

In the Senate of the United States,

June 4, 2003.

Resolved, That the bill from the House of Representatives (H.R. 1588) entitled “An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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

2 *This Act may be cited as the “National Defense Au-*
3 *thorization Act for Fiscal Year 2004”.*

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

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

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

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

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

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees defined.

**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.

Sec. 105. Defense Inspector General.

Sec. 106. Chemical agents and munitions destruction, Defense.

Sec. 107. Defense health programs.

Sec. 108. Reduction in authorization.

Subtitle B—Army Programs

Sec. 111. CH-47 helicopter program.

Sec. 112. Rapid infusion pumps.

Subtitle C—Navy Programs

Sec. 121. Multiyear procurement authority for Navy programs.

Sec. 122. Pilot program for flexible funding of naval vessel conversions and over-
hauls.

Subtitle D—Air Force Programs

- Sec. 131. Elimination of quantity limitations on multiyear procurement. authority for C-130J aircraft.*
Sec. 132. B-1B Bomber aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.*
Sec. 202. Amount for science and technology.
Sec. 203. Defense Inspector General.
Sec. 204. Defense health programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Prohibition on transfer of certain programs outside the Office of the Secretary of Defense.*
Sec. 212. Objective force indirect fires program.
Sec. 213. Amount for Joint Engineering Data Management Information and Control System
Sec. 214. Human tissue engineering.
Sec. 215. Non-thermal imaging systems.
Sec. 216. Magnetic levitation.
Sec. 217. Composite sail test articles.
Sec. 218. Portable Mobile Emergency Broadband Systems.
Sec. 219. Boron energy cell technology.
Sec. 220. Modification of program element of short range air defense radar program of the Army.
Sec. 221. Amount for network centric operations.

Subtitle C—Ballistic Missile Defense

- Sec. 221. Fielding of ballistic missile defense capabilities.*
Sec. 222. Repeal of requirement for certain program elements for Missile Defense Agency activities.
Sec. 223. Oversight of procurement, performance criteria, and operational test plans for ballistic missile defense programs.
Sec. 224. Renewal of authority to assist local communities impacted by ballistic missile defense system test bed.
Sec. 225. Requirement for specific authorization of Congress for design, development, or deployment of hit-to-kill ballistic missile interceptors.
Sec. 226. Prohibition on use of funds for nuclear armed interceptors in missile defense systems.

Subtitle D—Other Matters

- Sec. 231. Global Research Watch program in the Office of the Director of Defense Research and Engineering.*
Sec. 232. Defense Advanced Research Projects Agency biennial strategic plan.
Sec. 233. Enhancement of authority of Secretary of Defense to support science, mathematics, engineering, and technology education.
Sec. 234. Department of Defense high-speed network-centric and bandwidth expansion program.

- Sec. 235. Department of Defense strategy for management of electromagnetic spectrum.*
- Sec. 236. Amount for Collaborative Information Warfare Network.*
- Sec. 237. Coproduction of Arrow ballistic missile defense system.*

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.*
- Sec. 302. Working capital funds.*
- Sec. 303. Armed Forces Retirement Home.*

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 311. Emergency and morale communications programs.*
- Sec. 312. Commercial imagery industrial base.*
- Sec. 313. Information operations sustainment for land forces readiness of Army Reserve.*
- Sec. 314. Submittal of survey on perchlorate contamination at Department of Defense sites.*

Subtitle C—Environmental Provisions

- Sec. 321. General definitions applicable to facilities and operations.*
- Sec. 322. Military readiness and conservation of protected species.*
- Sec. 323. Arctic and Western Pacific Environmental Technology Cooperation Program.*
- Sec. 324. Participation in wetland mitigation banks in connection with military construction projects.*
- Sec. 325. Extension of authority to use environmental restoration account funds for relocation of a contaminated facility.*
- Sec. 326. Applicability of certain procedural and administrative requirements to restoration advisory boards.*
- Sec. 327. Expansion of authorities on use of vessels stricken from the Naval Vessel Register for experimental purposes.*
- Sec. 328. Transfer of vessels stricken from the Naval Vessel Register for use as artificial reefs.*
- Sec. 329. Salvage facilities.*
- Sec. 330. Task force on resolution of conflict between military training and endangered species protection at Barry M. Goldwater Range, Arizona.*
- Sec. 331. Public health assessment of exposure to perchlorate.*

Subtitle D—Reimbursement Authorities

- Sec. 341. Reimbursement of reserve component military personnel accounts for personnel costs of special operations reserve component personnel engaged in landmines clearance.*
- Sec. 342. Reimbursement of reserve component accounts for costs of intelligence activities support provided by reserve component personnel.*
- Sec. 343. Reimbursement rate for services provided to the Department of State.*

Subtitle E—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 F—Other Matters

- Sec. 361. Sale of Defense Information Systems Agency services to contractors performing the Navy-Marine Corps Intranet contract.*
- Sec. 362. Use of the Defense Modernization Account for life cycle cost reduction initiatives.*
- Sec. 363. Exemption of certain firefighting service contracts from prohibition on contracts for performance of firefighting functions.*
- Sec. 364. Technical amendment relating to termination of Sacramento Army Depot, Sacramento, California.*
- Sec. 365. Exception to competition requirement for workloads previously performed by depot-level activities.*
- Sec. 366. Support for transfers of decommissioned vessels and shipboard equipment.*
- Sec. 367. Aircraft for performance of aerial refueling mission.*
- Sec. 368. Contracting with employers of persons with disabilities.*
- Sec. 369. Repeal of calendar year limitations on use of commissary stores by certain Reserves and others.*

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.*
- Sec. 402. Increased maximum percentage of general and flag officers on active duty authorized to be serving in grades above Brigadier General and Rear Admiral (lower half).*
- Sec. 403. Extension of certain authorities relating to management of numbers of general and flag officers in certain grades.*

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 2004 limitations on non-dual status technicians.*

Subtitle C—Other Matters Relating to Personnel Strengths

- Sec. 421. Revision of personnel strength authorization and accounting process.*
- Sec. 422. Exclusion of recalled retired members from certain strength limitations during period of war or national emergency.*

Subtitle D—Authorization of Appropriations

- Sec. 431. Authorization of appropriations for military personnel.*

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Subtitle A—Officer Personnel Policy

- Sec. 501. Retention of health professions officers to fulfill active duty service obligations following failure of selection for promotion.*
Sec. 502. Eligibility for appointment as Chief of Army Veterinary Corps.

Subtitle B—Reserve Component Personnel Policy

- Sec. 511. Expanded authority for use of Ready Reserve in response to terrorism.*
Sec. 512. Streamlined process for continuing officers on the Reserve Active-status list.
Sec. 513. National Guard officers on active duty in command of National Guard units.

Subtitle C—Revision of Retirement Authorities

- Sec. 521. Permanent authority to reduce three-year time-in-grade requirement for retirement in grade for officers in grades above Major and Lieutenant Commander.*

Subtitle D—Education and Training

- Sec. 531. Increased flexibility for management of senior level education and post-education assignments.*
Sec. 532. Expanded educational assistance authority for cadets and midshipmen receiving ROTC scholarships.
Sec. 533. Eligibility and cost reimbursement requirements for personnel to receive instruction at the Naval Postgraduate School.
Sec. 534. Actions to address sexual misconduct at the service academies.
Sec. 535. Funding of education assistance enlistment incentives to facilitate national service through Department of Defense Education Benefits Fund.

Subtitle E—Military Justice

- Sec. 551. Extended limitation period for prosecution of child abuse cases in courts-martial.*
Sec. 552. Clarification of blood alcohol content limit for the offense under the Uniform Code of Military Justice of drunken operation of a vehicle, aircraft, or vessel.

Subtitle F—Other Matters

- Sec. 561. High-tempo personnel management and allowance.*
Sec. 562. Alternate initial military service obligation for persons accessed under direct entry program.
Sec. 563. Policy on concurrent deployment to combat zones of both military spouses of military families with minor children.
Sec. 564. Enhancement of voting rights of members of the uniformed services.
Sec. 565. Certain travel and transportation allowances for dependents of members of the Amed Frces who have committed dependent abuse.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL
BENEFITS**

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- Sec. 601. Increase in basic pay for fiscal year 2004.*
- Sec. 602. Revised annual pay adjustment process.*
- Sec. 603. Computation of basic pay rate for commissioned officers with prior enlisted or warrant officer service.*
- Sec. 604. Pilot program of monthly subsistence allowance for non-scholarship Senior ROTC members committing to continue ROTC participation as sophomores.*
- Sec. 605. Basic allowance for housing for each member married to another member without dependents when both spouses are on sea duty.*
- Sec. 606. Increased rate 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. Special pay for reserve officers holding positions of unusual responsibility and of critical nature.*
- Sec. 616. Assignment incentive pay for service in Korea.*
- Sec. 617. Increased maximum amount of reenlistment bonus for active members.*
- Sec. 618. Payment of Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.*
- Sec. 619. Increased rate of hostile fire and imminent danger special pay.*
- Sec. 620. Availability of hostile fire and imminent danger special pay for reserve component members on inactive duty.*
- Sec. 621. Expansion of overseas tour extension incentive program to officers.*
- Sec. 622. Eligibility of warrant officers for accession bonus for new officers in critical skills.*
- Sec. 623. Incentive bonus for conversion to military occupational specialty to ease personnel shortage.*

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Shipment of privately owned motor vehicle within continental United States.*
- Sec. 632. Payment or reimbursement of student baggage storage costs for dependent children of members stationed overseas.*
- Sec. 633. Contracts for full replacement value for loss or damage to personal property transported at Government expense.*
- Sec. 634. Transportation of dependents to presence of members of the Armed Forces who are retired for illness or injury incurred in active duty.*

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 641. Special rule for computation of retired pay base for commanders of combatant commands.*

- Sec. 642. Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.*
- Sec. 643. Increase in death gratuity payable with respect to deceased members of the Armed Forces.*
- Sec. 644. Full payment of both retired pay and compensation to disabled military retirees.*

Subtitle E—Other Matters

- Sec. 651. Retention of accumulated leave.*
- Sec. 652. GAO study.*

Subtitle F—Naturalization and Family Protection for Military Members

- Sec. 661. Short title.*
- Sec. 662. Requirements for naturalization through service in the Armed Forces of the United States.*
- Sec. 663. Naturalization benefits for members of the Selected Reserve of the Ready Reserve.*
- Sec. 664. Extension of posthumous benefits to surviving spouses, children, and parents.*
- Sec. 665. Effective date.*

TITLE VII—HEALTH CARE

- Sec. 701. Medical and dental screening for members of Selected Reserve units alerted for mobilization.*
- Sec. 702. TRICARE beneficiary counseling and assistance coordinators for Reserve component beneficiaries.*
- Sec. 703. Extension of authority to enter into personal services contracts for health care services to be performed at locations outside medical treatment facilities.*
- Sec. 704. Department of Defense Medicare-Eligible Retiree Health Care Fund valuations and contributions.*
- Sec. 705. Surveys on continued viability of TRICARE standard.*
- Sec. 706. Elimination of limitation on covered beneficiaries' eligibility to receive health care services from former Public Health Service treatment facilities.*
- Sec. 707. Modification of structure and duties of Department of Veterans Affairs-Department of Defense Health Executive Committee.*
- Sec. 708. Eligibility of reserve officers for health care pending orders to active duty following commissioning.*
- Sec. 709. Reimbursement of covered beneficiaries for certain travel expenses relating to specialized dental care.*

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- Sec. 801. Temporary emergency procurement authority to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.*
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- Sec. 803. Defense acquisition program management for use of radio frequency spectrum.*
- Sec. 804. National Security Agency Modernization Program.*
- Sec. 805. Quality control in procurement of aviation critical safety items and related services.*

Subtitle B—Procurement of Services

- Sec. 811. Expansion and extension of incentive for use of performance-based contracts in procurements of services.*
- Sec. 812. Public-private competitions for the performance of Department of Defense functions.*
- Sec. 813. Authority to enter into personal services contracts.*

Subtitle C—Major Defense Acquisition Programs

- Sec. 821. Certain weapons-related prototype projects.*
- Sec. 822. Applicability of Clinger-Cohen Act policies and requirements to equipment integral to a weapon or weapon system.*
- Sec. 823. Applicability of requirement for reports on maturity of technology at initiation of major defense acquisition programs.*

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- Sec. 832. Inapplicability of Berry amendment to procurements of waste and by-products of cotton and wool fiber for use in the production of propellants and explosives.*
- Sec. 833. Waiver authority for domestic source or content requirements.*
- Sec. 834. Buy American exception for ball bearings and roller bearings used in foreign products.*

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- Sec. 842. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.*
- Sec. 843. Clarification and revision of authority for demonstration project relating to certain acquisition personnel management policies and procedures.*

Subtitle F—Federal Support for Procurement of Anti-Terrorism Technologies and Services by State and Local Governments

- Sec. 851. Application of indemnification authority to State and local government contractors.*
- Sec. 852. Federal support for enhancement of State and local anti-terrorism response capabilities.*
- Sec. 853. Definitions.*

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

- Sec. 861. Limited acquisition authority for Commander of United States Joint Forces Command.*
- Sec. 862. Operational test and evaluation.*

- Sec. 863. Multiyear task and delivery order contracts.*
- Sec. 864. Repeal of requirement for contractor assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by the contractor.*
- Sec. 865. Reestablishment of authority for short-term leases of real or personal property across fiscal years.*
- Sec. 866. consolidation of contract requirements.*

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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- Sec. 903. Standards of conduct for members of the Defense Policy Board and the Defense Science Board.*

Subtitle B—Space Activities

- Sec. 911. Coordination of space science and technology activities of the Department of Defense.*
- Sec. 912. Space personnel cadre.*
- Sec. 913. Policy regarding assured access to space for United States national security payloads.*
- Sec. 914. Pilot program to provide space surveillance network services to entities outside the United States Government.*
- Sec. 915. Content of biennial Global Positioning System report.*

Subtitle C—Other Matters

- Sec. 921. Combatant Commander Initiative Fund.*
- Sec. 922. Authority for the Marine Corps University to award the degree of master of operational studies.*
- Sec. 923. Report on changing roles of United States Special Operations Command.*
- Sec. 924. Integration of Defense intelligence, surveillance, and reconnaissance capabilities.*
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- Sec. 1001. Transfer authority.*
- Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2004.*
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- Sec. 1022. Global strike plan.*
- Sec. 1023. Report on the conduct of Operation Iraqi Freedom.*
- Sec. 1024. Report on mobilization of the reserves.*
- Sec. 1025. Study of beryllium industrial base.*

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- Sec. 1031. Blue forces tracking initiative.*
- Sec. 1032. Loan, donation, or exchange of obsolete or surplus property.*
- Sec. 1033. Acceptance of gifts and donations.*
- Sec. 1034. Provision of living quarters for certain students working at National Security Agency laboratory.*
- Sec. 1035. Protection of operational files of the National Security Agency.*
- Sec. 1036. Transfer of administration of National Security Education Program to Director of Central Intelligence.*
- Sec. 1037. Report on use of unmanned aerial vehicles for support of homeland security missions.*
- Sec. 1038. Conveyance of surplus T-37 aircraft to Air Force Aviation Heritage Foundation, Incorporated.*
- Sec. 1039. Sense of Senate on reward for information leading to resolution of status of members of the Armed Forces who remain missing in action.*
- Sec. 1040. Advanced shipbuilding enterprise.*
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- Sec. 1042. Sense of Senate on deployment of airborne chemical agent monitoring systems at chemical stockpile disposal sites in the united states.*
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- Sec. 1101. Authority to employ civilian faculty members at the Western Hemisphere Institute for Security Cooperation.*
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- Sec. 1203. Check cashing and exchange transactions for foreign personnel in alliance or coalition forces.*

- Sec. 1204. Clarification and extension of authority to provide assistance for international nonproliferation activities.*
- Sec. 1205. Reimbursable costs relating to national security controls on satellite export licensing.*
- Sec. 1206. Annual report on the NATO Prague capabilities commitment and the NATO Response Force.*
- Sec. 1207. Expansion and extension of authority to provide additional support for counter-drug activities.*
- Sec. 1208. Use of funds for unified counterdrug and counterterrorism campaign in Colombia.*
- Sec. 1209. Competitive award of contracts for Iraqi reconstruction.*

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.*
- Sec. 1302. Funding allocations.*
- Sec. 1303. Annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.*
- Sec. 1304. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.*
- Sec. 1305. One-year extension of inapplicability of certain conditions on use of funds for chemical weapons destruction.*

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.*
- Sec. 2102. Family housing.*
- Sec. 2103. Improvements to military family housing units.*
- Sec. 2104. Authorization of appropriations, Army.*
- Sec. 2105. Termination of authority to carry out certain fiscal year 2003 projects.*
- Sec. 2106. Modification of authority to carry out certain fiscal year 2003 projects.*
- Sec. 2107. Modification of authority to carry out certain fiscal year 2002 project.*
- Sec. 2108. Modification of authority to carry out certain fiscal year 2001 project.*

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. Termination of authority to carry out certain fiscal year 2003 project.*

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.*
- Sec. 2304. Authorization of appropriations, Air Force.*
- Sec. 2305. Modification of fiscal year 2003 authority relating to improvement of military family housing units.*

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.*
- Sec. 2402. Family housing.*
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- Sec. 2404. Energy conservation projects.*
- Sec. 2405. Authorization of appropriations, Defense Agencies.*
- Sec. 2406. Modification of authority to carry out certain fiscal year 2003 project.*
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**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
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**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 2001 projects.*
- Sec. 2703. Extension of authorizations of certain fiscal year 2000 projects.*
- Sec. 2704. Effective date.*

TITLE XXVIII—GENERAL PROVISIONS

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Family Housing Changes**

- Sec. 2801. Modification of general definitions relating to military construction.*
- Sec. 2802. Increase in number of family housing units in Italy authorized for lease by the Navy.*

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- Sec. 2811. Increase in threshold for reports to Congress on real property transactions.*
- Sec. 2812. Acceptance of in-kind consideration for easements.*
- Sec. 2813. Expansion to military unaccompanied housing of authority to transfer property at military installations to be closed in exchange for military housing.*
- Sec. 2814. Exemption from screening and use requirements under McKinney-Vento Homeless Assistance Act of Department of Defense property in emergency support of homeland security.*

Subtitle C—Land Conveyances

- Sec. 2821. Transfer of land at Fort Campbell, Kentucky and Tennessee.*
- Sec. 2822. Land conveyance, Fort Knox, Kentucky.*
- Sec. 2823. Land conveyance, Marine Corps Logistics Base, Albany, Georgia.*

- Sec. 2824. Land conveyance, Air Force and Army Exchange Service property, Dallas, Texas.*
- Sec. 2825. Land exchange, Naval and Marine Corps Reserve Center, Portland Oregon.*
- Sec. 2826. Land conveyance, Fort Ritchie, Maryland.*
- Sec. 2827. Feasibility study of conveyance of Louisiana Army Ammunition Plant, Doyline, Louisiana.*

Subtitle D—Review of Overseas Military Facility Structure

- Sec. 2841. Short title.*
- Sec. 2842. Establishment of Commission.*
- Sec. 2843. Duties of Commission.*
- Sec. 2844. Powers of Commission.*
- Sec. 2845. Commission personnel matters.*
- Sec. 2846. Security.*
- Sec. 2847. Termination of Commission.*
- Sec. 2848. Funding.*

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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- Sec. 3101. National Nuclear Security Administration.*
- Sec. 3102. Defense environmental management.*
- Sec. 3103. Other defense activities.*
- Sec. 3104. Defense nuclear waste disposal.*
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Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Repeal of prohibition on research and development of low-yield nuclear weapons.*
- Sec. 3132. Readiness posture for resumption by the United States of underground nuclear weapons tests.*
- Sec. 3133. Technical base and facilities maintenance and recapitalization activities.*
- Sec. 3134. Continuation of processing, treatment, and disposition of legacy nuclear materials.*
- Sec. 3135. Requirement for specific authorization of Congress for commencement of engineering development phase or subsequent phase of robust nuclear earth penetrator.*

Subtitle C—Proliferation Matters

- Sec. 3141. Expansion of International Materials Protection, Control, and Accounting program.*
- Sec. 3142. Semi-annual financial reports on Defense Nuclear Nonproliferation program.*
- Sec. 3143. Report on reduction of excessive uncosted balances for defense nuclear nonproliferation activities.*

Subtitle D—Other Matters

- Sec. 3151. Modification of authorities on Department of Energy personnel security investigations.*
- Sec. 3152. Responsibilities of Environmental Management program and National Nuclear Security Administration of Department of Energy for environmental cleanup, decontamination and decommissioning, and waste management.*
- Sec. 3153. Update of report on stockpile stewardship criteria.*
- Sec. 3154. Progress reports on Energy Employees Occupational Illness Compensation Program.*
- Sec. 3155. Study on the application of technology from the Robust Nuclear Earth Penetrator Program to Conventional Hard and Deeply Buried Target Weapons Development Programs.*

Subtitle E—Consolidation of General Provisions on Department of Energy National Security Programs

- Sec. 3161. Consolidation and assembly of recurring and general provisions on Department of Energy national security programs.*

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.*

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.*

1 ***DIVISION A—DEPARTMENT OF***
2 ***DEFENSE AUTHORIZATIONS***
3 ***TITLE I—PROCUREMENT***
4 ***Subtitle A—Authorization of***
5 ***Appropriations***

6 ***SEC. 101. ARMY.***

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 2004 for procurement for the Army as follows:*

9 (1) *For aircraft, \$2,158,485,000.*

10 (2) *For missiles, \$1,553,462,000.*

11 (3) *For weapons and tracked combat vehicles,*
12 *\$1,658,504,000.*

13 (4) *For ammunition, \$1,363,305,000.*

14 (5) *For other procurement, \$4,266,027,000.*

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

16 (a) *NAVY.—Funds are hereby authorized to be appro-*
17 *priated for fiscal year 2004 for procurement for the Navy*
18 *as follows:*

19 (1) *For aircraft, \$8,996,948,000.*

20 (2) *For weapons, including missiles and tor-*
21 *pedoes, \$2,046,821,000.*

22 (3) *For shipbuilding and conversion,*
23 *\$11,707,984,000.*

24 (4) *For other procurement, \$4,744,443,000.*

1 (b) *MARINE CORPS.*—*Funds are hereby authorized to*
2 *be appropriated for fiscal year 2004 for procurement for*
3 *the Marine Corps in the amount of \$1,089,599,000.*

4 (c) *NAVY AND MARINE CORPS AMMUNITION.*—*Funds*
5 *are hereby authorized to be appropriated for fiscal year*
6 *2004 for procurement of ammunition for the Navy and the*
7 *Marine Corps in the amount of \$924,355,000.*

8 **SEC. 103. AIR FORCE.**

9 *Funds are hereby authorized to be appropriated for fis-*
10 *cal year 2004 for procurement for the Air Force as follows:*

11 (1) *For aircraft, \$12,082,760,000.*

12 (2) *For ammunition, \$1,284,725,000.*

13 (3) *For missiles, \$4,394,439,000.*

14 (4) *For other procurement, \$11,630,659,000.*

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

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal year 2004 for Defense-wide procurement in the amount*
18 *of \$3,884,106,000.*

19 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

20 *Funds are hereby authorized to be appropriated for fis-*
21 *cal year 2004 for procurement for the Inspector General of*
22 *the Department of Defense in the amount of \$2,100,000.*

1 **SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
2 **TION, DEFENSE.**

3 *There is hereby authorized to be appropriated for the*
4 *Office of the Secretary of Defense for fiscal year 2004 the*
5 *amount of \$1,530,261,000 for—*

6 *(1) the destruction of lethal chemical agents and*
7 *munitions in accordance with section 1412 of the De-*
8 *partment of Defense Authorization Act, 1986 (50*
9 *U.S.C. 1521); and*

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

13 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

14 *Funds are hereby authorized to be appropriated for fis-*
15 *cal year 2004 for the Department of Defense for procure-*
16 *ment for carrying out health care programs, projects, and*
17 *activities of the Department of Defense in the total amount*
18 *of \$327,826,000.*

19 **SEC. 108. REDUCTION IN AUTHORIZATION.1**

20 *The total amount authorized to be appropriated under*
21 *section 104 is hereby reduced by \$3,300,000, with*
22 *\$2,100,000 of the reduction to be allocated to Special Oper-*
23 *ations Forces rotary upgrades and \$1,200,000 to be allo-*
24 *cated to Special Operations Forces operational enhance-*
25 *ments.*

1 **Subtitle B—Army Programs**

2 **SEC. 111. CH-47 HELICOPTER PROGRAM.**

3 (a) *REQUIREMENT FOR STUDY.*—*The Secretary of the*
4 *Army shall study the feasibility and the costs and benefits*
5 *of providing for the participation of a second source in the*
6 *production of gears for the helicopter transmissions incor-*
7 *porated into CH-47 helicopters being procured by the Army*
8 *with funds authorized to be appropriated by this Act.*

9 (b) *REPORT.*—*Not later than 90 days after the date*
10 *of the enactment of this Act, the Secretary shall submit a*
11 *report on the results of the study to Congress.*

12 **SEC. 112. RAPID INFUSION PUMPS.**

13 (a) *AVAILABILITY OF FUNDS.*—(1) *Of the amount au-*
14 *thorized to be appropriated by section 101(5) for other pro-*
15 *curement, Army, \$2,000,000 may be available for medical*
16 *equipment for the procurement of rapid infusion (IV)*
17 *pumps.*

18 (2) *The total amount authorized to be appropriated*
19 *under section 101(5) is hereby increased by \$2,000,000.*

20 (b) *OFFSET.*—*Of the amount authorized to be appro-*
21 *priated by section 301(1) for operation and maintenance,*
22 *Army, the amount available is hereby reduced by*
23 *\$2,000,000.*

1 **Subtitle C—Navy Programs**

2 **SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR**
3 **NAVY PROGRAMS.**

4 (a) *AUTHORITY.*—Beginning with the fiscal year 2004
5 program year, the Secretary of the Navy may, in accord-
6 ance with section 2306b of title 10, United States Code,
7 enter into a multiyear contract for procurement for the fol-
8 lowing programs:

9 (1) *The F/A–18 aircraft program.*

10 (2) *The E–2C aircraft program.*

11 (3) *The Tactical Tomahawk Cruise Missile pro-*
12 *gram, subject to subsection (b).*

13 (4) *The Virginia class submarine, subject to sub-*
14 *section (c).*

15 (5) *The Phalanx Close In Weapon System pro-*
16 *gram, Block 1B.*

17 (b) *TACTICAL TOMAHAWK CRUISE MISSILES.*—The
18 Secretary may not enter into a multiyear contract for the
19 procurement of Tactical Tomahawk Cruise Missiles under
20 subsection (a)(3) until the Secretary determines on the basis
21 of operational testing that the Tactical Tomahawk Cruise
22 Missile is effective for fleet use.

23 (c) *VIRGINIA CLASS SUBMARINES.*—Paragraphs
24 (2)(A), (3), and (4) of section 121(b) of the National Defense
25 Authorization Act for Fiscal Year 1998 (Public Law 105–

1 85; 111 Stat. 1648) shall apply in the exercise of authority
 2 to enter into a multiyear contract for the procurement of
 3 Virginia class submarines under subsection (a)(4).

4 **SEC. 122. PILOT PROGRAM FOR FLEXIBLE FUNDING OF**
 5 **NAVAL VESSEL CONVERSIONS AND OVER-**
 6 **HAULS.**

7 (a) *ESTABLISHMENT.*—The Secretary of the Navy may
 8 carry out a pilot program of flexible funding of conversions
 9 and overhauls of cruisers of the Navy in accordance with
 10 this section.

11 (b) *AUTHORITY.*—Under the pilot program the Sec-
 12 retary of the Navy may, subject to subsection (d), transfer
 13 appropriated funds described in subsection (c) to the appro-
 14 priation for the Navy for procurement for shipbuilding and
 15 conversion for any fiscal year to continue to fund any con-
 16 version or overhaul of a cruiser of the Navy that was ini-
 17 tially funded with the appropriation to which transferred.

18 (c) *FUNDS AVAILABLE FOR TRANSFER.*—The appro-
 19 priations available for transfer under this section are the
 20 appropriations to the Navy for any fiscal year after fiscal
 21 year 2003 and before fiscal year 2013 for the following pur-
 22 poses:

23 (1) *For procurement, as follows:*

24 (A) *For shipbuilding and conversion.*

25 (B) *For weapons procurement.*

1 (C) *For other procurement.*

2 (2) *For operation and maintenance.*

3 (d) *LIMITATIONS.—(1) A transfer may be made with*
4 *respect to a cruiser under this section only to meet the fol-*
5 *lowing requirements:*

6 (A) *Any increase in the size of the workload for*
7 *conversion or overhaul to meet existing requirements*
8 *for the cruiser.*

9 (B) *Any new conversion or overhaul requirement*
10 *resulting from a revision of the original baseline con-*
11 *version or overhaul program for the cruiser.*

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

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

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

19 (C) *Each account from which the funds are to be*
20 *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 trans-*
2 *fer for the total cost of the cruiser conversion or over-*
3 *haul program for which the transfer is to be made.*

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

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

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

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

1 ***Subtitle D—Air Force Programs***

2 ***SEC. 131. ELIMINATION OF QUANTITY LIMITATIONS ON***
3 ***MULTIYEAR PROCUREMENT AUTHORITY FOR***
4 ***C-130J AIRCRAFT.***

5 *Section 131(a) of the Bob Stump National Defense Au-*
6 *thorization Act for Fiscal Year 2003 (Public Law 107–314;*
7 *116 Stat. 2475) is amended by striking “up to 40 C-130J*
8 *aircraft in the CC-130J configuration and up to 24 C-*
9 *130J aircraft in the KC-130J configuration” and inserting*
10 *“C-130J aircraft in the CC-130J and KC-130J configura-*
11 *tions”.*

12 ***SEC. 132. B-1B BOMBER AIRCRAFT.***

13 *(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount au-*
14 *thorized to be appropriated under section 103(1),*
15 *\$20,300,000 may be available to reconstitute the fleet of B-*
16 *1B bomber aircraft through modifications of 23 B-1B*
17 *bomber aircraft otherwise scheduled to be retired in fiscal*
18 *year 2003 that extend the service life of such aircraft and*
19 *maintain or, as necessary, improve the capabilities of such*
20 *aircraft for mission performance.*

21 *(2) The Secretary of the Air Force shall submit to the*
22 *congressional defense committees a report that specifies the*
23 *amounts necessary to be included in the future-years defense*
24 *program to reconstitute the B-1B bomber aircraft fleet of*
25 *the Air Force.*

1 (b) *ADJUSTMENT.*—(1) *The total amount authorized to*
2 *be appropriated under section 103(1) is hereby increased*
3 *by \$20,300,000.*

4 (2) *The total amount authorized to be appropriated*
5 *under section 104 is hereby reduced by \$20,300,000, with*
6 *the amount of the reduction to be allocated to Special Oper-*
7 *ations Forces operational enhancements.*

8 **TITLE II—RESEARCH, DEVELOP-**
9 **MENT, TEST, AND EVALUA-**
10 **TION**

11 **Subtitle A—Authorization of**
12 **Appropriations**

13 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

14 *Funds are hereby authorized to be appropriated for fis-*
15 *cal year 2004 for the use of the Department of Defense for*
16 *research, development, test, and evaluation as follows:*

17 (1) *For the Army, \$9,012,500,000.*

18 (2) *For the Navy, \$14,590,284,000.*

19 (3) *For the Air Force, \$20,382,407,000.*

20 (4) *For Defense-wide activities, \$19,135,679,000,*
21 *of which \$286,661,000 is authorized for the Director*
22 *of Operational Test and Evaluation.*

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

2 (a) *AMOUNT FOR PROJECTS.*—Of the total amount au-
3 thorized to be appropriated by section 201, \$10,705,561,000
4 shall be available for science and technology projects.

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

10 **SEC. 203. DEFENSE INSPECTOR GENERAL.**

11 *Funds are hereby authorized to be appropriated for fis-*
12 *cal year 2004 for research, development, test, and evalua-*
13 *tion for the Inspector General of the Department of Defense*
14 *in the amount of \$300,000.*

15 **SEC. 204. DEFENSE HEALTH PROGRAMS.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal year 2004 for the Department of Defense for research,*
18 *development, test, and evaluation for carrying out health*
19 *care programs, projects, and activities of the Department*
20 *of Defense in the total amount of \$65,796,000.*

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

3 ***SEC. 211. PROHIBITION ON TRANSFER OF CERTAIN PRO-***
4 ***GRAMS OUTSIDE THE OFFICE OF THE SEC-***
5 ***RETARY OF DEFENSE.***

6 *The Secretary of Defense may not designate any offi-*
7 *cial outside the Office of the Secretary of Defense to exercise*
8 *authority for programming or budgeting for any of the fol-*
9 *lowing programs:*

10 (1) *Explosive demilitarization technology (pro-*
11 *gram element 0603104D8Z).*

12 (2) *High energy laser research initiative (pro-*
13 *gram element 0601108D8Z).*

14 (3) *High energy laser research (program element*
15 *0602890D8Z).*

16 (4) *High energy laser advanced development*
17 *(program element 0603924D8Z).*

18 (5) *University research initiative (program ele-*
19 *ment 0601103D8Z).*

20 ***SEC. 212. OBJECTIVE FORCE INDIRECT FIRES PROGRAM.***

21 (a) *DISTINCT PROGRAM ELEMENT.—The Secretary of*
22 *Defense shall ensure that, not later than October 1, 2003,*
23 *the Objective Force Indirect Fires Program is being*
24 *planned, programmed, and budgeted for as a distinct pro-*
25 *gram element and that funds available for such program*

1 *are being administered consistent with the budgetary status*
2 *of the program as a distinct program element.*

3 (b) *PROHIBITION.*—*Effective on October 1, 2003, the*
4 *Objective Force Indirect Fires Program may not be*
5 *planned, programmed, and budgeted for, and funds avail-*
6 *able for such program may not be administered, in one pro-*
7 *gram element in combination with the Armored Systems*
8 *Modernization program.*

9 (c) *CERTIFICATION REQUIREMENT.*—*At the same time*
10 *that the President submits the budget for fiscal year 2005*
11 *to Congress under section 1105(a) of title 31, United States*
12 *Code, the Secretary of Defense shall submit to the Commit-*
13 *tees on Armed Services of the Senate and the House of Rep-*
14 *resentatives a written certification that the Objective Force*
15 *Indirect Fires Program is being planned, programmed, and*
16 *budgeted for, and funds available for such program are*
17 *being administered, in accordance with the requirement in*
18 *subsection (a) and the prohibition in subsection (b).*

19 **SEC. 213. AMOUNT FOR JOINT ENGINEERING DATA MAN-**
20 **AGEMENT INFORMATION AND CONTROL SYS-**
21 **TEM.**

22 (a) *NAVY RDT&E.*—*The amount authorized to be ap-*
23 *propriated under section 201(2) is hereby increased by*
24 *\$2,500,000. Such amount may be available for the Joint*

1 *Engineering Data Management Information and Control*
2 *System (JEDMICS).*

3 (b) *NAVY PROCUREMENT.*—*The amount authorized to*
4 *be appropriated under section 102(a)(4) is hereby reduced*
5 *by \$2,500,000, to be derived from the amount provided for*
6 *the Joint Engineering Data Management Information and*
7 *Control System (JEDMICS).*

8 **SEC. 214. HUMAN TISSUE ENGINEERING.**

9 (a) *AMOUNT.*—*Of the amount authorized to be appro-*
10 *priated under section 201(1), \$1,700,000 may be available*
11 *in PE 0602787 for human tissue engineering. The total*
12 *amount authorized to be appropriated under section 201(1)*
13 *is hereby increased by \$1,700,000.*

14 (b) *OFFSETS.*—*Of the amount authorized to be appro-*
15 *priated under section 301(4) for Operations and Mainte-*
16 *nance, Air Force is hereby reduced by \$1,700,000.*

17 **SEC. 215. NON-THERMAL IMAGING SYSTEMS.**

18 (a) *AVAILABILITY OF FUNDS.*—*Of the amount author-*
19 *ized to be appropriated by section 201(2) for research, devel-*
20 *opment, test, and evaluation for the Navy and available for*
21 *Power Projection Applied Research (PE 602114N),*
22 *\$2,000,000 may be available for research and development*
23 *of non-thermal imaging systems. The total amount author-*
24 *ized to be appropriated under section 201(2) is hereby in-*
25 *creased by \$2,000,000*

1 (b) *OFFSETS.*—*The amount authorized to be appro-*
2 *priated by section 301(4) for Operation and Maintenance,*
3 *Air Force is hereby reduced by \$1,000,000 and the amount*
4 *authorized to be appropriated by section 104 for Defense-*
5 *wide activities, is hereby reduced by \$1,000,000 for Special*
6 *Operations Forces rotary wing upgrades.*

7 **SEC. 216. MAGNETIC LEVITATION.**

8 (a) *INCREASE IN AUTHORIZATION OF APPROPRIA-*
9 *TIONS.*—*The amount authorized to be appropriated by sec-*
10 *tion 201(3) for research, development, test, and evaluation*
11 *for the Air Force is hereby increased by \$2,100,000, with*
12 *the amount of the increase to be allocated to Major Test*
13 *and Evaluation Investment (PE 0604759F).*

14 (b) *AVAILABILITY.*—(1) *Of the amount authorized to*
15 *be appropriated by section 201(3) for research, development,*
16 *test, and evaluation for the Air Force and available for*
17 *Major Test and Evaluation Investment, as increased by*
18 *subsection (a), \$2,100,000 may be available for research and*
19 *development on magnetic levitation technologies at the high*
20 *speed test track at Holloman Air Force Base, New Mexico.*

21 (2) *The amount available under paragraph (1) for the*
22 *purpose specified in that paragraph is in addition to any*
23 *other amounts available under this Act for that purpose.*

1 (c) *OFFSET.*—*The amount authorized to be appro-*
2 *priated by section 301(4) for Operation and Maintenance,*
3 *Air Force, is hereby reduced by \$2,100,000.*

4 **SEC. 217. COMPOSITE SAIL TEST ARTICLES.**

5 (a) *AVAILABILITY OF FUNDS.*—*The total amount au-*
6 *thorized to be appropriated under section 201(2) for Vir-*
7 *ginia-class submarine development, may be increased by*
8 *\$2,000,000 for the development and fabrication of composite*
9 *sail test articles for incorporation into designs for future*
10 *submarines.*

11 (b) *OFFSET.*—*The amount authorized to be appro-*
12 *priated under section 104 may be reduced by \$2,000,000,*
13 *to be derived from the amount provided for Special Oper-*
14 *ations Forces operational enhancements.*

15 **SEC. 218. PORTABLE MOBILE EMERGENCY BROADBAND SYS-**
16 **TEMS.**

17 (a) *AVAILABILITY OF FUNDS.*—(1) *Of the amount au-*
18 *thorized to be appropriated by section 201(1) for research,*
19 *development, test, and evaluation for the Army, \$2,000,000*
20 *may be available for the development of Portable Mobile*
21 *Emergency Broadband Systems (MEBS).*

22 (2) *The total amount authorized to be appropriated*
23 *under section 201(1) is hereby increased by \$2,000,000.*

24 (b) *OFFSET.*—*The amount authorized to be appro-*
25 *priated by section 104 for procurement, Defense-wide ac-*

1 *tivities, Special Operations Forces operational enhance-*
2 *ments is hereby reduced by \$2,000,000.*

3 **SEC. 219. BORON ENERGY CELL TECHNOLOGY.**

4 *(a) INCREASE IN RDT&E, AIR FORCE.—The amount*
5 *authorized to be appropriated by section 201(3) for re-*
6 *search, development, test, and evaluation for the Air Force*
7 *is hereby increased by \$5,000,000.*

8 *(b) AVAILABILITY FOR BORON ENERGY CELL TECH-*
9 *NOLOGY.—(1) of the amount authorized to be appropriated*
10 *by section 201(3) for research, development, test, and eval-*
11 *uation for the Air Force, as increased by subsection (a),*
12 *\$5,000,000 may be available for research, development, test,*
13 *and evaluation on boron energy cell technology.*

14 *(2) The amount available under paragraph (1) for the*
15 *purpose specified in that paragraph is in addition to any*
16 *other amounts available under this Act for that purpose.*

17 *(c) OFFSET FROM OPERATION AND MAINTENANCE,*
18 *ARMY.—The amount authorized to be appropriated by sec-*
19 *tion 301(1), for operation and maintenance for the Army*
20 *is hereby reduced by \$5,000,000.*

21 **SEC. 220. MODIFICATION OF PROGRAM ELEMENT OF**
22 **SHORT RANGE AIR DEFENSE RADAR PRO-**
23 **GRAM OF THE ARMY.**

24 *The program element of the short range air defense*
25 *radar program of the Army may be modified from Program*

1 *Element 602303A (Missile Technology) to Program Element*
 2 *603772A (Advanced Tactical Computer Science and Sensor*
 3 *Technology).*

4 **SEC. 221. AMOUNT FOR NETWORK CENTRIC OPERATIONS.**

5 *Of the amount authorized to be appropriated under*
 6 *section 201(1) for historically Black colleges and univer-*
 7 *sities, \$1,000,000 may be used for funding the initiation*
 8 *of a capability in such institutions to support the network*
 9 *centric operations of the Department of Defense.*

10 ***Subtitle C—Ballistic Missile***
 11 ***Defense***

12 **SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**
 13 ***BILITIES.***

14 *Funds authorized to be appropriated under section*
 15 *201(4) for the Missile Defense Agency may be used for the*
 16 *development and fielding of an initial set of ballistic missile*
 17 *defense capabilities.*

18 **SEC. 222. REPEAL OF REQUIREMENT FOR CERTAIN PRO-**
 19 ***GRAM ELEMENTS FOR MISSILE DEFENSE***
 20 ***AGENCY ACTIVITIES.***

21 *Section 223 of title 10, United States Code is*
 22 *amended—*

23 *(1) by striking subsection (a);*

24 *(2) by redesignating subsections (b) and (c) as*
 25 *subsections (a) and (b), respectively; and*

1 (3) in subsection (b), as so redesignated, by strik-
2 ing “specified in subsection (a)”.

3 **SEC. 223. OVERSIGHT OF PROCUREMENT, PERFORMANCE**
4 **CRITERIA, AND OPERATIONAL TEST PLANS**
5 **FOR BALLISTIC MISSILE DEFENSE PRO-**
6 **GRAMS.**

7 (a) *PROCUREMENT*.—(1) Chapter 9 of title 10, United
8 States Code, is amended by inserting after section 223 the
9 following new section:

10 **“§223a. Ballistic missile defense programs: procure-**
11 **ment**

12 “(a) *BUDGET JUSTIFICATION MATERIALS*.—(1) In the
13 budget justification materials submitted to Congress in sup-
14 port of the Department of Defense budget for any fiscal year
15 (as submitted with the budget of the President under section
16 1105(a) of title 31), the Secretary of Defense shall specify,
17 for each ballistic missile defense system element, the fol-
18 lowing information:

19 “(A) For each ballistic missile defense element
20 for which the Missile Defense Agency is engaged in
21 planning for production and initial fielding, the fol-
22 lowing information:

23 “(i) The production rate capabilities of the
24 production facilities planned to be used.

1 “(ii) The potential date of availability of
2 the element for initial fielding.

3 “(iii) The expected costs of the initial pro-
4 duction and fielding planned for the element.

5 “(iv) The estimated date on which the ad-
6 ministration of the acquisition of the element is
7 to be transferred to the Secretary of a military
8 department.

9 “(B) The performance criteria prescribed under
10 subsection (b).

11 “(2) The information provided under paragraph (1)
12 shall be submitted in an unclassified form, but may include
13 a classified annex as necessary.

14 “(b) *PERFORMANCE CRITERIA.*—(1) The Director of
15 the Missile Defense Agency shall prescribe measurable per-
16 formance criteria for all planned development phases
17 (known as “blocks”) of the ballistic missile defense system
18 and each of its elements. The performance criteria may be
19 updated as necessary while the program and any follow-
20 on program remain in development.

21 “(2) The performance criteria prescribed for a block
22 under paragraph (1) shall include one or more criteria that
23 specifically describe, in relation to that block, the intended
24 effectiveness against foreign adversary capabilities, includ-

1 *ing a description of countermeasures, for which the system*
2 *is being designed as a defense.*

3 “(c) *OPERATIONAL TEST PLANS.—The Director of*
4 *Operational Test and Evaluation, in consultation with the*
5 *Director of the Missile Defense Agency, shall establish and*
6 *approve for each ballistic missile defense system element ap-*
7 *propriate plans and schedules for operational testing. The*
8 *test plans shall include an estimate of when successful per-*
9 *formance of the element in accordance with each perform-*
10 *ance criterion is to be verified by operational testing. The*
11 *test plans for a program may be updated as necessary while*
12 *the program and any follow-on program remain in develop-*
13 *ment.*

14 “(d) *ANNUAL TESTING PROGRESS.— The annual re-*
15 *port of the Director of Operational Test and Evaluation*
16 *required under section 232(h) of the National Defense Au-*
17 *thorization Act for Fiscal Year 2002 (Public Law 107–107;*
18 *10 U.S.C. 2431 note) shall include the following:*

19 “(1) *The test plans established under subsection*
20 *(c); and*

21 “(2) *An assessment of the progress being made*
22 *toward verifying through operational testing the per-*
23 *formance of the system under a missile defense system*
24 *program as measured by the performance criteria*
25 *prescribed for the program under subsection (b).*

1 “(e) *FUTURE-YEARS DEFENSE PROGRAM.*—*The fu-*
 2 *ture-years defense program submitted to Congress each year*
 3 *under section 221 of this title shall include an estimate of*
 4 *the amount necessary for procurement for each ballistic*
 5 *missile defense system element, together with a discussion*
 6 *of the underlying factors and reasoning justifying the esti-*
 7 *mate.”.*

8 (2) *The table of contents at the beginning of such chap-*
 9 *ter 9 is amended by inserting after the item relating to sec-*
 10 *tion 223 the following new item:*

 “223a. *Ballistic missile defense programs: procurement.*”.

11 (b) *EXCEPTION FOR FIRST ASSESSMENT.*—*The first*
 12 *assessment required under subsection (d) of section 223a of*
 13 *title 10, United States Code (as added by subsection (a)),*
 14 *shall be an interim assessment submitted to the Committees*
 15 *on Armed Services of the Senate and the House of Rep-*
 16 *resentatives not later than July 31, 2004.*

17 **SEC. 224. RENEWAL OF AUTHORITY TO ASSIST LOCAL COM-**
 18 **MUNITIES IMPACTED BY BALLISTIC MISSILE**
 19 **DEFENSE SYSTEM TEST BED.**

20 *Section 235(b) of the National Defense Authorization*
 21 *Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat.*
 22 *1041) is amended—*

23 (1) *in paragraph (1), by inserting “, 2004, 2005,*
 24 *or 2006” after “for fiscal year 2002”; and*

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

3 “(3) *In the budget justification materials for the De-*
4 *partment of Defense that the Secretary of Defense submits*
5 *to Congress in connection with the submission of the budget*
6 *for fiscal year 2004, the budget for fiscal year 2005, and*
7 *the budget for fiscal year 2006 under section 1105(a) of title*
8 *31, United States Code, the Secretary shall include a de-*
9 *scription of the community assistance projects that are to*
10 *be supported in such fiscal year under this subsection and*
11 *an estimate of the total cost of each such project.”.*

12 **SEC. 225. REQUIREMENT FOR SPECIFIC AUTHORIZATION OF**
13 **CONGRESS FOR DESIGN, DEVELOPMENT, OR**
14 **DEPLOYMENT OF HIT-TO-KILL BALLISTIC MIS-**
15 **SILE INTERCEPTORS.**

16 (a) *No amount authorized to be appropriated by this*
17 *Act for research, development, test, and evaluation, Defense-*
18 *wide, and available for Ballistic Missile Defense System*
19 *Interceptors (PE 060886C), may be obligated or expended*
20 *to design, develop, or deploy hit-to-kill interceptors or other*
21 *weapons for placement in space unless specifically author-*
22 *ized by Congress.*

23 (b) *Of the amounts authorized to be appropriated for*
24 *fiscal year 2004 for Ballistic Missile Defense System Inter-*

1 ceptors, \$14,000,000 is available for research and concept
 2 definition for the space based test bed.

3 **SEC. 226. PROHIBITION ON USE OF FUNDS FOR NUCLEAR**
 4 **ARMED INTERCEPTORS IN MISSILE DEFENSE**
 5 **SYSTEMS.**

6 *No funds authorized to be appropriated for the Depart-*
 7 *ment of Defense by this Act may be obligated or expended*
 8 *for research, development, test, and evaluation, procure-*
 9 *ment, or deployment of nuclear armed interceptors in a*
 10 *missile defense system.*

11 ***Subtitle D—Other Matters***

12 **SEC. 231. GLOBAL RESEARCH WATCH PROGRAM IN THE OF-**
 13 **FICE OF THE DIRECTOR OF DEFENSE RE-**
 14 **SEARCH AND ENGINEERING.**

15 *Section 139a of title 10, United States Code, is amend-*
 16 *ed by adding at the end the following new subsection:*

17 *“(c)(1) The Director shall carry out a Global Research*
 18 *Watch program.*

19 *“(2) The goals of the program are as follows:*

20 *“(A) To monitor and analyze the basic and ap-*
 21 *plied research activities and capabilities of foreign*
 22 *nations in areas of military interest, including allies*
 23 *and competitors.*

24 *“(B) To provide standards for comparison and*
 25 *comparative analysis of research capabilities of for-*

1 *eign nations in relation to the research capabilities of*
2 *the United States.*

3 *“(C) To assist Congress and Department of De-*
4 *fense officials in making investment decisions for re-*
5 *search in technical areas where the United States*
6 *may not be the global leader.*

7 *“(D) To identify areas where significant oppor-*
8 *tunities for cooperative research may exist.*

9 *“(E) To coordinate and promote the inter-*
10 *national cooperative research and analysis activities*
11 *of each of the armed forces and Defense Agencies.*

12 *“(F) To establish and maintain an electronic*
13 *database on international research capabilities, com-*
14 *parative assessments of capabilities, cooperative re-*
15 *search opportunities, and ongoing cooperative pro-*
16 *grams.*

17 *“(3) The program shall be focused on research and*
18 *technologies at a technical maturity level equivalent to De-*
19 *partment of Defense basic and applied research programs.*

20 *“(4) The Director shall coordinate the program with*
21 *the international cooperation and analysis activities of the*
22 *military departments and Defense Agencies.*

23 *“(5) Information in electronic databases of the Global*
24 *Research Watch program shall be maintained in unclassi-*

1 *fied form and, as determined necessary by the Director, in*
2 *classified form in such databases.”.*

3 **SEC. 232. DEFENSE ADVANCED RESEARCH PROJECTS AGEN-**
4 **CY BIENNIAL STRATEGIC PLAN.**

5 *(a) REQUIREMENT FOR PLAN.—(1) Subchapter II of*
6 *chapter 8 of title 10, United States Code, is amended by*
7 *inserting after section 201 the following new section:*

8 **“§202. Defense Advanced Research Projects Agency:**
9 ***biennial strategic plan***

10 **“(a) REQUIREMENT FOR STRATEGIC PLAN.—(1)**
11 *Every other year, and in time for submission to Congress*
12 *under subsection (b), the Director of the Defense Advanced*
13 *Research Projects Agency shall prepare a strategic plan for*
14 *the activities of the agency.*

15 **“(2) The strategic plan shall include the following mat-**
16 *ters:*

17 **“(A) The long-term strategic goals of the agency.**

18 **“(B) Identification of the research programs that**
19 ***support—***

20 **“(i) achievement of the strategic goals; and**

21 **“(ii) exploitation of opportunities that hold**
22 ***the potential for yielding significant military***
23 ***benefits.***

1 “(C) *The connection of agency activities and*
2 *programs to activities and missions of the armed*
3 *forces.*

4 “(D) *A technology transition strategy for agency*
5 *programs.*

6 “(E) *An assessment of agency policies on the*
7 *management, organization, and personnel of the agen-*
8 *cy.*

9 “(b) *SUBMISSION OF PLAN TO CONGRESS.—The Sec-*
10 *retary of Defense shall submit the latest biennial strategic*
11 *plan of the Defense Advanced Research Projects Agency to*
12 *Congress at the same time that the President submits the*
13 *budget for an even-numbered year to Congress under section*
14 *1105(a) of title 31.*

15 “(c) *REVIEW PANEL.—(1) The Secretary of Defense*
16 *shall establish a panel to advise the Director of the Defense*
17 *Research Projects Agency on the preparation, content, and*
18 *execution of the biennial strategic plan.*

19 “(2) *The panel shall be composed of members ap-*
20 *pointed by the Secretary of Defense from among persons*
21 *who are experienced and knowledgeable in research activi-*
22 *ties of potential military value, as follows:*

23 “(A) *The principal staff assistant to the Director*
24 *of the Defense Advanced Research Projects Agency,*
25 *who shall serve as chairman of the panel.*

1 “(B) *Three senior officers of the armed forces.*

2 “(C) *Three persons who are representative of—*

3 *“(i) private industry;*

4 *“(ii) academia; and*

5 *“(iii) federally funded research and develop-*

6 *ment centers or similar nongovernmental organi-*

7 *zations.*

8 “(3) *The members appointed under subparagraphs (B)*

9 *and (C) of paragraph (2) shall be appointed for a term*

10 *of two years. The members may be reappointed, except that*

11 *every two years the Secretary of Defense shall appoint a*

12 *replacement for at least one of the members appointed under*

13 *such subparagraph (B) and a replacement for at least one*

14 *of the members appointed under such subparagraph (C).*

15 *Any vacancy in the membership of the panel shall be filled*

16 *in the same manner as the original appointment.*

17 “(4) *The panel shall meet at the call of the Chairman.*

18 “(5) *The panel shall provide the Director of the Defense*

19 *Advanced Research Projects Agency with the following sup-*

20 *port:*

21 “(A) *Objective advice on—*

22 *“(i) the strategic plan; and*

23 *“(ii) the appropriate mix of agency sup-*

24 *ported research activities in technologies, includ-*

25 *ing system-level technologies, to address new and*

1 *evolving national security requirements and in-*
2 *terests, and to fulfill the technology development*
3 *mission of the agency.*

4 “(B) *An assessment of the extent to which the*
5 *agency is successful in—*

6 “(i) *supporting missions of the armed*
7 *forces; and*

8 “(ii) *achieving the transition of technologies*
9 *into acquisition programs of the military de-*
10 *partments.*

11 “(C) *An assessment of agency policies on the*
12 *management, organization, and personnel of the agen-*
13 *cy, together with recommended modifications of such*
14 *policies that could improve the mission performance*
15 *of the agency.*

16 “(D) *Final approval of the biennial strategic*
17 *plan.*

18 “(6) *Members of the panel who are not officers or em-*
19 *ployees of the United States shall serve without pay by rea-*
20 *son of their work on the panel, and their services as mem-*
21 *bers may be accepted without regard to section 1342 of title*
22 *31. However, such members shall be allowed travel expenses,*
23 *including per diem in lieu of subsistence, at rates author-*
24 *ized for employees of agencies under subchapter I of chapter*

1 57 of title 5 while away from their homes or regular places
2 of business in the performance of services for the panel.

3 “(7) *The Federal Advisory Committee Act (5 U.S.C.*
4 *App.) shall not apply to the panel.*”.

5 (2) *The table of sections at the beginning of such sub-*
6 *chapter is amended by inserting after the item relating to*
7 *section 201 the following new item:*

“202. *Defense Advanced Research Projects Agency: biennial strategic plan.*”.

8 (b) *INITIAL APPOINTMENTS TO REVIEW PANEL.—The*
9 *Secretary of Defense shall appoint the panel under sub-*
10 *section (c) of section 202 of title 10, United States Code*
11 *(as added by subsection (a)), not later than 60 days after*
12 *the date of the enactment of this Act.*

13 **SEC. 233. ENHANCEMENT OF AUTHORITY OF SECRETARY OF**
14 **DEFENSE TO SUPPORT SCIENCE, MATHE-**
15 **MATICS, ENGINEERING, AND TECHNOLOGY**
16 **EDUCATION.**

17 *Section 2192 of title 10, United States Code, is*
18 *amended—*

19 (1) *by redesignating subsection (b) as subsection*
20 *(c); and*

21 (2) *by inserting after subsection (a) the following*
22 *new subsection (b):*

23 “(b)(1) *In furtherance of the authority of the Secretary*
24 *of Defense under this chapter or any other provision of law*
25 *to support educational programs in science, mathematics,*

1 *engineering, and technology, the Secretary of Defense*
2 *may—*

3 “(A) *enter into contracts and cooperative agree-*
4 *ments with eligible persons;*

5 “(B) *make grants of financial assistance to eligi-*
6 *ble persons;*

7 “(C) *provide cash awards and other items to eli-*
8 *gible persons; and*

9 “(D) *accept voluntary services from eligible per-*
10 *sons.*

11 “(2) *In this subsection:*

12 “(A) *The term ‘eligible person’ includes a depart-*
13 *ment or agency of the Federal Government, a State,*
14 *a political subdivision of a State, an individual, and*
15 *a not-for-profit or other organization in the private*
16 *sector.*

17 “(B) *The term ‘State’ means any State of the*
18 *United States, the District of Columbia, the Common-*
19 *wealth of Puerto Rico, Guam, the United States Vir-*
20 *gin Islands, the Commonwealth of the Northern Mar-*
21 *iana Islands, American Samoa, and any other terri-*
22 *tory or possession of the United States.”.*

1 **SEC. 234. DEPARTMENT OF DEFENSE HIGH-SPEED NET-**
2 **WORK-CENTRIC AND BANDWIDTH EXPANSION**
3 **PROGRAM.**

4 (a) *IN GENERAL.*—*The Secretary of Defense shall*
5 *carry out a program of research and development to pro-*
6 *mote greater bandwidth capability with high-speed net-*
7 *work-centric communications.*

8 (b) *PURPOSES OF ACTIVITIES.*—*The purposes of ac-*
9 *tivities required by subsection (a) are as follows:*

10 (1) *To facilitate the acceleration of the network-*
11 *centric operational capabilities of the Armed Forces,*
12 *including more extensive utilization of unmanned ve-*
13 *hicles, satellite communications, and sensors, through*
14 *the promotion of research and development, and the*
15 *focused coordination of programs, to fully achieve*
16 *high-bandwidth connectivity to military assets.*

17 (2) *To provide for the development of equipment*
18 *and technologies for military high-bandwidth net-*
19 *work-centric communications facilities.*

20 (c) *RESEARCH AND DEVELOPMENT PROGRAM.*—(1) *In*
21 *carrying out the program of research and development re-*
22 *quired by subsection (a)(1), the Secretary shall—*

23 (A) *identify areas of advanced wireless commu-*
24 *nications in which research and development, or the*
25 *leveraging of emerging technologies, has significant*
26 *potential to improve the performance, efficiency, cost,*

1 *and flexibility of advanced network-centric commu-*
2 *nications systems;*

3 *(B) develop a coordinated plan for research and*
4 *development on—*

5 *(i) improved spectrum access through spec-*
6 *trum-efficient network-centric communications*
7 *systems;*

8 *(ii) networks, including complex ad hoc*
9 *adaptive network structures;*

10 *(iii) end user devices, including efficient re-*
11 *ceivers and transmitter devices;*

12 *(iv) applications, including robust security*
13 *and encryption; and*

14 *(v) any other matters that the Secretary*
15 *considers appropriate for purposes of this sec-*
16 *tion;*

17 *(C) ensure joint research and development, and*
18 *promote joint systems acquisition and deployment,*
19 *among the various services and Defense Agencies, in-*
20 *cluding the development of common cross-service tech-*
21 *nology requirements and doctrines, so as to enhance*
22 *interoperability among the various services and De-*
23 *fense Agencies;*

24 *(D) conduct joint experimentation among the*
25 *various Armed Forces, and coordinate with the Joint*

1 *Forces Command, on experimentation to support net-*
2 *work-centric warfare capabilities to small units of the*
3 *Armed Forces; and*

4 *(E) develop, to the extent practicable and in con-*
5 *sultation with other Federal entities and private in-*
6 *dustry, cooperative research and development efforts.*

7 *(2) The Secretary shall carry out the program of re-*
8 *search and development through the Director of Defense Re-*
9 *search and Engineering, in full coordination with the Sec-*
10 *retaries of the military departments, the heads of appro-*
11 *priate Defense Agencies, and the heads of other appropriate*
12 *elements of the Department of Defense.*

13 *(d) REPORT.—(1) The Secretary shall, acting through*
14 *the Director of Defense Research and Engineering, submit*
15 *to the congressional defense committees a report on the ac-*
16 *tivities undertaken under this section as of the date of such*
17 *report. The report shall be submitted together with the budg-*
18 *et justification materials submitted to Congress in support*
19 *of the Department of Defense budget for fiscal year 2005*
20 *(as submitted with the budget of the President under section*
21 *1105(a) of title 31, United States Code).*

22 *(2) The report under paragraph (1) shall include—*

23 *(A) a description of the research and develop-*
24 *ment activities carried out under subsection (a), in-*

1 *cluding particular activities under subsection*
2 *(c)(1)(B);*

3 *(B) an assessment of current and proposed fund-*
4 *ing for the activities set forth in each of clauses (i)*
5 *through (v) of subsection (c)(1)(B), including the ade-*
6 *quacy of such funding to support such activities;*

7 *(C) an assessment of the extent and success of*
8 *any joint research and development activities under*
9 *subsection (c)(1)(C);*

10 *(D) a description of any joint experimentation*
11 *activities under subsection (c)(1)(D);*

12 *(E) an assessment of the effects of limited com-*
13 *munications bandwidth, and of limited access to elec-*
14 *tromagnetic spectrum, on recent military operations;*
15 *and*

16 *(F) such recommendations for additional activi-*
17 *ties under this section as the Secretary considers ap-*
18 *propriate to meet the purposes of this section.*

19 **SEC. 235. DEPARTMENT OF DEFENSE STRATEGY FOR MAN-**
20 **AGEMENT OF ELECTROMAGNETIC SPECTRUM.**

21 *(a) IN GENERAL.—The Secretary of Defense shall—*

22 *(1) in accordance with subsection (b), develop a*
23 *strategy for the Department of Defense for the man-*
24 *agement of the electromagnetic spectrum to improve*

1 *spectrum access and high-bandwidth connectivity to*
2 *military assets; and*

3 *(2) in accordance with subsection (c), commu-*
4 *nicate with civilian departments and agencies of the*
5 *Federal Government in the development of the strat-*
6 *egy identified in paragraph (1).*

7 *(b) STRATEGY FOR DEPARTMENT OF DEFENSE SPEC-*
8 *TRUM MANAGEMENT.—(1) Not later than September 1,*
9 *2004, the Board shall develop a strategy for the Department*
10 *of Defense for the management of the electromagnetic spec-*
11 *trum in order to ensure the development and use of spec-*
12 *trum-efficient technologies to facilitate the availability of*
13 *adequate spectrum for network-centric warfare. The strat-*
14 *egy shall include specific timelines, metrics, plans for im-*
15 *plementation, including the implementation of technologies*
16 *for the efficient use of spectrum, and proposals for program*
17 *funding.*

18 *(2) In developing the strategy, the Board shall consider*
19 *and take into account the research and development pro-*
20 *gram carried out under section 234.*

21 *(3) The Board shall assist in updating the strategy de-*
22 *veloped under paragraph (1) on a biennial basis to address*
23 *changes in circumstances.*

24 *(4) The Board shall communicate with other depart-*
25 *ments and agencies of the Federal Government in the devel-*

1 *opment of the strategy described in subsection (a)(1), in-*
 2 *cluding representatives of the military departments, the*
 3 *Federal Communications Commission, the National Tele-*
 4 *communications and Information Administration, the De-*
 5 *partment of Homeland Security, the Federal Aviation Ad-*
 6 *ministration, and other appropriate departments and agen-*
 7 *cies of the Federal Government.*

8 (c) *BOARD DEFINED.*—*In this section, the term*
 9 *“Board” means the board of senior acquisition officials as*
 10 *defined in section 822.*

11 **SEC. 236. AMOUNT FOR COLLABORATIVE INFORMATION**
 12 **WARFARE NETWORK.**

13 (a) *AVAILABILITY OF FUNDS.*—(1) *Of the amount au-*
 14 *thorized to be appropriated by section 201(2), for research*
 15 *and development, Navy, \$8,000,000 may be available for*
 16 *the Collaborative Information Warfare Network.*

17 (2) *The total amount authorized to be appropriated*
 18 *under section 201(2) is hereby increased by \$8,000,000.*

19 (b) *OFFSET.*—*Of the amount authorized to be appro-*
 20 *priated by section 301(4) for operation and maintenance,*
 21 *Air Force, the amount is hereby reduced by \$8,000,000.*

22 **SEC. 237. COPRODUCTION OF ARROW BALLISTIC MISSILE**
 23 **DEFENSE SYSTEM.**

24 *Of the total amount authorized to be appropriated*
 25 *under section 201 for ballistic missile defense, \$115,000,000*

1 *may be available for coproduction of the Arrow ballistic*
2 *missile defense system.*

3 ***TITLE III—OPERATION AND***
4 ***MAINTENANCE***
5 ***Subtitle A—Authorization of***
6 ***Appropriations***

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

8 *Funds are hereby authorized to be appropriated for fis-*
9 *cal year 2004 for the use of the Armed Forces and other*
10 *activities and agencies of the Department of Defense for ex-*
11 *penses, not otherwise provided for, for operation and main-*
12 *tenance, in amounts as follows:*

13 (1) *For the Army, \$24,668,004,000.*

14 (2) *For the Navy, \$28,051,390,000.*

15 (3) *For the Marine Corps, \$3,416,356,000.*

16 (4) *For the Air Force, \$26,975,231,000.*

17 (5) *For Defense-wide activities, \$15,739,047,000.*

18 (6) *For the Army Reserve, \$1,952,009,000.*

19 (7) *For the Naval Reserve, \$1,170,421,000.*

20 (8) *For the Marine Corps Reserve, \$173,452,000.*

21 (9) *For the Air Force Reserve, \$2,178,688,000.*

22 (10) *For the Army National Guard,*
23 *\$4,227,331,000.*

24 (11) *For the Air National Guard,*
25 *\$4,405,646,000.*

1 (12) *For the Defense Inspector General,*
2 \$160,049,000.

3 (13) *For the United States Court of Appeals for*
4 *the Armed Forces, \$10,333,000.*

5 (14) *For Environmental Restoration, Army,*
6 \$396,018,000.

7 (15) *For Environmental Restoration, Navy,*
8 \$256,153,000.

9 (16) *For Environmental Restoration, Air Force,*
10 \$384,307,000.

11 (17) *For Environmental Restoration, Defense-*
12 *wide, \$24,081,000.*

13 (18) *For Environmental Restoration, Formerly*
14 *Used Defense Sites, \$252,619,000.*

15 (19) *For Overseas Humanitarian, Disaster, and*
16 *Civic Aid programs, \$59,000,000.*

17 (20) *For Drug Interdiction and Counter-drug*
18 *Activities, Defense-wide, \$817,371,000.*

19 (21) *For Defense Health Program,*
20 \$14,862,900,000.

21 (22) *For Cooperative Threat Reduction pro-*
22 *grams, \$450,800,000.*

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

24 *Funds are hereby authorized to be appropriated for fis-*
25 *cal year 2004 for the use of the Armed Forces and other*

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

4 (1) *For the Defense Working Capital Funds,*
5 *\$1,661,307,000.*

6 (2) *For the National Defense Sealift Fund,*
7 *\$1,062,762,000.*

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

9 *There is hereby authorized to be appropriated for fiscal*
10 *year 2004 from the Armed Forces Retirement Home Trust*
11 *Fund the sum of \$65,279,000 for the operation of the Armed*
12 *Forces Retirement Home, including the Armed Forces Re-*
13 *tirement Home—Washington and the Armed Forces Retire-*
14 *ment Home—Gulfport.*

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

17 **SEC. 311. EMERGENCY AND MORALE COMMUNICATIONS**
18 **PROGRAMS.**

19 (a) *ARMED FORCES EMERGENCY SERVICES.—Of the*
20 *amount authorized to be appropriated by section 301(5) for*
21 *operation and maintenance for Defense-wide activities,*
22 *\$5,000,000 shall be made available to the American Red*
23 *Cross to fund the Armed Forces Emergency Services.*

24 (b) *DEPARTMENT OF DEFENSE MORALE TELE-*
25 *COMMUNICATIONS PROGRAM.—(1) As soon as possible after*

1 *the date of enactment of this Act, the Secretary of Defense*
2 *shall establish and carry out a program to provide, wher-*
3 *ever practicable, prepaid phone cards, or an equivalent tele-*
4 *communications benefit which includes access to telephone*
5 *service, to members of the Armed Forces stationed outside*
6 *the United States who are directly supporting military op-*
7 *erations in Iraq or Afghanistan (as determined by the Sec-*
8 *retary) to enable them to make telephone calls to family*
9 *and friends in the United States without cost to the mem-*
10 *ber.*

11 (2) *The value of the benefit provided by paragraph (1)*
12 *shall not exceed \$40 per month per person.*

13 (3) *The program established by paragraph (1) shall*
14 *terminate on September 30, 2004.*

15 (4) *In carrying out the program under this subsection,*
16 *the Secretary shall maximize the use of existing Department*
17 *of Defense telecommunications programs and capabilities,*
18 *private entities free or reduced-cost services, and programs*
19 *to enhance morale and welfare. In addition, and notwith-*
20 *standing any limitation on the expenditure or obligation*
21 *of appropriated amounts, the Secretary may use available*
22 *funds appropriated to or for the use of the Department of*
23 *Defense that are not otherwise obligated or expended to*
24 *carry out the program.*

1 (5) *The Secretary may accept gifts and donations in*
2 *order to defray the costs of the program. Such gifts and*
3 *donations may be accepted from foreign governments; foun-*
4 *dations or other charitable organizations, including those*
5 *organized or operating under the laws of a foreign country;*
6 *and any source in the private sector of the United States*
7 *or a foreign country.*

8 (6) *The Secretary shall work with telecommunications*
9 *providers to facilitate the deployment of additional tele-*
10 *phones for use in calling the United States under the pro-*
11 *gram as quickly as practicable, consistent with the timely*
12 *provision of telecommunications benefits of the program, the*
13 *Secretary should carry out this subsection in a manner that*
14 *allows for competition in the provision of such benefits.*

15 (7) *The Secretary shall not take any action under this*
16 *subsection that would compromise the military objectives or*
17 *mission of the Department of Defense.*

18 **SEC. 312. COMMERCIAL IMAGERY INDUSTRIAL BASE.**

19 (a) *LIMITATION.*—*Not less than ninety percent of the*
20 *total amount authorized to be appropriated under this title*
21 *for the acquisition, processing, and licensing of commercial*
22 *imagery, including amounts authorized to be appropriated*
23 *under this title for experimentation related to commercial*
24 *imagery, shall be used for the following purposes:*

1 (1) *To acquire space-based imagery from com-*
2 *mercial sources.*

3 (2) *To support the development of next-genera-*
4 *tion commercial imagery satellites.*

5 (b) *REPORT.—(1) Not later than March 1, 2004, the*
6 *Secretary of Defense shall submit to the Committees on*
7 *Armed Services of the Senate and the House of Representa-*
8 *tives a report on the actions taken and to be taken by the*
9 *Secretary to implement the President’s commercial remote*
10 *sensing policy. The Secretary shall consult with the Director*
11 *of Central Intelligence in preparing the report.*

12 (2) *The report under paragraph (1) shall include an*
13 *assessment of the following matters:*

14 (A) *The sufficiency of the policy, the funding for*
15 *fiscal year 2004 for the procurement of imagery from*
16 *commercial sources, and the funding planned in the*
17 *future-years defense program for the procurement of*
18 *imagery from commercial sources to sustain a viable*
19 *commercial imagery industrial base in the United*
20 *States.*

21 (B) *The extent to which the United States policy*
22 *and programs relating to the procurement of imagery*
23 *from commercial sources are sufficient to ensure that*
24 *imagery is available to the Department of Defense*
25 *from United States commercial firms to timely meet*

1 *the needs of the Department of Defense for the im-*
2 *agery.*

3 **SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR**
4 **LAND FORCES READINESS OF ARMY RE-**
5 **SERVE.**

6 (a) *INCREASE IN AUTHORIZATION OF APPROPRIA-*
7 *TIONS FOR ARMY RESERVE.*—*The amount authorized to be*
8 *appropriated by section 301(6) for operation and mainte-*
9 *nance for the Army Reserve is hereby increased by*
10 *\$3,000,000.*

11 (b) *AVAILABILITY FOR INFORMATION OPERATIONS*
12 *SUSTAINMENT.*—(1) *Of the amount authorized to be appro-*
13 *priated by section 301(6) for operation and maintenance*
14 *for the Army Reserve, as increased by subsection (a),*
15 *\$3,000,000 may be available for Information Operations*
16 *(Account #19640) for Land Forces Readiness–Information*
17 *Operations Sustainment.*

18 (2) *The amount available under paragraph (1) for the*
19 *purpose specified in that paragraph is in addition to any*
20 *other amounts available under this Act for that purpose.*

21 (c) *OFFSET.*—*The amount authorized to be appro-*
22 *priated by section 301(4) for operation and maintenance*
23 *for the Air Force is hereby reduced by \$3,000,000.*

1 **SEC. 314. SUBMITTAL OF SURVEY ON PERCHLORATE CON-**
 2 **TAMINATION AT DEPARTMENT OF DEFENSE**
 3 **SITES.**

4 (a) *SUBMITTAL OF PERCHLORATE SURVEY.*—Not later
 5 than 30 days after the date of the enactment of this Act,
 6 the Secretary of Defense shall submit to the appropriate
 7 committees of Congress the 2001 survey to identify the po-
 8 tential for perchlorate contamination at all active and
 9 closed Department of Defense sites that was prepared by
 10 the United States Air Force Research Laboratory, Aero-
 11 space Expeditionary Force Technologies Division, Tyndall
 12 Air Force Base and Applied Research Associates.

13 (b) *APPROPRIATE COMMITTEES OF CONGRESS DE-*
 14 *FINED.*—In this section, the term “appropriate committees
 15 of Congress” means—

16 (1) *the Committee on Environment and Public*
 17 *Works of the Senate; and*

18 (2) *the Committee on Energy and Commerce of*
 19 *the House of Representatives.*

20 ***Subtitle C—Environmental***
 21 ***Provisions***

22 **SEC. 321. GENERAL DEFINITIONS APPLICABLE TO FACILI-**
 23 **TIES AND OPERATIONS.**

24 (a) *GENERAL DEFINITIONS APPLICABLE TO FACILI-*
 25 *TIES AND OPERATIONS.*—Section 101 of title 10, United
 26 States Code, is amended—

1 (1) *by redesignating subsections (e) and (f) as*
2 *subsections (f) and (g), respectively; and*

3 (2) *by inserting after subsection (d) the following*
4 *new subsection (e):*

5 “(e) *FACILITIES AND OPERATIONS.—The following*
6 *definitions relating to facilities and operations shall apply*
7 *in this title:*

8 “(1)(A) *The term ‘military munitions’ means all*
9 *ammunition products and components produced for*
10 *or used by the armed forces for national defense and*
11 *security, including ammunition products or compo-*
12 *nents under the control of the Department of Defense,*
13 *the Coast Guard, the Department of Energy, and the*
14 *National Guard. The term includes confined gaseous,*
15 *liquid, and solid propellants, explosives, pyrotechnics,*
16 *chemical and riot control agents, smokes, and incen-*
17 *diaries, including bulk explosives and chemical war-*
18 *fare agents, chemical munitions, rockets, guided and*
19 *ballistic missiles, bombs, warheads, mortar rounds,*
20 *artillery ammunition, small arms ammunition, gre-*
21 *nades, mines, torpedoes, depth charges, cluster muni-*
22 *tions and dispensers, demolition charges, and devices*
23 *and components thereof.*

24 “(B) *The term does not include wholly inert*
25 *items, improvised explosive devices, and nuclear*

1 *weapons, nuclear devices, and nuclear components,*
2 *except that the term does include nonnuclear compo-*
3 *nents of nuclear devices that are managed under the*
4 *nuclear weapons program of the Department of En-*
5 *ergy after all required sanitization operations under*
6 *the Atomic Energy Act of 1954 (42 U.S.C. 2011 et*
7 *seq.) have been completed.*

8 “(2) *The term ‘operational range’ means a range*
9 *under the jurisdiction, custody, or control of the Sec-*
10 *retary concerned that—*

11 “(A) *is used for range activities; or*

12 “(B) *is not currently used for range activi-*
13 *ties, but is still considered by the Secretary con-*
14 *cerned to be a range and has not been put to a*
15 *new use that is incompatible with range activi-*
16 *ties.*

17 “(3) *The term ‘range’ means a designated land*
18 *or water area that is set aside, managed, and used for*
19 *range activities. The term includes firing lines and*
20 *positions, maneuver areas, firing lanes, test pads, det-*
21 *onation pads, impact areas, electronic scoring sites,*
22 *and buffer zones with restricted access and exclu-*
23 *sionary areas. The term also includes airspace areas*
24 *designated for military use according to regulations*
25 *and procedures established by the Federal Aviation*

1 *Administration such as special use airspace areas,*
2 *military training routes, and other associated air-*
3 *space.*

4 “(4) *The term ‘range activities’ means—*

5 “(A) *research, development, testing, and*
6 *evaluation of military munitions, other ord-*
7 *nance, and weapons systems; and*

8 “(B) *the training of military personnel in*
9 *the use and handling of military munitions,*
10 *other ordnance, and weapons systems.*

11 “(5) *The term ‘unexploded ordnance’ means*
12 *military munitions that—*

13 “(A) *have been primed, fused, armed, or*
14 *otherwise prepared for action;*

15 “(B) *have been fired, dropped, launched,*
16 *projected, or placed in such a manner as to con-*
17 *stitute a hazard to operations, installations, per-*
18 *sonnel, or material; and*

19 “(C) *remain unexploded either by malfunc-*
20 *tion, design, or any other cause.”.*

21 (b) *CONFORMING AMENDMENTS.—Section 2710(e) of*
22 *such title is amended by striking paragraphs (3), (5), and*
23 *(9) and redesignating paragraphs (4), (6), (7), (8), and*
24 *(10) as paragraphs (3), (4), (5), (6), and (7), respectively.*

1 **SEC. 322. MILITARY READINESS AND CONSERVATION OF**
 2 **PROTECTED SPECIES.**

3 (a) *IN GENERAL.*—Part III of subtitle A of title 10,
 4 *United States Code*, is amended by inserting after chapter
 5 101 the following new chapter:

6 **“CHAPTER 101A—READINESS AND RANGE**
 7 **PRESERVATION**

“Sec.

“2020. *Military readiness and conservation of protected species.*

8 **“§ 2020. Military readiness and conservation of pro-**
 9 **tected species**

10 “(a) *LIMITATION ON DESIGNATION OF CRITICAL HABI-*
 11 *TAT.*—The Secretary of the Interior may not designate as
 12 *critical habitat* any lands or other geographical areas
 13 *owned or controlled by the Department of Defense*, or des-
 14 *ignated for its use*, that are subject to an integrated natural
 15 *resources management plan prepared under section 101 of*
 16 *the Sikes Act (16 U.S.C. 670a)*, if the Secretary of the Inte-
 17 *rior determines in writing that—*

18 “(1) *the management activities identified in the*
 19 *plan will effectively conserve the threatened species*
 20 *and endangered species within the lands or areas cov-*
 21 *ered by the plan; and*

22 “(2) *the plan provides assurances that adequate*
 23 *funding will be provided for such management activi-*
 24 *ties.*

1 “(b) *CONSTRUCTION WITH CONSULTATION REQUIRE-*
 2 *MENT.*—*Nothing in subsection (a) may be construed to af-*
 3 *fect the requirement to consult under section 7(a)(2) of the*
 4 *Endangered Species Act (16 U.S.C. 1536(a)(2)) with re-*
 5 *spect to an agency action (as that term is defined in that*
 6 *section).*”.

7 (b) *CLERICAL AMENDMENTS.*—*The table of chapters at*
 8 *the beginning of subtitle A of title 10, United States Code,*
 9 *and at the beginning of part III of such subtitle, are each*
 10 *amended by inserting after the item relating to chapter 101*
 11 *the following new item:*

 “**101A. Readiness and Range Preservation** **2020**”.

12 **SEC. 323. ARCTIC AND WESTERN PACIFIC ENVIRONMENTAL**
 13 **TECHNOLOGY COOPERATION PROGRAM.**

14 (a) *IN GENERAL.*—*Subchapter II of chapter 138 of*
 15 *title 10, United States Code, is amended by adding at the*
 16 *end the following new section:*

17 **“§2350m. Arctic and Western Pacific Environmental**
 18 **Technology Cooperation Program**

19 “(a) *AUTHORITY TO CONDUCT PROGRAM.*—*The Sec-*
 20 *retary of Defense may, with the concurrence of the Secretary*
 21 *of State, conduct on a cooperative basis with countries lo-*
 22 *cated in the Arctic and Western Pacific regions a program*
 23 *of environmental activities provided for in subsection (b)*
 24 *in such regions. The program shall be known as the ‘Arctic*

1 *and Western Pacific Environmental Technology Coopera-*
2 *tion Program*’.

3 “(b) *PROGRAM ACTIVITIES.—(1) Except as provided*
4 *in paragraph (3), activities under the program under sub-*
5 *section (a) may include cooperation and assistance among*
6 *elements of the Department of Defense and military depart-*
7 *ments or relevant agencies of other countries on activities*
8 *that contribute to the demonstration of environmental tech-*
9 *nology.*

10 “(2) *Activities under the program shall be consistent*
11 *with the requirements of the Cooperative Threat Reduction*
12 *program.*

13 “(3) *Activities under the program may not include ac-*
14 *tivities for purposes prohibited under section 1403 of the*
15 *National Defense Authorization Act for Fiscal Year 1998*
16 *(Public Law 105–85; 111 Stat. 1960).*

17 “(c) *LIMITATION ON FUNDING FOR PROJECTS OTHER*
18 *THAN RADIOLOGICAL PROJECTS.—Not more than 10 per-*
19 *cent of the amount made available for the program under*
20 *subsection (a) in any fiscal year may be available for*
21 *projects under the program other than projects on radio-*
22 *logical matters.*

23 “(d) *ANNUAL REPORT.—(1) Not later than March 1,*
24 *2004, and each year thereafter, the Secretary of Defense*
25 *shall submit to Congress a report on activities under the*

1 *program under subsection (a) during the preceding fiscal*
2 *year.*

3 “(2) *The report on the program for a fiscal year under*
4 *paragraph (1) shall include the following:*

5 “(A) *A description of the activities carried out*
6 *under the program during that fiscal year, including*
7 *a separate description of each project under the pro-*
8 *gram.*

9 “(B) *A statement of the amounts obligated and*
10 *expended for the program during that fiscal year, set*
11 *forth in aggregate and by project.*

12 “(C) *A statement of the life cycle costs of each*
13 *project, including the life cycle costs of such project as*
14 *of the end of that fiscal year and an estimate of the*
15 *total life cycle costs of such project upon completion*
16 *of such project.*

17 “(D) *A statement of the participants in the ac-*
18 *tivities carried out under the program during that*
19 *fiscal year, including the elements of the Department*
20 *of Defense and the military departments or agencies*
21 *of other countries.*

22 “(E) *A description of the contributions of the*
23 *military departments and agencies of other countries*
24 *to the activities carried out under the program during*

1 *for the Establishment, Use, and Operation of Mitigation*
 2 *Banks or the Federal Guidance on the Use of In-Lieu-Fee*
 3 *Arrangements for Compensatory Mitigation under section*
 4 *404 of the Federal Water Pollution Control Act (33 U.S.C.*
 5 *1344) or section 10 of the Rivers and Harbors Appropria-*
 6 *tions Act of 1899 (33 U.S.C. 403).*

7 “(c) *AVAILABILITY OF FUNDS.*—Amounts authorized
 8 *to be appropriated for a military construction project for*
 9 *which a payment is authorized by subsection (a) may be*
 10 *utilized for purposes of making the payment.”.*

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

“2697. *Participation in wetland mitigation banks.”.*

14 **SEC. 325. EXTENSION OF AUTHORITY TO USE ENVIRON-**
 15 **MENTAL RESTORATION ACCOUNT FUNDS FOR**
 16 **RELOCATION OF A CONTAMINATED FACILITY.**

17 *Section 2703(c)(2) of title 10, United States Code, is*
 18 *amended by striking “September 30, 2003” and inserting*
 19 *“September 30, 2006”.*

20 **SEC. 326. APPLICABILITY OF CERTAIN PROCEDURAL AND**
 21 **ADMINISTRATIVE REQUIREMENTS TO RES-**
 22 **TORATION ADVISORY BOARDS.**

23 *Section 2705(d)(2) of title 10, United States Code, is*
 24 *amended by adding at the end the following new subpara-*
 25 *graph:*

1 “(C)(i) Section 10(a)(2) of the Federal Advisory Com-
 2 mittee Act (5 U.S.C. App.), relating to publication in the
 3 Federal Register of notices of meetings of advisory commit-
 4 tees, shall not apply to any meeting of a restoration advi-
 5 sory board under this subsection, but a restoration advisory
 6 board shall publish timely notice of each meeting of the res-
 7 toration advisory board in a local newspaper of general cir-
 8 culation.

9 “(ii) No limitation under any provision of law or reg-
 10 ulations on the total number of advisory committees (as
 11 that term is defined in section 3(2) of the Federal Advisory
 12 Committee Act) in existence at any one time shall operate
 13 to limit the number of restoration advisory boards in exist-
 14 ence under this subsection at any one time.”.

15 **SEC. 327. EXPANSION OF AUTHORITIES ON USE OF VESSELS**

16 **STRICKEN FROM THE NAVAL VESSEL REG-**
 17 **ISTER FOR EXPERIMENTAL PURPOSES.**

18 (a) *EXPANSION OF AUTHORITIES.*—Subsection (b) of
 19 section 7306a of title 10, United States Code, is amended
 20 to read as follows:

21 “(b) *STRIPPING AND ENVIRONMENTAL REMEDIATION*
 22 *OF VESSELS.*—(1) Before using a vessel for experimental
 23 purposes pursuant to subsection (a), the Secretary shall
 24 carry out such stripping of the vessel as is practicable and

1 *such environmental remediation of the vessel as is required*
2 *for the use of the vessel for experimental purposes.*

3 “(2) *Material and equipment stripped from a vessel*
4 *under paragraph (1) may be sold by the contractor or by*
5 *a sales agent approved by the Secretary.*

6 “(3) *Amounts received as proceeds from the stripping*
7 *of a vessel pursuant to this subsection shall be credited to*
8 *funds available for stripping and environmental remedi-*
9 *ation of other vessels for use for experimental purposes.”.*

10 (b) *INCLUSION OF CERTAIN PURPOSES IN USE FOR*
11 *EXPERIMENTAL PURPOSES.—That section is further*
12 *amended by adding at the end the following new subsection:*

13 “(c) *USE FOR EXPERIMENTAL PURPOSES.—For pur-*
14 *poses of this section, the term ‘use for experimental pur-*
15 *poses’, in the case of a vessel, includes use of the vessel by*
16 *the Navy in sink exercises and as a target.”.*

17 **SEC. 328. TRANSFER OF VESSELS STRICKEN FROM THE**
18 **NAVAL VESSEL REGISTER FOR USE AS ARTIFI-**
19 **CIAL REEFS.**

20 (a) *AUTHORITY TO MAKE TRANSFER.—Chapter 633*
21 *of title 10, United States Code, is amended by inserting*
22 *after section 7306a the following new section:*

1 **“§ 7306b. Vessels stricken from Naval Vessel Register;**
2 **transfer by gift or otherwise for use as ar-**
3 **tificial reefs**

4 “(a) *AUTHORITY TO MAKE TRANSFER.*—Subject to
5 subsection (b), the Secretary of the Navy may transfer, by
6 gift or otherwise, any vessel stricken from the Naval Vessel
7 Register to any State, Commonwealth, or possession of the
8 United States or any municipal corporation or political
9 subdivision thereof.

10 “(b) *INAPPLICABILITY TO CERTAIN VESSELS.*—The
11 authority in subsection (a) shall not apply to vessels trans-
12 ferable to the Maritime Administration for disposal under
13 section 548 of title 40.

14 “(c) *VESSEL TO BE USED AS ARTIFICIAL REEF.*—An
15 agreement for the transfer of a vessel under subsection (a)
16 shall require that—

17 “(1) the recipient use, site, construct, monitor,
18 and manage the vessel only as an artificial reef in ac-
19 cordance with the requirements of the National Fish-
20 ing Enhancement Act of 1984 (title II of Public Law
21 98–623; 33 U.S.C. 2101 et seq.), except that the re-
22 cipient may use the artificial reef to enhance diving
23 opportunities if such use does not have an adverse ef-
24 fect on fishery resources (as that term is defined in
25 section 2(14) of the Magnuson-Stevens Fishery Con-

1 *servation and Management Act (16 U.S.C. 1802(14));*
2 *and*

3 “(2) *the recipient obtain, and bear all responsi-*
4 *bility for complying with, applicable Federal, State,*
5 *interstate, and local permits for using, siting, con-*
6 *structing, monitoring, and managing the vessel as an*
7 *artificial reef.*

8 “(d) *PREPARATION OF VESSEL FOR USE AS ARTIFI-*
9 *CIAL REEF.—The Secretary shall ensure that the prepara-*
10 *tion of a vessel transferred under subsection (a) for use as*
11 *an artificial reef is conducted in accordance with—*

12 “(1) *the environmental best management prac-*
13 *tices developed pursuant to section 3504(b) of the Bob*
14 *Stump National Defense Authorization Act for Fiscal*
15 *Year 2003 (Public Law 107–314; 16 U.S.C. 1220*
16 *note); and*

17 “(2) *any applicable environmental laws.*

18 “(e) *COST SHARING.—The Secretary may share with*
19 *the recipient of a vessel transferred under subsection (a) any*
20 *costs associated with transferring the vessel under that sub-*
21 *section, including costs of the preparation of the vessel*
22 *under subsection (d).*

23 “(f) *NO LIMITATION ON NUMBER OF VESSELS TRANS-*
24 *FERABLE TO PARTICULAR RECIPIENT.—A State, Common-*
25 *wealth, or possession of the United States, or any municipal*

1 corporation or political subdivision thereof, may be the re-
 2 cipient of more than one vessel transferred under subsection
 3 (a).

4 “(g) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
 5 retary may require such additional terms and conditions
 6 in connection with a transfer authorized by subsection (a)
 7 as the Secretary considers appropriate.

8 “(h) *CONSTRUCTION.*—Nothing in this section shall be
 9 construed to establish a preference for the use as artificial
 10 reefs of vessels stricken from the Naval Vessel Register in
 11 lieu of other authorized uses of such vessels, including the
 12 domestic scrapping of such vessels, or other disposals of such
 13 vessels, under this chapter or other applicable authority.”.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at
 15 the beginning of such chapter is amended by inserting after
 16 the item relating to section 7306a the following new item:

“7306b. Vessels stricken from Naval Vessel Register; transfer by gift or otherwise
 for use as artificial reefs.”.

17 **SEC. 329. SALVAGE FACILITIES.**

18 (a) *FACILITIES TO INCLUDE ENVIRONMENTAL PRO-*
 19 *TECTION EQUIPMENT.*—Section 7361(a) of title 10, United
 20 States Code, is amended—

21 (1) by inserting “(1)” before “The Secretary”;

22 and

23 (2) by adding at the end the following new para-
 24 graph:

1 “(2) For purposes of this section, salvage facilities
2 shall include equipment and gear utilized to prevent, abate,
3 or minimize damage to the environment arising from sal-
4 vage activities.”.

5 (b) **CLAIMS TO INCLUDE COMPENSATION FOR ENVI-**
6 **RONMENTAL PROTECTION.**—Section 7363 of such title is
7 amended—

8 (1) by inserting “(a) **AUTHORITY TO SETTLE**
9 **CLAIMS.**—” before “The Secretary”; and

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

12 “(b) **ENVIRONMENTAL PROTECTION SERVICES.**—A
13 claim for salvage services covered by subsection (a) may in-
14 clude, in addition to a claim for such salvage services, a
15 claim for compensation for services to prevent, abate, or
16 minimize damage to the environment arising from such sal-
17 vage services.”.

18 **SEC. 330. TASK FORCE ON RESOLUTION OF CONFLICT BE-**
19 **TWEEN MILITARY TRAINING AND ENDAN-**
20 **GERED SPECIES PROTECTION AT BARRY M.**
21 **GOLDWATER RANGE, ARIZONA.**

22 (a) **PURPOSE.**—The purpose of this section is to facili-
23 tate the determination of effective means of resolving the
24 current conflict between the dual objectives at Barry M.
25 Goldwater Range, Arizona, of the full utilization of live ord-

1 nance delivery areas for military training and the protec-
2 tion of endangered species.

3 (b) *TASK FORCE.*—*The Secretary of Defense shall es-*
4 *tablish a task force to determine and assess various means*
5 *of enabling full use of the live ordnance delivery areas at*
6 *Barry M. Goldwater Range while also protecting endan-*
7 *gered species that are present at Barry M. Goldwater*
8 *Range.*

9 (c) *COMPOSITION.*—(1) *The task force established*
10 *under subsection (b) shall be composed of the following:*

11 (A) *The Air Force range officer, who shall serve*
12 *as chair of the task force.*

13 (B) *The range officer at Barry M. Goldwater*
14 *Range.*

15 (C) *The commander of Luke Air Force Base, Ar-*
16 *izona.*

17 (D) *The commander of Marine Corps Air Sta-*
18 *tion, Yuma, Arizona.*

19 (E) *The Director of the United States Fish and*
20 *Wildlife Service.*

21 (F) *The manager of the Cabeza Prieta National*
22 *Wildlife Refuge, Arizona.*

23 (G) *A representative of the Department of Game*
24 *and Fish of the State of Arizona, as selected by the*

1 *Secretary in consultation with the Governor of the*
2 *State of Arizona.*

3 *(H) A representative of a wildlife interest group*
4 *in the State of Arizona, as selected by the Secretary*
5 *in consultation with wildlife interest groups in the*
6 *State of Arizona.*

7 *(I) A representative of an environmental interest*
8 *group (other than a wildlife interest group) in the*
9 *State of Arizona, as selected by the Secretary in con-*
10 *sultation with environmental interest groups in the*
11 *State of Arizona.*

12 *(2) The chair of the task force may secure for the task*
13 *force the services of such experts with respect to the duties*
14 *of the task force under subsection (d) as the chair considers*
15 *advisable to carry out such duties.*

16 *(d) DUTIES.—The task force established under sub-*
17 *section (b) shall—*

18 *(1) assess the effects of the presence of endangered*
19 *species on military training activities in the live ord-*
20 *nance delivery areas at Barry M. Goldwater Range*
21 *and in any other areas of the range that are adversely*
22 *effected by the presence of endangered species;*

23 *(2) determine various means of addressing any*
24 *significant adverse effects on military training activi-*

1 *ties on Barry M. Goldwater Range that are identified*
2 *pursuant to paragraph (1); and*

3 *(3) determine the benefits and costs associated*
4 *with the implementation of each means identified*
5 *under paragraph (2).*

6 *(e) REPORT.—Not later than February 28, 2005, the*
7 *task force under subsection (b) shall submit to Congress a*
8 *report on its activities under this section. The report shall*
9 *include—*

10 *(1) a description of the assessments and deter-*
11 *minations made under subsection (d);*

12 *(2) such recommendations for legislative and ad-*
13 *ministrative action as the task force considers appro-*
14 *priate; and*

15 *(3) an evaluation of the utility of task force pro-*
16 *ceedings as a means of resolving conflicts between*
17 *military training objectives and protection of endan-*
18 *gered species at other military training and testing*
19 *ranges.*

20 **SEC. 331. PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO**
21 **PERCHLORATE.**

22 *(a) EPIDEMIOLOGICAL STUDY OF EXPOSURE TO PER-*
23 *CHLORATE.—*

1 (1) *IN GENERAL.*—*The Secretary of Defense shall*
2 *provide for an independent epidemiological study of*
3 *exposure to perchlorate in drinking water.*

4 (2) *PERFORMANCE OF STUDY.*—*The Secretary*
5 *shall provide for the performance of the study under*
6 *this subsection through the Centers for Disease Con-*
7 *trol, the National Institutes of Health, or another*
8 *Federal entity with experience in environmental toxi-*
9 *cology selected by the Secretary for purposes of the*
10 *study.*

11 (3) *MATTERS TO BE INCLUDED IN STUDY.*—*In*
12 *providing for the study under this subsection, the Sec-*
13 *retary shall require the Federal entity conducting the*
14 *study—*

15 (A) *to assess the incidence of thyroid disease*
16 *and measurable effects of thyroid function in re-*
17 *lation to exposure to perchlorate;*

18 (B) *to ensure that the study is of sufficient*
19 *scope and scale to permit the making of mean-*
20 *ingful conclusions of the measurable public*
21 *health threat associated with exposure to per-*
22 *chlorate, especially the threat to sensitive sub-*
23 *populations; and*

24 (C) *to study thyroid function, including*
25 *measurements of urinary iodine and thyroid*

1 *hormone levels, in a sufficient number of preg-*
2 *nant women, neonates, and infants exposed to*
3 *perchlorate in drinking water and match meas-*
4 *urements of perchlorate levels in the drinking*
5 *water of each study participant in order to per-*
6 *mit the development of meaningful conclusions*
7 *on the public health threat to individuals ex-*
8 *posed to perchlorate.*

9 (4) *REPORT ON STUDY.*—*The Secretary shall re-*
10 *quire the Federal entity conducting the study under*
11 *this subsection to submit to the Secretary a report on*
12 *the study not later than June 1, 2005.*

13 (b) *REVIEW OF EFFECTS OF PERCHLORATE ON ENDO-*
14 *CRINE SYSTEM.*—

15 (1) *IN GENERAL.*—*The Secretary shall provide*
16 *for an independent review of the effects of perchlorate*
17 *on the human endocrine system.*

18 (2) *PERFORMANCE OF REVIEW.*—*The Secretary*
19 *shall provide for the performance of the review under*
20 *this subsection through the Centers for Disease Con-*
21 *trol, the National Institutes of Health, or another ap-*
22 *propriate Federal research entity with experience in*
23 *human endocrinology selected by the Secretary for*
24 *purposes of the review. The Secretary shall ensure*

1 *that the panel conducting the review is composed of*
2 *individuals with expertise in human endocrinology.*

3 (3) *MATTERS TO BE INCLUDED IN REVIEW.—In*
4 *providing for the review under this subsection, the*
5 *Secretary shall require the Federal entity conducting*
6 *the review to assess—*

7 (A) *available data on human exposure to*
8 *perchlorate, including clinical data and data on*
9 *exposure of sensitive subpopulations, and the lev-*
10 *els at which health effects were observed; and*

11 (B) *available data on other substances that*
12 *have endocrine effects similar to perchlorate to*
13 *which the public is frequently exposed.*

14 (4) *REPORT ON REVIEW.—The Secretary shall*
15 *require the Federal entity conducting the review*
16 *under this subsection to submit to the Secretary a re-*
17 *port on the review not later than June 1, 2005.*

1 **Subtitle D—Reimbursement**
2 **Authorities**

3 **SEC. 341. REIMBURSEMENT OF RESERVE COMPONENT MILI-**
4 **TARY PERSONNEL ACCOUNTS FOR PER-**
5 **SONNEL COSTS OF SPECIAL OPERATIONS RE-**
6 **SERVE COMPONENT PERSONNEL ENGAGED**
7 **IN LANDMINES CLEARANCE.**

8 (a) *REIMBURSEMENT.*—Funds authorized to be appro-
9 *propriated under section 301 for Overseas Humanitarian, Dis-*
10 *aster, and Civic Aid programs shall be available for transfer*
11 *to reserve component military personnel accounts in reim-*
12 *bursement of such accounts for the pay and allowances paid*
13 *to reserve component personnel under the United States*
14 *Special Operations Command for duty performed by such*
15 *personnel in connection with training and other activities*
16 *relating to the clearing of landmines for humanitarian pur-*
17 *poses.*

18 (b) *MAXIMUM AMOUNT.*—Not more than \$5,000,000
19 *may be transferred under subsection (a).*

20 (c) *MERGER OF TRANSFERRED FUNDS.*—Funds trans-
21 *ferred to an account under this section shall be merged with*
22 *other sums in the account and shall be available for the*
23 *same period and purposes as the sums with which merged.*

1 (d) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*
 2 *ITY.—The transfer authority under this section is in addi-*
 3 *tion to the transfer authority provided under section 1001.*

4 **SEC. 342. REIMBURSEMENT OF RESERVE COMPONENT AC-**
 5 **COUNTS FOR COSTS OF INTELLIGENCE AC-**
 6 **TIVITIES SUPPORT PROVIDED BY RESERVE**
 7 **COMPONENT PERSONNEL.**

8 (a) *IN GENERAL.—Chapter 1805 of title 10, United*
 9 *States Code, is amended by inserting after section 18502*
 10 *the following new section:*

11 **“§ 18503. Reserve components: reimbursement for costs**
 12 **of intelligence support provided by reserve**
 13 **component personnel**

14 “(a) *REIMBURSEMENT REQUIREMENT.—The Sec-*
 15 *retary of Defense or the Secretary concerned shall transfer*
 16 *to the appropriate reserve component military personnel ac-*
 17 *count or operation and maintenance account the amount*
 18 *necessary to reimburse such account for the costs charged*
 19 *that account for military pay and allowances or operation*
 20 *and maintenance associated with the performance of duty*
 21 *described in subsection (b) by reserve component personnel.*

22 “(b) *REIMBURSABLE COSTS.—The transfer require-*
 23 *ment under subsection (a) applies with respect to the per-*
 24 *formance of duty in providing intelligence support, counter-*
 25 *intelligence support, or intelligence and counterintelligence*

1 *support to a combatant command, Defense Agency, or joint*
2 *intelligence activity, including any activity or program*
3 *within the National Foreign Intelligence Program, the*
4 *Joint Military Intelligence Program, or the Tactical Intel-*
5 *ligence and Related Activities Program.*

6 “(c) *SOURCES OF REIMBURSEMENTS.—Funds avail-*
7 *able for operation and maintenance for the Army, Navy,*
8 *Air Force, or Marine Corps, for a combatant command, or*
9 *for a Defense Agency shall be available for transfer under*
10 *this section to military personnel accounts and operation*
11 *and maintenance accounts of the reserve components.*

12 “(d) *DISTRIBUTION TO UNITS.—Amounts reimbursed*
13 *to an account for duty performed by reserve component per-*
14 *sonnel shall be distributed to the lowest level unit or other*
15 *organization of such personnel that administers and is ac-*
16 *countable for the appropriated funds charged the costs that*
17 *are being reimbursed.*

18 “(e) *MERGER OF TRANSFERRED FUNDS.—Funds*
19 *transferred to an account under this section shall be merged*
20 *with other sums in the account and shall be available for*
21 *the same period and purposes as the sums with which*
22 *merged.”.*

23 “(b) *CLERICAL AMENDMENT.—The table of sections at*
24 *the beginning of such chapter is amended inserting after*
25 *the item relating to section 18502 the following new item:*

“18503. Reserve components: reimbursement for costs of intelligence support provided by reserve component personnel.”.

1 **SEC. 343. REIMBURSEMENT RATE FOR SERVICES PROVIDED**
2 **TO THE DEPARTMENT OF STATE.**

3 (a) *AUTHORITY.*—*Subsection (a) of section 2642 of*
4 *title 10, United States Code, is amended—*

5 (1) *by striking “(a) AUTHORITY” and all that*
6 *follows through “the Department of Defense” and in-*
7 *serting the following:*

8 *“(a) AUTHORITY.—The Secretary of Defense may au-*
9 *thorize the use of the Department of Defense reimbursement*
10 *rate for military airlift services provided by a component*
11 *of the Department of Defense as follows:*

12 (1) *Military airlift services provided”; and*

13 (2) *by adding at the end the following new para-*
14 *graph:*

15 (2) *Military airlift services provided to the De-*
16 *partment of State for the transportation of armored*
17 *motor vehicles to a foreign country to meet unfulfilled*
18 *requirements of the Department of State for armored*
19 *motor vehicles in such foreign country.”.*

20 (b) *CONFORMING AND CLERICAL AMENDMENTS.*—(1)
21 *The heading for such section is amended to read as follows:*

1 **“§2642. Reimbursement rate for airlift services pro-**
 2 **vided to Central Intelligence Agency or**
 3 **Department of State”.**

4 (2) *The item relating to such section in the table of*
 5 *sections at the beginning of chapter 157 of such title is*
 6 *amended to read as follows:*

“2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State.”.

7 (c) **COSTS OF GOODS AND SERVICES PROVIDED TO**
 8 **DEPARTMENT OF STATE.**—*For any fee charged to the De-*
 9 *partment of Defense by the Department of State during any*
 10 *year for the maintenance, upgrade, or construction of*
 11 *United States diplomatic facilities, the Secretary of Defense*
 12 *may remit to the Department of State only that portion,*
 13 *if any, of the total amount of the fee charged for such year*
 14 *that exceeds the total amount of the costs incurred by the*
 15 *Department of Defense for providing goods and services to*
 16 *the Department of State during such year.*

17 **Subtitle E—Defense Dependents**
 18 **Education**

19 **SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
 20 **THAT BENEFIT DEPENDENTS OF MEMBERS**
 21 **OF THE ARMED FORCES AND DEPARTMENT**
 22 **OF DEFENSE CIVILIAN EMPLOYEES.**

23 (a) **CONTINUATION OF DEPARTMENT OF DEFENSE**
 24 **PROGRAM FOR FISCAL YEAR 2004.**—*Of the amount author-*

1 ized to be appropriated pursuant to section 301(5) for oper-
2 ation and maintenance for Defense-wide activities,
3 \$30,000,000 shall be available only for the purpose of pro-
4 viding educational agencies assistance to local educational
5 agencies.

6 (b) NOTIFICATION.—Not later than June 30, 2004, the
7 Secretary of Defense shall notify each local educational
8 agency that is eligible for educational agencies assistance
9 for fiscal year 2004 of—

10 (1) that agency's eligibility for the assistance;

11 and

12 (2) the amount of the assistance for which that
13 agency is eligible.

14 (c) DISBURSEMENT OF FUNDS.—The Secretary of De-
15 fense shall disburse funds made available under subsection
16 (a) not later than 30 days after the date on which notifica-
17 tion to the eligible local educational agencies is provided
18 pursuant to subsection (b).

19 (d) AVAILABILITY OF FUNDS FOR LOCAL EDU-
20 CATIONAL AGENCIES AFFECTED BY THE BROOKS AIR
21 FORCE BASE DEMONSTRATION PROJECT.—(1) Up to
22 \$500,000 of the funds made available under subsection (a)
23 may (notwithstanding the limitation in such subsection)
24 also be used for making basic support payments for fiscal
25 year 2004 to a local educational agency that received a

1 *basic support payment for fiscal year 2003, but whose pay-*
2 *ment for fiscal year 2004 would be reduced because of the*
3 *conversion of Federal property to non-Federal ownership*
4 *under the Department of Defense infrastructure demonstra-*
5 *tion project at Brooks Air Force Base, Texas, and the*
6 *amounts of such basic support payments for fiscal year*
7 *2004 shall be computed as if the converted property were*
8 *Federal property for purposes of receiving the basic support*
9 *payments for the period in which the demonstration project*
10 *is ongoing, as documented by the local educational agency*
11 *to the satisfaction of the Secretary.*

12 (2) *If funds are used as authorized under paragraph*
13 *(1), the Secretary shall reduce the amount of any basic sup-*
14 *port payment for fiscal year 2004 for a local educational*
15 *agency described in paragraph (1) by the amount of any*
16 *revenue that the agency received during fiscal year 2002*
17 *from the Brooks Development Authority as a result of the*
18 *demonstration project described in paragraph (1).*

19 (e) *DEFINITIONS.—In this section:*

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

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

5 (3) *The term “basic support payment” means a*
 6 *payment authorized under section 8003(b(1)) of the*
 7 *Elementary and Secondary Education Act of 1965*
 8 *(20 U.S.C. 7703(b)(1)).*

9 **SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
 10 **ABILITIES.**

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

18 ***Subtitle F—Other Matters***

19 **SEC. 361. SALE OF DEFENSE INFORMATION SYSTEMS AGEN-**
 20 **CY SERVICES TO CONTRACTORS PER-**
 21 **FORMING THE NAVY-MARINE CORPS**
 22 **INTRANET CONTRACT.**

23 (a) *AUTHORITY.—The Secretary of Defense may sell*
 24 *working-capital funded services of the Defense Information*
 25 *Systems Agency to a person outside the Department of De-*

1 *fense for use by that person in the performance of the Navy-*
 2 *Marine Corps Intranet contract.*

3 (b) *REIMBURSEMENT.*—*The Secretary shall require re-*
 4 *imbursement of each working-capital fund for the costs of*
 5 *services sold under subsection (a) that were paid for out*
 6 *of such fund. The sources of the reimbursement shall be the*
 7 *appropriation or appropriations funding the Navy-Marine*
 8 *Corps Intranet contract or any cash payments received by*
 9 *the Secretary for the services.*

10 (c) *NAVY-MARINE CORPS INTRANET CONTRACT DE-*
 11 *FINED.*—*In this section, the term “Navy-Marine Corps*
 12 *Intranet contract” has the meaning given such term in sec-*
 13 *tion 814 of the Floyd D. Spence National Defense Author-*
 14 *ization Act for Fiscal Year 2001 (as enacted into law by*
 15 *Public Law 106–398 (114 Stat. 1654A–217)).*

16 **SEC. 362. USE OF THE DEFENSE MODERNIZATION ACCOUNT**
 17 **FOR LIFE CYCLE COST REDUCTION INITIA-**
 18 **TIVES.**

19 (a) *FUNDS AVAILABLE FOR DEFENSE MODERNIZATION*
 20 *ACCOUNT.*—*Section 2216 of title 10, United States Code is*
 21 *amended—*

22 (1) *by striking subsection (c);*

23 (2) *by redesignating subsection (b) as subsection*
 24 *(c); and*

1 (3) by inserting after subsection (a) the following
2 new subsection (b):

3 “(b) *FUNDS AVAILABLE FOR ACCOUNT.*—*The Defense*
4 *Modernization Account shall consist of the following:*

5 “(1) *Amounts appropriated to the Defense Mod-*
6 *ernization Account for the costs of commencing*
7 *projects described in subsection (d)(1), and amounts*
8 *reimbursed to the Defense Modernization Account*
9 *under subsections (c)(1)(B)(iii) out of savings derived*
10 *from such projects.*

11 “(2) *Amounts transferred to the Defense Mod-*
12 *ernization Account under subsection (c).”.*

13 (b) *START-UP FUNDING.*—*Subsection (d) of such sec-*
14 *tion is amended—*

15 (1) by striking “*available from the Defense Mod-*
16 *ernization Account pursuant to subsection (f) or (g)*”
17 and inserting “*in the Defense Modernization Ac-*
18 *count*”;

19 (2) by redesignating paragraphs (1) and (2) as
20 paragraphs (2) and (3), respectively; and

21 (3) by inserting after “*purposes:*” the following
22 new paragraph (1):

23 “(1) *For paying the costs of commencing any*
24 *project that, in accordance with criteria prescribed by*
25 *the Secretary of Defense, is undertaken by the Sec-*

1 *retary of a military department or the head of a De-*
2 *fense Agency or other element of the Department of*
3 *Defense to reduce the life cycle cost of a new or exist-*
4 *ing system.”.*

5 *(c) REIMBURSEMENT OF ACCOUNT OUT OF SAVINGS.—*

6 *(1) Paragraph (1)(B) of subsection (c) of such section, as*
7 *redesignated by subsection (a)(2), is amended by adding at*
8 *the end the following new clause:*

9 *“(iii) Unexpired funds in appropriations ac-*
10 *counts that are available for procurement or oper-*
11 *ation and maintenance of a system, if and to the ex-*
12 *tent that savings are achieved for such accounts*
13 *through reductions in life cycle costs of such system*
14 *that result from one or more projects undertaken with*
15 *respect to such systems with funds made available*
16 *from the Defense Modernization Account under sub-*
17 *section (b)(1).”.*

18 *(2) Paragraph (2) of such subsection is amended by*
19 *inserting “, other than funds referred to in paragraph sub-*
20 *paragraph (B)(iii) of such paragraph,” after “Funds re-*
21 *ferred to in paragraph (1)”.*

22 *(d) REGULATIONS.—Subsection (h) of such section is*
23 *amended—*

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

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

3 “(2) *The regulations prescribed under paragraph (1)*
4 *shall, at a minimum, provide for—*

5 “(A) *the submission of proposals by the Secre-*
6 *taries concerned or heads of Defense Agencies or other*
7 *elements of the Department of Defense to the Comp-*
8 *troller for the use of Defense Modernization Account*
9 *funds for purposes set forth in subsection (d);*

10 “(B) *the use of a competitive process for the eval-*
11 *uation of such proposals and the selection of pro-*
12 *grams, projects, and activities to be funded out of the*
13 *Defense Modernization Account from among those*
14 *proposed for such funding; and*

15 “(C) *the calculation of—*

16 “(i) *the savings to be derived from projects*
17 *described in subsection (d)(1) that are to be*
18 *funded out of the Defense Modernization Ac-*
19 *count; and*

20 “(ii) *the amounts to be reimbursed to the*
21 *Defense Modernization Account out of such sav-*
22 *ings pursuant to subsection (c)(1)(B)(iii).”.*

23 (e) *ANNUAL REPORT.—Subsection (i) of such section*
24 *is amended—*

1 (1) *by striking “(i) QUARTERLY REPORTS.—(1)*
2 *Not later than 15 days after the end of each calendar*
3 *quarter,” and inserting “(i) ANNUAL REPORT.—(1)*
4 *Not later than 15 days after the end of each fiscal*
5 *year;”;* and

6 (2) *in paragraph (1), by striking “quarter” in*
7 *subparagraphs (A), (B), and (C), and inserting “fis-*
8 *cal year”.*

9 (f) *EXTENSION OF AUTHORITY.—Section 912(c)(1) of*
10 *the National Defense Authorization Act for Fiscal Year*
11 *1996 is amended—*

12 (1) *by striking “section 2216(b)” and inserting*
13 *“section 2216(c);”;* and

14 (2) *by striking “September 30, 2003” and insert-*
15 *ing “September 30, 2006”.*

16 **SEC. 363. EXEMPTION OF CERTAIN FIREFIGHTING SERVICE**
17 **CONTRACTS FROM PROHIBITION ON CON-**
18 **TRACTS FOR PERFORMANCE OF FIRE-**
19 **FIGHTING FUNCTIONS.**

20 Section 2465(b) of title 10, United States Code, is
21 *amended—*

22 (1) *in paragraph (2), by striking “or” at the*
23 *end;*

24 (2) *in paragraph (3), by striking the period and*
25 *inserting “; or”; and*

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

3 “(4) *to a contract for the performance for fire-*
4 *fighting functions if the contract is—*

5 “(A) *for a period of one year or less; and*

6 “(B) *for the performance of firefighting*
7 *functions that would otherwise be performed by*
8 *military firefighters who are otherwise de-*
9 *ployed.”.*

10 **SEC. 364. TECHNICAL AMENDMENT RELATING TO TERMI-**
11 **NATION OF SACRAMENTO ARMY DEPOT, SAC-**
12 **RAMENTO, CALIFORNIA.**

13 *Section 2466 of title 10, United States Code, is amend-*
14 *ed by striking subsection (d).*

15 **SEC. 365. EXCEPTION TO COMPETITION REQUIREMENT FOR**
16 **WORKLOADS PREVIOUSLY PERFORMED BY**
17 **DEPOT-LEVEL ACTIVITIES.**

18 *Section 2469 of title 10, United States Code, is*
19 *amended—*

20 (1) *in subsection (b), by inserting “, except as*
21 *provided in subsection (c)” before the period at the*
22 *end;*

23 (2) *by redesignating subsection (c) as subsection*
24 *(d); and*

1 “(A) is owned and maintained by the Navy,
2 is located at a Navy facility, and is not in active
3 use; and

4 “(B) is being transferred to an entity des-
5 ignated by the Secretary of the Navy or by law
6 to receive transfer of the vessel; and

7 “(2) in the case of any shipboard equipment
8 that—

9 “(A) is on a vessel described in paragraph
10 (1)(A); and

11 “(B) is being transferred to an entity des-
12 ignated by the Secretary of the Navy or by law
13 to receive transfer of the equipment.

14 “(c) REIMBURSEMENT.—The Secretary may require a
15 recipient of assistance under subsection (a) to reimburse the
16 Navy for amounts expended by the Navy in providing the
17 assistance.

18 “(d) DEPOSIT OF FUNDS RECEIVED.—Funds received
19 in a fiscal year under subsection (c) shall be credited to
20 the appropriation available for such fiscal year for oper-
21 ation and maintenance for the office of the Navy managing
22 inactive ships, shall be merged with other sums in the ap-
23 propriation that are available for such office, and shall be
24 available for the same purposes and period as the sums with
25 which merged.”.

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

“7316. *Support for transfers of decommissioned vessels and shipboard equip-*
ment.”.

4 **SEC. 367. AIRCRAFT FOR PERFORMANCE OF AERIAL RE-**
 5 **FUELING MISSION.**

6 (a) *RESTRICTION ON RETIREMENT OF KC-135E AIR-*
 7 *CRAFT.*—*The Secretary of the Air Force shall ensure that*
 8 *the number of KC-135E aircraft of the Air Force that are*
 9 *retired in fiscal year 2004, if any, does not exceed 12 such*
 10 *aircraft.*

11 (b) *REQUIRED ANALYSIS.*—*Not later than March 1,*
 12 *2004, the Secretary of the Air Force shall submit to the con-*
 13 *gressional defense committees an analysis of alternatives for*
 14 *meeting the aerial refueling requirements that the Air Force*
 15 *has the mission to meet. The Secretary shall provide for*
 16 *the analysis to be performed by a federally funded research*
 17 *and development center or another entity independent of*
 18 *the Department of Defense.*

19 **SEC. 368. CONTRACTING WITH EMPLOYERS OF PERSONS**
 20 **WITH DISABILITIES.**

21 (a) *INAPPLICABILITY OF RANDOLPH-SHEPPARD*
 22 *ACT.*—*The Randolph-Sheppard Act does not apply to any*
 23 *contract described in subsection (b) for so long as the con-*
 24 *tract is in effect, including for any period for which the*

1 *contract is extended pursuant to an option provided in the*
2 *contract.*

3 (b) *JAVITS-WAGNER-O'DAY CONTRACTS.*—Subsection
4 (a) *applies to any contract for the operation of a Depart-*
5 *ment of Defense facility described in subsection (c) that was*
6 *entered into before the date of the enactment of this Act with*
7 *a nonprofit agency for the blind or an agency for other se-*
8 *verely handicapped in compliance with section 3 of the Jav-*
9 *its-Wagner-O'Day Act (41 U.S.C. 48) and is in effect on*
10 *such date.*

11 (c) *COVERED FACILITIES.*—*The Department of De-*
12 *fense facilities referred to in subsection (b) are as follows:*

13 (1) *A military troop dining facility.*

14 (2) *A military mess hall.*

15 (3) *Any similar dining facility operated for the*
16 *purpose of providing meals to members of the Armed*
17 *Forces.*

18 (d) *ENACTMENT OF POPULAR NAME AS SHORT*
19 *TITLE.*—*The Act entitled “An Act to authorize the oper-*
20 *ation of stands in Federal buildings by blind persons, to*
21 *enlarge the economic opportunities of the blind, and for*
22 *other purposes”, approved June 20, 1936 (commonly known*
23 *as the “Randolph-Sheppard Act”)* (20 U.S.C. 107 *et seq.*),
24 *is amended by adding at the end the following new section:*

1 “*SEC. 11. This Act may be cited as the ‘Randolph-*
2 *Sheppard Act’.*”

3 *(e) DEMONSTRATION PROJECTS FOR CONTRACTORS*
4 *EMPLOYING PERSONS WITH DISABILITIES.—(1) The Sec-*
5 *retary of Defense may carry out two demonstration projects*
6 *for the purpose of providing opportunities for participation*
7 *by severely disabled individuals in the industries of manu-*
8 *facturing and information technology.*

9 *(2) Under each demonstration project, the Secretary*
10 *may enter into one or more contracts with an eligible con-*
11 *tractor for each of fiscal years 2004 and 2005 for the acqui-*
12 *sition of—*

13 *(A) aerospace end items or components; or*

14 *(B) information technology products or services.*

15 *(3) The items, components, products, or services au-*
16 *thorized to be procured under paragraph (2) include—*

17 *(A) computer numerically-controlled machining*
18 *and metal fabrication;*

19 *(B) computer application development, testing,*
20 *and support in document management, microfilming,*
21 *and imaging; and*

22 *(C) any other items, components, products, or*
23 *services described in paragraph (2) that are not de-*
24 *scribed in subparagraph (A) or (B).*

25 *(4) In this subsection:*

1 (A) *The term “eligible contractor” means a busi-*
2 *ness entity operated on a for-profit or nonprofit basis*
3 *that—*

4 (i) *employs not more than 500 individuals;*

5 (ii) *employs severely disabled individuals at*
6 *a rate that averages not less than 33 percent of*
7 *its total workforce over a period prescribed by*
8 *the Secretary;*

9 (iii) *employs each severely disabled indi-*
10 *vidual in its workforce generally on the basis of*
11 *40 hours per week;*

12 (iv) *pays not less than the minimum wage*
13 *prescribed pursuant to section 6 of the Fair*
14 *Labor Standards Act of 1938 (29 U.S.C. 206) to*
15 *the employees who are severely disabled individ-*
16 *uals;*

17 (v) *provides for its employees health insur-*
18 *ance and a retirement plan comparable to those*
19 *provided for employees by business entities of*
20 *similar size in its industrial sector or geographic*
21 *region; and*

22 (vi) *has or can acquire a security clearance*
23 *as necessary.*

24 (B) *The term “severely disabled individual”*
25 *means an individual with a disability (as defined in*

1 *section 3 of the Americans with Disabilities Act of*
2 *1990 (42 U.S.C. 12102)) who has a severe physical or*
3 *mental impairment that seriously limits one or more*
4 *functional capacities.*

5 **SEC. 369. REPEAL OF CALENDAR YEAR LIMITATIONS ON**
6 **USE OF COMMISSARY STORES BY CERTAIN**
7 **RESERVES AND OTHERS.**

8 (a) *MEMBERS OF THE READY RESERVE.*—Section
9 *1063(a) of title 10, United States Code, is amended by strik-*
10 *ing the period at the end of the first sentence and all that*
11 *follows and inserting “in that calendar year.”.*

12 (b) *CERTAIN OTHER PERSONS.*—Section 1064 of such
13 *title is amended by striking “for 24 days each calendar*
14 *year”.*

15 **TITLE IV—MILITARY PERSONNEL**
16 **AUTHORIZATIONS**
17 **Subtitle A—Active Forces**

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

19 *The Armed Forces are authorized strengths for active*
20 *duty personnel as of September 30, 2004, as follows:*

21 (1) *The Army, 480,000.*

22 (2) *The Navy, 373,800.*

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

24 (4) *The Air Force, 359,300.*

1 **SEC. 402. INCREASED MAXIMUM PERCENTAGE OF GENERAL**
2 **AND FLAG OFFICERS ON ACTIVE DUTY AU-**
3 **THORIZED TO BE SERVING IN GRADES ABOVE**
4 **BRIGADIER GENERAL AND REAR ADMIRAL**
5 **(LOWER HALF).**

6 *Section 525(a) of title 10, United States Code, is*
7 *amended by striking “50 percent” both places it appears*
8 *and inserting “55 percent”.*

9 **SEC. 403. EXTENSION OF CERTAIN AUTHORITIES RELAT-**
10 **ING TO MANAGEMENT OF NUMBERS OF GEN-**
11 **ERAL AND FLAG OFFICERS IN CERTAIN**
12 **GRADES.**

13 *(a) SENIOR JOINT OFFICER POSITIONS.—Section*
14 *604(c) of title 10, United States Code, is amended by strik-*
15 *ing “December 31, 2004” and inserting “December 31,*
16 *2005”.*

17 *(b) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN*
18 *GENERAL AND FLAG OFFICER GRADES.—Section*
19 *525(b)(5)(C) of such title is amended by striking “December*
20 *31, 2004” and inserting “December 31, 2005”.*

21 *(c) AUTHORIZED STRENGTH FOR GENERAL AND FLAG*
22 *OFFICERS ON ACTIVE DUTY.—Section 526(b)(3) of such*
23 *title is amended by striking “December 31, 2004” and in-*
24 *serting “December 31, 2005”.*

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 com-*
5 *ponents as of September 30, 2004, 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, 85,900.*

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

11 (5) *The Air National Guard of the United*
12 *States, 107,030.*

13 (6) *The Air Force Reserve, 75,800.*

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 compo-*
17 *nent 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 such*
20 *component which are on active duty (other than for*
21 *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 Re-*
6 *serve of such reserve component shall be proportionately in-*
7 *creased by the total authorized strengths of such units and*
8 *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 411(a),*
12 *the reserve components of the Armed Forces are authorized,*
13 *as of September 30, 2004, the following number of Reserves*
14 *to be serving on full-time active duty or full-time duty, in*
15 *the case of members of the National Guard, for the purpose*
16 *of organizing, administering, recruiting, instructing, or*
17 *training the reserve components:*

18 *(1) The Army National Guard of the United*
19 *States, 25,599.*

20 *(2) The Army Reserve, 14,374.*

21 *(3) The Naval Reserve, 14,384.*

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

23 *(5) The Air National Guard of the United*
24 *States, 12,191.*

25 *(6) The Air Force Reserve, 1,660.*

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 2004 for the reserve*
5 *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, 6,699.*

9 (2) *For the Army National Guard of the United*
10 *States, 24,589.*

11 (3) *For the Air Force Reserve, 9,991.*

12 (4) *For the Air National Guard of the United*
13 *States, 22,806.*

14 **SEC. 414. FISCAL YEAR 2004 LIMITATIONS ON NON-DUAL**
15 **STATUS TECHNICIANS.**

16 (a) *LIMITATIONS.—(1) Within the limitation provided*
17 *in section 10217(c)(2) of title 10, United States Code, the*
18 *number of non-dual status technicians employed by the Na-*
19 *tional Guard as of September 30, 2004, may not exceed the*
20 *following:*

21 (A) *For the Army National Guard of the United*
22 *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, 2004, may*
3 *not exceed 895.*

4 (3) *The number of non-dual status technicians em-*
5 *ployed by the Air Force Reserve as of September 30, 2004,*
6 *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 ***Subtitle C—Other Matters Relating***
12 ***to Personnel Strengths***

13 ***SEC. 421. REVISION OF PERSONNEL STRENGTH AUTHOR-***
14 ***IZATION AND ACCOUNTING PROCESS.***

15 (a) *ANNUAL AUTHORIZATION OF STRENGTHS.—Sub-*
16 *section (a) of section 115 of title 10, United States Code,*
17 *is amended to read as follows:*

18 “(a) *Congress shall authorize personnel strength levels*
19 *for each fiscal year for each of the following:*

20 “(1) *The average strength for each of the armed*
21 *forces (other than the Coast Guard) for active-duty*
22 *personnel who are to be paid from funds appropriated*
23 *for active-duty personnel.*

24 “(2) *The average strength for each of the armed*
25 *forces (other than the Coast Guard) for active-duty*

1 *personnel and full-time National Guard duty per-*
2 *sonnel who are to be paid from funds appropriated*
3 *for reserve personnel.*

4 *“(3) The average strength for the Selected Re-*
5 *serve of each reserve component of the armed forces.”.*

6 *(b) LIMITATION ON USE OF FUNDS.—Subsection (b)*
7 *of such section is amended by striking “end strength” in*
8 *paragraphs (1) and (2) and inserting “strength”.*

9 *(c) AUTHORITY OF SECRETARY OF DEFENSE TO VARY*
10 *STRENGTHS.—Subsection (c) of such section is amended—*

11 *(1) by striking “end strength” each place it ap-*
12 *pears and inserting “strength”;*

13 *(2) in paragraph (1), by striking “subsection*
14 *(a)(1)(A)” and inserting “subsection (a)(1)”;*

15 *(3) in paragraph (2), by striking “subsection*
16 *(a)(1)(B)” and inserting “subsection (a)(2)”;* and

17 *(4) in paragraph (3), by striking “subsection*
18 *(a)(2)” and inserting “subsection (a)(3)”.*

19 *(d) COUNTING PERSONNEL.—Subsection (d) of such*
20 *section is amended—*

21 *(1) by striking “end-strengths authorized pursu-*
22 *ant to subsection (a)(1)” and inserting “strengths au-*
23 *thorized pursuant to paragraphs (1) and (2) of sub-*
24 *section (a)”;* and

1 (2) in paragraph (9)(B), by striking “subsection
2 (a)(1)(A)” and inserting “subsection (a)(1)”.

3 (e) *NAVY STRENGTH WHEN AUGMENTED BY COAST*
4 *GUARD.*—Subsection (e) of such section is amended by
5 striking “subsection (a)(1)” and inserting “paragraphs (1)
6 and (2) of subsection (a)”.

7 (f) *AUTHORITY OF SECRETARIES OF MILITARY DE-*
8 *PARTMENTS TO VARY STRENGTHS.*—Subsection (f) of such
9 section is amended—

10 (1) by striking “end strength” both places it ap-
11 pears and inserting “strength”; and

12 (2) by striking “subsection (a)(1)(A)” in the first
13 sentence and inserting “subsection (a)(1)”.

14 (g) *AUTHORIZATION OF STRENGTHS FOR DUAL STA-*
15 *TUS MILITARY TECHNICIANS.*—Subsection (g) of such sec-
16 tion is amended by striking “end strength” both places it
17 appears and inserting “strength”.

18 (h) *CONFORMING AMENDMENTS.*—(1) Section
19 168(f)(1)(A) of title 10, United States Code, is amended by
20 striking “end strength for active-duty personnel authorized
21 pursuant to section 115(a)(1)” and inserting “strengths for
22 active-duty personnel authorized pursuant to paragraphs
23 (1) and (2) of section 115(a)”.

1 (2) Section 691(f) of such title is amended by striking
2 “section 115(a)(1)” and inserting “paragraphs (1) and (2)
3 of section 115(a)”.

4 (3) Section 3201(b) of such title is amended by striking
5 “section 115(a)(1)” and inserting “paragraphs (1) and (2)
6 of section 115(a)”.

7 (4)(A) Section 10216 of such title is amended—

8 (i) by striking “end strengths” in subsections
9 (b)(1) and (c)(1) and inserting “strengths”; and

10 (ii) by striking “end strength” each place it ap-
11 pears in subsection (c)(2)(A) and inserting
12 “strength”.

13 (B) The heading for subsection (c) is amended by strik-
14 ing “END”.

15 (5) Section 12310(c)(4) of such title is amended by
16 striking “end strength authorizations required by section
17 115(a)(1)(B) and 115(a)(2)” and inserting “strength au-
18 thorizations required by paragraphs (2) and (3) of section
19 115(a)”.

20 (6) Section 16132(d) of such title is amended by strik-
21 ing “end strength required to be authorized each year by
22 section 115(a)(1)(B)” in the second sentence and inserting
23 “strength required to be authorized each year by section
24 115(a)(2)”.

1 (7) *Section 112 of title 32, United States Code, is*
2 *amended—*

3 (A) *in subsection (e)—*

4 (i) *in the heading, by striking “END-*
5 *STRENGTH” and inserting “STRENGTH”; and*

6 (ii) *by striking “end strength” and insert-*
7 *ing “strength”;*

8 (B) *in subsection (f)—*

9 (i) *in the heading, by striking “END*
10 *STRENGTH” and inserting “STRENGTH”; and*

11 (ii) *in paragraph (2), by striking “end*
12 *strength” and inserting “strength”; and*

13 (C) *in subsection (g)(1), by striking “end*
14 *strengths” and inserting “strengths”.*

15 **SEC. 422. EXCLUSION OF RECALLED RETIRED MEMBERS**
16 **FROM CERTAIN STRENGTH LIMITATIONS**
17 **DURING PERIOD OF WAR OR NATIONAL**
18 **EMERGENCY.**

19 (a) *ANNUAL AUTHORIZED END STRENGTHS.—Section*
20 *115(d) of title 10, United States Code, is amended by add-*
21 *ing at the end the following new paragraph:*

22 “(12) *Members of the armed forces ordered to ac-*
23 *tive duty under section 688 of this title during any*
24 *period of war declared by Congress or any period of*
25 *national emergency declared by Congress or the Presi-*

1 *dent in which members of a reserve component are*
2 *serving on active duty pursuant to an order to active*
3 *duty under section 12301 or 12302 of this title, for*
4 *so long as the members ordered to active duty under*
5 *such section 688 continue to serve on active duty dur-*
6 *ing the period of the war or national emergency and*
7 *the one-year period beginning on the date of the ter-*
8 *mination of the war or national emergency, as the*
9 *case may be.”*

10 ***(b) STRENGTH LIMITATIONS FOR OFFICERS IN PAY***
11 ***GRADES O-4 THROUGH O-6.—Section 523(b) of such title***
12 ***is amended by adding at the end the following new para-***
13 ***graph:***

14 *“(8) Officers ordered to active duty under section*
15 *688 of this title during any period of war declared by*
16 *Congress or any period of national emergency de-*
17 *clared by Congress or the President in which members*
18 *of a reserve component are serving on active duty*
19 *pursuant to an order to active duty under section*
20 *12301 or 12302 of this title, for so long as the mem-*
21 *bers ordered to active duty under such section 688*
22 *continue to serve on active duty during the period of*
23 *the war or national emergency and the one-year pe-*
24 *riod beginning on the date of the termination of the*
25 *war or national emergency, as the case may be.”*

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

3 ***SEC. 431. 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 year*
 7 *2004 a total of \$99,194,206,000. The authorization in the*
 8 *preceding sentence supersedes any other authorization of*
 9 *appropriations (definite or indefinite) for such purpose for*
 10 *fiscal year 2004.*

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

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

14 ***SEC. 501. RETENTION OF HEALTH PROFESSIONS OFFICERS***
 15 ***TO FULFILL ACTIVE DUTY SERVICE OBLIGA-***
 16 ***TIONS FOLLOWING FAILURE OF SELECTION***
 17 ***FOR PROMOTION.***

18 *(a) IN GENERAL.—Subsection (a) of section 632 of title*
 19 *10, United States Code, is amended—*

20 *(1) by striking “or” at the end of paragraph (2);*

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

23 *(3) by adding at the end the following new para-*
 24 *graph:*

1 “(4) if the officer is a health professions officer
2 described in subsection (c) who, as of the date of dis-
3 charge determined for the officer under paragraph
4 (1), has not completed an active duty service obliga-
5 tion incurred by the officer under section 2005, 2114,
6 2123, or 2603 of this title, be retained on active duty
7 until the officer completes the active duty service for
8 which obligated, unless the Secretary concerned deter-
9 mines that the completion of the service obligation by
10 the officer is not in the best interest of the Army,
11 Navy, Air Force, or Marine Corps, as the case may
12 be.”.

13 **(b) COVERED HEALTH PROFESSIONS OFFICERS.**—Sec-
14 tion 632 of such title is amended by adding at the end the
15 following new subsection:

16 **“(c) HEALTH PROFESSIONS OFFICERS.**—Subsection
17 (a)(4) applies to the following officers:

18 “(1) A medical officer.

19 “(2) A dental officer.

20 “(3) Any other officer appointed in a medical
21 skill (as defined in regulations prescribed by the Sec-
22 retary of Defense).”.

23 **(c) TECHNICAL AMENDMENT.**—Subsection (a)(3) of
24 such section is amended by striking “clause (1)” and insert-
25 ing “paragraph (1)”.

1 **SEC. 502. ELIGIBILITY FOR APPOINTMENT AS CHIEF OF**
2 **ARMY VETERINARY CORPS.**

3 (a) *APPOINTMENT FROM AMONG MEMBERS OF THE*
4 *CORPS.*—Section 3084 of title 10, United States Code, is
5 amended by inserting after “The Chief of the Veterinary
6 Corps of the Army” the following: “shall be appointed from
7 among officers of the Veterinary Corps. The Chief of the Vet-
8 erinary Corps”.

9 (b) *APPLICABILITY.*—The amendment made by sub-
10 section (a) shall apply to appointments of the Chief of the
11 Veterinary Corps of the Army that are made on or after
12 the date of the enactment of this Act.

13 ***Subtitle B—Reserve Component***
14 ***Personnel Policy***

15 **SEC. 511. EXPANDED AUTHORITY FOR USE OF READY RE-**
16 **SERVE IN RESPONSE TO TERRORISM.**

17 Section 12304(b)(2) of title 10, United States Code, is
18 amended by striking “catastrophic”.

19 **SEC. 512. STREAMLINED PROCESS FOR CONTINUING OFFI-**
20 **CERS ON THE RESERVE ACTIVE-STATUS LIST.**

21 (a) *CONTINUATION.*—Section 14701 of title 10, United
22 States Code, is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1), by striking “by a se-
25 lection board convened under section 14101(b) of

1 *this title” and inserting “under regulations pre-*
 2 *scribed under subsection (b)”;*

3 *(B) in paragraph (6), by striking “as a re-*
 4 *sult of the convening of a selection board under*
 5 *section 14101(b) of this title”;*

6 *(2) by striking subsections (b) and (c); and*

7 *(3) by redesignating subsection (d) as subsection*
 8 *(b).*

9 **(b) CONFORMING AMENDMENTS.**—*Subsection (b) of*
 10 *section 14101 of such title is amended—*

11 *(1) by striking paragraph (1); and*

12 *(2) by redesignating paragraphs (2) and (3) as*
 13 *paragraphs (1) and (2), respectively.*

14 **SEC. 513. NATIONAL GUARD OFFICERS ON ACTIVE DUTY IN**
 15 **COMMAND OF NATIONAL GUARD UNITS.**

16 **(a) CONTINUATION IN STATE STATUS.**—*Subsection (a)*
 17 *of section 325 of title 32, United States Code, is amended—*

18 *(1) by striking “(a) Each” and inserting “(a)*
 19 *RELIEF REQUIRED.—(1) Except as provided in para-*
 20 *graph (2), each”;* and

21 *(2) by adding at the end the following new para-*
 22 *graph:*

23 *“(2) An officer of the Army National Guard of the*
 24 *United States or the Air National Guard of the United*
 25 *States is not relieved from duty in the National Guard of*

1 **Subtitle D—Education and**
2 **Training**

3 **SEC. 531. INCREASED FLEXIBILITY FOR MANAGEMENT OF**
4 **SENIOR LEVEL EDUCATION AND POST-EDU-**
5 **CATION ASSIGNMENTS.**

6 (a) *REPEAL OF POST-EDUCATION JOINT DUTY AS-*
7 *SIGNMENTS REQUIREMENT.*—*Subsection (d) of section 663*
8 *of title 10, United States Code, is repealed.*

9 (b) *REPEAL OF MINIMUM DURATION REQUIREMENT*
10 *FOR PRINCIPAL COURSE OF INSTRUCTION AT THE JOINT*
11 *FORCES STAFF COLLEGE.*—*Subsection (e) of such section*
12 *is repealed.*

13 **SEC. 532. EXPANDED EDUCATIONAL ASSISTANCE AUTHOR-**
14 **ITY FOR CADETS AND MIDSHIPMEN RECEIV-**
15 **ING ROTC SCHOLARSHIPS.**

16 (a) *FINANCIAL ASSISTANCE PROGRAM FOR SERVICE*
17 *ON ACTIVE DUTY.*—*Section 2107(c) of title 10, United*
18 *States Code, is amended—*

19 (1) *in paragraph (1), by striking the first sen-*
20 *tence and inserting the following: “The Secretary con-*
21 *cerned may provide financial assistance described in*
22 *paragraph (3) for a student appointed as a cadet or*
23 *midshipman by the Secretary under subsection (a).”;*

1 (2) *in paragraph (2), by striking “as described*
2 *in paragraph (1)” and inserting “as described in*
3 *paragraph (3)”*; and

4 (3) *by adding at the end the following new para-*
5 *graphs:*

6 “(3)(A) *The financial assistance provided for a student*
7 *under this subsection shall be the payment of one of the*
8 *two sets of expenses selected by the Secretary, as follows:*

9 “(i) *Tuition, fees, books, and laboratory expenses.*

10 “(ii) *Expenses for room and board and any*
11 *other necessary expenses imposed by the student’s edu-*
12 *cational institution for the academic program in*
13 *which the student is enrolled, which may include any*
14 *of the expenses described in clause (i).*

15 “(B) *The total amount of the financial assistance pro-*
16 *vided for a student for an academic year under clause (ii)*
17 *of subparagraph (A) may not exceed the total amount of*
18 *the financial assistance that would otherwise have been pro-*
19 *vided for the student for that academic year under clause*
20 *(i) of such subparagraph.*

21 “(4) *The Secretary of the military department con-*
22 *cerned may provide for the payment of all expenses in the*
23 *Secretary’s department of administering the financial as-*
24 *istance program under this section, including the payment*
25 *of expenses described in paragraph (3).”*

1 (b) *FINANCIAL ASSISTANCE PROGRAM FOR SERVICE IN*
2 *TROOP PROGRAM UNITS.*—Section 2107a(c) of such title is
3 amended to read as follows:

4 “(c)(1) *The Secretary of the Army may provide finan-*
5 *cial assistance described in paragraph (2) for a student ap-*
6 *pointed as a cadet by the Secretary under subsection (a).*

7 “(2)(A) *The financial assistance provided for a student*
8 *under this subsection shall be the payment of one of the*
9 *two sets of expenses selected by the Secretary concerned, as*
10 *follows:*

11 “(i) *Tuition, fees, books, and laboratory expenses.*

12 “(ii) *Expenses for room and board and any*
13 *other necessary expenses imposed by the student’s edu-*
14 *cational institution for the academic program in*
15 *which the student is enrolled, which may include any*
16 *of the expenses described in clause (i).*

17 “(B) *The total amount of the financial assistance pro-*
18 *vided for a student for an academic year under clause (ii)*
19 *of subparagraph (A) may not exceed the total amount of*
20 *the financial assistance that would otherwise have been pro-*
21 *vided for the student for that academic year under clause*
22 *(i) of such subparagraph.*

23 “(3) *The Secretary may provide for the payment of*
24 *all expenses in the Department of the Army for admin-*
25 *istering the financial assistance program under this section,*

1 *including the payment of expenses described in paragraph*
2 *(2).”.*

3 **SEC. 533. ELIGIBILITY AND COST REIMBURSEMENT RE-**
4 **QUIREMENTS FOR PERSONNEL TO RECEIVE**
5 **INSTRUCTION AT THE NAVAL POST-**
6 **GRADUATE SCHOOL.**

7 *(a) EXPANDED ELIGIBILITY FOR ENLISTED PER-*
8 *SONNEL.—Subsection (a)(2) of section 7045 of title 10,*
9 *United States Code, is amended—*

10 *(1) by inserting “(A)” after “(2)”;*

11 *(2) by striking “this paragraph” in the second*
12 *sentence and inserting “this subparagraph”; and*

13 *(3) by adding at the end the following new sub-*
14 *paragraphs:*

15 *“(B) The Secretary may permit an enlisted member*
16 *of the armed forces to receive instruction in an executive*
17 *level seminar at the Naval Postgraduate School.*

18 *“(C) The Secretary may permit an eligible enlisted*
19 *member of the armed forces to receive instruction in connec-*
20 *tion with pursuit of a program of education in information*
21 *assurance as a participant in the Information Security*
22 *Scholarship program under chapter 112 of this title. To be*
23 *eligible for instruction under this subparagraph, the en-*
24 *listed member must have been awarded a baccalaureate de-*
25 *gree by an institution of higher education.”.*

1 (b) *PAYMENT OF COSTS FOR PARTICIPANTS IN INFOR-*
2 *MATION SECURITY SCHOLARSHIP PROGRAM.*—*Subsection*
3 *(b) of such section is amended—*

4 (1) *by inserting “(1)” after “(b)”;* and

5 (2) *by adding at the end the following new para-*
6 *graph:*

7 “(2) *The requirements for payment of costs and fees*
8 *under paragraph (1) shall be subject to such exceptions as*
9 *the Secretary of Defense may prescribe for members of the*
10 *armed forces who receive instruction at the Postgraduate*
11 *School in connection with pursuit of a degree or certifi-*
12 *cation as participants in the Information Security Scholar-*
13 *ship program under chapter 112 of this title.”.*

14 “(3) *The Department of the Army, the Department of*
15 *the Navy, and the Department of Transportation shall bear*
16 *the cost of the instruction at the Air Force Institute of Tech-*
17 *nology that is received by officers detailed for that instruc-*
18 *tion by the Secretaries of the Army, Navy, and Transpor-*
19 *tation, respectively. In the case of an enlisted member per-*
20 *mitted to receive instruction at the Institute, the Secretary*
21 *of the Air Force shall charge that member only for such*
22 *costs and fees as the Secretary considers appropriate (tak-*
23 *ing into consideration the admission of enlisted members*
24 *on a space-available basis).*

1 (c) *CONFORMING AMENDMENTS.*—Paragraph (1) of
2 such subsection (b), as redesignated by subsection (b)(1) of
3 this section, is amended—

4 (A) in the first sentence, by striking “officers”
5 and inserting “members of the armed forces who are”;
6 and

7 (B) in the second sentence—

8 (i) by inserting “under subsection
9 (a)(2)(A)” after “at the Postgraduate School”;
10 and

11 (ii) by striking “(taking into consideration
12 the admission of enlisted members on a space-
13 available basis)”.

14 **SEC. 534. ACTIONS TO ADDRESS SEXUAL MISCONDUCT AT**
15 **THE SERVICE ACADEMIES.**

16 (a) *POLICY ON SEXUAL MISCONDUCT.*—(1) The Sec-
17 retary of the Army, the Secretary of the Navy, and the Sec-
18 retary of the Air Force shall, under guidance prescribed by
19 the Secretary of Defense, direct the Superintendent of the
20 United States Military Academy, the Superintendent of the
21 United States Naval Academy, and the Superintendent of
22 the United States Air Force Academy, respectively, to pre-
23 scribe a policy on sexual misconduct applicable to the per-
24 sonnel of the United States Military Academy, the United

1 *States Naval Academy, and the United States Air Force*
2 *Academy, respectively.*

3 (2) *The policy on sexual misconduct prescribed for an*
4 *academy shall specify the following:*

5 (A) *Programs to promote awareness of the inci-*
6 *dence of rape, acquaintance rape, and other sexual of-*
7 *fenses of a criminal nature that involve academy per-*
8 *sonnel.*

9 (B) *Procedures that a cadet or midshipman, as*
10 *the case may be, should follow in the case of an occur-*
11 *rence of sexual misconduct, including—*

12 (i) *a specification of the person or persons*
13 *to whom the alleged offense should be reported;*

14 (ii) *a specification of any other person*
15 *whom the victim should contact; and*

16 (iii) *procedures on the preservation of evi-*
17 *dence potentially necessary for proof of criminal*
18 *sexual assault.*

19 (C) *Procedures for disciplinary action in cases of*
20 *alleged criminal sexual assault involving academy*
21 *personnel.*

22 (D) *Any other sanctions authorized to be im-*
23 *posed in a substantiated case of misconduct involving*
24 *academy personnel in rape, acquaintance rape, or*

1 *any other criminal sexual offense, whether forcible or*
2 *nonforcible.*

3 *(E) Required training on the policy for all acad-*
4 *emy personnel, including the specific training re-*
5 *quired for personnel who process allegations of sexual*
6 *misconduct involving academy personnel.*

7 *(b) ANNUAL ASSESSMENT.—(1) The Secretary of De-*
8 *fense, through the Secretaries of the military departments,*
9 *shall direct each Superintendent to conduct at the academy*
10 *under the jurisdiction of the Superintendent an assessment*
11 *in each academy program year to determine the effective-*
12 *ness of the academy’s policies, training, and procedures on*
13 *sexual misconduct to prevent criminal sexual misconduct*
14 *involving academy personnel.*

15 *(2) For the assessment for each of the 2004, 2005, 2006,*
16 *2007, and 2008 academy program years, the Super-*
17 *intendent of the academy shall conduct a survey of all acad-*
18 *emy personnel—*

19 *(A) to measure—*

20 *(i) the incidence, in such program year, of*
21 *sexual misconduct events, on or off the academy*
22 *reservation, that have been reported to officials of*
23 *the academy; and*

24 *(ii) the incidence, in such program year, of*
25 *sexual misconduct events, on or off the academy*

1 *reservation, that have not been reported to offi-*
2 *cial of the academy; and*

3 *(B) to assess the perceptions of academy per-*
4 *sonnel on—*

5 *(i) the policies, training, and procedures on*
6 *sexual misconduct involving academy personnel;*

7 *(ii) the enforcement of such policies;*

8 *(iii) the incidence of sexual misconduct in-*
9 *volving academy personnel in such program*
10 *year; and*

11 *(iv) any other issues relating to sexual mis-*
12 *conduct involving academy personnel.*

13 *(c) ANNUAL REPORT.—(1) The Secretary of the Army,*
14 *the Secretary of the Navy, and the Secretary of the Air*
15 *Force shall direct the Superintendent of the United States*
16 *Military Academy, the Superintendent of the United States*
17 *Naval Academy, and the Superintendent of the United*
18 *States Air Force Academy, respectively, to submit to the*
19 *Secretary a report on sexual misconduct involving academy*
20 *personnel for each of the 2004, 2005, 2006, 2007, and 2008*
21 *academy program years.*

22 *(2) The annual report for an academy under para-*
23 *graph (1) shall contain, for the academy program year cov-*
24 *ered by the report, the following matters:*

1 (A) *The number of sexual assaults, rapes, and*
2 *other sexual offenses involving academy personnel*
3 *that have been reported to academy officials during*
4 *the program year, and the number of the reported*
5 *cases that have been substantiated.*

6 (B) *The policies, procedures, and processes im-*
7 *plemented by the Secretary of the military depart-*
8 *ment concerned and the leadership of the academy in*
9 *response to sexual misconduct involving academy per-*
10 *sonnel during the program year.*

11 (C) *In the report for the 2004 academy program*
12 *year, a discussion of the survey conducted under sub-*
13 *section (b), together with an analysis of the results of*
14 *the survey and a discussion of any initiatives under-*
15 *taken on the basis of such results and analysis.*

16 (D) *In the report for each of the subsequent acad-*
17 *emy program years, the results of the annual survey*
18 *conducted in such program year under subsection (b).*

19 (E) *A plan for the actions that are to be taken*
20 *in the following academy program year regarding*
21 *prevention of and response to sexual misconduct in-*
22 *volving academy personnel.*

23 (3) *The Secretary of a military department shall*
24 *transmit the annual report on an academy under this sub-*
25 *section, together with the Secretary's comments on the re-*

1 port, to the Secretary of Defense and the Board of Visitors
2 of the academy.

3 (4) The Secretary of Defense shall transmit the annual
4 report on each academy under this subsection, together with
5 the Secretary's comments on the report to, the Committees
6 on Armed Services of the Senate and the House of Rep-
7 resentatives.

8 (5) The report for the 2004 academy program year for
9 an academy shall be submitted to the Secretary of the mili-
10 tary department concerned not later than one year after
11 the date of the enactment of this Act.

12 (6) In this subsection, the term "academy program
13 year" with respect to a year, means the academy program
14 year that ends in that year.

15 **SEC. 535. FUNDING OF EDUCATION ASSISTANCE ENLIST-**
16 **MENT INCENTIVES TO FACILITATE NATIONAL**
17 **SERVICE THROUGH DEPARTMENT OF DE-**
18 **FENSE EDUCATION BENEFITS FUND.**

19 (a) *IN GENERAL.*—Subsection (j) of section 510 of title
20 10, United States Code, is amended to read as follows:

21 “(j) *FUNDING.*—(1) Amounts for the payment of incen-
22 tives under paragraphs (1) and (2) of subsection (e) shall
23 be derived from amounts available to the Secretary of the
24 military department concerned for the payment of pay, al-

1 *lowances and other expenses of the members of the armed*
 2 *force concerned.*

3 “(2) *Amounts for the payment of incentives under*
 4 *paragraphs (3) and (4) of subsection (e) shall be derived*
 5 *from the Department of Defense Education Benefits Fund*
 6 *under section 2006 of this title.”.*

7 (b) *CONFORMING AMENDMENTS.—Section 2006(b) of*
 8 *such title is amended—*

9 (1) *in paragraph (1), by inserting “paragraphs*
 10 *(3) and (4) of section 510(e) and” after “Department*
 11 *of Defense benefits under”;* and

12 (2) *in paragraph (2), by adding at the end the*
 13 *following new subparagraph:*

14 “(E) *The present value of future benefits*
 15 *payable from the Fund for educational assistance*
 16 *under paragraphs (3) and (4) of section 510(e)*
 17 *of this title to persons who during such period*
 18 *become entitled to such assistance.”.*

19 ***Subtitle E—Military Justice***

20 ***SEC. 551. EXTENDED LIMITATION PERIOD FOR PROSECU-*** 21 ***TION OF CHILD ABUSE CASES IN COURTS-*** 22 ***MARTIAL.***

23 *Section 843(b) of title 10, United States Code (article*
 24 *43 of the Uniform Code of Military Justice) is amended—*

1 (1) by redesignating paragraph (2) as para-
2 graph (3); and

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

5 “(2)(A) A person charged with having committed a
6 child abuse offense against a child is liable to be tried by
7 court-martial if the sworn charges and specifications are
8 received before the child reaches the age of 25 years by an
9 officer exercising summary court-martial jurisdiction with
10 respect to that person.

11 “(B) In subparagraph (A), the term ‘child abuse of-
12 fense’ means an act that involves sexual or physical abuse
13 of a person under 16 years of age and constitutes any of
14 the following offenses:

15 “(i) Rape or carnal knowledge in violation of
16 section 920 of this title (article 120).

17 “(ii) Maiming in violation of section 924 of this
18 title (article 124).

19 “(iii) Sodomy in violation of section 925 of this
20 title (article 126).

21 “(iv) Aggravated assault or assault consummated
22 by a battery in violation of section 928 of this title
23 (article 128).

24 “(v) Indecent assault, assault with intent to
25 commit murder, voluntary manslaughter, rape, or

1 *sodomy, or indecent acts or liberties with a child in*
 2 *violation of section 934 of this title (article 134).”.*

3 **SEC. 552. CLARIFICATION OF BLOOD ALCOHOL CONTENT**

4 **LIMIT FOR THE OFFENSE UNDER THE UNI-**
 5 **FORM CODE OF MILITARY JUSTICE OF**
 6 **DRUNKEN OPERATION OF A VEHICLE, AIR-**
 7 **CRAFT, OR VESSEL.**

8 *Section 911 of title 10, United States Code (article 111*
 9 *of the Uniform Code of Military Justice), is amended—*

10 (1) *in subsection (a)(2), by striking “is in excess*
 11 *of” and inserting “is equal to or exceeds”; and*

12 (2) *in subsection (b)—*

13 (A) *in paragraph (1), by striking subpara-*
 14 *graph (A) and inserting the following:*

15 “(A) *In the case of the operation or control of a*
 16 *vehicle, aircraft, or vessel in the United States, such*
 17 *limit is the lesser of—*

18 “(i) *the blood alcohol content limit under*
 19 *the law of the State in which the conduct oc-*
 20 *curred, except as may be provided under para-*
 21 *graph (2) for conduct on a military installation*
 22 *that is in more than one State; or*

23 “(ii) *the blood alcohol content limit speci-*
 24 *fied in paragraph (3).”;* and

1 (B) by striking “maximum” in paragraphs
2 (1)(B) and (3).

3 **Subtitle F—Other Matters**

4 **SEC. 561. HIGH-TEMPO PERSONNEL MANAGEMENT AND AL-**
5 **LOWANCE.**

6 (a) *DEPLOYMENT MANAGEMENT.*—Section 991(a) of
7 *title 10, United States Code, is amended to read as follows:*
8 “(a) *MANAGEMENT RESPONSIBILITIES.*—(1) *The de-*
9 *ployment (or potential deployment) of a member of the*
10 *armed forces shall be managed to ensure that the member*
11 *is not deployed, or continued in a deployment, on any day*
12 *on which the total number of days on which the member*
13 *has been deployed out of the preceding 365 days would ex-*
14 *ceed the maximum number of deployment days prescribed*
15 *for the purposes of this section by the Under Secretary of*
16 *Defense for Personnel and Readiness. The maximum num-*
17 *ber of deployment days so prescribed may not exceed 220*
18 *days.*

19 “(2) *A member may be deployed, or continued in a*
20 *deployment, without regard to paragraph (1) if such de-*
21 *ployment, or continued deployment, is approved by—*

22 “(A) *a member of the Senior Executive Service*
23 *designated by the Secretary of Defense to do so; or*

24 “(B) *the first officer in the member’s chain of*
25 *command who is—*

1 “(i) a general officer or, in the case of the
2 Navy, an officer in a grade above captain; or

3 “(ii) a colonel or, in the case of the Navy,
4 a captain who is recommended for promotion to
5 brigadier general or rear admiral, respectively,
6 in a report of a selection board convened under
7 section 611(a) or 14101(a) of this title that has
8 been approved by the President.”.

9 (b) *HIGH-TEMPO ALLOWANCE*.—(1) Subsection (a) of
10 section 436 of title 37, United States Code, is amended to
11 read as follows:

12 “(a) *MONTHLY ALLOWANCE*.—The Secretary of the
13 military department concerned shall pay a high-tempo al-
14 lowance to a member of the armed forces under the Sec-
15 retary’s jurisdiction for the following months:

16 “(1) Each month during which the member is
17 deployed and has, as of any day during that month,
18 been deployed—

19 “(A) for at least the number of days out of
20 the preceding 730 days that is prescribed for the
21 purpose of this subparagraph by the Under Sec-
22 retary of Defense for Personnel and Readiness,
23 except that the number of days so prescribed may
24 not be more than 401 days; or

1 “(B) at least the number of consecutive days
2 that is prescribed for the purpose of this sub-
3 paragraph by the Under Secretary of Defense for
4 Personnel and Readiness, except that the number
5 of days so prescribed may not be more than 191
6 days.

7 “(2) Each month that includes a day on which
8 the member serves on active duty pursuant to a call
9 or order to active duty for a period of more than 30
10 days under a provision of law referred to in section
11 101(a)(13)(B) of title 10, if such period begins within
12 one year after the date on which the member was re-
13 leased from previous service on active duty for a pe-
14 riod of more than 30 days under a call or order
15 issued under such a provision of law.”.

16 (2) Subsection (c) of such section is amended to read
17 as follows:

18 “(c) MONTHLY AMOUNT.—The Secretary of Defense
19 shall prescribe the amount of the monthly allowance pay-
20 able to a member under this section. The amount may not
21 exceed \$1,000.”.

22 (3) Such section is further amended by adding at the
23 end the following new subsection:

24 “(g) SERVICE IN EXEMPTED DUTY POSITIONS.—(1)
25 Except as provided in paragraph (2), a member is not eligi-

1 ble for the high-tempo allowance under this section while
 2 serving in a duty position designated as exempt for the pur-
 3 pose of this subsection by the Secretary concerned with the
 4 approval of the Under Secretary of Defense for Personnel
 5 and Readiness.

6 “(2) A designation of a duty position as exempt under
 7 paragraph (1) does not terminate the eligibility for the
 8 high-tempo allowance under this section of a member serv-
 9 ing in the duty position at the time the designation is made.

10 “(h) *PAYMENT FROM OPERATION AND MAINTENANCE*
 11 *FUNDS.*—The monthly allowance payable to a member
 12 under this section shall be paid from appropriations avail-
 13 able for operation and maintenance for the armed force in
 14 which the member serves.”.

15 (4) Such section is further amended—

16 (A) in subsections (d) and (e), by striking “high-
 17 deployment per diem” and inserting “high-tempo al-
 18 lowance”; and

19 (B) in subsection (f)—

20 (i) by striking “per diem” and inserting
 21 “allowance”; and

22 (ii) by striking “day on which” and insert-
 23 ing “month during which”.

24 (5)(A) The heading of such section is amended to read
 25 as follows:

1 **“§436. High-tempo allowance: lengthy or numerous**
 2 **deployments; frequent mobilizations”.**

3 (B) *The item relating to such section in the table of*
 4 *sections at the beginning of chapter 7 of such title is amend-*
 5 *ed to read as follows:*

“436. High-tempo allowance: lengthy or numerous deployments; frequent mobili-
zations.”.

6 (c) **MODIFIED REPORTING REQUIREMENT.**—*Section*
 7 *487(b)(5) of title 10, United States Code, is amended to*
 8 *read as follows:*

9 “(5) *For each of the armed forces, the description*
 10 *shall indicate the number of members who received the*
 11 *high-tempo allowance under section 436 of title 37,*
 12 *the total number of months for which the allowance*
 13 *was paid to members, and the total amount spent on*
 14 *the allowance.”.*

15 **SEC. 562. ALTERNATE INITIAL MILITARY SERVICE OBLIGA-**
 16 **TION FOR PERSONS ACCESSED UNDER DI-**
 17 **RECT ENTRY PROGRAM.**

18 (a) **REQUIREMENT FOR PROGRAM.**—*The Secretary of*
 19 *Defense shall carry out a direct entry program for persons*
 20 *with critical military skills who enter the Armed Forces for*
 21 *an initial period of service in the Armed Forces.*

22 (b) **ELIGIBLE PERSONS.**—*The Secretary shall pre-*
 23 *scribe the eligibility requirements for entering the Armed*
 24 *Forces under the direct entry program carried out under*

1 *this section. The Secretary may limit eligibility as the Sec-*
2 *retary determines appropriate to meet the needs of the*
3 *Armed Forces.*

4 (c) *CRITICAL MILITARY SKILLS.—The Secretary shall*
5 *designate the military skills that are critical military skills*
6 *for the purposes of this section.*

7 (d) *INITIAL SERVICE OBLIGATION.—(1) The Secretary*
8 *shall prescribe the period of initial service in the Armed*
9 *Forces that is to be required of a person entering the Armed*
10 *Forces under the direct entry program. The period may not*
11 *be less than three years.*

12 (2) *Section 651(a) of title 10, United States Code, shall*
13 *not apply to a person who enters the Armed Forces under*
14 *the direct entry program.*

15 (e) *REPORTS.—(1) Not later than 30 days after the*
16 *direct entry program commences under this section, the Sec-*
17 *retary shall submit a report on the establishment of the pro-*
18 *gram to the Committees on Armed Services of the Senate*
19 *and the House of Representatives. The report shall include*
20 *the following:*

21 (A) *A list of the military skills designated as*
22 *critical military skills for the purposes of this section.*

23 (B) *The eligibility requirements for entering the*
24 *Armed Forces under the program.*

1 “(ii) an address (other than on a Fed-
2 eral write-in absentee ballot, commonly
3 known as ‘SF186’);

4 “(iii) a postmark if there are any other
5 indicia that the vote was cast in a timely
6 manner; or

7 “(iv) an overseas postmark; or

8 “(B) solely on the basis of a comparison of
9 signatures on ballots, envelopes, or registration
10 forms unless there is a lack of reasonable simi-
11 larity between the signatures.

12 “(2) NO EFFECT ON FILING DEADLINES UNDER
13 STATE LAW.—Nothing in this subsection may be con-
14 strued to affect the application to ballots submitted by
15 absent uniformed services voters of any ballot submis-
16 sion deadline applicable under State law.”.

17 (2) The amendments made by paragraph (1) shall
18 apply with respect to ballots described in section 102(c) of
19 the Uniformed and Overseas Citizens Absentee Voting Act,
20 as added by paragraph (1), that are submitted with respect
21 to elections that occur after the date of the enactment of
22 this Act.

23 (b) MAXIMIZATION OF ACCESS OF RECENTLY SEPA-
24 RATED UNIFORMED SERVICES VOTERS TO THE POLLS.—

1 *(1) Section 102(a) of the Uniformed and Overseas Citizens*
2 *Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—*

3 *(A) in paragraph (4), by striking “and” at the*
4 *end;*

5 *(B) in paragraph (5), by striking the period at*
6 *the end and inserting a semicolon; and*

7 *(C) by adding at the end the following new para-*
8 *graphs:*

9 *“(6) in addition to using the postcard form for*
10 *the purpose described in paragraph (4), accept and*
11 *process any otherwise valid voter registration appli-*
12 *cation submitted by a uniformed service voter for the*
13 *purpose of voting in an election for Federal office;*
14 *and*

15 *“(7) permit each recently separated uniformed*
16 *services voter to vote in any election for which a voter*
17 *registration application has been accepted and proc-*
18 *essed under this section if that voter—*

19 *“(A) has registered to vote under this sec-*
20 *tion; and*

21 *“(B) is eligible to vote in that election*
22 *under State law.”.*

23 *(2) The amendments made by paragraph (1) shall*
24 *apply with respect to elections for Federal office that occur*
25 *after the date of the enactment of this Act.*

1 (c) *DEFINITIONS.*—Section 107 of the Uniformed and
2 *Overseas Citizens Absentee Voting Act* (42 U.S.C. 1973ff–
3 6) is amended—

4 (1) by redesignating paragraphs (7) and (8) as
5 paragraphs (9) and (11), respectively;

6 (2) by inserting after paragraph (6) the fol-
7 lowing new paragraph:

8 “(7) ‘recently separated uniformed services voter’
9 means any individual who was a uniformed services
10 voter on the date that is 60 days before the date on
11 which the individual seeks to vote and who—

12 “(A) presents to the election official Depart-
13 ment of Defense form 214 evidencing the individ-
14 ual’s former status as such a voter, or any other
15 official proof of such status;

16 “(B) is no longer such a voter; and

17 “(C) is otherwise qualified to vote in that
18 election;”]; and

19 (3) by inserting after paragraph (9), as so redес-
20 igned, the following new paragraph:

21 “(10) ‘uniformed services voter’ means—

22 “(A) a member of a uniformed service in
23 active service;

24 “(B) a member of the merchant marine;
25 and

1 “(C) a spouse or dependent of a member re-
2 ferred to in subparagraph (A) or (B) who is
3 qualified to vote; and”.

4 **SEC. 565. CERTAIN TRAVEL AND TRANSPORTATION AL-**
5 **LOWANCES FOR DEPENDENTS OF MEMBERS**
6 **OF THE ARMED FORCES WHO HAVE COM-**
7 **MITTED DEPENDENT ABUSE.**

8 Section 406(h) of title 37, United States Code, is
9 amended by adding at the end the following new paragraph:

10 “(4)(A) If the Secretary concerned makes a determina-
11 tion described in subparagraph (B) with respect to the
12 spouse or a dependent of a member described in that sub-
13 paragraph and a request described in subparagraph (C) has
14 been by the spouse or on behalf of such dependent, the Sec-
15 retary may provide any benefit authorized for a member
16 under paragraph (1) or (3) to the spouse or such dependent
17 in lieu of providing such benefit to the member.

18 “(B) A determination described in this subparagraph
19 is a determination by the commanding officer of a member
20 that—

21 “(i) the member has committed a dependent-
22 abuse offense against the spouse or a dependent of the
23 member;

24 “(ii) a safety plan and counseling have been pro-
25 vided to the spouse or such dependent;

1 “(iii) the safety of the spouse or such dependent
2 is at risk; and

3 “(iv) the relocation of the spouse or such depend-
4 ent is advisable.

5 “(C) A request described in this subparagraph is a re-
6 quest by the spouse of a member, or by the parent of a de-
7 pendent child in the case of a dependent child of a member,
8 for relocation.

9 “(D) Transportation may be provided under this
10 paragraph for household effects or a motor vehicle only if
11 a written agreement of the member, or an order of a court
12 of competent jurisdiction, gives possession of the effects or
13 vehicle to the spouse or dependent of the member concerned.

14 “(E) In this paragraph, the term ‘dependent-abuse of-
15 fense’ means an offense described in section 1059(c) of title
16 10.”.

17 **TITLE VI—COMPENSATION AND**
18 **OTHER PERSONNEL BENEFITS**

19 **Subtitle A—Pay and Allowances**

20 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2004.**

21 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The ad-
22 justment to become effective during fiscal year 2004 re-
23 quired by section 1009 of title 37, United States Code, in
24 the rates of monthly basic pay authorized members of the
25 uniformed services shall not be made.

- 1 (b) *INCREASE IN BASIC PAY.—Effective on January*
 2 *1, 2004, the rates of monthly basic pay for members of the*
 3 *uniformed services within each pay grade are as follows:*

COMMISSIONED OFFICERS¹

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>O-10²</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>O-9</i>	0.00	0.00	0.00	0.00	0.00
<i>O-8</i>	7,751.10	8,004.90	8,173.20	8,220.60	8,430.30
<i>O-7</i>	6,440.70	6,739.80	6,878.40	6,988.50	7,187.40
<i>O-6</i>	4,773.60	5,244.30	5,588.40	5,588.40	5,609.70
<i>O-5</i>	3,979.50	4,482.90	4,793.40	4,851.60	5,044.80
<i>O-4</i>	3,433.50	3,974.70	4,239.90	4,299.00	4,545.30
<i>O-3³</i>	3,018.90	3,422.40	3,693.90	4,027.20	4,220.10
<i>O-2³</i>	2,608.20	2,970.60	3,421.50	3,537.00	3,609.90
<i>O-1³</i>	2,264.40	2,356.50	2,848.50	2,848.50	2,848.50
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>O-10²</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>O-9</i>	0.00	0.00	0.00	0.00	0.00
<i>O-8</i>	8,781.90	8,863.50	9,197.10	9,292.80	9,579.90
<i>O-7</i>	7,384.20	7,611.90	7,839.00	8,066.70	8,781.90
<i>O-6</i>	5,850.00	5,882.10	5,882.10	6,216.30	6,807.30
<i>O-5</i>	5,161.20	5,415.90	5,602.80	5,844.00	6,213.60
<i>O-4</i>	4,809.30	5,137.80	5,394.00	5,571.60	5,673.60
<i>O-3³</i>	4,431.60	4,568.70	4,794.30	4,911.30	4,911.30
<i>O-2³</i>	3,609.90	3,609.90	3,609.90	3,609.90	3,609.90
<i>O-1³</i>	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>O-10²</i>	\$0.00	\$12,524.70	\$12,586.20	\$12,847.80	\$13,303.80
<i>O-9</i>	0.00	10,954.50	11,112.30	11,340.30	11,738.40
<i>O-8</i>	9,995.70	10,379.10	10,635.30	10,635.30	10,635.30
<i>O-7</i>	9,386.10	9,386.10	9,386.10	9,386.10	9,433.50
<i>O-6</i>	7,154.10	7,500.90	7,698.30	7,897.80	8,285.40
<i>O-5</i>	6,389.70	6,563.40	6,760.80	6,760.80	6,760.80
<i>O-4</i>	5,733.00	5,733.00	5,733.00	5,733.00	5,733.00
<i>O-3³</i>	4,911.30	4,911.30	4,911.30	4,911.30	4,911.30
<i>O-2³</i>	3,609.50	3,609.50	3,609.50	3,609.50	3,609.50
<i>O-1³</i>	2,848.50	2,848.50	2,848.50	2,848.50	2,848.50

¹Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

²Subject to the preceding footnote, the rate of basic pay for an officer in this grade while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code) is \$14,634.20, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE
DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OF-
FICER**

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>O-3E</i>	\$0.00	\$0.00	\$0.00	\$4,027.20	\$4,220.10
<i>O-2E</i>	0.00	0.00	0.00	3,537.00	3,609.90
<i>O-1E</i>	0.00	0.00	0.00	2,848.50	3,042.30
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>O-3E</i>	\$4,431.60	\$4,568.70	\$4,794.30	\$4,984.20	\$5,092.80
<i>O-2E</i>	3,724.80	3,918.60	4,068.60	4,180.20	4,180.20
<i>O-1E</i>	3,154.50	3,269.40	3,382.20	3,537.00	3,537.00
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>O-3E</i>	\$5,241.30	\$5,241.30	\$5,241.30	\$5,241.30	\$5,241.30
<i>O-2E</i>	4,180.20	4,180.20	4,180.20	4,180.20	4,180.20
<i>O-1E</i>	3,537.00	3,537.00	3,537.00	3,537.00	3,537.00

WARRANT OFFICERS¹

Years of service computed under section 205 of title 37, United States Code

<i>Pay Grade</i>	<i>2 or less</i>	<i>Over 2</i>	<i>Over 3</i>	<i>Over 4</i>	<i>Over 6</i>
<i>W-5 ...</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>W-4 ...</i>	3,119.40	3,355.80	3,452.40	3,547.20	3,710.40
<i>W-3 ...</i>	2,848.80	2,967.90	3,089.40	3,129.30	3,257.10
<i>W-2 ...</i>	2,505.90	2,649.00	2,774.10	2,865.30	2,943.30
<i>W-1 ...</i>	2,212.80	2,394.00	2,515.20	2,593.50	2,802.30
	<i>Over 8</i>	<i>Over 10</i>	<i>Over 12</i>	<i>Over 14</i>	<i>Over 16</i>
<i>W-5 ...</i>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<i>W-4 ...</i>	3,871.50	4,035.00	4,194.30	4,359.00	4,617.30
<i>W-3 ...</i>	3,403.20	3,595.80	3,786.30	3,988.80	4,140.60
<i>W-2 ...</i>	3,157.80	3,321.60	3,443.40	3,562.20	3,643.80
<i>W-1 ...</i>	2,928.30	3,039.90	3,164.70	3,247.20	3,321.90
	<i>Over 18</i>	<i>Over 20</i>	<i>Over 22</i>	<i>Over 24</i>	<i>Over 26</i>
<i>W-5 ...</i>	\$0.00	\$5,360.70	\$5,544.30	\$5,728.80	\$5,914.20
<i>W-4 ...</i>	4,782.60	4,944.30	5,112.00	5,277.00	5,445.90
<i>W-3 ...</i>	4,291.80	4,356.90	4,424.10	4,570.20	4,716.30
<i>W-2 ...</i>	3,712.50	3,843.00	3,972.60	4,103.70	4,103.70
<i>W-1 ...</i>	3,443.70	3,535.80	3,535.80	3,535.80	3,535.80

¹ Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS¹

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ²	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8	0.00	0.00	0.00	0.00	0.00
E-7	2,145.00	2,341.20	2,430.60	2,549.70	2,642.10
E-6	1,855.50	2,041.20	2,131.20	2,218.80	2,310.00
E-5	1,700.10	1,813.50	1,901.10	1,991.10	2,130.60
E-4	1,558.20	1,638.30	1,726.80	1,814.10	1,891.50
E-3	1,407.00	1,495.50	1,585.50	1,585.50	1,585.50
E-2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E-1 ³	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ²	\$0.00	\$3,769.20	\$3,854.70	\$3,962.40	\$4,089.30
E-8	3,085.50	3,222.00	3,306.30	3,407.70	3,517.50
E-7	2,801.40	2,891.10	2,980.20	3,139.80	3,219.60
E-6	2,516.10	2,596.20	2,685.30	2,763.30	2,790.90
E-5	2,250.90	2,339.70	2,367.90	2,367.90	2,367.90
E-4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E-3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E-2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E-1 ³	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 ²	\$4,216.50	\$4,421.10	\$4,594.20	\$4,776.60	\$5,054.70
E-8	3,715.50	3,815.70	3,986.40	4,081.20	4,314.30
E-7	3,295.50	3,341.70	3,498.00	3,599.10	3,855.00
E-6	2,809.80	2,809.80	2,809.80	2,809.80	2,809.80
E-5	2,367.90	2,367.90	2,367.90	2,367.90	2,367.90
E-4	1,891.50	1,891.50	1,891.50	1,891.50	1,891.50
E-3	1,585.50	1,585.50	1,585.50	1,585.50	1,585.50
E-2	1,337.70	1,337.70	1,337.70	1,337.70	1,337.70
E-1 ³	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40

¹Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

²Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, is \$6,090.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

³In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,104.00.

1 **SEC. 602. REVISED ANNUAL PAY ADJUSTMENT PROCESS.**

2 (a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Sub-
3 section (a) of section 1009 of title 37, United States Code,
4 is amended to read as follows:

5 “(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Ef-
6 fective on January 1 of each year, the rates of basic pay

1 *for members of the uniformed services under section 203(a)*
 2 *of this title shall be increased under this section.”.*

3 **(b) EFFECTIVENESS OF ADJUSTMENT.**—*Subsection (b)*
 4 *of such section is amended by striking “shall—” and all*
 5 *that follows and inserting “shall have the force and effect*
 6 *of law.”.*

7 **(c) PERCENTAGE OF ADJUSTMENT.**—*Subsection (c) of*
 8 *such section is amended to read as follow:*

9 **“(c) EQUAL PERCENTAGE INCREASE FOR ALL MEM-**
 10 *BERS.—(1) An adjustment made under this section in a*
 11 *year shall provide all eligible members with an increase in*
 12 *the monthly basic pay that is the percentage (rounded to*
 13 *the nearest one-tenth of 1 percent) by which the ECI for*
 14 *the base quarter of the year before the preceding year exceeds*
 15 *the ECI for the base quarter of the second year before the*
 16 *preceding calendar year (if at all).*

17 **“(2) Notwithstanding paragraph (1), but subject to**
 18 *subsection (d), the percentage of the adjustment taking effect*
 19 *under this section during each of fiscal years 2004, 2005,*
 20 *and 2006, shall be one-half of 1 percentage point higher*
 21 *than the percentage that would otherwise be applicable*
 22 *under such paragraph.”.*

23 **(d) REPEAL OF ALLOCATION AUTHORITY.**—*Such sec-*
 24 *tion is further amended—*

25 **(1) by striking subsections (d), (e), and (g); and**

1 (2) redesignating subsection (f) as subsection (d).

2 (e) *PRESIDENTIAL DETERMINATION OF NEED FOR AL-*
3 *TERNATIVE PAY ADJUSTMENT.*—Such section, as amended
4 by subsection (d), is further amended adding at the end the
5 following new subsection:

6 “(e) *PRESIDENTIAL DETERMINATION OF NEED FOR*
7 *ALTERNATIVE PAY ADJUSTMENT.*—(1) If, because of na-
8 tional emergency or serious economic conditions affecting
9 the general welfare, the President considers the pay adjust-
10 ment which would otherwise be required by this section in
11 any year to be inappropriate, the President shall prepare
12 and transmit to Congress before September 1 of the pre-
13 ceding year a plan for such alternative pay adjustments
14 as the President considers appropriate, together with the
15 reasons therefor.

16 “(2) In evaluating an economic condition affecting the
17 general welfare under this subsection, the President shall
18 consider pertinent economic measures including the Indexes
19 of Leading Economic Indicators, the Gross National Prod-
20 uct, the unemployment rate, the budget deficit, the Con-
21 sumer Price Index, the Producer Price Index, the Employ-
22 ment Cost Index, and the Implicit Price Deflator for Per-
23 sonal Consumption Expenditures.

24 “(3) The President shall include in the plan submitted
25 to Congress under paragraph (1) an assessment of the im-

1 *pact that the alternative pay adjustments proposed in the*
 2 *plan would have on the Government’s ability to recruit and*
 3 *retain well-qualified persons for the uniformed services.”.*

4 (f) *DEFINITIONS.—Such section, as amended by sub-*
 5 *section (e), is further amended by adding at the end the*
 6 *following:*

7 “(f) *DEFINITIONS.—In this section:*

8 “(1) *The term ‘ECI’ means the Employment*
 9 *Cost Index (wages and salaries, private industry*
 10 *workers) published quarterly by the Bureau of Labor*
 11 *Statistics.*

12 “(2) *The term ‘base quarter’ for any year is the*
 13 *3-month period ending on September 30 of such*
 14 *year.”.*

15 **SEC. 603. COMPUTATION OF BASIC PAY RATE FOR COMMIS-**
 16 **SIONED OFFICERS WITH PRIOR ENLISTED OR**
 17 **WARRANT OFFICER SERVICE.**

18 *Section 203(d)(2) of title 37, United States Code, is*
 19 *amended—*

20 (1) *in subparagraph (A), by striking “enlisted*
 21 *member,” and all that follows through the period and*
 22 *inserting “enlisted member.”; and*

23 (2) *by striking subparagraph (B) and inserting*
 24 *the following new subparagraph:*

1 “(B) Service as a warrant officer, as an enlisted
2 member, or as a warrant officer and an enlisted
3 member, for which at least 1,460 points have been
4 credited to the officer for the purposes of section
5 12732(a)(2) of title 10.”.

6 **SEC. 604. PILOT PROGRAM OF MONTHLY SUBSISTENCE AL-**
7 **LOWANCE FOR NON-SCHOLARSHIP SENIOR**
8 **ROTC MEMBERS COMMITTING TO CONTINUE**
9 **ROTC PARTICIPATION AS SOPHOMORES.**

10 (a) *AUTHORITY*.—Section 209 of title 37, United
11 States Code, is amended by adding at the end the following
12 new subsection:

13 “(e) *NON-SCHOLARSHIP SENIOR ROTC MEMBERS*
14 *NOT IN ADVANCED TRAINING*.—(1) A member of the Senior
15 Reserve Officers’ Training Corps described in subsection (b)
16 is entitled to a monthly subsistence allowance at a rate pre-
17 scribed under subsection (a).

18 “(2) To be entitled to receive a subsistence allowance
19 under this subsection, a member must—

20 “(A) be a citizen of the United States;

21 “(B) enlist in an armed force under the jurisdic-
22 tion of the Secretary of the military department con-
23 cerned for the period prescribed by the Secretary;

24 “(C) contract, with the consent of his parent or
25 guardian if he is a minor, with the Secretary of the

1 *military department concerned, or his designated rep-*
2 *resentative, to serve for the period required by the*
3 *program;*

4 “(D) agree in writing that he will accept an ap-
5 *pointment, if offered, as a commissioned officer in the*
6 *Army, Navy, Air Force, or Marine Corps, as the case*
7 *may be, and that he will serve in the armed forces for*
8 *the period prescribed by the Secretary;*

9 “(E) successfully complete the first year of a
10 *four-year Senior Reserve Officers’ Training Corps*
11 *course;*

12 “(F) not be eligible for advanced training under
13 *section 2104 of title 10;*

14 “(G) not be appointed under section 2107 of title
15 *10; and*

16 “(H) execute a certificate of loyalty in such form
17 *as the Secretary of Defense prescribes or take a loy-*
18 *alty oath as prescribed by the Secretary.*

19 “(3) *The first month for which a monthly subsistence*
20 *allowance is payable to a member under this subsection*
21 *shall be a month designated by the Secretary of the military*
22 *department concerned that begins after the member satisfies*
23 *the condition in subparagraph (E) of paragraph (2). Pay-*
24 *ment of the subsistence allowance shall continue for as long*
25 *as the member continues to meet the conditions in such*

1 paragraph and the member's obligations under the enlist-
 2 ment, contract, and agreement entered into as described in
 3 such paragraph. In no event, however, may a member re-
 4 ceive the monthly subsistence allowance for more than 20
 5 months.

6 “(4) In this subsection, the term ‘program’ means the
 7 Senior Reserve Officers’ Training Corps of an armed force.

8 “(5) No subsistence allowance may be paid under this
 9 subsection with respect to a contract that is entered into
 10 as described in paragraph (2)(C) after December 31, 2006.”.

11 (b) *EFFECTIVE DATE.*—Subsection (e) of section 209
 12 of title 37, United States Code (as added by subsection (a)),
 13 shall take effect on January 1, 2004.

14 **SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR EACH**
 15 **MEMBER MARRIED TO ANOTHER MEMBER**
 16 **WITHOUT DEPENDENTS WHEN BOTH**
 17 **SPOUSES ARE ON SEA DUTY.**

18 (a) *ENTITLEMENT.*—Section 403(f)(2)(C) of title 37,
 19 United States Code, is amended—

20 (1) in the first sentence, by striking “are jointly
 21 entitled to one basic allowance for housing” and in-
 22 serting “are each entitled to a basic allowance for
 23 housing”; and

24 (2) by striking “The amount of the allowance”
 25 and all that follows and inserting “The amount of the

1 (c) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*
2 *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of
3 *such title is amended by striking “December 31, 2003” and*
4 *inserting “December 31, 2004”.*

5 (d) *SELECTED RESERVE AFFILIATION BONUS.*—Sec-
6 *tion 308e(e) of such title is amended by striking “December*
7 *31, 2003” and inserting “December 31, 2004”.*

8 (e) *READY RESERVE ENLISTMENT AND REENLIST-*
9 *MENT BONUS.*—Section 308h(g) of such title is amended by
10 *striking “December 31, 2003” and inserting “December 31,*
11 *2004”.*

12 (f) *PRIOR SERVICE ENLISTMENT BONUS.*—Section
13 *308i(f) of such title is amended by striking “December 31,*
14 *2003” and inserting “December 31, 2004”.*

15 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
16 **SPECIAL PAY AUTHORITIES FOR CERTAIN**
17 **HEALTH CARE PROFESSIONALS.**

18 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
19 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,
20 *is amended by striking “December 31, 2003” and inserting*
21 *“December 31, 2004”.*

22 (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
23 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
24 *RESERVE.*—Section 16302(d) of such title is amended by

1 *striking “January 1, 2004” and inserting “January 1,*
 2 *2005”.*

3 (c) *ACCESSION BONUS FOR REGISTERED NURSES.—*
 4 *Section 302d(a)(1) of title 37, United States Code, is*
 5 *amended by striking “December 31, 2003” and inserting*
 6 *“December 31, 2004”.*

7 (d) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
 8 *THETISTS.—Section 302e(a)(1) of such title is amended by*
 9 *striking “December 31, 2003” and inserting “December 31,*
 10 *2004”.*

11 (e) *SPECIAL PAY FOR SELECTED RESERVE HEALTH*
 12 *PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*
 13 *TIES.—Section 302g(f) of such title is amended by striking*
 14 *“December 31, 2003” and inserting “December 31, 2004”.*

15 (f) *ACCESSION BONUS FOR DENTAL OFFICERS.—Sec-*
 16 *tion 302h(a)(1) of such title is amended by striking “De-*
 17 *cember 31, 2003” and inserting “December 31, 2004”.*

18 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
 19 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
 20 **CERS.**

21 (a) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*
 22 *EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e)*
 23 *of title 37, United States Code, is amended by striking “De-*
 24 *cember 31, 2003” and inserting “December 31, 2004”.*

1 (b) *NUCLEAR CAREER ACCESSION BONUS.*—Section
 2 *312b(c) of such title is amended by striking “December 31,*
 3 *2003” and inserting “December 31, 2004”.*

4 (c) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
 5 *Section 312c(d) of such title is amended by striking “De-*
 6 *cember 31, 2003” and inserting “December 31, 2004”.*

7 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**
 8 **SPECIAL PAY AUTHORITIES.**

9 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
 10 *301b(a) of title 37, United States Code, is amended by strik-*
 11 *ing “December 31, 2003” and inserting “December 31,*
 12 *2004”.*

13 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
 14 *Section 308(g) of such title is amended by striking “Decem-*
 15 *ber 31, 2003” and inserting “December 31, 2004”.*

16 (c) *ENLISTMENT BONUS FOR ACTIVE MEMBERS.*—Sec-
 17 *tion 309(e) of such title is amended by striking “December*
 18 *31, 2003” and inserting “December 31, 2004”.*

19 (d) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*
 20 *MILITARY SKILLS.*—Section *323(i) of such title is amended*
 21 *by striking “December 31, 2003” and inserting “December*
 22 *31, 2004”.*

23 (e) *ACCESSION BONUS FOR NEW OFFICERS IN CRIT-*
 24 *ICAL SKILLS.*—Section *324(g) of such title is amended by*

1 *striking “December 31, 2003” and inserting “December 31,*
2 *2004”.*

3 **SEC. 615. SPECIAL PAY FOR RESERVE OFFICERS HOLDING**
4 **POSITIONS OF UNUSUAL RESPONSIBILITY**
5 **AND OF CRITICAL NATURE.**

6 (a) *ELIGIBILITY.*—*Section 306 of title 37, United*
7 *States Code, is amended—*

8 (1) *in subsection (a), by inserting “under section*
9 *201 of this title, or the compensation under section*
10 *206 of this title,” after “is entitled to the basic pay”;*

11 (2) *by redesignating subsections (b) through (e)*
12 *as subsections (c) through (f), respectively; and*

13 (3) *by inserting after subsection (a) the following*
14 *new subsection (b):*

15 “(b) *In the case of an officer who is a member of a*
16 *reserve component, special pay under subsection (a) shall*
17 *be paid at the rate of $\frac{1}{30}$ of the monthly rate authorized*
18 *by that subsection for each day of the performance of duties*
19 *described in that subsection.”.*

20 (b) *LIMITATION.*—*Subsection (d) of such section, as re-*
21 *designated by subsection (a)(2) of this section, is*
22 *amended—*

23 (1) *by inserting “(1)” after “(d)”;* and

24 (2) *by adding at the end the following new para-*
25 *graph:*

1 *to in subsection (a) shall not be considered discontinued*
 2 *during any period that the member is not performing serv-*
 3 *ice in the assignment by reason of temporary duty per-*
 4 *formed by the member pursuant to orders or absence of the*
 5 *member for authorized leave.*

6 “(e) *TERMINATION OF AUTHORITY.*—*Special pay may*
 7 *not be paid under this section for months beginning after*
 8 *December 31, 2005.*”.

9 (2) *The table of sections at the beginning of such chap-*
 10 *ter is amended by inserting after the item relating to section*
 11 *307a the following new item:*

“307b. *Special pay: Korea service incentive pay.*”.

12 (b) *EFFECTIVE DATE.*—*Section 307(b) of title 37,*
 13 *United States Code (as added by subsection (a)), shall take*
 14 *effect on October 1, 2003.*

15 **SEC. 617. INCREASED MAXIMUM AMOUNT OF REENLIST-**
 16 **MENT BONUS FOR ACTIVE MEMBERS.**

17 (a) *MAXIMUM AMOUNT.*—*Section 308(a)(2)(B) of title*
 18 *37, United States Code, is amended by striking “\$60,000”*
 19 *and inserting “\$70,000”.*

20 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 21 *section (a) shall take effect on October 1, 2003, and shall*
 22 *apply with respect to reenlistments and extensions of enlist-*
 23 *ments that take effect on or after that date.*

1 **SEC. 618. PAYMENT OF SELECTED RESERVE REENLIST-**
2 **MENT BONUS TO MEMBERS OF SELECTED RE-**
3 **SERVE WHO ARE MOBILIZED.**

4 *Section 308b of title 37, United States Code, is*
5 *amended—*

6 *(1) by redesignating subsections (d), (e), and (f)*
7 *as subsections (e), (f), and (g), respectively; and*

8 *(2) by inserting after subsection (c) the following*
9 *new subsection (d):*

10 *“(d) PAYMENT TO MOBILIZED MEMBERS.—In the case*
11 *of a member entitled to a bonus under this section who is*
12 *called or ordered to active duty, any amount of such bonus*
13 *that is payable to the member during the period of active*
14 *duty of the member shall be paid the member during that*
15 *period of active duty without regard to the fact that the*
16 *member is serving on active duty pursuant to such call or*
17 *order to active duty.”.*

18 **SEC. 619. INCREASED RATE OF HOSTILE FIRE AND IMMI-**
19 **NENT DANGER SPECIAL PAY.**

20 *(a) RATE.—Section 310(a) of title 37, United States*
21 *Code, is amended by striking “\$150” and inserting “\$225”.*

22 *(b) EFFECTIVE DATE.—The amendment made by sub-*
23 *section (a) shall take effect on October 1, 2003.*

1 **SEC. 620. AVAILABILITY OF HOSTILE FIRE AND IMMINENT**
2 **DANGER SPECIAL PAY FOR RESERVE COMPO-**
3 **NENT MEMBERS ON INACTIVE DUTY.**

4 (a) *EXPANSION AND CLARIFICATION OF CURRENT*
5 *LAW.*—Section 310 of title 37, United States Code, is
6 *amended—*

7 (1) *by redesignating subsections (b) and (c) as*
8 *subsections (c) and (d), respectively; and*

9 (2) *by striking subsection (a) and inserting the*
10 *following new subsections:*

11 “(a) *ELIGIBILITY AND SPECIAL PAY AMOUNT.*—Under
12 *regulations prescribed by the Secretary of Defense, a mem-*
13 *ber of a uniformed service may be paid special pay at the*
14 *rate of \$150 for any month in which—*

15 (1) *the member was entitled to basic pay or*
16 *compensation under section 204 or 206 of this title;*
17 *and*

18 (2) *the member—*

19 (A) *was subject to hostile fire or explosion*
20 *of hostile mines;*

21 (B) *was on duty in an area in which the*
22 *member was in imminent danger of being ex-*
23 *posed to hostile fire or explosion of hostile mines*
24 *and in which, during the period the member was*
25 *on duty in the area, other members of the uni-*

1 *formed services were subject to hostile fire or ex-*
2 *losion of hostile mines;*

3 *“(C) was killed, injured, or wounded by*
4 *hostile fire, explosion of a hostile mine, or any*
5 *other hostile action; or*

6 *“(D) was on duty in a foreign area in*
7 *which the member was subject to the threat of*
8 *physical harm or imminent danger on the basis*
9 *of civil insurrection, civil war, terrorism, or*
10 *wartime conditions.*

11 *“(b) CONTINUATION DURING HOSPITALIZATION.—A*
12 *member covered by subsection (a)(2)(C) who is hospitalized*
13 *for the treatment of the injury or wound may be paid spe-*
14 *cial pay under this section for not more than three addi-*
15 *tional months during which the member is so hospitalized.”.*

16 *(b) CLERICAL AMENDMENTS.—Such section is further*
17 *amended—*

18 *(1) in subsection (c), as redesignated by sub-*
19 *section (a)(1), by inserting “LIMITATIONS AND AD-*
20 *MINISTRATION.—” before “(1)”;* and

21 *(2) in subsection (d), as redesignated by sub-*
22 *section (a)(1), by inserting “DETERMINATIONS OF*
23 *FACT.—” before “Any”.*

1 (c) *EFFECTIVE DATE.*—Subsections (a) and (b) of sec-
 2 tion 310 of title 37, United States Code, as added by sub-
 3 section (a)(2), shall take effect as of September 11, 2001.

4 **SEC. 621. EXPANSION OF OVERSEAS TOUR EXTENSION IN-**
 5 **CENTIVE PROGRAM TO OFFICERS.**

6 (a) *SPECIAL PAY OR BONUS FOR EXTENDING OVER-*
 7 *SEAS TOUR OF DUTY.*—(1) Subsections (a) and (b) of sec-
 8 tion 314 of title 37, United States Code, are amended by
 9 striking “an enlisted member” and inserting “a member”.

10 (2)(A) *The heading of such section is amended to read*
 11 *as follows:*

12 **“§314. Special pay or bonus: qualified members ex-**
 13 **tending duty at designated locations over-**
 14 **seas”.**

15 (B) *The item relating to such section in the table of*
 16 *sections at the beginning of chapter 5 of such title is amend-*
 17 *ed to read as follows:*

 “314. *Special pay or bonus: qualified members extending duty at designated loca-*
 tions overseas.”.

18 (b) *REST AND RECUPERATIVE ABSENCE IN LIEU OF*
 19 *PAY OR BONUS.*—(1) Subsection (a) of section 705 of title
 20 10, United States Code, is amended by striking “an enlisted
 21 member” and inserting “a member”.

22 (2)(A) *The heading of such section is amended to read*
 23 *as follows:*

1 **“§ 705. Rest and recuperation absence: qualified**
 2 **members extending duty at designated lo-**
 3 **cations overseas”.**

4 (B) *The item relating to such section in the table of*
 5 *sections at the beginning of chapter 40 of such title is*
 6 *amended to read as follows:*

*“705. Rest and recuperation absence: qualified members extending duty at des-
 ignated locations overseas.”.*

7 **SEC. 622. ELIGIBILITY OF WARRANT OFFICERS FOR ACCES-**
 8 **SION BONUS FOR NEW OFFICERS IN CRITICAL**
 9 **SKILLS.**

10 (a) *ELIGIBILITY.*—*Section 324 of title 37, United*
 11 *States Code, is amended in subsections (a) and (f)(1) by*
 12 *inserting “or an appointment” after “commission”.*

13 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 14 *section (a) shall take effect on October 1, 2003.*

15 **SEC. 623. INCENTIVE BONUS FOR CONVERSION TO MILI-**
 16 **TARY OCCUPATIONAL SPECIALTY TO EASE**
 17 **PERSONNEL SHORTAGE.**

18 (a) *IN GENERAL.*—*Chapter 5 of title 37, United States*
 19 *Code, is amended by adding at the end the following new*
 20 *section:*

1 **“§ 326. Incentive bonus: conversion to military occu-**
2 **pational specialty to ease personnel short-**
3 **age**

4 “(a) *INCENTIVE BONUS AUTHORIZED.*—*The Secretary*
5 *concerned may pay a bonus under this section to an eligible*
6 *member of the armed forces who executes a written agree-*
7 *ment to convert to, and serve for a period of not less than*
8 *four years in, a military occupational specialty for which*
9 *there is a shortage of trained and qualified personnel.*

10 “(b) *ELIGIBLE MEMBERS.*—*A member is eligible for*
11 *a bonus under this section if—*

12 “(1) *the member is entitled to basic pay; and*

13 “(2) *at the time the agreement under subsection*
14 *(a) is executed, the member is serving in—*

15 “(A) *pay grade E–6 with not more than 10*
16 *years of service computed under section 205 of*
17 *this title; or*

18 “(B) *pay grade E–5 or below, regardless of*
19 *years of service.*

20 “(c) *AMOUNT AND PAYMENT OF BONUS.*—(1) *A bonus*
21 *under this section may not exceed \$4,000.*

22 “(2) *A bonus payable under this section shall be dis-*
23 *bursed in one lump sum when the member’s conversion to*
24 *the military occupational specialty is approved by the chief*
25 *personnel officer of the member’s armed force.*

1 “(d) *RELATIONSHIP TO OTHER PAY AND ALLOW-*
2 *ANCES.—A bonus paid to a member under this section is*
3 *in addition to any other pay and allowances to which the*
4 *member is entitled.*

5 “(e) *REPAYMENT OF BONUS.—(1) A member who re-*
6 *ceives a bonus for conversion to a military occupational*
7 *specialty under this section and who, voluntarily or because*
8 *of misconduct, fails to serve in such military occupational*
9 *specialty for the period specified in the agreement shall re-*
10 *fund to the United States an amount that bears the same*
11 *ratio to the bonus amount paid to the member as the*
12 *unserved part of such period bears to the total period agreed*
13 *to be served.*

14 “(2) *An obligation to reimburse the United States im-*
15 *posed under paragraph (1) is, for all purposes, a debt owed*
16 *to the United States.*

17 “(3) *A discharge in bankruptcy under title 11 that is*
18 *entered less than five years after the termination of the*
19 *agreement for which a bonus was paid under this section*
20 *shall not discharge the person signing such agreement from*
21 *the debt arising under paragraph (1).*

22 “(4) *Under regulations prescribed pursuant to sub-*
23 *section (f), the Secretary concerned may waive, in whole*
24 *or in part, a refund required under paragraph (1) if the*
25 *Secretary determines that recovery would be against equity*

1 *and good conscience or would be contrary to the best inter-*
 2 *ests of the United States.*

3 “(f) *REGULATIONS.*—*The Secretaries concerned shall*
 4 *prescribe regulations to carry out this section. Regulations*
 5 *prescribed by the Secretary of a military department shall*
 6 *be subject to the approval of the Secretary of Defense.*

7 “(g) *TERMINATION OF AUTHORITY.*—*No agreement*
 8 *under this section may be entered into after December 31,*
 9 *2006.”.*

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

“326. Incentive bonus: conversion to military occupational specialty to ease per-
sonnel shortage.”.

13 ***Subtitle C—Travel and***
 14 ***Transportation Allowances***

15 ***SEC. 631. SHIPMENT OF PRIVATELY OWNED MOTOR VEHI-***
 16 ***CLE WITHIN CONTINENTAL UNITED STATES.***

17 (a) *AUTHORITY TO PROCURE CONTRACT FOR TRANS-*
 18 *PORTATION OF MOTOR VEHICLE.*—*Section 2634 of title 10,*
 19 *United States Code, is amended—*

20 (1) *by redesignating subsection (h) as subsection*
 21 *(i); and*

22 (2) *by inserting after subsection (g) the following*
 23 *new subsection (h):*

1 “(h) *In the case of a member’s change of permanent*
 2 *station described in subparagraph (A) or (B) of subsection*
 3 *(i)(1), the Secretary concerned may authorize the member*
 4 *to arrange for the shipment of the motor vehicle in lieu of*
 5 *transportation at the expense of the United States under*
 6 *this section. The Secretary concerned may pay the member*
 7 *a monetary allowance in lieu of transportation, as estab-*
 8 *lished under section 404(d)(1) of title 37, and the member*
 9 *shall be responsible for any transportation costs in excess*
 10 *of such allowance.”.*

11 (b) *ALLOWANCE FOR SELF-PROCUREMENT OF TRANS-*
 12 *PORTATION OF MOTOR VEHICLE.—Section 406(b)(1)(B) of*
 13 *title 37, United States Code, is amended by adding at the*
 14 *end the following new sentence: “In the case of the transpor-*
 15 *tation of a motor vehicle arranged by the member under*
 16 *section 2634(h) of title 10, the Secretary concerned may pay*
 17 *the member, upon presentation of proof of shipment, a mon-*
 18 *etary allowance in lieu of transportation, as established*
 19 *under section 404(d)(1) of this title.”.*

20 **SEC. 632. PAYMENT OR REIMBURSEMENT OF STUDENT**
 21 **BAGGAGE STORAGE COSTS FOR DEPENDENT**
 22 **CHILDREN OF MEMBERS STATIONED OVER-**
 23 **SEAS.**

24 Section 430(b)(2) of title 37, United States Code, is
 25 amended in the first sentence by inserting before the period

1 *at the end the following: “or during a different period in*
2 *the same fiscal year selected by the member”.*

3 **SEC. 633. CONTRACTS FOR FULL REPLACEMENT VALUE**
4 **FOR LOSS OR DAMAGE TO PERSONAL PROP-**
5 **ERTY TRANSPORTED AT GOVERNMENT EX-**
6 **PENSE.**

7 (a) *AUTHORITY.*—Chapter 157 of title 10, United
8 States Code, is amended by inserting after section 2636 the
9 following new section:

10 **“§2636a. Loss or damage to personal property trans-**
11 **ported at Government expense: full re-**
12 **placement value; deduction from amounts**
13 **due carriers**

14 *“(a) PROCUREMENT OF COVERAGE.*—The Secretary of
15 Defense may include in a contract for the transportation
16 of baggage and household effects for members of the armed
17 forces at Government expense a clause that requires the car-
18 rier under the contract to pay the full replacement value
19 for loss or damage to the baggage or household effects trans-
20 ported under the contract.

21 *“(b) DEDUCTION UPON FAILURE OF CARRIER TO SET-*
22 *TLE.*—In the case of a loss or damage of baggage or house-
23 hold effects transported under a contract with a carrier that
24 includes a clause described in subsection (a), the amount
25 equal to the full replacement value for the baggage or house-

1 *hold effects may be deducted from the amount owed by the*
 2 *United States to the carrier under the contract upon a fail-*
 3 *ure of the carrier to settle a claim for such loss or total*
 4 *damage within a reasonable time. The amount so deducted*
 5 *shall be remitted to the claimant, notwithstanding section*
 6 *2636 of this title.*

7 “(c) *INAPPLICABILITY OF RELATED LIMITS.*—*The lim-*
 8 *itations on amounts of claims that may be settled under*
 9 *section 3721(b) of title 31 do not apply to a carrier’s con-*
 10 *tractual obligation to pay full replacement value under this*
 11 *section.*

12 “(d) *REGULATIONS.*—*The Secretary of Defense shall*
 13 *prescribe regulations for administering this section. The*
 14 *regulations shall include policies and procedures for vali-*
 15 *dating and evaluating claims, validating proper claimants,*
 16 *and determining reasonable time for settlement.*

17 “(e) *TRANSPORTATION DEFINED.*—*In this section, the*
 18 *terms ‘transportation’ and ‘transport’, with respect to bag-*
 19 *gage or household effects, includes packing, crating,*
 20 *drayage, temporary storage, and unpacking of the baggage*
 21 *or household effects.”.*

22 “(b) *CLERICAL AMENDMENT.*—*The table of sections at*
 23 *the beginning of such chapter is amended by inserting after*
 24 *the item relating to section 2636 the following new item:*

“2636a. *Loss or damage to personal property transported at Government expense:*
full replacement value; deduction from amounts due carriers.”.

1 **SEC 634. TRANSPORTATION OF DEPENDENTS TO PRES-**
2 **ENCE OF MEMBERS OF THE ARMED FORCES**
3 **WHO ARE RETIRED FOR ILLNESS OR INJURY**
4 **INCURRED IN ACTIVE DUTY.**

5 *Section 411h(a) of title 37, United States Code, is*
6 *amended—*

7 *(1) in paragraph (1), by striking “paragraph*
8 *(2)” and inserting “paragraph (3)”;*

9 *(2) by redesignating paragraph (2) as para-*
10 *graph (3);*

11 *(3) by inserting after paragraph (1) the fol-*
12 *lowing new paragraph (2):*

13 *“(2) Under the regulations prescribed under para-*
14 *graph (1), transportation described in subsection (c) may*
15 *be provided for not more than two family members of a*
16 *member otherwise described in paragraph (3) who is retired*
17 *for an illness or injury described in that paragraph if the*
18 *attending physician or surgeon and the commander or head*
19 *of the military medical facility exercising control over the*
20 *member determine that the presence of the family member*
21 *would be in the best interests of the family member.”; and*

22 *(4) in paragraph (3), as so redesignated, by*
23 *striking “paragraph (1)” and inserting “paragraph*
24 *(1) or (2)”.*

1 ***Subtitle D—Retired Pay and***
2 ***Survivor Benefits***

3 ***SEC. 641. SPECIAL RULE FOR COMPUTATION OF RETIRED***
4 ***PAY BASE FOR COMMANDERS OF COMBATANT***
5 ***COMMANDS.***

6 (a) *TREATMENT EQUIVALENT TO CHIEFS OF SERV-*
7 *ICE.—Subsection (i) of section 1406 of title 10, United*
8 *States Code, is amended by inserting “as a commander of*
9 *a unified or specified combatant command (as defined in*
10 *section 161(c) of this title),” after “Chief of Service,”.*

11 (b) *CONFORMING AMENDMENT.—The heading for such*
12 *subsection is amended by inserting “COMMANDERS OF COM-*
13 *BATANT COMMANDS,” after “CHIEFS OF SERVICE,”.*

14 (c) *EFFECTIVE DATE AND APPLICABILITY.—The*
15 *amendments made by this section shall take effect on the*
16 *date of the enactment of this Act and shall apply with re-*
17 *spect to officers who first become entitled to retired pay*
18 *under title 10, United States Code, on or after such date.*

1 **SEC. 642. SURVIVOR BENEFIT PLAN ANNUITIES FOR SUR-**
2 **VIVING SPOUSES OF RESERVES NOT ELIGI-**
3 **BLE FOR RETIREMENT WHO DIE FROM A**
4 **CAUSE INCURRED OR AGGRAVATED WHILE**
5 **ON INACTIVE-DUTY TRAINING.**

6 (a) *SURVIVING SPOUSE ANNUITY.*—Paragraph (1) of
7 section 1448(f) of title 10, United States Code, is amended
8 to read as follows:

9 “(1) *SURVIVING SPOUSE ANNUITY.*—The Sec-
10 retary concerned shall pay an annuity under this
11 subchapter to the surviving spouse of—

12 “(A) a person who is eligible to provide a
13 reserve-component annuity and who dies—

14 “(i) before being notified under section
15 12731(d) of this title that he has completed
16 the years of service required for eligibility
17 for reserve-component retired pay; or

18 “(ii) during the 90-day period begin-
19 ning on the date he receives notification
20 under section 12731(d) of this title that he
21 has completed the years of service required
22 for eligibility for reserve-component retired
23 pay if he had not made an election under
24 subsection (a)(2)(B) to participate in the
25 Plan; or

1 “(B) a member of a reserve component not
2 described in subparagraph (A) who dies from an
3 injury or illness incurred or aggravated in the
4 line of duty during inactive-duty training.”.

5 (b) *CONFORMING AMENDMENT.*—The heading for sub-
6 section (f) of section 1448 of such title is amended by insert-
7 ing “OR BEFORE” after “DYING WHEN”.

8 (c) *EFFECTIVE DATE.*—The amendments made by this
9 section shall take effect as of September 10, 2001, and shall
10 apply with respect to performance of inactive-duty training
11 (as defined in section 101(d) of title 10, United States Code)
12 on or after that date.

13 **SEC. 643. INCREASE IN DEATH GRATUITY PAYABLE WITH**
14 **RESPECT TO DECEASED MEMBERS OF THE**
15 **ARMED FORCES.**

16 (a) *AMOUNT OF DEATH GRATUITY.*—Section 1478(a)
17 of title 10, United States Code, is amended by striking
18 “\$6,000” and inserting “\$12,000”.

19 (b) *EFFECTIVE DATE.*—The amendment made by sub-
20 section (a) shall take effect as of September 11, 2001, and
21 shall apply with respect to deaths occurring on or after that
22 date.

23 (c) *DEATH BENEFITS STUDY.*—(1) *It is the sense of*
24 *Congress that—*

1 (A) *the sacrifices made by the members of the*
2 *United States Armed Forces are significant and are*
3 *worthy of meaningful expressions of gratitude by the*
4 *Government of the United States, especially in cases*
5 *of sacrifice through loss of life;*

6 (B) *the tragic events of September 11, 2001, and*
7 *subsequent worldwide combat operations in the Global*
8 *War on Terrorism and in Operation Iraqi Freedom*
9 *have highlighted the significant disparity between the*
10 *financial benefits for survivors of deceased members of*
11 *the Armed Forces and the financial benefits for sur-*
12 *vivors of civilian victims of terrorism;*

13 (C) *the death benefits system composed of the*
14 *death gratuity paid by the Department of Defense to*
15 *survivors of members of the Armed Forces, the subse-*
16 *quently established Servicemembers' Group Life In-*
17 *surance (SGLI) program, and other benefits for sur-*
18 *vivors of deceased members has evolved over time, but*
19 *there are increasing indications that the evolution of*
20 *such benefits has failed to keep pace with the expan-*
21 *sion of indemnity and compensation available to seg-*
22 *ments of United States society outside the Armed*
23 *Forces, a failure that is especially apparent in a com-*
24 *parison of the benefits for survivors of deceased mem-*

1 *bers with the compensation provided to families of ci-*
2 *vilian victims of terrorism; and*

3 *(D) while Servicemembers' Group Life Insurance*
4 *(SGLI) provides an assured source of life insurance*
5 *for members of the Armed Forces that benefits the sur-*
6 *vivors of such members upon death, the SGLI pro-*
7 *gram requires the members to pay for that life insur-*
8 *ance coverage and does not provide an assured min-*
9 *imum benefit.*

10 *(2) The Secretary of Defense shall carry out a study*
11 *of the totality of all current and projected death benefits*
12 *for survivors of deceased members of the Armed Forces to*
13 *determine the adequacy of such benefits. In carrying out*
14 *the study, the Secretary shall—*

15 *(A) compare the Federal Government death bene-*
16 *fits for survivors of deceased members of the Armed*
17 *Forces with commercial and other private sector*
18 *death benefits plans for segments of United States so-*
19 *cietly outside the Armed Forces, and also with the ben-*
20 *efits available under Public Law 107–37 (115 Stat.*
21 *219) (commonly known as the “Public Safety Officer*
22 *Benefits Bill”);*

23 *(B) assess the personnel policy effects that would*
24 *result from a revision of the death gratuity benefit to*
25 *provide a stratified schedule of entitlement amounts*

1 *that places a premium on deaths resulting from par-*
2 *ticipation in combat or from acts of terrorism;*

3 *(C) assess the adequacy of the current system of*
4 *Survivor Benefit Plan annuities and Dependency and*
5 *Indemnity Compensation and the anticipated effects*
6 *of an elimination of the offset of Survivor Benefit*
7 *Plan annuities by Dependency and Indemnity Com-*
8 *ensation;*

9 *(D) examine the commercial insurability of*
10 *members of the Armed Forces in high risk military*
11 *occupational specialties; and*

12 *(E) examine the extent to which private trusts*
13 *and foundations engage in fundraising or otherwise*
14 *provide financial benefits for survivors of deceased*
15 *members of the Armed Forces.*

16 *(3) Not later than March 1, 2004, the Secretary shall*
17 *submit a report on the results of the study under paragraph*
18 *(2) to the Committees on Armed Services of the Senate and*
19 *the House of Representatives. The report shall include the*
20 *following:*

21 *(A) The assessments, analyses, and conclusions*
22 *resulting from the study.*

23 *(B) Proposed legislation to address the defi-*
24 *ciencies in the system of Federal Government death*
25 *benefits for survivors of deceased members of the*

1 *Armed Forces that are identified in the course of the*
 2 *study.*

3 (C) *An estimate of the costs of the system of*
 4 *death benefits provided for in the proposed legislation.*

5 (4) *The Comptroller General shall conduct a study to*
 6 *identify the death benefits that are payable under Federal,*
 7 *State, and local laws for employees of the Federal Govern-*
 8 *ment, State governments, and local governments. Not later*
 9 *than November 1, 2003, the Comptroller General shall sub-*
 10 *mit a report containing the results of the study to the Com-*
 11 *mittees on Armed Services of the Senate and the House of*
 12 *Representatives.*

13 **SEC. 644. FULL PAYMENT OF BOTH RETIRED PAY AND COM-**
 14 **PENSATION TO DISABLED MILITARY RETIR-**
 15 **EES.**

16 (a) *RESTORATION OF FULL RETIRED PAY BENE-*
 17 *FITS.—Section 1414 of title 10, United States Code, is*
 18 *amended to read as follows:*

19 **“§1414. Members eligible for retired pay who have**
 20 ***service-connected disabilities: payment of***
 21 ***retired pay and veterans’ disability com-***
 22 ***ensation***

23 **“(a) PAYMENT OF BOTH RETIRED PAY AND COM-**
 24 **PENSATION.—***Except as provided in subsection (b), a mem-*
 25 *ber or former member of the uniformed services who is enti-*

1 tled to retired pay (other than as specified in subsection
2 (c)) and who is also entitled to veterans' disability com-
3 pensation is entitled to be paid both without regard to sec-
4 tions 5304 and 5305 of title 38.

5 “(b) *SPECIAL RULE FOR CHAPTER 61 CAREER RETIR-*
6 *EES.*—*The retired pay of a member retired under chapter*
7 *61 of this title with 20 years or more of service otherwise*
8 *creditable under section 1405 of this title at the time of the*
9 *member's retirement is subject to reduction under sections*
10 *5304 and 5305 of title 38, but only to the extent that the*
11 *amount of the member's retired pay under chapter 61 of*
12 *this title exceeds the amount of retired pay to which the*
13 *member would have been entitled under any other provision*
14 *of law based upon the member's service in the uniformed*
15 *services if the member had not been retired under chapter*
16 *61 of this title.*

17 “(c) *EXCEPTION.*—*Subsection (a) does not apply to a*
18 *member retired under chapter 61 of this title with less than*
19 *20 years of service otherwise creditable under section 1405*
20 *of this title at the time of the member's retirement.*

21 “(d) *DEFINITIONS.*—*In this section:*

22 “(1) *The term ‘retired pay’ includes retainer*
23 *pay, emergency officers' retirement pay, and naval*
24 *pension.*

1 “(2) *The term ‘veterans’ disability compensation’*
2 *has the meaning given the term ‘compensation’ in sec-*
3 *tion 101(13) of title 38.”.*

4 **(b) REPEAL OF SPECIAL COMPENSATION PRO-**
5 **GRAMS.**—*Sections 1413 and 1413a of such title are re-*
6 *pealed.*

7 **(c) CLERICAL AMENDMENT.**—*The table of sections at*
8 *the beginning of such chapter is amended by striking the*
9 *items relating to sections 1413, 1413a, and 1414 and insert-*
10 *ing the following:*

*“1414. Members eligible for retired pay who have service-connected disabilities:
payment of retired pay and veterans’ disability compensation.”.*

11 **(d) EFFECTIVE DATE.**—*The amendments made by this*
12 *section shall take effect on—*

13 *(1) the first day of the first month that begins*
14 *after the date of the enactment of this Act; or*

15 *(2) the first day of the fiscal year that begins in*
16 *the calendar year in which this Act is enacted, if later*
17 *than the date specified in paragraph (1).*

18 **(e) PROHIBITION ON RETROACTIVE BENEFITS.**—*No*
19 *benefits may be paid to any person by reason of section*
20 *1414 of title 10, United States Code, as amended by sub-*
21 *section (a), for any period before the effective date applica-*
22 *ble under subsection (d).*

1 ***Subtitle E—Other Matters***

2 ***SEC. 651. RETENTION OF ACCUMULATED LEAVE.***

3 *(a) HIGHER MAXIMUM LIMITATION ASSOCIATED WITH*
4 *CERTAIN SERVICE.—Section 701(f) of title 10, United*
5 *States Code, is amended to read as follows:*

6 *“(f)(1) The Secretary of Defense may authorize a mem-*
7 *ber eligible under paragraph (2) to retain 120 days’ leave*
8 *accumulated by the end of the fiscal year described in such*
9 *paragraph.*

10 *“(2) Paragraph (1) applies to a member who—*

11 *“(A) during a fiscal year—*

12 *“(i) serves on active duty for a continuous*
13 *period of at least 120 days in an area in which*
14 *the member is entitled to special pay under sec-*
15 *tion 310(a) of title 37; or*

16 *“(ii) is assigned to a deployable ship, to a*
17 *mobile unit, to duty in support of a contingency*
18 *operation, or to other duty designated for the*
19 *purpose of this section; and*

20 *“(B) except for paragraph (1), would lose any*
21 *accumulated leave in excess of 60 days at the end of*
22 *the fiscal year.*

23 *“(3) Leave in excess of 60 days accumulated under this*
24 *subsection is lost unless it is used by the member before the*

1 *end of the third fiscal year after the fiscal year in which*
2 *the service described in paragraph (2) terminated.”.*

3 (b) *SAVINGS PROVISIONS.*—*Regulations in effect under*
4 *subsection (f) of section 701 of title 10, United States Code,*
5 *on the day before the date of the enactment of this Act shall*
6 *remain in effect until revised or superseded by regulations*
7 *prescribed to implement the authority under the amend-*
8 *ment made by subsection (a).*

9 (c) *EFFECTIVE DATE.*—*The amendment made by sub-*
10 *section (a) shall take effect on October 1, 2003.*

11 **SEC. 652. GAO STUDY.**

12 *Not later than April 1, 2004, the Comptroller General*
13 *shall submit a report regarding the adequacy of special*
14 *pays and allowances for service members who experience*
15 *frequent deployments away from their permanent duty sta-*
16 *tions for periods less than 30 days. The policies regarding*
17 *eligibility for family separation allowance, including those*
18 *relating to required duration of absences from the perma-*
19 *nently assigned duty station, should be assessed.*

20 **Subtitle F—Naturalization and**
21 **Family Protection for Military**
22 **Members**

23 **SEC. 661. SHORT TITLE.**

24 *This subtitle may be cited as the “Naturalization and*
25 *Family Protection for Military Members Act of 2003”.*

1 **SEC. 662. REQUIREMENTS FOR NATURALIZATION THROUGH**
2 **SERVICE IN THE ARMED FORCES OF THE**
3 **UNITED STATES.**

4 (a) *REDUCTION OF PERIOD FOR REQUIRED SERV-*
5 *ICE.*—Section 328(a) of the Immigration and Nationality
6 Act (8 U.S.C. 1439(a)) is amended by striking “three
7 years” and inserting “2 years”.

8 (b) *PROHIBITION ON IMPOSITION OF FEES RELATING*
9 *TO NATURALIZATION.*—Title III of the Immigration and
10 Nationality Act (8 U.S.C. 1401 et seq.) is amended—

11 (1) in section 328(b)—

12 (A) in paragraph (3)—

13 (i) by striking “honorable. The” and
14 inserting “honorable (the”); and

15 (ii) by striking “discharge.” and in-
16 serting “discharge); and”); and

17 (B) by adding at the end the following:

18 “(4) notwithstanding any other provision of law,
19 no fee shall be charged or collected from the applicant
20 for filing a petition for naturalization or for the
21 issuance of a certificate of naturalization upon citi-
22 zenship being granted to the applicant, and no clerk
23 of any State court shall charge or collect any fee for
24 such services unless the laws of the State require such
25 charge to be made, in which case nothing more than

1 *the portion of the fee required to be paid to the State*
2 *shall be charged or collected.”; and*

3 *(2) in section 329(b)—*

4 *(A) in paragraph (2), by striking “and” at*
5 *the end;*

6 *(B) in paragraph (3), by striking the period*
7 *at the end and inserting “; and”; and*

8 *(C) by adding at the end the following:*

9 *“(4) notwithstanding any other provision of law,*
10 *no fee shall be charged or collected from the applicant*
11 *for filing a petition for naturalization or for the*
12 *issuance of a certificate of naturalization upon citi-*
13 *zenship being granted to the applicant, and no clerk*
14 *of any State court shall charge or collect any fee for*
15 *such services unless the laws of the State require such*
16 *charge to be made, in which case nothing more than*
17 *the portion of the fee required to be paid to the State*
18 *shall be charged or collected.”.*

19 *(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR*
20 *MEMBERS OF THE ARMED FORCES.—Notwithstanding any*
21 *other provision of law, the Secretary of Homeland Security,*
22 *the Secretary of State, and the Secretary of Defense shall*
23 *ensure that any applications, interviews, filings, oaths,*
24 *ceremonies, or other proceedings under title III of the Immi-*
25 *gration and Nationality Act (8 U.S.C. 1401 et seq.) relating*

1 *to naturalization of members of the Armed Forces are avail-*
 2 *able through United States embassies, consulates, and as*
 3 *practicable, United States military installations overseas.*

4 *(d) FINALIZATION OF NATURALIZATION PROCEEDINGS*
 5 *FOR MEMBERS OF THE ARMED FORCES.—Not later than*
 6 *90 days after the date of enactment of this Act, the Sec-*
 7 *retary of Defense shall prescribe a policy that facilitates the*
 8 *opportunity for a member of the Armed Forces to finalize*
 9 *naturalization for which the member has applied. The pol-*
 10 *icy shall include, for such purpose, the following:*

11 *(1) A high priority for grant of emergency leave.*

12 *(2) A high priority for transportation on air-*
 13 *craft of, or chartered by, the Armed Forces.*

14 *(e) TECHNICAL AND CONFORMING AMENDMENT.—Sec-*
 15 *tion 328(b)(3) of the Immigration and Nationality Act (8*
 16 *U.S.C. 1439(b)(3)) is amended by striking “Attorney Gen-*
 17 *eral” and inserting “Secretary of Homeland Security”.*

18 **SEC. 663. NATURALIZATION BENEFITS FOR MEMBERS OF**
 19 **THE SELECTED RESERVE OF THE READY RE-**
 20 **SERVE.**

21 *Section 329(a) of the Immigration and Nationality*
 22 *Act (8 U.S.C. 1440(a)) is amended by inserting “as a mem-*
 23 *ber of the Selected Reserve of the Ready Reserve or” after*
 24 *“has served honorably”.*

1 **SEC. 664. EXTENSION OF POSTHUMOUS BENEFITS TO SUR-**
2 **VIVING SPOUSES, CHILDREN, AND PARENTS.**

3 *(a) TREATMENT AS IMMEDIATE RELATIVES.—*

4 *(1) SPOUSES.—Notwithstanding the second sen-*
5 *tence of section 201(b)(2)(A)(i) of the Immigration*
6 *and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in*
7 *the case of an alien who was the spouse of a citizen*
8 *of the United States at the time of the citizen's death*
9 *and was not legally separated from the citizen at the*
10 *time of the citizen's death, if the citizen served honor-*
11 *ably in an active duty status in the military, air, or*
12 *naval forces of the United States and died as a result*
13 *of injury or disease incurred in or aggravated by*
14 *combat, the alien (and each child of the alien) shall*
15 *be considered, for purposes of section 201(b) of such*
16 *Act, to remain an immediate relative after the date*
17 *of the citizen's death, but only if the alien files a peti-*
18 *tion under section 204(a)(1)(A)(ii) of such Act within*
19 *2 years after such date and only until the date the*
20 *alien remarries. For purposes of such section*
21 *204(a)(1)(A)(ii), an alien granted relief under the*
22 *preceding sentence shall be considered an alien spouse*
23 *described in the second sentence of section*
24 *201(b)(2)(A)(i) of such Act.*

25 *(2) CHILDREN.—*

1 (A) *IN GENERAL.*—*In the case of an alien*
2 *who was the child of a citizen of the United*
3 *States at the time of the citizen’s death, if the*
4 *citizen served honorably in an active duty status*
5 *in the military, air, or naval forces of the United*
6 *States and died as a result of injury or disease*
7 *incurred in or aggravated by combat, the alien*
8 *shall be considered, for purposes of section 201(b)*
9 *of the Immigration and Nationality Act (8*
10 *U.S.C. 1151(b)), to remain an immediate rel-*
11 *ative after the date of the citizen’s death (regard-*
12 *less of changes in age or marital status there-*
13 *after), but only if the alien files a petition under*
14 *subparagraph (B) within 2 years after such date.*

15 (B) *PETITIONS.*—*An alien described in sub-*
16 *paragraph (A) may file a petition with the Sec-*
17 *retary of Homeland Security for classification of*
18 *the alien under section 201(b)(2)(A)(i) of the Im-*
19 *migration and Nationality Act (8 U.S.C.*
20 *1151(b)(2)(A)(i)). For purposes of such Act, such*
21 *a petition shall be considered a petition filed*
22 *under section 204(a)(1)(A) of such Act (8 U.S.C.*
23 *1154(a)(1)(A)).*

24 (3) *PARENTS.*—

1 (A) *IN GENERAL.*—*In the case of an alien*
2 *who was the parent of a citizen of the United*
3 *States at the time of the citizen’s death, if the*
4 *citizen served honorably in an active duty status*
5 *in the military, air, or naval forces of the United*
6 *States and died as a result of injury or disease*
7 *incurred in or aggravated by combat, the alien*
8 *shall be considered, for purposes of section 201(b)*
9 *of the Immigration and Nationality Act (8*
10 *U.S.C. 1151(b)), to remain an immediate rel-*
11 *ative after the date of the citizen’s death (regard-*
12 *less of changes in age or marital status there-*
13 *after), but only if the alien files a petition under*
14 *subparagraph (B) within 2 years after such date.*

15 (B) *PETITIONS.*—*An alien described in sub-*
16 *paragraph (A) may file a petition with the Sec-*
17 *retary of Homeland Security for classification of*
18 *the alien under section 201(b)(2)(A)(i) of the Im-*
19 *migration and Nationality Act (8 U.S.C.*
20 *1151(b)(2)(A)(i)). For purposes of such Act, such*
21 *a petition shall be considered a petition filed*
22 *under section 204(a)(1)(A) of such Act (8 U.S.C.*
23 *1154(a)(1)(A)).*

24 (C) *EXCEPTION.*—*Notwithstanding section*
25 *201(b)(2)(A)(i) of the Immigration and Nation-*

1 *ality Act (8 U.S.C. 1151(b)(2)(A)(i)), for pur-*
2 *poses of this paragraph, a citizen described in*
3 *subparagraph (A) does not have to be 21 years*
4 *of age for a parent to benefit under this para-*
5 *graph.*

6 **(b) APPLICATIONS FOR ADJUSTMENT OF STATUS BY**
7 ***SURVIVING SPOUSES, CHILDREN, AND PARENTS.—***

8 **(1) IN GENERAL.—***Notwithstanding subsections*
9 **(a) and (c) of section 245 of the Immigration and Na-**
10 **tionality Act (8 U.S.C. 1255), any alien who was the**
11 **spouse, child, or parent of an alien described in para-**
12 **graph (2), and who applied for adjustment of status**
13 **prior to the death described in paragraph (2)(B),**
14 **may have such application adjudicated as if such**
15 **death had not occurred.**

16 **(2) ALIEN DESCRIBED.—***An alien is described in*
17 **this paragraph if the alien—**

18 **(A) served honorably in an active duty sta-**
19 **tus in the military, air, or naval forces of the**
20 **United States;**

21 **(B) died as a result of injury or disease in-**
22 **curring in or aggravated by combat; and**

23 **(C) was granted posthumous citizenship**
24 **under section 329A of the Immigration and Na-**
25 **tionality Act (8 U.S.C. 1440–1).**

1 (c) *SPOUSES AND CHILDREN OF LAWFUL PERMANENT*
2 *RESIDENT ALIENS.*—

3 (1) *TREATMENT AS IMMEDIATE RELATIVES.*—

4 (A) *IN GENERAL.*—*A spouse or child of an*
5 *alien described in paragraph (3) who is included*
6 *in a petition for classification as a family-spon-*
7 *sored immigrant under section 203(a)(2) of the*
8 *Immigration and Nationality Act (8 U.S.C.*
9 *1153(a)(2)) that was filed by such alien, shall be*
10 *considered (if the spouse or child has not been*
11 *admitted or approved for lawful permanent resi-*
12 *dence by such date) a valid petitioner for imme-*
13 *diate relative status under section*
14 *201(b)(2)(A)(i) of the Immigration and Nation-*
15 *ality Act (8 U.S.C. 1151(b)(2)(A)(i)). Such*
16 *spouse or child shall be eligible for deferred ac-*
17 *tion, advance parole, and work authorization.*

18 (B) *PETITIONS.*—*An alien spouse or child*
19 *described in subparagraph (A) may file a peti-*
20 *tion with the Secretary of Homeland Security*
21 *for classification of the alien under section*
22 *201(b)(2)(A)(i) of the Immigration and Nation-*
23 *ality Act (8 U.S.C. 1151(b)(2)(A)(i)). For pur-*
24 *poses of such Act, such a petition shall be consid-*

1 *ered a petition filed under section 204(a)(1)(A)*
2 *of such Act (8 U.S.C. 1154(a)(1)(A)).*

3 (2) *SELF-PETITIONS.*—*Any spouse or child of an*
4 *alien described in paragraph (3) who is not a bene-*
5 *ficiary of a petition for classification as a family-*
6 *sponsored immigrant may file a petition for such*
7 *classification under section 201(b)(2)(A)(i) of the Im-*
8 *migration and Nationality Act (8 U.S.C.*
9 *1151(b)(2)(A)(i)) with the Secretary of Homeland Se-*
10 *curity, but only if the spouse or child files a petition*
11 *within 2 years after such date. Such spouse or child*
12 *shall be eligible for deferred action, advance parole,*
13 *and work authorization.*

14 (3) *ALIEN DESCRIBED.*—*An alien is described in*
15 *this paragraph if the alien—*

16 (A) *served honorably in an active duty sta-*
17 *tus in the military, air, or naval forces of the*
18 *United States;*

19 (B) *died as a result of injury or disease in-*
20 *curring in or aggravated by combat; and*

21 (C) *was granted posthumous citizenship*
22 *under section 329A of the Immigration and Na-*
23 *tionalty Act (8 U.S.C. 1440–1).*

24 (d) *PARENTS OF LAWFUL PERMANENT RESIDENT*
25 *ALIENS.*—

1 (1) *SELF-PETITIONS.*—Any parent of an alien
2 described in paragraph (2) may file a petition for
3 classification under section 201(b)(2)(A)(i) of the Im-
4 migration and Nationality Act (8 U.S.C.
5 1151(b)(2)(A)(i)), but only if the parent files a peti-
6 tion within 2 years after such date. For purposes of
7 such Act, such petition shall be considered a petition
8 filed under section 204(a)(1)(A) of such Act (8 U.S.C.
9 1154(a)(1)(A)). Such parent shall be eligible for de-
10 ferred action, advance parole, and work authoriza-
11 tion.

12 (2) *ALIEN DESCRIBED.*—An alien is described in
13 this paragraph if the alien—

14 (A) served honorably in an active duty sta-
15 tus in the military, air, or naval forces of the
16 United States;

17 (B) died as a result of injury or disease in-
18 curred in or aggravated by combat; and

19 (C) was granted posthumous citizenship
20 under section 329A of the Immigration and Na-
21 tionality Act (8 U.S.C. 1440–1).

22 (e) *ADJUSTMENT OF STATUS.*—Notwithstanding sub-
23 sections (a) and (c) of section 245 of the Immigration and
24 Nationality Act (8 U.S.C. 1255), an alien physically
25 present in the United States who is the beneficiary of a

1 *petition under paragraph (1), (2)(B), or (3)(B) of sub-*
2 *section (a), paragraph (1)(B) or (2) of subsection (c), or*
3 *subsection (d)(1) of this section, may apply to the Secretary*
4 *of Homeland Security for adjustment of status to that of*
5 *an alien lawfully admitted for permanent residence.*

6 (f) *WAIVER OF CERTAIN GROUNDS OF INADMIS-*
7 *SIBILITY.—In determining the admissibility of any alien*
8 *accorded an immigration benefit under this section, the*
9 *ground for inadmissibility specified in section 212(a)(4) of*
10 *the Immigration and Nationality Act (8 U.S.C. 1182(a)(4))*
11 *shall not apply, and notwithstanding any other provision*
12 *of law, the Secretary of Homeland Security may waive*
13 *paragraph (6)(A), (7), and (9)(B) of section 212(a) of the*
14 *Immigration and Nationality Act (8 U.S.C. 1182(a)) with*
15 *respect to such an alien if the alien establishes exceptional*
16 *and extremely unusual hardship to the alien or the alien’s*
17 *spouse, parent, or child, who is a citizen of the United*
18 *States or an alien lawfully admitted for permanent resi-*
19 *dence. Any such waiver by the Secretary of Homeland Secu-*
20 *rity shall be in writing and shall be granted only on an*
21 *individual basis following an investigation.*

22 (g) *BENEFITS TO SURVIVORS; TECHNICAL AMEND-*
23 *MENT.—Section 329A of the Immigration and Nationality*
24 *Act (8 U.S.C. 1440–1) is amended—*

25 (1) *by striking subsection (e); and*

1 (2) by striking “Attorney General” each place
2 that term appears and inserting “Secretary of Home-
3 land Security”.

4 (h) *TECHNICAL AND CONFORMING AMENDMENTS.*—
5 Section 319(d) of the Immigration and Nationality Act (8
6 U.S.C. 1430(d)) is amended—

7 (1) by inserting “, child, or parent” after “sur-
8 viving spouse”;

9 (2) by inserting “, parent, or child” after “whose
10 citizen spouse”; and

11 (3) by striking “who was living” and inserting
12 “who, in the case of a surviving spouse, was living”.

13 **SEC. 665. EFFECTIVE DATE.**

14 This subtitle and the amendments made by this sub-
15 title shall take effect as if enacted on September 11, 2001.

16 **TITLE VII—HEALTH CARE**

17 **SEC. 701. MEDICAL AND DENTAL SCREENING FOR MEM-**

18 **BERS OF SELECTED RESERVE UNITS ALERT-**

19 **ED FOR MOBILIZATION.**

20 Section 1074a of title 10, United States Code, is
21 amended by adding at the end the following new subsection:

22 “(f)(1) At any time after the Secretary concerned noti-
23 fies members of the Ready Reserve that the members are
24 to be called or ordered to active duty, the administering
25 Secretaries may provide to each such member any medical

1 *and dental screening and care that is necessary to ensure*
2 *that the member meets the applicable medical and dental*
3 *standards for deployment.*

4 “(2) *The screening and care authorized under para-*
5 *graph (1) shall include screening and care under*
6 *TRICARE, pursuant to eligibility under paragraph (3),*
7 *and continuation of care benefits under paragraph (4).*

8 “(3)(A) *Members of the Selected Reserve of the Ready*
9 *Reserve and members of the Individual Ready Reserve de-*
10 *scribed in section 10144(b) of this title are eligible, subject*
11 *to subparagraph (I), to enroll in TRICARE.*

12 “(B) *A member eligible under subparagraph (A) may*
13 *enroll for either of the following types of coverage:*

14 “(i) *Self alone coverage.*

15 “(ii) *Self and family coverage.*

16 “(C) *An enrollment by a member for self and family*
17 *covers the member and the dependents of the member who*
18 *are described in subparagraph (A), (D), or (I) of section*
19 *1072(2) of this title.*

20 “(D) *The Secretary of Defense shall provide for at least*
21 *one open enrollment period each year. During an open en-*
22 *rollment period, a member eligible under subparagraph (A)*
23 *may enroll in the TRICARE program or change or termi-*
24 *nate an enrollment in the TRICARE program.*

1 “(E) A member and the dependents of a member en-
2 rolled in the TRICARE program under this paragraph
3 shall be entitled to the same benefits under this chapter as
4 a member of the uniformed services on active duty or a de-
5 pendent of such a member, respectively. Section 1074(c) of
6 this title shall apply with respect to a member enrolled in
7 the TRICARE program under this section.

8 “(F)(i) An enlisted member of the armed forces en-
9 rolled in the TRICARE program under this section shall
10 pay an annual premium of \$330 for self-only coverage and
11 \$560 for self and family coverage for which enrolled under
12 this section.

13 “(ii) An officer of the armed forces enrolled in the
14 TRICARE program under this section shall pay an annual
15 premium of \$380 for self-only coverage and \$610 for self
16 and family coverage for which enrolled under this section.

17 “(iii) The premiums payable by a member under this
18 subparagraph may be deducted and withheld from basic
19 pay payable to the member under section 204 of title 37
20 or from compensation payable to the member under section
21 206 of such title. The Secretary shall prescribe the require-
22 ments and procedures applicable to the payment of pre-
23 miums by members not entitled to such basic pay or com-
24 pensation.

1 “(iv) Amounts collected as premiums under this sub-
2 paragraph shall be credited to the appropriation available
3 for the Defense Health Program Account under section 1100
4 of this title, shall be merged with sums in such Account
5 that are available for the fiscal year in which collected, and
6 shall be available under subparagraph (B) of such section
7 for such fiscal year.

8 “(G) A person who receives health care pursuant to
9 an enrollment in a TRICARE program option under this
10 paragraph, including a member who receives such health
11 care, shall be subject to the same deductibles, copayments,
12 and other nonpremium charges for health care as apply
13 under this chapter for health care provided under the same
14 TRICARE program option to dependents described in sub-
15 paragraph (A), (D), or (I) of section 1072(2) of this title.

16 “(H) A member enrolled in the TRICARE program
17 under this paragraph may terminate the enrollment only
18 during an open enrollment period provided under subpara-
19 graph (D), except as provided in subparagraph (I). An en-
20 rollment of a member for self alone or for self and family
21 under this paragraph shall terminate on the first day of
22 the first month beginning after the date on which the mem-
23 ber ceases to be eligible under subparagraph (A). The enroll-
24 ment of a member under this paragraph may be terminated

1 *on the basis of failure to pay the premium charged the*
2 *member under this paragraph.*

3 “(I) *A member may not enroll in the TRICARE pro-*
4 *gram under this paragraph while entitled to transitional*
5 *health care under subsection (a) of section 1145 of this title*
6 *or while authorized to receive health care under subsection*
7 *(c) of such section. A member who enrolls in the TRICARE*
8 *program under this paragraph within 90 days after the*
9 *date of the termination of the member’s entitlement or eligi-*
10 *bility to receive health care under subsection (a) or (c) of*
11 *section 1145 of this title may terminate the enrollment at*
12 *any time within one year after the date of the enrollment.*

13 “(J) *The Secretary of Defense, in consultation with the*
14 *other administering Secretaries, shall prescribe regulations*
15 *for the administration of this paragraph.*

16 “(4)(A) *The Secretary concerned shall pay the applica-*
17 *ble premium to continue in force any qualified health bene-*
18 *fits plan coverage for an eligible reserve component member*
19 *for the benefits coverage continuation period if timely elect-*
20 *ed by the member in accordance with regulations prescribed*
21 *under subparagraph (J).*

22 “(B) *A member of a reserve component is eligible for*
23 *payment of the applicable premium for continuation of*
24 *qualified health benefits plan coverage under subparagraph*
25 *(A) while serving on active duty pursuant to a call or order*

1 *issued under a provision of law referred to in section*
2 *101(a)(13)(B) of this title during a war or national emer-*
3 *gency declared by the President or Congress.*

4 “(C) *For the purposes of this paragraph, health bene-*
5 *fits plan coverage for a member called or ordered to active*
6 *duty is qualified health benefits plan coverage if—*

7 “(i) *the coverage was in force on the date on*
8 *which the Secretary notified the member that issuance*
9 *of the call or order was pending or, if no such notifi-*
10 *cation was provided, the date of the call or order;*

11 “(ii) *on such date, the coverage applied to the*
12 *member and dependents of the member described in*
13 *subparagraph (A), (D), or (I) of section 1072(2) of*
14 *this title; and*

15 “(iii) *the coverage has not lapsed.*

16 “(D) *The applicable premium payable under this*
17 *paragraph for continuation of health benefits plan coverage*
18 *in the case of a member is the amount of the premium pay-*
19 *able by the member for the coverage of the member and de-*
20 *pendents.*

21 “(E) *The total amount that the Department of Defense*
22 *may pay for the applicable premium of a health benefits*
23 *plan for a member under this paragraph in a fiscal year*
24 *may not exceed the amount determined by multiplying—*

1 “(i) the sum of one plus the number of the mem-
2 ber’s dependents covered by the health benefits plan,
3 by

4 “(ii) the per capita cost of providing TRICARE
5 coverage and benefits for dependents under this chap-
6 ter for such fiscal year, as determined by the Sec-
7 retary of Defense.

8 “(F) The benefits coverage continuation period under
9 this paragraph for qualified health benefits plan coverage
10 in the case of a member called or ordered to active duty
11 is the period that—

12 “(i) begins on the date of the call or order; and

13 “(ii) ends on the earlier of the date on which the
14 member’s eligibility for transitional health care under
15 section 1145(a) of this title terminates under para-
16 graph (3) of such section, or the date on which the
17 member elects to terminate the continued qualified
18 health benefits plan coverage of the dependents of the
19 member.

20 “(G) Notwithstanding any other provision of law—

21 “(i) any period of coverage under a COBRA con-
22 tinuation provision (as defined in section 9832(d)(1)
23 of the Internal Revenue Code of 1986) for a member
24 under this paragraph shall be deemed to be equal to

1 *the benefits coverage continuation period for such*
2 *member under this paragraph; and*

3 “(i) *with respect to the election of any period of*
4 *coverage under a COBRA continuation provision (as*
5 *so defined), rules similar to the rules under section*
6 *4980B(f)(5)(C) of such Code shall apply.*

7 “(H) *A dependent of a member who is eligible for bene-*
8 *fits under qualified health benefits plan coverage paid on*
9 *behalf of a member by the Secretary concerned under this*
10 *paragraph is not eligible for benefits under the TRICARE*
11 *program during a period of the coverage for which so paid.*

12 “(I) *A member who makes an election under subpara-*
13 *graph (A) may revoke the election. Upon such a revocation,*
14 *the member’s dependents shall become eligible for benefits*
15 *under the TRICARE program as provided for under this*
16 *chapter.*

17 “(J) *The Secretary of Defense shall prescribe regula-*
18 *tions for carrying out this paragraph. The regulations shall*
19 *include such requirements for making an election of pay-*
20 *ment of applicable premiums as the Secretary considers ap-*
21 *propriate.*

22 “(5) *For the purposes of this section, all members of*
23 *the Ready Reserve who are to be called or ordered to active*
24 *duty include all members of the Ready Reserve.*

1 “(6) *The Secretary concerned shall promptly notify all*
2 *members of the Ready Reserve that they are eligible for*
3 *screening and care under this section.*

4 “(7) *A member provided medical or dental screening*
5 *or care under paragraph (1) may not be charged for the*
6 *screening or care.*”.

7 **SEC. 702. TRICARE BENEFICIARY COUNSELING AND AS-**
8 **SISTANCE COORDINATORS FOR RESERVE**
9 **COMPONENT BENEFICIARIES.**

10 *Section 1095e(a)(1) of title 10, United States Code, is*
11 *amended—*

12 (1) *by striking “and” at the end of subpara-*
13 *graph (A);*

14 (2) *by redesignating subparagraph (B) as sub-*
15 *paragraph (C); and*

16 (3) *by inserting after subparagraph (A) the fol-*
17 *lowing new subparagraph (B):*

18 “(B) *designate for each of the TRICARE*
19 *program regions at least one person (other than*
20 *a person designated under subparagraph (A)) to*
21 *serve full-time as a beneficiary counseling and*
22 *assistance coordinator solely for members of the*
23 *reserve components and their dependents who are*
24 *beneficiaries under the TRICARE program;*
25 *and*”.

1 **SEC. 703. EXTENSION OF AUTHORITY TO ENTER INTO PER-**
2 **SONAL SERVICES CONTRACTS FOR HEALTH**
3 **CARE SERVICES TO BE PERFORMED AT LOCA-**
4 **TIONS OUTSIDE MEDICAL TREATMENT FA-**
5 **CILITIES.**

6 *Section 1091(a)(2) of title 10, United States Code, is*
7 *amended by striking “December 31, 2003” and inserting*
8 *“December 31, 2008”.*

9 **SEC. 704. DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE**
10 **RETIREE HEALTH CARE FUND VALUATIONS**
11 **AND CONTRIBUTIONS.**

12 *(a) SEPARATE PERIODIC ACTUARIAL VALUATION FOR*
13 *SINGLE UNIFORMED SERVICE.—Section 1115(c) of title 10,*
14 *United States Code, is amended by adding at the end the*
15 *following new paragraph:*

16 *“(6) The Secretary of Defense may determine a single*
17 *level dollar amount under subparagraph (A) or (B) of para-*
18 *graph (1) for each or any of the participating uniformed*
19 *services separately from the other participating uniformed*
20 *services if the Secretary determines that a more accurate*
21 *and appropriate actuarial valuation under such subpara-*
22 *graph would be achieved by doing so.”.*

23 *(b) ASSOCIATED CALCULATIONS OF PAYMENTS INTO*
24 *THE FUND.—Section 1116 of such title is amended—*

1 (1) in subsection (a), by striking “the amount
2 that” in the matter preceding paragraph (1) and in-
3 serting “the amount that, subject to subsection (b),”;

4 (2) by redesignating subsections (b) and (c) as
5 subsections (c) and (d), respectively; and

6 (3) by inserting after subsection (a) the following
7 new subsection (b):

8 “(b) If an actuarial valuation referred to in paragraph
9 (1) or (2) of subsection (a) has been calculated in a single
10 level dollar amount for a participating uniformed service
11 separately from the other participating uniformed services
12 under section 1115(c)(6) of this title, the administering Sec-
13 retary for the department in which such uniformed service
14 is operating shall calculate the amount under such para-
15 graph separately for such uniformed service. If the admin-
16 istering Secretary is not the Secretary of Defense, the ad-
17 ministering Secretary shall notify the Secretary of Defense
18 of the amount so calculated. To determine a single amount
19 for the purpose of paragraph (1) or (2) of subsection (a),
20 as the case may be, the Secretary of Defense shall aggregate
21 the amount calculated under this subsection for a uniformed
22 service for the purpose of such paragraph with the amount
23 or amounts calculated (whether separately or otherwise) for
24 the other uniformed services for the purpose of such para-
25 graph.”.

1 *experiencing significant levels of access-to-care problems*
2 *under TRICARE Standard and shall give a high priority*
3 *to surveying health care providers in such areas.*

4 **(b) SUPERVISION.**—(1) *The Secretary shall designate*
5 *a senior official of the Department of Defense to take the*
6 *actions necessary for achieving and maintaining participa-*
7 *tion of health care providers in TRICARE Standard in*
8 *each TRICARE market area in a number that is adequate*
9 *to ensure the viability of TRICARE Standard for*
10 *TRICARE beneficiaries in that market area.*

11 (2) *The official designated under paragraph (1) shall*
12 *have the following duties:*

13 (A) *To educate health care providers about*
14 *TRICARE Standard.*

15 (B) *To encourage health care providers to accept*
16 *patients under TRICARE Standard.*

17 (C) *To ensure that TRICARE beneficiaries have*
18 *the information necessary to locate TRICARE Stand-*
19 *ard providers readily.*

20 (D) *To recommend adjustments in TRICARE*
21 *Standard provider payment rates that the official*
22 *considers necessary to ensure adequate availability of*
23 *TRICARE Standard providers for TRICARE Stand-*
24 *ard beneficiaries.*

1 (c) *GAO REVIEW.*—(1) *The Comptroller General shall,*
2 *on an ongoing basis, review—*

3 (A) *the processes, procedures, and analysis used*
4 *by the Department of Defense to determine the ade-*
5 *quacy of the number of health care providers accept-*
6 *ing TRICARE Standard beneficiaries as patients*
7 *under TRICARE Standard in each TRICARE mar-*
8 *ket area; and*

9 (B) *the actions taken by the Department of De-*
10 *fense to ensure ready access of TRICARE Standard*
11 *beneficiaries to health care under TRICARE Stand-*
12 *ard in each TRICARE market area.*

13 (2)(A) *The Comptroller General shall submit to the*
14 *Committees on Armed Services of the Senate and the House*
15 *of Representatives a semiannual report on the results of the*
16 *review under paragraph (1). The first semiannual report*
17 *shall be submitted not later than June 30, 2004.*

18 (B) *The semiannual report under subparagraph (A)*
19 *shall include the following:*

20 (i) *An analysis of the adequacy of the surveys*
21 *under subsection (a).*

22 (ii) *The adequacy of existing statutory authority*
23 *to address inadequate levels of participation by health*
24 *care providers in TRICARE Standard.*

1 (iii) *Identification of policy-based obstacles to*
2 *achieving adequacy of availability of TRICARE*
3 *Standard health care in the TRICARE Standard*
4 *market areas.*

5 (iv) *An assessment of the adequacy of Depart-*
6 *ment of Defense education programs to inform health*
7 *care providers about TRICARE Standard.*

8 (v) *An assessment of the adequacy of Department*
9 *of Defense initiatives to encourage health care pro-*
10 *viders to accept patients under TRICARE Standard.*

11 (vi) *An assessment of the adequacy of informa-*
12 *tion to TRICARE Standard beneficiaries to facilitate*
13 *access by such beneficiaries to health care under*
14 *TRICARE Standard.*

15 (vii) *Any need for adjustment of health care pro-*
16 *vider payment rates to attract participation in*
17 *TRICARE Standard by appropriate numbers of*
18 *health care providers.*

19 (d) *DEFINITION.—In this section, the term*
20 *“TRICARE Standard” means the option of the TRICARE*
21 *program that is also known as the Civilian Health and*
22 *Medical Program of the Uniformed Services, as defined in*
23 *section 1072(4) of title 10, United States Code.*

1 **SEC. 706. ELIMINATION OF LIMITATION ON COVERED**
2 **BENEFICIARIES' ELIGIBILITY TO RECEIVE**
3 **HEALTH CARE SERVICES FROM FORMER PUB-**
4 **LIC HEALTH SERVICE TREATMENT FACILI-**
5 **TIES.**

6 *Section 724(d) of the National Defense Authorization*
7 *Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C.*
8 *1073 note) is amended by striking “who—” and all that*
9 *follows through “(2) are enrolled” and inserting “who are*
10 *enrolled”.*

11 **SEC. 707. MODIFICATION OF STRUCTURE AND DUTIES OF**
12 **DEPARTMENT OF VETERANS AFFAIRS-DE-**
13 **PARTMENT OF DEFENSE HEALTH EXECUTIVE**
14 **COMMITTEE.**

15 *(a) IN GENERAL.—Subsection (c) of section 8111 of*
16 *title 38, United States Code, is amended to read as follows:*

17 *“(c) DOD-VA JOINT EXECUTIVE COMMITTEE.—(1)*
18 *There is established an interagency committee to be known*
19 *as the Department of Veterans Affairs-Department of De-*
20 *fense Joint Executive Committee (hereinafter in this section*
21 *referred to as the ‘Committee’).*

22 *“(2) The Committee shall be composed of—*

23 *“(A) the Deputy Secretary of Veterans Affairs*
24 *and such other officers and employees of the Depart-*
25 *ment as the Secretary may designate; and*

1 “(B) *the Under Secretary of Defense for Per-*
2 *sonnel and Readiness and such other officers and em-*
3 *ployees of the Department of Defense as the Secretary*
4 *of Defense may designate.*

5 “(3)(A) *The Deputy Secretary and the Under Sec-*
6 *retary shall determine the size and structure of the Com-*
7 *mittee, except that the Committee shall have subordinate*
8 *committees as follows:*

9 “(i) *A Health Executive Committee.*

10 “(ii) *A Benefits Executive Committee.*

11 “(iii) *Such other subordinate committees as the*
12 *Deputy Secretary and the Under Secretary consider*
13 *appropriate.*

14 “(B) *The Deputy Secretary and the Under Secretary*
15 *shall establish the administrative and procedural guidelines*
16 *for the operation of the Committee.*

17 “(C) *The two Departments shall supply staff and re-*
18 *sources to the Committee in order to provide such adminis-*
19 *trative support and services for the Committee as are nec-*
20 *essary for the efficient operation of the Committee.*

21 “(4) *The Committee shall recommend to the Secretaries*
22 *strategic direction for the joint coordination and sharing*
23 *of efforts between and within the two Departments under*
24 *this section, and shall oversee implementation of such co-*
25 *ordination and efforts.*

1 “(5) *In order to enable the Committee to make rec-*
2 *ommendations under paragraph (4) in its annual report*
3 *under paragraph (6), the Committee shall—*

4 “(A) *review existing policies, procedures, and*
5 *practices relating to the coordination and sharing of*
6 *health care resources and other resources between the*
7 *two Departments;*

8 “(B) *identify changes in policies, procedures,*
9 *and practices that, in the judgment of the Committee,*
10 *would promote mutually beneficial coordination, use,*
11 *or exchange of use of services and health care re-*
12 *sources and other resources of the two Departments in*
13 *order to achieve the goal of improving the quality, ef-*
14 *iciency, and effectiveness of the delivery of benefits*
15 *and services to veterans, members of the Armed*
16 *Forces, military retirees, and their families through*
17 *an enhanced partnership between the two Depart-*
18 *ments;*

19 “(C) *identify and assess further opportunities for*
20 *coordination and collaboration between the two De-*
21 *partments that, in the judgment of the Committee,*
22 *would not adversely affect the range of services, the*
23 *quality of care, or the established priorities for bene-*
24 *fits provided by either Department;*

1 “(D) review the plans of both agencies for the ac-
2 quisition of additional health care resources and other
3 resources, especially new facilities and major equip-
4 ment and technology, in order to assess the potential
5 effect of such plans on further opportunities for the
6 coordination and sharing of such resources; and

7 “(E) review the implementation of activities de-
8 signed to promote the coordination and sharing of
9 health care resources and other resources between the
10 two Departments.

11 “(6) The Committee shall submit to the Secretaries,
12 and to Congress, each year a report containing such rec-
13 ommendations as the Committee considers appropriate, in-
14 cluding recommendations in light of activities under para-
15 graph (5).”.

16 (b) *CONFORMING AMENDMENT.*—Subsection (e)(1) of
17 such section is amended by striking “subsection (c)(2)” and
18 inserting “subsection (c)(4)”.

19 (c) *EFFECTIVE DATE.*—The amendments made by this
20 section shall take effect on October 1, 2003, as if included
21 in the amendments to section 8111 of title 38, United States
22 Code, made by section 721 of the Bob Stump National De-
23 fense Authorization Act for Fiscal Year 2003 (Public Law
24 107–314; 116 Stat. 2589), to which the amendments made
25 by this section relate.

1 (d) *INTEGRATED HEALING CARE PRACTICES.*—(1)
2 *The Secretary of Defense and the Secretary of Veterans Af-*
3 *fairs may, acting through the Department of Veterans Af-*
4 *fairs-Department of Defense Joint Executive Committee,*
5 *conduct a program to develop and evaluate integrated heal-*
6 *ing care practices for members of the Armed Forces and*
7 *veterans.*

8 (2) *Amounts authorized to be appropriated by section*
9 *301(21) for the Defense Health Program may be available*
10 *for the program under paragraph (1).*

11 **SEC. 708. ELIGIBILITY OF RESERVE OFFICERS FOR**
12 **HEALTH CARE PENDING ORDERS TO ACTIVE**
13 **DUTY FOLLOWING COMMISSIONING.**

14 *Section 1074(a) of title 10, United States Code, is*
15 *amended—*

16 (1) *by inserting “(1)” after “(a)”;*

17 (2) *by striking “who is on active duty” and in-*
18 *serting “described in paragraph (2)”;* and

19 (3) *by adding at the end the following new para-*
20 *graph:*

21 “(2) *Members of the uniformed services referred to in*
22 *paragraph (1) are as follows:*

23 “(A) *A member of a uniformed service on active*
24 *duty.*

1 “(B) *A member of a reserve component of a uni-*
 2 *formed service who has been commissioned as an offi-*
 3 *cer if—*

4 “(i) *the member has requested orders to ac-*
 5 *tive duty for the member’s initial period of ac-*
 6 *tive duty following the commissioning of the*
 7 *member as an officer;*

8 “(ii) *the request for orders has been ap-*
 9 *proved;*

10 “(iii) *the orders are to be issued but have*
 11 *not been issued; and*

12 “(iv) *the member does not have health care*
 13 *insurance and is not covered by any other health*
 14 *benefits plan.”.*

15 **SEC. 709. REIMBURSEMENT OF COVERED BENEFICIARIES**
 16 **FOR CERTAIN TRAVEL EXPENSES RELATING**
 17 **TO SPECIALIZED DENTAL CARE.**

18 *Section 1074i of title 10, United States Code, is*
 19 *amended—*

20 (1) *by inserting “(a) IN GENERAL.—” before “In*
 21 *any case”; and*

22 (2) *by adding at the end the following new sub-*
 23 *section:*

24 “(b) **SPECIALTY CARE PROVIDERS.**—*For purposes of*
 25 *subsection (a), the term ‘specialty care provider’ includes*

1 *a dental specialist (including an oral surgeon, orthodontist,*
 2 *prosthodontist, periodontist, endodontist, or pediatric den-*
 3 *tist).”.*

4 **TITLE VIII—ACQUISITION POL-**
 5 **ICY, ACQUISITION MANAGE-**
 6 **MENT, AND RELATED MAT-**
 7 **TERS**

8 ***Subtitle A—Acquisition Policy and***
 9 ***Management***

10 ***SEC. 801. TEMPORARY EMERGENCY PROCUREMENT AU-***
 11 ***THORITY TO FACILITATE DEFENSE AGAINST***
 12 ***OR RECOVERY FROM TERRORISM OR NU-***
 13 ***CLEAR, BIOLOGICAL, CHEMICAL, OR RADIO-***
 14 ***LOGICAL ATTACK.***

15 *(a) EXTENSION OF AUTHORITY.—Section 836(a) of the*
 16 *National Defense Authorization Act for Fiscal Year 2002*
 17 *(Public Law 107–107; 115 Stat. 1192; 10 U.S.C. 2302 note)*
 18 *is amended by striking “fiscal year 2002 and 2003” and*
 19 *inserting “fiscal years 2002, 2003, 2004, and 2005”.*

20 *(b) EXPANDED SCOPE.—Such section 836(a) is further*
 21 *amended—*

22 *(1) in paragraph (1), by striking “the defense*
 23 *against terrorism or biological or chemical attack”*
 24 *and inserting “defense against or recovery from ter-*

1 rorism or nuclear, biological, chemical, or radiological
2 attack”; and

3 (2) in paragraph (2), by striking “the defense
4 against terrorism or biological attack” and inserting
5 “defense against or recovery from terrorism or nu-
6 clear, biological, chemical, or radiological attack”.

7 (c) *CONFORMING AMENDMENT.*—The heading for such
8 section is amended to read as follows:

9 “**SEC. 836. TEMPORARY EMERGENCY PROCUREMENT AU-**
10 **THORITY TO FACILITATE DEFENSE AGAINST**
11 **OR RECOVERY FROM TERRORISM OR NU-**
12 **CLEAR, BIOLOGICAL, CHEMICAL, OR RADIO-**
13 **LOGICAL ATTACK.**”

14 **SEC. 802. SPECIAL TEMPORARY CONTRACT CLOSEOUT AU-**
15 **THORITY.**

16 (a) *AUTHORITY.*—The Secretary of Defense may settle
17 any financial account for a contract entered into by the
18 Secretary or the Secretary of a military department before
19 October 1, 1996, that is administratively complete if the
20 financial account has an unreconciled balance, either posi-
21 tive or negative, that is less than \$100,000.

22 (b) *FINALITY OF DECISION.*—A settlement under this
23 section shall be final and conclusive upon the accounting
24 officers of the United States.

1 (c) *REGULATIONS.*—*The Secretary of Defense shall*
2 *prescribe regulations for the administration of the authority*
3 *under this section.*

4 (d) *TERMINATION OF AUTHORITY.*—*A financial ac-*
5 *count may not be settled under this section after September*
6 *30, 2006.*

7 **SEC. 803. DEFENSE ACQUISITION PROGRAM MANAGEMENT**
8 **FOR USE OF RADIO FREQUENCY SPECTRUM.**

9 (a) *REVISION OF DEPARTMENT OF DEFENSE DIREC-*
10 *TIVE.*—*Not later than one year after the date of the enact-*
11 *ment of this Act, the Secretary of Defense shall revise and*
12 *reissue Department of Defense Directive 4650.1, relating to*
13 *management and use of the radio frequency spectrum, last*
14 *issued on June 24, 1987, to update the procedures applica-*
15 *ble to Department of Defense management and use of the*
16 *radio frequency spectrum.*

17 (b) *ACQUISITION PROGRAM REQUIREMENTS.*—*The*
18 *Secretary of Defense shall—*

19 (1) *require that each military department or De-*
20 *fense Agency carrying out a program for the acquisi-*
21 *tion of a system that is to use the radio frequency*
22 *spectrum consult with the official or board designated*
23 *under subsection (c) on the usage of the spectrum by*
24 *the system as early as practicable during the concept*

1 *exploration and technology development phases of the*
2 *acquisition program;*

3 (2) *prohibit the program from proceeding into*
4 *system development and demonstration, or otherwise*
5 *obtaining production or procuring any unit of the*
6 *system, until—*

7 (A) *an evaluation of the proposed radio fre-*
8 *quency spectrum usage by the system is com-*
9 *pleted in accordance with requirements pre-*
10 *scribed by the Secretary; and*

11 (B) *the designated official or board reviews*
12 *and approves the proposed usage of the spectrum*
13 *by the system; and*

14 (3) *prescribe a procedure for waiving the prohi-*
15 *bition imposed under paragraph (2) in any case in*
16 *which it is determined necessary to do so in the na-*
17 *tional security interests of the United States.*

18 (c) *DESIGNATION OF OFFICIAL OR BOARD.—The Sec-*
19 *retary of Defense shall designate an appropriate official or*
20 *board of the Department of Defense to perform the functions*
21 *described for the official or board in subsection (b).*

22 **SEC. 804. NATIONAL SECURITY AGENCY MODERNIZATION**
23 **PROGRAM.**

24 (a) *RESPONSIBILITIES OF UNDER SECRETARY OF DE-*
25 *FENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—*

1 *The Secretary of Defense, acting through the Under Sec-*
2 *retary of Defense for Acquisition, Technology, and Logistics,*
3 *shall—*

4 (1) *direct and manage the acquisitions under the*
5 *National Security Agency Modernization Program;*
6 *and*

7 (2) *designate the projects under such program as*
8 *major defense acquisition programs.*

9 (b) *PROJECTS COMPRISING PROGRAM.—The National*
10 *Security Agency Modernization Program includes the fol-*
11 *lowing projects of the National Security Agency:*

12 (1) *The Trailblazer project.*

13 (2) *The Groundbreaker project.*

14 (3) *Each cryptological mission management*
15 *project.*

16 (4) *Each other project that—*

17 (A) *meets either of the dollar threshold re-*
18 *quirements set forth in subsection (a)(2) of sec-*
19 *tion 2430 of title 10, United States Code (as ad-*
20 *justed under subsection (b) of such section); and*

21 (B) *is determined by the Under Secretary of*
22 *Defense for Acquisition, Technology, and Logis-*
23 *tics as being a modernization project of the Na-*
24 *tional Security Agency.*

1 (c) *MILESTONE DECISION AUTHORITY.*—(1) *In the ad-*
2 *ministration of subsection (a), the Under Secretary of De-*
3 *fense for Acquisition, Technology, and Logistics shall exer-*
4 *cise the milestone decision authority for—*

5 (A) *each major defense acquisition program*
6 *under the National Security Agency Modernization*
7 *Program, as designated under subsection (a)(2); and*

8 (B) *the acquisition of each major system under*
9 *the National Security Agency Modernization Pro-*
10 *gram, as described in subsection (d).*

11 (2) *The Under Secretary may not delegate the mile-*
12 *stone decision authority to any other official before October*
13 *1, 2006.*

14 (3) *The Under Secretary may delegate the milestone*
15 *decision authority to the Director of the National Security*
16 *Agency at any time after the later of September 30, 2006,*
17 *or the date on which the following conditions are satisfied:*

18 (A) *The Under Secretary has determined that the*
19 *Director has implemented acquisition management*
20 *policies, procedures, and practices that are suffi-*
21 *ciently mature to ensure that National Security*
22 *Agency acquisitions are conducted in a manner con-*
23 *sistent with a sound, efficient acquisition enterprise.*

24 (B) *The Under Secretary has consulted with the*
25 *Under Secretary of Defense for Intelligence and the*

1 *Deputy Director of Central Intelligence for Commu-*
2 *nity Management on the delegation.*

3 *(C) The Secretary of Defense has approved the*
4 *delegation.*

5 *(D) The Under Secretary has transmitted to the*
6 *Committees on Armed Services of the Senate and the*
7 *House of Representatives, the Select Committee on In-*
8 *telligence of the Senate, and the Permanent Select*
9 *Committee on Intelligence of the House of Representa-*
10 *tives a notification of the intention to delegate the au-*
11 *thority, together with a detailed discussion of the jus-*
12 *tification for the delegation of authority.*

13 *(d) MAJOR SYSTEM DEFINED.—In this section, the*
14 *term “major system” means a system that meets either of*
15 *the dollar threshold requirements set forth in paragraph (1)*
16 *or (2) of subsection (a) of section 2302d of title 10, United*
17 *States Code (as adjusted under subsection (c) of such sec-*
18 *tion).*

19 **SEC. 805. QUALITY CONTROL IN PROCUREMENT OF AVIA-**
20 **TION CRITICAL SAFETY ITEMS AND RELATED**
21 **SERVICES.**

22 *(a) QUALITY CONTROL POLICY.—The Secretary of De-*
23 *fense shall prescribe a quality control policy for the procure-*
24 *ment of aviation critical safety items and the procurement*
25 *of modifications, repair, and overhaul of such items.*

1 (b) *CONTENT OF POLICY.*—*The policy shall include the*
2 *following requirements:*

3 (1) *That the head of the design control activity*
4 *for aviation critical safety items establish processes to*
5 *identify and manage aviation critical safety items*
6 *and modifications, repair, and overhaul of such items.*

7 (2) *That the head of the contracting activity for*
8 *an aviation critical safety item enter into a contract*
9 *for such item only with a source approved by the de-*
10 *sign control activity in accordance with section 2319*
11 *of title 10, United States Code.*

12 (3) *That the aviation critical safety items deliv-*
13 *ered, and the services performed with respect to avia-*
14 *tion critical safety items, meet all technical and qual-*
15 *ity requirements specified by the design control activ-*
16 *ity, except for any requirement determined unneces-*
17 *sary by the Secretary of Defense in writing.*

18 (c) *DEFINITIONS.*—*In this section, the terms “aviation*
19 *critical safety item” and “design control activity” have the*
20 *meanings given such terms in section 2319(g) of title 10,*
21 *United States Code, as amended by subsection (d).*

22 (d) *CONFORMING AMENDMENT TO TITLE 10.*—*Section*
23 *2319 of title 10, United States Code, is amended—*

24 (1) *in subsection (c)(3), by inserting after “the*
25 *contracting officer” the following: “(or, in the case of*

1 *a contract for the procurement of an aviation critical*
2 *item, the head of the design control activity for such*
3 *item)”; and*

4 (2) *by adding at the end the following new sub-*
5 *section:*

6 “(g) *DEFINITIONS.—In this section:*

7 “(1) *The term ‘aviation critical safety item’*
8 *means a part, an assembly, installation equipment,*
9 *launch equipment, recovery equipment, or support*
10 *equipment for an aircraft or aviation weapon system*
11 *if the part, assembly, or equipment contains a char-*
12 *acteristic any failure, malfunction, or absence of*
13 *which could cause a catastrophic or critical failure*
14 *resulting in the loss of or serious damage to the air-*
15 *craft or weapon system, an unacceptable risk of per-*
16 *sonal injury or loss of life, an uncommanded engine*
17 *shutdown that jeopardizes safety, or the failure of a*
18 *military mission.*

19 “(2) *The term ‘design control activity’, with re-*
20 *spect to an aviation critical safety item, means the*
21 *systems command of a military department that is*
22 *specifically responsible for ensuring the airworthiness*
23 *of an aviation system or equipment in which the item*
24 *is to be used.”.*

1 ***Subtitle B—Procurement of Services***

2 ***SEC. 811. EXPANSION AND EXTENSION OF INCENTIVE FOR***
3 ***USE OF PERFORMANCE-BASED CONTRACTS***
4 ***IN PROCUREMENTS OF SERVICES.***

5 (a) *INCREASED MAXIMUM AMOUNT OF PROCUREMENT*
6 *ELIGIBLE FOR COMMERCIAL ITEMS TREATMENT.*—Para-
7 *graph (1)(A) of section 821(b) of the Floyd D. Spence Na-*
8 *tional Defense Authorization Act for Fiscal Year 2001 (as*
9 *enacted into law by Public Law 106–398; 114 Stat. 1654A–*
10 *218; 10 U.S.C. 2302 note) is amended by striking*
11 *“\$5,000,000” and inserting “\$10,000,000”.*

12 (b) *EXTENSION OF AUTHORITY.*—Paragraph (4) of
13 *such section 821(b) is amended by striking “more than 3*
14 *years after the date of the enactment of this Act” and insert-*
15 *ing “after October 30, 2006”.*

16 ***SEC. 812. PUBLIC-PRIVATE COMPETITIONS FOR THE PER-***
17 ***FORMANCE OF DEPARTMENT OF DEFENSE***
18 ***FUNCTIONS.***

19 (a) *PILOT PROGRAM FOR BEST VALUE SOURCE SE-*
20 *LECTION FOR THE PERFORMANCE OF INFORMATION TECH-*
21 *NOLOGY SERVICES.*—

22 (1) *AUTHORITY.*—*The Secretary of Defense may*
23 *carry out a pilot program for use of a best value cri-*
24 *terion in the selection of sources for performance of*

1 *information technology services for the Department of*
2 *Defense.*

3 (2) *CONVERSION TO PRIVATE SECTOR PERFORM-*
4 *ANCE.—(A) Under the pilot program, an analysis of*
5 *the performance of an information technology services*
6 *function for the Department of Defense under section*
7 *2461(b)(3) of title 10, United States Code, shall in-*
8 *clude an examination of the performance of the func-*
9 *tion by Department of Defense civilian employees and*
10 *by one or more private contractors to demonstrate*
11 *whether change to performance by the private sector*
12 *will result in the best value to the Government over*
13 *the life of the contract, including in the examination*
14 *the following:*

15 (i) *The cost to the Government, estimated by*
16 *the Secretary of Defense (based on offers re-*
17 *ceived), for performance of the function by the*
18 *private sector.*

19 (ii) *The estimated cost to the Government of*
20 *Department of Defense civilian employees per-*
21 *forming the function.*

22 (iii) *Benefits in addition to price that war-*
23 *rant performance of the function by a particular*
24 *source at a cost higher than that of performance*
25 *by Department of Defense civilian employees.*

1 *(iv) In addition to the cost referred to in*
2 *clause (i), an estimate of all other costs and ex-*
3 *penditures that the Government would incur be-*
4 *cause of the award of such a contract.*

5 *(B) Under the pilot program, subparagraph (A)*
6 *of such section 2461(b)(3) shall not apply to an anal-*
7 *ysis of the performance of an information technology*
8 *services function for the Department of Defense.*

9 (3) *CONTRACTING FOR INFORMATION TECH-*
10 *NOLOGY SERVICES.—(A) Under the pilot program, ex-*
11 *cept as otherwise provided by law, the Secretary shall*
12 *procure information technology services necessary for*
13 *or beneficial to the accomplishment of the authorized*
14 *functions of the Department of Defense (other than*
15 *functions which the Secretary of Defense determines*
16 *must be performed by military or Government per-*
17 *sonnel) from a source in the private sector if perform-*
18 *ance by that source represents the best value to the*
19 *United States, determined in accordance with the*
20 *competition requirements of Office of Management*
21 *and Budget Circular A-76.*

22 *(B) Under the pilot program, section 2462(a) of*
23 *title 10, United States Code, shall not apply to a pro-*
24 *curement described in paragraph (1).*

1 (4) *DURATION OF PILOT PROGRAM.*—(A) *The pe-*
2 *riod for which the pilot program may be carried out*
3 *under this subsection shall be fiscal years 2004*
4 *through 2008.*

5 (B) *An analysis commenced under the pilot pro-*
6 *gram in accordance with paragraph (2), and a pro-*
7 *curement for which a solicitation has been issued in*
8 *accordance with paragraph (3), before the end of the*
9 *pilot program period may be continued in accordance*
10 *with paragraph (2) or (3), respectively, after the end*
11 *of such period.*

12 (5) *GAO REVIEW.*—(A) *The Comptroller General*
13 *shall review the administration of any pilot program*
14 *carried out under this subsection to assess the extent*
15 *to which the program is effective and is equitable for*
16 *the potential public sources and the potential private*
17 *sources of information technology services for the De-*
18 *partment of Defense.*

19 (B) *Not later than February 1, 2008, the Comp-*
20 *troller General shall submit to the congressional de-*
21 *fense committees a report on the review of the pro-*
22 *gram under subparagraph (A). The report shall in-*
23 *clude the Comptroller General’s assessment of the*
24 *matters required under that subparagraph and any*
25 *other conclusions resulting from the review.*

1 (6) *INFORMATION TECHNOLOGY SERVICES DE-*
2 *FINED.*—*In this subsection, the term “information*
3 *technology service” means any service performed in*
4 *the operation or maintenance of information tech-*
5 *nology (as defined in section 11101 of title 40, United*
6 *States Code).*

7 (b) *RESOURCES-BASED SCHEDULES FOR COMPLETION*
8 *OF PUBLIC-PRIVATE COMPETITIONS.*—

9 (1) *APPLICATION OF TIMEFRAMES.*—*Any interim*
10 *or final deadline or other schedule-related milestone*
11 *for the completion of a Department of Defense public-*
12 *private competition shall be established solely on the*
13 *basis of considered research and sound analysis re-*
14 *garding the availability of sufficient personnel, train-*
15 *ing, and technical resources to the Department of De-*
16 *fense to carry out such competition in a timely man-*
17 *ner.*

18 (2) *EXTENSION OF TIMEFRAMES.*—*Any interim*
19 *or final deadline or other schedule-related milestone*
20 *established (consistent with paragraph (1)) for the*
21 *completion of a Department of Defense public-private*
22 *competition shall be extended if the Department of*
23 *Defense official responsible for managing the competi-*
24 *tion determines under procedures prescribed by the*
25 *Secretary of Defense that the personnel, training, or*

1 “(2) the United States Special Operations Com-
2 mand, with respect to special operations activities de-
3 scribed in paragraphs (1), (2), (3), and (4) of section
4 167(j) of this title.”.

5 (b) *CLERICAL AMENDMENT.*—The table of sections at
6 the beginning of such chapter is amended by inserting after
7 the item relating to section 2396 the following new item:

 “2397. *Personal services: procurement by certain elements of the Department of
 Defense.*”.

8 ***Subtitle C—Major Defense***
9 ***Acquisition Programs***

10 ***SEC. 821. CERTAIN WEAPONS-RELATED PROTOTYPE***
11 ***PROJECTS.***

12 (a) *EXTENSION OF AUTHORITY.*—Subsection (g) of sec-
13 tion 845 of the National Defense Authorization Act for Fis-
14 cal Year 1994 (10 U.S.C. 2371 note) is amended by striking
15 “September 30, 2004” and inserting “September 30, 2007”.

16 (b) *INCREASED SCOPE OF AUTHORITY.*—Subsection
17 (a) of such section is amended by inserting before the period
18 at the end the following: “, or to improvement of weapons
19 or weapon systems in use by the Armed Forces”.

20 (c) *PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON*
21 *CONTRACTS.*—Such section, as amended by subsection (a),
22 *is further amended—*

23 (1) *by redesignating subsections (e), (f), and (g)*
24 *as subsections (f), (g), and (h), respectively; and*

1 (2) by inserting after subsection (d) the following
2 new subsection (e):

3 “(e) *PILOT PROGRAM FOR TRANSITION TO FOLLOW-*
4 *ON CONTRACTS.*—(1) *The Secretary of Defense is authorized*
5 *to carry out a pilot program for follow-on contracting for*
6 *the production of items or processes that are developed by*
7 *nontraditional defense contractors under prototype projects*
8 *carried out under this section.*

9 “(2) *Under the pilot program—*

10 “(A) *a qualifying contract for the procurement of*
11 *such an item or process, or a qualifying subcontract*
12 *under a contract for the procurement of such an item*
13 *or process, may be treated as a contract or sub-*
14 *contract, respectively, for the procurement of commer-*
15 *cial items, as defined in section 4(12) of the Office of*
16 *Federal Procurement Policy Act (41 U.S.C. 403(12));*
17 *and*

18 “(B) *the item or process may be treated as an*
19 *item or process, respectively, that is developed in part*
20 *with Federal funds and in part at private expense for*
21 *the purposes of section 2320 of title 10, United States*
22 *Code.*

23 “(3) *For the purposes of the pilot program, a quali-*
24 *fying contract or subcontract is a contract or subcontract,*

1 *respectively, with a nontraditional defense contractor*
2 *that—*

3 “(A) *does not exceed \$50,000,000; and*

4 “(B) *is either—*

5 “(i) *a firm, fixed-price contract or sub-*
6 *contract; or*

7 “(ii) *a fixed-price contract or subcontract*
8 *with economic price adjustment.*

9 “(4) *The authority to conduct a pilot program under*
10 *this subsection shall terminate on September 30, 2007. The*
11 *termination of the authority shall not affect the validity*
12 *of contracts or subcontracts that are awarded or modified*
13 *during the period of the pilot program, without regard to*
14 *whether the contracts or subcontracts are performed during*
15 *the period.”.*

16 **SEC. 822. APPLICABILITY OF CLINGER-COHEN ACT POLI-**
17 **CIES AND REQUIREMENTS TO EQUIPMENT IN-**
18 **TEGRAL TO A WEAPON OR WEAPON SYSTEM.**

19 (a) *IN GENERAL.—(1) Chapter 131 of title 10, United*
20 *States Code, is amended by inserting after section 2223 the*
21 *following:*

1 **“§2223a. Acquisition of equipment integral to a**
2 **weapon or a weapon system: applicability**
3 **of certain acquisition reform authorities**
4 **and information technology-related re-**
5 **quirements**

6 “(a) *BOARD OF SENIOR ACQUISITION OFFICIALS.—(1)*
7 *The Secretary of Defense shall establish a board of senior*
8 *acquisition officials to administer the implementation of the*
9 *policies and requirements of chapter 113 of title 40 in pro-*
10 *curements of information technology equipment determined*
11 *by the Secretary as being an integral part of a weapon or*
12 *a weapon system.*

13 “(2) *The Board shall be composed of the following offi-*
14 *cials:*

15 “(A) *Under Secretary of Defense for Acquisition,*
16 *Technology, and Logistics, who shall be the Chair-*
17 *man.*

18 “(B) *The acquisition executive of each of the*
19 *military departments.*

20 “(C) *The Chief Information Officer of the De-*
21 *partment of Defense.*

22 “(c) *RESPONSIBILITIES OF BOARD.—The Board shall*
23 *be responsible for ensuring that—*

24 “(1) *the acquisition of information technology*
25 *equipment determined by the Secretary of Defense as*
26 *being an integral part of a weapon or a weapon sys-*

1 *tem is conducted in a manner that is consistent with*
2 *the capital planning, investment control, and per-*
3 *formance and results-based management processes and*
4 *requirements provided under sections 11302, 11303,*
5 *11312, and 11313 of title 40, to the extent that such*
6 *processes requirements are applicable to the acquisi-*
7 *tion of such equipment;*

8 *“(2) issues of spectrum availability, interoper-*
9 *ability, and information security are appropriately*
10 *addressed in the development of weapons and weapon*
11 *systems; and*

12 *“(3) in the case of information technology equip-*
13 *ment that is to be incorporated into a weapon or a*
14 *weapon system under a major defense acquisition*
15 *program, the information technology equipment is in-*
16 *corporated in a manner that is consistent with—*

17 *“(A) the planned approach to applying cer-*
18 *tain provisions of law to major defense acquisi-*
19 *tion programs following the evolutionary acqui-*
20 *sition process that the Secretary of Defense re-*
21 *ported to Congress under section 802 of the Bob*
22 *Stump National Defense Authorization Act for*
23 *Fiscal Year 2003 (Public Law 107–314; 116*
24 *Stat. 2602);*

1 “(B) the acquisition policies that apply to
2 spiral development programs under section 803
3 of such Act (116 Stat. 2603; 10 U.S.C. 2430
4 note); and

5 “(C) the software acquisition processes of
6 the military department or Defense Agency con-
7 cerned under section 804 of such Act (116 Stat.
8 2604; 10 U.S.C. 2430 note).

9 “(d) *INAPPLICABILITY OF OTHER LAWS.*—The fol-
10 lowing provisions of law do not apply to information tech-
11 nology equipment that is determined by the Secretary of
12 Defense as being an integral part of a weapon or a weapon
13 system:

14 “(1) Section 11315 of title 40.

15 “(2) The policies and procedures established
16 under section 11316 of title 40.

17 “(3) Subsections (d) and (e) of section 811 of the
18 Floyd D. Spence National Defense Authorization Act
19 for Fiscal Year 2001 (as enacted into law by Public
20 Law 106–398; 114 Stat. 1654A–211), and the re-
21 quirements and prohibitions that are imposed by De-
22 partment of Defense Directive 5000.1 pursuant to
23 subsections (b) and (c) of such section.

1 “(4) *Section 351 of the Bob Stump National De-*
2 *fense Authorization Act for Fiscal Year 2003 (Public*
3 *Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note).*

4 “(e) *DEFINITIONS.—In this section:*

5 “(1) *The term ‘acquisition executive’, with re-*
6 *spect to a military department, means the official*
7 *who is designated as the senior procurement executive*
8 *of the military department under section 16(3) of the*
9 *Office of Federal Procurement Policy Act (41 U.S.C.*
10 *414(3)).*

11 “(2) *The term ‘information technology’ has the*
12 *meaning given such term in section 11101 of title 40.*

13 “(3) *The term ‘major defense acquisition pro-*
14 *gram’ has the meaning given such term in section*
15 *2430 of this title.”.*

16 “(2) *The table of sections at the beginning of such chap-*
17 *ter is amended by inserting after the item relating to section*
18 *2223 the following new item:*

“2223a. Acquisition of equipment integral to a weapon or a weapon system: ap-
plicability of certain acquisition reform authorities and infor-
mation technology-related requirements.”.

19 “(b) *CONFORMING AMENDMENT.—Section 2223 of such*
20 *title is amended by adding at the end the following new*
21 *subsection:*

22 “(c) *EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON*
23 *SYSTEM.—(1) In the case of information technology equip-*
24 *ment determined by the Secretary of Defense as being an*

1 *integral part of a weapon or a weapon system, the respon-*
 2 *sibilities under this section shall be performed by the board*
 3 *of senior acquisition officials established pursuant to section*
 4 *2223a of this title.*

5 “(2) *In this subsection, the term ‘information tech-*
 6 *nology’ has the meaning given such term in section 11101*
 7 *of title 40.’”*

8 **SEC. 823. APPLICABILITY OF REQUIREMENT FOR REPORTS**
 9 **ON MATURITY OF TECHNOLOGY AT INITI-**
 10 **ATION OF MAJOR DEFENSE ACQUISITION**
 11 **PROGRAMS.**

12 *Section 804(a) of the National Defense Authorization*
 13 *Act for Fiscal Year 2003 (Public Law 107–107; 115 Stat.*
 14 *1180) is amended by striking “, as in effect on the date*
 15 *of enactment of this Act,” and inserting “(as in effect on*
 16 *the date of the enactment of this Act), and the corresponding*
 17 *provision of any successor to such Instruction,”*

18 ***Subtitle D—Domestic Source***
 19 ***Requirements***

20 **SEC. 831. EXCEPTIONS TO BERRY AMENDMENT FOR CON-**
 21 **TINGENCY OPERATIONS AND OTHER URGENT**
 22 **SITUATIONS.**

23 *Section 2533a(d) of title 10, United States Code, is*
 24 *amended—*

1 (1) *in paragraph (1), by inserting “or contin-*
 2 *gency operations” after “in support of combat oper-*
 3 *ations”;* and

4 (2) *by adding at the end the following new para-*
 5 *graph:*

6 “(4) *Procurements for which the use of proce-*
 7 *dures other than competitive procedures has been ap-*
 8 *proved on the basis of section 2304(c)(2) of this title,*
 9 *relating to unusual and compelling urgency of need.”.*

10 **SEC. 832. INAPPLICABILITY OF BERRY AMENDMENT TO**
 11 **PROCUREMENTS OF WASTE AND BYPROD-**
 12 **UCTS OF COTTON AND WOOL FIBER FOR USE**
 13 **IN THE PRODUCTION OF PROPELLANTS AND**
 14 **EXPLOSIVES.**

15 Section 2533a(f) of title 10, United States Code, is
 16 *amended—*

17 (1) *by striking “(f) EXCEPTION” and all that fol-*
 18 *lows through “the procurement of” and inserting the*
 19 *following:*

20 “(f) *EXCEPTIONS FOR CERTAIN OTHER COMMODITIES*
 21 *AND ITEMS.—Subsection (a) does not preclude the procure-*
 22 *ment of the following:*

23 “(1)”;

24 (2) *by capitalizing the initial letter of the word*
 25 *following “(1)”, as added by paragraph (1); and*

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

3 “(2) *Waste and byproducts of cotton and wool*
4 *fiber for use in the production of propellants and ex-*
5 *plosives.*”.

6 **SEC. 833. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR**
7 **CONTENT REQUIREMENTS.**

8 (a) *AUTHORITY.*—*Subchapter V of chapter 148 of title*
9 *10, United States Code, is amended by adding at the end*
10 *the following new section:*

11 **“§2539c. Waiver of domestic source or content re-**
12 **quirements**

13 “(a) *AUTHORITY.*—*Except as provided in subsection*
14 *(f), the Secretary of Defense may waive the application of*
15 *any domestic source requirement or domestic content re-*
16 *quirement referred to in subsection (b) and thereby author-*
17 *ize the procurement of items that are grown, reprocessed,*
18 *reused, produced, or manufactured—*

19 “(1) *in a foreign country that has a Declaration*
20 *of Principles with the United States;*

21 “(2) *in a foreign country that has a Declaration*
22 *of Principles with the United States substantially*
23 *from components and materials grown, reprocessed,*
24 *reused, produced, or manufactured in the United*

1 *States or any foreign country that has a Declaration*
2 *of Principles with the United States; or*

3 “(3) *in the United States substantially from*
4 *components and materials grown, reprocessed, reused,*
5 *produced, or manufactured in the United States or*
6 *any foreign country that has a Declaration of Prin-*
7 *ciples with the United States.*

8 “(b) *COVERED REQUIREMENTS.—For purposes of this*
9 *section:*

10 “(1) *A domestic source requirement is any re-*
11 *quirement under law that the Department of Defense*
12 *satisfy its requirements for an item by procuring an*
13 *item that is grown, reprocessed, reused, produced, or*
14 *manufactured in the United States or by a manufac-*
15 *turer that is a part of the national technology and in-*
16 *dustrial base (as defined in section 2500(1) of this*
17 *title).*

18 “(2) *A domestic content requirement is any re-*
19 *quirement under law that the Department of Defense*
20 *satisfy its requirements for an item by procuring an*
21 *item produced or manufactured partly or wholly from*
22 *components and materials grown, reprocessed, reused,*
23 *produced, or manufactured in the United States.*

24 “(c) *APPLICABILITY.—The authority of the Secretary*
25 *to waive the application of a domestic source or content*

1 *requirements under subsection (a) applies to the procure-*
2 *ment of items for which the Secretary of Defense determines*
3 *that—*

4 “(1) *application of the requirement would im-*
5 *pede the reciprocal procurement of defense items*
6 *under a Declaration of Principles with the United*
7 *States; and*

8 “(2) *such country does not discriminate against*
9 *defense items produced in the United States to a*
10 *greater degree than the United States discriminates*
11 *against defense items produced in that country.*

12 “(d) *LIMITATION ON DELEGATION.—The authority of*
13 *the Secretary to waive the application of domestic source*
14 *or content requirements under subsection (a) may not be*
15 *delegated to any officer or employee other than the Under*
16 *Secretary of Defense for Acquisition, Technology and Logis-*
17 *tics.*

18 “(e) *CONSULTATIONS.—The Secretary may grant a*
19 *waiver of the application of a domestic source or content*
20 *requirement under subsection (a) only after consultation*
21 *with the United States Trade Representative, the Secretary*
22 *of Commerce, and the Secretary of State.*

23 “(f) *LAWS NOT WAIVABLE.—The Secretary of Defense*
24 *may not exercise the authority under subsection (a) to*

1 *waive any domestic source or content requirement con-*
2 *tained in any of the following laws:*

3 “(1) *The Small Business Act (15 U.S.C. 631 et*
4 *seq.).*

5 “(2) *The Javits-Wagner-O’Day Act (41 U.S.C.*
6 *46 et seq.).*

7 “(3) *Sections 7309 and 7310 of this title.*

8 “(4) *Section 2533a of this title.*

9 “(g) *RELATIONSHIP TO OTHER WAIVER AUTHOR-*
10 *ITY.—The authority under subsection (a) to waive a domes-*
11 *tic source requirement or domestic content requirement is*
12 *in addition to any other authority to waive such require-*
13 *ment.*

14 “(h) *CONSTRUCTION WITH RESPECT TO LATER EN-*
15 *ACTED LAWS.—This section may not be construed as being*
16 *inapplicable to a domestic source requirement or domestic*
17 *content requirement that is set forth in a law enacted after*
18 *the enactment of this section solely on the basis of the later*
19 *enactment.*

20 “(i) *DECLARATION OF PRINCIPLES.—(1) In this sec-*
21 *tion, the term ‘Declaration of Principles’ means a written*
22 *understanding between the Department of Defense and its*
23 *counterpart in a foreign country signifying a cooperative*
24 *relationship between the Department and its counterpart*
25 *to standardize or make interoperable defense equipment*

1 *used by the armed forces and the armed forces of the foreign*
2 *country across a broad spectrum of defense activities,*
3 *including—*

4 “(A) *harmonization of military requirements*
5 *and acquisition processes;*

6 “(B) *security of supply;*

7 “(C) *export procedures;*

8 “(D) *security of information;*

9 “(E) *ownership and corporate governance;*

10 “(F) *research and development;*

11 “(G) *flow of technical information; and*

12 “(H) *defense trade.*

13 “(2) *A Declaration of Principles is underpinned by a*
14 *memorandum of understanding or other agreement pro-*
15 *viding for the reciprocal procurement of defense items be-*
16 *tween the United States and the foreign country concerned*
17 *without unfair discrimination in accordance with section*
18 *2531 of this title.”.*

19 (b) *CLERICAL AMENDMENT.—The table of sections at*
20 *the beginning of such subchapter is amended by inserting*
21 *after the item relating to section 2539b the following new*
22 *item:*

“2539c. *Waiver of domestic source or content requirements.”.*

1 **SEC. 834. BUY AMERICAN EXCEPTION FOR BALL BEARINGS**
 2 **AND ROLLER BEARINGS USED IN FOREIGN**
 3 **PRODUCTS.**

4 *Section 2534(a)(5) of title 10, United States Code, is*
 5 *amended by inserting before the period at the end the fol-*
 6 *lowing: “, except ball bearings and roller bearings being*
 7 *procured for use in an end product manufactured by a*
 8 *manufacturer that does not satisfy the requirements of sub-*
 9 *section (b) or in a component part manufactured by such*
 10 *a manufacturer”.*

11 ***Subtitle E—Defense Acquisition***
 12 ***and Support Workforce***

13 **SEC. 841. FLEXIBILITY FOR MANAGEMENT OF THE DE-**
 14 **FENSE ACQUISITION AND SUPPORT WORK-**
 15 **FORCE.**

16 *(a) MANAGEMENT STRUCTURE.—(1) Sections 1703,*
 17 *1705, 1706, and 1707 of title 10, United States Code, are*
 18 *repealed.*

19 *(2) Section 1724(d) of such title is amended—*

20 *(A) in the first sentence, by striking “The acqui-*
 21 *sition career program board concerned” and all that*
 22 *follows through “if the board certifies” and inserting*
 23 *“The Secretary of Defense may waive any or all of*
 24 *the requirements of subsections (a) and (b) with re-*
 25 *spect to an employee of the Department of Defense or*

1 *member of the armed forces if the Secretary deter-*
2 *mines”;*

3 *(B) in the second sentence, by striking “the*
4 *board” and inserting “the Secretary”; and*

5 *(C) by striking the third sentence.*

6 *(3) Section 1732(b) of such title is amended—*

7 *(A) in paragraph (1)(C), by striking “, as vali-*
8 *dated by the appropriate career program management*
9 *board”; and*

10 *(B) in paragraph (2)(A)(ii), by striking “has*
11 *been certified by the acquisition career program board*
12 *of the employing military department as possessing”*
13 *and inserting “possess”.*

14 *(4) Section 1732(d) of such title is amended—*

15 *(A) in paragraph (1)—*

16 *(i) in the first sentence, by striking “the ac-*
17 *quisition career program board of a military de-*
18 *partment” and all that follows through “if the*
19 *board certifies” and inserting “The Secretary of*
20 *Defense may waive any or all of the require-*
21 *ments of subsection (b) with respect to an em-*
22 *ployee if the Secretary determines”;*

23 *(ii) in the second sentence, by striking “the*
24 *board” and inserting “the Secretary”; and*

25 *(iii) by striking the third sentence; and*

1 (B) in paragraph (2), by striking “The acquisi-
2 tion career program board of a military department”
3 and inserting “The Secretary”.

4 (5) Section 1734(d) of such title is amended—

5 (A) in subsection (d)—

6 (i) by striking paragraph (2); and

7 (ii) in paragraph (3), by striking the second
8 sentence; and

9 (B) in subsection (e)(2), by striking “, by the ac-
10 quisition career program board of the department
11 concerned,”.

12 (6) Section 1737(c) of such title is amended—

13 (A) by striking paragraph (2); and

14 (B) by striking “(1) The Secretary” and insert-
15 ing “The Secretary”.

16 (b) *ELIMINATION OF ROLE OF OFFICE OF PERSONNEL*
17 *MANAGEMENT.*—(1) Section 1725 of such title is repealed.

18 (2) Section 1731 of such title is amended by striking
19 subsection (c).

20 (3) Section 1732(c)(2) of such title is amended by
21 striking the second and third sentences.

22 (4) Section 1734(g) of such title is amended—

23 (A) by striking paragraph (2); and

24 (B) in paragraph (1) by striking “(1) The Sec-
25 retary” and inserting “The Secretary”.

1 (5) Section 1737 of such title is amended by striking
2 subsection (d).

3 (6) Section 1744(c)(3)(A)(i) of such title is amended
4 by striking “and such other requirements as the Office of
5 Personnel Management may prescribe”.

6 (c) SINGLE ACQUISITION CORPS.—(1) Section 1731 of
7 such title is amended—

8 (A) in subsection (a)—

9 (i) by striking “each of the military depart-
10 ments and one or more Corps, as he considers
11 appropriate, for the other components of” in the
12 first sentence; and

13 (ii) by striking the second sentence; and

14 (B) in subsection (b), by striking “an Acquisi-
15 tion Corps” and inserting “the Acquisition Corps”.

16 (2) Sections 1732(a), 1732(e)(1), 1732(e)(2), 1733(a),
17 1734(e)(1), and 1737(a)(1) of such title are amended by
18 striking “an Acquisition Corps” and inserting “the Acqui-
19 sition Corps”.

20 (3) Section 1734 of such title is amended—

21 (A) in subsection (g), by striking “each Acquisi-
22 tion Corps, a test program in which members of a
23 Corps” and inserting “the Acquisition Corps, a test
24 program in which members of the Corps”; and

1 “(1) *Contracting officer, except a position re-*
2 *ferred to in paragraph (5).*”

3 “(2) *Program executive officer.*”

4 “(3) *Senior contracting official.*”

5 “(4) *Program manager.*”

6 “(5) *A position in the contract contingency force*
7 *of an armed force that is filled by a member of that*
8 *armed force.*”

9 “(c) *DEFINITION.—In this section, the term ‘contract*
10 *contingency force’, with respect to an armed force, has the*
11 *meaning given such term in regulations prescribed by the*
12 *Secretary concerned.*”

13 (f) *CLERICAL AMENDMENTS.—(1) The table of sections*
14 *at the beginning of subchapter I of chapter 87 of title 10,*
15 *United States Code, is amended by striking the items relat-*
16 *ing to sections 1703, 1705, 1706, and 1707.*

17 (2) *The table of sections at the beginning of subchapter*
18 *II of such chapter is amended by striking the item relating*
19 *to section 1725.*

20 (3) *The table of sections at the beginning of subchapter*
21 *IV of such chapter is amended by striking the items relating*
22 *to sections 1742, 1743, and 1744 and inserting the fol-*
23 *lowing:*

 “1742. *Internship, cooperative education, and scholarship programs.*”

1 (4) *The table of sections at the beginning of subchapter*
 2 *V of such chapter is amended by striking the item relating*
 3 *to section 1763 and inserting the following:*

“1764. *Authority to establish different minimum requirements.*”.

4 **SEC. 842. LIMITATION AND REINVESTMENT AUTHORITY**
 5 **RELATING TO REDUCTION OF THE DEFENSE**
 6 **ACQUISITION AND SUPPORT WORKFORCE.**

7 (a) *LIMITATION.*—*Notwithstanding any other provi-*
 8 *sion of law, the defense acquisition and support workforce*
 9 *may not be reduced, during fiscal years 2004, 2005, and*
 10 *2006, below the level of that workforce as of September 30,*
 11 *2002, determined on the basis of full-time equivalent posi-*
 12 *tions, except as may be necessary to strengthen the defense*
 13 *acquisition and support workforce in higher priority posi-*
 14 *tions in accordance with this section.*

15 (b) *WORKFORCE FLEXIBILITY.*—*During fiscal years*
 16 *2004, 2005, and 2006, the Secretary of Defense may realign*
 17 *any part of the defense acquisition and support workforce*
 18 *to support reinvestment in other, higher priority positions*
 19 *in such workforce.*

20 (c) *HIGHER PRIORITY POSITIONS.*—*For the purposes*
 21 *of this section, higher priority positions in the defense ac-*
 22 *quisition and support workforce include the following posi-*
 23 *tions:*

24 (1) *Positions the responsibilities of which include*
 25 *drafting performance-based work statements for serv-*

1 *ices contracts and overseeing the performance of con-*
2 *tracts awarded pursuant to such work statements.*

3 *(2) Positions the responsibilities of which include*
4 *conducting spending analyses, negotiating company-*
5 *wide pricing agreements, and taking other measures*
6 *to reduce contract costs.*

7 *(3) Positions the responsibilities of which include*
8 *reviewing contractor quality control systems, assess-*
9 *ing and analyzing quality deficiency reports, and*
10 *taking other measures to improve product quality.*

11 *(4) Positions the responsibilities of which include*
12 *effectively conducting public-private competitions in*
13 *accordance with Office of Management and Budget*
14 *Circular A-76.*

15 *(5) Any other positions in the defense acquisition*
16 *and support workforce that the Secretary identifies as*
17 *being higher priority positions that are staffed at lev-*
18 *els not likely to ensure efficient and effective perform-*
19 *ance of all of the responsibilities of those positions.*

20 *(d) DEFENSE ACQUISITION AND SUPPORT WORK-*
21 *FORCE DEFINED.—In this section, the term “defense acqui-*
22 *sition and support workforce” means members of the Armed*
23 *Forces and civilian personnel who are assigned to, or are*
24 *employed in, an organization of the Department of Defense*

1 *that has acquisition as its predominant mission, as deter-*
2 *mined by the Secretary of Defense.*

3 **SEC. 843. CLARIFICATION AND REVISION OF AUTHORITY**
4 **FOR DEMONSTRATION PROJECT RELATING**
5 **TO CERTAIN ACQUISITION PERSONNEL MAN-**
6 **AGEMENT POLICIES AND PROCEDURES.**

7 *Section 4308 of the National Defense Authorization*
8 *Act for Fiscal Year 1996 (10 U.S.C. 1701 note) is*
9 *amended—*

10 *(1) in subsection (b), by striking paragraph (3)*
11 *and inserting the following:*

12 *“(3) CONDITIONS.—Paragraph (2) shall not*
13 *apply with respect to a demonstration project*
14 *unless—*

15 *“(A) for each organization or team partici-*
16 *parting in the demonstration project—*

17 *“(i) at least one-third of the workforce*
18 *participating in the demonstration project*
19 *consists of members of the acquisition work-*
20 *force; and*

21 *“(ii) at least two-thirds of the work-*
22 *force participating in the demonstration*
23 *project consists of members of the acquisi-*
24 *tion workforce and supporting personnel as-*

1 *signed to work directly with the acquisition*
2 *workforce; and*

3 *“(B) the demonstration project commences*
4 *before October 1, 2007.”;*

5 *(2) in subsection (d), by striking “95,000” in*
6 *subsection (d) and inserting “120,000”;*

7 *(3) by redesignating subsection (e) as subsection*
8 *(f); and*

9 *(4) by inserting after subsection (d) the fol-*
10 *lowing:*

11 *“(e) EFFECT OF REORGANIZATIONS.—The applica-*
12 *bility of paragraph (2) of subsection (b) to an organization*
13 *or team shall not terminate by reason that the organization*
14 *or team, after having satisfied the conditions in paragraph*
15 *(3) of such subsection when it began to participate in a*
16 *demonstration project under this section, ceases to meet one*
17 *or both of the conditions set forth in subparagraph (A) of*
18 *such paragraph (3) as a result of a reorganization, restruc-*
19 *turing, realignment, consolidation, or other organizational*
20 *change.”.*

1 **Subtitle F—Federal Support for**
2 **Procurement of Anti-Terrorism**
3 **Technologies and Services by**
4 **State and Local Governments**

5 **SEC. 851. APPLICATION OF INDEMNIFICATION AUTHORITY**
6 **TO STATE AND LOCAL GOVERNMENT CON-**
7 **TRACTORS.**

8 (a) *AUTHORITY.*—Subject to the limitations of sub-
9 section (b), the President may exercise the discretionary au-
10 thority under Public Law 85–804 (50 U.S.C. 1431 et seq.)
11 so as to provide under such law for indemnification of con-
12 tractors and subcontractors in procurements by States or
13 units of local government of an anti-terrorism technology
14 or an anti-terrorism service for the purpose of preventing,
15 detecting, identifying, otherwise deterring, or recovering
16 from acts of terrorism.

17 (b) *LIMITATIONS.*—Any authority that is delegated by
18 the President under subsection (a) to the head of a Federal
19 agency to provide for the indemnification of contractors and
20 subcontractors under Public Law 85–804 (50 U.S.C. 1431
21 et seq.) for procurements by States or units of local govern-
22 ment may be exercised only—

23 (1) in the case of a procurement by a State or
24 unit of local government that—

1 (A) is made under a contract awarded pur-
2 suant to section 852; and

3 (B) is approved, in writing, for the provi-
4 sion of indemnification by the President or the
5 official designated by the President under section
6 852(a); and

7 (2) with respect to—

8 (A) amounts of losses or damages not fully
9 covered by private liability insurance and State
10 or local government-provided indemnification;
11 and

12 (B) liabilities of a contractor or subcon-
13 tractor not arising out of willful misconduct or
14 lack of good faith on the part of the contractor
15 or subcontractor, respectively.

16 **SEC. 852. FEDERAL SUPPORT FOR ENHANCEMENT OF**
17 **STATE AND LOCAL ANTI-TERRORISM RE-**
18 **SPONSE CAPABILITIES.**

19 (a) **PROCUREMENTS OF ANTI-TERRORISM TECH-**
20 **NOLOGIES AND SERVICES BY STATE AND LOCAL GOVERN-**
21 **MENTS THROUGH FEDERAL CONTRACTS.—**

22 (1) **ESTABLISHMENT OF PROGRAM.—**The Presi-
23 dent shall designate an officer or employee of the
24 United States—

1 (A) to establish, and the designated official
2 shall establish, a program under which States
3 and units of local government may procure
4 through contracts entered into by the designated
5 official anti-terrorism technologies or anti-ter-
6 rorism services for the purpose of preventing, de-
7 tecting, identifying, otherwise deterring, or recov-
8 ering from acts of terrorism; and

9 (B) to carry out the SAFER grant program
10 provided for under subsection (f).

11 (2) *DESIGNATED FEDERAL PROCUREMENT OFFI-
12 CIAL FOR PROGRAM.*—In this section, the officer or
13 employee designated by the President under para-
14 graph (1) shall be referred to as the “designated Fed-
15 eral procurement official”.

16 (3) *AUTHORITIES.*—Under the program, the des-
17 ignated Federal procurement official—

18 (A) may, but shall not be required to,
19 award contracts using the same authorities as
20 are provided to the Administrator of General
21 Services under section 309(b)(3) of the Federal
22 Property and Administrative Services Act (41
23 U.S.C. 259(b)(3)); and

24 (B) may make SAFER grants in accord-
25 ance with subsection (f).

1 (4) *OFFERS NOT REQUIRED TO STATE AND*
2 *LOCAL GOVERNMENTS.*—A contractor that sells anti-
3 terrorism technology or anti-terrorism services to the
4 Federal Government may not be required to offer such
5 technology or services to a State or unit of local gov-
6 ernment under the program.

7 (b) *RESPONSIBILITIES OF THE CONTRACTING OFFI-*
8 *CIAL.*—In carrying out the program established under this
9 section, the designated Federal procurement official shall—

10 (1) produce and maintain a catalog of anti-ter-
11 rorism technologies and anti-terrorism services suit-
12 able for procurement by States and units of local gov-
13 ernment under this program; and

14 (2) establish procedures in accordance with sub-
15 section (c) to address the procurement of anti-ter-
16 rorism technologies and anti-terrorism services by
17 States and units of local government under contracts
18 awarded by the designated official.

19 (c) *REQUIRED PROCEDURES.*—The procedures re-
20 quired by subsection (b)(2) shall implement the following
21 requirements and authorities:

22 (1) *SUBMISSIONS BY STATES.*—

23 (A) *REQUESTS AND PAYMENTS.*—Except as
24 provided in subparagraph (B), each State desir-
25 ing to participate in a procurement of anti-ter-

1 rorism technologies or anti-terrorism services
2 through a contract entered into by the designated
3 Federal procurement official under this section
4 shall submit to that official in such form and
5 manner and at such times as such official pre-
6 scribes, the following:

7 (i) *REQUEST*.—A request consisting of
8 an enumeration of the technologies or serv-
9 ices, respectively, that are desired by the
10 State and units of local government within
11 the State.

12 (ii) *PAYMENT*.—Advance payment for
13 each requested technology or service in an
14 amount determined by the designated offi-
15 cial based on estimated or actual costs of
16 the technology or service and administrative
17 costs incurred by such official.

18 (B) *OTHER CONTRACTS*.—The designated
19 Federal procurement official may award and
20 designate contracts under which States and units
21 of local government may procure anti-terrorism
22 technologies and anti-terrorism services directly
23 from the contractors. No indemnification may be
24 provided under Public Law 85–804 pursuant to
25 an exercise of authority under section 851 for

1 *procurements that are made directly between*
2 *contractors and States or units of local govern-*
3 *ment.*

4 (2) *PERMITTED CATALOG TECHNOLOGIES AND*
5 *SERVICES.—A State may include in a request sub-*
6 *mitted under paragraph (1) only a technology or*
7 *service listed in the catalog produced under subsection*
8 *(b)(1).*

9 (3) *COORDINATION OF LOCAL REQUESTS WITHIN*
10 *STATE.—The Governor of a State may establish such*
11 *procedures as the Governor considers appropriate for*
12 *administering and coordinating requests for anti-ter-*
13 *rorism technologies or anti-terrorism services from*
14 *units of local government within the State.*

15 (4) *SHIPMENT AND TRANSPORTATION COSTS.—A*
16 *State requesting anti-terrorism technologies or anti-*
17 *terrorism services shall be responsible for arranging*
18 *and paying for any shipment or transportation of the*
19 *technologies or services, respectively, to the State and*
20 *localities within the State.*

21 (d) *REIMBURSEMENT OF ACTUAL COSTS.—In the case*
22 *of a procurement made by or for a State or unit of local*
23 *government under the procedures established under this sec-*
24 *tion, the designated Federal procurement official shall re-*
25 *quire the State or unit of local government to reimburse*

1 *the Department for the actual costs it has incurred for such*
2 *procurement.*

3 (e) *TIME FOR IMPLEMENTATION.*—*The catalog and*
4 *procedures required by subsection (b) of this section shall*
5 *be completed as soon as practicable and no later than 210*
6 *days after the enactment of this Act.*

7 (f) *SAFER GRANT PROGRAM.*—

8 (1) *AUTHORITY.*—*The designated Federal pro-*
9 *curement official, in cooperation with the Secretary of*
10 *the Department of Homeland Security or his des-*
11 *ignee, is authorized to make grants to eligible entities*
12 *for the purpose of supporting increases in the number*
13 *of permanent positions for firefighters in fire services*
14 *to ensure staffing at levels and with skill mixes that*
15 *are adequate emergency response to incidents or*
16 *threats of terrorism.*

17 (2) *USE OF FUNDS.*—*The proceeds of a SAFER*
18 *grant to an eligible entity may be used only for the*
19 *purpose specified in paragraph (1).*

20 (3) *DURATION.*—*A SAFER grant to an eligible*
21 *entity shall provide funding for a period of 4 years.*
22 *The proceeds of the grant shall be disbursed to the eli-*
23 *gible entity in 4 equal annual installments.*

24 (4) *NON-FEDERAL SHARE.*—

1 (A) *REQUIREMENT.*—*An eligible entity may*
2 *receive a SAFER grant only if the entity enters*
3 *into an agreement with the designated Federal*
4 *procurement official to contribute non-Federal*
5 *funds to achieve the purpose of the grant in the*
6 *following amounts:*

7 (i) *During the second year in which*
8 *funds of a SAFER grant are received, an*
9 *amount equal to 25 percent of the amount*
10 *of the SAFER grant funds received that*
11 *year.*

12 (ii) *During the third year in which*
13 *funds of a SAFER grant are received, an*
14 *amount equal to 50 percent of the amount*
15 *of the SAFER grant funds received that*
16 *year.*

17 (iii) *During the fourth year in which*
18 *funds of a SAFER grant are received, an*
19 *amount equal to 75 percent of the amount*
20 *of the SAFER grant funds received that*
21 *year.*

22 (B) *WAIVER.*—*The designated Federal pro-*
23 *curement official may waive the requirement for*
24 *a non-Federal contribution described in subpara-*
25 *graph (A) in the case of any eligible entity.*

1 (C) *ASSET FORFEITURE FUNDS.*—An eligi-
2 ble entity may use funds received from the dis-
3 posal of property transferred to the eligible enti-
4 ty pursuant to section 9703(h) of title 31, United
5 States Code, section 981(e) of title 18, United
6 States Code, or section 616 of the Tariff Act of
7 1930 (19 U.S.C. 1616a) to provide the non-Fed-
8 eral share required under paragraph (1).

9 (D) *BIA FUNDS.*—Funds appropriated for
10 the activities of any agency of a tribal organiza-
11 tion or for the Bureau of Indian Affairs to per-
12 form firefighting functions on any Indian lands
13 may be used to provide the share required under
14 subparagraph (A), and such funds shall be
15 deemed to be non-Federal funds for such purpose.

16 (5) *APPLICATIONS.*—

17 (A) *REQUIREMENT.*—To receive a *SAFER*
18 grant, an eligible entity shall submit an applica-
19 tion for the grant to the designated Federal pro-
20 curement official.

21 (B) *CONTENT.*—Each application for a
22 *SAFER* grant shall contain, for each fire service
23 covered by the application, the following infor-
24 mation:

1 (i) *A long-term strategy for increasing*
2 *the force of firefighters in the fire service to*
3 *ensure readiness for appropriate and effec-*
4 *tive emergency response to incidents or*
5 *threats of terrorism.*

6 (ii) *A detailed plan for implementing*
7 *the strategy that reflects consultation with*
8 *community groups, consultation with ap-*
9 *propriate private and public entities, and*
10 *consideration of any master plan that ap-*
11 *plies to the eligible entity.*

12 (iii) *An assessment of the ability of the*
13 *eligible entity to increase the force of fire-*
14 *fighters in the fire service without Federal*
15 *assistance.*

16 (iv) *An assessment of the levels of com-*
17 *munity support for increasing that force,*
18 *including financial and in-kind contribu-*
19 *tions and any other available community*
20 *resources.*

21 (v) *Specific plans for obtaining nec-*
22 *essary support and continued funding for*
23 *the firefighter positions proposed to be*
24 *added to the fire service with SAFER grant*
25 *funds.*

1 (vi) *An assurance that the eligible enti-*
2 *ty will, to the extent practicable, seek to re-*
3 *cruit and employ (or accept the voluntary*
4 *services of) firefighters who are members of*
5 *racial and ethnic minority groups or*
6 *women.*

7 (vii) *Any additional information that*
8 *the designated Federal procurement official*
9 *considers appropriate.*

10 (C) *SPECIAL RULE FOR SMALL COMMU-*
11 *NITIES.—The designated Federal procurement of-*
12 *ficial may authorize an eligible entity respon-*
13 *sible for a population of less than 50,000 to sub-*
14 *mit an application without information required*
15 *under subparagraph (B), and may otherwise*
16 *make special provisions to facilitate the expe-*
17 *ditied submission, processing, and approval of an*
18 *application by such an entity.*

19 (D) *PREFERENTIAL CONSIDERATION.—The*
20 *designated Federal procurement official may give*
21 *preferential consideration, to the extent feasible,*
22 *to an application submitted by an eligible entity*
23 *that agrees to contribute a non-Federal share*
24 *higher than the share required under paragraph*
25 *(4)(A).*

1 (E) *ASSISTANCE WITH APPLICATIONS.*—*The*
2 *designated Federal procurement official is au-*
3 *thorized to provide technical assistance to an eli-*
4 *gible entity for the purpose of assisting with the*
5 *preparation of an application for a SAFER*
6 *grant.*

7 (6) *SPECIAL RULES ON USE OF FUNDS.*—

8 (A) *SUPPLEMENT NOT SUPPLANT.*—*The*
9 *proceeds of a SAFER grant made to an eligible*
10 *entity shall be used to supplement and not sup-*
11 *plant other Federal funds, State funds, or funds*
12 *from a subdivision of a State, or, in the case of*
13 *a tribal organization, funds supplied by the Bu-*
14 *reau of Indian Affairs, that are available for sal-*
15 *aries or benefits for firefighters.*

16 (B) *LIMITATION RELATING TO COMPENSA-*
17 *TION OF FIREFIGHTERS.*—

18 (i) *IN GENERAL.*—*The proceeds of a*
19 *SAFER grant may not be used to fund the*
20 *pay and benefits of a full-time firefighter if*
21 *the total annual amount of the pay and*
22 *benefits for that firefighter exceeds \$100,000.*
23 *The designated Federal procurement official*
24 *may waive the prohibition in the pro-*
25 *ceeding sentence in any particular case.*

1 (ii) *ADJUSTMENT FOR INFLATION.*—

2 *Effective on October 1 of each year, the total*
3 *annual amount applicable under subpara-*
4 *graph (A) shall be increased by the percent-*
5 *age (rounded to the nearest one-tenth of one*
6 *percent) by which the Consumer Price Index*
7 *for all-urban consumers published by the*
8 *Department of Labor for July of such year*
9 *exceeds the Consumer Price Index for all-*
10 *urban consumers published by the Depart-*
11 *ment of Labor for July of the preceding*
12 *year. The first adjustment shall be made on*
13 *October 1, 2004.*

14 (7) *PERFORMANCE EVALUATION.*—

15 (A) *REQUIREMENT FOR INFORMATION.*—*The*
16 *designated Federal procurement official shall*
17 *evaluate, each year, whether an entity receiving*
18 *SAFER grant funds in such year is substan-*
19 *tially complying with the terms and conditions*
20 *of the grant. The entity shall submit to the des-*
21 *ignated Federal procurement official any infor-*
22 *mation that the designated Federal procurement*
23 *official requires for that year for the purpose of*
24 *the evaluation.*

1 (B) *REVOCAION OR SUSPENSION OF FUND-*
2 *ING.—If the designated Federal procurement offi-*
3 *cial determines that a recipient of a SAFER*
4 *grant is not in substantial compliance with the*
5 *terms and conditions of the grant the designated*
6 *Federal procurement official may revoke or sus-*
7 *pend funding of the grant.*

8 (8) *ACCESS TO DOCUMENTS.—*

9 (A) *AUDITS BY DESIGNATED FEDERAL PRO-*
10 *CUREMENT OFFICIAL.—The designated Federal*
11 *procurement official shall have access for the*
12 *purpose of audit and examination to any perti-*
13 *nent books, documents, papers, or records of an*
14 *eligible entity that receives a SAFER grant.*

15 (B) *AUDITS BY THE COMPTROLLER GEN-*
16 *ERAL.—Subparagraph (A) shall also apply with*
17 *respect to audits and examinations conducted by*
18 *the Comptroller General of the United States or*
19 *by an authorized representative of the Comp-*
20 *troller General.*

21 (9) *TERMINATION OF SAFER GRANT AUTHOR-*
22 *ITY.—*

23 (A) *IN GENERAL.—The authority to award*
24 *a SAFER grant shall terminate at the end of*
25 *September 30, 2010.*

1 (B) *REPORT TO CONGRESS.*—Not later than
2 two years after the date of the enactment of this
3 Act, the designated Federal procurement official
4 shall submit to Congress a report on the SAFER
5 grant program under this section. The report
6 shall include an assessment of the effectiveness of
7 the program for achieving its purpose, and may
8 include any recommendations that the des-
9 ignated Federal procurement official has for in-
10 creasing the forces of firefighters in fire services.

11 (10) *DEFINITIONS.*—In this subsection:

12 (A) *ELIGIBLE ENTITY.*—The term “eligible
13 entity” means—

14 (i) a State;

15 (ii) a subdivision of a State;

16 (iii) a tribal organization;

17 (iv) any other public entity that the
18 designated Federal procurement official de-
19 termines appropriate for eligibility under
20 this section; and

21 (v) a multijurisdictional or regional
22 consortium of the entities described in
23 clauses (i) through (iv).

24 (B) *FIREFIGHTER.*—The term “firefighter”
25 means an employee or volunteer member of a fire

1 service, including a firefighter, paramedic, emer-
2 gency medical technician, rescue worker, ambu-
3 lance personnel, or hazardous materials worker,
4 who—

5 (i) is trained in fire suppression and
6 has the legal authority and responsibility to
7 engage in fire suppression; or

8 (ii) is engaged in the prevention, con-
9 trol, and extinguishment of fires or response
10 to emergency situations where life, property,
11 or the environment is at risk.

12 (C) *FIRE SERVICE*.—The term “fire service”
13 includes an organization described in section
14 4(5) of the Federal Fire Prevention and Control
15 Act of 1974 that is under the jurisdiction of a
16 tribal organization.

17 (D) *MASTER PLAN*.—The term “master
18 plan” has the meaning given the term in section
19 10 of the Federal Fire Prevention and Control
20 Act of 1974.

21 (E) *SAFER GRANT*.—The term ‘SAFER
22 grant’ means a grant of financial assistance
23 under this subsection.

24 (F) *TRIBAL ORGANIZATION*.—The term
25 “tribal organization” has the meaning given the

1 *term in section 4 of the Indian Self-Determina-*
2 *tion and Education Assistance Act (25 U.S.C.*
3 *450b).*

4 (11) *AUTHORIZATION OF APPROPRIATIONS.—*
5 *There are authorized to be appropriated for the pur-*
6 *pose of carrying out this section such sums as may*
7 *be necessary from the Department of Homeland Secu-*
8 *rity, up to—*

9 (A) *\$1,000,000,000 for fiscal year 2004;*

10 (B) *\$1,030,000,000 for fiscal year 2005; and*

11 (C) *\$1,061,000,000 for fiscal year 2006.*

12 **SEC. 853. DEFINITIONS.**

13 *In this subtitle:*

14 (1) *ANTI-TERRORISM TECHNOLOGY AND SERV-*
15 *ICE.—The terms “anti-terrorism technology” and*
16 *“anti-terrorism service” mean any product, equip-*
17 *ment, or device, including information technology,*
18 *and any service, system integration, or other kind of*
19 *service (including a support service), respectively,*
20 *that is related to technology and is designed, devel-*
21 *oped, modified, or procured for the purpose of pre-*
22 *venting, detecting, identifying, otherwise deterring, or*
23 *recovering from acts of terrorism.*

24 (2) *INFORMATION TECHNOLOGY.—The term “in-*
25 *formation technology” has the meaning given such*

1 *term in section 11101(6) of title 40, United States*
2 *Code.*

3 (3) *STATE.*—*The term “State” includes the Dis-*
4 *trict of Columbia, the Commonwealth of Puerto Rico,*
5 *the Commonwealth of the Northern Mariana Islands,*
6 *and any territory or possession of the United States.*

7 (4) *UNIT OF LOCAL GOVERNMENT.*—*The term*
8 *“unit of local government” means any city, county,*
9 *township, town, borough, parish, village, or other gen-*
10 *eral purpose political subdivision of a State; an In-*
11 *Indian tribe which performs law enforcement functions*
12 *as determined by the Secretary of the Interior; or any*
13 *agency of the District of Columbia Government or the*
14 *United States Government performing law enforce-*
15 *ment functions in and for the District of Columbia or*
16 *the Trust Territory of the Pacific Islands.*

17 ***Subtitle G—General Contracting***
18 ***Authorities, Procedures, and***
19 ***Limitations, and Other Matters***

20 ***SEC. 861. LIMITED ACQUISITION AUTHORITY FOR COM-***
21 ***MANDER OF UNITED STATES JOINT FORCES***
22 ***COMMAND.***

23 *Section 164 of title 10, United States Code, is amended*
24 *by adding at the end the following new subsection:*

1 “(h) *LIMITED ACQUISITION AUTHORITY FOR COM-*
2 *MANDER OF CERTAIN UNIFIED COMBATANT COMMAND.—*

3 *(1) The Secretary of Defense shall delegate to the com-*
4 *mander of the unified combatant command referred to in*
5 *paragraph (2) authority of the Secretary under chapter 137*
6 *of this title sufficient to enable the commander to develop*
7 *and acquire equipment described in paragraph (3). The ex-*
8 *ercise of authority so delegated is subject to the authority,*
9 *direction, and control of the Secretary.*

10 “(2) *The commander to which authority is delegated*
11 *under paragraph (1) is the commander of the unified com-*
12 *batant command that has the mission for joint warfighting*
13 *experimentation, as assigned by the Secretary of Defense.*

14 “(3) *The equipment referred to in paragraph (1) is*
15 *as follows:*

16 “(A) *Battlefield command, control, communica-*
17 *tions, and intelligence equipment.*

18 “(B) *Any other equipment that the commander*
19 *referred to in that paragraph determines necessary*
20 *and appropriate for—*

21 “(i) *facilitating the use of joint forces in*
22 *military operations; or*

23 “(ii) *enhancing the interoperability of*
24 *equipment used by the various components of*
25 *joint forces on the battlefield.*

1 “(4) The authority delegated under paragraph (1) does
2 not apply to the development or acquisition of a system for
3 which—

4 “(A) the total expenditure for research, develop-
5 ment, test, and evaluation is estimated to be
6 \$10,000,000 or more; or

7 “(B) the total expenditure for procurement of the
8 system is estimated to be \$50,000,000 or more.

9 “(5) The commander of the unified combatant com-
10 mand referred to in paragraph (1) shall require the inspec-
11 tor general of the command to conduct internal audits and
12 inspections of purchasing and contracting administered by
13 the commander under the authority delegated under sub-
14 section (a).”.

15 **SEC. 862. OPERATIONAL TEST AND EVALUATION.**

16 (a) *LEADERSHIP AND DUTIES OF DEPARTMENT OF*
17 *DEFENSE TEST RESOURCE MANAGEMENT CENTER.—(1)*
18 *Subsection (b)(1) of section 196 of title 10, United States*
19 *Code, is amended—*

20 (A) by striking “on active duty. The Director”
21 and inserting “on active duty or from among senior
22 civilian officers and employees of the Department of
23 Defense. A commissioned officer serving as the Direc-
24 tor”; and

1 (B) by adding at the end the following: “A civil-
2 ian officer or employee serving as the Director shall
3 serve in a pay level equivalent in rank to lieutenant
4 general.”.

5 (2)(A) Subsection (c)(1)(B) of such section is amended
6 by inserting after “Department of Defense” the following:
7 “other than budgets and expenditures for activities de-
8 scribed in section 139(i) of this title”.

9 (B) Subsection (e)(1) of such section is amended—

10 (i) by striking “, the Director of Operational
11 Test and Evaluation,”; and

12 (ii) by striking “, Director’s”.

13 (b) DEPLOYMENT BEFORE COMPLETION OF OT&E.—
14 Section 806(c) of the Bob Stump National Defense Author-
15 ization Act for Fiscal Year 2003 (Public Law 107–314; 116
16 Stat. 2607; 10 U.S.C. 2302 note) is amended by adding
17 at the end the following new paragraph:

18 “(3) If items are deployed under the rapid acquisition
19 and deployment procedures prescribed pursuant to this sec-
20 tion, or under any other authority, before the completion
21 of operational test and evaluation of the items, the Director
22 of Operational Test and Evaluation shall have access to
23 operational records and data relevant to such items in ac-
24 cordance with section 139(e)(3) of title 10, United States
25 Code, for the purpose of completing operational test and

1 *evaluation of the items. The access to the operational records*
2 *and data shall be provided in a time and manner deter-*
3 *mined by the Secretary of Defense consistent with require-*
4 *ments of operational security and other relevant operational*
5 *requirements.”.*

6 **SEC. 863. MULTIYEAR TASK AND DELIVERY ORDER CON-**
7 **TRACTS.**

8 *(a) REPEAL OF APPLICABILITY OF EXISTING AUTHOR-*
9 *ITY AND LIMITATIONS.—Section 2306c of title 10, United*
10 *States Code, is amended—*

11 *(1) by striking subsection (g); and*

12 *(2) by redesignating subsection (h) as subsection*
13 *(g).*

14 *(b) MULTIYEAR CONTRACTING AUTHORITY.—Section*
15 *2304a of such title is amended—*

16 *(1) by redesignating subsections (f) and (g) as*
17 *subsections (g) and (h), respectively; and*

18 *(2) by inserting after subsection (e) the following*
19 *new subsection (f):*

20 *“(f) MULTIYEAR CONTRACTS.—The head of an agency*
21 *entering into a task or delivery order contract under this*
22 *section may provide for the contract to cover any period*
23 *up to five years and may extend the contract period for*
24 *one or more successive periods pursuant to an option pro-*
25 *vided in the contract or a modification of the contract. In*

1 *no event, however, may the total contract period as extended*
 2 *exceed eight years.”.*

3 **SEC. 864. REPEAL OF REQUIREMENT FOR CONTRACTOR**
 4 **ASSURANCES REGARDING THE COMPLETE-**
 5 **NESS, ACCURACY, AND CONTRACTUAL SUFFI-**
 6 **CIENCY OF TECHNICAL DATA PROVIDED BY**
 7 **THE CONTRACTOR.**

8 *Section 2320(b) of title 10, United States Code, is*
 9 *amended—*

10 *(1) by striking paragraph (7); and*

11 *(2) by redesignating paragraphs (8) and (9) as*
 12 *paragraphs (7) and (8), respectively.*

13 **SEC. 865. REESTABLISHMENT OF AUTHORITY FOR SHORT-**
 14 **TERM LEASES OF REAL OR PERSONAL PROP-**
 15 **ERTY ACROSS FISCAL YEARS.**

16 *(a) REESTABLISHMENT OF AUTHORITY.—Subsection*
 17 *(a) of section 2410a of title 10, United States Code, is*
 18 *amended—*

19 *(1) by inserting “(1)” before “The Secretary of*
 20 *Defense”;*

21 *(2) by striking “for procurement of severable*
 22 *services” and inserting “for a purpose described in*
 23 *paragraph (2)”;* and

24 *(3) by adding at the end the following new para-*
 25 *graph:*

1 “(2) *The purpose of a contract described in this para-*
2 *graph is as follows:*

3 “(A) *The procurement of severable services.*

4 “(B) *The lease of real or personal property, in-*
5 *cluding the maintenance of such property when con-*
6 *tracted for as part of the lease agreement.”.*

7 (b) *CONFORMING AND CLERICAL AMENDMENTS.—(1)*

8 *The heading of such section is amended to read as follows:*

9 **“§2410a. *Contracts for periods crossing fiscal years:***

10 ***severable service contracts; leases of real***

11 ***or personal property”.***

12 (2) *The table of sections at the beginning of chapter*

13 *141 of such title is amended by striking the item relating*

14 *to section 2410a and inserting the following new item:*

*“2410a. *Contracts for periods crossing fiscal years: severable service contracts;*
*leases of real or personal property.”.**

15 **SEC. 866. *CONSOLIDATION OF CONTRACT REQUIREMENTS.***

16 (a) *AMENDMENT TO TITLE 10.—(1) Chapter 141 of*

17 *title 10, United States Code, is amended by inserting after*

18 *section 2381 the following new section:*

19 **“§2382. *Consolidation of contract requirements: pol-***

20 ***icy and restrictions***

21 “(a) *POLICY.—The Secretary of Defense shall require*

22 *the Secretary of each military department, the head of each*

23 *Defense Agency, and the head of each Department of Defense*

24 *Field Activity to ensure that the decisions made by that*

1 *official regarding consolidation of contract requirements of*
2 *the department, agency, or field activity, as the case may*
3 *be, are made with a view to providing small business con-*
4 *cerns with appropriate opportunities to participate in De-*
5 *partment of Defense procurements as prime contractors and*
6 *appropriate opportunities to participate in such procure-*
7 *ments as subcontractors.*

8 “(b) *LIMITATION ON USE OF ACQUISITION STRATE-*
9 *GIES INVOLVING CONSOLIDATION.*—(1) *An official of a*
10 *military department, Defense Agency, or Department of De-*
11 *fense Field Activity may not execute an acquisition strategy*
12 *that includes a consolidation of contract requirements of the*
13 *military department, agency, or activity with a total value*
14 *in excess of \$5,000,000, unless the senior procurement execu-*
15 *tive concerned first—*

16 “(A) *conducts market research;*

17 “(B) *identifies any alternative contracting ap-*
18 *proaches that would involve a lesser degree of consoli-*
19 *dation of contract requirements; and*

20 “(C) *determines that the consolidation is nec-*
21 *essary and justified.*

22 “(2) *A senior procurement executive may determine*
23 *that an acquisition strategy involving a consolidation of*
24 *contract requirements is necessary and justified for the pur-*
25 *poses of paragraph (1) if the benefits of the acquisition*

1 *strategy substantially exceed the benefits of each of the pos-*
2 *sible alternative contracting approaches identified under*
3 *subparagraph (B) of that paragraph. However, savings in*
4 *administrative or personnel costs alone do not constitute,*
5 *for such purposes, a sufficient justification for a consolida-*
6 *tion of contract requirements in a procurement unless the*
7 *total amount of the cost savings is expected to be substantial*
8 *in relation to the total cost of the procurement.*

9 “(3) *Benefits considered for the purposes of paragraphs*
10 *(1) and (2) may include cost and, regardless of whether*
11 *quantifiable in dollar amounts—*

12 “(A) *quality;*

13 “(B) *acquisition cycle;*

14 “(C) *terms and conditions; and*

15 “(D) *any other benefit.*

16 “(c) *DEFINITIONS.—In this section:*

17 “(1) *The terms ‘consolidation of contract require-*
18 *ments’ and ‘consolidation’, with respect to contract*
19 *requirements of a military department, Defense Agen-*
20 *cy, or Department of Defense Field Activity, mean a*
21 *use of a solicitation to obtain offers for a single con-*
22 *tract or a multiple award contract to satisfy two or*
23 *more requirements of that department, agency, or ac-*
24 *tivity for goods or services that have previously been*
25 *provided to, or performed for, that department, agen-*

1 *cy, or activity under two or more separate contracts*
2 *smaller in cost than the total cost of the contract for*
3 *which the offers are solicited.*

4 “(2) The term “multiple award contract”
5 *means—*

6 “(A) a contract that is entered into by the
7 *Administrator of General Services under the*
8 *multiple award schedule program referred to in*
9 *section 2302(2)(C) of this title;*

10 “(B) a multiple award task order contract
11 *or delivery order contract that is entered into*
12 *under the authority of sections 2304a through*
13 *2304d of this title or sections 303H through*
14 *303K of the Federal Property and Administra-*
15 *tive Services Act of 1949 (41 U.S.C. 253h*
16 *through 253k); and*

17 “(C) any other indeterminate delivery, in-
18 *determinate quantity contract that is entered*
19 *into by the head of a Federal agency with two*
20 *or more sources pursuant to the same sollicita-*
21 *tion.*

22 “(3) The term ‘senior procurement executive con-
23 *cerned’ means—*

24 “(A) with respect to a military department,
25 *the official designated under section 16(3) of the*

1 *Office of Federal Procurement Policy Act (41*
2 *U.S.C. 414(3)) as the senior procurement execu-*
3 *tive for the military department; or*

4 *“(B) with respect to a Defense Agency or a*
5 *Department of Defense Field Activity, the official*
6 *so designated for the Department of Defense.*

7 *“(4) The term ‘small business concern’ means a*
8 *business concern that is determined by the Adminis-*
9 *trator of the Small Business Administration to be a*
10 *small-business concern by application of the stand-*
11 *ards prescribed under section 3(a) of the Small Busi-*
12 *ness Act (15 U.S.C. 632(a)).”.*

13 *(2) The table of sections at the beginning of such chap-*
14 *ter is amended by inserting after the item relating to section*
15 *2381 the following new item:*

“2382. Consolidation of contract requirements: policy and restrictions.”.

16 *(b) DATA REVIEW.—(1) The Secretary of Defense shall*
17 *revise the data collection systems of the Department of De-*
18 *fense to ensure that such systems are capable of identifying*
19 *each procurement that involves a consolidation of contract*
20 *requirements within the department with a total value in*
21 *excess of \$5,000,000.*

22 *(2) The Secretary shall ensure that appropriate offi-*
23 *cials of the Department of Defense periodically review the*
24 *information collected pursuant to paragraph (1) in co-*
25 *operation with the Small Business Administration—*

1 (A) to determine the extent of the consolidation
2 of contract requirements in the Department of De-
3 fense; and

4 (B) to assess the impact of the consolidation of
5 contract requirements on the availability of opportu-
6 nities for small business concerns to participate in
7 Department of Defense procurements, both as prime
8 contractors and as subcontractors.

9 (3) In this subsection:

10 (A) The term “consolidation of contract require-
11 ments” has the meaning given that term in section
12 2382(c)(1) of title 10, United States Code, as added
13 by subsection (a).

14 (B) The term “small business concern” means a
15 business concern that is determined by the Adminis-
16 trator of the Small Business Administration to be a
17 small-business concern by application of the stand-
18 ards prescribed under section 3(a) of the Small Busi-
19 ness Act (15 U.S.C. 632(a)).

20 (c) *APPLICABILITY.*—This section applies only with re-
21 spect to contracts entered into with funds authorized to be
22 appropriated by this Act.

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **Subtitle A—Department Officers**
5 **and Agencies**

6 **SEC. 901. CLARIFICATION OF RESPONSIBILITY OF MILI-**
7 **TARY DEPARTMENTS TO SUPPORT COMBAT-**
8 **ANT COMMANDS.**

9 *Sections 3013(c)(4), 5013(c)(4), and 8013(3)(c)(4) of*
10 *title 10, United States Code, are amended by striking “(to*
11 *the maximum extent practicable)”.*

12 **SEC. 902. REDESIGNATION OF NATIONAL IMAGERY AND**
13 **MAPPING AGENCY AS NATIONAL**
14 **GEOSPATIAL-INTELLIGENCE AGENCY.**

15 *(a) REDESIGNATION.—The National Imagery and*
16 *Mapping Agency (NIMA) is hereby redesignated as the Na-*
17 *tional Geospatial-Intelligence Agency (NGA).*

18 *(b) CONFORMING AMENDMENTS.—*

19 *(1) TITLE 10, UNITED STATES CODE.—(A) Chap-*
20 *ter 22 of title 10, United States Code, is amended by*
21 *striking “National Imagery and Mapping Agency”*
22 *each place it appears (other than the penultimate*
23 *place it appears in section 461(b) of such title) and*
24 *inserting “National Geospatial-Intelligence Agency”.*

1 (B) Section 453(b) of such title is amended by
2 striking “NIMA” each place it appears and inserting
3 “NGA”.

4 (C)(i) Subsection (b)(3) of section 424 of such
5 title is amended by striking “National Imagery and
6 Mapping Agency” and inserting “National
7 Geospatial-Intelligence Agency”.

8 (ii) The heading for such section is amended to
9 read as follows:

10 **“§ 424. Disclosure of organizational and personnel in-**
11 **formation: exemption for Defense Intel-**
12 **ligence Agency, National Reconnaissance**
13 **Office, and National Geospatial Intel-**
14 **ligence Agency”.**

15 (iii) The table of sections at the beginning of sub-
16 chapter I of chapter 21 of such title is amended in
17 the item relating to section 424 by striking “National
18 Imagery and Mapping Agency” and inserting “Na-
19 tional Geospatial-Intelligence Agency”.

20 (D) Section 425(a) of such title is amended—

21 (i) by redesignating paragraphs (3) and (4)
22 as paragraphs (4) and (5), respectively; and

23 (ii) by inserting after paragraph (2) the fol-
24 lowing new paragraph (3):

1 “(3) *The words ‘National Geospatial-Intelligence*
 2 *Agency’, the initials ‘NGA’, or the seal of the National*
 3 *Geospatial-Intelligence Agency.’”.*

4 *(E) Section 1614(2)(C) of such title is amended*
 5 *by striking “National Imagery and Mapping Agency”*
 6 *and inserting “National Geospatial-Intelligence Agen-*
 7 *cy”.*

8 *(F)(i) The heading for chapter 22 of such title is*
 9 *amended to read as follows:*

10 **“CHAPTER 22—NATIONAL GEOSPATIAL-**
 11 **INTELLIGENCE AGENCY.”**

12 *(ii) The table of chapters at the beginning of sub-*
 13 *title A of such title, and at the beginning of part I*
 14 *of such subtitle, are each amended by striking the*
 15 *item relating to chapter 22 and inserting the fol-*
 16 *lowing new item:*

“22. National Geospatial-Intelligence Agency 441”.

17 *(2) NATIONAL SECURITY ACT OF 1947.—(A) Sec-*
 18 *tion 3(4)(E) of the National Security Act of 1947 (50*
 19 *U.S.C. 401a(4)(E)) is amended by striking “National*
 20 *Imagery and Mapping Agency” and inserting “Na-*
 21 *tional Geospatial-Intelligence Agency”.*

22 *(B) That Act is further amended by striking*
 23 *“National Imagery and Mapping Agency” each place*
 24 *it appears in sections 105, 105A, 105C, 106, and 110*

1 (50 U.S.C. 403–5, 403–5a, 403–5c, 403–6, 404e) and
2 inserting “National Geospatial-Intelligence Agency”.

3 (C) Section 105C of that Act (50 U.S.C. 403–5c)
4 is further amended—

5 (i) by striking “NIMA” each place it ap-
6 pears and inserting “NGA”; and

7 (ii) in subsection (a)(6)(B)(iv)(II), by strik-
8 ing “NIMA’s” and inserting “NGA’s”.

9 (D) The heading for section 105C of that Act (50
10 U.S.C. 403–5c) is amended to read as follows:

11 “PROTECTION OF OPERATIONAL FILES OF THE NATIONAL
12 GEOSPATIAL-INTELLIGENCE AGENCY”.

13 (E) The heading for section 110 of that Act (50
14 U.S.C. 404e) is amended to read as follows:

15 “NATIONAL MISSION OF NATIONAL GEOSPATIAL-
16 INTELLIGENCE AGENCY”.

17 (F) The table of contents for that Act is
18 amended—

19 (i) by striking the item relating to section
20 105C and inserting the following new item:

 “Sec. 105C. Protection of operational files of the National Geospatial-Intelligence
 Agency.”; and

21 (ii) by striking the item relating to section
22 110 and inserting the following new item:

 “Sec. 110. National mission of National Geospatial-Intelligence Agency.”.

1 (c) *REPORT ON UTILIZATION OF CERTAIN DATA EX-*
2 *TRACTION AND EXPLOITATION CAPABILITIES.*—(1) *Not*
3 *later than 60 days after the date of the enactment of this*
4 *Act, the Director of the National Geospatial-Intelligence*
5 *Agency shall submit to the appropriate committees of Con-*
6 *gress a report on the status of the efforts of the Agency to*
7 *incorporate within the Commercial Joint Mapping Tool Kit*
8 *(C/JMTK) applications for the rapid extraction and exploi-*
9 *tation of three-dimensional geospatial data from reconnais-*
10 *sance imagery.*

11 (2) *In this subsection, the term “appropriate commit-*
12 *tees of Congress” means—*

13 (A) *the Committee on Armed Services, the Sub-*
14 *committee on Defense of the Committee on Appropria-*
15 *tions, and the Select Committee on Intelligence of the*
16 *Senate; and*

17 (B) *the Committee on Armed Services, the Sub-*
18 *committee on Defense of the Committee on Appropria-*
19 *tions, and the Permanent Select Committee on Intel-*
20 *ligence of the House of Representatives.*

21 (d) *REFERENCES.*—*Any reference to the National Im-*
22 *agery and Mapping Agency or NIMA in any law, regula-*
23 *tion, document, paper, or other record of the United States*
24 *shall be deemed to be a reference to the National Geospatial-*
25 *Intelligence Agency or NGA, respectively.*

1 (e) *MATTERS RELATING TO GEOSPATIAL INTEL-*
2 *LIGENCE.*—(1) *Section 442(a)(2) of title 10, United States*
3 *Code, is amended by striking “Imagery, intelligence, and*
4 *information” and inserting “Geospatial intelligence”.*

5 (2) *Section 467 of such title is amended by adding at*
6 *the end the following new paragraph:*

7 “(5) *The term ‘geospatial intelligence’ means the*
8 *exploitation and analysis of imagery and geospatial*
9 *information to describe, assess, and visually depict*
10 *physical features and geographically referenced activi-*
11 *ties on the earth, and includes imagery, imagery in-*
12 *telligence, and geospatial information.”.*

13 (3) *Section 110(a) of the National Security Act of 1947*
14 *(50 U.S.C. 404e(a)) is amended by striking “imagery re-*
15 *quirements” and inserting “geospatial intelligence require-*
16 *ments”.*

17 **SEC. 903. STANDARDS OF CONDUCT FOR MEMBERS OF THE**
18 **DEFENSE POLICY BOARD AND THE DEFENSE**
19 **SCIENCE BOARD.**

20 (a) *STANDARDS REQUIRED.*—*Not later than 30 days*
21 *after the date of the enactment of this Act, the Secretary*
22 *of Defense shall promulgate standards of conduct for mem-*
23 *bers of the Defense Policy Board and the Defense Science*
24 *Board. The purpose of the standards of conduct shall be to*

1 *ensure public confidence in the Defense Policy Board and*
2 *the Defense Science Board.*

3 (b) *ISSUES TO BE ADDRESSED.*—*The standards of*
4 *conduct promulgated pursuant to subsection (a) shall ad-*
5 *dress, at a minimum, the following:*

6 (1) *Conditions governing the access of Board*
7 *members to classified information and other confiden-*
8 *tial information about the plans and operations of the*
9 *Department of Defense and appropriate limitations*
10 *on any use of such information for private gain.*

11 (2) *Guidelines for addressing conflicting finan-*
12 *cial interests and recusal from participation in mat-*
13 *ters affecting such interests.*

14 (3) *Guidelines regarding the lobbying of Depart-*
15 *ment of Defense officials or other contacts with De-*
16 *partment of Defense officials regarding matters in*
17 *which Board members may have financial interests.*

18 (c) *REPORT TO CONGRESS.*—*The Secretary of Defense*
19 *shall provide the Committees on Armed Services of the Sen-*
20 *ate and the House of Representatives with a copy of the*
21 *standards of conduct promulgated pursuant to subsection*
22 *(a) immediately upon promulgation of the standards.*

Subtitle B—Space Activities

SEC. 911. COORDINATION OF SPACE SCIENCE AND TECHNOLOGY ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) *SPACE SCIENCE AND TECHNOLOGY STRATEGY.*—

(1) *The Under Secretary of the Air Force, in consultation with the Director of Defense Research and Engineering, shall develop a space science and technology strategy and shall review and, as appropriate, revise the strategy annually.*

(2) *The strategy shall, at a minimum, address the following issues:*

(A) *Short-term and long-term goals of the space science and technology programs of the Department of Defense.*

(B) *The process for achieving the goals, including an implementation plan.*

(C) *The process for assessing progress made toward achieving the goals.*

(3) *Not later than March 15, 2004, the Under Secretary shall submit a report on the space science and technology strategy to the Committees on Armed Services of the Senate and the House of Representatives.*

(b) *REQUIRED COORDINATION.*—*In executing the space science and technology strategy, the directors of the*

1 *research laboratories of the Department of Defense, the*
2 *heads of other Department of Defense research components,*
3 *and the heads of all other appropriate organizations identi-*
4 *fied jointly by the Under Secretary of the Air Force and*
5 *the Director of Defense Research and Engineering—*

6 (1) *shall identify research laboratory projects*
7 *that make contributions pertaining directly and*
8 *uniquely to the development of space technology; and*

9 (2) *may execute the identified projects only with*
10 *the concurrence of the Under Secretary of the Air*
11 *Force.*

12 (c) *GENERAL ACCOUNTING OFFICE REVIEW.—(1) The*
13 *Comptroller General shall review and assess the space*
14 *science and technology strategy developed under subsection*
15 *(a) and the effectiveness of the coordination process required*
16 *under subsection (b).*

17 (2) *Not later than September 1, 2004, the Comptroller*
18 *General shall submit a report containing the findings and*
19 *assessment under paragraph (1) to the committees on*
20 *Armed Services of the Senate and the House of Representa-*
21 *tives.*

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

23 (1) *The term “research laboratory of the Depart-*
24 *ment of Defense” means the following:*

25 (A) *The Air Force Research Laboratory.*

1 (B) *The Naval Research Laboratory.*

2 (C) *The Office of Naval Research.*

3 (D) *The Army Research Laboratory.*

4 (2) *The term “other Department of Defense re-*
5 *search component” means the following:*

6 (A) *The Defense Advanced Research Projects*
7 *Agency.*

8 (B) *The National Reconnaissance Office.*

9 **SEC. 912. SPACE PERSONNEL CADRE.**

10 (a) *STRATEGY REQUIRED.*—(1) *The Secretary of De-*
11 *fense shall develop a human capital resources strategy for*
12 *space personnel of the Department of Defense.*

13 (2) *The strategy shall be designed to ensure that the*
14 *space career fields of the military departments are inte-*
15 *grated to the maximum extent practicable.*

16 (b) *REPORT.*—*Not later than February 1, 2004, the*
17 *Secretary shall submit a report on the strategy to the Com-*
18 *mittees on Armed Services of the Senate and the House of*
19 *Representatives. The report shall contain the following in-*
20 *formation:*

21 (1) *The strategy.*

22 (2) *An assessment of the progress made in inte-*
23 *grating the space career fields of the military depart-*
24 *ments.*

1 (3) *A comprehensive assessment of the adequacy*
2 *of the establishment of the Air Force officer career*
3 *field for space under section 8084 of title 10, United*
4 *States Code, as a solution for correcting deficiencies*
5 *identified by the Commission To Assess United States*
6 *National Security Space Management and Organiza-*
7 *tion (established under section 1621 of Public Law*
8 *106–65; 113 Stat. 813; 10 U.S.C. 111 note).*

9 (c) *GENERAL ACCOUNTING OFFICE REVIEW.—(1) The*
10 *Comptroller General shall review the strategy developed*
11 *under subsection (a) the space career fields of the military*
12 *departments and the plans of the military departments for*
13 *developing space career fields. The review shall include an*
14 *assessment of how effective the strategy and the space career*
15 *fields and plans, when implemented, are likely to be for de-*
16 *veloping the necessary cadre of personnel who are expert*
17 *in space systems development and space systems operations.*

18 (2) *Not later than June 15, 2004, the Comptroller Gen-*
19 *eral shall submit to the Committees referred to in subsection*
20 *(a)(2) a report on the results of the review under paragraph*
21 *(1), including the assessment required by such paragraph.*

1 **SEC. 913. POLICY REGARDING ASSURED ACCESS TO SPACE**
2 **FOR UNITED STATES NATIONAL SECURITY**
3 **PAYLOADS.**

4 (a) *POLICY.*—*It is the policy of the United States for*
5 *the President to undertake actions appropriate to ensure,*
6 *to the maximum extent practicable, that the United States*
7 *has the capabilities necessary to launch and insert United*
8 *States national security payloads into space whenever such*
9 *payloads are needed in space.*

10 (b) *INCLUDED ACTIONS.*—*The appropriate actions re-*
11 *ferred to in subsection (a) shall include, at a minimum,*
12 *providing resources and policy guidance to sustain—*

13 (1) *the availability of at least two space launch*
14 *vehicles or families of space launch vehicles capable of*
15 *delivering into space all payloads designated as na-*
16 *tional security payloads by the Secretary of Defense*
17 *and the Director of Central Intelligence; and*

18 (2) *a robust space launch infrastructure and in-*
19 *dustrial base.*

20 (c) *COORDINATION.*—*The Secretary of Defense shall, to*
21 *the maximum extent practicable, pursue the attainment of*
22 *the capabilities described in subsection (a) in coordination*
23 *with the Administrator of the National Space and Aero-*
24 *nautics Administration.*

1 **SEC. 914. PILOT PROGRAM TO PROVIDE SPACE SURVEIL-**
2 **LANCE NETWORK SERVICES TO ENTITIES**
3 **OUTSIDE THE UNITED STATES GOVERNMENT.**

4 (a) *ESTABLISHMENT.*—*The Secretary of Defense shall*
5 *carry out a pilot program to provide eligible entities outside*
6 *the Federal Government with satellite tracking services*
7 *using assets owned or controlled by the Department of De-*
8 *fense.*

9 (b) *ELIGIBLE ENTITIES.*—*The Secretary shall pre-*
10 *scribe the requirements for eligibility to obtain services*
11 *under the pilot program. The requirements shall, at a min-*
12 *imum, provide eligibility for the following entities:*

13 (1) *The governments of States.*

14 (2) *The governments of political subdivisions of*
15 *States.*

16 (3) *United States commercial entities.*

17 (4) *The governments of foreign countries.*

18 (5) *Foreign commercial entities.*

19 (c) *SALE OF SERVICES.*—*Services under the pilot pro-*
20 *gram may be provided by sale, except in the case of services*
21 *provided to a government described in paragraph (1) or (2)*
22 *of subsection (b).*

23 (d) *CONTRACTOR INTERMEDIARIES.*—*Services under*
24 *the pilot program may be provided either directly to an*
25 *eligible entity or through a contractor of the United States*
26 *or a contractor of an eligible entity.*

1 (e) *SATELLITE DATA AND RELATED ANALYSES.*—The
2 *services provided under the pilot program may include sat-*
3 *ellite tracking data or any analysis of satellite data if the*
4 *Secretary determines that it is in the national security in-*
5 *terests of the United States for the services to include such*
6 *data or analysis, respectively.*

7 (f) *REIMBURSEMENT OF COSTS.*—The Secretary may
8 *require an entity purchasing services under the pilot pro-*
9 *gram to reimburse the Department of Defense for the costs*
10 *incurred by the Department in entering into the sale.*

11 (g) *CREDITING TO CHARGED ACCOUNTS.*—(1) *The pro-*
12 *ceeds of a sale of services under the pilot program, together*
13 *with any amounts reimbursed under subsection (f) in con-*
14 *nection with the sale, shall be credited to the appropriation*
15 *for the fiscal year in which collected that is or corresponds*
16 *to the appropriation charged the costs of such services.*

17 (2) *Amounts credited to an appropriation under para-*
18 *graph (1) shall be merged with other sums in the appropri-*
19 *ation and shall be available for the same period and the same*
20 *purposes as the sums with which merged.*

21 (h) *NONTRANSFERABILITY AGREEMENT.*—The Sec-
22 *retary shall require a recipient of services under the pilot*
23 *program to enter into an agreement not to transfer any*
24 *data or technical information, including any analysis of*

1 *satellite tracking data, to any other entity without the ex-*
2 *pressed approval of the Secretary.*

3 (i) *PROHIBITION CONCERNING INTELLIGENCE ASSETS*
4 *OR DATA.—Services and information concerning, or de-*
5 *rived from, United States intelligence assets or data may*
6 *not be provided under the pilot program.*

7 (j) *DEFINITIONS.—In this section:*

8 (1) *The term “United States commercial entity”*
9 *means an entity that is involved in commerce and is*
10 *organized under laws of a State, the District of Co-*
11 *lumbia, the Commonwealth of Puerto Rico, Guam, the*
12 *United States Virgin Islands, the Commonwealth of*
13 *the Northern Mariana Islands, or American Samoa.*

14 (2) *The term “foreign commercial entity” means*
15 *an entity that is involved in commerce and is orga-*
16 *nized under laws of a foreign country.*

17 (k) *DURATION OF PILOT PROGRAM.—The pilot pro-*
18 *gram under this section shall be conducted for three years*
19 *beginning on a date designated by the Secretary of Defense,*
20 *but not later than 180 days after the date of the enactment*
21 *of this Act.*

22 **SEC. 915. CONTENT OF BIENNIAL GLOBAL POSITIONING**
23 **SYSTEM REPORT.**

24 (a) *REVISED CONTENT.—Paragraph (1) of section*
25 *2281(d) of title 10, United States Code, is amended—*

1 (1) *by striking subparagraph (C);*

2 (2) *in subparagraph (E), by striking “Any*
3 *progress made toward” and inserting “Progress and*
4 *challenges in”;*

5 (3) *by striking subparagraph (F), and inserting*
6 *the following:*

7 “(F) *Progress and challenges in protecting GPS*
8 *from jamming, disruption, and interference.”;*

9 (4) *by redesignating subparagraphs (D), (E),*
10 *and (F), as subparagraphs (C), (D), and (E), respec-*
11 *tively; and*

12 (5) *by inserting after subparagraph (E), as so*
13 *redesignated, the following new subparagraph (F):*

14 “(F) *Progress and challenges in developing the*
15 *enhanced Global Positioning System required by sec-*
16 *tion 218(b) of Public Law 105–261 (112 Stat. 1951;*
17 *10 U.S.C. 2281 note).”.*

18 (b) *CONFORMING AMENDMENT.—Paragraph (2) of*
19 *such section 2281(d) is amended by inserting “(C),” after*
20 *“under subparagraphs”.*

21 ***Subtitle C—Other Matters***

22 ***SEC. 921. COMBATANT COMMANDER INITIATIVE FUND.***

23 (a) *REDESIGNATION OF CINC INITIATIVE FUND.—(1)*
24 *The CINC Initiative Fund administered under section 166a*

1 of title 10, United States Code, is redesignated as the “Com-
2 batant Commander Initiative Fund”.

3 (2) Section 166a of title 10, United States Code, is
4 amended—

5 (A) by striking the heading for subsection (a)
6 and inserting “COMBATANT COMMANDER INITIATIVE
7 FUND.—“; and

8 (B) by striking “CINC Initiative Fund” in sub-
9 sections (a), (c), and (d), and inserting “Combatant
10 Commander Initiative Fund”.

11 (3) Any reference to the CINC Initiative Fund in any
12 other provision of law or in any regulation, document,
13 record, or other paper of the United States shall be consid-
14 ered to be a reference to the Combatant Commander Initia-
15 tive Fund.

16 (b) AUTHORIZED ACTIVITIES.—Subsection (b) of sec-
17 tion 166a of title 10, United States Code, is amended by
18 adding at the end the following new paragraph:

19 “(10) Joint warfighting capabilities.”.

20 (c) INCREASED MAXIMUM AMOUNTS AUTHORIZED FOR
21 USE.—Subsection (e)(1) of such section is amended—

22 (1) in subparagraph (A), by striking
23 “\$7,000,000” and inserting “\$15,000,000”;

24 (2) in subparagraph (B), by striking
25 “\$1,000,000” and inserting “\$10,000,000”; and

1 (3) in subparagraph (C), by striking
2 “\$2,000,000” and inserting “\$10,000,000”.

3 **SEC. 922. AUTHORITY FOR THE MARINE CORPS UNIVER-**
4 **SITY TO AWARD THE DEGREE OF MASTER OF**
5 **OPERATIONAL STUDIES.**

6 Section 7102(b) of title 10, United States Code, is
7 amended—

8 (1) by striking “MARINE CORPS WAR COL-
9 LEGE.—” and inserting “AWARDING OF DEGREES.—
10 (1)”; and

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

13 “(2) Upon the recommendation of the Director and
14 faculty of the Command and Staff College of the Marine
15 Corps University, the President of the Marine Corps Uni-
16 versity may confer the degree of master of operational stud-
17 ies upon graduates of the School of Advanced Warfighting
18 of the Command and Staff College who fulfill the require-
19 ments for that degree.”.

20 **SEC. 923. REPORT ON CHANGING ROLES OF UNITED**
21 **STATES SPECIAL OPERATIONS COMMAND.**

22 (a) *REPORT REQUIRED.*—Not later than 180 days
23 after the date of the enactment of this Act, the Secretary
24 of Defense shall submit to the Committees on Armed Serv-
25 ices of the Senate and the House of Representatives a report

1 *on the changing roles of the United States Special Oper-*
2 *ations Command.*

3 (b) *CONTENT OF REPORT.*—(1) *The report shall spe-*
4 *cifically discuss in detail the following matters:*

5 (A) *The expanded role of the United States Spe-*
6 *cial Operations Command in the global war on ter-*
7 *rorism.*

8 (B) *The reorganization of the United States Spe-*
9 *cial Operations Command to function as a supported*
10 *combatant command for planning and executing op-*
11 *erations.*

12 (C) *The role of the United States Special Oper-*
13 *ations Command as a supporting combatant com-*
14 *mand.*

15 (2) *The report shall also include, in addition to the*
16 *matters discussed pursuant to paragraph (1), a discussion*
17 *of the following matters:*

18 (A) *The military strategy to employ the United*
19 *States Special Operations Command to fight the war*
20 *on terrorism and how that strategy contributes to the*
21 *overall national security strategy with regard to the*
22 *global war on terrorism.*

23 (B) *The scope of the authority granted to the*
24 *commander of the United States Special Operations*

1 *Command to act as a supported commander and to*
2 *prosecute the global war on terrorism.*

3 *(C) The operational and legal parameters within*
4 *which the commander of the United States Special*
5 *Operations Command is to exercise command author-*
6 *ity in foreign countries when taking action against*
7 *foreign and United States citizens engaged in ter-*
8 *rorist activities.*

9 *(D) The decisionmaking procedures for author-*
10 *izing, planning, and conducting individual missions,*
11 *including procedures for consultation with Congress.*

12 *(E) The procedures for the commander of the*
13 *United States Special Operations Command to use to*
14 *coordinate with commanders of other combatant com-*
15 *mands, especially geographic commands.*

16 *(F) Future organization plans and resource re-*
17 *quirements for conducting the global counterterrorism*
18 *mission.*

19 *(G) The impact of the changing role of the*
20 *United States Special Operations Command on other*
21 *special operations missions, including foreign inter-*
22 *nal defense, psychological operations, civil affairs, un-*
23 *conventional warfare, counterdrug activities, and hu-*
24 *manitarian activities.*

1 (c) *FORMS OF REPORT.*—The report shall be submitted
2 *in unclassified form and, as necessary, in classified form.*

3 **SEC. 924. INTEGRATION OF DEFENSE INTELLIGENCE, SUR-**
4 **VEILLANCE, AND RECONNAISSANCE CAPA-**
5 **BILITIES**

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

7 (1) *As part of transformation efforts within the*
8 *Department of Defense, each of the Armed Forces is*
9 *developing intelligence, surveillance, and reconnais-*
10 *sance capabilities that best support future war fight-*
11 *ing as envisioned by the leadership of the military de-*
12 *partment concerned.*

13 (2) *Concurrently, intelligence agencies of the De-*
14 *partment of Defense outside the military departments*
15 *are developing transformation roadmaps to best sup-*
16 *port the future decisionmaking and war fighting*
17 *needs of their principal customers, but are not always*
18 *closely coordinating those efforts with the intelligence,*
19 *surveillance, and reconnaissance development efforts*
20 *of the military departments.*

21 (3) *A senior official of each military department*
22 *has been designated as the integrator of intelligence,*
23 *surveillance, and reconnaissance for each of the*
24 *Armed Forces in such military department, but there*
25 *is not currently a well-defined forum where the inte-*

1 *grators of intelligence, surveillance, and reconnais-*
2 *sance capabilities for each of the Armed Forces can*
3 *routinely interact with each other and with senior*
4 *representatives of Department of Defense intelligence*
5 *agencies, as well as with other members of the intel-*
6 *ligence community, to ensure unity of effort and to*
7 *preclude unnecessary duplication of effort.*

8 *(4) The current funding structure of a National*
9 *Foreign Intelligence Program (NFIP), Joint Military*
10 *Intelligence Program (JMIP), and Tactical Intel-*
11 *ligence and Related Activities Program (TIARA)*
12 *might not be the best approach for supporting the de-*
13 *velopment of an intelligence, surveillance, and recon-*
14 *naissance structure that is integrated to meet the na-*
15 *tional security requirements of the United States in*
16 *the 21st century.*

17 *(5) The position of Under Secretary of Defense*
18 *for Intelligence was established in 2002 by Public*
19 *Law 107–314 in order to facilitate resolution of the*
20 *challenges to achieving an integrated intelligence, sur-*
21 *veillance, and reconnaissance structure in the Depart-*
22 *ment of Defense to meet such 21st century require-*
23 *ments.*

24 *(b) GOAL.—It shall be a goal of the Department of De-*
25 *fense to fully coordinate and integrate the intelligence, sur-*

1 *veillance, and reconnaissance capabilities and develop-*
2 *mental activities of the military departments, intelligence*
3 *agencies of the Department of Defense, and relevant combat-*
4 *ant commands as those departments, agencies, and com-*
5 *mands transform their intelligence, surveillance, and recon-*
6 *naissance systems to meet current and future needs.*

7 (c) *REQUIREMENT.—(1) The Under Secretary of De-*
8 *fense for Intelligence shall establish an Intelligence, Surveil-*
9 *lance, and Reconnaissance Integration Council to provide*
10 *a permanent forum for the discussion and arbitration of*
11 *issues relating to the integration of intelligence, surveil-*
12 *lance, and reconnaissance capabilities.*

13 (2) *The Council shall be composed of the senior intel-*
14 *ligence officers of the Armed Forces and the United States*
15 *Special Operations Command, the Director of Operations*
16 *of the Joint Staff, and the directors of the intelligence agen-*
17 *cies of the Department of Defense.*

18 (3) *The Under Secretary of Defense for Intelligence*
19 *shall invite the participation of the Director of Central In-*
20 *telligence or his representative in the proceedings of the*
21 *Council.*

22 (d) *ISR INTEGRATION ROADMAP.—The Under Sec-*
23 *retary of Defense for Intelligence, in consultation with the*
24 *Intelligence, Surveillance, and Reconnaissance Integration*
25 *Council and the Director of Central Intelligence, shall de-*

1 *velop a comprehensive Defense Intelligence, Surveillance,*
2 *and Reconnaissance Integration Roadmap to guide the de-*
3 *velopment and integration of the Department of Defense in-*
4 *telligence, surveillance, and reconnaissance capabilities for*
5 *15 years.*

6 *(e) REPORT.—(1) Not later than September 30, 2004,*
7 *the Under Secretary of Defense for Intelligence shall submit*
8 *to the committees of Congress specified in paragraph (2)*
9 *a report on the Defense Intelligence, Surveillance, and Re-*
10 *connaissance Integration Roadmap developed under sub-*
11 *section (d). The report shall include the following matters:*

12 *(A) The fundamental goals established in the*
13 *roadmap.*

14 *(B) An overview of the intelligence, surveillance,*
15 *and reconnaissance integration activities of the mili-*
16 *tary departments and the intelligence agencies of the*
17 *Department of Defense.*

18 *(C) An investment strategy for achieving—*

19 *(i) an integration of Department of Defense*
20 *intelligence, surveillance, and reconnaissance ca-*
21 *pabilities that ensures sustainment of needed tac-*
22 *tical and operational efforts; and*

23 *(ii) efficient investment in new intelligence,*
24 *surveillance, and reconnaissance capabilities.*

1 (D) *A discussion of how intelligence gathered*
2 *and analyzed by the Department of Defense can en-*
3 *hance the role of the Department of Defense in ful-*
4 *filling its homeland security responsibilities.*

5 (E) *A discussion of how counterintelligence ac-*
6 *tivities of the Armed Forces and the Department of*
7 *Defense intelligence agencies can be better integrated.*

8 (F) *Recommendations on how annual funding*
9 *authorizations and appropriations can be optimally*
10 *structured to best support the development of a fully*
11 *integrated Department of Defense intelligence, surveil-*
12 *lance, and reconnaissance architecture.*

13 (2) *The committees of Congress referred to in para-*
14 *graph (1) are as follows:*

15 (A) *The Committee on Armed Services, the Com-*
16 *mittee on Appropriations, and the Select Committee*
17 *on Intelligence of the Senate.*

18 (B) *The Committee on Armed Services, the Com-*
19 *mittee on Appropriations, and the Permanent Select*
20 *Committee on Intelligence of the House of Representa-*
21 *tives.*

22 **SEC. 925. ESTABLISHMENT OF THE NATIONAL GUARD OF**
23 **THE NORTHERN MARIANA ISLANDS.**

24 (a) *ESTABLISHMENT.*—*The Secretary of Defense may*
25 *cooperate with the Governor of the Northern Mariana Is-*

1 *lands to establish the National Guard of the Northern Mar-*
2 *iana Islands, and may integrate into the Army National*
3 *Guard of the United States and the Air National Guard*
4 *of the United States the members of the National Guard*
5 *of the Northern Mariana Islands who are granted Federal*
6 *recognition under title 32, United States Code.*

7 (b) *AMENDMENTS TO TITLE 10.—(1) Section 101 of*
8 *title 10, United States Code, is amended—*

9 (A) *in subsection (c), by inserting “the Northern*
10 *Mariana Islands,” after “Puerto Rico,” in para-*
11 *graphs (2) and (4); and*

12 (B) *in subsection (d)(5), by inserting “the Com-*
13 *monwealth of the Northern Mariana Islands,” after*
14 *“the Commonwealth of Puerto Rico,”.*

15 (2) *Section 10001 of such title is amended by inserting*
16 *“the Commonwealth of the Northern Mariana Islands,”*
17 *after “the Commonwealth of Puerto Rico,”.*

18 (c) *AMENDMENTS TO TITLE 32.—Title 32, United*
19 *States Code, is amended as follows:*

20 (1) *Section 101 is amended—*

21 (A) *in paragraphs (4) and (6), by inserting*
22 *“, the Northern Mariana Islands,” after “Puerto*
23 *Rico”; and*

24 (B) *in paragraph (19), by inserting “the*
25 *Commonwealth of the Northern Mariana Is-*

1 *lands,” after “the Commonwealth of Puerto*
2 *Rico,”.*

3 (2) *Section 103 is amended by inserting “, the*
4 *Northern Mariana Islands,” after “Puerto Rico”.*

5 (3) *Section 104 is amended—*

6 (A) *in subsection (a), by striking “and*
7 *Puerto Rico” and inserting “, Puerto Rico, and*
8 *the Northern Mariana Islands”; and*

9 (B) *in subsections (c) and (d), by inserting*
10 *“, the Northern Mariana Islands,” after “Puerto*
11 *Rico”.*

12 (4) *Section 107(b) is amended by inserting “, the*
13 *Northern Mariana Islands,” after “Puerto Rico”.*

14 (5) *Section 109 is amended by inserting “the*
15 *Northern Mariana Islands” in subsections (a), (b),*
16 *and (c) after “Puerto Rico,”.*

17 (6) *Section 112(i)(3) is amended by inserting*
18 *“the Commonwealth of the Northern Mariana Is-*
19 *lands,” after “the Commonwealth of Puerto Rico,”.*

20 (7) *Section 304 is amended by inserting “, the*
21 *Northern Mariana Islands,” after “or of Puerto Rico”*
22 *in the sentence following the oath.*

23 (8) *Section 314 is amended by inserting “, the*
24 *Northern Mariana Islands,” after “Puerto Rico” in*
25 *subsections (a) and (d).*

1 (9) Section 315 is amended by inserting “, the
2 Northern Mariana Islands,” after “Puerto Rico” each
3 place it appears.

4 (10) Section 325(a) is amended by inserting “,
5 the Northern Mariana Islands,” after “Puerto Rico”.

6 (11) Section 501(b) is amended by inserting “,
7 the Northern Mariana Islands,” after “Puerto Rico”.

8 (12) Section 503(b) is amended by inserting “,
9 the Northern Mariana Islands,” after “Puerto Rico”.

10 (13) Section 504(b) is amended by inserting “,
11 the Northern Mariana Islands,” after “Puerto Rico”.

12 (14) Section 505 is amended by inserting “or the
13 Northern Mariana Islands,” after “Puerto Rico,” in
14 the first sentence.

15 (15) Section 509(l)(1) is amended by inserting
16 “the Commonwealth of the Northern Mariana Is-
17 lands,” after “the Commonwealth of Puerto Rico,”.

18 (16) Section 702 is amended—

19 (A) in subsection (a), by inserting “, or the
20 Northern Mariana Islands,” after “Puerto Rico”;
21 and

22 (B) in subsections (b), (c), and (d), by in-
23 serting “, the Northern Mariana Islands,” after
24 “Puerto Rico”.

1 (17) Section 703 is amended by inserting “, the
2 Northern Mariana Islands,” after “Puerto Rico” in
3 subsections (a) and (b).

4 (18) Section 704 is amended by inserting “, the
5 Northern Mariana Islands,” after “Puerto Rico” in
6 subsections (a) and (b).

7 (19) Section 708 is amended—

8 (A) in subsection (a), by striking “and
9 Puerto Rico,” and inserting “Puerto Rico, and
10 the Northern Mariana Islands,”; and

11 (B) in subsection (d), by inserting “, the
12 Northern Mariana Islands,” after “Puerto Rico”.

13 (20) Section 710 is amended by inserting “, the
14 Northern Mariana Islands,” after “Puerto Rico” each
15 place it appears in subsections (c), (d)(3), (e), and
16 (f)(1).

17 (21) Section 711 is amended by inserting “, the
18 Northern Mariana Islands,” after “Puerto Rico”.

19 (22) Section 712(1) is amended by inserting “,
20 the Northern Mariana Islands,” after “Puerto Rico”.

21 (23) Section 715(c) is amended by striking “or
22 the District of Columbia or Puerto Rico,” and insert-
23 ing “, the District of Columbia, Puerto Rico, or the
24 Northern Mariana Islands”.

1 (d) *AMENDMENTS TO TITLE 37.*—Section 101 of title
2 37, United States Code, is amended by striking “the Canal
3 Zone,” in paragraphs (7) and (9) and inserting “the North-
4 ern Mariana Islands,”.

5 (e) *OTHER REFERENCES.*—Any reference that is made
6 in any other provision of law or in any regulation of the
7 United States to a State, or to the Governor of a State,
8 in relation to the National Guard (as defined in section
9 101(3) of title 32, United States Code) shall be considered
10 to include a reference to the Commonwealth of the Northern
11 Mariana Islands or to the Governor of the Northern Mar-
12 iana Islands, respectively.

13 **TITLE X—GENERAL PROVISIONS**

14 **Subtitle A—Financial Matters**

15 **SEC. 1001. TRANSFER AUTHORITY.**

16 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—(1)
17 Upon determination by the Secretary of Defense that such
18 action is necessary in the national interest, the Secretary
19 may transfer amounts of authorizations made available to
20 the Department of Defense in this division for fiscal year
21 2004 between any such authorizations for that fiscal year
22 (or any subdivisions thereof). Amounts of authorizations so
23 transferred shall be merged with and be available for the
24 same purposes as the authorization to which transferred.

1 (2) *The total amount of authorizations that the Sec-*
2 *retary may transfer under the authority of this section may*
3 *not exceed \$3,000,000,000.*

4 (b) *LIMITATIONS.—The authority provided by this sec-*
5 *tion to transfer authorizations—*

6 (1) *may only be used to provide authority for*
7 *items that have a higher priority than the items from*
8 *which authority is transferred; and*

9 (2) *may not be used to provide authority for an*
10 *item that has been denied authorization by Congress.*

11 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
12 *fer made from one account to another under the authority*
13 *of this section shall be deemed to increase the amount au-*
14 *thorized for the account to which the amount is transferred*
15 *by an amount equal to the amount transferred.*

16 (d) *NOTICE TO CONGRESS.—The Secretary shall*
17 *promptly notify Congress of each transfer made under sub-*
18 *section (a).*

19 **SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COM-**
20 **MON-FUNDED BUDGETS IN FISCAL YEAR 2004.**

21 (a) *FISCAL YEAR 2004 LIMITATION.—The total*
22 *amount contributed by the Secretary of Defense in fiscal*
23 *year 2004 for the common-funded budgets of NATO may*
24 *be any amount up to, but not in excess of, the amount speci-*
25 *fied in subsection (b) (rather than the maximum amount*

1 *that would otherwise be applicable to those contributions*
2 *under the fiscal year 1998 baseline limitation).*

3 (b) *TOTAL AMOUNT.*—*The amount of the limitation*
4 *applicable under subsection (a) is the sum of the following:*

5 (1) *The amounts of unexpended balances, as of*
6 *the end of fiscal year 2003, of funds appropriated for*
7 *fiscal years before fiscal year 2004 for payments for*
8 *those budgets.*

9 (2) *The amount specified in subsection (c)(1).*

10 (3) *The amount specified in subsection (c)(2).*

11 (4) *The total amount of the contributions author-*
12 *ized to be made under section 2501.*

13 (c) *AUTHORIZED AMOUNTS.*—*Amounts authorized to*
14 *be appropriated by titles II and III of this Act are available*
15 *for contributions for the common-funded budgets of NATO*
16 *as follows:*

17 (1) *Of the amount provided in section 201(1),*
18 *\$853,000 for the Civil Budget.*

19 (2) *Of the amount provided in section 301(1),*
20 *\$207,125,000 for the Military Budget.*

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

22 (1) *COMMON-FUNDED BUDGETS OF NATO.*—*The*
23 *term “common-funded budgets of NATO” means the*
24 *Military Budget, the Security Investment Program,*
25 *and the Civil Budget of the North Atlantic Treaty Or-*

1 *ganization (and any successor or additional account*
2 *or program of NATO).*

3 (2) *FISCAL YEAR 1998 BASELINE LIMITATION.*—

4 *The term “fiscal year 1998 baseline limitation”*
5 *means the maximum annual amount of Department*
6 *of Defense contributions for common-funded budgets of*
7 *NATO that is set forth as the annual limitation in*
8 *section 3(2)(C)(ii) of the resolution of the Senate giv-*
9 *ing the advice and consent of the Senate to the ratifi-*
10 *cation of the Protocols to the North Atlantic Treaty*
11 *of 1949 on the Accession of Poland, Hungary, and the*
12 *Czech Republic (as defined in section 4(7) of that res-*
13 *olution), approved by the Senate on April 30, 1998.*

14 **SEC. 1003. AUTHORIZATION OF SUPPLEMENTAL APPRO-**
15 **PRIATIONS FOR FISCAL YEAR 2003.**

16 (a) *DOD AND DOE AUTHORIZATIONS.*—*Amounts au-*
17 *thorized to be appropriated to the Department of Defense*
18 *and the Department of Energy for fiscal year 2003 in the*
19 *Bob Stump National Defense Authorization Act for Fiscal*
20 *Year 2003 (Public Law 107–314) are hereby adjusted, with*
21 *respect to any such authorized amount, by the amount by*
22 *which appropriations pursuant to such authorization are*
23 *increased (by a supplemental appropriation) or decreased*
24 *(by a rescission), or both, or are increased by a transfer*
25 *of funds, pursuant to title I of Public Law 108–11.*

1 (b) *REPORT ON FISCAL YEAR 2003 TRANSFERS.*—Not
2 later than 30 days after the end of each fiscal quarter for
3 which unexpended balances of funds appropriated under
4 title I of Public Law 108–11 are available for the Depart-
5 ment of Defense, the Secretary of Defense shall submit to
6 the congressional defense committees a report stating, for
7 each transfer of such funds during such fiscal quarter of
8 an amount provided for the Department of Defense through
9 a so-called “transfer account”, including the Iraqi Freedom
10 Fund or any other similar account—

11 (1) *the amount of the transfer;*

12 (2) *the appropriation account to which the*
13 *transfer was made; and*

14 (3) *the specific purpose for which the transferred*
15 *funds were used or are to be used.*

16 ***Subtitle B—Improvement of Travel***
17 ***Card Management***

18 ***SEC. 1011. MANDATORY DISBURSEMENT OF TRAVEL AL-***
19 ***LOWANCES DIRECTLY TO TRAVEL CARD***
20 ***CREDITORS.***

21 Section 2784a(a) of title 10, United States Code, is
22 amended—

23 (1) *in paragraph (1), by striking “The Secretary*
24 *of Defense may require” and inserting “The Secretary*
25 *of Defense shall require”;*

1 (2) by redesignating paragraph (2) as para-
2 graph (3); and

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

5 “(2) *The Secretary of Defense may waive the require-*
6 *ment for a direct payment to a travel care issuer under*
7 *paragraph (1) in any case in which it is determined under*
8 *regulations prescribed by the Secretary that the direct pay-*
9 *ment would be against equity and good conscience or would*
10 *be contrary to the best interests of the United States.”.*

11 **SEC. 1012. DETERMINATIONS OF CREDITWORTHINESS FOR**
12 **ISSUANCE OF DEFENSE TRAVEL CARD.**

13 Section 2784a of title 10, United States Code, is
14 amended—

15 (1) by redesignating subsections (d) and (e) as
16 subsections (e) and (f), respectively; and

17 (2) by inserting after subsection (c) the following
18 new subsection (d):

19 “(d) *DETERMINATIONS OF CREDITWORTHINESS FOR*
20 *ISSUANCE OF DEFENSE TRAVEL CARD.—(1) The Secretary*
21 *of Defense shall require that the creditworthiness of an indi-*
22 *vidual be evaluated before a Defense travel card is issued*
23 *to the individual. The evaluation may include an examina-*
24 *tion of the individual’s credit history in available credit*
25 *records.*

1 “(2) *An individual may not be issued a Defense travel*
2 *card if the individual is found not creditworthy as a result*
3 *of the evaluation required under paragraph (1).*”.

4 **SEC. 1013. DISCIPLINARY ACTIONS AND ASSESSING PEN-**
5 **ALTIES FOR MISUSE OF DEFENSE TRAVEL**
6 **CARDS.**

7 (a) *REQUIREMENT FOR GUIDANCE.—The Secretary of*
8 *Defense shall prescribe guidelines and procedures for mak-*
9 *ing determinations regarding the taking of disciplinary ac-*
10 *tion, including assessment of penalties, against Department*
11 *of Defense personnel for improper, fraudulent, or abusive*
12 *use of Defense travel cards by such personnel.*

13 (b) *ACTIONS COVERED.—The disciplinary actions and*
14 *penalties covered by the guidance and procedures prescribed*
15 *under subsection (a) may include the following:*

16 (1) *Civil actions for false claims under sections*
17 *3729 through 3731 of title 31, United States Code.*

18 (2) *Administrative remedies for false claims and*
19 *statements provided under chapter 38 of title 31,*
20 *United States Code.*

21 (3) *In the case of civilian personnel, adverse per-*
22 *sonnel actions under chapter 75 of title 5, United*
23 *States Code, and any other disciplinary actions*
24 *available under law for employees of the United*
25 *States.*

1 (4) *In the case of members of the Armed Forces,*
2 *disciplinary actions and penalties under chapter 47*
3 *of title 10, United States Code (the Uniform Code of*
4 *Military Justice).*

5 (c) *REPORT.—Not later than February 1, 2004, the*
6 *Secretary of Defense shall submit to the Committees on*
7 *Armed Services of the Senate and the House of Representa-*
8 *tives a report on the guidelines and penalties prescribed*
9 *under subsection (a). The report shall include the following:*

10 (1) *The guidelines and penalties.*

11 (2) *A discussion of the implementation of the*
12 *guidelines and penalties.*

13 (3) *A discussion of any additional administra-*
14 *tive action, or any recommended legislation, that the*
15 *Secretary considers necessary to effectively take dis-*
16 *ciplinary action against and penalize Department of*
17 *Defense personnel for improper, fraudulent, or abu-*
18 *sive use of Defense travel cards by such personnel.*

19 (d) *DEFENSE TRAVEL CARD DEFINED.—In this sec-*
20 *tion, the term “Defense travel card” has the meaning given*
21 *such term in section 2784a(d)(1) of title 10, United States*
22 *Code.*

Subtitle C—Reports

1
2 **SEC. 1021. ELIMINATION AND REVISION OF VARIOUS RE-**
3 **PORTING REQUIREMENTS APPLICABLE TO**
4 **THE DEPARTMENT OF DEFENSE.**

5 (a) *PROVISIONS OF TITLE 10.—Title 10, United States*
6 *Code, is amended as follows:*

7 (1) *Section 128 is amended by striking sub-*
8 *section (d).*

9 (2) *Section 437 is amended—*

10 (A) *by striking subsection (b); and*

11 (B) *in subsection (c)—*

12 (i) *by striking “and” at the end of*
13 *paragraph (2);*

14 (ii) *by striking the period at the end of*
15 *paragraph (3) and inserting “; and”; and*

16 (iii) *by adding at the end the following*
17 *new paragraph:*

18 “(4) *a description of each corporation, partner-*
19 *ship, and other legal entity that was established dur-*
20 *ing such fiscal year.”.*

21 (3)(A) *Section 520c is amended—*

22 (i) *by striking subsection (b);*

23 (ii) *by striking “(a) PROVISION OF MEALS*
24 *AND REFRESHMENTS.—”; and*

1 (iii) by striking the heading for such section
2 and inserting the following:

3 **“§ 520c. Provision of meals and refreshments for re-**
4 **cruiting purposes”.**

5 (B) The item relating to such section in the table
6 of sections at the beginning of chapter 31 of such title
7 is amended to read as follow:

“520c. Provision of meals and refreshments for recruiting purposes.”.

8 (4) Section 986 is amended by striking sub-
9 section (e).

10 (5) Section 1060 is amended by striking sub-
11 section (d).

12 (6) Section 2212 is amended by striking sub-
13 sections (d) and (e).

14 (7) Section 2224 is amended by striking sub-
15 section (e).

16 (8) Section 2255(b) is amended—

17 (A) by striking paragraph (2);

18 (B) by striking “(b) EXCEPTION.—(1)” and
19 inserting “(b) EXCEPTION.—”;

20 (C) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2), respectively;
22 and

23 (D) by redesignating clauses (i), (ii), and
24 (iii) as subparagraphs (A), (B), and (C), respec-
25 tively.

1 (9) *Section 2323(i) is amended by striking para-*
2 *graph (3).*

3 (10) *Section 2350a is amended by striking sub-*
4 *section (f).*

5 (11) *Section 2350b(d) is amended—*

6 *(A) by striking paragraphs (1) and (2) and*
7 *inserting the following new paragraph:*

8 *“(1) Not later than 90 days after the end of each fiscal*
9 *year in which the Secretary of Defense has authority dele-*
10 *gated as described in subsection (a), the Secretary shall sub-*
11 *mit to Congress a report on the administration of such au-*
12 *thority under this section. The report for a fiscal year shall*
13 *include the following information:*

14 *“(A) Each prime contract that the Secretary re-*
15 *quired to be awarded to a particular prime contractor*
16 *during such fiscal year, and each subcontract that the*
17 *Secretary required be awarded to a particular subcon-*
18 *tractor during such fiscal year, to comply with a co-*
19 *operative agreement, together with the reasons that*
20 *the Secretary exercised authority to designate a par-*
21 *ticular contractor or subcontractor, as the case may*
22 *be.*

23 *“(B) Each exercise of the waiver authority under*
24 *subsection (c) during such fiscal year, including the*

1 particular provision or provisions of law that were
2 waived.”; and

3 (B) by redesignating paragraph (3) as
4 paragraph (2).

5 (12) Section 2371(h) is amended by adding at
6 the end the following new paragraph:

7 “(3) No report is required under this section for fiscal
8 years after fiscal year 2006.”.

9 (13) Section 2515(d) is amended—

10 (A) by striking “ANNUAL REPORT.—” and
11 inserting “BIENNIAL REPORT.—”; and

12 (B) in paragraph (1)—

13 (i) in the second sentence, by striking
14 “each year” and inserting “each even-num-
15 bered year”; and

16 (ii) in the third sentence, by striking
17 “during the fiscal year” and inserting
18 “during the two fiscal years”.

19 (14) Section 2541d is amended—

20 (A) by striking subsection (b); and

21 (B) by striking “(a) REPORT BY COMMER-
22 CIAL FIRMS TO SECRETARY OF DEFENSE.—”.

23 (15) Section 2645(d) is amended—

24 (A) by striking “to Congress” and all that
25 follows through “notification of the loss” in

1 *paragraph (1) and inserting “to Congress notifi-*
2 *cation of the loss”;*

3 *(B) by striking “loss; and” and inserting*
4 *“loss.”; and*

5 *(C) by striking paragraph (2).*

6 *(16) Section 2680 is amended by striking sub-*
7 *section (e).*

8 *(17) Section 2688(e) is amended to read as fol-*
9 *lows:*

10 *“(e) QUARTERLY REPORT.—(1) Not later than 30 days*
11 *after the end of each quarter of a fiscal year, the Secretary*
12 *shall submit to the congressional defense committees a re-*
13 *port on the conveyances made under subsection (a) during*
14 *such fiscal quarter. The report shall include, for each such*
15 *conveyance, an economic analysis (based upon accepted life-*
16 *cycle costing procedures approved by the Secretary of De-*
17 *fense) demonstrating that—*

18 *“(A) the long-term economic benefit of the con-*
19 *veyance to the United States exceeds the long-term*
20 *economic cost of the conveyance to the United States;*
21 *and*

22 *“(B) the conveyance will reduce the long-term*
23 *costs of the United States for utility services provided*
24 *by the utility system concerned.*

1 “(2) *In this section, the term ‘congressional defense*
2 *committees’ means the following:*

3 “(A) *The Committee on Armed Services and the*
4 *Committee on Appropriations of the Senate.*

5 “(B) *The Committee on Armed Services and the*
6 *Committee on Appropriations of the House of Rep-*
7 *resentatives.”.*

8 (18) *Section 2807(b) is amended by striking*
9 *“\$500,000” and inserting “\$1,000,000”.*

10 (19) *Section 2827 is amended—*

11 (A) *by striking subsection (b); and*

12 (B) *by striking “(a) Subject to subsection*
13 *(b), the Secretary” and inserting “The Sec-*
14 *retary”.*

15 (20) *Section 2902(g) is amended—*

16 (A) *by striking paragraph (2); and*

17 (B) *by striking “(g)(1)” and inserting*
18 *“(g)”.*

19 (21) *Section 9514 is amended—*

20 (A) *in subsection (c)—*

21 (i) *by striking “to Congress” and all*
22 *that follows through “notification of the*
23 *loss” in paragraph (1) and inserting “to*
24 *Congress notification of the loss”;*

1 (ii) by striking “loss; and” and insert-
2 ing “loss.”; and

3 (iii) by striking paragraph (2); and

4 (B) by striking subsection (f).

5 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR
6 FISCAL YEARS 1992 AND 1993.—Section 734 of the Na-
7 tional Defense Authorization Act for Fiscal Years 1992 and
8 1993 (Public Law 102–190; 105 Stat. 1411; 10 U.S.C. 1074
9 note) is amended by striking subsection (c).

10 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
11 FISCAL YEAR 1993.—Section 324 of the National Defense
12 Authorization Act for Fiscal Year 1993 (Public Law 102–
13 484; 106 Stat. 2367; 10 U.S.C. 2701 note) is amended—

14 (1) by striking subsection (b); and

15 (2) in subsection (a), by striking “(a) SENSE OF
16 CONGRESS.—”.

17 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR
18 FISCAL YEAR 1995.—Section 721 of the National Defense
19 Authorization Act for Fiscal Year 1995 (Public Law 103–
20 337; 108 Stat. 2804; 10 U.S.C. 1074 note) is amended by
21 striking subsection (h).

22 (e) NATIONAL DEFENSE AUTHORIZATION ACT FOR
23 FISCAL YEAR 1997.—Section 324(c) of the National Defense
24 Authorization Act for Fiscal Year 1997 (Public Law 104–

1 201; 110 Stat. 2480; 10 U.S.C. 2706 note) is amended by
 2 inserting “before 2006” after “submitted to Congress”.

3 (f) *STROM THURMOND NATIONAL DEFENSE AUTHOR-*
 4 *IZATION ACT FOR FISCAL YEAR 1999.*—*The Strom Thur-*
 5 *mond National Defense Authorization Act for Fiscal Year*
 6 *1999 (Public Law 105–261) is amended—*

7 (1) *in section 745(e) (112 Stat. 2078; 10 U.S.C.*
 8 *1071 note)—*

9 (A) *by striking paragraph (2); and*

10 (B) *by striking “TRICARE.—(1) The” and*
 11 *inserting “TRICARE.—The” ; and*

12 (2) *effective on January 1, 2004, by striking sec-*
 13 *tion 1223 (112 Stat. 2154; 22 U.S.C. 1928 note).*

14 (g) *NATIONAL DEFENSE AUTHORIZATION ACT FOR*
 15 *FISCAL YEAR 2000.*—*The National Defense Authorization*
 16 *Act for Fiscal Year 2000 (Public Law 106–65) is*
 17 *amended—*

18 (1) *by striking section 1025 (113 Stat. 748; 10*
 19 *U.S.C. 113 note);*

20 (2) *in section 1039 (113 Stat. 756; 10 U.S.C.*
 21 *113 note), by striking subsection (b); and*

22 (3) *in section 1201 (113 Stat. 779; 10 U.S.C.*
 23 *168 note) by striking subsection (d).*

24 (h) *DEPARTMENT OF DEFENSE AND EMERGENCY SUP-*
 25 *PLEMENTAL APPROPRIATIONS FOR RECOVERY FROM AND*

1 *RESPONSE TO TERRORIST ATTACKS ON THE UNITED*
2 *STATES ACT, 2002.*—Section 8009 of the Department of De-
3 *fense and Emergency Supplemental Appropriations for Re-*
4 *covery from and Response to Terrorist Attacks on the*
5 *United States Act, 2002 (Public Law 107–117; 115 Stat.*
6 *2249) is amended by striking “, and these obligations shall*
7 *be reported to the Congress as of September 30 of each*
8 *year”.*

9 **SEC. 1022. GLOBAL STRIKE PLAN.**

10 (a) *INTEGRATED PLAN FOR PROMPT GLOBAL*
11 *STRIKE.*—The Secretary of Defense shall prescribe an inte-
12 *grated plan for developing, deploying, and sustaining a*
13 *prompt global strike capability in the Armed Forces. The*
14 *Secretary shall update the plan annually.*

15 (b) *REPORTS REQUIRED.*—(1) *Not later than April 1*
16 *of each of 2004, 2005, and 2006, the Secretary shall submit*
17 *to the congressional defense committees a report on the plan*
18 *prescribed under subsection (a).*

19 (2) *Each report required under paragraph (1) shall*
20 *include the following:*

21 (A) *A description and assessment of the targets*
22 *against which long-range strike assets might be di-*
23 *rected and the conditions under which the assets*
24 *might be used.*

1 (B) *The role of, and plans for ensuring,*
2 *sustainment and modernization of current long-range*
3 *strike assets, including bombers, intercontinental bal-*
4 *listic missiles, and submarine launched ballistic mis-*
5 *siles.*

6 (C) *A description of the capabilities desired for*
7 *advanced long-range strike assets and plans to achieve*
8 *those capabilities.*

9 (D) *A description of the capabilities desired for*
10 *advanced conventional munitions and the plans to*
11 *achieve those capabilities.*

12 (E) *An assessment of advanced nuclear concepts*
13 *that could contribute to the prompt global strike mis-*
14 *sion.*

15 (F) *An assessment of the command, control, and*
16 *communications capabilities necessary to support*
17 *prompt global strike capabilities.*

18 (G) *An assessment of intelligence, surveillance,*
19 *and reconnaissance capabilities necessary to support*
20 *prompt global strike capabilities.*

21 (H) *A description of how prompt global strike*
22 *capabilities are to be integrated with theater strike*
23 *capabilities.*

24 (I) *An estimated schedule for achieving the de-*
25 *sired prompt global strike capabilities.*

1 (J) *The estimated cost of achieving the desired*
2 *prompt global strike capabilities.*

3 (K) *A description of ongoing and future studies*
4 *necessary for updating the plan appropriately.*

5 **SEC. 1023. REPORT ON THE CONDUCT OF OPERATION**
6 **IRAQI FREEDOM.**

7 (a) *REPORT REQUIRED.—(1) The Secretary of Defense*
8 *shall submit to the congressional defense committees, not*
9 *later than March 31, 2004, a report on the conduct of mili-*
10 *tary operations under Operation Iraqi Freedom.*

11 (2) *The report shall be prepared in consultation with*
12 *the Chairman of the Joint Chiefs of Staff, the Commander*
13 *of the United States Central Command, and such other offi-*
14 *cials as the Secretary considers appropriate.*

15 (b) *CONTENT.—(1) The report shall include a discus-*
16 *sion of the matters described in paragraph (2), with a par-*
17 *ticular emphasis on accomplishments and shortcomings and*
18 *on near-term and long-term corrective actions to address*
19 *the shortcomings.*

20 (2) *The matters to be discussed in the report are as*
21 *follows:*

22 (A) *The military objectives of the international*
23 *coalition conducting Operation Iraqi Freedom, the*
24 *military strategy selected to achieve the objectives,*

1 *and an assessment of the execution of the military*
2 *strategy.*

3 (B) *The deployment process, including the*
4 *adaptability of the process to unforeseen contingencies*
5 *and changing requirements.*

6 (C) *The reserve component mobilization process,*
7 *including the timeliness of notification, training, and*
8 *subsequent demobilization.*

9 (D) *The use and performance of major items of*
10 *United States military equipment, weapon systems,*
11 *and munitions (including items classified under spe-*
12 *cial access procedures and items drawn from*
13 *prepositioned stocks) and any expected effects of the*
14 *experience with the use and performance of those*
15 *items on the doctrinal and tactical employment of*
16 *such items and on plans for continuing the acquisi-*
17 *tion of such items.*

18 (E) *Any additional identified requirements for*
19 *military equipment, weapon systems, and munitions,*
20 *including mix and quantity for future contingencies.*

21 (F) *The effectiveness of joint air operations, in-*
22 *cluding the doctrine for the employment of close air*
23 *support in the varied environments of Operation*
24 *Iraqi Freedom, and the effectiveness of attack heli-*
25 *copter operations.*

1 (G) *The use of special operations forces, includ-*
2 *ing operational and intelligence uses.*

3 (H) *The scope of logistics support, including*
4 *support from other nations.*

5 (I) *The incidents of accidental fratricide, to-*
6 *gether with a discussion of the effectiveness of the*
7 *tracking of friendly forces and of the combat identi-*
8 *fication systems in mitigating friendly fire incidents.*

9 (J) *The adequacy of spectrum and bandwidth to*
10 *transmit all necessary information to operational*
11 *forces and assets, including unmanned aerial vehicles,*
12 *ground vehicles, and individual soldiers.*

13 (K) *The effectiveness of information operations,*
14 *including the effectiveness of Commando Solo and*
15 *other psychological operations assets, in achieving es-*
16 *tablished objectives, together with a description of*
17 *technological and other restrictions on the use of psy-*
18 *chological operations capabilities.*

19 (L) *The effectiveness of the reserve component*
20 *forces used in Operation Iraqi Freedom.*

21 (M) *The adequacy of intelligence support to the*
22 *warfighter before, during, and after combat oper-*
23 *ations, including the adequacy of such support to fa-*
24 *cilitate searches for weapons of mass destruction.*

1 (N) *The rapid insertion and integration, if any,*
2 *of developmental but mission-essential equipment dur-*
3 *ing all phases of the operation.*

4 (O) *The most critical lessons learned that could*
5 *lead to long-term doctrinal, organizational, and tech-*
6 *nological changes, and the probable effects that an im-*
7 *plementation of those changes would have on current*
8 *visions, goals, and plans for transformation of the*
9 *Armed Forces.*

10 (P) *The results of a study, carried out by the*
11 *Secretary of Defense, regarding the availability of*
12 *family support services provided to the dependents of*
13 *members of the National Guard and other reserve*
14 *components of the Armed Forces who are called or or-*
15 *dered to active duty (hereinafter in this subparagraph*
16 *referred to as “mobilized members”), including, at a*
17 *minimum, the following matters:*

18 (i) *A discussion of the extent to which coop-*
19 *erative agreements are in place or need to be en-*
20 *tered into to ensure that dependents of mobilized*
21 *members receive adequate family support services*
22 *from within existing family readiness groups at*
23 *military installations without regard to the*
24 *members’ armed force or component of an armed*
25 *force.*

1 (ii) *A discussion of what additional family*
2 *support services, and what additional family*
3 *support agreements between and among the*
4 *Armed Forces (including the Coast Guard), are*
5 *necessary to ensure that adequate family support*
6 *services are provided to the families of mobilized*
7 *members.*

8 (iii) *A discussion of what additional re-*
9 *sources are necessary to ensure that adequate*
10 *family support services are available to the de-*
11 *pendents of each mobilized member at the mili-*
12 *tary installation nearest the residence of the de-*
13 *pendents.*

14 (iv) *The additional outreach programs that*
15 *should be established between families of mobi-*
16 *lized members and the sources of family support*
17 *services at the military installations in their re-*
18 *spective regions.*

19 (v) *A discussion of the procedures in place*
20 *for providing information on availability of*
21 *family support services to families of mobilized*
22 *members at the time the members are called or*
23 *ordered to active duty.*

1 (c) *FORMS OF REPORT.*—*The report shall be submitted*
2 *in unclassified form, but may also be submitted in classified*
3 *form if necessary.*

4 (d) *REPORTING REQUIREMENT RELATING TO NON-*
5 *COMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF*
6 *INFRASTRUCTURE OF IRAQ.*—(1) *If a contract for the main-*
7 *tenance, rehabilitation, construction, or repair of infra-*
8 *structure in Iraq is entered into under the oversight and*
9 *direction of the Secretary of Defense or the Office of Recon-*
10 *struction and Humanitarian Assistance in the Office of the*
11 *Secretary of Defense without full and open competition, the*
12 *Secretary shall publish in the Federal Register or Commerce*
13 *Business Daily and otherwise make available to the public,*
14 *not later than 30 days after the date on which the contract*
15 *is entered into, the following information:*

16 (i) *The amount of the contract.*

17 (ii) *A brief description of the scope of the con-*
18 *tract.*

19 (iii) *A discussion of how the executive agency*
20 *identified, and solicited offers from, potential contrac-*
21 *tors to perform the contract, together with a list of the*
22 *potential contractors that were issued solicitations for*
23 *the offers.*

24 (iv) *The justification and approval documents on*
25 *which was based the determination to use procedures*

1 *other than procedures that provide for full and open*
2 *competition.*

3 *(B) Subparagraph (A) does not apply to a contract*
4 *entered into more than one year after date of enactment.*

5 *(2)(A) The head of an executive agency may—*

6 *(i) withhold from publication and disclosure*
7 *under paragraph (1) any document that is classified*
8 *for restricted access in accordance with an Executive*
9 *order in the interest of national defense or foreign*
10 *policy; and*

11 *(ii) redact any part so classified that is in a*
12 *document not so classified before publication and dis-*
13 *closure of the document under paragraph (1).*

14 *(B) In any case in which the head of an executive*
15 *agency withholds information under subparagraph (A), the*
16 *head of such executive agency shall make available an*
17 *unredacted version of the document containing that infor-*
18 *mation to the chairman and ranking member of each of*
19 *the following committees of Congress:*

20 *(i) The Committee on Governmental Affairs of*
21 *the Senate and the Committee on Government Reform*
22 *of the House of Representatives.*

23 *(ii) The Committees on Appropriations of the*
24 *Senate and the House of Representatives.*

1 (iii) *Each committee that the head of the execu-*
2 *tive agency determines has legislative jurisdiction for*
3 *the operations of such department or agency to which*
4 *the information relates.*

5 (3) *This subsection shall apply to contracts entered*
6 *into on or after October 1, 2002, except that, in the case*
7 *of a contract entered into before the date of the enactment*
8 *of this Act, paragraph (1) shall be applied as if the contract*
9 *had been entered into on the date of the enactment of this*
10 *Act.*

11 (4) *Nothing in this subsection shall be construed as af-*
12 *fecting obligations to disclose United States Government in-*
13 *formation under any other provision of law.*

14 (5) *In this subsection, the terms “executive agency”*
15 *and “full and open competition” have the meanings given*
16 *such terms in section 4 of the Office of Federal Procurement*
17 *Policy Act (41 U.S.C. 403).*

18 **SEC. 1024. REPORT ON MOBILIZATION OF THE RESERVES.**

19 (a) *REQUIREMENT FOR REPORT.—Not later than 90*
20 *days after the date of the enactment of this Act, the Sec-*
21 *retary of Defense shall submit to the Committees on Armed*
22 *Services of the Senate and the House of Representatives a*
23 *report on the mobilization of reserve component forces dur-*
24 *ing fiscal years 2002 and 2003.*

1 (b) *CONTENT.*—*The report under subsection (a) shall*
2 *include, for the period covered by the report, the following*
3 *information:*

4 (1) *The number of Reserves who were called or*
5 *ordered to active duty under a provision of law re-*
6 *ferred to in section 101(a)(13)(B) of title 10, United*
7 *States Code.*

8 (2) *The number of such Reserves who were called*
9 *or ordered to active duty for one year or more, in-*
10 *cluding any extensions on active duty.*

11 (3) *The military specialties of the Reserves*
12 *counted under paragraph (2).*

13 (4) *The number of Reserves who were called or*
14 *ordered to active duty more than once under a provi-*
15 *sion of law referred to in section 101(a)(13)(B) of*
16 *title 10, United States Code.*

17 (5) *The military specialties of the Reserves*
18 *counted under paragraph (4).*

19 (6) *The known effects on the reserve components,*
20 *including the effects on recruitment and retention of*
21 *personnel for the reserve components, that have re-*
22 *sulted from—*

23 (A) *the calls and orders of Reserves to active*
24 *duty; and*

1 (B) the tempo of the service of the Reserves
2 on the active duty to which called or ordered.

3 (7) The changes in the Armed Forces, including
4 any changes in the allocation of roles and missions
5 between the active components and the reserve compo-
6 nents of the Armed Forces, that are envisioned by the
7 Secretary of Defense on the basis of—

8 (A) the effects discussed under paragraph
9 (6); or

10 (B) the experienced need for calling and or-
11 dering Reserves to active duty during the period.

12 (8) An assessment of how necessary it would be
13 to call or order Reserves to active duty in the event
14 of a war or contingency operation (as defined in sec-
15 tion 101(a)(13) of title 10, United States Code) if
16 such changes were implemented.

17 (9) On the basis of the experience of calling and
18 ordering Reserves to active duty during the period, an
19 assessment of the process for calling and ordering Re-
20 serves to active duty, preparing such Reserves for the
21 active duty, processing the Reserves into the force
22 upon entry onto active duty, and deploying the Re-
23 serves, including an assessment of the adequacy of the
24 alert and notification process from the perspectives of

1 *the individual Reserves, reserve component units, and*
2 *employers of Reserves.*

3 **SEC. 1025. STUDY OF BERYLLIUM INDUSTRIAL BASE.**

4 *(a) REQUIREMENT FOR STUDY.—The Secretary of De-*
5 *fense shall conduct a study of the adequacy of the industrial*
6 *base of the United States to meet defense requirements of*
7 *the United States for beryllium.*

8 *(b) REPORT.—Not later than January 30, 2004, the*
9 *Secretary shall submit a report on the results of the study*
10 *to Congress. The report shall contain, at a minimum, the*
11 *following information:*

12 *(1) A discussion of the issues identified with re-*
13 *spect to the long-term supply of beryllium.*

14 *(2) An assessment of the need, if any, for mod-*
15 *ernization of the primary sources of production of be-*
16 *ryllium.*

17 *(3) A discussion of the advisability of, and con-*
18 *cepts for, meeting the future defense requirements of*
19 *the United States for beryllium and maintaining a*
20 *stable domestic industrial base of sources of beryllium*
21 *through—*

22 *(A) cooperative arrangements commonly re-*
23 *ferred to as public-private partnerships;*

1 (B) the administration of the National De-
2 fense Stockpile under the Strategic and Critical
3 Materials Stock Piling Act; and

4 (C) any other means that the Secretary
5 identifies as feasible.

6 **Subtitle D—Other Matters**

7 **SEC. 1031. BLUE FORCES TRACKING INITIATIVE.**

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

9 (1) *For military commanders, a principal pur-*
10 *pose of technology is to enable the commanders to as-*
11 *certain the location of the units in their commands*
12 *in near real time.*

13 (2) *Each of the Armed Forces is developing and*
14 *testing a variety of technologies for tracking friendly*
15 *forces (known as “blue forces”).*

16 (3) *Situational awareness of blue forces has been*
17 *much improved since the 1991 Persian Gulf War, but*
18 *blue forces tracking remains a complex problem char-*
19 *acterized by information that is incomplete, not fully*
20 *accurate, or untimely.*

21 (4) *Casualties in recent warfare have declined,*
22 *but casualties associated with friendly fire incidents*
23 *have remained relatively constant.*

24 (5) *Despite significant investment, a coordi-*
25 *nated, interoperable plan for tracking blue forces*

1 *throughout a United States or coalition forces theater*
2 *of operations has not been developed.*

3 **(b) GOAL.**—*It shall be a goal of the Department of De-*
4 *fense to fully coordinate the various efforts of the Joint*
5 *Staff, the commanders of the combatant commands, and the*
6 *military departments to develop an effective blue forces*
7 *tracking system.*

8 **(c) JOINT BLUE FORCES TRACKING EXPERIMENT.**—

9 **(1)** *The Secretary of Defense, through the Commander of*
10 *the United States Joint Forces Command, shall carry out*
11 *a joint experiment in fiscal year 2004 to demonstrate and*
12 *evaluate available joint blue forces tracking technologies.*

13 **(2)** *The objectives of the experiment are as follows:*

14 **(A)** *To explore various options for tracking*
15 *United States and other friendly forces during combat*
16 *operations.*

17 **(B)** *To determine an optimal, achievable, and*
18 *ungradable solution for the development, acquisition,*
19 *and fielding of a system for tracking all United*
20 *States military forces that is coordinated and inter-*
21 *operable and also accommodates the participation of*
22 *military forces of allied nations with United States*
23 *forces in combat operations.*

24 **(d) REPORT.**—*Not later than 60 days after the conclu-*
25 *sion of the experiment under subsection (c), but not later*

1 *than December 1, 2004, the Secretary shall submit to the*
2 *congressional defense committees a report on the results of*
3 *the experiment, together with a comprehensive plan for the*
4 *development, acquisition, and fielding of a functional, near*
5 *real time blue forces tracking system.*

6 **SEC. 1032. LOAN, DONATION, OR EXCHANGE OF OBSOLETE**
7 **OR SURPLUS PROPERTY.**

8 *During fiscal years 2004 and 2005, the Secretary of*
9 *the military department concerned may exchange for an*
10 *historical artifact any obsolete or surplus property held by*
11 *such military department in accordance with section 2572*
12 *of title 10, United States Code, without regard to whether*
13 *the property is described in subsection (c) of such section.*

14 **SEC. 1033. ACCEPTANCE OF GIFTS AND DONATIONS.**

15 *(a) AUTHORIZED SOURCES OF GIFTS AND DONA-*
16 *TIONS.—Subsection (a) of section 2611 of title 10, United*
17 *States Code, is amended—*

18 *(1) in paragraph (1), by striking “foreign gifts*
19 *and donations” and inserting “gifts and donations*
20 *from sources described in paragraph (2)”;*

21 *(2) by redesignating paragraph (2) as para-*
22 *graph (3); and*

23 *(3) by inserting after paragraph (1) the fol-*
24 *lowing new paragraph (2):*

1 “(2) *The sources from which gifts and donations may*
2 *be accepted under paragraph (1) are as follows:*

3 “(A) *A department or agency of the Federal Gov-*
4 *ernment.*

5 “(B) *The government of a State or of a political*
6 *subdivision of a State.*

7 “(C) *The government of a foreign country.*

8 “(D) *A foundation or other charitable organiza-*
9 *tion, including a foundation or charitable organiza-*
10 *tion that is organized or operates under the laws of*
11 *a foreign country.*

12 “(E) *Any source in the private sector of the*
13 *United States or a foreign country.”.*

14 (b) *CONFORMING AMENDMENTS.—(1) The headings for*
15 *subsections (a) and (f) of such section are amended by strik-*
16 *ing “FOREIGN”.*

17 (2) *Subsection (c) is amended by striking “foreign”.*

18 (3) *Subsection (f) is amended—*

19 (A) *by striking “foreign”; and*

20 (B) *by striking “faculty services)” and all that*
21 *follows and inserting “faculty services).”.*

22 (4)(A) *The heading of such section is amended to read*
23 *as follows:*

1 **“§2611. Asia-Pacific Center for Security Studies: ac-**
2 **ceptance of gifts and donations”.**

3 (B) *The item relating to such section in the table of*
4 *sections at the beginning of chapter 155 is amended to read*
5 *as follows:*

“2611. *Asia-Pacific Center for Security Studies: acceptance of gifts and dona-*
tions.”.

6 (c) *ACCEPTANCE OF GUARANTEES WITH GIFTS IN DE-*
7 *VELOPMENT OF MARINE CORPS HERITAGE CENTER, MA-*
8 *RINE CORPS BASE, QUANTICO, VIRGINIA.—(1) The Sec-*
9 *retary of the Navy may utilize the authority in section 6975*
10 *of title 10, United States Code, for purposes of the project*
11 *to develop the Marine Corps Heritage Center at Marine*
12 *Corps Base, Quantico, Virginia, authorized by section 2884*
13 *of the Military Construction Authorization Act for Fiscal*
14 *Year 2001 (division B of the Floyd D. Spence National De-*
15 *fense Authorization Act for Fiscal Year 2001; as enacted*
16 *into law by Public Law 106–398; 114 Stat. 1654A–440).*

17 (2) *The authority in paragraph (1) shall expire on De-*
18 *cember 31, 2006.*

19 (3) *The expiration under paragraph (2) of the author-*
20 *ity in paragraph (1) shall not effect any qualified guar-*
21 *antee accepted pursuant to such authority for purposes of*
22 *the project referred to in paragraph (1) before the date of*
23 *the expiration of such authority under paragraph (2).*

1 **SEC. 1034. PROVISION OF LIVING QUARTERS FOR CERTAIN**
2 **STUDENTS WORKING AT NATIONAL SECURITY**
3 **AGENCY LABORATORY.**

4 *Section 2195 of title 10, United States Code, is amend-*
5 *ed by adding at the end the following new subsection:*

6 *“(d)(1) The Director of the National Security Agency*
7 *may provide living quarters to a student in the Student*
8 *Educational Employment Program or similar program (as*
9 *prescribed by the Office of Personnel Management) while*
10 *the student is employed at the laboratory of the Agency.*

11 *“(2) Notwithstanding section 5911(c) of title 5, living*
12 *quarters may be provided under paragraph (1) without*
13 *charge, or at rates or charges specified in regulations pre-*
14 *scribed by the Director.”.*

15 **SEC. 1035. PROTECTION OF OPERATIONAL FILES OF THE**
16 **NATIONAL SECURITY AGENCY.**

17 *(a) CONSOLIDATION OF CURRENT PROVISIONS ON*
18 *PROTECTION OF OPERATIONAL FILES.—The National Se-*
19 *curity Act of 1947 (50 U.S.C. 401 et seq.) is amended by*
20 *transferring sections 105C and 105D to the end of title VII*
21 *and redesignating such sections, as so transferred, as sec-*
22 *tions 703 and 704, respectively.*

23 *(b) PROTECTION OF OPERATIONAL FILES OF NSA.—*
24 *Title VII of such Act, as amended by subsection (a), is fur-*
25 *ther amended by adding at the end the following new sec-*
26 *tion:*

1 “OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY

2 “SEC. 705. (a) EXEMPTION OF CERTAIN OPERATIONAL

3 FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLO-

4 SURE.—(1) Operational files of the National Security Agen-

5 cy (hereafter in this section referred to as ‘NSA’) may be

6 exempted by the Director of NSA, in coordination with the

7 Director of Central Intelligence, from the provisions of sec-

8 tion 552 of title 5, United States Code, which require publi-

9 cation, disclosure, search, or review in connection therewith.

10 “(2)(A) In this section, the term ‘operational files’

11 means—

12 “(i) files of the Signals Intelligence Directorate,

13 and its successor organizations, which document the

14 means by which foreign intelligence or counterintel-

15 ligence is collected through technical systems; and

16 “(ii) files of the Research Associate Directorate,

17 and its successor organizations, which document the

18 means by which foreign intelligence or counterintel-

19 ligence is collected through scientific and technical

20 systems.

21 “(B) Files which are the sole repository of dissemi-

22 nated intelligence, and files that have been accessioned into

23 NSA Archives, or its successor organizations, are not oper-

24 ational files.

1 “(3) Notwithstanding paragraph (1), exempted oper-
2 ational files shall continue to be subject to search and review
3 for information concerning—

4 “(A) United States citizens or aliens lawfully
5 admitted for permanent residence who have requested
6 information on themselves pursuant to the provisions
7 of section 552 or 552a of title 5, United States Code;

8 “(B) any special activity the existence of which
9 is not exempt from disclosure under the provisions of
10 section 552 of title 5, United States Code; or

11 “(C) the specific subject matter of an investiga-
12 tion by any of the following for any impropriety, or
13 violation of law, Executive order, or Presidential di-
14 rective, in the conduct of an intelligence activity:

15 “(i) The Committee on Armed Services and
16 the Permanent Select Committee on Intelligence
17 of the House of Representatives.

18 “(ii) The Committee on Armed Services and
19 the Select Committee on Intelligence of the Sen-
20 ate.

21 “(iii) The Intelligence Oversight Board.

22 “(iv) The Department of Justice.

23 “(v) The Office of General Counsel of NSA.

24 “(vi) The Office of the Inspector General of
25 the Department of Defense.

1 “(vii) *The Office of the Director of NSA.*

2 “(4)(A) *Files that are not exempted under paragraph*
3 *(1) which contain information derived or disseminated*
4 *from exempted operational files shall be subject to search*
5 *and review.*

6 “(B) *The inclusion of information from exempted oper-*
7 *ational files in files that are not exempted under paragraph*
8 *(1) shall not affect the exemption under paragraph (1) of*
9 *the originating operational files from search, review, publi-*
10 *cation, or disclosure.*

11 “(C) *The declassification of some of the information*
12 *contained in exempted operational files shall not affect the*
13 *status of the operational file as being exempt from search,*
14 *review, publication, or disclosure.*

15 “(D) *Records from exempted operational files which*
16 *have been disseminated to and referenced in files that are*
17 *not exempted under paragraph (1), and which have been*
18 *returned to exempted operational files for sole retention*
19 *shall be subject to search and review.*

20 “(5) *The provisions of paragraph (1) may not be su-*
21 *perseded except by a provision of law which is enacted after*
22 *the date of the enactment of the National Defense Authoriza-*
23 *tion Act for Fiscal Year 2004, and which specifically cites*
24 *and repeals or modifies such provisions.*

1 “(6)(A) *Except as provided in subparagraph (B),*
2 *whenever any person who has requested agency records*
3 *under section 552 of title 5, United States Code, alleges that*
4 *NSA has withheld records improperly because of failure to*
5 *comply with any provision of this section, judicial review*
6 *shall be available under the terms set forth in section*
7 *552(a)(4)(B) of title 5, United States Code.*

8 “(B) *Judicial review shall not be available in the man-*
9 *ner provided for under subparagraph (A) as follows:*

10 “(i) *In any case in which information specifi-*
11 *cally authorized under criteria established by an Ex-*
12 *ecutive order to be kept secret in the interests of na-*
13 *tional defense or foreign relations is filed with, or*
14 *produced for, the court by NSA, such information*
15 *shall be examined ex parte, in camera by the court.*

16 “(ii) *The court shall determine, to the fullest ex-*
17 *tent practicable, the issues of fact based on sworn*
18 *written submissions of the parties.*

19 “(iii) *When a complainant alleges that requested*
20 *records are improperly withheld because of improper*
21 *placement solely in exempted operational files, the*
22 *complainant shall support such allegation with a*
23 *sworn written submission based upon personal knowl-*
24 *edge or otherwise admissible evidence.*

1 “(iv)(I) When a complainant alleges that re-
2 requested records were improperly withheld because of
3 improper exemption of operational files, NSA shall
4 meet its burden under section 552(a)(4)(B) of title 5,
5 United States Code, by demonstrating to the court by
6 sworn written submission that exempted operational
7 files likely to contain responsible records currently
8 perform the functions set forth in paragraph (2).

9 “(II) The court may not order NSA to review the
10 content of any exempted operational file or files in
11 order to make the demonstration required under sub-
12 clause (I), unless the complainant disputes NSA’s
13 showing with a sworn written submission based on
14 personal knowledge or otherwise admissible evidence.

15 “(v) In proceedings under clauses (iii) and (iv),
16 the parties may not obtain discovery pursuant to
17 rules 26 through 36 of the Federal Rules of Civil Pro-
18 cedure, except that requests for admissions may be
19 made pursuant to rules 26 and 36.

20 “(vi) If the court finds under this paragraph
21 that NSA has improperly withheld requested records
22 because of failure to comply with any provision of
23 this subsection, the court shall order NSA to search
24 and review the appropriate exempted operational file
25 or files for the requested records and make such

1 *records, or portions thereof, available in accordance*
2 *with the provisions of section 552 of title 5, United*
3 *States Code, and such order shall be the exclusive*
4 *remedy for failure to comply with this subsection.*

5 *“(vii) If at any time following the filing of a*
6 *complaint pursuant to this paragraph NSA agrees to*
7 *search the appropriate exempted operational file or*
8 *files for the requested records, the court shall dismiss*
9 *the claim based upon such complaint.*

10 *“(viii) Any information filed with, or produced*
11 *for the court pursuant to clauses (i) and (iv) shall be*
12 *coordinated with the Director of Central Intelligence*
13 *before submission to the court.*

14 *“(b) DECENNIAL REVIEW OF EXEMPTED OPER-*
15 *ATIONAL FILES.—(1) Not less than once every 10 years, the*
16 *Director of the National Security Agency and the Director*
17 *of Central Intelligence shall review the exemptions in force*
18 *under subsection (a)(1) to determine whether such exemp-*
19 *tions may be removed from a category of exempted files or*
20 *any portion thereof. The Director of Central Intelligence*
21 *must approve any determination to remove such exemp-*
22 *tions.*

23 *“(2) The review required by paragraph (1) shall in-*
24 *clude consideration of the historical value or other public*
25 *interest in the subject matter of a particular category of*

1 *files or portions thereof and the potential for declassifying*
2 *a significant part of the information contained therein.*

3 “(3) *A complainant that alleges that NSA has improv-*
4 *erly withheld records because of failure to comply with this*
5 *subsection may seek judicial review in the district court of*
6 *the United States of the district in which any of the parties*
7 *reside, or in the District of Columbia. In such a proceeding,*
8 *the court’s review shall be limited to determining the fol-*
9 *lowing:*

10 “(A) *Whether NSA has conducted the review re-*
11 *quired by paragraph (1) before the expiration of the*
12 *10-year period beginning on the date of the enactment*
13 *of the National Defense Authorization Act for Fiscal*
14 *Year 2004 or before the expiration of the 10-year pe-*
15 *riod beginning on the date of the most recent review.*

16 “(B) *Whether NSA, in fact, considered the cri-*
17 *teria set forth in paragraph (2) in conducting the re-*
18 *quired review.”.*

19 (c) *CONFORMING AMENDMENTS.—(1) Section 701(b) of*
20 *the National Security Act of 1947 (50 U.S.C. 431(b)) is*
21 *amended by striking “For purposes of this title” and insert-*
22 *ing “In this section and section 702,”.*

23 (2) *Section 702(c) of such Act (50 U.S.C. 432(c)) is*
24 *amended by striking “enactment of this title” and inserting*
25 *“October 15, 1984,”.*

1 **SEC. 1036. TRANSFER OF ADMINISTRATION OF NATIONAL**
2 **SECURITY EDUCATION PROGRAM TO DIREC-**
3 **TOR OF CENTRAL INTELLIGENCE.**

4 (a) *IN GENERAL.*—Section 802 of the David L. Boren
5 *National Security Education Act of 1991 (title VIII of Pub-*
6 *lic Law 102–183; 50 U.S.C. 1902) is amended—*

7 (1) *in subsection (a), by striking “Secretary of*
8 *Defense” and inserting “Director of Central Intel-*
9 *ligence”; and*

10 (2) *by striking “Secretary” each place it appears*
11 *(other than in subsection (h)) and inserting “Direc-*
12 *tor”.*

13 (b) *AWARDS TO ATTEND FOREIGN LANGUAGE CEN-*
14 *TER.*—Section 802(h) of such Act (50 U.S.C. 1902(h)) is
15 *amended by inserting “of Defense” after “Secretary” each*
16 *place it appears.*

17 (c) *NATIONAL SECURITY EDUCATION BOARD.*—(1)
18 *Section 803 of such Act (50 U.S.C. 1903) is amended—*

19 (A) *in subsection (a), by striking “Secretary of*
20 *Defense” and inserting “Director”;*

21 (B) *in subsection (b)—*

22 (i) *in paragraph (1), by striking “Secretary*
23 *of Defense” and inserting “Director”;*

24 (ii) *by redesignating paragraphs (2)*
25 *through (7) as paragraphs (3) through (8), re-*
26 *spectively; and*

1 (iii) by inserting after paragraph (1), as so
2 amended, the following new paragraph (2):

3 “(2) *The Secretary of Defense.*”;

4 (C) in subsection (c), by striking “subsection
5 (b)(6)” and inserting “subsection (b)(8)”; and

6 (D) in subsection (d), by striking “Secretary”
7 each place it appears and inserting “Director”.

8 (2) Section 806(d) of such Act (50 U.S.C. 1906(d)) is
9 amended by striking “paragraphs (1) through (7)” and in-
10 serting “paragraphs (2) through (8)”.

11 (d) *ADMINISTRATIVE PROVISIONS.*—Section 805 of
12 such Act (50 U.S.C. 1905) is amended by striking “Sec-
13 retary” each place it appears and inserting “Director”.

14 (e) *ANNUAL REPORT.*—Section 806 of such Act (50
15 U.S.C. 1906) is amended by striking “Secretary” each place
16 it appears and inserting “Director”.

17 (f) *AUDITS.*—Section 807 of such Act (50 U.S.C. 1907)
18 is amended by striking “Department of Defense” and in-
19 serting “Central Intelligence Agency”.

20 (g) *DEFINITION.*—Section 808 of such Act (50 U.S.C.
21 1908) is amended—

22 (1) by redesignating paragraphs (1) through (4)
23 as paragraphs (2) through (5), respectively; and

24 (2) by inserting before paragraph (2) the fol-
25 lowing new paragraph (1):

1 “(1) *The term ‘Director’ means the Director of*
2 *Central Intelligence.*”.

3 *(h) MATTERS RELATING TO NATIONAL FLAGSHIP LAN-*
4 *GUAGE INITIATIVE.—(1) Effective as if included therein as*
5 *enacted by section 333(a) of the Intelligence Authorization*
6 *Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat.*
7 *2396), section 802(i)(1) of the David L. Boren National Se-*
8 *curity Education Act of 1991 is amended by striking “Sec-*
9 *retary” and inserting “Director”.*

10 *(2) Effective as if included therein as enacted by sec-*
11 *tion 333(b) of the Intelligence Authorization Act for Fiscal*
12 *Year 2003 (116 Stat. 2397), section 811(a) of the David*
13 *L. Boren National Security Education Act of 1991 is*
14 *amended by striking “Secretary” each place it appears and*
15 *inserting “Director”.*

16 *(i) EFFECT OF TRANSFER OF ADMINISTRATION ON*
17 *SERVICE AGREEMENTS.—(1) The transfer to the Director*
18 *of Central Intelligence of the administration of the National*
19 *Security Education Program as a result of the amendments*
20 *made by this section shall not affect the force, validity, or*
21 *terms of any service agreement entered into under section*
22 *802(b) of the David L. Boren National Security Education*
23 *Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C.*
24 *1902(b)) before the date of the enactment of this Act that*
25 *is in force as of that date, except that the Director shall*

1 *administer such service agreement in lieu of the Secretary*
2 *of Defense.*

3 (2) *Notwithstanding any other provision of law, the*
4 *Director of Central Intelligence may, for purposes of the im-*
5 *plementation of any service agreement referred to in para-*
6 *graph (1), adopt regulations for the implementation of such*
7 *service agreement that were prescribed by the Secretary of*
8 *Defense under the David L. Boren National Security Edu-*
9 *cation Act of 1991 before the date of the enactment of this*
10 *Act.*

11 (j) *REPEAL OF SATISFIED REQUIREMENTS.—Section*
12 *802(g) of the David L. Boren National Security Education*
13 *Act of 1991 (title VIII of Public Law 102–183; 50 U.S.C.*
14 *1902(g)) is amended—*

15 (1) *in paragraph (1)—*

16 (A) *by striking “(1)”;* and

17 (B) *by striking the second sentence;* and

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

19 (k) *TECHNICAL AMENDMENT.—Paragraph (5)(A) of*
20 *section 808 of such Act, as redesignated by subsection (g)(1)*
21 *of this section, is further amended by striking “a agency”*
22 *and inserting “an agency”.*

1 **SEC. 1037. REPORT ON USE OF UNMANNED AERIAL VEHI-**
2 **CLES FOR SUPPORT OF HOMELAND SECURITY**
3 **MISSIONS.**

4 (a) *REQUIREMENT FOR REPORT.*—Not later than
5 April 1, 2004, the President shall submit to Congress a re-
6 port on the potential uses of unmanned aerial vehicles for
7 support of the performance of homeland security missions.

8 (b) *CONTENT.*—The report shall, at a minimum, in-
9 clude the following matters:

10 (1) *An assessment of the potential for using un-*
11 *manned aerial vehicles for monitoring activities in*
12 *remote areas along the northern and southern borders*
13 *of the United States.*

14 (2) *An assessment of the potential for using long-*
15 *endurance, land-based unmanned aerial vehicles for*
16 *supporting the Coast Guard in the performance of its*
17 *homeland security missions, drug interdiction mis-*
18 *sions, and other maritime missions along the ap-*
19 *proximately 95,000 miles of inland waterways in the*
20 *United States.*

21 (3) *An assessment of the potential for using un-*
22 *manned aerial vehicles for monitoring the safety and*
23 *integrity of critical infrastructure within the territory*
24 *of the United States, including the following:*

25 (A) *Oil and gas pipelines.*

26 (B) *Dams.*

1 (C) *Hydroelectric power plants.*

2 (D) *Nuclear power plants.*

3 (E) *Drinking water utilities.*

4 (F) *Long-distance power transmission lines.*

5 (4) *An assessment of the potential for using un-*
6 *manned aerial vehicles for monitoring the transpor-*
7 *tation of hazardous cargo.*

8 (5) *A discussion of the safety issues involved*
9 *in—*

10 (A) *the use of unmanned aerial vehicles by*
11 *agencies other than the Department of Defense;*
12 *and*

13 (B) *the operation of unmanned aerial vehi-*
14 *cles over populated areas of the United States.*

15 (6) *A discussion of—*

16 (A) *the effects on privacy and civil liberties*
17 *that could result from the monitoring uses of un-*
18 *manned aerial vehicles operated over the terri-*
19 *tory of the United States; and*

20 (B) *any restrictions on the domestic use of*
21 *unmanned aerial vehicles that should be im-*
22 *posed, or any other actions that should be taken,*
23 *to prevent any adverse effect of such a use of un-*
24 *manned aerial vehicles on privacy or civil lib-*
25 *erties.*

1 (7) *A discussion of what, if any, legislation and*
2 *organizational changes may be necessary to accommo-*
3 *date the use of unmanned aerial vehicles of the De-*
4 *partment of Defense in support of the performance of*
5 *homeland security missions, including any amend-*
6 *ment of section 1385 of title 18, United States Code*
7 *(popularly referred to as the “Posse Comitatus Act”).*

8 (8) *An evaluation of the capabilities of manufac-*
9 *turers of unmanned aerial vehicles to produce such*
10 *vehicles at higher rates if necessary to meet any in-*
11 *creased requirements for homeland security and home-*
12 *land defense missions.*

13 (c) *REFERRAL TO COMMITTEES.*—*The report under*
14 *subsection (a) shall be referred—*

15 (1) *upon receipt in the Senate, to the Committee*
16 *on Armed Services of the Senate; and*

17 (2) *upon receipt in the House of Representatives,*
18 *to the Committee on Armed Services of the House of*
19 *Representatives.*

20 **SEC. 1038. CONVEYANCE OF SURPLUS T-37 AIRCRAFT TO**
21 **AIR FORCE AVIATION HERITAGE FOUNDA-**
22 **TION, INCORPORATED.**

23 (a) *AUTHORITY.*—*The Secretary of the Air Force may*
24 *convey, without consideration, to the Air Force Aviation*
25 *Heritage Foundation, Incorporated, of Georgia (in this sec-*

1 tion referred to as the “Foundation”), all right, title, and
2 interest of the United States in and to one surplus T-37
3 “Tweet” aircraft. The conveyance shall be made by means
4 of a conditional deed of gift.

5 (b) *CONDITION OF AIRCRAFT.*—The Secretary may not
6 convey ownership of the aircraft under subsection (a) until
7 the Secretary determines that the Foundation has altered
8 the aircraft in such manner as the Secretary determines
9 necessary to ensure that the aircraft does not have any ca-
10 pability for use as a platform for launching or releasing
11 munitions or any other combat capability that it was de-
12 signed to have. The Secretary is not required to repair or
13 alter the condition of the aircraft before conveying owner-
14 ship of the aircraft.

15 (c) *CONDITIONS FOR CONVEYANCE.*—(1) The convey-
16 ance of a T-37 aircraft under this section shall be subject
17 to the following conditions:

18 (A) That the Foundation not convey any owner-
19 ship interest in, or transfer possession of, the aircraft
20 to any other party without the prior approval of the
21 Secretary of the Air Force.

22 (B) That the operation and maintenance of the
23 aircraft comply with all applicable limitations and
24 maintenance requirements imposed by the Adminis-
25 trator of the Federal Aviation Administration.

1 (C) *That if the Secretary of the Air Force deter-*
2 *mines at any time that the Foundation has conveyed*
3 *an ownership interest in, or transferred possession of,*
4 *the aircraft to any other party without the prior ap-*
5 *proval of the Secretary, or has failed to comply with*
6 *the condition set forth in subparagraph (B), all right,*
7 *title, and interest in and to the aircraft, including*
8 *any repair or alteration of the aircraft, shall revert*
9 *to the United States, and the United States shall have*
10 *the right of immediate possession of the aircraft.*

11 (2) *The Secretary shall include the conditions under*
12 *paragraph (1) in the instrument of conveyance of the T-*
13 *37 aircraft.*

14 (d) *CONVEYANCE AT NO COST TO THE UNITED*
15 *STATES.—Any conveyance of a T-37 aircraft under this*
16 *section shall be made at no cost to the United States. Any*
17 *costs associated with such conveyance, costs of determining*
18 *compliance by the Foundation with the conditions in sub-*
19 *section (b), and costs of operation and maintenance of the*
20 *aircraft conveyed shall be borne by the Foundation.*

21 (e) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
22 *retary of the Air Force may require such additional terms*
23 *and conditions in connection with the conveyance under*
24 *this section as the Secretary considers appropriate to pro-*
25 *tect the interests of the United States.*

1 (f) *CLARIFICATION OF LIABILITY.*—Notwithstanding
2 any other provision of law, upon the conveyance of owner-
3 ship of a T-37 aircraft to the Foundation under subsection
4 (a), the United States shall not be liable for any death, in-
5 jury, loss, or damage that results from any use of that air-
6 craft by any person other than the United States.

7 **SEC. 1039. SENSE OF SENATE ON REWARD FOR INFORMA-**
8 **TION LEADING TO RESOLUTION OF STATUS**
9 **OF MEMBERS OF THE ARMED FORCES WHO**
10 **REMAIN MISSING IN ACTION.**

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

13 (1) *The Department of Defense estimates that*
14 *there are more than 10,000 members of the Armed*
15 *Forces and others who as a result of activities during*
16 *the Korean War or the Vietnam War were placed in*
17 *a missing status or a prisoner of war status, or who*
18 *were determined to have been killed in action al-*
19 *though the body was not recovered, and who remain*
20 *unaccounted for.*

21 (2) *One member of the Armed Forces, Navy Cap-*
22 *tain Michael Scott Speicher, remains missing in ac-*
23 *tion from the first Persian Gulf War, and there have*
24 *been credible reports of him being seen alive in Iraq*

1 *in the years since his plane was shot down on Janu-*
2 *ary 16, 1991.*

3 (3) *The United States should always pursue*
4 *every lead and leave no stone unturned to completely*
5 *account for the fate of its missing members of the*
6 *Armed Forces.*

7 (4) *The Secretary of Defense has the authority to*
8 *disburse funds as a reward to individuals who pro-*
9 *vide information leading to the conclusive resolution*
10 *of cases of missing members of the Armed Forces.*

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

12 (1) *that the Secretary of Defense should use the*
13 *authority available to the Secretary to disburse funds*
14 *rewarding individuals who provide information lead-*
15 *ing to the conclusive resolution of the status of any*
16 *missing member of the Armed Forces; and*

17 (2) *to encourage the Secretary to authorize and*
18 *publicize a reward of \$1,000,000 for information re-*
19 *solving the fate of those members of the Armed Forces,*
20 *such as Michael Scott Speicher, who the Secretary has*
21 *reason to believe may yet be alive in captivity.*

22 **SEC. 1040. ADVANCED SHIPBUILDING ENTERPRISE.**

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

24 (1) *The President's budget for fiscal year 2004,*
25 *as submitted to Congress, includes \$10,300,000 for the*

1 *Advanced Shipbuilding Enterprise of the National*
2 *Shipbuilding Research Program.*

3 (2) *The Advanced Shipbuilding Enterprise is an*
4 *innovative program to encourage greater efficiency*
5 *among shipyards in the defense industrial base.*

6 (3) *The leaders of the Nation's shipbuilding in-*
7 *dustry have embraced the Advanced Shipbuilding En-*
8 *terprise as a method of exploring and collaborating*
9 *on innovation in shipbuilding and ship repair that*
10 *collectively benefits all manufacturers in the industry.*

11 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
12 *ate that—*

13 (1) *the Senate strongly supports the innovative*
14 *Advanced Shipbuilding Enterprise of the National*
15 *Shipbuilding Research Program that has yielded new*
16 *processes and techniques to reduce the cost of building*
17 *and repairing ships in the United States;*

18 (2) *the Senate is concerned that the future-years*
19 *defense program submitted to Congress for fiscal year*
20 *2004 does not reflect any funding for the Advanced*
21 *Shipbuilding Enterprise after fiscal year 2004; and*

22 (3) *the Secretary of Defense and the Secretary of*
23 *the Navy should continue funding the Advanced Ship-*
24 *building Enterprise at a sustaining level through the*
25 *future-years defense program to support subsequent*

1 *rounds of research that reduce the cost of designing,*
2 *building, and repairing ships.*

3 **SEC. 1041. AIR FARES FOR MEMBERS OF ARMED FORCES.**

4 *It is the sense of the Senate that each United States*
5 *air carrier should—*

6 (1) *make every effort to allow active duty mem-*
7 *bers of the armed forces to purchase tickets, on a*
8 *space-available basis, for the lowest fares offered for*
9 *the flights desired, without regard to advance pur-*
10 *chase requirements and other restrictions; and*

11 (2) *offer flexible terms that allow members of the*
12 *armed forces on active duty to purchase, modify, or*
13 *cancel tickets without time restrictions, fees, or pen-*
14 *alties.*

15 **SEC. 1042. SENSE OF SENATE ON DEPLOYMENT OF AIR-**
16 **BORNE CHEMICAL AGENT MONITORING SYS-**
17 **TEMS AT CHEMICAL STOCKPILE DISPOSAL**
18 **SITES IN THE UNITED STATES.**

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

21 (1) *Millions of assembled chemical weapons are*
22 *stockpiled at chemical agent disposal facilities and*
23 *depot sites across the United States.*

1 (2) *Some of these weapons are filled with nerve*
2 *agents, such as GB and VX and blister agents such*
3 *as HD (mustard agent).*

4 (3) *Hundreds of thousands of United States citi-*
5 *zens live in the vicinity of these chemical weapons*
6 *stockpile sites and depots.*

7 (4) *The airborne chemical agent monitoring sys-*
8 *tems at these sites are inefficient or outdated com-*
9 *pared to newer and advanced technologies on the*
10 *market.*

11 (b) *SENSE OF SENATE.—It is the sense of the Senate*
12 *that the Secretary of the Army should develop and deploy*
13 *a program to upgrade the airborne chemical agent moni-*
14 *toring systems at all chemical stockpile disposal sites across*
15 *the United States in order to achieve the broadest possible*
16 *protection of the general public, personnel involved in the*
17 *chemical demilitarization program, and the environment.*

18 **SEC. 1043. FEDERAL ASSISTANCE FOR STATE PROGRAMS**
19 **UNDER THE NATIONAL GUARD CHALLENGE**
20 **PROGRAM.**

21 (a) *MAXIMUM FEDERAL SHARE.—Section 509(d) of*
22 *title 32, United States Code, is amended—*

23 (1) *by striking paragraphs (1), (2), and (3);*

24 (2) *by redesignating paragraph (4) as para-*
25 *graph (1);*

1 (3) in paragraph (1), as so redesignated, by
2 striking the period at the end and inserting “; and”;
3 and

4 (4) by adding at the end the following new para-
5 graph (2);

6 “(2) for fiscal year 2004 (notwithstanding para-
7 graph (1)), 65 percent of the costs of operating the
8 State program during that year.”.

9 (b) *STUDY.*—(1) *The Secretary of Defense shall carry*
10 *out a study to evaluate (A) the adequacy of the requirement*
11 *under section 509(d) of title 32, United States Code, for*
12 *the United States to fund 60 percent of the costs of oper-*
13 *ating a State program of the National Guard Challenge*
14 *Program and the State to fund 40 percent of such costs,*
15 *and (B) the value of the Challenge program to the Depart-*
16 *ment of Defense.*

17 (2) *In carrying out the study under paragraph (1),*
18 *the Secretary should identify potential alternatives to the*
19 *matching funds structure provided for the National Guard*
20 *Challenge Program under section 509(d) of title 32, United*
21 *States Code, such as a range of Federal-State matching ra-*
22 *tios, that would provide flexibility in the management of*
23 *the program to better respond to temporary fiscal condi-*
24 *tions.*

1 (3) *The Secretary shall include the results of the study,*
2 *including findings, conclusions, and recommendations, in*
3 *the next annual report to Congress under section 509(k) of*
4 *title 32, United States Code, that is submitted to Congress*
5 *after the date of the enactment of this Act.*

6 (c) *AMOUNT FOR FEDERAL ASSISTANCE.—(1) The*
7 *amount authorized to be appropriated under section*
8 *301(10) is hereby increased by \$3,000,000.*

9 (2) *Of the total amount authorized to be appropriated*
10 *under section 301(10), \$68,216,000 shall be available for*
11 *the National Guard Challenge Program under section 509*
12 *of title 32, United States Code.*

13 (3) *The total amount authorized to be appropriated*
14 *under section 301(4) is hereby reduced by \$3,000,000.*

15 **SEC. 1044. SENSE OF SENATE ON RECONSIDERATION OF**
16 **DECISION TO TERMINATE BORDER SEAPORT**
17 **INSPECTION DUTIES OF NATIONAL GUARD**
18 **UNDER NATIONAL GUARD DRUG INTERDIC-**
19 **TION AND COUNTER-DRUG MISSION.**

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

22 (1) *The counter-drug inspection mission of the*
23 *National Guard is highly important to preventing the*
24 *infiltration of illegal narcotics across United States*
25 *borders.*

1 “(6) *The Western Hemisphere Institute for Secu-*
2 *urity Cooperation.*”.

3 **SEC. 1102. PAY AUTHORITY FOR CRITICAL POSITIONS.**

4 (a) *AUTHORITY.*—Chapter 81 of title 10, United States
5 *Code, is amended by adding at the end the following new*
6 *section:*

7 **“§ 1599e. Pay authority for critical positions**

8 “(a) *AUTHORITY GENERALLY.*—(1) *When the Sec-*
9 *retary of Defense seeks a grant of authority under section*
10 *5377 of title 5 for critical pay for one or more positions*
11 *within the Department of Defense, the Director of the Office*
12 *of Management and Budget may fix the rate of basic pay,*
13 *notwithstanding sections 5377(d)(2) and 5307 of such title,*
14 *at any rate up to the salary set in accordance with section*
15 *104 of title 3.*

16 “(2) *Notwithstanding section 5307 of title 5, no allow-*
17 *ance, differential, bonus, award, or similar cash payment*
18 *may be paid to any employee receiving critical pay at a*
19 *rate fixed under paragraph (1), in any calendar year if,*
20 *or to the extent that, the employee’s total annual compensa-*
21 *tion will exceed the maximum amount of total annual com-*
22 *pensation payable at the salary set in accordance with sec-*
23 *tion 104 of title 3.*

24 “(b) *TEMPORARY STREAMLINED CRITICAL PAY AU-*
25 *THORITY.*—(1) *The Secretary of Defense may establish, fix*

1 *the compensation of, and appoint persons to positions des-*
2 *ignated as critical administrative, technical, or professional*
3 *positions needed to carry out the functions of the Depart-*
4 *ment of Defense, subject to paragraph (2).*

5 “(2) *The authority under paragraph (1) may be exer-*
6 *cised with respect to a position only if—*

7 “(A) *the position—*

8 “(i) *requires expertise of an extremely high*
9 *level in an administrative, technical, or profes-*
10 *sional field; and*

11 “(ii) *is critical to the successful accomplish-*
12 *ment of an important mission by the Depart-*
13 *ment of Defense;*

14 “(B) *the exercise of the authority is necessary to*
15 *recruit or retain a person exceptionally well qualified*
16 *for the position;*

17 “(C) *the number of all positions covered by the*
18 *exercise of the authority does not exceed 40 at any one*
19 *time;*

20 “(D) *in the case of a position designated as a*
21 *critical administrative, technical, or professional po-*
22 *sition by an official other than the Secretary of De-*
23 *fense, the designation is approved by the Secretary;*

24 “(E) *the term of appointment to the position is*
25 *limited to not more than four years;*

1 “(F) the appointee to the position was not a De-
2 partment of Defense employee before the date of the
3 enactment of the National Defense Authorization Act
4 for Fiscal Year 2004;

5 “(G) the total annual compensation for the ap-
6 pointee to the position does not exceed the highest
7 total annual compensation payable at the rate deter-
8 mined under section 104 of title 3; and

9 “(H) the position is excluded from collective bar-
10 gaining units.

11 “(3) The authority under this subsection may be exer-
12 cised without regard to—

13 “(A) subsection (a);

14 “(B) the provisions of title 5 governing appoint-
15 ments in the competitive service or the Senior Execu-
16 tive Service; and

17 “(C) chapters 51 and 53 of title 5, relating to
18 classification and pay rates.

19 “(4) The authority under this subsection may not be
20 exercised after the date that is 10 years after the date of
21 the enactment of the National Defense Authorization Act for
22 Fiscal Year 2004.

23 “(5) For so long as a person continues to serve without
24 a break in service in a position to which appointed under
25 this subsection, the expiration of authority under this sub-

1 *section does not terminate the position, terminate the per-*
 2 *son’s appointment in the position before the end of the term*
 3 *for which appointed under this subsection, or affect the com-*
 4 *penetration fixed for the person’s service in the position under*
 5 *this subsection during such term of appointment.*

6 “(6) Subchapter II of chapter 75 of title 5 does not
 7 apply to an employee during a term of service in a critical
 8 administrative, technical, or professional position to which
 9 the employee is appointed under this subsection.”.

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

“1599e. Pay authority for critical positions.”.

13 **SEC. 1103. EXTENSION, EXPANSION, AND REVISION OF AU-**
 14 **THORITY FOR EXPERIMENTAL PERSONNEL**
 15 **PROGRAM FOR SCIENTIFIC AND TECHNICAL**
 16 **PERSONNEL.**

17 (a) *EXTENSION OF PROGRAM.*—*Subsection (e)(1) of*
 18 *section 1101 of the Strom Thurmond National Defense Au-*
 19 *thorization Act for Fiscal Year 1999 (Public Law 105–261;*
 20 *112 Stat. 2139; 5 U.S.C. 3104 note) is amended by striking*
 21 *“October 16, 2005” and inserting “September 30, 2008”.*

22 (b) *INCREASED LIMITATION ON NUMBER OF APPOINT-*
 23 *MENTS.*—*Subsection (b)(1)(A) of such section is amended*
 24 *by striking “40” and inserting “50”.*

1 (c) *COMMENSURATE EXTENSION OF REQUIREMENT*
2 *FOR ANNUAL REPORT.*—Subsection (g) of such section is
3 amended by striking “2006” and inserting “2009”.

4 **SEC. 1104. TRANSFER OF PERSONNEL INVESTIGATIVE**
5 **FUNCTIONS AND RELATED PERSONNEL OF**
6 **THE DEPARTMENT OF DEFENSE.**

7 (a) *TRANSFER OF FUNCTIONS.*—(1) With the consent
8 of the Director of the Office of Personnel Management, the
9 Secretary of Defense may transfer to the Office of Personnel
10 Management the personnel security investigations functions
11 that, as of the date of the enactment of this Act, are per-
12 formed by the Defense Security Service of the Department
13 of Defense.

14 (2) The Director of the Office of Personnel Manage-
15 ment may accept a transfer of functions under paragraph
16 (1).

17 (3) Any transfer of a function under this subsection
18 is a transfer of function within the meaning of section 3503
19 of title 5, United States Code.

20 (b) *TRANSFER OF PERSONNEL.*—(1) If the Director of
21 the Office of Personnel Management accepts a transfer of
22 functions under subsection (a), the Secretary of Defense
23 shall also transfer to the Office of Personnel Management,
24 and the Director shall accept—

1 (A) the Defense Security Service employees who
2 perform those functions immediately before the trans-
3 fer of functions; and

4 (B) the Defense Security Service employees who,
5 as of such time, are first level supervisors of employ-
6 ees transferred under subparagraph (A).

7 (2) The Secretary may also transfer to the Office of
8 Personnel Management any Defense Security Service em-
9 ployees (including higher level supervisors) who provide
10 support services for the performance of the functions trans-
11 ferred under subsection (a) or for the personnel (including
12 supervisors) transferred under paragraph (1) if the
13 Director—

14 (A) determines that the transfer of such addi-
15 tional employees and the positions of such employees
16 to the Office of Personnel Management is necessary in
17 the interest of effective performance of the transferred
18 functions; and

19 (B) accepts the transfer of the additional em-
20 ployees.

21 (3) In the case of an employee transferred to the Office
22 of Personnel Management under paragraph (1) or (2),
23 whether a full-time or part-time employee—

1 (A) subsections (b) and (c) of section 5362 of
2 title 5, United States Code, relating to grade reten-
3 tion, shall apply to the employee, except that—

4 (i) the grade retention period shall be the
5 one-year period beginning on the date of the
6 transfer; and

7 (ii) paragraphs (1), (2), and (3) of such
8 subsection (c) shall not apply to the employee;
9 and

10 (B) the employee may not be separated, other
11 than pursuant to chapter 75 of title 5, United States
12 Code, during such one-year period.

13 (c) *ACTIONS AFTER TRANSFER.*—(1) Not later than
14 one year after a transfer of functions to the Office of Per-
15 sonnel Management under subsection (a), the Secretary of
16 Defense shall review all functions performed by personnel
17 of the Defense Security Service at the time of the transfer
18 and make a written determination regarding whether each
19 such function is inherently governmental or is otherwise in-
20 appropriate for performance by contractor personnel.

21 (2) A function performed by Defense Security Service
22 employees as of the date of the enactment of this Act may
23 not be converted to contractor performance by the Director
24 of the Office of Personnel Management until—

1 (A) the Secretary of Defense reviews the function
2 in accordance with the requirements of paragraph (1)
3 and makes a written determination that the function
4 is not inherently governmental and is not otherwise
5 inappropriate for contractor performance; and

6 (B) the Director conducts a public-private com-
7 petition regarding the performance of that function in
8 accordance with the requirements of the Office of
9 Management and Budget Circular A-76.

10 **TITLE XII—MATTERS RELATING**
11 **TO OTHER NATIONS**

12 **SEC. 1201. AUTHORITY TO USE FUNDS FOR PAYMENT OF**
13 **COSTS OF ATTENDANCE OF FOREIGN VISI-**
14 **TORS UNDER REGIONAL DEFENSE COUNTER-**
15 **TERRORISM FELLOWSHIP PROGRAM.**

16 (a) *AUTHORITY TO USE FUNDS.*—(1) Subchapter I of
17 chapter 134 of title 10, United States Code, is amended by
18 adding at the end the following new section:

19 “§2249c. *Authority to use appropriated funds for*
20 *costs of attendance of foreign visitors*
21 *under Regional Defense Counterterrorism*
22 *Fellowship Program*

23 “(a) *AUTHORITY TO USE FUNDS.*—Under regulations
24 prescribed by the Secretary of Defense, funds appropriated
25 to the Department of Defense may be used to pay any costs

1 *associated with the attendance of foreign military officers,*
2 *ministry of defense officials, or security officials at United*
3 *States military educational institutions, regional centers,*
4 *conferences, seminars, or other training programs con-*
5 *ducted under the Regional Defense Counterterrorism Fel-*
6 *lowship Program, including costs of transportation and*
7 *travel and subsistence costs.*

8 “(b) *LIMITATION.*—*The total amount of funds used*
9 *under the authority in subsection (a) in any fiscal year*
10 *may not exceed \$20,000,000.*

11 “(c) *ANNUAL REPORT.*—*Not later than December 1 of*
12 *each year, the Secretary of Defense shall submit to Congress*
13 *a report on the administration of this section during the*
14 *fiscal year ended in such year. The report shall include the*
15 *following matters:*

16 “(1) *A complete accounting of the expenditure of*
17 *appropriated funds for purposes authorized under*
18 *subsection (a), including—*

19 “(A) *the countries of the foreign officers and*
20 *officials for whom costs were paid; and*

21 “(B) *for each such country, the total*
22 *amount of the costs paid.*

23 “(2) *The training courses attended by the foreign*
24 *officers and officials, including a specification of*

1 *which, if any, courses were conducted in foreign coun-*
2 *tries.*

3 “(3) *An assessment of the effectiveness of the Re-*
4 *gional Defense Counterterrorism Fellowship Program*
5 *in increasing the cooperation of the governments of*
6 *foreign countries with the United States in the global*
7 *war on terrorism.*

8 “(4) *A discussion of any actions being taken to*
9 *improve the program.*”.

10 (2) *The table of sections at the beginning of such sub-*
11 *chapter is amended by adding at the end the following new*
12 *item:*

*“2249c. Authority to use appropriated funds for costs of attendance of foreign
visitors under Regional Defense Counterterrorism Fellowship
Program.”.*

13 (b) *NOTIFICATION OF CONGRESS.*—*Not later than De-*
14 *cember 1, 2003, the Secretary of Defense shall—*

15 (1) *promulgate the final regulations for carrying*
16 *out section 2249c of title 10, United States Code, as*
17 *added by subsection (a); and*

18 (2) *notify the congressional defense committees of*
19 *the promulgation of such regulations.*

1 **SEC. 1202. AVAILABILITY OF FUNDS TO RECOGNIZE SUPE-**
2 **RIOR NONCOMBAT ACHIEVEMENTS OR PER-**
3 **FORMANCE OF MEMBERS OF FRIENDLY FOR-**
4 **EIGN FORCES AND OTHER FOREIGN NATION-**
5 **ALS.**

6 (a) *IN GENERAL.*—Chapter 53 of title 10, United
7 States Code, is amended by inserting the following new sec-
8 tion:

9 **“§ 1051a. Bilateral or regional cooperation programs:**
10 **availability of funds to recognize superior**
11 **noncombat achievements or performance**

12 *“(a) IN GENERAL.*—The Secretary of Defense may ex-
13 pend amounts available to the Department of Defense or
14 the military departments for operation and maintenance
15 for the purpose of recognizing superior noncombat achieve-
16 ments or performance of members of friendly foreign forces,
17 or other foreign nationals, that significantly enhance or
18 support the national security strategy of the United States.

19 *“(b) COVERED ACHIEVEMENTS OR PERFORMANCE.*—
20 The achievements or performance that may be recognized
21 under subsection (a) include achievements or performance
22 that—

23 *“(1) play a crucial role in shaping the inter-*
24 *national security environment in a manner that pro-*
25 *TECTS AND PROMOTES THE INTERESTS OF THE UNITED STATES;*

1 (2) *by striking the period at the end of para-*
2 *graph (7) and inserting “; or”;* and

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

5 “(8) *a member of the armed forces of a foreign*
6 *nation who is participating in a combined operation,*
7 *combined exercise, or combined humanitarian or*
8 *peacekeeping mission that is carried out with armed*
9 *forces of the United States pursuant to an alliance or*
10 *coalition of the foreign nation with the United States*
11 *if—*

12 “(A) *the senior commander of the armed*
13 *forces of the United States participating in the*
14 *operation, exercise, or mission has authorized the*
15 *action under paragraph (1) or (2) of subsection*
16 *(a);*

17 “(B) *the government of the foreign nation*
18 *has guaranteed payment for any deficiency re-*
19 *sulting from such action; and*

20 “(C) *in the case of an action on a nego-*
21 *tiable instrument, the negotiable instrument is*
22 *drawn on a financial institution located in the*
23 *United States or on a foreign branch of such an*
24 *institution.”.*

1 **SEC. 1204. CLARIFICATION AND EXTENSION OF AUTHOR-**
2 **ITY TO PROVIDE ASSISTANCE FOR INTER-**
3 **NATIONAL NONPROLIFERATION ACTIVITIES.**

4 (a) *LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-*
5 *CAL YEAR 2004.*—*The total amount of the assistance for*
6 *fiscal year 2004 that is provided by the Secretary of Defense*
7 *under section 1505 of the Weapons of Mass Destruction*
8 *Control Act of 1992 (22 U.S.C. 5859a), including funds*
9 *used for activities of the Department of Defense in support*
10 *of the United Nations Monitoring, Verification and Inspec-*
11 *tion Commission, shall not exceed \$15,000,000.*

12 (b) *EXTENSION OF AUTHORITY TO PROVIDE ASSIST-*
13 *ANCE.*—*Subsection (f) of section 1505 of the Weapons of*
14 *Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)*
15 *is amended by striking “fiscal year 2003” and inserting*
16 *“fiscal year 2004”.*

17 (c) *REFERENCES TO UNITED NATIONS SPECIAL COM-*
18 *MISSION ON IRAQ.*—*Section 1505 of the Weapons of Mass*
19 *Destruction Control Act of 1992 (22 U.S.C. 5859a) is fur-*
20 *ther amended—*

21 (1) *in subsection (b)(2), by striking “United Na-*
22 *tions Special Commission on Iraq (or any successor*
23 *organization)” and inserting “United Nations Moni-*
24 *toring, Verification and Inspection Commission”;* and

25 (2) *in subsection (d)(4)(A), by striking “United*
26 *Nations Special Commission on Iraq (or any suc-*

1 (A) *An assessment of the Department of Defense*
2 *costs of monitoring the satellite launches described in*
3 *paragraph (1).*

4 (B) *A review of the costs reimbursed to the De-*
5 *partment of Defense by each person or entity receiv-*
6 *ing the satellite launch monitoring services, including*
7 *the extent to which indirect costs have been included.*

8 **SEC. 1206. ANNUAL REPORT ON THE NATO PRAGUE CAPA-**
9 **BILITIES COMMITMENT AND THE NATO RE-**
10 **SPONSE FORCE.**

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

12 (1) *At the meeting of the North Atlantic Council*
13 *held in Prague in November 2002, the heads of states*
14 *and governments of the North Atlantic Treaty Orga-*
15 *nization (NATO) launched a Prague Capabilities*
16 *Commitment and decided to create a NATO Response*
17 *Force.*

18 (2) *The Prague Capabilities Commitment is part*
19 *of the continuing NATO effort to improve and develop*
20 *new military capabilities for modern warfare in a*
21 *high-threat environment. As part of this commitment,*
22 *individual NATO allies have made firm and specific*
23 *political commitments to improve their capabilities*
24 *in the areas of—*

1 (A) chemical, biological, radiological, and
2 nuclear defense;

3 (B) intelligence, surveillance, and target ac-
4 quisition;

5 (C) air-to-ground surveillance;

6 (D) command, control, and communica-
7 tions;

8 (E) combat effectiveness, including precision
9 guided munitions and suppression of enemy air
10 defenses;

11 (F) strategic air and sea lift;

12 (G) air-to-air refueling; and

13 (H) deployable combat support and combat
14 service support units.

15 (3) *The NATO Response Force is envisioned to*
16 *be a technologically advanced, flexible, deployable,*
17 *interoperable, and sustainable force that includes*
18 *land, sea, and air elements ready to move quickly to*
19 *wherever needed, as determined by the North Atlantic*
20 *Council. The NATO Response Force is also intended*
21 *to be a catalyst for focusing and promoting improve-*
22 *ments in NATO's military capabilities. It is expected*
23 *to have initial operational capability by October*
24 *2004, and full operational capability by October*
25 *2006.*

1 **(b) ANNUAL REPORT.**—(1) *Not later than January 31*
2 *of each year, the Secretary of Defense shall submit to the*
3 *Committees on Armed Services and Foreign Relations of*
4 *the Senate and the Committees on Armed Services and*
5 *International Relations of the House of Representatives a*
6 *report, to be prepared in consultation with the Secretary*
7 *of State, on implementation of the Prague Capabilities*
8 *Commitment and development of the NATO Response Force*
9 *by the member nations of NATO. The report shall include*
10 *the following matters:*

11 **(A)** *A description of the actions taken by NATO*
12 *as a whole and by each member nation of NATO*
13 *other than the United States to further the Prague*
14 *Capabilities Commitment, including any actions*
15 *taken to improve capability shortfalls in the areas*
16 *identified for improvement.*

17 **(B)** *A description of the actions taken by NATO*
18 *as a whole and by each member nation of NATO, in-*
19 *cluding the United States, to create the NATO Re-*
20 *sponse Force.*

21 **(C)** *A discussion of the relationship between*
22 *NATO's efforts to improve capabilities through the*
23 *Prague Capabilities Commitment and those of the*
24 *European Union to enhance European capabilities*
25 *through the European Capabilities Action Plan, in-*

1 cluding the extent to which they are mutually rein-
2 forcing.

3 (D) A discussion of NATO decisionmaking on
4 the implementation of the Prague Capabilities Com-
5 mitment and the development of the NATO Response
6 Force, including—

7 (i) an assessment of whether the Prague Ca-
8 pabilities Commitment and the NATO Response
9 Force are the sole jurisdiction of the Defense
10 Planning Committee, the North Atlantic Council,
11 or the Military Committee;

12 (ii) a description of the circumstances
13 which led to the defense, military, security, and
14 nuclear decisions of NATO on matters such as
15 the Prague Capabilities Commitment and the
16 NATO Response Force being made in bodies
17 other than the Defense Planning Committee;

18 (iii) a description of the extent to which
19 any member that does not participate in the in-
20 tegrated military structure of NATO contributes
21 to each of the component committees of NATO,
22 including any and all committees relevant to the
23 Prague Capabilities Commitment and the NATO
24 Response Force;

1 (iv) a description of the extent to which any
2 member that does not participate in the inte-
3 grated military structure of NATO participates
4 in deliberations and decisions of NATO on re-
5 source policy, contribution ceilings, infrastruc-
6 ture, force structure, modernization, threat as-
7 sessments, training, exercises, deployments, and
8 other issues related to the Prague Capabilities
9 Commitment or the NATO Response Force;

10 (v) a description and assessment of the im-
11 pediments, if any, that would preclude or limit
12 NATO from conducting deliberations and mak-
13 ing decisions on matters such as the Prague Ca-
14 pabilities Commitment or the NATO Response
15 Force solely in the Defense Planning Committee;

16 (vi) the recommendations of the Secretary of
17 Defense on streamlining defense, military, and
18 security decisionmaking within NATO relating
19 to the Prague Capabilities Commitment, and
20 NATO Response Force, and other matters, in-
21 cluding an assessment of the feasibility and ad-
22 visability of the greater utilization of the Defense
23 Planning Committee for such purposes; and

24 (vii) if a report under this subparagraph is
25 a report other than the first report under this

1 subparagraph, the information submitted in such
2 report under any of clauses (i) through (vi) may
3 consist solely of an update of any information
4 previously submitted under the applicable clause
5 in a preceding report under this subparagraph.

6 (2) The report shall be submitted in unclassified form,
7 but may also be submitted in classified form if necessary.

8 **SEC. 1207. EXPANSION AND EXTENSION OF AUTHORITY TO**
9 **PROVIDE ADDITIONAL SUPPORT FOR**
10 **COUNTER-DRUG ACTIVITIES.**

11 (a) *GENERAL EXTENSION OF AUTHORITY.*—Section
12 1033 of the National Defense Authorization Act for Fiscal
13 Year 1998 (Public Law 105–85; 111 Stat. 1881), as amend-
14 ed by section 1021 of the Floyd D. Spence National Defense
15 Authorization Act for Fiscal Year 2001 (as enacted into law
16 by Public Law 106–398; 114 Stat. 1654A–255), is further
17 amended—

18 (1) in subsection (a)—

19 (A) by inserting after “subsection (f),” the
20 following: “during fiscal years 1998 through
21 2006 in the case of the foreign governments
22 named in paragraphs (1) and (2) of subsection
23 (b), and fiscal years 2004 through 2006 in the
24 case of the foreign governments named in para-
25 graphs (3) through (9) of subsection (b),”; and

1 (B) by striking “either or both” and insert-
2 ing “any”; and

3 (2) in subsection (b)—

4 (A) in paragraph (1), by striking “, for fis-
5 cal years 1998 through 2002”; and

6 (B) in paragraph (2), by striking “, for fis-
7 cal years 1998 through 2006”.

8 (b) *ADDITIONAL GOVERNMENTS ELIGIBLE TO RE-*
9 *CEIVE SUPPORT.*—Subsection (b) of such section 1033 is
10 further amended by adding at the end the following new
11 paragraphs:

12 “(3) *The Government of Afghanistan.*

13 “(4) *The Government of Bolivia.*

14 “(5) *The Government of Ecuador.*

15 “(6) *The Government of Pakistan.*

16 “(7) *The Government of Tajikistan.*

17 “(8) *The Government of Turkmenistan.*

18 “(9) *The Government of Uzbekistan.*”.

19 (c) *TYPES OF SUPPORT.*—Subsection (c) of such sec-
20 tion 1033 is amended—

21 (1) in paragraph (2), by striking “riverine”; and

22 (2) in paragraph (3), by inserting “or upgrade”
23 after “maintenance and repair”.

24 (d) *MAXIMUM ANNUAL AMOUNT OF SUPPORT.*—Sub-
25 section (e)(2) of such section 1033, as amended by such sec-

1 tion 1021, is further amended by striking “\$20,000,000
 2 during any of the fiscal years 1999 through 2006” and in-
 3 serting “\$20,000,000 during any of fiscal years 1999
 4 through 2003, or \$40,000,000 during any of fiscal years
 5 2004 through 2006”.

6 (e) *COUNTER-DRUG PLAN*.—(1) Subsection (h) of such
 7 section 1033 is amended—

8 (A) in the subsection caption, by striking
 9 “*RIVERINE*”;

10 (B) in the matter preceding paragraph (1)—

11 (i) by inserting “in the case of the govern-
 12 ments named in paragraphs (1) and (2) of sub-
 13 section (b) and for fiscal year 2004 in the case
 14 of the governments named in paragraphs (3)
 15 through (9) of subsection (b)”;

16 (ii) by striking “riverine”; and

17 (C) by striking “riverine” each place it appears
 18 in paragraphs (2), (7), (8), and (9).

19 (2) Subsection (f)(2)(A) of such section 1033 is amend-
 20 ed by striking “riverine”.

21 (f) *CLERICAL AMENDMENT*.—The heading for such sec-
 22 tion 1033 is amended by striking “**PERU AND COLOM-**
 23 **BIA**” and inserting “**OTHER COUNTRIES**”.

1 **SEC. 1208. USE OF FUNDS FOR UNIFIED COUNTERDRUG**
2 **AND COUNTERTERRORISM CAMPAIGN IN CO-**
3 **LOMBIA.**

4 (a) *AUTHORITY.*—(1) *In fiscal years 2004 and 2005,*
5 *the Secretary of Defense may use funds available for assist-*
6 *ance to the Government of Colombia to support a unified*
7 *campaign against narcotics trafficking and against activi-*
8 *ties by organizations designated as terrorist organizations*
9 *such as the Revolutionary Armed Forces of Colombia*
10 *(FARC), the National Liberation Army (ELN), and the*
11 *United Self-Defense Forces of Colombia (AUC).*

12 (2) *The authority to provide assistance for a campaign*
13 *under this subsection includes authority to take actions to*
14 *protect human health and welfare in emergency cir-*
15 *cumstances, including the undertaking of rescue operations.*

16 (b) *APPLICABILITY OF CERTAIN LAWS AND LIMITA-*
17 *TIONS.*—*The use of funds pursuant to the authority in sub-*
18 *section (a) shall be subject to the following:*

19 (1) *Sections 556, 567, and 568 of the Foreign*
20 *Operations, Export Financing, and Related Programs*
21 *Appropriations Act, 2002 (Public Law 107–115; 115*
22 *Stat. 2160, 2165, and 2166).*

23 (2) *Section 8093 of the Department of Defense*
24 *Appropriations Act, 2002 (division A of Public Law*
25 *107–117; 115 Stat. 2267).*

1 *struction activities in Iraq and shall conduct a full and*
 2 *open competition for performing work needed for the recon-*
 3 *struction of the Iraqi oil industry.*

4 **(b) REPORT TO CONGRESS.**—*If the Department of De-*
 5 *fense does not have a fully competitive contract in place*
 6 *to replace the March 8, 2003 contract for the reconstruction*
 7 *of the Iraqi oil industry by August 31, 2003, the Secretary*
 8 *of Defense shall submit a report to Congress by September*
 9 *30, 2003, detailing the reasons for allowing this sole-source*
 10 *contract to continue. A follow-up report shall be submitted*
 11 *to Congress each 60 days thereafter until a competitive con-*
 12 *tract is in place.*

13 **TITLE XIII—COOPERATIVE**
 14 **THREAT REDUCTION WITH**
 15 **STATES OF THE FORMER SO-**
 16 **VIET UNION**

17 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
 18 **DUCTION PROGRAMS AND FUNDS.**

19 **(a) SPECIFICATION OF CTR PROGRAMS.**—*For pur-*
 20 *poses of section 301 and other provisions of this Act, Coop-*
 21 *erative Threat Reduction programs are the programs speci-*
 22 *fied in section 1501(b) of the National Defense Authoriza-*
 23 *tion Act for Fiscal Year 1997 (Public Law 104–201; 110*
 24 *Stat. 2731; 50 U.S.C. 2362 note).*

1 (b) *FISCAL YEAR 2004 COOPERATIVE THREAT REDUC-*
2 *TION FUNDS DEFINED.*—As used in this title, the term “fis-
3 cal year 2004 Cooperative Threat Reduction funds” means
4 the funds appropriated pursuant to the authorization of ap-
5 propriations in section 301 for Cooperative Threat Reduc-
6 tion programs.

7 (c) *AVAILABILITY OF FUNDS.*—Funds appropriated
8 pursuant to the authorization of appropriations in section
9 301 for Cooperative Threat Reduction programs shall be
10 available for obligation for three fiscal years.

11 **SEC. 1302. FUNDING ALLOCATIONS.**

12 (a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the
13 \$450,800,000 authorized to be appropriated to the Depart-
14 ment of Defense for fiscal year 2004 in section 301(22) for
15 Cooperative Threat Reduction programs, not more than the
16 following amounts may be obligated for the purposes speci-
17 fied:

18 (1) *For strategic offensive arms elimination in*
19 *Russia, \$57,600,000.*

20 (2) *For strategic nuclear arms elimination in*
21 *Ukraine, \$3,900,000.*

22 (3) *For nuclear weapons transportation security*
23 *in Russia, \$23,200,000.*

24 (4) *For weapons storage security in Russia,*
25 *\$48,000,000.*

1 (5) *For weapons of mass destruction prolifera-*
2 *tion prevention activities in the states of the former*
3 *Soviet Union, \$39,400,000.*

4 (6) *For chemical weapons destruction in Russia,*
5 *\$200,300,000.*

6 (7) *For biological weapons proliferation preven-*
7 *tion activities in the former Soviet Union,*
8 *\$54,200,000.*

9 (8) *For defense and military contacts,*
10 *\$11,000,000.*

11 (9) *For activities designated as Other Assess-*
12 *ments/Administrative Support, \$13,100,000.*

13 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*
14 *FUNDS FOR OTHER PURPOSES.—No fiscal year 2004 Coop-*
15 *erative Threat Reduction funds may be obligated or ex-*
16 *pended for a purpose other than a purpose listed in para-*
17 *graphs (1) through (9) of subsection (a) until 30 days after*
18 *the date that the Secretary of Defense submits to Congress*
19 *a report on the purpose for which the funds will be obligated*
20 *or expended and the amount of funds to be obligated or ex-*
21 *pended. Nothing in the preceding sentence shall be construed*
22 *as authorizing the obligation or expenditure of fiscal year*
23 *2004 Cooperative Threat Reduction funds for a purpose for*
24 *which the obligation or expenditure of such funds is specifi-*

1 *cally prohibited under this title or any other provision of*
2 *law.*

3 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*
4 *AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any*
5 *case in which the Secretary of Defense determines that it*
6 *is necessary to do so in the national interest, the Secretary*
7 *may obligate amounts appropriated for fiscal year 2004 for*
8 *a purpose listed in any of the paragraphs in subsection (a)*
9 *in excess of the amount specifically authorized for such pur-*
10 *pose.*

11 (2) *An obligation of funds for a purpose stated in any*
12 *of the paragraphs in subsection (a) in excess of the specific*
13 *amount authorized for such purpose may be made using*
14 *the authority provided in paragraph (1) only after—*

15 (A) *the Secretary submits to Congress notifica-*
16 *tion of the intent to do so together with a complete*
17 *discussion of the justification for doing so; and*

18 (B) *15 days have elapsed following the date of*
19 *the notification.*

20 (3) *The Secretary may not, under the authority pro-*
21 *vided in paragraph (1), obligate amounts for a purpose*
22 *stated in any of paragraphs (6) through (9) of subsection*
23 *(a) in excess of 125 percent of the specific amount author-*
24 *ized for such purpose.*

1 **SEC. 1303. ANNUAL CERTIFICATIONS ON USE OF FACILI-**
2 **TIES BEING CONSTRUCTED FOR COOPERA-**
3 **TIVE THREAT REDUCTION PROJECTS OR AC-**
4 **TIVITIES.**

5 (a) *CERTIFICATION ON USE OF FACILITIES BEING*
6 *CONSTRUCTED.*—Not later than the first Monday of Feb-
7 ruary each year, the Secretary of Defense shall submit to
8 the congressional defense committees a certification for each
9 facility for a Cooperative Threat Reduction project or activ-
10 ity for which construction occurred during the preceding
11 fiscal year on matters as follows:

12 (1) *Whether or not such facility will be used for*
13 *its intended purpose by the country in which the fa-*
14 *cility is constructed.*

15 (2) *Whether or not the country remains com-*
16 *mitted to the use of such facility for its intended pur-*
17 *pose.*

18 (b) *APPLICABILITY.*—Subsection (a) shall apply to—

19 (1) *any facility the construction of which com-*
20 *mences on or after the date of the enactment of this*
21 *Act; and*

22 (2) *any facility the construction of which is on-*
23 *going as of that date.*

1 **SEC. 1304. AUTHORITY TO USE COOPERATIVE THREAT RE-**
2 **DUCTION FUNDS OUTSIDE THE FORMER SO-**
3 **VIET UNION.**

4 (a) *AUTHORITY.*—*The President may obligate and ex-*
5 *pend Cooperative Threat Reduction funds for a fiscal year,*
6 *and any Cooperative Threat Reduction funds for a fiscal*
7 *year before such fiscal year that remain available for obliga-*
8 *tion, for a proliferation threat reduction project or activity*
9 *outside the states of the former Soviet Union if the President*
10 *determines that such project or activity will—*

11 (1) *assist the United States in the resolution of*
12 *a critical emerging proliferation threat; or*

13 (2) *permit the United States to take advantage*
14 *of opportunities to achieve long-standing non-*
15 *proliferation goals.*

16 (b) *SCOPE OF AUTHORITY.*—*The authority in sub-*
17 *section (a) to obligate and expend funds for a project or*
18 *activity includes authority to provide equipment, goods,*
19 *and services for the project or activity utilizing such funds,*
20 *but does not include authority to provide cash directly to*
21 *the project or activity.*

22 (c) *LIMITATION.*—*The amount that may be obligated*
23 *in a fiscal year under the authority in subsection (a) may*
24 *not exceed \$50,000,000.*

25 (d) *ADDITIONAL LIMITATIONS AND REQUIREMENTS.*—
26 *Except as otherwise provided in subsections (a) and (b),*

1 *the exercise of the authority in subsection (a) shall be subject*
2 *to any requirement or limitation under another provision*
3 *of law as follows:*

4 (1) *Any requirement for prior notice or other re-*
5 *ports to Congress on the use of Cooperative Threat*
6 *Reduction funds or on Cooperative Threat Reduction*
7 *projects or activities.*

8 (2) *Any limitation on the obligation or expendi-*
9 *ture of Cooperative Threat Reduction funds.*

10 (3) *Any limitation on Cooperative Threat Re-*
11 *duction projects or activities.*

12 **SEC. 1305. ONE-YEAR EXTENSION OF INAPPLICABILITY OF**
13 **CERTAIN CONDITIONS ON USE OF FUNDS**
14 **FOR CHEMICAL WEAPONS DESTRUCTION.**

15 *Section 8144 of Public Law 107–248 (116 Stat. 1571)*
16 *is amended—*

17 (1) *in subsection (a), by striking “and 2003”*
18 *and inserting “2003, and 2004”; and*

19 (2) *in subsection (b), by striking “September 30,*
20 *2003” and inserting “September 30, 2004”.*

1 ***DIVISION B—MILITARY CON-***
 2 ***STRUCTION AUTHORIZA-***
 3 ***TIONS***

4 ***SEC. 2001. SHORT TITLE.***

5 *This division may be cited as the “Military Construc-*
 6 *tion Authorization Act for Fiscal Year 2004”.*

7 ***TITLE XXI—ARMY***

8 ***SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND***
 9 ***ACQUISITION PROJECTS.***

10 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 11 *propriated pursuant to the authorization of appropriations*
 12 *in section 2104(a)(1), the Secretary of the Army may ac-*
 13 *quire real property and carry out military construction*
 14 *projects for the installations and locations inside the United*
 15 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Redstone Arsenal</i>	<i>\$5,500,000</i>
	<i>Fort Richardson</i>	<i>\$10,700,000</i>
<i>Alaska</i>	<i>Fort Wainwright</i>	<i>\$138,800,000</i>
<i>Georgia</i>	<i>Fort Benning</i>	<i>\$30,000,000</i>
	<i>Fort Stewart/Hunter Army Air</i> <i>Field</i>	<i>\$138,550,000</i>
	<i>Fort Gordon</i>	<i>\$4,350,000</i>
<i>Hawaii</i>	<i>Helemano Military Reservation</i>	<i>\$20,800,000</i>
	<i>Schofield Barracks</i>	<i>\$100,000,000</i>
<i>Kansas</i>	<i>Fort Leavenworth</i>	<i>\$115,000,000</i>
	<i>Fort Riley</i>	<i>\$40,000,000</i>
<i>Kentucky</i>	<i>Fort Knox</i>	<i>\$13,500,000</i>
<i>Louisiana</i>	<i>Fort Polk</i>	<i>\$72,000,000</i>
<i>Maryland</i>	<i>Aberdeen Proving Ground</i>	<i>\$13,000,000</i>
	<i>Fort Meade</i>	<i>\$9,600,000</i>
<i>New York</i>	<i>Fort Drum</i>	<i>\$125,500,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>\$152,000,000</i>
<i>Oklahoma</i>	<i>Fort Sill</i>	<i>\$3,500,000</i>
<i>Texas</i>	<i>Fort Hood</i>	<i>\$49,800,000</i>
<i>Virginia</i>	<i>Fort Myer</i>	<i>\$9,000,000</i>
<i>Washington</i>	<i>Fort Lewis</i>	<i>\$3,900,000</i>

Army: Inside the United States—Continued

State	Installation or location	Amount
	<i>Total</i>	\$1,055,500,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Army: Outside the United States

Country	Installation or location	Amount
<i>Italy</i>	<i>Aviano Air Base</i>	\$15,500,000
	<i>Livorno</i>	\$22,000,000
<i>Korea</i>	<i>Camp Humphreys</i>	\$105,000,000
<i>Kwajalein Atoll</i>	<i>Kwajalein Atoll</i>	\$9,400,000
	<i>Total</i>	\$151,900,000

8 **SEC. 2102. FAMILY HOUSING.**

9 (a) *CONSTRUCTION AND ACQUISITION.*—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2104(a)(6)(A), the Secretary of the
12 Army may construct or acquire family housing units (in-
13 cluding land acquisition and supporting facilities) at the
14 installations, for the purposes, and in the amounts set forth
15 in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
<i>Alaska</i>	<i>Fort Wainwright</i>	140 Units	\$64,000,000
<i>Arizona</i>	<i>Fort Huachuca</i>	220 Units	\$41,000,000
<i>Kansas</i>	<i>Fort Riley</i>	72 Units	\$16,700,000
<i>Kentucky</i>	<i>Fort Knox</i>	178 Units	\$41,000,000
<i>New Mexico</i>	<i>White Sands Missile Range</i>	58 Units	\$14,600,000
<i>Oklahoma</i>	<i>Fort Sill</i>	120 Units	\$25,373,000

1 (1) *For military construction projects inside the*
2 *United States authorized by section 2101(a),*
3 *\$843,500,000.*

4 (2) *For military construction projects outside the*
5 *United States authorized by section 2101(b),*
6 *\$151,900,000.*

7 (3) *For unspecified minor construction projects*
8 *authorized by section 2805 of title 10, United States*
9 *Code, \$20,000,000.*

10 (4) *For architectural and engineering services*
11 *and construction design under section 2807 of title*
12 *10, United States Code, \$122,710,000.*

13 (5) *For military family housing functions:*

14 (A) *For construction and acquisition, plan-*
15 *ning and design, and improvement of military*
16 *family housing and facilities, \$409,191,000.*

17 (B) *For support of military family housing*
18 *(including the functions described in section*
19 *2833 of title 10, United States Code),*
20 *\$1,031,853,000.*

21 (6) *For the construction of phase 3 of Saddle Ac-*
22 *cess Road, Pohakoula Training Facility, Hawaii, au-*
23 *thorized by section 2101(a) of the Military Construc-*
24 *tion Authorization Act for Fiscal Year 2001 (division*
25 *B of the Floyd D. Spence National Defense Authoriza-*

1 *tion Act for Fiscal Year 2001 (as enacted into law by*
2 *Public Law 106–398; 114 Stat. 1654A–389)), as*
3 *amended by section 2107 of this Act, \$17,000,000.*

4 (7) *For the construction of phase 3 of a barracks*
5 *complex, D Street, at Fort Richardson, Alaska, au-*
6 *thorized by section 2101(a) of the Military Construc-*
7 *tion Authorization Act for Fiscal Year 2002 (division*
8 *B of Public Law 107–107; 115 Stat. 1280), as*
9 *amended by section 2107 of this Act, \$33,000,000.*

10 (8) *For the construction of phase 3 of a barracks*
11 *complex, 17th and B Streets, at Fort Lewis, Wash-*
12 *ington, authorized by section 2101(a) of the Military*
13 *Construction Authorization Act for Fiscal Year 2002*
14 *(division B of Public Law 107–107; 115 Stat. 1280),*
15 *\$48,000,000.*

16 (9) *For the construction of phase 2 of a barracks*
17 *complex, Capron Road, at Schofield Barracks, Ha-*
18 *waii, authorized by section 2101(a) of the Military*
19 *Construction Authorization Act for Fiscal Year 2003*
20 *(division B of Public Law 107–314; 116 Stat. 2681),*
21 *\$49,000,000.*

22 (10) *For the construction of phase 2 of a com-*
23 *bined arms collective training facility at Fort Riley,*
24 *Kansas, authorized by section 2101(a) of the Military*
25 *Construction Authorization Act for Fiscal Year 2003*

1 *(division B of Public Law 107–314; 116 Stat. 2681),*
2 *\$13,600,000.*

3 *(11) For the construction of phase 2 of a bar-*
4 *racks complex, Range Road, at Fort Campbell, Ken-*
5 *tucky, authorized by section 2101(a) of the Military*
6 *Construction Authorization Act for Fiscal Year 2003*
7 *(division B of Public Law 107–314; 116 Stat. 2681),*
8 *\$49,000,000.*

9 *(12) For the construction of phase 2 of a mainte-*
10 *nance complex at Fort Sill, Oklahoma, authorized by*
11 *section 2101(a) of the Military Construction Author-*
12 *ization Act for Fiscal year 2003 (division B of Public*
13 *Law 107–314; 116 Stat. 2681) \$13,000,000.*

14 ***(b) LIMITATION ON TOTAL COST OF CONSTRUCTION***
15 ***PROJECTS.—Notwithstanding the cost variations author-***
16 ***ized by section 2853 of title 10, United States Code, and***
17 ***any other cost variation authorized by law, the total cost***
18 ***of all projects carried out under section 2101 of this Act***
19 ***may not exceed the sum of—***

20 *(1) the total amount authorized to be appro-*
21 *priated under paragraphs (1), and (2) of subsection*
22 *(a);*

23 *(2) \$32,000,000 (the balance of the amount au-*
24 *thorized under section 2101(a) for construction of a*
25 *barracks, Fort Stewart, Georgia);*

1 (3) \$87,000,000 (the balance of the amount au-
2 thorized under section 2101(a) for construction of a
3 Lewis and Clark instructional facility, Fort Leaven-
4 worth, Kansas);

5 (4) \$43,000,000 (the balance of the amount au-
6 thorized under section 2101(a) for the construction of
7 a barracks complex, Wheeler-Sack Army Airfield, Fort
8 Drum, New York); and

9 (5) \$50,000,000 (the balance of the amount au-
10 thorized under section 2101(a) for construction of a
11 barracks complex, Bastogne Drive, Fort Bragg, North
12 Carolina).

13 **SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT**
14 **CERTAIN FISCAL YEAR 2003 PROJECTS.**

15 (a) **MILITARY CONSTRUCTION PROJECTS OUTSIDE**
16 **THE UNITED STATES.**—The table in section 2101(b) of the
17 *Military Construction Authorization Act for Fiscal Year*
18 *2003* (division B of Public Law 107–314; 116 Stat. 2682)
19 *is amended—*

20 (1) *by striking the item relating to Area Support*
21 *Group, Bamberg, Germany;*

22 (2) *by striking the item relating to Coleman*
23 *Barracks, Germany;*

24 (3) *by striking the item relating to Darmstadt,*
25 *Germany;*

1 (4) *by striking the item relating to Mannheim,*
2 *Germany;*

3 (5) *by striking the item relating to Schweinfurt,*
4 *Germany; and*

5 (6) *by striking the amount identified as the total*
6 *in the amount column and inserting “\$288,066,000”.*

7 (b) *FAMILY HOUSING OUTSIDE THE UNITED*
8 *STATES.—The table in section 2102(a) of that Act (116*
9 *Stat. 2683) is amended—*

10 (1) *by striking the item relating to Yongsan,*
11 *Korea; and*

12 (2) *by striking the amount identified as the total*
13 *in the amount column and inserting “\$23,852,000”.*

14 (c) *IMPROVEMENTS TO MILITARY FAMILY HOUSING*
15 *UNITS.—Section 2103 of that Act (116 Stat. 2683) is*
16 *amended by striking “\$239,751,000” and inserting*
17 *“\$190,551,000”.*

18 (d) *CONFORMING AMENDMENTS.—Section 2104(a) of*
19 *that Act (116 Stat. 2683) is amended—*

20 (1) *in the matter preceding paragraph (1), by*
21 *striking “\$3,104,176,000” and inserting*
22 *“\$2,985,826,000”;*

23 (2) *in paragraph (2), by striking*
24 *“\$354,116,000” and inserting “\$288,066,000”; and*

1 (3) in paragraph (6)(A), by striking
2 “\$282,356,000” and inserting “\$230,056,000”.

3 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**
4 **CERTAIN FISCAL YEAR 2003 PROJECTS.**

5 (a) *MILITARY CONSTRUCTION INSIDE THE UNITED*
6 *STATES.*—*The table in section 2101(a) of the Military Con-*
7 *struction Authorization Act for Fiscal Year 2003 (division*
8 *B of Public Law 107–314; 116 Stat. 2681) is amended—*

9 (1) *in the item relating to Fort Riley, Kansas,*
10 *by striking “\$81,095,000” in the amount column and*
11 *inserting “\$81,495,000”; and*

12 (2) *by striking the amount identified as the total*
13 *in the amount column and inserting*
14 *“\$1,156,167,000”.*

15 (b) *MILITARY CONSTRUCTION OUTSIDE THE UNITED*
16 *STATES.*—*The table in section 2101(b) of that Act (116*
17 *Stat. 2682) is amended—*

18 (1) *by striking the item relating to Camp Castle,*
19 *Korea;*

20 (2) *by striking the item relating to Camp Hovey,*
21 *Korea;*

22 (3) *in the item relating to Camp Humphreys,*
23 *Korea, by striking “\$36,000,000” in the amount col-*
24 *umn and inserting “\$107,800,000” ; and*

1 (4) by striking the item relating to K16 Airfield,
2 Korea.

3 (c) *CONFORMING AMENDMENT.*—Section 2104(b)(4) of
4 that Act (116 Stat. 2684) is amended by striking
5 “\$13,200,000” and inserting “\$13,600,000”.

6 **SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT**
7 **CERTAIN FISCAL YEAR 2002 PROJECT.**

8 (a) *MODIFICATION.*—The table in section 2101(a) of
9 the Military Construction Authorization Act for Fiscal Year
10 2002 (division B of Public Law 107-107; 115 Stat. 1281),
11 as amended by section 2105 of the Military Construction
12 Authorization Act for Fiscal Year 2003 (division B of Pub-
13 lic Law 107-314; 116 Stat. 2689), is further amended—

14 (1) in the item relating to Fort Richardson,
15 Alaska, by striking “\$115,000,000” in the amount
16 column and inserting “\$117,000,000”; and

17 (2) by striking the amount identified as the total
18 in the amount column and inserting
19 “\$1,364,750,000”.

20 (b) *CONFORMING AMENDMENT.*—Section 2104(b)(2) of
21 that Act (115 Stat. 1284) is amended by striking
22 “\$52,000,000” and inserting “\$54,000,000”.

1 **SEC. 2108. MODIFICATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2001 PROJECT.**

3 (a) *IN GENERAL.*—*The table in section 2101(a) of the*
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2001 (division B of the Floyd D. Spence National Defense*
 6 *Authorization Act for Fiscal Year 2001 (as enacted into law*
 7 *by Public Law 106–398; 114 Stat. 1654A–389)), as amend-*
 8 *ed by section 2105 of the Military Construction Authoriza-*
 9 *tion Act for Fiscal Year 2002 (division B of Public Law*
 10 *107–107; 115 Stat. 1285), is further amended—*

11 (1) *in the item relating to Pohakoula Training*
 12 *Facility, Hawaii, by striking “\$32,000,000” in the*
 13 *amount column and inserting “\$42,000,000”; and*

14 (2) *by striking the amount identified as the total*
 15 *in the amount column and inserting “\$636,374,000”.*

16 (b) *CONFORMING AMENDMENT.*—*Section 2104(b)(7) of*
 17 *the Military Construction Authorization Act for Fiscal Year*
 18 *2001 (114 Stat. 1654A–392) is amended by striking*
 19 *“\$20,000,000” and inserting “\$30,000,000”.*

20 **TITLE XXII—NAVY**

21 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 22 **ACQUISITION PROJECTS.**

23 (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*
 24 *propriated pursuant to the authorization of appropriations*
 25 *in section 2204(a)(1), the Secretary of the Navy may ac-*
 26 *quire real property and carry out military construction*

- 1 projects for the installations and locations inside the United
 2 States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	\$22,230,000
California	Marine Corps Base, Camp Pendleton	\$73,580,000
	Naval Air Station, Lemoore	\$34,510,000
	Marine Corps Air Station, Miramar	\$4,740,000
	Naval Air Station, North Island	\$49,240,000
	Naval Air Warfare Center, China Lake ..	\$12,890,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island	\$9,150,000
	Naval Air Facility, San Clemente Island	\$18,940,000
	Naval Postgraduate School, Monterey	\$35,550,000
	Naval Station, San Diego	\$42,710,000
	Marine Air Ground Task Force Training Center, Twentynine Palms	\$28,390,000
	Connecticut	New London
District of Columbia	Marine Corps Barracks	\$1,550,000
Florida	Naval Air Station, Jacksonville	\$3,190,000
	Naval Air Station, Whiting Field, Milton	\$4,830,000
Georgia	Naval Surface Warfare Center, Coastal Systems Station, Panama City	\$9,550,000
	Blount Island (Jacksonville)	\$115,711,000
	Strategic Weapons Facility Atlantic, Kings Bay	\$11,510,000
Hawaii	Fleet and Industrial Supply Center, Pearl Harbor	\$32,180,000
	Naval Magazine, Lualualei	\$6,320,000
	Naval Shipyard, Pearl Harbor	\$7,010,000
Illinois	Naval Training Center, Great Lakes	\$137,120,000
Maryland	Naval Air Warfare Center, Patuxent River	\$24,370,000
	Naval Surface Warfare Center, Indian Head	\$14,850,000
Mississippi	Naval Air Station, Meridian	\$4,570,000
Nevada	Naval Air Station, Fallon	\$4,700,000
New Jersey	Naval Air Warfare Center, Lakehurst	\$20,681,000
	Naval Weapons Station, Earle	\$123,720,000
North Carolina	Marine Corps Air Station, Cherry Point	\$1,270,000
	Marine Corps Air Station, New River	\$6,240,000
	Marine Corps Base, Camp Lejeune	\$29,450,000
Pennsylvania	Philadelphia Foundry	\$10,200,000
Rhode Island	Naval Station, Newport	\$18,690,000
	Naval Undersea Warfare Center, Newport	\$10,890,000
Texas	Naval Station, Ingleside	\$7,070,000
Virginia	Henderson Hall, Arlington	\$1,970,000
	Marine Corps Combat Development Com- mand, Quantico	\$18,120,000
	Naval Amphibious Base, Little Creek	\$3,810,000
	Naval Station, Norfolk	\$182,240,000
	Naval Space Command Center, Dahlgren	\$24,020,000
	Norfolk Naval Shipyard, Portsmouth	\$17,770,000
	Naval Magazine, Indian Island	\$2,240,000
	Naval Submarine Base, Bangor	\$33,820,000
	Strategic Weapons Facility Pacific, Ban- gor	\$6,530,000
	Various Locations	Various Locations, CONUS
	Total	\$1,287,482,000

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 in
 6 the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
<i>Bahrain</i>	<i>Naval Support Activity, Bahrain</i>	\$18,030,000
<i>Italy</i>	<i>Naval Support Activity, La Madalena</i>	\$39,020,000
	<i>Naval Air Station, Sigonella</i>	\$34,070,000
<i>United Kingdom</i>	<i>Joint Maritime Facility, St. Mawgan</i>	\$7,070,000
	<i>Total</i>	\$98,190,000

7 **SEC. 2202. FAMILY HOUSING.**

8 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 9 amounts appropriated pursuant to the authorization of ap-
 10 propriations in section 2204(a)(5)(A), the Secretary of the
 11 Navy may construct or acquire family housing units (in-
 12 cluding land acquisition and supporting facilities) at the
 13 installations, for the purposes, and in the amounts set forth
 14 in the following table:

Navy: Family Housing

State or Country	Installation or location	Purpose	Amount
<i>California</i>	<i>Naval Air Station, Lemoore</i>	<i>187 Units</i>	\$41,585,000
<i>Florida</i>	<i>Naval Air Station, Pensa-</i> <i>cola</i>	<i>25 Units</i>	\$3,197,000
<i>North Carolina</i>	<i>Marine Corps Base, Camp</i> <i>Lejeune</i>	<i>519 Units</i>	\$67,781,000
	<i>Marine Corps Air Station,</i> <i>Cherry Point</i>	<i>339 Units</i>	\$42,803,000
		<i>Total</i> ...	\$155,366,000

15 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 16 priated pursuant to the authorization of appropriation in

1 *section 2204(a)(5)(A), the Secretary of the Navy may carry*
2 *out architectural and engineering services and construction*
3 *design activities with respect to the construction or im-*
4 *provement of military family housing units in an amount*
5 *not to exceed \$8,381,000.*

6 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
7 **UNITS.**

8 *Subject to section 2825 of title 10, United States Code,*
9 *and using amounts appropriated pursuant to the author-*
10 *ization of appropriations in section 2204(a)(5)(A), the Sec-*
11 *retary of the Navy may improve existing military family*
12 *housing units in an amount not to exceed \$20,446,000.*

13 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

14 *(a) IN GENERAL.—Funds are hereby authorized to be*
15 *appropriated for fiscal years beginning after September 30,*
16 *2003, for military construction, land acquisition, and mili-*
17 *tary family housing functions of the Department of the*
18 *Navy in the total amount of \$2,179,919,000, as follows:*

19 *(1) For military construction projects inside the*
20 *United States authorized by section 2201(a),*
21 *\$959,702,000.*

22 *(2) For military construction projects outside the*
23 *United States authorized by section 2201(b),*
24 *\$98,190,000.*

1 (3) *For unspecified minor construction projects*
2 *authorized by section 2805 of title 10, United States*
3 *Code, \$12,334,000.*

4 (4) *For architectural and engineering services*
5 *and construction design under section 2807 of title*
6 *10, United States Code, \$65,612,000.*

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, \$184,193,000.*

11 (B) *For support of military family housing*
12 *(including functions described in section 2833 of*
13 *title 10, United States Code), \$813,158,000.*

14 (6) *For construction of phase 2 of a bachelor en-*
15 *listed quarters shipboard ashore at Naval Shipyard*
16 *Norfolk, Virginia, authorized by section 2201(a) of the*
17 *Military Construction Authorization Act for Fiscal*
18 *Year 2003 (division B of Public Law 107–314; 116*
19 *Stat. 2687), \$46,730,000.*

20 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
21 *PROJECTS.—Notwithstanding the cost variations author-*
22 *ized by section 2853 of title 10, United States Code, and*
23 *any other cost variation authorized by law, the total cost*
24 *of all projects carried out under section 2201 of this Act*
25 *may not exceed the sum of—*

1 (1) *the total amount authorized to be appro-*
2 *priated under paragraphs (1) and (2) of subsection*
3 *(a);*

4 (2) *\$25,690,000 (the balance of the amount au-*
5 *thorized under section 2201(a) for the construction of*
6 *a tertiary sewage treatment complex, Marine Corps*
7 *Base, Camp Pendleton, California);*

8 (3) *\$58,190,000 (the balance of the amount au-*
9 *thorized under section 2201(a) for the construction of*
10 *a battle station training facility, Naval Training*
11 *Center, Great Lakes, Illinois);*

12 (4) *\$96,980,000 (the balance of the amount au-*
13 *thorized under section 2201(a) for replacement of a*
14 *general purpose berthing pier, Naval Weapons Sta-*
15 *tion, Earle, New Jersey);*

16 (5) *\$118,170,000 (the balance of the amount au-*
17 *thorized under section 2201(a) for replacement of pier*
18 *11, Naval Station, Norfolk, Virginia); and*

19 (6) *\$28,750,000 (the balance of the amount au-*
20 *thorized under section 2201(a) for the construction of*
21 *an outlying landing field and facilities at a location*
22 *to be determined).*

1 **SEC. 2205. TERMINATION OF AUTHORITY TO CARRY OUT**
 2 **CERTAIN FISCAL YEAR 2003 PROJECT.**

3 (a) *TERMINATION.*—*The table in section 2201(b) of the*
 4 *Military Construction Authorization Act for Fiscal Year*
 5 *2003 (division B of Public Law 107–314; 116 Stat. 2687)*
 6 *is amended—*

7 (1) *by striking the item relating to Naval Air*
 8 *Station, Keflavik, Iceland; and*

9 (2) *by striking the amount identified as the total*
 10 *in the amount column and inserting “\$135,900,000”.*

11 (b) *CONFORMING AMENDMENTS.*—*Section 2204(a) of*
 12 *that Act (116 Stat. 2688) is amended—*

13 (1) *in the matter preceding paragraph (1), by*
 14 *striking “\$2,576,381,000” and inserting*
 15 *“\$2,561,461,000”; and*

16 (2) *in paragraph (2), by striking*
 17 *“\$148,250,000” and inserting “\$133,330,000”.*

18 **TITLE XXIII—AIR FORCE**

19 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 20 **LAND ACQUISITION PROJECTS.**

21 (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*
 22 *propriated pursuant to the authorization of appropriations*
 23 *in section 2304(a)(1), the Secretary of the Air Force may*
 24 *acquire real property and carry out military construction*
 25 *projects for the installations and locations inside the United*
 26 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	\$13,400,000
<i>Alaska</i>	<i>Eielson Air Force Base</i>	\$48,774,000
	<i>Elmendorf Air Force Base</i>	\$2,000,000
<i>Arizona</i>	<i>Davis-Monthan Air Force Base</i>	\$9,864,000
	<i>Luke Air Force Base</i>	\$14,300,000
<i>Arkansas</i>	<i>Little Rock Air Force Base</i>	\$7,372,000
<i>California</i>	<i>Beale Air Force Base</i>	\$22,300,000
	<i>Edwards Air Force Base</i>	\$19,060,000
	<i>Los Angeles Air Force Base</i>	\$5,000,000
	<i>Vandenberg Air Force Base</i>	\$16,500,000
<i>Colorado</i>	<i>Buckley Air Force Base</i>	\$6,957,000
	<i>Peterson Air Force Base</i>	\$10,200,000
<i>Delaware</i>	<i>Dover Air Force Base</i>	\$8,500,000
<i>District of Columbia</i>	<i>Bolling Air Force Base</i>	\$9,300,000
<i>Florida</i>	<i>Hurlburt Field</i>	\$27,200,000
	<i>Patrick Air Force Base</i>	\$8,800,000
	<i>Tyndall Air Force Base</i>	\$6,195,000
<i>Georgia</i>	<i>Moody Air Force Base</i>	\$7,600,000
	<i>Robins Air Force Base</i>	\$28,685,000
<i>Hawaii</i>	<i>Hickam Air Force Base</i>	\$78,276,000
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	\$15,137,000
<i>Illinois</i>	<i>Scott Air Force Base</i>	\$1,900,000
<i>Mississippi</i>	<i>Columbus Air Force Base</i>	\$5,500,000
	<i>Keesler Air Force Base</i>	\$2,900,000
<i>Nevada</i>	<i>Nellis Air Force Base</i>	\$11,800,000
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	\$11,627,000
<i>New Mexico</i>	<i>Cannon Air Force Base</i>	\$9,000,000
	<i>Kirtland Air Force Base</i>	\$6,957,000
	<i>Tularosa Radar Test Site</i>	\$3,600,000
<i>North Carolina</i>	<i>Pope Air Force Base</i>	\$24,015,000
	<i>Seymour Johnson Air Force Base</i>	\$22,430,000
<i>North Dakota</i>	<i>Minot Air Force Base</i>	\$12,550,000
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	\$10,500,000
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	\$1,144,000
	<i>Tinker Air Force Base</i>	\$25,560,000
	<i>Vance Air Force Base</i>	\$15,000,000
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	\$8,863,000
	<i>Shaw Air Force Base</i>	\$8,500,000
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	\$9,300,000
<i>Texas</i>	<i>Goodfellow Air Force Base</i>	\$19,970,000
	<i>Lackland Air Force Base</i>	\$64,926,000
	<i>Randolph Air Force Base</i>	\$13,600,000
	<i>Sheppard Air Force Base</i>	\$28,590,000
<i>Utah</i>	<i>Hill Air Force Base</i>	\$21,711,000
<i>Virginia</i>	<i>Langley Air Force Base</i>	\$24,969,000
<i>Washington</i>	<i>McChord Air Force Base</i>	\$19,000,000
<i>Wyoming</i>	<i>F.E. Warren Air Force Base</i>	\$10,000,000
	<i>Total</i>	\$740,909,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the

1 *United States, and in the amounts, set forth in the following*
 2 *table:*

Air Force: Outside the United States

Country	Installation or location	Amount
<i>Germany</i>	<i>Ramstein Air Base</i>	\$35,616,000
	<i>Spangdahlem Air Base</i>	\$5,411,000
<i>Italy</i>	<i>Aviano Air Base</i>	\$14,025,000
<i>Korea</i>	<i>Kunsan Air Base</i>	\$7,059,000
	<i>Osan Air Base</i>	\$16,638,000
<i>Portugal</i>	<i>Lajes Field, Azores</i>	\$4,086,000
<i>United Kingdom</i>	<i>Royal Air Force, Lakenheath</i>	\$42,487,000
	<i>Royal Air Force, Mildenhall</i>	\$10,558,000
<i>Wake Island</i>	<i>Wake Island</i>	\$24,000,000
	<i>Total</i>	\$159,880,000

3 *(c) UNSPECIFIED WORLDWIDE.—Using amounts ap-*
 4 *propriated pursuant to the authorization of appropriations*
 5 *in section 2304(a)(3), the Secretary of the Air Force may*
 6 *acquire real property and carry out military construction*
 7 *projects for the installation and location, and in the*
 8 *amount, set forth in the following table:*

Air Force: Unspecified Worldwide

Location	Installation or location	Amount
<i>Unspecified Worldwide</i>	<i>Classified Location</i>	\$28,981,000
	<i>Total</i>	\$28,981,000

9 **SEC. 2302. FAMILY HOUSING.**

10 *(a) CONSTRUCTION AND ACQUISITION.—Using*
 11 *amounts appropriated pursuant to the authorization of ap-*
 12 *propriations in section 2304(a)(6)(A), the Secretary of the*
 13 *Air Force may construct or acquire family housing units*
 14 *(including land acquisition and supporting facilities) at*
 15 *the installations, for the purposes, and in the amounts set*
 16 *forth in the following table:*

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
2 **FORCE.**

3 (a) *IN GENERAL.*—Funds are hereby authorized to be
4 appropriated for fiscal years beginning after September 30,
5 2003, for military construction, land acquisition, and mili-
6 tary family housing functions of the Department of the Air
7 Force in the total amount of \$2,505,373,000, as follows:

8 (1) *For military construction projects inside the*
9 *United States authorized by section 2301(a),*
10 *\$760,332,000.*

11 (2) *For military construction projects outside the*
12 *United States authorized by section 2301(b),*
13 *\$159,880,000.*

14 (3) *For military construction projects at unspec-*
15 *ified worldwide locations authorized by section*
16 *2301(c), \$28,981,000.*

17 (4) *For unspecified minor construction projects*
18 *authorized by section 2805 of title 10, United States*
19 *Code, \$12,000,000.*

20 (5) *For architectural and engineering services*
21 *and construction design under section 2807 of title*
22 *10, United States Code, \$74,345,000.*

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, \$657,065,000.*

1 (B) *For support of military family housing*
2 *(including functions described in section 2833 of*
3 *title 10, United States Code), \$812,770,000.*

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 2301 of this Act*
9 *may not exceed the total amount authorized to be appro-*
10 *priated under paragraphs (1), (2), and (3) of subsection*
11 *(a).*

12 **SEC. 2305. MODIFICATION OF FISCAL YEAR 2003 AUTHOR-**
13 **ITY RELATING TO IMPROVEMENT OF MILI-**
14 **TARY FAMILY HOUSING UNITS.**

15 (a) *MODIFICATION.—Section 2303 of the Military*
16 *Construction Authorization Act for Fiscal Year 2003 (divi-*
17 *sion B of Public Law 107–314; 116 Stat. 2693) is amended*
18 *by striking “\$226,068,000” and inserting “\$206,721,000”.*

19 (b) *CONFORMING AMENDMENTS.—Section 2304(a) of*
20 *that Act (116 Stat. 2693) is amended—*

21 (1) *in the matter preceding paragraph (1), by*
22 *striking “\$2,633,738,000” and inserting*
23 *“\$2,614,391,000”; and*

24 (2) *in paragraph (6)(A), by striking*
25 *“\$689,824,000” and inserting “\$670,477,000”.*

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

<i>Agency</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Defense Education Activity</i>	<i>Marine Corps Base, Camp Lejeune, North Carolina</i>	\$15,259,000
<i>Defense Logistics Agency</i>	<i>Defense Distribution Depot, New Cumberland, Pennsylvania</i>	\$27,000,000
	<i>Eglin Air Force Base, Florida</i>	\$4,800,000
	<i>Eielson Air Force Base, Alaska</i>	\$17,000,000
	<i>Hickam Air Force Base, Hawaii</i>	\$14,100,000
	<i>Hurlburt Field, Florida</i>	\$3,500,000
	<i>Langley Air Force Base, Virginia</i>	\$13,000,000
	<i>Laughlin Air Force Base, Texas</i>	\$4,688,000
	<i>McChord Air Force Base, Washington</i>	\$8,100,000
	<i>Nellis Air Force Base, Nevada</i>	\$12,800,000
	<i>Offutt Air Force Base, Nebraska</i>	\$13,400,000
<i>National Security Agency</i>	<i>Fort Meade, Maryland</i>	\$1,842,000
<i>Special Operations Command</i>	<i>Dam Neck, Virginia</i>	\$15,281,000
	<i>Fort Benning, Georgia</i>	\$2,100,000
	<i>Fort Bragg, North Carolina</i>	\$36,300,000
	<i>Fort Campbell, Kentucky</i>	\$7,800,000
	<i>Harrisburg International Airport, Pennsylvania</i>	\$3,000,000
	<i>Hurlburt Field, Florida</i>	\$6,000,000
	<i>Little Creek, Virginia</i>	\$9,000,000
	<i>MacDill Air Force Base, Florida</i>	\$25,500,000
<i>Tri-Care Management Activity</i>	<i>Naval Station, Anacostia, District of Columbia</i>	\$15,714,000
	<i>Naval Submarine Base, New London, Connecticut</i>	\$6,400,000
	<i>United States Air Force Academy, Colorado</i>	\$21,500,000
	<i>Walter Reed Medical Center, District of Columbia</i>	\$9,000,000
<i>Washington Headquarters Services</i>	<i>Arlington, Virginia</i>	\$38,086,000
	<i>Total</i>	\$331,170,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2405(a)(2), the Secretary of Defense may
 4 acquire real property and carry out military construction
 5 projects for the installations and locations outside the
 6 United States, and in the amounts, set forth in the following
 7 table:

Defense Agencies: Outside the United States

<i>Agency</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Defense Education Agency</i>	<i>Grafenwoehr, Germany</i>	\$36,247,000
	<i>Heidelberg, Germany</i>	\$3,086,000
	<i>Sigonella, Italy</i>	\$30,234,000
	<i>Vicenza, Italy</i>	\$16,374,000
	<i>Vilseck, Germany</i>	\$1,773,000
<i>Special Operations Command Tri-Care Management Activity</i>	<i>Stuttgart, Germany</i>	\$11,400,000
	<i>Andersen Air Force Base, Guam</i>	\$24,900,000
	<i>Grafenwoehr, Germany</i>	\$12,585,000
	<i>Total</i>	\$136,599,000

8 **SEC. 2402. FAMILY HOUSING.**

9 Using amounts appropriated pursuant to the author-
 10 ization of appropriations in section 2405(a)(8)(A), the Sec-
 11 retary of Defense may carry out architectural and engineer-
 12 ing services and construction design activities with respect
 13 to the construction or improvement of military family hous-
 14 ing units in an amount not to exceed \$300,000.

15 **SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 16 **UNITS.**

17 Subject to section 2825 of title 10, United States Code,
 18 and using amounts appropriated pursuant to the author-
 19 ization of appropriations in section 2405(a)(8)(A), the Sec-

1 *retary of Defense may improve existing military family*
2 *housing units in an amount not to exceed \$50,000.*

3 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

4 *Using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2405(a)(6), the Sec-*
6 *retary of Defense may carry out energy conservation*
7 *projects under section 2865 of title 10, United States Code,*
8 *in the amount of \$69,500,000.*

9 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DE-**
10 **FENSE AGENCIES.**

11 *(a) IN GENERAL.—Funds are hereby authorized to be*
12 *appropriated for fiscal years beginning after September 30,*
13 *2003, for military construction, land acquisition, and mili-*
14 *tary family housing functions of the Department of Defense*
15 *(other than the military departments) in the total amount*
16 *of \$1,154,402,000, as follows:*

17 *(1) For military construction projects inside the*
18 *United States authorized by section 2401(a),*
19 *\$331,170,000.*

20 *(2) For military construction projects outside the*
21 *United States authorized by section 2401(b),*
22 *\$102,703,000.*

23 *(3) For unspecified minor construction projects*
24 *under section 2805 of title 10, United States Code,*
25 *\$16,153,000.*

1 (4) *For contingency construction projects of the*
2 *Secretary of Defense under section 2804 of title 10,*
3 *United States Code, \$8,960,000.*

4 (5) *For architectural and engineering services*
5 *and construction design under section 2807 of title*
6 *10, United States Code, \$59,884,000.*

7 (6) *For energy conservation projects authorized*
8 *by section 2404, \$69,500,000.*

9 (7) *For base closure and realignment activities*
10 *as authorized by the Defense Base Closure and Re-*
11 *alignment Act of 1990 (part A of title XXIX of Public*
12 *Law 101–510; 10 U.S.C. 2687 note), \$370,427,000.*

13 (8) *For military family housing functions:*

14 (A) *For planning, design, and improvement*
15 *of military family housing and facilities,*
16 *\$350,000.*

17 (B) *For support of military family housing*
18 *(including functions described in section 2833 of*
19 *title 10, United States Code), \$49,440,000.*

20 (C) *For credit to the Department of Defense*
21 *Family Housing Improvement Fund established*
22 *by section 2883(a)(1) of title 10, United States*
23 *Code, \$300,000.*

24 (9) *For construction of the Defense Threat Re-*
25 *duction Center at Fort Belvoir, Virginia, authorized*

1 *by section 2401(a) of the Military Construction Au-*
2 *thorization Act for Fiscal Year 2003 (division B of*
3 *Public Law 107–314; 116 Stat. 2695), \$25,700,000.*

4 *(10) For construction of phase 5 of an ammuni-*
5 *tion demilitarization facility at Pueblo Chemical Ac-*
6 *tivity, Colorado, authorized by section 2401(a) of the*
7 *Military Construction Authorization Act for Fiscal*
8 *Year 1997 (division B of Public Law 104–201; 110*
9 *Stat. 2775), as amended by section 2406 of the Mili-*
10 *tary Construction Authorization Act for Fiscal Year*
11 *2000 (division B of Public Law 106–65; 113 Stat.*
12 *839) and section 2407 of the Military Construction*
13 *Authorization Act for Fiscal Year 2003 (division B of*
14 *Public Law 107–314; 116 Stat. 2698), \$88,388,000.*

15 *(11) For construction of phase 6 of an ammuni-*
16 *tion demilitarization facility at Newport Army*
17 *Depot, Indiana, authorized by section 2401(a) of the*
18 *Military Construction Authorization Act for Fiscal*
19 *Year 1999 (division B of Public Law 105–261; 112*
20 *Stat. 2193), as amended by section 2406 of the Mili-*
21 *tary Construction Authorization Act for Fiscal Year*
22 *2002 (division B of Public Law 107-107; 115 Stat.*
23 *1299) and section 2406 of the Military Construction*
24 *Authorization Act for Fiscal Year 2003 (division B of*
25 *Public Law 107–314; 116 Stat. 2698), \$15,207,000.*

1 (12) *For construction of phase 4 of an ammunition*
2 *demilitarization facility at Blue Grass Army*
3 *Depot, Kentucky, authorized by section 2401(a) of the*
4 *Military Construction Authorization Act for Fiscal*
5 *Year 2000 (division B of Public Law 106–65; 113*
6 *Stat. 835), as amended by section 2405 of the Military*
7 *Construction Authorization Act for Fiscal Year*
8 *2002 (division B of Public Law 107–107; 115 Stat.*
9 *1298) and section 2405 of the Military Construction*
10 *Authorization Act for Fiscal Year 2003 (division B of*
11 *Public Law 107–314; 116 Stat. 2698), \$16,220,000.*

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 the sum of—*

18 (1) *the total amount authorized to be appro-*
19 *priated under paragraphs (1), (2), and (3) of sub-*
20 *section (a);*

21 (2) *\$16,265,000 (the balance of the amount au-*
22 *thorized under section 2401(b) for the renovation and*
23 *construction of an elementary and high school, Naval*
24 *Station Sigonella, Italy); and*

1 (3) \$17,631,000 (the balance of the amount au-
 2 thorized under section 2401(b) for the construction of
 3 an elementary and middle school, Grafenwoehr, Ger-
 4 many).

5 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT**
 6 **CERTAIN FISCAL YEAR 2003 PROJECT.**

7 The table in section 2401(b) of the Military Construc-
 8 tion Authorization Act for Fiscal Year 2003 (division B
 9 of Public Law 107–314; 116 Stat. 2695) is amended in the
 10 matter relating to Department of Defense Dependent
 11 Schools by striking “Seoul, Korea” in the installation or
 12 location column and inserting “Camp Humphreys, Korea”.

13 **SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT**
 14 **CERTAIN FISCAL YEAR 2003 PROJECTS.**

15 (a) *MODIFICATION.*—The table in section 2401(b) of
 16 the Military Construction Authorization Act for Fiscal Year
 17 2003 (division B of Public Law 107–314; 116 Stat. 2695)
 18 is amended—

19 (1) in the matter relating to Department of De-
 20 fense Dependent Schools—

21 (A) by striking “Seoul, Korea” in the in-
 22 stallation or location column and inserting
 23 “Camp Humphreys, Korea”; and

24 (B) by striking the item relating to
 25 Spangdahlem Air Base, Germany; and

1 (2) by striking the amount identified as the total
2 in the amount column and inserting “\$205,586,000”.

3 (b) *CONFORMING AMENDMENTS.*—Section 2404(a) of
4 that Act (116 Stat. 2696) is amended—

5 (1) in the matter preceding paragraph (1), by
6 striking “\$1,434,795,000” and inserting
7 “\$1,433,798,000”; and

8 (2) in paragraph (2), by striking
9 “\$206,583,000” and inserting “\$205,586,000”.

10 **TITLE XXV—NORTH ATLANTIC**
11 **TREATY ORGANIZATION SE-**
12 **CURITY INVESTMENT PRO-**
13 **GRAM**

14 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
15 **ACQUISITION PROJECTS.**

16 *The Secretary of Defense may make contributions for*
17 *the North Atlantic Treaty Organization Security Invest-*
18 *ment program as provided in section 2806 of title 10,*
19 *United States Code, in an amount not to exceed the sum*
20 *of the amount authorized to be appropriated for this pur-*
21 *pose in section 2502 and the amount collected from the*
22 *North Atlantic Treaty Organization as a result of construc-*
23 *tion previously financed by the United States.*

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 *Funds are hereby authorized to be appropriated for fis-*
 3 *cal years beginning after September 30, 2003, for contribu-*
 4 *tions by the Secretary of Defense under section 2806 of title*
 5 *10, United States Code, for the share of the United States*
 6 *of the cost of projects for the North Atlantic Treaty Organi-*
 7 *zation Security Investment program authorized by section*
 8 *2501, in the amount of \$169,300,000.*

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

11 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 12 **TION AND LAND ACQUISITION PROJECTS.**

13 *There are authorized to be appropriated for fiscal*
 14 *years beginning after September 30, 2003, for the costs of*
 15 *acquisition, architectural and engineering services, and*
 16 *construction of facilities for the Guard and Reserve Forces,*
 17 *and for contributions therefor, under chapter 1803 of title*
 18 *10, United States Code (including the cost of acquisition*
 19 *of land for those facilities), the following amounts:*

20 (1) *For the Department of the Army—*

21 (A) *for the Army National Guard of the*
 22 *United States, \$276,779,000; and*

23 (B) *for the Army Reserve, \$74,478,000.*

24 (2) *For the Department of the Navy, for the*
 25 *Naval and Marine Corps Reserve, \$34,132,000.*

26 (3) *For the Department of the Air Force—*

1 (A) for the Air National Guard of the
2 United States, \$208,530,000; and

3 (B) for the Air Force Reserve, \$53,912,000.

4 **TITLE XXVII—EXPIRATION AND**
5 **EXTENSION OF AUTHORIZA-**
6 **TIONS**

7 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
8 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
9 **LAW.**

10 (a) *EXPIRATION OF AUTHORIZATIONS AFTER THREE*
11 *YEARS.*—*Except as provided in subsection (b), all author-*
12 *izations contained in titles XXI through XXVI for military*
13 *construction projects, land acquisition, family housing*
14 *projects and facilities, and contributions to the North At-*
15 *lantic Treaty Organization Security Investment program*
16 *(and authorizations of appropriations therefor) shall expire*
17 *on the later of—*

18 (1) *October 1, 2006; or*

19 (2) *the date of the enactment of an Act author-*
20 *izing funds for military construction for fiscal year*
21 *2007.*

22 (b) *EXCEPTION.*—*Subsection (a) shall not apply to au-*
23 *thorizations for military construction projects, land acqui-*
24 *sition, family housing projects, and facilities, and contribu-*
25 *tions to the North Atlantic Treaty Organization Security*

1 *Investment program (and authorizations of appropriations*
2 *therefor) for which appropriated funds have been obligated*
3 *before the later of—*

4 (1) *October 1, 2006; or*

5 (2) *the date of the enactment of an Act author-*
6 *izing funds for fiscal year 2007 for military construc-*
7 *tion projects, land acquisition, family housing*
8 *projects and facilities, and contributions to the North*
9 *Atlantic Treaty Organization Security Investment*
10 *program.*

11 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
12 **FISCAL YEAR 2001 PROJECTS.**

13 (a) *EXTENSION OF CERTAIN PROJECTS.—Notwith-*
14 *standing section 2701 of the Floyd D. Spence National De-*
15 *fense Authorization Act for Fiscal Year 2001 (as enacted*
16 *into law by Public Law 106–398; 114 Stat. 1654A–407),*
17 *authorizations set forth in the tables in subsection (b), as*
18 *provided in section 2102, 2201, 2401, or 2601 of that Act,*
19 *shall remain in effect until October 1, 2004, or the date*
20 *of the enactment of an Act authorizing funds for military*
21 *construction for fiscal year 2005, whichever is later.*

22 (b) *TABLES.—The tables referred to in subsection (a)*
23 *are 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

Navy: Extension of 2001 Project Authorization

State	Installation or location	Project	Amount
Pennsylvania	Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia	Gas Turbine Test Facility	\$10,680,000

Defense Agencies: Extension of 2001 Project Authorizations

State or country	Installation or location	Project	Amount
Defense Education Activity	Seoul, Korea	Elementary School Full Day Kindergarten Classroom Addition	\$2,317,000
	Taegu, Korea	Elementary/High School Full Day Kindergarten Classroom Addition	\$762,000

Army National Guard: Extension of 2001 Project Authorizations

State	Installation or location	Project	Amount
Arizona	Papago Park	Add/Alter Readiness Center ..	\$2,265,000
Pennsylvania	Mansfield	Readiness Center	\$3,100,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**2 **FISCAL YEAR 2000 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the
4 *Military Construction Authorization Act for Fiscal Year*
5 *2000* (division B of Public Law 106–65; 113 Stat. 841),
6 *authorizations set forth in the tables in subsection (b), as*

1 provided in section 2302 or 2601 of that Act and extended
 2 by section 2702 of the Military Construction Authorization
 3 Act for Fiscal Year 2003 (division B of Public Law 107–
 4 314; 116 Stat. 2700), shall remain in effect until October
 5 1, 2004, or the date of the enactment of an Act authorizing
 6 funds for military construction for fiscal year 2005, which-
 7 ever is later.

8 (b) TABLES.—The table referred to in subsection (a)
 9 is as follows:

Air Force: Extension of 2000 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Oklahoma</i>	<i>Tinker Air Force Base ..</i>	<i>Replace Family Housing (41 Units)</i>	<i>\$6,000,000</i>

Army National Guard: Extension of 2000 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Virginia</i>	<i>Fort Pickett</i>	<i>Multi-purpose Range-Heavy</i>	<i>\$13,500,000</i>

10 **SEC. 2704. EFFECTIVE DATE.**

11 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of*
 12 *this Act shall take effect on the later of—*

13 (1) *October 1, 2003; or*

14 (2) *the date of the enactment of this Act.*

1 **TITLE XXVIII—GENERAL**
2 **PROVISIONS**
3 **Subtitle A—Military Construction**
4 **Program and Military Family**
5 **Housing Changes**

6 **SEC. 2801. MODIFICATION OF GENERAL DEFINITIONS RE-**
7 **LATING TO MILITARY CONSTRUCTION.**

8 (a) *MILITARY CONSTRUCTION.*—Subsection (a) of sec-
9 tion 2801 of title 10, United States Code, is amended by
10 inserting before the period the following: “, whether to sat-
11 isfy temporary or permanent requirements”.

12 (b) *MILITARY INSTALLATION.*—Subsection (c)(2) of
13 such section is amended by inserting before the period the
14 following: “, without regard to the duration of operational
15 control”.

16 **SEC. 2802. INCREASE IN NUMBER OF FAMILY HOUSING**
17 **UNITS IN ITALY AUTHORIZED FOR LEASE BY**
18 **THE NAVY.**

19 Section 2828(e)(2) of title 10, United States Code, is
20 amended by striking “2,000” and inserting “2,800”.

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

3 ***SEC. 2811. INCREASE IN THRESHOLD FOR REPORTS TO***
4 ***CONGRESS ON REAL PROPERTY TRANS-***
5 ***ACTIONS.***

6 *Section 2662 of title 10, United States Code, is amend-*
7 *ed by striking “\$500,000” each place it appears and insert-*
8 *ing “\$750,000”.*

9 ***SEC. 2812. ACCEPTANCE OF IN-KIND CONSIDERATION FOR***
10 ***EASEMENTS.***

11 *(a) EASEMENTS FOR RIGHTS-OF-WAY.—Section 2668*
12 *of title 10, United States Code, is amended—*

13 *(1) by redesignating subsection (e) as subsection*
14 *(f); and*

15 *(2) by inserting after subsection (d) the following*
16 *new subsection (e):*

17 *“(e) Subsection (c) of section 2667 of this title shall*
18 *apply with respect to in-kind consideration received by the*
19 *Secretary of a military department in connection with an*
20 *easement granted under this section in the same manner*
21 *as such subsection applies to in-kind consideration received*
22 *pursuant to leases entered into by that Secretary under such*
23 *section.”.*

24 *(b) EASEMENTS FOR UTILITY LINES.—Section 2669 of*
25 *such title is amended—*

1 (1) *by redesignating subsection (e) as subsection*
2 *(f); and*

3 (2) *by inserting after subsection (d) the following*
4 *new subsection (e):*

5 “(e) *Subsection (c) of section 2667 of this title shall*
6 *apply with respect to in-kind consideration received by the*
7 *Secretary of a military department in connection with an*
8 *easement granted under this section in the same manner*
9 *as such subsection applies to in-kind consideration received*
10 *pursuant to leases entered into by that Secretary under such*
11 *section.”.*

12 **SEC. 2813. EXPANSION TO MILITARY UNACCOMPANIED**
13 **HOUSING OF AUTHORITY TO TRANSFER**
14 **PROPERTY AT MILITARY INSTALLATIONS TO**
15 **BE CLOSED IN EXCHANGE FOR MILITARY**
16 **HOUSING.**

17 *Section 2905(f)(1) of the Defense Base Closure and Re-*
18 *alignment Act of 1990 (part A of title XXIX of Public Law*
19 *101–510; 10 U.S.C. 2687 note) is amended—*

20 (1) *by inserting “unaccompanied members of the*
21 *Armed Forces or” before “members of the Armed*
22 *Forces and their dependents”; and*

23 (2) *by striking “FAMILY” in the subsection head-*
24 *ing.*

1 **SEC. 2814. EXEMPTION FROM SCREENING AND USE RE-**
 2 **QUIREMENTS UNDER MCKINNEY-VENTO**
 3 **HOMELESS ASSISTANCE ACT OF DEPART-**
 4 **MENT OF DEFENSE PROPERTY IN EMER-**
 5 **GENCY SUPPORT OF HOMELAND SECURITY.**

6 *Section 501 of the McKinney-Vento Homeless Assist-*
 7 *ance Act (42 U.S.C. 11411) is amended—*

8 *(1) by redesignating subsection (i) as subsection*
 9 *(j); and*

10 *(2) by inserting after subsection (h) the following*
 11 *new subsection (i):*

12 *“(i) APPLICABILITY TO DEPARTMENT OF DEFENSE*
 13 *PROPERTY IN EMERGENCY SUPPORT OF HOMELAND SECU-*
 14 *RITY.—The provisions of this section shall not apply to a*
 15 *building or property under the jurisdiction of the Depart-*
 16 *ment of Defense that the Secretary of Defense determines*
 17 *should be made available for use by a State or local govern-*
 18 *ment, or private entity, on a temporary basis, for emer-*
 19 *gency activities in support of homeland security.”.*

20 ***Subtitle C—Land Conveyances***

21 **SEC. 2821. TRANSFER OF LAND AT FORT CAMPBELL, KEN-**
 22 **TUCKY AND TENNESSEE.**

23 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
 24 *Army may convey to the State of Tennessee, all right, title,*
 25 *and interest of the United States in and to a parcel of real*
 26 *property (right-of-way), including improvements thereon,*

1 *located at Fort Campbell, Kentucky and Tennessee, for the*
2 *purpose of realigning and upgrading United States High-*
3 *way 79 from a 2-lane highway to a 4-lane highway.*

4 *(b) CONSIDERATION.—*

5 *(1) PAYMENT.—As consideration for the convey-*
6 *ance of the right-of-way parcel to be conveyed by sub-*
7 *section (a), the State of Tennessee shall pay from any*
8 *source (including Federal funds made available to the*
9 *State from the Highway Trust Fund) all of the Sec-*
10 *retary's costs associated with the following:*

11 *(A) COSTS OF CONVEYANCE.—The convey-*
12 *ance of the right-of-way parcel, including the*
13 *preparation of documents under the National*
14 *Environmental Policy Act of 1969 (42 U.S.C.*
15 *4321 et seq.), surveys (including surveys under*
16 *subsection (c)), appraisals, cultural reviews, ad-*
17 *ministrative expenses, cemetery relocation, and*
18 *other expenses necessary to transfer the property.*

19 *(B) ACQUISITION OF REPLACEMENT*
20 *LAND.—The acquisition of approximately 200*
21 *acres of mission-essential replacement land re-*
22 *quired to support the training mission at Fort*
23 *Campbell.*

1 (C) *DISPOSAL OF RESIDUAL PROPERTY.*—

2 *The disposal of residual land located south of the*
3 *realigned highway.*

4 (2) *ACCEPTANCE AND CREDIT.*—*The Secretary*
5 *may accept funds under this subsection from the Fed-*
6 *eral Highway Administration or the State of Ten-*
7 *nessee to pay the costs described in paragraph (1) and*
8 *shall credit the funds to the appropriate Department*
9 *of the Army accounts for the purpose of paying such*
10 *costs.*

11 (3) *PERIOD OF AVAILABILITY.*—*All funds accept-*
12 *ed by the Secretary under this subsection shall remain*
13 *available until expended.*

14 (c) *DESCRIPTION OF PROPERTY.*—*The acreage of the*
15 *real property to be conveyed, acquired, and disposed of*
16 *under this section shall be determined by surveys satisfac-*
17 *tory to the Secretary.*

18 (d) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
19 *retary may require such additional terms and conditions*
20 *in connection with the conveyance under this section as the*
21 *Secretary considers appropriate to protect the interests of*
22 *the United States.*

23 **SEC. 2822. LAND CONVEYANCE, FORT KNOX, KENTUCKY.**

24 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
25 *Army may convey, without consideration, to the Depart-*

1 *ment of Veterans Affairs of the Commonwealth of Kentucky*
2 *(in this section referred to as the “Department”), all right,*
3 *title, and interest of the United States in and to a parcel*
4 *of real property, including any improvements thereon, con-*
5 *sisting of approximately 93 acres at Fort Knox, Kentucky,*
6 *for the purpose of permitting the Department to establish*
7 *and operate a State-run cemetery for veterans of the Armed*
8 *Forces.*

9 **(b) REIMBURSEMENT FOR COSTS OF CONVEYANCE.—**

10 *(1) The Department shall reimburse the Secretary for any*
11 *costs incurred by the Secretary in making the conveyance*
12 *authorized by subsection (a), including costs related to envi-*
13 *ronmental documentation and other administrative costs.*
14 *This paragraph does not apply to costs associated with the*
15 *environmental remediation of the real property to be con-*
16 *veyed under such subsection.*

17 **(2) Any reimbursements received under paragraph (1)**
18 *for costs described in that paragraph shall be deposited into*
19 *the accounts from which the costs were paid, and amounts*
20 *so deposited shall be merged with amounts in such accounts*
21 *and available for the same purposes, and subject to the same*
22 *conditions and limitations, as the amounts in such accounts*
23 *with which merged.*

24 **(c) DESCRIPTION OF PROPERTY.—***The exact acreage*
25 *and legal description of the real property to be conveyed*

1 *under subsection (a) shall be determined by a survey satis-*
2 *factory to the Secretary. The cost of the survey shall be borne*
3 *by the Department.*

4 *(d) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
5 *retary may require such additional terms and conditions*
6 *in connection with the conveyance under subsection (a) as*
7 *the Secretary considers appropriate to protect the interests*
8 *of the United States.*

9 **SEC. 2823. LAND CONVEYANCE, MARINE CORPS LOGISTICS**
10 **BASE, ALBANY, GEORGIA.**

11 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
12 *Navy may convey through negotiated sale to the Preferred*
13 *Development Group Corporation, a corporation incor-*
14 *porated in the State of Georgia and authorized to do busi-*
15 *ness in the State of Georgia (referred to in this section as*
16 *the “Corporation”), all right, title, and interest of the*
17 *United States in and to a parcel of real property, including*
18 *any improvements thereon, consisting of approximately*
19 *10.44 acres located at Boyett Village/Turner Field and*
20 *McAdams Road in Albany, Georgia, for the purpose of per-*
21 *mitting the Corporation to use the property for economic*
22 *development.*

23 *(b) CONDITIONS OF CONVEYANCE.—The conveyance*
24 *authorized under subsection (a) shall be subject to the fol-*
25 *lowing conditions:*

1 (1) *That the Corporation accept the real prop-*
2 *erty conveyed under subsection (a) as is.*

3 (2) *That the Corporation bear all costs related to*
4 *the use and redevelopment of the real property.*

5 (c) *CONSIDERATION.—As consideration for the convey-*
6 *ance authorized by subsection (a), the Corporation shall pay*
7 *the United States an amount, determined pursuant to nego-*
8 *tiations between the Secretary and the Corporation and*
9 *based upon the fair market value of the property (as deter-*
10 *mined pursuant to an appraisal acceptable to the Sec-*
11 *retary), that is appropriate for the property.*

12 (d) *REIMBURSEMENT FOR COSTS OF CONVEYANCE.—*
13 *The Secretary may require the Corporation to reimburse*
14 *the Secretary for any costs incurred by the Secretary in*
15 *making the conveyance authorized by subsection (a).*

16 (e) *DEPOSIT OF AMOUNTS.—(1) The consideration re-*
17 *ceived under subsection (c) shall be deposited in the Depart-*
18 *ment of Defense Base Closure Account 1990 established by*
19 *section 2906 of the Defense Base Closure and Realignment*
20 *Act of 1990 (part A of title XXIX of Public Law 101-510;*
21 *10 U.S.C. 2687 note).*

22 (2) *Any reimbursements received under subsection (d)*
23 *for costs described in that subsection shall be deposited into*
24 *the accounts from which the costs were paid, and amounts*
25 *so deposited shall be merged with amounts in such accounts*

1 *and available for the same purposes, and subject to the same*
2 *conditions and limitations, as the amounts in such accounts*
3 *with which merged.*

4 (f) *EXEMPTION.—The conveyance authorized by sub-*
5 *section (a) shall be exempt from the requirement in section*
6 *2696 of title 10, United States Code, to screen the property*
7 *for further Federal use.*

8 (g) *DESCRIPTION OF PROPERTY.—The exact acreage*
9 *and legal description of the real property to be conveyed*
10 *under subsection (a) shall be determined by a survey satis-*
11 *factory to the Secretary.*

12 (h) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
13 *retary may require such additional terms and conditions*
14 *in connection with the conveyance under subsection (a) as*
15 *the Secretary considers appropriate to protect the interests*
16 *of the United States.*

17 **SEC. 2824. LAND CONVEYANCE, AIR FORCE AND ARMY EX-**
18 **CHANGE SERVICE PROPERTY, DALLAS, TEXAS.**

19 (a) *CONVEYANCE AUTHORIZED.—The Secretary of De-*
20 *fense may authorize the Army and Air Force Exchange*
21 *Service to convey through negotiated sale all right, title, and*
22 *interest of the United States in and to a parcel of real prop-*
23 *erty, including any improvements thereon, consisting of ap-*
24 *proximately 7.5 acres located at 1515 Roundtable Drive in*
25 *Dallas, Texas.*

1 *and interest of the United States in and to a parcel of real*
2 *property, including improvements thereon, consisting of ap-*
3 *proximately 14 acres in Portland, Oregon, and comprising*
4 *the Naval and Marine Corps Reserve Center for the purpose*
5 *of facilitating the expansion of the UPS main distribution*
6 *complex in Portland.*

7 **(b) PROPERTY RECEIVED IN EXCHANGE.**—(1) *As con-*
8 *sideration for the conveyance under subsection (a), UPS*
9 *shall —*

10 **(A)** *convey to the United States a parcel of real*
11 *property determined to be suitable by the Secretary;*
12 *and*

13 **(B)** *design, construct, and convey such replace-*
14 *ment facilities on the property conveyed under sub-*
15 *paragraph (A) as the Secretary considers appro-*
16 *priate.*

17 (2) *The value of the real property and replacement fa-*
18 *cilities received by the Secretary under this subsection shall*
19 *be at least equal to the fair market value of the real property*
20 *conveyed under subsection (a), as determined by the Sec-*
21 *retary.*

22 **(c) PAYMENT OF COSTS OF CONVEYANCE.**—(1) *The*
23 *Secretary may require UPS to cover costs to be incurred*
24 *by the Secretary, or to reimburse the Secretary for costs*
25 *incurred by the Secretary, to carry out the conveyance*

1 *under subsection (a), including survey costs, costs related*
2 *to environmental documentation, relocation expenses in-*
3 *curring under subsection (b), and other administrative costs*
4 *related to the conveyance. If amounts are collected from*
5 *UPS in advance of the Secretary incurring the actual costs,*
6 *and the amount collected exceeds the costs actually incurred*
7 *by the Secretary to carry out the conveyance, the Secretary*
8 *shall refund the excess amount to UPS.*

9 (2) *Amounts received as reimbursement under para-*
10 *graph (1) shall be credited to the fund or account that was*
11 *used to cover the costs incurred by the Secretary in carrying*
12 *out the conveyance. Amounts so credited shall be merged*
13 *with amounts in such fund or account, and shall be avail-*
14 *able for the same purposes, and subject to the same condi-*
15 *tions and limitations, as amounts in such fund or account.*

16 (d) *CONDITION OF CONVEYANCE.—The Secretary may*
17 *not make the conveyance authorized by subsection (a) until*
18 *the Secretary determines that the replacement facilities re-*
19 *quired by subsection (b) are suitable and available for the*
20 *relocation of the operations of the Naval and Marine Corps*
21 *Reserve Center.*

22 (e) *EXEMPTION FROM FEDERAL SCREENING.—The*
23 *conveyance authorized by subsection (a) is exempt from the*
24 *requirement to screen the property for other Federal use*

1 *pursuant to sections 2693 and 2696 of title 10, United*
2 *States Code.*

3 (f) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
4 *and legal description of the property to be conveyed under*
5 *this section shall be determined by surveys satisfactory to*
6 *the Secretary.*

7 (g) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
8 *retary may require such additional terms and conditions*
9 *in connection with the conveyances under this section as*
10 *the Secretary considers appropriate to protect the interests*
11 *of the United States.*

12 **SEC. 2826. LAND CONVEYANCE, FORT RITCHIE, MARYLAND.**

13 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
14 *Army shall convey, without consideration, to the PenMar*
15 *Development Corporation, a public instrumentality of the*
16 *State of Maryland (in this section referred to as the “Cor-*
17 *poration”), all right, title, and interest of the United States*
18 *in and to a parcel of real property, including improvements*
19 *thereon, at former Fort Ritchie, Cascade, Maryland, con-*
20 *sisting of approximately 33 acres, that is currently being*
21 *leased by the International Masonry Institute (in this sec-*
22 *tion referred to as the “Institute”), for the purpose of ena-*
23 *bling the Corporation to sell the property to the Institute*
24 *for the economic development of former Fort Ritchie.*

1 (b) *EXEMPTION FROM FEDERAL SCREENING REQUIRE-*
 2 *MENT.—The conveyance authorized by subsection (a) shall*
 3 *be exempt from the requirement to screen the property con-*
 4 *cerned for further Federal use pursuant to section 2696 of*
 5 *title 10, United States Code, under the Defense Base and*
 6 *Realignment Act of 1990 (part A of title XXIX of Public*
 7 *Law 101–510; 10 U.S.C. 2687 note) or under any other*
 8 *applicable law or regulation.*

9 (c) *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 borne*
 13 *by the Corporation.*

14 (d) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
 15 *retary may require such additional terms and conditions*
 16 *in connection with the conveyance under subsection (a) as*
 17 *the Secretary considers appropriate to protect the interests*
 18 *of the United States.*

19 **SEC. 2827. FEASIBILITY STUDY OF CONVEYANCE OF LOU-**
 20 **ISIANA ARMY AMMUNITION PLANT, DOYLINE,**
 21 **LOUISIANA.**

22 (a) *STUDY REQUIRED.—(1) The Secretary of the Army*
 23 *shall conduct a study of the feasibility, costs, and benefits*
 24 *for the conveyance of the Louisiana Army Ammunition*
 25 *Plant as a model for a public-private partnership for the*

1 *utilization and development of the Plant and similar par-*
2 *cels of real property.*

3 (2) *In conducting the study, the Secretary shall*
4 *consider—*

5 (A) *the feasibility and advisability of entering*
6 *into negotiations with the State of Louisiana or the*
7 *Louisiana National Guard for the conveyance of the*
8 *Plant;*

9 (B) *means by which the conveyance of the Plant*
10 *could—*

11 (i) *facilitate the execution by the Depart-*
12 *ment of Defense of its national security mission;*
13 *and*

14 (ii) *facilitate the continued use of the Plant*
15 *by the Louisiana National Guard and the execu-*
16 *tion by the Louisiana National Guard of its na-*
17 *tional security mission;*

18 (C) *evidence presented by the State of Louisiana*
19 *of the means by which the conveyance of the Plant*
20 *could benefit current and potential private sector and*
21 *governmental tenants of the Plant and facilitate the*
22 *contribution of such tenants to economic development*
23 *in Northwestern Louisiana;*

24 (D) *the amount and type of consideration that*
25 *is appropriate for the conveyance of the Plant;*

1 (E) *the evidence presented by the State of Lou-*
2 *isiana of the extent to which the conveyance of the*
3 *Plant to a public-private partnership will contribute*
4 *to economic growth in the State of Louisiana and in*
5 *Northwestern Louisiana in particular;*

6 (F) *the value of any mineral rights in the lands*
7 *of the Plant; and*

8 (G) *the advisability of sharing revenues and*
9 *rents paid by current and potential tenants of the*
10 *Plant as a result of the Armament Retooling and*
11 *Manufacturing Support Program.*

12 (b) *LOUISIANA ARMY AMMUNITION PLANT.—In this*
13 *section, the term “Louisiana Army Ammunition Plant”*
14 *means the Louisiana Army Ammunition Plant in Doyline,*
15 *Louisiana, consisting of approximately 14,949 acres, of*
16 *which 13,665 acres are under license to the Military De-*
17 *partment of the State of Louisiana and 1,284 acres are used*
18 *by the Army Joint Munitions Command.*

19 (c) *REPORT.—Not later than 180 days after the date*
20 *of the enactment of this Act, the Secretary shall submit to*
21 *the Committees on Armed Services of the Senate and the*
22 *House or Representatives a report on the study conducted*
23 *under subsection (a). The report shall include the results*
24 *of the study and any other matters in light of the study*
25 *that the Secretary considers appropriate.*

1 ***Subtitle D—Review of Overseas***
2 ***Military Facility Structure***

3 **SEC. 2841. SHORT TITLE.**

4 *This subtitle may be cited as the “Overseas Military*
5 *Facility and Range Structure Review Act of 2003”.*

6 **SEC. 2842. ESTABLISHMENT OF COMMISSION.**

7 (a) *ESTABLISHMENT.*—*There is established the Com-*
8 *mission on the Review of the Overseas Military Facility*
9 *and Range Structure of the United States (in this subtitle*
10 *referred to as the “Commission”).*

11 (b) *MEMBERSHIP.*—(1) *The Commission shall be com-*
12 *posed of 9 members of whom—*

13 (A) *one shall be appointed by the Secretary of*
14 *Defense;*

15 (B) *two shall be appointed by the Majority*
16 *Leader of the Senate, in consultation with the Chair-*
17 *man of the Committee on Armed Services of the Sen-*
18 *ate and the Chairman of the Subcommittee on De-*
19 *fense of the Committee on Appropriations of the Sen-*
20 *ate;*

21 (C) *two shall be appointed by the Minority*
22 *Leader of the Senate, in consultation with the Rank-*
23 *ing Member of the Committee on Armed Services of*
24 *the Senate and the Ranking Member of the Sub-*

1 *committee on Defense of the Committee on Appropriations of the Senate;*

2
3 *(D) two shall be appointed by the Speaker of the*
4 *House of Representatives, in consultation with the*
5 *Chairman of the Committee on Armed Services of the*
6 *House of Representatives and the Chairman of the*
7 *Subcommittee on Defense of the Committee on Appropriations of the House of Representatives; and*

8
9 *(E) two shall be appointed by the Minority*
10 *Leader of the House of Representatives, in consulta-*
11 *tion with the Ranking Member of the Committee on*
12 *Armed Services of the House of Representatives and*
13 *the Ranking Member of the Subcommittee on Defense*
14 *of the Committee on Appropriations of the House of*
15 *Representatives.*

16 *(2) Individuals appointed to the Commission shall*
17 *have significant experience in the national security or for-*
18 *eign policy of the United States.*

19 *(3) Appointments of the members of the Commission*
20 *shall be made not later than 45 days after the date of the*
21 *enactment of this Act.*

22 *(c) PERIOD OF APPOINTMENT; VACANCIES.—Members*
23 *shall be appointed for the life of the Commission. Any va-*
24 *cancy in the Commission shall not affect its powers, but*

1 *shall be filled in the same manner as the original appoint-*
2 *ment.*

3 (d) *INITIAL MEETING.*—*Not later than 30 days after*
4 *the date on which all members of the Commission have been*
5 *appointed, the Commission shall hold its first meeting.*

6 (e) *MEETINGS.*—*The Commission shall meet at the call*
7 *of the Chairman.*

8 (f) *QUORUM.*—*A majority of the members of the Com-*
9 *mission shall constitute a quorum, but a lesser number of*
10 *members may hold hearings.*

11 (g) *CHAIRMAN AND VICE CHAIRMAN.*—*The Commis-*
12 *sion shall select a Chairman and Vice Chairman from*
13 *among its members.*

14 **SEC. 2843. DUTIES OF COMMISSION.**

15 (a) *STUDY.*—*The Commission shall conduct a thor-*
16 *ough study of matters relating to the military facility and*
17 *range structure of the United States overseas.*

18 (b) *MATTERS TO BE STUDIED.*—*In conducting the*
19 *study, the Commission shall—*

20 (1) *assess the number of military personnel of*
21 *the United States required to be based outside the*
22 *United States;*

23 (2) *examine the current state of the military fa-*
24 *cilities and training ranges of the United States over-*
25 *seas for all permanent stations and deployed loca-*

1 *tions, including the condition of land and improve-*
2 *ments at such facilities and ranges and the avail-*
3 *ability of additional land, if required, for such facili-*
4 *ties and ranges;*

5 *(3) identify the amounts received by the United*
6 *States, whether in direct payments, in-kind contribu-*
7 *tions, or otherwise, from foreign countries by reason*
8 *of military facilities of the United States overseas;*

9 *(4) assess whether or not the current military*
10 *basing and training range structure of the United*
11 *States overseas is adequate to meet the current and*
12 *future mission of the Department of Defense, includ-*
13 *ing contingency, mobilization, and future force re-*
14 *quirements;*

15 *(5) assess the feasibility and advisability of the*
16 *closure or realignment of military facilities of the*
17 *United States overseas, or the establishment of new*
18 *military facilities of the United States overseas, to*
19 *meet the requirements of the Department of Defense to*
20 *provide for the national security of the United States;*
21 *and*

22 *(6) consider or assess any other issue relating to*
23 *military facilities and ranges of the United States*
24 *overseas that the Commission considers appropriate.*

1 (c) *REPORT.*—(1) *Not later than August 30, 2004, the*
2 *Commission shall submit to the President and Congress a*
3 *report which shall contain a detailed statement of the find-*
4 *ings and conclusions of the Commission, together with its*
5 *recommendations for such legislation and administrative*
6 *actions as it considers appropriate.*

7 (2) *In addition to the matters specified in paragraph*
8 *(1), the report shall also include a proposal by the Commis-*
9 *sion for an overseas basing strategy for the Department of*
10 *Defense in order to meet the current and future mission*
11 *of the Department.*

12 **SEC. 2844. POWERS OF COMMISSION.**

13 (a) *HEARINGS.*—*The Commission may hold such hear-*
14 *ings, sit and act at such times and places, take such testi-*
15 *mony, and receive such evidence as the Commission con-*
16 *siders advisable to carry out this subtitle.*

17 (b) *INFORMATION FROM FEDERAL AGENCIES.*—*The*
18 *Commission may secure directly from any Federal depart-*
19 *ment or agency such information as the Commission con-*
20 *siders necessary to carry out this subtitle. Upon request of*
21 *the Chairman of the Commission, the head of such depart-*
22 *ment or agency shall furnish such information to the Com-*
23 *mission.*

24 (c) *ADMINISTRATIVE SUPPORT SERVICES.*—*Upon re-*
25 *quest of the Commission, the Administrator of General*

1 *Services shall provide to the Commission, on a reimbursable*
2 *basis, the administrative support necessary for the Commis-*
3 *sion to carry out its duties under this subtitle.*

4 (d) *POSTAL SERVICES.—The Commission may use the*
5 *United States mails in the same manner and under the*
6 *same conditions as other departments and agencies of the*
7 *Federal Government.*

8 (e) *GIFTS.—The Commission may accept, use, and dis-*
9 *pose of gifts or donations of services or property.*

10 **SEC. 2845. COMMISSION PERSONNEL MATTERS.**

11 (a) *COMPENSATION OF MEMBERS.—Each member of*
12 *the Commission who is not an officer or employee of the*
13 *Federal Government shall be compensated at a rate equal*
14 *to the daily equivalent of the annual rate of basic pay pre-*
15 *scribed for level IV of the Executive Schedule under section*
16 *5315 of title 5, United States Code, for each day (including*
17 *travel time) during which such member is engaged in the*
18 *performance of the duties of the Commission under this sub-*
19 *title. All members of the Commission who are officers or*
20 *employees of the United States shall serve without com-*
21 *ensation in addition to that received for their services as*
22 *officers or employees of the United States.*

23 (b) *TRAVEL.—(1) Members of the Commission shall be*
24 *allowed travel expenses, including per diem in lieu of sub-*
25 *sistence, at rates authorized for employees of agencies under*

1 *subchapter I of chapter 57 of title 5, United States Code,*
2 *while away from their homes or regular places of business*
3 *in the performance of services for the Commission under*
4 *this subtitle.*

5 (2) *Members and staff of the Commission may receive*
6 *transportation on aircraft of the Military Airlift Command*
7 *to and from the United States, and overseas, for purposes*
8 *of the performance of the duties of the Commission to the*
9 *extent that such transportation will not interfere with the*
10 *requirements of military operations.*

11 (c) *STAFF.*—(1) *The Chairman of the Commission*
12 *may, without regard to the civil service laws and regula-*
13 *tions, appoint and terminate an executive director and such*
14 *other additional personnel as may be necessary to enable*
15 *the Commission to perform its duties under this subtitle.*
16 *The employment of an executive director shall be subject to*
17 *confirmation by the Commission.*

18 (2) *The Commission may employ a staff to assist the*
19 *Commission in carrying out its duties. The total number*
20 *of the staff of the Commission, including an executive direc-*
21 *tor under paragraph (1), may not exceed 12.*

22 (3) *The Chairman of the Commission may fix the com-*
23 *ensation of the executive director and other personnel with-*
24 *out regard to chapter 51 and subchapter III of chapter 53*
25 *of title 5, United States Code, relating to classification of*

1 *positions and General Schedule pay rates, except that the*
2 *rate of pay for the executive director and other personnel*
3 *may not exceed the rate payable for level V of the Executive*
4 *Schedule under section 5316 of such title.*

5 (d) *DETAIL OF GOVERNMENT EMPLOYEES.—Any em-*
6 *ployee of the Department of Defense, the Department of*
7 *State, or the General Accounting Office may be detailed to*
8 *the Commission without reimbursement, and such detail*
9 *shall be without interruption or loss of civil service status*
10 *or privilege.*

11 (e) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
12 *TENT SERVICES.—The Chairman of the Commission may*
13 *procure temporary and intermittent services under section*
14 *3109(b) of title 5, United States Code, at rates for individ-*
15 *uals which do not exceed the daily equivalent of the annual*
16 *rate of basic pay prescribed for level V of the Executive*
17 *Schedule under section 5316 of such title.*

18 **SEC. 2846. SECURITY.**

19 (a) *SECURITY CLEARANCES.—Members and staff of the*
20 *Commission, and any experts and consultants to the Com-*
21 *mission, shall possess security clearances appropriate for*
22 *their duties with the Commission under this subtitle.*

23 (b) *IN GENERAL.—The Secretary of Defense shall as-*
24 *sume responsibility for the handling and disposition of any*
25 *information relating to the national security of the United*

1 *States that is received, considered, or used by the Commis-*
2 *sion under this subtitle.*

3 **SEC. 2847. TERMINATION OF COMMISSION.**

4 *The Commission shall terminate 45 days after the date*
5 *on which the Commission submits its report under section*
6 *2843(c).*

7 **SEC. 2848. FUNDING.**

8 *(a) IN GENERAL.—Of the amount authorized to be ap-*
9 *propriated by section 301(5) for the Department of Defense*
10 *for operation and maintenance, Defense-wide, \$3,000,000*
11 *shall be available to the Commission to carry out this sub-*
12 *title.*

13 *(b) AVAILABILITY.—The amount authorized to be ap-*
14 *propriated by subsection (a) shall remain available, without*
15 *fiscal year limitation, until September 30, 2005.*

1 ***DIVISION C—DEPARTMENT OF***
2 ***ENERGY NATIONAL SECURITY***
3 ***AUTHORIZATIONS AND***
4 ***OTHER AUTHORIZATIONS***
5 ***TITLE XXXI—DEPARTMENT OF***
6 ***ENERGY NATIONAL SECURITY***
7 ***PROGRAMS***
8 ***Subtitle A—National Security***
9 ***Programs Authorizations***

10 ***SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-***
11 ***TION.***

12 *(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are*
13 *hereby authorized to be appropriated to the Department of*
14 *Energy for fiscal year 2004 for the activities of the National*
15 *Nuclear Security Administration in carrying out programs*
16 *necessary for national security in the amount of*
17 *\$8,933,847,000, to be allocated as follows:*

18 *(1) For weapons activities, \$6,457,272,000.*

19 *(2) For defense nuclear nonproliferation activi-*
20 *ties, \$1,340,195,000.*

21 *(3) For naval reactors, \$788,400,000.*

22 *(4) For the Office of the Administrator for Nu-*
23 *clear Security, \$347,980,000.*

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) *Project 04–D–101, test capabilities revital-*
5 *ization, phase I, Sandia National Laboratories, Albu-*
6 *querque, New Mexico, \$36,450,000.*

7 (2) *Project 04–D–102, exterior communications*
8 *infrastructure modernization, Sandia National Lab-*
9 *oratories, Albuquerque, New Mexico, \$20,000,000.*

10 (3) *Project 04–D–103, project engineering and*
11 *design, various locations, \$2,000,000.*

12 (4) *Project 04–D–125, chemistry and metallurgy*
13 *research (CMR) facility replacement, Los Alamos Na-*
14 *tional Laboratory, Los Alamos, New Mexico,*
15 *\$20,500,000.*

16 (5) *Project 04–D–126, building 12–44 produc-*
17 *tion cells upgrade, Pantex Plant, Amarillo, Texas,*
18 *\$8,780,000.*

19 (6) *Project 04–D–127, cleaning and loading*
20 *modifications (CALM), Savannah River Site, Aiken,*
21 *South Carolina, \$2,750,000.*

22 (7) *Project 04–D–128, TA–18 mission relocation*
23 *project, Los Alamos National Laboratory, Los Ala-*
24 *mos, New Mexico, \$8,820,000.*

1 (8) *Project 04–D–203, project engineering and*
2 *design, facilities and infrastructure recapitalization*
3 *program, various locations, \$3,719,000.*

4 (9) *Project 03–D–102, sm.43 replacement ad-*
5 *ministration building, Los Alamos National Labora-*
6 *tory, Los Alamos, New Mexico, \$50,000,000.*

7 **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

8 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
9 *hereby authorized to be appropriated to the Department of*
10 *Energy for fiscal year 2004 for environmental management*
11 *activities in carrying out programs necessary for national*
12 *security in the amount of \$6,809,814,000, to be allocated*
13 *as follows:*

14 (1) *For defense site acceleration completion,*
15 *\$5,814,635,000.*

16 (2) *For defense environmental services in car-*
17 *rying out environmental restoration and waste man-*
18 *agement activities necessary for national security pro-*
19 *grams, \$995,179,000.*

20 (b) *AUTHORIZATION OF NEW PLANT PROJECTS.—*
21 *From funds referred to in subsection (a) that are available*
22 *for carrying out plant projects, the Secretary of Energy*
23 *may carry out new plant projects for defense site accelera-*
24 *tion completion activities, as follows:*

1 (1) *Project 04-D-408, glass waste storage build-*
2 *ing #2, Savannah River Site, Aiken, South Carolina,*
3 *\$20,259,000.*

4 (2) *Project 04-D-414, project engineering and*
5 *design, various locations, \$23,500,000.*

6 (3) *Project 04-D-423, 3013 container surveil-*
7 *lance capability in 235-F, Savannah River Site,*
8 *Aiken, South Carolina, \$1,134,000.*

9 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

10 *Funds are hereby authorized to be appropriated to the*
11 *Department of Energy for fiscal year 2004 for other defense*
12 *activities in carrying out programs necessary for national*
13 *security in the amount of \$465,059,000.*

14 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

15 *Funds are hereby authorized to be appropriated to the*
16 *Department of Energy for fiscal year 2004 for defense nu-*
17 *clear waste disposal for payment to the Nuclear Waste Fund*
18 *established in section 302(c) of the Nuclear Waste Policy*
19 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*
20 *\$360,000,000.*

21 **SEC. 3105. DEFENSE ENERGY SUPPLY.**

22 *Funds are hereby authorized to be appropriated to the*
23 *Department of Energy for fiscal year 2004 for defense en-*
24 *ergy supply in carrying out programs necessary for na-*
25 *tional security in the amount of \$110,473,000.*

1 **Subtitle B—Program Authoriza-**
2 **tions, Restrictions, and Limita-**
3 **tions**

4 **SEC. 3131. REPEAL OF PROHIBITION ON RESEARCH AND DE-**
5 **VELOPMENT OF LOW-YIELD NUCLEAR WEAP-**
6 **ONS.**

7 (a) *REPEAL.*—Section 3136 of the National Defense
8 Authorization Act for Fiscal Year 1994 (Public Law 103–
9 160; 107 Stat. 1946; 42 U.S.C. 2121 note) is repealed.

10 (b) *CONSTRUCTION.*—Nothing in the repeal made by
11 subsection (a) shall be construed as authorizing the testing,
12 acquisition, or deployment of a low-yield nuclear weapon.

13 (c) *LIMITATION.*—The Secretary of Energy may not
14 commence the engineering development phase, or any subse-
15 quent phase, of a low-yield nuclear weapon unless specifi-
16 cally authorized by Congress.

17 (d) *REPORT.*—(1) Not later than March 1, 2004, the
18 Secretary of State, the Secretary of Defense and the Sec-
19 retary of Energy shall jointly submit to Congress a report
20 assessing whether or not the repeal of section 3136 of the
21 National Defense Authorization Act for Fiscal Year 1994
22 will affect the ability of the United States to achieve its
23 nonproliferation objectives and whether or not any changes
24 in programs and activities would be required to achieve
25 those objectives.

1 (2) *The report shall be submitted in unclassified form,*
2 *but may include a classified annex if necessary.*

3 **SEC. 3132. READINESS POSTURE FOR RESUMPTION BY THE**
4 **UNITED STATES OF UNDERGROUND NU-**
5 **CLEAR WEAPONS TESTS.**

6 (a) *18-MONTH READINESS POSTURE REQUIRED.—*
7 *Commencing not later than October 1, 2006, the Secretary*
8 *of Energy shall achieve, and thereafter maintain, a readi-*
9 *ness posture of 18 months for resumption by the United*
10 *States of underground nuclear tests, subject to subsection*
11 *(b).*

12 (b) *ALTERNATIVE READINESS POSTURE.—If as a re-*
13 *sult of the review conducted by the Secretary for purposes*
14 *of the report required by section 3142(c) of the Bob Stump*
15 *National Defense Authorization Act for Fiscal Year 2003*
16 *(Public Law 107–314; 116 Stat. 2733) the Secretary, in*
17 *consultation with the Administrator for Nuclear Security,*
18 *determines that the optimal, advisable, and preferred readi-*
19 *ness posture for resumption by the United States of under-*
20 *ground nuclear tests is a number of months other than 18*
21 *months, the Secretary may, and is encouraged to, achieve*
22 *and thereafter maintain under subsection (a) such optimal,*
23 *advisable, and preferred readiness posture instead of the*
24 *readiness posture of 18 months.*

1 (c) *REPORT ON DETERMINATION.*—(1) *The Secretary*
2 *shall submit to the congressional defense committees a re-*
3 *port on a determination described in subsection (b) if the*
4 *determination leads to the achievement by the Secretary of*
5 *a readiness posture of other than 18 months under that sub-*
6 *section.*

7 (2) *The report under paragraph (1) shall set forth—*

8 (A) *the determination described in that para-*
9 *graph, including the reasons for the determination;*
10 *and*

11 (B) *the number of months of the readiness pos-*
12 *ture to be achieved and maintained under subsection*
13 *(b) as a result of the determination.*

14 (3) *The requirement for a report, if any, under para-*
15 *graph (1) is in addition to the requirement for a report*
16 *under section 3142(c) of the Bob Stump National Defense*
17 *Authorization Act for Fiscal Year 2003, and the require-*
18 *ment in that paragraph shall not be construed as termi-*
19 *nating, modifying, or otherwise affecting the requirement*
20 *for a report under such section.*

21 (d) *READINESS POSTURE.*—*For purposes of this sec-*
22 *tion, a readiness posture of a specified number of months*
23 *for resumption by the United States of underground nuclear*
24 *weapons tests is achieved when the Department of Energy*
25 *has the capability to resume such tests, if directed by the*

1 *President to resume such tests, not later than the specified*
2 *number of months after the date on which the President so*
3 *directs.*

4 **SEC. 3133. TECHNICAL BASE AND FACILITIES MAINTENANCE AND RECAPITALIZATION ACTIVITIES.**

6 (a) *DEADLINE FOR INCLUSION OF PROJECTS IN FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—(1) The Administrator for Nuclear Security shall*
7 *complete the selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program (FIRP)*
8 *of the National Nuclear Security Administration not later*
9 *than September 30, 2004.*

13 (2) *No project may be included in the Facilities and Infrastructure Recapitalization Program after September*
14 *30, 2004, unless such project has been selected for inclusion*
15 *in that program as of that date.*

17 (b) *TERMINATION OF FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM.—The Administrator*
18 *shall terminate the Facilities and Infrastructure Recapitalization Program not later than September 30, 2011.*

21 (c) *READINESS IN TECHNICAL BASE AND FACILITIES PROGRAM.—(1) Not later than September 30, 2004, the Administrator shall submit to the congressional defense committees a report setting forth guidelines on the conduct of*
22
23
24

1 *the Readiness in Technical Base and Facilities (RTBF)*
2 *program of the National Nuclear Security Administration.*

3 (2) *The guidelines on the Readiness in Technical Base*
4 *and Facilities program shall include the following:*

5 (A) *Criteria for the inclusion of projects in the*
6 *program, and for establishing priorities among*
7 *projects included in the program.*

8 (B) *Mechanisms for the management of facilities*
9 *under the program, including maintenance as pro-*
10 *vided pursuant to subparagraph (C).*

11 (C) *A description of the scope of maintenance ac-*
12 *tivities under the program, including recurring main-*
13 *tenance, construction of facilities, recapitalization of*
14 *facilities, and decontamination and decommissioning*
15 *of facilities.*

16 (3) *The guidelines on the Readiness in Technical Base*
17 *and Facilities program shall ensure that the maintenance*
18 *activities provided for under paragraph (2)(C) are carried*
19 *out in a timely and efficient manner designed to avoid*
20 *maintenance backlogs.*

21 (d) *OPERATIONS OF FACILITIES PROGRAM.—(1) The*
22 *Administration shall provide for the administration of the*
23 *Operations of Facilities Program of the National Nuclear*
24 *Security Administration as a program independent of the*
25 *Readiness in Technical Base and Facilities Program and*

1 of any other programs that the Operations of Facilities Pro-
2 gram is intended to support.

3 (2) The Operations of Facilities Program shall be
4 managed by the Associate Administrator of the National
5 Nuclear Security Administration for Facilities and Oper-
6 ations, or by such other official within the National Nuclear
7 Security Administration as the Administrator shall des-
8 ignate for that purpose.

9 **SEC. 3134. CONTINUATION OF PROCESSING, TREATMENT,**
10 **AND DISPOSITION OF LEGACY NUCLEAR MA-**
11 **TERIALS.**

12 (a) CONTINUATION OF H-CANYON FACILITY.—Sub-
13 section (a) of section 3137 of the Floyd D. Spence National
14 Defense Authorization Act for Fiscal Year 2001 (as enacted
15 into law by Public Law 106-398; 114 Stat. 1654A-460)
16 is amended by striking “F-canyon and H-canyon facili-
17 ties” and inserting “H-canyon facility”.

18 (b) MODIFICATION OF LIMITATION ON USE OF FUNDS
19 FOR DECOMMISSIONING F-CANYON FACILITY.—Subsection
20 (b) of such section is amended—

21 (1) by striking “and the Defense Nuclear Facili-
22 ties Safety Board” and all that follows through
23 “House of Representatives” and inserting “submits to
24 the Committee on Armed Services of the Senate and
25 the Committee on Armed Services of the House of

1 *Representatives, and the Defense Nuclear Facilities*
2 *Safety Board,”; and*

3 *(2) by striking “the following:” and all that fol-*
4 *lows and inserting “a report setting forth—*

5 *“(1) an assessment whether or not all materials*
6 *present in the F-canyon facility as of the date of the*
7 *report that required stabilization have been safely sta-*
8 *bilized as of that date;*

9 *“(2) an assessment whether or not the require-*
10 *ments applicable to the F-canyon facility to meet the*
11 *future needs of the United States for fissile materials*
12 *disposition can be met through full use of the H-can-*
13 *yon facility at the Savannah River Site; and*

14 *“(3) if it appears that one or more of the re-*
15 *quirements described in paragraph (2) cannot be met*
16 *through full use of the H-canyon facility—*

17 *“(A) an identification by the Secretary of*
18 *each such requirement that cannot be met*
19 *through full use of the H-canyon facility; and*

20 *“(B) for each requirement so identified, the*
21 *reasons why such requirement cannot be met*
22 *through full use of the H-canyon facility and a*
23 *description of the alternative capability for*
24 *fissile materials disposition that is needed to*
25 *meet such requirement.”.*

1 (c) *REPEAL OF SUPERSEDED PLAN REQUIREMENT.*—
2 Subsection (c) of such section is repealed.

3 **SEC. 3135. REQUIREMENT FOR SPECIFIC AUTHORIZATION**
4 **OF CONGRESS FOR COMMENCEMENT OF EN-**
5 **GINEERING DEVELOPMENT PHASE OR SUBSE-**
6 **QUENT PHASE OF ROBUST NUCLEAR EARTH**
7 **PENETRATOR.**

8 *The Secretary of Energy may not commence the engi-*
9 *neering development phase (phase 6.3) of the nuclear weap-*
10 *ons development process, or any subsequent phase, of a Ro-*
11 *bust Nuclear Earth Penetrator weapon unless specifically*
12 *authorized by Congress.*

13 ***Subtitle C—Proliferation Matters***

14 **SEC. 3141. EXPANSION OF INTERNATIONAL MATERIALS**
15 **PROTECTION, CONTROL, AND ACCOUNTING**
16 **PROGRAM.**

17 (a) *EXPANSION OF PROGRAM TO ADDITIONAL COUN-*
18 *TRIES.*—*The Secretary of Energy may expand the Inter-*
19 *national Materials, Protection, Control, and Accounting*
20 *Program to carry out nuclear nonproliferation threat re-*
21 *duction activities and projects outside the states of the*
22 *former Soviet Union.*

23 (b) *NOTICE TO CONGRESS OF USE OF FUNDS.*—*Not*
24 *later than 15 days before the Secretary obligates funds for*
25 *the International Materials Protection, Control, and Ac-*

1 *counting Program for a project or activity in or with re-*
2 *spect to a country outside the former Soviet Union pursu-*
3 *ant to the authority in subsection (a), the Secretary shall*
4 *submit to the congressional defense committees a notice on*
5 *the obligation of such funds for the project or activity that*
6 *shall specify—*

7 (1) *the project or activity, and forms of assist-*
8 *ance, for which the Secretary proposes to obligate such*
9 *funds;*

10 (2) *the amount of the proposed obligation; and*

11 (3) *the projected involvement (if any) of any*
12 *United States department or agency (other than the*
13 *Department of Energy), or the private sector, in the*
14 *project, activity, or assistance for which the Secretary*
15 *proposes to obligate such funds.*

16 **SEC. 3142. SEMI-ANNUAL FINANCIAL REPORTS ON DE-**
17 **FENSE NUCLEAR NONPROLIFERATION PRO-**
18 **GRAM.**

19 (a) *SEMIANNUAL REPORTS REQUIRED.—Not later*
20 *than April 30 and October 30 each year, the Administrator*
21 *for Nuclear Security shall submit to the Committees on*
22 *Armed Services of the Senate and the House of Representa-*
23 *tives a report on the financial status during the half fiscal*
24 *year ending at the end of the preceding month of all Depart-*
25 *ment of Energy defense nuclear nonproliferation programs*

1 *for which funds were authorized to be appropriated for the*
2 *fiscal year in which such half fiscal year falls.*

3 (b) *CONTENTS.*—*Each report on a half fiscal year*
4 *under subsection (a) shall set forth for each Department of*
5 *Energy defense nuclear nonproliferation program for which*
6 *funds were authorized to be appropriated for the fiscal year*
7 *in which such half fiscal year falls—*

8 (1) *the aggregate amount appropriated for such*
9 *fiscal year for such program; and*

10 (2) *of the aggregate amount appropriated for*
11 *such fiscal year for such program—*

12 (A) *the amounts obligated for such program*
13 *as of the end of the half fiscal year;*

14 (B) *the amounts committed for such pro-*
15 *gram as of the end of the half fiscal year;*

16 (C) *the amounts disbursed for such program*
17 *as of the end of the half fiscal year; and*

18 (D) *the amounts that remain available for*
19 *obligation for such program as of the end of the*
20 *half fiscal year.*

21 (c) *APPLICABILITY.*—*This section shall apply with re-*
22 *spect to fiscal years after fiscal year 2003.*

1 **SEC. 3143. REPORT ON REDUCTION OF EXCESSIVE**
2 **UNCOSTED BALANCES FOR DEFENSE NU-**
3 **CLEAR NONPROLIFERATION ACTIVITIES.**

4 (a) *CONTINGENT REQUIREMENT FOR REPORT.*—If as
5 of September 30, 2004, the aggregate amount obligated but
6 not expended for defense nuclear nonproliferation activities
7 from amounts authorized to be appropriated for such activi-
8 ties in fiscal year 2004 exceeds an amount equal to 20 per-
9 cent of the aggregate amount so obligated for such activities,
10 the Administrator for Nuclear Security shall submit to the
11 Committees on Armed Services of the Senate and the House
12 of Representatives a report containing an aggressive plan
13 to provide for the timely expenditure of amounts so obli-
14 gated but not expended.

15 (b) *SUBMITTAL DATE.*—If required to be submitted
16 under subsection (a), the submittal date for the report under
17 that subsection shall be November 30, 2004.

18 ***Subtitle D—Other Matters***

19 **SEC. 3151. MODIFICATION OF AUTHORITIES ON DEPART-**
20 **MENT OF ENERGY PERSONNEL SECURITY IN-**
21 **VESTIGATIONS.**

22 (a) *IN GENERAL.*—Subsection e. of section 145 of the
23 Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended
24 by striking paragraph (2) and inserting the following new
25 paragraph (2):

1 “(2) *In the case of any program designated by the Sec-*
2 *retary of Energy as sensitive, the Secretary may require*
3 *that any investigation required by subsections a., b., and*
4 *c. of an individual employed in the program be made by*
5 *the Federal Bureau of Investigation.*”.

6 (b) *CONFORMING AMENDMENT.*—*Subsection f. of such*
7 *section is amended by striking “a majority of the members*
8 *of the Commission shall certify those specific positions” and*
9 *inserting “the Secretary of Energy may certify specific po-*
10 *sitions (in addition to positions in programs designated as*
11 *sensitive under subsection e.)”.*

12 **SEC. 3152. RESPONSIBILITIES OF ENVIRONMENTAL MAN-**
13 **AGEMENT PROGRAM AND NATIONAL NU-**
14 **CLEAR SECURITY ADMINISTRATION OF DE-**
15 **PARTMENT OF ENERGY FOR ENVIRON-**
16 **MENTAL CLEANUP, DECONTAMINATION AND**
17 **DECOMMISSIONING, AND WASTE MANAGE-**
18 **MENT.**

19 (a) *DELINEATION OF RESPONSIBILITIES.*—*The Sec-*
20 *retary of Energy shall include in the budget justification*
21 *materials submitted to Congress in support of the Depart-*
22 *ment of Energy budget for fiscal year 2005 (as submitted*
23 *with the budget of the President under section 1105(a) of*
24 *title 31, United States Code) a report setting forth a delin-*
25 *eation of responsibilities between and among the Environ-*

1 *mental Management (EM) program and the National Nu-*
2 *clear Security Administration (NNSA) of the Department*
3 *of Energy for activities on each of the following:*

4 (1) *Environmental cleanup.*

5 (2) *Decontamination and decommissioning*
6 *(D&D).*

7 (3) *Waste management.*

8 (b) *PLAN FOR IMPLEMENTATION OF DELINEATED RE-*
9 *SPONSIBILITIES.—(1) The Secretary shall include in the*
10 *budget justification materials submitted to Congress in sup-*
11 *port of the Department of Energy budget for fiscal year*
12 *2006 (as so submitted) a report setting forth a plan to im-*
13 *plement among the Environmental Management program*
14 *and the National Nuclear Security Administration the re-*
15 *sponsibilities for activities referred to in subsection (a) as*
16 *delineated under that subsection.*

17 (2) *The report under paragraph (1) shall include such*
18 *recommendations for legislative action as the Secretary con-*
19 *siders appropriate in order to—*

20 (A) *clarify in law the responsibilities delineated*
21 *under subsection (a); and*

22 (B) *facilitate the implementation of the plan set*
23 *forth in the report.*

24 (c) *CONSULTATION.—The Secretary shall carry out*
25 *this section in consultation with the Administrator for Nu-*

1 *clear Security and the Under Secretary of Energy for En-*
2 *ergy, Science, and Environment.*

3 **SEC. 3153. UPDATE OF REPORT ON STOCKPILE STEWARD-**
4 **SHIP CRITERIA.**

5 (a) *UPDATE OF REPORT.*—Not later than March 1,
6 2005, the Secretary of Energy shall submit to the commit-
7 tees referred to in subsection (c) of section 4202 of the Atom-
8 ic Energy Defense Act a report updating the report sub-
9 mitted under subsection (a) of such section.

10 (b) *ELEMENTS.*—The report under subsection (a) of
11 this section shall—

12 (1) *update any information or criteria described*
13 *in the report submitted under such section 4202;*

14 (2) *describe any additional information identi-*
15 *fied, or criteria established, on matters covered by*
16 *such section 4202 during the period beginning on the*
17 *date of the submittal of the report under such section*
18 *4202 and ending on the date of the submittal of the*
19 *report under subsection (a) of this section; and*

20 (3) *for each science-based tool developed by the*
21 *Department of Energy during such period—*

22 (A) *a description of the relationship of such*
23 *science-based tool to the collection of information*
24 *needed to determine that the nuclear weapons*
25 *stockpile is safe and reliable; and*

1 (B) a description of the criteria for judging
2 whether or not such science-based tool provides
3 for the collection of such information.

4 **SEC. 3154. PROGRESS REPORTS ON ENERGY EMPLOYEES**
5 **OCCUPATIONAL ILLNESS COMPENSATION**
6 **PROGRAM.**

7 (a) *REPORT ON ACCESS TO INFORMATION FOR PER-*
8 *FORMANCE OF RADIATION DOSE RECONSTRUCTIONS.—(1)*
9 *Not later than 90 days after the date of the enactment of*
10 *this Act, the National Institute for Occupational Safety and*
11 *Health shall submit to Congress a report on the ability of*
12 *the Institute to obtain, in a timely, accurate, and complete*
13 *manner, information necessary for the purpose of carrying*
14 *out radiation dose reconstructions under the Energy Em-*
15 *ployees Occupational Illness Compensation Program Act of*
16 *2000 (42 U.S.C. 7384 et seq.), including information re-*
17 *quested from any element of the Department of Energy.*

18 (2) *The report shall include the following:*

19 (A) *An identification of each matter adversely*
20 *affecting the ability of the Institute to obtain infor-*
21 *mation described in paragraph (1) in a timely, accu-*
22 *rate, and complete manner.*

23 (B) *For each facility with respect to which the*
24 *Institute is carrying out one or more dose reconstruc-*
25 *tions described in paragraph (1)—*

1 (i) a specification of the total number of
2 claims requiring dose reconstruction;

3 (ii) a specification of the number of claims
4 for which dose reconstruction has been adversely
5 affected by any matter identified under para-
6 graph (1); and

7 (iii) a specification of the number of claims
8 requiring dose reconstruction for which, because
9 of any matter identified under paragraph (1),
10 dose reconstruction has not been completed with-
11 in 150 days after the date on which the Sec-
12 retary of Labor submitted the claim to the Sec-
13 retary of Health and Human Services.

14 (b) *REPORT ON DENIAL OF CLAIMS.*—(1) Not later
15 than 90 days after the date of the enactment of this Act,
16 the Secretary of Labor shall submit to Congress a report
17 on the denial of claims under the Energy Employees Occu-
18 pational Illness Compensation Program Act of 2000 as of
19 the date of such report.

20 (2) The report shall include for each facility with re-
21 spect to which the Secretary has received one or more claims
22 under that Act the following:

23 (A) The number of claims received with respect
24 to such facility that have been denied, including the

1 percentage of total number of claims received with re-
2 spect to such facility that have been denied.

3 (B) *The reasons for the denial of such claims, in-*
4 *cluding the number of claims denied for each such*
5 *reason.*

6 **SEC. 3155. STUDY ON THE APPLICATION OF TECHNOLOGY**
7 **FROM THE ROBUST NUCLEAR EARTH PENE-**
8 **TRATOR PROGRAM TO CONVENTIONAL HARD**
9 **AND DEEPLY BURIED TARGET WEAPONS DE-**
10 **VELOPMENT PROGRAMS.**

11 (a) *FINDINGS.*—*Much of the work that will be carried*
12 *out by the Secretary of Energy in the feasibility study for*
13 *the Robust Nuclear Earth Penetrator will have applica-*
14 *bility to a nuclear or a conventional earth penetrator, but*
15 *the Department of Energy does not have responsibility for*
16 *development of conventional earth penetrator or other con-*
17 *ventional programs for hard and deeply buried targets.*

18 (b) *PLAN.*—*The Secretary of Energy and the Secretary*
19 *of Defense shall develop, submit to Congress three months*
20 *after the date of enactment of this Act, and implement, a*
21 *plan to coordinate the Robust Nuclear Earth Penetrator*
22 *feasibility study at the Department of Energy with the on-*
23 *going conventional hard and deeply buried weapons devel-*
24 *opment programs at the Department of Defense. This plan*
25 *shall ensure that over the course of the feasibility study for*

1 *the Robust Nuclear Earth Penetrator the ongoing results of*
 2 *the work of the Department of Energy, with application to*
 3 *the Department of Defense programs, is shared with and*
 4 *integrated into the Department of Defense programs.*

5 ***Subtitle E—Consolidation of Gen-***
 6 ***eral Provisions on Department***
 7 ***of Energy National Security Pro-***
 8 ***grams***

9 ***SEC. 3161. CONSOLIDATION AND ASSEMBLY OF RECUR-***
 10 ***RING AND GENERAL PROVISIONS ON DE-***
 11 ***PARTMENT OF ENERGY NATIONAL SECURITY***
 12 ***PROGRAMS.***

13 *(a) PURPOSE.—*

14 *(1) IN GENERAL.—The purpose of this section is*
 15 *to assemble together, without substantive amendment*
 16 *but with technical and conforming amendments of a*
 17 *non-substantive nature, recurring and general provi-*
 18 *sions of law on Department of Energy national secu-*
 19 *rity programs that remain in force in order to con-*
 20 *solidate and organize such provisions of law into a*
 21 *single Act intended to comprise general provisions of*
 22 *law on such programs.*

23 *(2) CONSTRUCTION OF TRANSFERS.—The trans-*
 24 *fer of a provision of law by this section shall not be*

1 *construed as amending, altering, or otherwise modi-*
2 *fying the substantive effect of such provision.*

3 (3) *TREATMENT OF SATISFIED REQUIRE-*
4 *MENTS.—Any requirement in a provision of law*
5 *transferred under this section that has been fully sat-*
6 *isfied in accordance with the terms of such provision*
7 *of law as of the date of transfer under this section*
8 *shall be treated as so fully satisfied, and shall not be*
9 *treated as being revived solely by reason of transfer*
10 *under this section.*

11 (4) *CLASSIFICATION.—The provisions of the*
12 *Atomic Energy Defense Act, as amended by this sec-*
13 *tion, shall be classified to the United States Code as*
14 *a new chapter of title 50, United States Code.*

15 (b) *DIVISION HEADING.—The Bob Stump National*
16 *Defense Authorization Act for Fiscal Year 2003 (Public*
17 *Law 107–314) is amended by adding at the end the fol-*
18 *lowing new division heading:*

19 **“DIVISION D—ATOMIC ENERGY**
20 **DEFENSE PROVISIONS”.**

21 (c) *SHORT TITLE; DEFINITION.—*

22 (1) *SHORT TITLE.—Section 3601 of the Atomic*
23 *Energy Defense Act (title XXXVI of Public Law 107–*
24 *314; 116 Stat. 2756) is—*

1 (A) transferred to the end of the Bob Stump
2 National Defense Authorization Act for Fiscal
3 Year 2003;

4 (B) redesignated as section 4001;

5 (C) inserted after the heading for division D
6 of the Bob Stump National Defense Authoriza-
7 tion Act for Fiscal Year 2003, as added by sub-
8 section (b); and

9 (D) amended by striking “title” and insert-
10 ing “division”.

11 (2) *DEFINITION.*—Division D of the Bob Stump
12 National Defense Authorization Act for Fiscal Year
13 2003, as amended by this section, is further amended
14 by adding at the end the following new section:

15 **“SEC. 4002. DEFINITION.**

16 *“In this division, the term ‘congressional defense com-
17 mittees’ means—*

18 *“(1) the Committee on Armed Services and the
19 Committee on Appropriations of the Senate; and*

20 *“(2) the Committee on Armed Services and the
21 Committee on Appropriations of the House of Rep-
22 resentatives.”.*

23 (d) *ORGANIZATIONAL MATTERS.*—

24 (1) *TITLE HEADING.*—Division D of the Bob
25 Stump National Defense Authorization Act for Fiscal

1 Year 2003, as amended by this section, is further
2 amended by adding at the end the following:

3 **“TITLE XLI—ORGANIZATIONAL**
4 **MATTERS”.**

5 (2) *NAVAL NUCLEAR PROPULSION PROGRAM.*—
6 Section 1634 of the Department of Defense Authoriza-
7 tion Act, 1985 (Public Law 98–525; 98 Stat. 2649)
8 is—

9 (A) transferred to title XLI of division D of
10 the Bob Stump National Defense Authorization
11 Act for Fiscal Year 2003, as added by paragraph
12 (1);

13 (B) inserted after the title heading for such
14 title, as so added; and

15 (C) amended—

16 (i) by striking the section heading and
17 inserting the following new section heading:

18 **“SEC. 4101. NAVAL NUCLEAR PROPULSION PROGRAM.”;**

19 and

20 (ii) by striking “SEC. 1634.”.

21 (3) *MANAGEMENT STRUCTURE FOR FACILITIES*
22 *AND LABORATORIES.*—Section 3140 of the National
23 Defense Authorization Act for Fiscal Year 1997 (Pub-
24 lic Law 104–201; 110 Stat. 2833) is—

1 (A) transferred to title XLI of division D of
2 the Bob Stump National Defense Authorization
3 Act for Fiscal Year 2003, as amended by this
4 subsection;

5 (B) redesignated as section 4102;

6 (C) inserted after section 4101, as added by
7 paragraph (2); and

8 (D) amended in subsection (d)(2), by strik-
9 ing “120 days after the date of the enactment of
10 this Act,” and inserting “January 21, 1997.”

11 (4) *RESTRICTION ON LICENSING REQUIREMENTS*
12 *FOR CERTAIN ACTIVITIES AND FACILITIES.*—Section
13 210 of the Department of Energy National Security
14 and Military Applications of Nuclear Energy Author-
15 ization Act of 1981 (Public Law 96–540; 94 Stat.
16 3202) is—

17 (A) transferred to title XLI of division D of
18 the Bob Stump National Defense Authorization
19 Act for Fiscal Year 2003, as amended by this
20 subsection;

21 (B) inserted after section 4102, as added by
22 paragraph (3); and

23 (C) amended—

24 (i) by striking the section heading and
25 inserting the following new section heading:

1 **“SEC. 4103. RESTRICTION ON LICENSING REQUIREMENT**
 2 **FOR CERTAIN DEFENSE ACTIVITIES AND FA-**
 3 **CILITIES.”;**

4 *(ii) by striking “SEC. 210.”; and*
 5 *(iii) by striking “this or any other*
 6 *Act” and inserting “the Department of En-*
 7 *ergy National Security and Military Appli-*
 8 *cations of Nuclear Energy Authorization*
 9 *Act of 1981 (Public Law 96–540) or any*
 10 *other Act”.*

11 *(e) NUCLEAR WEAPONS STOCKPILE MATTERS.—*

12 *(1) HEADINGS.—Division D of the Bob Stump*
 13 *National Defense Authorization Act for Fiscal Year*
 14 *2003, as amended by this section, is further amended*
 15 *by adding at the end the following new headings:*

16 **“TITLE XLII—NUCLEAR**
 17 **WEAPONS STOCKPILE MATTERS**
 18 **“Subtitle A—Stockpile Stewardship**
 19 **and Weapons Production”.**

20 *(2) STOCKPILE STEWARDSHIP PROGRAM.—Sec-*
 21 *tion 3138 of the National Defense Authorization Act*
 22 *for Fiscal Year 1994 (Public Law 103–160; 107 Stat.*
 23 *1946), as amended by section 3152(e) of the National*
 24 *Defense Authorization Act for Fiscal Year 1998 (Pub-*
 25 *lic Law 105–85; 111 Stat. 2042), is—*

1 (A) transferred to title XLII of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as added by para-
4 graph (1);

5 (B) redesignated as section 4201; and

6 (C) inserted after the heading for subtitle A
7 of such title, as so added.

8 (3) *STOCKPILE STEWARDSHIP CRITERIA*.—Sec-
9 tion 3158 of the Strom Thurmond National Defense
10 Authorization Act for Fiscal Year 1999 (Public Law
11 105–261; 112 Stat. 2257), as amended, is—

12 (A) transferred to title XLII of division D
13 of the Bob Stump National Defense Authoriza-
14 tion Act for Fiscal Year 2003, as amended by
15 this subsection;

16 (B) redesignated as section 4202; and

17 (C) inserted after section 4201, as added by
18 paragraph (2).

19 (4) *PLAN FOR STEWARDSHIP, MANAGEMENT, AND*
20 *CERTIFICATION OF WARHEADS IN STOCKPILE*.—Sec-
21 tion 3151 of the National Defense Authorization Act
22 for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
23 2041) is—

24 (A) transferred to title XLII of division D
25 of the Bob Stump National Defense Authoriza-

1 *tion Act for Fiscal Year 2003, as amended by*
2 *this subsection;*

3 *(B) redesignated as section 4203; and*

4 *(C) inserted after section 4202, as added by*
5 *paragraph (3).*

6 (5) *STOCKPILE LIFE EXTENSION PROGRAM.—*
7 *Section 3133 of the National Defense Authorization*
8 *Act for Fiscal Year 2000 (Public Law 106–65; 113*
9 *Stat. 926) is—*

10 *(A) transferred to title XLII of division D*
11 *of the Bob Stump National Defense Authoriza-*
12 *tion Act for Fiscal Year 2003, as amended by*
13 *this subsection;*

14 *(B) redesignated as section 4204;*

15 *(C) inserted after section 4203, as added by*
16 *paragraph (4); and*

17 *(D) amended in subsection (c)(1) by strik-*
18 *ing “the date of the enactment of this Act” and*
19 *inserting “October 5, 1999”.*

20 (6) *ANNUAL ASSESSMENTS AND REPORTS ON*
21 *CONDITION OF STOCKPILE.—Section 3141 of the Bob*
22 *Stump National Defense Authorization Act for Fiscal*
23 *Year 2003 (Public Law 107–314; 116 Stat. 2730)*
24 *is—*

1 (A) transferred to title XLII of division D
2 of such Act, as amended by this subsection;

3 (B) redesignated as section 4205;

4 (C) inserted after section 4204, as added by
5 paragraph (5); and

6 (D) amended in subsection (d)(3)(B) by
7 striking “section 3137 of the National Defense
8 Authorization Act for Fiscal Year 1996 (42
9 U.S.C. 2121 note)” and inserting “section 4213”.

10 (7) *FORM OF CERTAIN CERTIFICATIONS REGARD-*
11 *ING STOCKPILE.*—Section 3194 of the Floyd D.
12 Spence National Defense Authorization Act for Fiscal
13 Year 2001 (as enacted into law by Public Law 106–
14 398; 114 Stat. 1654A–481) is—

15 (A) transferred to title XLII of division D
16 of the Bob Stump National Defense Authoriza-
17 tion Act for Fiscal Year 2003, as amended by
18 this subsection;

19 (B) redesignated as section 4206; and

20 (C) inserted after section 4205, as added by
21 paragraph (6).

22 (8) *NUCLEAR TEST BAN READINESS PROGRAM.*—
23 Section 1436 of the National Defense Authorization
24 Act, Fiscal Year 1989 (Public Law 100–456; 102
25 Stat. 2075) is—

1 (A) transferred to title XLII of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) redesignated as section 4207;

6 (C) inserted after section 4206, as added by
7 paragraph (7); and

8 (D) amended in the section heading by add-
9 ing a period at the end.

10 (9) *STUDY ON NUCLEAR TEST READINESS POS-*
11 *TURES.*—Section 3152 of the National Defense Au-
12 thorization Act for Fiscal Year 1996 (Public Law
13 104–106; 110 Stat. 623), as amended by section 3192
14 of the Floyd D. Spence National Defense Authoriza-
15 tion Act for Fiscal Year 2001 (as enacted into law by
16 Public Law 106–398; 114 Stat. 1654A–480), is—

17 (A) transferred to title XLII of division D
18 of the Bob Stump National Defense Authoriza-
19 tion Act for Fiscal Year 2003, as amended by
20 this subsection;

21 (B) redesignated as section 4208; and

22 (C) inserted after section 4207, as added by
23 paragraph (8).

24 (10) *REQUIREMENTS FOR REQUESTS FOR NEW*
25 *OR MODIFIED NUCLEAR WEAPONS.*—Section 3143 of

1 *the Bob Stump National Defense Authorization Act*
2 *for Fiscal Year 2003 (Public Law 107–314; 116 Stat.*
3 *2733) is—*

4 *(A) transferred to title XLII of division D*
5 *of such Act, as amended by this subsection;*

6 *(B) redesignated as section 4209; and*

7 *(C) inserted after section 4208, as added by*
8 *paragraph (9).*

9 (11) *LIMITATION ON UNDERGROUND NUCLEAR*
10 *WEAPONS TESTS.—Subsection (f) of section 507 of the*
11 *Energy and Water Development Appropriations Act,*
12 *1993 (Public Law 102–337; 106 Stat. 1345) is—*

13 *(A) transferred to title XLII of division D*
14 *of the Bob Stump National Defense Authoriza-*
15 *tion Act for Fiscal Year 2003, as amended by*
16 *this subsection;*

17 *(B) inserted after section 4209, as added by*
18 *paragraph (10); and*

19 *(C) amended—*

20 *(i) by inserting before the text the fol-*
21 *lowing new section heading:*

22 **“SEC. 4210. LIMITATION ON UNDERGROUND NUCLEAR**
23 **WEAPONS TESTS.”;**

24 *and*

25 *(ii) by striking “(f)”.*

1 (12) *PROHIBITION ON RESEARCH AND DEVELOP-*
2 *MENT OF LOW-YIELD NUCLEAR WEAPONS.*—Section
3 3136 of the National Defense Authorization Act for
4 Fiscal Year 1994 (Public Law 103–160; 107 Stat.
5 1946) is—

6 (A) transferred to title XLII of division D
7 of the Bob Stump National Defense Authoriza-
8 tion Act for Fiscal Year 2003, as amended by
9 this subsection;

10 (B) redesignated as section 4211;

11 (C) inserted after section 4210, as added by
12 paragraph (11); and

13 (D) amended in subsection (b) by striking
14 “the date of the enactment of this Act,” and in-
15 serting “November 30, 1993,”.

16 (13) *TESTING OF NUCLEAR WEAPONS.*—Section
17 3137 of the National Defense Authorization Act for
18 Fiscal Year 1994 (Public Law 103–160; 107 Stat.
19 1946) is—

20 (A) transferred to title XLII of division D
21 of the Bob Stump National Defense Authoriza-
22 tion Act for Fiscal Year 2003, as amended by
23 this subsection;

24 (B) redesignated as section 4212;

1 (C) inserted after section 4211, as added by
2 paragraph (12); and

3 (D) amended—

4 (i) in subsection (a), by inserting “of
5 the National Defense Authorization Act for
6 Fiscal Year 1994 (Public Law 103–160)”
7 after “section 3101(a)(2)”; and

8 (ii) in subsection (b), by striking “this
9 Act” and inserting “the National Defense
10 Authorization Act for Fiscal Year 1994”.

11 (14) *MANUFACTURING INFRASTRUCTURE FOR*
12 *STOCKPILE.*—Section 3137 of the National Defense
13 Authorization Act for Fiscal Year 1996 (Public Law
14 104–106; 110 Stat. 620), as amended by section 3132
15 of the National Defense Authorization Act for Fiscal
16 Year 1997 (Public Law 104–201; 110 Stat. 2829),
17 is—

18 (A) transferred to title XLII of division D
19 of the Bob Stump National Defense Authoriza-
20 tion Act for Fiscal Year 2003, as amended by
21 this subsection;

22 (B) redesignated as section 4213;

23 (C) inserted after section 4212, as added by
24 paragraph (13); and

1 (D) amended in subsection (d) by inserting
2 “of the National Defense Authorization Act for
3 Fiscal Year 1996 (Public Law 104–106)” after
4 “section 3101(b)”.

5 (15) *REPORTS ON CRITICAL DIFFICULTIES AT*
6 *LABORATORIES AND PLANTS.*—Section 3159 of the
7 National Defense Authorization Act for Fiscal Year
8 1997 (Public Law 104–201; 110 Stat. 2842), as
9 amended by section 1305 of the National Defense Au-
10 thorization Act for Fiscal Year 1998 (Public Law
11 105–85; 111 Stat. 1954) and section 3163 of the Na-
12 tional Defense Authorization Act for Fiscal Year 2000
13 (Public Law 106–65; 113 Stat. 944), is—

14 (A) transferred to title XLII of division D
15 of the Bob Stump National Defense Authoriza-
16 tion Act for Fiscal Year 2003, as amended by
17 this subsection;

18 (B) redesignated as section 4214; and

19 (C) inserted after section 4213, as added by
20 paragraph (14).

21 (16) *SUBTITLE HEADING ON TRITIUM.*—Title
22 XLII of division D of the Bob Stump National De-
23 fense Authorization Act for Fiscal Year 2003, as
24 amended by this subsection, is further amended by
25 adding at the end the following new subtitle heading:

“Subtitle B—Tritium”.

(17) *TRITIUM PRODUCTION PROGRAM.*—Section 3133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 618) is—

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4231;

(C) inserted after the heading for subtitle B of such title XLII, as added by paragraph (16); and

(D) amended—

(i) by striking “the date of the enactment of this Act” each place it appears and inserting “February 10, 1996”; and

(ii) in subsection (b), by inserting “of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)” after “section 3101”.

(18) *TRITIUM RECYCLING.*—Section 3136 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620) is—

1 (A) transferred to title XLII of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) redesignated as section 4232; and

6 (C) inserted after section 4231, as added by
7 paragraph (17).

8 (19) *TRITIUM PRODUCTION*.—Subsections (c)
9 and (d) of section 3133 of the National Defense Au-
10 thorization Act for Fiscal Year 1997 (Public Law
11 104–201; 110 Stat. 2830) are—

12 (A) transferred to title XLII of division D
13 of the Bob Stump National Defense Authoriza-
14 tion Act for Fiscal Year 2003, as amended by
15 this subsection;

16 (B) inserted after section 4232, as added by
17 paragraph (18); and

18 (C) amended—

19 (i) by inserting before the text the fol-
20 lowing new section heading:

21 **“SEC. 4233. TRITIUM PRODUCTION.”;**

22 (ii) by redesignating such subsections
23 as subsections (a) and (b), respectively; and

1 (iii) in subsection (a), as so redesign-
2 nated, by inserting “of Energy” after “The
3 Secretary”.

4 (20) *MODERNIZATION AND CONSOLIDATION OF*
5 *TRITIUM RECYCLING FACILITIES.*—Section 3134 of the
6 *National Defense Authorization Act for Fiscal Year*
7 *1997 (Public Law 104–201; 110 Stat. 2830) is—*

8 (A) transferred to title XLII of division D
9 of the *Bob Stump National Defense Authoriza-*
10 *tion Act for Fiscal Year 2003, as amended by*
11 *this subsection;*

12 (B) redesignated as section 4234;

13 (C) inserted after section 4233, as added by
14 paragraph (19); and

15 (D) amended in subsection (b) by inserting
16 “of the *National Defense Authorization Act for*
17 *Fiscal Year 1997 (Public Law 104–201)*” after
18 “section 3101”.

19 (21) *PROCEDURES FOR MEETING TRITIUM PRO-*
20 *DUCTION REQUIREMENTS.*—Section 3134 of the *Na-*
21 *tional Defense Authorization Act for Fiscal Year 2000*
22 *(Public Law 106–65; 113 Stat. 927) is—*

23 (A) transferred to title XLII of division D
24 of the *Bob Stump National Defense Authoriza-*

1 *tion Act for Fiscal Year 2003, as amended by*
2 *this subsection;*

3 *(B) redesignated as section 4235; and*

4 *(C) inserted after section 4234, as added by*
5 *paragraph (20).*

6 *(f) PROLIFERATION MATTERS.—*

7 *(1) TITLE HEADING.—Division D of the Bob*
8 *Stump National Defense Authorization Act for Fiscal*
9 *Year 2003, as amended by this section, is further*
10 *amended by adding at the end the following new title*
11 *heading:*

12 **“TITLE XLIII—PROLIFERATION**
13 **MATTERS”.**

14 *(2) INTERNATIONAL COOPERATIVE STOCKPILE*
15 *STEWARDSHIP.—Section 3133 of the National Defense*
16 *Authorization Act for Fiscal Year 1998 (Public Law*
17 *105–85; 111 Stat. 2036), as amended by sections 1069*
18 *and 3131 of the Strom Thurmond National Defense*
19 *Authorization Act for Fiscal Year 1999 (Public Law*
20 *105–261; 112 Stat. 2136, 2246), is—*

21 *(A) transferred to title XLIII of division D*
22 *of the Bob Stump National Defense Authoriza-*
23 *tion Act for Fiscal Year 2003, as added by para-*
24 *graph (1);*

25 *(B) redesignated as section 4301;*

1 (C) inserted after the heading for such title,
2 as so added; and

3 (D) amended in subsection (b)(3) by strik-
4 ing “of this Act” and inserting “of the National
5 Defense Authorization Act for Fiscal Year 1998
6 (Public Law 105–85)”.

7 (3) *NONPROLIFERATION INITIATIVES AND ACTIVI-*
8 *TIES.*—Section 3136 of the National Defense Author-
9 ization Act for Fiscal Year 2000 (Public Law 106–
10 65; 113 Stat. 927) is—

11 (A) transferred to title XLIII of division D
12 of the Bob Stump National Defense Authoriza-
13 tion Act for Fiscal Year 2003, as amended by
14 this subsection;

15 (B) redesignated as section 4302;

16 (C) inserted after section 4301, as added by
17 paragraph (2); and

18 (D) amended in subsection (b)(1) by strik-
19 ing “this title” and inserting “title XXXI of the
20 National Defense Authorization Act for Fiscal
21 Year 2000 (Public Law 106–65)”.

22 (4) *ANNUAL REPORT ON MATERIALS PROTEC-*
23 *TION, CONTROL, AND ACCOUNTING PROGRAM.*—Section
24 3171 of the Floyd D. Spence National Defense Au-
25 thorization Act for Fiscal Year 2001 (as enacted into

1 *law by Public Law 106–398; 114 Stat. 1645A–475)*
2 *is—*

3 *(A) transferred to title XLIII of division D*
4 *of the Bob Stump National Defense Authoriza-*
5 *tion Act for Fiscal Year 2003, as amended by*
6 *this subsection;*

7 *(B) redesignated as section 4303;*

8 *(C) inserted after section 4302, as added by*
9 *paragraph (3); and*

10 *(D) amended in subsection (c)(1) by strik-*
11 *ing “this Act” and inserting “the Floyd D.*
12 *Spence National Defense Authorization Act for*
13 *Fiscal Year 2001 (as enacted into law by Public*
14 *Law 106–398)”.*

15 *(5) NUCLEAR CITIES INITIATIVE.—Section 3172*
16 *of the Floyd D. Spence National Defense Authoriza-*
17 *tion Act for Fiscal Year 2001 (as enacted into law by*
18 *Public Law 106–398; 114 Stat. 1645A–476) is—*

19 *(A) transferred to title XLIII of division D*
20 *of the Bob Stump National Defense Authoriza-*
21 *tion Act for Fiscal Year 2003, as amended by*
22 *this subsection;*

23 *(B) redesignated as section 4304; and*

24 *(C) inserted after section 4303, as added by*
25 *paragraph (4).*

1 (6) *PROGRAMS ON FISSILE MATERIALS.*—Section
2 3131 of the National Defense Authorization Act for
3 Fiscal Year 1996 (Public Law 104–106; 110 Stat.
4 617), as amended by section 3152 of the Bob Stump
5 National Defense Authorization Act for Fiscal Year
6 2003 (Public Law 107–314; 116 Stat. 2738), is—

7 (A) transferred to title XLIII of division D
8 of the Bob Stump National Defense Authoriza-
9 tion Act for Fiscal Year 2003, as amended by
10 this subsection;

11 (B) redesignated as section 4305; and

12 (C) inserted after section 4304, as added by
13 paragraph (5).

14 (7) *DISPOSITION OF WEAPONS USABLE PLUTO-*
15 *NIUM.*—Section 3182 of the Bob Stump National De-
16 fense Authorization Act for Fiscal Year 2003 (Public
17 Law 107–314; 116 Stat. 2747) is—

18 (A) transferred to title XLIII of division D
19 of such Act, as amended by this subsection;

20 (B) redesignated as section 4306; and

21 (C) inserted after section 4305, as added by
22 paragraph (7).

23 (8) *DISPOSITION OF SURPLUS DEFENSE PLUTO-*
24 *NIUM.*—Section 3155 of the National Defense Author-

1 *ization Act for Fiscal Year 2002 (Public Law 107–*
 2 *107; 115 Stat. 1378) is—*

3 *(A) transferred to title XLIII of division D*
 4 *of the Bob Stump National Defense Authoriza-*
 5 *tion Act for Fiscal Year 2003, as amended by*
 6 *this subsection;*

7 *(B) redesignated as section 4307; and*

8 *(C) inserted after section 4306, as added by*
 9 *paragraph (7).*

10 *(g) ENVIRONMENTAL RESTORATION AND WASTE MAN-*
 11 *AGEMENT MATTERS.—*

12 *(1) HEADINGS.—Division D of the Bob Stump*
 13 *National Defense Authorization Act for Fiscal Year*
 14 *2003, as amended by this section, is further amended*
 15 *by adding at the end the following new headings:*

16 **“TITLE XLIV—ENVIRONMENTAL**
 17 **RESTORATION AND WASTE**
 18 **MANAGEMENT MATTERS**

19 **“Subtitle A—Environmental Res-**
 20 **toration and Waste Manage-**
 21 **ment”.**

22 *(2) DEFENSE ENVIRONMENTAL RESTORATION*
 23 *AND WASTE MANAGEMENT ACCOUNT.—Section 3134 of*
 24 *the National Defense Authorization Act for Fiscal*

1 *Years 1992 and 1993 (Public Law 102–190; 105 Stat.*
2 *1575) is—*

3 *(A) transferred to title XLIV of division D*
4 *of the Bob Stump National Defense Authoriza-*
5 *tion Act for Fiscal Year 2003, as added by para-*
6 *graph (1);*

7 *(B) redesignated as section 4401; and*

8 *(C) inserted after the heading for subtitle A*
9 *of such title, as so added.*

10 *(3) FUTURE USE PLANS FOR ENVIRONMENTAL*
11 *MANAGEMENT PROGRAM.—Section 3153 of the Na-*
12 *tional Defense Authorization Act for Fiscal Year 1997*
13 *(Public Law 104–201; 110 Stat. 2839) is—*

14 *(A) transferred to title XLIV of division D*
15 *of the Bob Stump National Defense Authoriza-*
16 *tion Act for Fiscal Year 2003, as amended by*
17 *this subsection;*

18 *(B) redesignated as section 4402;*

19 *(C) inserted after section 4401, as added by*
20 *paragraph (2); and*

21 *(D) amended—*

22 *(i) in subsection (d), by striking “the*
23 *date of the enactment of this Act” and in-*
24 *serting “September 23, 1996,”; and*

1 (ii) in subsection (h)(1), by striking
2 “the date of the enactment of this Act” and
3 inserting “September 23, 1996”.

4 (4) *INTEGRATED FISSILE MATERIALS MANAGE-*
5 *MENT PLAN.*—Section 3172 of the National Defense
6 Authorization Act for Fiscal Year 2000 (Public Law
7 106–65; 113 Stat. 948) is—

8 (A) transferred to title XLIV of division D
9 of the Bob Stump National Defense Authoriza-
10 tion Act for Fiscal Year 2003, as amended by
11 this subsection;

12 (B) redesignated as section 4403; and

13 (C) inserted after section 4402, as added by
14 paragraph (3).

15 (5) *BASELINE ENVIRONMENTAL MANAGEMENT*
16 *REPORTS.*—Section 3153 of the National Defense Au-
17 thorization Act for Fiscal Year 1994 (Public Law
18 103–160; 107 Stat. 1950), as amended by section
19 3160 of the National Defense Authorization Act for
20 Fiscal Year 1995 (Public Law 103–337; 108 Stat.
21 3094), section 3152 of the National Defense Author-
22 ization Act for Fiscal Year 1997 (Public Law 104–
23 201; 110 Stat. 2839), and section 3160 of the Na-
24 tional Defense Authorization Act for Fiscal Year 1998
25 (Public Law 105–85; 111 Stat. 2048), is—

1 (A) transferred to title XLIV of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) redesignated as section 4404; and

6 (C) inserted after section 4403, as added by
7 paragraph (4).

8 (6) ACCELERATED SCHEDULE FOR ENVIRON-
9 MENTAL RESTORATION AND WASTE MANAGEMENT.—
10 Section 3156 of the National Defense Authorization
11 Act for Fiscal Year 1996 (Public Law 104–106; 110
12 Stat. 625) is—

13 (A) transferred to title XLIV of division D
14 of the Bob Stump National Defense Authoriza-
15 tion Act for Fiscal Year 2003, as amended by
16 this subsection;

17 (B) redesignated as section 4405;

18 (C) inserted after section 4404, as added by
19 paragraph (5); and

20 (D) amended in subsection (b)(2) by insert-
21 ing before the period the following: “, the prede-
22 cessor provision to section 4404 of this Act”.

23 (7) DEFENSE WASTE CLEANUP TECHNOLOGY
24 PROGRAM.—Section 3141 of the National Defense Au-

1 *thorization Act for Fiscal Years 1990 and 1991 (Pub-*
2 *lic Law 101–189; 103 Stat. 1679) is—*

3 *(A) transferred to title XLIV of division D*
4 *of the Bob Stump National Defense Authoriza-*
5 *tion Act for Fiscal Year 2003, as amended by*
6 *this subsection;*

7 *(B) redesignated as section 4406;*

8 *(C) inserted after section 4405, as added by*
9 *paragraph (6); and*

10 *(D) amended in the section heading by add-*
11 *ing a period at the end.*

12 *(8) REPORT ON ENVIRONMENTAL RESTORATION*
13 *EXPENDITURES.—Section 3134 of the National De-*
14 *fense Authorization Act for Fiscal Year 1991 (Public*
15 *Law 101–510; 104 Stat. 1833) is—*

16 *(A) transferred to title XLIV of division D*
17 *of the Bob Stump National Defense Authoriza-*
18 *tion Act for Fiscal Year 2003, as amended by*
19 *this subsection;*

20 *(B) redesignated as section 4407;*

21 *(C) inserted after section 4406, as added by*
22 *paragraph (7); and*

23 *(D) amended in the section heading by add-*
24 *ing a period at the end.*

1 (9) *PUBLIC PARTICIPATION IN PLANNING FOR*
 2 *ENVIRONMENTAL RESTORATION AND WASTE MANAGE-*
 3 *MENT.*—*Subsection (e) of section 3160 of the National*
 4 *Defense Authorization Act for Fiscal Year 1995 (Pub-*
 5 *lic Law 103–337; 108 Stat. 3095) is—*

6 (A) *transferred to title XLIV of division D*
 7 *of the Bob Stump National Defense Authoriza-*
 8 *tion Act for Fiscal Year 2003, as amended by*
 9 *this subsection;*

10 (B) *inserted after section 4407, as added by*
 11 *paragraph (8); and*

12 (C) *amended—*

13 (i) *by inserting before the text the fol-*
 14 *lowing new section heading:*

15 **“SEC. 4408. PUBLIC PARTICIPATION IN PLANNING FOR EN-**
 16 **VIRONMENTAL RESTORATION AND WASTE**
 17 **MANAGEMENT AT DEFENSE NUCLEAR FACILI-**
 18 **TIES.”;**

19 *and*

20 (ii) *by striking “(e) PUBLIC PARTICI-*
 21 *PATION IN PLANNING.—”.*

22 (10) *SUBTITLE HEADING ON CLOSURE OF FA-*
 23 *CILITIES.*—*Title XLIV of division D of the Bob*
 24 *Stump National Defense Authorization Act for Fiscal*
 25 *Year 2003, as amended by this subsection, is further*

1 *amended by adding at the end the following new sub-*
2 *title heading:*

3 **“Subtitle B—Closure of Facilities”.**

4 (11) *PROJECTS TO ACCELERATE CLOSURE AC-*
5 *TIVITIES AT DEFENSE NUCLEAR FACILITIES.—Section*
6 *3143 of the National Defense Authorization Act for*
7 *Fiscal Year 1997 (Public Law 104–201; 110 Stat.*
8 *2836) is—*

9 (A) *transferred to title XLIV of division D*
10 *of the Bob Stump National Defense Authoriza-*
11 *tion Act for Fiscal Year 2003, as amended by*
12 *this subsection;*

13 (B) *redesignated as section 4421;*

14 (C) *inserted after the heading for subtitle B*
15 *of such title, as added by paragraph (10); and*

16 (D) *amended in subsection (i), by striking*
17 *“the expiration of the 15-year period beginning*
18 *on the date of the enactment of this Act” and in-*
19 *serting “September 23, 2011”.*

20 (12) *REPORTS IN CONNECTION WITH PERMANENT*
21 *CLOSURE OF DEFENSE NUCLEAR FACILITIES.—Sec-*
22 *tion 3156 of the National Defense Authorization Act*
23 *for Fiscal Years 1990 and 1991 (Public Law 101–*
24 *189; 103 Stat. 1683) is—*

1 (A) transferred to title XLIV of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) redesignated as section 4422;

6 (C) inserted after section 4421, as added by
7 paragraph (11); and

8 (D) amended in the section heading by add-
9 ing a period at the end.

10 (13) *SUBTITLE HEADING ON PRIVATIZATION.*—
11 *Title XLIV of division D of the Bob Stump National*
12 *Defense Authorization Act for Fiscal Year 2003, as*
13 *amended by this subsection, is further amended by*
14 *adding at the end the following new subtitle heading:*

15 **“Subtitle C—Privatization”.**

16 (14) *DEFENSE ENVIRONMENTAL MANAGEMENT*
17 *PRIVATIZATION PROJECTS.*—*Section 3132 of the Na-*
18 *tional Defense Authorization Act for Fiscal Year 1998*
19 *(Public Law 105–85; 111 Stat. 2034) is—*

20 (A) transferred to title XLIV of division D
21 of the Bob Stump National Defense Authoriza-
22 tion Act for Fiscal Year 2003, as amended by
23 this subsection;

24 (B) redesignated as section 4431;

1 (C) inserted after the heading for subtitle C
2 of such title, as added by paragraph (13); and

3 (D) amended—

4 (i) in subsections (a), (c)(1)(B)(i), and
5 (d), by inserting “of the National Defense
6 Authorization Act for Fiscal Year 1998
7 (Public Law 105–85)” after “section
8 3102(i)”; and

9 (ii) in subsections (c)(1)(B)(ii) and (f),
10 by striking “the date of enactment of this
11 Act” and inserting “November 18, 1997”.

12 (h) SAFEGUARDS AND SECURITY MATTERS.—

13 (1) HEADINGS.—Division D of the Bob Stump
14 National Defense Authorization Act for Fiscal Year
15 2003, as amended by this section, is further amended
16 by adding at the end the following new headings:

17 **“TITLE XLV—SAFEGUARDS AND**
18 **SECURITY MATTERS**

19 **“Subtitle A—Safeguards and**
20 **Security”.**

21 (2) PROHIBITION ON INTERNATIONAL INSPEC-
22 TIONS OF FACILITIES WITHOUT PROTECTION OF RE-
23 STRICTED DATA.—Section 3154 of the National De-
24 fense Authorization Act for Fiscal Year 1996 (Public
25 Law 104–106; 110 Stat. 624) is—

1 (A) transferred to title XLV of division D of
2 the Bob Stump National Defense Authorization
3 Act for Fiscal Year 2003, as added by paragraph
4 (1);

5 (B) redesignated as section 4501;

6 (C) inserted after the heading for subtitle A
7 of such title, as so added; and

8 (D) amended—

9 (i) by striking “(1) The” and inserting
10 “The”; and

11 (ii) by striking “(2) For purposes of
12 paragraph (1),” and inserting “(c) RE-
13 STRICTED DATA DEFINED.—In this sec-
14 tion,”.

15 (3) *RESTRICTIONS ON ACCESS TO LABORATORIES*
16 *BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.*—
17 Section 3146 of the National Defense Authorization
18 Act for Fiscal Year 2000 (Public Law 106–65; 113
19 Stat. 935) is—

20 (A) transferred to title XLV of division D of
21 the Bob Stump National Defense Authorization
22 Act for Fiscal Year 2003, as amended by this
23 subsection;

24 (B) redesignated as section 4502;

1 (C) inserted after section 4501, as added by
2 paragraph (2); and

3 (D) amended—

4 (i) in subsection (b)(2)—

5 (I) in the matter preceding sub-
6 paragraph (A), by striking “30 days
7 after the date of the enactment of this
8 Act” and inserting “on November 4,
9 1999,”; and

10 (II) in subparagraph (A), by
11 striking “The date that is 90 days
12 after the date of the enactment of this
13 Act” and inserting “January 3, 2000”;

14 (ii) in subsection (d)(1), by striking
15 “the date of the enactment of this Act,” and
16 inserting “October 5, 1999,”; and

17 (iii) in subsection (g), by adding at the
18 end the following new paragraphs:

19 “(3) The term ‘national laboratory’ means any
20 of the following:

21 “(A) Lawrence Livermore National Labora-
22 tory, Livermore, California.

23 “(B) Los Alamos National Laboratory, Los
24 Alamos, New Mexico.

1 “(C) *Sandia National Laboratories, Albu-*
2 *querque, New Mexico and Livermore, California.*

3 “(4) *The term ‘Restricted Data’ has the meaning*
4 *given that term in section 11 y. of the Atomic Energy*
5 *Act of 1954 (42 U.S.C. 2014(y)).”.*

6 (4) *BACKGROUND INVESTIGATIONS ON CERTAIN*
7 *PERSONNEL.—Section 3143 of the National Defense*
8 *Authorization Act for Fiscal Year 2000 (Public Law*
9 *106–65; 113 Stat. 934) is—*

10 (A) *transferred to title XLV of division D of*
11 *the Bob Stump National Defense Authorization*
12 *Act for Fiscal Year 2003, as amended by this*
13 *subsection;*

14 (B) *redesignated as section 4503;*

15 (C) *inserted after section 4502, as added by*
16 *paragraph (3); and*

17 (D) *amended—*

18 (i) *in subsection (b), by striking “the*
19 *date of the enactment of this Act” and in-*
20 *serting “October 5, 1999,”; and*

21 (ii) *by adding at the end the following*
22 *new subsection:*

23 “(c) *DEFINITIONS.—In this section, the terms ‘na-*
24 *tional laboratory’ and ‘Restricted Data’ have the meanings*
25 *given such terms in section 4502(g)).”.*

1 (5) *COUNTERINTELLIGENCE POLYGRAPH PRO-*
2 *GRAM.*—

3 (A) *DEPARTMENT OF ENERGY COUNTER-*
4 *INTELLIGENCE POLYGRAPH PROGRAM.*—*Section*
5 *3152 of the National Defense Authorization Act*
6 *for Fiscal Year 2002 (Public Law 107–107; 115*
7 *Stat. 1376) is—*

8 (i) *transferred to title XLV of division*
9 *D of the Bob Stump National Defense Au-*
10 *thorization Act for Fiscal Year 2003, as*
11 *amended by this subsection;*

12 (ii) *redesignated as section 4504;*

13 (iii) *inserted after section 4503, as*
14 *added by paragraph (4); and*

15 (iv) *amended in subsection (c) by*
16 *striking “section 3154 of the Department of*
17 *Energy Facilities Safeguards, Security, and*
18 *Counterintelligence Enhancement Act of*
19 *1999 (subtitle D of title XXXI of Public*
20 *Law 106–65; 42 U.S.C. 7383h)” and insert-*
21 *ing “section 4504A”.*

22 (B) *COUNTERINTELLIGENCE POLYGRAPH*
23 *PROGRAM.*—*Section 3154 of the National Defense*
24 *Authorization Act for Fiscal Year 2000 (Public*
25 *Law 106–65; 113 Stat. 941), as amended by sec-*

1 *tion 3135 of the Floyd D. Spence National De-*
2 *fense Authorization Act for Fiscal Year 2001 (as*
3 *enacted into law by Public Law 106–398; 114*
4 *Stat. 1654A–456), is—*

5 *(i) transferred to title XLV of division*
6 *D of the Bob Stump National Defense Au-*
7 *thorization Act for Fiscal Year 2003, as*
8 *amended by this subsection;*

9 *(ii) redesignated as section 4504A;*

10 *(iii) inserted after section 4504, as*
11 *added by subparagraph (A); and*

12 *(iv) amended in subsection (h) by*
13 *striking “180 days after the date of the en-*
14 *actment of this Act,” and inserting “April*
15 *5, 2000,”.*

16 *(6) NOTICE OF SECURITY AND COUNTERINTEL-*
17 *LIGENCE FAILURES.—Section 3150 of the National*
18 *Defense Authorization Act for Fiscal Year 2000 (Pub-*
19 *lic Law 106–65; 113 Stat. 939) is—*

20 *(A) transferred to title XLV of division D of*
21 *the Bob Stump National Defense Authorization*
22 *Act for Fiscal Year 2003, as amended by this*
23 *subsection;*

24 *(B) redesignated as section 4505; and*

1 (C) inserted after section 4504A, as added
2 by paragraph (5)(B).

3 (7) ANNUAL REPORT ON SECURITY FUNCTIONS
4 AT NUCLEAR WEAPONS FACILITIES.—Section 3162 of
5 the National Defense Authorization Act for Fiscal
6 Year 1998 (Public Law 105–85; 111 Stat. 2049) is—

7 (A) transferred to title XLV of division D of
8 the Bob Stump National Defense Authorization
9 Act for Fiscal Year 2003, as amended by this
10 subsection;

11 (B) redesignated as section 4506;

12 (C) inserted after section 4505, as added by
13 paragraph (6); and

14 (D) amended in subsection (b) by inserting
15 “of the National Defense Authorization Act for
16 Fiscal Year 1998 (Public Law 105–85; 111 Stat.
17 2048; 42 U.S.C. 7251 note)” after “section
18 3161”.

19 (8) REPORT ON COUNTERINTELLIGENCE AND SE-
20 CURITY PRACTICES AT LABORATORIES.—Section 3152
21 of the National Defense Authorization Act for Fiscal
22 Year 2000 (Public Law 106–65; 113 Stat. 940) is—

23 (A) transferred to title XLV of division D of
24 the Bob Stump National Defense Authorization

1 *Act for Fiscal Year 2003, as amended by this*
2 *subsection;*

3 *(B) redesignated as section 4507;*

4 *(C) inserted after section 4506, as added by*
5 *paragraph (7); and*

6 *(D) amended by adding at the end the fol-*
7 *lowing new subsection:*

8 “(c) *NATIONAL LABORATORY DEFINED.*—*In this sec-*
9 *tion, the term ‘national laboratory’ has the meaning given*
10 *that term in section 4502(g)(3).”*

11 (9) *REPORT ON SECURITY VULNERABILITIES OF*
12 *NATIONAL LABORATORY COMPUTERS.*—*Section 3153 of*
13 *the National Defense Authorization Act for Fiscal*
14 *Year 2000 (Public Law 106–65; 113 Stat. 940) is—*

15 *(A) transferred to title XLV of division D of*
16 *the Bob Stump National Defense Authorization*
17 *Act for Fiscal Year 2003, as amended by this*
18 *subsection;*

19 *(B) redesignated as section 4508;*

20 *(C) inserted after section 4507, as added by*
21 *paragraph (8); and*

22 *(D) amended by adding at the end the fol-*
23 *lowing new subsection:*

1 “(f) *NATIONAL LABORATORY DEFINED.*—*In this sec-*
 2 *tion, the term ‘national laboratory’ has the meaning given*
 3 *that term in section 4502(g)(3).’*”

4 (10) *SUBTITLE HEADING ON CLASSIFIED INFOR-*
 5 *MATION.*—*Title XLV of division D of the Bob Stump*
 6 *National Defense Authorization Act for Fiscal Year*
 7 *2003, as amended by this subsection, is further*
 8 *amended by adding at the end the following new sub-*
 9 *title heading:*

10 **“Subtitle B—Classified**
 11 **Information”.**

12 (11) *REVIEW OF CERTAIN DOCUMENTS BEFORE*
 13 *DECLASSIFICATION AND RELEASE.*—*Section 3155 of*
 14 *the National Defense Authorization Act for Fiscal*
 15 *Year 1996 (Public Law 104–106; 110 Stat. 625) is—*

16 (A) *transferred to title XLV of division D of*
 17 *the Bob Stump National Defense Authorization*
 18 *Act for Fiscal Year 2003, as amended by this*
 19 *subsection;*

20 (B) *redesignated as section 4521; and*

21 (C) *inserted after the heading for subtitle B*
 22 *of such title, as added by paragraph (10).*

23 (12) *PROTECTION AGAINST INADVERTENT RE-*
 24 *LEASE OF RESTRICTED DATA AND FORMERLY RE-*
 25 *STRICTED DATA.*—*Section 3161 of the Strom Thur-*

1 *mond National Defense Authorization Act for Fiscal*
2 *Year 1999 (Public Law 105–261; 112 Stat. 2259), as*
3 *amended by section 1067(3) of the National Defense*
4 *Authorization Act for Fiscal Year 2000 (Public Law*
5 *106–65; 113 Stat. 774) and section 3193 of the Floyd*
6 *D. Spence National Defense Authorization Act for*
7 *Fiscal Year 2001 (as enacted into law by Public Law*
8 *106–398; 114 Stat. 1654A–480), is—*

9 *(A) transferred to title XLV of division D of*
10 *the Bob Stump National Defense Authorization*
11 *Act for Fiscal Year 2003, as amended by this*
12 *subsection;*

13 *(B) redesignated as section 4522;*

14 *(C) inserted after section 4521, as added by*
15 *paragraph (11); and*

16 *(D) amended—*

17 *(i) in subsection (c)(1), by striking*
18 *“the date of the enactment of this Act” and*
19 *inserting “October 17, 1998,”;*

20 *(ii) in subsection (f)(1), by striking*
21 *“the date of the enactment of this Act” and*
22 *inserting “October 17, 1998”; and*

23 *(iii) in subsection (f)(2), by striking*
24 *“The Secretary” and inserting “Com-*
25 *mencing with inadvertent releases discov-*

1 ered on or after October 30, 2000, the Sec-
2 retary”.

3 (13) SUPPLEMENT TO PLAN FOR DECLASSIFICA-
4 TION OF RESTRICTED DATA AND FORMERLY RE-
5 STRICTED DATA.—Section 3149 of the National De-
6 fense Authorization Act for Fiscal Year 2000 (Public
7 Law 106–65; 113 Stat. 938) is—

8 (A) transferred to title XLV of division D of
9 the Bob Stump National Defense Authorization
10 Act for Fiscal Year 2003, as amended by this
11 subsection;

12 (B) redesignated as section 4523;

13 (C) inserted after section 4522, as added by
14 paragraph (12); and

15 (D) amended—

16 (i) in subsection (a), by striking “sub-
17 section (a) of section 3161 of the Strom
18 Thurmond National Defense Act for Fiscal
19 Year 1999 (Public Law 105–261; 112 Stat.
20 2260; 50 U.S.C. 435 note)” and inserting
21 “subsection (a) of section 4522”;

22 (ii) in subsection (b)—

23 (I) by striking “section 3161(b)(1)
24 of that Act” and inserting “subsection
25 (b)(1) of section 4522”; and

1 (II) by striking “the date of the
2 enactment of that Act” and inserting
3 “October 17, 1998,”;

4 (iii) in subsection (c)—

5 (I) by striking “section 3161(c) of
6 that Act” and inserting “subsection (c)
7 of section 4522”; and

8 (II) by striking “section 3161(a)
9 of that Act” and inserting “subsection
10 (a) of such section”; and

11 (iv) in subsection (d), by striking “sec-
12 tion 3161(d) of that Act” and inserting
13 “subsection (d) of section 4522”.

14 (14) *PROTECTION OF CLASSIFIED INFORMATION*
15 *DURING LABORATORY-TO-LABORATORY EXCHANGES.*—
16 Section 3145 of the National Defense Authorization
17 Act for Fiscal Year 2000 (Public Law 106–65; 113
18 Stat. 935) is—

19 (A) transferred to title XLV of division D of
20 the Bob Stump National Defense Authorization
21 Act for Fiscal Year 2003, as amended by this
22 subsection;

23 (B) redesignated as section 4524; and

24 (C) inserted after section 4523, as added by
25 paragraph (13).

1 (15) *IDENTIFICATION IN BUDGETS OF AMOUNT*
2 *FOR DECLASSIFICATION ACTIVITIES.*—Section 3173 of
3 *the National Defense Authorization Act for Fiscal*
4 *Year 2000 (Public Law 106–65; 113 Stat. 949) is—*

5 (A) *transferred to title XLV of division D of*
6 *the Bob Stump National Defense Authorization*
7 *Act for Fiscal Year 2003, as amended by this*
8 *subsection;*

9 (B) *redesignated as section 4525;*

10 (C) *inserted after section 4524, as added by*
11 *paragraph (14); and*

12 (D) *amended in subsection (b) by striking*
13 *“the date of the enactment of this Act” and in-*
14 *serting “October 5, 1999.”*

15 (16) *SUBTITLE HEADING ON EMERGENCY RE-*
16 *SPONSE.*—Title XLV of division D of the Bob Stump
17 *National Defense Authorization Act for Fiscal Year*
18 *2003, as amended by this subsection, is further*
19 *amended by adding at the end the following new sub-*
20 *title heading:*

21 **“Subtitle C—Emergency Response”.**

22 (17) *RESPONSIBILITY FOR DEFENSE PROGRAMS*
23 *EMERGENCY RESPONSE PROGRAM.*—Section 3158 of
24 *the National Defense Authorization Act for Fiscal*
25 *Year 1996 (Public Law 104–106; 110 Stat. 626) is—*

1 (A) transferred to title XLV of division D of
 2 the Bob Stump National Defense Authorization
 3 Act for Fiscal Year 2003, as amended by this
 4 subsection;

5 (B) redesignated as section 4541; and

6 (C) inserted after the heading for subtitle C
 7 of such title, as added by paragraph (16).

8 (i) *PERSONNEL MATTERS*.—

9 (1) *HEADINGS*.—Division D of the Bob Stump
 10 National Defense Authorization Act for Fiscal Year
 11 2003, as amended by this section, is further amended
 12 by adding at the end the following new headings:

13 **“TITLE XLVI—PERSONNEL**
 14 **MATTERS**

15 **“Subtitle A—Personnel**
 16 **Management”**.

17 (2) *AUTHORITY FOR APPOINTMENT OF CERTAIN*
 18 *SCIENTIFIC, ENGINEERING, AND TECHNICAL PER-*
 19 *SONNEL*.—Section 3161 of the National Defense Au-
 20 thorization Act for Fiscal Year 1995 (Public Law
 21 103–337; 108 Stat. 3095), as amended by section
 22 3139 of the National Defense Authorization Act for
 23 Fiscal Year 1998 (Public Law 105–85; 111 Stat.
 24 2040), sections 3152 and 3155 of the Strom Thur-
 25 mond National Defense Authorization Act for Fiscal

1 *Year 1999 (Public Law 105–261; 112 Stat. 2253,*
2 *2257), and section 3191 of the Floyd D. Spence Na-*
3 *tional Defense Authorization Act for Fiscal Year 2001*
4 *(as enacted into law by Public Law 106–398; 114*
5 *Stat. 1654A–480), is—*

6 *(A) transferred to title XLVI of division D*
7 *of the Bob Stump National Defense Authoriza-*
8 *tion Act for Fiscal Year 2003, as added by para-*
9 *graph (1);*

10 *(B) redesignated as section 4601; and*

11 *(C) inserted after the heading for subtitle A*
12 *of such title, as so added.*

13 *(3) WHISTLEBLOWER PROTECTION PROGRAM.—*
14 *Section 3164 of the National Defense Authorization*
15 *Act for Fiscal Year 2000 (Public Law 106–65; 113*
16 *Stat. 946) is—*

17 *(A) transferred to title XLVI of division D*
18 *of the Bob Stump National Defense Authoriza-*
19 *tion Act for Fiscal Year 2003, as amended by*
20 *this subsection;*

21 *(B) redesignated as section 4602;*

22 *(C) inserted after section 4601, as added by*
23 *paragraph (2); and*

1 (D) amended in subsection (n) by striking
2 “60 days after the date of the enactment of this
3 Act,” and inserting “December 5, 1999,”.

4 (4) *EMPLOYEE INCENTIVES FOR WORKERS AT*
5 *CLOSURE PROJECT FACILITIES*.—Section 3136 of the
6 *Floyd D. Spence National Defense Authorization Act*
7 *for Fiscal Year 2001 (as enacted into law by Public*
8 *Law 106–398; 114 Stat. 1654A–458) is—*

9 (A) transferred to title XLVI of division D
10 of the *Bob Stump National Defense Authoriza-*
11 *tion Act for Fiscal Year 2003, as amended by*
12 *this subsection;*

13 (B) redesignated as section 4603;

14 (C) inserted after section 4602, as added by
15 paragraph (3); and

16 (D) amended—

17 (i) in subsections (c) and (i)(1)(A), by
18 striking “section 3143 of the *National De-*
19 *fense Authorization Act for Fiscal Year*
20 *1997 (42 U.S.C. 7274n)” and inserting*
21 “section 4421”; and

22 (ii) in subsection (g), by striking “*sec-*
23 *tion 3143(h) of the National Defense Au-*
24 *thorization Act for Fiscal Year 1997” and*
25 inserting “section 4421(h)”.

1 (5) *DEFENSE NUCLEAR FACILITY WORKFORCE*
2 *RESTRUCTURING PLAN*.—Section 3161 of the *National*
3 *Defense Authorization Act for Fiscal Year 1993* (*Pub-*
4 *lic Law 102–484; 106 Stat. 2644*), as amended by sec-
5 *tion 1070(c)(2) of the National Defense Authorization*
6 *Act for Fiscal Year 1995* (*Public Law 103–337; 108*
7 *Stat. 2857*), *Public Law 105–277* (*112 Stat. 2681–*
8 *419, 2681–430*), and section 1048(h)(1) of the *Na-*
9 *tional Defense Authorization Act for Fiscal Year 2002*
10 (*Public Law 107–107; 115 Stat. 1229*), is—

11 (A) transferred to title XLVI of division D
12 of the *Bob Stump National Defense Authoriza-*
13 *tion Act for Fiscal Year 2003*, as amended by
14 *this subsection;*

15 (B) redesignated as section 4604;

16 (C) inserted after section 4603, as added by
17 paragraph (4); and

18 (D) amended—

19 (i) in subsection (a), by striking
20 “(hereinafter in this subtitle referred to as
21 the ‘Secretary’)”; and

22 (ii) by adding at the end the following
23 new subsection:

1 “(g) *DEPARTMENT OF ENERGY DEFENSE NUCLEAR*
2 *FACILITY DEFINED.*—*In this section, the term ‘Department*
3 *of Energy defense nuclear facility’ means—*

4 “(1) *a production facility or utilization facility*
5 *(as those terms are defined in section 11 of the Atomic*
6 *Energy Act of 1954 (42 U.S.C. 2014)) that is under*
7 *the control or jurisdiction of the Secretary and that*
8 *is operated for national security purposes (including*
9 *the tritium loading facility at Savannah River,*
10 *South Carolina, the 236 H facility at Savannah*
11 *River, South Carolina; and the Mound Laboratory,*
12 *Ohio), but the term does not include any facility that*
13 *does not conduct atomic energy defense activities and*
14 *does not include any facility or activity covered by*
15 *Executive Order Number 12344, dated February 1,*
16 *1982, pertaining to the naval nuclear propulsion pro-*
17 *gram;*

18 “(2) *a nuclear waste storage or disposal facility*
19 *that is under the control or jurisdiction of the Sec-*
20 *retary;*

21 “(3) *a testing and assembly facility that is*
22 *under the control or jurisdiction of the Secretary and*
23 *that is operated for national security purposes (in-*
24 *cluding the Nevada Test Site, Nevada; the Pinnellas*
25 *Plant, Florida; and the Pantex facility, Texas);*

1 “(4) *an atomic weapons research facility that is*
2 *under the control or jurisdiction of the Secretary (in-*
3 *cluding Lawrence Livermore, Los Alamos, and*
4 *Sandia National Laboratories); or*

5 “(5) *any facility described in paragraphs (1)*
6 *through (4) that—*

7 “(A) *is no longer in operation;*

8 “(B) *was under the control or jurisdiction*
9 *of the Department of Defense, the Atomic Energy*
10 *Commission, or the Energy Research and Devel-*
11 *opment Administration; and*

12 “(C) *was operated for national security*
13 *purposes.”.*

14 (6) *AUTHORITY TO PROVIDE CERTIFICATE OF*
15 *COMMENDATION TO EMPLOYEES.—Section 3195 of the*
16 *Floyd D. Spence National Defense Authorization Act*
17 *for Fiscal Year 2001 (as enacted into law by Public*
18 *Law 106–398; 114 Stat. 1654A–481) is—*

19 (A) *transferred to title XLVI of division D*
20 *of the Bob Stump National Defense Authoriza-*
21 *tion Act for Fiscal Year 2003, as amended by*
22 *this subsection;*

23 (B) *redesignated as section 4605; and*

24 (C) *inserted after section 4604, as added by*
25 *paragraph (5).*

1 (7) *SUBTITLE HEADING ON TRAINING AND EDU-*
2 *CATION.—Title XLVI of division D of the Bob Stump*
3 *National Defense Authorization Act for Fiscal Year*
4 *2003, as amended by this subsection, is further*
5 *amended by adding at the end the following new sub-*
6 *title heading:*

7 **“Subtitle B—Education and**
8 **Training”.**

9 (8) *EXECUTIVE MANAGEMENT TRAINING.—Sec-*
10 *tion 3142 of the National Defense Authorization Act*
11 *for Fiscal Years 1990 and 1991 (Public Law 101–*
12 *189; 103 Stat. 1680) is—*

13 (A) *transferred to title XLVI of division D*
14 *of the Bob Stump National Defense Authoriza-*
15 *tion Act for Fiscal Year 2003, as amended by*
16 *this subsection;*

17 (B) *redesignated as section 4621;*

18 (C) *inserted after the heading for subtitle B*
19 *of such title, as added by paragraph (7); and*

20 (D) *amended in the section heading by add-*
21 *ing a period at the end.*

22 (9) *STOCKPILE STEWARDSHIP RECRUITMENT*
23 *AND TRAINING PROGRAM.—Section 3131 of the Na-*
24 *tional Defense Authorization Act for Fiscal Year 1995*
25 *(Public Law 103–337; 108 Stat. 3085) is—*

1 (A) transferred to title XLVI of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) redesignated as section 4622;

6 (C) inserted after section 4621, as added by
7 paragraph (8); and

8 (D) amended—

9 (i) in subsection (a)(1), by striking
10 “section 3138 of the National Defense Au-
11 thorization Act for Fiscal Year 1994 (Public
12 Law 103–160; 107 Stat. 1946; 42 U.S.C.
13 2121 note)” and inserting “section 4201”;
14 and

15 (ii) in subsection (b)(2), by inserting
16 “of the National Defense Authorization Act
17 for Fiscal Year 1995 (Public Law 103–
18 337)” after “section 3101(a)(1)”.

19 (10) *FELLOWSHIP PROGRAM FOR DEVELOPMENT*
20 *OF SKILLS CRITICAL TO NUCLEAR WEAPONS COM-*
21 *PLEX.*—Section 3140 of the National Defense Author-
22 ization Act for Fiscal Year 1996 (Public Law 104–
23 106; 110 Stat 621), as amended by section 3162 of the
24 National Defense Authorization Act for Fiscal Year
25 2000 (Public Law 106–65; 113 Stat. 943), is—

1 (A) transferred to title XLVI of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) redesignated as section 4623; and

6 (C) inserted after section 4622, as added by
7 paragraph (9).

8 (11) *SUBTITLE HEADING ON WORKER SAFETY.*—
9 Title XLVI of division D of the Bob Stump National
10 Defense Authorization Act for Fiscal Year 2003, as
11 amended by this subsection, is further amended by
12 adding at the end the following new subtitle heading:

13 **“Subtitle C—Worker Safety”.**

14 (12) *WORKER PROTECTION AT NUCLEAR WEAP-*
15 *ONS FACILITIES.*—Section 3131 of the National De-
16 fense Authorization Act for Fiscal Years 1992 and
17 1993 (Public Law 102–190; 105 Stat. 1571) is—

18 (A) transferred to title XLVI of division D
19 of the Bob Stump National Defense Authoriza-
20 tion Act for Fiscal Year 2003, as amended by
21 this subsection;

22 (B) redesignated as section 4641;

23 (C) inserted after the heading for subtitle C
24 of such title, as added by paragraph (11); and

1 (D) amended in subsection (e) by inserting
2 “of the National Defense Authorization Act for
3 Fiscal Years 1992 and 1993 (Public Law 102–
4 190)” after “section 3101(9)(A)”.

5 (13) SAFETY OVERSIGHT AND ENFORCEMENT AT
6 DEFENSE NUCLEAR FACILITIES.—Section 3163 of the
7 National Defense Authorization Act for Fiscal Year
8 1995 (Public Law 103–337; 108 Stat. 3097) is—

9 (A) transferred to title XLVI of division D
10 of the Bob Stump National Defense Authoriza-
11 tion Act for Fiscal Year 2003, as amended by
12 this subsection;

13 (B) redesignated as section 4642;

14 (C) inserted after section 4641, as added by
15 paragraph (12); and

16 (D) amended in subsection (b) by striking
17 “90 days after the date of the enactment of this
18 Act,” and inserting “January 5, 1995,”.

19 (14) PROGRAM TO MONITOR WORKERS AT DE-
20 FENSE NUCLEAR FACILITIES EXPOSED TO HAZARDOUS
21 AND RADIOACTIVE SUBSTANCES.—Section 3162 of the
22 National Defense Authorization Act for Fiscal Year
23 1993 (Public Law 102–484; 106 Stat. 2646) is—

24 (A) transferred to title XLVI of division D
25 of the Bob Stump National Defense Authoriza-

1 *tion Act for Fiscal Year 2003, as amended by*
2 *this subsection;*

3 *(B) redesignated as section 4643;*

4 *(C) inserted after section 4642, as added by*
5 *paragraph (13); and*

6 *(D) amended—*

7 *(i) in subsection (b)(6), by striking “1*
8 *year after the date of the enactment of this*
9 *Act” and inserting “October 23, 1993”;*

10 *(ii) in subsection (c), by striking “180*
11 *days after the date of the enactment of this*
12 *Act,” and inserting “April 23, 1993,”; and*

13 *(iii) by adding at the end the following*
14 *new subsection:*

15 *“(c) DEFINITIONS.—In this section:*

16 *“(1) The term ‘Department of Energy defense*
17 *nuclear facility’ has the meaning given that term in*
18 *section 4604(g).*

19 *“(2) The term ‘Department of Energy employee’*
20 *means any employee of the Department of Energy*
21 *employed at a Department of Energy defense nuclear*
22 *facility, including any employee of a contractor of*
23 *subcontractor of the Department of Energy employed*
24 *at such a facility.”.*

1 (j) *BUDGET AND FINANCIAL MANAGEMENT MAT-*
 2 *TERS.*—

3 (1) *HEADINGS.*—*Division D of the Bob Stump*
 4 *National Defense Authorization Act for Fiscal Year*
 5 *2003, as amended by this section, is further amended*
 6 *by adding at the end the following new headings:*

7 **“TITLE XLVII—BUDGET AND FI-**
 8 **NANCIAL MANAGEMENT MAT-**
 9 **TERS**

10 **“Subtitle A—Recurring National**
 11 **Security Authorization Provisions”.**

12 (2) *RECURRING NATIONAL SECURITY AUTHOR-*
 13 *IZATION PROVISIONS.*—*Sections 3620 through 3631 of*
 14 *the Bob Stump National Defense Authorization Act*
 15 *for Fiscal Year 2003 (Public Law 107–314; 116 Stat.*
 16 *2756) are—*

17 (A) *transferred to title XLVII of division D*
 18 *of such Act, as added by paragraph (1);*

19 (B) *redesignated as sections 4701 through*
 20 *4712, respectively;*

21 (C) *inserted after the heading for subtitle A*
 22 *of such title, as so added; and*

23 (D) *amended—*

1 (i) in section 4702, as so redesignated,
2 by striking “sections 3629 and 3630” and
3 inserting “sections 4710 and 4711”;

4 (ii) in section 4706(a)(3)(B), as so re-
5 designated, by striking “section 3626” and
6 inserting “section 4707”;

7 (iii) in section 4707(c), as so redesign-
8 ated, by striking “section 3625(b)(2)” and
9 inserting “section 4706(b)(2)”;

10 (iv) in section 4710(c), as so redesign-
11 ated, by striking “section 3621” and in-
12 serting “section 4702”;

13 (v) in section 4711(c), as so redesign-
14 ated, by striking “section 3621” and in-
15 serting “section 4702”; and

16 (vi) in section 4712, as so redesignated,
17 by striking “section 3621” and inserting
18 “section 4702”.

19 (3) *SUBTITLE HEADING ON PENALTIES.*—Title
20 *XLVII of division D of the Bob Stump National De-*
21 *fense Authorization Act for Fiscal Year 2003, as*
22 *amended by this subsection, is further amended by*
23 *adding at the end the following new subtitle heading:*

“Subtitle B—Penalties”.

(4) *RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER ENVIRONMENTAL LAWS.*—Section 3132 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4063) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4721;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (3); and

(D) amended in the section heading by adding a period at the end.

(5) *RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.*—Section 211 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 96–540; 94 Stat. 3203) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4721, as added by paragraph (4); and

1 (C) amended—

2 (i) by striking the section heading and
3 inserting the following new section heading:

4 **“SEC. 4722. RESTRICTION ON USE OF FUNDS TO PAY PEN-**
5 **ALTIES UNDER CLEAN AIR ACT.”;**

6 (ii) by striking SEC. 211.”; and

7 (iii) by striking “this or any other
8 Act” and inserting “the Department of En-
9 ergy National Security and Military Appli-
10 cations of Nuclear Energy Authorization
11 Act of 1981 (Public Law 96–540) or any
12 other Act”.

13 (6) *SUBTITLE HEADING ON OTHER MATTERS.*—
14 *Title XLVII of division D of the Bob Stump National*
15 *Defense Authorization Act for Fiscal Year 2003, as*
16 *amended by this subsection, is further amended by*
17 *adding at the end the following new subtitle heading:*

18 **“Subtitle C—Other Matters”.**

19 (7) *SINGLE REQUEST FOR AUTHORIZATION OF*
20 *APPROPRIATIONS FOR COMMON DEFENSE AND SECU-*
21 *RITY PROGRAMS.*—*Section 208 of the Department of*
22 *Energy National Security and Military Applications*
23 *of Nuclear Energy Authorization Act of 1979 (Public*
24 *Law 95–509; 92 Stat. 1779) is—*

1 (A) transferred to title XLVII of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) inserted after the heading for subtitle C
6 of such title, as added by paragraph (6); and

7 (C) amended—

8 (i) by striking the section heading and
9 inserting the following new section heading:

10 **“SEC. 4731. SINGLE REQUEST FOR AUTHORIZATION OF AP-
11 PROPRIATIONS FOR COMMON DEFENSE AND
12 SECURITY PROGRAMS.”;**

13 and

14 (ii) by striking “SEC. 208.”.

15 (k) **ADMINISTRATIVE MATTERS.**—

16 (1) **HEADINGS.**—*Division D of the Bob Stump
17 National Defense Authorization Act for Fiscal Year
18 2003, as amended by this section, is further amended
19 by adding at the end the following new headings:*

20 **“TITLE XLVIII—ADMINISTRATIVE
21 MATTERS**

22 **“Subtitle A—Contracts”.**

23 (2) **COSTS NOT ALLOWED UNDER CERTAIN CON-
24 TRACTS.**—*Section 1534 of the Department of Defense
25 Authorization Act, 1986 (Public Law 99–145; 99*

1 *Stat. 774), as amended by section 3131 of the Na-*
2 *tional Defense Authorization Act for Fiscal Years*
3 *1988 and 1989 (Public Law 100–180; 101 Stat.*
4 *1238), is—*

5 *(A) transferred to title XLVIII of division*
6 *D of the Bob Stump National Defense Authoriza-*
7 *tion Act for Fiscal Year 2003, as added by para-*
8 *graph (1);*

9 *(B) redesignated as section 4801;*

10 *(C) inserted after the heading for subtitle A*
11 *of such title, as so added; and*

12 *(D) amended—*

13 *(i) in the section heading, by adding a*
14 *period at the end; and*

15 *(ii) in subsection (b)(1), by striking*
16 *“the date of the enactment of this Act,” and*
17 *inserting “November 8, 1985.”*

18 (3) *PROHIBITION ON BONUSES TO CONTRACTORS*
19 *OPERATING DEFENSE NUCLEAR FACILITIES.—Section*
20 *3151 of the National Defense Authorization Act for*
21 *Fiscal Years 1990 and 1991 (Public Law 101–189;*
22 *103 Stat. 1682) is—*

23 *(A) transferred to title XLVIII of division*
24 *D of the Bob Stump National Defense Authoriza-*

1 *tion Act for Fiscal Year 2003, as amended by*
2 *this subsection;*

3 *(B) redesignated as section 4802;*

4 *(C) inserted after section 4801, as added by*
5 *paragraph (2); and*

6 *(D) amended—*

7 *(i) in the section heading, by adding a*
8 *period at the end;*

9 *(ii) in subsection (a), by striking “the*
10 *date of the enactment of this Act” and in-*
11 *serting “November 29, 1989”;*

12 *(iii) in subsection (b), by striking “6*
13 *months after the date of the enactment of*
14 *this Act,” and inserting “May 29, 1990,”;*
15 *and*

16 *(iv) in subsection (d), by striking “90*
17 *days after the date of the enactment of this*
18 *Act” and inserting “March 1, 1990”.*

19 *(4) CONTRACTOR LIABILITY FOR INJURY OR LOSS*
20 *OF PROPERTY ARISING FROM ATOMIC WEAPONS TEST-*
21 *ING PROGRAMS.—Section 3141 of the National De-*
22 *fense Authorization Act for Fiscal Year 1991 (Public*
23 *Law 101–510; 104 Stat. 1837) is—*

24 *(A) transferred to title XLVIII of division*
25 *D of the Bob Stump National Defense Authoriza-*

1 *tion Act for Fiscal Year 2003, as amended by*
 2 *this subsection;*

3 *(B) redesignated as section 4803;*

4 *(C) inserted after section 4802, as added by*
 5 *paragraph (3); and*

6 *(D) amended—*

7 *(i) in the section heading, by adding a*
 8 *period at the end; and*

9 *(ii) in subsection (d), by striking “the*
 10 *date of the enactment of this Act” each*
 11 *place it appears and inserting “November*
 12 *5, 1990.”*

13 *(5) SUBTITLE HEADING ON RESEARCH AND DE-*
 14 *VELOPMENT.—Title XLVIII of division D of the Bob*
 15 *Stump National Defense Authorization Act for Fiscal*
 16 *Year 2003, as amended by this subsection, is further*
 17 *amended by adding at the end the following new sub-*
 18 *title heading:*

19 ***“Subtitle B—Research and***
 20 ***Development”.***

21 *(6) LABORATORY-DIRECTED RESEARCH AND DE-*
 22 *VELOPMENT.—Section 3132 of the National Defense*
 23 *Authorization Act for Fiscal Year 1991 (Public Law*
 24 *101–510; 104 Stat. 1832) is—*

1 (A) transferred to title XLVIII of division
2 D of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) redesignated as section 4811;

6 (C) inserted after the heading for subtitle B
7 of such title, as added by paragraph (5); and

8 (D) amended in the section heading by add-
9 ing a period at the end.

10 (7) *LIMITATIONS ON USE OF FUNDS FOR LAB-*
11 *ORATORY DIRECTED RESEARCH AND DEVELOP-*
12 *MENT.—*

13 (A) *LIMITATIONS ON USE OF FUNDS FOR*
14 *LABORATORY DIRECTED RESEARCH AND DEVEL-*
15 *OPMENT.—Section 3137 of the National Defense*
16 *Authorization Act for Fiscal Year 1998 (Public*
17 *Law 105–85; 111 Stat. 2038) is—*

18 (i) transferred to title XLVIII of divi-
19 sion D of the Bob Stump National Defense
20 Authorization Act for Fiscal Year 2003, as
21 amended by this subsection;

22 (ii) redesignated as section 4812;

23 (iii) inserted after section 4811, as
24 added by paragraph (6); and

25 (iv) amended—

1 (I) in subsection (b), by striking
2 “section 3136(b) of the National De-
3 fense Authorization Act for Fiscal Year
4 1997 (Public Law 104–201; 110 Stat.
5 2831; 42 U.S.C. 7257b)” and inserting
6 “section 4812A(b)”;

7 (II) in subsection (d)—

8 (aa) by striking “section
9 3136(b)(1)” and inserting “sec-
10 tion 4812A(b)(1)”; and

11 (bb) by striking “section
12 3132(c) of the National Defense
13 Authorization Act for Fiscal Year
14 1991 (42 U.S.C. 7257a(c))” and
15 inserting “section 4811(c)”; and

16 (III) in subsection (e), by striking
17 “section 3132(d) of the National De-
18 fense Authorization Act for Fiscal Year
19 1991 (42 U.S.C. 7257a(d))” and in-
20 serting “section 4811(d)”.

21 (B) *LIMITATION ON USE OF FUNDS FOR*
22 *CERTAIN RESEARCH AND DEVELOPMENT PUR-*
23 *POSES.*—Section 3136 of the National Defense
24 Authorization Act for Fiscal Year 1997 (Public
25 Law 104–201; 110 Stat. 2830), as amended by

1 *section 3137 of the National Defense Authoriza-*
2 *tion Act for Fiscal Year 1998 (Public Law 105-*
3 *85; 111 Stat. 2038), is—*

4 *(i) transferred to title XLVIII of divi-*
5 *sion D of the Bob Stump National Defense*
6 *Authorization Act for Fiscal Year 2003, as*
7 *amended by this subsection;*

8 *(ii) redesignated as section 4812A;*

9 *(iii) inserted after section 4812, as*
10 *added by paragraph (7); and*

11 *(iv) amended in subsection (a) by in-*
12 *serting “of the National Defense Authoriza-*
13 *tion Act for Fiscal Year 1997 (Public Law*
14 *104–201)” after “section 3101”.*

15 (8) *CRITICAL TECHNOLOGY PARTNERSHIPS.—*

16 *Section 3136 of the National Defense Authorization*
17 *Act for Fiscal Years 1992 and 1993 (Public Law*
18 *102–190; 105 Stat. 1577), as amended by section*
19 *203(b)(3) of Public Law 103–35 (107 Stat. 102), is—*

20 *(A) transferred to title XLVIII of division*
21 *D of the Bob Stump National Defense Authoriza-*
22 *tion Act for Fiscal Year 2003, as amended by*
23 *this subsection;*

24 *(B) redesignated as section 4813; and*

1 (C) inserted after section 4812A, as added
2 by paragraph (7)(B).

3 (9) *UNIVERSITY-BASED RESEARCH COLLABORA-*
4 *TION PROGRAM.*—Section 3155 of the National De-
5 *fense Authorization Act for Fiscal Year 1998 (Public*
6 *Law 105–85; 111 Stat. 2044) is—*

7 (A) transferred to title XLVIII of division
8 D of the Bob Stump National Defense Authoriza-
9 tion Act for Fiscal Year 2003, as amended by
10 this subsection;

11 (B) redesignated as section 4814;

12 (C) inserted after section 4813, as added by
13 paragraph (8); and

14 (D) amended in subsection (c) by striking
15 “this title” and inserting “title XXXI of the Na-
16 tional Defense Authorization Act for Fiscal Year
17 1998 (Public Law 105–85)”.

18 (10) *SUBTITLE HEADING ON FACILITIES MAN-*
19 *AGEMENT.*—Title XLVIII of division D of the Bob
20 Stump National Defense Authorization Act for Fiscal
21 Year 2003, as amended by this subsection, is further
22 amended by adding at the end the following new sub-
23 title heading:

1 **“Subtitle C—Facilities**
2 **Management”.**

3 (11) *TRANSFERS OF REAL PROPERTY AT CER-*
4 *TAIN FACILITIES.*—Section 3158 of the *National De-*
5 *fense Authorization Act for Fiscal Year 1998 (Public*
6 *Law 105–85; 111 Stat. 2046)* is—

7 (A) transferred to title XLVIII of division
8 D of the *Bob Stump National Defense Authoriza-*
9 *tion Act for Fiscal Year 2003, as amended by*
10 *this subsection;*

11 (B) redesignated as section 4831; and

12 (C) inserted after the heading for subtitle C
13 of such title, as added by paragraph (10).

14 (12) *ENGINEERING AND MANUFACTURING RE-*
15 *SEARCH, DEVELOPMENT, AND DEMONSTRATION AT*
16 *CERTAIN NUCLEAR WEAPONS PRODUCTION PLANTS.*—
17 Section 3156 of the *Floyd D. Spence National Defense*
18 *Authorization Act for Fiscal Year 2001 (as enacted*
19 *into law by Public Law 106–398; 114 Stat. 1654A–*
20 *467)* is—

21 (A) transferred to title XLVIII of division
22 D of the *Bob Stump National Defense Authoriza-*
23 *tion Act for Fiscal Year 2003, as amended by*
24 *this subsection;*

25 (B) redesignated as section 4832; and

1 (C) inserted after section 4831, as added by
2 paragraph (11).

3 (13) *PILOT PROGRAM ON USE OF PROCEEDS OF*
4 *DISPOSAL OR UTILIZATION OF CERTAIN ASSETS.—*
5 *Section 3138 of the National Defense Authorization*
6 *Act for Fiscal Year 1998 (Public Law 105–85; 111*
7 *Stat. 2039) is—*

8 (A) transferred to title XLVIII of division
9 D of the Bob Stump National Defense Authoriza-
10 tion Act for Fiscal Year 2003, as amended by
11 this subsection;

12 (B) redesignated as section 4833;

13 (C) inserted after section 4832, as added by
14 paragraph (12); and

15 (D) amended in subsection (d) by striking
16 “sections 202 and 203(j) of the Federal Property
17 and Administrative Services Act of 1949 (40
18 U.S.C. 483 and 484(j))” and inserting “sub-
19 chapter II of chapter 5 and section 549 of title
20 40, United States Code,”.

21 (14) *SUBTITLE HEADING ON OTHER MATTERS.—*
22 *Title XLVIII of division D of the Bob Stump Na-*
23 *tional Defense Authorization Act for Fiscal Year*
24 *2003, as amended by this subsection, is further*

1 *amended by adding at the end the following new sub-*
 2 *title heading:*

3 **“Subtitle D—Other Matters”.**

4 (15) SEMIANNUAL REPORTS ON LOCAL IMPACT
 5 ASSISTANCE.—Subsection (f) of section 3153 of the
 6 National Defense Authorization Act for Fiscal Year
 7 1998 (Public Law 105–85; 111 Stat. 2044) is—

8 (A) transferred to title XLVIII of division
 9 D of the Bob Stump National Defense Authoriza-
 10 tion Act for Fiscal Year 2003, as amended by
 11 this subsection;

12 (B) inserted after the heading for subtitle D
 13 of such title, as added by paragraph (14); and

14 (C) amended—

15 (i) by inserting before the text the fol-
 16 lowing new section heading:

17 **“SEC. 4851. SEMIANNUAL REPORTS ON LOCAL IMPACT AS-**
 18 **SISTANCE.”;**

19 (ii) by striking “(f) SEMIANNUAL
 20 REPORTS ON LOCAL IMPACT ASSIST-
 21 ANCE.—”; and

22 (iii) by striking “section 3161(c)(6) of
 23 the National Defense Authorization Act of
 24 Fiscal Year 1993 (42 U.S.C. 7274h(c)(6))”
 25 and inserting “section 4604(c)(6)”.

1 (l) *MATTERS RELATING TO PARTICULAR FACILI-*
 2 *TIES.*—

3 (1) *HEADINGS.*—*Division D of the Bob Stump*
 4 *National Defense Authorization Act for Fiscal Year*
 5 *2003, as amended by this section, is further amended*
 6 *by adding at the end the following new headings:*

7 **“TITLE XLIX—MATTERS RELAT-**
 8 **ING TO PARTICULAR FACILI-**
 9 **TIES**

10 **“Subtitle A—Hanford Reservation,**
 11 **Washington”.**

12 (2) *SAFETY MEASURES FOR WASTE TANKS.*—*Sec-*
 13 *tion 3137 of the National Defense Authorization Act*
 14 *for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
 15 *1833) is—*

16 (A) *transferred to title XLIX of division D*
 17 *of the Bob Stump National Defense Authoriza-*
 18 *tion Act for Fiscal Year 2003, as added by para-*
 19 *graph (1);*

20 (B) *redesignated as section 4901;*

21 (C) *inserted after the heading for subtitle A*
 22 *of such title, as so added; and*

23 (D) *amended—*

24 (i) *in the section heading, by adding a*
 25 *period at the end;*

1 (ii) in subsection (a), by striking
2 “Within 90 days after the date of the enact-
3 ment of this Act,” and inserting “Not later
4 than February 3, 1991,”;

5 (iii) in subsection (b), by striking
6 “Within 120 days after the date of the en-
7 actment of this Act,” and inserting “Not
8 later than March 5, 1991,”;

9 (iv) in subsection (c), by striking “Be-
10 ginning 120 days after the date of the en-
11 actment of this Act,” and inserting “Begin-
12 ning March 5, 1991,”; and

13 (v) in subsection (d), by striking
14 “Within six months of the date of the enact-
15 ment of this Act,” and inserting “Not later
16 than May 5, 1991,”.

17 (3) *PROGRAMS FOR PERSONS WHO MAY HAVE*
18 *BEEN EXPOSED TO RADIATION RELEASED FROM HAN-*
19 *FORD RESERVATION.*—Section 3138 of the *National*
20 *Defense Authorization Act for Fiscal Year 1991 (Pub-*
21 *lic Law 101–510; 104 Stat. 1834)*, as amended by sec-
22 *tion 3138 of the National Defense Authorization Act*
23 *for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*
24 *3087)*, is—

1 (A) transferred to title XLIX of division D
2 of the Bob Stump National Defense Authoriza-
3 tion Act for Fiscal Year 2003, as amended by
4 this subsection;

5 (B) redesignated as section 4902;

6 (C) inserted after section 4901, as added by
7 paragraph (2); and

8 (D) amended—

9 (i) in the section heading, by adding a
10 period at the end;

11 (ii) in subsection (a), by striking “this
12 title” and inserting “title XXXI of the Na-
13 tional Defense Authorization Act for Fiscal
14 Year 1991 (Public Law 101–510)”; and

15 (iii) in subsection (c)—

16 (I) in paragraph (2), by striking
17 “six months after the date of the enact-
18 ment of this Act,” and inserting “May
19 5, 1991,”; and

20 (II) in paragraph (3), by striking
21 “18 months after the date of the enact-
22 ment of this Act,” and inserting “May
23 5, 1992,”.

24 (4) WASTE TANK CLEANUP PROGRAM.—Section
25 3139 of the Strom Thurmond National Defense Au-

1 *thorization Act for Fiscal Year 1999 (Public Law*
2 *105–261; 112 Stat. 2250), as amended by section*
3 *3141 of the Floyd D. Spence National Defense Au-*
4 *thorization Act for Fiscal Year 2001 (as enacted into*
5 *law by Public Law 106–398; 114 Stat. 1654A–463)*
6 *and section 3135 of the National Defense Authoriza-*
7 *tion Act for Fiscal Year 2002 (Public Law 107–107;*
8 *115 Stat. 1368), is—*

9 *(A) transferred to title XLIX of division D*
10 *of the Bob Stump National Defense Authoriza-*
11 *tion Act for Fiscal Year 2003, as amended by*
12 *this subsection;*

13 *(B) redesignated as section 4903;*

14 *(C) inserted after section 4902, as added by*
15 *paragraph (3); and*

16 *(D) amended in subsection (d) by striking*
17 *“30 days after the date of the enactment of the*
18 *Floyd D. Spence National Defense Authorization*
19 *Act for Fiscal Year 2001,” and inserting “No-*
20 *vember 29, 2000.”*

21 *(5) RIVER PROTECTION PROJECT.—Subsection*
22 *(a) of section 3141 of the Floyd D. Spence National*
23 *Defense Authorization Act for Fiscal Year 2001 (as*
24 *enacted into law by Public Law 106–398; 114 Stat.*
25 *1654A–462) is—*

1 (A) transferred to title *XLIX* of division *D*
2 of the *Bob Stump National Defense Authoriza-*
3 *tion Act for Fiscal Year 2003, as amended by*
4 *this subsection;*

5 (B) inserted after section 4903, as added by
6 paragraph (4); and

7 (C) amended—

8 (i) by inserting before the text the fol-
9 lowing new section heading:

10 **“SEC. 4904. RIVER PROTECTION PROJECT.”;**

11 and

12 (ii) by striking “(a) *REDESIGNATION*
13 *OF PROJECT.—*”.

14 (6) *FUNDING FOR TERMINATION COSTS OF RIVER*
15 *PROTECTION PROJECT.—Section 3131 of the Floyd D.*
16 *Spence National Defense Authorization Act for Fiscal*
17 *Year 2001 (as enacted into law by Public Law 106–*
18 *398; 114 Stat. 1654A–454) is—*

19 (A) transferred to title *XLIX* of division *D*
20 of the *Bob Stump National Defense Authoriza-*
21 *tion Act for Fiscal Year 2003, as amended by*
22 *this subsection;*

23 (B) redesignated as section 4905;

24 (C) inserted after section 4904, as added by
25 paragraph (5); and

1 (D) amended—

2 (i) by striking “section 3141” and in-
3 serting “section 4904”; and

4 (ii) by striking “the date of the enact-
5 ment of this Act” and inserting “October
6 30, 2000”.

7 (7) *SUBTITLE HEADING ON SAVANNAH RIVER*
8 *SITE, SOUTH CAROLINA.—Title XLIX of division D of*
9 *the Bob Stump National Defense Authorization Act*
10 *for Fiscal Year 2003, as amended by this subsection,*
11 *is further amended by adding at the end the following*
12 *new subtitle heading:*

13 **“Subtitle B—Savannah River Site,**
14 **South Carolina”.**

15 (8) *ACCELERATED SCHEDULE FOR ISOLATING*
16 *HIGH-LEVEL NUCLEAR WASTE AT DEFENSE WASTE*
17 *PROCESSING FACILITY.—Section 3141 of the National*
18 *Defense Authorization Act for Fiscal Year 1997 (Pub-*
19 *lic Law 104–201; 110 Stat. 2834) is—*

20 (A) transferred to title XLIX of division D
21 of the Bob Stump National Defense Authoriza-
22 tion Act for Fiscal Year 2003, as amended by
23 this subsection;

24 (B) redesignated as section 4911; and

1 (C) inserted after the heading for subtitle B
2 of such title, as added by paragraph (7).

3 (9) *MULTI-YEAR PLAN FOR CLEAN-UP.*—Sub-
4 section (e) of section 3142 of the National Defense Au-
5 thorization Act for Fiscal Year 1997 (Public Law
6 104–201; 110 Stat. 2834) is—

7 (A) transferred to title XLIX of division D
8 of the Bob Stump National Defense Authoriza-
9 tion Act for Fiscal Year 2003, as amended by
10 this subsection;

11 (B) inserted after section 4911, as added by
12 paragraph (8); and

13 (C) amended—

14 (i) by inserting before the text the fol-
15 lowing new section heading:

16 **“SEC. 4912. MULTI-YEAR PLAN FOR CLEAN-UP.”;**

17 and

18 (ii) by striking “(e) *MULTI-YEAR PLAN*
19 *FOR CLEAN-UP AT SAVANNAH RIVER*
20 *SITE.—The Secretary*” and inserting “*The*
21 *Secretary of Energy*”.

22 (10) *CONTINUATION OF PROCESSING, TREAT-*
23 *MENT, AND DISPOSAL OF LEGACY NUCLEAR MATE-*
24 *RIALS.*—

1 (A) *FISCAL YEAR 2001.*—Subsection (a) of
 2 section 3137 of the *Floyd D. Spence National*
 3 *Defense Authorization Act for Fiscal Year 2001*
 4 *(as enacted into law by Public Law 106–398;*
 5 *114 Stat 1654A–460) is—*

6 (i) *transferred to title XLIX of division*
 7 *D of the Bob Stump National Defense Au-*
 8 *thorization Act for Fiscal Year 2003, as*
 9 *amended by this subsection;*

10 (ii) *inserted after section 4912, as*
 11 *added by paragraph (9); and*

12 (iii) *amended—*

13 (I) *by inserting before the text the*
 14 *following new section heading:*

15 **“SEC. 4913. CONTINUATION OF PROCESSING, TREATMENT,**
 16 **AND DISPOSAL OF LEGACY NUCLEAR MATE-**
 17 **RIALS.”;**

18 *and*

19 (II) *by striking “(a) CONTINU-*
 20 *ATION.—”.*

21 (B) *FISCAL YEAR 2000.*—Section 3132 of the
 22 *National Defense Authorization Act for Fiscal*
 23 *Year 2000 (Public Law 106–65; 113 Stat. 924)*
 24 *is—*

1 (i) transferred to title *XLIX* of division
2 *D* of the *Bob Stump National Defense Au-*
3 *thorization Act for Fiscal Year 2003, as*
4 *amended by this subsection;*

5 (ii) redesignated as section 4913A; and

6 (iii) inserted after section 4913, as
7 added by subparagraph (A).

8 (C) *FISCAL YEAR 1999.*—Section 3135 of the
9 *Strom Thurmond National Defense Authoriza-*
10 *tion Act for Fiscal Year 1999 (Public Law 105-*
11 *261; 112 Stat. 2248) is—*

12 (i) transferred to title *XLIX* of division
13 *D* of the *Bob Stump National Defense Au-*
14 *thorization Act for Fiscal Year 2003, as*
15 *amended by this subsection;*

16 (ii) redesignated as section 4913B; and

17 (iii) inserted after section 4913A, as
18 added by subparagraph (B).

19 (D) *FISCAL YEAR 1998.*—Subsection (b) of
20 section 3136 of the *National Defense Authoriza-*
21 *tion Act for Fiscal Year 1998 (Public Law 105-*
22 *85; 111 Stat. 2038) is—*

23 (i) transferred to title *XLIX* of division
24 *D* of the *Bob Stump National Defense Au-*

1 *thorization Act for Fiscal Year 2003, as*
 2 *amended by this subsection;*

3 *(ii) inserted after section 4913B, as*
 4 *added by subparagraph (C); and*

5 *(iii) amended—*

6 *(I) by inserting before the text the*
 7 *following new section heading:*

8 **“SEC. 4913C. CONTINUATION OF PROCESSING, TREAT-**
 9 **MENT, AND DISPOSAL OF LEGACY NUCLEAR**
 10 **MATERIALS.”;**

11 *and*

12 *(II) by striking “(b) REQUIRE-*
 13 *MENT FOR CONTINUING OPERATIONS*
 14 *AT SAVANNAH RIVER SITE.—”.*

15 *(E) FISCAL YEAR 1997.—Subsection (f) of*
 16 *section 3142 of the National Defense Authoriza-*
 17 *tion Act for Fiscal Year 1997 (Public Law 104-*
 18 *201; 110 Stat. 2836) is—*

19 *(i) transferred to title XLIX of division*
 20 *D of the Bob Stump National Defense Au-*
 21 *thorization Act for Fiscal Year 2003, as*
 22 *amended by this subsection;*

23 *(ii) inserted after section 4913C, as*
 24 *added by subparagraph (D); and*

25 *(iii) amended—*

1 (I) by inserting before the text the
 2 following new section heading:

3 **“SEC. 4913D. CONTINUATION OF PROCESSING, TREAT-**
 4 **MENT, AND DISPOSAL OF LEGACY NUCLEAR**
 5 **MATERIALS.”;**

6 (II) by striking “(f) REQUIRE-
 7 MENT FOR CONTINUING OPERATIONS
 8 AT SAVANNAH RIVER SITE.—The Sec-
 9 retary” and inserting “The Secretary
 10 of Energy”; and

11 (III) by striking “subsection (e)”
 12 and inserting “section 4912”.

13 (11) *LIMITATION ON USE OF FUNDS FOR DECOM-*
 14 *MISSIONING F-CANYON FACILITY.—Subsection (b) of*
 15 *section 3137 of the Floyd D. Spence National Defense*
 16 *Authorization Act for Fiscal Year 2001 (as enacted*
 17 *into law by Public Law 106–398; 114 Stat. 1654A–*
 18 *460) is—*

19 (A) transferred to title XLIX of division D
 20 of the Bob Stump National Defense Authoriza-
 21 tion Act for Fiscal Year 2003, as amended by
 22 this subsection;

23 (B) inserted after section 4913D, as added
 24 by paragraph (10)(E); and

25 (C) amended—

1 (i) by inserting before the text the fol-
2 lowing new section heading:

3 **“SEC. 4914. LIMITATION ON USE OF FUNDS FOR DECOM-**
4 **MISSIONING F-CANYON FACILITY.”;**

5 (ii) by striking “(b) LIMITATION ON
6 USE OF FUNDS FOR DECOMMISSIONING F-
7 CANYON FACILITY.—”;

8 (iii) by striking “this or any other
9 Act” and inserting “the Floyd D. Spence
10 National Defense Authorization Act for Fis-
11 cal Year 2001 (as enacted into law by Pub-
12 lic Law 106–398) or any other Act”; and

13 (iv) by striking “the Secretary” in the
14 matter preceding paragraph (1) and insert-
15 ing “the Secretary of Energy”.

16 (12) *SUBTITLE HEADING ON OTHER FACILI-*
17 *TIES.—Title XLIX of division D of the Bob Stump*
18 *National Defense Authorization Act for Fiscal Year*
19 *2003, as amended by this subsection, is further*
20 *amended by adding at the end the following new sub-*
21 *title heading:*

22 **“Subtitle C—Other Facilities”.**

23 (13) *PAYMENT OF COSTS OF OPERATION AND*
24 *MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST*
25 *SITE.—Section 3144 of the National Defense Author-*

1 *ization Act for Fiscal Year 1997 (Public Law 104–*
 2 *201; 110 Stat. 2838) is—*

3 *(A) transferred to title XLIX of division D*
 4 *of such Act, as amended by this subsection;*

5 *(B) redesignated as section 4921; and*

6 *(C) inserted after the heading for subtitle C*
 7 *of such title, as added by paragraph (12).*

8 *(m) CONFORMING AMENDMENTS.—(1) Title XXXVI of*
 9 *the Bob Stump National Defense Authorization Act for Fis-*
 10 *cal Year 2003 (Public Law 107–314; 116 Stat. 1756) is*
 11 *repealed.*

12 *(2) Subtitle E of title XXXI of the National Defense*
 13 *Authorization Act for Fiscal Year 1993 (Public Law 102–*
 14 *484; 42 U.S.C. 7274h et seq.) is repealed.*

15 *(3) Section 8905a(d)(5)(A) of title 5, United States*
 16 *Code, is amended by striking “section 3143 of the National*
 17 *Defense Authorization Act for Fiscal Year 1997 (42 U.S.C.*
 18 *7274n)” and inserting “section 4421 of the Atomic Energy*
 19 *Defense Act”.*

20 **TITLE XXXII—DEFENSE NU-**
 21 **CLEAR FACILITIES SAFETY**
 22 **BOARD**

23 **SEC. 3201. AUTHORIZATION.**

24 *There are authorized to be appropriated for fiscal year*
 25 *2004, \$19,559,000 for the operation of the Defense Nuclear*

- 1 *Facilities Safety Board under chapter 21 of the Atomic En-*
- 2 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 1588

AMENDMENT