

Calendar No. 503108TH CONGRESS
2^D SESSION**S. 2400****[Report No. 108-260]**

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2004

Mr. WARNER, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Defense Au-
3 thorization Act for Fiscal Year 2005”.

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

6 (a) DIVISIONS.—This Act is organized into three divi-
7 sions as follows:

8 (1) Division A—Department of Defense Au-
9 thorizations.

10 (2) Division B—Military Construction Author-
11 izations.

12 (3) Division C—Department of Energy Na-
13 tional Security Authorizations and Other Authoriza-
14 tions.

15 (b) TABLE OF CONTENTS.—The table of contents for
16 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.

DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Subtitle B—Army Programs

Sec. 111. Light utility helicopter program.

Sec. 112. Authorization of appropriations for up-armored high mobility multi-
purpose wheeled vehicles or wheeled vehicle ballistic add-on
armor protection.

Subtitle C—Navy Programs

- Sec. 121. LHA(R) amphibious assault ship program.
- Sec. 122. Multiyear procurement authority for the light weight 155-millimeter howitzer program.
- Sec. 123. Pilot program for flexible funding of submarine engineered refueling overhaul and conversion.

Subtitle D—Air Force Programs

- Sec. 131. Prohibition of retirement of KC-135E aircraft.
- Sec. 132. Prohibition of retirement of F-117 aircraft.

Subtitle E—Other Matters

- Sec. 141. Report on options for acquisition of precision-guided munitions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. DD(X)-class destroyer program.
- Sec. 212. Global Positioning System III satellite.
- Sec. 213. Initiation of concept demonstration of Global Hawk high altitude endurance unmanned aerial vehicle.
- Sec. 214. Joint Unmanned Combat Air Systems program.
- Sec. 215. Joint Strike Fighter Aircraft program.
- Sec. 216. Joint experimentation.

Subtitle C—Ballistic Missile Defense

- Sec. 221. Fielding of ballistic missile defense capabilities.
- Sec. 222. Patriot Advance Capability-3 and Medium Extended Air Defense System.
- Sec. 223. Comptroller General assessments of ballistic missile defense programs.

Subtitle D—Other Matters

- Sec. 231. Annual report on submarine technology insertion.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Other Department of Defense programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 311. Commander's Emergency Response Program.

Sec. 312. Limitation on transfers out of working capital funds.

Subtitle C—Environmental Provisions

- Sec. 321. Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program.
- Sec. 322. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
- Sec. 323. Satisfaction of certain audit requirements by the Inspector General of the Department of Defense.
- Sec. 324. Comptroller General study and report on drinking water contamination and related health effects at Camp Lejeune, North Carolina.
- Sec. 325. Increase in authorized amount of environmental remediation, Front Royal, Virginia.

Subtitle D—Depot-Level Maintenance and Repair

- Sec. 331. Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads.
- Sec. 332. Repeal of requirement for annual report on management of depot employees.
- Sec. 333. Extension of special treatment for certain expenditures incurred in the operation of centers of industrial and technical excellence.

Subtitle E—Extensions of Program Authorities

- Sec. 341. Two-year extension of Department of Defense telecommunications benefit.
- Sec. 342. Two-year extension of Arsenal Support Program Initiative.
- Sec. 343. Reauthorization of warranty claims recovery pilot program.

Subtitle F—Defense Dependents Education

- Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 352. Impact aid for children with severe disabilities.

Subtitle G—Other Matters

- Sec. 361. Charges for Defense Logistics Information Services materials.
- Sec. 362. Temporary authority for contractor performance of security-guard functions.
- Sec. 363. Pilot program for purchase of certain municipal services for Department of Defense installations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Additional authority for increases of Army active duty personnel end strengths for fiscal years 2005 through 2009.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.

- Sec. 412. End strengths for Reserves on active duty in support of the reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Fiscal year 2005 limitations on non-dual status technicians.
- Sec. 415. Authorized strengths for Marine Corps Reserve officers in active status in grades below general officer.

Subtitle C—Authorizations of Appropriations

- Sec. 421. Authorization of appropriations for military personnel.
- Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Joint Officer Personnel Management

- Sec. 501. Modification of conditions of eligibility for waiver of joint duty credit requirement for promotion to general or flag officer.
- Sec. 502. Management of joint specialty officers.
- Sec. 503. Revised promotion policy objectives for joint officers.
- Sec. 504. Length of joint duty assignments.
- Sec. 505. Repeal of minimum period requirement for Phase II Joint Professional Military Education.
- Sec. 506. Revised definitions applicable to joint duty.

Subtitle B—Other Officer Personnel Policy

- Sec. 511. Transition of active-duty list officer force to a force of all regular officers.
- Sec. 512. Eligibility of Navy staff corps officers to serve as Deputy Chiefs of Naval Operations and Assistant Chiefs of Naval Operations.
- Sec. 513. One-year extension of authority to waive joint duty experience as eligibility requirement for appointment of chiefs of reserve components.
- Sec. 514. Limitation on number of officers frocked to major general and rear admiral (upper half).

Subtitle C—Reserve Component Personnel Policy

- Sec. 521. Repeal of exclusion of active duty for training from authority to order reserves to active duty.
- Sec. 522. Exception to mandatory retention of Reserves on active duty to qualify for retirement pay.

Subtitle D—Education and Training

- Sec. 531. One-year extension of Army College First pilot program.
- Sec. 532. Military recruiter equal access to campus.
- Sec. 533. Exclusion from denial of funds for preventing ROTC access to campus of amounts to cover individual costs of attendance at institutions of higher education.
- Sec. 534. Transfer of authority to confer degrees upon graduates of the Community College of the Air Force.

Subtitle E—Decorations, Awards, and Commendations

- Sec. 541. Award of medal of honor to individual interred in the Tomb of the Unknowns as representative of casualties of a war.

Sec. 542. Separate campaign medals for Operation Enduring Freedom and for Operation Iraqi Freedom.

Subtitle F—Military Justice

Sec. 551. Reduced blood alcohol content limit for offense of drunken operation of a vehicle, aircraft, or vessel.

Sec. 552. Waiver of recoupment of time lost for confinement in connection with a trial.

Sec. 553. Department of Defense policy and procedures on prevention and response to sexual assaults involving members of the Armed Forces.

Subtitle G—Scope of Duties of Ready Reserve Personnel in Inactive Duty Status

Sec. 561. Redesignation of inactive-duty training to encompass operational and other duties performed by Reserves while in inactive duty status.

Sec. 562. Repeal of unnecessary duty status distinction for funeral honors duty.

Sec. 563. Conforming amendments to other laws referring to inactive-duty training.

Sec. 564. Conforming amendments to other laws referring to funeral honors duty.

Subtitle H—Other Matters

Sec. 571. Accession of persons with specialized skills.

Sec. 572. Federal write-in ballots for absentee military voters located in the United States.

Sec. 573. Renaming of National Guard Challenge Program and increase in maximum Federal share of cost of State programs under the program.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Geographic basis for housing allowance during short-assignment permanent changes of station for education or training.

Sec. 602. Immediate lump-sum reimbursement for unusual nonrecurring expenses incurred for duty outside the continental United States.

Sec. 603. Permanent increase in authorized amount of family separation allowance.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of other bonus and special pay authorities.

Sec. 615. Reduced service obligation for nurses receiving nurse accession bonus.

Sec. 616. Assignment incentive pay.

- Sec. 617. Permanent increase in authorized amount of hostile fire and imminent danger special pay.
- Sec. 618. Eligibility of enlisted members to qualify for critical skills retention bonus while serving on indefinite reenlistment.
- Sec. 619. Clarification of educational pursuits qualifying for Selected Reserve Education Loan Repayment Program for health professions officers.
- Sec. 620. Bonus for certain initial service of commissioned officers in the Selected Reserve.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Travel and transportation allowances for family members to attend burial ceremonies of members who die on duty.
- Sec. 632. Lodging costs incurred in connection with dependent student travel.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 641. Special rule for computing the high-36 month average for disabled members of reserve components.

Subtitle E—Other Matters

- Sec. 651. Increased maximum period for leave of absence for pursuit of a program of education in a health care profession.
- Sec. 652. Eligibility of members for reimbursement of expenses incurred for adoption placements made by foreign governments.

TITLE VII—HEALTH CARE

Subtitle A—Enhanced Benefits for Reserves

- Sec. 701. Demonstration project on health benefits for Reserves.
- Sec. 702. Permanent earlier eligibility date for TRICARE benefits for members of reserve components.
- Sec. 703. Waiver of certain deductibles for members on active duty for a period of more than 30 days.
- Sec. 704. Protection of dependents from balance billing.
- Sec. 705. Permanent extension of transitional health care benefits and addition of requirement for preseparation physical examination.
- Sec. 706. Permanent elective coverage for Ready Reserve members under TRICARE program.

Subtitle B—Other Matters

- Sec. 711. Repeal of requirement for payment of subsistence charges while hospitalized.
- Sec. 712. Opportunity for young child dependent of deceased member to become eligible for enrollment in a TRICARE dental plan.
- Sec. 713. Pediatric dental practice necessary for professional accreditation.
- Sec. 714. Services of marriage and family therapists.
- Sec. 715. Chiropractic health care benefits advisory committee.
- Sec. 716. Grounds for Presidential waiver of requirement for informed consent or option to refuse regarding administration of drugs not approved for general use.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Responsibilities of acquisition executives and chief information officers under the Clinger-Cohen Act.
- Sec. 802. Software-related program costs under major defense acquisition programs.
- Sec. 803. Internal controls for Department of Defense purchases through GSA Client Support Centers.
- Sec. 804. Defense commercial satellite services procurement process.

Subtitle B—General Contracting Authorities, Procedures, and Limitations, and Other Matters

- Sec. 811. Increased thresholds for applicability of certain requirements.
- Sec. 812. Period for multiyear task and delivery order contracts.
- Sec. 813. Submission of cost or pricing data on noncommercial modifications of commercial items.
- Sec. 814. Delegations of authority to make determinations relating to payment of defense contractors for business restructuring costs.
- Sec. 815. Limitation regarding service charges imposed for defense procurements made through contracts of other agencies.

Subtitle C—Extensions of Temporary Program Authorities

- Sec. 831. Extension of contract goal for small disadvantaged business and certain institutions of higher education.
- Sec. 832. Extension of Mentor-Protege program.
- Sec. 833. Extension of test program for negotiation of comprehensive small business subcontracting plans.
- Sec. 834. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities.

Subtitle D—Industrial Base Matters

- Sec. 841. Commission on the Future of the National Technology and Industrial Base.
- Sec. 842. Conforming standard for waiver of domestic source or content requirements.
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Subtitle E—Defense Acquisition and Support Workforce

- Sec. 851. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.
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- Sec. 861. Inapplicability of certain fiscal laws to settlements under special temporary contract closeout authority.
- Sec. 862. Demonstration program on expanded use of Reserves to perform developmental testing, new equipment training, and related activities.
- Sec. 863. Applicability of competition exceptions to eligibility of National Guard for financial assistance for performance of additional duties.
- Sec. 864. Management plan for contractor security personnel.
- Sec. 865. Report on contractor performance of security, intelligence, law enforcement, and criminal justice functions in Iraq.

- Sec. 866. Accreditation study of commercial off-the-shelf processes for evaluating information technology products and services.
- Sec. 867. Inapplicability of Randolph-Sheppard Act to military dining facilities.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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- Sec. 903. Chain of succession for the Chief of the National Guard Bureau.
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- Sec. 905. Authority to redesignate the Naval Reserve.

Subtitle B—Other Matters

- Sec. 911. Study of roles and authorities of the Director of Defense Research and Engineering.
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- Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2005.
- Sec. 1003. Reduction in overall authorization due to inflation savings.
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Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Exchange and sale of obsolete Navy service craft and boats.
- Sec. 1012. Limitation on disposal of obsolete naval vessel.
- Sec. 1013. Award of contracts for ship dismantling on net cost basis.

Subtitle C—Reports

- Sec. 1021. Report on contractor security in Iraq.

Subtitle D—Matters Relating to Space

- Sec. 1031. Space posture review.
- Sec. 1032. Panel on the Future of Military Space Launch.
- Sec. 1033. Operationally responsive national security payloads for space satellites.
- Sec. 1034. Nondisclosure of certain products of commercial satellite operations.

Subtitle E—Defense Against Terrorism

- Sec. 1041. Temporary acceptance of communications equipment provided by local public safety agencies.

- Sec. 1042. Full-time dedication of airlift support for homeland defense operations.
- Sec. 1043. Survivability of critical systems exposed to chemical or biological contamination.

Subtitle F—Matters Relating to Other Nations

- Sec. 1051. Humanitarian assistance for the detection and clearance of landmines and explosive remnants of war.
- Sec. 1052. Use of funds for unified counterdrug and counterterrorism campaign in Colombia.
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- Sec. 1054. Assignment of NATO naval personnel to submarine safety research and development programs.

Subtitle G—Other Matters

- Sec. 1061. Technical amendments relating to definitions of general applicability in title 10, United States Code.
- Sec. 1062. Two-year extension of authority of Secretary of Defense to engage in commercial activities as security for intelligence collection activities abroad.
- Sec. 1063. Liability protection for persons voluntarily providing maritime-related services accepted by the Navy.
- Sec. 1064. Licensing of intellectual property.
- Sec. 1065. Delay of electronic voting demonstration project.
- Sec. 1066. War risk insurance for merchant marine vessels.
- Sec. 1067. Repeal of quarterly reporting requirement concerning payments for District of Columbia water and sewer services and establishment of annual report by Treasury.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

- Sec. 1101. Science, mathematics, and research for transformation (SMART) defense scholarship pilot program.
- Sec. 1102. Foreign language proficiency pay.
- Sec. 1103. Pay and performance appraisal parity for civilian intelligence personnel.
- Sec. 1104. Accumulation of annual leave by intelligence senior level employees.
- Sec. 1105. Pay parity for senior executives in defense nonappropriated fund instrumentalities.
- Sec. 1106. Health benefits program for employees of nonappropriated fund instrumentalities.

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- Sec. 1202. Funding allocations.
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- Sec. 1204. Inclusion of descriptive summaries in annual Cooperative Threat Reduction reports and budget justification materials.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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TITLE XXI—ARMY

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 Sec. 2102. Family housing.
 Sec. 2103. Improvements to military family housing units.
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TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
 Sec. 2202. Family housing.
 Sec. 2203. Improvements to military family housing units.
 Sec. 2204. Authorization of appropriations, Navy.
 Sec. 2205. Modification of authority to carry out certain fiscal year 2004 projects.

TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
 Sec. 2302. Family housing.
 Sec. 2303. Improvements to military family housing units.
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TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
 Sec. 2402. Improvements to military family housing units.
 Sec. 2403. Energy conservation projects.
 Sec. 2404. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
 Sec. 2702. Extension of authorizations of certain fiscal year 2002 projects.
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TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

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

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Recodification and consolidation of certain authorities and limitations relating to real property administration.
- Sec. 2812. Modification and enhancement of authorities on facilities for reserve components.
- Sec. 2813. Authority to exchange or sell reserve component facilities and lands to obtain new reserve component facilities and lands.

Subtitle C—Land Conveyances

- Sec. 2821. Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio.
- Sec. 2822. Land conveyance, Browning Army Reserve Center, Utah.
- Sec. 2823. Land exchange, Arlington County, Virginia.
- Sec. 2824. Land conveyance, Hampton, Virginia.
- Sec. 2825. Land conveyance, Seattle, Washington.
- Sec. 2826. Transfer of jurisdiction, Nebraska Avenue Naval Complex, District of Columbia.
- Sec. 2827. Land conveyance, Honolulu, Hawaii.
- Sec. 2828. Land conveyance, Portsmouth, Virginia.
- Sec. 2829. Land conveyance, former Griffiss Air Force Base, New York.

Subtitle D—Other Matters

- Sec. 2841. Department of Defense Follow-On Laboratory Revitalization Demonstration Program.
- Sec. 2842. Jurisdiction and utilization of former public domain lands, Umatilla Chemical Depot, Oregon.
- Sec. 2843. Development of heritage center for the National Museum of the United States Army.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Limitation on availability of funds for Modern Pit Facility.
- Sec. 3112. Limitation on availability of funds for Advanced Nuclear Weapons Concepts Initiative.
- Sec. 3113. Limited authority to carry out new projects under Facilities and Infrastructure Recapitalization Program after project selection deadline.
- Sec. 3114. Modification of milestone and report requirements for National Ignition Facility.
- Sec. 3115. Modification of submittal date of annual plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
- Sec. 3116. Defense site acceleration completion.
- Sec. 3117. Annual report on expenditures for safeguards and security.
- Sec. 3118. Authority to consolidate counterintelligence offices of Department of Energy and National Nuclear Security Administration within National Nuclear Security Administration.
- Sec. 3119. Treatment of disposition waste from reprocessing of low-level or transuranic waste.
- Sec. 3120. Local stakeholder organizations for Department of Energy environmental management 2006 closure sites.
- Sec. 3121. Report on maintenance of retirement benefits for certain workers at 2006 closure sites after closure of sites.

Subtitle C—Proliferation Matters

- Sec. 3131. Modification of authority to use international nuclear materials protection and cooperation program funds outside the former Soviet Union.

Subtitle D—Other Matters

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

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Disposal of ferromanganese.
- Sec. 3302. Revisions to required receipt objectives for certain previously authorized disposals from the National Defense Stockpile.

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

6 (2) the Committee on Armed Services and the
7 Committee on Appropriations of the House of Rep-
8 resentatives.

9 **DIVISION A—DEPARTMENT OF**
10 **DEFENSE AUTHORIZATIONS**
11 **TITLE I—PROCUREMENT**
12 **Subtitle A—Authorization of**
13 **Appropriations**

14 **SEC. 101. ARMY.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2005 for procurement for the Army as follows:

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

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

19 (3) For weapons and tracked combat vehicles,
20 \$1,693,595,000.

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

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

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

24 (a) NAVY.—Funds are hereby authorized to be appro-
25 priated for fiscal year 2005 for procurement for the Navy
26 as follows:

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

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

4 (3) For shipbuilding and conversion,
5 \$10,127,027,000.

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

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

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

14 **SEC. 103. AIR FORCE.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2005 for procurement for the Air Force as fol-
17 lows:

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

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

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

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

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

23 Funds are hereby authorized to be appropriated for
24 fiscal year 2005 for Defense-wide procurement in the
25 amount of \$2,967,402,000.

1 **Subtitle B—Army Programs**

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

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

9 (1) the Secretary’s certification that all re-
10 quired documentation for the acquisition of light
11 utility helicopters has been completed and approved;
12 and

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

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

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

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

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

1 (C) The actions taken or to be taken to accel-
2 erate the procurement and development of aircraft
3 survivability equipment for Army aircraft, together
4 with a detailed list of aircraft survivability equip-
5 ment that specifies such equipment by platform and
6 by the related programmatic funding for procure-
7 ment.

8 (D) A discussion of the conversion of Apache
9 helicopters to block III configuration, including the
10 rationale for converting only 501 Apache helicopters
11 to that configuration and the costs associated with
12 a conversion of all Apache helicopters to the block
13 III configuration.

14 (E) A discussion of the procurement of light
15 armed reconnaissance helicopters, including the ra-
16 tionale for the requirement for light armed recon-
17 naissance helicopters and a discussion of the costs
18 associated with upgrading the light armed reconnais-
19 sance helicopter to meet Army requirements.

20 (F) The rationale for the Army's requirement
21 for light utility helicopters, together with a summary
22 and copy of the analysis of the alternative means for
23 meeting such requirement that the Secretary consid-
24 ered in the determination to procure light utility heli-
25 copters, including, at a minimum, the analysis of

1 the alternative of using light armed reconnaissance
2 helicopters and UH-60 Black Hawk helicopters in-
3 stead of light utility helicopters to meet such re-
4 quirement.

5 (G) The rationale for the procurement of cargo
6 fixed-wing aircraft.

7 (H) The rationale for the initiation of a joint
8 multi-role helicopter program.

9 (I) A description of the operational employment
10 of the Army's restructured aviation force.

11 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS FOR UP-**
12 **ARMORED HIGH MOBILITY MULTI-PURPOSE**
13 **WHEELED VEHICLES OR WHEELED VEHICLE**
14 **BALLISTIC ADD-ON ARMOR PROTECTION.**

15 (a) **ADDITIONAL AMOUNT FOR OTHER PROCURE-**
16 **MENT, ARMY.**—Funds are hereby authorized to be appro-
17 priated for the Army for fiscal year 2005 for other pro-
18 curement in the total amount of \$610,000,000. Such
19 amount is in addition to the total amount authorized to
20 be appropriated under section 101.

21 (b) **PURPOSES.**—The amount authorized to be appro-
22 priated under subsection (a) shall be available for both of
23 the following purposes and may be used for either or both
24 of such purposes:

1 (1) The procurement of up-armored high mobil-
2 ity multi-purpose wheeled vehicles at a rate up to
3 450 such vehicles each month.

4 (2) The procurement of wheeled vehicle ballistic
5 add-on armor protection.

6 (c) ALLOCATION BY SECRETARY OF THE ARMY.—(1)
7 The Secretary of the Army shall allocate the amount au-
8 thorized to be appropriated in subsection (a) between the
9 two purposes set forth in subsection (b) as the Secretary
10 determines appropriate to meet the requirements of the
11 Army.

12 (2) Not later than 15 days before making an alloca-
13 tion under paragraph (1), the Secretary shall transmit a
14 notification of the proposed allocation to the congressional
15 defense committees.

16 (d) PROHIBITION ON USE FOR OTHER PURPOSES.—
17 The amount authorized to be appropriated under sub-
18 section (a) may not be used for any purpose other than
19 a purpose specified in subsection (b).

20 **Subtitle C—Navy Programs**

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

22 (a) AUTHORIZATION OF SHIP.—The Secretary of the
23 Navy is authorized to procure the first amphibious assault
24 ship of the LHA(R) class, subject to the availability of
25 appropriations for that purpose.

1 (b) AUTHORIZED AMOUNT.—Of the amount author-
2 ized to be appropriated under section 102(a)(3) for fiscal
3 year 2005, \$150,000,000 shall be available for the ad-
4 vance procurement and advance construction of compo-
5 nents for the first amphibious assault ship of the LHA(R)
6 class. The Secretary of the Navy may enter into a contract
7 or contracts with the shipbuilder and other entities for the
8 advance procurement and advance construction of those
9 components.

10 **SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**
11 **LIGHT WEIGHT 155-MILLIMETER HOWITZER**
12 **PROGRAM.**

13 (a) AUTHORITY.—Beginning with the fiscal year
14 2005 program year, the Secretary of the Navy may, in
15 accordance with section 2306b of title 10, United States
16 Code, enter into a multiyear contract for the procurement
17 of the light weight 155-millimeter howitzer.

18 (b) LIMITATION.—The Secretary may not enter into
19 a multiyear contract for the procurement of light weight
20 155 millimeter howitzers under subsection (a) until the
21 Secretary determines on the basis of operational testing
22 that the light weight 155-millimeter howitzer is effective
23 for fleet use.

1 **SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF**
2 **SUBMARINE ENGINEERED REFUELING OVER-**
3 **HAUL AND CONVERSION.**

4 (a) **ESTABLISHMENT.**—The Secretary of the Navy
5 may carry out a pilot program of flexible funding of engi-
6 neered refueling overhauls and conversions of submarines
7 in accordance with this section.

8 (b) **AUTHORITY.**—Under the pilot program, the Sec-
9 retary of the Navy may, subject to subsection (d), transfer
10 amounts described in subsection (c) to the appropriation
11 for the Navy for procurement for shipbuilding and conver-
12 sion for any fiscal year to continue to provide funds for
13 any engineered refueling conversion or overhaul of a sub-
14 marine of the Navy for which funds were initially provided
15 from the appropriation to which transferred.

16 (c) **FUNDS AVAILABLE FOR TRANSFER.**—The
17 amounts available for transfer under this section are
18 amounts appropriated to the Navy for any fiscal year after
19 fiscal year 2004 and before fiscal year 2013 for the fol-
20 lowing purposes:

21 (1) For procurement as follows:

22 (A) For shipbuilding and conversion.

23 (B) For weapons procurement.

24 (C) For other procurement.

25 (2) For operation and maintenance.

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

4 (A) An increase in the size of the workload for
5 engineered refueling overhaul and conversion to meet
6 existing requirements for the submarine.

7 (B) A new engineered refueling overhaul and
8 conversion requirement resulting from a revision of
9 the original baseline engineered refueling overhaul
10 and conversion program for the submarine.

11 (2) A transfer may not be made under this section
12 before the date that is 30 days after the date on which
13 the Secretary of the Navy transmits to the congressional
14 defense committees a written notification of the intended
15 transfer. The notification shall include the following mat-
16 ters:

17 (A) The purpose of the transfer.

18 (B) The amounts to be transferred.

19 (C) Each account from which the funds are to
20 be transferred.

21 (D) Each program, project, or activity from
22 which the funds are to be transferred.

23 (E) Each account to which the funds are to be
24 transferred.

1 (F) A discussion of the implications of the
2 transfer for the total cost of the submarine engi-
3 neered refueling overhaul and conversion program
4 for which the transfer is to be made.

5 (e) MERGER OF FUNDS.—Amounts transferred to an
6 appropriation with respect to the engineered refueling
7 overhaul and conversion of a submarine under this section
8 shall be credited to and merged with other funds in the
9 appropriation to which transferred and shall be available
10 for the engineered refueling overhaul and conversion of
11 such submarine for the same period as the appropriation
12 to which transferred.

13 (f) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
14 ITY.—The authority to transfer funds under this section
15 is in addition to any other authority provided by law to
16 transfer appropriated funds and is not subject to any re-
17 striction, limitation, or procedure that is applicable to the
18 exercise of any such other authority.

19 (g) FINAL REPORT.—Not later than October 1,
20 2011, the Secretary of the Navy shall submit to the con-
21 gressional defense committees a report containing the Sec-
22 retary's evaluation of the efficacy of the authority provided
23 under this section.

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

1 **Subtitle D—Air Force Programs**

2 **SEC. 131. PROHIBITION OF RETIREMENT OF**
3 **KC-135E AIRCRAFT.**

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

6 **SEC. 132. PROHIBITION OF RETIREMENT OF**
7 **F-117 AIRCRAFT.**

8 No F-117 aircraft in use by the Air Force during
9 fiscal year 2004 may be retired during fiscal year 2005.

10 **Subtitle E—Other Matters**

11 **SEC. 141. REPORT ON OPTIONS FOR ACQUISITION OF PRE-**
12 **CISION-GUIDED MUNITIONS.**

13 (a) **REQUIREMENT FOR REPORT.**—Not later than
14 March 1, 2005, the Secretary of Defense shall submit a
15 report on options for the acquisition of precision-guided
16 munitions to the congressional defense committees.

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

19 (1) A list of the precision-guided munitions in
20 the inventory of the Department of Defense.

21 (2) For each such munition—

22 (A) the inventory level as of the most re-
23 cent date that it is feasible to specify when the
24 report is prepared;

1 (B) the inventory objective that is nec-
2 essary to execute the current National Military
3 Strategy prescribed by the Chairman of the
4 Joint Chiefs of Staff;

5 (C) the year in which that inventory objec-
6 tive would be expected to be achieved—

7 (i) if the munition were procured at
8 the minimum sustained production rate;

9 (ii) if the munition were procured at
10 the most economic production rate; and

11 (iii) if the munition were procured at
12 the maximum production rate; and

13 (D) the procurement cost (in constant fis-
14 cal year 2004 dollars) at each of the production
15 rates specified in subparagraph (C).

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

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

21 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2005 for the use of the Department of Defense
24 for research, development, test, and evaluation as follows:

25 (1) For the Army, \$9,698,958,000.

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

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

3 (4) For Defense-wide activities,
4 \$20,635,937,000, of which \$309,135,000 is author-
5 ized for the Director of Operational Test and Eval-
6 uation.

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

8 (a) AMOUNT FOR PROJECTS.—Of the total amount
9 authorized to be appropriated by section 201,
10 \$10,998,850,000 shall be available for science and tech-
11 nology projects.

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

17 **Subtitle B—Program Require-**
18 **ments, Restrictions, and Limita-**
19 **tions**

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

21 (a) AUTHORIZATION OF SHIP.—For the second de-
22 stroyer in the DD(X)-class destroyer program, the Sec-
23 retary of the Navy is authorized to use funds authorized
24 to be appropriated to the Navy under section 201(2).

1 (b) AMOUNT FOR DETAIL DESIGN.—Of the amount
2 authorized to be appropriated under section 201(2) for fis-
3 cal year 2005, \$99,400,000 shall be available for the detail
4 design of the second destroyer of the DD(X)-class.

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

6 Not more than 80 percent of the amount authorized
7 to be appropriated by section 201(4) and available for the
8 purpose of research, development, test, and evaluation on
9 the Global Positioning System III satellite may be obli-
10 gated or expended for that purpose until the Secretary of
11 Defense—

12 (1) completes an analysis of alternatives for the
13 satellite and ground architectures, satellite tech-
14 nologies, and tactics, techniques, and procedures for
15 the next generation global positioning system (GPS);
16 and

17 (2) submits to the congressional defense com-
18 mittees a report on the results of the analysis, in-
19 cluding an assessment of the results of the analysis.

20 **SEC. 213. INITIATION OF CONCEPT DEMONSTRATION OF**
21 **GLOBAL HAWK HIGH ALTITUDE ENDURANCE**
22 **UNMANNED AERIAL VEHICLE.**

23 Section 221(c) of the Floyd D. Spence National De-
24 fense Authorization Act for Fiscal Year 2001 (as enacted
25 into law by Public Law 106–398; 114 Stat. 1654A–40)

1 is amended by striking “March 1, 2001” and inserting
2 “March 1, 2005”.

3 **SEC. 214. JOINT UNMANNED COMBAT AIR SYSTEMS PRO-**
4 **GRAM.**

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

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

14 (A) The Under Secretary of Defense for Acqui-
15 sition, Technology, and Logistics, who shall chair
16 the executive committee.

17 (B) The Assistant Secretary of the Navy for
18 Research, Development, and Acquisition.

19 (C) The Assistant Secretary of the Air Force
20 for Acquisition.

21 (D) The Deputy Chief of Naval Operations for
22 Warfare Requirements and Programs.

23 (E) The Deputy Chief of Staff of the Air Force
24 for Air and Space Operations.

1 (F) Any additional personnel of the Department
2 of Defense whom the Secretary determines appro-
3 priate for membership on the executive committee.

4 (b) **APPLICABILITY ONLY TO DARPA-MANAGED**
5 **PROGRAM.**—The requirements of subsection (a) apply
6 with respect to the Joint Unmanned Combat Air Systems
7 program only while the program is managed by the De-
8 fense Advanced Research Projects Agency.

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

10 (a) **REQUIREMENT FOR STUDY.**—The Secretary of
11 Defense shall require the Defense Science Board to con-
12 duct a study on the Joint Strike Fighter aircraft program.

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

16 (1) The current status.

17 (2) The extent of the effects of excess aircraft
18 weight on estimated performance.

19 (3) The validity of the technical approaches
20 being considered to achieve the required perform-
21 ance.

22 (4) The risks of those technical approaches.

23 (5) A list of any alternative technical ap-
24 proaches that have the potential to achieve the re-
25 quired performance.

1 (c) REPORT.—The Secretary shall submit a report on
2 the results of the study to the congressional defense com-
3 mittees at the same time that the President submits the
4 budget for fiscal year 2006 to Congress under section
5 1105(a) of title 31, United States Code.

6 **SEC. 216. JOINT EXPERIMENTATION.**

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

12 (b) APPLICABILITY TO FISCAL YEARS AFTER FISCAL
13 YEAR 2005.—This section shall apply with respect to fis-
14 cal years beginning after 2005.

15 **Subtitle C—Ballistic Missile**
16 **Defense**

17 **SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**
18 **BILITIES.**

19 Funds authorized to be appropriated under section
20 201(4) for the Missile Defense Agency may be used for
21 the development and fielding of an initial set of ballistic
22 missile defense capabilities.

1 **SEC. 222. PATRIOT ADVANCE CAPABILITY-3 AND MEDIUM**
2 **EXTENDED AIR DEFENSE SYSTEM.**

3 (a) OVERSIGHT.—In the management of the com-
4 bined program for the acquisition of the Patriot Advanced
5 Capability-3 missile system and the Medium Extended Air
6 Defense System, the Secretary of Defense shall require the
7 Secretary of the Army to obtain the approval of the Direc-
8 tor of the Missile Defense Agency before the Secretary of
9 the Army—

10 (1) either—

11 (A) changes any system level technical
12 specifications that are in effect under the pro-
13 gram as of the date of the enactment of this
14 Act; or

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

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

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

23 (B) PAC-3 configuration-3 radars,
24 launchers, or fire control units; or

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

4 (b) DEFINITIONS.—In this section:

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

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

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

1 (4) The terms “Patriot Advanced Capability–3”
2 and “PAC–3 configuration–3”—

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

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

10 **SEC. 223. COMPTROLLER GENERAL ASSESSMENTS OF BAL-**
11 **LISTIC MISSILE DEFENSE PROGRAMS.**

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

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

1 **Subtitle D—Other Matters**

2 **SEC. 231. ANNUAL REPORT ON SUBMARINE TECHNOLOGY**

3 **INSERTION.**

4 (a) **REPORT REQUIRED.**—(1) For each of fiscal years
5 2006, 2007, 2008, and 2009, the Secretary of Defense
6 shall submit to the congressional defense committees a re-
7 port on the submarine technologies that are available or
8 potentially available for insertion in submarines of the
9 Navy to reduce the production and operating costs of the
10 submarines while maintaining or improving the effective-
11 ness of the submarines.

12 (2) The annual report for a fiscal year under para-
13 graph (1) shall be submitted at the same time that the
14 President submits to Congress the budget for that fiscal
15 year under section 1105(a) of title 31, United States
16 Code.

17 (b) **CONTENT.**—The report on submarine tech-
18 nologies under subsection (a) shall include, for each class
19 of submarines of the Navy, the following matters:

20 (1) A list of the technologies that have been
21 demonstrated, together with—

22 (A) a plan for the insertion of any such
23 technologies that have been determined appro-
24 priate for such submarines; and

1 (B) the estimated cost of such technology
2 insertions.

3 (2) A list of the technologies that have not been
4 demonstrated, together with a plan for the dem-
5 onstration of any such technologies that have the po-
6 tential for being appropriate for such submarines.

7 **TITLE III—OPERATION AND**
8 **MAINTENANCE**

9 **Subtitle A—Authorization of**
10 **Appropriations**

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

12 Funds are hereby authorized to be appropriated for
13 fiscal year 2005 for the use of the Armed Forces and other
14 activities and agencies of the Department of Defense for
15 expenses, not otherwise provided for, for operation and
16 maintenance, in amounts as follows:

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

18 (2) For the Navy, \$29,702,790,000.

19 (3) For the Marine Corps, \$3,682,727,000.

20 (4) For the Air Force, \$27,423,560,000.

21 (5) For Defense-wide activities,
22 \$17,453,576,000.

23 (6) For the Army Reserve, \$1,925,728,000.

24 (7) For the Naval Reserve, \$1,240,038,000.

1 (8) For the Marine Corps Reserve,
2 \$197,496,000.

3 (9) For the Air Force Reserve, \$2,154,790,000.

4 (10) For the Army National Guard,
5 \$4,227,236,000.

6 (11) For the Air National Guard,
7 \$4,366,738,000.

8 (12) For the United States Court of Appeals
9 for the Armed Forces, \$10,825,000.

10 (13) For Environmental Restoration, Army,
11 \$405,598,000.

12 (14) For Environmental Restoration, Navy,
13 \$266,820,000.

14 (15) For Environmental Restoration, Air Force,
15 \$397,368,000.

16 (16) For Environmental Restoration, Defense-
17 wide, \$23,684,000.

18 (17) For Environmental Restoration, Formerly
19 Used Defense Sites, \$256,516,000.

20 (18) For Overseas Humanitarian, Disaster, and
21 Civic Aid programs, \$59,000,000.

22 (19) For Cooperative Threat Reduction pro-
23 grams, \$409,200,000.

1 **SEC. 302. WORKING CAPITAL FUNDS.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2005 for the use of the Armed Forces and other
4 activities and agencies of the Department of Defense for
5 providing capital for working capital and revolving funds
6 in amounts as follows:

7 (1) For the Defense Working Capital Funds,
8 \$1,625,686,000.

9 (2) For the National Defense Sealift Fund,
10 \$1,269,252,000.

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

12 (a) **DEFENSE HEALTH PROGRAM.**—Funds are here-
13 by authorized to be appropriated for the Department of
14 Defense for fiscal year 2005 for expenses, not otherwise
15 provided for, for the Defense Health Program,
16 \$17,992,211,000, of which—

17 (1) \$17,555,169,000 is for Operation and
18 Maintenance;

19 (2) \$72,407,000 is for Research, Development,
20 Test, and Evaluation; and

21 (3) \$364,635,000 is for Procurement.

22 (b) **CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
23 **TION, DEFENSE.**—(1) Funds are hereby authorized to be
24 appropriated for the Department of Defense for fiscal year
25 2005 for expenses, not otherwise provided for, for Chem-

1 ical Agents and Munitions Destruction, Defense,
2 \$1,518,990,000, of which—

3 (A) \$1,138,801,000 is for Operation and Main-
4 tenance;

5 (B) \$301,209,000 is for Research, Develop-
6 ment, Test, and Evaluation; and

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

8 (2) Amounts authorized to be appropriated under
9 paragraph (1) are authorized for—

10 (A) the destruction of lethal chemical agents
11 and munitions in accordance with section 1412 of
12 the Department of Defense Authorization Act, 1986
13 (50 U.S.C. 1521); and

14 (B) the destruction of chemical warfare mate-
15 riel of the United States that is not covered by sec-
16 tion 1412 of such Act.

17 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-
18 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
19 to be appropriated for the Department of Defense for fis-
20 cal year 2005 for expenses, not otherwise provided for, for
21 Drug Interdiction and Counter-Drug Activities, Defense-
22 wide, \$852,697,000.

23 (d) DEFENSE INSPECTOR GENERAL.—Funds are
24 hereby authorized to be appropriated for the Department
25 of Defense for fiscal year 2005 for expenses, not otherwise

1 provided for, for the Office of the Inspector General of
2 the Department of Defense, \$164,562,000, of which—

3 (1) \$162,362,000 is for Operation and Mainte-
4 nance;

5 (2) \$100,000 is for Research, Development,
6 Test, and Evaluation; and

7 (3) \$2,100,000 is for Procurement.

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

11 **SEC. 311. COMMANDER'S EMERGENCY RESPONSE PRO-**
12 **GRAM.**

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

18 (1) The Commander's Emergency Response
19 Program, which was established by the Adminis-
20 trator of the Coalition Provisional Authority for the
21 purpose of enabling United States military com-
22 manders in Iraq to respond to urgent humanitarian
23 relief and reconstruction needs within their areas of
24 responsibility by carrying out programs to provide
25 immediate assistance to the people of Iraq.

1 (2) A similar program to enable United States
2 military commanders in Afghanistan to respond in
3 such manner to similar needs in Afghanistan.

4 (b) QUARTERLY REPORTS REQUIRED.—The Sec-
5 retary of Defense shall submit to the congressional defense
6 committees on a quarterly basis reports on the use of
7 amounts made available under subsection (a).

8 **SEC. 312. LIMITATION ON TRANSFERS OUT OF WORKING**
9 **CAPITAL FUNDS.**

10 Section 2208 of title 10, United States Code, is
11 amended by adding at the end the following new sub-
12 section:

13 “(r) LIMITATION ON TRANSFERS.—(1) Notwith-
14 standing any authority for transfer of funds provided in
15 this section, no transfer may be made out of a working
16 capital fund or between or among working capital funds
17 under such authority unless the Secretary of Defense has
18 submitted a notification of the proposed transfer to the
19 congressional defense committees in accordance with cus-
20 tomary procedures.

21 “(2) The amount of a transfer covered by a notifica-
22 tion under paragraph (1) that is proposed to be made in
23 a fiscal year does not count for the purpose of any limita-
24 tion on the total amount of transfers that may be made
25 for that fiscal year under authority provided to the Sec-

1 retary of Defense in a law authorizing appropriations for
2 a fiscal year for military activities of the Department of
3 Defense or a law making appropriations for the Depart-
4 ment of Defense.”.

5 **Subtitle C—Environmental** 6 **Provisions**

7 **SEC. 321. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS** 8 **IN CONNECTION WITH DEFENSE ENVIRON-** 9 **MENTAL RESTORATION PROGRAM.**

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

14 (1) in paragraph (1), by striking “paragraph
15 (3)” and inserting “paragraph (4)”;

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

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

21 “(2) ACTIVITIES AT CERTAIN FORMER DE-
22 FENSE PROPERTY.—In addition to agreements under
23 paragraph (1), the Secretary may also enter into
24 agreements with owners of property subject to a cov-
25 enant provided by the United States under section

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

5 (b) SOURCE OF FUNDS FOR FORMER BRAC PROP-
6 ERTY SUBJECT TO COVENANT FOR ADDITIONAL REME-
7 DIAL ACTION.—Section 2703 of such title is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (1) A study of the history of drinking water
10 contamination at Camp Lejeune to determine, to the
11 extent practical—

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

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

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

18 (D) what actions have been taken to ad-
19 dress such contamination;

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

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

1 (2) An assessment of the study on the possible
2 health effects associated with the drinking of con-
3 taminated drinking water at Camp Lejeune as pro-
4 posed by the Agency for Toxic Substances and Dis-
5 ease Registry (ATSDR), including whether the pro-
6 posed study—

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

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

11 (C) will consider all relevant health effects;

12 and

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

15 (b) **AUTHORITY TO USE EXPERTS.**—The Comp-
16 troller General may use experts in conducting the study
17 required by subsection (a). Any such experts shall be inde-
18 pendent, highly qualified, and knowledgeable in the mat-
19 ters covered by the study.

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

1 information and views on the matters covered by the
2 study.

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

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

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

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

4 Section 591(a)(2) of the Water Resources Develop-
5 ment Act of 1999 (Public Law 106–53; 113 Stat. 378)
6 is amended by striking “\$12,000,000” and inserting
7 “\$22,000,000”.

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

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

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

17 (1) in paragraph (1)—

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

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

25 (2) by striking paragraph (2).

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

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

4 (2) is amended—

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

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

15 **SEC. 332. REPEAL OF REQUIREMENT FOR ANNUAL REPORT**
16 **ON MANAGEMENT OF DEPOT EMPLOYEES.**

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

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

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

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

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

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

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

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

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

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

23 (2) in subsection (g)—

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

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

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

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

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

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

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

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

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

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

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

10 (d) DEFINITIONS.—In this section:

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

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

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

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

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

10 **Subtitle G—Other Matters**

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

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

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

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

24 “(b) **AMOUNT.**—The fee or fees prescribed under sub-
 25 section (a) shall be such amount or amounts as the Sec-
 26 retary of Defense determines appropriate for recovering

1 the costs of providing information as described in such
2 subsection.

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

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

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

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

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

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

1 (1) by inserting “(1)” after “AUTHORITY.—”;

2 and

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

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

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

20 (b) REAFFIRMATION AND REVISION OF REPORTING
21 REQUIREMENT.—Subsection (d) of such section is amend-
22 ed—

23 (1) by striking “180 days after the date of the
24 enactment of this Act,” and inserting “December 1,
25 2004,”;

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

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

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

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

12 “(B) the period and amount of such con-
13 tract;

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

17 “(D) the actions taken or to be taken with-
18 in the Department of Defense to ensure that
19 the conditions applicable under paragraph (1)
20 of subsection (a) or determined under para-
21 graph (2) of such subsection are satisfied;”;

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

24 (5) by inserting after paragraph (2), as so re-
25 designated, the following new paragraph:

1 “(3) identify any limitation or constraint on the
2 end strength of the civilian workforce of the Depart-
3 ment of Defense that makes it difficult to meet re-
4 quirements identified under paragraph (2) by hiring
5 personnel as civilian employees of the Department of
6 Defense; and”.

7 **SEC. 363. PILOT PROGRAM FOR PURCHASE OF CERTAIN**
8 **MUNICIPAL SERVICES FOR DEPARTMENT OF**
9 **DEFENSE INSTALLATIONS.**

10 (a) **AUTHORITY.**—The Secretary of Defense may
11 carry out a pilot program to provide for the purchase of
12 certain services needed for a Department of Defense in-
13 stallation from a county or municipality where the instal-
14 lation is located.

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

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

24 (1) Refuse collection.

25 (2) Refuse disposal.

1 (3) Library services.

2 (4) Recreation services.

3 (5) Facility maintenance and repair.

4 (6) Utilities.

5 (d) PROGRAM INSTALLATIONS.—The Secretary of
6 each military department may designate under this section
7 not more than two installations of such military depart-
8 ment for participation in the pilot program. Only installa-
9 tions located in the United States are eligible for designa-
10 tion under this subsection.

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

15 (1) the Secretary's evaluation of the efficacy of
16 purchasing public works, utility, and other services
17 for Department of Defense installations from coun-
18 ties or municipalities where the installations are lo-
19 cated; and

20 (2) any recommendations that the Secretary
21 considers appropriate regarding authority to make
22 such purchases.

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

1 **TITLE IV—MILITARY**
2 **PERSONNEL AUTHORIZATIONS**
3 **Subtitle A—Active Forces**

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

5 The Armed Forces are authorized strengths for active
6 duty personnel as of September 30, 2005, as follows:

- 7 (1) The Army, 482,400.
8 (2) The Navy, 365,900.
9 (3) The Marine Corps, 175,000.
10 (4) The Air Force, 359,700.

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

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

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

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

11 (d) BUDGET TREATMENT.—If the Secretary of De-
12 fense plans to increase the Army active duty end strength
13 for a fiscal year under subsection (a) of this section or
14 pursuant to a suspension of end-strength limitation under
15 section 123a of title 10, United States Code, then the
16 budget for the Department of Defense for such fiscal year
17 as submitted to Congress shall specify the amounts nec-
18 essary for funding the active duty end strength of the
19 Army in excess of 482,400 (the end strength authorized
20 for active duty personnel of the Army for fiscal year 2004
21 in section 401(1) of the National Defense Authorization
22 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
23 1450)).

1 **Subtitle B—Reserve Forces**

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

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2005, as follows:

6 (1) The Army National Guard of the United
7 States, 350,000.

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

9 (3) The Naval Reserve, 83,400.

10 (4) The Marine Corps Reserve, 39,600.

11 (5) The Air National Guard of the United
12 States, 106,800.

13 (6) The Air Force Reserve, 76,100.

14 (7) The Coast Guard Reserve, 10,000.

15 (b) ADJUSTMENTS.—The end strengths prescribed by
16 subsection (a) for the Selected Reserve of any reserve com-
17 ponent shall be proportionately reduced by—

18 (1) the total authorized strength of units orga-
19 nized to serve as units of the Selected Reserve of
20 such component which are on active duty (other
21 than for training) at the end of the fiscal year; and

22 (2) the total number of individual members not
23 in units organized to serve as units of the Selected
24 Reserve of such component who are on active duty
25 (other than for training or for unsatisfactory partici-

1 pation in training) without their consent at the end
2 of the fiscal year.

3 Whenever such units or such individual members are re-
4 leased from active duty during any fiscal year, the end
5 strength prescribed for such fiscal year for the Selected
6 Reserve of such reserve component shall be proportion-
7 ately increased by the total authorized strengths of such
8 units and by the total number of such individual members.

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 Within the end strengths prescribed in section
12 411(a), the reserve components of the Armed Forces are
13 authorized, as of September 30, 2005, the following num-
14 ber of Reserves to be serving on full-time active duty or
15 full-time duty, in the case of members of the National
16 Guard, for the purpose of organizing, administering, re-
17 cruiting, instructing, or training the reserve components:

18 (1) The Army National Guard of the United
19 States, 26,602.

20 (2) The Army Reserve, 14,970.

21 (3) The Naval Reserve, 14,152.

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

23 (5) The Air National Guard of the United
24 States, 12,253.

25 (6) The Air Force Reserve, 1,900.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual
4 status) as of the last day of fiscal year 2005 for the re-
5 serve components of the Army and the Air Force (notwith-
6 standing section 129 of title 10, United States Code) shall
7 be the following:

8 (1) For the Army Reserve, 7,299.

9 (2) For the Army National Guard of the United
10 States, 25,076.

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

12 (4) For the Air National Guard of the United
13 States, 22,956.

14 **SEC. 414. FISCAL YEAR 2005 LIMITATIONS ON NON-DUAL**
15 **STATUS TECHNICIANS.**

16 (a) LIMITATIONS.—(1) Within the limitation pro-
17 vided in section 10217(c)(2) of title 10, United States
18 Code, the number of non-dual status technicians employed
19 by the National Guard as of September 30, 2005, may
20 not exceed the following:

21 (A) For the Army National Guard of the
22 United States, 1,600.

23 (B) For the Air National Guard of the United
24 States, 350.

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

4 (3) The number of non-dual status technicians em-
 5 ployed by the Air Force Reserve as of September 30,
 6 2005, may not exceed 90.

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

11 **SEC. 415. AUTHORIZED STRENGTHS FOR MARINE CORPS**
 12 **RESERVE OFFICERS IN ACTIVE STATUS IN**
 13 **GRADES BELOW GENERAL OFFICER.**

14 (a) INCREASED STRENGTHS FOR FIELD GRADE AND
 15 COMPANY GRADE OFFICERS.—Section 12005(c)(1), of
 16 title 10, United States Code, is amended by amending the
 17 table to read as follows:

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

18 (b) EFFECTIVE DATE.—The amendment made by
 19 subsection (a) shall take effect on October 1, 2004.

1 **Subtitle C—Authorizations 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 2005 a total of \$104,535,458,000. 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 2005.

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

12 There is hereby authorized to be appropriated for fis-
13 cal year 2005 from the Armed Forces Retirement Home
14 Trust Fund the sum of \$61,195,000 for the operation of
15 the Armed Forces Retirement Home.

16 **TITLE V—MILITARY PERSONNEL**
17 **POLICY**

18 **Subtitle A—Joint Officer Personnel**
19 **Management**

20 **SEC. 501. MODIFICATION OF CONDITIONS OF ELIGIBILITY**
21 **FOR WAIVER OF JOINT DUTY CREDIT RE-**
22 **QUIREMENT FOR PROMOTION TO GENERAL**
23 **OR FLAG OFFICER.**

24 (a) CAREER FIELD SPECIALTIES WITH NO JOINT
25 REQUIREMENTS.—Paragraph (2) of section 619a(b) of

1 title 10, United States Code, is amended by striking “sci-
2 entific and technical qualifications” and inserting “career
3 field specialty qualifications”.

4 (b) OFFICERS SELECTED FOR PROMOTION WHILE IN
5 JOINT DUTY ASSIGNMENT.—Paragraph (4) of such sec-
6 tion is amended by striking “if—” and all that follows
7 and inserting “if the officer’s total consecutive service in
8 joint duty assignments meets the requirements of section
9 664 of this title for credit for having completed a full tour
10 of duty in a joint duty assignment.”.

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

12 (a) EDUCATION AND EXPERIENCE REQUIRE-
13 MENTS.—(1) Subsection (c) of section 661 of title 10,
14 United States Code, is amended by striking paragraph (1)
15 and inserting the following: “(1) An officer shall have the
16 joint specialty (and shall be designated with a joint spe-
17 cialty officer identifier) upon—

18 “(A) successfully completing (in any se-
19 quence)—

20 “(i) a program accredited by Chairman of
21 the Joint Chiefs of Staff that is presented by
22 a joint professional military education institu-
23 tion; and

24 “(ii) a full tour of duty in a joint duty as-
25 signment; or

1 “(B) completing two full tours of duty in joint
2 duty assignments.”.

3 (2) Subsection (c) of such section is further amend-
4 ed—

5 (A) by striking paragraphs (2) and (3); and

6 (B) by redesignating paragraph (4) as para-
7 graph (2).

8 (b) DESIGNATION OF JOINT SPECIALTY GENERAL
9 AND FLAG OFFICER POSITIONS.—Section 661 of such
10 title is further amended—

11 (1) by redesignating subsection (f) as sub-
12 section (g); and

13 (2) by inserting after subsection (e) the fol-
14 lowing new subsection (f):

15 “(f) JOINT SPECIALTY OFFICER DESIGNATION FOR
16 GENERAL AND FLAG POSITIONS.—(1) The Secretary of
17 Defense shall ensure that the general and flag officer posi-
18 tions required to be filled by officers with the joint spe-
19 cialty as joint duty assignments are designated as such.

20 “(2) An officer without the joint specialty may be as-
21 signed to a position designated under paragraph (1) only
22 if the Secretary of Defense determines that the assign-
23 ment of that officer to such position is necessary and
24 waives the requirement to assign an officer with the joint
25 specialty to that position.”.

1 **SEC. 503. REVISED PROMOTION POLICY OBJECTIVES FOR**
2 **JOINT OFFICERS.**

3 (a) QUALIFICATIONS.—Subsection (a) of section 662
4 of title 10, United States Code, is amended to read as
5 follows:

6 “(a) QUALIFICATIONS.—(1) The Secretary of a mili-
7 tary department shall prescribe for the officers in each of
8 the armed forces under the jurisdiction of such Secretary
9 policies and procedures to ensure that an adequate num-
10 ber of senior colonels, or in the case of the Navy, senior
11 captains, who are serving in or have served in joint duty
12 assignments meet the requirements of section 619a of this
13 title for eligibility for promotion to brigadier general and
14 rear admiral (lower half).

15 “(2) The Secretary of Defense shall ensure that the
16 qualifications of officers assigned to joint duty assign-
17 ments are such that—

18 “(A) officers who are serving on or have served
19 on the Joint Staff are expected, as a group, to be
20 promoted to the next higher grade at a rate not less
21 than the rate for officers of the same armed force
22 in the same grade and competitive category who are
23 serving on the headquarters staff of their armed
24 force; and

25 “(B) officers who are serving in or have served
26 in joint duty assignments are expected, as a group,

1 to be promoted to the next higher grade at a rate
2 not less than the rate for all officers of the same
3 armed force in the same grade and competitive cat-
4 egory.

5 “(3) The Secretary of Defense shall prescribe policies
6 to ensure that the Secretaries of the military departments
7 provide for promotion selection boards to give appropriate
8 consideration to officers who are serving in or have served
9 in joint duty assignments and are eligible for consideration
10 by such boards.”.

11 (b) CONFORMING AMENDMENT.—Subsection (b) of
12 such section is amended by striking “paragraphs (1), (2),
13 and (3) of subsection (a)” and inserting “subparagraphs
14 (A) and (B) of subsection (a)(2)”.

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

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

19 “(b) FULL CREDIT FOR JOINT DUTY.—An officer
20 shall be credited with having completed a full tour of duty
21 in a joint duty assignment upon the completion of any of
22 the following:

23 “(1) Service in a joint duty assignment that
24 meets the standards of subsection (a).

1 “(2) Service in a joint duty assignment for a
2 period that equals or exceeds the standard length of
3 the joint duty assignments that is prescribed under
4 subsection (c) for the installation or other location
5 of the officer’s joint duty assignment.

6 “(3) Cumulative service of at least one year on
7 one or more headquarters staffs within a United
8 States or multinational joint task force.

9 “(4) Service in a second joint duty assignment
10 for not less than 24 months, without regard to how
11 much of the officer’s service in the first joint duty
12 assignment has been credited as service in a joint
13 duty assignment.

14 “(5) Any service in a joint duty assignment if
15 the Secretary of Defense has granted a waiver for
16 such officer under subsection (d).

17 “(c) STANDARD LENGTH OF JOINT DUTY ASSIGN-
18 MENTS.—The Secretary of Defense shall prescribe in reg-
19 ulations, for each installation and other location author-
20 ized joint duty assignment positions, the standard length
21 of the joint duty assignments in such positions at that in-
22 stallation or other location, as the case may be.

23 “(d) WAIVER AUTHORITY.—The Secretary of De-
24 fense may waive the applicability of this section in the case
25 of any particular officer if the Secretary determines that

1 it is in the national security interests of the United States
2 to do so.”.

3 **SEC. 505. REPEAL OF MINIMUM PERIOD REQUIREMENT**
4 **FOR PHASE II JOINT PROFESSIONAL MILI-**
5 **TARY EDUCATION.**

6 Section 663 of title 10, United States Code, is
7 amended by striking subsection (e).

8 **SEC. 506. REVISED DEFINITIONS APPLICABLE TO JOINT**
9 **DUTY.**

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

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

16 “(c) **TOUR OF DUTY.**—In this chapter, the term ‘tour
17 of duty’ includes two or more consecutive tours of duty
18 in joint duty assignment positions that is credited as serv-
19 ice in a joint duty assignment under this chapter.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **“§ 647. Force shaping authority**

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

8 “(1) discharge an officer described in sub-
9 section (b); or

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

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

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

20 “(B) has completed more than 5 years of serv-
21 ice as a commissioned officer in the armed forces,
22 but has not completed a minimum service obligation
23 applicable to that member.

24 “(2) In this subsection, the term ‘minimum service
25 obligation’ means the initial period of required active duty

1 service together with any additional period of required ac-
2 tive duty service incurred during the initial period of re-
3 quired active duty service.

4 “(c) APPOINTMENT OF TRANSFERRED OFFICERS.—
5 An officer of the Regular Army, Regular Air Force, Reg-
6 ular Navy, or Regular Marine Corps who is transferred
7 to a reserve active-status list under this section shall be
8 discharged from the regular component concerned and ap-
9 pointed as a reserve commissioned officer under section
10 12203 of this title.

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

14 (B) The table of sections at the beginning of such
15 subchapter is amended by adding at the end the following
16 new item:

“647. Force shaping authority.”.

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

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

22 (A) by inserting “(1)” after “(a)”;

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

1 (C) by adding at the end the following new
2 paragraph:

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

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

10 (A) by redesignating subsection (b) as sub-
11 section (c); and

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

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

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

23 “(c) Subject to the authority, direction, and control
24 of the President, an original appointment as a commis-
25 sioned officer in the Regular Army, Regular Air Force,

1 Regular Navy, or Regular Marine Corps may be made by
2 the Secretary concerned in the case of a reserve commis-
3 sioned officer upon the transfer of such officer from the
4 reserve active-status list of a reserve component of the
5 armed forces to the active-duty list of an armed force, not-
6 withstanding the requirements of subsection (a).”.

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

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

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

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

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

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

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

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

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

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

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

1 (2) by striking “(d) LIMITATION ON NUMBER
2 OF OFFICERS FROCKED TO SPECIFIED GRADES.—”
3 and inserting the following:

4 “(d) LIMITATION ON NUMBER OF OFFICERS
5 FROCKED TO SPECIFIED GRADES.—(1) The total number
6 of brigadier generals and Navy rear admirals (lower half)
7 on the active-duty list who are authorized as described in
8 subsection (a) to wear the insignia for the grade of major
9 general or rear admiral (upper half), as the case may be,
10 may not exceed 30.”.

11 **Subtitle C—Reserve Component**
12 **Personnel Policy**

13 **SEC. 521. REPEAL OF EXCLUSION OF ACTIVE DUTY FOR**
14 **TRAINING FROM AUTHORITY TO ORDER RE-**
15 **SERVES TO ACTIVE DUTY.**

16 (a) GENERAL AUTHORITY TO ORDER RESERVES TO
17 ACTIVE DUTY.—Section 12301 of title 10, United States
18 Code, is amended—

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

21 (2) in subsection (c)—

22 (A) by striking “(other than for training)”
23 and inserting “as described in subsection (a)”
24 in the first sentence; and

1 (B) by striking “(other than for training)”

2 in the second sentence; and

3 (3) in subsection (e), by striking “(other than
4 for training)” and inserting “as described in sub-
5 section (a)”.

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

9 (c) SELECTED RESERVE AND INDIVIDUAL READY
10 RESERVE 270-DAY CALLUP AUTHORITY.—Section
11 12304(a) of such title is amended by striking “(other than
12 for training)”.

13 (d) STANDBY RESERVE CALLUP AUTHORITY.—Sec-
14 tion 12306 of such title is amended—

15 (1) in subsection (a), by striking “active duty
16 (other than for training) only as provided in section
17 12301 of this title” and inserting “active duty only
18 as provided in section 12301 of this title, but subject
19 to the limitations in subsection (b)”;

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking “(other
22 than for training)” and inserting “under section
23 12301(a) of this title”; and

24 (B) in paragraph (2), by striking “no other
25 member” and all that follows through “without

1 his consent” and inserting “notwithstanding
 2 section 12301(a) of this title, no other member
 3 in the Standby Reserve may be ordered to ac-
 4 tive duty as an individual under such section
 5 without his consent”.

6 **SEC. 522. EXCEPTION TO MANDATORY RETENTION OF RE-**
 7 **SERVES ON ACTIVE DUTY TO QUALIFY FOR**
 8 **RETIREMENT PAY.**

9 Section 12686(a) of title 10, United States Code, is
 10 amended by inserting “(other than retired pay for non-
 11 regular service under chapter 1223 of this title)” after “a
 12 purely military retirement system”.

13 **Subtitle D—Education and**
 14 **Training**

15 **SEC. 531. ONE-YEAR EXTENSION OF ARMY COLLEGE FIRST**
 16 **PILOT PROGRAM.**

17 Section 573(h) of the National Defense Authorization
 18 Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C.
 19 513 note), is amended by striking “September 30, 2004”
 20 and inserting “December 31, 2005”.

21 **SEC. 532. MILITARY RECRUITER EQUAL ACCESS TO CAM-**
 22 **PUS.**

23 Subsection (b)(1) of section 983 of title 10, United
 24 States Code, is amended—

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

3 (2) by inserting before the semicolon at the end
4 the following: “in a manner that is at least equal in
5 quality and scope to the degree of access to cam-
6 puses and to students that is provided to any other
7 employer”.

8 **SEC. 533. EXCLUSION FROM DENIAL OF FUNDS FOR PRE-**
9 **VENTING ROTC ACCESS TO CAMPUS OF**
10 **AMOUNTS TO COVER INDIVIDUAL COSTS OF**
11 **ATTENDANCE AT INSTITUTIONS OF HIGHER**
12 **EDUCATION.**

13 (a) CODIFICATION AND EXTENSION OF EXCLU-
14 SION.—Subsection (d) of section 983 of title 10, United
15 States Code, is amended—

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

18 (2) by adding at the end the following new
19 paragraph:

20 “(3) Any Federal funding specified in paragraph (1)
21 that is provided to an institution of higher education, or
22 to an individual, to be available solely for student financial
23 assistance, related administrative costs, or costs associated
24 with attendance, may be used for the purpose for which
25 the funding is provided.”.

1 (b) CONFORMING AMENDMENTS.—Subsections (a)
 2 and (b) of such section are amended by striking “(includ-
 3 ing a grant of funds to be available for student aid)”.

4 (c) CONFORMING REPEAL OF CODIFIED PROVI-
 5 SION.—Section 8120 of the Department of Defense Ap-
 6 propriations Act, 2000 (Public Law 106–79; 10 U.S.C.
 7 983 note), is repealed.

8 **SEC. 534. TRANSFER OF AUTHORITY TO CONFER DEGREES**
 9 **UPON GRADUATES OF THE COMMUNITY COL-**
 10 **LEGE OF THE AIR FORCE.**

11 (a) AUTHORITY OF AIR UNIVERSITY COMMANDER.—
 12 Subsection (a) of section 9317 of title 10, United States
 13 Code, is amended—

14 (1) by striking “and” at the end of paragraph

15 (2);

16 (2) by striking the period at the end of para-
 17 graph (3) and inserting “; and”; and

18 (3) by adding at the end the following new
 19 paragraph:

20 “(4) an associate level degree upon graduates of
 21 the Community College of the Air Force who fulfill
 22 the requirements for that degree.”.

23 (b) TERMINATION OF EXISTING AUTHORITY.—(1)
 24 Paragraph (1) of section 9315(c) of such title is amended
 25 by striking “the commander” and all that follows through

1 “at the level of associate” and inserting “an academic de-
 2 gree at the level of associate may be conferred under sec-
 3 tion 9317 of this title”.

4 (2) Paragraph (2) of such section is amended by
 5 striking “Air Education and Training Command of the
 6 Air Force” and inserting “Air University”.

7 (c) CONFORMING AND CLERICAL AMENDMENTS.—

8 (1) The heading of section 9317 of title 10, United States
 9 Code, is amended by striking “**graduate-level de-**
 10 **grees**” and inserting “**conferral of degrees**”.

11 (2) The item relating to such section in the table of
 12 sections at the beginning of chapter 901 of such title is
 13 amended to read as follows:

“9317. Air University: conferral of degrees.”.

14 **Subtitle E—Decorations, Awards,**
 15 **and Commendations**

16 **SEC. 541. AWARD OF MEDAL OF HONOR TO INDIVIDUAL IN-**
 17 **TERRED IN THE TOMB OF THE UNKNOWNNS AS**
 18 **REPRESENTATIVE OF CASUALTIES OF A WAR.**

19 (a) AWARD TO INDIVIDUAL AS REPRESENTATIVE.—
 20 Chapter 57 of title 10, United States Code, is amended
 21 by adding at the end the following new section:

1 **“§ 1134. Medal of honor: award to individual interred**
 2 **in Tomb of the Unknowns as representa-**
 3 **tive of casualties of a war**

4 “The medal of honor awarded posthumously to a de-
 5 ceased member of the armed forces who, as an unidenti-
 6 fied casualty of a particular war or other armed conflict,
 7 is interred in the Tomb of the Unknowns at Arlington Na-
 8 tional Cemetery, Virginia, is awarded to the member as
 9 the representative of the members of the armed forces who
 10 died in such war or other armed conflict and whose re-
 11 mains have not been identified, and not to the individual
 12 personally.”.

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

“1134. Medal of honor: award to individual interred in Tomb of the Unknowns
 as representative of casualties of a war.”.

16 **SEC. 542. SEPARATE CAMPAIGN MEDALS FOR OPERATION**
 17 **ENDURING FREEDOM AND FOR OPERATION**
 18 **IRAQI FREEDOM.**

19 (a) REQUIREMENT.—The President shall establish a
 20 campaign medal specifically to recognize service by mem-
 21 bers of the uniformed services in Operation Enduring
 22 Freedom and a separate campaign medal specifically to
 23 recognize service by members of the uniformed services in
 24 Operation Iraqi Freedom.

1 (b) ELIGIBILITY.—Subject to such limitations as may
 2 be prescribed by the President, eligibility for a campaign
 3 medal established pursuant to subsection (a) shall be set
 4 forth in regulations to be prescribed by the Secretary con-
 5 cerned (as defined in section 101 of title 10, United States
 6 Code). In the case of regulations prescribed by the Secre-
 7 taries of the military departments, the regulations shall
 8 be subject to approval by the Secretary of Defense and
 9 shall be uniform throughout the Department of Defense.

10 **Subtitle F—Military Justice**

11 **SEC. 551. REDUCED BLOOD ALCOHOL CONTENT LIMIT FOR** 12 **OFFENSE OF DRUNKEN OPERATION OF A VE-** 13 **HICLE, AIRCRAFT, OR VESSEL.**

14 Section 911(b)(3) of title 10, United States Code (ar-
 15 ticle 111(b)(3) of the Uniform Code of Military Justice),
 16 is amended by striking “0.10 grams” in both places it ap-
 17 pears and inserting “0.08 grams”.

18 **SEC. 552. WAIVER OF RECOUPMENT OF TIME LOST FOR** 19 **CONFINEMENT IN CONNECTION WITH A** 20 **TRIAL.**

21 Section 972 of title 10, United States Code, is
 22 amended by adding at the end the following new sub-
 23 section:

24 “(c) WAIVER OF RECOUPMENT OF TIME LOST FOR
 25 CONFINEMENT.—The Secretary concerned shall waive li-

1 ability for a period of confinement in connection with a
2 trial under subsection (a)(3), or exclusion of a period of
3 confinement in connection with a trial under subsection
4 (b)(3), in a case upon the occurrence of any of the fol-
5 lowing events:

6 “(1) For each charge—

7 “(A) the charge is dismissed before or dur-
8 ing trial in a final disposition of the charge; or

9 “(B) the trial results in an acquittal of the
10 charge.

11 “(2) For each charge resulting in a conviction
12 in such trial—

13 “(A) the conviction is set aside in a final
14 disposition of such charge, other than in a
15 grant of clemency; or

16 “(B) a judgment of acquittal or a dis-
17 missal is entered upon a reversal of the convic-
18 tion on appeal.”.

19 **SEC. 553. DEPARTMENT OF DEFENSE POLICY AND PROCE-**
20 **DURES ON PREVENTION AND RESPONSE TO**
21 **SEXUAL ASSAULTS INVOLVING MEMBERS OF**
22 **THE ARMED FORCES.**

23 (a) **COMPREHENSIVE POLICY ON PREVENTION AND**
24 **RESPONSE TO SEXUAL ASSAULTS.—**(1) Not later than
25 January 1, 2005, the Secretary of Defense shall develop

1 a comprehensive policy for the Department of Defense on
2 the prevention of and response to sexual assaults involving
3 members of the Armed Forces.

4 (2) The policy shall be based on the recommendations
5 of the Department of Defense Task Force on Care for Vic-
6 tims of Sexual Assaults and on such other matters as the
7 Secretary considers appropriate.

8 (b) ELEMENTS OF COMPREHENSIVE POLICY.—The
9 policy developed under subsection (a) shall address the fol-
10 lowing matters:

11 (1) Prevention measures.

12 (2) Education and training on prevention and
13 response.

14 (3) Investigation of complaints by command
15 and law enforcement personnel.

16 (4) Medical treatment of victims.

17 (5) Confidential reporting of incidents.

18 (6) Victim advocacy and intervention.

19 (7) Oversight by commanders of administrative
20 and disciplinary actions in response to substantiated
21 incidents of sexual assault.

22 (8) Disposition of victims of sexual assault, in-
23 cluding review by appropriate authority of adminis-
24 trative separation actions involving victims of sexual
25 assault.

1 (9) Disposition of members of the Armed
2 Forces accused of sexual assault.

3 (10) Liaison and collaboration with civilian
4 agencies on the provision of services to victims of
5 sexual assault.

6 (11) Uniform collection of data on the incidence
7 of sexual assaults and on disciplinary actions taken
8 in substantiated cases of sexual assault.

9 (c) REPORT ON IMPROVEMENT OF CAPABILITY TO
10 RESPOND TO SEXUAL ASSAULTS.—Not later than March
11 1, 2005, the Secretary of Defense shall submit to Congress
12 a proposal for such legislation as the Secretary considers
13 necessary to enhance the capability of the Department of
14 Defense to address matters relating to sexual assaults in-
15 volving members of the Armed Forces.

16 (d) APPLICATION OF COMPREHENSIVE POLICY TO
17 MILITARY DEPARTMENTS.—The Secretary shall ensure
18 that, to the maximum extent practicable, the policy devel-
19 oped under subsection (a) is implemented uniformly by the
20 military departments.

21 (e) POLICIES AND PROCEDURES OF MILITARY DE-
22 PARTMENTS.—(1) Not later than March 1, 2005, the Sec-
23 retaries of the military departments shall prescribe regula-
24 tions, or modify current regulations, on the policies and
25 procedures of the military departments on the prevention

1 of and response to sexual assaults involving members of
2 the Armed Forces in order—

3 (A) to conform such policies and procedures to
4 the policy developed under subsection (a); and

5 (B) to ensure that such policies and procedures
6 include the elements specified in paragraph (2).

7 (2) The elements specified in this paragraph are as
8 follows:

9 (A) A program to promote awareness of the in-
10 cidence of sexual assaults involving members of the
11 Armed Forces.

12 (B) A program to provide victim advocacy and
13 intervention for members of the Armed Force con-
14 cerned who are victims of sexual assault, which pro-
15 gram shall make available, at home stations and in
16 deployed locations, trained advocates who are readily
17 available to intervene on behalf of such victims.

18 (C) Procedures for members of the Armed
19 Force concerned to follow in the case of an incident
20 of sexual assault involving a member of such Armed
21 Force, including—

22 (i) specification of the person or persons to
23 whom the alleged offense should be reported;

24 (ii) specification of any other person whom
25 the victim should contact;

1 (iii) procedures for the preservation of evi-
2 dence; and

3 (iv) procedures for confidential reporting
4 and for contacting victim advocates.

5 (D) Procedures for disciplinary action in cases
6 of sexual assault by members of the Armed Force
7 concerned.

8 (E) Other sanctions authorized to be imposed
9 in substantiated cases of sexual assault, whether
10 forcible or nonforcible, by members of the Armed
11 Force concerned.

12 (F) Training on the policies and procedures for
13 all members of the Armed Force concerned, includ-
14 ing specific training for members of the Armed
15 Force concerned who process allegations of sexual
16 assault against members of such Armed Force.

17 (G) Any other matters that the Secretary of
18 Defense considers appropriate.

19 (f) ANNUAL ASSESSMENT OF POLICIES AND PROCE-
20 DURES.—Not later than January 15, 2006, and each year
21 thereafter, each Secretary of a military department shall
22 conduct an assessment of the implementation during the
23 preceding fiscal year of the policies and procedures of such
24 department on the prevention of and response to sexual
25 assaults involving members of the Armed Forces in order

1 to determine the effectiveness of such policies and proce-
2 dures during such fiscal year in providing an appropriate
3 response to such sexual assaults.

4 (g) ANNUAL REPORTS.—(1) Not later than April 1,
5 2005, and January 15 of each year thereafter, each Sec-
6 retary of a military department shall submit to the Sec-
7 retary of Defense a report on the sexual assaults involving
8 members of the Armed Force concerned during the pre-
9 ceding year.

10 (2) Each report on an Armed Force under paragraph
11 (1) shall contain the following:

12 (A) The number of sexual assaults against
13 members of the Armed Force, and the number of
14 sexual assaults by members of the Armed Force,
15 that were reported to military officials during the
16 year covered by such report, and the number of the
17 cases so reported cases that were substantiated.

18 (B) A synopsis of and the disciplinary action
19 taken in each substantiated case.

20 (C) The policies, procedures, and processes im-
21 plemented by the Secretary concerned during the
22 year covered by such report in response to incidents
23 of sexual assault involving members of the Armed
24 Force concerned.

1 (D) A plan for the actions that are to be taken
2 in the year following the year covered by such report
3 on the prevention of and response to sexual assault
4 involving members of the Armed Forces concerned.

5 (3) Each report under paragraph (1) in 2006, 2007,
6 and 2008 shall also include the assessment conducted by
7 the Secretary concerned under subsection (f).

8 (4) The Secretary of Defense shall transmit to the
9 Committees on Armed Services of the Senate and the
10 House of Representatives each report submitted to the
11 Secretary under this subsection, together with the com-
12 ments of the Secretary on each such report. The Secretary
13 shall transmit the report on 2004 not later than May 1,
14 2005, and shall transmit the report on any year after
15 2004 not later than March 15 of the year following such
16 year.

17 (h) SEXUAL ASSAULT DEFINED.—In this section, the
18 term “sexual assault” includes rape, acquaintance rape,
19 sexual assault, and other criminal sexual offenses.

1 **Subtitle G—Scope of Duties of**
2 **Ready Reserve Personnel in In-**
3 **active Duty Status**

4 **SEC. 561. REDESIGNATION OF INACTIVE-DUTY TRAINING**
5 **TO ENCOMPASS OPERATIONAL AND OTHER**
6 **DUTIES PERFORMED BY RESERVES WHILE IN**
7 **INACTIVE DUTY STATUS.**

8 (a) REDESIGNATION OF DUTY STATUS.—(1) The
9 duty status applicable to members of the reserve compo-
10 nents of the Armed Forces that is known as “inactive-
11 duty training” is redesignated as “inactive duty”.

12 (2) Any reference that is made in any law, regulation,
13 document, paper, or other record of the United States to
14 inactive-duty training, as such term applies to members
15 of the reserve components of the Armed Forces, shall be
16 deemed to be a reference to inactive duty.

17 (b) TITLE 10 CONFORMING AND CLERICAL AMEND-
18 MENTS.—(1) The following provisions of title 10, United
19 States Code, are amended by striking “inactive-duty train-
20 ing” each place it appears and inserting “inactive duty”:
21 sections 101(d)(7), 802(a)(3), 802(d)(2)(B),
22 802(d)(5)(B), 803(d), 936(a), 936(b), 976(a)(1)(C),
23 1061(b), 1074a(a), 1076(a)(2)(B), 1076(a)(2)(C),
24 1204(2), 1448(f)(1)(B), 1476(a)(1)(B), 1476(a)(2)(A),

1 1481(a)(2), 9446(a)(3), 12602(a)(3), 12602(b)(3), and
2 18505(a).

3 (2) The following provisions of such title are amended
4 by striking “inactive duty training” each place it appears
5 and inserting “inactive duty”: sections 1086(e)(2)(B),
6 1175(e)(2), 1475(a)(2), 1475(a)(3), 2031(d)(2), and
7 10204(b).

8 (3) Section 1206(2) of such title is amended by strik-
9 ing “in line of duty—” and all that follows through “resi-
10 dence; or” and inserting the following: “in line of duty
11 while—

12 (A) performing active duty or inactive
13 duty;

14 (B) traveling directly to or from the place
15 at which such duty is performed; or

16 (C) remaining overnight immediately be-
17 fore the commencement of inactive duty, or
18 while remaining overnight between successive
19 periods of inactive-duty training, at or in the vi-
20 cinity of the site of the inactive duty, if the site
21 is outside reasonable commuting distance of the
22 member’s residence;”.

23 (4) Section 1471(b)(3)(A) of such title is amended
24 by striking “for training” in clauses (ii) and (iii).

25 (5) Section 1478(a) of such title is amended—

1 (A) in paragraph (3)—

2 (i) by striking “from inactive duty train-
3 ing” and inserting “from the location of inac-
4 tive duty”; and

5 (ii) by striking “on inactive duty training”
6 and inserting “on inactive duty”;

7 (B) in paragraph (7)—

8 (i) by striking “inactive duty training” and
9 inserting “inactive duty”; and

10 (ii) by striking “or training”; and

11 (C) in paragraph (8), by striking “inactive duty
12 training” both places it appears and inserting “inac-
13 tive duty”.

14 (6) Section 12317 of such title is amended by striking
15 “, or to participate in inactive duty training,” and insert-
16 ing “inactive duty”.

17 (7) Section 12319(c) of such title is amended—

18 (A) by striking “inactive-duty training” both
19 places it appears and inserting “inactive duty”; and

20 (B) by striking “that training)” and inserting
21 “that duty”.

22 (8) Section 12603(a) of such title is amended—

23 (A) by striking “inactive duty training” and in-
24 serting “inactive duty”; and

1 (B) by striking “the training” and inserting
2 “such duty”.

3 (9) Section 12604(a) of such title is amended by
4 striking “to inactive-duty training” and inserting “to per-
5 form inactive duty”.

6 (10)(A) The headings for sections 1204, 1206,
7 12603, and 18505 of such title are amended by striking
8 “**inactive-duty training**” and inserting “**inactive**
9 **duty**”.

10 (B) The heading for section 1475 of such title is
11 amended by striking “**training**”.

12 (C) The heading for section 1476 of such title is
13 amended by striking “**or training**”.

14 (D) The heading for section 12604 of such title is
15 amended by striking “**attending inactive-duty**
16 **training**” and inserting “**performing inactive**
17 **duty**”.

18 (11)(A) The table of sections at the beginning of
19 chapter 61 of such title is amended—

20 (i) by striking the item relating to section 1204
21 and inserting the following:

“1204. Members on active duty for 30 days or less or on inactive duty: retire-
ment.”;

22 and

23 (ii) by striking the item relating to section 1206
24 and inserting the following:

“1206. Members on active duty for 30 days or less or on inactive duty: separation.”.

1 (B) The table of sections at the beginning of sub-
 2 chapter II of chapter 75 of such title is amended by strik-
 3 ing the items relating to sections 1475 and 1476 and in-
 4 serting the following:

“1475. Death gratuity: death of members on active duty or inactive duty and
 of certain other persons.

“1476. Death gratuity: death after discharge or release from duty.”.

5 (C) The table of sections at the beginning of chapter
 6 1217 of such title is amended by striking the items relat-
 7 ing to sections 12603 and 12604 and inserting the fol-
 8 lowing:

“12603. Attendance of inactive duty assemblies: commercial travel at Federal
 supply schedule rates.

“12604. Billeting in Department of Defense facilities: Reserves performing inac-
 tive duty.”.

9 (D) The item relating to section 18505 in the table
 10 of sections at the beginning of chapter 1805 of such title
 11 is amended to read as follows:

“18505. Reserves traveling for inactive duty: space-required travel on military
 aircraft.”.

12 (e) TITLE 14 CONFORMING AMENDMENT.—Sections
 13 704 and 705(a) of title 14, United States Code, are
 14 amended by striking “inactive-duty training” and insert-
 15 ing “inactive duty”.

16 (d) TITLE 37 CONFORMING AND CLERICAL AMEND-
 17 MENTS.—(1) Sections 101(22), 205(e)(2)(A), and 433(d)
 18 of title 37, United States Code, are amended by striking

1 “inactive-duty training” each place it appears and insert-
2 ing “inactive duty”.

3 (2) Section 204 of such title is amended—

4 (A) in subsection (g)(1)—

5 (i) in subparagraphs (B) and (D), by strik-
6 ing “inactive-duty training” each place it ap-
7 pears and inserting “inactive duty” and

8 (ii) in subparagraph (C), by striking “or
9 training”; and

10 (B) in subsection (h)(1)—

11 (i) in subparagraphs (B) and (D), by strik-
12 ing “inactive-duty training” each place it ap-
13 pears and inserting “inactive duty”; and

14 (ii) in subparagraph (C), by striking “or
15 training”; and

16 (3) Section 206 of such title is amended—

17 (A) in subsection (a)(3)—

18 (i) by striking clause (ii) of subparagraph
19 (A) and inserting the following:

20 “(ii) inactive duty;”;

21 (ii) in subparagraph (B), by striking “or
22 training”; and

23 (iii) in subparagraph (C), by striking “in-
24 active-duty training” each place it appears and
25 inserting “inactive duty”; and

1 (B) in subsection (b)(1), by inserting “or duty”
2 after “kind of training”.

3 (4) Section 308d(a) of such title is amended by strik-
4 ing “for training”.

5 (5) Section 415 of such title is amended—

6 (A) in subsection (a)(3), by striking “inactive-
7 duty training” and inserting “inactive duty”; and

8 (B) in subsection (c)(1), by striking “on inae-
9 tive duty training status” and inserting “inactive
10 duty”.

11 (6) Section 552 of such title is amended—

12 (A) in subsection (a)—

13 (i) by striking “performing inactive-duty
14 training,” in the matter preceding paragraph
15 (1), and inserting “inactive duty,”; and

16 (ii) by striking “or inactive-duty training”
17 in the second sentence and inserting “or inae-
18 tive duty”; and

19 (B) in subsection (d), by striking “inactive-duty
20 training” and inserting “on inactive duty”.

21 (7)(A) The heading for section 206 of such title is
22 amended by striking “**inactive-duty training**” and
23 inserting “**inactive duty**”.

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

“206. Reserves; members of National Guard: inactive duty.”.

4 (8) The heading for subsection (c) of section 305b
5 of such title is amended by striking “DUTY
6 TRAINING.—” and inserting “DUTY.—”.

7 (9) The heading for subsection (e) of section 320 of
8 such title is amended by striking “DUTY
9 TRAINING.—” and inserting “DUTY.—”.

10 (e) PUBLIC LAW 108–136.—Section 644(c) of the
11 National Defense Authorization Act for Fiscal Year 2004
12 (Public Law 108–136; 117 Stat. 1518) is amended by
13 striking “inactive-duty training” and inserting “inactive
14 duty”.

15 **SEC. 562. REPEAL OF UNNECESSARY DUTY STATUS DIS-**
16 **TINCTION FOR FUNERAL HONORS DUTY.**

17 (a) TITLE 10 DUTY.—(1) Section 12503 of title 10,
18 United States Code, is repealed.

19 (2) Section 12552 of such title is repealed.

20 (b) TITLE 32 DUTY.—(1) Section 115 of title 32,
21 United States Code, is repealed.

22 (2) Section 114 of such title is amended by striking
23 the second sentence.

1 (c) TITLE 10 CONFORMING AND CLERICAL AMEND-
2 MENTS.—Title 10, United States Code, is amended as fol-
3 lows:

4 (1) Section 1074a(a) is amended—

5 (A) in paragraph (1)—

6 (i) by inserting “or” at the end of
7 subparagraph (A);

8 (ii) by striking “; or” at the end of
9 subparagraph (B) and inserting a period;
10 and

11 (iii) by striking subparagraph (C);

12 (B) in paragraph (2)—

13 (i) by inserting “or” at the end of
14 subparagraph (A);

15 (ii) by striking “; or” at the end of
16 subparagraph (B) and inserting a period;
17 and

18 (iii) by striking subparagraph (C);

19 and

20 (C) by striking paragraph (4).

21 (2) Section 1076(a)(2) is amended by striking
22 subparagraph (E).

23 (3) Section 1204(2) is amended—

24 (A) by inserting “or” at the end of sub-
25 paragraph (A)(iii);

1 (B) by striking “or” at the end of subpara-
2 graph (B)(iii) and inserting a period; and

3 (C) by striking subparagraph (C).

4 (4) Section 1206(2) is amended by striking
5 “(B) while the member—” and all that follows
6 through “immediately before so serving;”.

7 (5) Section 1481(a)(2) is amended—

8 (A) by inserting “or” at the end of sub-
9 paragraph (D);

10 (B) by striking “; or” at the end of sub-
11 paragraph (E) and inserting a period; and

12 (C) by striking subparagraph (F).

13 (6) Section 12732(a)(2)(E) is amended by in-
14 serting “(as such section 12503 or 115, respectively,
15 was in effect before the date of the enactment of the
16 National Defense Authorization Act for Fiscal Year
17 2005)” after “section 115 of title 32”.

18 (7)(A) The table of sections at the beginning of
19 chapter 1213 is amended by striking the item relat-
20 ing to section 12503.

21 (B) The table of sections at the beginning of
22 chapter 1215 is amended by striking the item relat-
23 ing to 12552.

24 (c) TITLE 32 CLERICAL AMENDMENT.—The table of
25 sections at the beginning of chapter 1 of title 32, United

1 States Code, is amended by striking the item relating to
2 section 115.

3 (d) TITLE 37 CONFORMING AMENDMENTS.—Section
4 204 of title 37, United States Code, is amended—

5 (1) in subsection (g)(1)—

6 (A) by inserting “or” at the end of sub-
7 paragraph (C);

8 (B) by striking “; or” at the end of sub-
9 paragraph (D) and inserting a period; and

10 (C) by striking subparagraph (E); and

11 (2) in subsection (h)(1)—

12 (A) by inserting “or” at the end of sub-
13 paragraph (C);

14 (B) by striking “; or” at the end of sub-
15 paragraph (D) and inserting a period; and

16 (C) by striking subparagraph (E).

17 **SEC. 563. CONFORMING AMENDMENTS TO OTHER LAWS RE-**
18 **FERRING TO INACTIVE-DUTY TRAINING.**

19 (a) TITLE 5.—Section 6323(a)(1) of title 5, United
20 States Code, is amended by striking “inactive-duty train-
21 ing” and inserting “inactive duty”.

22 (b) TITLE 38.—(1) The following provisions of title
23 38, United States Code, are amended by striking “inactive
24 duty training” each place it appears and inserting “inac-
25 tive duty”: sections 106(d)(1), 1112(c)(3)(A)(ii),

1 1302(b)(2), 1312(a)(2)(A), 1965(3), 1965(4), 1965(5),
2 1967(a)(1)(B), 1967(b), 1969(a)(3), 1977(e), 2402(2),
3 4303(13), and 4303(16).

4 (2) Section 1968 of such title is amended—

5 (A) by striking “inactive duty training” and in-
6 serting “inactive duty”—

7 (i) in subsection (a), in the matter pre-
8 ceding paragraph (1);

9 (ii) in subsection (a)(3); and

10 (iii) in subsection (b)(2); and

11 (B) in subsection (a)(3)—

12 (i) by striking “such scheduled training pe-
13 riod” and inserting “such period of scheduled
14 duty”;

15 (ii) by striking “the date of such training”
16 and inserting “the date on which such duty pe-
17 riod ends”; and

18 (iii) by striking “such training terminated”
19 and inserting “on which such duty period
20 ends”.

21 (c) INTERNAL REVENUE CODE OF 1986.—(1) Sec-
22 tion 3121(m) of the Internal Revenue Code of 1986 is
23 amended by striking “inactive duty training” in para-
24 graphs (1)(B) and (3) and inserting “inactive duty”.

1 (2) The heading for paragraph (3) of such section
2 is amended to read as follows: “INACTIVE DUTY.—”.

3 **SEC. 564. CONFORMING AMENDMENTS TO OTHER LAWS RE-**
4 **FERRING TO FUNERAL HONORS DUTY.**

5 (a) TITLE 5.—Section 6323(a)(1) of title 5, United
6 States Code, is amended by striking “funeral honors duty
7 (as described in section 12503 of title 10 and section 115
8 of title 32),”.

9 (b) TITLE 38.—Section 4303(13) of title 38, United
10 States Code, is amended—

11 (1) by inserting “and” after “full-time National
12 Guard duty,”; and

13 (2) by striking “, and a period for which a per-
14 son is absent from employment for the purpose of
15 performing funeral honors duty as authorized by
16 section 12503 of title 10 or section 115 of title 32.”.

17 **Subtitle H—Other Matters**

18 **SEC. 571. ACCESSION OF PERSONS WITH SPECIALIZED**
19 **SKILLS.**

20 (a) INITIAL SERVICE OBLIGATION.—Subsection (a)
21 of section 651 of title 10, United States Code, is amend-
22 ed—

23 (1) by inserting “(1)” after “(a)”;

24 (2) by striking “deferred under the next to the
25 last sentence of section 6(d)(1) of the Military Selec-

1 tive Service Act (50 U.S.C. App. 456(d)(1))” and in-
2 serting “described in paragraph (3)”; and

3 (3) by adding at the end the following new
4 paragraphs:

5 “(2) The Secretary concerned may—

6 “(A) waive the applicability of paragraph (1) to
7 a person who, as determined by the Secretary con-
8 cerned, is accessed into an armed force under the ju-
9 risdiction of that Secretary based on unique skills
10 acquired in a civilian occupation and is to serve in
11 that armed force in a specialty requiring those skills;
12 and

13 “(B) require any alternative period of obligated
14 service that the Secretary considers appropriate to
15 meet the needs of the armed force that such person
16 is entering.

17 “(3) The requirement under paragraph (1) does not
18 apply to a person who is deferred under the next to the
19 last sentence of section 6(d)(1) of the Military Selective
20 Service Act (50 U.S.C. App. 456(d)(1)).

21 (b) BASIC TRAINING PERIOD.—Subsection (c) of sec-
22 tion 671 of such title is amended—

23 (1) by redesignating paragraph (2) as para-
24 graph (3); and

1 (2) by striking “(c)(1)” and all that follows
 2 through “Any such period” in the second sentence
 3 of paragraph (1) and inserting the following:

4 “(c)(1) A period of basic training (or equivalent
 5 training) shorter than 12 weeks may be established by the
 6 Secretary concerned for members of the armed forces who,
 7 as determined by the Secretary under regulations pre-
 8 scribed under paragraph (3)—

9 “(A) have been credentialed in a medical pro-
 10 fession or occupation and are serving in a health-
 11 care occupational specialty; or

12 “(B) have unique skills acquired in a civilian
 13 occupation and are to serve in a military specialty
 14 or position requiring those skills.

15 “(2) Any period of basic training under paragraph
 16 (1)”.

17 **SEC. 572. FEDERAL WRITE-IN BALLOTS FOR ABSENTEE**
 18 **MILITARY VOTERS LOCATED IN THE UNITED**
 19 **STATES.**

20 (a) DUTIES OF PRESIDENTIAL DESIGNEE.—Section
 21 101(b)(3) of the Uniformed and Overseas Citizens Absen-
 22 tee Voting Act (42 U.S.C. 1973ff(b)(3)) is amended by
 23 striking “overseas voters” and inserting “absent uni-
 24 formed services voters and overseas voters”.

1 (b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Sec-
2 tion 103 of such Act (42 U.S.C. 1973ff-2) is amended—

3 (1) in subsection (a), by striking “overseas vot-
4 ers” and inserting “absent uniformed services voters
5 and overseas voters”;

6 (2) in subsection (b), by striking the second
7 sentence and inserting the following new sentence:
8 “A Federal write-in absentee ballot of an absent uni-
9 formed services voter or overseas voter shall not be
10 counted—

11 “(1) if the application of the absent uniformed
12 services voter or overseas voter for a State absentee
13 ballot is received by the appropriate State election
14 official after the later of—

15 “(A) the deadline of the State for receipt
16 of such application; or

17 “(B) the date that is 30 days before the
18 general election; or

19 “(2) if a State absentee ballot of the absent
20 uniformed services voter or overseas voter is received
21 by the appropriate State election official not later
22 than the deadline for receipt of the State absentee
23 ballot under State law.”;

1 (3) in subsection (e)(1), by striking “overseas
2 voter” and inserting “absent uniformed services
3 voter or overseas voter”;

4 (4) in subsection (d), by striking “overseas
5 voter” both places it appears and inserting “absent
6 uniformed services voter or overseas voter”; and

7 (5) in subsection (e)(2), by striking “overseas
8 voters” and inserting “absent uniformed services
9 voters and overseas voters”.

10 (c) CONFORMING AMENDMENTS.—(1) The heading
11 of section 103 of such Act is amended to read as follows:

12 **“SEC. 103. FEDERAL WRITE-IN ABSENTEE BALLOT IN GEN-
13 ERAL ELECTIONS FOR FEDERAL OFFICE FOR
14 ABSENT UNIFORMED SERVICES VOTERS AND
15 OVERSEAS VOTERS.”.**

16 (2) The subsection caption for subsection (d) of such
17 section is amended by striking “OVERSEAS VOTER” and
18 inserting “ABSENT UNIFORMED SERVICES VOTER OR
19 OVERSEAS VOTER”.

20 **SEC. 573. RENAMING OF NATIONAL GUARD CHALLENGE
21 PROGRAM AND INCREASE IN MAXIMUM FED-
22 ERAL SHARE OF COST OF STATE PROGRAMS
23 UNDER THE PROGRAM.**

24 (a) RENAMING.—The text of section 509 of title 32,
25 United States Code, is amended by striking “National

1 Guard Challenge Program” each place it appears and in-
2 serting “National Guard Youth Challenge Program”.

3 (b) INCREASE IN MAXIMUM FEDERAL SHARE OF
4 COST OF STATE PROGRAMS.—Subsection (d) of such sec-
5 tion is amended by striking paragraphs (1), (2), (3), and
6 (4), and inserting the following new paragraphs:

7 “(1) for fiscal year 2004, 60 percent of the
8 costs of operating the State program during that
9 year;

10 “(2) for fiscal year 2005, 65 percent of the
11 costs of operating the State program during that
12 year;

13 “(3) for fiscal year 2006, 70 percent of the
14 costs of operating the State program during that
15 year; and

16 “(4) for fiscal year 2007 and each subsequent
17 fiscal year, 75 percent of the costs of operating the
18 State program during such year.”.

19 (c) CONFORMING AND CLERICAL AMENDMENTS.—
20 (1) The heading of such section is amended to read as
21 follows:

1 **“§ 509. National Guard Youth Challenge Program of**
 2 **opportunities for civilian youth”.**

3 (2) The table of sections at the beginning of chapter
 4 5 of such title is amended by striking the item relating
 5 to section 509 and inserting the following new item:

“509. National Guard Youth Challenge Program of opportunities for civilian
 youth.”.

6 **TITLE VI—COMPENSATION AND**
 7 **OTHER PERSONNEL BENEFITS**
 8 **Subtitle A—Pay and Allowances**

9 **SEC. 601. GEOGRAPHIC BASIS FOR HOUSING ALLOWANCE**
 10 **DURING SHORT-ASSIGNMENT PERMANENT**
 11 **CHANGES OF STATION FOR EDUCATION OR**
 12 **TRAINING.**

13 (a) **AUTHORITY.**—Paragraph (3) of subsection (d) of
 14 section 403 of title 37, United States Code, is amended
 15 by adding at the end the following new subparagraph:

16 “(C) In the case of a member who is reassigned
 17 for a permanent change of station or permanent
 18 change of assignment from a duty station within the
 19 continental United States to another duty station
 20 within the continental United States for a period of
 21 not more than one year for the purpose of partici-
 22 pating in professional military education or training
 23 classes, the amount of the basic allowance for hous-
 24 ing for the member may be based on whichever of

1 the following areas the Secretary concerned deter-
2 mines to provide the more equitable basis for the al-
3 lowance:

4 “(i) The area of the duty station to which
5 the member is reassigned.

6 “(ii) The area of the member’s last duty
7 station, but only if, and for the period that, the
8 member’s dependents reside in that area on and
9 after the date of the member’s departure for
10 the duty station to which the member is reas-
11 signed.”.

12 (b) CONFORMING AMENDMENT.—The heading of
13 such subsection is amended by striking “ARE UNABLE
14 To” and inserting “Do NOT”.

15 **SEC. 602. IMMEDIATE LUMP-SUM REIMBURSEMENT FOR**
16 **UNUSUAL NONRECURRING EXPENSES IN-**
17 **CURRED FOR DUTY OUTSIDE THE CONTI-**
18 **NENTAL UNITED STATES.**

19 Section 405 of title 37, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(d) NONRECURRING EXPENSES.—(1) The Secretary
23 concerned may pay a member of the uniformed services
24 on duty as described in subsection (a) a reimbursement

1 for a nonrecurring expense incurred by the member inci-
2 dent to such duty that—

3 “(A) is directly related to the conditions or lo-
4 cation of the duty;

5 “(B) is of a nature or a magnitude not nor-
6 mally incurred by members of the uniformed services
7 on duty inside the continental United States; and

8 “(C) is not included in the per diem determined
9 under subsection (b) as payable to the member
10 under subsection (a).

11 “(2) Any reimbursement payable to a member under
12 paragraph (1) is in addition to a per diem payable to that
13 member under subsection (a).”

14 **SEC. 603. PERMANENT INCREASE IN AUTHORIZED AMOUNT**
15 **OF FAMILY SEPARATION ALLOWANCE.**

16 (a) **PERMANENT AMOUNT.**—Subsection (a)(1) of sec-
17 tion 427 of title 37, United States Code, is amended by
18 striking “\$100” and inserting “\$250”.

19 (b) **REPEAL OF TEMPORARY AUTHORITY.**—Sub-
20 section (e) of such section is repealed.

21 (c) **EFFECTIVE DATE.**—This section and the amend-
22 ments made by this section shall take effect on the earlier
23 of—

24 (1) the first day of the first month that begins
25 after the date of the enactment of this Act; or

1 (2) January 1, 2005.

2 **Subtitle B—Bonuses and Special**
3 **and Incentive Pays**

4 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
5 **SPECIAL PAY AUTHORITIES FOR RESERVE**
6 **FORCES.**

7 (a) **SELECTED RESERVE REENLISTMENT BONUS.**—
8 Section 308b(g) of title 37, United States Code, is amend-
9 ed by striking “December 31, 2004” and inserting “De-
10 cember 31, 2005”.

11 (b) **SELECTED RESERVE ENLISTMENT BONUS.**—Sec-
12 tion 308c(e) of such title is amended by striking “Decem-
13 ber 31, 2004” and inserting “December 31, 2005”.

14 (c) **SPECIAL PAY FOR ENLISTED MEMBERS AS-**
15 **SIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section
16 308d(c) of such title is amended by striking “December
17 31, 2004” and inserting “December 31, 2005”.

18 (d) **SELECTED RESERVE AFFILIATION BONUS.**—Sec-
19 tion 308e(e) of such title is amended by striking “Decem-
20 ber 31, 2004” and inserting “December 31, 2005”.

21 (e) **READY RESERVE ENLISTMENT AND REENLIST-**
22 **MENT BONUS.**—Section 308h(g) of such title is amended
23 by striking “December 31, 2004” and inserting “Decem-
24 ber 31, 2005”.

1 (f) PRIOR SERVICE ENLISTMENT BONUS.—Section
2 308i(f) of such title is amended by striking “December
3 31, 2004” and inserting “December 31, 2005”.

4 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
5 **SPECIAL PAY AUTHORITIES FOR CERTAIN**
6 **HEALTH CARE PROFESSIONALS.**

7 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
8 GRAM.—Section 2130a(a)(1) of title 10, United States
9 Code, is amended by striking “December 31, 2004” and
10 inserting “December 31, 2005”.

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, 2005” and inserting
15 “January 1, 2006”.

16 (c) ACCESSION BONUS FOR REGISTERED NURSES.—
17 Section 302d(a)(1) of title 37, United States Code, is
18 amended by striking “December 31, 2004” and inserting
19 “December 31, 2005”.

20 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-
21 THETISTS.—Section 302e(a)(1) of such title is amended
22 by striking “December 31, 2004” and inserting “Decem-
23 ber 31, 2005”.

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, 2004” and inserting “December
3 31, 2005”.

4 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—
5 Section 302h(a)(1) of such title is amended by striking
6 “December 31, 2004” and inserting “December 31,
7 2005”.

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, 2004” and inserting “December
15 31, 2005”.

16 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
17 312b(c) of such title is amended by striking “December
18 31, 2004” and inserting “December 31, 2005”.

19 (c) NUCLEAR CAREER ANNUAL INCENTIVE
20 BONUS.—Section 312c(d) of such title is amended by
21 striking “December 31, 2004” and inserting “December
22 31, 2005”.

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, 2004” and inserting “Decem-
6 ber 31, 2005”.

7 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f)
8 of such title is amended by striking “December 31, 2005”
9 and inserting “December 31, 2006”.

10 (c) REENLISTMENT BONUS FOR ACTIVE MEM-
11 BERS.—Section 308(g) of such title is amended by strik-
12 ing “December 31, 2004” and inserting “December 31,
13 2005”.

14 (d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—
15 Section 309(e) of such title is amended by striking “De-
16 cember 31, 2004” and inserting “December 31, 2005”.

17 (e) RETENTION BONUS FOR MEMBERS WITH CRIT-
18 ICAL MILITARY SKILLS.—Section 323(i) of such title is
19 amended by striking “December 31, 2004” and inserting
20 “December 31, 2005”.

21 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
22 ICAL SKILLS.—Section 324(g) of such title is amended by
23 striking “December 31, 2004” and inserting “December
24 31, 2005”.

1 **SEC. 615. REDUCED SERVICE OBLIGATION FOR NURSES RE-**
2 **CEIVING NURSE ACCESSION BONUS.**

3 (a) PERIOD OF OBLIGATED SERVICE.—Section
4 302d(a)(1) of title 37, United States Code, is amended
5 by striking “four years” and inserting “three years”.

6 (b) EFFECTIVE DATE AND APPLICABILITY.—The
7 amendment made by subsection (a) shall take effect on
8 October 1, 2004, and shall apply with respect to agree-
9 ments entered into under section 302d of title 37, United
10 States Code, on or after such date.

11 **SEC. 616. ASSIGNMENT INCENTIVE PAY.**

12 (a) DISCONTINUATION UPON COMMENCEMENT OF
13 TERMINAL LEAVE.—(1) Subsection (e) of section 307a of
14 title 37, United States Code, is amended by striking “ab-
15 sence of the member for authorized leave.” and inserting
16 the following:

17 “(2) absence of the member for authorized
18 leave, other than leave authorized for a period end-
19 ing upon the discharge of the member or the release
20 of the member from active duty.”.

21 (2) Such subsection is further amended by striking
22 “by reason of” and all that follows through “pursuant to
23 orders or” and inserting “by reason of—

24 “(1) temporary duty performed by the member
25 pursuant to orders; or”.

1 (b) DISCRETIONARY WRITTEN AGREEMENTS.—Sub-
2 section (b) of such section is amended to read as follows:

3 “(b) WRITTEN AGREEMENT.—The Secretary con-
4 cerned may require a member to enter into a written
5 agreement with the Secretary in order to qualify for the
6 incentive pay under this section. A written agreement
7 under this subsection shall set forth the period for which
8 the incentive pay is to be provided and the monthly rate
9 at which the incentive pay is to be paid.”.

10 (c) EFFECTIVE DATE AND APPLICABILITY.—(1) The
11 amendments made by subsection (a) shall take effect on
12 October 1, 2004.

13 (2) Paragraph (2) of section 307a(e) of title 37,
14 United States Code, shall apply with respect to authorized
15 leave for days after September 30, 2004.

16 **SEC. 617. PERMANENT INCREASE IN AUTHORIZED AMOUNT**
17 **OF HOSTILE FIRE AND IMMINENT DANGER**
18 **SPECIAL PAY.**

19 (a) PERMANENT AMOUNT.—Subsection (a) of section
20 310 of title 37, United States Code, is amended by strik-
21 ing “\$150” in the matter preceding paragraph (1) and
22 inserting “\$225”.

23 (b) REPEAL OF TEMPORARY AUTHORITY.—Sub-
24 section (e) of such section is repealed.

1 (c) **EFFECTIVE DATE.**—This section and the amend-
2 ments made by this section shall take effect on the earlier
3 of—

4 (1) the first day of the first month that begins
5 after the date of the enactment of this Act; or

6 (2) January 1, 2005.

7 **SEC. 618. ELIGIBILITY OF ENLISTED MEMBERS TO QUALIFY**
8 **FOR CRITICAL SKILLS RETENTION BONUS**
9 **WHILE SERVING ON INDEFINITE REENLIST-**
10 **MENT.**

11 Paragraph (2) of section 323(a) of title 37, United
12 States Code, is amended to read as follows:

13 “(2) in the case of an enlisted member—

14 “(A) the member, if serving under an en-
15 listment for a definite period—

16 “(i) reenlists for a period of at least
17 one year; or

18 “(ii) voluntarily extends the member’s
19 enlistment for a period of at least one
20 year; or

21 “(B) the member, if serving under an en-
22 listment for an indefinite period, enters into a
23 written agreement with the Secretary concerned
24 to remain on active duty for at least one year
25 under such enlistment.”.

1 **SEC. 619. CLARIFICATION OF EDUCATIONAL PURSUITS**
2 **QUALIFYING FOR SELECTED RESERVE EDU-**
3 **CATION LOAN REPAYMENT PROGRAM FOR**
4 **HEALTH PROFESSIONS OFFICERS.**

5 Section 16302(a)(5) of title 10, United States Code,
6 is amended by striking “regarding” and inserting “for a
7 basic professional qualifying degree (as determined under
8 regulations prescribed by the Secretary), or graduate edu-
9 cation, in”.

10 **SEC. 620. BONUS FOR CERTAIN INITIAL SERVICE OF COM-**
11 **MISSIONED OFFICERS IN THE SELECTED RE-**
12 **SERVE.**

13 (a) **AUTHORITY.**—Chapter 5 of title 37, United
14 States Code, is amended by inserting after section 308i
15 the following new section:

16 **“§ 308j. Special pay: bonus for certain initial service**
17 **of commissioned officers in the Selected**
18 **Reserve**

19 “(a) **AFFILIATION BONUS.**—(1) The Secretary con-
20 cerned may pay an affiliation bonus under this section to
21 an eligible commissioned officer in any of the armed forces
22 who enters into an agreement with the Secretary to serve,
23 for the period specified in the agreement, in the Selected
24 Reserve of the Ready Reserve of an armed force under
25 the Secretary’s jurisdiction—

1 “(A) in a critical officer skill designated under
2 paragraph (3); or

3 “(B) to meet a manpower shortage in—

4 “(i) a unit of that Selected Reserve; or

5 “(ii) a particular pay grade in that armed
6 force.

7 “(2) A commissioned officer is eligible for an affili-
8 ation bonus under this section if the officer—

9 “(A) either—

10 “(i) is serving on active duty for a period
11 of more than 30 days; or

12 “(ii) is a member of a reserve component
13 not on active duty and, if the member formerly
14 served on active duty, was released from active
15 duty under honorable conditions;

16 “(B) has not previously served in the Selected
17 Reserve of the Ready Reserve; and

18 “(C) is not entitled to receive retired or retainer
19 pay.

20 “(3)(A) The Secretary concerned shall designate for
21 an armed force under the Secretary’s jurisdiction the crit-
22 ical officer skills to which the bonus authority under this
23 subsection is to be applied.

24 “(B) A skill may be designated as a critical officer
25 skill for an armed force under subparagraph (A) if, to

1 meet requirements of that armed force, it is critical for
2 that armed force to have a sufficient number of officers
3 who are qualified in that skill.

4 “(4) An affiliation bonus payable pursuant to an
5 agreement under this section to an eligible officer accrues
6 on the date on which the person is assigned to a unit or
7 position in the Selected Reserve pursuant to such agree-
8 ment.

9 “(b) ACCESSION BONUS.—(1) The Secretary con-
10 cerned may pay an accession bonus under this section to
11 an eligible person who enters into an agreement with the
12 Secretary—

13 “(A) to accept an appointment as a commis-
14 sioned officer in the armed forces; and

15 “(B) to serve in the Selected Reserve of the
16 Ready Reserve in a skill designated under paragraph
17 (2) for a period specified in the agreement.

18 “(2)(A) The Secretary concerned shall designate for
19 an armed force under the Secretary’s jurisdiction the offi-
20 cer skills to which the authority under this subsection is
21 to be applied.

22 “(B) A skill may be designated for an armed force
23 under subparagraph (A) if, to mitigate a current or pro-
24 jected significant shortage of personnel in that armed
25 force who are qualified in that skill, it is critical to in-

1 crease the number of persons accessed into that armed
2 force who are qualified in that skill or are to be trained
3 in that skill.

4 “(3) An accession bonus payable to a person pursu-
5 ant to an agreement under this section accrues on the date
6 on which that agreement is accepted by the Secretary con-
7 cerned.

8 “(c) PERIOD OF OBLIGATED SERVICE.—An agree-
9 ment entered into with the Secretary concerned under this
10 section shall require the person entering into that agree-
11 ment to serve in the Selected Reserve for a specified pe-
12 riod. The period specified in the agreement shall be any
13 period not less than three years that the Secretary con-
14 cerned determines appropriate to meet the needs of the
15 reserve component in which the service is to be performed.

16 “(d) AMOUNT.—The amount of a bonus under this
17 section may be any amount not in excess of \$6,000 that
18 the Secretary concerned determines appropriate.

19 “(e) PAYMENT.—Upon acceptance of a written agree-
20 ment by the Secretary concerned under this section, the
21 total amount of the bonus payable under the agreement
22 becomes fixed. The agreement shall specify whether the
23 bonus is to be paid in one lump sum or in installments.

24 “(f) RELATION TO OTHER ACCESSION BONUS AU-
25 THORITY.—No person may receive an affiliation bonus or

1 accession bonus under this section and financial assistance
2 under chapter 1608, 1609, or 1611 of title 10, or under
3 section 302g of this title, for the same period of service.

4 “(g) REPAYMENT FOR FAILURE TO COMMENCE OR
5 COMPLETE OBLIGATED SERVICE.—(1) A person who,
6 after receiving all or part of the bonus under an agreement
7 entered into by that person under this section, does not
8 accept a commission as an officer or does not commence
9 to participate or does not satisfactorily participate in the
10 Selected Reserve for the total period of service specified
11 in the agreement shall repay to the United States such
12 compensation or benefit, except under conditions pre-
13 scribed by the Secretary concerned.

14 “(2) The Secretary concerned shall include in each
15 agreement entered into by the Secretary under this section
16 the requirements that apply for any repayment under this
17 subsection, including the method for computing the
18 amount of the repayment and any exceptions.

19 “(3) An obligation to repay the United States im-
20 posed under paragraph (1) is for all purposes a debt owed
21 to the United States. A discharge in bankruptcy under
22 title 11 that is entered less than five years after the termi-
23 nation of an agreement entered into under this section
24 does not discharge a person from a debt arising under an

1 agreement entered into under this subsection or a debt
2 arising under paragraph (1).”.

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

“308j. Special pay: bonus for certain initial service of commissioned officers in
the Selected Reserve.”.

6 **Subtitle C—Travel and**
7 **Transportation Allowances**

8 **SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES**
9 **FOR FAMILY MEMBERS TO ATTEND BURIAL**
10 **CEREMONIES OF MEMBERS WHO DIE ON**
11 **DUTY.**

12 (a) AUTHORIZED TRAVEL DESTINATION.—Sub-
13 section (a)(1) of section 411f of title 37, United States
14 Code, is amended by inserting before the period at the
15 end the following: “at the location determined under sub-
16 section (a)(8) or (d)(2) of section 1482 of title 10”.

17 (b) LIMITATION ON AMOUNT.—Subsection (b) of
18 such section is amended to read as follows:

19 “(b) LIMITATION ON AMOUNT.—Allowances for trav-
20 el under subsection (a) may not exceed the rates for two
21 days and the time necessary for such travel.”.

22 (c) UNCONDITIONAL ELIGIBILITY OF DECEASED’S
23 PARENTS.—Subsection (c)(1)(C) of such section is
24 amended by striking “If no person described in subpara-

1 graph (A) or (B) is provided travel and transportation al-
2 lowances under subsection (a)(1), the” and inserting
3 “The”.

4 **SEC. 632. LODGING COSTS INCURRED IN CONNECTION**
5 **WITH DEPENDENT STUDENT TRAVEL.**

6 (a) **AUTHORITY.**—Section 430(b)(1) of title 37,
7 United States Code, is amended—

8 (1) by inserting “(A)” after “(b) ALLOWANCE
9 AUTHORIZED.—(1)”;

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

12 “(B) The allowance authorized under subparagraph
13 (A) for an eligible dependent’s travel may include reim-
14 bursement for costs that are incurred by or for the de-
15 pendent for lodging of the dependent that is necessitated
16 by an interruption in the travel caused by extraordinary
17 circumstances prescribed in the regulations under sub-
18 section (a). The amount of a reimbursement payable
19 under this subparagraph shall be a rate that is applicable
20 to the circumstances under regulations prescribed by the
21 Secretaries concerned.”.

22 (b) **EFFECTIVE DATE AND APPLICABILITY.**—The
23 amendments made by subsection (a) shall take effect on
24 October 1, 2004, and shall apply with respect to lodging
25 that commences on or after such date.

1 **Subtitle D—Retired Pay and**
2 **Survivor Benefits**

3 **SEC. 641. SPECIAL RULE FOR COMPUTING THE HIGH-36**
4 **MONTH AVERAGE FOR DISABLED MEMBERS**
5 **OF RESERVE COMPONENTS.**

6 (a) COMPUTATION OF HIGH 36-MONTH AVERAGE.—
7 Subsection (c) of section 1407 of title 10, United States
8 Code, is amended by adding at the end the following new
9 paragraph:

10 “(3) SPECIAL RULE FOR RESERVE COMPONENT
11 MEMBERS.—In the application of paragraphs (1)
12 and (2) to a member of a reserve component of a
13 uniformed service who is entitled to retired pay
14 under section 1201 or 1202 of this title, each month
15 during which the member performed duty for which
16 basic pay is paid under section 203 of title 37 or
17 compensation is paid under section 206 of such title
18 shall be treated as if it were one month of active
19 service.”.

20 (b) EFFECTIVE DATES AND APPLICABILITY.—(1)
21 Paragraph (3) of section 1407(c) of title 10, United States
22 Code (as added by subsection (a)), shall take effect on Oc-
23 tober 1, 2004, and shall apply with respect to months be-
24 ginning on or after such date, except as provided in para-
25 graph (2).

1 (2) For the computation of survivor annuities under
2 subparagraph (A)(i) or (B) of section 1451(c)(1) of title
3 10, United States Code (as amended by section 642(b)
4 of Public Law 107–107; 115 Stat. 1152)), paragraph (3)
5 of section 1407(c) of title 10, United States Code (as
6 added by subsection (a)), shall take effect as of September
7 10, 2001, and shall apply with respect to deaths of mem-
8 bers of the uniformed services occurring on or after that
9 date.

10 **Subtitle E—Other Matters**

11 **SEC. 651. INCREASED MAXIMUM PERIOD FOR LEAVE OF AB-** 12 **SENCE FOR PURSUIT OF A PROGRAM OF EDU-** 13 **CATION IN A HEALTH CARE PROFESSION.**

14 Section 708(a) of title 10, United States Code, is
15 amended—

16 (1) by striking “for a period not to exceed two
17 years”; and

18 (2) by adding at the end the following: “The
19 period of a leave of absence granted under this sec-
20 tion may not exceed two years, except that the pe-
21 riod may exceed two years but may not exceed three
22 years in the case of an eligible member pursuing a
23 program of education in a health care profession.”.

1 **SEC. 652. ELIGIBILITY OF MEMBERS FOR REIMBURSEMENT**
 2 **OF EXPENSES INCURRED FOR ADOPTION**
 3 **PLACEMENTS MADE BY FOREIGN GOVERN-**
 4 **MENTS.**

5 Section 1052(g)(3) of title 10, United States Code,
 6 is amended by adding at the end the following new sub-
 7 paragraph:

8 “(D) A foreign government or an agency
 9 authorized by a foreign government to place
 10 children for adoption, in any case in which—

11 “(i) the adopted child is entitled to
 12 automatic citizenship under section 320 of
 13 the Immigration and Nationality Act (8
 14 U.S.C. 1431); or

15 “(ii) a certificate of citizenship has
 16 been issued for such child under section
 17 322 of that Act (8 U.S.C. 1433).”.

18 **TITLE VII—HEALTH CARE**
 19 **Subtitle A—Enhanced Benefits for**
 20 **Reserves**

21 **SEC. 701. DEMONSTRATION PROJECT ON HEALTH BENE-**
 22 **FITS FOR RESERVES.**

23 (a) **DEMONSTRATION PROJECT REQUIRED.**—The
 24 Secretary of Defense shall carry out a demonstration
 25 project under section 1092 of title 10, United States Code,
 26 to assess the need for, and feasibility of, providing benefits

1 under the TRICARE program to members of the Ready
2 Reserve of the Armed Forces who are (1) eligible unem-
3 ployment compensation recipients, (2) in a period of con-
4 tinuous unemployment from the end of their last month
5 as eligible unemployment compensation recipients, or (3)
6 ineligible for coverage by employer-sponsored health bene-
7 fits plans for employees.

8 (b) DEFINITION.—In this section, the term “eligible
9 unemployment compensation recipient” has the meaning
10 given such term in section 1076b(j) of title 10, United
11 States Code.

12 **SEC. 702. PERMANENT EARLIER ELIGIBILITY DATE FOR**
13 **TRICARE BENEFITS FOR MEMBERS OF RE-**
14 **SERVE COMPONENTS.**

15 Section 1074(d) of title 10, United States Code, is
16 amended by striking paragraph (3).

17 **SEC. 703. WAIVER OF CERTAIN DEDUCTIBLES FOR MEM-**
18 **BERS ON ACTIVE DUTY FOR A PERIOD OF**
19 **MORE THAN 30 DAYS.**

20 Section 1095d(a) of title 10, United States Code, is
21 amended by striking “a period of less than one year” both
22 places that it appears and inserting “a period of more
23 than 30 days”.

1 **SEC. 704. PROTECTION OF DEPENDENTS FROM BALANCE**
2 **BILLING.**

3 Section 1079(h)(4) of title 10, United States Code,
4 is amended by adding at the end the following new sub-
5 paragraph:

6 “(C) In the case of a member of the reserve compo-
7 nents serving on active duty for a period of more than
8 30 days in support of a contingency operation under a
9 provision of law referred to in section 101(a)(13)(B) of
10 this title, the Secretary may pay the amount applicable
11 under subparagraph (B) to a dependent of such member
12 who is referred to in subparagraph (A).”.

13 **SEC. 705. PERMANENT EXTENSION OF TRANSITIONAL**
14 **HEALTH CARE BENEFITS AND ADDITION OF**
15 **REQUIREMENT FOR PRESEPARATION PHYS-**
16 **ICAL EXAMINATION.**

17 (a) PERMANENT REQUIREMENT.—(1) Paragraph (3)
18 of section 1145(a) of title 10, United States Code, is
19 amended to read as follows:

20 “(3) Transitional health care for a member under
21 subsection (a) shall be available for 180 days beginning
22 on the date on which the member is separated from active
23 duty.”.

24 (2) The following provisions of law are repealed:

1 (A) Section 704 of the National Defense Au-
2 thORIZATION Act for Fiscal Year 2004 (Public Law
3 108–136; 117 Stat. 1527; 10 U.S.C. 1145 note).

4 (B) Section 1117 of the Emergency Supple-
5 mental Appropriations Act for Defense and for the
6 Reconstruction of Iraq and Afghanistan, 2004 (Pub-
7 lic Law 108–106; 117 Stat. 1218; 10 U.S.C. 1145
8 note).

9 (b) REQUIREMENT FOR PHYSICAL EXAMINATION.—
10 Such section 1145(a), as amended by subsection (a), is
11 further amended by adding at the end the following new
12 paragraph:

13 “(4) The Secretary concerned shall require each
14 member referred to in paragraph (1) to undergo a com-
15 prehensive physical examination immediately before the
16 member is separated from active duty as described in
17 paragraph (2).”.

18 **SEC. 706. PERMANENT ELECTIVE COVERAGE FOR READY**
19 **RESERVE MEMBERS UNDER TRICARE PRO-**
20 **GRAM.**

21 (a) AUTHORITY.—(1) Chapter 55 of title 10, United
22 States Code, is amended by inserting after section 1076c
23 the following new section:

1 **“§ 1076d. TRICARE program: TRICARE Reserve Se-**
2 **lect**

3 “(a) IN GENERAL.—TRICARE Reserve Select is a
4 health care benefits option under the TRICARE program.

5 “(b) ELIGIBILITY.—A member of the Selected Re-
6 serve of the Ready Reserve is eligible to enroll in
7 TRICARE Reserve Select for health care benefits to be
8 provided under TRICARE Standard if—

9 “(1) the member is not entitled to care under
10 section 1074 of this title; and

11 “(2) the member and (in the case of a member
12 covered by subparagraph (A) of subsection (f)(4))
13 the member’s employer enter into an agreement with
14 the Secretary concerned to pay the applicable pre-
15 mium in accordance with that subsection.

16 “(c) ENROLLMENT.—A member eligible under sub-
17 section (a) may enroll in TRICARE Reserve Select at any
18 time. An enrollment is continuous until terminated under
19 this section.

20 “(d) TYPES OF COVERAGE.—An enrollment of a
21 member under this section is—

22 “(1) for self alone coverage if the member has
23 no immediate family; or

24 “(2) for coverage of the member and the mem-
25 ber’s immediate family.

1 “(e) SCOPE OF CARE.—A member and the members
2 of the member’s immediate family enrolled in TRICARE
3 Reserve Select under this section shall be entitled to the
4 same benefits under TRICARE Standard as members and
5 former members of the uniformed services referred to in
6 section 1074(b) of this title and their dependents, respec-
7 tively.

8 “(f) PREMIUMS.—(1) The Secretary of Defense shall
9 charge a premium for the TRICARE Standard benefits
10 provided pursuant to an enrollment in TRICARE Reserve
11 Select under this section.

12 “(2) The Secretary shall prescribe one premium for
13 enrollments for self alone coverage and one premium for
14 enrollments for self and family coverage.

15 “(3) The monthly amount of the premium in effect
16 for a month for a level of coverage under this section
17 shall—

18 “(A) be the total amount determined by the
19 Secretary on an appropriate actuarial basis as being
20 reasonable for the coverage; and

21 “(B) apply uniformly to all members enrolled
22 for that level of coverage without regard to the geo-
23 graphical location of—

24 “(i) a member, any of the member’s imme-
25 diate family, or an employer of the member; or

1 “(ii) a residence of a member or any of the
2 member’s immediate family.

3 “(4) A premium payable in the case of a member
4 under this subsection shall be paid as follows:

5 “(A) If the member is employed and is not de-
6 scribed in subparagraph (B)—

7 “(i) the member shall pay 28 percent of
8 the amount of the premium; and

9 “(ii) the member’s employer shall pay 72
10 percent of the amount of the premium.

11 “(B) If the member is employed but is ineligible
12 for coverage by the employer-sponsored health bene-
13 fits plan or plans (if any) that the member’s em-
14 ployer offers for employees, the member shall pay
15 100 percent of the amount of the premium.

16 “(C) If the member is not employed, the mem-
17 ber shall pay 100 percent of the amount of the pre-
18 mium.

19 “(5) The premiums payable by a member under this
20 subsection may be deducted and withheld from basic pay
21 payable to the member under section 204 of title 37 or
22 from compensation payable to the member under section
23 206 of such title. The Secretary shall prescribe the re-
24 quirements and procedures applicable to the payment of

1 premiums by Reserves not entitled to such basic pay or
2 compensation.

3 “(6) Amounts collected as premiums under this sub-
4 section shall be credited to the appropriation available for
5 the Defense Health Program Account under section 1100
6 of this title, shall be merged with sums in such Account
7 that are available for the fiscal year in which collected,
8 and shall be available under subsection (b) of such section
9 for such fiscal year.

10 “(g) OTHER CHARGES.—A person who receives
11 health care pursuant to an enrollment in TRICARE Re-
12 serve Select under this section, including a member who
13 receives such health care, shall be subject to the same
14 deductibles, copayments, and other nonpremium charges
15 for health care as apply under this chapter for health care
16 provided under TRICARE Standard to the immediate
17 family of members of the uniformed services on active
18 duty.

19 “(h) TERMINATION OF ENROLLMENT.—(1) A mem-
20 ber enrolled in TRICARE Reserve Select under this sec-
21 tion may terminate the enrollment at any time.

22 “(2) An enrollment of a member shall terminate on
23 the earlier of—

1 “(A) the date on which the member ceases to
2 be a member of the Selected Reserve of the Ready
3 Reserve;

4 “(B) the first day of the first month beginning
5 after the date on which the member otherwise ceases
6 to be eligible under subsection (b); or

7 “(C) the date on which—

8 “(i) the member becomes entitled to care
9 under section 1074 of this title; and

10 “(ii) the administrative transition from
11 coverage for health care benefits under this sec-
12 tion to coverage for health care benefits under
13 such section 1074 is effectuated.

14 “(3) The enrollment of a member under this section
15 may be terminated on the basis of failure to pay the pre-
16 mium charged the member under this section.

17 “(i) ADVISORY COMMITTEE.—(1) The Secretary of
18 Defense shall establish under section 173 of this title an
19 advisory committee—

20 “(A) to provide advice to the Secretary on the
21 implementation of the TRICARE Reserve Select
22 program under this section; and

23 “(B) to coordinate efforts to disseminate infor-
24 mation on the program to employers of members of
25 the Selected Reserve of the Ready Reserve.

1 “(2) The advisory committee shall be composed of the
2 following members:

3 “(A) Members appointed by the Secretary as
4 representatives of the Defense Advisory Board on
5 Employer Support of the Guard and Reserve.

6 “(B) Members designated by the Secretary
7 from among the TRICARE program regional direc-
8 tors as representatives of the directors.

9 “(C) Members designated by the Director of the
10 Office of Personnel Management as representatives
11 of that agency, in such number as the Secretary and
12 Director shall agree.

13 “(j) REGULATIONS.—The Secretary of Defense, in
14 consultation with the other administering Secretaries,
15 shall prescribe regulations for the administration of this
16 section.

17 “(k) DEFINITIONS.—In this section:

18 “(1) The term ‘immediate family’, with respect
19 to a member of the uniformed services, means all of
20 the member’s dependents described in subpara-
21 graphs (A), (D), and (I) of section 1072(2) of this
22 title.

23 “(2) The term ‘self and family coverage’ means
24 coverage described in subsection (d)(2).

1 “(3) The term ‘TRICARE Standard’ means the
2 Civilian Health and Medical Program of the Uni-
3 formed Services option under the TRICARE pro-
4 gram.”.

5 (2) The table of sections at the beginning of such
6 chapter is amended by inserting after the item relating
7 to section 1076c the following new item:

 “1076d. TRICARE program: TRICARE Reserve Select.”.

8 (b) REPORT.—Not later than 90 days after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall submit to the congressional defense committees a re-
11 port on the plans for implementing section 1076d of title
12 10, United States Code (as added by subsection (a)).

13 **Subtitle B—Other Matters**

14 **SEC. 711. REPEAL OF REQUIREMENT FOR PAYMENT OF** 15 **SUBSISTENCE CHARGES WHILE HOSPITAL-** 16 **IZED.**

17 (a) REPEAL.—Section 1075 of title 10, United States
18 Code, is repealed.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 55 of such title is amended
21 by striking the item relating to section 1075.

1 **SEC. 712. OPPORTUNITY FOR YOUNG CHILD DEPENDENT**
2 **OF DECEASED MEMBER TO BECOME ELIGI-**
3 **BLE FOR ENROLLMENT IN A TRICARE DEN-**
4 **TAL PLAN.**

5 Section 1076a(k)(2) of title 10, United States Code,
6 is amended—

7 (1) by striking “under subsection (a) or” and
8 inserting “under subsection (a),”; and

9 (2) by inserting after “under subsection (f),”
10 the following: “or is not enrolled because the de-
11 pendent is a child under the minimum age for en-
12 rollment,”.

13 **SEC. 713. PEDIATRIC DENTAL PRACTICE NECESSARY FOR**
14 **PROFESSIONAL ACCREDITATION.**

15 Section 1077(c) of title 10, United States Code, is
16 amended—

17 (1) by striking “A dependent” and inserting
18 “(1) Except as specified in paragraph (2), a depend-
19 ent”; and

20 (2) by adding at the end the following new
21 paragraph:

22 “(2)(A) Dependents 12 years of age or younger who
23 are covered by a dental plan under section 1076a of this
24 title may be treated by postgraduate dental students in
25 a dental treatment facility of the uniformed services ac-
26 credited by the American Dental Association under a

1 graduate dental education program accredited by the
2 American Dental Association if—

3 “(i) treatment of pediatric dental patients is
4 necessary in order to satisfy an accreditation stand-
5 ard of the American Dental Association that is ap-
6 plicable to such facility or program, or training in
7 pediatric dental care is necessary for the students to
8 be professionally qualified to provide dental care for
9 dependent children accompanying members of the
10 uniformed services outside the United States; and

11 “(ii) the caseload of pediatric patients at such
12 facility is insufficient to support satisfaction of the
13 accreditation or professional requirements in pedi-
14 atric dental care that apply to such facility, pro-
15 gram, or students.

16 “(B) The total number of dependents treated in all
17 facilities of the uniformed services under subparagraph
18 (A) in a fiscal year may not exceed 2,000.”.

19 **SEC. 714. SERVICES OF MARRIAGE AND FAMILY THERA-**
20 **PISTS.**

21 (a) **AUTHORITY TO ENTER INTO PERSONAL SERV-**
22 **ICES CONTRACTS.**—Section 704(c)(2) of the National De-
23 fense Authorization Act for Fiscal Year 1995 (Public Law
24 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amend-
25 ed by inserting “marriage and family therapists certified

1 as such by a certification recognized by the Secretary of
2 Defense,” after “psychologists,”.

3 (b) APPLICABILITY OF LICENSURE REQUIREMENT
4 FOR HEALTH-CARE PROFESSIONALS.—Section
5 1094(e)(2) of title 10, United States Code, is amended
6 by inserting “marriage and family therapist certified as
7 such by a certification recognized by the Secretary of De-
8 fense,” after “psychologist,”.

9 **SEC. 715. CHIROPRACTIC HEALTH CARE BENEFITS ADVI-**
10 **SORY COMMITTEE.**

11 (a) ESTABLISHMENT.—Not later than 30 days after
12 the date of the enactment of this Act, the Secretary of
13 Defense shall establish an oversight advisory committee to
14 provide the Secretary with advice and recommendations
15 regarding the continued development and implementation
16 of an effective program of chiropractic health care benefits
17 for members of the uniformed services on active duty.

18 (b) MEMBERSHIP.—The advisory committee shall be
19 composed of members selected from among persons who,
20 by reason of education, training, and experience, are ex-
21 perts in chiropractic health care, as follows:

22 (1) Members appointed by the Secretary of De-
23 fense in such number as the Secretary determines
24 appropriate for carrying out the duties of the advi-
25 sory committee effectively.

1 (2) A representative of each of the Armed
2 Forces, as designated by the Secretary of the mili-
3 tary department concerned.

4 (c) CHAIRMAN.—The Secretary of Defense shall des-
5 ignate one member of the advisory committee to serve as
6 the Chairman of the advisory committee.

7 (d) MEETINGS.—The advisory committee shall meet
8 at the call of the Chairman, but not fewer than three times
9 each fiscal year, beginning in fiscal year 2005.

10 (e) DUTIES.—The advisory committee shall have the
11 following duties:

12 (1) Review and evaluate the program of chiro-
13 practic health care benefits provided to members of
14 the uniformed services on active duty under chapter
15 55 of title 10, United States Code.

16 (2) Provide the Secretary of Defense with ad-
17 vice and recommendations as described in subsection
18 (a).

19 (3) Upon the Secretary's determination that the
20 program of chiropractic health care benefits referred
21 to in paragraph (1) has been fully implemented, pre-
22 pare and submit to the Secretary a report containing
23 the advisory committee's evaluation of such program
24 as implemented.

1 (f) APPLICABILITY OF TEMPORARY ORGANIZATIONS
2 LAW.—(1) Section 3161 of title 5, United States Code,
3 shall apply to the advisory committee under this section.

4 (2) The Federal Advisory Committee Act (5 U.S.C.
5 App.) shall not apply to the oversight advisory committee
6 under this section.

7 (g) TERMINATION.—The advisory committee shall
8 terminate 90 days after the date on which the committee
9 submits the report to the Secretary of Defense under sub-
10 section (e)(3).

11 **SEC. 716. GROUNDS FOR PRESIDENTIAL WAIVER OF RE-**
12 **QUIREMENT FOR INFORMED CONSENT OR**
13 **OPTION TO REFUSE REGARDING ADMINIS-**
14 **TRATION OF DRUGS NOT APPROVED FOR**
15 **GENERAL USE.**

16 (a) INVESTIGATIONAL NEW DRUGS.—Section
17 1107(f) of title 10, United States Code, is amended—

18 (1) in paragraph (1), by striking “obtaining
19 consent—” and all that follows through “(C) is” and
20 inserting “obtaining consent is”; and

21 (2) by striking paragraph (2) and inserting the
22 following new paragraph:

23 “(2) The waiver authority provided in paragraph (1)
24 shall not be construed to apply to any case other than
25 a case in which prior consent for administration of a par-

1 particular drug is required by reason of a determination by
2 the Secretary of Health and Human Services that such
3 drug is subject to the investigational new drug require-
4 ments of section 505(i) of the Federal Food, Drug, and
5 Cosmetic Act.”.

6 (b) EMERGENCY USE DRUGS.—Section 1107a(a) of
7 such title is amended—

8 (1) by inserting “(A)” after “PRESIDENT.—
9 (1)”;

10 (2) by striking “is not feasible,” and all that
11 follows through “members affected, or”; and

12 (3) by adding at the end the following new sub-
13 paragraph:

14 “(B) The waiver authority provided in subparagraph
15 (A) shall not be construed to apply to any case other than
16 a case in which an individual is required to be informed
17 of an option to accept or refuse administration of a par-
18 ticular product by reason of a determination by the Sec-
19 retary of Health and Human Services that emergency use
20 of such product is authorized under section 564 of the
21 Federal Food, Drug, and Cosmetic Act.”.

1 **TITLE VIII—ACQUISITION POL-**
2 **ICY, ACQUISITION MANAGE-**
3 **MENT, AND RELATED MAT-**
4 **TERS**

5 **Subtitle A—Acquisition Policy and**
6 **Management**

7 **SEC. 801. RESPONSIBILITIES OF ACQUISITION EXECUTIVES**
8 **AND CHIEF INFORMATION OFFICERS UNDER**
9 **THE CLINGER-COHEN ACT.**

10 (a) ACQUISITIONS OF INFORMATION TECHNOLOGY
11 EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON SYS-
12 TEM.—(1) Chapter 131 of title 10, United States Code,
13 is amended by inserting after section 2223 the following:
14 **“§ 2223a. Acquisition of information technology**
15 **equipment integral to a weapon or a**
16 **weapon system**

17 “(a) RESPONSIBILITIES OF ACQUISITION EXECU-
18 TIVES.—The acquisition executive of each military depart-
19 ment shall be responsible for ensuring that, with regard
20 to a weapon or weapon system acquired or to be acquired
21 by or for that military department—

22 “(1) the acquisition of information technology
23 equipment that is integral to the weapon or a weap-
24 on system is conducted in a manner that is con-
25 sistent with the capital planning, investment control,

1 and performance and results-based management
2 processes and requirements provided under sections
3 11302, 11303, 11312, and 11313 of title 40, to the
4 extent that such processes requirements are applica-
5 ble to the acquisition of such equipment;

6 “(2) issues of spectrum availability, interoper-
7 ability, and information security are appropriately
8 addressed in the development of the weapon or
9 weapon system; and

10 “(3) in the case of information technology
11 equipment that is to be incorporated into a weapon
12 or a weapon system under a major defense acquisi-
13 tion program, the information technology equipment
14 is incorporated in a manner that is consistent
15 with—

16 “(A) the planned approach to applying cer-
17 tain provisions of law to major defense acquisi-
18 tion programs following the evolutionary acqui-
19 sition process that the Secretary of Defense re-
20 ported to Congress under section 802 of the
21 Bob Stump National Defense Authorization Act
22 for Fiscal Year 2003 (Public Law 107–314;
23 116 Stat. 2602);

24 “(B) the acquisition policies that apply to
25 spiral development programs under section 803

1 of such Act (116 Stat. 2603; 10 U.S.C. 2430
2 note); and

3 “(C) the software acquisition processes of
4 the military department or Defense Agency con-
5 cerned under section 804 of such Act (116
6 Stat. 2604; 10 U.S.C. 2430 note).

7 “(b) BOARD OF SENIOR ACQUISITION OFFICIALS.—
8 (1) The Secretary of Defense shall establish a board of
9 senior acquisition officials to develop policy and provide
10 oversight on the implementation of the requirements of
11 this section and chapter 113 of title 40 in procurements
12 of information technology equipment that is integral to a
13 weapon or a weapon system.

14 “(2) The board shall be composed of the following
15 officials:

16 “(A) The Under Secretary of Defense for Ac-
17 quisition, Technology, and Logistics, who shall be
18 the Chairman.

19 “(B) The acquisition executives of the military
20 departments.

21 “(C) The Chief Information Officer of the De-
22 partment of Defense.

23 “(3) Any question regarding whether information
24 technology equipment is integral to a weapon or weapon

1 system shall be resolved by the board in accordance with
2 policies established by the board.

3 “(c) INAPPLICABILITY OF OTHER LAWS.—The fol-
4 lowing provisions of law do not apply to information tech-
5 nology equipment that is integral to a weapon or a weapon
6 system:

7 “(1) Section 11315 of title 40.

8 “(2) The policies and procedures established
9 under section 11316 of title 40.

10 “(3) Subsections (d) and (e) of section 811 of
11 the Floyd D. Spence National Defense Authorization
12 Act for Fiscal Year 2001 (as enacted into law by
13 Public Law 106–398; 114 Stat. 1654A–211), and
14 the requirements and prohibitions that are imposed
15 by Department of Defense Directive 5000.1 pursu-
16 ant to subsections (b) and (c) of such section.

17 “(4) Section 351 of the Bob Stump National
18 Defense Authorization Act for Fiscal Year 2003
19 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C.
20 221 note).

21 “(d) DEFINITIONS.—In this section:

22 “(1) The term ‘acquisition executive’, with re-
23 spect to a military department, means the official
24 who is designated as the senior procurement execu-
25 tive of the military department under section 16(3)

1 of the Office of Federal Procurement Policy Act (41
2 U.S.C. 414(3)).

3 “(2) The term ‘information technology’ has the
4 meaning given such term in section 11101 of title
5 40.

6 “(3) The term ‘major defense acquisition pro-
7 gram’ has the meaning given such term in section
8 2430 of this title.”.

9 (2) The table of sections at the beginning of such
10 chapter is amended by inserting after the item relating
11 to section 2223 the following new item:

“2223a. Acquisition of information technology equipment integral to a weapon
or a weapon system.”.

12 (b) CONFORMING AMENDMENTS.—Section 2223 of
13 such title is amended—

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

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

18 “(c) EQUIPMENT INTEGRAL TO A WEAPON OR WEAP-
19 ON SYSTEM.—(1) In the case of information technology
20 equipment that is integral to a weapon or weapon system
21 acquired or to be acquired by or for a military department,
22 the responsibilities under this section shall be performed
23 by the acquisition executive of that military department
24 pursuant to the guidance and oversight of the board of

1 senior acquisition officials established under section
2 2223a(b) of this title.

3 “(2) In this subsection, the term ‘acquisition execu-
4 tive’ has the meaning given said term in section 2223a(d)
5 of this title.”.

6 **SEC. 802. SOFTWARE-RELATED PROGRAM COSTS UNDER**
7 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

8 (a) CONTENT OF QUARTERLY UNIT COST RE-
9 PORT.—Subsection (b) of section 2433 of title 10, United
10 States Code, is amended by adding at the end the fol-
11 lowing new paragraph:

12 “(5) Any significant changes in the total pro-
13 gram cost for development and procurement of the
14 software component of the program, schedule mile-
15 stones for the software component of the program,
16 or expected performance for the software component
17 of the program that are known, expected, or antici-
18 pated by the program manager.”.

19 (b) CONTENT OF SELECTED ACQUISITION RE-
20 PORT.—(1) Subsection (g)(1) of such section is amended
21 by adding at the end the following new subparagraph:

22 “(Q) In any case in which one or more prob-
23 lems with the software component of the program
24 significantly contributed to the increase in program

1 unit costs, the action taken and proposed to be
2 taken to solve such problems.”.

3 (2) Section 2432(e) of title 10, United States Code,
4 is amended—

5 (A) by redesignating paragraphs (7), (8), and
6 (9), as paragraphs (8), (9) and (10), respectively;
7 and

8 (B) by inserting after paragraph (6) the fol-
9 lowing new paragraph (7):

10 “(7) The reasons for any significant changes
11 (from the previous Selected Acquisition Report) in
12 the total program cost for development and procure-
13 ment of the software component of the program,
14 schedule milestones for the software component of
15 the program, or expected performance for the soft-
16 ware component of the program that are known, ex-
17 pected, or anticipated by the program manager.”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on October 1, 2004, and shall
20 apply with respect to reports due to be submitted to Con-
21 gress on or after such date.

1 **SEC. 803. INTERNAL CONTROLS FOR DEPARTMENT OF DE-**
2 **FENSE PURCHASES THROUGH GSA CLIENT**
3 **SUPPORT CENTERS.**

4 (a) LIMITATION.—No official of the Department of
5 Defense may place an order for, make a purchase of, or
6 otherwise procure property or services in an amount in
7 excess of \$100,000 through any particular GSA Client
8 Support Center until the Inspector General of the Depart-
9 ment of Defense has, after the date of the enactment of
10 this Act—

11 (1) reviewed the policies, procedures, and inter-
12 nal controls of such Client Support Center in con-
13 sultation with the Inspector General of the General
14 Services Administration; and

15 (2) certified in writing to the Secretary of De-
16 fense and the Administrator of General Services that
17 such policies, procedures, and internal controls are
18 adequate to ensure the compliance of such Client
19 Support Center with the requirements of law and
20 regulations that are applicable to orders, purchases,
21 and other procurements of property and services.

22 (b) GSA CLIENT SUPPORT CENTER DEFINED.—In
23 this section, the term “GSA Client Support Center”
24 means a Client Support Center of the Federal Technology
25 Service of the General Services Administration.

1 (c) EFFECTIVE DATE AND APPLICABILITY.—This
2 section shall take effect on the date of the enactment of
3 this Act and shall apply with respect to orders, purchases,
4 and other procurements that are initiated by the Depart-
5 ment of Defense with a GSA Client Support Center on
6 or after such date.

7 **SEC. 804. DEFENSE COMMERCIAL SATELLITE SERVICES**
8 **PROCUREMENT PROCESS.**

9 (a) REQUIREMENT FOR DETERMINATION.—The Sec-
10 retary of Defense shall review alternative mechanisms for
11 procuring commercial satellite services and provide guid-
12 ance to the Director of the Defense Information Systems
13 Agency and the Secretaries of the military departments
14 on how such procurements should be conducted. The alter-
15 native procurement mechanisms reviewed by the Secretary
16 of Defense shall, at a minimum, include the following:

17 (1) Procurement under indefinite delivery, in-
18 definite quantity contracts of the Federal Tech-
19 nology Service of the General Services Administra-
20 tion.

21 (2) Procurement directly from commercial
22 sources that are qualified as described in subsection
23 (b), using full and open competition (as defined in
24 section 4(6) of the Office of Federal Procurement
25 Policy Act (41 U.S.C. 403(6))).

1 (3) Procurement by any other means that has
2 been used by the Director of the Defense Informa-
3 tion Systems Agency or the Secretary of a military
4 department to enter into a contract for the procure-
5 ment of commercial satellite services that is in force
6 on the date of the enactment of this Act.

7 (b) QUALIFIED SOURCES.—A source of commercial
8 satellite services referred to in paragraph (2) of subsection
9 (a) is a qualified source if the source is incorporated under
10 the laws of a State of the United States and is either—

11 (1) a source of commercial satellite services
12 under a Federal Technology Service contract for the
13 procurement of commercial satellite services de-
14 scribed in paragraph (1) of such subsection that is
15 in force on the date of the enactment of this Act;
16 or

17 (2) a source of commercial satellite services
18 that meets qualification requirements (as defined in
19 section 2319 of title 10, United States Code, and es-
20 tablished in accordance with that section) to enter
21 into a Federal Technology Service contract for the
22 procurement of commercial satellite services.

23 (c) REPORT.—Not later than April 30, 2005, the Sec-
24 retary of Defense shall submit to Congress a report setting

1 forth the conclusions resulting from the Secretary’s review
2 under subsection (a). The report shall include—

3 (1) the guidance provided under such sub-
4 section; and

5 (2) a discussion of the rationale for that guid-
6 ance.

7 **Subtitle B—General Contracting**
8 **Authorities, Procedures, and**
9 **Limitations, and Other Matters**

10 **SEC. 811. INCREASED THRESHOLDS FOR APPLICABILITY**
11 **OF CERTAIN REQUIREMENTS.**

12 (a) SENIOR PROCUREMENT EXECUTIVE APPROVAL
13 OF USE OF PROCEDURES OTHER THAN COMPETITIVE
14 PROCEDURES.—Section 2304(f)(1)(B) of title 10, United
15 States Code, is amended by striking “\$50,000,000” both
16 places it appears and inserting “\$75,000,000”.

17 (b) INFORMATION ON SUBCONTRACTING AUTHORITY
18 OF DEFENSE CONTRACTOR PERSONNEL.—Section
19 2416(d) of such title is amended by striking “\$500,000”
20 and inserting “\$1,000,000”.

21 **SEC. 812. PERIOD FOR MULTIYEAR TASK AND DELIVERY**
22 **ORDER CONTRACTS.**

23 (a) REVISED MAXIMUM PERIOD.—Section 2304a(f)
24 of title 10, United States Code, is amended by striking
25 “a total period of not more than five years.” and inserting

1 “any period up to five years and may extend the contract
2 period for one or more successive periods pursuant to an
3 option provided in the contract or a modification of the
4 contract. The total contract period as extended may not
5 exceed eight years unless such head of an agency person-
6 ally determines in writing that exceptional circumstances
7 necessitate a longer contract period.”.

8 (b) ANNUAL REPORT.—Not later than 60 days after
9 the end of each of fiscal years 2005 through 2009, the
10 Secretary of Defense shall submit to Congress a report
11 setting forth each extension of a contract period to a total
12 of more than eight years that was granted for task and
13 delivery order contracts of the Department of Defense
14 during such fiscal year under section 2304a(f) of title 10,
15 United States Code. The report shall include, with respect
16 to each such contract period extension—

17 (1) a discussion of the exceptional cir-
18 cumstances on which the extension was based; and

19 (2) the justification for the determination of ex-
20 ceptional circumstances.

21 **SEC. 813. SUBMISSION OF COST OR PRICING DATA ON NON-**
22 **COMMERCIAL MODIFICATIONS OF COMMER-**
23 **CIAL ITEMS.**

24 (a) INAPPLICABILITY OF COMMERCIAL ITEMS EX-
25 CEPTION TO NONCOMMERCIAL MODIFICATIONS OF COM-

1 MERCIAL ITEMS.—Subsection (b) of section 2306a of title
2 10, United States Code, is amended by adding at the end
3 the following new paragraph:

4 “(3) NONCOMMERCIAL MODIFICATIONS OF COM-
5 MERCIAL ITEMS.—(A) The exception in paragraph
6 (1)(B) does not apply to cost or pricing data on non-
7 commercial modifications of a commercial item that
8 are expected to cost, in the aggregate, more than
9 \$500,000.

10 “(B) In this paragraph, the term ‘noncommer-
11 cial modification’, with respect to a commercial item,
12 means a modification of such item that is not a
13 modification described in section 4(12)(C)(i) of the
14 Office of Federal Procurement Policy Act (41 U.S.C.
15 403(12)(C)(i)).

16 “(C) Nothing in subparagraph (A) shall be con-
17 strued—

18 “(i) to limit the applicability of the excep-
19 tion in subparagraph (A) or (C) of paragraph
20 (1) to cost or pricing data on a noncommercial
21 modification of a commercial item; or

22 “(ii) to require the submission of cost or
23 pricing data on any aspect of an acquisition of
24 a commercial item other than the cost and pric-

1 ing of noncommercial modifications of such
2 item.”.

3 (b) **EFFECTIVE DATE AND APPLICABILITY.**—Para-
4 graph (3) of section 2306a of title 10, United States Code
5 (as added by subsection (a)), shall take effect on January
6 1, 2005, and shall apply with respect to offers submitted,
7 and to modifications of contracts or subcontracts made,
8 on or after that date.

9 **SEC. 814. DELEGATIONS OF AUTHORITY TO MAKE DETER-**
10 **MINATIONS RELATING TO PAYMENT OF DE-**
11 **FENSE CONTRACTORS FOR BUSINESS RE-**
12 **STRUCTURING COSTS.**

13 Section 2325(a)(2) of title 10, United States Code,
14 is amended—

15 (1) by striking “paragraph (1) to an official”
16 and all that follows and inserting “paragraph (1),
17 with respect to a business combination, to an official
18 of the Department of Defense—”; and

19 (2) by adding at the end the following:

20 “(A) below the level of an Assistant Secretary
21 of Defense for cases in which the amount of restruc-
22 turing costs is expected to exceed \$25,000,000 over
23 a 5-year period; or

1 “(B) below the level of the Director of the De-
2 fense Contract Management Agency for all other
3 cases.”.

4 **SEC. 815. LIMITATION REGARDING SERVICE CHARGES IM-**
5 **POSED FOR DEFENSE PROCUREMENTS MADE**
6 **THROUGH CONTRACTS OF OTHER AGENCIES.**

7 (a) LIMITATION.—(1) Chapter 141 of title 10, United
8 States Code, is amended by inserting after section 2382
9 the following new section 2383:

10 **“§ 2383. Procurements through contracts of other**
11 **agencies: service charges**

12 “(a) LIMITATION.—The head of an agency may not
13 procure goods or services (under section 1535 of title 31,
14 pursuant to a designation under section 11302(e) of title
15 40, or otherwise) through a contract entered into by an
16 agency outside the Department of Defense if the amount
17 charged such head of an agency by the contracting agency
18 for the goods or services includes a service charge in a
19 total amount that exceeds one percent of the amount
20 charged by the contractor for such goods or services under
21 the contract.

22 “(b) WAIVER AUTHORITY.—(1) The appropriate offi-
23 cial of the Department of Defense may waive the limita-
24 tion in subsection (a) in the case of any procurement for

1 which that official determines that it is in the national
2 security interests of the United States to do so.

3 “(2) The appropriate official for exercise of the waiv-
4 er authority under paragraph (1) is as follows:

5 “(A) In the case of a procurement by a Defense
6 Agency or Department of Defense Field Activity, the
7 Secretary of Defense.

8 “(B) In the case of a procurement for a mili-
9 tary department, the Secretary of that military de-
10 partment.

11 “(3)(A) The Secretary of Defense may not delegate
12 the authority under paragraph (1) to any person other
13 than the Deputy Secretary of Defense or the Under Sec-
14 retary of Defense for Acquisition, Technology, and Logis-
15 tics.

16 “(B) The Secretary of a military department may not
17 delegate the authority under paragraph (1) to any person
18 other than the acquisition executive of that military de-
19 partment.

20 “(c) INAPPLICABILITY TO COAST GUARD AND
21 NASA.—This section does not apply to the Coast Guard
22 when it is not operating as a service in the Navy or to
23 the National Aeronautics and Space Administration.

24 “(d) DEFINITIONS.—In this section:

1 “(1) The term ‘head of an agency’ has the
2 meaning given such term in section 2302 of this
3 title.

4 “(2) The term ‘acquisition executive’, with re-
5 spect to a military department, means the official
6 who is designated as the senior procurement execu-
7 tive of that military department under section 16(3)
8 of the Office of Federal Procurement Policy Act (41
9 U.S.C. 414(3)).”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by inserting after the item relating
12 to section 2382 the following new item:

“2383. Procurements through contracts of other agencies: service charges.”.

13 (b) EFFECTIVE DATE AND APPLICABILITY.—Section
14 2383 of title 10, United States Code, shall take effect on
15 October 1, 2004, and shall apply with respect to orders
16 for goods or services that are issued by the head of an
17 agency (as defined in section 2302 of such title) on or
18 after such date.

1 **Subtitle C—Extensions of**
2 **Temporary Program Authorities**

3 **SEC. 831. EXTENSION OF CONTRACT GOAL FOR SMALL DIS-**
4 **ADVANTAGED BUSINESS AND CERTAIN INSTI-**
5 **TUTIONS OF HIGHER EDUCATION.**

6 Section 2323(k) of title 10, United States Code, is
7 amended by striking “2006” both places it appears and
8 inserting “2009”.

9 **SEC. 832. EXTENSION OF MENTOR-PROTEGE PROGRAM.**

10 Section 831 of the National Defense Authorization
11 Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.
12 2302 note) is amended—

13 (1) in subsection (j)—

14 (A) in paragraph (1), by striking “Sep-

15 tember 30, 2005” and inserting “September 30,

16 2010”; and

17 (B) in paragraph (2), by striking “Sep-

18 tember 30, 2008” and inserting “September 30,

19 2013”; and

20 (2) in subsection (l)(3), by striking “2007” and
21 inserting “2012”.

1 **SEC. 833. EXTENSION OF TEST PROGRAM FOR NEGOTIA-**
2 **TION OF COMPREHENSIVE SMALL BUSINESS**
3 **SUBCONTRACTING PLANS.**

4 Section 834(e) of the National Defense Authorization
5 Act for Fiscal Years 1990 and 1991 (Public Law 101–
6 189; 15 U.S.C. 637 note) is amended by striking “Sep-
7 tember 30, 2005” and inserting “September 30, 2010”.

8 **SEC. 834. EXTENSION OF PILOT PROGRAM ON SALES OF**
9 **MANUFACTURED ARTICLES AND SERVICES**
10 **OF CERTAIN ARMY INDUSTRIAL FACILITIES.**

11 Section 141(a) of the National Defense Authorization
12 Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C.
13 4543 note) is amended by striking “through 2004” in the
14 first sentence and inserting “through 2009”.

15 **Subtitle D—Industrial Base**
16 **Matters**

17 **SEC. 841. COMMISSION ON THE FUTURE OF THE NATIONAL**
18 **TECHNOLOGY AND INDUSTRIAL BASE.**

19 (a) ESTABLISHMENT.—There is established a com-
20 mission to be known as the Commission on the Future
21 of the National Technology and Industrial Base (hereafter
22 in this section referred to as the “Commission”).

23 (b) MEMBERSHIP.—(1) The Commission shall be
24 composed of 12 members appointed by the President.

25 (2) The members of the Commission shall include—

1 (A) persons with extensive experience and na-
2 tional reputations for expertise in the defense indus-
3 try, commercial industries that support the defense
4 industry, and the economics, finance, national secu-
5 rity, international trade, or foreign policy areas; and

6 (B) persons who are representative of labor or-
7 ganizations associated with the defense industry.

8 (3) The appointment of the members of the Commis-
9 sion under this subsection shall be made not later than
10 March 1, 2005.

11 (4) Members shall be appointed for the life of the
12 Commission. A vacancy in the Commission shall not affect
13 its powers, but shall be filled in the same manner in which
14 the original appointment was made.

15 (5) The President shall designate one member of the
16 Commission to serve as the Chairman of the Commission.

17 (c) MEETINGS.—(1) The Commission shall meet at
18 the call of the Chairman.

19 (2) A majority of the members of the Commission
20 shall constitute a quorum, but a lesser number may hold
21 hearings.

22 (d) DUTIES.—(1) The Commission shall—

23 (A) study the issues associated with the future
24 of the national technology and industrial base in the

1 global economy, particularly with respect to its effect
2 on United States national security; and

3 (B) assess the future ability of the national
4 technology and industrial base to attain the national
5 security objectives set forth in section 2501 of title
6 10, United States Code.

7 (2) In carrying out the study and assessment under
8 paragraph (1), the Commission shall consider the fol-
9 lowing matters:

10 (A) Existing and projected future capabilities of
11 the national technology and industrial base.

12 (B) The impact on the national technology and
13 industrial base of civil-military integration and the
14 growing dependence of the Department of Defense
15 on the commercial market for defense products and
16 services.

17 (C) The effects of domestic source restrictions
18 on the strength of the national technology and in-
19 dustrial base.

20 (D) The effects of the policies and practices of
21 United States allies and trading partners on the na-
22 tional technology and industrial base.

23 (E) The effects on the national technology and
24 industrial base of laws and regulations related to

1 international trade and the export of defense tech-
2 nologies and dual-use technologies.

3 (F) The adequacy of programs that support
4 science and engineering education, including pro-
5 grams that support defense science and engineering
6 efforts at institutions of higher learning, with re-
7 spect to meeting the needs of the national tech-
8 nology and industrial base.

9 (G) The implementation of policies and plan-
10 ning required under subchapter II of chapter 148 of
11 title 10, United States Code, and other provisions of
12 law designed to support the national technology and
13 industrial base.

14 (H) The role of the Manufacturing Technology
15 program, other Department of Defense research and
16 development programs, and the utilization of the au-
17 thorities of the Defense Production Act of 1950 to
18 provide transformational breakthroughs in advanced
19 manufacturing technologies and processes that en-
20 sure the strength and productivity of the national
21 technology and industrial base.

22 (e) REPORT.—Not later than March 1, 2008, the
23 Commission shall submit a report on its activities to the
24 President and Congress. The report shall include the fol-
25 lowing matters:

1 (1) The findings and conclusions of the Com-
2 mission.

3 (2) The recommendations of the Commission
4 for actions by Federal Government officials to sup-
5 port the maintenance of a robust national technology
6 and industrial base in the 21st century.

7 (3) Any recommendations for legislation or
8 changes in regulations to support the implementa-
9 tion of the findings of the Commission.

10 (4) A discussion of appropriate measures to im-
11 plement the recommendations of the Commission.

12 (f) ADMINISTRATIVE REQUIREMENTS AND AUTHORI-
13 TIES.—(1) The Director of the Office of Management and
14 Budget shall ensure that the Commission is provided such
15 administrative services, facilities, staff, and other support
16 services as may be necessary for the Commission to carry
17 out its duties. Expenses of the Commission shall be paid
18 out of funds available to the Director.

19 (2) The Commission may hold such hearings, sit and
20 act at such times and places, take such testimony, and
21 receive such evidence as the Commission considers advis-
22 able to carry out the purposes of this section.

23 (3) The Commission may secure directly from any
24 Federal department or agency such information as the
25 commission considers necessary to carry out the provisions

1 of this section. Upon a request of the Chairman of the
2 Commission, the head of such department or agency shall
3 furnish such information to the Commission.

4 (4) The Commission may use the United States mails
5 in the same manner and under the same conditions as
6 other departments and agencies of the Federal Govern-
7 ment.

8 (g) PERSONNEL MATTERS.—(1) Members of the
9 Commission shall serve without compensation for their
10 service on the Commission, except that each member of
11 the Commission who is not an officer or employee of the
12 United States shall be allowed travel expenses, including
13 per diem in lieu of subsistence, at rates authorized for em-
14 ployees of agencies under subchapter I of chapter 57 of
15 title 5, United States Code, while away from their homes
16 or regular places of business in the performance of services
17 for the Commission.

18 (2) Section 3161 of title 5, United States Code, shall
19 apply to the Commission, except that—

20 (A) members of the Commission shall not be
21 entitled to pay for services under subsection (d) of
22 such section; and

23 (B) subsection (b)(2) of such section shall not
24 apply to the employees of the Commission.

1 (h) APPLICABILITY OF FEDERAL ADVISORY COM-
 2 MITTEE ACT.—The Federal Advisory Committee Act (5
 3 U.S.C. App.) shall not apply to the Commission.

4 (i) TERMINATION.—The Commission shall terminate
 5 30 days after the date on which the Commission submits
 6 its report under subsection (e).

7 (j) DEFINITION OF NATIONAL TECHNOLOGY AND IN-
 8 DUSTRIAL BASE.—In this section, the term “national
 9 technology and industrial base” has the meaning given
 10 such term in section 2500 of title 10, United States Code.

11 **SEC. 842. CONFORMING STANDARD FOR WAIVER OF DO-**
 12 **MESTIC SOURCE OR CONTENT REQUIRE-**
 13 **MENTS.**

14 (a) AUTHORITY.—Subchapter V of chapter 148 of
 15 title 10, United States Code, is amended by adding at the
 16 end the following new section:

17 **“§ 2539c. Waiver of domestic source or content re-**
 18 **quirements**

19 “(a) AUTHORITY.—Except as provided in subsection
 20 (f), the Secretary of Defense may waive the application
 21 of any domestic source requirement or domestic content
 22 requirement referred to in subsection (b) and thereby au-
 23 thorize the procurement of items that are grown, reproc-
 24 essed, reused, produced, or manufactured—

1 “(1) in a foreign country that has a reciprocal
2 defense procurement memorandum of understanding
3 or agreement with the United States;

4 “(2) in a foreign country that has a reciprocal
5 defense procurement memorandum of understanding
6 or agreement with the United States substantially
7 from components and materials grown, reprocessed,
8 reused, produced, or manufactured in the United
9 States or any foreign country that has a reciprocal
10 defense procurement memorandum of understanding
11 or agreement with the United States; or

12 “(3) in the United States substantially from
13 components and materials grown, reprocessed, re-
14 used, produced, or manufactured in the United
15 States or any foreign country that has a reciprocal
16 defense procurement memorandum of understanding
17 or agreement with the United States.

18 “(b) COVERED REQUIREMENTS.—For purposes of
19 this section:

20 “(1) A domestic source requirement is any re-
21 quirement under law that the Department of De-
22 fense satisfy its requirements for an item by pro-
23 curing an item that is grown, reprocessed, reused,
24 produced, or manufactured in the United States or
25 by a manufacturer that is a part of the national

1 technology and industrial base (as defined in section
2 2500(1) of this title).

3 “(2) A domestic content 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 produced or manufactured partly or
7 wholly from components and materials grown, re-
8 processed, reused, produced, or manufactured in the
9 United States.

10 “(c) APPLICABILITY.—The authority of the Secretary
11 of Defense to waive the application of a domestic source
12 or content requirement under subsection (a) applies to the
13 procurement of items for which the Secretary determines
14 that—

15 “(1) application of the requirement would im-
16 pede the reciprocal procurement of defense items
17 under a memorandum of understanding between a
18 foreign country and the United States that provides
19 for reciprocal procurement of defense items in ac-
20 cordance with section 2531 of this title; and

21 “(2) such country does not discriminate against
22 defense items produced in the United States to a
23 greater degree than the United States discriminates
24 against defense items produced in that country.

1 “(d) LIMITATION ON DELEGATION.—The authority
2 of the Secretary of Defense to waive the application of
3 domestic source or content requirements under subsection
4 (a) may not be delegated to any officer or employee other
5 than the Under Secretary of Defense for Acquisition,
6 Technology and Logistics.

7 “(e) CONSULTATIONS.—The Secretary of Defense
8 may grant a waiver of the application of a domestic source
9 or content requirement under subsection (a) only after
10 consultation with the United States Trade Representative,
11 the Secretary of Commerce, and the Secretary of State.

12 “(f) LAWS NOT WAIVABLE.—The Secretary of De-
13 fense may not exercise the authority under subsection (a)
14 to waive any domestic source or content requirement con-
15 tained in any of the following laws:

16 “(1) The Small Business Act (15 U.S.C. 631 et
17 seq.).

18 “(2) The Javits-Wagner-O’Day Act (41 U.S.C.
19 46 et seq.).

20 “(3) Sections 7309 and 7310 of this title.

21 “(4) Section 2533a of this title.

22 “(g) RELATIONSHIP TO OTHER WAIVER AUTHOR-
23 ITY.—The authority under subsection (a) to waive a do-
24 mestic source requirement or domestic content require-

1 ment is in addition to any other authority to waive such
2 requirement.

3 “(h) CONSTRUCTION WITH RESPECT TO LATER EN-
4 ACTED LAWS.—This section may not be construed as
5 being inapplicable to a domestic source requirement or do-
6 mestic content requirement that is set forth in a law en-
7 acted after the enactment of this section solely on the
8 basis of the later enactment.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of such subchapter is amended by insert-
11 ing after the item relating to section 2539b the following
12 new item:

“2539e. Waiver of domestic source or content requirements.”.

13 **SEC. 843. CONSISTENCY WITH UNITED STATES OBLIGA-**
14 **TIONS UNDER TRADE AGREEMENTS.**

15 No provision of this Act or any amendment made by
16 this Act shall apply to a procurement by or for the Depart-
17 ment of Defense to the extent that the Secretary of De-
18 fense, in consultation with the Secretary of Commerce, the
19 United States Trade Representative, and the Secretary of
20 State, determines that it is inconsistent with United
21 States obligations under a trade agreement.

1 **Subtitle E—Defense Acquisition**
2 **and Support Workforce**

3 **SEC. 851. LIMITATION AND REINVESTMENT AUTHORITY RE-**
4 **LATING TO REDUCTION OF THE DEFENSE AC-**
5 **QUISITION AND SUPPORT WORKFORCE.**

6 (a) **LIMITATION.**—Notwithstanding any other provi-
7 sion of law, the defense acquisition and support workforce
8 may not be reduced, during fiscal years 2005, 2006, and
9 2007, below the level of that workforce as of September
10 30, 2003, determined on the basis of full-time employee
11 equivalence, except as may be necessary to strengthen the
12 defense acquisition and support workforce in higher pri-
13 ority positions in accordance with this section.

14 (b) **WORKFORCE FLEXIBILITY.**—During fiscal years
15 2005, 2006, and 2007, the Secretary of Defense may—

16 (1) realign any part of the defense acquisition
17 and support workforce to support reinvestment in
18 other, higher priority positions in such workforce;
19 and

20 (2) employ in the defense acquisition and sup-
21 port workforce up to 115 percent more employees
22 than are employed in the defense acquisition and
23 support workforce as of September 30, 2003, deter-
24 mined on the basis of full-time employee equivalence.

1 (c) HIGHER PRIORITY POSITIONS.—For the purposes
2 of this section, higher priority positions in the defense ac-
3 quisition and support workforce include the following posi-
4 tions:

5 (1) Positions the responsibilities of which in-
6 clude drafting performance-based work statements
7 for services contracts and overseeing the perform-
8 ance of contracts awarded pursuant to such work
9 statements.

10 (2) Positions the responsibilities of which in-
11 clude conducting spending analyses, negotiating
12 company-wide pricing agreements, and taking other
13 measures to reduce contract costs.

14 (3) Positions the responsibilities of which in-
15 clude reviewing contractor quality control systems,
16 assessing and analyzing quality deficiency reports,
17 and taking other measures to improve product qual-
18 ity.

19 (4) Positions the responsibilities of which in-
20 clude effectively conducting public-private competi-
21 tions in accordance with Office of Management and
22 Budget Circular A-76.

23 (5) Any other positions in the defense acquisi-
24 tion and support workforce that the Secretary of De-
25 fense identifies as being higher priority positions

1 that are staffed at levels not likely to ensure efficient
2 and effective performance of all of the responsibil-
3 ities of those positions.

4 (d) STRATEGIC ASSESSMENT AND PLAN.—(1) The
5 Secretary of Defense shall—

6 (A) assess the extent to which the Department
7 of Defense can recruit, retain, train, and provide
8 professional development opportunities for acquisi-
9 tion professionals over the 10-fiscal year period be-
10 ginning with fiscal year 2005; and

11 (B) develop a human resources strategic plan
12 for the defense acquisition and support workforce
13 that includes objectives and planned actions for im-
14 proving the management of such workforce.

15 (2) The Secretary shall submit to Congress, not later
16 than April 1, 2005, a report on the progress made in—

17 (A) completing the assessment required under
18 paragraph (1); and

19 (B) completing and implementing the strategic
20 plan required under such paragraph.

21 (e) DEFENSE ACQUISITION AND SUPPORT WORK-
22 FORCE DEFINED.—In this section, the term “defense ac-
23 quisition and support workforce” means members of the
24 Armed Forces and civilian personnel who are assigned to,
25 or are employed in, an organization of the Department

1 of Defense that has acquisition as its predominant mis-
2 sion, as determined by the Secretary of Defense.

3 **SEC. 852. DEFENSE ACQUISITION WORKFORCE IMPROVE-**
4 **MENTS.**

5 (a) SELECTION CRITERIA FOR ACQUISITION CORPS
6 AND FOR CRITICAL ACQUISITION POSITIONS.—(1) Section
7 1732(b)(1)(A) of title 10, United States Code, is amended
8 by striking “within grade GS–13 or above of” and insert-
9 ing “for which the employee is being paid at a rate of
10 basic pay that equals or exceeds the minimum rate of basic
11 pay provided for grade GS–13 under”.

12 (2) Section 1733(b)(1)(A)(i) of such title is amended
13 by striking “in a position within grade GS–14 or above
14 of the General Schedule, or” and inserting “who is cur-
15 rently serving in a position for which the employee is being
16 paid at a rate of basic pay that equals or exceeds the min-
17 imum rate of basic pay provided for grade GS–14 under
18 the General Schedule or is required to be filled by an em-
19 ployee who is”.

20 (b) SCHOLARSHIP PROGRAM.—Section 1742 of such
21 title is amended—

22 (1) by inserting “(a) REQUIRED
23 PROGRAMS.—” before “The Secretary of Defense
24 shall conduct”; and

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

3 “(b) SCHOLARSHIP PROGRAM REQUIREMENTS.—(1)
4 Each recipient of a scholarship under a program con-
5 ducted under subsection (a)(3) shall be required to sign
6 a written agreement that sets forth the terms and condi-
7 tions of the scholarship. The agreement shall include the
8 following:

9 “(A) Criteria for the recipient’s continued eligi-
10 bility for the scholarship.

11 “(B) The terms of any requirement for the re-
12 cipient to reimburse the United States for edu-
13 cational assistance provided under the scholarship
14 upon—

15 “(i) a failure by the recipient to satisfy the
16 criteria for continued eligibility for the scholar-
17 ship; or

18 “(ii) a termination of the recipient’s service
19 in the Department of Defense before the end of
20 any period of obligated service provided in the
21 agreement, as described in paragraph (2).

22 “(2) Subject to paragraph (3)(C), a recipient of a
23 scholarship under the program shall reimburse the United
24 States the total amount of educational assistance provided
25 to the recipient under the program if the recipient is vol-

1 untarily separated from service or involuntarily separated
2 for cause from the Department of Defense before the end
3 of any period for which the recipient has agreed, as a con-
4 dition of the scholarship, to continue in the service of the
5 Department of Defense in an acquisition position.

6 “(3)(A) If an employee fails to fulfill an agreement
7 to pay the Government any amount of educational assist-
8 ance provided to that person under the program, a sum
9 equal to such amount of the educational assistance is re-
10 coverable by the Government from the employee or his es-
11 tate by—

12 “(i) setoff against accrued pay, compensation,
13 amount of retirement credit, or other amount due
14 the employee from the Government; and

15 “(ii) such other method as is provided by law
16 for the recovery of amounts owing to the Govern-
17 ment.

18 “(B) An obligation to reimburse the United States
19 under an agreement entered into under this subsection is
20 for all purposes a debt owed to the United States.

21 “(C) The Secretary of Defense may waive in whole
22 or in part a reimbursement required under this subsection
23 or under an agreement entered into under this subsection
24 if the Secretary determines that the recovery would be

1 against equity and good conscience or would be contrary
2 to the best interests of the United States.

3 “(D) A discharge in bankruptcy under title 11 that
4 is entered less than five years after the termination of an
5 agreement entered into under this subsection does not dis-
6 charge a person executing the agreement from a debt aris-
7 ing under this subsection or such agreement.

8 “(4) Nothing in this subsection shall be considered
9 to require that a position be offered to a recipient of a
10 scholarship under the program after such recipient suc-
11 cessfully completes the course of education for which the
12 scholarship is granted. However, the agreement entered
13 into under this subsection with respect to such scholarship
14 shall be considered terminated if the recipient is not, with-
15 in the time specified in the agreement, offered a full-time
16 acquisition position in the Department of Defense that—

17 “(A) is commensurate with the recipient’s aca-
18 demic degree and experience; and

19 “(B) is—

20 “(i) in the excepted service, if the recipient
21 has not previously acquired competitive status,
22 with the right, after successful completion of
23 two years of service and such other require-
24 ments as the Office of Personnel Management
25 may prescribe, to be appointed to a position in

1 the competitive service, notwithstanding sub-
 2 chapter I of chapter 33 of title 5; or

3 “(ii) in the competitive service, if the re-
 4 cipient has previously acquired competitive sta-
 5 tus.”.

6 (c) **AUTHORITY TO ESTABLISH DIFFERENT MIN-**
 7 **IMUM REQUIREMENTS.**—(1) Section 1764(b) of such title
 8 is amended—

9 (A) by redesignating paragraph (5) as para-
 10 graph (6); and

11 (B) by inserting after paragraph (4) the fol-
 12 lowing new paragraph (5):

13 “(5) Deputy program manager.”.

14 (2) Paragraph (1) of such section is amended by
 15 striking “in paragraph (5)” and inserting “in paragraph
 16 (6)”.

17 **Subtitle F—Other Matters**

18 **SEC. 861. INAPPLICABILITY OF CERTAIN FISCAL LAWS TO** 19 **SETTLEMENTS UNDER SPECIAL TEMPORARY** 20 **CONTRACT CLOSEOUT AUTHORITY.**

21 Section 804(a) of the National Defense Authorization
 22 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
 23 1541) is amended—

24 (1) by inserting “(1)” after “(a) **AUTHOR-**
 25 **ITY.**—”; and

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

3 “(2) Under regulations which the Secretary of De-
4 fense may prescribe, a settlement of a financial account
5 for a contract for the procurement of property or services
6 under paragraph (1) may be made without regard to—

7 “(A) section 1301 of title 31, United States
8 Code; and

9 “(B) any other provision of law that would pre-
10 clude the Secretary from charging payments under
11 the contract—

12 “(i) to an unobligated balance in an appro-
13 priation available for funding that contract; or

14 “(ii) if and to the extent that the unobli-
15 gated balance (if any) in such appropriation is
16 insufficient for funding such payments, to any
17 current appropriation that is available to the
18 Department of Defense for funding contracts
19 for the procurement of the same or similar
20 property or services.”.

1 **SEC. 862. DEMONSTRATION PROGRAM ON EXPANDED USE**
2 **OF RESERVES TO PERFORM DEVELOP-**
3 **MENTAL TESTING, NEW EQUIPMENT TRAIN-**
4 **ING, AND RELATED ACTIVITIES.**

5 (a) REQUIREMENT FOR PROGRAM.—The Secretary of
6 the Army shall carry out a demonstration program on use
7 of members of reserve components of the Armed Forces
8 to perform test, evaluation, and related activities for an
9 acquisition program. The Secretary shall design and carry
10 out the demonstration program to achieve the purposes
11 set forth in subsection (b).

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

14 (1) To determine whether cost savings and
15 other benefits result from use of members of reserve
16 components of the Armed Forces instead of con-
17 tractor personnel to perform test and evaluation ac-
18 tivities for an acquisition program and related acqui-
19 sition, logistics, and new equipment training activi-
20 ties for the acquisition program.

21 (2) To evaluate the advisability of using appro-
22 priations available for multiyear research, develop-
23 ment, test, and evaluation and appropriations avail-
24 able for multiyear procurements to reimburse re-
25 serve components for the pay, allowances, and other

1 expenses paid to or for Reserves used for the acqui-
2 sition program as described in paragraph (1).

3 (c) REIMBURSEMENT OF PERSONNEL ACCOUNTS
4 OUT OF PROCUREMENT AND RDT&E ACCOUNTS.—(1)
5 The Secretary of the Army may transfer from funds avail-
6 able to the Army for an acquisition program to a reserve
7 component military personnel account the amount nec-
8 essary to reimburse that account for costs charged to that
9 account for military pay and allowances in connection with
10 the use of reserve component personnel for such acquisi-
11 tion program under this section.

12 (2) Not more than \$10,000,000 may be transferred
13 under this subsection during any fiscal year of the dem-
14 onstration program.

15 (3) Funds transferred to an account under this sub-
16 section shall be merged with other sums in the account
17 and shall be available for the same period and purposes
18 as the sums with which merged.

19 (4) The transfer authority under this subsection is
20 in addition to any other transfer authority provided in this
21 or any other Act.

22 (d) NONWAIVER OF PERSONNEL AND TRAINING
23 POLICIES AND PROCEDURES.—Nothing in this section
24 may be construed to authorize any deviation from estab-
25 lished personnel or training policies or procedures that are

1 applicable to the reserve components of the personnel used
2 under the demonstration program.

3 (e) TERMINATION.—The demonstration program
4 under this section shall terminate on September 30, 2009.

5 **SEC. 863. APPLICABILITY OF COMPETITION EXCEPTIONS**
6 **TO ELIGIBILITY OF NATIONAL GUARD FOR FI-**
7 **NANCIAL ASSISTANCE FOR PERFORMANCE**
8 **OF ADDITIONAL DUTIES.**

9 Section 113(b)(1)(B) of title 32, United States Code,
10 is amended by inserting before the period at the end the
11 following: “, subject to the exceptions provided in section
12 2304(c) of title 10”.

13 **SEC. 864. MANAGEMENT PLAN FOR CONTRACTOR SECU-**
14 **RITY PERSONNEL.**

15 (a) REQUIREMENT FOR PLAN.—Not later than 90
16 days after the date of the enactment of this Act, the Sec-
17 retary of Defense shall submit to Congress a plan for the
18 management and oversight of contractor security per-
19 sonnel by Federal Government personnel in areas where
20 the Armed Forces are engaged in military operations.

21 (b) POLICIES AND PROCEDURES.—The plan under
22 this section shall set forth policies and procedures applica-
23 ble to contractor security personnel in potentially haz-
24 ardous areas of military operations. The policies and pro-
25 cedures shall address the following matters:

1 (1) Warning contractor security personnel of
2 potentially hazardous situations.

3 (2) Coordinating the movement of contractor
4 security personnel, especially through areas of in-
5 creased risk or planned or ongoing military oper-
6 ations.

7 (3) Rapidly identifying contractor security per-
8 sonnel by members of the Armed Forces.

9 (4) Sharing relevant threat information with
10 contractor security personnel, and receiving informa-
11 tion gathered by contractor security personnel for
12 use by United States and coalition forces.

13 (5) Providing appropriate assistance to con-
14 tractor security personnel who become engaged in
15 hostile situations.

16 (6) Providing medical assistance for, and evacu-
17 ation of, contractor personnel who become casualties
18 as a result of enemy actions.

19 (7) Investigating background and qualifications
20 of contractor security personnel and organizations.

21 (8) Establishing rules of engagement for armed
22 contractor security personnel, and ensuring proper
23 training and compliance with the rules of engage-
24 ment.

1 (c) OPTIONS FOR ENHANCED AND COST-EFFECTIVE
2 CONTRACTOR SECURITY.—The plan under subsection (a)
3 shall include assessed options for enhancing contractor se-
4 curity and reducing contractor security costs in Iraq or
5 in locations of armed conflict in the future. The options
6 covered shall include the following:

7 (1) Temporary commissioning of contractor se-
8 curity personnel as reserve component officers in
9 order to subject such personnel to the military chain
10 of command.

11 (2) Requiring contractor security personnel to
12 obtain security clearances to facilitate the commu-
13 nication of critical threat information.

14 (3) Establishing a contract schedule for compa-
15 nies furnishing contractor security personnel to pro-
16 vide a more orderly process for the selection, train-
17 ing, and compensation of such personnel.

18 (4) Establishing a contract schedule for compa-
19 nies to provide more cost-effective insurance for con-
20 tractor security personnel.

21 (5) Providing for United States indemnification
22 of contractors to reduce the costs of insuring con-
23 tractor security personnel.

1 **SEC. 865. REPORT ON CONTRACTOR PERFORMANCE OF SE-**
2 **CURITY, INTELLIGENCE, LAW ENFORCE-**
3 **MENT, AND CRIMINAL JUSTICE FUNCTIONS**
4 **IN IRAQ.**

5 (a) REPORT REQUIRED.—Not later than 60 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall submit to the congressional defense com-
8 mittees a report on the procurement of services, by an
9 agency of the United States Government or by the Coali-
10 tion Provisional Authority, for the performance of secu-
11 rity, intelligence, law enforcement, and criminal justice
12 functions in Iraq.

13 (b) CONTENT.—The report under subsection (a) shall
14 include, at a minimum, the following:

15 (1) Each security, intelligence, law enforcement,
16 or criminal justice function performed by a con-
17 tractor in Iraq.

18 (2) For each such function—

19 (A) a determination of whether such func-
20 tion is an inherently governmental function, to-
21 gether with a discussion of the factual basis
22 and rationale for that determination;

23 (B) an explanation of the basis for the de-
24 cision to rely on a contractor to perform such
25 function, including a discussion of the extent to
26 which the Armed Forces lacked the expertise or

1 manpower to perform that function using
2 Armed Forces personnel;

3 (C) a description of the chain of command
4 for the contractor performing such function, to-
5 gether with a discussion of the manner in which
6 the United States Government or the Coalition
7 Provisional Authority supervises and directs the
8 contractor's performance of that function; and

9 (D) what sanctions are available to impose
10 on any contractor employee who—

11 (i) fails to comply with a requirement
12 of law or regulation that applies to such
13 employee in the performance of that func-
14 tion; or

15 (ii) engages in other misconduct in
16 the performance of that function.

17 (3) An explanation of the legal status of con-
18 tractor employees in the performance of such func-
19 tions after the administration of the sovereign pow-
20 ers of Iraq is transferred from the Coalition Provi-
21 sional Authority to a government of Iraq on June
22 30, 2004.

1 **SEC. 866. ACCREDITATION STUDY OF COMMERCIAL OFF-**
2 **THE-SHELF PROCESSES FOR EVALUATING IN-**
3 **FORMATION TECHNOLOGY PRODUCTS AND**
4 **SERVICES.**

5 (a) **REQUIREMENT FOR STUDY.**—The Secretary of
6 Defense shall carry out a study of commercial off-the-shelf
7 processes that are available for measuring the quality of
8 information technology and related services through as-
9 sessment of the production methods of the producers of
10 the technology.

11 (b) **PURPOSES.**—The purposes of the study of com-
12 mercial off-the-shelf processes under subsection (a) are as
13 follows:

14 (1) To assess the value of such a process as a
15 consistent methodology for identifying high quality
16 information technology and the engineering sources
17 capable of providing high quality information tech-
18 nology and related services.

19 (2) To determine whether to accredit such a
20 process for use in procurements of information tech-
21 nology and related services throughout the Depart-
22 ment of Defense.

23 (c) **SAVINGS AND ENHANCEMENTS.**—In carrying out
24 the study under subsection (a), the Secretary shall deter-
25 mine the benefits that would result for the Department
26 of Defense from use throughout the Department of De-

1 fense of a commercial off-the-shelf process described in
2 that subsection to measure the quality of information tech-
3 nology products and services in procurements described in
4 subsection (b)(2), including—

5 (1) projected annual savings in costs of develop-
6 ment and maintenance of information technology;
7 and

8 (2) quantified enhancements of productivity,
9 schedule, performance, deficiency rates, and predict-
10 ability.

11 (d) **BASELINE DATA.**—To define a baseline for meas-
12 uring benefits under subsection (c), the Secretary shall use
13 empirical data that is readily available to the Department
14 of Defense and contractor sources.

15 (e) **INFORMATION CONSIDERED.**—The Secretary of
16 Defense may consider projections of savings and quan-
17 tifications of enhancements that are submitted by a con-
18 tractor.

19 (f) **INFORMATION TECHNOLOGY DEFINED.**—In this
20 section, the term “information technology” has the mean-
21 ing given such term in section 11101(6) of title 40, United
22 States Code.

1 **SEC. 867. INAPPLICABILITY OF RANDOLPH-SHEPPARD ACT**
 2 **TO MILITARY DINING FACILITIES.**

3 Section 9(7) of the Randolph-Sheppard Act (20
 4 U.S.C. 107e(7)) is amended by inserting after “blind li-
 5 censees” the following: “, except that such term does not
 6 include a military troop dining facility, a military mess
 7 hall, or any similar dining facility that, funded by appro-
 8 priations, is operated for the purpose of providing meals
 9 to members of the Armed Forces (as defined in section
 10 101(a)(4) of title 10, United States Code)”.

11 **TITLE IX—DEPARTMENT OF DE-**
 12 **FENSE ORGANIZATION AND**
 13 **MANAGEMENT**
 14 **Subtitle A—Reserve Components**

15 **SEC. 901. MODIFICATION OF STATED PURPOSE OF THE RE-**
 16 **SERVE COMPONENTS.**

17 Section 10102 of title 10, United States Code, is
 18 amended by striking “, during and after the period needed
 19 to procure and train additional units and qualified persons
 20 to achieve the planned mobilization,”.

21 **SEC. 902. COMMISSION ON THE NATIONAL GUARD AND RE-**
 22 **SERVES.**

23 (a) ESTABLISHMENT.—There is established a com-
 24 mission to be known as the “Commission on the National
 25 Guard and Reserves” (hereafter in this section referred
 26 to as the “Commission”).

1 (b) COMPOSITION.—(1) The Commission shall be
2 composed of 13 members appointed as follows:

3 (A) Three members appointed by the chairman
4 of the Committee on Armed Services of the Senate.

5 (B) Three members appointed by the chairman
6 of the Committee on Armed Services of the House
7 of Representatives.

8 (C) Two members appointed by the ranking mi-
9 nority member of the Committee on Armed Services
10 of the Senate.

11 (D) Two members appointed by the ranking mi-
12 nority member of the Committee on Armed Service
13 of the House of Representatives.

14 (E) Three members appointed by the Secretary
15 of Defense.

16 (2) The members of the Commission shall be ap-
17 pointed from among persons who have knowledge and ex-
18 pertise in the following areas:

19 (A) National security.

20 (B) Roles and missions of any of the Armed
21 Forces.

22 (C) The mission, operations, and organization
23 of the National Guard of the United States.

1 (D) The mission, operations, and organization
2 of the other reserve components of the Armed
3 Forces.

4 (E) Military readiness of the Armed Forces.

5 (F) Personnel pay and other forms of com-
6 pensation.

7 (G) Other personnel benefits, including health
8 care.

9 (3) Members of the Commission shall be appointed
10 for the life of the Commission. A vacancy in the member-
11 ship of the Commission shall not affect the powers of the
12 Commission, but shall be filled in the same manner as the
13 original appointment.

14 (4) The Secretary of Defense shall designate a mem-
15 ber of the Commission to be chairman of the Commission.

16 (c) DUTIES.—(1) The Commission shall carry out a
17 study of the following matters:

18 (A) The roles and missions of the National
19 Guard and the other reserve components of the
20 Armed Forces.

21 (B) The compensation and other benefits, in-
22 cluding health care benefits, that are provided for
23 members of the reserve components under the laws
24 of the United States.

1 (2) In carrying out the study under paragraph (1),
2 the Commission shall—

3 (A) assess the current roles and missions of the
4 reserve components and identify appropriate poten-
5 tial future roles and missions for the reserve compo-
6 nents;

7 (B) assess the capabilities of the reserve compo-
8 nents and determine how the units and personnel of
9 the reserve components may be best used to support
10 the military operations of the Armed Forces and the
11 achievement of national security objectives, including
12 homeland defense, of the United States;

13 (C) assess—

14 (i) the current organization and structure
15 of the National Guard and the other reserve
16 components; and

17 (ii) the plans of the Department of De-
18 fense and the Armed Forces for future organi-
19 zation and structure of the National Guard and
20 the other reserve components;

21 (D) assess the manner in which the National
22 Guard and the other reserve components are cur-
23 rently organized and funded for training and iden-
24 tify an organizational and funding structure for

1 training that best supports the achievement of train-
2 ing objectives and operational readiness;

3 (E) assess the effectiveness of the policies and
4 programs of the National Guard and the other re-
5 serve components for achieving operational readiness
6 and personnel readiness, including medical and per-
7 sonal readiness;

8 (F) assess—

9 (i) the adequacy and appropriateness of
10 the compensation and benefits currently pro-
11 vided for the members of the National Guard
12 and the other reserve components, including the
13 availability of health care benefits and health
14 insurance; and

15 (ii) the effects of proposed changes in com-
16 pensation and benefits on military careers in
17 both the regular and the reserve components of
18 the Armed Forces;

19 (G) identify various feasible options for improv-
20 ing the compensation and other benefits available to
21 the members of the National Guard and the mem-
22 bers of the other reserve components and assess—

23 (i) the cost-effectiveness of such options;

24 and

1 (ii) the foreseeable effects of such options
2 on readiness, recruitment, and retention of per-
3 sonnel for careers in the regular and reserve
4 components the Armed Forces;

5 (H) assess the traditional military career paths
6 for members of the National Guard and the other
7 reserve components and identify alternative career
8 paths that could enhance professional development;
9 and

10 (I) assess the adequacy of the funding provided
11 for the National Guard and the other reserve compo-
12 nents for several previous fiscal years, including the
13 funding provided for National Guard and reserve
14 component equipment and the funding provided for
15 National Guard and other reserve component per-
16 sonnel in active duty military personnel accounts
17 and reserve military personnel accounts.

18 (d) FIRST MEETING.—The Commission shall hold its
19 first meeting not later than 30 days after the date on
20 which all members of the Commission have been ap-
21 pointed.

22 (e) ADMINISTRATIVE AND PROCEDURAL AUTHORI-
23 TIES.—(1) Except as provided in paragraph (2), sections
24 955, 956, 957, 958, and 959 of the National Defense Au-
25 thorization Act for Fiscal Year 1994 (Public Law 103–

1 160; 107 Stat. 1740; 10 U.S.C 111 note) shall apply to
2 the Commission.

3 (2)(A) The daily rate of pay payable under section
4 957(a) of Public Law 103–160 shall be equal to the daily
5 rate of basic pay prescribed for level IV of the Executive
6 Schedule.

7 (B) Section 957(f) of Public Law 103–160 (relating
8 to services of federally funded research and development
9 centers) shall not apply to the Commission.

10 (3) The following provisions of law do not apply to
11 the Commission:

12 (A) Section 3161 of title 5, United States Code.

13 (B) The Federal Advisory Committee Act (5
14 U.S.C. App.).

15 (f) REPORTS.—(1) Not later than March 31, 2005,
16 the Commission shall submit to the Committees on Armed
17 Services of the Senate and the House of Representatives
18 a report setting forth—

19 (A) a strategic plan for the work of the Com-
20 mission;

21 (B) a discussion of the activities of the Com-
22 mission; and

23 (C) any initial findings of the Commission.

24 (2) Not later than December 31, 2005, the Commis-
25 sion shall submit a final report to the Committees of Con-

1 gress referred to in paragraph (1). The final report shall
2 include any recommendations that the Commission deter-
3 mines appropriate, including any recommended legislation,
4 policies, regulations, directives, and practices.

5 (g) TERMINATION.—The Commission shall terminate
6 90 days after the date on which the final report is sub-
7 mitted under subsection (f)(2).

8 (h) ANNUAL REVIEW BOARD.—(1)(A) Chapter 7 of
9 title 10, United States Code, is amended by adding at the
10 end the following new section:

11 **“§ 186. Reserve components: annual review**

12 “(a) INDEPENDENT REVIEW BOARD.—The Secretary
13 of Defense shall appoint a board to review the reserve
14 components of the armed forces.

15 “(b) COMPOSITION OF BOARD.—(1) The Secretary
16 shall appoint the members of the board from among per-
17 sons who have knowledge and expertise in the following
18 areas:

19 “(A) National security.

20 “(B) Roles and missions of any of the armed
21 forces.

22 “(C) The mission, operations, and organization
23 of any of the reserve components.

24 “(D) Military readiness of the armed forces.

1 “(E) Personnel pay and other forms of com-
2 pensation.

3 “(F) Other personnel benefits, including health
4 care.

5 “(2) The Secretary of Defense shall designate a mem-
6 ber of the board to be chairman of the board.

7 “(c) DUTIES.—The board shall, on an annual basis—

8 “(1) review—

9 “(A) the roles and missions of the reserve
10 components; and

11 “(B) the compensation and other benefits,
12 including health care benefits, that are provided
13 for members of the reserve components under
14 the laws of the United States; and

15 “(2) submit to the Secretary of Defense a re-
16 port on the review, which shall include the findings
17 of the board regarding the matters reviewed and any
18 recommendations that the board considers appro-
19 priate regarding those matters.

20 “(d) REPORT TO CONGRESS.—Promptly after receiv-
21 ing the report under subsection (c)(2), the Secretary shall
22 transmit the report, together with any comments and rec-
23 ommendations that the Secretary considers appropriate,
24 to the Committee on Armed Services of the Senate and

1 the Committee on Armed Services of the House of Rep-
2 resentatives.

3 “(e) ADMINISTRATIVE PROVISIONS.—Section 180(d)
4 of this title shall apply to the members of the review board
5 appointed under this section.”.

6 (B) The table of sections at the beginning of such
7 chapter is amended by adding at the end the following
8 new item:

“186. Reserve components: annual review.”.

9 (2) The first review board under section 186 of title
10 10, United States Code (as added by paragraph (1)), shall
11 be appointed during fiscal year 2006.

12 **SEC. 903. CHAIN OF SUCCESSION FOR THE CHIEF OF THE**
13 **NATIONAL GUARD BUREAU.**

14 (a) SENIOR OFFICER.—(1) Section 10502 of title 10,
15 United States Code, is amended by adding at the end the
16 following new subsection:

17 “(e) SUCCESSION.—Unless otherwise directed by the
18 President or the Secretary of Defense, the most senior of-
19 ficer among the officers of the Army National Guard of
20 the United States and the officers of the Air National
21 Guard of the United States performing the duties of posi-
22 tions in the National Guard Bureau shall act as the Chief
23 of the National Guard Bureau during any period that—

24 “(1) there is a vacancy in the position of Chief
25 of the National Guard Bureau; or

1 “(2) the Chief is unable to perform the duties
2 of that position.”.

3 (2)(A) The heading of such section is amended by
4 adding at the end the following: “; **succession**”.

5 (B) The item relating to such section in the table of
6 sections at the beginning of chapter 1011 of such title is
7 amended to read as follows:

 “10502. Chief of the National Guard Bureau: appointment; adviser on National
 Guard matters; grade; succession.”.

8 (b) CONFORMING AMENDMENT.—Section 10505 of
9 such title is amended by striking subsections (d) and (e).

10 **SEC. 904. REDESIGNATION OF VICE CHIEF OF THE NA-**
11 **TIONAL GUARD BUREAU AS DIRECTOR OF**
12 **THE JOINT STAFF OF THE NATIONAL GUARD**
13 **BUREAU.**

14 (a) REDESIGNATION OF POSITION.—Subsection
15 (a)(1) of section 10505 of title 10, United States Code,
16 is amended by striking “Vice Chief of the National Guard
17 Bureau” and inserting “Director of the Joint Staff of the
18 National Guard Bureau”.

19 (b) CONFORMING AMENDMENTS.—(1) Subsections
20 (a)(3)(A), (a)(3)(B), (b), (c), and (d) of section 10505 of
21 title 10, United States Code, are amended by striking
22 “Vice Chief of the National Guard Bureau” and inserting
23 “Director of the Joint Staff of the National Guard Bu-
24 reau”.

1 (2) Subsection (a)(3)(B) of such section, as amended
2 by paragraph (1), is further amended by striking “as the
3 Vice Chief” and inserting “as the Director”.

4 (3) Paragraphs (2) and (4) of subsection (a) of such
5 section are amended by striking “Chief and Vice Chief of
6 the National Guard Bureau” and inserting “Chief of the
7 National Guard Bureau and the Director of the Joint
8 Staff of the National Guard Bureau”.

9 (4)(A) Subsection (e) of such section is amended—

10 (i) by striking “Chief and Vice Chief of the Na-
11 tional Guard Bureau or in the absence or disability
12 of both the Chief and Vice Chief of the National
13 Guard Bureau” and inserting “Chief of the National
14 Guard Bureau and the Director of the Joint Staff
15 of the National Guard Bureau or in the absence or
16 disability of both the Chief and the Director”; and

17 (ii) by striking “Chief or Vice Chief” both
18 places it appears and inserting “Chief or Director”.

19 (B) The heading for such subsection is amended by
20 striking “VICE CHIEF.—” and inserting “DIRECTOR OF
21 THE JOINT STAFF.—”.

22 (5) Section 10506(a)(1) of title 10, United States
23 Code, is amended by striking “Chief and Vice Chief of
24 the National Guard Bureau” and inserting “Chief of the

1 National Guard Bureau and the Director of the Joint
2 Staff of the National Guard Bureau”.

3 (c) CLERICAL AMENDMENTS.—(1) The heading for
4 section 10505 of title 10, United States Code, is amended
5 to read as follows:

6 “§ 10505. Director of the Joint Staff of the National
7 Guard Bureau”.

8 (2) The item relating to such section in the table of
9 sections at the beginning of chapter 1011 of such title is
10 amended to read as follows:

“10505. Director of the Joint Staff of the National Guard Bureau.”.

11 (d) OTHER REFERENCES.—Any reference that is
12 made in any law, regulation, document, paper, or other
13 record of the United States to the Vice Chief of the Na-
14 tional Guard Bureau shall be deemed to be a reference
15 to the Director of the Joint Staff of the National Guard
16 Bureau.

17 **SEC. 905. AUTHORITY TO REDESIGNATE THE NAVAL RE-**
18 **SERVE.**

19 (a) AUTHORITY OF SECRETARY OF THE NAVY.—The
20 Secretary of the Navy may, with the approval of the Presi-
21 dent, redesignate the Naval Reserve as the “Navy Re-
22 serve” effective on the date that is 180 days after the date
23 on which the Secretary submits recommended legislation
24 under subsection (b).

1 (b) RECOMMENDED LEGISLATION.—If the Secretary
2 of the Navy exercises the authority to redesignate the
3 Naval Reserve under subsection (a), the Secretary shall
4 submit to the Committee on Armed Services of the Senate
5 and the Committee on Armed Services of the House of
6 Representatives recommended legislation that identifies
7 each specific provision of law that refers to the Naval Re-
8 serve and sets forth an amendment to that specific provi-
9 sion of law to conform the reference to the new designa-
10 tion.

11 (c) EFFECT OF REDESIGNATION.—On and after the
12 effective date of a redesignation of the Naval Reserve
13 under subsection (a), any reference in any law, map, regu-
14 lation, document, paper, or other record of the United
15 States to the Naval Reserve shall be deemed to be a ref-
16 erence to the Navy Reserve.

17 **Subtitle B—Other Matters**

18 **SEC. 911. STUDY OF ROLES AND AUTHORITIES OF THE DI-** 19 **RECTOR OF DEFENSE RESEARCH AND ENGI-** 20 **NEERING.**

21 (a) STUDY REQUIRED.—The Secretary of Defense
22 shall carry out a study of the roles and authorities of the
23 Director of Defense Research and Engineering.

24 (b) CONTENT OF STUDY.—The study under this sec-
25 tion shall include the following:

1 (1) An examination of the past and current
2 roles and authorities of the Director of Defense Re-
3 search and Engineering.

4 (2) An analysis to determine appropriate future
5 roles and authorities for the Director, including an
6 analysis of the following matters:

7 (A) The relationship of the Director to
8 other senior science and technology and acquisi-
9 tion officials of the military departments and
10 the Defense Agencies

11 (B) The relationship of the Director to the
12 performance of the following functions:

13 (i) The planning, programming, and
14 budgeting of the science and technology
15 programs of the Department of Defense,
16 including those of the military departments
17 and the Defense Agencies.

18 (ii) The management of Department
19 of Defense laboratories and technical cen-
20 ters, including the management of the
21 Federal Government scientific and tech-
22 nical workforce for such laboratories and
23 centers.

1 (iii) The promotion of the rapid tran-
2 sition of technologies to acquisition pro-
3 grams within the Department of Defense.

4 (iv) The promotion of the transfer of
5 technologies into and from the commercial
6 sector.

7 (v) The coordination of Department of
8 Defense science and technology activities
9 with organizations outside the Department
10 of Defense, including other Federal Gov-
11 ernment agencies, international research
12 organizations, industry, and academia.

13 (vi) The technical review of Depart-
14 ment of Defense acquisition programs and
15 policies.

16 (vii) The training and educational ac-
17 tivities for the national scientific and tech-
18 nical workforce.

19 (viii) The development of science and
20 technology policies and programs relating
21 to the maintenance of the national tech-
22 nology and industrial base.

23 (3) An examination of the duties of the Direc-
24 tor as the Chief Technology Officer of the Depart-
25 ment of Defense, especially in comparison to the du-

1 ties of similar positions in the Federal Government
2 and industry.

3 (4) An examination of any other matters that
4 the Secretary considers appropriate for the study.

5 (c) REPORT.—(1) Not later than February 1, 2006,
6 the Secretary shall submit a report on the results of the
7 study under this section to the congressional defense com-
8 mittees.

9 (2) The report shall include recommendations regard-
10 ing the appropriate roles, authorities, and resources that
11 should be assigned to the Director of Defense Research
12 and Engineering in order to enable the Director to serve
13 effectively as the Chief Technology Officer of the Depart-
14 ment of Defense and to support the transformation of the
15 Armed Forces.

16 (d) ROLE OF DEFENSE SCIENCE BOARD IN STUDY
17 AND REPORT.—The Secretary shall act through the De-
18 fense Science Board in carrying out the study under this
19 section and preparing the report under subsection (c).

20 **SEC. 912. DIRECTORS OF SMALL BUSINESS PROGRAMS.**

21 (a) REDESIGNATION OF EXISTING POSITIONS AND
22 OFFICES.—(1) Each of the following positions within the
23 Department of Defense is redesignated as the Director of
24 Small Business Programs:

1 (A) The Director of Small and Disadvantaged
2 Business Utilization of the Department of Defense.

3 (B) The Director of Small and Disadvantaged
4 Business Utilization of the Department of the Army.

5 (C) The Director of Small and Disadvantaged
6 Business Utilization of the Department of the Navy.

7 (D) The Director of Small and Disadvantaged
8 Business Utilization of the Department of the Air
9 Force.

10 (2) Each of the following offices within the Depart-
11 ment of Defense is redesignated as the Office of Small
12 Business Programs:

13 (A) The Office of Small and Disadvantaged
14 Business Utilization of the Department of Defense.

15 (B) The Office of Small and Disadvantaged
16 Business Utilization of the Department of the Army.

17 (C) The Office of Small and Disadvantaged
18 Business Utilization of the Department of the Navy.

19 (D) The Office of Small and Disadvantaged
20 Business Utilization of the Department of the Air
21 Force.

22 (3) Any reference that is made in any law, regulation,
23 document, paper, or other record of the United States to
24 a position or office redesignated by paragraph (1) or (2)

1 shall be deemed to be a reference to the position or office
2 as so redesignated.

3 (b) DEPARTMENT OF DEFENSE POSITION AND OF-
4 FICE.—(1) Chapter 4 of title 10, United States Code, is
5 amended by inserting after section 133b the following new
6 section:

7 **“§ 133c. Director of Small Business Programs**

8 “(a) DIRECTOR.—There is a Director of Small Busi-
9 ness Programs in the Department of Defense. The Direc-
10 tor is appointed by the Secretary of Defense.

11 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
12 Office of Small Business Programs of the Department of
13 Defense is the office that is established within the Office
14 of the Secretary of Defense under section 15(k) of the
15 Small Business Act (15 U.S.C. 644(k)). The Director of
16 Small Business Programs is the head of such office.

17 “(c) DUTIES AND POWERS.—(1) The Director of
18 Small Business Programs shall, subject to paragraph (2),
19 perform such duties regarding small business programs of
20 the Department of Defense, and shall exercise such powers
21 regarding those programs, as the Secretary of Defense
22 may prescribe.

23 “(2) Section 15(k) of the Small Business Act (15
24 U.S.C. 644(k)), except for the designations of the Director

1 and the Office, applies to the Director of Small Business
2 Programs.”.

3 (2) The table of sections at the beginning of such
4 chapter is amended by inserting after the item relating
5 to section 133b the following new item:

“133c. Director of Small Business Programs.”.

6 (c) DEPARTMENT OF THE ARMY POSITION AND OF-
7 FICE.—(1) Chapter 303 of title 10, United States Code,
8 is amended by adding at the end the following new section:

9 **“§ 3024. Director of Small Business Programs**

10 “(a) DIRECTOR.—There is a Director of Small Busi-
11 ness Programs in the Department of the Army. The Direc-
12 tor is appointed by the Secretary of the Army.

13 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
14 Office of Small Business Programs of the Department of
15 the Army is the office that is established within the De-
16 partment of the Army under section 15(k) of the Small
17 Business Act (15 U.S.C. 644(k)). The Director of Small
18 Business Programs is the head of such office.

19 “(c) DUTIES AND POWERS.—(1) The Director of
20 Small Business Programs shall, subject to paragraph (2),
21 perform such duties regarding small business programs of
22 the Department of the Army, and shall exercise such pow-
23 ers regarding those programs, as the Secretary of the
24 Army may prescribe.

1 “(2) Section 15(k) of the Small Business Act (15
2 U.S.C. 644(k)), except for the designations of the Director
3 and the Office, applies to the Director of Small Business
4 Programs.”.

5 (2) The table of sections at the beginning of such
6 chapter is amended by adding at the end the following
7 new item:

“3024. Director of Small Business Programs.”.

8 (d) DEPARTMENT OF THE NAVY POSITION AND OF-
9 FICE.—(1) Chapter 503 of title 10, United States Code,
10 is amended by adding at the end the following new section:

11 **“§ 5028. Director of Small Business Programs**

12 “(a) DIRECTOR.—There is a Director of Small Busi-
13 ness Programs in the Department of the Navy. The Direc-
14 tor is appointed by the Secretary of the Navy.

15 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
16 Office of Small Business Programs of the Department of
17 the Navy is the office that is established within the De-
18 partment of the Navy under section 15(k) of the Small
19 Business Act (15 U.S.C. 644(k)). The Director of Small
20 Business Programs is the head of such office.

21 “(c) DUTIES AND POWERS.—(1) The Director of
22 Small Business Programs shall, subject to paragraph (2),
23 perform such duties regarding small business programs of
24 the Department of the Navy, and shall exercise such pow-

1 ers regarding those programs, as the Secretary of the
2 Navy may prescribe.

3 “(2) Section 15(k) of the Small Business Act (15
4 U.S.C. 644(k)), except for the designations of the Director
5 and the Office, applies to the Director of Small Business
6 Programs.”.

7 (2) The table of sections at the beginning of such
8 chapter is amended by adding at the end the following
9 new item:

“5028. Director of Small Business Programs.”.

10 (d) DEPARTMENT OF THE AIR FORCE POSITION AND
11 OFFICE.—(1) Chapter 803 of title 10, United States
12 Code, is amended by adding at the end the following new
13 section:

14 **“§ 8024. Director of Small Business Programs**

15 “(a) DIRECTOR.—There is a Director of Small Busi-
16 ness Programs in the Department of the Air Force. The
17 Director is appointed by the Secretary of the Air Force.

18 “(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The
19 Office of Small Business Programs of the Department of
20 the Air Force is the office that is established within the
21 Department of the Air Force under section 15(k) of the
22 Small Business Act (15 U.S.C. 644(k)). The Director of
23 Small Business Programs is the head of such office.

24 “(c) DUTIES AND POWERS.—(1) The Director of
25 Small Business Programs shall, subject to paragraph (2),

1 perform such duties regarding small business programs of
2 the Department of the Air Force, and shall exercise such
3 powers regarding those programs, as the Secretary of the
4 Air Force may prescribe.

5 “(2) Section 15(k) of the Small Business Act (15
6 U.S.C. 644(k)), except for the designations of the Director
7 and the Office, applies to the Director of Small Business
8 Programs.”.

9 (2) The table of sections at the beginning of such
10 chapter is amended by adding at the end the following
11 new item:

“8024. Director of Small Business Programs.”.

12 **SEC. 913. LEADERSHIP POSITIONS FOR THE NAVAL POST-**
13 **GRADUATE SCHOOL.**

14 (a) DESIGNATION OF PRESIDENT.—(1) The position
15 of Superintendent of the Naval Postgraduate School is re-
16 designated as President of the Naval Postgraduate School.

17 (2) Any reference to the Superintendent of the Naval
18 Postgraduate School in any law, rule, regulation, docu-
19 ment, record, or other paper of the United States shall
20 be deemed to be a reference to the President of the Naval
21 Postgraduate School.

22 (3) Sections 7042, 7044, 7048(a), and 7049(e) of
23 title 10, United States Code, are amended by striking
24 “Superintendent” each place it appears and inserting
25 “President”.

1 (4) The heading of section 7042 of such title is
2 amended by striking “**Superintendent;**” in the section
3 heading and inserting “**President;**”.

4 (b) PROVOST AND ACADEMIC DEAN.—(1) The posi-
5 tion of Academic Dean of the Naval Postgraduate School
6 is redesignated as Provost and Academic Dean of the
7 Naval Postgraduate School.

8 (2) Any reference to the Academic Dean of the Naval
9 Postgraduate School in any law, rule, regulation, docu-
10 ment, record, or other paper of the United States shall
11 be deemed to be a reference to the Provost and Academic
12 Dean of the Naval Postgraduate School.

13 (3)(A) Subsection (a) of section 7043 of title 10,
14 United States Code, is amended to read as follows:

15 “(a) There is at the Naval Postgraduate School the
16 single civilian position of Provost and Academic Dean. The
17 Provost and Academic Dean shall be appointed, to serve
18 for periods of not more than five years, by the Secretary
19 of the Navy. Before making an appointment to the posi-
20 tion of Provost and Academic Dean, the Secretary shall
21 consult with the Board of Advisors for the Naval Post-
22 graduate School and consider any recommendation of the
23 leadership and faculty of the Naval Postgraduate School
24 regarding an appointment to the position.”.

1 (B) The heading of such section is amended to read
2 as follows:

3 **“§ 7043. Provost and Academic Dean”.**

4 (4) Sections 7043(b) and 7081(a) of title 10, United
5 States Code, are amended by striking “Academic Dean”
6 and inserting “Provost and Academic Dean”.

7 (5) Section 5102(c)(10) of title 5, United States
8 Code, is amended by striking “Academic Dean of the Post-
9 graduate School of the Naval Academy” and inserting
10 “Provost and Academic Dean of the Naval Postgraduate
11 School”.

12 (c) CLERICAL AMENDMENTS.—The table of sections
13 at the beginning of chapter 605 of such title 10, United
14 States Code, is amended by striking the items related to
15 sections 7042 and 7043 and inserting the following new
16 items:

“7042. President: assistants.

“7043. Provost and Academic Dean.”.

17 **SEC. 914. UNITED STATES MILITARY CANCER INSTITUTE.**

18 (a) ESTABLISHMENT.—Chapter 104 of title 10,
19 United States Code, is amended by adding at the end the
20 following new section:

21 **“§ 2117. United States Military Cancer Institute**

22 “(a) ESTABLISHMENT.—(1) There is a United States
23 Military Cancer Institute in the University. The Director

1 of the United States Military Cancer Institute is the head
2 of the Institute.

3 “(2) The Institute is composed of clinical and basic
4 scientists in the Department of Defense who have an ex-
5 pertise in research, patient care, and education relating
6 to oncology and who meet applicable criteria for participa-
7 tion in the Institute.

8 “(3) The components of the Institute include military
9 treatment and research facilities that meet applicable cri-
10 teria and are designated as affiliates of the Institute.

11 “(b) RESEARCH.—(1) The Director of the United
12 States Military Cancer Institute shall carry out research
13 studies on the following:

14 “(A) The epidemiological features of cancer, in-
15 cluding assessments of the carcinogenic effect of ge-
16 netic and environmental factors, and of disparities in
17 health, inherent or common among populations of
18 various ethnic origins.

19 “(B) The prevention and early detection of can-
20 cer.

21 “(C) Basic, translational, and clinical investiga-
22 tion matters relating to the matters described in
23 subparagraphs (A) and (B).

24 “(2) The research studies under paragraph (1) shall
25 include complementary research on oncologic nursing.

1 “(c) COLLABORATIVE RESEARCH.—The Director of
 2 the United States Military Cancer Institute shall carry out
 3 the research studies under subsection (b) in collaboration
 4 with other cancer research organizations and entities se-
 5 lected by the Institute for purposes of the research studies.

6 “(d) ANNUAL REPORT.—(1) Promptly after the end
 7 of each fiscal year, the Director of the United States Mi-
 8 litary Cancer Institute shall submit to the President of the
 9 University a report on the results of the research studies
 10 carried out under subsection (b).

11 “(2) Not later than 60 days after receiving the an-
 12 nual report under paragraph (1), the President of the Uni-
 13 versity shall transmit such report to the Secretary of De-
 14 fense and to Congress.”.

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

“2117. United States Military Cancer Institute.”.

18 **TITLE X—GENERAL PROVISIONS**

19 **Subtitle A—Financial Matters**

20 **SEC. 1001. TRANSFER AUTHORITY.**

21 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—
 22 (1) Upon determination by the Secretary of Defense that
 23 such action is necessary in the national interest, the Sec-
 24 retary may transfer amounts of authorizations made avail-
 25 able to the Department of Defense in this division for fis-

1 cal year 2005 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 \$3,000,000,000.

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. UNITED STATES CONTRIBUTION TO NATO COM-**
2 **MON-FUNDED BUDGETS IN FISCAL YEAR 2005.**

3 (a) **FISCAL YEAR 2005 LIMITATION.**—The total
4 amount contributed by the Secretary of Defense in fiscal
5 year 2005 for the common-funded budgets of NATO may
6 be any amount up to, but not in excess of, the amount
7 specified in subsection (b) (rather than the maximum
8 amount that would otherwise be applicable to those con-
9 tributions under the fiscal year 1998 baseline limitation).

10 (b) **TOTAL AMOUNT.**—The amount of the limitation
11 applicable under subsection (a) is the sum of the following:

12 (1) The amounts of unexpended balances, as of
13 the end of fiscal year 2004, of funds appropriated
14 for fiscal years before fiscal year 2005 for payments
15 for those budgets.

16 (2) The amount specified in subsection (c)(1).

17 (3) The amount specified in subsection (c)(2).

18 (4) The total amount of the contributions au-
19 thorized to be made under section 2501.

20 (c) **AUTHORIZED AMOUNTS.**—Amounts authorized to
21 be appropriated by titles II and III of this Act are avail-
22 able for contributions for the common-funded budgets of
23 NATO as follows:

24 (1) Of the amount provided in section 201(1),
25 \$756,000 for the Civil Budget.

1 (2) Of the amount provided in section 301(1),
2 \$222,492,000 for the Military Budget.

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

4 (1) COMMON-FUNDED BUDGETS OF NATO.—
5 The term “common-funded budgets of NATO”
6 means the Military Budget, the Security Investment
7 Program, and the Civil Budget of the North Atlantic
8 Treaty Organization (and any successor or addi-
9 tional account or program of NATO).

10 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—
11 The term “fiscal year 1998 baseline limitation”
12 means the maximum annual amount of Department
13 of Defense contributions for common-funded budgets
14 of NATO that is set forth as the annual limitation
15 in section 3(2)(C)(ii) of the resolution of the Senate
16 giving the advice and consent of the Senate to the
17 ratification of the Protocols to the North Atlantic
18 Treaty of 1949 on the Accession of Poland, Hun-
19 gary, and the Czech Republic (as defined in section
20 4(7) of that resolution), approved by the Senate on
21 April 30, 1998.

22 **SEC. 1003. REDUCTION IN OVERALL AUTHORIZATION DUE**
23 **TO INFLATION SAVINGS.**

24 (a) REDUCTION.—The total amount authorized to be
25 appropriated by titles I, II, and III is the amount equal

1 to the sum of the individual authorizations in those titles
2 reduced by \$1,670,000,000.

3 (b) SOURCE OF SAVINGS.—Reductions required in
4 order to comply with subsection (a) shall be derived from
5 savings resulting from lower-than-expected inflation as a
6 result of the annual review of the budget conducted by
7 the Office of Management and Budget.

8 (c) ALLOCATION OF REDUCTION.—The Secretary of
9 Defense shall allocate the reduction required by subsection
10 (a) among the accounts in titles I, II, and III to reflect
11 the extent to which net inflation savings are available in
12 those accounts.

13 **SEC. 1004. DEFENSE BUSINESS SYSTEMS INVESTMENT MAN-**
14 **AGEMENT.**

15 (a) REQUIREMENT FOR DEFENSE BUSINESS ENTER-
16 PRISE ARCHITECTURE AND TRANSITION PLAN.—(1) Not
17 later than September 30, 2005, the Secretary of Defense
18 shall develop—

19 (A) a defense business enterprise architecture
20 covering all defense business systems of the Depart-
21 ment of Defense and the functions and activities
22 supported by such systems that—

23 (i) is sufficiently defined to effectively
24 guide, constrain, and permit implementation of
25 interoperable business system solutions; and

1 (ii) is consistent with the applicable poli-
2 cies and procedures prescribed by the Director
3 of the Office of Management and Budget; and

4 (B) a transition plan for implementing the de-
5 fense business enterprise architecture.

6 (2) In carrying out paragraph (1), the Secretary shall
7 act through the Defense Business Systems Management
8 Committee established under subsection (h).

9 (b) COMPOSITION OF ENTERPRISE ARCHITEC-
10 TURE.—The defense business enterprise architecture de-
11 veloped under subsection (a)(1)(A) shall include the fol-
12 lowing:

13 (1) An information infrastructure that, at a
14 minimum, would enable the Department of Defense
15 to—

16 (A) comply with all Federal accounting, fi-
17 nancial management, and reporting require-
18 ments;

19 (B) routinely produce timely, accurate, and
20 reliable financial information for management
21 purposes;

22 (C) integrate budget, accounting, and pro-
23 gram information and systems; and

24 (D) provide for the systematic measure-
25 ment of performance, including the ability to

1 produce timely, relevant, and reliable cost infor-
2 mation.

3 (2) Policies, procedures, data standards, and
4 system interface requirements that are to apply uni-
5 formly throughout the Department of Defense.

6 (c) COMPOSITION OF TRANSITION PLAN.—(1) The
7 transition plan developed under subsection (a)(1)(B) shall
8 include the following:

9 (A) The acquisition strategy for new systems
10 that are expected to be needed to complete the de-
11 fense business enterprise architecture.

12 (B) A listing of the defense business systems as
13 of December 2, 2002 (known as “legacy systems”),
14 that will not be part of the objective defense busi-
15 ness enterprise architecture, together with the sched-
16 ule for terminating those legacy systems that pro-
17 vides for reducing the use of those legacy systems in
18 phases.

19 (C) A listing of the legacy systems (referred to
20 in subparagraph (B)) that will be a part of the ob-
21 jective defense business system, together with a
22 strategy for making the modifications to those sys-
23 tems that will be needed to ensure that such systems
24 comply with the defense business enterprise architec-
25 ture.

1 (2) Each of the strategies under paragraph (1) shall
2 include specific time-phased milestones, performance
3 metrics, and a statement of the financial and nonfinancial
4 resource needs.

5 (d) CONDITIONS FOR USE OF FUNDS FOR DEFENSE
6 BUSINESS SYSTEM MODERNIZATION.—(1) After Sep-
7 tember 30, 2005, an officer or employee of the United
8 States may not obligate or expend an amount in excess
9 of \$1,000,000 for a defense business system moderniza-
10 tion unless the Secretary of Defense or the official dele-
11 gated authority for the system covered by such moderniza-
12 tion under subsection (e) has determined in writing that
13 such defense business system modernization—

14 (A) is consistent with the defense business en-
15 terprise architecture and transition plan developed
16 under subsection (a); or

17 (B) is necessary to—

18 (i) achieve a critical national security capa-
19 bility or address a critical requirement in an
20 area such as safety or security; or

21 (ii) prevent a significant adverse effect on
22 a project that is needed to achieve an essential
23 capability, taking into consideration the alter-
24 native solutions for preventing such adverse ef-
25 fect.

1 (2) A violation of paragraph (1) is a violation of sec-
2 tion 1341(a)(1)(A) of title 31, United States Code.

3 (e) ACCOUNTABILITY FOR DEFENSE BUSINESS SYS-
4 TEMS.—The Secretary of Defense shall delegate authority
5 for the planning, design, acquisition, development, deploy-
6 ment, operation, maintenance, modernization, and over-
7 sight of defense business systems as follows:

8 (1) To the Under Secretary of Defense for Ac-
9 quisition, Technology, and Logistics, for—

10 (A) defense business systems the primary
11 purpose of which is to support acquisition ac-
12 tivities in the Department of Defense;

13 (B) defense business systems the primary
14 purpose of which is to support logistics activi-
15 ties in the Department of Defense; and

16 (C) defense business systems the primary
17 purpose of which is to support installations and
18 environment activities in the Department of De-
19 fense.

20 (2) To the Under Secretary of Defense (Comp-
21 troller) and Chief Financial Officer, for—

22 (A) defense business systems the primary
23 purpose of which is to support financial man-
24 agement activities in the Department of De-
25 fense; and

1 (B) defense business systems the primary
2 purpose of which is to support strategic plan-
3 ning and budgeting activities in the Department
4 of Defense.

5 (3) To the Under Secretary of Defense for Per-
6 sonnel and Readiness, for defense business systems
7 the primary purpose of which is to support human
8 resource management activities in the Department
9 of Defense.

10 (4) To the Assistant Secretary of Defense (Net-
11 works and Information Integration) and Chief Infor-
12 mation Officer, for defense business systems the pri-
13 mary purpose of which is to support information
14 technology infrastructure and information assurance
15 activities of the Department of Defense.

16 (5) To the Deputy Secretary of Defense or an
17 Under Secretary of Defense, as designated by the
18 Secretary of Defense, for defense business systems
19 the primary purpose of which is to support any ac-
20 tivity of the Department of Defense not described in
21 another paragraph of this subsection.

22 (f) DEFENSE BUSINESS SYSTEM INVESTMENT RE-
23 VIEW.—(1) The Secretary of Defense shall require each
24 official to whom authority is delegated under subsection
25 (e) to establish an investment review process to review the

1 planning, design, acquisition, development, deployment,
2 operation, maintenance, and modernization of all defense
3 business systems covered by the authority so delegated to
4 that official, and to analyze project cost benefits and risks
5 of such systems.

6 (2) Each investment review process established under
7 paragraph (1) shall be consistent with the requirements
8 of section 11312 of title 40, United States Code, and shall
9 include the following features:

10 (A) An investment review board composed of
11 appropriate officials from among the Armed Forces,
12 combatant commands, the Joint Staff, and Defense
13 Agencies.

14 (B) Review and approval, by the investment re-
15 view board, of each defense business system as an
16 investment before the obligation or expenditure of
17 funds on such system.

18 (C) Periodic review of each defense business
19 system investment not less often than annually.

20 (D) Use of threshold criteria to ensure that
21 each defense business system investment, and that
22 accountability for each defense business system in-
23 vestment, is reviewed at a level of review within the
24 Department of Defense that is appropriate for the
25 scope, complexity, and cost of the investment.

1 (E) Procedures for making determinations in
2 accordance with the requirements of subsection (d).

3 (g) DEFENSE BUSINESS SYSTEMS BUDGET EX-
4 HIBIT.—For each budget for a fiscal year after fiscal year
5 2005 that the President submits to Congress under sec-
6 tion 1105(a) of title 31, United States Code, the Secretary
7 of Defense shall include in the documentation on major
8 functional category 050 (National Defense) that the Sec-
9 retary submits to the congressional defense committees in
10 support of such budget a defense business systems budget
11 exhibit that includes the following information:

12 (1) Identification of each defense business sys-
13 tem for which funding is proposed in that budget.

14 (2) Identification of all funds, by appropriation,
15 proposed in that budget for each such system, in-
16 cluding—

17 (A) funds for current services (to operate
18 and maintain the system); and

19 (B) funds for business systems moderniza-
20 tion, identified for each specific appropriation.

21 (3) For each such system, identification of the
22 official to whom authority for such system is dele-
23 gated under subsection (e).

1 (4) For each such system, a description of each
2 determination made under subsection (d) with re-
3 gard to such system.

4 (h) DEFENSE BUSINESS SYSTEM MANAGEMENT
5 COMMITTEE.—(1) The Secretary of Defense shall estab-
6 lish a Defense Business Systems Management Executive
7 Committee. The Committee shall be composed of the fol-
8 lowing members:

9 (A) The Deputy Secretary of Defense, who shall
10 be the chairman of the Committee.

11 (B) The Under Secretary of Defense for Acqui-
12 sition, Logistics, and Technology.

13 (C) The Under Secretary of Defense for Per-
14 sonnel and Readiness.

15 (D) The Under Secretary of Defense (Comp-
16 troller) and Chief Financial Officer.

17 (E) The Assistant Secretary of Defense (Net-
18 works and Information Integration) and Chief Infor-
19 mation Officer.

20 (F) The Secretaries of the military depart-
21 ments.

22 (G) The heads of the Defense Agencies.

23 (H) Any personnel assigned to the Joint Staff,
24 personnel assigned to combatant commands, or other

1 Department of Defense personnel that the Secretary
2 of Defense designates to serve on the Committee.

3 (2) In addition to any other duties assigned to the
4 Committee by the Secretary of Defense, the Committee
5 shall have the following duties:

6 (A) To submit to the Secretary recommended
7 policies and procedures that the Committee con-
8 siders necessary to effectively integrate compliance
9 with the requirements of this section into all busi-
10 ness activities and any transformation, reform, reor-
11 ganization, or process improvement initiatives under-
12 taken within the Department of Defense.

13 (B) To review and approve defense business
14 systems modernization plans, including review and
15 approval of any major update of the defense busi-
16 ness enterprise architecture.

17 (C) To coordinate defense business system mod-
18 ernization initiatives to maximize benefits and mini-
19 mize costs for the Department of Defense.

20 (D) To ensure that funds are not obligated for
21 the modernization of any defense business system in
22 violation of subsection (d)(1).

23 (E) To periodically report to the Secretary on
24 the status of defense business system modernization
25 efforts.

1 (i) DEFINITIONS.—In this section:

2 (1) The term “defense business system” means
3 any information system (except a national security
4 system, as defined in section 2315 of title 10,
5 United States Code) that is operated by, for, or on
6 behalf of the Department of Defense to support
7 business activities such as acquisition, financial
8 management, logistics, strategic planning and budg-
9 eting, installations and environment, and human re-
10 source management.

11 (2) The term “enterprise architecture” has the
12 meaning given that term in section 3601(4) of title
13 44, United States Code.

14 (3) The terms “information system” and “in-
15 formation technology” have the meanings given
16 those terms in section 11101 of title 40, United
17 States Code.

18 (4) The term “modernization”, with respect to
19 a defense business system, means the acquisition or
20 development of a new defense business system or
21 any significant modification or enhancement of an
22 existing defense business system (other than as nec-
23 essary to maintain current services).

24 (j) ANNUAL REPORT.—Not later than March 15 of
25 2005 and each year thereafter through 2009, the Sec-

1 retary of Defense shall submit to the congressional defense
2 committees a report on the progress made by the Depart-
3 ment of Defense in implementing the defense business en-
4 terprise architecture and transition plan required by this
5 section. Each report shall include, at a minimum, the fol-
6 lowing information:

7 (1) A description of the specific actions taken
8 and planned to be taken to implement the defense
9 business enterprise architecture and the transition
10 plan.

11 (2) Specific milestones, performance measures,
12 and resource commitments for such actions.

13 (k) **COMPTROLLER GENERAL ASSESSMENT.**—Not
14 later than 60 days after the date on which the Secretary
15 of Defense approves the defense business enterprise archi-
16 tecture and transition plan developed under subsection
17 (a), and again each year not later than 60 days after the
18 submission of the annual report under subsection (j), the
19 Comptroller General shall submit to the congressional de-
20 fense committees an assessment of the extent to which the
21 actions taken by the Department comply with the require-
22 ments of this section.

23 (l) **RELATIONSHIP TO OTHER LAW.**—Nothing in this
24 section shall be construed to modify or affect the applica-
25 bility of the restrictions and requirements provided in sec-

1 tion 8088 of the Department of Defense Appropriations
2 Act, 2003 (Public Law 107–248; 116 Stat. 1556).

3 (m) REPEAL OF SUPERSEDED LAW.—Section 1004
4 of the Bob Stump National Defense Authorization Act for
5 Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2629;
6 10 U.S.C. 113 note) is repealed.

7 **SEC. 1005. UNIFORM FUNDING AND MANAGEMENT OF**
8 **SERVICE ACADEMY ATHLETIC AND EXTRA-**
9 **CURRICULAR PROGRAMS AND SIMILAR SUP-**
10 **PLEMENTAL MISSION ACTIVITIES.**

11 (a) UNITED STATES MILITARY ACADEMY.—(1)
12 Chapter 403 of title 10, United States Code, is amended
13 by adding at the end the following new section:

14 **“§ 4359. Athletic and extracurricular programs: uni-**
15 **form funding**

16 “The authority and conditions provided in sub-
17 sections (a) and (b) of section 2494 of this title shall also
18 apply to any athletic or other extracurricular program of
19 the Academy that is not considered a morale, welfare, or
20 recreation program referred to in such section.”.

21 (2) The table of sections at the beginning of such title
22 is amended by adding at the end the following new item:

“4359. Athletic and extracurricular programs: uniform funding.”.

23 (b) UNITED STATES NAVAL ACADEMY.—(1) Chapter
24 603 of title 10, United States Code, is amended by adding
25 at the end the following new section:

1 **“§ 6978. Athletic and extracurricular programs: uni-**
 2 **form funding**

3 “The authority and conditions provided in sub-
 4 sections (a) and (b) of section 2494 of this title shall also
 5 apply to any athletic or other extracurricular program of
 6 the Naval Academy that is not considered a morale, wel-
 7 fare, or recreation program referred to in such section.”.

8 (2) The table of sections at the beginning of such title
 9 is amended by adding at the end the following new item:

“6978. Athletic and extracurricular programs: uniform funding.”.

10 (c) UNITED STATES AIR FORCE ACADEMY.—(1)
 11 Chapter 903 of title 10, United States Code, is amended
 12 by adding at the end the following new section:

13 **“§ 9358. Athletic and extracurricular programs: uni-**
 14 **form funding**

15 “The authority and conditions provided in sub-
 16 sections (a) and (b) of section 2494 of this title shall also
 17 apply to any athletic or other extracurricular program of
 18 the Academy that is not considered a morale, welfare, or
 19 recreation program referred to in such section.”.

20 (2) The table of sections at the beginning of such title
 21 is amended by adding at the end the following new item:

“9358. Athletic and extracurricular programs: uniform funding.”.

22 (d) EFFECTIVE DATE AND APPLICABILITY.—This
 23 section and the amendments made by this section shall
 24 take effect on October 1, 2004, and shall apply with re-

1 spect to funds appropriated for fiscal years beginning on
2 or after such date.

3 **Subtitle B—Naval Vessels and**
4 **Shipyards**

5 **SEC. 1011. EXCHANGE AND SALE OF OBSOLETE NAVY SERV-**
6 **ICE CRAFT AND BOATS.**

7 (a) IN GENERAL.—Chapter 633 of title 10, United
8 States Code, is amended by inserting after section 7309
9 the following new section:

10 **“§ 7309a. Service craft and boats: exchange or sale**

11 “(a) IN GENERAL.—The Secretary of the Navy may,
12 in acquiring personal property under section 503 of title
13 40, exchange or sell obsolete Navy service craft or boats
14 that are similar to such personal property and apply the
15 exchange allowance or proceeds of sale in whole or part
16 payment for such personal property.

17 “(b) USE OF PROCEEDS FOR COST OF PREPARATION
18 OF SALE.—In selling a service craft or boat under sub-
19 section (a), the Secretary shall obtain, to the extent prac-
20 ticable, amounts necessary to recover the full costs, wheth-
21 er direct or indirect, incurred by the Navy in preparing
22 the service craft or boat for sale, including costs of towing,
23 storage, defueling, removal and disposal of hazardous
24 wastes, environmental surveys to determine the presence
25 of regulated materials containing polychlorinated biphenyl

1 (PCB), removal and disposal of such materials, and other
2 related costs.

3 “(c) TREATMENT OF ADDITIONAL PROCEEDS.—(1)
4 Any proceeds of sale of a service craft or boat under sub-
5 section (a) that are in addition to amounts necessary to
6 recover the costs of the preparation of sale of the service
7 craft or boat under subsection (b) shall be deposited in
8 an account in the Treasury established for purposes of this
9 section.

10 “(2) Amounts in the account under paragraph (1)
11 shall be available to the Secretary for the payment of costs
12 associated with the preparation of obsolete Navy service
13 craft or boats for sale or exchange under this section.
14 Amounts in the account shall be available for that purpose
15 without fiscal year limitation.

16 “(3) The Secretary shall, on a periodic basis, deposit
17 amounts in the account under paragraph (1) that are in
18 excess of the amounts otherwise utilized under paragraph
19 (2) in the general Treasury as miscellaneous receipts, or
20 in another account in the Treasury as otherwise provided
21 by law.

22 “(d) INAPPLICABILITY OF CERTAIN PROCUREMENT
23 REQUIREMENTS.—Notwithstanding section 503(b)(3) of
24 title 40, section 3709 of the Revised Statutes (41 U.S.C.

1 5) shall not apply to the exchange or sale of service craft
2 or boats under this section.

3 “(e) REGULATIONS.—The Secretary may prescribe
4 regulations relating to the exercise of authority under this
5 section.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 7309 the following new
9 item:

“7309a. Service craft and boats: exchange or sale.”.

10 **SEC. 1012. LIMITATION ON DISPOSAL OF OBSOLETE NAVAL**
11 **VESSEL.**

12 The Secretary of the Navy may not dispose of the
13 decommissioned destroyer ex-Edson (DD-946) before Oc-
14 tober 1, 2007, to an entity that is not a nonprofit organi-
15 zation unless the Secretary first determines that there is
16 no nonprofit organization that meets the criteria for dona-
17 tion of that vessel under section 7306(a)(3) of title 10,
18 United States Code.

19 **SEC. 1013. AWARD OF CONTRACTS FOR SHIP DISMANTLING**
20 **ON NET COST BASIS.**

21 (a) IN GENERAL.—Chapter 633 of title 10, United
22 States Code, is amended by inserting after section 7305
23 the following new section:

1 **“§ 7305a. Contracts for ship dismantling: award on**
2 **net cost basis**

3 “(a) **AUTHORITY.**—Notwithstanding any other provi-
4 sion of law, the Secretary of the Navy may use net cost
5 as a criterion in the selection of an offeror for award of
6 a contract for the dismantling of one or more ships strick-
7 en from the Naval Vessel Register and may accord that
8 criterion such weight in the offer evaluation process as the
9 Secretary considers appropriate and specifies in the solici-
10 tation of offers for that contract.

11 “(b) **COMPETITION.**—In exercising the authority
12 under this section, the Secretary shall to the maximum
13 extent practicable use the competitive procedure or com-
14 bination of competitive procedures that is best suited
15 under the circumstances.

16 “(c) **RETENTION OF PROCEEDS.**—When the Sec-
17 retary of the Navy awards a ship dismantling contract on
18 a net cost basis, the contractor may retain the proceeds
19 from the sale of scrap and reusable items from the vessel
20 being dismantled.

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

22 “(1) The term ‘net cost’, with respect to a con-
23 tract for the dismantling of a ship, means the
24 amount equal to the excess of—

25 “(A) the amount of the contractor’s gross
26 cost of performance of the contract, over

1 “(B) the estimated value of scrap and re-
2 usable items that the contractor removes from
3 the ship during performance of the contract, as
4 stated in the contractor’s offer for such con-
5 tract.

6 “(2) The term ‘scrap’ means personal property
7 that has no value except for its basic material con-
8 tent.

9 “(3) The term ‘reusable item’, with respect to
10 a ship, means any demilitarized component or re-
11 movable portion of the ship or the ship’s equipment
12 that the Navy has identified as excess to its needs
13 but which has potential resale value on the open
14 market.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of such chapter is amended by inserting
17 after the item relating to section 7305 the following new
18 item:

 “7305a. Contracts for ship dismantling: award on net cost basis.”.

19 **Subtitle C—Reports**

20 **SEC. 1021. REPORT ON CONTRACTOR SECURITY IN IRAQ.**

21 (a) REPORT REQUIRED.—(1) Not later than 90 days
22 after the date of the enactment of this Act, the Secretary
23 of Defense shall submit a report on contractor security
24 in Iraq to the congressional defense committees. The re-
25 port shall include, at a minimum—

1 (A) information on the security of contractor
2 employees in Iraq, as described in subsection (b);

3 (B) information on contract security personnel
4 in Iraq, as described in subsection (c); and

5 (C) any recommended actions that the Sec-
6 retary considers appropriate to enhance contractor
7 security in Iraq.

8 (2) The information included in the report shall be
9 current as of September 30, 2004.

10 (b) SECURITY OF CONTRACTOR EMPLOYEES IN
11 IRAQ.—The report under subsection (a) shall include in-
12 formation on contractor employees in Iraq, as follows:

13 (1) The number of contractor employees in each
14 of the following categories of nationals:

15 (A) Nationals of the United States.

16 (B) Nationals of Iraq.

17 (C) Nationals of states other than the
18 United States and Iraq.

19 (2) For each of the categories of nationals list-
20 ed in paragraph (1), the number of casualties among
21 contractor employees on and after May 1, 2003.

22 (c) CONTRACT SECURITY PERSONNEL.—The report
23 required by subsection (a) shall include information on
24 contract security personnel of a contractor in Iraq, as fol-
25 lows:

1 (1) The number of contract security personnel
2 engaged in providing security services to personnel
3 or facilities in each of the following categories:

4 (A) Personnel or facilities of the United
5 States Government or the Coalition Provisional
6 Authority.

7 (B) Personnel or facilities of the Iraqi Gov-
8 ernment.

9 (C) Personnel or facilities of a contractor
10 or subcontractor.

11 (2) For each of the categories of nationals list-
12 ed in subsection (b)(1), the following information:

13 (A) The number of contract security per-
14 sonnel.

15 (B) The range of annual rates of pay of
16 the contract security personnel.

17 (C) The number of casualties among the
18 contract security personnel on and after May 1,
19 2003.

20 (3) The number, types, and sources of weapons
21 that contract security personnel are authorized to
22 possess in each of the following categories:

23 (A) Weapons provided by coalition forces.

24 (B) Weapons supplied by the contractor.

25 (C) Weapons supplied by other sources.

1 (4) The extent to which contract security per-
2 sonnel are equipped with other critical equipment,
3 such as body armor, armored vehicles, secure com-
4 munications, and friend-foe identification.

5 (5) An assessment of the extent to which con-
6 tract security personnel have been engaged by hos-
7 tile fire on and after May 1, 2003.

8 (d) FORMS OF REPORT.—The report required by this
9 section shall be submitted in classified and unclassified
10 forms.

11 (e) DEFINITIONS.—In this section:

12 (1) The term “contract security personnel” in-
13 cludes employees of a contractor or subcontractor
14 who, under a covered contract, provide security serv-
15 ices in Iraq to—

16 (A) personnel or facilities of the United
17 States Government or the Coalition Provisional
18 Authority;

19 (B) personnel or facilities of the Iraqi Gov-
20 ernment; or

21 (C) personnel or facilities of a contractor.

22 (2) The term “covered contract”—

23 (A) means a contract entered into by an
24 agency of the United States Government or by
25 the Coalition Provisional Authority for the pro-

1 curement of products or services to be provided
2 in Iraq, regardless of the source of the funding
3 for such procurement; and

4 (B) includes a subcontract under such a
5 contract, regardless of the source of the funding
6 for such procurement.

7 (3) The term “national of the United States”
8 has the meaning given such term in section 101(22)
9 of the Immigration and Nationality Act (8 U.S.C.
10 1101(22)).

11 (4) The term “national”, except as provided in
12 paragraph (3), has the meaning given such term in
13 section 101(21) of such Act.

14 **Subtitle D—Matters Relating to**
15 **Space**

16 **SEC. 1031. SPACE POSTURE REVIEW.**

17 (a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—

18 In order to clarify the national security space policy and
19 strategy of the United States for the near term, the Sec-
20 retary of Defense shall conduct a comprehensive review
21 of the space posture of the United States over the posture
22 review period.

23 (b) ELEMENTS OF REVIEW.—The review conducted
24 under subsection (a) shall include, for the posture review
25 period, the following:

1 (1) The role of space in United States military
2 and national security strategy, planning, and pro-
3 gramming.

4 (2) The policy, requirements, and objectives for
5 space situational awareness.

6 (3) The policy, requirements, and objectives for
7 space control.

8 (4) The policy, requirements, and objectives for
9 space superiority, including defensive and offensive
10 counterspace.

11 (5) The policy, requirements, and objectives for
12 space exploitation, including force enhancement and
13 force application.

14 (6) The policy, requirements, and objectives for
15 intelligence surveillance and reconnaissance from
16 space.

17 (7) Current and planned space programs, in-
18 cluding how each such program will address the pol-
19 icy, requirements, and objectives described in para-
20 graphs (1) through (6).

21 (8) The relationship among United States mili-
22 tary space policy and national security space policy,
23 space objectives, and arms control policy.

1 (9) The type of systems, including space sys-
2 tems, that are necessary to implement United States
3 military and national security space policies.

4 (10) The effect of United States national secu-
5 rity space policy on weapons proliferation.

6 (c) REPORTS.—(1) Not later than March 15, 2005,
7 the Secretary of Defense shall submit to the congressional
8 defense committees an interim report on the review con-
9 ducted under subsection (a).

10 (2) Not later than December 31, 2005, the Secretary
11 shall submit to the congressional defense committees a
12 final report on the review.

13 (3) Each report under this subsection shall be sub-
14 mitted in unclassified form, but may include a classified
15 annex.

16 (d) POSTURE REVIEW PERIOD DEFINED.—In this
17 section, the term “posture review period” means the pe-
18 riod beginning one year after the date of the enactment
19 of this Act and ending ten years after that date.

20 **SEC. 1032. PANEL ON THE FUTURE OF MILITARY SPACE**
21 **LAUNCH.**

22 (a) IN GENERAL.—(1) The Secretary of Defense
23 shall enter into a contract with a federally funded research
24 and development center to establish a panel on the future

1 military space launch requirements of the United States,
2 including means of meeting such requirements.

3 (2) The Secretary shall enter into the contract not
4 later than 60 days after the date of the enactment of this
5 Act.

6 (b) MEMBERSHIP AND ADMINISTRATION OF
7 PANEL.—(1) The panel shall consist of individuals se-
8 lected by the federally funded research and development
9 center from among private citizens of the United States
10 with knowledge and expertise in one or more of the fol-
11 lowing areas:

12 (A) Space launch operations.

13 (B) Space launch technologies.

14 (C) Satellite and satellite payloads.

15 (D) State and national launch complexes.

16 (E) Space launch economics.

17 (2) The federally funded research and development
18 center shall establish appropriate procedures for the ad-
19 ministration of the panel, including designation of the
20 chairman of the panel from among its members.

21 (3) All panel members shall hold security clearances
22 appropriate for the work of the panel.

23 (4) The panel shall convene its first meeting not later
24 than 30 days after the date on which all members of the
25 panel have been selected.

1 (c) DUTIES.—(1) The panel shall conduct a review
2 and assessment of the future military space launch re-
3 quirements of the United States, including the means of
4 meeting such requirements.

5 (2) The review and assessment shall take into ac-
6 count matters as follows:

7 (A) Launch economics.

8 (B) Operational concepts and architectures.

9 (C) Launch technologies, including—

10 (i) reusable launch vehicles;

11 (ii) expendable launch vehicles;

12 (iii) low cost options; and

13 (iv) revolutionary approaches.

14 (D) Payloads, including their implications for
15 launch requirements.

16 (E) Launch infrastructure.

17 (F) Launch industrial base.

18 (G) Relationships among military, civilian, and
19 commercial launch requirements.

20 (3) The review and assessment shall address military
21 space launch requirements over each of the 5-year, 10-
22 year, and 15-year periods beginning with 2005.

23 (d) COOPERATION OF FEDERAL AGENCIES.—(1) The
24 panel may secure directly from the Department of Defense
25 or any other department or agency of the Federal Govern-

1 ment any information that the panel considers necessary
2 to carry out its duties.

3 (2) The Secretary of Defense shall designate at least
4 one senior civilian employee of the Department of Defense
5 and at least one general or flag officer of an Armed Force
6 to serve as liaison between the Department, the Armed
7 Forces, and the panel.

8 (e) REPORT.—Not later than one year after the date
9 of the first meeting of the panel under subsection (b)(4),
10 the panel shall submit to the Secretary of Defense and
11 the congressional defense committees a report on the re-
12 sults of the review and assessment under subsection (c).

13 The report shall include—

14 (1) the findings and conclusions of the panel on
15 the future military space launch requirements of the
16 United States, including means of meeting such re-
17 quirements;

18 (2) the assessment of panel, and any rec-
19 ommendations of the panel, on—

20 (A) launch operational concepts and archi-
21 tectures;

22 (B) launch technologies;

23 (C) launch enabling technologies; and

24 (D) priorities for funding; and

1 (3) the assessment of the panel as to the best
2 means of meeting the future military space launch
3 requirements of the United States.

4 (f) TERMINATION.—The panel shall terminate 16
5 months after the date on which the chairman of the panel
6 is designated pursuant to subsection (b)(2).

7 (g) FUNDING.—Amounts authorized to be appro-
8 priated to the Department of Defense shall be available
9 to the Secretary of Defense for purposes of the contract
10 required by subsection (a).

11 **SEC. 1033. OPERATIONALLY RESPONSIVE NATIONAL SECU-**
12 **RITY PAYLOADS FOR SPACE SATELLITES.**

13 (a) PLANNING, PROGRAMMING, AND MANAGE-
14 MENT.—(1) Chapter 135 of title 10, United States Code,
15 is amended by inserting after section 2273 the following
16 new section:

17 **“§ 2273a. Operationally responsive national security**
18 **payloads**

19 “(a) REQUIREMENT FOR PROGRAM ELEMENT.—The
20 Secretary of Defense shall ensure that operationally re-
21 sponsive national security payloads of the Department of
22 Defense for space satellites are planned, programmed, and
23 budgeted for as a separate, dedicated program element.

24 “(b) MANAGEMENT AUTHORITY.—The Secretary of
25 Defense shall assign management authority for the pro-

1 gram element required under subsection (a) to the Direc-
2 tor of the Office of Force Transformation.

3 “(c) DEFINITION OF OPERATIONALLY RESPON-
4 SIVE.—In this section, the term ‘operationally responsive’,
5 with respect to a national security payload for a space sat-
6 ellite, means an experimental or operational payload not
7 in excess of 5,000 pounds that—

8 “(1) can be developed and acquired within 18
9 months after authority to proceed with development
10 is granted; and

11 “(2) is responsive to requirements for capabili-
12 ties at the operational and tactical levels of war-
13 fare.”.

14 (2) The table of sections at the beginning of such
15 chapter is amended by inserting after the item relating
16 to section 2273 the following new item:

“2273a. Operationally responsive national security payloads.”.

17 (b) TIME FOR IMPLEMENTATION.—Section 2273a(a)
18 of title 10, United States Code, shall apply with respect
19 to fiscal years beginning after September 30, 2005.

20 (c) FUNDING.—Of the amount authorized to be ap-
21 propriated under section 201(4), \$25,000,000 shall be
22 available for research, development, test, and evaluation
23 of operationally responsive national security payloads for
24 space satellites.

1 **SEC. 1034. NONDISCLOSURE OF CERTAIN PRODUCTS OF**
2 **COMMERCIAL SATELLITE OPERATIONS.**

3 (a) **DISCLOSURE PROHIBITED.**—Land remote sens-
4 ing information may not be disclosed under section 552
5 of title 5, United States Code.

6 (b) **LAND REMOTE SENSING INFORMATION DE-**
7 **FINED.**—In this section, the term “land remote sensing
8 information”—

9 (1) means any data that—

10 (A) are collected by land remote sensing;

11 and

12 (B) are prohibited from sale to customers
13 other than the United States Government and
14 its affiliated users under the Land Remote
15 Sensing Policy Act of 1992 (15 U.S.C. 5601 et
16 seq.); and

17 (2) includes any imagery and other product
18 that is derived from such data.

19 (c) **STATE OR LOCAL GOVERNMENT DISCLOSURES.**—
20 Land remote sensing information provided by the head of
21 a department or agency of the United States to a State
22 or local government may not be made available to the gen-
23 eral public under any State or local law relating to the
24 disclosure of information or records.

25 (d) **SAFEGUARDING INFORMATION.**—The head of
26 each department or agency of the United States having

1 land remote sensing information within that department
 2 or agency or providing such information to a State or local
 3 government shall take such actions, commensurate with
 4 the sensitivity of that information, as are necessary to pro-
 5 tect that information from disclosure prohibited under this
 6 section.

7 (e) OTHER DEFINITIONS.—In this section, the terms
 8 “land remote sensing” and “United States Government
 9 and its affiliated users” have the meanings given such
 10 terms in section 3 of such Act (15 U.S.C. 5602).

11 **Subtitle E—Defense Against** 12 **Terrorism**

13 **SEC. 1041. TEMPORARY ACCEPTANCE OF COMMUNICA-** 14 **TIONS EQUIPMENT PROVIDED BY LOCAL** 15 **PUBLIC SAFETY AGENCIES.**

16 (a) AUTHORITY.—Chapter 155 of title 10, United
 17 States Code, is amended by adding at the end the fol-
 18 lowing new section:

19 **“§ 2613. Emergency communications equipment: tem-** 20 **porary acceptance from local public safe-** 21 **ty agencies**

22 “(a) AUTHORITY FOR TEMPORARY ACCEPTANCE OF
 23 EQUIPMENT.—(1) Under regulations prescribed by the
 24 Secretary concerned, the commander of a military installa-
 25 tion may include in a disaster response agreement with

1 a local public safety agency a clause that provides for the
2 commander to accept from the public safety agency for
3 use during a natural or man-made disaster any commu-
4 nications equipment that is useful for communicating with
5 such agency during a joint response by the commander
6 and such agency to such disaster.

7 “(2) The authority under paragraph (1) includes au-
8 thority to accept services related to the operation and
9 maintenance of communications equipment accepted
10 under that paragraph.

11 “(3) In the case of a military installation adminis-
12 tered by an officer or employee of the United States, such
13 officer or employee may exercise the authority of a com-
14 mander under this section.

15 “(b) CONDITIONS.—Acceptance of communications
16 equipment and services by a commander from a public
17 safety agency under subsection (a) is subject to the fol-
18 lowing conditions:

19 “(1) Acceptance of equipment is authorized
20 only to the extent that communications equipment
21 under the control of the commander is inadequate to
22 meet requirements for communicating with that pub-
23 lic safety agency during a joint response to a dis-
24 aster.

1 “(2) Acceptance of services for the operation or
2 maintenance of communications equipment is au-
3 thorized only to the extent that capabilities under
4 the control of the commander are inadequate to op-
5 erate or maintain such equipment.

6 “(c) LIABILITY.—(1) An emergency response agree-
7 ment under this section shall include a clause that—

8 “(A) specifies the means for the commander to
9 pay for use, loss, or damage of equipment, and for
10 services, accepted under the agreement; or

11 “(B) ensures that the United States is not lia-
12 ble for costs incurred for the acceptance and use of
13 the equipment or services nor for any loss or damage
14 of such equipment.

15 “(2) No person providing services accepted under an
16 emergency response agreement may be considered to be
17 an officer, employee, or agent of the United States for any
18 purpose.

19 “(d) GUIDANCE.—The Secretary of Defense shall
20 prescribe guidance for the administration of the require-
21 ments and authority under this section.

22 “(e) DEFINITIONS.—In this section:

23 “(1) The term ‘emergency response agreement’
24 means a memorandum of agreement or memo-
25 randum of understanding that provides for mutual

1 support by Department of Defense personnel and
2 local public safety agency personnel in response to a
3 natural or man-made disaster.

4 “(2) The term ‘military installation’ has the
5 meaning given such term in section 2801(c) of this
6 title.”.

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

“2613. Emergency communications equipment: temporary acceptance from local
public safety agencies.”.

10 **SEC. 1042. FULL-TIME DEDICATION OF AIRLIFT SUPPORT**
11 **FOR HOMELAND DEFENSE OPERATIONS.**

12 (a) DETERMINATION REQUIRED.—(1) The Secretary
13 of Defense shall determine the feasibility and advisability
14 of dedicating an airlift capability of the Armed Forces on
15 a full-time basis to the support of homeland defense oper-
16 ations, including operations in support of contingent re-
17 quirements for transporting Weapons of Mass Destruction
18 Civil Support Teams, Air Force expeditionary medical
19 teams, and Department of Energy emergency response
20 teams in response to natural disasters and man-made dis-
21 asters.

22 (2) In making the determination under paragraph
23 (1), the Secretary shall take into consideration the results
24 of the study required under subsection (b).

1 (b) REQUIREMENT FOR STUDY AND PLAN.—(1) The
2 Secretary of Defense shall conduct a study of the existing
3 plans and capabilities of the Department of Defense for
4 meeting contingent requirements for transporting teams
5 described in subsection (a)(1) in response to natural disas-
6 ters and man-made disasters.

7 (2) The Secretary shall prepare a plan for resolving
8 any deficiencies in the existing plans and capabilities for
9 meeting the transportation requirements described in
10 paragraph (1).

11 (3) The Secretary of Defense shall require the com-
12 mander of the United States Northern Command and the
13 commander of the United States Transportation Com-
14 mand to carry out jointly the study required under para-
15 graph (1) and to prepare jointly the plan required under
16 paragraph (2).

17 (c) REPORT.—Not later than April 1, 2005, the Sec-
18 retary shall submit to the Committees on Armed Services
19 of the Senate and the House of Representatives a report
20 on the results of the study under subsection (b). The re-
21 port shall include the following matters:

22 (1) The Secretary's determination under sub-
23 section (a).

24 (2) An assessment and discussion of the ade-
25 quacy of existing plans and capabilities of the De-

1 partment of Defense for meeting the transportation
2 requirements described in subsection (b)(1).

3 (3) The plan required under subsection (b)(2).

4 (d) DEFINITION.—In this section, the term “Weap-
5 ons of Mass Destruction Civil Support Team” has the
6 meaning given such term in section 305b(e) of title 37,
7 United States Code.

8 **SEC. 1043. SURVIVABILITY OF CRITICAL SYSTEMS EXPOSED**
9 **TO CHEMICAL OR BIOLOGICAL CONTAMINA-**
10 **TION.**

11 (a) REQUIREMENT FOR IMPLEMENTATION PLAN.—
12 Not later than 120 days after the date of the enactment
13 of this Act, the Secretary of Defense shall submit to the
14 congressional defense committees a plan, for implementa-
15 tion by the Department of Defense, that sets forth a sys-
16 tematic approach for ensuring the survivability of defense
17 critical systems upon contamination of such systems by
18 chemical or biological agents.

19 (b) CONTENT.—At a minimum, the plan under sub-
20 section (a) shall include—

21 (1) policies for ensuring that the survivability of
22 defense critical systems in the event of contamina-
23 tion by chemical or biological agents is adequately
24 addressed throughout the Department of Defense;

1 (2) a systematic process for identifying which
2 systems are defense critical systems;

3 (3) specific testing procedures to be used dur-
4 ing the design and development of new defense crit-
5 ical systems; and

6 (4) a centralized database that—

7 (A) contains comprehensive information on
8 the effects of chemical and biological agents
9 and decontaminants on materials used in de-
10 fense critical systems; and

11 (B) is easily accessible to personnel who
12 have duties to ensure the survivability of de-
13 fense critical systems upon contamination of
14 such systems by chemical and biological agents.

15 (c) DEFENSE CRITICAL SYSTEMS DEFINED.—In this
16 section, the term “defense critical system” means a De-
17 partment of Defense system that is critical to the national
18 security of the United States.

1 **Subtitle F—Matters Relating to**
2 **Other Nations**

3 **SEC. 1051. HUMANITARIAN ASSISTANCE FOR THE DETEC-**
4 **TION AND CLEARANCE OF LANDMINES AND**
5 **EXPLOSIVE REMNANTS OF WAR.**

6 (a) RESTATEMENT AND EXPANSION OF AUTHOR-
7 ITY.—(1) Chapter 20 of title 10, United States Code, is
8 amended by adding at the end the following new section:

9 **“§ 406. Humanitarian assistance for the detection and**
10 **clearance of landmines and explosive**
11 **remnants of war**

12 “(a) IN GENERAL.—Under regulations prescribed by
13 the Secretary of Defense, members of the armed forces
14 may provide humanitarian assistance for the detection and
15 clearance of landmines or explosive remnants of war in
16 a foreign country, including activities relating to the fur-
17 nishing of education, training, and technical assistance, if
18 the Secretary determines that the provision of such assist-
19 ance will promote—

20 “(1) the security interests of both the United
21 States and the country in which such assistance is
22 to be provided; and

23 “(2) the specific operational readiness skills of
24 the members of the armed forces who provide such
25 assistance.

1 “(b) LIMITATIONS ON ACTIVITIES OF MEMBERS OF
2 THE ARMED FORCES.—The Secretary shall ensure that
3 no member of the armed forces, while providing assistance
4 under this section—

5 “(1) engages in the physical detection, lifting or
6 destroying of landmines or explosive remnants of
7 war (unless the member does so for the concurrent
8 purpose of supporting a United States military oper-
9 ation); or

10 “(2) provides such assistance as part of a mili-
11 tary operation that does not involve the armed
12 forces.

13 “(c) REQUIREMENT FOR APPROVAL OF SECRETARY
14 OF STATE.—Humanitarian assistance for the detection
15 and clearance of landmines and remnants of war may not
16 be provided under this section to any foreign country un-
17 less the Secretary of State specifically approves the provi-
18 sion of such assistance to such foreign country.

19 “(d) AVAILABILITY OF FUNDS FOR CERTAIN EX-
20 PENSES.—(1) To the extent provided in Acts authorizing
21 appropriations for military activities of the Department of
22 Defense, funds authorized to be appropriated to the De-
23 partment for a fiscal year for humanitarian assistance
24 shall be available for the purpose of providing assistance
25 under this section.

1 “(2) Expenses incurred as a direct result of providing
2 humanitarian assistance under this section to a foreign
3 country shall be paid out of funds specifically appropriated
4 for such purpose.

5 “(3) Expenses covered by paragraph (2) include the
6 following:

7 “(A) Travel, transportation, and subsistence ex-
8 penses of Department of Defense personnel pro-
9 viding humanitarian assistance under this section.

10 “(B) The cost of any equipment, services, or
11 supplies acquired for the purpose of carrying out or
12 supporting the provision of such assistance, includ-
13 ing any nonlethal, individual, or small-team land-
14 mine or explosive remnant of war clearing equipment
15 or supplies that are to be transferred or otherwise
16 furnished to a foreign country in furtherance of the
17 provision of assistance under this section.

18 “(4) The cost of equipment, services and supplies
19 provided in any fiscal year to a foreign country under
20 paragraph (3)(B) may not exceed \$5,000,000.”.

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:

“406. Humanitarian assistance for the detection and clearance of landmines and
explosive remnants of war.”.

1 (b) REPEAL OF SUPERSEDED AUTHORITY.—Section
2 401 of such title is amended—

3 (1) in subsection (a), by striking paragraph (4);

4 (2) in subsection (b)—

5 (A) in paragraph (1), by striking “(1)”;

6 and

7 (B) by striking paragraph (2);

8 (3) in subsection (c)—

9 (A) by striking paragraphs (2) and (3);

10 and

11 (B) by redesignating paragraph (4) as
12 paragraph (2); and

13 (4) in subsection (e), by striking paragraph (5).

14 **SEC. 1052. USE OF FUNDS FOR UNIFIED COUNTERDRUG**
15 **AND COUNTERTERRORISM CAMPAIGN IN CO-**
16 **LOMBIA.**

17 (a) AUTHORITY.—(1) In fiscal years 2005 and 2006,
18 funds available to the Department of Defense to provide
19 assistance to the Government of Colombia may be used
20 by the Secretary of Defense to support a unified campaign
21 by the Government of Colombia against narcotics traf-
22 ficking and against activities by organizations designated
23 as terrorist organizations, such as the Revolutionary
24 Armed Forces of Colombia (FARC), the National Libera-

1 tion Army (ELN), and the United Self-Defense Forces of
2 Colombia (AUC).

3 (2) The authority to provide assistance for a cam-
4 paign under this subsection includes authority to take ac-
5 tions to protect human health and welfare in emergency
6 circumstances, including the undertaking of rescue oper-
7 ations.

8 (b) APPLICABILITY OF CERTAIN LAWS AND LIMITA-
9 TIONS.—The use of funds pursuant to the authority in
10 subsection (a) shall be subject to the following:

11 (1) Sections 556, 567, and 568 of the Foreign
12 Operations, Export Financing, and Related Pro-
13 grams Appropriations Act, 2002 (Public Law 107–
14 115; 115 Stat. 2160, 2165, and 2166).

15 (2) Section 8077 of the Department of Defense
16 Appropriations Act, 2004 (Public Law 108–87; 117
17 Stat. 1090).

18 (c) NUMERICAL LIMITATION ON ASSIGNMENT OF
19 UNITED STATES PERSONNEL.—Notwithstanding section
20 3204(b) of the Emergency Supplemental Act, 2000 (Divi-
21 sion B of Public Law 106–246; 114 Stat. 575), as amend-
22 ed by the Foreign Operations, Export Financing, and Re-
23 lated Programs Appropriations Act, 2002 (Public Law
24 107–115; 115 Stat. 2131), the number of United States
25 personnel assigned to conduct activities in Colombia in

1 connection with support of Plan Colombia under sub-
2 section (a) in fiscal years 2005 and 2006 shall be subject
3 to the following limitations:

4 (1) The number of United States military per-
5 sonnel assigned for temporary or permanent duty in
6 Colombia in connection with support of Plan Colom-
7 bia may not exceed 800.

8 (2) The number of United States individual
9 citizens retained as contractors in Colombia in con-
10 nection with support of Plan Colombia who are
11 funded by Federal funds may not exceed 600.

12 (d) LIMITATION ON PARTICIPATION OF UNITED
13 STATES PERSONNEL.—No United States Armed Forces
14 personnel, United States civilian employees, or United
15 States civilian contractor personnel employed by the
16 United States may participate in any combat operation in
17 connection with assistance using funds pursuant to the au-
18 thority in subsection (a), except for the purpose of acting
19 in self defense or of rescuing any United States citizen,
20 including any United States Armed Forces personnel,
21 United States civilian employee, or civilian contractor em-
22 ployed by the United States.

23 (e) RELATION TO OTHER AUTHORITY.—The author-
24 ity provided by subsection (a) is in addition to any other

1 authority in law to provide assistance to the Government
2 of Colombia.

3 **SEC. 1053. ASSISTANCE TO IRAQ AND AFGHANISTAN MILI-**
4 **TARY AND SECURITY FORCES.**

5 (a) **AUTHORITY.**—Subject to the limitations in sub-
6 section (c), the Secretary of Defense may provide assist-
7 ance in fiscal year 2005 to Iraq and Afghanistan military
8 or security forces solely to enhance their ability to combat
9 terrorism and support United States or coalition military
10 operations in Iraq and Afghanistan, respectively.

11 (b) **TYPE OF ASSISTANCE.**—Assistance provided
12 under subsection (a) may include equipment, supplies,
13 services, and training.

14 (c) **LIMITATIONS.**—(1) The Secretary of Defense may
15 provide assistance under this section only with the concur-
16 rence of the Secretary of State.

17 (2) The cost of assistance provided under this section
18 may be paid only out of funds available to the Department
19 of Defense for fiscal year 2005 for operation and mainte-
20 nance and may not exceed \$150,000,000.

21 (d) **RELATIONSHIP TO OTHER AUTHORITY.**—The au-
22 thority to provide assistance under this section is in addi-
23 tion to any other authority to provide assistance to Iraq
24 and Afghanistan.

1 (e) CONGRESSIONAL NOTIFICATION.—Not later than
2 15 days before providing assistance to a recipient under
3 this section, the Secretary of Defense shall submit to the
4 congressional defense committees a notification of the as-
5 sistance proposed to be provided.

6 **SEC. 1054. ASSIGNMENT OF NATO NAVAL PERSONNEL TO**
7 **SUBMARINE SAFETY RESEARCH AND DEVEL-**
8 **OPMENT PROGRAMS.**

9 (a) AUTHORITY.—Chapter 631 of title 10, United
10 States Code, is amended by inserting after the item relat-
11 ing to section 7205 the following new section:

12 **“§ 7206. Submarine safety research and development:**
13 **acceptance of services of NATO naval**
14 **personnel**

15 “(a) AUTHORITY.—The Secretary of the Navy may,
16 subject to subsection (e), accept the assignment of one or
17 more members of the navy of another member country of
18 the North Atlantic Treaty Organization to a command of
19 the Navy for work on the development, standardization,
20 or interoperability of submarine vessel safety and rescue
21 systems and procedures if the Secretary determines that
22 doing so would facilitate the development, standardization,
23 and interoperability of submarine vessel safety and rescue
24 systems and procedures for the Navy, the navy of that
25 foreign country, and any other navy involved in that work.

1 “(b) RECIPROCITY NOT REQUIRED.—The authority
2 under subsection (a) is not an exchange program. Recip-
3 rocal assignments of members of the Navy to a navy of
4 a foreign country is not a condition for the exercise of
5 such authority.

6 “(c) PAYMENT OF PERSONNEL COSTS.—(1) The ac-
7 ceptance of a member of a navy of a foreign country under
8 this section is subject to the condition that the government
9 of that country pay the salary, per diem allowance, sub-
10 sistence costs, travel costs, cost of language or other train-
11 ing, and other costs for that member in accordance with
12 the laws and regulations of such country.

13 “(2) Paragraph (1) does not apply to the following
14 costs:

15 “(A) The cost of temporary duty directed by
16 the Secretary of the Navy or an officer of the Navy
17 authorized to do so.

18 “(B) The cost of a training program conducted
19 to familiarize, orient, or certify foreign naval per-
20 sonnel regarding unique aspects of their assign-
21 ments.

22 “(C) Any cost incident to the use of the facili-
23 ties of the Navy in the performance of assigned du-
24 ties.

1 “(d) RELATIONSHIP TO OTHER AUTHORITY.—The
 2 provisions of this section shall apply to any other authority
 3 that the Secretary of the Navy may exercise, subject to
 4 the concurrence of the Secretary of State, to enter into
 5 an agreement with the government of a foreign country
 6 to provide for the assignment of members of the navy of
 7 that foreign country to a Navy submarine safety program.
 8 The Secretary of the Navy may prescribe regulations for
 9 the application of this section in the exercise of such au-
 10 thority.

11 “(e) TERMINATION OF AUTHORITY.—The Secretary
 12 of the Navy may not accept the assignment of a member
 13 of the navy of a foreign country under this section after
 14 September 30, 2008.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
 16 at the beginning of such chapter is amended by inserting
 17 after the item relating to section 7205 the following new
 18 item:

“7206. Submarine safety research and development: acceptance of services of
 NATO naval personnel.”.

19 **Subtitle G—Other Matters**

20 **SEC. 1061. TECHNICAL AMENDMENTS RELATING TO DEFINI-** 21 **NITIONS OF GENERAL APPLICABILITY IN** 22 **TITLE 10, UNITED STATES CODE.**

23 (a) CLARIFICATION OF DEFINITION OF “OPER-
 24 ATIONAL RANGE”.—Section 101(e)(3) of title 10, United

1 States Code, is amended by striking “Secretary of De-
2 fense” and inserting “Secretary of a military depart-
3 ment”.

4 (b) AMENDMENTS RELATING TO DEFINITION OF
5 CONGRESSIONAL DEFENSE COMMITTEES.—(1) Section
6 2215 of title 10, United States Code, is amended—

7 (A) in subsection (a)—

8 (i) by striking “(a) CERTIFICATION RE-
9 QUIRED.—”; and

10 (ii) by striking “congressional committees
11 specified in subsection (b)” and inserting “con-
12 gressional defense committees”; and

13 (B) by striking subsection (b).

14 (2) Section 2515(d) of such title is amended—

15 (A) by striking “REPORT.—(1)” and inserting
16 “REPORT.—”;

17 (B) by striking “congressional committees spec-
18 ified in paragraph (2)” and inserting “congressional
19 defense committees”; and

20 (C) by striking paragraph (2).

21 (3) Section 2676(d) of such title is amended by strik-
22 ing “appropriate committees of Congress” in the first sen-
23 tence and inserting “congressional defense committees”.

1 **SEC. 1062. TWO-YEAR EXTENSION OF AUTHORITY OF SEC-**
2 **RETARY OF DEFENSE TO ENGAGE IN COM-**
3 **MERCIAL ACTIVITIES AS SECURITY FOR IN-**
4 **TELLIGENCE COLLECTION ACTIVITIES**
5 **ABROAD.**

6 Section 431(a) of title 10, United States Code, is
7 amended by striking “December 31, 2004” and inserting
8 “December 31, 2006”.

9 **SEC. 1063. LIABILITY PROTECTION FOR PERSONS VOLUN-**
10 **TARILY PROVIDING MARITIME-RELATED**
11 **SERVICES ACCEPTED BY THE NAVY.**

12 Section 1588(d)(1) of title 10, United States Code,
13 is amended by adding at the end the following new sub-
14 paragraph:

15 “(F) In the case of a person aboard a sailing
16 vessel of the Navy to engage in the training of Navy
17 personnel or in a competition involving Navy per-
18 sonnel, the following provisions of law relating to
19 claims in admiralty for damages or loss:

20 “(i) The Act entitled ‘An Act authorizing
21 suits against the United States in admiralty,
22 suits for salvage services, and providing for the
23 release of merchant vessels belonging to the
24 United States from arrest and attachment in
25 foreign jurisdictions, and for other purposes’,
26 approved March 9, 1920 (commonly known as

1 the ‘Suits in Admiralty Act’) (46 U.S.C. App.
2 741 et seq.).

3 “(ii) The Act entitled ‘An Act authorizing
4 suits against the United States in admiralty for
5 damage caused by and salvage services rendered
6 to public vessels belonging to the United States,
7 and for other purposes’, approved March 3,
8 1925 (commonly known as the ‘Public Vessels
9 Act’) (46 U.S.C. App. 781 et seq.).”

10 **SEC. 1064. LICENSING OF INTELLECTUAL PROPERTY.**

11 (a) **AUTHORITY.**—Subchapter II of chapter 134 of
12 title 10, United States Code, is amended by adding at the
13 end the following new section:

14 **“§ 2260. Licensing of intellectual property: retention
15 of fees**

16 “(a) **AUTHORITY.**—Under regulations prescribed by
17 the Secretary of Defense, the Secretary concerned may li-
18 cense trademarks, service marks, certification marks, and
19 collective marks owned or controlled by the Secretary con-
20 cerned and may retain and expend fees received from such
21 licensing in accordance with this section.

22 “(b) **DESIGNATED MARKS.**—The Secretary con-
23 cerned shall designate the trademarks, service marks, cer-
24 tification marks, and collective marks as to which the Sec-

1 retary exercises the authority to retain licensing fees
2 under this section.

3 “(c) USE OF FEES.—The Secretary concerned shall
4 use fees retained under this section for purposes as fol-
5 lows:

6 “(1) For payment of the following costs in-
7 curred by the Secretary:

8 “(A) Costs of securing trademark registra-
9 tions.

10 “(B) Costs of operating the licensing pro-
11 gram under this section.

12 “(2) For morale, welfare, and recreation activi-
13 ties under the jurisdiction of the Secretary, to the
14 extent (if any) that the total amount of the licensing
15 fees available under this section for a fiscal year ex-
16 ceed the total amount needed for such fiscal year
17 under paragraph (1).

18 “(d) AVAILABILITY.—Fees received in a fiscal year
19 and retained under this section shall be available for obli-
20 gations in such fiscal year and the following two fiscal
21 years.

22 “(e) DEFINITIONS.—In this section, the terms ‘trade-
23 mark’, ‘service mark’, ‘certification mark’, and ‘collective
24 mark’ have the meanings given such terms in section 45
25 of the Act entitled ‘An Act to provide for the registration

1 and protection of trademarks used in commerce, to carry
2 out the provisions of certain international conventions,
3 and for other purposes’, approved July 5, 1946 (commonly
4 referred to as the ‘Trademark Act of 1946’) (15 U.S.C.
5 1127).”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such subchapter is amended by adding
8 at the end the following new item:

“2260. Licensing of intellectual property: retention of fees.”.

9 **SEC. 1065. DELAY OF ELECTRONIC VOTING DEMONSTRATION PROJECT.**
10

11 Section 1604(a) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2002 (Public Law 107–107; 115
13 Stat. 1277; 42 U.S.C. 1973ff note) is amended—

14 (1) in paragraph (1), by striking “2002” and
15 inserting “2006”; and

16 (2) in paragraph (2)—

17 (A) by striking “2002” and inserting
18 “2006”; and

19 (B) by striking “2004” and inserting
20 “2008”.

21 **SEC. 1066. WAR RISK INSURANCE FOR MERCHANT MARINE VESSELS.**
22

23 (a) EXTENSION OF AUTHORITY.—Section 1214 of
24 the Merchant Marine Act, 1936 (46 U.S.C. App. 1294)

1 is amended by striking “June 30, 2005” and inserting
2 “December 31, 2008”.

3 (b) INVESTMENT OF FUNDS EXCESS TO SHORT-
4 TERM NEEDS.—Section 1208 of such Act (46 U.S.C. App.
5 1288) is amended—

6 (1) by redesignating subsection (b) as sub-
7 section (c); and

8 (2) in subsection (a), by striking “Upon the re-
9 quest of the Secretary of Transportation,” and all
10 that follows and inserting the following:

11 “(b)(1) The Secretary of Transportation may request
12 the Secretary of the Treasury to invest such portion of
13 the insurance fund under subsection (a) as is not, in the
14 judgment of the Secretary of Transportation, required to
15 meet the current needs of the fund. The Secretary of the
16 Treasury may make the requested investments.

17 “(2) Investments under paragraph (1) shall be made
18 in public debt securities of the United States that—

19 “(A) mature at times suitable to the needs of
20 the insurance fund; and

21 “(B) bear interest rates determined by the Sec-
22 retary of the Treasury, taking into consideration
23 current market yields on outstanding marketable ob-
24 ligations of the United States of comparable matu-
25 rity.

1 “(3) The interest and benefits accruing from securi-
2 ties under this subsection shall be deposited to the credit
3 of the insurance fund.”.

4 **SEC. 1067. REPEAL OF QUARTERLY REPORTING REQUIRE-**
5 **MENT CONCERNING PAYMENTS FOR DIS-**
6 **TRICT OF COLUMBIA WATER AND SEWER**
7 **SERVICES AND ESTABLISHMENT OF ANNUAL**
8 **REPORT BY TREASURY.**

9 (a) WATER AND WATER SERVICE SUPPLIED FOR
10 THE USE OF THE GOVERNMENT OF THE UNITED
11 STATES.—Section 106(b)(5) of the District of Columbia
12 Public Works Act of 1954 (sec. 34–2401.25(b), D.C. Offi-
13 cial Code), as amended by section 401 of the Miscella-
14 neous Appropriations Act, 2001 (as enacted by reference
15 in section 1(a)(4) of the Consolidated Appropriations Act,
16 2001), is amended to read as follows:

17 “(5) Not later than the 15th day of the month fol-
18 lowing the beginning of the fiscal year (beginning with fis-
19 cal year 2005), the Secretary of the Treasury with respect
20 to each Federal department, establishment, or agency re-
21 ceiving water services from the District of Columbia shall
22 submit a report to the Committee on Government Reform
23 of the House of Representatives, the Committee on Gov-
24 ernmental Affairs of the Senate, and the Committees on
25 Appropriations of the House of Representatives and Sen-

1 ate analyzing the promptness of payment with respect to
2 the services furnished to such department, establishment,
3 or agency.”.

4 (b) SANITARY SEWER SERVICE CHARGES FOR
5 UNITED STATES GOVERNMENT.—Section 212(b)(5) of
6 the District of Columbia Public Works Act of 1954 (sec.
7 34–2112(b), D.C. Official Code), as amended by section
8 401 of the Miscellaneous Appropriations Act, 2001 (as en-
9 acted by reference in section 1(a)(4) of the Consolidated
10 Appropriations Act, 2001), is amended to read as follows:

11 “(5) Not later than the 15th day of the month fol-
12 lowing the beginning of the fiscal year (beginning with fis-
13 cal year 2005), the Secretary of the Treasury with respect
14 to each Federal department, establishment, or agency re-
15 ceiving sanitary sewer services from the District of Colum-
16 bia shall submit a report to the Committee on Government
17 Reform of the House of Representatives, the Committee
18 on Governmental Affairs of the Senate, and the Commit-
19 tees on Appropriations of the House of Representatives
20 and Senate analyzing the promptness of payment with re-
21 spect to the services furnished to such department, estab-
22 lishment, or agency.”.

1 **TITLE XI—DEPARTMENT OF DE-**
2 **FENSE CIVILIAN PERSONNEL**
3 **POLICY**

4 **SEC. 1101. SCIENCE, MATHEMATICS, AND RESEARCH FOR**
5 **TRANSFORMATION (SMART) DEFENSE SCHOL-**
6 **ARSHIP PILOT PROGRAM.**

7 (a) REQUIREMENT FOR PROGRAM.—(1) The Sec-
8 retary of Defense shall carry out a pilot program to pro-
9 vide financial assistance for education in science, mathe-
10 matics, engineering, and technology skills and disciplines
11 that, as determined by the Secretary, are critical to the
12 national security functions of the Department of Defense
13 and are needed in the Department of Defense workforce.

14 (2) The pilot program under this section shall be car-
15 ried out for three years beginning on October 1, 2004.

16 (b) SCHOLARSHIPS.—(1) Under the pilot program,
17 the Secretary of Defense may award a scholarship in ac-
18 cordance with this section to a person who—

19 (A) is a citizen of the United States;

20 (B) is pursuing an undergraduate or advanced
21 degree in a critical skill or discipline described in
22 subsection (a) at an institution of higher education;
23 and

24 (C) enters into a service agreement with the
25 Secretary of Defense as described in subsection (c).

1 (2) The amount of the financial assistance provided
2 under a scholarship awarded to a person under this sub-
3 section shall be the amount determined by the Secretary
4 of Defense as being necessary to pay all educational ex-
5 penses incurred by that person, including tuition, fees,
6 cost of books, laboratory expenses, and expenses of room
7 and board. The expenses paid, however, shall be limited
8 to those educational expenses normally incurred by stu-
9 dents at the institution of higher education involved.

10 (c) SERVICE AGREEMENT FOR RECIPIENTS OF AS-
11 SISTANCE.—(1) To receive financial assistance under this
12 section—

13 (A) in the case of an employee of the Depart-
14 ment of Defense, the employee shall enter into a
15 written agreement to continue in the employment of
16 the department for the period of obligated service
17 determined under paragraph (2); and

18 (B) in the case of a person not an employee of
19 the Department of Defense, the person shall enter
20 into a written agreement to accept and continue em-
21 ployment in the Department of Defense for the pe-
22 riod of obligated service determined under paragraph
23 (2).

24 (2) For the purposes of this subsection, the period
25 of obligated service for a recipient of a scholarship under

1 this section shall be the period determined by the Sec-
2 retary of Defense as being appropriate to obtain adequate
3 service in exchange for the financial assistance provided
4 under the scholarship. In no event may the period of serv-
5 ice required of a recipient be less than the total period
6 of pursuit of a degree that is covered by the scholarship.
7 The period of obligated service is in addition to any other
8 period for which the recipient is obligated to serve in the
9 civil service of the United States.

10 (3) An agreement entered into under this subsection
11 by a person pursuing an academic degree shall include any
12 terms and conditions that the Secretary of Defense deter-
13 mines necessary to protect the interests of the United
14 States or otherwise appropriate for carrying out this sec-
15 tion.

16 (d) REFUND FOR PERIOD OF UNSERVED OBLIGATED
17 SERVICE.—(1) A person who voluntarily terminates serv-
18 ice before the end of the period of obligated service re-
19 quired under an agreement entered into under subsection
20 (c) shall refund to the United States an amount deter-
21 mined by the Secretary of Defense as being appropriate
22 to obtain adequate service in exchange for financial assist-
23 ance.

1 (2) An obligation to reimburse the United States im-
2 posed under paragraph (1) is for all purposes a debt owed
3 to the United States.

4 (3) The Secretary of Defense may waive, in whole or
5 in part, a refund required under paragraph (1) if the Sec-
6 retary determines that recovery would be against equity
7 and good conscience or would be contrary to the best inter-
8 ests of the United States.

9 (4) A discharge in bankruptcy under title 11, United
10 States Code, that is entered less than five years after the
11 termination of an agreement under this section does not
12 discharge the person signing such agreement from a debt
13 arising under such agreement or under this subsection.

14 (e) RELATIONSHIP TO OTHER PROGRAMS.—The pilot
15 program under this section is in addition to the authorities
16 provided in chapter 111 of title 10, United States Code.
17 The Secretary of Defense shall coordinate the provision
18 of financial assistance under the authority of this section
19 with the provision of financial assistance under the au-
20 thorities provided in such chapter in order to maximize
21 the benefits derived by the Department of Defense from
22 the exercise of all such authorities.

23 (f) RECOMMENDATION ON PILOT PROGRAM.—Not
24 later than February 1, 2007, the Secretary of Defense
25 shall submit to the Committees on Armed Services of the

1 Senate and the House of Representatives a plan for ex-
2 panding and improving the national defense science and
3 engineering workforce educational assistance pilot pro-
4 gram carried out under this section as appropriate to im-
5 prove recruitment and retention to meet the requirements
6 of the Department of Defense for its science and engineer-
7 ing workforce on a short-term basis and on a long-term
8 basis.

9 (g) INSTITUTION OF HIGHER EDUCATION DE-
10 FINED.—In this section, the term “institution of higher
11 education” has the meaning given such term in section
12 101 of the Higher Education Act of 1965 (21 U.S.C.
13 1001).

14 **SEC. 1102. FOREIGN LANGUAGE PROFICIENCY PAY.**

15 (a) ELIGIBILITY FOR SERVICE NOT RELATED TO
16 CONTINGENCY OPERATIONS.—Section 1596a(a)(2) of
17 title 10, United States Code, is amended by striking “dur-
18 ing a contingency operation supported by the armed
19 forces”.

20 (b) EFFECTIVE DATE AND APPLICABILITY.—The
21 amendment by this section shall take effect on October
22 1, 2004, and shall apply with respect to months beginning
23 on or after such date.

1 **SEC. 1103. PAY AND PERFORMANCE APPRAISAL PARITY**
2 **FOR CIVILIAN INTELLIGENCE PERSONNEL.**

3 (a) **PAY RATES.**—Section 1602(a) of title 10, United
4 States Code, is amended by striking “in relation to the
5 rates of pay provided in subpart D of part III of title 5
6 for positions subject to that subpart which have cor-
7 responding levels of duties and responsibilities” and in-
8 serting “in relation to the rates of pay provided for com-
9 parable positions in the Department of Defense, including
10 Senior Executive Service positions (as defined in section
11 3132 of title 5) or other senior level positions”.

12 (b) **PERFORMANCE APPRAISAL SYSTEM.**—Section
13 1606 of such title is amended by adding at the end the
14 following new subsection:

15 “(d) **PERFORMANCE APPRAISALS.**—(1) The Defense
16 Intelligence Senior Executive Service shall be subject to
17 a performance appraisal system which, as designed and
18 applied, is certified by the Secretary of Defense under sec-
19 tion 5307 of title 5 as making meaningful distinctions
20 based on relative performance.

21 “(2) The performance appraisal system applicable to
22 the Defense Intelligence Senior Executive Service under
23 paragraph (1) may be the same performance appraisal
24 system that is established and implemented within the De-
25 partment of Defense for members of the Senior Executive
26 Service.”.

1 **SEC. 1104. ACCUMULATION OF ANNUAL LEAVE BY INTEL-**
2 **LIGENCE SENIOR LEVEL EMPLOYEES.**

3 Section 6304(f)(1) of title 5, United States Code, is
4 amended—

5 (1) in the matter preceding subparagraph (A),
6 by striking “in a position”;

7 (2) in subparagraphs (A), (B), (C), (D), and
8 (E), by inserting “a position in” before “the”;

9 (3) by striking “or” at the end of subparagraph
10 (D);

11 (4) by striking the period at the end of sub-
12 paragraph (E) and inserting “; or”; and

13 (5) by adding at the end the following new sub-
14 paragraph:

15 “(F) a position designated as an Intelligence
16 Senior Level position under section 1607(a) of title
17 10.”.

18 **SEC. 1105. PAY PARITY FOR SENIOR EXECUTIVES IN DE-**
19 **FENSE NONAPPROPRIATED FUND INSTRU-**
20 **MENTALITIES.**

21 (a) **AUTHORITY.**—Chapter 81 of title 10, United
22 States Code, is amended by inserting after section 1587
23 the following new section:

1 **“§ 1587a. Employees of nonappropriated fund instru-**
2 **mentalities: senior executive pay levels**

3 “(a) **AUTHORITY.**—To achieve the objective stated in
4 subsection (b), the Secretary of Defense may regulate the
5 amount of total compensation that is provided for senior
6 executives of nonappropriated fund instrumentalities who,
7 for the fixing of pay by administrative action, are under
8 the jurisdiction of the Secretary of Defense or the Sec-
9 retary of a military department.

10 “(b) **PAY PARITY.**—The objective of an action taken
11 with respect to the compensation of a senior executive
12 under subsection (a) is to provide for parity between the
13 total compensation provided for such senior executive and
14 total compensation that is provided for Department of De-
15 fense employees in Senior Executive Service positions or
16 other senior executive positions.

17 “(c) **STANDARDS OF COMPARABILITY.**—Subject to
18 subsection (d), the Secretary of Defense shall prescribe the
19 standards of comparison that are to apply in the making
20 of the determinations necessary to achieve the objective
21 stated in subsection (b).

22 “(d) **ESTABLISHMENT OF PAY RATES.**—The Sec-
23 retary of Defense shall apply subsections (a) and (b) of
24 section 5382 of title 5 in the regulation of compensation
25 under this section.

1 “(e) RELATIONSHIP TO PAY LIMITATION.—The Sec-
2 retary of Defense may exercise the authority provided in
3 subsection (a) without regard to section 5373 of title 5.

4 “(f) DEFINITIONS.—In this section:

5 “(1) The term ‘compensation’ includes rate of
6 basic pay.

7 “(2) The term ‘Senior Executive Service posi-
8 tion’ has the meaning given such term in section
9 3132 of title 5.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by inserting
12 after the item relating to section 1587 the following new
13 item:

“1587a. Employees of nonappropriated fund instrumentalities: senior executive
pay levels.”.

14 **SEC. 1106. HEALTH BENEFITS PROGRAM FOR EMPLOYEES**
15 **OF NONAPPROPRIATED FUND INSTRUMEN-**
16 **TALITIES.**

17 (a) ESTABLISHMENT.—(1) Chapter 81 of title 10,
18 United States Code, as amended by section 1105(a), is
19 further amended by inserting after section 1587a the fol-
20 lowing new section:

21 **“§ 1587b. Employees of nonappropriated fund instru-**
22 **mentalities: health benefits program**

23 “(a) PROGRAM REQUIRED.—The Secretary of De-
24 fense shall provide a uniform health benefits program for

1 employees of the Department of Defense assigned to a
2 nonappropriated fund instrumentality of the United
3 States.

4 “(b) EXEMPTION FROM STATE AND LOCAL LAWS,
5 TAXES, AND OTHER REQUIREMENTS.—The exemption in
6 section 8909(f) of title 5 shall apply to the program under
7 subsection (a) and to a carrier, underwriting contractor,
8 and plan administration contractor under such program
9 in the same manner and to the same extent as such ex-
10 emption applies under section 8909(f) of such title to an
11 approved health benefits plan under chapter 89 of such
12 title and a carrier, underwriting subcontractor, and plan
13 administration subcontractor, respectively, of such a
14 plan.”.

15 (2) The table of sections at the beginning of such
16 chapter, as amended by section 1105(b), is further amend-
17 ed by inserting after the item relating to section 1587a
18 the following new item:

“1587b. Employees of nonappropriated fund instrumentalities: health benefits
program.”.

19 (b) REPEAL OF SUPERSEDED LAW.—Section 349 of
20 the National Defense Authorization Act for Fiscal Year
21 1995 (Public Law 103–337; 108 Stat. 2727; 10 U.S.C.
22 1587 note) is repealed.

1 **TITLE** **XII—COOPERATIVE**
2 **THREAT REDUCTION WITH**
3 **STATES OF THE FORMER SO-**
4 **VIET UNION**

5 **SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT RE-**
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-
8 poses of section 301 and other provisions of this Act, Co-
9 operative Threat Reduction programs are the programs
10 specified in section 1501(b) of the National Defense Au-
11 thorization Act for Fiscal Year 1997 (Public Law 104-
12 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

13 (b) FISCAL YEAR 2005 COOPERATIVE THREAT RE-
14 Duction FUNDS DEFINED.—As used in this title, the
15 term “fiscal year 2005 Cooperative Threat Reduction
16 funds” means the funds appropriated pursuant to the au-
17 thorization of appropriations in section 301 for Coopera-
18 tive Threat Reduction programs.

19 (c) AVAILABILITY OF FUNDS.—Funds appropriated
20 pursuant to the authorization of appropriations in section
21 301 for Cooperative Threat Reduction programs shall be
22 available for obligation for three fiscal years.

23 **SEC. 1202. FUNDING ALLOCATIONS.**

24 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
25 \$409,200,000 authorized to be appropriated to the De-

1 partment of Defense for fiscal year 2005 in section
2 301(19) for Cooperative Threat Reduction programs, the
3 following amounts may be obligated for the purposes spec-
4 ified:

5 (1) For strategic offensive arms elimination in
6 Russia, \$58,522,000.

7 (2) For nuclear weapons storage security in
8 Russia, \$48,672,000.

9 (3) For nuclear weapons transportation security
10 in Russia, \$26,300,000.

11 (4) For weapons of mass destruction prolifera-
12 tion prevention in the states of the former Soviet
13 Union, \$40,030,000.

14 (5) For chemical weapons destruction in Rus-
15 sia, \$158,400,000.

16 (6) For biological weapons proliferation preven-
17 tion in the former Soviet Union, \$54,959,000.

18 (7) For defense and military contacts,
19 \$8,000,000.

20 (8) For activities designated as Other Assess-
21 ments/Administrative Support, \$14,317,000.

22 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
23 FUNDS FOR OTHER PURPOSES.—No fiscal year 2005 Co-
24 operative Threat Reduction funds may be obligated or ex-
25 pended for a purpose other than a purpose listed in para-

1 graphs (1) through (8) of subsection (a) until 30 days
2 after the date that the Secretary of Defense submits to
3 Congress a report on the purpose for which the funds will
4 be obligated or expended and the amount of funds to be
5 obligated or expended. Nothing in the preceding sentence
6 shall be construed as authorizing the obligation or expend-
7 iture of fiscal year 2005 Cooperative Threat Reduction
8 funds for a purpose for which the obligation or expendi-
9 ture of such funds is specifically prohibited under this title
10 or any other provision of law.

11 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
12 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any
13 case in which the Secretary of Defense determines that
14 it is necessary to do so in the national interest, the Sec-
15 retary may obligate amounts appropriated for fiscal year
16 2005 for a purpose listed in any of the paragraphs in sub-
17 section (a) in excess of the specific amount authorized for
18 that purpose.

19 (2) An obligation of funds for a purpose stated in
20 any of the paragraphs in subsection (a) in excess of the
21 specific amount authorized for such purpose may be made
22 using the authority provided in paragraph (1) only after—
23 (A) the Secretary submits to Congress notifica-
24 tion of the intent to do so together with a complete
25 discussion of the justification for doing so; and

1 (B) 15 days have elapsed following the date of
2 the notification.

3 (3) The Secretary may not, under the authority pro-
4 vided in paragraph (1), obligate amounts for a purpose
5 stated in any of paragraphs (5) through (8) of subsection
6 (a) in excess of 125 percent of the specific amount author-
7 ized for such purpose.

8 **SEC. 1203. MODIFICATION AND WAIVER OF LIMITATION ON**
9 **USE OF FUNDS FOR CHEMICAL WEAPONS DE-**
10 **STRUCTION FACILITIES IN RUSSIA.**

11 (a) **MODIFICATION OF LIMITATION.**—Section 1305 of
12 the National Defense Authorization Act for Fiscal Year
13 2000 (22 U.S.C. 5952 note) is amended by striking “or
14 expended”.

15 (b) **WAIVER AUTHORITY.**—The conditions described
16 in section 1305 of the National Defense Authorization Act
17 for Fiscal Year 2000, as amended by subsection (a), shall
18 not apply to the obligation of funds during a fiscal year
19 for the planning, design, or construction of a chemical
20 weapons destruction facility in Russia if the President
21 submits to Congress a written certification with respect
22 to such fiscal year that includes—

23 (1) a statement as to why the waiver of the
24 conditions during the fiscal year covered by such

1 certification is consistent with the national security
2 interests of the United States; and

3 (2) a plan to promote a full and accurate dislo-
4 sure by Russia regarding the size, content, status,
5 and location of its chemical weapons stockpile.

6 **SEC. 1204. INCLUSION OF DESCRIPTIVE SUMMARIES IN AN-**
7 **NUAL COOPERATIVE THREAT REDUCTION**
8 **REPORTS AND BUDGET JUSTIFICATION MA-**
9 **TERIALS.**

10 Section 1307 of the Strom Thurmond National De-
11 fense Authorization Act for Fiscal Year 1999 (Public Law
12 105–261; 112 Stat. 2165; 22 U.S.C. 5952 note) is amend-
13 ed—

14 (1) in subsection (a), by striking “as part of the
15 Secretary’s annual budget request to Congress” in
16 the matter preceding paragraph (1) and inserting
17 “in the materials and manner specified in subsection
18 (c)”; and

19 (2) by adding at the end the following new sub-
20 section:

21 “(c) INCLUSION IN CERTAIN MATERIALS SUBMITTED
22 TO CONGRESS.—The summary required to be submitted
23 to Congress in a fiscal year under subsection (a) shall be
24 set forth by project category, and by amounts specified

1 in paragraphs (1) and (2) of that subsection in connection
 2 with such project category, in each of the following:

3 “(1) The annual report on activities and assist-
 4 ance under Cooperative Threat Reduction programs
 5 required in such fiscal year under section 1308 of
 6 the Floyd D. Spence National Defense Authorization
 7 Act for Fiscal Year 2001 (as enacted into law by
 8 Public Law 106–398).

9 “(2) The budget justification materials sub-
 10 mitted to Congress in support of the Department of
 11 Defense budget for the fiscal year succeeding such
 12 fiscal year (as submitted with the budget of the
 13 President under section 1105(a) of title 31, United
 14 States Code).”.

15 **DIVISION B—MILITARY CON-**
 16 **STRUCTION AUTHORIZA-**
 17 **TIONS**

18 **SEC. 2001. SHORT TITLE.**

19 This division may be cited as the “Military Construc-
 20 tion Authorization Act for Fiscal Year 2005”.

21 **TITLE XXI—ARMY**

22 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 23 **ACQUISITION PROJECTS.**

24 (a) **INSIDE THE UNITED STATES.**—Using amounts
 25 appropriated pursuant to the authorization of appropria-

1 tions in section 2104(a)(1), the Secretary of the Army
 2 may acquire real property and carry out military construc-
 3 tion projects for the installations and locations inside the
 4 United States, and in the amounts, set forth in the fol-
 5 lowing table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	\$23,690,000
	Fort Rucker	\$16,500,000
Alaska	Fort Richardson	\$24,300,000
	Fort Wainwright	\$92,459,000
Arizona	Fort Huachuca	\$18,000,000
California	Fort Irwin	\$38,100,000
	Sierra Army Depot	\$13,600,000
Colorado	Fort Carson	\$63,158,000
Georgia	Fort Benning	\$71,777,000
	Fort Gillem	\$5,800,000
	Fort McPherson	\$4,900,000
	Fort Stewart/Hunter Army Air Field	\$65,495,000
Hawaii	Helemano Military Reservation ...	\$75,300,000
	Hickam Air Field	\$11,200,000
	Pohakuloa Training Area	\$40,000,000
	Schofield Barracks	\$162,792,000
	Wheeler Army Air Field	\$24,000,000
Kansas	Fort Riley	\$59,550,000
Kentucky	Fort Campbell	\$92,000,000
	Fort Knox	\$75,750,000
Louisiana	Fort Polk	\$70,953,000
Maryland	Aberdeen Proving Ground	\$13,000,000
Missouri	Fort Leonard Wood	\$28,150,000
New Mexico	White Sands Missile Range	\$33,000,000
New York	Fort Drum	\$7,950,000
	Fort Hamilton	\$7,600,000
	Military Entrance Processing Sta- tion, Buffalo.	\$6,200,000
	United States Military Academy, West Point.	\$60,000,000
	Fort Bragg	\$101,687,000
Oklahoma	Fort Sill	\$14,400,000
Pennsylvania	Letterkenny Depot	\$11,400,000
Texas	Fort Bliss	\$20,100,000
	Fort Hood	\$78,088,000
	Fort Sam Houston	\$11,400,000
	Fort A.P. Hill	\$14,775,000
Virginia	Fort Myer	\$49,526,000
Washington	Fort Lewis	\$57,200,000
	Total	\$1,563,800,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2104(a)(2), the Secretary of the Army

1 may acquire real property and carry out military construc-
 2 tion projects for the installations and locations outside the
 3 United States, and in the amounts, set forth in the fol-
 4 lowing table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Grafenwoehr	\$77,200,000
Italy	Livorno	\$26,000,000
Korea	Camp Humphreys	\$12,000,000
	Total	\$115,200,000

5 **SEC. 2102. FAMILY HOUSING.**

6 (a) CONSTRUCTION AND ACQUISITION.—Using
 7 amounts appropriated pursuant to the authorization of ap-
 8 propriations in section 2104(a)(5)(A), the Secretary of the
 9 Army may construct or acquire family housing units (in-
 10 cluding land acquisition and supporting facilities) at the
 11 installations or locations, for the purposes, and in the
 12 amounts set forth in the following table:

Army: Family Housing

State or Country	Installation or location	Purpose	Amount
Alaska	Fort Richardson	92 Units	\$42,000,000
	Fort Wainwright	246 Units	\$124,000,000
Arizona	Fort Huachuca	205 Units	\$41,000,000
	Yuma Proving Grounds	55 Units	\$14,900,000
Kansas	Fort Riley	126 Units	\$33,000,000
New Mexico	White Sands Missile Range	156 Units	\$31,000,000
Oklahoma	Fort Sill	247 Units	\$47,000,000
Virginia	Fort Lee	218 Units	\$46,000,000
	Fort Monroe	68 Units	\$16,000,000
		Total	\$394,900,000

13 (b) PLANNING AND DESIGN.—Using amounts appro-
 14 priated pursuant to the authorization of appropriations in
 15 section 2104(a)(5)(A), the Secretary of the Army may

1 carry out architectural and engineering services and con-
2 struction design activities with respect to the construction
3 or improvement of family housing units in an amount not
4 to exceed \$29,209,000.

5 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
6 **UNITS.**

7 Subject to section 2825 of title 10, United States
8 Code, and using amounts appropriated pursuant to the
9 authorization of appropriations in section 2104(a)(5)(A),
10 the Secretary of the Army may improve existing military
11 family housing units in an amount not to exceed
12 \$211,990,000.

13 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

14 (a) IN GENERAL.—Funds are hereby authorized to
15 be appropriated for fiscal years beginning after September
16 30, 2004, for military construction, land acquisition, and
17 military family housing functions of the Department of the
18 Army in the total amount of \$3,507,891,000, as follows:

19 (1) For military construction projects inside the
20 United States authorized by section 2101(a),
21 \$1,534,500,000.

22 (2) For military construction projects outside
23 the United States authorized by section 2101(b),
24 \$115,200,000.

1 (3) For unspecified minor military construction
2 projects authorized by section 2805 of title 10,
3 United States Code, \$20,000,000.

4 (4) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$154,335,000.

7 (5) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$636,099,000.

11 (B) For support of military family housing
12 (including the functions described in section
13 2833 of title 10, United States Code),
14 \$928,907,000.

15 (6) For the construction of phase 3 of a bar-
16 racks complex renewal, Capron Road, Schofield Bar-
17 racks, Hawaii, authorized by section 2101(a) of the
18 Military Construction Authorization Act for Fiscal
19 Year 2003 (division B of Public Law 107–314; 116
20 Stat. 2681), \$48,000,000.

21 (7) For the construction of phase 3 of a main-
22 tenance complex at Fort Sill, Oklahoma, authorized
23 by section 2101(a) of the Military Construction Au-
24 thorization Act for Fiscal Year 2003 (division B of

1 Public Law 107–314; 116 Stat. 2681), as amended
2 by section 2106 of this Act, \$13,100,000.

3 (8) For the construction of phase 2 of a bar-
4 racks complex, 5th and 16th Street, at Fort Stew-
5 art/Hunter Army Air Field, Georgia, authorized by
6 section 2101(a) of the Military Construction Author-
7 ization Act for Fiscal Year 2004 (division B of Pub-
8 lic Law 108–136; 117 Stat. 1697), as amended by
9 section 2105 of this Act, \$32,950,000.

10 (9) For the construction of phase 2 of the
11 Lewis and Clark instructional facility, at Fort Leav-
12 enworth, Kansas, authorized by section 2101(a) of
13 the Military Construction Authorization Act for Fis-
14 cal Year 2004 (division B of Public Law 108–136;
15 117 Stat. 1697), \$44,000,000.

16 (10) For the construction of phase 2 of a bar-
17 racks complex at Wheeler Sack Army Air Field,
18 Fort Drum, New York, authorized by section
19 2101(a) of the Military Construction Authorization
20 Act for Fiscal Year 2004 (division B of Public Law
21 108–136; 117 Stat. 1697), as amended by section
22 2105 of this Act, \$48,000,000.

23 (11) For the construction of phase 2 of a bar-
24 racks complex, Bastogne Drive, at Fort Bragg,
25 North Carolina, authorized by section 2101(a) of the

1 Military Construction Authorization Act for Fiscal
2 Year 2004 (division B of Public Law 108–136; 117
3 Stat. 1697), \$48,000,000.

4 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
5 PROJECTS.—Notwithstanding the cost variations author-
6 ized by section 2853 of title 10, United States Code, and
7 any other cost variation authorized by law, the total cost
8 of all projects carried out under section 2101 of this Act
9 may not exceed—

10 (1) the total amount authorized to be appro-
11 priated under paragraphs (1) and (2) of subsection
12 (a);

13 (2) \$41,000,000 (the balance of the amount au-
14 thorized under section 2101(a) for an upgrade to
15 Drum Road at the Helemano Military Reservation,
16 Hawaii);

17 (3) \$25,000,000 (the balance of the amount au-
18 thorized under section 2101(a) to construct a vehicle
19 maintenance facility at Schofield Barracks, Hawaii);

20 (4) \$25,000,000 (the balance of the amount au-
21 thorized under section 2101(a) for construction of a
22 barracks complex, 42nd Street and Indiana Avenue,
23 at Fort Campbell, Kentucky);

24 (5) \$22,000,000 (the balance of the amount au-
25 thorized under section 2101(a) for the construction

1 of a basic combat training complex at Fort Knox,
2 Kentucky);

3 (6) \$31,000,000 (the balance of the amount au-
4 thORIZED under section 2101(a) for construction of a
5 barracks complex, Blackjack Street, Fort Bragg,
6 North Carolina); and

7 (7) \$25,500,000 (the balance of the amount au-
8 thORIZED under section 2101(a) for construction of a
9 library and learning center at the United States
10 Military Academy, New York).

11 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
12 **CERTAIN FISCAL YEAR 2004 PROJECTS.**

13 The table in section 2101(a) of the Military Construc-
14 tion Authorization Act for Fiscal Year 2004 (division B
15 of Public Law 108–136; 117 Stat. 1697) is amended—

16 (1) in the item relating to Fort Stewart, Geor-
17 gia, by striking “\$113,500,000” in the amount col-
18 umn and inserting “\$114,450,000”;

19 (2) in the item relating to Fort Drum, New
20 York, by striking “\$130,700,000” in the amount
21 column and inserting “\$135,700,000”; and

22 (3) by striking the amount identified as the
23 total in the amount column and inserting
24 “\$1,043,150,000”.

1 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2003 PROJECT.**

3 The table in section 2101(a) of the Military Construc-
4 tion Authorization Act for Fiscal Year 2003 (division B
5 of Public Law 107–314; 116 Stat. 2681), as amended by
6 section 2105(a)(2) of the Military Construction Authoriza-
7 tion Act for Fiscal Year 2004 (division B of Public Law
8 108–136; 117 Stat. 1701), is further amended—

9 (1) in the item relating to Fort Sill, Oklahoma,
10 by striking “\$39,652,000” in the amount column
11 and inserting “\$40,752,000”; and

12 (2) by striking the amount identified as the
13 total in the amount column and inserting
14 “\$1,157,267,000”.

15 **TITLE XXII—NAVY**

16 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
17 **ACQUISITION PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts
19 appropriated pursuant to the authorization of appropria-
20 tions in section 2204(a)(1), the Secretary of the Navy may
21 acquire real property and carry out military construction
22 projects for the installations and locations inside the
23 United States, and in the amounts, set forth in the fol-
24 lowing table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$26,670,000
California	Marine Corps Base, Camp Pendleton	\$38,455,000
	Naval Air Facility, El Centro	\$54,331,000
	Recruit Depot, San Diego	\$8,110,000
Connecticut	Naval Submarine Base, New London	\$50,302,000
District of Columbia	Naval Observatory, Washington	\$3,239,000
Florida	Eglin Air Force Base	\$2,060,000
	Naval Station, Mayport	\$6,200,000
Georgia	Strategic Weapons Facility Atlantic, Kings Bay	\$16,000,000
Illinois	Naval Training Station, Great Lakes	\$74,781,000
Maine	Naval Air Station, Brunswick	\$4,690,000
	Portsmouth Naval Station	\$7,860,000
Maryland	Naval Surface Warfare Center, Indian Head	\$13,900,000
Mississippi	Naval Construction Battalion Center, Gulfport	\$4,350,000
Nevada	Naval Air Station, Fallon	\$4,980,000
North Carolina	Marine Corps Air Station, New River	\$35,140,000
	Marine Corps Base, Camp Lejeune	\$13,420,000
	Washington County	\$136,900,000
Rhode Island	Naval Station Newport	\$9,080,000
Virginia	Camp Elmore Marine Corps Detach- ment.	\$13,500,000
	Marine Corps Base, Quantico	\$46,270,000
	Naval Air Station, Oceana	\$2,770,000
	Naval Amphibious Base, Little Creek	\$2,850,000
	Naval Station, Norfolk	\$4,330,000
	Naval Weapons Station, Yorktown	\$9,870,000
	Naval Shipyard Puget Sound, Brem- erton.	\$20,305,000
	Naval Station, Bremerton	\$74,125,000
	Strategic Weapons Facility Pacific, Ban- gor	\$131,090,000
	Total	\$815,578,000

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
Diego Garcia	Naval Support Facility, Diego Garcia	\$17,500,000
Guam	Naval Station, Guam	\$33,200,000
Italy	Sigonella	\$22,550,000
	Total	\$73,250,000

1 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
 2 propriated pursuant to the authorization of appropriations
 3 in section 2204(a)(3), the Secretary of the Navy may ac-
 4 quire real property and carry out military construction
 5 projects for the installations or locations, and in the
 6 amount, set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Unspecified ...	Unspecified Worldwide	\$52,658,000
	Total	\$52,658,000

7 **SEC. 2202. FAMILY HOUSING.**

8 Using amounts appropriated pursuant to the author-
 9 ization of appropriations in section 2204(a)(6)(A), the
 10 Secretary of the Navy may construct or acquire family
 11 housing units (including land acquisition and supporting
 12 facilities) at the installations or locations, for the pur-
 13 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or Location	Purpose	Amount
North Carolina	Marine Corps Air Station, Cherry Point	198 Units	\$27,002,000
		Total	\$27,002,000

14 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 15 **UNITS.**

16 Subject to section 2825 of title 10, United States
 17 Code, and using amounts appropriated pursuant to the
 18 authorization of appropriations in section 2204(a)(6)(A),
 19 the Secretary of the Navy may improve existing military

1 family housing units in an amount not to exceed
2 \$112,105,000.

3 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

4 (a) IN GENERAL.—Funds are hereby authorized to
5 be appropriated for fiscal years beginning after September
6 30, 2004, for military construction, land acquisition, and
7 military family housing functions of the Department of the
8 Navy in the total amount of \$1,825,576,000, as follows:

9 (1) For military construction projects inside the
10 United States authorized by section 2201(a),
11 \$676,198,000.

12 (2) For military construction projects outside
13 the United States authorized by section 2201(b),
14 \$73,250,000.

15 (3) For military construction projects at un-
16 specified worldwide locations authorized by section
17 2201(c), \$18,560,000.

18 (4) For unspecified minor military construction
19 projects authorized by section 2805 of title 10,
20 United States Code, \$12,000,000.

21 (5) For architectural and engineering services
22 and construction design under section 2807 of title
23 10, United States Code, \$87,067,000.

24 (6) For military family housing functions:

1 (A) For construction and acquisition, plan-
2 ning and design, and improvement of military
3 family housing and facilities, \$139,107,000.

4 (B) For support of military family housing
5 (including functions described in section 2833
6 of title 10, United States Code), \$704,504,000.

7 (7) For the construction of phase 2 of the ter-
8 tiary sewage treatment plant at Marine Corps Base,
9 Camp Pendleton, California, authorized by section
10 2201(a) of the Military Construction Authorization
11 Act for Fiscal Year 2004 (division B of Public Law
12 108–136; 117 Stat. 1703), \$25,690,000.

13 (8) For the construction of phase 2 of the gen-
14 eral purpose berthing pier at Naval Weapons Sta-
15 tion, Earle, New Jersey, authorized by section
16 2201(a) of the Military Construction Authorization
17 Act for Fiscal Year 2004, \$49,200,000.

18 (9) For the construction of phase 2 of pier 11
19 replacement at Naval Station, Norfolk, Virginia, au-
20 thorized by section 2201(a) of the Military Construc-
21 tion Authorization Act for Fiscal Year 2004,
22 \$40,000,000.

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 2201 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) \$21,000,000 (the balance of the amount au-
8 thorized under section 2201(a) for the replacement
9 of an aircraft parking apron and hangar at Naval
10 Air Facility El Centro, California);

11 (3) \$70,000,000 (the balance of the amount au-
12 thorized under section 2201(a) to acquire land inter-
13 ests for an outlying landing field in Washington
14 County, North Carolina);

15 (4) \$95,320,000 (the balance of the amount au-
16 thorized under section 2201(a) for construction of a
17 limited area production and storage complex at the
18 Strategic Weapons Facility Pacific, Bangor, Wash-
19 ington); and

20 (5) \$40,000,000 (the balance of the amount au-
21 thorized under section 2201(a) for the construction
22 of a bachelor enlisted quarters at Naval Station
23 Bremerton, Washington).

1 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2004 PROJECTS.**

3 The table in section 2201(a) of the Military Construc-
 4 tion Authorization Act for Fiscal Year 2004 (division B
 5 of Public Law 108–136; 117 Stat. 1703) is amended—

6 (1) in the item relating to Various Locations,
 7 CONUS, by striking “\$56,360,000” in the amount
 8 column and inserting “\$61,510,000”; and

9 (2) by striking the amount identified as the
 10 total in the amount column and inserting
 11 “\$1,341,022,000”.

12 **TITLE XXIII—AIR FORCE**

13 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 14 **LAND ACQUISITION PROJECTS.**

15 (a) **INSIDE THE UNITED STATES.**—Using amounts
 16 appropriated pursuant to the authorization of appropria-
 17 tions in section 2304(1), the Secretary of the Air Force
 18 may acquire real property and carry out military construc-
 19 tion projects for the installations and locations inside the
 20 United States, and in the amounts, set forth in the fol-
 21 lowing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alaska	Elmendorf Air Force Base	\$54,057,000
Arizona	Davis-Monthan Air Force Base	\$10,029,000
	Luke Air Force Base	\$10,000,000
Arkansas	Little Rock Air Force Base	\$5,031,000
California	Beale Air Force Base	\$10,186,000
	Edwards Air Force Base	\$9,965,000
	Travis Air Force Base	\$15,244,000
Colorado	Buckley Air Force Base	\$12,247,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Delaware	Dover Air Force Base	\$9,500,000
Florida	Patrick Air Force Base	\$8,800,000
Georgia	Moody Air Force Base	\$9,600,000
	Robins Air Force Base	\$15,000,000
Hawaii	Hickam Air Force Base	\$34,400,000
	Maui Site	\$7,500,000
Louisiana	Barksdale Air Force Base	\$13,800,000
Maryland	Andrews Air Force Base	\$17,100,000
Mississippi	Columbus Air Force Base	\$7,700,000
Montana	Malmstrom Air Force Base	\$5,600,000
Nebraska	Offutt Air Force Base	\$6,721,000
New Mexico	Cannon Air Force Base	\$9,500,000
North Carolina	Pope Air Force Base	\$15,150,000
North Dakota	Minot Air Force Base	\$9,900,000
Ohio	Wright-Patterson Air Force Base	\$9,200,000
Oklahoma	Altus Air Force Base	\$10,500,000
	Tinker Air Force Base	\$8,000,000
South Carolina	Shaw Air Force Base	\$3,300,000
South Dakota	Ellsworth Air Force Base	\$11,800,000
Tennessee	Arnold Air Force Base	\$22,000,000
Texas	Dyess Air Force Base	\$11,000,000
	Lackland Air Force Base	\$2,596,000
	Sheppard Air Force Base	\$50,284,000
Utah	Hill Air Force Base	\$20,813,000
	Total	\$446,523,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(2), the Secretary of the Air Force
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	\$25,404,000
Greenland	Thule Air Base	\$19,800,000
Guam	Andersen Air Base	\$19,593,000
Italy	Aviano Air Base	\$6,760,000
Korea	Kunsan Air Base	\$37,100,000
	Osan Air Base	\$18,600,000
Portugal	Lajes Field, Azores	\$5,689,000
United Kingdom	Royal Air Force, Lakenheath	\$5,500,000
	Total	\$138,446,000

1 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-
 2 propriated pursuant to the authorization of appropriations
 3 in section 2304(3), the Secretary of the Air Force may
 4 acquire real property and carry out military construction
 5 projects for the installations and locations, and in the
 6 amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Classified	Worldwide Unspecified Classified	\$28,794,000
Worldwide Unspecified	Worldwide Unspecified	\$26,121,000
	Total	\$54,915,000

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(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 or locations, for the purposes, and in the
 14 amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	250 Units ...	\$48,500,000
California	Edwards Air Force Base ... Vandenberg Air Force Base.	218 Units ... 120 Units ...	\$41,202,000 \$30,906,000
Florida	MacDill Air Force Base ... MacDill Air Force Base ...	61 Units Housing	\$21,723,000 \$1,250,000
Idaho	Mountain Home Air Force Base	Mainte- nance Fa- cility.	
Mississippi	Columbus Air Force Base	147 Units ... Family Housing Manage- ment Fa- cility.	\$39,333,000 \$711,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
Missouri	Whiteman Air Force Base	160 Units	\$37,087,000
Montana	Malmstrom Air Force Base	115 Units	\$29,910,000
North Carolina	Seymour Johnson Air Force Base	167 Units	\$32,693,000
North Dakota	Grand Forks Air Force Base	90 Units	\$26,169,000
	Minot Air Force Base	142 Units	\$37,087,000
South Carolina	Charleston Air Force Base	Fire Station	\$1,976,000
South Dakota	Ellsworth Air Force Base	75 Units	\$21,482,000
Texas	Dyess Air Force Base	127 Units	\$28,664,000
	Goodfellow Air Force Base	127 Units	\$20,604,000
Germany	Ramstein Air Base	144 Units	\$57,691,000
Italy	Aviano Air Base	Family Housing Office.	\$2,542,000
Korea	Osan Air Base	117 Units	\$46,834,000
United Kingdom	Royal Air Force, Lakenheath.	154 Units	\$43,976,000
		Total	\$570,340,000

1 (b) **PLANNING AND DESIGN.**—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(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 \$38,266,000.

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(6)(A), the
13 Secretary of the Air Force may improve existing military
14 family housing units in an amount not to exceed
15 \$238,353,000.

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
2 **FORCE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2004, for mili-
5 tary construction, land acquisition, and military family
6 housing functions of the Department of the Air Force in
7 the total amount of \$2,487,824,000, as follows:

8 (1) For military construction projects inside the
9 United States authorized by section 2301(a),
10 \$446,523,000.

11 (2) For military construction projects outside
12 the United States authorized by section 2301(b),
13 \$138,446,000.

14 (3) For military construction projects at un-
15 specified worldwide locations authorized by section
16 2301(c), \$54,915,000.

17 (4) For unspecified minor construction projects
18 authorized by section 2805 of title 10, United States
19 Code, \$13,000,000.

20 (5) For architectural and engineering services
21 and construction design under section 2807 of title
22 10, United States Code, \$124,085,000.

23 (6) For military housing functions:

24 (A) For construction and acquisition, plan-
25 ning and design, and improvement of military
26 family housing and facilities, \$846,959,000.

1 (B) For support of military family housing
 2 (including functions described in section 2833
 3 of title 10, United States Code), \$863,896,000.

4 **TITLE XXIV—DEFENSE**
 5 **AGENCIES**

6 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 7 **TION AND LAND ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2404(a)(1), the Secretary of Defense may
 11 acquire real property and carry out military construction
 12 projects for the installations and locations inside the
 13 United States, and in the amounts, set forth in the fol-
 14 lowing table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount	
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	\$6,000,000	
Defense Logistics Agency	Defense Distribution Depot, New Cumberland, Pennsylvania	\$22,300,000	
	Defense Distribution Depot, Richmond, Virginia	\$10,100,000	
	Defense Fuel Support Point, Naval Air Station Oceana, Virginia	\$3,589,000	
	Marine Corps Air Station, Cherry Point, North Carolina	\$22,700,000	
	Naval Air Station, Kingsville, Texas	\$3,900,000	
	Naval Station, Pearl Harbor, Hawaii	\$3,500,000	
	Tinker Air Force Base, Oklahoma ...	\$5,400,000	
	Travis Air Force Base, California	\$15,100,000	
	Missile Defense Agency	Huntsville, Alabama	\$19,560,000
	National Security Agency	Fort Meade, Maryland	\$15,007,000
Special Operations Command	Corona, California	\$13,600,000	
	Fleet Combat Training Center, Dam Neck, Virginia	\$5,700,000	
	Fort A.P. Hill, Virginia	\$1,500,000	
	Fort Bragg, North Carolina	\$42,888,000	
	Fort Campbell, Kentucky	\$3,500,000	
	Fort Stewart/Hunter Army Air Field, Georgia	\$17,600,000	
	Naval Air Station, North Island, California	\$1,000,000	

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Tri-Care Management Activity	Naval Amphibious Base, Little Creek, Virginia	\$33,200,000
	Stennis Center, Mississippi	\$6,000,000
	Buckley Air Force Base, Colorado ...	\$2,100,000
	Fort Belvoir, Virginia	\$100,000,000
	Fort Benning, Georgia	\$7,100,000
	Jacksonville, Florida	\$28,438,000
	Langley Air Force Base, Virginia	\$50,800,000
	Marine Corps Recruit Depot, Parris Island, South Carolina	\$25,000,000
	Total	\$465,582,000

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

Agency	Installation or location	Amount
Defense Education Agency ...	Grafenwoehr, Germany	\$36,247,000
	Vilseck, Germany	\$9,011,000
Defense Logistics Agency	Naval Station, Guam	\$26,964,000
	Defense Fuel Support Point, Lajes Field, Portugal.	\$19,113,000
Special Operations Command	Naval Station, Guam, Marianas Islands.	\$2,200,000
Tri-Care Management Activity	Diego Garcia	\$3,800,000
	Grafenwoehr, Germany	\$13,000,000
	Total	\$110,335,000

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts
9 appropriated pursuant to the authorization of appropria-
10 tions in section 2404(a)(3), the Secretary of Defense may
11 acquire real property and carry out military construction

1 projects for the installations and locations, and in the
 2 amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or location	Amount
Worldwide Classified	Worldwide Unspecified Classified	\$7,400,000
Worldwide Unspecified	Worldwide Unspecified	\$2,900,000
	Total	\$10,300,000

3 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 4 **UNITS.**

5 Subject to section 2825 of title 10, United States
 6 Code, and using amounts appropriated pursuant to the
 7 authorization of appropriations in section 2404(a)(9)(A),
 8 the Secretary of Defense may improve existing military
 9 family housing units in an amount not to exceed \$49,000.

10 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

11 Using amounts appropriated pursuant to the author-
 12 ization of appropriations in section 2404(a)(7), the Sec-
 13 retary of Defense may carry out energy conservation
 14 projects under section 2865 of title 10, United States
 15 Code, in the amount of \$60,000,000.

16 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**
 17 **FENSE AGENCIES.**

18 (a) IN GENERAL.—Funds are hereby authorized to
 19 be appropriated for fiscal years beginning after September
 20 30, 2004, for military construction, land acquisition, and
 21 military family housing functions of the Department of

1 Defense (other than the military departments) in the total
2 amount of \$980,557,000, as follows:

3 (1) For military construction projects inside the
4 United States authorized by section 2401(a),
5 \$408,582,000.

6 (2) For military construction projects outside
7 the United States authorized by section 2401(b),
8 \$110,335,000.

9 (3) For the military construction projects at
10 unspecified worldwide locations authorized by section
11 2401(c), \$10,300,000.

12 (4) For unspecified minor military construction
13 projects under section 2805 of title 10, United
14 States Code, \$20,938,000.

15 (5) For contingency construction projects of the
16 Secretary of Defense under section 2804 of title 10,
17 United States Code, \$10,000,000.

18 (6) For architectural and engineering services
19 and construction design under section 2807 of title
20 10, United States Code, \$62,182,000.

21 (7) For energy conservation projects authorized
22 by section 2404, \$60,000,000.

23 (8) For base closure and realignment activities
24 as authorized by the Defense Base Closure and Re-
25 alignment Act of 1990 (part A of title XXIX of

1 Public Law 101–510; 10 U.S.C. 2687 note),
2 \$246,116,000.

3 (9) For military family housing functions:

4 (A) For improvement of military family
5 housing and facilities, \$49,000.

6 (B) For support of military family housing
7 (including functions described in section 2833
8 of title 10, United States Code), \$49,575,000.

9 (C) For credit to the Department of De-
10 fense Family Housing Improvement Fund es-
11 tablished by section 2883(a)(1) of title 10,
12 United States Code, \$2,500,000.

13 (10) For the construction of phase 6 of a muni-
14 tions demilitarization facility at Pueblo Chemical Ac-
15 tivity, Colorado, authorized by section 2401(a) of the
16 Military Construction Authorization Act for Fiscal
17 Year 1997 (division B of Public Law 104–201; 110
18 Stat. 2775), as amended by section 2406 of the Mili-
19 tary Construction Authorization Act for Fiscal Year
20 2000 (division B of Public Law 106–65; 113 Stat.
21 839) and section 2407 of the Military Construction
22 Authorization Act for Fiscal Year 2003 (division B
23 of Public Law 107–314; 116 Stat. 2698),
24 \$44,792,000.

1 (11) For the construction of phase 5 of a muni-
2 tions demilitarization facility at Blue Grass Army
3 Depot, Kentucky, authorized by section 2401(a) of
4 the Military Construction Authorization Act for Fis-
5 cal Year 2000 (division B of Public Law 106–65;
6 113 Stat. 835), as amended by section 2405 of the
7 Military Construction Authorization Act of 2002 (di-
8 vision B of Public Law 107–107; 115 Stat. 1298)
9 and section 2405 of the Military Construction Au-
10 thorization Act for Fiscal Year 2003 (division B of
11 Public Law 107–314; 116 Stat. 2698), \$37,094,000.

12 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
13 PROJECTS.—Notwithstanding the cost variations author-
14 ized by section 2853 of title 10, United States Code, and
15 any other cost variation authorized by law, the total cost
16 of all projects carried out under section 2401 of this Act
17 may not exceed—

18 (1) the total amount authorized to be appro-
19 priated under paragraphs (1), (2), and (3) of sub-
20 section (a); and

21 (2) \$57,000,000 (the balance of the amount au-
22 thorized under section 2401(a) for the replacement
23 of a hospital at Fort Belvoir, Virginia).

1 **TITLE XXV—NORTH ATLANTIC**
2 **TREATY ORGANIZATION SE-**
3 **CURITY INVESTMENT PRO-**
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for
8 the North Atlantic Treaty Organization Security Invest-
9 ment program as provided in section 2806 of title 10,
10 United States Code, in an amount not to exceed the sum
11 of the amount authorized to be appropriated for this pur-
12 pose in section 2502 and the amount collected from the
13 North Atlantic Treaty Organization as a result of con-
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

16 Funds are hereby authorized to be appropriated for
17 fiscal years beginning after September 30, 2004, for con-
18 tributions by the Secretary of Defense under section 2806
19 of title 10, United States Code, for the share of the United
20 States of the cost of projects for the North Atlantic Treaty
21 Organization Security Investment program authorized by
22 section 2501, in the amount of \$165,800,000.

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

3 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
4 **TION AND LAND ACQUISITION PROJECTS.**

5 There are authorized to be appropriated for fiscal
6 years beginning after September 30, 2004, for the costs
7 of acquisition, architectural and engineering services, and
8 construction of facilities for the Guard and Reserve
9 Forces, and for contributions therefor, under chapter
10 1803 of title 10, United States Code (including the cost
11 of acquisition of land for those facilities), the following
12 amounts:

13 (1) For the Department of the Army—

14 (A) for the Army National Guard of the
15 United States, \$371,430,000; and

16 (B) for the Army Reserve, \$63,047,000.

17 (2) For the Department of the Navy, for the
18 Naval and Marine Corps Reserve, \$25,285,000.

19 (3) For the Department of the Air Force—

20 (A) for the Air National Guard of the
21 United States, \$214,418,000; and

22 (B) for the Air Force Reserve,
23 \$99,206,000.

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, 2007; or

16 (2) the date of the enactment of an Act author-
17 izing funds for military construction for fiscal year
18 2008.

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, 2007; or
- 2 (2) the date of the enactment of an Act author-
- 3 izing funds for fiscal year 2008 for military con-
- 4 struction 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 2002 PROJECTS.**

10 (a) **EXTENSION OF CERTAIN PROJECTS.**—Notwith-

11 standing section 2701 of the National Defense Authoriza-

12 tion Act for Fiscal Year 2001 (division B of Public Law

13 107–107; 115 Stat. 1301), authorizations set forth in the

14 tables in subsection (b), as provided in section 2101 or

15 2302 of that Act, shall remain in effect until October 1,

16 2005, or the date of the enactment of an Act authorizing

17 funds for military construction for fiscal year 2006, which-

18 ever is later.

19 (b) **TABLES.**—The tables referred to in subsection (a)

20 are as follows:

Army: Extension of 2002 Project Authorizations

State	Installation or loca- tion	Project	Amount
Alaska	Fort Wainwright	Power Plant Cooling Tower	\$23,000,000
Hawaii	Pohakuloa Training Area	Parker Ranch Land Acqui- sition	\$1,500,000

Air Force: Extension of 2002 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Buckley Air Force Base	Construct Family Housing (55 Units) ...	\$11,400,000
Louisiana	Barksdale Air Force Base	Replace Family Housing (56 Units)	\$7,300,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN**
2 **FISCAL YEAR 2001 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2001 (division B of the Floyd D. Spence National
6 Defense Authorization Act for Fiscal Year 2001 (as en-
7 acted into law by Public Law 106–398; 114 Stat. 1654A–
8 407)), authorizations set forth in the table in subsection
9 (b), as provided in section 2102 of that Act and extended
10 by section 2702 of the Military Construction Authoriza-
11 tion Act for Fiscal Year 2004 (division B of Public Law
12 108–136; 117 Stat. 1716), shall remain in effect until Oc-
13 tober 1, 2005, or the date of the enactment of an Act
14 authorizing funds for military construction for fiscal year
15 2006, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)
17 is as follows:

Army: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
South Carolina	Fort Jackson	New Construction—Family Housing (1 Unit)	\$250,000

1 **SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
3 of this Act shall take effect on the later of—

4 (1) October 1, 2004; 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. INCREASE IN THRESHOLDS FOR UNSPECIFIED**
12 **MINOR MILITARY CONSTRUCTION PROJECTS.**

13 (a) INCREASE.—Section 2805(a)(1) of title 10,
14 United States Code, is amended—

15 (1) by striking “\$1,500,000” and inserting
16 “\$2,500,000”; and

17 (2) by striking “\$3,000,000” and inserting
18 “\$4,000,000”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect on October 1, 2004.

1 **SEC. 2802. MODIFICATION OF APPROVAL AND NOTICE RE-**
2 **QUIREMENTS FOR FACILITY REPAIR**
3 **PROJECTS.**

4 (a) INCREASE IN THRESHOLD FOR APPROVAL RE-
5 QUIREMENT.—Subsection (b) of section 2811 of title 10,
6 United States Code, is amended by striking “\$5,000,000”
7 and inserting “\$7,500,000”.

8 (b) INFORMATION REQUIRED IN COST ESTIMATE
9 FOR MULTI-YEAR PROJECTS.—Subsection (d)(1) of such
10 section is amended by inserting before the semicolon the
11 following: “, including, in the case of a multi-year repair
12 project to a single facility, the total cost of all phases of
13 such project”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on October 1, 2004.

16 **SEC. 2803. ADDITIONAL REPORTING REQUIREMENTS RE-**
17 **LATING TO ALTERNATIVE AUTHORITY FOR**
18 **ACQUISITION AND IMPROVEMENT OF MILI-**
19 **TARY HOUSING.**

20 (a) PROJECT REPORTS.—Paragraph (2) of sub-
21 section (a) of section 2884 of title 10, United States Code,
22 is amended to read as follows:

23 “(2) The report on a proposed contract, conveyance,
24 or lease under paragraph (1) shall include the following:

1 “(A) A description of the contract, conveyance,
2 or lease, including a summary of the terms of the
3 contract, conveyance, or lease.

4 “(B) A description of the authorities to be uti-
5 lized in entering into the contract, conveyance, or
6 lease and the intended method of participation of the
7 United States in the contract, conveyance, or lease
8 (including a justification of the intended method of
9 participation).

10 “(C) A statement of the scored cost of the con-
11 tract, conveyance, or lease (as determined by the Of-
12 fice of Management and Budget).

13 “(D) A statement of the United States funds
14 required for the contract, conveyance, or lease and
15 a description of the source of such funds.

16 “(E) An economic assessment of the life cycle
17 costs of the contract, conveyance, or lease, including
18 an estimate of the amount of United States funds
19 that would be paid over the life of the contract, con-
20 veyance, or lease from amounts derived from pay-
21 ments of government allowances (including basic al-
22 lowance for housing under section 403 of title 37)
23 if the housing affected by the project were fully oc-
24 cupied by military personnel over the life of the con-
25 tract, conveyance, or lease.”.

1 (b) ANNUAL REPORTS.—Subsection (b) of such sec-
2 tion is amended—

3 (1) by redesignating paragraph (5) as para-
4 graph (6); and

5 (2) by inserting after paragraph (4) the fol-
6 lowing new paragraph (5):

7 “(5) A report setting forth—

8 “(A) an estimate of the amounts of basic
9 allowance for housing under section 403 of title
10 37 that will be paid during the fiscal year in
11 which the budget is submitted to members of
12 the armed forces living in housing provided
13 under the authorities in this subchapter during
14 such fiscal year, set forth by armed force; and

15 “(B) an estimate of the amounts of basic
16 allowance for housing that will be paid during
17 the fiscal year for which the budget is sub-
18 mitted to members of the armed forces living in
19 such housing during such fiscal year, set forth
20 by armed force.”.

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

3 **SEC. 2811. RECODIFICATION AND CONSOLIDATION OF CER-**
4 **TAIN AUTHORITIES AND LIMITATIONS RE-**
5 **LATING TO REAL PROPERTY ADMINISTRA-**
6 **TION.**

7 (a) CERTAIN PROVISIONS ON LAND ACQUISITION.—

8 (1) RECODIFICATION.—Section 2661 of title
9 10, United States Code, is amended by adding at
10 the end the following new subsections:

11 “(c) COMMISSIONS ON LAND PURCHASE CON-
12 TRACTS.—The maximum amount payable as a commission
13 on a contract for the purchase of land from funds appro-
14 priated for the Department of Defense is 2 percent of the
15 purchase price.

16 “(d) AVAILABILITY OF FUNDS FOR ACQUISITION OF
17 CERTAIN INTERESTS IN LANDS.—Appropriations avail-
18 able to the Department of Defense for operation and
19 maintenance or construction may be used for the fol-
20 lowing:

21 “(1) The acquisition of land or interests in land
22 under section 2672 of this title.

23 “(2) The acquisition of interests in land under
24 section 2675 of this title.”.

1 (2) STYLISTIC AMENDMENTS.—Such section is
2 further amended—

3 (A) in subsection (a), by inserting “AVAIL-
4 ABILITY OF FUNDS FOR REPAIR OF FACILITIES
5 AND FOR INSTALLATION OF EQUIPMENT.—”
6 after “(a)”; and

7 (B) in subsection (b), by inserting
8 “LEASES; DEFENSE ACCESS ROADS.—” after
9 “(b)”.

10 (b) CERTAIN PROVISIONS ON USE OF FACILITIES.—

11 Section 2679 of such title is amended to read as follows:

12 **“§ 2679. Use of facilities: use by private organizations;**
13 **use as polling places**

14 “(a) USE OF SPACE AND EQUIPMENT BY VETERANS
15 SERVICE ORGANIZATIONS.—(1) Upon certification to the
16 Secretary concerned by the Secretary of Veterans Affairs,
17 the Secretary concerned shall allow accredited, paid, full-
18 time representatives of the organizations named in section
19 5902 of title 38, or of other organizations recognized by
20 the Secretary of Veterans Affairs, to function on military
21 installations under the jurisdiction of the Secretary con-
22 cerned that are on land and from which persons are dis-
23 charged or released from active duty.

24 “(2) The commanding officer of a military installa-
25 tion allowing representatives to function on the installa-

1 tion under paragraph (1) shall allow the representatives
2 to use available space and equipment at the installation.

3 “(3) The regulations prescribed to carry out section
4 2679 of title 10, United States Code (as in effect on the
5 day before the date of the enactment of the National De-
6 fense Authorization Act for Fiscal Year 2005), that are
7 in effect on January 1, 1958, shall remain in effect until
8 changed by joint action of the Secretary concerned and
9 the Secretary of Veterans Affairs.

10 “(4) This subsection does not authorize the violation
11 of measures of military security.

12 “(b) LICENSES TO AMERICAN NATIONAL RED CROSS
13 FOR ERECTION AND USE OF BUILDINGS.—(1) Under
14 such conditions as the Secretary concerned may prescribe,
15 such Secretary may issue a revocable license to the Amer-
16 ican National Red Cross to—

17 “(A) erect and maintain, on any military instal-
18 lation under the jurisdiction of such Secretary,
19 buildings for the storage of supplies; or

20 “(B) use, for the storage of supplies, buildings
21 erected by the United States.

22 “(2) Supplies stored in buildings erected or used
23 under this subsection are available to aid the civilian popu-
24 lation in a serious national disaster.

1 “(c) USE OF CERTAIN FACILITIES AS POLLING
2 PLACES.—(1) Notwithstanding chapter 29 of title 18 (in-
3 cluding sections 592 and 593 of such title) or any other
4 provision of law, the Secretary of Defense or Secretary
5 of a military department may not (except as provided in
6 paragraph (3)) prohibit the designation or use of a quali-
7 fying facility under the jurisdiction of such Secretary as
8 an official polling place for Federal, State, or local elec-
9 tions.

10 “(2) A Department of Defense facility is a qualifying
11 facility for purposes of this subsection if as of December
12 31, 2000—

13 “(A) the facility is designated as an official
14 polling place by a State or local election official; or

15 “(B) the facility has been used as such an offi-
16 cial polling place since January 1, 1996.

17 “(3) The limitation in paragraph (1) may be waived
18 by the Secretary of Defense or the Secretary of a military
19 department with respect to a particular Department of
20 Defense facility if such Secretary determines that local se-
21 curity conditions require prohibition of the designation or
22 use of that facility as an official polling place for any elec-
23 tion.”.

24 (c) REPEAL OF SUPERSEDED PROVISIONS.—Sections
25 2666, 2670, and 2673 of such title are repealed.

1 (d) CLERICAL AMENDMENTS.—The table of sections
2 for chapter 159 of such title is amended—

3 (1) by striking the items relating to sections
4 2666, 2670, and 2673; and

5 (2) by striking the item relating to section 2679
6 and inserting the following new item:

“Sec. 2679. Use of facilities: use by private organizations; use as polling
places.”.

7 **SEC. 2812. MODIFICATION AND ENHANCEMENT OF AU-**
8 **THORITIES ON FACILITIES FOR RESERVE**
9 **COMPONENTS.**

10 (a) INTERESTS IN LAND.—

11 (1) DEFINITION OF TERM.—Section 18232 of
12 title 10, United States Code, is amended—

13 (A) by striking paragraph (2);

14 (B) by redesignating paragraph (3) as
15 paragraph (4); and

16 (C) by inserting after paragraph (1) the
17 following new paragraphs:

18 “(2) The term ‘facility’ includes any armory,
19 readiness center, building, structure, or other im-
20 provement of real property needed for the adminis-
21 tration and training of any unit of the reserve com-
22 ponents of the armed forces.

23 “(3) The term ‘interest in land’ includes a fee
24 title, lease, easement, license, permit, or agreement

1 on use of a parcel of real property needed for the
2 administration and training of any unit of the re-
3 serve components of the armed forces.”.

4 (2) UTILIZATION OF TERM.—(A) Section
5 18231(1) of such title is amended by inserting be-
6 fore the semicolon the following: “, and the acquisi-
7 tion of interests in land for such purposes”.

8 (B) Section 18233 of such title is amended—

9 (i) in subsection (a), by inserting “or inter-
10 ests in land” after “facilities” each place it ap-
11 pears; and

12 (ii) in subsection (f)(2), by striking “real
13 property” and inserting “interests in land”.

14 (C) Section 18233a(a)(1) of such title is
15 amended by inserting “or interest in land” after “fa-
16 cility”.

17 (b) MODIFICATION AND ENHANCEMENT OF ACQUI-
18 TION AUTHORITY.—Section 18233 of such title is further
19 amended—

20 (1) in subsection (a)—

21 (A) in the matter preceding paragraph (1),
22 by striking “and to” and inserting “chapters
23 159 and 169 of this title, and”; and

24 (B) in paragraph (1), by striking “trans-
25 fer,” and inserting “transfer from a military

1 department, another department or agency of
2 the Federal Government, or a State agency,”;
3 and

4 (2) in subsection (f)(2), by striking “exchange
5 of Government-owned land, or otherwise” and insert-
6 ing “or exchange of Government-owned land”.

7 (c) AUTHORITY TO CARRY OUT SMALL PROJECTS.—

8 (1) MODIFICATION OF LIMITATION ON AUTHOR-
9 ITY.—Section 18233a(a) of such title is further
10 amended—

11 (A) in paragraph (1), by striking
12 “\$1,500,000” and inserting “\$750,000”; and

13 (B) in paragraph (2), by adding at the end
14 the following new subparagraph:

15 “(D) A repair project (as that term is defined
16 in section 2811(e) of this title) costing less than
17 \$10,000,000.”.

18 (2) RECODIFICATION OF AUTHORITY TO CARRY
19 OUT WITH OPERATION AND MAINTENANCE FUNDS.—

20 Chapter 1803 of title 10, United States Code, is
21 amended by inserting after section 18233a the fol-

22 lowing new section:

1 **“§ 18233b. Authority to carry out small projects with**
2 **operation and maintenance funds**

3 “Under such regulations as the Secretary of Defense
4 may prescribe, the Secretary may spend, from appropria-
5 tions available for operation and maintenance, amounts
6 necessary to carry out any project authorized under sec-
7 tion 18233(a) of this title costing not more than—

8 “(1) the amount specified in section
9 2805(e)(1)(A) of this title, in the case of a project
10 intended solely to correct a deficiency that is life-
11 threatening, health-threatening, or safety-threat-
12 ening; or

13 “(2) the amount specified in section
14 2805(e)(1)(B) of this title, in the case of any other
15 project.”.

16 (3) REPEAL OF SUPERSEDED AUTHORITY.—
17 Section 18233a of such title is amended by striking
18 subsection (b).

19 (4) CONFORMING AMENDMENTS.—Section
20 18233a of such title is further amended—

21 (A) by striking “(1) Except as provided in
22 paragraph (2)” and inserting “Except as pro-
23 vided in subsection (b)”; and

24 (B) by redesignating paragraph (2) as sub-
25 section (b) and in that subsection, as so redesi-
26 gnated—

1 (i) by striking “Paragraph (1)” and
2 inserting “Subsection (a)”;

3 (ii) by redesignating subparagraphs
4 (A), (B), (C), and (D) as paragraphs (1),
5 (2), (3), and (4), respectively; and

6 (iii) in paragraph (2), as so redesignated—
7

8 (I) by redesignating clauses (i)
9 and (ii) as subparagraphs (A) and
10 (B), respectively; and

11 (II) in subparagraph (B), as so
12 redesignated, by striking “(I) 25 per-
13 cent, or (II)” and inserting “(i) 25
14 percent, or (ii)”.

15 (5) CLERICAL AMENDMENTS.—(A) The heading
16 of section 18233a of such title is amended to read
17 as follows:

18 **“§ 18233a. Limitation on certain projects”.**

19 (B) The table of sections at the beginning of
20 chapter 1803 of such title is amended by striking
21 the item relating to section 18233a and inserting the
22 following new items:

“18233a. Limitation on certain projects.

“18233b. Authority to carry out small projects with operation and maintenance funds.”.

1 **SEC. 2813. AUTHORITY TO EXCHANGE OR SELL RESERVE**
2 **COMPONENT FACILITIES AND LANDS TO OB-**
3 **TAIN NEW RESERVE COMPONENT FACILITIES**
4 **AND LANDS.**

5 (a) IN GENERAL.—The Secretary of Defense may au-
6 thorize each Secretary of a military department to carry
7 out projects to assess the feasibility and advisability of ob-
8 taining new facilities and lands for the reserve components
9 of such department through the exchange or sale of exist-
10 ing facilities or lands of such reserve components.

11 (b) TRANSACTIONS AUTHORIZED.—Pursuant to the
12 authority under subsection (a), the Secretary of a military
13 department may carry out any transaction as follows:

14 (1) An exchange of an existing facility or exist-
15 ing interest in land of a reserve component of such
16 department for a new facility, an interest in land, or
17 an addition to an existing facility for the reserve
18 component.

19 (2) A sale of an existing facility or existing in-
20 terest in land of a reserve component of such depart-
21 ment with the proceeds of sale used to acquire a new
22 facility, an interest in land, or an addition to an ex-
23 isting facility for the reserve component.

24 (3) A combination of an exchange and sale of
25 an existing facility, interest in land, or both of a re-
26 serve component of such department with the use of

1 the exchange allowance and proceeds of sale to ac-
2 quire a facility, an interest in land, or an addition
3 to an existing facility for the reserve component.

4 (c) FACILITIES AND LANDS SUBJECT TO TRANS-
5 ACTION.—A facility or interest in land of a reserve compo-
6 nent that may be exchanged or sold pursuant to the au-
7 thority under subsection (a) is any facility or interest in
8 land under the control of the military department con-
9 cerned that is not excess property, as that term is defined
10 in section 102(3) of title 40, United States Code.

11 (d) FAIR MARKET VALUE TO BE OBTAINED IN
12 TRANSACTION.—In any exchange or sale of an existing fa-
13 cility pursuant to the authority under subsection (a), the
14 United States shall receive cash, a replacement facility or
15 addition to an existing facility, an interest in land, or a
16 combination thereof of in an amount not less than the fair
17 market value of the existing facility, as determined by the
18 Secretary of the military department concerned.

19 (e) REQUIREMENTS FOR REPLACEMENT FACILI-
20 TIES.—(1) A facility obtained as a replacement facility for
21 an existing facility, or as an addition to an existing facil-
22 ity, pursuant to the authority under subsection (a) shall,
23 as determined by the Secretary of the military department
24 concerned—

1 (A) be complete and usable, fully functional,
2 and ready for occupancy, and satisfy fully all oper-
3 ational requirements of the existing facility; and

4 (B) meet all applicable Federal, State, and local
5 requirements relating to health, safety, fire, and the
6 environment.

7 (2) A facility obtained as a replacement facility for
8 an existing facility, or as an addition to an existing facil-
9 ity, pursuant to the authority under subsection (a) shall
10 meet the requirements specified in subparagraphs (A) and
11 (B) of paragraph (1) before the conclusion of the exchange
12 or sale of the existing facility concerned.

13 (f) AGREEMENT REQUIRED.—The Secretary of a
14 military department shall carry out each transaction pur-
15 suant to the authority under subsection (a) through an
16 agreement for that purpose entered into by such Secretary
17 and the person or entity carrying out the transaction.

18 (g) SELECTION AMONG COMPETING PARTICI-
19 PANTS.—(1) If more than one person or entity notifies the
20 Secretary of a military department of an interest in car-
21 rying out a transaction pursuant to the authority under
22 subsection (a), the Secretary shall, except as provided in
23 paragraph (2), select the person or entity to carry out the
24 transaction through the use of competitive procedures.

1 (2) The Secretary of a military department may use
2 procedures other than competitive procedures to select
3 among persons and entities to carry out a transaction pur-
4 suant to the authority under subsection (a), but only in
5 accordance with subsections (e) through (f) of section
6 2304 of title 10, United States Code.

7 (h) NOTICE AND WAIT REQUIREMENT.—(1) The
8 Secretary of a military department may not enter into an
9 agreement pursuant to the authority under subsection (a)
10 until 30 days after the date on which such Secretary sub-
11 mits to the congressional defense committees a report on
12 the agreement.

13 (2) A report on an agreement under paragraph (1)
14 shall include the following:

15 (A) A description of terms of the agreement, in-
16 cluding a description of any funds to be received by
17 the United States under the agreement and the pro-
18 posed use of such funds.

19 (B) A description of the existing facility, inter-
20 est in land, or both of a reserve component covered
21 by the agreement, including the fair market value of
22 such facility, interest in land, or both and the meth-
23 od of determination of such fair market value.

24 (C) Data on the facility or addition to an exist-
25 ing facility, if any, to be received by the United

1 States under the agreement, which data shall meet
2 requirements for data to be provided Congress for
3 military construction projects to obtain a similar fa-
4 cility or addition to an existing facility.

5 (D) A certification that the existing facility, in-
6 terest in land, or both of a reserve component cov-
7 ered by the agreement is not required by another
8 military department.

9 (3) Section 2662 of title 10, United States Code,
10 shall not apply to any transaction carried out pursuant
11 to the authority under subsection (a).

12 (i) TREATMENT OF FUNDS RECEIVED IN TRANS-
13 ACTIONS.—(1) The Secretary of a military department
14 shall deposit in a special account in the Treasury estab-
15 lished for such purpose pursuant to section 572(b) of title
16 40, United States Code, any amounts received pursuant
17 to an agreement entered into by such Secretary pursuant
18 to the authority under subsection (a).

19 (2) Amounts deposited by the Secretary of a military
20 department under paragraph (1) in the account estab-
21 lished by such Secretary under that paragraph with re-
22 spect to an agreement shall be available to such Secretary,
23 without further appropriation, as follows:

24 (A) For the construction or acquisition of facili-
25 ties, or of additions to existing facilities, for the re-

1 serve component concerned at the location to which
2 such agreement applies.

3 (B) To the extent that such amounts are not
4 required for purposes of subparagraph (A), for
5 maintenance, protection, alteration, repair, improve-
6 ment, or restoration (including environmental res-
7 toration) of facilities or property of the reserve com-
8 ponent concerned at the location to which such
9 agreement applies.

10 (3) Amounts available under paragraph (2) shall re-
11 main available until expended.

12 (j) SOLE AUTHORITY FOR EXCHANGES OF FACILI-
13 TIES AND LANDS.—Except as otherwise specifically au-
14 thorized by law, during the period of the authority under
15 subsection (a), the authority under that subsection to ex-
16 change facilities or interests in land of the reserve compo-
17 nents to obtain facilities, interests in land, or additions
18 to facilities for the reserve components is the sole author-
19 ity available in law for that purpose.

20 (k) CONSTRUCTION WITH OTHER MILITARY CON-
21 STRUCTION LAWS.—Transactions pursuant to the author-
22 ity under subsection (a) shall not be treated as military
23 construction projects requiring an authorization in law as
24 otherwise required by section 2802 of title 10, United
25 States Code.

1 (l) REPORT.—Not later than March 1, 2007, the Sec-
2 retary of Defense shall submit to the congressional defense
3 committees a report on the exercise of the authority under
4 subsection (a). The report shall include the following:

5 (1) A description of the projects carried out
6 under the authority.

7 (2) A description of the analysis and criteria
8 used to identify existing facilities and interests in
9 land to be exchanged or sold under the authority.

10 (3) An assessment of the utility to the Depart-
11 ment of Defense of the authority, including rec-
12 ommendations for modifications of such authority in
13 order to enhance the utility of such authority for the
14 Department.

15 (4) An assessment of interest in future ex-
16 changes or sales in the event the authority is ex-
17 tended.

18 (5) An assessment of the advisability of making
19 the authority, including any modifications of the au-
20 thority recommended under paragraph (3), perma-
21 nent.

22 (m) DEFINITIONS.—In this section:

23 (1) The term “facility” includes an armory,
24 readiness center, or other structure, and storage or

1 other facilities, normally needed for the administra-
2 tion and training of a unit of a reserve component.

3 (2) The terms “armory” and “readiness center”
4 have the meanings given such terms in section
5 18232(3) of title 10, United States Code.

6 (n) EXPIRATION DATE.—No transaction may be
7 commenced pursuant to the authority under subsection (a)
8 after September 30, 2006.

9 **Subtitle C—Land Conveyances**

10 **SEC. 2821. TRANSFER OF ADMINISTRATIVE JURISDICTION,**

11 **DEFENSE SUPPLY CENTER, COLUMBUS,**

12 **OHIO.**

13 (a) TRANSFER AUTHORIZED.—The Secretary of the
14 Army may transfer, without reimbursement, to the Sec-
15 retary of Veterans Affairs administrative jurisdiction of a
16 parcel of real property consisting of approximately 20
17 acres and comprising a portion of the Defense Supply
18 Center in Columbus, Ohio.

19 (b) USE OF PROPERTY.—The Secretary of Veterans
20 Affairs may only use the property transferred under sub-
21 section (a) as the site for the construction of a new out-
22 patient clinic for the provision of medical services to vet-
23 erans.

24 (c) COSTS.—Any administrative costs in connection
25 with the transfer of property under subsection (a), includ-

1 ing the costs of the survey required by subsection (e), shall
2 be borne by the Secretary of Veterans Affairs.

3 (d) RETURN OF JURISDICTION TO ARMY.—If at any
4 time the Secretary of the Army determines that the prop-
5 erty transferred under subsection (a) is not being utilized
6 for the outpatient clinic described in subsection (b), then,
7 at the election of the Secretary of the Army, the Secretary
8 of Veterans Affairs shall return to the Secretary of the
9 Army administrative jurisdiction of the property.

10 (e) EXEMPTION FROM FEDERAL SCREENING.—The
11 conveyance under subsection (a) is exempt from the re-
12 quirement to screen the property for other Federal use
13 pursuant to section 2693 of title 10, United States Code.

14 (f) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the real property to be transferred
16 under subsection (a) shall be determined by a survey satis-
17 factory to the Secretary of the Army.

18 (g) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary of the Army may require such additional terms
20 and conditions in connection with the transfer under sub-
21 section (a) as the Secretary considers appropriate to pro-
22 tect the interests of the United States.

1 **SEC. 2822. LAND CONVEYANCE, BROWNING ARMY RESERVE**
2 **CENTER, UTAH.**

3 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
4 of the Army may convey, without consideration, to the
5 State of Utah (in this section referred to as the “State”)
6 all right, title, and interest of the United States in and
7 to a parcel of unimproved real property consisting of ap-
8 proximately 10 acres and located at the Browning Army
9 Reserve Center, Utah.

10 (2) The purpose of the conveyance is to permit the
11 Department of Veterans Affairs of the State of Utah to
12 construct and operate a facility for the provision of nurs-
13 ing care for veterans.

14 (b) PAYMENT OF COSTS OF CONVEYANCE.—(1) The
15 Secretary may require the State to cover costs to be in-
16 curred by the Secretary, or to reimburse the Secretary for
17 costs incurred by the Secretary, to carry out the convey-
18 ance under subsection (a), including survey costs, costs re-
19 lated to environmental documentation, and other adminis-
20 trative costs related to the conveyance. If amounts paid
21 to the Secretary in advance exceed the costs actually in-
22 curred by the Secretary to carry out the conveyance, the
23 Secretary shall refund the excess amount to the State.

24 (2) Amounts received under paragraph (1) shall be
25 credited to the fund or account that was used to cover
26 the costs incurred by the Secretary. Amounts so credited

1 shall be merged with amounts in such fund or account,
2 and shall be available for the same purposes, and subject
3 to the same conditions and limitations, as amounts in such
4 fund or account.

5 (c) DESCRIPTION OF PROPERTY.—The exact acreage
6 and legal description of the property to be conveyed under
7 subsection (a) shall be determined by a survey satisfactory
8 to the Secretary.

9 (d) ADDITIONAL TERMS AND CONDITIONS.—The
10 Secretary may require such additional terms and condi-
11 tions in connection with the conveyance under subsection
12 (a) as the Secretary considers appropriate to protect the
13 interests of the United States.

14 **SEC. 2823. LAND EXCHANGE, ARLINGTON COUNTY, VIR-**
15 **GINIA.**

16 (a) EXCHANGE AUTHORIZED.—(1) The Secretary of
17 Defense may convey to Arlington County, Virginia (in this
18 section referred to as the “County”), all right, title, and
19 interest of the United States in and to a parcel of real
20 property, together with any improvements thereon, con-
21 sisting of not more than 4.5 acres and located along the
22 western boundary of the Navy Annex property, Virginia,
23 for the purpose of the construction of a freedmen heritage
24 museum and an Arlington history museum.

1 (2) The size of the parcel of real property conveyed
2 under paragraph (1) shall be such that the acreage of the
3 parcel shall be equivalent to the acreage of the parcel of
4 real property conveyed under subsection (b). The Sec-
5 retary shall determine the acreage of the parcels, and such
6 determination shall be final.

7 (b) CONSIDERATION.—As consideration for the con-
8 veyance of property under subsection (a), the County shall
9 convey to the United States all right, title, and interest
10 of the County in and to a parcel of real property, together
11 with any improvements thereon, consisting of not more
12 than 4.5 acres and known as the Southgate Road right-
13 of-way between Arlington National Cemetery, Virginia,
14 and the Navy Annex property.

15 (c) DESCRIPTION OF PROPERTY.—The exact acreage
16 and legal description of the parcels of real property to be
17 conveyed under this section shall be determined by surveys
18 satisfactory to the Secretary.

19 (d) PAYMENT OF COSTS OF CONVEYANCES.—(1) The
20 Secretary may require the County to cover costs to be in-
21 curred by the Secretary, or to reimburse the Secretary for
22 costs incurred by the Secretary, to carry out the convey-
23 ances under subsections (a) and (b), including survey
24 costs, costs related to environmental documentation, and
25 other administrative costs related to the conveyances. If

1 amounts are collected from the County in advance of the
2 Secretary incurring the actual costs, and the amount col-
3 lected exceeds the costs actually incurred by the Secretary
4 to carry out the conveyance, the Secretary shall refund
5 the excess amount to the County.

6 (2) Amounts received as reimbursement under para-
7 graph (1) shall be credited to the fund or account that
8 was used to cover the costs incurred by the Secretary in
9 carrying out the conveyances. Amounts so credited shall
10 be merged with amounts in such fund or account, and
11 shall be available for the same purposes, and subject to
12 the same conditions and limitations, as amounts in such
13 fund or account.

14 (e) REVERSIONARY INTEREST.—(1) If at any time
15 the Secretary determines that the property conveyed to the
16 County under subsection (a) is not being used for the pur-
17 poses stated in that subsection, then, at the option of the
18 Secretary, all right, title, and interest in and to the prop-
19 erty, including any improvements thereon, shall revert to
20 the United States, and the United States shall have the
21 right of immediate entry onto the property.

22 (2) If the Secretary exercises the reversionary inter-
23 est provided for in paragraph (1), the Secretary shall pay
24 the County, from amounts available to the Secretary for
25 military construction for the Defense Agencies, an amount

1 equal to the fair market value of the property covered by
2 the reversionary interest, as determined by the Secretary.

3 (f) EXEMPTION FROM FEDERAL SCREENING.—The
4 conveyance under subsection (a) is exempt from the re-
5 quirement to screen the property for other Federal use
6 pursuant to sections 2693 and 2696 of title 10, United
7 States Code.

8 (g) INCLUSION OF SOUTHGATE ROAD RIGHT-OF-
9 WAY PROPERTY IN TRANSFER OF NAVY ANNEX PROP-
10 ERTY FOR ARLINGTON NATIONAL CEMETERY.—Sub-
11 section (a) of section 2881 of the Military Construction
12 Authorization Act for Fiscal Year 2000 (division B of
13 Public Law 106–65; 113 Stat. 879) is amended by strik-
14 ing “three parcels of real property consisting of approxi-
15 mately 36 acres” and inserting “four parcels of real prop-
16 erty consisting of approximately 40 acres”.

17 (h) TERMINATION OF RESERVATION OF CERTAIN
18 NAVY ANNEX PROPERTY FOR MEMORIALS OR MUSE-
19 UMS.—Subsection (b) of such section, as amended by sec-
20 tion 2863(f) of the Military Construction Authorization
21 Act for Fiscal Year 2002 (division B of Public Law 107–
22 107; 115 Stat. 1332) and section 2851(a)(1) of the Mili-
23 tary Construction Authorization Act for Fiscal Year 2003
24 (division B of Public Law 107–314; 116 Stat. 2726), is
25 further amended—

1 (1) by striking “(1) Subject to paragraph (2),
2 the Secretary” and inserting “The Secretary”; and
3 (2) by striking paragraph (2).

4 (i) **ADDITIONAL TERMS AND CONDITIONS.**—The Sec-
5 retary may require such additional terms and conditions
6 in connection with the conveyances under this section as
7 the Secretary considers appropriate to protect the inter-
8 ests of the United States.

9 **SEC. 2824. LAND CONVEYANCE, HAMPTON, VIRGINIA.**

10 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
11 the Army may convey, without consideration, to the
12 Hampton City School Board, Hampton, Virginia (in this
13 section referred to as the “Board”), all right, title, and
14 interest of the United States in and to a parcel of real
15 property, including any improvements thereon, that con-
16 sists of approximately 29.8 acres, is located on Downey
17 Farm Road in Hampton, Virginia, and is known as the
18 Butler Farm United States Army Reserve Center in order
19 to permit the Board to utilize the property for public edu-
20 cation purposes.

21 (b) **CONDITION OF CONVEYANCE.**—The conveyance
22 under subsection (a) shall be subject to the condition that
23 the Board accept the real property described in subsection
24 (a) in its condition at the time of the conveyance, com-
25 monly known as conveyance “as is”.

1 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The
2 Secretary may require the Board to cover costs to be in-
3 curred by the Secretary, or to reimburse the Secretary for
4 costs incurred by the Secretary, to carry out the convey-
5 ance under subsection (a), including survey costs, costs re-
6 lated to environmental documentation, and other adminis-
7 trative costs related to the conveyance. If amounts are col-
8 lected from the Board in advance of the Secretary incur-
9 ring the actual costs, and the amount collected exceeds
10 the costs actually incurred by the Secretary to carry out
11 the conveyance, the Secretary shall refund the excess
12 amount to the Board.

13 (2) Amounts received as reimbursement under para-
14 graph (1) shall be credited to the fund or account that
15 was used to cover the costs incurred by the Secretary in
16 carrying out the conveyance. Amounts so credited shall be
17 merged with amounts in such fund or account, and shall
18 be available for the same purposes, and subject to the
19 same conditions and limitations, as amounts in such fund
20 or account.

21 (d) EXEMPTION FROM FEDERAL SCREENING.—The
22 conveyance authorized by subsection (a) is exempt from
23 the requirement to screen the property for other Federal
24 use pursuant to section 2693 and 2696 of title 10, United
25 States Code.

1 (e) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the property to be conveyed under
3 subsection (a) shall be determined by a survey satisfactory
4 to the Secretary.

5 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
6 retary may require such additional terms and conditions
7 in connection with the conveyance under subsection (a) as
8 the Secretary considers appropriate to protect the inter-
9 ests of the United States.

10 **SEC. 2825. LAND CONVEYANCE, SEATTLE, WASHINGTON.**

11 (a) CONVEYANCE AUTHORIZED.—The Secretary of
12 the Army may convey, without consideration, to the State
13 of Washington (in this section referred to as the “State”)
14 all right, title, and interest of the United States in and
15 to a parcel of real property, including any improvements
16 thereon, consisting of approximately 9.747 acres in Se-
17 attle, Washington, and comprising a portion of the Na-
18 tional Guard Facility, Pier 91, for the purpose of permit-
19 ting the State to convey the facility unencumbered for eco-
20 nomic development purposes.

21 (b) CONDITION OF CONVEYANCE.—The conveyance
22 under subsection (a) shall be subject to the condition that
23 the State accept the real property in its condition at the
24 time of the conveyance, commonly known as conveyance
25 “as is”.

1 (c) ADMINISTRATIVE EXPENSES.—(1) The State
2 shall reimburse the Secretary for the administrative ex-
3 penses incurred by the Secretary in carrying out the con-
4 veyance under subsection (a), including expenses related
5 to surveys and legal descriptions, boundary
6 monumentation, environmental surveys, necessary docu-
7 mentation, travel, and deed preparation.

8 (2) Section 2695(c) of title 10, United States Code,
9 shall apply to any amounts received by the Secretary as
10 reimbursement under this subsection.

11 (d) DESCRIPTION OF PROPERTY.—The exact acreage
12 and legal description of the property to be conveyed under
13 subsection (a) shall be determined by a survey satisfactory
14 to the Secretary. The cost of the survey shall be borne
15 by the United States, subject to the requirement for reim-
16 bursement under subsection (c).

17 (e) ADDITIONAL TERMS AND CONDITIONS.—The
18 Secretary may require such additional terms and condi-
19 tions in connection with the conveyance under subsection
20 (a) as the Secretary considers appropriate to protect the
21 interests of the United States.

1 **SEC. 2826. TRANSFER OF JURISDICTION, NEBRASKA AVE-**
2 **NUE NAVAL COMPLEX, DISTRICT OF COLUM-**
3 **BIA.**

4 (a) **TRANSFER REQUIRED.**—The Secretary of the
5 Navy shall transfer to the administrative jurisdiction of
6 the Administrator of General Services the parcel of De-
7 partment of the Navy real property in the District of Co-
8 lumbia known as the Nebraska Avenue Complex for the
9 purpose of permitting the Administrator to use the Com-
10 plex to accommodate the Department of Homeland Secu-
11 rity. The Complex shall be transferred in its existing con-
12 dition.

13 (b) **AUTHORITY TO RETAIN MILITARY FAMILY**
14 **HOUSING.**—The Secretary of the Navy may retain admin-
15 istrative jurisdiction over the portion of the Complex that
16 the Secretary considers to be necessary for continued use
17 as Navy family housing.

18 (c) **TIME FOR TRANSFER.**—The transfer of adminis-
19 trative jurisdiction over the Complex to the Administrator
20 under subsection (c) shall be completed not later than
21 January 1, 2005.

22 (d) **RELOCATION OF NAVY ACTIVITIES.**—As part of
23 the transfer of the Complex under this section, the Sec-
24 retary of the Navy shall relocate Department of the Navy
25 activities at the Complex to other locations.

1 (e) PAYMENT OF RELOCATION COSTS.—Subject to
2 the availability of appropriations for this purpose, the Sec-
3 retary of Homeland Security shall be responsible for the
4 payment of—

5 (1) all reasonable costs, including costs to move
6 furnishings and equipment, related to the relocation
7 of Department of the Navy activities from the Com-
8 plex under subsection (d);

9 (2) all reasonable costs, including rent, incident
10 to the occupancy by such activities of interim leased
11 space; and

12 (3) all reasonable costs incident to the acquisi-
13 tion of permanent facilities for Department of the
14 Navy activities relocated from the Complex.

15 (f) SUBMISSION OF COST ESTIMATES.—As soon as
16 practicable after the date of the enactment of this Act,
17 but not later than January 1, 2005, the Secretary of the
18 Navy shall submit to the congressional defense committees
19 an initial estimate of the amounts that will be necessary
20 to cover the costs to permanently relocate Department of
21 the Navy activities from the Complex. The Secretary shall
22 include in the estimate anticipated land acquisition and
23 facility construction costs. The Secretary shall revise the
24 estimate as necessary whenever information regarding the
25 actual costs for the relocation is obtained.

1 (g) CERTIFICATION OF RELOCATION COSTS.—At the
2 end of the three-year period beginning on the date of the
3 transfer of the Complex under subsection (a), the Sec-
4 retary of the Navy shall submit to Congress written no-
5 tice—

6 (1) specifying the total amount expended under
7 subsection (e) to cover the costs of relocating De-
8 partment of the Navy activities from the Complex;

9 (2) specifying the total amount expended to ac-
10 quire permanent facilities for Department of the
11 Navy activities relocated from the Complex; and

12 (3) certifying whether the amounts paid are
13 sufficient to complete all relocation actions.

14 **SEC. 2827. LAND CONVEYANCE, HONOLULU, HAWAII.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of
16 the Navy may convey, without consideration but subject
17 to the conditions specified in subsection (b), to the City
18 and County of Honolulu, Hawaii, all right, title, and inter-
19 est of the United States in and to a parcel of real property,
20 including improvements thereon, consisting of approxi-
21 mately 5.16 acres located at 890 Valkenberg Avenue,
22 Honolulu, Hawaii, and currently used by the City and
23 County of Honolulu as the site of a fire station and fire-
24 fighting training facility. The purpose of the conveyance
25 is to enhance the capability of the City and County of

1 Honolulu to provide fire protection and firefighting serv-
2 ices to the civilian and military properties in the area and
3 to provide a location for firefighting training for civilian
4 and military personnel.

5 (b) CONDITIONS OF CONVEYANCE.—The conveyance
6 under subsection (a) shall be subject to the following con-
7 ditions:

8 (1) That the City and County of Honolulu ac-
9 cept the real property in its condition at the time of
10 the conveyance, commonly known as conveyance “as
11 is”.

12 (2) That the City and County of Honolulu
13 make the firefighting training facility available to
14 the fire protection and firefighting units of the mili-
15 tary departments for training not less than 2 days
16 per week on terms satisfactory to the Secretary.

17 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The
18 Secretary shall require the City and County of Honolulu
19 to cover costs to be incurred by the Secretary, or to reim-
20 burse the Secretary for costs incurred by the Secretary,
21 to carry out the conveyance under subsection (a), includ-
22 ing survey costs, costs related to environmental docu-
23 mentation, and other administrative costs related to the
24 conveyance. If amounts are collected from the City and
25 County of Honolulu in advance of the Secretary incurring

1 the actual costs, and the amount collected exceeds the
2 costs actually incurred by the Secretary to carry out the
3 conveyance, the Secretary shall refund the excess amount,
4 without interest, to the City and County of Honolulu.

5 (2) Amounts received under paragraph (1) shall be
6 credited to the fund or account that was used to cover
7 the costs incurred by the Secretary in carrying out the
8 conveyance. Amounts so credited shall be merged with
9 amounts in such fund or account, and shall be available
10 for the same purposes, and subject to the same conditions
11 and limitations, as amounts in such fund or account.

12 (d) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the property to be conveyed under
14 subsection (a) shall be determined by a survey satisfactory
15 to the Secretary.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary may require such additional terms and condi-
18 tions in connection with the conveyance under subsection
19 (a) as the Secretary considers appropriate to protect the
20 interests of the United States.

21 **SEC. 2828. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.**

22 (a) CONVEYANCE AUTHORIZED.—The Secretary of
23 the Navy may convey, without consideration, to the City
24 of Portsmouth, Virginia (in this section referred to as the
25 “City”), all right, title, and interest of the United States

1 in and to a parcel of real property, including any improve-
2 ments thereon, consisting of approximately 0.49 acres lo-
3 cated at 517 King Street, Portsmouth, Virginia, and
4 known as the “Navy YMCA Building”, for economic revi-
5 talization purposes.

6 (b) CONDITIONS OF CONVEYANCE.—The conveyance
7 under subsection (a) shall be subject to the following con-
8 ditions:

9 (1) That the City accept the real property de-
10 scribed in subsection (a) in its condition at the time
11 of the conveyance, commonly known as conveyance
12 “as is”.

13 (2) That the City bear all costs related to the
14 environmental remediation, use, and redevelopment
15 of the real property.

16 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The
17 Secretary may require the City to cover costs to be in-
18 curred by the Secretary, or to reimburse the Secretary for
19 costs incurred by the Secretary, to carry out the convey-
20 ance under subsection (a), including survey costs, costs re-
21 lated to environmental documentation, and other adminis-
22 trative costs related to the conveyance. If amounts paid
23 to the Secretary in advance exceed the costs actually in-
24 curred by the Secretary to carry out the conveyance, the
25 Secretary shall refund the excess amount to the City.

1 (2) Amounts received under paragraph (1) shall be
2 credited to the fund or account that was used to cover
3 the costs incurred by the Secretary. Amounts so credited
4 shall be merged with amounts in such fund or account,
5 and shall be available for the same purposes, and subject
6 to the same conditions and limitations, as amounts in such
7 fund or account.

8 (d) DESCRIPTION OF PROPERTY.—The exact acreage
9 and legal description of the property to be conveyed under
10 subsection (a) shall be determined by a survey satisfactory
11 to the Secretary.

12 (e) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with the conveyance under subsection
15 (a) as the Secretary considers appropriate to protect the
16 interests of the United States.

17 **SEC. 2829. LAND CONVEYANCE, FORMER GRIFFISS AIR**
18 **FORCE BASE, NEW YORK.**

19 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
20 of the Air Force may convey to the Oneida County Indus-
21 trial Development Agency, New York, the local reuse au-
22 thority for the former Griffiss Air Force Base (in this sec-
23 tion referred to as the “Authority”), all right, title and
24 interest of the United States in and to a parcel of real
25 property consisting of 9.639 acres and including four

1 buildings described in paragraph (2) that were vacated by
2 the Air Force in conjunction with its relocation to the Con-
3 solidated Intelligence and Reconnaissance Laboratory at
4 Air Force Research Laboratory—Rome Research Site,
5 Rome, New York.

6 (2) The buildings described in this paragraph are the
7 buildings located on the real property referred in para-
8 graph (1) as follows:

9 (A) Building 240 (117,323 square feet).

10 (B) Building 247 (13,199 square feet).

11 (C) Building 248 (4,000 square feet).

12 (D) Building 302 (20,577 square feet).

13 (3) The purpose of the conveyance under this sub-
14 section is to permit the Authority to develop the parcel
15 and structures conveyed for economic purposes in a man-
16 ner consistent with the Defense Base Closure and Realign-
17 ment Act of 1990 (part A of title XXIX of Public Law
18 101–510; 10 U.S.C. 2687 note).

19 (b) CONDITION OF CONVEYANCE.—The conveyance
20 under subsection (a) shall be subject to the condition that
21 the Authority accept the real property in its condition at
22 the time of the conveyance, commonly known as convey-
23 ance “as is”.

24 (c) CONSIDERATION.—As consideration for the con-
25 veyance of property under subsection (a), the Authority

1 shall pay the United States an amount equal to the fair
2 market of value, as determined by the Secretary.

3 (d) TREATMENT OF PROCEEDS.—Any consideration
4 received under subsection (c) shall be deposited in the De-
5 partment of Defense Base Closure Account 1990 estab-
6 lished by section 2906 of the Defense Base Closure and
7 Realignment Act of 1990, and shall be available for use
8 in accordance with subsection (b) of such section.

9 (e) DESCRIPTION OF PROPERTY.—The exact acreage
10 and legal description of the real property to be conveyed
11 under subsection (a) shall be determined by a survey satis-
12 factory to the Secretary. The cost of the survey shall be
13 borne by the Authority.

14 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
15 retary may require such additional terms and conditions
16 in connection with the conveyance under subsection (a) as
17 the Secretary considers appropriate to protect the inter-
18 ests of the United States.

19 **Subtitle D—Other Matters**

20 **SEC. 2841. DEPARTMENT OF DEFENSE FOLLOW-ON LAB-** 21 **ORATORY REVITALIZATION DEMONSTRATION** 22 **PROGRAM.**

23 (a) FOLLOW-ON PROGRAM AUTHORIZED.—(1) The
24 Secretary of Defense may carry out a program (to be
25 known as the “Department of Defense Follow-On Labora-

1 tory Revitalization Demonstration Program”) for the revi-
2 talization of Department of Defense laboratories. Under
3 the program, the Secretary may carry out minor military
4 construction projects in accordance with subsection (b)
5 and other applicable law to improve laboratories covered
6 by the program.

7 (2) The program under this section is the successor
8 program to the Department of Defense Laboratory Revi-
9 talization Demonstration Program carried out under sec-
10 tion 2892 of the Military Construction Authorization Act
11 for Fiscal Year 1996 (division B of Public Law 104–106;
12 10 U.S.C. 2805 note).

13 (b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO
14 MINOR CONSTRUCTION PROJECTS.—For purpose of any
15 military construction project carried out under the pro-
16 gram—

17 (1) the amount provided in the second sentence
18 of subsection (a)(1) of section 2805 of title 10,
19 United States Code, shall be deemed to be
20 \$3,000,000;

21 (2) the amount provided in subsection (b)(1) of
22 such section shall be deemed to be \$1,500,000; and

23 (3) the amount provided in subsection (c)(1)(B)
24 of such section shall be deemed to be \$1,000,000.

1 (c) PROGRAM REQUIREMENTS.—(1) Not later than
2 30 days before commencing the program, the Secretary
3 shall—

4 (A) designate the Department laboratories at
5 which construction may be carried out under the
6 program; and

7 (B) establish procedures for the review and ap-
8 proval of requests from Department laboratories to
9 carry out such construction.

10 (2) The laboratories designated under paragraph
11 (1)(A) may not include Department laboratories that are
12 contractor owned.

13 (3) The Secretary shall notify Congress of the De-
14 partment laboratories designated under paragraph (1)(A).

15 (d) REPORT.—Not later than September 30, 2005,
16 the Secretary shall submit to the congressional defense
17 committees a report on the program under this section.
18 The report shall include—

19 (1) a list and description of the construction
20 projects carried out under the program, and of any
21 projects carried out under the program referred to
22 in subsection (a) during the period beginning on Oc-
23 tober 1, 2003, and ending on the date of the enact-
24 ment of this Act, including the location and costs of
25 each such project; and

1 (2) the assessment of the Secretary of the ad-
2 visability of extending or expanding the authority for
3 the program under this section.

4 (e) CONSTRUCTION OF AUTHORITY.—Nothing in this
5 section may be construed to limit any other authority pro-
6 vided by law for any military construction project at a De-
7 partment laboratory covered by the program.

8 (f) DEFINITIONS.—In this section:

9 (1) The term “laboratory” includes—

10 (A) a research, engineering, and develop-
11 ment center;

12 (B) a test and evaluation activity owned,
13 funded, and operated by the Federal Govern-
14 ment through the Department of Defense; and

15 (C) a supporting facility of a laboratory.

16 (2) The term “supporting facility”, with respect
17 to a laboratory, means any building or structure
18 that is used in support of research, development,
19 test, and evaluation at the laboratory.

20 (g) EXPIRATION OF AUTHORITY.—The authority to
21 carry out a project under the program under this section
22 expires on September 30, 2006.

1 **SEC. 2842. JURISDICTION AND UTILIZATION OF FORMER**
2 **PUBLIC DOMAIN LANDS, UMATILLA CHEM-**
3 **ICAL DEPOT, OREGON.**

4 (a) JURISDICTION.—The various parcels of real prop-
5 erty consisting of approximately 8,300 acres and located
6 within the boundaries of Umatilla Chemical Depot, Or-
7 egon, that were previously withdrawn from the public do-
8 main are determined to be no longer suitable for return
9 to the public domain and are hereby transferred to the
10 administrative jurisdiction of the Secretary of the Army.

11 (b) UTILIZATION.—The Secretary shall combine the
12 real property transferred under subsection (a) with other
13 lands and lesser interests comprising the Umatilla Chem-
14 ical Depot for purposes of their management and disposal
15 pursuant to title II of the Defense Authorization Amend-
16 ments and Base Closure and Realignment Act of 1988
17 (Public Law 100–526; 10 U.S.C. 2687 note) and other
18 applicable law.

19 **SEC. 2843. DEVELOPMENT OF HERITAGE CENTER FOR THE**
20 **NATIONAL MUSEUM OF THE UNITED STATES**
21 **ARMY.**

22 (a) AUTHORITY TO ENTER INTO AGREEMENT.—(1)
23 The Secretary of the Army may enter into an agreement
24 with the Army Historical Foundation, a nonprofit organi-
25 zation, for the design, construction, and operation of a fa-
26 cility or group of facilities at Fort Belvoir, Virginia (in

1 this section referred to as the “center”), for the National
2 Museum of the United States Army.

3 (2) The center shall be used for the identification,
4 curation, storage, and public viewing of artifacts and art-
5 work of significance to the United States Army, as agreed
6 to by the Secretary.

7 (3) The center may also be used to support such edu-
8 cation, training, research, and associated purposes as the
9 Secretary considers appropriate.

10 (b) DESIGN AND CONSTRUCTION.—(1) The design of
11 the center shall be subject to the approval of the Sec-
12 retary.

13 (2) For each phase of the development of the center,
14 the Secretary may—

15 (A) accept funds from the Army Historical
16 Foundation for the design and construction of such
17 phase of the center; or

18 (B) permit the Army Historical Foundation to
19 contract for the design and construction of such
20 phase of the center.

21 (c) ACCEPTANCE OF FACILITY.—(1) Upon satisfac-
22 tory completion, as determined by the Secretary, of any
23 phase of the center, and upon the satisfaction of any and
24 all financial obligations incident thereto by the Army His-
25 torical Foundation, the Secretary shall accept such phase

1 of the center from the Army Historical Foundation, and
2 all right, title, and interest in and to such phase of the
3 center shall vest in the United States.

4 (2) Upon becoming property of the United States, a
5 phase of the center accepted under paragraph (1) shall
6 be under the jurisdiction of the Secretary.

7 (d) USE OF CERTAIN GIFTS.—(1) Under regulations
8 prescribed by the Secretary, the Commander of the United
9 States Army Center of Military History may, without re-
10 gard to section 2601 of title 10, United States Code, ac-
11 cept, hold, administer, invest, and spend any gift, devise,
12 or bequest of personal property of a value of \$250,000
13 or less made to the United States if such gift, devise, or
14 bequest is for the benefit of the National Museum of the
15 United States Army or the center.

16 (2) The Secretary may pay or authorize the payment
17 of any reasonable and necessary expense in connection
18 with the conveyance or transfer of a gift, devise, or be-
19 quest under this subsection.

20 (e) LEASE OF FACILITY.—(1) The Secretary may
21 lease, under such terms and conditions as the Secretary
22 considers appropriate for the agreement authorized by
23 subsection (a), portions of the center developed under that
24 subsection to the Army Historical Foundation for use by
25 the public, commercial and nonprofit entities, State and

1 local governments, and other departments and agencies of
2 the Federal Government for use in generating revenue for
3 activities of the center and for such administrative pur-
4 poses as may be necessary for the support of the center.

5 (2) The amount of consideration paid to the Sec-
6 retary by the Army Historical Foundation for a lease
7 under paragraph (1) may not exceed an amount equal to
8 the actual cost, as determined by the Secretary, of the op-
9 erations and maintenance of the center.

10 (3) Notwithstanding any other provision of law, the
11 Secretary shall use amounts paid under paragraph (2) to
12 cover the costs of operation of the center.

13 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
14 retary may require such additional terms and conditions
15 in connection with the agreement authorized by subsection
16 (a) as the Secretary considers appropriate to protect the
17 interests of the United States.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**
8 **Subtitle A—National Security**
9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
11 **TION.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
13 are hereby authorized to be appropriated to the Depart-
14 ment of Energy for fiscal year 2005 for the activities of
15 the National Nuclear Security Administration in carrying
16 out programs necessary for national security in the
17 amount of \$9,165,145,000, to be allocated as follows:

18 (1) For weapons activities, \$6,674,898,000.

19 (2) For defense nuclear nonproliferation activi-
20 ties, \$1,348,647,000.

21 (3) For naval reactors, \$797,900,000.

22 (4) For the Office of the Administrator for Nu-
23 clear Security, \$343,700,000.

24 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
25 From funds referred to in subsection (a) that are available

1 for carrying out plant projects, the Secretary of Energy
2 may carry out new plant projects for weapons activities,
3 as follows:

4 (1) For readiness in technical base and facili-
5 ties:

6 Project 05–D–140, Readiness in Technical
7 Base and Facilities Program (RTBF), project
8 engineering and design (PED), various loca-
9 tions, \$11,600,000.

10 Project 05–D–401, Building 12–64 pro-
11 duction bays upgrade, Pantex Plant, Amarillo,
12 Texas, \$25,000,000.

13 Project 05–D–402, Beryllium Capability
14 (BeC) Project, Y–12 National Security Com-
15 plex, Oak Ridge, Tennessee, \$3,627,000.

16 (2) For facilities and infrastructure recapital-
17 ization:

18 Project 05–D–160, Facilities and Infra-
19 structure Recapitalization Program (FIRP),
20 project engineering and design (PED), various
21 locations, \$8,700,000.

22 Project 05–D–601, compressed air up-
23 grades, Y–12 National Security Complex, Oak
24 Ridge, Tennessee, \$4,400,000.

1 Project 05–D–602, power grid infrastruc-
2 ture upgrade (PGIU), Los Alamos National
3 Laboratory, Los Alamos, New Mexico,
4 \$10,000,000.

5 Project 05–D–603, new master substation,
6 technical areas I and IV, Sandia National Lab-
7 oratories, Albuquerque, New Mexico, \$600,000.

8 (3) For safeguards and security:

9 Project 05–D–170, safeguards and secu-
10 rity, project engineering and design (PED),
11 various locations, \$17,000,000.

12 Project 05–D–701, security perimeter, Los
13 Alamos National Laboratory, Los Alamos, New
14 Mexico, \$20,000,000.

15 (4) For naval reactors:

16 Project 05–N–900, materials development
17 facility building, Schenectady, New York,
18 \$6,200,000.

19 **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
21 are hereby authorized to be appropriated to the Depart-
22 ment of Energy for fiscal year 2005 for environmental
23 management activities in carrying out programs necessary
24 for national security in the amount of \$6,954,402,000, to
25 be allocated as follows:

1 (1) For defense site acceleration completion,
2 \$5,971,932,000.

3 (2) For defense environmental services,
4 \$982,470,000.

5 (b) AUTHORIZATION OF NEW PLANT PROJECT.—
6 From funds referred to in subsection (a)(2) that are avail-
7 able for carrying out plant projects, the Secretary of En-
8 ergy may carry out, for environmental management activi-
9 ties, the following new plant project:

10 Project 05–D–405, salt waste processing facil-
11 ity, Savannah River Site, Aiken, South Carolina,
12 \$52,000,000.

13 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

14 Funds are hereby authorized to be appropriated to
15 the Department of Energy for fiscal year 2005 for other
16 defense activities in carrying out programs necessary for
17 national security in the amount of \$568,096,000.

18 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

19 Funds are hereby authorized to be appropriated to
20 the Department of Energy for fiscal year 2005 for defense
21 nuclear waste disposal for payment to the Nuclear Waste
22 Fund established in section 302(c) of the Nuclear Waste
23 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
24 of \$108,000,000.

1 **Subtitle B—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3111. LIMITATION ON AVAILABILITY OF FUNDS FOR**
5 **MODERN PIT FACILITY.**

6 (a) **LIMITATION.**—Of the amount authorized to be
7 appropriated by section 3101(a)(1) for the National Nu-
8 clear Security Administration for weapons activities and
9 available for the Modern Pit Facility, not more than 50
10 percent of such amount may be obligated or expended
11 until 30 days after the latter of the following:

12 (1) The date of the submittal of the revised nu-
13 clear weapons stockpile plan specified in the joint ex-
14 planatory statement to accompany the report of the
15 Committee on Conference on the bill H.R. 2754 of
16 the 108th Congress.

17 (2) The date on which the Administrator for
18 Nuclear Security submits to the congressional de-
19 fense committees a report setting forth the validated
20 pit production requirements for the Modern Pit Fa-
21 cility.

22 (b) **VALIDATED PIT PRODUCTION REQUIREMENTS.**—

23 (1) The validated pit production requirements in the re-
24 port under subsection (a)(2) shall be established by the

1 Administrator in conjunction with the Chairman of the
2 Nuclear Weapons Council.

3 (2) The validated pit production requirements shall—

4 (A) include specifications regarding the number
5 of pits that will be required to be produced in order
6 to support the weapons that will be retained in the
7 nuclear weapons stockpile, set forth by weapon type
8 and by year; and

9 (B) take into account any surge capacity that
10 may be included in the annual pit production capa-
11 bility.

12 (c) FORM OF REPORT.—The report described in sub-
13 section (a)(2) shall be submitted in unclassified form, but
14 may include a classified annex.

15 **SEC. 3112. LIMITATION ON AVAILABILITY OF FUNDS FOR**
16 **ADVANCED NUCLEAR WEAPONS CONCEPTS**
17 **INITIATIVE.**

18 (a) LIMITATION.—None of the funds authorized to
19 be appropriated by this title may be obligated or expended
20 for purposes of additional or exploratory studies under the
21 Advanced Nuclear Weapons Concepts Initiative until 30
22 days after the date on which the Administrator for Nu-
23 clear Security submits to the congressional defense com-
24 mittees a detailed report on the activities for such studies
25 under the Initiative that are planned for fiscal year 2005.

1 (b) FORM OF REPORT.—The report under subsection
2 (a) shall be submitted in unclassified form, but may in-
3 clude a classified annex.

4 **SEC. 3113. LIMITED AUTHORITY TO CARRY OUT NEW**
5 **PROJECTS UNDER FACILITIES AND INFRA-**
6 **STRUCTURE RECAPITALIZATION PROGRAM**
7 **AFTER PROJECT SELECTION DEADLINE.**

8 (a) LIMITED AUTHORITY TO CARRY OUT NEW
9 PROJECTS.—Section 3114(a) of the National Defense Au-
10 thorization Act for Fiscal Year 2004 (Public Law 108–
11 136; 117 Stat. 1744; 50 U.S.C. 2453 note) is amended—

12 (1) in the subsection caption, by striking
13 “DEADLINE FOR”;

14 (2) in paragraph (2), by striking “No project”
15 and inserting “Except as provided in paragraph (3),
16 no project”; and

17 (3) by adding at the end the following new
18 paragraph:

19 “(3)(A) Subject to the provisions of this paragraph,
20 a project described in subparagraph (B) may be carried
21 out under the Facilities and Infrastructure Recapitaliza-
22 tion Program after December 31, 2004, if the Adminis-
23 trator approves the project. The Administrator may not
24 delegate the authority to approve projects under the pre-
25 ceding sentence.

1 “(B) A project described in this subparagraph is a
2 project that consists of a specific building, facility, or
3 other improvement (including fences, roads, or similar im-
4 provements).

5 “(C) Funds may not be obligated or expended for a
6 project under this paragraph until 60 days after the date
7 on which the Administrator submits to the congressional
8 defense committees a notice on the project, including a
9 description of the project and the nature of the project,
10 a statement explaining why the project was not included
11 in the Facilities and Infrastructure Recapitalization Pro-
12 gram under paragraph (1), and a statement explaining
13 why the project was not included in any other program
14 under the jurisdiction of the Administrator.

15 “(D) The total number of projects that may be car-
16 ried out under this paragraph in any fiscal year may not
17 exceed five projects.

18 “(E) The Administrator may not utilize the authority
19 in this paragraph until 60 days after the later of—

20 “(i) the date of the submittal to the congres-
21 sional defense committees of a list of the projects se-
22 lected for inclusion in the Facilities and Infrastruc-
23 ture Recapitalization Program under paragraph (1);
24 or

1 “(ii) the date of the submittal to the congres-
2 sional defense committees of the report required by
3 subsection (c).

4 “(F) A project may not be carried out under this
5 paragraph unless the project will be completed by Sep-
6 tember 30, 2011.”.

7 (b) CONSTRUCTION OF AUTHORITY.—The amend-
8 ments made by subsection (a) may not be construed to
9 authorize any delay in either of the following:

10 (1) The selection of projects for inclusion in the
11 Facilities and Infrastructure Recapitalization Pro-
12 gram under subsection (a) of section 3114 of the
13 National Defense Authorization Act for Fiscal Year
14 2004.

15 (2) The submittal of the report required by sub-
16 section (c) of such section.

17 **SEC. 3114. MODIFICATION OF MILESTONE AND REPORT RE-**
18 **QUIREMENTS FOR NATIONAL IGNITION FA-**
19 **CILITY.**

20 (a) NOTIFICATION ON MILESTONES TO ACHIEVE IG-
21 NITION.—Subsection (a) of section 3137 of the National
22 Defense Authorization Act for Fiscal Year 2002 (Public
23 Law 107–107; 115 Stat. 1369) is amended by striking
24 “each Level I milestone and Level II milestone for the Na-
25 tional Ignition Facility.” and inserting the following:

1 “each milestone for the National Ignition Facility as fol-
2 lows:

3 “(1) Each Level I milestone.

4 “(2) Each Level II milestone.

5 “(3) Each milestone to achieve ignition.”.

6 (b) REPORT ON FAILURE OF TIMELY ACHIEVEMENT
7 OF MILESTONES.—Subsection (b) of such section is
8 amended by striking “a Level I milestone or Level II mile-
9 stone for the National Ignition Facility” and inserting “a
10 milestone for the National Ignition Facility referred to in
11 subsection (a)”.

12 (c) MILESTONES TO ACHIEVE IGNITION.—Sub-
13 section (c) of such section is amended to read as follows:

14 “(c) MILESTONES.—For purposes of this section:

15 “(1) The Level I and Level II milestones for
16 the National Ignition Facility are as established in
17 the August 2000 revised National Ignition Facility
18 baseline document.

19 “(2) The milestones of the National Ignition
20 Facility to achieve ignition are such milestones
21 (other than the milestones referred to in paragraph
22 (1)) as the Administrator shall establish on any ac-
23 tivities at the National Ignition Facility that are re-
24 quired to enable the National Ignition Facility to

1 achieve ignition and be a fully functioning user facil-
2 ity by December 31, 2011.”.

3 (d) SUBMITTAL TO CONGRESS OF MILESTONES TO
4 ACHIEVE IGNITION.—Not later than January 31, 2005,
5 the Administrator for Nuclear Security shall submit to the
6 congressional defense committees a report setting forth
7 the milestones of the National Ignition Facility to achieve
8 ignition as established by the Administration under sub-
9 section (c)(2) of section 3137 of the National Defense Au-
10 thorization Act for Fiscal Year 2002, as amended by sub-
11 section (c) of this section. The report shall include—

- 12 (1) a description of each milestone established;
13 and
14 (2) a proposal for the funding to be required to
15 meet each such milestone.

16 (e) EXTENSION OF SUNSET.—Subsection (d) of sec-
17 tion 3137 of such Act is amended by striking “September
18 30, 2004” and inserting “December 31, 2011”.

19 **SEC. 3115. MODIFICATION OF SUBMITTAL DATE OF ANNUAL**
20 **PLAN FOR STEWARDSHIP, MANAGEMENT,**
21 **AND CERTIFICATION OF WARHEADS IN THE**
22 **NUCLEAR WEAPONS STOCKPILE.**

23 Section 4203(e) of the Atomic Energy Defense Act
24 (50 U.S.C. 2523(e)) is amended is amended by striking

1 “March 15 of each year thereafter” and inserting “May
2 1 of each year thereafter”.

3 **SEC. 3116. DEFENSE SITE ACCELERATION COMPLETION.**

4 (a) IN GENERAL.—Notwithstanding any other provi-
5 sion of law, with respect to material stored at a Depart-
6 ment of Energy site at which activities are regulated by
7 the State pursuant to approved closure plans or permits
8 issued by the State, high-level radioactive waste does not
9 include radioactive material resulting from the reprocess-
10 ing of spent nuclear fuel that the Secretary of Energy de-
11 termines—

12 (1) does not require permanent isolation in a
13 deep geologic repository for spent fuel or highly ra-
14 dioactive waste pursuant to criteria promulgated by
15 the Department of Energy by rule in consultation
16 with the Nuclear Regulatory Commission;

17 (2) has had highly radioactive radionuclides re-
18 moved to the maximum extent practical in accord-
19 ance with the Nuclear Regulatory Commission-re-
20 viewed criteria; and

21 (3) in the case of material derived from the
22 storage tanks, is disposed of in a facility (including
23 a tank) within the State pursuant to a State-ap-
24 proved closure plan or a State-issued permit, author-

1 ity for the approval or issuance of which is conferred
2 on the State outside of this Act.

3 (b) INAPPLICABILITY TO CERTAIN MATERIALS.—
4 Subsection (a) shall not apply to any material otherwise
5 covered by that subsection that is transported from the
6 State.

7 (c) SCOPE OF AUTHORITY TO CARRY OUT AC-
8 TIONS.—The Department of Energy may implement any
9 action authorized—

10 (1) by a State-approved closure plan or State-
11 issued permit in existence on the date of enactment
12 of this section; or

13 (2) by a closure plan approved by the State or
14 a permit issued by the State during the pendency of
15 the rulemaking provided for in subsection (a).

16 Any such action may be completed pursuant to the terms
17 of the closure plan or the State-issued permit notwith-
18 standing the final criteria adopted by the rulemaking pur-
19 suant to subsection (a).

20 (d) STATE DEFINED.—In this section, the term
21 “State” means the State of South Carolina.

22 **SEC. 3117. ANNUAL REPORT ON EXPENDITURES FOR SAFE-**
23 **GUARDS AND SECURITY.**

24 (a) ANNUAL REPORT REQUIRED.—Subtitle C of title
25 XLVII of the Atomic Energy Defense Act (50 U.S.C.

1 2771 et seq.) is amended by adding at the end the fol-
2 lowing new section:

3 **“SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFE-**
4 **GUARDS AND SECURITY.**

5 “The Secretary of Energy shall submit to Congress
6 each year, in the budget justification materials submitted
7 to Congress in support of the budget of the President for
8 the fiscal year beginning in such year (as submitted under
9 section 1105(a) of title 31, United States Code), the fol-
10 lowing:

11 “(1) A detailed description and accounting of
12 the proposed obligations and expenditures by the
13 Department of Energy for safeguards and security
14 in carrying out programs necessary for the national
15 security for the fiscal year covered by such budget,
16 including any technologies on safeguards and secu-
17 rity proposed to be deployed or implemented during
18 such fiscal year.

19 “(2) With respect to the fiscal year ending in
20 the year before the year in which such budget is sub-
21 mitted, a detailed description and accounting of—

22 “(A) the policy on safeguards and security,
23 including any modifications in such policy
24 adopted or implemented during such fiscal year;

1 (b) COVERED PROGRAMS AND FUNCTIONS.—The
2 programs and functions referred to in this subsection are
3 as follows:

4 (1) The functions and programs of the Office of
5 Counterintelligence of the Department of Energy
6 under section 215 of the Department of Energy Or-
7 ganization Act (42 U.S.C. 7144b).

8 (2) The functions and programs of the Office of
9 Defense Nuclear Counterintelligence of the National
10 Nuclear Security Administration under section 3232
11 of the National Nuclear Security Administration Act
12 (50 U.S.C. 2422), including the counterintelligence
13 programs under section 3233 of that Act (50 U.S.C.
14 2423).

15 (c) ESTABLISHMENT OF POLICY.—The Secretary
16 shall have the responsibility to establish policy for the dis-
17 charge of the counterintelligence programs and functions
18 consolidated within the National Nuclear Security Admin-
19 istration under subsection (a) as provided for under sec-
20 tion 213 of the Department of Energy Organization Act
21 (42 U.S.C. 7144).

22 (d) PRESERVATION OF COUNTERINTELLIGENCE CA-
23 PABILITY.—In consolidating counterintelligence programs
24 and functions within the National Nuclear Security Ad-
25 ministration under subsection (a), the Secretary shall en-

1 sure that the counterintelligence capabilities of the De-
2 partment of Energy and the National Nuclear Security
3 Administration are in no way degraded or compromised.

4 (e) REPORT ON EXERCISE OF AUTHORITY.—In the
5 event the Secretary exercises the authority in subsection
6 (a), the Secretary shall submit to the congressional de-
7 fense committees a report on the exercise of the authority.

8 The report shall include—

9 (1) a description of the manner in which the
10 counterintelligence programs and functions referred
11 to in subsection (b) shall be consolidated within the
12 Office of Defense Nuclear Counterintelligence of the
13 National Nuclear Security Administration and dis-
14 charged by that Office;

15 (2) a notice of the date on which that Office
16 shall commence the discharge of such programs and
17 functions, as so consolidated; and

18 (3) a proposal for such legislative action as the
19 Secretary considers appropriate to effectuate the dis-
20 charge of such programs and functions, as so con-
21 solidated, by that Office.

22 (f) DEADLINE FOR EXERCISE OF AUTHORITY.—The
23 authority in subsection (a) may be exercised, if at all, not
24 later than one year after the date of the enactment of this
25 Act.

1 **SEC. 3119. TREATMENT OF DISPOSITION WASTE FROM RE-**
2 **PROCESSING OF LOW-LEVEL OR TRANS-**
3 **URANIC WASTE.**

4 (a) **IN GENERAL.**—Subject to subsection (c) and ex-
5 cept as provided in subsection (d), of the amount author-
6 ized to be appropriated by section 3102(1) for defense en-
7 vironmental management for defense site acceleration
8 completion, a total of \$350,000,000 shall be available for
9 activities at each site referred to in subsection (b) to sta-
10 bilize, treat, or process for disposition waste from repro-
11 cessing of low-level or transuranic waste.

12 (b) **COVERED SITES.**—The sites referred to in this
13 subsection are as follows:

14 (1) The Idaho National Engineering and Envi-
15 ronmental Laboratory, Idaho.

16 (2) The Savannah River Site, Aiken, South
17 Carolina.

18 (3) The Hanford Site, Richland, Washington.

19 (c) **LIMITATION.**—Amounts referred to in subsection
20 (a) shall be available for activities described in that sub-
21 section at a site referred to in subsection (b) only if the
22 Secretary of Energy certifies to the President and Con-
23 gress that there is adequate certainty of the legality of
24 the disposition pathway contemplated by such activities at
25 such site as to warrant proceeding with such activities at
26 such site.

1 (d) DEADLINE.—If the Secretary has not made a cer-
2 tification described in subsection (e) regarding activities
3 described in subsection (a) at a site referred to in sub-
4 section (b) as of June 1, 2005, any funds referred to in
5 subsection (a) that would otherwise be available for such
6 activities shall no longer be available to the Department
7 of Energy for any purpose as of that date.

8 **SEC. 3120. LOCAL STAKEHOLDER ORGANIZATIONS FOR DE-**
9 **PARTMENT OF ENERGY ENVIRONMENTAL**
10 **MANAGEMENT 2006 CLOSURE SITES.**

11 (a) ESTABLISHMENT.—(1) The Secretary of Energy
12 shall establish for each Department of Energy Environ-
13 mental Management 2006 closure site a local stakeholder
14 organization having the responsibilities set forth in sub-
15 section (c).

16 (2) The local stakeholder organization shall be estab-
17 lished in consultation with interested elected officials of
18 local governments in the vicinity of the closure site con-
19 cerned.

20 (b) COMPOSITION.—A local stakeholder organization
21 for a Department of Energy Environmental Management
22 2006 closure site under subsection (a) shall be composed
23 of such officers and employees of the Department of En-
24 ergy at the closure site as the Secretary considers appro-

1 puate to carry out the responsibilities set forth in sub-
 2 section (c).

3 (c) RESPONSIBILITIES.—A local stakeholder organi-
 4 zation for a Department of Energy Environmental Man-
 5 agement 2006 closure site under subsection (a) shall—

6 (1) solicit and encourage public participation in
 7 appropriate activities relating to the closure of the
 8 site;

9 (2) disseminate information on the closure of
 10 the site to the State government of the State in
 11 which the site is located, local and Tribal govern-
 12 ments in the vicinity of the site, and persons and en-
 13 tities having a stake in the closure of the site; and

14 (3) transmit to appropriate officers and employ-
 15 ees of the Department of Energy questions and con-
 16 cerns of governments, persons, and entities referred
 17 to paragraph (2) on the closure of the site.

18 (d) DEADLINE FOR ESTABLISHMENT.—The local
 19 stakeholder organization for a Department of Energy En-
 20 vironmental Management 2006 closure site shall be estab-
 21 lished not later than six months before the closure of the
 22 site.

23 (e) DEPARTMENT OF ENERGY ENVIRONMENTAL
 24 MANAGEMENT 2006 CLOSURE SITE DEFINED.—In this
 25 section, the term “Department of Energy Environmental

1 Management 2006 closure site” means each clean up site
2 of the Department of Energy scheduled by the Depart-
3 ment as of January 1, 2004, for closure in 2006.

4 **SEC. 3121. REPORT ON MAINTENANCE OF RETIREMENT**
5 **BENEFITS FOR CERTAIN WORKERS AT 2006**
6 **CLOSURE SITES AFTER CLOSURE OF SITES.**

7 (a) REPORT REQUIRED.—Not later than 60 days
8 after the date of the enactment of this Act, the Assistant
9 Secretary of Energy for Environmental Management shall
10 submit to the Secretary of Energy a report on the mainte-
11 nance of retirements benefits for workers at Department
12 of Energy 2006 closure sites after the closure of such
13 sites.

14 (b) ELEMENTS.—The report under subsection (a)
15 shall include the following:

16 (1) The number of workers at Department of
17 Energy 2006 closure sites that could lose retirement
18 benefits as a result of the early closure of such a
19 site.

20 (2) The impact on collective bargaining agree-
21 ments with workers at Department of Energy 2006
22 closure sites of the loss of their retirement benefits
23 as described in paragraph (1).

24 (3) The cost of providing retirement benefits,
25 after the closure of Department of Energy 2006 clo-

1 sure sites, to workers at such sites who would other-
2 wise lose their benefits as described in paragraph (1)
3 after the closure of such sites.

4 (c) TRANSMITTAL TO CONGRESS.—Not later than 30
5 days after receiving the report under subsection (a), the
6 Secretary shall transmit the report to Congress, together
7 with such recommendations, including recommendations
8 for legislative action, as the Secretary considers appro-
9 priate.

10 (d) DEFINITIONS.—In this section:

11 (1) The term “Department of Energy 2006 clo-
12 sure site” means the following:

13 (A) The Rocky Flats Environmental Tech-
14 nology Site, Colorado.

15 (B) The Fernald Plant, Ohio.

16 (C) The Mound Plant, Ohio.

17 (2) The term “worker” means any employee
18 who is employed by contract to perform cleanup, se-
19 curity, or administrative duties or responsibilities at
20 a Department of Energy 2006 closure site.

21 (3) The term “retirement benefits” means
22 health, pension, and any other retirement benefits.

1 **Subtitle C—Proliferation Matters**

2 **SEC. 3131. MODIFICATION OF AUTHORITY TO USE INTER-** 3 **NATIONAL NUCLEAR MATERIALS PROTEC-** 4 **TION AND COOPERATION PROGRAM FUNDS** 5 **OUTSIDE THE FORMER SOVIET UNION.**

6 (a) APPLICABILITY OF AUTHORITY LIMITED TO
7 PROJECTS NOT PREVIOUSLY AUTHORIZED.—Subsection
8 (a) of section 3124 of the National Defense Authorization
9 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
10 1747) is amended by inserting “that has not previously
11 been authorized by Congress” after “states of the former
12 Soviet Union”.

13 (b) REPEAL OF LIMITATION ON TOTAL AMOUNT OF
14 OBLIGATION.—Such section is further amended—

15 (1) by striking subsection (c); and

16 (2) by redesignating subsections (d), (e), and
17 (f) as subsections (c), (d), and (e), respectively.

18 **Subtitle D—Other Matters**

19 **SEC. 3141. INDEMNIFICATION OF DEPARTMENT OF ENERGY** 20 **CONTRACTORS.**

21 Section 170 d.(1)(A) of the Atomic Energy Act of
22 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking
23 “until December 31, 2004” and inserting “until December
24 31, 2006”.

1 **SEC. 3142. TWO-YEAR EXTENSION OF AUTHORITY FOR AP-**
2 **POINTMENT OF CERTAIN SCIENTIFIC, ENGI-**
3 **NEERING, AND TECHNICAL PERSONNEL.**

4 Section 4601(c)(1) of the Atomic Energy Defense Act
5 (50 U.S.C. 2701(c)(1)) is amended by striking “Sep-
6 tember 30, 2004” and inserting “September 30, 2006”.

7 **SEC. 3143. ENHANCEMENT OF ENERGY EMPLOYEES OCCU-**
8 **PATIONAL ILLNESS COMPENSATION PRO-**
9 **GRAM AUTHORITIES.**

10 (a) STATE AGREEMENTS.—Section 3661 of the Floyd
11 D. Spence National Defense Authorization Act for Fiscal
12 Year 2001 (as enacted into law by Public Law 106–394)
13 (42 U.S.C. 7385o) is amended—

14 (1) in subsection (b), by striking “Pursuant to
15 agreements under subsection (a), the” and inserting
16 “The”;

17 (2) in subsection (c), by striking “provided in
18 an agreement under subsection (a), and if”; and

19 (3) in subsection (e), by striking “If provided in
20 an agreement under subsection (a)” and inserting
21 “If a panel has reported a determination under sub-
22 section (d)(5)”.

23 (b) PHYSICIAN PANELS.—Subsection (d) of such sec-
24 tion is amended by striking paragraph (2) and inserting
25 the following new paragraph (2):

1 “(2) The Secretary of Health and Human Services
2 shall, in consultation with the Secretary of Energy, select
3 the individuals to serve as panel members based on experi-
4 ence and competency in diagnosing occupational illnesses.
5 The Secretary shall appoint the individuals so selected as
6 panel members or shall obtain by contract the services of
7 such individuals as panel members.”.

8 **SEC. 3144. SUPPORT FOR PUBLIC EDUCATION IN THE VI-**
9 **CINITY OF LOS ALAMOS NATIONAL LABORA-**
10 **TORY, NEW MEXICO.**

11 (a) SUPPORT THROUGH CURRENT MANAGEMENT
12 AND OPERATIONS CONTRACT.—The Secretary of Energy
13 shall modify applicable provisions of the current manage-
14 ment and operations contract for Los Alamos National
15 Laboratory, New Mexico, to require the contractor under
16 the contract to provide support to the Los Alamos Public
17 School District, New Mexico, for the elementary and sec-
18 ondary education of students by the School District in an
19 amount not to exceed \$8,000,000 in each fiscal year.

20 (b) SUPPORT THROUGH SUCCEEDING MANAGEMENT
21 AND OPERATIONS CONTRACTS.—The Secretary shall en-
22 sure that each management and operations contract for
23 Los Alamos National Laboratory that is entered into on
24 or after the date of the enactment of this Act contains
25 terms requiring the contractor under such contract to pro-

1 vide support to the Los Alamos Public School District for
2 the elementary and secondary education of students by the
3 School District in an amount specified by the Secretary
4 in such contract that is appropriate for purposes of this
5 section.

6 **SEC. 3145. REVIEW OF WASTE ISOLATION PILOT PLANT,**
7 **NEW MEXICO, PURSUANT TO COMPETITIVE**
8 **CONTRACT.**

9 (a) **CONTRACT REQUIREMENT.**—The Secretary of
10 Energy shall use competitive procedures to enter into a
11 contract to conduct independent reviews and evaluations
12 of the design, construction, and operations of the Waste
13 Isolation Pilot Plant in New Mexico (hereafter in this sec-
14 tion referred as the “WIPP”) as they relate to the protec-
15 tion of the public health and safety and the environment.
16 The contract shall be for a period of one year, beginning
17 on October 1, 2004, and shall be renewable for four addi-
18 tional one-year periods with the consent of the contractor
19 and subject to the authorization and appropriation of
20 funds for such purpose.

21 (b) **CONTENT OF CONTRACT.**—A contract entered
22 into under subsection (a) shall require the following:

23 (1) The contractor shall appoint a Director and
24 Deputy Director, who shall be scientists of national
25 eminence in the field of nuclear waste disposal, shall

1 be free from any biases related to the activities of
2 the WIPP, and shall be widely known for their in-
3 tegrity and scientific expertise.

4 (2) The Director shall appoint staff. The pro-
5 fessional staff shall consist of scientists and engi-
6 neers of recognized integrity and scientific expertise
7 who represent scientific and engineering disciplines
8 needed for a thorough review of the WIPP, including
9 disciplines such as geology, hydrology, health phys-
10 ics, environmental engineering, probability risk anal-
11 ysis, mining engineering, and radiation chemistry.
12 The disciplines represented in the staff shall change
13 as may be necessary to meet changed needs in car-
14 rying out the contract for expertise in any certain
15 scientific or engineering discipline. Scientists em-
16 ployed under the contract shall have qualifications
17 and experience equivalent to the qualifications and
18 experience required for scientists employed by the
19 Federal Government in grades GS-13 through GS-
20 15.

21 (3) Scientists employed under the contract shall
22 have an appropriate support staff.

23 (4) The Director and Deputy Director shall
24 each be appointed for a term of 5 years, subject to
25 contract renewal, and may be removed only for mis-

1 conduct or incompetence. The staff shall be ap-
2 pointed for such terms as the Director considers ap-
3 propriate.

4 (5) The rates of pay of professional staff and
5 the procedures for increasing the rates of pay of pro-
6 fessional staff shall be equivalent to those rates and
7 procedures provided for the General Schedule pay
8 system under chapter 53 of title 5, United States
9 Code.

10 (6) The results of reviews and evaluations car-
11 ried out under the contract shall be published.

12 (c) ADMINISTRATION.—The contractor shall establish
13 general policies and guidelines to be used by the Director
14 in carrying out the work under the contract.

15 **SEC. 3146. COMPENSATION OF PAJARITO PLATEAU, NEW**
16 **MEXICO, HOMESTEADERS FOR ACQUISITION**
17 **OF LANDS FOR MANHATTAN PROJECT IN**
18 **WORLD WAR II.**

19 (a) ESTABLISHMENT OF COMPENSATION FUND.—
20 There is established in the Treasury of the United States
21 a fund to be known as the Pajarito Plateau Homesteaders
22 Compensation Fund (in this section referred to as the
23 “Fund”). The Fund shall be dedicated to the settlement
24 of the two lawsuits in the United States District Court

1 for the District of New Mexico consolidated as Civ. No.
2 00–60.

3 (b) ELEMENTS OF FUND.—The Fund shall consist
4 of the following:

5 (1) Amounts available for deposit in the Fund
6 under subsection (j).

7 (2) Interest earned on amounts in the Fund
8 under subsection (g).

9 (c) USE OF FUND.—The Fund shall be available for
10 the settlement of the consolidated lawsuits in accordance
11 with the following requirements:

12 (1) The settlement shall be subject to prelimi-
13 nary and final approval by the Court in accordance
14 with rule 23(e) of the Federal Rules of Civil Proce-
15 dure.

16 (2) Lead Counsel and Counsel for the United
17 States of America shall recommend to the Court rea-
18 sonable procedures by which the claims for monies
19 from the Fund shall be administered, which rec-
20 ommendations shall include mechanisms—

21 (A) to identify class members;

22 (B) to receive claims from class members
23 so identified;

1 (C) to determine in accordance with sub-
2 section (d) eligible claimants from among class
3 members submitting claims; and

4 (D) to resolve contests, if any, among eligi-
5 ble claimants with respect to a particular eligi-
6 ble tract regarding the disbursement of monies
7 in the Fund with respect to such eligible tract.

8 (3) Lead Counsel and Counsel for the United
9 States of America shall provide evidence to the
10 Court to assist the Court in—

11 (A) identifying each class member by name
12 and whereabouts;

13 (B) providing notice of the settlement
14 process for the consolidated lawsuits to each
15 class member so identified; and

16 (C) providing the forms, and describing the
17 procedure, for making claims to each class
18 member so identified.

19 (4) After the provision of notice to class mem-
20 bers under paragraph (3), if, within a time period to
21 be established by the Court, more than 10 percent
22 of the class members submit to the Court written
23 notice of their determination to be excluded from
24 participation in the settlement of the consolidated
25 lawsuits—

1 (A) the Fund shall not serve as the basis
2 for the settlement of the consolidated lawsuits
3 and the provisions of this section shall have no
4 further force or effect; and

5 (B) amounts in the Fund shall not be dis-
6 bursed, but shall be retained in the Treasury as
7 miscellaneous receipts.

8 (5) The Court may award attorney fees and ex-
9 penses from the Fund pursuant to rule 23 of the
10 Federal Rules of Civil Procedure, except that the
11 award of attorney fees may not exceed 20 percent of
12 the Fund and the award of expenses may not exceed
13 2 percent of the Fund. Any attorney fees and ex-
14 penses so paid shall be paid from the Fund before
15 distribution of the amount in the Fund to eligible
16 claimants entitled thereto.

17 (6) The Fund shall be available to pay settle-
18 ment awards in accordance with the following:

19 (A) The balance of the amount of the
20 Fund that is available for disbursement after
21 any award of attorney fees and expenses under
22 paragraph (5) shall be allocated proportionally
23 by eligible tract according to its acreage as
24 compared with all eligible tracts.

1 (B) The allocation for each eligible tract
2 shall be allocated pro rata among all eligible
3 claimants having an interest in such eligible
4 tract according to the extent of their interest in
5 such eligible tract, as determined under the
6 laws of the State of New Mexico.

7 (C) Payments from the Fund under this
8 paragraph shall be made by the Secretary of
9 the Treasury.

10 (7) Any amounts available for disbursement
11 with respect to an eligible tract that are not awarded
12 to eligible claimants with respect to that tract by
13 reason of paragraph (6)(B) shall be retained in the
14 Treasury as miscellaneous receipts.

15 (d) ELIGIBLE CLAIMANTS.—(1) For purposes of this
16 section, an eligible claimant is any class member deter-
17 mined by the Court, by a preponderance of evidence and
18 pursuant to procedures established under subsection
19 (c)(2), to be a person or entity who held a fee simple own-
20 ership in an eligible tract at the time of its acquisition
21 by the United States during World War II for use in the
22 Manhattan Project, or the heir, successor in interest, as-
23 signee, or beneficiary of such a person or entity.

24 (2) The status of a person or entity as an heir, suc-
25 cessor in interest, assignee, or beneficiary for purposes of

1 this subsection shall be determined under the laws of the
2 State of New Mexico, including the descent and distribu-
3 tion law of the State of New Mexico.

4 (e) FULL RESOLUTION OF CLAIMS AGAINST UNITED
5 STATES.—(1) The acceptance of a disbursement from the
6 Fund by an eligible claimant under this section shall con-
7 stitute a final and complete release of the defendants in
8 the consolidated lawsuits with respect to such eligible
9 claimant, and shall be in full satisfaction of any and all
10 claims of such eligible claimant against the United States
11 arising out of acts described in the consolidated lawsuits.

12 (2) Upon the disbursement of the amount in the
13 Fund to eligible claimants entitled thereto under this sec-
14 tion, the Court shall, subject to the provisions of rule 23(e)
15 of the Federal Rules of Civil Procedure, enter a final judg-
16 ment dismissing with prejudice the consolidated lawsuits
17 and all claims and potential claims on matters covered by
18 the consolidated lawsuits.

19 (f) COMPENSATION LIMITED TO AMOUNTS IN
20 FUND.—(1) An eligible claimant may be paid under this
21 section only from amounts in the Fund.

22 (2) Nothing in this section shall authorize the pay-
23 ment to a class member by the United States Government
24 of any amount authorized by this section from any source
25 other than the Fund.

1 (g) INVESTMENT OF FUND.—(1) The Secretary of
2 the Treasury shall, in accordance with the requirements
3 of section 9702 of title 31, United States Code, and the
4 provisions of this subsection, direct the form and manner
5 by which the Fund shall be safeguarded and invested so
6 as to maximize its safety while earning a return com-
7 parable to other common funds in which the United States
8 Treasury is the source of payment.

9 (2) Interest on the amount deposited in the Fund
10 shall accrue from the date of the enactment of the Act
11 appropriating amounts for deposit in the Fund until the
12 date on which the Secretary of the Treasury disburses the
13 amount in the Fund to eligible claimants who are entitled
14 thereto under subsection (c).

15 (h) PRESERVATION OF RECORDS.—(1) All docu-
16 ments, personal testimony, and other records created or
17 received by the Court in the consolidated lawsuits shall
18 be kept and maintained by the Archivist of the United
19 States, who shall preserve such documents, testimony, and
20 records in the National Archives of the United States.

21 (2) The Archivist shall make available to the public
22 the materials kept and maintained under paragraph (1).

23 (i) DEFINITIONS.—In this section:

1 (1) The term “Court” means the United States
2 District Court for the District of New Mexico having
3 jurisdiction over the consolidated lawsuits.

4 (2) The term “consolidated lawsuits” means the
5 two lawsuits in the United States District Court for
6 the District of New Mexico consolidated as Civ. No.
7 00–60.

8 (3)(A) The term “eligible tract” means private
9 real property located on the Pajarito Plateau of
10 what is now Los Alamos County, New Mexico, that
11 was acquired by the United States during World
12 War II for use in the Manhattan Project and which
13 is the subject of the consolidated lawsuits.

14 (B) The term does not include lands of the Los
15 Alamos Ranch School and of the A.M. Ross Estate
16 (doing business as Anchor Ranch).

17 (4) The term “class member” means the fol-
18 lowing:

19 (A) Any person or entity who claims to
20 have held a fee simple ownership in an eligible
21 tract at the time of its acquisition by the
22 United States during World War II for use in
23 the Manhattan Project.

24 (B) Any person or entity claiming to be
25 the heir, successor in interest, assignee, or ben-

1 efficiary of a person or entity who held a fee
 2 simple ownership in an eligible tract at the time
 3 of its acquisition by the United States during
 4 World War II for use in the Manhattan Project.

5 (j) FUNDING.—Of the amount authorized to be ap-
 6 propriated by section 3101(a)(4) for the National Nuclear
 7 Security Administration for the Office of the Adminis-
 8 trator for Nuclear Security, \$10,000,000 shall be available
 9 for deposit in the Fund under subsection (b)(1).

10 **TITLE XXXII—DEFENSE NU-**
 11 **CLEAR FACILITIES SAFETY**
 12 **BOARD**

13 **SEC. 3201. AUTHORIZATION.**

14 There are authorized to be appropriated for fiscal
 15 year 2005, \$21,268,000 for the operation of the Defense
 16 Nuclear Facilities Safety Board under chapter 21 of the
 17 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

18 **TITLE XXXIII—NATIONAL**
 19 **DEFENSE STOCKPILE**

20 **SEC. 3301. DISPOSAL OF FERROMANGANESE.**

21 (a) DISPOSAL AUTHORIZED.—The Secretary of De-
 22 fense may dispose of up to 50,000 tons of ferromanganese
 23 from the National Defense Stockpile during fiscal year
 24 2005.

1 (b) CONTINGENT AUTHORITY FOR ADDITIONAL DIS-
2 POSAL.—After the disposal of ferromanganese authorized
3 by subsection (a)—

4 (1) the Secretary may dispose of up to an addi-
5 tional 25,000 tons of ferromanganese from the Na-
6 tional Defense Stockpile before September 30, 2005;
7 and

8 (2) if the Secretary completes the disposal au-
9 thorized by paragraph (1) before September 30,
10 2005, the Secretary may dispose of up to an addi-
11 tional 25,000 tons of ferromanganese from the Na-
12 tional Defense Stockpile before that date.

13 (c) CERTIFICATION.—The Secretary may dispose of
14 ferromanganese under paragraph (1) or (2) of subsection
15 (b) only if the Secretary, with the concurrence of the Sec-
16 retary of Commerce, certifies to the congressional defense
17 committees not later than 30 days before the commence-
18 ment of disposal under the applicable paragraph that—

19 (1) the disposal of ferromanganese under such
20 paragraph is in the national interest due to extraor-
21 dinary circumstances in markets for
22 ferromanganese;

23 (2) the disposal of ferromanganese under such
24 paragraph will not cause undue harm to domestic
25 manufacturers of ferroalloys; and

1 (2) in paragraph (5), by striking the period at
2 the end and inserting “; and”; and

3 (3) by adding at the end the following new
4 paragraph:

5 “(6) \$870,000,000 by the end of fiscal year
6 2014.”.

Calendar No. 503

108TH CONGRESS
2^D SESSION

S. 2400

[Report No. 108-260]

A BILL

To authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

MAY 11, 2004

Read twice and placed on the calendar