$261,000,000”; and

9 (2) by striking the amount identified as the  
10 total in the amount column and inserting  
11 “\$607,454,000”.

12 (b) CONFORMING AMENDMENT.—Section 2406(b)(2)  
13 of that Act (110 Stat. 2779), as so amended, is further  
14 amended by striking “\$203,500,000” and inserting  
15 “\$261,000,000”.

16 **SEC. 2109. MODIFICATION OF AUTHORITY TO CARRY OUT**  
17 **CERTAIN FISCAL YEAR 2001 PROJECT.**

18 The table in section 2101(b) of the Military Con-  
19 struction Authorization Act for Fiscal Year 2001 (division  
20 B of the Floyd D. Spence National Defense Authorization  
21 Act for Fiscal Year 2001, as enacted into law by Public  
22 Law 106–398; 114 Stat. 1654A–390) is amended by strik-  
23 ing “Camp Page” in the installation or location column  
24 and inserting “Camp Stanley”.



1 **SEC. 2110. PLANNING AND DESIGN FOR ANECHOIC CHAM-**  
2 **BER AT WHITE SANDS MISSILE RANGE, NEW**  
3 **MEXICO.**

4 (a) **PLANNING AND DESIGN.**—The amount author-  
5 ized to be appropriated by section 2104(a)(5), for plan-  
6 ning and design for military construction for the Army  
7 is hereby increased by \$3,000,000, with the amount of the  
8 increase to be available for planning and design for an  
9 anechoic chamber at White Sands Missile Range, New  
10 Mexico.

11 (b) **OFFSET.**—The amount authorized to be appro-  
12 priated by section 301(a)(1) for the Army for operation  
13 and maintenance is hereby reduced by \$3,000,000, with  
14 the amount of the reduction to be allocated to Base Oper-  
15 ations Support (Servicewide Support).

16 **TITLE XXII—NAVY**

17 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
18 **ACQUISITION PROJECTS.**

19 (a) **INSIDE THE UNITED STATES.**—Using amounts  
20 appropriated pursuant to the authorization of appropria-  
21 tions in section 2204(a)(1), the Secretary of the Navy may  
22 acquire real property and carry out military construction  
23 projects for the installations and locations inside the  
24 United States, and in the amounts, set forth in the fol-  
25 lowing table:

**Navy: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Arizona .....	Marine Corps Air Station, Yuma .....	\$3,000,000
California .....	Marine Corps Air Station, Miramar .....	\$8,700,000
	Marine Corps Air Ground Combat Center, Twentynine Palms.	\$25,770,000
	Marine Corps Base, Camp Pendleton .....	\$104,200,000
	Naval Air Station, Lemoore .....	\$35,855,000
	Naval Air Station, San Diego .....	\$6,150,000
	Naval Air Warfare Center, Point Mugu	\$6,760,000
	Naval Construction Battalion Center, Port Hueneme.	\$6,957,000
	Naval PostGraduate School, Monterey ...	\$2,020,000
	Naval Station, San Diego .....	\$12,210,000
Connecticut .....	Naval Submarine Base, New London .....	\$7,880,000
District of Columbia .....	Marine Corps Base, Washington .....	\$3,700,000
	Naval District, Washington .....	\$2,690,000
Florida .....	Eglin Air Force Base .....	\$6,350,000
	Naval Air Station, Jacksonville .....	\$6,770,000
	Naval Air Station, Mayport .....	\$1,900,000
	Naval Air Station, Pensacola .....	\$990,000
	Panama City .....	\$10,700,000
Georgia .....	Naval Submarine Base, Kings Bay .....	\$1,580,000
Hawaii .....	Ford Island .....	\$19,400,000
	Marine Corps Base, Hawaii .....	\$9,500,000
	Naval Station, Pearl Harbor .....	\$14,690,000
Illinois .....	Naval Training Center, Great Lakes .....	\$93,190,000
Maine .....	Naval Air Station, Brunswick .....	\$9,830,000
	Naval Shipyard, Portsmouth .....	\$15,200,000
Maryland .....	Andrews Air Force Base .....	\$9,680,000
	Naval Surface Warfare Center, Carderock Division.	\$12,900,000
Mississippi .....	Naval Air Station, Meridian .....	\$2,850,000
	Naval Construction Battalion Center, Gulfport.	\$5,460,000
	Naval Station, Pascagoula .....	\$25,305,000
New Jersey .....	Naval Air Warfare Center, Lakehurst .....	\$5,200,000
	Naval Weapons Station, Earle .....	\$5,600,000
North Carolina .....	Camp LeJeune .....	\$5,370,000
	Marine Corps Air Station, Cherry Point	\$6,040,000
	Marine Corps Air Station, New River .....	\$6,920,000
Rhode Island .....	Naval Station, Newport .....	\$9,030,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$13,700,000
	Marine Corps Recruit Depot, Parris Island.	\$10,490,000
	Naval Weapons Station, Charleston .....	\$5,740,000
Texas .....	Naval Air Station, Kingsville .....	\$6,210,000
	Naval Station, Ingleside .....	\$5,480,000
Virginia .....	Marine Corps Combat Development Command, Quantico.	\$19,554,000
	Naval Amphibious Base, Little Creek .....	\$9,770,000
	Naval Air Station, Norfolk .....	\$2,260,000
	Naval Air Station, Oceana .....	\$16,490,000
	Naval Ship Yard, Norfolk .....	\$36,470,000
	Naval Station, Norfolk .....	\$168,965,000
	Naval Surface Warfare Center, Dahlgren	\$15,830,000
	Naval Weapons Station, Yorktown .....	\$15,020,000
Washington .....	Naval Air Station, Whidbey Island .....	\$17,580,000
	Naval Magazine, Port Hadlock .....	\$4,030,000
	Naval Shipyard, Puget Sound .....	\$54,132,000
	Naval Station, Bremerton .....	\$45,870,000
	Naval Submarine Base, Bangor .....	\$22,310,000
	Strategic Weapons Facility, Bangor .....	\$7,340,000
Various Locations .....	Host Nation Infrastructure .....	\$1,000,000

**Navy: Inside the United States**—Continued

State	Installation or location	Amount
	Total .....	\$988,588,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions 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  
 6 in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Installation or location	Amount
Bahrain .....	Naval Support Activity, Bahrain .....	\$25,970,000
Cuba .....	Naval Station, Guantanamo .....	\$4,280,000
Diego Garcia .....	Diego Garcia, Naval Support Facility .....	\$11,090,000
Greece .....	Naval Support Activity, Joint Head- quarters Command, Larissa.	\$14,800,000
Guam .....	Commander, United States Naval Forces, Guam.	\$13,400,000
Iceland .....	Naval Air Station, Keflavik .....	\$14,920,000
Italy .....	Naval Air Station, Sigonella .....	\$66,960,000
Spain .....	Joint Headquarters Command, Madrid ..	\$2,890,000
	Naval Station, Rota .....	\$18,700,000
	Total .....	\$173,010,000

7 **SEC. 2202. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using  
 9 amounts appropriated pursuant to the authorization of ap-  
 10 propriations in section 2204(a)(5)(A), the Secretary of the  
 11 Navy may construct or acquire family housing units (in-  
 12 cluding land acquisition and supporting facilities) at the  
 13 installations, for the purposes, and in the amounts set  
 14 forth in the following table:

**Navy: Family Housing**

<b>State or Country</b>	<b>Installation or location</b>	<b>Purpose</b>	<b>Amount</b>
California .....	Naval Air Station, Lemoore.	178 Units .....	\$40,981,000
	Twentynine Palms .....	76 Units .....	\$19,425,000
Connecticut .....	Naval Submarine Base, New London.	100 Units .....	\$24,415,000
Florida .....	Naval Station, Mayport	1 Unit .....	\$329,000
Hawaii .....	Marine Corps Base, Kaneohe Bay.	65 Units .....	\$24,797,000
Mississippi .....	Naval Air Station, Meridian.	56 Units .....	\$9,755,000
North Carolina .....	Marine Corps Base, Camp LeJeune.	317 Units .....	\$43,650,000
Virginia .....	Marine Corps Base, Quantico.	290 Units .....	\$41,843,000
Greece .....	Naval Support Activity Joint Headquarters Command, Larissa.	2 Units .....	\$1,232,000
United Kingdom ....	Joint Maritime Facility, St. Mawgan.	62 Units .....	\$18,524,000
		Total .....	\$224,951,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriation in  
3 section 2204(a)(5)(A), the Secretary of the Navy may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of military family housing units in an  
7 amount not to exceed \$11,281,000.

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2204(a)(5)(A),  
13 the Secretary of the Navy may improve existing military  
14 family housing units in an amount not to exceed  
15 \$139,468,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) IN GENERAL.—Funds are hereby authorized to  
3 be appropriated for fiscal years beginning after September  
4 30, 2002, for military construction, land acquisition, and  
5 military family housing functions of the Department of the  
6 Navy in the total amount of \$2,478,174,000, as follows:

7 (1) For military construction projects inside the  
8 United States authorized by section 2201(a),  
9 \$932,123,000.

10 (2) For military construction projects outside  
11 the United States authorized by section 2201(b),  
12 \$170,440,000.

13 (3) For unspecified minor construction projects  
14 authorized by section 2805 of title 10, United States  
15 Code, \$23,262,000.

16 (4) For architectural and engineering services  
17 and construction design under section 2807 of title  
18 10, United States Code, \$87,803,000.

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, \$375,700,000.

23 (B) For support of military family housing  
24 (including functions described in section 2833  
25 of title 10, United States Code), \$867,788,000.

1           (6) For replacement of a pier at Naval Station,  
2           Norfolk, Virginia, authorized in section 2201(a) of  
3           the Military Construction Authorization Act for Fis-  
4           cal Year 2002 (division B of Public Law 107–107;  
5           115 Stat. 1287), as amended by section 2205 of this  
6           Act, \$33,520,000.

7           (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
8           PROJECTS.—Notwithstanding the cost variations author-  
9           ized by section 2853 of title 10, United States Code, and  
10          any other cost variation authorized by law, the total cost  
11          of all projects carried out under section 2201 of this Act  
12          may not exceed—

13           (1) the total amount authorized to be appro-  
14          priated under paragraphs (1) and (2) of subsection  
15          (a):

16           (2) \$8,345,000 (the balance of the amount au-  
17          thorized under section 2201(a) for a bachelors en-  
18          listed quarters shipboard ashore, Naval Station,  
19          Pascagoula, Mississippi);

20           (3) \$48,120,000 (the balance of the amount au-  
21          thorized under section 2201(a) for a bachelors en-  
22          listed quarters shipboard ashore, Naval Station,  
23          Norfolk, Virginia); and

1           (4) \$2,570,000 (the balance of the amount au-  
2           thorized under section 2201(b) for a quality of life  
3           support facility, Naval Air Station Sigonella, Italy).

4           (c) ADJUSTMENT.—The total amount authorized to  
5           be appropriated pursuant to paragraphs (1) through (6)  
6           of subsection (a) is the sum of the amounts authorized  
7           to be appropriated in such paragraphs, reduced by—

8           (1) \$3,992,000, which represents savings result-  
9           ing from adjustments to foreign currency exchange  
10          rates for military construction, military family hous-  
11          ing construction, and military family housing sup-  
12          port outside the United States; and

13          (2) \$10,470,000, which represents adjustments  
14          for the accounting of civilian personnel benefits.

15 **SEC. 2205. MODIFICATION TO CARRY OUT CERTAIN FISCAL**  
16 **YEAR 2002 PROJECTS.**

17          (a) MILITARY CONSTRUCTION PROJECT AT NAVAL  
18          STATION, NORFOLK, VIRGINIA.—The table in section  
19          2201(a) of the Military Construction Authorization Act  
20          for Fiscal Year 2002 (division B of Public Law 107–107;  
21          115 Stat. 1286) is amended—

22          (1) in the item relating to Naval Station, Nor-  
23          folk, Virginia, by striking “\$139,270,000” in the  
24          amount column and inserting “\$139,550,000”; and

1 (2) by striking the amount identified as the  
 2 total in the amount column and inserting  
 3 “\$1,059,030,000”.

4 (b) CONFORMING AMENDMENT.—Section 2204(b)(2)  
 5 of that Act (115 Stat. 1289) is amended by striking  
 6 “\$33,240,000” and inserting “\$33,520,000”.

7 (c) MILITARY FAMILY HOUSING AT QUANTICO, VIR-  
 8 GINIA.—The table in section 2202(a) of that Act (115  
 9 Stat. 1287) is amended in the item relating to Marine  
 10 Corps Combat Development Command, Quantico, Vir-  
 11 ginia, by striking “60 Units” in the purpose column and  
 12 inserting “39 Units”.

## 13 **TITLE XXIII—AIR FORCE**

### 14 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 15 **LAND ACQUISITION PROJECTS.**

16 (a) INSIDE THE UNITED STATES.—Using amounts  
 17 appropriated pursuant to the authorization of appropria-  
 18 tions in section 2304(a)(1), the Secretary of the Air Force  
 19 may acquire real property and carry out military construc-  
 20 tion projects for the installations and locations inside the  
 21 United States, and in the amounts, set forth in the fol-  
 22 lowing table:

**Air Force: Inside the United States**

State	Installation or location	Amount
Alaska .....	Clear Air Force Station .....	\$14,400,000
	Eielson Air Force Base .....	\$41,100,000
Arizona .....	Davis-Monthan Air Force Base .....	\$19,270,000
Arkansas .....	Little Rock Air Force Base .....	\$25,600,000
California .....	Beale Air Force Base .....	\$11,740,000



**Air Force: Inside the United States**—Continued

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
	Travis Air Force Base .....	\$23,900,000
	Vandenberg Air Force Base .....	\$10,500,000
Colorado .....	Buckley Air Force Base .....	\$17,700,000
	Peterson Air Force Base .....	\$5,500,000
	Schriever Air Force Base .....	\$5,700,000
	United States Air Force Academy ...	\$4,200,000
District of Columbia .....	Bolling Air Force Base .....	\$5,000,000
Florida .....	Eglin Air Force Base .....	\$4,250,000
	Hurlburt Field .....	\$15,000,000
	MacDill Air Force Base .....	\$7,000,000
Georgia .....	Robins Air Force Base .....	\$5,400,000
	Warner-Robins Air Force Base .....	\$24,000,000
Hawaii .....	Hickam Air Force Base .....	\$1,350,000
Louisiana .....	Barksdale Air Force Base .....	\$22,900,000
Maryland .....	Andrews Air Force Base .....	\$9,600,000
Massachusetts .....	Fourth Cliff, Scituate .....	\$9,500,000
	Hanscom Air Force Base .....	\$7,700,000
Mississippi .....	Keesler Air Force Base .....	\$22,000,000
Nebraska .....	Offutt Air Force Base .....	\$11,000,000
Nevada .....	Nellis Air Force Base .....	\$56,850,000
New Jersey .....	McGuire Air Force Base .....	\$24,631,000
New Mexico .....	Cannon Air Force Base .....	\$4,650,000
	Holloman Air Force Base .....	\$4,650,000
	Kirtland Air Force Base .....	\$21,900,000
North Carolina .....	Pope Air Force Base .....	\$9,700,000
	Seymour Johnson Air Force Base ...	\$10,600,000
North Dakota .....	Minot Air Force Base .....	\$18,000,000
Ohio .....	Wright-Patterson Air Force Base ...	\$35,400,000
Oklahoma .....	Altus Air Force Base .....	\$14,800,000
	Vance Air Force Base .....	\$4,800,000
South Carolina .....	Shaw Air Force Base .....	\$6,500,000
South Dakota .....	Ellsworth Air Force Base .....	\$13,200,000
Texas .....	Goodfellow Air Force Base .....	\$10,600,000
	Lackland Air Force Base .....	\$41,500,000
	Sheppard Air Force Base .....	\$16,000,000
Utah .....	Hill Air Force Base .....	\$16,500,000
Virginia .....	Langley Air Force Base .....	\$71,940,000
Wyoming .....	F.E. Warren Air Force Base .....	\$15,000,000
	Total .....	\$721,531,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Air Force: Outside the United States**

Country	Installation or location	Amount
Germany .....	Ramstein Air Base .....	\$71,783,000
Guam .....	Andersen Air Force Base .....	\$31,000,000
Italy .....	Aviano Air Base .....	\$6,600,000
Japan .....	Kadena Air Base .....	\$6,000,000
Korea .....	Osan Air Base .....	\$15,100,000
Spain .....	Naval Station, Rota .....	\$31,818,000
Turkey .....	Incirlik Air Base .....	\$1,550,000
United Kingdom .....	Diego Garcia .....	\$17,100,000
	Royal Air Force, Fairford .....	\$19,000,000
	Royal Air Force, Lakenheath .....	\$13,400,000
Wake Island .....	Wake Island .....	\$24,900,000
	Total .....	\$238,251,000

1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(3), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installation and location, and in the  
6 amount, set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Classified Locations .....	\$24,993,000

7 **SEC. 2302. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using  
9 amounts appropriated pursuant to the authorization of ap-  
10 propriations in section 2304(a)(6)(A), the Secretary of the  
11 Air Force may construct or acquire family housing units  
12 (including land acquisition and supporting facilities) at the  
13 installations, for the purposes, and in the amounts set  
14 forth in the following table:

**Air Force: Family Housing**

State or Country	Installation or loca- tion	Purpose	Amount
Arizona .....	Luke Air Force Base ..	140 Units .....	\$18,954,000

## Air Force: Family Housing—Continued

State or Country	Installation or location	Purpose	Amount
California .....	Travis Air Force Base	110 Units .....	\$24,320,000
Colorado .....	Peterson Air Force Base.	2 Units .....	\$959,000
	United States Air Force Academy.	71 Units .....	\$12,424,000
Delaware .....	Dover Air Force Base	112 Units .....	\$19,615,000
Florida .....	Eglin Air Force Base ..	Housing Office	\$597,000
	Eglin Air Force Base ..	134 Units .....	\$15,906,000
	MacDill Air Force Base.	96 Units .....	\$18,086,000
Hawaii .....	Hickam Air Force Base.	96 Units .....	\$29,050,000
Idaho .....	Mountain Home Air Force Base.	95 Units .....	\$24,392,000
Kansas .....	McConnell Air Force Base.	Housing Maintenance Facility.	\$1,514,000
	Andrews Air Force Base.	53 Units .....	\$9,838,000
	Andrews Air Force Base.	52 Units .....	\$8,807,000
Mississippi .....	Columbus Air Force Base.	Housing Office	\$412,000
	Keesler Air Force Base	117 Units .....	\$16,605,000
Missouri .....	Whiteman Air Force Base.	22 Units .....	\$3,977,000
Montana .....	Malmstrom Air Force Base.	18 Units .....	\$4,717,000
New Mexico .....	Holloman Air Force Base.	101 Units .....	\$20,161,000
North Carolina .....	Pope Air Force Base ...	Housing Maintenance Facility.	\$991,000
	Seymour Johnson Air Force Base.	126 Units .....	\$18,615,000
North Dakota .....	Grand Forks Air Force Base.	150 Units .....	\$30,140,000
	Minot Air Force Base	112 Units .....	\$21,428,000
	Minot Air Force Base	102 Units .....	\$20,315,000
Oklahoma .....	Vance Air Force Base	59 Units .....	\$11,423,000
South Dakota .....	Ellsworth Air Force Base.	Housing Maintenance Facility.	\$447,000
	Ellsworth Air Force Base.	22 Units .....	\$4,794,000
Texas .....	Dyess Air Force Base	85 Units .....	\$14,824,000
	Randolph Air Force Base.	Housing Maintenance Facility.	\$447,000
	Randolph Air Force Base.	112 Units .....	\$14,311,000
Virginia .....	Langley Air Force Base.	Housing Office	\$1,193,000
Germany .....	Ramstein Air Force Base.	19 Units .....	\$8,534,000
Korea .....	Osan Air Base .....	113 Units .....	\$35,705,000
	Osan Air Base .....	Housing Supply Warehouse.	\$834,000

**Air Force: Family Housing**—Continued

State or Country	Installation or location	Purpose	Amount
United Kingdom .....	Royal Air Force Lakenheath.	Housing Office and Maintenance Facility.	\$2,203,000
	Total .....		\$416,438,000

1 (b) **PLANNING AND DESIGN.**—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2304(a)(6)(A), the Secretary of the Air Force may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of military family housing units in an  
7 amount not to exceed \$34,188,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2304(a)(6)(A),  
13 the Secretary of the Air Force may improve existing mili-  
14 tary family housing units in an amount not to exceed  
15 \$226,068,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
17 **FORCE.**

18 (a) **IN GENERAL.**—Funds are hereby authorized to  
19 be appropriated for fiscal years beginning after September  
20 30, 2002, for military construction, land acquisition, and  
21 military family housing functions of the Department of the

1 Air Force in the total amount of \$2,597,272,000, as fol-  
2 lows:

3 (1) For military construction projects inside the  
4 United States authorized by section 2301(a),  
5 \$709,431,000.

6 (2) For military construction projects outside  
7 the United States authorized by section 2301(b),  
8 \$238,251,000.

9 (3) For the military construction projects at  
10 unspecified worldwide locations authorized by section  
11 2301(c), \$24,993,000.

12 (4) For unspecified minor construction projects  
13 authorized by section 2805 of title 10, United States  
14 Code, \$11,500,000.

15 (5) For architectural and engineering services  
16 and construction design under section 2807 of title  
17 10, United States Code, \$81,416,000.

18 (6) For military housing functions:

19 (A) For construction and acquisition, plan-  
20 ning and design, and improvement of military  
21 family housing and facilities, \$676,694,000.

22 (B) For support of military family housing  
23 (including functions described in section 2833  
24 of title 10, United States Code), \$874,050,000.

1           (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
2 PROJECTS.—Notwithstanding the cost variations author-  
3 ized by section 2853 of title 10, United States Code, and  
4 any other cost variation authorized by law, the total cost  
5 of all projects carried out under section 2301 of this Act  
6 may not exceed—

7           (1) the total amount authorized to be appro-  
8 priated under paragraphs (1), (2) and (3) of sub-  
9 section (a);

10           (2) \$7,100,000 (the balance of the amount au-  
11 thORIZED under section 2301(a) for construction of a  
12 consolidated base engineer complex at Altus Air  
13 Force Base, Oklahoma); and

14           (3) \$5,000,000 (the balance of the amount au-  
15 thORIZED under section 2301(a) for construction of a  
16 storm drainage system at F.E. Warren Air Force  
17 Base, Wyoming).

18           (c) ADJUSTMENT.—The total amount authorized to  
19 be appropriated pursuant to paragraphs (1) through (6)  
20 of subsection (a) is the sum of the amounts authorized  
21 to be appropriated in such paragraphs, reduced by  
22 \$19,063,000, which represents savings resulting from ad-  
23 justments to foreign currency exchange rates for military  
24 construction, military family housing construction, and  
25 military family housing support outside the United States.

1 **SEC. 2305. AUTHORITY FOR USE OF MILITARY CONSTRUC-**  
2 **TION FUNDS FOR CONSTRUCTION OF PUBLIC**  
3 **ROAD NEAR AVIANO AIR BASE, ITALY,**  
4 **CLOSED FOR FORCE PROTECTION PUR-**  
5 **POSES.**

6 (a) **AUTHORITY TO USE FUNDS.**—The Secretary of  
7 the Air Force may, using amounts authorized to be appro-  
8 priated by section 2301(b), carry out a project to provide  
9 a public road, and associated improvements, to replace a  
10 public road adjacent to Aviano Air Base, Italy, that has  
11 been closed for force protection purposes.

12 (b) **SCOPE OF AUTHORITY.**—(1) The authority of the  
13 Secretary to carry out the project referred to in subsection  
14 (a) shall include authority as follows:

15 (A) To acquire property for the project for  
16 transfer to a host nation authority.

17 (B) To provide funds to a host nation authority  
18 to acquire property for the project.

19 (C) To make a contribution to a host nation au-  
20 thority for purposes of carrying out the project.

21 (D) To provide vehicle and pedestrian access to  
22 landowners effected by the project.

23 (2) The acquisition of property using authority in  
24 subparagraph (A) or (B) of paragraph (1) may be made  
25 regardless of whether or not ownership of such property  
26 will vest in the United States.

1           (c) INAPPLICABILITY OF CERTAIN REAL PROPERTY  
2 MANAGEMENT REQUIREMENT.—Section 2672(a)(1)(B) of  
3 title 10, United States Code, shall not apply with respect  
4 to any acquisition of interests in land for purposes of the  
5 project authorized by subsection (a).

6 **SEC. 2306. ADDITIONAL PROJECT AUTHORIZATION FOR AIR**  
7                           **TRAFFIC CONTROL FACILITY AT DOVER AIR**  
8                           **FORCE BASE, DELAWARE.**

9           (a) PROJECT AUTHORIZED.—In addition to the  
10 projects authorized by section 2301(a), the Secretary of  
11 the Air Force may carry out carry out a military construc-  
12 tion project, including land acquisition relating thereto,  
13 for construction of a new air traffic control facility at  
14 Dover Air Force Base, Delaware, in the amount of  
15 \$7,500,000.

16           (b) AUTHORIZATION OF APPROPRIATIONS.—The  
17 amount authorized to be appropriated by section 2304(a),  
18 and by paragraph (1) of that section, is hereby increased  
19 by \$7,500,000.

20           (c) OFFSET.—The amount authorized to be appro-  
21 priated by section 301(a)(10) for operation and mainte-  
22 nance for the Army National Guard is hereby reduced by  
23 \$7,500,000, with the amount of the reduction to be allo-  
24 cated to the Classified Network Program.



1 **SEC. 2307. AVAILABILITY OF FUNDS FOR CONSOLIDATION**  
2 **OF MATERIALS COMPUTATIONAL RESEARCH**  
3 **FACILITY AT WRIGHT-PATTERSON AIR**  
4 **FORCE BASE, OHIO.**

5 (a) AVAILABILITY.—Of the amount authorized to be  
6 appropriated by section 2304(a), and paragraph (1) of  
7 that section, for the Air Force and available for military  
8 construction projects at Wright–Patterson Air Force  
9 Base, Ohio, \$15,200,000 may be available for a military  
10 construction project for consolidation of the materials  
11 computational research facility at Wright–Patterson Air  
12 Force Base (PNZH TV033301A).

13 (b) OFFSET.—(1) The amount authorized to be ap-  
14 propriated by section 301(a)(4) for the Air Force for oper-  
15 ation and maintenance is hereby reduced by \$2,800,000,  
16 with the amount of the reduction to be allocated to Re-  
17 cruiting and Advertising.

18 (2) Of the amount authorized to be appropriated by  
19 section 2304(a), and paragraph (1) of that section, for the  
20 Air Force and available for military construction projects  
21 at Wright–Patterson Air Force Base—

22 (A) the amount available for a dormitory is  
23 hereby reduced by \$10,400,000; and

24 (B) the amount available for construction of a  
25 Fully Contained Small Arms Range Complex is  
26 hereby reduced by \$2,000,000.

# 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

Agency	Installation or location	Amount
Missile Defense Agency .....	Kauai, Hawaii .....	\$23,400,000
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia.	\$121,958,000
Defense Logistics Agency .....	Defense Supply Center, Columbus, Ohio.	\$5,021,000
	Defense Supply Center, Richmond, Virginia .....	\$5,500,000
	Naval Air Station, New Orleans, Louisiana .....	\$9,500,000
	Travis Air Force Base, California .....	\$16,000,000
Defense Threat Reduction Agency.	Fort Belvoir, Virginia .....	\$76,388,000
Department of Defense Dependents Schools.	Fort Bragg, North Carolina .....	\$2,036,000
	Fort Jackson, South Carolina .....	\$2,506,000
	Marine Corps Base, Camp LeJeune, North Carolina .....	\$12,138,000
	Marine Corps Base, Quantico, Virginia .....	\$1,418,000
	United States Military Academy, West Point, New York .....	\$4,347,000
Joint Chiefs of Staff .....	Conus Various .....	\$25,000,000
National Security Agency .....	Fort Meade, Maryland .....	\$4,484,000
Special Operations Command	Fort Bragg, North Carolina .....	\$30,800,000
	Hurlburt Field, Florida .....	\$11,100,000
	Naval Amphibious Base, Little Creek, Virginia .....	\$14,300,000
	Stennis Space Center, Mississippi .....	\$5,000,000
TRICARE Management Activity.	Elmendorf Air Force Base, Alaska ..	\$10,400,000
	Hickam Air Force Base, Hawaii .....	\$2,700,000
Washington Headquarters Services.	Arlington, Virginia .....	\$18,000,000

**Defense Agencies: Inside the United States**—Continued

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
	Washington Headquarters Services, District of Columbia.	\$2,500,000
	Total .....	\$404,496,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions 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 fol-  
7 lowing table:

**Defense Agencies: Outside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Defense Logistics Agency .....	Andersen Air Force Base, Guam .....	\$17,586,000
	Lajes Field, Azores, Portugal .....	\$19,000,000
	Naval Forces Marianas Islands, Guam .....	\$6,000,000
	Naval Station, Rota, Spain .....	\$23,400,000
	Royal Air Force, Fairford, United Kingdom .....	\$17,000,000
	Yokota Air Base, Japan .....	\$23,000,000
Department of Defense De- pendents Schools.	Kaiserslautern, Germany .....	\$957,000
	Lajes Field, Azores, Portugal .....	\$1,192,000
	Seoul, Korea .....	\$31,683,000
	Mons, Belgium .....	\$1,573,000
	Spangdahlem Air Base, Germany ....	\$997,000
	Vicenza, Italy .....	\$2,117,000
TRICARE Management Ac- tivity.	Naval Support Activity, Naples, Italy.	\$41,449,000
	Spangdahlem Air Base, Germany ....	\$39,629,000
	Total .....	\$225,583,000

8 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2404(a)(8)(A),

1 the Secretary of Defense may improve existing military  
2 family housing units in an amount not to exceed  
3 \$5,480,000.

4 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

5 Using amounts appropriated pursuant to the author-  
6 ization of appropriations in section 2404(a)(4), the Sec-  
7 retary of Defense may carry out energy conservation  
8 projects under section 2865 of title 10, United States  
9 Code, in the amount of \$50,531,000.

10 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
11 **FENSE AGENCIES.**

12 (a) IN GENERAL.—Funds are hereby authorized to  
13 be appropriated for fiscal years beginning after September  
14 30, 2002, for military construction, land acquisition, and  
15 military family housing functions of the Department of  
16 Defense (other than the military departments) in the total  
17 amount of \$1,316,972,000, as follows:

18 (1) For military construction projects inside the  
19 United States authorized by section 2401(a),  
20 \$367,896,000.

21 (2) For military construction projects outside  
22 the United States authorized by section 2401(b),  
23 \$225,583,000.

1           (3) For unspecified minor construction projects  
2 under section 2805 of title 10, United States Code,  
3 \$16,293,000.

4           (4) For contingency construction projects of the  
5 Secretary of Defense under section 2804 of title 10,  
6 United States Code, \$10,000,000.

7           (5) For architectural and engineering services  
8 and construction design under section 2807 of title  
9 10, United States Code, \$44,232,000.

10           (6) For energy conservation projects authorized  
11 by section 2403 of this Act, \$50,531,000.

12           (7) For base closure and realignment activities  
13 as authorized by the Defense Base Closure and Re-  
14 alignment Act of 1990 (part A of title XXIX of  
15 Public Law 101–510; 10 U.S.C. 2687 note),  
16 \$545,138,000.

17           (8) For military family housing functions:

18               (A) For improvement of military family  
19 housing and facilities, \$5,480,000.

20               (B) For support of military family housing  
21 (including functions described in section 2833  
22 of title 10, United States Code), \$42,432,000.

23               (C) For credit to the Department of De-  
24 fense Family Housing Improvement Fund es-

1           tablished by section 2883(a)(1) of title 10,  
2           United States Code, \$2,000,000.

3           (9) For payment of a claim against the Hos-  
4           pital Replacement project at Elmendorf Air Force  
5           Base, Alaska, \$10,400,000.

6           (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
7 PROJECTS.—Notwithstanding the cost variations author-  
8 ized by section 2853 of title 10, United States Code, and  
9 any other cost variation authorized by law, the total cost  
10 of all projects carried out under section 2401 of this Act  
11 may not exceed—

12           (1) the total amount authorized to be appro-  
13 priated under paragraphs (1) and (2) of subsection  
14 (a); and

15           (2) \$26,200,000 (the balance of the amount au-  
16 thORIZED under section 2401(a) for the construction  
17 of the Defense Threat Reduction Center, Fort  
18 Belvoir, Virginia).

19           (c) ADJUSTMENT.—The total amount authorized to  
20 be appropriated pursuant to paragraphs (1) through (9)  
21 of subsection (a) is the sum of the amounts authorized  
22 to be appropriated in such paragraphs, reduced by—

23           (1) \$2,976,000, which represents savings result-  
24 ing from adjustments to foreign currency exchange  
25 rates for military construction, military family hous-

1 ing construction, and military family housing sup-  
2 port outside the United States; and

3 (2) \$37,000, which represents adjustments for  
4 the accounting of civilian personnel benefits.

5 **TITLE XXV—NORTH ATLANTIC**  
6 **TREATY ORGANIZATION SE-**  
7 **CURITY INVESTMENT PRO-**  
8 **GRAM**

9 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
10 **ACQUISITION PROJECTS.**

11 The Secretary of Defense may make contributions for  
12 the North Atlantic Treaty Organization Security Invest-  
13 ment program as provided in section 2806 of title 10,  
14 United States Code, in an amount not to exceed the sum  
15 of the amount authorized to be appropriated for this pur-  
16 pose in section 2502 and the amount collected from the  
17 North Atlantic Treaty Organization as a result of con-  
18 struction previously financed by the United States.

19 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

20 Funds are hereby authorized to be appropriated for  
21 fiscal years beginning after September 30, 2002, for con-  
22 tributions by the Secretary of Defense under section 2806  
23 of title 10, United States Code, for the share of the United  
24 States of the cost of projects for the North Atlantic Treaty

1 Organization Security Investment program authorized by  
2 section 2501, in the amount of \$168,200,000.

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

5 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
6 **TION AND LAND ACQUISITION PROJECTS.**

7 There are authorized to be appropriated for fiscal  
8 years beginning after September 30, 2002, for the costs  
9 of acquisition, architectural and engineering services, and  
10 construction of facilities for the Guard and Reserve  
11 Forces, and for contributions there for, under chapter  
12 1803 of title 10, United States Code (including the cost  
13 of acquisition of land for those facilities), the following  
14 amounts:

15 (1) For the Department of the Army—

16 (A) for the Army National Guard of the  
17 United States, \$186,588,000; and

18 (B) for the Army Reserve, \$62,992,000.

19 (2) For the Department of the Navy, for the  
20 Naval and Marine Corps Reserve, \$58,671,000.

21 (3) For the Department of the Air Force—

22 (A) for the Air National Guard of the  
23 United States, \$212,459,000; and

24 (B) for the Air Force Reserve,  
25 \$59,883,000.



1 **SEC. 2602. ARMY NATIONAL GUARD RESERVE CENTER,**  
2 **LANE COUNTY, OREGON.**

3 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
4 TIONS.—The amount authorized to be appropriated by  
5 section 2601(1)(A) for the Army National Guard of the  
6 United States is hereby increased by \$9,000,000.

7 (b) AVAILABILITY.—(1) Of the amount authorized to  
8 be appropriated by section 2601(1)(A) for the Army Na-  
9 tional Guard of the United States, as increased by sub-  
10 section (a), \$9,000,000 may be available for a military  
11 construction project for a Reserve Center in Lane County,  
12 Oregon.

13 (2) The amount available under paragraph (1) for the  
14 military construction project referred to in that paragraph  
15 is in addition to any other amounts available under this  
16 Act for that project.

17 (c) OFFSET.—(1) The amount authorized to be ap-  
18 propriated by section 201(2) for research, development,  
19 test, and evaluation for the Navy is hereby reduced by  
20 \$2,500,000, with the amount of the reduction to be allo-  
21 cated to Warfighter Sustainment Advanced Technology  
22 (PE 0603236N).

23 (2) The amount authorized to be appropriated by sec-  
24 tion 301(a)(6) for operation and maintenance for the  
25 Army Reserve is hereby reduced by \$6,000,000, with the

1 amount of the reduction to be allocated to the Enhanced  
2 Secure Communications Program.

3 **SEC. 2603. ADDITIONAL PROJECT AUTHORIZATION FOR**  
4 **COMPOSITE SUPPORT FACILITY FOR ILLI-**  
5 **NOIS AIR NATIONAL GUARD.**

6 (a) INCREASE IN AUTHORIZATION OF APPROPRIA-  
7 TIONS.—The amount authorized to be appropriated by  
8 section 2601(3)(A) for the Air National Guard is hereby  
9 increased by \$10,000,000.

10 (b) AVAILABILITY.—Of the amount authorized to be  
11 appropriated by section 2601(3)(A) for the Air National  
12 Guard, as increased by subsection (a), \$10,000,000 may  
13 be available for a military construction project for a Com-  
14 posite Support Facility for the 183rd Fighter Wing of the  
15 Illinois Air National Guard.

16 (c) OFFSET.—The amount authorized to be appro-  
17 priated by section 301(a)(5) for operation and mainte-  
18 nance, defense-wide, is hereby reduced by \$10,000,000,  
19 with the amount of the reduction to be allocated to  
20 amounts available for the Information Operations Pro-  
21 gram.

1 **TITLE XXVII—EXPIRATION AND**  
2 **EXTENSION OF AUTHORIZA-**  
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
8 YEARS.—Except as provided in subsection (b), all author-  
9 izations contained in titles XXI through XXVI for military  
10 construction projects, land acquisition, family housing  
11 projects and facilities, and contributions to the North At-  
12 lantic Treaty Organization Security Investment program  
13 (and authorizations of appropriations therefor) shall ex-  
14 pire on the later of—

15 (1) October 1, 2005; or

16 (2) the date of the enactment of an Act author-  
17 izing funds for military construction for fiscal year  
18 2006.

19 (b) EXCEPTION.—Subsection (a) shall not apply to  
20 authorizations for military construction projects, land ac-  
21 quisition, family housing projects, and facilities, and con-  
22 tributions to the North Atlantic Treaty Organization Se-  
23 curity Investment program (and authorizations of appro-  
24 priations therefor) for which appropriated funds have been  
25 obligated before the later of—

1 (1) October 1, 2005; or

2 (2) the date of the enactment of an Act author-  
 3 ized funds for fiscal year 2005 for military construc-  
 4 tion projects, land acquisition, family housing  
 5 projects and facilities, and contributions to the  
 6 North Atlantic Treaty Organization Security Invest-  
 7 ment program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 9 **FISCAL YEAR 2000 PROJECTS.**

10 (a) **EXTENSION OF CERTAIN PROJECTS.**—Notwith-  
 11 standing section 2701 of the Military Construction Au-  
 12 thorization Act for Fiscal Year 2000 (division B of Public  
 13 Law 106–65; 113 Stat. 841), authorizations set forth in  
 14 the tables in subsection (b), as provided in section 2302  
 15 or 2601 of that Act, shall remain in effect until October  
 16 1, 2003, or the date of the enactment of an Act author-  
 17 izing funds for military construction for fiscal year 2004,  
 18 whichever is later.

19 (b) **TABLES.**—The tables referred to in subsection (a)  
 20 are as follows:

**Air Force: Extension of 2000 Project Authorization**

<b>State</b>	<b>Installation or loca- tion</b>	<b>Project</b>	<b>Amount</b>
Oklahoma .....	Tinker Air Force Base	Replace Family Housing (41 Units).	\$6,000,000
Texas .....	Lackland Air Force Base.	Dormitory .....	\$5,300,000

**Army National Guard: Extension of 2000 Project Authorization**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Virginia .....	Fort Pickett .....	Multi-Purpose Range Complex—Heavy.	\$13,500,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 1999 PROJECTS.**

3 (a) **EXTENSION.**—Notwithstanding section 2701 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 1999 (division B of Public Law 105–261; 112 Stat.  
6 2199), authorizations set forth in the table in subsection  
7 (b), as provided in section 2302 of that Act and extended  
8 by section 2702 of the Military Construction Authoriza-  
9 tion Act for Fiscal Year 2002 (division B of Public Law  
10 107–107; 115 Stat. 1301), shall remain in effect until Oc-  
11 tober 1, 2003, or the date of the enactment of an Act  
12 authorizing funds for military construction for fiscal year  
13 2004, whichever is later.

14 (b) **TABLE.**—The table referred to in subsection (a)  
15 is as follows:

**Air Force: Extension of 1999 Project Authorizations**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Delaware .....	Dover Air Force Base	Replace Family Housing (55 Units).	\$8,988,000
Florida .....	Patrick Air Force Base	Replace Family Housing (46 Units).	\$9,692,000
New Mexico .....	Kirtland Air Force Base.	Replace Family Housing (37 Units).	\$6,400,000
Ohio .....	Wright-Patterson Air Force Base.	Replace Family Housing (40 Units).	\$5,600,000

1 **SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, and  
3 XXVII of this Act shall take effect on the later of—

4 (1) October 1, 2002; or

5 (2) the date of the enactment of this Act.

6 **TITLE XXVIII—GENERAL**  
7 **PROVISIONS**

8 **Subtitle A—Military Construction**  
9 **Program and Military Family**  
10 **Housing Changes**

11 **SEC. 2801. LEASE OF MILITARY FAMILY HOUSING IN**  
12 **KOREA.**

13 (a) INCREASE IN NUMBER OF UNITS AUTHORIZED  
14 FOR LEASE AT CURRENT MAXIMUM AMOUNT.—Para-  
15 graph (3) of section 2828(e) of title 10, United States  
16 Code, is amended by striking “800 units” and inserting  
17 “1,175 units”.

18 (b) AUTHORITY TO LEASE ADDITIONAL NUMBER OF  
19 UNITS AT INCREASED MAXIMUM AMOUNT.—That section  
20 is further amended—

21 (1) by redesignating paragraphs (4) and (5) as  
22 paragraphs (5) and (6), respectively;

23 (2) by inserting after paragraph (3) the fol-  
24 lowing new paragraph (4):

25 “(4) In addition to the units of family housing re-  
26 ferred to in paragraph (1) for which the maximum lease

1 amount is \$25,000 per unit per year, the Secretary of the  
2 Army may lease not more than 2,400 units of family hous-  
3 ing in Korea subject to a maximum lease amount of  
4 \$35,000 per unit per year.”;

5 (3) in paragraph (5), as so redesignated, by  
6 striking “and (3)” and inserting “(3), and (4)”;

7 (4) in paragraph (6), as so redesignated, by  
8 striking “53,000” and inserting “55,775”.

9 **SEC. 2802. REPEAL OF SOURCE REQUIREMENTS FOR FAM-**  
10 **ILY HOUSING CONSTRUCTION OVERSEAS.**

11 Section 803 of the Military Construction Authoriza-  
12 tion Act, 1984 (Public Law 98–115; 10 U.S.C. 2821 note)  
13 is repealed.

14 **SEC. 2803. MODIFICATION OF LEASE AUTHORITIES UNDER**  
15 **ALTERNATIVE AUTHORITY FOR ACQUISITION**  
16 **AND IMPROVEMENT OF MILITARY HOUSING.**

17 (a) LEASING OF HOUSING.—Subsection (a) of section  
18 2874 of title 10, United States Code, is amended to read  
19 as follows:

20 “(a) LEASE AUTHORIZED.—(1) The Secretary con-  
21 cerned may enter into contracts for the lease of housing  
22 units that the Secretary determines are suitable for use  
23 as military family housing or military unaccompanied  
24 housing.

1       “(2) The Secretary concerned shall utilize housing  
2 units leased under paragraph (1) as military family hous-  
3 ing or military unaccompanied housing, as appropriate.”.

4       (b) REPEAL OF INTERIM LEASE AUTHORITY.—Sec-  
5 tion 2879 of such title is repealed.

6       (c) CONFORMING AND CLERICAL AMENDMENTS.—

7 (1) The heading for section 2874 of such title is amended  
8 to read as follows:

9 **“§ 2874. Leasing of housing”.**

10       (2) The table of sections at the beginning of sub-  
11 chapter IV of chapter 169 of such title is amended—

12           (A) by striking the item relating to section  
13       2874 and inserting the following new item:

“2874. Leasing of housing.”;

14       and

15           (B) by striking the item relating to section  
16       2879.

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

19       **SEC. 2811. AGREEMENTS WITH PRIVATE ENTITIES TO EN-**  
20           **HANCE MILITARY TRAINING, TESTING, AND**  
21           **OPERATIONS.**

22       (a) IN GENERAL.—Chapter 159 of title 10, United  
23 States Code, is amended by inserting after section 2696  
24 the following new section:



1 **“§ 2697. Agreements with private entities to enhance**  
2 **military training, testing, and operations**

3 “(a) AGREEMENTS WITH PRIVATE ENTITIES AU-  
4 THORIZED.—The Secretary of Defense or the Secretary  
5 of a military department may enter into an agreement  
6 with a private entity described in subsection (b) to address  
7 the use or development of real property in the vicinity of  
8 an installation under the jurisdiction of such Secretary for  
9 purposes of—

10 “(1) limiting any development or use of such  
11 property that would otherwise be incompatible with  
12 the mission of such installation; or

13 “(2) preserving habitat on such property in a  
14 manner that is compatible with both—

15 “(A) current or anticipated environmental  
16 requirements that would or might otherwise re-  
17 strict, impede, or otherwise interfere, whether  
18 directly or indirectly, with current or antici-  
19 pated military training, testing, or operations  
20 on such installation; and

21 “(B) current or anticipated military train-  
22 ing, testing, or operations on such installation.

23 “(b) COVERED PRIVATE ENTITIES.—A private entity  
24 described in this subsection is any private entity that has  
25 as its stated principal organizational purpose or goal the

1 conservation, restoration, or preservation of land and nat-  
2 ural resources, or a similar purpose or goal.

3 “(c) INAPPLICABILITY OF CERTAIN CONTRACT RE-  
4 QUIREMENTS.—Chapter 63 of title 31 shall not apply to  
5 any agreement entered into under this section.

6 “(d) ACQUISITION AND ACCEPTANCE OF PROPERTY  
7 AND INTERESTS.—(1) Subject to the provisions of this  
8 subsection, an agreement with a private entity under this  
9 section—

10 “(A) may provide for the private entity to ac-  
11 quire all right, title, and interest in and to any real  
12 property, or any lesser interest therein, as may be  
13 appropriate for purposes of this section; and

14 “(B) shall provide for the private entity to  
15 transfer to the United States, upon the request of  
16 the United States, any property or interest so ac-  
17 quired.

18 “(2) Property or interests may not be acquired pursu-  
19 ant to an agreement under this section unless the owner  
20 of such property or interests, as the case may be, consents  
21 to the acquisition.

22 “(3) An agreement under this section providing for  
23 the acquisition of property or interests under paragraph  
24 (1)(A) shall provide for the sharing by the United States

1 and the private entity concerned of the costs of the acqui-  
2 sition of such property or interests.

3 “(4) The Secretary concerned shall identify any prop-  
4 erty or interests to be acquired pursuant to an agreement  
5 under this section. Such property or interests shall be lim-  
6 ited to the minimum property or interests necessary to en-  
7 sure that the property concerned is developed and used  
8 in a manner appropriate for purposes of this section.

9 “(5) The Secretary concerned may accept on behalf  
10 of the United States any property or interest to be trans-  
11 ferred to the United States under paragraph (1)(B).

12 “(6) The Secretary concerned may, for purposes of  
13 the acceptance of property or interests under this sub-  
14 section, accept an appraisal or title documents prepared  
15 or adopted by a non-Federal entity as satisfying the appli-  
16 cable requirements of section 301 of the Uniform Reloca-  
17 tion Assistance and Real Property Acquisition Policies Act  
18 of 1970 (42 U.S.C. 4651) or section 355 of the Revised  
19 Statutes (40 U.S.C. 255) if the Secretary finds that such  
20 appraisal or title documents substantially comply with  
21 such requirements.

22 “(e) **ADDITIONAL TERMS AND CONDITIONS.**—The  
23 Secretary concerned may require such additional terms  
24 and conditions in an agreement under this section as such

1 Secretary considers appropriate to protect the interests of  
2 the United States.

3 “(f) FUNDING.—(1) Except as provided in paragraph  
4 (2), amounts authorized to be appropriated to the Range  
5 Enhancement Initiative Fund of the Department of De-  
6 fense are available for purposes of any agreement under  
7 this section.

8 “(2) In the case of an installation operated primarily  
9 with funds authorized to be appropriated for research, de-  
10 velopment, test, and evaluation, funds authorized to be ap-  
11 propriated for the Department of Defense, or the military  
12 department concerned, for research, development, test,  
13 and evaluation are available for purposes of an agreement  
14 under this section with respect to such installation.

15 “(3) Amounts in the Fund that are made available  
16 for an agreement of a military department under this sec-  
17 tion shall be made available by transfer from the Fund  
18 to the applicable operation and maintenance account of  
19 the military department, including the operation and  
20 maintenance account for the active component, or for a  
21 reserve component, of the military department.”.

22 (b) CLERICAL AMENDMENT.—The table of sections  
23 at the beginning of such chapter is amended by inserting  
24 after the item relating to section 2696 the following new  
25 item:

“2697. Agreements with private entities to enhance military training, testing, and operations.”.

1 **SEC. 2812. CONVEYANCE OF SURPLUS REAL PROPERTY**  
 2 **FOR NATURAL RESOURCE CONSERVATION.**

3 (a) IN GENERAL.—(1) Chapter 159 of title 10,  
 4 United States Code, as amended by section 2811 of this  
 5 Act, is further amended by inserting after section 2697  
 6 the following new section:

7 **“§ 2698. Conveyance of surplus real property for nat-**  
 8 **ural resource conservation**

9 “(a) AUTHORITY TO CONVEY.—Subject to subsection  
 10 (c), the Secretary of a military department may, in the  
 11 sole discretion of such Secretary, convey to any State or  
 12 local government or instrumentality thereof, or private en-  
 13 tity that has as its primary purpose or goal the conserva-  
 14 tion of open space or natural resources on real property,  
 15 all right, title, and interest of the United States in and  
 16 to any real property, including any improvements thereon,  
 17 under the jurisdiction of such Secretary that is described  
 18 in subsection (b).

19 “(b) COVERED REAL PROPERTY.—Real property de-  
 20 scribed in this subsection is any property that—

21 “(1) is suitable, as determined by the Secretary  
 22 concerned, for use for the conservation of open space  
 23 or natural resources;

1           “(2) is surplus property for purposes of title II  
2 of the Federal Property and Administrative Services  
3 Act of 1949 (40 U.S.C. 471 et seq.); and

4           “(3) has been available for public benefit con-  
5 veyance under that title for a sufficient time, as de-  
6 termined by the Secretary concerned in consultation  
7 with the Administrator of General Services, to per-  
8 mit potential claimants to seek public benefit convey-  
9 ance of such property, but without the submittal  
10 during that time of a request for such conveyance.

11       “(c) CONDITIONS OF CONVEYANCE.—Real property  
12 may not be conveyed under this section unless the  
13 conveyee of such property agrees that such property—

14           “(1) shall be used and maintained for the con-  
15 servation of open space or natural resources in per-  
16 petuity, unless otherwise provided for under sub-  
17 section (e); and

18           “(2) may be subsequently conveyed only if—

19           “(A) the Secretary concerned approves in  
20 writing such subsequent conveyance;

21           “(B) the Secretary concerned notifies the  
22 appropriate committees of Congress of the sub-  
23 sequent conveyance not later than 21 days be-  
24 fore the subsequent conveyance; and

1           “(C) after such subsequent conveyance,  
2           shall be used and maintained for the conserva-  
3           tion of open space or natural resources in per-  
4           petuity, unless otherwise provided for under  
5           subsection (e).

6           “(d) USE FOR INCIDENTAL PRODUCTION OF REV-  
7    ENUE.—Real property conveyed under this section may be  
8    used for the incidental production of revenue, as deter-  
9    mined by the Secretary concerned, if such production of  
10   revenue is compatible with the use of such property for  
11   the conservation of open space or natural resources, as  
12   so determined.

13          “(e) REVERSION.—If the Secretary concerned deter-  
14   mines at any time that real property conveyed under this  
15   section is not being used and maintained in accordance  
16   with the agreement of the conveyee under subsection (c),  
17   all right, title, and interest in and to such real property,  
18   including any improvements thereon, shall revert to the  
19   United States, and the United States shall have the right  
20   of immediate entry thereon.

21          “(f) PROPERTY UNDER BASE CLOSURE LAWS.—The  
22   Secretary concerned may not make a conveyance under  
23   this section of any real property to be disposed of under  
24   a base closure law in a manner that is inconsistent with  
25   the requirements and conditions of such base closure law.

1       “(g) ADDITIONAL TERMS AND CONDITIONS.—The  
2 Secretary concerned may establish such additional terms  
3 and conditions in connection with a conveyance of real  
4 property under this section as such Secretary considers  
5 appropriate to protect the interests of the United States.

6       “(h) DEFINITIONS.—In this section:

7           “(1) The term ‘appropriate committees of Con-  
8 gress’ has the meaning given that term in section  
9 2801(c)(4) of this title.

10          “(2) The term ‘State’ includes the District of  
11 Columbia, the Commonwealth of Puerto Rico, the  
12 Commonwealth of the Northern Marianas, and the  
13 territories and possessions of the United States.

14          “(3) The term ‘base closure law’ means the fol-  
15 lowing:

16           “(A) Section 2687 of this title.

17           “(B) Title II of the Defense Authorization  
18 Amendments and Base Closure and Realign-  
19 ment Act of 1988 (10 U.S.C. 2687 note).

20           “(C) The Defense Base Closure and Re-  
21 alignment Act of 1990 (part A of title XXIX of  
22 Public Law 101–510; 10 U.S.C. 2687 note).

23           “(D) Any other similar authority for the  
24 closure or realignment of military installations  
25 that is enacted after the date of the enactment



1           of the National Defense Authorization Act for  
2           Fiscal Year 2003.”.

3           (2) The table of sections at the beginning of chapter  
4 159 of that title, as amended by section 2811 of this Act,  
5 is further amended by inserting after the item relating to  
6 section 2687 the following new item:

“2698. Conveyance of surplus real property for natural resource conservation.”.

7           (b) ACCEPTANCE OF FUNDS TO COVER ADMINISTRA-  
8 TIVE EXPENSES.—Section 2695(b) of that title is amend-  
9 ed by adding at the end the following new paragraph:

10           “(5) The conveyance of real property under sec-  
11 tion 2698 of this title.”.

12           (c) AGREEMENTS WITH PRIVATE ENTITIES.—Sec-  
13 tion 2701(d) of that title is amended—

14           (1) in paragraph (1), by striking “with any  
15 State or local government agency, or with any In-  
16 dian tribe,” and inserting “any State or local gov-  
17 ernment agency, any Indian tribe, or, for purposes  
18 under section 2697 or 2698 of this title, with any  
19 private entity”; and

20           (2) by striking paragraph (4), as redesignated  
21 by section 311(1) of this Act, and inserting the fol-  
22 lowing new paragraph (4):

23           “(4) DEFINITIONS.—In this subsection:

24           “(A) The term ‘Indian tribe’ has the  
25 meaning given such term in section 101(36) of

1 Comprehensive Environmental Response, Com-  
2 pensation, and Liability Act of 1980 (42 U.S.C.  
3 9601(36)).

4 “(B) The term ‘private entity’ means any  
5 private entity that has as its stated principal  
6 organizational purpose or goal the conservation,  
7 restoration, or preservation of land and natural  
8 resources, or a similar purpose or goal.”.

9 **SEC. 2813. MODIFICATION OF DEMONSTRATION PROGRAM**  
10 **ON REDUCTION IN LONG-TERM FACILITY**  
11 **MAINTENANCE COSTS.**

12 (a) ADMINISTRATOR OF PROGRAM.—Subsection (a)  
13 of section 2814 of the Military Construction Authorization  
14 Act for Fiscal Year 2002 (division B of Public Law 107–  
15 107; 115 Stat. 1310; 10 U.S.C. 2809 note) is amended  
16 by striking “Secretary of the Army” and inserting “Sec-  
17 retary of Defense or the Secretary of a military depart-  
18 ment”.

19 (b) CONTRACTS.—Subsection (b) of that section is  
20 amended to read as follows:

21 “(b) CONTRACTS.—(1) Not more than 12 contracts  
22 may contain requirements referred to in subsection (a) for  
23 the purpose of the demonstration program.

24 “(2) Except as provided in paragraph (3), the dem-  
25 onstration program may only cover contracts entered into

1 on or after the date of the enactment of the National De-  
2 fense Authorization Act for Fiscal Year 2003.

3 “(3) The Secretary of the Army shall treat any con-  
4 tract containing requirements referred to in subsection (a)  
5 that was entered into under the authority in that sub-  
6 section during the period beginning on December 28,  
7 2001, and ending on the date of the enactment of the Na-  
8 tional Defense Authorization Act for Fiscal Year 2003 as  
9 a contract for the purpose of the demonstration program  
10 under that subsection.”.

11 (c) REPORTING REQUIREMENTS.—Subsection (d) of  
12 that section is amended by striking “Secretary of the  
13 Army” and inserting “Secretary of Defense”.

14 (d) FUNDING.—(1) Subsection (f) of that section is  
15 amended by striking “the Army” and inserting “the mili-  
16 tary departments or defense-wide”.

17 (2) The amendment made by paragraph (1) shall not  
18 affect the availability for the purpose of the demonstration  
19 program under section 2814 of the Military Construction  
20 Authorization Act for Fiscal Year 2002, as amended by  
21 this section, of any amounts authorized to be appropriated  
22 before the date of the enactment of this Act for the Army  
23 for military construction that have been obligated for the  
24 demonstration program, but not expended, as of that date.

## 1           **Subtitle C—Land Conveyances**

### 2   **SEC. 2821. CONVEYANCE OF CERTAIN LANDS IN ALASKA NO** 3                   **LONGER REQUIRED FOR NATIONAL GUARD** 4                   **PURPOSES.**

5           (a) **CONVEYANCE AUTHORIZED.**—The Secretary of  
6 the Army may convey to the State of Alaska, or any gov-  
7 ernmental entity, Native Corporation, or Indian tribe  
8 within the State of Alaska, all right, title, and interest of  
9 the United States in and to any parcel of real property,  
10 including any improvements thereon, described in sub-  
11 section (b) that the Secretary considers appropriate in the  
12 public interest.

13           (b) **COVERED PROPERTY.**—Real property described  
14 in this subsection is any property located in the State of  
15 Alaska that, as determined by the Secretary—

16               (1) is currently under the jurisdiction of the  
17 Department of the Army;

18               (2) before December 2, 1980, was under the ju-  
19 risdiction of the Department of the Army for use of  
20 the Alaska National Guard;

21               (3) is located in a unit of the National Wildlife  
22 Refuge System designated in the Alaska National  
23 Interest Lands Conservation Act (94 Stat. 2371; 16  
24 U.S.C. 1301 note);

1           (4) is excess to the needs of the Alaska Na-  
2           tional Guard and the Department of Defense; and

3           (5) is in such condition that—

4                   (A) the anticipated cost to the United  
5                   States of retaining such property exceeds the  
6                   value of such property; or

7                   (B) such property is unsuitable for reten-  
8                   tion by the United States.

9           (c) CONSIDERATION.—(1) The conveyance of real  
10          property under this section shall, at the election of the  
11          Secretary, be for no consideration or for consideration in  
12          an amount determined by the Secretary to be appropriate  
13          under the circumstances.

14          (2) If consideration is received under paragraph (1)  
15          for property conveyed under subsection (a), the Secretary  
16          may use the amounts received, to the extent provided in  
17          appropriations Acts, to pay for—

18                   (A) the cost of a survey described in subsection  
19                   (d) with respect to such property;

20                   (B) the cost of carrying out any environmental  
21                   assessment, study, or analysis, and any remediation,  
22                   that may be required under Federal law, or is con-  
23                   sidered appropriate by the Secretary, in connection  
24                   with such property or the conveyance of such prop-  
25                   erty; and

1 (C) any other costs incurred by the Secretary in  
2 conveying such property.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
4 and legal description of any real property to be conveyed  
5 under subsection (a) shall be determined by a survey satis-  
6 factory to the Secretary.

7 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
8 Secretary may require such additional terms and condi-  
9 tions in connection with a conveyance of real property  
10 under this section as the Secretary considers appropriate  
11 to protect the interests of the United States.

12 (f) DEFINITIONS.—In this section:

13 (1) The term “Indian tribe” has the meaning  
14 given such term in section 102 of the Federally Rec-  
15 ognized Indian Tribe List Act of 1994 (Public Law  
16 103–454; 108 Stat. 4791; 25 U.S.C. 479a).

17 (2) The term “Native Corporation” has the  
18 meaning given such term in section 3 of the Alaska  
19 Native Claims Settlement Act (43 U.S.C. 1602).

20 **SEC. 2822. LAND CONVEYANCE, FORT CAMPBELL, KEN-**  
21 **TUCKY.**

22 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
23 the Army may convey, without consideration, to the City  
24 of Hopkinsville, Kentucky (in this section referred to as  
25 the “City”), all right, title, and interest of the United

1 States in and to a parcel of real property at Fort Camp-  
2 bell, Kentucky, consisting of approximately 50 acres and  
3 containing an abandoned railroad spur for the purpose of  
4 permitting the City to use the property for storm water  
5 management, recreation, transportation, and other public  
6 purposes.

7 (b) REIMBURSEMENT OF TRANSACTION COSTS.—(1)  
8 The City shall reimburse the Secretary for any costs in-  
9 curred by the Secretary in carrying out the conveyance  
10 authorized by subsection (a).

11 (2) Any reimbursement for costs that is received  
12 under paragraph (1) shall be credited to the fund or ac-  
13 count providing funds for such costs. Amounts so credited  
14 shall be merged with amounts in such fund or account,  
15 and shall be available for the same purposes, and subject  
16 to the same conditions and limitations, as amounts in such  
17 fund or account.

18 (c) DESCRIPTION OF PROPERTY.—The acreage of the  
19 real property to be conveyed under subsection (a) has been  
20 determined by the Secretary through a legal description  
21 outlining such acreage. No further survey of the property  
22 is required before conveyance under that subsection.

23 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
24 Secretary may require such additional terms and condi-  
25 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the  
2 interests of the United States.

3 **SEC. 2823. MODIFICATION OF AUTHORITY FOR LAND**  
4 **TRANSFER AND CONVEYANCE, NAVAL SECU-**  
5 **RITY GROUP ACTIVITY, WINTER HARBOR,**  
6 **MAINE.**

7 (a) MODIFICATION OF CONVEYANCE AUTHORITY FOR  
8 COREA AND WINTER HARBOR PROPERTIES.—Section  
9 2845 of the Military Construction Authorization Act for  
10 Fiscal Year 2002 (division B of Public Law 107–107; 115  
11 Stat. 1319) is amended—

12 (1) by striking subsection (b) and inserting the  
13 following new subsection (b):

14 “(b) CONVEYANCE AND TRANSFER OF COREA AND  
15 WINTER HARBOR PROPERTIES AUTHORIZED.—(1) The  
16 Secretary of the Navy may convey, without consideration,  
17 to the State of Maine, any political subdivision of the State  
18 of Maine, or any tax-supported agency in the State of  
19 Maine, all right, title, and interest of the United States  
20 in and to parcels of real property, including any improve-  
21 ments thereon and appurtenances thereto, comprising the  
22 former facilities of the Naval Security Group Activity,  
23 Winter Harbor, Maine, as follows:

24 “(A) The parcel consisting of approximately 50  
25 acres known as the Corea Operations Site.



1           “(B) Three parcels consisting of approximately  
2           23 acres and comprising family housing facilities.

3           “(2) The Secretary of the Navy may transfer to the  
4 administrative jurisdiction of the Secretary of the Interior  
5 a parcel of real property consisting of approximately 404  
6 acres at the former Naval Security Group Activity, which  
7 is the balance of the real property comprising the Corea  
8 Operations Site.

9           “(3) The Secretary of the Interior shall administer  
10 the property transferred under paragraph (2) as part of  
11 the National Wildlife Refuge System.”; and

12           (2) in subsections (c), (d), (e), (f), (g), and (h),  
13 by striking “subsection (b)” each place it appears  
14 and inserting “subsection (b)(1)”.

15           (b) EXEMPTION OF MODIFIED CONVEYANCES FROM  
16 FEDERAL SCREENING REQUIREMENT.—That section is  
17 further amended—

18           (1) by redesignating subsections (g) and (h) as  
19 subsections (h) and (i), respectively; and

20           (2) by inserting after subsection (f) the fol-  
21 lowing new subsection (g):

22           “(g) EXEMPTION OF CERTAIN CONVEYANCES FROM  
23 FEDERAL SCREENING.—Any conveyance authorized by  
24 subsection (b)(1) of this section, as amended by section  
25 2823 of the National Defense Authorization Act for Fiscal

1 Year 2003, is exempt from the requirement to screen the  
2 property concerned for further Federal use pursuant to  
3 section 2696 of title 10, United States Code.”.

4 **SEC. 2824. LAND CONVEYANCE, WESTOVER AIR RESERVE**  
5 **BASE, MASSACHUSETTS.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
7 the Navy may convey, without consideration, to the City  
8 of Chicopee, Massachusetts (in this section referred to as  
9 the “City”), all right, title, and interest of the United  
10 States in and to a parcel of real property, including 133  
11 housing units and other improvements thereon, consisting  
12 of approximately 30.38 acres located at Westover Air Re-  
13 serve Base in Chicopee, Massachusetts, for the purpose  
14 of permitting the City to use the property for economic  
15 development and other public purposes.

16 (b) ADMINISTRATIVE EXPENSES.—(1) The Secretary  
17 may require the City to reimburse the Secretary for the  
18 costs incurred by the Secretary to carry out the convey-  
19 ance under subsection (a), including survey costs, costs re-  
20 lated to environmental documentation (other than the en-  
21 vironmental baseline survey), and other administrative  
22 costs related to the conveyance.

23 (2) Section 2695(c) of title 10, United States Code,  
24 shall apply to any amount received under this subsection.

1 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
2 and legal description of the real property to be conveyed  
3 under subsection (a) shall be determined by a survey satis-  
4 factory to the Secretary.

5 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
6 Secretary may require such additional terms and condi-  
7 tions in connection with the conveyance under subsection  
8 (a) as the Secretary considers appropriate to protect the  
9 interests of the United States.

10 **SEC. 2825. LAND CONVEYANCE, NAVAL STATION NEWPORT,**  
11 **RHODE ISLAND.**

12 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
13 the Navy may convey to the State of Rhode Island, or  
14 any political subdivision thereof, any or all right, title, and  
15 interest of the United States in and to a parcel of real  
16 property, together with improvements thereon, consisting  
17 of approximately 34 acres located in Melville, Rhode Is-  
18 land, and known as the Melville Marina site.

19 (b) CONSIDERATION.—(1) As consideration for the  
20 conveyance of real property under subsection (a), the  
21 conveyee shall pay the United States an amount equal to  
22 the fair market value of the real property, as determined  
23 by the Secretary based on an appraisal of the real property  
24 acceptable to the Secretary.

1           (2) Any consideration received under paragraph (1)  
2 shall be deposited in the account established under section  
3 204(h) of the Federal Property and Administrative Serv-  
4 ices Act of 1949 (40 U.S.C. 485(h)), and shall be available  
5 as provided for in that section.

6           (c) REIMBURSEMENT OF TRANSACTION COSTS.—(1)  
7 The Secretary may require the conveyee of the real prop-  
8 erty under subsection (a) to reimburse the Secretary for  
9 any costs incurred by the Secretary in carrying out the  
10 conveyance.

11          (2) Any reimbursement for costs that is received  
12 under paragraph (1) shall be credited to the fund or ac-  
13 count providing funds for such costs. Amounts so credited  
14 shall be merged with amounts in such fund or account,  
15 and shall be available for the same purposes, and subject  
16 to the same conditions and limitations, as amounts in such  
17 fund or account.

18          (d) DESCRIPTION OF PROPERTY.—The exact acreage  
19 and legal description of the real property to be conveyed  
20 under subsection (a) shall be determined by a survey satis-  
21 factory to the Secretary.

22          (e) ADDITIONAL TERMS AND CONDITIONS.—The  
23 Secretary may require such additional terms and condi-  
24 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the  
2 interests of the United States.

3 **SEC. 2826. LAND EXCHANGE, BUCKLEY AIR FORCE BASE,**  
4 **COLORADO.**

5 (a) EXCHANGE AUTHORIZED.—Subject to subsection  
6 (b), the Secretary of the Air Force may convey to the  
7 State of Colorado (in this section referred to as the  
8 “State”) all right, title, and interest of the United States  
9 in and to a parcel of real property, including improve-  
10 ments thereon, consisting of all or part of the Watkins  
11 Communications Site in Arapahoe County, Colorado.

12 (b) LIMITATION.—The Secretary of the Air Force  
13 may carry out the conveyance authorized by subsection (a)  
14 only with the concurrence of the Secretary of Defense.

15 (c) CONSIDERATION.—(1) As consideration for the  
16 conveyance authorized by subsection (a) the State shall  
17 convey to the United States of all right, title, and interest  
18 of the State in and to a parcel of real property, including  
19 improvements thereon, consisting of approximately 41  
20 acres that is owned by the State and is contiguous to  
21 Buckley Air Force Base, Colorado.

22 (2) The Secretary shall have jurisdiction over the real  
23 property conveyed under paragraph (1).

24 (3) Upon conveyance to the United States under  
25 paragraph (1), the real property conveyed under that

1 paragraph is withdrawn from all forms of appropriation  
2 under the general land laws, including the mining laws  
3 and mineral and geothermal leasing laws.

4 (d) 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 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
9 Secretary may require such additional terms and condi-  
10 tions in connection with the conveyances under authorized  
11 by this section as the Secretary considers appropriate to  
12 protect the interests of the United States.

13 **SEC. 2827. LAND ACQUISITION, BOUNDARY CHANNEL**  
14 **DRIVE SITE, ARLINGTON, VIRGINIA.**

15 (a) ACQUISITION AUTHORIZED.—The Secretary of  
16 Defense may, using amounts authorized to be appro-  
17 priated to be appropriated by section 2401, acquire all  
18 right, title, and interest in and to a parcel of real property,  
19 including any improvements thereon, in Arlington County,  
20 Virginia, consisting of approximately 7.2 acres and known  
21 as the Boundary Channel Drive Site. The parcel is located  
22 southeast of Interstate Route 395 at the end of Boundary  
23 Channel Drive and was most recently occupied by the  
24 Twin Bridges Marriott.

1 (b) INCLUSION IN PENTAGON RESERVATION.—Upon  
2 its acquisition under subsection (a), the parcel acquired  
3 under that subsection shall be included in the Pentagon  
4 Reservation, as that term is defined in section 2674(f)(1)  
5 of title 10, United States Code.

6 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
7 and legal description of the real property to be acquired  
8 under subsection (a) shall be determined by a survey satis-  
9 factory to the Secretary.

10 (d) TERMS AND CONDITIONS.—The Secretary may  
11 require such terms and conditions in connection with the  
12 acquisition under this section as the Secretary considers  
13 appropriate to protect the interests of the United States.

14 **SEC. 2828. LAND CONVEYANCES, WENDOVER AIR FORCE**  
15 **BASE AUXILIARY FIELD, NEVADA.**

16 (a) CONVEYANCES AUTHORIZED TO WEST  
17 WENDOVER, NEVADA.—(1) The Secretary of the Interior  
18 may convey, without consideration, to the City of West  
19 Wendover, Nevada, all right, title, and interest of the  
20 United States in and to the following:

21 (A) The lands at Wendover Air Force Base  
22 Auxiliary Field, Nevada, identified in Easement No.  
23 AFMC–HL–2–00–334 that are determined by the  
24 Secretary of the Air Force to be no longer required.

1           (B) The lands at Wendover Air Force Base  
2           Auxiliary Field identified for disposition on the map  
3           entitled “West Wendover, Nevada–Excess”, dated  
4           January 5, 2001, that are determined by the Sec-  
5           retary of the Air Force to be no longer required.

6           (2) The purposes of the conveyances under this sub-  
7           section are—

8           (A) to permit the establishment and mainte-  
9           nance of runway protection zones; and

10           (B) to provide for the development of an indus-  
11           trial park and related infrastructure.

12           (3) The map referred to in paragraph (1)(B) shall  
13           be on file and available for public inspection in the offices  
14           of the Director of the Bureau of Land Management and  
15           the Elko District Office of the Bureau of Land Manage-  
16           ment.

17           (b) CONVEYANCE AUTHORIZED TO TOOELE COUNTY,  
18           UTAH.—(1) The Secretary of the Interior may convey,  
19           without consideration, to Tooele County, Utah, all right,  
20           title, and interest of the United States in and to the lands  
21           at Wendover Air Force Base Auxiliary Field identified in  
22           Easement No. AFMC–HL–2–00–318 that are determined  
23           by the Secretary of the Air Force to be no longer required.

24           (2) The purpose of the conveyance under this sub-  
25           section is to permit the establishment and maintenance



1 of runway protection zones and an aircraft accident poten-  
2 tial protection zone as necessitated by continued military  
3 aircraft operations at the Utah Test and Training Range.

4 (c) MANAGEMENT OF CONVEYED LANDS.—The lands  
5 conveyed under subsections (a) and (b) shall be managed  
6 by the City of West Wendover, Nevada, City of Wendover,  
7 Utah, Tooele County, Utah, and Elko County, Nevada—

8 (1) in accordance with the provisions of an  
9 Interlocal Memorandum of Agreement entered into  
10 between the Cities of West Wendover, Nevada, and  
11 Wendover, Utah, Tooele County, Utah, and Elko  
12 County, Nevada, providing for the coordinated man-  
13 agement and development of the lands for the eco-  
14 nomic benefit of both communities; and

15 (2) in a manner that is consistent with such  
16 provisions of the easements referred to subsections  
17 (a) and (b) that, as jointly determined by the Sec-  
18 retary of the Air Force and Secretary of the Inte-  
19 rior, remain applicable and relevant to the operation  
20 and management of the lands following conveyance  
21 and are consistent with the provisions of this sec-  
22 tion.

23 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
24 Secretary of the Air Force and the Secretary of the Inte-  
25 rior may jointly require such additional terms and condi-

1 tions in connection with the conveyances required by sub-  
2 sections (a) and (b) as the Secretaries consider appro-  
3 priate to protect the interests of the United States.

4 **SEC. 2829. LAND CONVEYANCE, FORT HOOD, TEXAS.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
6 the Army may convey, without consideration, to the Vet-  
7 erans Land Board of the State of Texas (in this section  
8 referred to as the “Board”), all right, title, and interest  
9 of the United States in and to a parcel of real property,  
10 including any improvements thereon, consisting of ap-  
11 proximately 174 acres at Fort Hood, Texas, for the pur-  
12 pose of permitting the Board to establish a State-run cem-  
13 etery for veterans.

14 (b) REVERSIONARY INTEREST.—(1) If at the end of  
15 the five-year period beginning on the date of the convey-  
16 ance authorized by subsection (a), the Secretary deter-  
17 mines that the property conveyed under that subsection  
18 is not being used for the purpose specified in that sub-  
19 section, all right, title, and interest in and to the property,  
20 including any improvements thereon, shall revert to the  
21 United States, and the United States shall have the right  
22 of immediate entry thereon.

23 (2) Any determination of the Secretary under this  
24 subsection shall be made on the record after an oppor-  
25 tunity for a hearing.

1 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
2 and legal description of the real property to be conveyed  
3 under subsection (a) shall be determined by a survey satis-  
4 factory to the Secretary. The cost of the survey shall be  
5 borne by the Board.

6 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
7 Secretary may require such additional terms and condi-  
8 tions in connection with the conveyance under subsection  
9 (a) as the Secretary considers appropriate to protect the  
10 interests of the United States.

11 **SEC. 2830. LAND CONVEYANCES, ENGINEER PROVING**  
12 **GROUND, FORT BELVOIR, VIRGINIA.**

13 (a) CONVEYANCE TO FAIRFAX COUNTY, VIRGINIA,  
14 AUTHORIZED.—(1) The Secretary of the Army may con-  
15 vey, without consideration, to Fairfax County, Virginia, all  
16 right, title, and interest of the United States in and to  
17 a parcel of real property, including any improvements  
18 thereon, consisting of approximately 135 acres, located in  
19 the northwest portion of the Engineer Proving Ground  
20 (EPG) at Fort Belvoir, Virginia, in order to permit the  
21 County to use such property for park and recreational  
22 purposes.

23 (2) The parcel of real property authorized to be con-  
24 veyed by paragraph (1) is generally described as that por-  
25 tion of the Engineer Proving Ground located west of

1 Accotink Creek, east of the Fairfax County Parkway, and  
2 north of Cissna Road to the northern boundary, but ex-  
3 cludes a parcel of land consisting of approximately 15  
4 acres located in the southeast corner of such portion of  
5 the Engineer Proving Ground.

6 (3) The land excluded under paragraph (2) from the  
7 parcel of real property authorized to be conveyed by para-  
8 graph (1) shall be reserved for an access road to be con-  
9 structed in the future.

10 (b) CONVEYANCE OF BALANCE OF PROPERTY AU-  
11 THORIZED.—The Secretary may convey to any competi-  
12 tively selected grantee all right, title, and interest of the  
13 United States in and to the real property, including any  
14 improvements thereon, at the Engineering Proving  
15 Ground, not conveyed under the authority in subsection  
16 (a).

17 (c) CONSIDERATION.—(1) As consideration for the  
18 conveyance authorized by subsection (b), the grantee shall  
19 provide the United States, whether by cash payment, in-  
20 kind contribution, or a combination thereof, an amount  
21 that is not less than the fair market value, as determined  
22 by the Secretary, of the property conveyed under that sub-  
23 section.

24 (2) In-kind consideration under paragraph (1) may  
25 include the maintenance, improvement, alteration, repair,

1 remodeling, restoration (including environmental restora-  
2 tion), or construction of facilities for the Department of  
3 the Army at Fort Belvoir or at any other site or sites des-  
4 ignated by the Secretary.

5 (3) If in-kind consideration under paragraph (1) in-  
6 cludes the construction of facilities, the grantee shall also  
7 convey to the United States—

8 (A) title to such facilities, free of all liens and  
9 other encumbrances; and

10 (B) if the United States does not have fee sim-  
11 ple title to the land underlying such facilities, convey  
12 to the United States all right, title, and interest in  
13 and to such lands not held by the United States.

14 (4) The Secretary shall deposit any cash received as  
15 consideration under this subsection in the special account  
16 established pursuant to section 204(h) of the Federal  
17 Property and Administrative Services Act of 1949 (40  
18 U.S.C. 485(h)).

19 (d) REPEAL OF SUPERSEDED AUTHORITY.—Section  
20 2821 of the Military Construction Authorization Act for  
21 Fiscal Years 1990 and 1991 (division B of Public Law  
22 101–189; 103 Stat. 1658), as amended by section 2854  
23 of the Military Construction Authorization Act for Fiscal  
24 Year 1996 (division B of Public Law 104–106; 110 Stat.  
25 568), is repealed.

1 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
2 and legal description of the real property to be conveyed  
3 under subsections (a) and (b) shall be determined by sur-  
4 veys satisfactory to the Secretary. The cost of each such  
5 survey shall be borne by the grantee.

6 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
7 retary may require such additional terms and conditions  
8 in connection with the conveyances under subsections (a)  
9 and (b) as the Secretary considers appropriate to protect  
10 the interests of the United States.

11 **SEC. 2831. MASTER PLAN FOR USE OF NAVY ANNEX, AR-**  
12 **LINGTON, VIRGINIA.**

13 (a) REPEAL OF COMMISSION ON NATIONAL MILI-  
14 TARY MUSEUM.—Title XXIX of the Military Construction  
15 Authorization Act for Fiscal Year 2000 (division B of  
16 Public Law 106–65; 113 Stat. 880; 10 U.S.C. 111 note)  
17 is repealed.

18 (b) MODIFICATION OF AUTHORITY FOR TRANSFER  
19 FROM NAVY ANNEX.—Section 2881 of the Military Con-  
20 struction Authorization Act for Fiscal Year 2000 (113  
21 Stat. 879) is amended—

22 (1) in subsection (b)(2), as amended by section  
23 2863(f) of the Military Construction Authorization  
24 Act for Fiscal Year 2002 (division B of Public Law  
25 107–107; 115 Stat. 1332), by striking “as a

1 site—” and all that follows and inserting “as a site  
2 for such other memorials or museums that the Sec-  
3 retary considers compatible with Arlington National  
4 Cemetery and the Air Force Memorial.”; and

5 (2) in subsection (d)—

6 (A) in paragraph (2), by striking “the rec-  
7 ommendation (if any) of the Commission on the  
8 National Military Museum to use a portion of  
9 the Navy Annex property as the site for the  
10 National Military Museum”, and inserting “the  
11 use of the acres reserved under (b)(2) as a me-  
12 morial or museum”; and

13 (B) in paragraph (4), by striking “the date  
14 on which the Commission on the National Mili-  
15 tary Museum submits to Congress its report  
16 under section 2903” and inserting “the date of  
17 the enactment of the National Defense Author-  
18 ization Act for Fiscal Year 2003”.

19 (c) CONSTRUCTION OF AMENDMENTS.—The amend-  
20 ments made by subsections (a) and (b) may not be con-  
21 strued to delay the establishment of the United States Air  
22 Force Memorial authorized by section 2863 of the Military  
23 Construction Authorization Act for Fiscal Year 2002 (115  
24 Stat. 1330).

1 **SEC. 2832. LAND CONVEYANCE, SUNFLOWER ARMY AMMU-**  
2 **NITION PLANT, KANSAS.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
4 the Army or the Administrator of General Services may  
5 convey, without consideration, to the Johnson County  
6 Park and Recreation District, Kansas (in this section re-  
7 ferred to as the “District”), all right, title, and interest  
8 of the United States in and to a parcel of real property,  
9 including any improvements thereon, in the State of Kan-  
10 sas consisting of approximately 2,000 acres, a portion of  
11 the Sunflower Army Ammunition Plant. The purpose of  
12 the conveyance is to permit the District to use the parcel  
13 for public recreational purposes.

14 (b) DESCRIPTION OF PROPERTY.—The exact acre-  
15 age, location, and legal description of the real property  
16 to be conveyed under subsection (a) shall be determined  
17 by a survey satisfactory to the official making the convey-  
18 ance. The cost of such legal description, survey, or both  
19 shall be borne by the District.

20 (c) ADDITIONAL TERMS AND CONDITIONS.—The of-  
21 ficial making the conveyance of real property under sub-  
22 section (a) may require such additional terms and condi-  
23 tions in connection with the conveyance as that official  
24 considers appropriate to protect the interests of the  
25 United States.



1 (d) EFFECTIVE DATE.—This section shall take effect  
2 on January 31, 2003.

3 **SEC. 2833. LAND CONVEYANCE, BLUEGRASS ARMY DEPOT,**  
4 **RICHMOND, KENTUCKY.**

5 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary  
6 of the Army may convey, without consideration, to Madi-  
7 son County, Kentucky (in this section referred to as the  
8 “County”), all right, title, and interest of the United  
9 States in and to a parcel of real property, including any  
10 improvements thereon, consisting of approximately 10  
11 acres at the Bluegrass Army Depot, Richmond, Kentucky,  
12 for the purpose of facilitating the construction of a vet-  
13 erans’ center on the parcel by the State of Kentucky.

14 (2) The Secretary may not make the conveyance au-  
15 thorized by this subsection unless the Secretary deter-  
16 mines that the State of Kentucky has appropriated ade-  
17 quate funds for the construction of the veterans’ center.

18 (b) REVERSIONARY INTEREST.—If the Secretary de-  
19 termines that the real property conveyed under subsection  
20 (a) ceases to be utilized for the sole purpose of a veterans’  
21 center or that reasonable progress is not demonstrated in  
22 constructing the center and initiating services to veterans,  
23 all right, title, and interest in and to the property shall  
24 revert to the United States, and the United States shall  
25 have the right of immediate entry onto the property. Any

1 determination under this subsection shall be made on the  
2 record after an opportunity for a hearing.

3 (c) ADMINISTRATIVE EXPENSES.—The Secretary  
4 shall apply section 2695 of title 10, United States Code,  
5 to the conveyance authorized by subsection (a).

6 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
7 and legal description of the real property to be conveyed  
8 under subsection (a) shall be determined by a survey satis-  
9 factory to the Secretary. The cost of the survey shall be  
10 borne by the County.

11 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
12 Secretary may require such additional terms and condi-  
13 tions in connection with the conveyance under subsection  
14 (a) as the Secretary considers appropriate to protect the  
15 interests of the United States.

## 16 **Subtitle D—Other Matters**

### 17 **SEC. 2841. TRANSFER OF FUNDS FOR ACQUISITION OF RE-** 18 **PLACEMENT PROPERTY FOR NATIONAL** 19 **WILDLIFE REFUGE SYSTEM LANDS IN NE-** 20 **VADA.**

21 (a) TRANSFER OF FUNDS AUTHORIZED.—(1) The  
22 Secretary of the Air Force may, using amounts authorized  
23 to be appropriated by section 2304(a), transfer to the  
24 United States Fish and Wildlife Service \$15,000,000 to  
25 fulfill the obligations of the Air Force under section

1 3011(b)(5)(F) of the Military Lands Withdrawal Act of  
2 1999 (title XXX of Public Law 106–65; 113 Stat. 889).

3 (2) Upon receipt by the Service of the funds trans-  
4 ferred under paragraph (1), the obligations of the Air  
5 Force referred to in that paragraph shall be considered  
6 fulfilled.

7 (b) CONTRIBUTION TO FOUNDATION.—(1) The  
8 United States Fish and Wildlife Service may grant funds  
9 received by the Service under subsection (a) in a lump sum  
10 to the National Fish and Wildlife Foundation for use in  
11 accomplishing the purposes of section 3011(b)(5)(F) of  
12 the Military Lands Withdrawal Act of 1999.

13 (2) Funds received by the Foundation under para-  
14 graph (1) shall be subject to the provisions of the National  
15 Fish and Wildlife Foundation Establishment Act (16  
16 U.S.C. 3701 et seq.), other than section 10(a) of that Act  
17 (16 U.S.C. 3709(a)).

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 Funds are hereby authorized to be appropriated to  
13 the Department of Energy for fiscal year 2003 for the  
14 activities of the National Nuclear Security Administration  
15 in carrying out programs necessary for national security  
16 in the amount of \$8,160,043,000, to be allocated as fol-  
17 lows:

18 (1) **WEAPONS ACTIVITIES.**—For weapons activi-  
19 ties, \$5,988,188,000, to be allocated as follows:

20 (A) For directed stockpile work,  
21 \$1,218,967,000.

22 (B) For campaigns, \$2,090,528,000, to be  
23 allocated as follows:

24 (i) For operation and maintenance,  
25 \$1,740,983,000.

1 (ii) For construction, \$349,545,000,  
2 to be allocated as follows:

3 Project 01–D–101, distributed  
4 information systems laboratory,  
5 Sandia National Laboratories, Liver-  
6 more, California, \$13,305,000.

7 Project 00–D–103, terascale sim-  
8 ulation facility, Lawrence Livermore  
9 National Laboratory, Livermore, Cali-  
10 fornia, \$35,030,000.

11 Project 00–D–107, joint com-  
12 putational engineering laboratory,  
13 Sandia National Laboratories, Albu-  
14 querque, New Mexico, \$7,000,000.

15 Project 98–D–125, tritium ex-  
16 traction facility, Savannah River  
17 Plant, Aiken, South Carolina,  
18 \$70,165,000.

19 Project 96–D–111, national igni-  
20 tion facility (NIF), Lawrence Liver-  
21 more National Laboratory, Livermore,  
22 California, \$224,045,000.

23 (C) For readiness in technical base and fa-  
24 cilities, \$1,735,129,000, to be allocated as fol-  
25 lows:

1 (i) For operation and maintenance,  
2 \$1,464,783,000.

3 (ii) For plant projects (including  
4 maintenance, restoration, planning, con-  
5 struction, acquisition, modification of fa-  
6 cilities, and the continuation of projects  
7 authorized in prior years, and land acquisi-  
8 tion related thereto), \$270,346,000, to be  
9 allocated as follows:

10 Project 03-D-101, Sandia un-  
11 derground reactor facility (SURF),  
12 Sandia National Laboratory, Liver-  
13 more, California, \$2,000,000.

14 Project 03-D-103, project engi-  
15 neering and design (PED), various lo-  
16 cations, \$17,839,000.

17 Project 03-D-121, gas transfer  
18 capacity expansion, Kansas City  
19 Plant, Kansas City, Missouri,  
20 \$4,000,000.

21 Project 03-D-122, purification  
22 prototype facility, Y-12 Plant, Oak  
23 Ridge, Tennessee, \$20,800,000.

24 Project 03-D-123, special nu-  
25 clear material component requalifica-

1                   tion facility, Pantex Plant, Amarillo,  
2                   Texas, \$3,000,000

3                   Project 02–D–103, project engi-  
4                   neering and design (PED), various lo-  
5                   cations, \$24,945,000.

6                   Project 02–D–105, engineering  
7                   technology complex upgrade, Law-  
8                   rence Livermore National Laboratory,  
9                   Livermore, California, \$10,000,000.

10                  Project 02–D–107, electrical  
11                  power systems safety communications  
12                  and bus upgrades, Nevada Test Site,  
13                  Nevada, \$7,500,000.

14                  Project 01–D–103, project engi-  
15                  neering and design (PED), various lo-  
16                  cations, \$6,164,000.

17                  Project 01–D–107, Atlas reloca-  
18                  tion, Nevada Test Site, Nevada,  
19                  \$4,123,000.

20                  Project 01–D–108, microsystems  
21                  and engineering sciences applications  
22                  (MESA), Sandia National Labora-  
23                  tories, Albuquerque, New Mexico,  
24                  \$75,000,000.

1           Project 01–D–124, HEU storage  
2 facility, Y–12 Plant, Oak Ridge, Ten-  
3 nessee, \$25,000,000.

4           Project 01–D–126, weapons eval-  
5 uation test laboratory, Pantex Plant,  
6 Amarillo, Texas, \$8,650,000.

7           Project 01–D–800, sensitive com-  
8 partmented information facility, Law-  
9 rence Livermore National Laboratory,  
10 Livermore, California, \$9,611,000.

11          Project 99–D–103, isotope  
12 sciences facilities, Lawrence Liver-  
13 more National Laboratory, Livermore,  
14 California, \$4,011,000.

15          Project 99–D–104, protection of  
16 real property (roof reconstruction,  
17 phase II), Lawrence Livermore Na-  
18 tional Laboratory, Livermore, Cali-  
19 fornia, \$5,915,000.

20          Project 99–D–127, stockpile  
21 management restructuring initiative,  
22 Kansas City Plant, Kansas City, Mis-  
23 souri, \$29,900,000.

24          Project 99–D–128, stockpile  
25 management restructuring initiative,



1 Pantex Plant, Amarillo, Texas,  
2 \$407,000.

3 Project 98-D-123, stockpile  
4 management restructuring initiative,  
5 tritium facility modernization and  
6 consolidation, Savannah River Plant,  
7 Aiken, South Carolina, \$10,481,000.

8 Project 96-D-102, stockpile  
9 stewardship facilities revitalization,  
10 Phase VI, various locations,  
11 \$1,000,000.

12 (C) For secure transportation asset,  
13 \$157,083,000, to be allocated as follows:

14 (i) For operation and maintenance,  
15 \$102,578,000.

16 (ii) For program direction,  
17 \$54,505,000.

18 (D) For safeguards and security,  
19 \$574,954,000, to be allocated as follows:

20 (i) For operation and maintenance,  
21 \$566,054,000.

22 (ii) For plant projects (including  
23 maintenance, restoration, planning, con-  
24 struction, acquisition, modification of fa-  
25 cilities, and the continuation of projects

1 authorized in prior years, and land acquisi-  
2 tion related thereto), \$8,900,000, to be al-  
3 located as follows:

4 Project 99–D–132, stockpile  
5 management restructuring initiative,  
6 nuclear material safeguards and secu-  
7 rity upgrades project, Los Alamos Na-  
8 tional Laboratory, Los Alamos, New  
9 Mexico, \$8,900,000.

10 (E) For facilities and infrastructure,  
11 \$242,512,000.

12 (2) DEFENSE NUCLEAR NONPROLIFERATION.—

13 For defense nuclear nonproliferation activities,  
14 \$1,129,130,000, to be allocated as follows:

15 (A) For operation and maintenance,  
16 \$1,037,130,000, to be allocated as follows:

17 (i) For nonproliferation and  
18 verification research and development,  
19 \$298,907,000.

20 (ii) For nonproliferation programs,  
21 \$446,223,000.

22 (iii) For fissile materials,  
23 \$292,000,000.

24 (B) For plant projects (including mainte-  
25 nance, restoration, planning, construction, ac-

1           quisition, modification of facilities, and the con-  
2           tinuation of projects authorized in prior years,  
3           and land acquisition related thereto),  
4           \$156,000,000, to be allocated as follows:

5                     Project 01–D–407, highly enriched  
6                     uranium blend-down, Savannah River Site,  
7                     Aiken, South Carolina, \$30,000,000.

8                     Project 99–D–141, pit disassembly  
9                     and conversion facility, Savannah River  
10                    Site, Aiken, South Carolina, \$33,000,000.

11                    Project 99–D–143, mixed oxide fuel  
12                    fabrication facility, Savannah River Site,  
13                    Aiken, South Carolina, \$93,000,000.

14           (3) NAVAL REACTORS.—For naval reactors,  
15           \$707,020,000, to be allocated as follows:

16                    (A) For naval reactors development,  
17                    \$682,590,000, to be allocated as follows:

18                           (i) For operation and maintenance,  
19                           \$671,290,000.

20                           (ii) For plant projects (including  
21                           maintenance, restoration, planning, con-  
22                           struction, acquisition, modification of fa-  
23                           cilities, and the continuation of projects  
24                           authorized in prior years, and land acquisi-

1                   tion related thereto), \$11,300,000, to be  
2                   allocated as follows:

3                   Project 03–D–201, cleanroom  
4                   technology facility, Bettis Atomic  
5                   Power Laboratory, West Mifflin,  
6                   Pennsylvania, \$7,200,000.

7                   Project 01–D–200, major office  
8                   replacement building, Schenectady,  
9                   New York, \$2,100,000.

10                  Project 90–N–102, expended core  
11                  facility dry cell project, Naval Reac-  
12                  tors Facility, Idaho, \$2,000,000.

13                  (B) For program direction, \$24,430,000.

14                  (4) OFFICE OF ADMINISTRATOR FOR NUCLEAR  
15                  SECURITY.—For the Office of the Administrator for  
16                  Nuclear Security, and for program direction for the  
17                  National Nuclear Security Administration (other  
18                  than for naval reactors and secure transportation  
19                  asset), \$335,705,000.

20 **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

21                  Funds are hereby authorized to be appropriated to  
22                  the Department of Energy for fiscal year 2003 for envi-  
23                  ronmental management activities in carrying out pro-  
24                  grams necessary for national security in the amount of  
25                  \$6,710,774,000, to be allocated as follows:

1           (1) CLOSURE PROJECTS.—For closure projects  
2 carried out in accordance with section 3143 of the  
3 National Defense Authorization Act for Fiscal Year  
4 1997 (Public Law 104–201; 110 Stat. 2836; 42  
5 U.S.C. 7277n), \$1,109,314,000.

6           (2) SITE/PROJECT COMPLETION.—For site com-  
7 pletion and project completion in carrying out envi-  
8 ronmental management activities necessary for na-  
9 tional security programs, \$793,950,000, to be allo-  
10 cated as follows:

11                   (A) For operation and maintenance,  
12                   \$779,706,000.

13                   (B) For plant projects (including mainte-  
14 nance, restoration, planning, construction, ac-  
15 quisition, modification of facilities, and the con-  
16 tinuation of projects authorized in prior years,  
17 and land acquisition related thereto),  
18 \$14,244,000, to be allocated as follows:

19                           Project 02–D–402, Intec cathodic  
20 protection system expansion, Idaho Na-  
21 tional Engineering and Environmental  
22 Laboratory, Idaho Falls, Idaho,  
23 \$1,119,000.

1                   Project 02–D–420, plutonium sta-  
2                   bilization and packaging, Savannah River  
3                   Site, Aiken, South Carolina, \$2,000,000.

4                   Project 01–D–414, project engineer-  
5                   ing and design (PED), various locations,  
6                   \$5,125,000.

7                   Project 86–D–103, decontamination  
8                   and waste treatment facility, Lawrence  
9                   Livermore National Laboratory, Liver-  
10                  more, California, \$6,000,000.

11                  (3) POST-2006 COMPLETION.—For post-2006  
12                  completion in carrying out environmental restoration  
13                  and waste management activities necessary for na-  
14                  tional security programs, \$2,617,199,000, to be allo-  
15                  cated as follows:

16                   (A) For operation and maintenance,  
17                   \$1,704,341,000.

18                   (B) For plant projects (including mainte-  
19                   nance, restoration, planning, construction, ac-  
20                   quisition, modification of facilities, and the con-  
21                   tinuation of projects authorized in prior years,  
22                   and land acquisition related thereto),  
23                   \$14,870,000, to be allocated as follows:

24                   Project 93–D–187, high-level waste  
25                   removal from filled waste tanks, Savannah

1 River Site, Aiken, South Carolina,  
2 \$14,870,000.

3 (C) For the Office of River Protection in  
4 carrying out environmental restoration and  
5 waste management activities necessary for na-  
6 tional security programs, \$897,988,000, to be  
7 allocated as follows:

8 (i) For operation and maintenance,  
9 \$226,256,000.

10 (ii) For plant projects (including  
11 maintenance, restoration, planning, con-  
12 struction, acquisition, modification of fa-  
13 cilities, and the continuation of projects  
14 authorized in prior years, and land acquisi-  
15 tion related thereto), \$671,732,000, to be  
16 allocated as follows:

17 Project 03-D-403, immobilized  
18 high-level waste interim storage facil-  
19 ity, Richland, Washington,  
20 \$6,363,000.

21 Project 01-D-416, waste treat-  
22 ment and immobilization plant, Rich-  
23 land, Washington, \$619,000,000.

1                   Project 97–D–402, tank farm  
2                   restoration and safe operations, Rich-  
3                   land, Washington, \$25,424,000.

4                   Project 94–D–407, initial tank  
5                   retrieval systems, Richland, Wash-  
6                   ington, \$20,945,000.

7                   (4) SCIENCE AND TECHNOLOGY DEVELOP-  
8                   MENT.—For science and technology development in  
9                   carrying out environmental management activities  
10                  necessary for national security programs,  
11                  \$92,000,000.

12                  (5) EXCESS FACILITIES.—For excess facilities  
13                  in carrying out environmental management activities  
14                  necessary for national security programs,  
15                  \$1,300,000.

16                  (6) SAFEGUARDS AND SECURITY.—For safe-  
17                  guards and security in carrying out environmental  
18                  management activities necessary for national secu-  
19                  rity programs, \$278,260,000.

20                  (7) URANIUM ENRICHMENT DECONTAMINATION  
21                  AND DECOMMISSIONING FUND.—For contribution to  
22                  the Uranium Enrichment Decontamination and De-  
23                  commissioning Fund under chapter 28 of the Atomic  
24                  Energy Act of 1954 (42 U.S.C. 2297g et seq.),  
25                  \$441,000,000.



1           (8) ENVIRONMENTAL MANAGEMENT CLEANUP  
2 REFORM.—For accelerated environmental restoration  
3 and waste management activities, \$1,000,000,000.

4           (9) PROGRAM DIRECTION.—For program direc-  
5 tion in carrying out environmental restoration and  
6 waste management activities necessary for national  
7 security programs, \$396,098,000.

8 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

9       Funds are hereby authorized to be appropriated to  
10 the Department of Energy for fiscal year 2003 for other  
11 defense activities in carrying out programs necessary for  
12 national security in the amount of \$489,883,000, to be  
13 allocated as follows:

14           (1) INTELLIGENCE.—For intelligence,  
15 \$43,559,000.

16           (2) COUNTERINTELLIGENCE.—For counter-  
17 intelligence, \$48,083,000.

18           (3) OFFICE OF SECURITY.—For the Office of  
19 Security for security, \$252,218,000, to be allocated  
20 as follows:

21               (A) For nuclear safeguards and security,  
22 \$156,102,000.

23               (B) For security investigations,  
24 \$45,870,000.

25               (C) For program direction, \$50,246,000.

1           (4) INDEPENDENT OVERSIGHT AND PERFORM-  
2           ANCE ASSURANCE.—For independent oversight and  
3           performance assurance, \$22,615,000.

4           (5) OFFICE OF ENVIRONMENT, SAFETY, AND  
5           HEALTH.—For the Office of Environment, Safety,  
6           and Health, \$104,910,000, to be allocated as fol-  
7           lows:

8                   (A) For environment, safety, and health  
9                   (defense), \$86,892,000.

10                   (B) For program direction, \$18,018,000.

11           (6) WORKER AND COMMUNITY TRANSITION AS-  
12           SISTANCE.—For worker and community transition  
13           assistance, \$25,774,000, to be allocated as follows:

14                   (A) For worker and community transition,  
15                   \$22,965,000.

16                   (B) For program direction, \$2,809,000.

17           (7) OFFICE OF HEARINGS AND APPEALS.—For  
18           the Office of Hearings and Appeals, \$3,136,000.

19 **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**  
20 **VATIZATION.**

21           Funds are hereby authorized to be appropriated to  
22           the Department of Energy for fiscal year 2003 for privat-  
23           ization initiatives in carrying out environmental restora-  
24           tion and waste management activities necessary for na-

1 tional security programs in the amount of \$158,399,000,  
2 to be allocated as follows:

3           Project 98–PVT–2, spent nuclear fuel dry stor-  
4           age, Idaho Falls, Idaho, \$53,399,000.

5           Project 97–PVT–2, advanced mixed waste  
6           treatment project, Idaho Falls, Idaho, \$105,000,000.

7 **SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

8           Funds are hereby authorized to be appropriated to  
9 the Department of Energy for fiscal year 2003 for pay-  
10 ment to the Nuclear Waste Fund established in section  
11 302(c) of the Nuclear Waste Policy Act of 1982 (42  
12 U.S.C. 10222(c)) in the amount of \$215,000,000.

13           **Subtitle B—Recurring General**  
14           **Provisions**

15 **SEC. 3121. REPROGRAMMING.**

16           (a) IN GENERAL.—Until the Secretary of Energy  
17 submits to the congressional defense committees the re-  
18 port referred to in subsection (b) and a period of 30 days  
19 has elapsed after the date on which such committees re-  
20 ceive the report, the Secretary may not use amounts ap-  
21 propriated pursuant to this title for any program—

22                   (1) in amounts that exceed, in a fiscal year—

23                           (A) 115 percent of the amount authorized  
24                           for that program by this title; or

1 (B) \$5,000,000 more than the amount au-  
2 thorized for that program by this title; or

3 (2) which has not been presented to, or re-  
4 quested of, Congress.

5 (b) REPORT.—(1) The report referred to in sub-  
6 section (a) is a report containing a full and complete state-  
7 ment of the action proposed to be taken and the facts and  
8 circumstances relied upon in support of the proposed ac-  
9 tion.

10 (2) In the computation of the 30-day period under  
11 subsection (a), there shall be excluded any day on which  
12 either House of Congress is not in session because of an  
13 adjournment of more than 3 days to a day certain.

14 (c) LIMITATIONS.—(1) In no event may the total  
15 amount of funds obligated pursuant to this title exceed  
16 the total amount authorized to be appropriated by this  
17 title.

18 (2) Funds appropriated pursuant to this title may not  
19 be used for an item for which Congress has specifically  
20 denied funds.

21 **SEC. 3122. LIMITS ON MINOR CONSTRUCTION PROJECTS.**

22 (a) AUTHORITY.—The Secretary of Energy may  
23 carry out any minor construction project using operation  
24 and maintenance funds, or facilities and infrastructure  
25 funds, authorized by this title.

1           (b) ANNUAL REPORT.—The Secretary shall submit  
2 to the congressional defense committees on an annual  
3 basis a report on each exercise of the authority in sub-  
4 section (a) during the preceding year. Each report shall  
5 provide a brief description of each minor construction  
6 project covered by the report.

7           (c) COST VARIATION REPORTS TO CONGRESSIONAL  
8 COMMITTEES.—If, at any time during the construction of  
9 any minor construction project authorized by this title, the  
10 estimated cost of the project is revised and the revised  
11 cost of the project exceeds \$5,000,000, the Secretary shall  
12 immediately submit to the congressional defense commit-  
13 tees a report explaining the reasons for the cost variation.

14           (d) MINOR CONSTRUCTION PROJECT DEFINED.—In  
15 this section, the term “minor construction project” means  
16 any plant project not specifically authorized by law if the  
17 approved total estimated cost of the plant project does not  
18 exceed \$5,000,000.

19 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

20           (a) IN GENERAL.—(1) Except as provided in para-  
21 graph (2), construction on a construction project may not  
22 be started or additional obligations incurred in connection  
23 with the project above the total estimated cost, whenever  
24 the current estimated cost of the construction project, au-  
25 thorized by section 3101, 3102, or 3103, or which is in

1 support of national security programs of the Department  
2 of Energy and was authorized by any previous Act, ex-  
3 ceeds by more than 25 percent the higher of—

4 (A) the amount authorized for the project; or

5 (B) the amount of the total estimated cost for  
6 the project as shown in the most recent budget jus-  
7 tification data submitted to Congress.

8 (2) An action described in paragraph (1) may be  
9 taken if—

10 (A) the Secretary of Energy has submitted to  
11 the congressional defense committees a report on the  
12 actions and the circumstances making such action  
13 necessary; and

14 (B) a period of 30 days has elapsed after the  
15 date on which the report is received by the commit-  
16 tees.

17 (b) EXCEPTION.—Subsection (a) does not apply to a  
18 construction project with a current estimated cost of less  
19 than \$5,000,000.

20 **SEC. 3124. FUND TRANSFER AUTHORITY.**

21 (a) **TRANSFER TO OTHER FEDERAL AGENCIES.**—  
22 The Secretary of Energy may transfer funds authorized  
23 to be appropriated to the Department of Energy pursuant  
24 to this title to other Federal agencies for the performance  
25 of work for which the funds were authorized. Funds so

1 transferred may be merged with and be available for the  
2 same purposes and for the same time period as the author-  
3 izations of the Federal agency to which the amounts are  
4 transferred.

5 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

6 (1) Subject to paragraph (2), the Secretary of Energy may  
7 transfer funds authorized to be appropriated to the De-  
8 partment of Energy pursuant to this title between any  
9 such authorizations. Amounts of authorizations so trans-  
10 ferred may be merged with and be available for the same  
11 purposes and for the same period as the authorization to  
12 which the amounts are transferred.

13 (2) Not more than 5 percent of any such authoriza-  
14 tion may be transferred between authorizations under  
15 paragraph (1). No such authorization may be increased  
16 or decreased by more than 5 percent by a transfer under  
17 such paragraph.

18 (c) LIMITATIONS.—The authority provided by this  
19 subsection to transfer authorizations—

20 (1) may be used only to provide funds for items  
21 relating to activities necessary for national security  
22 programs that have a higher priority than the items  
23 from which the funds are transferred; and

1           (2) may not be used to provide funds for an  
2           item for which Congress has specifically denied  
3           funds.

4           (d) NOTICE TO CONGRESS.—The Secretary of En-  
5           ergy shall promptly notify the Committees on Armed Serv-  
6           ices of the Senate and House of Representatives of any  
7           transfer of funds to or from authorizations under this  
8           title.

9           **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**  
10           **TION DESIGN.**

11           (a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1)  
12           Subject to paragraph (2) and except as provided in para-  
13           graph (3), before submitting to Congress a request for  
14           funds for a construction project that is in support of a  
15           national security program of the Department of Energy,  
16           the Secretary of Energy shall complete a conceptual de-  
17           sign for that project.

18           (2) If the estimated cost of completing a conceptual  
19           design for a construction project exceeds \$3,000,000, the  
20           Secretary shall submit to Congress a request for funds for  
21           the conceptual design before submitting a request for  
22           funds for the construction project.

23           (3) The requirement in paragraph (1) does not apply  
24           to a request for funds—



1 (A) for a minor construction project the total  
2 estimated cost of which is less than \$5,000,000; or

3 (B) for emergency planning, design, and con-  
4 struction activities under section 3126.

5 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1)

6 Within the amounts authorized by this title, the Secretary  
7 of Energy may carry out construction design (including  
8 architectural and engineering services) in connection with  
9 any proposed construction project if the total estimated  
10 cost for such design does not exceed \$600,000.

11 (2) If the total estimated cost for construction design  
12 in connection with any construction project exceeds  
13 \$600,000, funds for that design must be specifically au-  
14 thorized by law.

15 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**  
16 **SIGN, AND CONSTRUCTION ACTIVITIES.**

17 (a) **AUTHORITY.**—The Secretary of Energy may use  
18 any funds available to the Department of Energy pursuant  
19 to an authorization in this title, including funds authorized  
20 to be appropriated for advance planning, engineering, and  
21 construction design, and for plant projects, under sections  
22 3101, 3102, 3103, and 3104 to perform planning, design,  
23 and construction activities for any Department of Energy  
24 national security program construction project that, as de-  
25 termined by the Secretary, must proceed expeditiously in

1 order to protect public health and safety, to meet the  
2 needs of national defense, or to protect property.

3 (b) LIMITATION.—The Secretary may not exercise  
4 the authority under subsection (a) in the case of any con-  
5 struction project until the Secretary has submitted to the  
6 congressional defense committees a report on the activities  
7 that the Secretary intends to carry out under this section  
8 and the circumstances making those activities necessary.

9 (c) SPECIFIC AUTHORITY.—The requirement of sec-  
10 tion 3125(b)(2) does not apply to emergency planning, de-  
11 sign, and construction activities conducted under this sec-  
12 tion.

13 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**  
14 **RITY PROGRAMS OF THE DEPARTMENT OF**  
15 **ENERGY.**

16 Subject to the provisions of appropriation Acts and  
17 section 3121, amounts appropriated pursuant to this title  
18 for management and support activities and for general  
19 plant projects are available for use, when necessary, in  
20 connection with all national security programs of the De-  
21 partment of Energy.

22 **SEC. 3128. AVAILABILITY OF FUNDS.**

23 (a) IN GENERAL.—Except as provided in subsection  
24 (b), when so specified in an appropriations Act, amounts

1 appropriated for operation and maintenance or for plant  
2 projects may remain available until expended.

3 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—  
4 Amounts appropriated for program direction pursuant to  
5 an authorization of appropriations in subtitle A shall re-  
6 main available to be expended only until the end of fiscal  
7 year 2004.

8 **SEC. 3129. TRANSFER OF DEFENSE ENVIRONMENTAL MAN-**  
9 **AGEMENT FUNDS.**

10 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-  
11 MENTAL MANAGEMENT FUNDS.—The Secretary of En-  
12 ergy shall provide the manager of each field office of the  
13 Department of Energy with the authority to transfer de-  
14 fense environmental management funds from a program  
15 or project under the jurisdiction of that office to another  
16 such program or project.

17 (b) LIMITATIONS.—(1) Not more than three trans-  
18 fers may be made to or from any program or project under  
19 subsection (a) in a fiscal year.

20 (2) The amount transferred to or from a program  
21 or project in any one transfer under subsection (a) may  
22 not exceed \$5,000,000.

23 (3) A transfer may not be carried out by a manager  
24 of a field office under subsection (a) unless the manager  
25 determines that the transfer is necessary—

1           (A) to address a risk to health, safety, or the  
2           environment; or

3           (B) to assure the most efficient use of defense  
4           environmental management funds at the field office.

5           (4) Funds transferred pursuant to subsection (a)  
6           may not be used for an item for which Congress has spe-  
7           cifically denied funds or for a new program or project that  
8           has not been authorized by Congress.

9           (c) EXEMPTION FROM REPROGRAMMING REQUIRE-  
10          MENTS.—The requirements of section 3121 shall not  
11          apply to transfers of funds pursuant to subsection (a).

12          (d) NOTIFICATION.—The Secretary, acting through  
13          the Assistant Secretary of Energy for Environmental  
14          Management, shall notify Congress of any transfer of  
15          funds pursuant to subsection (a) not later than 30 days  
16          after such transfer occurs.

17          (e) DEFINITIONS.—In this section:

18               (1) The term “program or project” means, with  
19               respect to a field office of the Department of En-  
20               ergy, any of the following:

21                       (A) A program referred to or a project list-  
22                       ed in paragraph (2) or (3) of section 3102.

23                       (B) A program or project not described in  
24                       subparagraph (A) that is for environmental res-  
25                       toration or waste management activities nec-

1           essary for national security programs of the De-  
2           partment, that is being carried out by that of-  
3           fice, and for which defense environmental man-  
4           agement funds have been authorized and appro-  
5           priated before the date of the enactment of this  
6           Act.

7           (2) The term “defense environmental manage-  
8           ment funds” means funds appropriated to the De-  
9           partment of Energy pursuant to an authorization for  
10          carrying out environmental restoration and waste  
11          management activities necessary for national secu-  
12          rity programs.

13          (f) DURATION OF AUTHORITY.—The managers of the  
14          field offices of the Department may exercise the authority  
15          provided under subsection (a) during the period beginning  
16          on October 1, 2002, and ending on September 30, 2003.

17          **SEC. 3130. TRANSFER OF WEAPONS ACTIVITIES FUNDS.**

18          (a) TRANSFER AUTHORITY FOR WEAPONS ACTIVI-  
19          TIES FUNDS.—The Secretary of Energy shall provide the  
20          manager of each field office of the Department of Energy  
21          with the authority to transfer weapons activities funds  
22          from a program or project under the jurisdiction of that  
23          office to another such program or project.

1 (b) LIMITATIONS.—(1) Not more than three trans-  
2 fers may be made to or from any program or project under  
3 subsection (a) in a fiscal year.

4 (2) The amount transferred to or from a program  
5 or project in any one transfer under subsection (a) may  
6 not exceed \$5,000,000.

7 (3) A transfer may not be carried out by a manager  
8 of a field office under subsection (a) unless the manager  
9 determines that the transfer—

10 (A) is necessary to address a risk to health,  
11 safety, or the environment; or

12 (B) will result in cost savings and efficiencies.

13 (4) A transfer may not be carried out by a manager  
14 of a field office under subsection (a) to cover a cost over-  
15 run or scheduling delay for any program or project.

16 (5) Funds transferred pursuant to subsection (a)  
17 may not be used for an item for which Congress has spe-  
18 cifically denied funds or for a new program or project that  
19 has not been authorized by Congress.

20 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-  
21 MENTS.—The requirements of section 3121 shall not  
22 apply to transfers of funds pursuant to subsection (a).

23 (d) NOTIFICATION.—The Secretary, acting through  
24 the Administrator for Nuclear Security, shall notify Con-

1 gress of any transfer of funds pursuant to subsection (a)  
2 not later than 30 days after such transfer occurs.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “program or project” means, with  
5 respect to a field office of the Department of En-  
6 ergy, any of the following:

7 (A) A program referred to or a project list-  
8 ed in section 3101(1).

9 (B) A program or project not described in  
10 subparagraph (A) that is for weapons activities  
11 necessary for national security programs of the  
12 Department, that is being carried out by that  
13 office, and for which weapons activities funds  
14 have been authorized and appropriated before  
15 the date of the enactment of this Act.

16 (2) The term “weapons activities funds” means  
17 funds appropriated to the Department of Energy  
18 pursuant to an authorization for carrying out weap-  
19 ons activities necessary for national security pro-  
20 grams.

21 (f) DURATION OF AUTHORITY.—The managers of the  
22 field offices of the Department may exercise the authority  
23 provided under subsection (a) during the period beginning  
24 on October 1, 2002, and ending on September 30, 2003.

1 **Subtitle C—Program Authoriza-**  
2 **tions, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 3131. AVAILABILITY OF FUNDS FOR ENVIRONMENTAL**  
5 **MANAGEMENT CLEANUP REFORM.**

6 (a) **LIMITATION ON AVAILABILITY FOR ENVIRON-**  
7 **MENTAL MANAGEMENT CLEANUP REFORM.**—None of the  
8 funds authorized to be appropriated by section 3102(8)  
9 for the Department of Energy for environmental manage-  
10 ment cleanup reform may be obligated or expended until  
11 the Secretary of Energy—

12 (1) publishes in the Federal Register, and sub-  
13 mits to the congressional defense committees, a re-  
14 port setting forth criteria established by the  
15 Secretary—

16 (A) for selecting the projects that will re-  
17 ceive funding using such funds; and

18 (B) for setting priorities among the  
19 projects selected under subparagraph (A); or

20 (2) notifies the congressional defense commit-  
21 tees that the criteria described by paragraph (1) will  
22 not be established.

23 (b) **REQUIREMENTS REGARDING ESTABLISHMENT**  
24 **OF CRITERIA.**—Before establishing criteria, if any, under  
25 subsection (a)(1), the Secretary shall publish a proposal



1 for such criteria in the Federal Register, and shall provide  
2 a period of 45 days for public notice and comment on the  
3 proposal.

4 (c) AVAILABILITY OF FUNDS IF CRITERIA ARE NOT  
5 ESTABLISHED.—(1) If the Secretary exercises the author-  
6 ity under subsection (a)(2), the Secretary shall reallocate  
7 the funds referred to in subsection (a) among sites that  
8 received funds during fiscal year 2002 for defense environ-  
9 mental restoration and waste management activities under  
10 section 3102 of the National Defense Authorization Act  
11 for Fiscal Year 2002 (Public Law 107–197; 115 Stat.  
12 1358).

13 (2) The amount of funds referred to in subsection  
14 (a) that are allocated under paragraph (1) to a site de-  
15 scribed in that paragraph shall bear the same ratio to the  
16 amount of funds referred to in subsection (a) as the  
17 amount of funds received by such site during fiscal year  
18 2002 under section 3102 of the National Defense Author-  
19 ization Act for Fiscal Year 2002 bears to the total amount  
20 of funds made available to all sites during fiscal year 2002  
21 under that section.

22 (3) No funds allocated under paragraph (1) may be  
23 obligated or expended until 30 days after the Secretary  
24 submits to the congressional defense committee a list of  
25 the projects at each site allocated funds under that para-

1 graph, and the amount of such funds to be provided to  
2 each such project at each such site.

3 (4) Funds referred to in subsection (a) may not be  
4 obligated or expended for any site that was not funded  
5 in fiscal year 2002 from amounts available to the Depart-  
6 ment of Energy under title XXXI of the National Defense  
7 Authorization Act for Fiscal Year 2002.

8 **SEC. 3132. ROBUST NUCLEAR EARTH PENETRATOR.**

9 Not later than February 3, 2003, the Secretary of  
10 Defense shall, in consultation with the Secretary of En-  
11 ergy, submit to the congressional defense committees a re-  
12 port on the Robust Nuclear Earth Penetrator (RNEP).  
13 The report shall set forth—

14 (1) the military requirements for the Robust  
15 Nuclear Earth Penetrator;

16 (2) the nuclear weapons employment policy re-  
17 garding the Robust Nuclear Earth Penetrator;

18 (3) a detailed description of the categories or  
19 types of targets that the Robust Nuclear Earth Pen-  
20 etrator is designed to hold at risk; and

21 (4) an assessment of the ability of conventional  
22 weapons to address the same categories and types of  
23 targets described under paragraph (3).

1 **SEC. 3133. DATABASE TO TRACK NOTIFICATION AND RESO-**  
2 **LUTION PHASES OF SIGNIFICANT FINDING**  
3 **INVESTIGATIONS.**

4 (a) AVAILABILITY OF FUNDS FOR DATABASE.—  
5 Amounts authorized to be appropriated by section 3101(1)  
6 for the National Nuclear Security Administration for  
7 weapons activities shall be available to the Deputy Admin-  
8 istrator for Nuclear Security for Defense Programs for the  
9 development and implementation of a database for all na-  
10 tional security laboratories to track the notification and  
11 resolution phases of Significant Finding Investigations  
12 (SFIs). The purpose of the database is to facilitate the  
13 monitoring of the progress and accountability of the na-  
14 tional security laboratories in Significant Finding Inves-  
15 tigations.

16 (b) IMPLEMENTATION DEADLINE.—The database re-  
17 quired by subsection (a) shall be implemented not later  
18 than September 30, 2003.

19 (c) NATIONAL SECURITY LABORATORY DEFINED.—  
20 In this section, the term “national security laboratory”  
21 has the meaning given that term in section 3281(1) of  
22 the National Nuclear Security Administration Act (title  
23 XXXII of Public Law 106–65; 113 Stat. 968; 50 U.S.C.  
24 2471(1)).

1 **SEC. 3134. REQUIREMENTS FOR SPECIFIC REQUEST FOR**  
2 **NEW OR MODIFIED NUCLEAR WEAPONS.**

3 (a) REQUIREMENT FOR REQUEST FOR FUNDS FOR  
4 DEVELOPMENT.—(1) In any fiscal year after fiscal year  
5 2002 in which the Secretary of Energy plans to carry out  
6 activities described in paragraph (2) relating to the devel-  
7 opment of a new nuclear weapon or modified nuclear  
8 weapon, the Secretary shall specifically request funds for  
9 such activities in the budget of the President for that fis-  
10 cal year under section 1105(a) of title 31, United States  
11 Code.

12 (2) The activities described in this paragraph are as  
13 follows:

14 (A) The conduct, or provision for conduct, of  
15 research and development which could lead to the  
16 production of a new nuclear weapon by the United  
17 States.

18 (B) The conduct, or provision for conduct, of  
19 engineering or manufacturing to carry out the pro-  
20 duction of a new nuclear weapon by the United  
21 States.

22 (C) The conduct, or provision for conduct, of  
23 research and development which could lead to the  
24 production of a modified nuclear weapon by the  
25 United States.

1           (D) The conduct, or provision for conduct, of  
2           engineering or manufacturing to carry out the pro-  
3           duction of a modified nuclear weapon by the United  
4           States.

5           (b) BUDGET REQUEST FORMAT.—The Secretary  
6           shall include in a request for funds under subsection (a)  
7           the following:

8           (1) In the case of funds for activities described  
9           in subparagraph (A) or (C) of subsection (a)(2), a  
10          dedicated line item for each such activity for a new  
11          nuclear weapon or modified nuclear weapons that is  
12          in phase 1 or 2A or phase 6.1 or 6.2A, as the case  
13          may be, of the nuclear weapons acquisition process.

14          (2) In the case of funds for activities described  
15          in subparagraph (B) or (D) of subsection (a)(2), a  
16          dedicated line item for each such activity for a new  
17          nuclear weapon or modified nuclear weapon that is  
18          in phase 3 or higher or phase 6.3 or higher, as the  
19          case may be, of the nuclear weapons acquisition  
20          process.

21          (c) EXCEPTION.—Subsections (a) shall not apply to  
22          funds for purposes of conducting, or providing for the con-  
23          duct of, research and development, or manufacturing and  
24          engineering, determined by the Secretary to be  
25          necessary—

1           (1) for the nuclear weapons life extension pro-  
2           gram;

3           (2) to modify an existing nuclear weapon solely  
4           to address safety or reliability concerns; or

5           (3) to address proliferation concerns.

6           (d) CONSTRUCTION WITH PROHIBITION ON RE-  
7 SEARCH AND DEVELOPMENT ON LOW-YIELD NUCLEAR  
8 WEAPONS.—Nothing in this section may be construed to  
9 modify, repeal, or in any way affect the provisions of sec-  
10 tion 3136 of the National Defense Authorization Act for  
11 Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946;  
12 42 U.S.C. 2121 note), relating to prohibitions on research  
13 and development on low-yield nuclear weapons.

14          (e) DEFINITIONS.—In this section:

15           (1) The term “life extension program” means  
16           the program to repair or replace non-nuclear compo-  
17           nents, or to modify the pit or canned subassembly,  
18           of nuclear weapons in the nuclear weapons stockpile  
19           on the date of the enactment of this Act in order to  
20           assure that such nuclear weapons retain the ability  
21           to meet the military requirements applicable to such  
22           nuclear weapons when first placed in the nuclear  
23           weapons stockpile.

1           (2) The term “modified nuclear weapon” means  
2 a nuclear weapon that contains a pit or canned sub-  
3 assembly, either of which—

4           (A) is in the nuclear weapons stockpile as  
5 of the date of the enactment of this Act; and

6           (B) is being modified in order to meet a  
7 military requirement that is other than the mili-  
8 tary requirements applicable to such nuclear  
9 weapon when first placed in the nuclear weap-  
10 ons stockpile.

11          (3) The term “new nuclear weapon” means a  
12 nuclear weapon that contains a pit or canned sub-  
13 assembly, either of which is neither—

14          (A) in the nuclear weapons stockpile on the  
15 date of the enactment of this Act; nor

16          (B) in production as of that date.

17 **SEC. 3135. REQUIREMENT FOR AUTHORIZATION BY LAW**  
18 **FOR FUNDS OBLIGATED OR EXPENDED FOR**  
19 **DEPARTMENT OF ENERGY NATIONAL SECU-**  
20 **RITY ACTIVITIES.**

21          Section 660 of the Department of Energy Organiza-  
22 tion Act (42 U.S.C. 7270) is amended—

23          (1) by inserting “(a)” before “Appropriations”;

24          and

1           (2) by adding at the end the following new sub-  
2           section:

3           “(b)(1) No funds for the Department may be obli-  
4           gated or expended for—

5           “(A) national security programs and activities  
6           of the Department; or

7           “(B) activities under the Atomic Energy Act of  
8           1954 (42 U.S.C. 2012 et seq.);

9           unless funds therefor have been specifically authorized by  
10          law.

11          “(2) Nothing in paragraph (1) may be construed to  
12          preclude the requirement under subsection (a), or under  
13          any other provision of law, for an authorization of appro-  
14          priations for programs and activities of the Department  
15          (other than programs and activities covered by that para-  
16          graph) as a condition to the obligation and expenditure  
17          of funds for programs and activities of the Department  
18          (other than programs and activities covered by that para-  
19          graph).”.

20       **SEC. 3136. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
21                               **PROGRAM TO ELIMINATE WEAPONS GRADE**  
22                               **PLUTONIUM PRODUCTION IN RUSSIA.**

23          (a) **LIMITATION.**—Of the amounts authorized to be  
24          appropriated by this title for the program to eliminate  
25          weapons grade plutonium production, the Administrator



1 for Nuclear Security may not obligate or expend more  
2 than \$100,000,000 for that program until 30 days after  
3 the date on which the Administrator submits to the con-  
4 gressional defense committees a copy of an agreement en-  
5 tered into between the United States Government and the  
6 Government of the Russian Federation to shut down the  
7 three plutonium-producing reactors in Russia.

8 (b) AGREEMENT ELEMENTS.—The agreement under  
9 subsection (a)—

10 (1) shall contain—

11 (A) a commitment to shut down the three  
12 plutonium-producing reactors;

13 (B) the date on which each such reactor  
14 will be shut down;

15 (C) a schedule and milestones for each  
16 such reactor to complete the shut down of such  
17 reactor by the date specified under subpara-  
18 graph (B);

19 (D) an arrangement for access to sites and  
20 facilities necessary to meet such schedules and  
21 milestones; and

22 (E) an arrangement for audit and exam-  
23 ination procedures in order to evaluate progress  
24 in meeting such schedules and milestones; and

25 (2) may include cost sharing arrangements.

## 1     **Subtitle D—Proliferation Matters**

### 2     **SEC. 3151. ADMINISTRATION OF PROGRAM TO ELIMINATE** 3                     **WEAPONS GRADE PLUTONIUM PRODUCTION** 4                     **IN RUSSIA.**

5             (a) TRANSFER OF PROGRAM TO DEPARTMENT OF  
6 ENERGY.—The program to eliminate weapons grade plu-  
7 tonium production in Russia shall be transferred from the  
8 Department of Defense to the Department of Energy.

9             (b) TRANSFER OF ASSOCIATED FUNDS.—(1) Not-  
10 withstanding any restriction or limitation in law on the  
11 availability of Cooperative Threat Reduction funds speci-  
12 fied in paragraph (2), the Cooperative Threat Reduction  
13 funds specified in that paragraph that are available for  
14 the program referred to in subsection (a) shall be trans-  
15 ferred from the Department of Defense to the Department  
16 of Energy.

17             (2) The Cooperative Threat Reduction funds speci-  
18 fied in this paragraph are the following:

19                 (A) Fiscal year 2002 Cooperative Threat Re-  
20 duction funds, as specified in section 1301(b) of the  
21 National Defense Authorization Act for Fiscal Year  
22 2002 (Public Law 107–107; 115 Stat. 1254; 22  
23 U.S.C. 5952 note).

24                 (B) Fiscal year 2001 Cooperative Threat Re-  
25 duction funds, as specified in section 1301(b) of the

1       Floyd D. Spence National Defense Authorization  
2       Act for Fiscal Year 2001 (as enacted into law by  
3       Public Law 106–398; 114 Stat. 1654A–339).

4               (C) Fiscal year 2000 Cooperative Threat Re-  
5       duction funds, as specified in section 1301(b) of the  
6       National Defense Authorization Act for Fiscal Year  
7       2000 (Public Law 106–65; 113 Stat. 792; 22 U.S.C.  
8       5952 note).

9       (c) AVAILABILITY OF TRANSFERRED FUNDS.—(1)  
10      Notwithstanding any restriction or limitation in law on the  
11      availability of Cooperative Threat Reduction funds speci-  
12      fied in subsection (b)(2), the Cooperative Threat Reduc-  
13      tion funds transferred under subsection (b) for the pro-  
14      gram referred to in subsection (a) shall be available for  
15      activities as follows:

16              (A) To design and construct, refurbish, or both,  
17      fossil fuel energy plants in Russia that provide alter-  
18      native sources of energy to the energy plants in Rus-  
19      sia that produce weapons grade plutonium.

20              (B) To carry out limited safety upgrades of not  
21      more than three energy plants in Russia that  
22      produce weapons grade plutonium in order to permit  
23      the shutdown of such energy plants and eliminate  
24      the production of weapons grade plutonium in such  
25      energy plants.

1           (2) Amounts available under paragraph (1) for activi-  
2 ties referred to in that paragraph shall remain available  
3 for such activities until expended.

4 **SEC. 3152. REPEAL OF REQUIREMENT FOR REPORTS ON**  
5 **OBLIGATION OF FUNDS FOR PROGRAMS ON**  
6 **FISSILE MATERIALS IN RUSSIA.**

7           Section 3131 of the National Defense Authorization  
8 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.  
9 617; 22 U.S.C. 5952 note) is amended—

10           (1) in subsection (a), by striking “(a) AUTHOR-  
11 ITY.—”; and

12           (2) by striking subsection (b).

13 **SEC. 3153. EXPANSION OF ANNUAL REPORTS ON STATUS OF**  
14 **NUCLEAR MATERIALS PROTECTION, CON-**  
15 **TROL, AND ACCOUNTING PROGRAMS.**

16           (a) COVERED PROGRAMS.—Subsection (a) of section  
17 3171 of the Floyd D. Spence National Defense Authoriza-  
18 tion Act for Fiscal Year 2001 (as enacted into law by Pub-  
19 lic Law 106–398; 114 Stat. 1654A–475) is amended by  
20 striking “Russia that” and inserting “countries where  
21 such materials”.

22           (b) REPORT CONTENTS.—Subsection (b) of that sec-  
23 tion is amended—

1           (1) in paragraph (1) by inserting “in each  
2           country covered by subsection (a)” after “loca-  
3           tions,”;

4           (2) in paragraph (2), by striking “in Russia”  
5           and inserting “in each such country”;

6           (3) in paragraph (3), by inserting “in each such  
7           country” after “subsection (a)”; and

8           (4) in paragraph (5), by striking “by total  
9           amount and by amount per fiscal year” and insert-  
10          ing “by total amount per country and by amount per  
11          fiscal year per country”.

12 **SEC. 3154. TESTING OF PREPAREDNESS FOR EMERGENCIES**  
13                           **INVOLVING NUCLEAR, RADIOLOGICAL, CHEM-**  
14                           **ICAL, OR BIOLOGICAL WEAPONS.**

15          (a) EXTENSION OF TESTING.—Section 1415 of the  
16 Defense Against Weapons of Mass Destruction Act of  
17 1996 (title XIV of Public Law 104–201; 110 Stat. 2720;  
18 50 U.S.C. 2315) is amended—

19           (1) in subsection (a)(2), by striking “of five  
20           successive fiscal years beginning with fiscal year  
21           1997” and inserting “of fiscal years 1997 through  
22           2013”; and

23           (2) in subsection (b)(2), by striking “of five  
24           successive fiscal years beginning with fiscal year

1 1997” and inserting “of fiscal years 1997 through  
2 2013”.

3 (b) CONSTRUCTION OF EXTENSION WITH DESIGNA-  
4 TION OF ATTORNEY GENERAL AS LEAD OFFICIAL.—The  
5 amendment made by subsection (a) may not be construed  
6 as modifying the designation of the President entitled  
7 “Designation of the Attorney General as the Lead Official  
8 for the Emergency Response Assistance Program Under  
9 Sections 1412 and 1415 of the National Defense Author-  
10 ization Act for Fiscal Year 1997”, dated April 6, 2000,  
11 designating the Attorney General to assume programmatic  
12 and funding responsibilities for the Emergency Response  
13 Assistance Program under sections 1412 and 1415 of the  
14 Defense Against Weapons of Mass Destruction Act of  
15 1996.

16 **SEC. 3155. PROGRAM ON RESEARCH AND TECHNOLOGY**  
17 **FOR PROTECTION FROM NUCLEAR OR RADI-**  
18 **OLOGICAL TERRORISM.**

19 (a) PROGRAM REQUIRED.—(1) The Administrator  
20 for Nuclear Security shall carry out a program on research  
21 and technology for protection from nuclear or radiological  
22 terrorism, including technology for the detection (particu-  
23 larly as border crossings and ports of entry), identifica-  
24 tion, assessment, control, disposition, consequence man-

1 agement, and consequence mitigation of the dispersal of  
2 radiological materials or of nuclear terrorism.

3 (2) The Administrator shall carry out the program  
4 as part of the support of the Administrator for homeland  
5 security and counterterrorism within the National Nuclear  
6 Security Administration

7 (b) PROGRAM ELEMENTS.—In carrying out the pro-  
8 gram required by subsection (a), the Administrator  
9 shall—

10 (1) provide for the development of technologies  
11 to respond to threats or incidents involving nuclear  
12 or radiological terrorism in the United States;

13 (2) demonstrate applications of the technologies  
14 developed under paragraph (1), including joint dem-  
15 onstrations with the Office of Homeland Security  
16 and other appropriate Federal agencies;

17 (3) provide, where feasible, for the development  
18 in cooperation with the Russian Federation of tech-  
19 nologies to respond to nuclear or radiological ter-  
20 rorism in the former states of the Soviet Union, in-  
21 cluding the demonstration of technologies so devel-  
22 oped;

23 (4) provide, where feasible, assistance to other  
24 countries on matters relating to nuclear or radio-  
25 logical terrorism, including—

1 (A) the provision of technology and assist-  
2 ance on means of addressing nuclear or radio-  
3 logical incidents;

4 (B) the provision of assistance in devel-  
5 oping means for the safe disposal of radioactive  
6 materials;

7 (C) in coordination with the Nuclear Regu-  
8 latory Commission, the provision of assistance  
9 in developing the regulatory framework for li-  
10 censing and developing programs for the protec-  
11 tion and control of radioactive sources; and

12 (D) the provision of assistance in evalu-  
13 ating the radiological sources identified as not  
14 under current accounting programs in the re-  
15 port of the Inspector General of the Depart-  
16 ment of Energy entitled “Accounting for Sealed  
17 Sources of Nuclear Material Provided to For-  
18 eign Countries”, and in identifying and control-  
19 ling radiological sources that represent signifi-  
20 cant risks; and

21 (5) in coordination with the Office of Environ-  
22 ment, Safety, and Health of the Department of En-  
23 ergy, the Department of Commerce, and the Inter-  
24 national Atomic Energy Agency, develop consistent



1 criteria for screening international transfers of radi-  
2 ological materials.

3 (c) REQUIREMENTS FOR INTERNATIONAL ELEMENTS  
4 OF PROGRAM.—(1) In carrying out activities in accord-  
5 ance with paragraphs (3) and (4) of subsection (b), the  
6 Administrator shall consult with—

7 (A) the Secretary of Defense, Secretary of  
8 State, and Secretary of Commerce; and

9 (B) the International Atomic Energy Agency.

10 (2) The Administrator shall encourage joint leader-  
11 ship between the United States and the Russian Federa-  
12 tion of activities on the development of technologies under  
13 subsection (b)(4).

14 (d) INCORPORATION OF RESULTS IN EMERGENCY  
15 RESPONSE ASSISTANCE PROGRAM.—To the maximum ex-  
16 tent practicable, the technologies and information devel-  
17 oped under the program required by subsection (a) shall  
18 be incorporated into the program on responses to emer-  
19 gencies involving nuclear and radiological weapons carried  
20 out under section 1415 of the Defense Against Weapons  
21 of Mass Destruction Act of 1996 (title XIV of Public Law  
22 104–201; 50 U.S.C. 2315).

23 (e) AMOUNT FOR ACTIVITIES.—Of the amount au-  
24 thorized to be appropriated by section 3101(2) for the De-  
25 partment of Energy for the National Nuclear Security Ad-

1 ministration for defense nuclear nonproliferation and  
2 available for the development of a new generation of radi-  
3 ation detectors for homeland defense, up to \$15,000,000  
4 shall be available for carrying out this section.

5 **SEC. 3156. EXPANSION OF INTERNATIONAL MATERIALS**  
6 **PROTECTION, CONTROL, AND ACCOUNTING**  
7 **PROGRAM.**

8 (a) **EXPANSION OF PROGRAM TO ADDITIONAL COUN-**  
9 **TRIES AUTHORIZED.**—The Secretary of Energy may ex-  
10 pand the International Materials Protection, Control, and  
11 Accounting (MPC&A) program of the Department of En-  
12 ergy to encompass countries outside the Russian Federa-  
13 tion and the independent states of the former Soviet  
14 Union.

15 (b) **NOTICE TO CONGRESS OF USE OF FUNDS FOR**  
16 **ADDITIONAL COUNTRIES.**—Not later than 30 days after  
17 the Secretary obligates funds for the International Mate-  
18 rials Protection, Control, and Accounting program, as ex-  
19 panded under subsection (a), for activities in or with re-  
20 spect to a country outside the Russian Federation and the  
21 independent states of the former Soviet Union, the Sec-  
22 retary shall submit to Congress a notice of the obligation  
23 of such funds for such activities.

24 (c) **ASSISTANCE TO DEPARTMENT OF STATE FOR**  
25 **NUCLEAR MATERIALS SECURITY PROGRAMS.**—(1) As

1 part of the International Materials Protection, Control,  
2 and Accounting program, the Secretary of Energy may  
3 provide technical assistance to the Secretary of State in  
4 the efforts of the Secretary of State to assist other nuclear  
5 weapons states to review and improve their nuclear mate-  
6 rials security programs.

7 (2) The technical assistance provided under para-  
8 graph (1) may include the sharing of technology or meth-  
9 odologies to the states referred to in that paragraph. Any  
10 such sharing shall—

11 (A) be consistent with the treaty obligations of  
12 the United States; and

13 (B) take into account the sovereignty of the  
14 state concerned and its weapons programs, as well  
15 the sensitivity of any information involved regarding  
16 United States weapons or weapons systems.

17 (3) The Secretary of Energy may include the Russian  
18 Federation in activities under paragraph (1) if the Sec-  
19 retary determines that the experience of the Russian Fed-  
20 eration under the International Materials Protection, Con-  
21 trol, and Accounting program with the Russian Federa-  
22 tion would make the participation of the Russian Federa-  
23 tion in such activities useful in providing technical assist-  
24 ance under that paragraph.

1 (d) PLAN FOR ACCELERATED CONVERSION OR RE-  
2 TURN OF WEAPONS-USABLE NUCLEAR MATERIALS.—(1)

3 The Secretary shall develop a plan to accelerate the con-  
4 version or return to the country of origin of all weapons-  
5 usable nuclear materials located in research reactors and  
6 other facilities outside the country of origin.

7 (2) The plan under paragraph (1) for nuclear mate-  
8 rials of origin in the Soviet Union shall be developed in  
9 consultation with the Russian Federation.

10 (3) As part of the plan under paragraph (1), the Sec-  
11 retary shall identify the funding and schedules required  
12 to assist the research reactors and facilities referred to  
13 in that paragraph in upgrading their materials protection,  
14 control, and accounting procedures until the weapons-usa-  
15 ble nuclear materials in such reactors and facilities are  
16 converted or returned in accordance with that paragraph.

17 (4) The provision of assistance under paragraph (3)  
18 shall be closely coordinated with ongoing efforts of the  
19 International Atomic Energy Agency for the same pur-  
20 pose.

21 (e) RADIOLOGICAL DISPERSAL DEVICE MATERIALS  
22 PROTECTION, CONTROL, AND ACCOUNTING.—(1) The  
23 Secretary shall establish within the International Mate-  
24 rials Protection, Control, and Accounting program a pro-

1 gram on the protection, control, and accounting of mate-  
2 rials usable in radiological dispersal devices.

3 (2) The program under paragraph (1) shall include—

4 (A) an identification of vulnerabilities regarding  
5 radiological materials worldwide;

6 (B) the mitigation of vulnerabilities so identi-  
7 fied through appropriate security enhancements; and

8 (C) an acceleration of efforts to recover and  
9 control diffused radiation sources and ‘orphaned’  
10 radiological sources that are of sufficient strength to  
11 represent a significant risk.

12 (3) The program under paragraph (1) shall be known  
13 as the Radiological Dispersal Device Materials Protection,  
14 Control, and Accounting program.

15 (f) STUDY OF PROGRAM TO SECURE CERTAIN RADI-  
16 OLOGICAL MATERIALS.—(1) The Secretary, acting  
17 through the Administrator for Nuclear Security, shall re-  
18 quire the Office of International Materials Protection,  
19 Control, and Accounting of the Department of Energy to  
20 conduct a study to determine the feasibility and advis-  
21 ability of developing a program to secure radiological ma-  
22 terials outside the United States that pose a threat to the  
23 national security of the United States.

24 (2) The study under paragraph (1) shall include the  
25 following:

1 (A) An identification of the categories of radio-  
2 logical materials that are covered by that paragraph,  
3 including an order of priority for securing each cat-  
4 egory of such radiological materials.

5 (B) An estimate of the number of sites at which  
6 such radiological materials are present.

7 (C) An assessment of the effort required to se-  
8 cure such radiological materials at such sites,  
9 including—

10 (i) a description of the security upgrades,  
11 if any, that are required at such sites;

12 (ii) an assessment of the costs of securing  
13 such radiological materials at such sites;

14 (iii) a description of any cost-sharing ar-  
15 rangements to defray such costs;

16 (iv) a description of any legal impediments  
17 to such effort, including a description of means  
18 of overcoming such impediments; and

19 (v) a description of the coordination re-  
20 quired for such effort among appropriate  
21 United States Government entities (including  
22 the Nuclear Regulatory Commission), partici-  
23 pating countries, and international bodies (in-  
24 cluding the International Atomic Energy Agen-  
25 cy).

1           (D) A description of the pilot project under-  
2           taken in Russia.

3           (3) In identifying categories of radiological materials  
4           under paragraph (2)(A), the Secretary shall take into ac-  
5           count matters relating to specific activity, half-life, radi-  
6           ation type and energy, attainability, difficulty of handling,  
7           and toxicity, and such other matters as the Secretary con-  
8           siders appropriate.

9           (4) Not later than one year after the date of the en-  
10          actment of this Act, the Secretary shall submit to Con-  
11          gress a report on the study conducted under this sub-  
12          section. The report shall include the matters specified  
13          under paragraph (2) and such other matters, including  
14          recommendations, as the Secretary considers appropriate  
15          as a result of the study.

16          (5) In this subsection, the term “radiological mate-  
17          rial” means any radioactive material, other than pluto-  
18          nium (Pu) or uranium enriched above 20 percent ura-  
19          nium-235.

20          (g) AMENDMENT OF CONVENTION ON PHYSICAL  
21          PROTECTION OF NUCLEAR MATERIAL.—(1) It is the  
22          sense of Congress that the President should encourage  
23          amendment of the Convention on the Physical Protection  
24          of Nuclear Materials in order to provide that the Conven-  
25          tion shall—

1 (A) apply to both the domestic and inter-  
2 national use and transport of nuclear materials;

3 (B) incorporate fundamental practices for the  
4 physical protection of such materials; and

5 (C) address protection against sabotage involv-  
6 ing nuclear materials.

7 (2) In this subsection, the term “Convention on the  
8 Physical Protection of Nuclear Materials” means the Con-  
9 vention on the Physical Protection of Nuclear Materials,  
10 With Annex, done at Vienna on October 26, 1979.

11 (h) AMOUNT FOR ACTIVITIES.—Of the amount au-  
12 thorized to be appropriated by section 3102(2) for the De-  
13 partment of Energy for the National Nuclear Security Ad-  
14 ministration for defense nuclear nonproliferation, up to  
15 \$5,000,000 shall be available for carrying out this section.

16 **SEC. 3157. ACCELERATED DISPOSITION OF HIGHLY EN-  
17 RICHED URANIUM AND PLUTONIUM.**

18 (a) SENSE OF CONGRESS ON PROGRAM TO SECURE  
19 STOCKPILES OF HIGHLY ENRICHED URANIUM AND PLU-  
20 TONIUM.—(1) It is the sense of Congress that the Sec-  
21 retary of Energy, in consultation with the Secretary of  
22 State and Secretary of Defense, should develop a com-  
23 prehensive program of activities to encourage all countries  
24 with nuclear materials to adhere to, or to adopt standards  
25 equivalent to, the International Atomic Energy Agency



1 standard on The Physical Protection of Nuclear Material  
2 and Nuclear Facilities (INFCIRC/225/Rev.4), relating to  
3 the security of stockpiles of highly enriched uranium  
4 (HEU) and plutonium (Pu).

5 (2) To the maximum extent practicable, the program  
6 should be developed in consultation with the Russian Fed-  
7 eration, other Group of 8 countries, and other allies of  
8 the United States.

9 (3) Activities under the program should include spe-  
10 cific, targeted incentives intended to encourage countries  
11 that cannot undertake the expense of conforming to the  
12 standard referred to in paragraph (1) to relinquish their  
13 highly enriched uranium (HEU) or plutonium (Pu), in-  
14 cluding incentives in which a country, group of countries,  
15 or international body—

16 (A) purchase such materials and provide for  
17 their security (including by removal to another loca-  
18 tion);

19 (B) undertake the costs of decommissioning fa-  
20 cilities that house such materials;

21 (C) in the case of research reactors, convert  
22 such reactors to low-enriched uranium reactors; or

23 (D) upgrade the security of facilities that house  
24 such materials in order to meet stringent security

1 standards that are established for purposes of the  
2 program based upon agreed best practices.

3 (b) PROGRAM ON ACCELERATED DISPOSITION OF  
4 HEU AUTHORIZED.—(1) The Secretary of Energy may  
5 carry out a program to pursue with the Russian Federa-  
6 tion, and any other nation that possesses highly enriched  
7 uranium, options for blending such uranium so that the  
8 concentration of U-235 in such uranium is below 20 per-  
9 cent.

10 (2) The options pursued under paragraph (1) shall  
11 include expansion of the Material Consolidation and Con-  
12 version program of the Department of Energy to  
13 include—

14 (A) additional facilities for the blending of high-  
15 ly enriched uranium; and

16 (B) additional centralized secure storage facili-  
17 ties for highly enriched uranium designated for  
18 blending.

19 (c) INCENTIVES REGARDING HIGHLY ENRICHED  
20 URANIUM IN RUSSIA.—As part of the options pursued  
21 under subsection (b) with the Russian Federation, the  
22 Secretary may provide financial and other incentives for  
23 the removal of all highly enriched uranium from any par-  
24 ticular facility in the Russian Federation if the Secretary  
25 determines that such incentives will facilitate the consoli-

1 dation of highly enriched uranium in the Russian Federa-  
2 tion to the best-secured facilities.

3 (d) CONSTRUCTION WITH HEU DISPOSITION  
4 AGREEMENT.—Nothing in this section may be construed  
5 as terminating, modifying, or otherwise effecting require-  
6 ments for the disposition of highly enriched uranium  
7 under the Agreement Between the Government of the  
8 United States of America and the Government of the Rus-  
9 sian Federation Concerning the Disposition of Highly En-  
10 riched Uranium Extracted from Nuclear Weapons, signed  
11 at Washington on February 18, 1993.

12 (e) PRIORITY IN BLENDING ACTIVITIES.—In pur-  
13 suing options under this section, the Secretary shall give  
14 priority to the blending of highly enriched uranium from  
15 weapons, though highly enriched uranium from sources  
16 other than weapons may also be blended.

17 (f) TRANSFER OF HIGHLY ENRICHED URANIUM AND  
18 PLUTONIUM TO UNITED STATES.—(1) As part of the pro-  
19 gram under subsection (b), the Secretary may, upon the  
20 request of any nation—

21 (A) purchase highly enriched uranium or weap-  
22 ons grade plutonium from the nation at a price de-  
23 termined by the Secretary;

24 (B) transport any uranium or plutonium so  
25 purchased to the United States; and

1           (C) store any uranium or plutonium so trans-  
2           ported in the United States.

3           (2) The Secretary is not required to blend any highly  
4           enriched uranium purchased under paragraph (1)(A) in  
5           order to reduce the concentration of U-235 in such ura-  
6           nium to below 20 percent. Amounts authorized to be ap-  
7           propriated by subsection (m) may not be used for purposes  
8           of blending such uranium.

9           (g) **TRANSFER OF HIGHLY ENRICHED URANIUM TO**  
10          **RUSSIA.**—(1) As part of the program under subsection  
11          (b), the Secretary may encourage nations with highly en-  
12          riched uranium to transfer such uranium to the Russian  
13          Federation for disposition under this section.

14          (2) The Secretary may pay any nation that transfers  
15          highly enriched uranium to the Russian Federation under  
16          this subsection an amount determined appropriate by the  
17          Secretary.

18          (3) The Secretary may bear the cost of any blending  
19          and storage of uranium transferred to the Russian Fed-  
20          eration under this subsection, including any costs of blend-  
21          ing and storage under a contract under subsection (h).  
22          Any site selected for such storage shall have undergone  
23          complete materials protection, control, and accounting up-  
24          grades before the commencement of such storage.

1 (h) CONTRACTS FOR BLENDING AND STORAGE OF  
2 HIGHLY ENRICHED URANIUM IN RUSSIA.—(1) As part of  
3 the program under subsection (b), the Secretary may  
4 enter into one or more contracts with the Russian  
5 Federation—

6 (A) to blend in the Russian Federation highly  
7 enriched uranium of the Russian Federation and  
8 highly enriched uranium transferred to the Russian  
9 Federation under subsection (g); or

10 (B) to store in the Russian Federation highly  
11 enriched uranium before blending or the blended  
12 material.

13 (2) Any site selected for the storage of uranium or  
14 blended material under paragraph (1)(B) shall have un-  
15 dergone complete materials protection, control, and ac-  
16 counting upgrades before the commencement of such stor-  
17 age.

18 (i) LIMITATION ON RELEASE FOR SALE OF BLENDED  
19 URANIUM.—Uranium blended under this section may not  
20 be released for sale until the earlier of—

21 (1) January 1, 2014; or

22 (2) the date on which the Secretary certifies  
23 that such uranium can be absorbed into the global  
24 market without undue disruption to the uranium  
25 mining industry in the United States.

1           (j) PROCEEDS OF SALE OF URANIUM BLENDED BY  
2 RUSSIA.—Upon the sale by the Russian Federation of  
3 uranium blended under this section by the Russian Fed-  
4 eration, the Secretary may elect to receive from the pro-  
5 ceeds of such sale an amount not to exceed 75 percent  
6 of the costs incurred by the Department of Energy under  
7 subsections (c), (g), and (h).

8           (k) REPORT ON STATUS OF PROGRAM.—Not later  
9 than July 1, 2003, the Secretary shall submit to Congress  
10 a report on the status of the program carried out under  
11 the authority in subsection (b). The report shall include—

12                   (1) a description of international interest in the  
13           program;

14                   (2) schedules and operational details of the pro-  
15           gram; and

16                   (3) recommendations for future funding for the  
17           program.

18           (l) HIGHLY ENRICHED URANIUM DEFINED.—In this  
19 section, the term “highly enriched uranium” means ura-  
20 nium with a concentration of U-235 of 20 percent or  
21 more.

22           (m) AMOUNT FOR ACTIVITIES.—Of the amount to be  
23 appropriated by section 3102(2) for the Department of  
24 Energy for the National Nuclear Security Administration

1 for defense nuclear nonproliferation, up to \$40,000,000  
2 shall be available for carrying out this section.

3 **SEC. 3158. DISPOSITION OF PLUTONIUM IN RUSSIA.**

4 (a) NEGOTIATIONS WITH RUSSIAN FEDERATION.—

5 (1) The Secretary of Energy is encouraged to continue to  
6 support the Secretary of State in negotiations with the  
7 Ministry of Atomic Energy of the Russian Federation to  
8 finalize the plutonium disposition program of the Russian  
9 Federation (as established under the agreement described  
10 in subsection (b)).

11 (2) As part of the negotiations, the Secretary of En-  
12 ergy may consider providing additional funds to the Min-  
13 istry of Atomic Energy in order to reach a successful  
14 agreement.

15 (3) If such an agreement, meeting the requirements  
16 in subsection (c), is reached with the Ministry of Atomic  
17 Energy, which requires additional funds for the Russian  
18 work, the Secretary shall either seek authority to use  
19 funds available for another purpose, or request supple-  
20 mental appropriations, for such work.

21 (b) AGREEMENT.—The agreement referred to in sub-  
22 section (a) is the Agreement Between the Government of  
23 the United States of America and the Government of the  
24 Russian Federation Concerning the Management and Dis-  
25 position of Plutonium Designated As No Longer Required

1 For Defense Purposes and Related Cooperation, signed  
2 August 29, 2000, and September 1, 2000.

3 (c) REQUIREMENT FOR DISPOSITION PROGRAM.—

4 The plutonium disposition program under subsection  
5 (a)—

6 (1) shall include transparent verifiable steps;

7 (2) shall proceed at a rate approximately equiv-  
8 alent to the rate of the United States program for  
9 the disposition of plutonium;

10 (3) shall provide for cost-sharing among a vari-  
11 ety of countries;

12 (4) shall provide for contributions by the Rus-  
13 sian Federation;

14 (5) shall include steps over the near term to  
15 provide high confidence that the schedules for the  
16 disposition of plutonium of the Russian Federation  
17 will be achieved; and

18 (6) may include research on more speculative  
19 long-term options for the future disposition of the  
20 plutonium of the Russian Federation in addition to  
21 the near-term steps under paragraph (5).



1 **SEC. 3159. STRENGTHENED INTERNATIONAL SECURITY**  
2 **FOR NUCLEAR MATERIALS AND SAFETY AND**  
3 **SECURITY OF NUCLEAR OPERATIONS.**

4 (a) REPORT ON OPTIONS FOR INTERNATIONAL PRO-  
5 GRAM TO STRENGTHEN SECURITY AND SAFETY.—(1)  
6 Not later than 270 days after the date of the enactment  
7 of this Act, the Secretary of Energy shall submit to Con-  
8 gress a report on options for an international program to  
9 develop strengthened security for all nuclear materials and  
10 safety and security for current nuclear operations.

11 (2) The Secretary shall consult with the Office of Nu-  
12 clear Energy Science and Technology of the Department  
13 of Energy in the development of options for purposes of  
14 the report.

15 (3) In evaluating options for purposes of the report,  
16 the Secretary shall consult with the Nuclear Regulatory  
17 Commission and the International Atomic Energy Agency  
18 on the feasibility and advisability of actions to reduce the  
19 risks associated with terrorist attacks on nuclear power  
20 plants outside the United States.

21 (4) Each option for an international program under  
22 paragraph (1) may provide that the program is jointly led  
23 by the United States, the Russian Federation, and the  
24 International Atomic Energy Agency.

25 (5) The Secretary shall include with the report on  
26 options for an international program under paragraph (1)

1 a description and assessment of various management al-  
2 ternatives for the international program. If any option re-  
3 quires Federal funding or legislation to implement, the re-  
4 port shall also include recommendations for such funding  
5 or legislation, as the case may be.

6 (b) JOINT PROGRAMS WITH RUSSIA ON PROLIFERA-  
7 TION RESISTANT NUCLEAR ENERGY TECHNOLOGIES.—  
8 The Director of the Office of Nuclear Energy Science and  
9 Technology Energy shall, in coordination with the Sec-  
10 retary, pursue with the Ministry of Atomic Energy of the  
11 Russian Federation joint programs between the United  
12 States and the Russian Federation on the development of  
13 proliferation resistant nuclear energy technologies, includ-  
14 ing advanced fuel cycles.

15 (c) PARTICIPATION OF INTERNATIONAL TECHNICAL  
16 EXPERTS.—In developing options under subsection (a),  
17 the Secretary shall, in consultation with the Nuclear Regu-  
18 latory Commission, the Russian Federation, and the Inter-  
19 national Atomic Energy Agency, convene and consult with  
20 an appropriate group of international technical experts on  
21 the development of various options for technologies to pro-  
22 vide strengthened security for nuclear materials and safety  
23 and security for current nuclear operations, including the  
24 implementation of such options.

1 (d) ASSISTANCE REGARDING HOSTILE INSIDERS AND  
2 AIRCRAFT IMPACTS.—(1) The Secretary may, utilizing ap-  
3 propriate expertise of the Department of Energy and the  
4 Nuclear Regulatory Commission, provide assistance to nu-  
5 clear facilities abroad on the interdiction of hostile insiders  
6 at such facilities in order to prevent incidents arising from  
7 the disablement of the vital systems of such facilities.

8 (2) The Secretary may carry out a joint program with  
9 the Russian Federation and other countries to address  
10 and mitigate concerns on the impact of aircraft with nu-  
11 clear facilities in such countries.

12 (e) ASSISTANCE TO IAEA IN STRENGTHENING  
13 INTERNATIONAL NUCLEAR SAFETY AND SECURITY.—The  
14 Secretary may expand and accelerate the programs of the  
15 Department of Energy to support the International Atom-  
16 ic Energy Agency in strengthening international nuclear  
17 safety and security.

18 (f) AMOUNT FOR ACTIVITIES.—Of the amount au-  
19 thorized to be appropriated by section 3102(2) for the De-  
20 partment of Energy for the National Nuclear Security Ad-  
21 ministration for defense nuclear nonproliferation, up to  
22 \$35,000,000 shall be available for carrying out this section  
23 as follows:

24 (1) For activities under subsections (a) through  
25 (d), \$20,000,000, of which—

1 (A) \$5,000,000 shall be available for sabo-  
2 tage protection for nuclear power plants and  
3 other nuclear facilities abroad; and

4 (B) \$10,000,000 shall be available for de-  
5 velopment of proliferation resistant nuclear en-  
6 ergy technologies under subsection (b).

7 (2) For activities under subsection (e),  
8 \$15,000,000.

9 **SEC. 3160. EXPORT CONTROL PROGRAMS.**

10 (a) **AUTHORITY TO PURSUE OPTIONS FOR**  
11 **STRENGTHENING EXPORT CONTROL PROGRAMS.**—The  
12 Secretary of Energy may pursue in the former Soviet  
13 Union and other regions of concern, principally in South  
14 Asia, the Middle East, and the Far East, options for accel-  
15 erating programs that assist countries in such regions in  
16 improving their domestic export control programs for ma-  
17 terials, technologies, and expertise relevant to the con-  
18 struction or use of a nuclear or radiological dispersal de-  
19 vice.

20 (b) **AMOUNT FOR ACTIVITIES.**—Of the amount au-  
21 thorized to be appropriated by section 3102(2) for the De-  
22 partment of Energy for the National Nuclear Security Ad-  
23 ministration for defense nuclear nonproliferation, up to  
24 \$5,000,000 shall be available for carrying out this section.

1 **SEC. 3161. IMPROVEMENTS TO NUCLEAR MATERIALS PRO-**  
2 **TECTION, CONTROL, AND ACCOUNTING PRO-**  
3 **GRAM OF THE RUSSIAN FEDERATION.**

4 (a) **REVISED FOCUS FOR PROGRAM.**—(1) The Sec-  
5 retary of Energy shall work cooperatively with the Russian  
6 Federation to update and improve the Joint Action Plan  
7 for the Materials Protection, Control, and Accounting pro-  
8 grams of the Department and the Russian Federation  
9 Ministry of Atomic Energy.

10 (2) The updated plan shall shift the focus of the up-  
11 grades of the nuclear materials protection, control, and ac-  
12 counting program of the Russian Federation in order to  
13 assist the Russian Federation in achieving, as soon as  
14 practicable but not later than January 1, 2012, a sustain-  
15 able nuclear materials protection, control, and accounting  
16 system for the nuclear materials of the Russian Federa-  
17 tion that is supported solely by the Russian Federation.

18 (b) **PACE OF PROGRAM.**—The Secretary shall work  
19 with the Russian Federation, including applicable insti-  
20 tutes in Russia, to pursue acceleration of the nuclear ma-  
21 terials protection, control, and accounting programs at nu-  
22 clear defense facilities in the Russian Federation.

23 (c) **TRANSPARENCY OF PROGRAM.**—The Secretary  
24 shall work with the Russian Federation to identify various  
25 alternatives to provide the United States adequate trans-  
26 parency in the nuclear materials protection, control, and

1 accounting program of the Russian Federation to assure  
2 that such program is meeting applicable goals for nuclear  
3 materials protection, control, and accounting.

4 (d) SENSE OF CONGRESS.—In furtherance of the ac-  
5 tivities required under this section, it is the sense of Con-  
6 gress the Secretary should—

7 (1) enhance the partnership with the Russian  
8 Ministry of Atomic Energy in order to increase the  
9 pace and effectiveness of nuclear materials account-  
10 ing and security activities at facilities in the Russian  
11 Federation, including serial production enterprises;  
12 and

13 (2) clearly identify the assistance required by  
14 the Russian Federation, the contributions antici-  
15 pated from the Russian Federation, and the trans-  
16 parency milestones that can be used to assess  
17 progress in meeting the requirements of this section.

18 **SEC. 3162. COMPREHENSIVE ANNUAL REPORT TO CON-**  
19 **GRESS ON COORDINATION AND INTEGRA-**  
20 **TION OF ALL UNITED STATES NON-**  
21 **PROLIFERATION ACTIVITIES.**

22 Section 1205 of the National Defense Authorization  
23 Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.  
24 1247) is amended by adding at the end the following new  
25 subsection:

1       “(d) ANNUAL REPORT ON IMPLEMENTATION OF  
2 PLAN.—(1) Not later than January 31, 2003, and each  
3 year thereafter, the President shall submit to Congress a  
4 report on the implementation of the plan required by sub-  
5 section (a) during the preceding year.

6       “(2) Each report under paragraph (1) shall include—

7           “(A) a discussion of progress made during the  
8 year covered by such report in the matters of the  
9 plan required by subsection (a);

10          “(B) a discussion of consultations with foreign  
11 nations, and in particular the Russian Federation,  
12 during such year on joint programs to implement  
13 the plan;

14          “(C) a discussion of cooperation, coordination,  
15 and integration during such year in the implementa-  
16 tion of the plan among the various departments and  
17 agencies of the United States Government, as well  
18 as private entities that share objectives similar to  
19 the objectives of the plan; and

20          “(D) any recommendations that the President  
21 considers appropriate regarding modifications to law  
22 or regulations, or to the administration or organiza-  
23 tion of any Federal department or agency, in order  
24 to improve the effectiveness of any programs carried

1 out during such year in the implementation of the  
2 plan.”.

3 **SEC. 3163. UTILIZATION OF DEPARTMENT OF ENERGY NA-**  
4 **TIONAL LABORATORIES AND SITES IN SUP-**  
5 **PORT OF COUNTERTERRORISM AND HOME-**  
6 **LAND SECURITY ACTIVITIES.**

7 (a) AGENCIES AS JOINT SPONSORS OF LABORA-  
8 TORIES FOR WORK ON ACTIVITIES.—Each department or  
9 agency of the Federal Government, or of a State or local  
10 government, that carries out work on counterterrorism  
11 and homeland security activities at a Department of En-  
12 ergy national laboratory may be a joint sponsor, under a  
13 multiple agency sponsorship arrangement with the De-  
14 partment, of such laboratory in the performance of such  
15 work.

16 (b) AGENCIES AS JOINT SPONSORS OF SITES FOR  
17 WORK ON ACTIVITIES.—Each department or agency of  
18 the Federal Government, or of a State or local govern-  
19 ment, that carries out work on counterterrorism and  
20 homeland security activities at a Department of Energy  
21 site may be a joint sponsor of such site in the performance  
22 of such work as if such site were a federally funded re-  
23 search and development center and such work were per-  
24 formed under a multiple agency sponsorship arrangement  
25 with the Department.



1           (c) PRIMARY SPONSORSHIP.—The Department of  
2 Energy shall be the primary sponsor under a multiple  
3 agency sponsorship arrangement required under sub-  
4 section (a) or (b).

5           (d) WORK.—(1) The Administrator for Nuclear Secu-  
6 rity shall act as the lead agent in coordinating the forma-  
7 tion and performance of a joint sponsorship agreement be-  
8 tween a requesting agency and a Department of Energy  
9 national laboratory or site for work on counterterrorism  
10 and homeland security.

11          (2) A request for work may not be submitted to a  
12 national laboratory or site under this section unless ap-  
13 proved in advance by the Administrator.

14          (3) Any work performed by a national laboratory or  
15 site under this section shall comply with the policy on the  
16 use of federally funded research and development centers  
17 under section 35.017(a)(4) of the Federal Acquisition  
18 Regulation.

19          (4) The Administrator shall ensure that the work of  
20 a national laboratory or site requested under this section  
21 is performed expeditiously and to the satisfaction of the  
22 head of the department or agency submitting the request.

23           (e) FUNDING.—(1) Subject to paragraph (2), a joint  
24 sponsor of a Department of Energy national laboratory  
25 or site under this section shall provide funds for work of

1 such national laboratory or site, as the case may be, under  
2 this section under the same terms and conditions as apply  
3 to the primary sponsor of such national laboratory under  
4 section 303(b)(1)(C) of the Federal Property and Admin-  
5 istrative Services Act of 1949 (41 U.S.C. 253(b)(1)(C))  
6 or of such site to the extent such section applies to such  
7 site as a federally funded research and development center  
8 by reason of subsection (b).

9 (2) The total amount of funds provided a national  
10 laboratory or site in a fiscal year under this subsection  
11 by joint sponsors other than the Department of Energy  
12 shall not exceed an amount equal to 25 percent of the total  
13 funds provided such national laboratory or site, as the case  
14 may be, in such fiscal year from all sources.

## 15 **Subtitle E—Other Matters**

### 16 **SEC. 3171. INDEMNIFICATION OF DEPARTMENT OF ENERGY** 17 **CONTRACTORS.**

18 Section 170d.(1)(A) of the Atomic Energy Act of  
19 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking  
20 “until August 1, 2002,” and inserting “until August 1,  
21 2012”.

1 **SEC. 3172. WORKER HEALTH AND SAFETY RULES FOR DE-**  
2 **PARTMENT OF ENERGY FACILITIES.**

3 The Atomic Energy Act of 1954 is amended by in-  
4 serting after section 234B (42 U.S.C. 2282b) the fol-  
5 lowing:

6 **“SEC. 234C. WORKER HEALTH AND SAFETY RULES FOR DE-**  
7 **PARTMENT OF ENERGY NUCLEAR FACILI-**  
8 **TIES.**

9 “(a) PERSONS SUBJECT TO PENALTY.—

10 “(1) CIVIL PENALTY.—

11 “(A) IN GENERAL.—A person (or any sub-  
12 contractor or supplier of the person) who has  
13 entered into an agreement of indemnification  
14 under section 2210(d) (or any subcontractor or  
15 supplier of the person) that violates (or is the  
16 employer of a person that violates) Department  
17 of Energy Order No. 440.1A (1998), or any  
18 rule or regulation relating to industrial or con-  
19 struction health and safety promulgated by the  
20 Secretary of Energy (referred to in this section  
21 as the “Secretary”) after public notice and op-  
22 portunity for comment under section 553 of  
23 title 5, United States Code (commonly known  
24 as the ‘Administrative Procedure Act’), shall be  
25 subject to a civil penalty of not more than  
26 \$100,000 for each such violation.

1           “(B) CONTINUING VIOLATIONS.—If any  
2 violation under this subsection is a continuing  
3 violation, each day of the violation shall con-  
4 stitute a separate violation for the purpose of  
5 computing the civil penalty under subparagraph  
6 (A).

7           “(2) REGULATIONS.—

8           “(A) IN GENERAL.—Not later than 270  
9 days after the date of enactment of this section,  
10 the Secretary shall promulgate regulations for  
11 industrial and construction health and safety  
12 that incorporate the provisions and require-  
13 ments contained in Department of Energy  
14 Order No. 440.1A (1998).

15           “(B) EFFECTIVE DATE.—The regulations  
16 promulgated under subparagraph (A) shall take  
17 effect on the date that is 1 year after the pro-  
18 mulgation date of the regulations.

19           “(3) VARIANCES OR EXEMPTIONS.—

20           “(A) IN GENERAL.—The Secretary may  
21 provide in the regulations promulgated under  
22 paragraph (2) a procedure for granting  
23 variances or exemptions to the extent necessary  
24 to avoid serious impairment of the national se-  
25 curity of the United States.

1           “(B) DETERMINATION.—In determining  
2 whether to provide a variance or exemption  
3 under subparagraph (A), the Secretary of En-  
4 ergy shall assess—

5           “(i) the impact on national security of  
6 not providing a variance or exemption; and

7           “(ii) the benefits or detriments to  
8 worker health and safety of providing a  
9 variance or exemption.

10          “(C) PROCEDURE.—Before granting a  
11 variance or exemption, the Secretary of Energy  
12 shall—

13           “(i) notify affected employees;

14           “(ii) provide an opportunity for a  
15 hearing on the record; and

16           “(iii) notify Congress of any deter-  
17 mination to grant a variance at least 60  
18 days before the proposed effective date of  
19 the variance or exemption.

20          “(4) APPLICABILITY.—This subsection does not  
21 apply to any facility that is a component of, or any  
22 activity conducted under, the Naval Nuclear Propul-  
23 sion Program.

24          “(5) ENFORCEMENT GUIDANCE ON STRUC-  
25 TURES TO BE DISPOSED OF.—

1           “(A) IN GENERAL.—In enforcing the regu-  
2           lations under paragraph (2), the Secretary of  
3           Energy shall, on a case-by-case basis, evaluate  
4           whether a building, facility, structure, or im-  
5           provement of the Department of Energy that is  
6           permanently closed and that is expected to be  
7           demolished, or title to which is expected to be  
8           transferred to another entity for reuse, should  
9           undergo major retrofitting to comply with spe-  
10          cific general industry standards.

11          “(B) NO EFFECT ON HEALTH AND SAFETY  
12          ENFORCEMENT.—This subsection does not di-  
13          minish or otherwise affect—

14                 “(i) the enforcement of any worker  
15                 health and safety regulations under this  
16                 section with respect to the surveillance and  
17                 maintenance or decontamination, decom-  
18                 missioning, or demolition of buildings, fa-  
19                 cilities, structures, or improvements; or

20                 “(ii) the application of any other law  
21                 (including regulations), order, or contrac-  
22                 tual obligation.

23          “(b) CONTRACT PENALTIES.—

24                 “(1) IN GENERAL.—The Secretary shall include  
25                 in each contract with a contractor of the Depart-

1       ment provisions that provide an appropriate reduc-  
2       tion in the fees or amounts paid to the contractor  
3       under the contract in the event of a violation by the  
4       contractor or contractor employee of any regulation  
5       or order relating to industrial or construction health  
6       and safety.

7               “(2) CONTENTS.—The provisions shall specify  
8       various degrees of violations and the amount of the  
9       reduction attributable to each degree of violation.

10              “(c) POWERS AND LIMITATIONS.—The powers and  
11       limitations applicable to the assessment of civil penalties  
12       under section 234A, except for subsection (d) of that sec-  
13       tion, shall apply to the assessment of civil penalties under  
14       this section.

15              “(d) TOTAL AMOUNT OF PENALTIES.—In the case  
16       of an entity described in subsection (d) of section 234A,  
17       the total amount of civil penalties under subsection (a)  
18       or under subsection (a) of section 234B in a fiscal year  
19       may not exceed the total amount of fees paid by the De-  
20       partment of Energy to that entity in that fiscal year.”.

21       **SEC. 3173. ONE-YEAR EXTENSION OF AUTHORITY OF DE-**  
22                               **PARTMENT OF ENERGY TO PAY VOLUNTARY**  
23                               **SEPARATION INCENTIVE PAYMENTS.**

24              (a) IN GENERAL.—Section 3161(a) of the National  
25       Defense Authorization Act for Fiscal Year 2000 (Public

1 Law 106–65; 5 U.S.C. 5597 note) is amended by striking  
2 “January 1, 2004” and inserting “January 1, 2005”.

3 (b) CONSTRUCTION.—The amendment made by sub-  
4 section (a) may be superseded by another provision of law  
5 that takes effect after the date of the enactment of this  
6 Act, and before January 1, 2004, establishing a uniform  
7 system for providing voluntary separation incentives (in-  
8 cluding a system for requiring approval of plans by the  
9 Office of Management and Budget) for employees of the  
10 Federal Government.

11 **SEC. 3174. SUPPORT FOR PUBLIC EDUCATION IN THE VI-**  
12 **CINITY OF LOS ALAMOS NATIONAL LABORA-**  
13 **TORY, NEW MEXICO.**

14 (a) SUPPORT FOR FISCAL YEAR 2003.—From  
15 amounts authorized to be appropriated to the Secretary  
16 of Energy by this title, \$6,900,000 shall be available for  
17 payment by the Secretary for fiscal year 2003 to the Los  
18 Alamos National Laboratory Foundation, a not-for-profit  
19 foundation chartered in accordance with section 3167(a)  
20 of the National Defense Authorization Act for Fiscal Year  
21 1998 (Public Law 105–85; 111 Stat. 2052).

22 (b) USE OF FUNDS.—The foundation referred to in  
23 subsection (a) shall—



1           (1) utilize funds provided under this section as  
2           a contribution to the endowment fund for the foun-  
3           dation; and

4           (2) use the income generated from investments  
5           in the endowment fund that are attributable to the  
6           payment made under this section to fund programs  
7           to support the educational needs of children in the  
8           public schools in the vicinity of Los Alamos National  
9           Laboratory, New Mexico.

10          (c) REPEAL OF SUPERSEDED AUTHORITY AND  
11          MODIFICATION OF AUTHORITY TO EXTEND CONTRACT.—

12          (1) Subsection (b) of section 3136 of the National Defense  
13          Authorization Act for Fiscal Year 2002 (Public Law 107–  
14          107; 115 Stat. 1368) is amended to read as follows:

15                 “(b) SUPPORT FOR FISCAL YEARS 2003 THROUGH  
16          2013.—Subject to the availability of appropriations, the  
17          Secretary may provide for a contract extension through  
18          fiscal year 2013 similar to the contract extension referred  
19          to in subsection (a)(2).”.

20          (2) The amendment made by paragraph (1) shall  
21          take effect on October 1, 2002.

1 **Subtitle F—Disposition of Weap-**  
2 **ons-Usable Plutonium at Savan-**  
3 **nah River, South Carolina**

4 **SEC. 3181. FINDINGS.**

5 Congress makes the following findings:

6 (1) In September 2000, the United States and  
7 the Russian Federation signed a Plutonium Manage-  
8 ment and Disposition Agreement by which each  
9 agreed to dispose of 34 metric tons of weapons-  
10 grade plutonium.

11 (2) The agreement with Russia is a significant  
12 step toward safeguarding nuclear materials and pre-  
13 venting their diversion to rogue states and terrorists.

14 (3) The Department of Energy plans to dispose  
15 of 34 metric tons of weapons-grade plutonium in the  
16 United States before the end of 2019 by converting  
17 the plutonium to a mixed-oxide fuel to be used in  
18 commercial nuclear power reactors.

19 (4) The Department has formulated a plan for  
20 implementing the agreement with Russia through  
21 construction of a mixed-oxide fuel fabrication facil-  
22 ity, the so-called MOX facility, and a pit disassembly  
23 and conversion facility at the Savannah River Site,  
24 Aiken, South Carolina.

1           (5) The United States and the State of South  
2           Carolina have a compelling interest in the safe,  
3           proper, and efficient operation of the plutonium dis-  
4           position facilities at the Savannah River Site. The  
5           MOX facility will also be economically beneficial to  
6           the State of South Carolina, and that economic ben-  
7           efit will not be fully realized unless the MOX facility  
8           is built.

9           (6) The State of South Carolina desires to en-  
10          sure that all plutonium transferred to the State of  
11          South Carolina is stored safely; that the full benefits  
12          of the MOX facility are realized as soon as possible;  
13          and, specifically, that all defense plutonium or de-  
14          fense plutonium materials transferred to the Savan-  
15          nah River Site either be processed or be removed ex-  
16          peditiously.

17 **SEC. 3182. DISPOSITION OF WEAPONS-USABLE PLUTONIUM**  
18 **AT SAVANNAH RIVER SITE.**

19          (a) PLAN FOR CONSTRUCTION AND OPERATION OF  
20 MOX FACILITY.—(1) Not later than February 1, 2003,  
21 the Secretary of Energy shall submit to Congress a plan  
22 for the construction and operation of the MOX facility at  
23 the Savannah River Site, Aiken, South Carolina.

24          (2) The plan under paragraph (1) shall include—

1           (A) a schedule for construction and operations  
2           so as to achieve, as of January 1, 2009, and there-  
3           after, the MOX production objective, and to produce  
4           1 metric ton of mixed oxide fuel by December 31,  
5           2009; and

6           (B) a schedule of operations of the MOX facil-  
7           ity designed so that 34 metric tons of defense pluto-  
8           nium and defense plutonium materials at the Savan-  
9           nah River Site will be processed into mixed oxide  
10          fuel by January 1, 2019.

11          (3)(A) Not later than February 15 each year, begin-  
12          ning in 2004 and continuing for as long as the MOX facil-  
13          ity is in use, the Secretary shall submit to Congress a re-  
14          port on the implementation of the plan required by para-  
15          graph (1).

16          (B) Each report under subparagraph (A) for years  
17          before 2010 shall include—

18               (i) an assessment of compliance with the sched-  
19               ules included with the plan under paragraph (2);  
20               and

21               (ii) a certification by the Secretary whether or  
22               not the MOX production objective can be met by  
23               January 2009.

24          (C) Each report under subparagraph (A) for years  
25          after 2009 shall—

1 (i) address whether the MOX production objec-  
2 tive has been met; and

3 (ii) assess progress toward meeting the obliga-  
4 tions of the United States under the Plutonium  
5 Management and Disposition Agreement.

6 (D) For years after 2017, each report under subpara-  
7 graph (A) shall also include an assessment of compliance  
8 with the MOX production objective and, if not in compli-  
9 ance, the plan of the Secretary for achieving one of the  
10 following:

11 (i) Compliance with such objective.

12 (ii) Removal of all remaining defense plutonium  
13 and defense plutonium materials from the State of  
14 South Carolina.

15 (b) CORRECTIVE ACTIONS.—(1) If a report under  
16 subsection (a)(3) indicates that construction or operation  
17 of the MOX facility is behind the applicable schedule  
18 under subsection (a)(2) by 12 months or more, the Sec-  
19 retary shall submit to Congress, not later than August 15  
20 of the year in which such report is submitted, a plan for  
21 corrective actions to be implemented by the Secretary to  
22 ensure that the MOX facility project is capable of meeting  
23 the MOX production objective by January 1, 2009.

24 (2) If a plan is submitted under paragraph (1) in any  
25 year after 2008, the plan shall include corrective actions

1 to be implemented by the Secretary to ensure that the  
2 MOX production objective is met.

3 (3) Any plan for corrective actions under paragraph  
4 (1) or (2) shall include established milestones under such  
5 plan for achieving compliance with the MOX production  
6 objective.

7 (4) If, before January 1, 2009, the Secretary deter-  
8 mines that there is a substantial and material risk that  
9 the MOX production objective will not be achieved by  
10 2009 because of a failure to achieve milestones set forth  
11 in the most recent corrective action plan under this sub-  
12 section, the Secretary shall suspend further transfers of  
13 defense plutonium and defense plutonium materials to be  
14 processed by the MOX facility until such risk is addressed  
15 and the Secretary certifies that the MOX production ob-  
16 jective can be met by 2009.

17 (5) If, after January 1, 2009, the Secretary deter-  
18 mines that the MOX production objective has not been  
19 achieved because of a failure to achieve milestones set  
20 forth in the most recent corrective action plan under this  
21 subsection, the Secretary shall suspend further transfers  
22 of defense plutonium and defense plutonium materials to  
23 be processed by the MOX facility until the Secretary cer-  
24 tifies that the MOX production objective can be met by  
25 2009.

1           (6)(A) Upon making a determination under para-  
2 graph (4) or (5), the Secretary shall submit to Congress  
3 a report on the options for removing from the State of  
4 South Carolina an amount of defense plutonium or de-  
5 fense plutonium materials equal to the amount of defense  
6 plutonium or defense plutonium materials transferred to  
7 the State of South Carolina after April 15, 2002.

8           (B) Each report under subparagraph (A) shall in-  
9 clude an analysis of each option set forth in the report,  
10 including the cost and schedule for implementation of such  
11 option, and any requirements under the National Environ-  
12 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) relat-  
13 ing to consideration or selection of such option.

14           (C) Upon submittal of a report under paragraph (A),  
15 the Secretary shall commence any analysis that may be  
16 required under the National Environmental Policy Act of  
17 1969 in order to select among the options set forth in the  
18 report.

19           (c) CONTINGENT REQUIREMENT FOR REMOVAL OF  
20 PLUTONIUM AND MATERIALS FROM SAVANNAH RIVER  
21 SITE.—If the MOX production objective is not achieved  
22 as of January 1, 2009, the Secretary shall, consistent with  
23 the National Environmental Policy Act of 1969 and other  
24 applicable laws, remove from the State of South Carolina,  
25 for storage or disposal elsewhere—

1           (1) not later than January 1, 2011, not less  
2 than 1 metric ton of defense plutonium or defense  
3 plutonium materials; and

4           (2) not later than January 1, 2017, an amount  
5 of defense plutonium or defense plutonium materials  
6 equal to the amount of defense plutonium or defense  
7 plutonium materials transferred to the Savannah  
8 River Site between April 15, 2002 and January 1,  
9 2017, but not processed by the MOX facility.

10       (d) ECONOMIC AND IMPACT ASSISTANCE.—(1) If the  
11 MOX production objective is not achieved as of January  
12 1, 2011, the Secretary shall pay to the State of South  
13 Carolina each year beginning on or after that date through  
14 2016 for economic and impact assistance an amount equal  
15 to \$1,000,000 per day until the later of—

16           (A) the passage of 100 days in such year;

17           (B) the MOX production objective is achieved  
18 in such year; or

19           (C) the Secretary has removed from the State  
20 of South Carolina in such year at least 1 metric ton  
21 of defense plutonium or defense plutonium mate-  
22 rials.

23       (2)(A) If the MOX production objective is not  
24 achieved as of January 1, 2017, the Secretary shall pay  
25 to the State of South Carolina each year beginning on or



1 after that date through 2024 for economic and impact as-  
2 sistance an amount equal to \$1,000,000 per day until the  
3 later of—

4 (i) the passage of 100 days in such year;

5 (ii) the MOX production objective is achieved in  
6 such year; or

7 (iii) the Secretary has removed from the State  
8 of South Carolina an amount of defense plutonium  
9 or defense plutonium materials equal to the amount  
10 of defense plutonium or defense plutonium materials  
11 transferred to the Savannah River Site between  
12 April 15, 2002 and January 1, 2017, but not proc-  
13 essed by the MOX facility.

14 (B) Nothing in this paragraph may be construed to  
15 terminate, supersede, or otherwise affect any other re-  
16 quirements of this section.

17 (3) The Secretary shall make payments, if any, under  
18 this subsection, from amounts authorized to be appro-  
19 priated to the Department of Energy.

20 (4) If the State of South Carolina obtains an injunc-  
21 tion that prohibits the Department from taking any action  
22 necessary for the Department to meet any deadline speci-  
23 fied by this subsection, that deadline shall be extended for  
24 a period of time equal to the period of time during which  
25 the injunction is in effect.

1 (e) FAILURE TO COMPLETE PLANNED DISPOSITION  
2 PROGRAM.—If on July 1 each year beginning in 2020 and  
3 continuing for as long as the MOX facility is in use, less  
4 than 34 metric tons of defense plutonium or defense pluto-  
5 nium materials have been processed by the MOX facility,  
6 the Secretary shall submit to Congress a plan for—

7 (1) completing the processing of 34 metric tons  
8 of defense plutonium and defense plutonium mate-  
9 rial by the MOX facility; or

10 (2) removing from the State of South Carolina  
11 an amount of defense plutonium or defense pluto-  
12 nium materials equal to the amount of defense plu-  
13 tonium or defense plutonium materials transferred  
14 to the Savannah River Site after April 15, 2002, but  
15 not processed by the MOX facility.

16 (f) REMOVAL OF MIXED-OXIDE FUEL UPON COM-  
17 PLETION OF OPERATIONS OF MOX FACILITY.—If, one  
18 year after the date on which operation of the MOX facility  
19 permanently ceases any mixed-oxide fuel remains at the  
20 Savannah River Site, the Secretary shall submit to  
21 Congress—

22 (1) a report on when such fuel will be trans-  
23 ferred for use in commercial nuclear reactors; or

24 (2) a plan for removing such fuel from the  
25 State of South Carolina.

1 (g) DEFINITIONS.—In this section:

2 (1) MOX PRODUCTION OBJECTIVE.—The term  
3 “MOX production objective” means production at  
4 the MOX facility of mixed-oxide fuel from defense  
5 plutonium and defense plutonium materials at an  
6 average rate equivalent to not less than one metric  
7 ton of mixed-oxide fuel per year. The average rate  
8 shall be determined by measuring production at the  
9 MOX facility from the date the facility is declared  
10 operational to the Nuclear Regulatory Commission  
11 through the date of assessment.

12 (2) MOX FACILITY.—The term “MOX facility”  
13 means the mixed-oxide fuel fabrication facility at the  
14 Savannah River Site, Aiken, South Carolina.

15 (3) DEFENSE PLUTONIUM; DEFENSE PLUTO-  
16 NIUM MATERIALS.—The terms “defense-plutonium”  
17 and “defense plutonium materials” mean weapons-  
18 usable plutonium.

19 **SEC. 3183. STUDY OF FACILITIES FOR STORAGE OF PLUTO-**  
20 **NIUM AND PLUTONIUM MATERIALS AT SA-**  
21 **VANNAH RIVER SITE.**

22 (a) STUDY.—The Defense Nuclear Facilities Safety  
23 Board shall conduct a study of the adequacy of K-Area  
24 Materials Storage facility (KAMS), and related support  
25 facilities such as Building 235-F, at the Savannah River

1 Site, Aiken, South Carolina, for the storage of defense plu-  
2 tonium and defense plutonium materials in connection  
3 with the disposition program provided in section 3182 and  
4 in connection with the amended Record of Decision of the  
5 Department of Energy for fissile materials disposition.

6 (b) REPORT.—Not later than one year after the date  
7 of enactment of this Act, the Defense Nuclear Facilities  
8 Safety Board shall submit to Congress and the Secretary  
9 of Energy a report on the study conducted under sub-  
10 section (a).

11 (c) REPORT ELEMENTS.—The report under sub-  
12 section (b) shall—

13 (1) address—

14 (A) the suitability of KAMS and related  
15 support facilities for monitoring and observing  
16 any defense plutonium or defense plutonium  
17 materials stored in KAMS;

18 (B) the adequacy of the provisions made  
19 by the Department for remote monitoring of  
20 such defense plutonium and defense plutonium  
21 materials by way of sensors and for handling of  
22 retrieval of such defense plutonium and defense  
23 plutonium materials; and

24 (C) the adequacy of KAMS should such  
25 defense plutonium and defense plutonium mate-

1           rials continue to be stored at KAMS after  
2           2019; and

3           (2) include such recommendations as the De-  
4           fense Nuclear Facilities Safety Board considers ap-  
5           propriate to enhance the safety, reliability, and  
6           functionality of KAMS.

7           (d) REPORTS ON ACTIONS ON RECOMMENDA-  
8           TIONS.—Not later than 6 months after the date on which  
9           the report under subsection (b) is submitted to Congress,  
10          and every year thereafter, the Secretary and the Board  
11          shall each submit to Congress a report on the actions  
12          taken by the Secretary in response to the recommenda-  
13          tions, if any, included in the report.

14       **TITLE       XXXII—DEFENSE       NU-**  
15       **CLEAR   FACILITIES   SAFETY**  
16       **BOARD**

17       **SEC. 3201. AUTHORIZATION.**

18          There are authorized to be appropriated for fiscal  
19          year 2003, \$19,494,000 for the operation of the Defense  
20          Nuclear Facilities Safety Board under chapter 21 of the  
21          Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

1 **SEC. 3202. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
2 **FORMERLY USED SITES REMEDIAL ACTION**  
3 **PROGRAM OF THE CORPS OF ENGINEERS.**

4 There is hereby authorized to be appropriated for fis-  
5 cal year 2003 for the Department of the Army,  
6 \$140,000,000 for the formerly used sites remedial action  
7 program of the Corps of Engineers.

Passed the Senate June 27, 2002.

Attest:

*Secretary.*

107TH CONGRESS  
2D SESSION

**S. 2514**

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**AN ACT**

To authorize appropriations for fiscal year 2003 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.