

In the Senate of the United States,

July 17, 2003.

Resolved, That the bill from the House of Representatives (H.R. 2658) entitled “An Act to making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

- 1 *That the following sums are appropriated, out of any*
- 2 *money in the Treasury not otherwise appropriated, for the*
- 3 *fiscal year ending September 30, 2004, for military func-*
- 4 *tions administered by the Department of Defense, and for*
- 5 *other purposes, namely:*

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,282,764,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$23,309,791,000.

1 *MILITARY PERSONNEL, MARINE CORPS*

2 *For pay, allowances, individual clothing, subsistence,*
3 *interest on deposits, gratuities, permanent change of station*
4 *travel (including all expenses thereof for organizational*
5 *movements), and expenses of temporary duty travel between*
6 *permanent duty stations, for members of the Marine Corps*
7 *on active duty (except members of the Reserve provided for*
8 *elsewhere); and for payments pursuant to section 156 of*
9 *Public Law 97-377, as amended (42 U.S.C. 402 note), and*
10 *to the Department of Defense Military Retirement Fund,*
11 *\$8,994,426,000.*

12 *MILITARY PERSONNEL, AIR FORCE*

13 *For pay, allowances, individual clothing, subsistence,*
14 *interest on deposits, gratuities, permanent change of station*
15 *travel (including all expenses thereof for organizational*
16 *movements), and expenses of temporary duty travel between*
17 *permanent duty stations, for members of the Air Force on*
18 *active duty (except members of reserve components provided*
19 *for elsewhere), cadets, and aviation cadets; and for pay-*
20 *ments pursuant to section 156 of Public Law 97-377, as*
21 *amended (42 U.S.C. 402 note), and to the Department of*
22 *Defense Military Retirement Fund, \$22,993,072,000.*

23 *RESERVE PERSONNEL, ARMY*

24 *For pay, allowances, clothing, subsistence, gratuities,*
25 *travel, and related expenses for personnel of the Army Re-*

1 *serve on active duty under sections 10211, 10302, and 3038*
2 *of title 10, United States Code, or while serving on active*
3 *duty under section 12301(d) of title 10, United States Code,*
4 *in connection with performing duty specified in section*
5 *12310(a) of title 10, United States Code, or while under-*
6 *going reserve training, or while performing drills or equiva-*
7 *lent duty or other duty, and for members of the Reserve*
8 *Officers' Training Corps, and expenses authorized by sec-*
9 *tion 16131 of title 10, United States Code; and for pay-*
10 *ments to the Department of Defense Military Retirement*
11 *Fund, \$3,584,735,000.*

12 *RESERVE PERSONNEL, NAVY*

13 *For pay, allowances, clothing, subsistence, gratuities,*
14 *travel, and related expenses for personnel of the Navy Re-*
15 *serve on active duty under section 10211 of title 10, United*
16 *States Code, or while serving on active duty under section*
17 *12301(d) of title 10, United States Code, in connection with*
18 *performing duty specified in section 12310(a) of title 10,*
19 *United States Code, or while undergoing reserve training,*
20 *or while performing drills or equivalent duty, and for mem-*
21 *bers of the Reserve Officers' Training Corps, and expenses*
22 *authorized by section 16131 of title 10, United States Code;*
23 *and for payments to the Department of Defense Military*
24 *Retirement Fund, \$2,027,945,000.*

1 *RESERVE PERSONNEL, MARINE CORPS*

2 *For pay, allowances, clothing, subsistence, gratuities,*
3 *travel, and related expenses for personnel of the Marine*
4 *Corps Reserve on active duty under section 10211 of title*
5 *10, United States Code, or while serving on active duty*
6 *under section 12301(d) of title 10, United States Code, in*
7 *connection with performing duty specified in section*
8 *12310(a) of title 10, United States Code, or while under-*
9 *going reserve training, or while performing drills or equiva-*
10 *lent duty, and for members of the Marine Corps platoon*
11 *leaders class, and expenses authorized by section 16131 of*
12 *title 10, United States Code; and for payments to the De-*
13 *partment of Defense Military Retirement Fund,*
14 *\$587,619,000.*

15 *RESERVE PERSONNEL, AIR FORCE*

16 *For pay, allowances, clothing, subsistence, gratuities,*
17 *travel, and related expenses for personnel of the Air Force*
18 *Reserve on active duty under sections 10211, 10305, and*
19 *8038 of title 10, United States Code, or while serving on*
20 *active duty under section 12301(d) of title 10, United States*
21 *Code, in connection with performing duty specified in sec-*
22 *tion 12310(a) of title 10, United States Code, or while un-*
23 *dergoing reserve training, or while performing drills or*
24 *equivalent duty or other duty, and for members of the Air*
25 *Reserve Officers' Training Corps, and expenses authorized*

1 *by section 16131 of title 10, United States Code; and for*
2 *payments to the Department of Defense Military Retire-*
3 *ment Fund, \$1,332,301,000.*

4 *NATIONAL GUARD PERSONNEL, ARMY*

5 *For pay, allowances, clothing, subsistence, gratuities,*
6 *travel, and related expenses for personnel of the Army Na-*
7 *tional Guard while on duty under section 10211, 10302,*
8 *or 12402 of title 10 or section 708 of title 32, United States*
9 *Code, or while serving on duty under section 12301(d) of*
10 *title 10 or section 502(f) of title 32, United States Code,*
11 *in connection with performing duty specified in section*
12 *12310(a) of title 10, United States Code, or while under-*
13 *going training, or while performing drills or equivalent*
14 *duty or other duty, and expenses authorized by section*
15 *16131 of title 10, United States Code; and for payments*
16 *to the Department of Defense Military Retirement Fund,*
17 *\$5,598,504,000.*

18 *NATIONAL GUARD PERSONNEL, AIR FORCE*

19 *For pay, allowances, clothing, subsistence, gratuities,*
20 *travel, and related expenses for personnel of the Air Na-*
21 *tional Guard on duty under section 10211, 10305, or 12402*
22 *of title 10 or section 708 of title 32, United States Code,*
23 *or while serving on duty under section 12301(d) of title 10*
24 *or section 502(f) of title 32, United States Code, in connec-*
25 *tion with performing duty specified in section 12310(a) of*

1 *title 10, United States Code, or while undergoing training,*
2 *or while performing drills or equivalent duty or other duty,*
3 *and expenses authorized by section 16131 of title 10, United*
4 *States Code; and for payments to the Department of Defense*
5 *Military Retirement Fund, \$2,228,830,000.*

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TITLE II

7

OPERATION AND MAINTENANCE

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OPERATION AND MAINTENANCE, ARMY

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(INCLUDING TRANSFER OF FUNDS)

10 *For expenses, not otherwise provided for, necessary for*
11 *the operation and maintenance of the Army, as authorized*
12 *by law; and not to exceed \$11,034,000 can be used for emer-*
13 *gencies and extraordinary expenses, to be expended on the*
14 *approval or authority of the Secretary of the Army, and*
15 *payments may be made on his certificate of necessity for*
16 *confidential military purposes, \$24,922,949,000: Provided,*
17 *That of the funds appropriated in this paragraph, not less*
18 *than \$355,000,000 shall be made available only for conven-*
19 *tional ammunition care and maintenance.*

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OPERATION AND MAINTENANCE, NAVY

21 *For expenses, not otherwise provided for, necessary for*
22 *the operation and maintenance of the Navy and the Marine*
23 *Corps, as authorized by law; and not to exceed \$4,463,000*
24 *can be used for emergencies and extraordinary expenses, to*
25 *be expended on the approval or authority of the Secretary*

1 *of the Navy, and payments may be made on his certificate*
2 *of necessity for confidential military purposes,*
3 *\$28,183,284,000.*

4 *OPERATION AND MAINTENANCE, MARINE CORPS*

5 *For expenses, not otherwise provided for, necessary for*
6 *the operation and maintenance of the Marine Corps, as au-*
7 *thorized by law, \$3,418,023,000.*

8 *OPERATION AND MAINTENANCE, AIR FORCE*

9 *For expenses, not otherwise provided for, necessary for*
10 *the operation and maintenance of the Air Force, as author-*
11 *ized by law; and not to exceed \$7,801,000 can be used for*
12 *emergencies and extraordinary expenses, to be expended on*
13 *the approval or authority of the Secretary of the Air Force,*
14 *and payments may be made on his certificate of necessity*
15 *for confidential military purposes, \$26,698,375,000.*

16 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For expenses, not otherwise provided for, necessary for*
19 *the operation and maintenance of activities and agencies*
20 *of the Department of Defense (other than the military de-*
21 *partments), as authorized by law, \$16,279,006,000, of*
22 *which not to exceed \$35,000,000, may be available for the*
23 *CINC initiative fund; and of which not to exceed*
24 *\$45,000,000, can be used for emergencies and extraordinary*
25 *expenses, to be expended on the approval or authority of*

1 *the Secretary of Defense, and payments may be made on*
2 *his certificate of necessity for confidential military pur-*
3 *poses: Provided, That none of the funds appropriated or*
4 *otherwise made available by this Act may be used to plan*
5 *or implement the consolidation of a budget or appropria-*
6 *tions liaison office of the Office of the Secretary of Defense,*
7 *the office of the Secretary of a military department, or the*
8 *service headquarters of one of the Armed Forces into a legis-*
9 *lative affairs or legislative liaison office: Provided further,*
10 *That \$2,700,000, to remain available until expended, is*
11 *available only for expenses relating to certain classified ac-*
12 *tivities, and may be transferred as necessary by the Sec-*
13 *retary to operation and maintenance appropriations or re-*
14 *search, development, test and evaluation appropriations, to*
15 *be merged with and to be available for the same time period*
16 *as the appropriations to which transferred: Provided fur-*
17 *ther, That any ceiling on the investment item unit cost of*
18 *items that may be purchased with operation and mainte-*
19 *nance funds shall not apply to the funds described in the*
20 *preceding proviso: Provided further, That the transfer au-*
21 *thority provided under this heading is in addition to any*
22 *other transfer authority provided elsewhere in this Act.*

23 *OPERATION AND MAINTENANCE, ARMY RESERVE*

24 *For expenses, not otherwise provided for, necessary for*
25 *the operation and maintenance, including training, organi-*

1 *zation, and administration, of the Army Reserve; repair of*
 2 *facilities and equipment; hire of passenger motor vehicles;*
 3 *travel and transportation; care of the dead; recruiting; pro-*
 4 *curement of services, supplies, and equipment; and commu-*
 5 *nications, \$1,964,009,000.*

6 *OPERATION AND MAINTENANCE, NAVY RESERVE*

7 *For expenses, not otherwise provided for, necessary for*
 8 *the operation and maintenance, including training, organi-*
 9 *zation, and administration, of the Navy Reserve; repair of*
 10 *facilities and equipment; hire of passenger motor vehicles;*
 11 *travel and transportation; care of the dead; recruiting; pro-*
 12 *curement of services, supplies, and equipment; and commu-*
 13 *nications, \$1,172,921,000.*

14 *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

15 *For expenses, not otherwise provided for, necessary for*
 16 *the operation and maintenance, including training, organi-*
 17 *zation, and administration, of the Marine Corps Reserve;*
 18 *repair of facilities and equipment; hire of passenger motor*
 19 *vehicles; travel and transportation; care of the dead; recruit-*
 20 *ing; procurement of services, supplies, and equipment; and*
 21 *communications, \$173,952,000.*

22 *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

23 *For expenses, not otherwise provided for, necessary for*
 24 *the operation and maintenance, including training, organi-*
 25 *zation, and administration, of the Air Force Reserve; repair*

1 *of facilities and equipment; hire of passenger motor vehicles;*
2 *travel and transportation; care of the dead; recruiting; pro-*
3 *curement of services, supplies, and equipment; and commu-*
4 *nications, \$2,179,188,000.*

5 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

6 *For expenses of training, organizing, and admin-*
7 *istering the Army National Guard, including medical and*
8 *hospital treatment and related expenses in non-Federal hos-*
9 *pitals; maintenance, operation, and repairs to structures*
10 *and facilities; hire of passenger motor vehicles; personnel*
11 *services in the National Guard Bureau; travel expenses*
12 *(other than mileage), as authorized by law for Army per-*
13 *sonnel on active duty, for Army National Guard division,*
14 *regimental, and battalion commanders while inspecting*
15 *units in compliance with National Guard Bureau regula-*
16 *tions when specifically authorized by the Chief, National*
17 *Guard Bureau; supplying and equipping the Army Na-*
18 *tional Guard as authorized by law; and expenses of repair,*
19 *modification, maintenance, and issue of supplies and*
20 *equipment (including aircraft), \$4,273,131,000.*

21 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

22 *For operation and maintenance of the Air National*
23 *Guard, including medical and hospital treatment and re-*
24 *lated expenses in non-Federal hospitals; maintenance, oper-*
25 *ation, repair, and other necessary expenses of facilities for*

1 *the training and administration of the Air National Guard,*
2 *including repair of facilities, maintenance, operation, and*
3 *modification of aircraft; transportation of things, hire of*
4 *passenger motor vehicles; supplies, materials, and equip-*
5 *ment, as authorized by law for the Air National Guard;*
6 *and expenses incident to the maintenance and use of sup-*
7 *plies, materials, and equipment, including such as may be*
8 *furnished from stocks under the control of agencies of the*
9 *Department of Defense; travel expenses (other than mileage)*
10 *on the same basis as authorized by law for Air National*
11 *Guard personnel on active Federal duty, for Air National*
12 *Guard commanders while inspecting units in compliance*
13 *with National Guard Bureau regulations when specifically*
14 *authorized by the Chief, National Guard Bureau,*
15 *\$4,418,616,000.*

16 *OVERSEAS CONTINGENCY OPERATIONS TRANSFER*

17 *ACCOUNT*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For expenses directly relating to Overseas Contingency*
20 *Operations by United States military forces, \$10,000,000,*
21 *to remain available until expended: Provided, That the Sec-*
22 *retary of Defense may transfer these funds only to military*
23 *personnel accounts; operation and maintenance accounts*
24 *within this title; the Defense Health Program appropria-*
25 *tion; procurement accounts; research, development, test and*

1 *evaluation accounts; and to working capital funds: Pro-*
2 *vided further, That the funds transferred shall be merged*
3 *with and shall be available for the same purposes and for*
4 *the same time period, as the appropriation to which trans-*
5 *ferred: Provided further, That upon a determination that*
6 *all or part of the funds transferred from this appropriation*
7 *are not necessary for the purposes provided herein, such*
8 *amounts may be transferred back to this appropriation:*
9 *Provided further, That the transfer authority provided in*
10 *this paragraph is in addition to any other transfer author-*
11 *ity contained elsewhere in this Act.*

12 *UNITED STATES COURTS OF APPEALS FOR THE ARMED*
13 *FORCES*

14 *For salaries and expenses necessary for the United*
15 *States Court of Appeals for the Armed Forces, \$10,333,000*
16 *of which not to exceed \$2,500 can be used for official rep-*
17 *resentation purposes.*

18 *ENVIRONMENTAL RESTORATION, ARMY*
19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For the Department of the Army, \$396,018,000, to re-*
21 *main available until transferred: Provided, That the Sec-*
22 *retary of the Army shall, upon determining that such funds*
23 *are required for environmental restoration, reduction and*
24 *recycling of hazardous waste, removal of unsafe buildings*
25 *and debris of the Department of the Army, or for similar*

1 *purposes, transfer the funds made available by this appro-*
2 *priation to other appropriations made available to the De-*
3 *partment of the Army, to be merged with and to be available*
4 *for the same purposes and for the same time period as the*
5 *appropriations to which transferred: Provided further, That*
6 *upon a determination that all or part of the funds trans-*
7 *ferred from this appropriation are not necessary for the*
8 *purposes provided herein, such amounts may be transferred*
9 *back to this appropriation.*

10 *ENVIRONMENTAL RESTORATION, NAVY*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For the Department of the Navy, \$256,153,000, to re-*
13 *main available until transferred: Provided, That the Sec-*
14 *retary of the Navy shall, upon determining that such funds*
15 *are required for environmental restoration, reduction and*
16 *recycling of hazardous waste, removal of unsafe buildings*
17 *and debris of the Department of the Navy, or for similar*
18 *purposes, transfer the funds made available by this appro-*
19 *priation to other appropriations made available to the De-*
20 *partment of the Navy, to be merged with and to be available*
21 *for the same purposes and for the same time period as the*
22 *appropriations to which transferred: Provided further, That*
23 *upon a determination that all or part of the funds trans-*
24 *ferred from this appropriation are not necessary for the*

1 *purposes provided herein, such amounts may be transferred*
2 *back to this appropriation.*

3 *ENVIRONMENTAL RESTORATION, AIR FORCE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the Department of the Air Force, \$384,307,000,*
6 *to remain available until transferred: Provided, That the*
7 *Secretary of the Air Force shall, upon determining that*
8 *such funds are required for environmental restoration, re-*
9 *duction and recycling of hazardous waste, removal of unsafe*
10 *buildings and debris of the Department of the Air Force,*
11 *or for similar purposes, transfer the funds made available*
12 *by this appropriation to other appropriations made avail-*
13 *able to the Department of the Air Force, to be merged with*
14 *and to be available for the same purposes and for the same*
15 *time period as the appropriations to which transferred:*
16 *Provided further, That upon a determination that all or*
17 *part of the funds transferred from this appropriation are*
18 *not necessary for the purposes provided herein, such*
19 *amounts may be transferred back to this appropriation.*

20 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For the Department of Defense, \$24,081,000, to remain*
23 *available until transferred: Provided, That the Secretary of*
24 *Defense shall, upon determining that such funds are re-*
25 *quired for environmental restoration, reduction and recy-*

1 *cling of hazardous waste, removal of unsafe buildings and*
2 *debris of the Department of Defense, or for similar purposes,*
3 *transfer the funds made available by this appropriation to*
4 *other appropriations made available to the Department of*
5 *Defense, to be merged with and to be available for the same*
6 *purposes and for the same time period as the appropri-*
7 *tions to which transferred: Provided further, That upon a*
8 *determination that all or part of the funds transferred from*
9 *this appropriation are not necessary for the purposes pro-*
10 *vided herein, such amounts may be transferred back to this*
11 *appropriation.*

12 *ENVIRONMENTAL RESTORATION, FORMERLY USED*
13 *DEFENSE SITES*
14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For the Department of the Army, \$312,619,000, to re-*
16 *main available until transferred: Provided, That the Sec-*
17 *retary of the Army shall, upon determining that such funds*
18 *are required for environmental restoration, reduction and*
19 *recycling of hazardous waste, removal of unsafe buildings*
20 *and debris at sites formerly used by the Department of De-*
21 *fense, transfer the funds made available by this appropri-*
22 *ation to other appropriations made available to the Depart-*
23 *ment of the Army, to be merged with and to be available*
24 *for the same purposes and for the same time period as the*
25 *appropriations to which transferred: Provided further, That*

1 *upon a determination that all or part of the funds trans-*
2 *ferred from this appropriation are not necessary for the*
3 *purposes provided herein, such amounts may be transferred*
4 *back to this appropriation.*

5 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

6 *For expenses relating to the Overseas Humanitarian,*
7 *Disaster, and Civic Aid programs of the Department of De-*
8 *fense (consisting of the programs provided under sections*
9 *401, 402, 404, 2547, and 2561 of title 10, United States*
10 *Code), \$59,000,000, to remain available until September*
11 *30, 2005.*

12 *FORMER SOVIET UNION THREAT REDUCTION*

13 *For assistance to the republics of the former Soviet*
14 *Union, including assistance provided by contract or by*
15 *grants, for facilitating the elimination and the safe and se-*
16 *cure transportation and storage of nuclear, chemical and*
17 *other weapons; for establishing programs to prevent the pro-*
18 *liferation of weapons, weapons components, and weapon-*
19 *related technology and expertise; for programs relating to*
20 *the training and support of defense and military personnel*
21 *for demilitarization and protection of weapons, weapons*
22 *components and weapons technology and expertise, and for*
23 *defense and military contacts, \$450,800,000, to remain*
24 *available until September 30, 2006: Provided, That of the*
25 *amounts provided under this heading, \$10,000,000 shall be*

1 *available only to support the dismantling and disposal of*
2 *nuclear submarines, submarine reactor components, and*
3 *warheads in the Russian Far East.*

4 *TITLE III*

5 *PROCUREMENT*

6 *AIRCRAFT PROCUREMENT, ARMY*

7 *For construction, procurement, production, modifica-*
8 *tion, and modernization of aircraft, equipment, including*
9 *ordnance, ground handling equipment, spare parts, and ac-*
10 *cessories therefor; specialized equipment and training de-*
11 *vices; expansion of public and private plants, including the*
12 *land necessary therefor, for the foregoing purposes, and such*
13 *lands and interests therein, may be acquired, and construc-*
14 *tion prosecuted thereon prior to approval of title; and pro-*
15 *curement and installation of equipment, appliances, and*
16 *machine tools in public and private plants; reserve plant*
17 *and Government and contractor-owned equipment layaway;*
18 *and other expenses necessary for the foregoing purposes,*
19 *\$2,027,285,000, to remain available for obligation until*
20 *September 30, 2006.*

21 *MISSILE PROCUREMENT, ARMY*

22 *For construction, procurement, production, modifica-*
23 *tion, and modernization of missiles, equipment, including*
24 *ordnance, ground handling equipment, spare parts, and ac-*
25 *cessories therefor; specialized equipment and training de-*

1 *vices; expansion of public and private plants, including the*
2 *land necessary therefor, for the foregoing purposes, and such*
3 *lands and interests therein, may be acquired, and construc-*
4 *tion prosecuted thereon prior to approval of title; and pro-*
5 *curement and installation of equipment, appliances, and*
6 *machine tools in public and private plants; reserve plant*
7 *and Government and contractor-owned equipment layaway;*
8 *and other expenses necessary for the foregoing purposes,*
9 *\$1,444,462,000, to remain available for obligation until*
10 *September 30, 2006.*

11 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*
12 *VEHICLES, ARMY*

13 *For construction, procurement, production, and modi-*
14 *fication of weapons and tracked combat vehicles, equipment,*
15 *including ordnance, spare parts, and accessories therefor;*
16 *specialized equipment and training devices; expansion of*
17 *public and private plants, including the land necessary*
18 *therefor, for the foregoing purposes, and such lands and in-*
19 *terests therein, may be acquired, and construction pros-*
20 *ecuted thereon prior to approval of title; and procurement*
21 *and installation of equipment, appliances, and machine*
22 *tools in public and private plants; reserve plant and Gov-*
23 *ernment and contractor-owned equipment layaway; and*
24 *other expenses necessary for the foregoing purposes,*

1 \$1,732,004,000, to remain available for obligation until
2 September 30, 2006.

3 *PROCUREMENT OF AMMUNITION, ARMY*

4 *For construction, procurement, production, and modi-*
5 *fication of ammunition, and accessories therefor; specialized*
6 *equipment and training devices; expansion of public and*
7 *private plants, including ammunition facilities authorized*
8 *by section 2854 of title 10, United States Code, and the*
9 *land necessary therefor, for the foregoing purposes, and such*
10 *lands and interests therein, may be acquired, and construc-*
11 *tion prosecuted thereon prior to approval of title; and pro-*
12 *curement and installation of equipment, appliances, and*
13 *machine tools in public and private plants; reserve plant*
14 *and Government and contractor-owned equipment layaway;*
15 *and other expenses necessary for the foregoing purposes,*
16 *\$1,419,759,000, to remain available for obligation until*
17 *September 30, 2006.*

18 *OTHER PROCUREMENT, ARMY*

19 *For construction, procurement, production, and modi-*
20 *fication of vehicles, including tactical, support, and non-*
21 *tracked combat vehicles; the purchase of passenger motor ve-*
22 *hicles for replacement only; and the purchase of 4 vehicles*
23 *required for physical security of personnel, notwithstanding*
24 *price limitations applicable to passenger vehicles but not*
25 *to exceed \$180,000 per vehicle; communications and elec-*

1 *tronic equipment; other support equipment; spare parts,*
2 *ordnance, and accessories therefor; specialized equipment*
3 *and training devices; expansion of public and private*
4 *plants, including the land necessary therefor, for the fore-*
5 *going purposes, and such lands and interests therein, may*
6 *be acquired, and construction prosecuted thereon prior to*
7 *approval of title; and procurement and installation of*
8 *equipment, appliances, and machine tools in public and*
9 *private plants; reserve plant and Government and con-*
10 *tractor-owned equipment layaway; and other expenses nec-*
11 *essary for the foregoing purposes, \$4,573,902,000, to remain*
12 *available for obligation until September 30, 2006.*

13 *AIRCRAFT PROCUREMENT, NAVY*

14 *For construction, procurement, production, modifica-*
15 *tion, and modernization of aircraft, equipment, including*
16 *ordnance, spare parts, and accessories therefor; specialized*
17 *equipment; expansion of public and private plants, includ-*
18 *ing the land necessary therefor, and such lands and inter-*
19 *ests therein, may be acquired, and construction prosecuted*
20 *thereon prior to approval of title; and procurement and in-*
21 *stallation of equipment, appliances, and machine tools in*
22 *public and private plants; reserve plant and Government*
23 *and contractor-owned equipment layaway, \$9,017,548,000,*
24 *to remain available for obligation until September 30,*
25 *2006.*

1 *and Government and contractor-owned equipment layaway;*
 2 *and other expenses necessary for the foregoing purposes,*
 3 *\$924,355,000, to remain available for obligation until Sep-*
 4 *tember 30, 2006.*

5 *SHIPBUILDING AND CONVERSION, NAVY*

6 *For expenses necessary for the construction, acquisi-*
 7 *tion, or conversion of vessels as authorized by law, includ-*
 8 *ing armor and armament thereof, plant equipment, appli-*
 9 *ances, and machine tools and installation thereof in public*
 10 *and private plants; reserve plant and Government and con-*
 11 *tractor-owned equipment layaway; procurement of critical,*
 12 *long leadtime components and designs for vessels to be con-*
 13 *structed or converted in the future; and expansion of public*
 14 *and private plants, including land necessary therefor, and*
 15 *such lands and interests therein, may be acquired, and con-*
 16 *struction prosecuted thereon prior to approval of title, as*
 17 *follows:*

18 *Carrier Replacement Program (AP),*
 19 *\$1,186,564,000;*
 20 *NSSN, \$1,511,935,000;*
 21 *NSSN (AP), \$827,172,000;*
 22 *SSGN, \$930,700,000;*
 23 *SSGN (AP), \$236,600,000;*
 24 *CVN Refuelings (AP), \$232,832,000;*
 25 *SSN Submarine Refuelings, \$450,000,000;*

1 *SSN Submarine Refuelings (AP), \$20,351,000;*
2 *SSBN Submarine Refuelings (AP),*
3 *\$136,800,000;*
4 *DDG-51 Destroyer, \$3,218,311,000;*
5 *LPD-17, \$1,192,034,000;*
6 *LPD-17 (AP), \$75,000,000;*
7 *LHD-8, \$591,306,000;*
8 *LCAC Landing Craft Air Cushion, \$73,087,000;*
9 *Prior year shipbuilding costs, \$635,502,000;*
10 *Service Craft, \$15,980,000; and*
11 *For outfitting, post delivery, conversions, and*
12 *first destination transportation, \$348,449,000;*
13 *In all: \$11,682,623,000, to remain available for obliga-*
14 *tion until September 30, 2008: Provided, That additional*
15 *obligations may be incurred after September 30, 2008, for*
16 *engineering services, tests, evaluations, and other such budg-*
17 *eted work that must be performed in the final stage of ship*
18 *construction: Provided further, That none of the funds pro-*
19 *vided under this heading for the construction or conversion*
20 *of any naval vessel to be constructed in shipyards in the*
21 *United States shall be expended in foreign facilities for the*
22 *construction of major components of such vessel: Provided*
23 *further, That none of the funds provided under this heading*
24 *shall be used for the construction of any naval vessel in*
25 *foreign shipyards.*

1 *OTHER PROCUREMENT, NAVY*

2 *For procurement, production, and modernization of*
3 *support equipment and materials not otherwise provided*
4 *for, Navy ordnance (except ordnance for new aircraft, new*
5 *ships, and ships authorized for conversion); the purchase*
6 *of passenger motor vehicles for replacement only, and the*
7 *purchase of 7 vehicles required for physical security of per-*
8 *sonnel, notwithstanding price limitations applicable to pas-*
9 *senger vehicles but not to exceed \$180,000 per vehicle; ex-*
10 *pansion of public and private plants, including the land*
11 *necessary therefor, and such lands and interests therein,*
12 *may be acquired, and construction prosecuted thereon prior*
13 *to approval of title; and procurement and installation of*
14 *equipment, appliances, and machine tools in public and*
15 *private plants; reserve plant and Government and con-*
16 *tractor-owned equipment layaway, \$4,734,808,000, to re-*
17 *main available for obligation until September 30, 2006.*

18 *PROCUREMENT, MARINE CORPS*

19 *For expenses necessary for the procurement, manufac-*
20 *ture, and modification of missiles, armament, military*
21 *equipment, spare parts, and accessories therefor; plant*
22 *equipment, appliances, and machine tools, and installation*
23 *thereof in public and private plants; reserve plant and Gov-*
24 *ernment and contractor-owned equipment layaway; vehicles*
25 *for the Marine Corps, including the purchase of passenger*

1 *motor vehicles for replacement only; and expansion of pub-*
2 *lic and private plants, including land necessary therefor,*
3 *and such lands and interests therein, may be acquired, and*
4 *construction prosecuted thereon prior to approval of title,*
5 *\$1,090,399,000, to remain available for obligation until*
6 *September 30, 2006.*

7 *AIRCRAFT PROCUREMENT, AIR FORCE*

8 *For construction, procurement, and modification of*
9 *aircraft and equipment, including armor and armament,*
10 *specialized ground handling equipment, and training de-*
11 *vices, spare parts, and accessories therefor; specialized*
12 *equipment; expansion of public and private plants, Govern-*
13 *ment-owned equipment and installation thereof in such*
14 *plants, erection of structures, and acquisition of land, for*
15 *the foregoing purposes, and such lands and interests therein,*
16 *may be acquired, and construction prosecuted thereon prior*
17 *to approval of title; reserve plant and Government and con-*
18 *tractor-owned equipment layaway; and other expenses nec-*
19 *essary for the foregoing purposes including rents and trans-*
20 *portation of things, \$11,997,460,000, to remain available*
21 *for obligation until September 30, 2006.*

22 *MISSILE PROCUREMENT, AIR FORCE*

23 *For construction, procurement, and modification of*
24 *missiles, spacecraft, rockets, and related equipment, includ-*
25 *ing spare parts and accessories therefor, ground handling*

1 *equipment, and training devices; expansion of public and*
2 *private plants, Government-owned equipment and installa-*
3 *tion thereof in such plants, erection of structures, and ac-*
4 *quisition of land, for the foregoing purposes, and such lands*
5 *and interests therein, may be acquired, and construction*
6 *prosecuted thereon prior to approval of title; reserve plant*
7 *and Government and contractor-owned equipment layaway;*
8 *and other expenses necessary for the foregoing purposes in-*
9 *cluding rents and transportation of things, \$4,215,333,000,*
10 *to remain available for obligation until September 30,*
11 *2006.*

12 *PROCUREMENT OF AMMUNITION, AIR FORCE*

13 *For construction, procurement, production, and modi-*
14 *fication of ammunition, and accessories therefor; specialized*
15 *equipment and training devices; expansion of public and*
16 *private plants, including ammunition facilities authorized*
17 *by section 2854 of title 10, United States Code, and the*
18 *land necessary therefor, for the foregoing purposes, and such*
19 *lands and interests therein, may be acquired, and construc-*
20 *tion prosecuted thereon prior to approval of title; and pro-*
21 *curement and installation of equipment, appliances, and*
22 *machine tools in public and private plants; reserve plant*
23 *and Government and contractor-owned equipment layaway;*
24 *and other expenses necessary for the foregoing purposes,*

1 \$1,265,582,000, to remain available for obligation until
2 September 30, 2006.

3 *OTHER PROCUREMENT, AIR FORCE*

4 *For procurement and modification of equipment (in-*
5 *cluding ground guidance and electronic control equipment,*
6 *and ground electronic and communication equipment), and*
7 *supplies, materials, and spare parts therefor, not otherwise*
8 *provided for; the purchase of passenger motor vehicles for*
9 *replacement only, and the purchase of 1 vehicle required*
10 *for physical security of personnel, notwithstanding price*
11 *limitations applicable to passenger vehicles but not to ex-*
12 *ceed \$180,000 per vehicle; lease of passenger motor vehicles;*
13 *and expansion of public and private plants, Government-*
14 *owned equipment and installation thereof in such plants,*
15 *erection of structures, and acquisition of land, for the fore-*
16 *going purposes, and such lands and interests therein, may*
17 *be acquired, and construction prosecuted thereon, prior to*
18 *approval of title; reserve plant and Government and con-*
19 *tractor-owned equipment layaway, \$11,536,097,000, to re-*
20 *main available for obligation until September 30, 2006.*

21 *PROCUREMENT, DEFENSE-WIDE*

22 *For expenses of activities and agencies of the Depart-*
23 *ment of Defense (other than the military departments) nec-*
24 *essary for procurement, production, and modification of*
25 *equipment, supplies, materials, and spare parts therefor,*

1 *not otherwise provided for; the purchase of passenger motor*
2 *vehicles for replacement only; and the purchase of 4 vehicles*
3 *required for physical security of personnel, notwithstanding*
4 *price limitations applicable to passenger vehicles but not*
5 *to exceed \$180,000 per vehicle; expansion of public and pri-*
6 *vate plants, equipment, and installation thereof in such*
7 *plants, erection of structures, and acquisition of land for*
8 *the foregoing purposes, and such lands and interests therein,*
9 *may be acquired, and construction prosecuted thereon prior*
10 *to approval of title; reserve plant and Government and con-*
11 *tractor-owned equipment layaway, \$3,568,851,000, to re-*
12 *main available for obligation until September 30, 2006.*

13 *NATIONAL GUARD AND RESERVE EQUIPMENT*

14 *For procurement of aircraft, missiles, tracked combat*
15 *vehicles, ammunition, other weapons, and other procure-*
16 *ment for the reserve components of the Armed Forces,*
17 *\$700,000,000, to remain available for obligation until Sep-*
18 *tember 30, 2006: Provided, That the Chiefs of the Reserve*
19 *and National Guard components shall, not later than 30*
20 *days after the enactment of this Act, individually submit*
21 *to the congressional defense committees the modernization*
22 *priority assessment for their respective Reserve or National*
23 *Guard component.*

1 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*
2 *FORCE*

3 *For expenses necessary for basic and applied scientific*
4 *research, development, test and evaluation, including main-*
5 *tenance, rehabilitation, lease, and operation of facilities*
6 *and equipment, \$20,086,290,000, to remain available for*
7 *obligation until September 30, 2005.*

8 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*
9 *DEFENSE-WIDE*

10 *For expenses of activities and agencies of the Depart-*
11 *ment of Defense (other than the military departments), nec-*
12 *essary for basic and applied scientific research, develop-*
13 *ment, test and evaluation; advanced research projects as*
14 *may be designated and determined by the Secretary of De-*
15 *fense, pursuant to law; maintenance, rehabilitation, lease,*
16 *and operation of facilities and equipment, \$18,774,428,000,*
17 *to remain available for obligation until September 30,*
18 *2005.*

19 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

20 *For expenses, not otherwise provided for, necessary for*
21 *the independent activities of the Director, Operational Test*
22 *and Evaluation, in the direction and supervision of oper-*
23 *ational test and evaluation, including initial operational*
24 *test and evaluation which is conducted prior to, and in sup-*
25 *port of, production decisions; joint operational testing and*

1 *evaluation; and administrative expenses in connection*
2 *therewith, \$304,761,000, to remain available for obligation*
3 *until September 30, 2005.*

4 *TITLE V*

5 *REVOLVING AND MANAGEMENT FUNDS*

6 *DEFENSE WORKING CAPITAL FUNDS*

7 *For the Defense Working Capital Funds,*
8 *\$1,449,007,000: Provided, That during fiscal year 2004,*
9 *funds in the Defense Working Capital Funds may be used*
10 *for the purchase of not to exceed 4 passenger motor vehicles*
11 *for replacement only for the Defense Logistics Agency.*

12 *NATIONAL DEFENSE SEALIFT FUND*

13 *For National Defense Sealift Fund programs, projects,*
14 *and activities, and for expenses of the National Defense Re-*
15 *serve Fleet, as established by section 11 of the Merchant*
16 *Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the*
17 *necessary expenses to maintain and preserve a U.S.-flag*
18 *merchant fleet to serve the national security needs of the*
19 *United States, \$344,148,000, to remain available until ex-*
20 *pende: Provided, That none of the funds provided in this*
21 *paragraph shall be used to award a new contract that pro-*
22 *vides for the acquisition of any of the following major com-*
23 *ponents unless such components are manufactured in the*
24 *United States: auxiliary equipment, including pumps, for*
25 *all shipboard services; propulsion system components (that*

1 *is; engines, reduction gears, and propellers); shipboard*
2 *cranes; and spreaders for shipboard cranes: Provided fur-*
3 *ther, That the exercise of an option in a contract awarded*
4 *through the obligation of previously appropriated funds*
5 *shall not be considered to be the award of a new contract:*
6 *Provided further, That the Secretary of the military depart-*
7 *ment responsible for such procurement may waive the re-*
8 *strictions in the first proviso on a case-by-case basis by cer-*
9 *tifying in writing to the Committees on Appropriations of*
10 *the House of Representatives and the Senate that adequate*
11 *domestic supplies are not available to meet Department of*
12 *Defense requirements on a timely basis and that such an*
13 *acquisition must be made in order to acquire capability for*
14 *national security purposes: Provided further, That, not-*
15 *withstanding any other provision of law, \$8,500,000 of the*
16 *funds available under this heading shall be available in ad-*
17 *dition to other amounts otherwise available, only to finance*
18 *the cost of constructing additional sealift capacity.*

19

TITLE VI

20 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

21

DEFENSE HEALTH PROGRAM

22

For expenses, not otherwise provided for, for medical
23 *and health care programs of the Department of Defense, as*
24 *authorized by law, \$15,656,913,000, of which*
25 *\$14,918,791,000 shall be for Operation and maintenance,*

1 *of which not to exceed 2 percent shall remain available until*
2 *September 30, 2005, and of which not more than*
3 *\$7,420,972,000 shall be available for contracts entered into*
4 *under the TRICARE program; of which \$327,826,000, to*
5 *remain available for obligation until September 30, 2006,*
6 *shall be for Procurement; of which \$410,296,000, to remain*
7 *available for obligation until September 30, 2005, shall be*
8 *for Research, development, test and evaluation.*

9 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY*

10 *For expenses, not otherwise provided for, necessary for*
11 *the destruction of the United States stockpile of lethal chem-*
12 *ical agents and munitions in accordance with the provi-*
13 *sions of section 1412 of the Department of Defense Author-*
14 *ization Act, 1986 (50 U.S.C. 1521), and for the destruction*
15 *of other chemical warfare materials that are not in the*
16 *chemical weapon stockpile, \$1,620,076,000, of which*
17 *\$1,169,168,000 shall be for Operation and maintenance to*
18 *remain available until September 30, 2005; \$79,212,000*
19 *shall be for Procurement to remain available until Sep-*
20 *tember 30, 2006; \$251,881,000 shall be for Research, devel-*
21 *opment, test and evaluation to remain available until Sep-*
22 *tember 30, 2005; \$119,815,000 shall be for military con-*
23 *struction to remain available until September 30, 2008:*
24 *Provided, That, notwithstanding any other provision of*
25 *law, \$10,000,000 of the funds available under this heading*

1 *shall be expended only to fund Chemical Stockpile Emer-*
2 *gency Preparedness Program evacuation route improve-*
3 *ments in Calhoun County, Alabama.*

4 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*
5 *DEFENSE*
6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For drug interdiction and counter-drug activities of*
8 *the Department of Defense, for transfer to appropriations*
9 *available to the Department of Defense for military per-*
10 *sonnel of the reserve components serving under the provi-*
11 *sions of title 10 and title 32, United States Code; for Oper-*
12 *ation and maintenance; for Procurement; and for Research,*
13 *development, test and evaluation, \$832,371,000: Provided,*
14 *That the funds appropriated under this heading shall be*
15 *available for obligation for the same time period and for*
16 *the same purpose as the appropriation to which transferred:*
17 *Provided further, That upon a determination that all or*
18 *part of the funds transferred from this appropriation are*
19 *not necessary for the purposes provided herein, such*
20 *amounts may be transferred back to this appropriation:*
21 *Provided further, That the transfer authority provided*
22 *under this heading is in addition to any other transfer au-*
23 *thority contained elsewhere in this Act.*

1 *OFFICE OF THE INSPECTOR GENERAL*

2 *For expenses and activities of the Office of the Inspec-*
3 *tor General in carrying out the provisions of the Inspector*
4 *General Act of 1978, as amended, \$162,449,000, of which*
5 *\$160,049,000 shall be for Operation and maintenance, of*
6 *which not to exceed \$700,000, is available for emergencies*
7 *and extraordinary expenses to be expended on the approval*
8 *or authority of the Inspector General, and payments may*
9 *be made on the Inspector General's certificate of necessity*
10 *for confidential military purposes and of which \$300,000,*
11 *to remain available until September 30, 2005, shall be for*
12 *Research, development, test and evaluation; and of which*
13 *\$2,100,000, to remain available until September 30, 2006,*
14 *shall be for Procurement.*

15 *TITLE VII*16 *RELATED AGENCIES*17 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*18 *DISABILITY SYSTEM FUND*

19 *For payment to the Central Intelligence Agency Retire-*
20 *ment and Disability System Fund, to maintain the proper*
21 *funding level for continuing the operation of the Central*
22 *Intelligence Agency Retirement and Disability System,*
23 *\$226,400,000.*

1 *States Code, or at a rate in excess of the percentage increase*
2 *provided by the appropriate host nation to its own employ-*
3 *ees, whichever is higher: Provided further, That this section*
4 *shall not apply to Department of Defense foreign service*
5 *national employees serving at United States diplomatic*
6 *missions whose pay is set by the Department of State under*
7 *the Foreign Service Act of 1980: Provided further, That the*
8 *limitations of this provision shall not apply to foreign na-*
9 *tional employees of the Department of Defense in the Re-*
10 *public of Turkey.*

11 *SEC. 8003. No part of any appropriation contained*
12 *in this Act shall remain available for obligation beyond the*
13 *current fiscal year, unless expressly so provided herein.*

14 *SEC. 8004. No more than 20 percent of the appropria-*
15 *tions in this Act which are limited for obligation during*
16 *the current fiscal year shall be obligated during the last 2*
17 *months of the fiscal year: Provided, That this section shall*
18 *not apply to obligations for support of active duty training*
19 *of reserve components or summer camp training of the Re-*
20 *serve Officers' Training Corps.*

21 *(TRANSFER OF FUNDS)*

22 *SEC. 8005. Upon determination by the Secretary of*
23 *Defense that such action is necessary in the national inter-*
24 *est, he may, with the approval of the Office of Management*
25 *and Budget, transfer not to exceed \$2,100,000,000 of work-*
26 *ing capital funds of the Department of Defense or funds*

1 *made available in this Act to the Department of Defense*
2 *for military functions (except military construction) be-*
3 *tween such appropriations or funds or any subdivision*
4 *thereof, to be merged with and to be available for the same*
5 *purposes, and for the same time period, as the appropria-*
6 *tion or fund to which transferred: Provided, That such au-*
7 *thority to transfer may not be used unless for higher pri-*
8 *ority items, based on unforeseen military requirements,*
9 *than those for which originally appropriated and in no case*
10 *where the item for which funds are requested has been de-*
11 *nied by the Congress: Provided further, That the Secretary*
12 *of Defense shall notify the Congress promptly of all transfers*
13 *made pursuant to this authority or any other authority in*
14 *this Act: Provided further, That no part of the funds in*
15 *this Act shall be available to prepare or present a request*
16 *to the Committees on Appropriations for reprogramming*
17 *of funds, unless for higher priority items, based on unfore-*
18 *seen military requirements, than those for which originally*
19 *appropriated and in no case where the item for which re-*
20 *programming is requested has been denied by the Congress:*
21 *Provided further, That a request for multiple*
22 *reprogrammings of funds using authority provided in this*
23 *section must be made prior to June 30, 2004.*

24 (TRANSFER OF FUNDS)

25 SEC. 8006. *During the current fiscal year, cash bal-*
26 *ances in working capital funds of the Department of De-*

1 *fense established pursuant to section 2208 of title 10, United*
2 *States Code, may be maintained in only such amounts as*
3 *are necessary at any time for cash disbursements to be made*
4 *from such funds: Provided, That transfers may be made be-*
5 *tween such funds: Provided further, That transfers may be*
6 *made between working capital funds and the “Foreign Cur-*
7 *rency Fluctuations, Defense” appropriation and the “Oper-*
8 *ation and Maintenance” appropriation accounts in such*
9 *amounts as may be determined by the Secretary of Defense,*
10 *with the approval of the Office of Management and Budget,*
11 *except that such transfers may not be made unless the Sec-*
12 *retary of Defense has notified the Congress of the proposed*
13 *transfer. Except in amounts equal to the amounts appro-*
14 *priated to working capital funds in this Act, no obligations*
15 *may be made against a working capital fund to procure*
16 *or increase the value of war reserve material inventory, un-*
17 *less the Secretary of Defense has notified the Congress prior*
18 *to any such obligation.*

19 *SEC. 8007. Funds appropriated by this Act may not*
20 *be used to initiate a special access program without prior*
21 *notification 30 calendar days in session in advance to the*
22 *congressional defense committees.*

23 *SEC. 8008. None of the funds provided in this Act shall*
24 *be available to initiate: (1) a multiyear contract that em-*
25 *ploys economic order quantity procurement in excess of*

1 \$20,000,000 in any 1 year of the contract or that includes
2 an unfunded contingent liability in excess of \$20,000,000;
3 or (2) a contract for advance procurement leading to a
4 multiyear contract that employs economic order quantity
5 procurement in excess of \$20,000,000 in any 1 year, unless
6 the congressional defense committees have been notified at
7 least 30 days in advance of the proposed contract award:
8 Provided, That no part of any appropriation contained in
9 this Act shall be available to initiate a multiyear contract
10 for which the economic order quantity advance procurement
11 is not funded at least to the limits of the Government's li-
12 ability: Provided further, That no part of any appropria-
13 tion contained in this Act shall be available to initiate
14 multiyear procurement contracts for any systems or compo-
15 nent thereof if the value of the multiyear contract would
16 exceed \$500,000,000 unless specifically provided in this Act:
17 Provided further, That no multiyear procurement contract
18 can be terminated without 10-day prior notification to the
19 congressional defense committees: Provided further, That the
20 execution of multiyear authority shall require the use of a
21 present value analysis to determine lowest cost compared
22 to an annual procurement.

23 Funds appropriated in title III of this Act may be
24 used for multiyear procurement contracts as follows:

25 C-130 aircraft;

1 *F/A-18E and F engine;*

2 *F/A-18 aircraft;*

3 *E-2C aircraft; and*

4 *Virginia Class Submarine:*

5 *Provided, That the Secretary of the Navy may not enter*
6 *into a multiyear contract for the procurement of more than*
7 *one Virginia Class Submarine per year.*

8 *SEC. 8009. Within the funds appropriated for the oper-*
9 *ation and maintenance of the Armed Forces, funds are here-*
10 *by appropriated pursuant to section 401 of title 10, United*
11 *States Code, for humanitarian and civic assistance costs*
12 *under chapter 20 of title 10, United States Code. Such funds*
13 *may also be obligated for humanitarian and civic assist-*
14 *ance costs incidental to authorized operations and pursuant*
15 *to authority granted in section 401 of chapter 20 of title*
16 *10, United States Code, and these obligations shall be re-*
17 *ported as required by section 401(d) of title 10, United*
18 *States Code: Provided, That funds available for operation*
19 *and maintenance shall be available for providing humani-*
20 *tarian and similar assistance by using Civic Action Teams*
21 *in the Trust Territories of the Pacific Islands and freely*
22 *associated states of Micronesia, pursuant to the Compact*
23 *of Free Association as authorized by Public Law 99-239:*
24 *Provided further, That upon a determination by the Sec-*
25 *retary of the Army that such action is beneficial for grad-*

1 *uate medical education programs conducted at Army med-*
2 *ical facilities located in Hawaii, the Secretary of the Army*
3 *may authorize the provision of medical services at such fa-*
4 *cilities and transportation to such facilities, on a non-*
5 *reimbursable basis, for civilian patients from American*
6 *Samoa, the Commonwealth of the Northern Mariana Is-*
7 *lands, the Marshall Islands, the Federated States of Micro-*
8 *nesia, Palau, and Guam.*

9 *SEC. 8010. (a) During fiscal year 2004, the civilian*
10 *personnel of the Department of Defense may not be man-*
11 *aged on the basis of any end-strength, and the management*
12 *of such personnel during that fiscal year shall not be subject*
13 *to any constraint or limitation (known as an end-strength)*
14 *on the number of such personnel who may be employed on*
15 *the last day of such fiscal year.*

16 *(b) The fiscal year 2005 budget request for the Depart-*
17 *ment of Defense as well as all justification material and*
18 *other documentation supporting the fiscal year 2005 De-*
19 *partment of Defense budget request shall be prepared and*
20 *submitted to the Congress as if subsections (a) and (b) of*
21 *this provision were effective with regard to fiscal year 2005.*

22 *(c) Nothing in this section shall be construed to apply*
23 *to military (civilian) technicians.*

24 *SEC. 8011. None of the funds appropriated in this or*
25 *any other Act may be used to initiate a new installation*

1 *overseas without 30-day advance notification to the Com-*
2 *mittees on Appropriations.*

3 *SEC. 8012. None of the funds made available by this*
4 *Act shall be used in any way, directly or indirectly, to in-*
5 *fluence congressional action on any legislation or appro-*
6 *priation matters pending before the Congress.*

7 *SEC. 8013. None of the funds appropriated by this Act*
8 *shall be available for the basic pay and allowances of any*
9 *member of the Army participating as a full-time student*
10 *and receiving benefits paid by the Secretary of Veterans Af-*
11 *fairs from the Department of Defense Education Benefits*
12 *Fund when time spent as a full-time student is credited*
13 *toward completion of a service commitment: Provided, That*
14 *this subsection shall not apply to those members who have*
15 *reenlisted with this option prior to October 1, 1987: Pro-*
16 *vided further, That this subsection applies only to active*
17 *components of the Army.*

18 *SEC. 8014. (a) None of the funds appropriated by this*
19 *Act may be used for converting to contractor performance*
20 *an activity or function of the Department of Defense that,*
21 *on or after the date of the enactment of this Act, is per-*
22 *formed by Department of Defense employees unless the con-*
23 *version is based on the results of a public-private competi-*
24 *tion process that—*

1 (1) *applies the most efficient organization pro-*
2 *cess except to the performance of an activity or func-*
3 *tion involving 10 or fewer employees (but prohibits*
4 *any modification, reorganization, division, or other*
5 *change that is done for the purpose of qualifying the*
6 *activity or function for such exception);*

7 (2) *provides no advantage to an offeror for a*
8 *proposal to save costs for the Department of Defense*
9 *by offering employer-sponsored health insurance bene-*
10 *fits to workers to be employed under contract for the*
11 *performance of such activity or function that are in*
12 *any respect less beneficial to the workers than the ben-*
13 *efits provided for Federal employees under chapter 89*
14 *of title 5, United States Code; and*

15 (3) *requires a determination regarding whether,*
16 *over all performance periods stated in the solicitation*
17 *of offers for performance of the activity or function,*
18 *the cost of performance of the activity or function by*
19 *a contractor would be less costly to the Department*
20 *of Defense by an amount that equals or exceeds the*
21 *lesser of (A) 10 percent of the most efficient organiza-*
22 *tion's personnel-related costs for performance of that*
23 *activity or function by Federal employees, or (B)*
24 *\$10,000,000.*

1 (b) *The Secretary of Defense may, in the Secretary's*
2 *discretion, apply the tradeoff source selection public-private*
3 *competition process under Office of Management and Budg-*
4 *et Circular A-76 to the performance of services related to*
5 *the design, installation, operation, or maintenance of infor-*
6 *mation technology (as defined in section 11101 of title 40,*
7 *United States Code).*

8 (c)(1) *This section does not apply to a conversion of*
9 *an activity or function of the Department of Defense to con-*
10 *tractor performance if the Secretary of Defense (A) deter-*
11 *mines in writing that compliance would have a substantial*
12 *adverse impact on the ability of the Department of Defense*
13 *to perform its national security missions, and (B) publishes*
14 *such determination in the Federal Register.*

15 (2) *This section and subsections (a), (b), and (c) of*
16 *section 2461 of title 10, United States Code, do not apply*
17 *with respect to the performance of a commercial or indus-*
18 *trial type activity or function that—*

19 (A) *is on the procurement list established under*
20 *section 2 of the Javits-Wagner-O'Day Act (41 U.S.C.*
21 *47); or*

22 (B) *is planned to be converted to performance*
23 *by—*

24 (i) *a qualified nonprofit agency for the*
25 *blind or a qualified nonprofit agency for other*

1 *severely handicapped (as such terms are defined*
2 *in section 5 of such Act (41 U.S.C. 48b); or*

3 *(ii) a commercial business at least 51 per-*
4 *cent of which is owned by an Indian tribe (as*
5 *defined in section 4(e) of the Indian Self-Deter-*
6 *mination and Education Assistance Act (25*
7 *U.S.C. 450b(e))) or a Native Hawaiian Organi-*
8 *zation (as defined in section 8(a)(15) of the*
9 *Small Business Act (15 U.S.C. 637(a)(15))).*

10 *(d) Nothing in this Act shall affect depot contracts or*
11 *contracts for depot maintenance as provided in sections*
12 *2469 and 2474 of title 10, United States Code.*

13 *(e) The conversion of any activity or function of the*
14 *Department of Defense under the authority provided herein*
15 *shall be credited toward any competitive or outsourcing*
16 *goal, target or measurement that may be established by stat-*
17 *ute, regulation or policy and shall be deemed to be awarded*
18 *under the authority of and in compliance with Public Law*
19 *98–369, Div. B, Title VII, sections 2723(a) and 2727(b)*
20 *(codified at 10 U.S.C. 2304) for the competition or*
21 *outsourcing of commercial activities.*

22 *(TRANSFER OF FUNDS)*

23 *SEC. 8015. Funds appropriated in title III of this Act*
24 *for the Department of Defense Pilot Mentor-Protege Pro-*
25 *gram may be transferred to any other appropriation con-*
26 *tained in this Act solely for the purpose of implementing*

1 *a Mentor-Protege Program developmental assistance agree-*
2 *ment pursuant to section 831 of the National Defense Au-*
3 *thorization Act for Fiscal Year 1991 (Public Law 101-510;*
4 *10 U.S.C. 2301 note), as amended, under the authority of*
5 *this provision or any other transfer authority contained in*
6 *this Act.*

7 *SEC. 8016. None of the funds in this Act may be avail-*
8 *able for the purchase by the Department of Defense (and*
9 *its departments and agencies) of welded shipboard anchor*
10 *and mooring chain 4 inches in diameter and under unless*
11 *the anchor and mooring chain are manufactured in the*
12 *United States from components which are substantially*
13 *manufactured in the United States: Provided, That for the*
14 *purpose of this section manufactured will include cutting,*
15 *heat treating, quality control, testing of chain and welding*
16 *(including the forging and shot blasting process): Provided*
17 *further, That for the purpose of this section substantially*
18 *all of the components of anchor and mooring chain shall*
19 *be considered to be produced or manufactured in the United*
20 *States if the aggregate cost of the components produced or*
21 *manufactured in the United States exceeds the aggregate*
22 *cost of the components produced or manufactured outside*
23 *the United States: Provided further, That when adequate*
24 *domestic supplies are not available to meet Department of*
25 *Defense requirements on a timely basis, the Secretary of the*

1 *service responsible for the procurement may waive this re-*
2 *striction on a case-by-case basis by certifying in writing*
3 *to the Committees on Appropriations that such an acquisi-*
4 *tion must be made in order to acquire capability for na-*
5 *tional security purposes.*

6 *SEC. 8017. None of the funds appropriated by this Act*
7 *available for the Civilian Health and Medical Program of*
8 *the Uniformed Services (CHAMPUS) or TRICARE shall*
9 *be available for the reimbursement of any health care pro-*
10 *vider for inpatient mental health service for care received*
11 *when a patient is referred to a provider of inpatient mental*
12 *health care or residential treatment care by a medical or*
13 *health care professional having an economic interest in the*
14 *facility to which the patient is referred: Provided, That this*
15 *limitation does not apply in the case of inpatient mental*
16 *health services provided under the program for persons with*
17 *disabilities under subsection (d) of section 1079 of title 10,*
18 *United States Code, provided as partial hospital care, or*
19 *provided pursuant to a waiver authorized by the Secretary*
20 *of Defense because of medical or psychological circumstances*
21 *of the patient that are confirmed by a health professional*
22 *who is not a Federal employee after a review, pursuant to*
23 *rules prescribed by the Secretary, which takes into account*
24 *the appropriate level of care for the patient, the intensity*

1 *of services required by the patient, and the availability of*
2 *that care.*

3 *SEC. 8018. Notwithstanding any other provision of*
4 *law, during the current fiscal year, the Secretary of Defense*
5 *may, by executive agreement, establish with host nation*
6 *governments in NATO member states a separate account*
7 *into which such residual value amounts negotiated in the*
8 *return of United States military installations in NATO*
9 *member states may be deposited, in the currency of the host*
10 *nation, in lieu of direct monetary transfers to the United*
11 *States Treasury: Provided, That such credits may be uti-*
12 *lized only for the construction of facilities to support United*
13 *States military forces in that host nation, or such real prop-*
14 *erty maintenance and base operating costs that are cur-*
15 *rently executed through monetary transfers to such host na-*
16 *tions: Provided further, That the Department of Defense's*
17 *budget submission for fiscal year 2004 shall identify such*
18 *sums anticipated in residual value settlements, and identify*
19 *such construction, real property maintenance or base oper-*
20 *ating costs that shall be funded by the host nation through*
21 *such credits: Provided further, That all military construc-*
22 *tion projects to be executed from such accounts must be pre-*
23 *viously approved in a prior Act of Congress: Provided fur-*
24 *ther, That each such executive agreement with a NATO*
25 *member host nation shall be reported to the congressional*

1 *defense committees, the Committee on International Rela-*
2 *tions of the House of Representatives and the Committee*
3 *on Foreign Relations of the Senate 30 days prior to the*
4 *conclusion and endorsement of any such agreement estab-*
5 *lished under this provision.*

6 *SEC. 8019. None of the funds available to the Depart-*
7 *ment of Defense may be used to demilitarize or dispose of*
8 *M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber*
9 *rifles, .30 caliber rifles, or M-1911 pistols.*

10 *SEC. 8020. No more than \$500,000 of the funds appro-*
11 *priated or made available in this Act shall be used during*
12 *a single fiscal year for any single relocation of an organiza-*
13 *tion, unit, activity or function of the Department of Defense*
14 *into or within the National Capital Region: Provided, That*
15 *the Secretary of Defense may waive this restriction on a*
16 *case-by-case basis by certifying in writing to the congres-*
17 *sional defense committees that such a relocation is required*
18 *in the best interest of the Government.*

19 *SEC. 8021. In addition to the funds provided elsewhere*
20 *in this Act, \$8,000,000 is appropriated only for incentive*
21 *payments authorized by Section 504 of the Indian Financ-*
22 *ing Act of 1974 (25 U.S.C. 1544): Provided, That a prime*
23 *contractor or a subcontractor at any tier that makes a sub-*
24 *contract award to any subcontractor or supplier as defined*
25 *in 25 U.S.C. 1544 or a small business owned and controlled*

1 *by an individual or individuals defined under 25 U.S.C.*
2 *4221(9) shall be considered a contractor for the purposes*
3 *of being allowed additional compensation under section 504*
4 *of the Indian Financing Act of 1974 (25 U.S.C. 1544)*
5 *whenever the prime contract or subcontract amount is over*
6 *\$500,000 and involves the expenditure of funds appro-*
7 *priated by an Act making Appropriations for the Depart-*
8 *ment of Defense with respect to any fiscal year: Provided*
9 *further, That notwithstanding 41 U.S.C. § 430, this section*
10 *shall be applicable to any Department of Defense acquisi-*
11 *tion of supplies or services, including any contract and any*
12 *subcontract at any tier for acquisition of commercial items*
13 *produced or manufactured, in whole or in part by any sub-*
14 *contractor or supplier defined in 25 U.S.C. § 1544 or a*
15 *small business owned and controlled by an individual or*
16 *individuals defined under 25 U.S.C. 4221(9): Provided fur-*
17 *ther, That businesses certified as 8(a) by the Small Business*
18 *Administration pursuant to section 8(a)(15) of Public Law*
19 *85–536, as amended, shall have the same status as other*
20 *program participants under section 602 of Public Law*
21 *100–656, 102 Stat. 3825 (Business Opportunity Develop-*
22 *ment Reform Act of 1988) for purposes of contracting with*
23 *agencies of the Department of Defense.*

24 *SEC. 8022. None of the funds appropriated by this Act*
25 *shall be available to perform any cost study pursuant to*

1 *the provisions of OMB Circular A-76 if the study being*
2 *performed exceeds a period of 24 months after initiation*
3 *of such study with respect to a single function activity or*
4 *30 months after initiation of such study for a multi-func-*
5 *tion activity.*

6 *SEC. 8023. Funds appropriated by this Act for the*
7 *American Forces Information Service shall not be used for*
8 *any national or international political or psychological ac-*
9 *tivities.*

10 *SEC. 8024. Notwithstanding any other provision of*
11 *law or regulation, the Secretary of Defense may adjust wage*
12 *rates for civilian employees hired for certain health care*
13 *occupations as authorized for the Secretary of Veterans Af-*
14 *fairs by section 7455 of title 38, United States Code.*

15 *SEC. 8025. (a) Of the funds for the procurement of sup-*
16 *plies or services appropriated by this Act and hereafter,*
17 *qualified nonprofit agencies for the blind or other severely*
18 *handicapped shall be afforded the maximum practicable op-*
19 *portunity to participate as subcontractors and suppliers in*
20 *the performance of contracts let by the Department of De-*
21 *fense.*

22 *(b) During the current fiscal year and hereafter, a*
23 *business concern which has negotiated with a military serv-*
24 *ice or defense agency a subcontracting plan for the partici-*
25 *pation by small business concerns pursuant to section 8(d)*

1 *of the Small Business Act (15 U.S.C. 637(d)) shall be given*
2 *credit toward meeting that subcontracting goal for any pur-*
3 *chases made from qualified nonprofit agencies for the blind*
4 *or other severely handicapped.*

5 *(c) For the purpose of this section, the phrase “quali-*
6 *fied nonprofit agency for the blind or other severely handi-*
7 *capped” means a nonprofit agency for the blind or other*
8 *severely handicapped that has been approved by the Com-*
9 *mittee for the Purchase from the Blind and Other Severely*
10 *Handicapped under the Javits-Wagner-O’Day Act (41*
11 *U.S.C. 46–48).*

12 *SEC. 8026. During the current fiscal year, net receipts*
13 *pursuant to collections from third party payers pursuant*
14 *to section 1095 of title 10, United States Code, shall be*
15 *made available to the local facility of the uniformed services*
16 *responsible for the collections and shall be over and above*
17 *the facility’s direct budget amount.*

18 *SEC. 8027. During the current fiscal year, the Depart-*
19 *ment of Defense is authorized to incur obligations of not*
20 *to exceed \$350,000,000 for purposes specified in section*
21 *2350j(c) of title 10, United States Code, in anticipation of*
22 *receipt of contributions, only from the Government of Ku-*
23 *wait, under that section: Provided, That upon receipt, such*
24 *contributions from the Government of Kuwait shall be cred-*

1 *ited to the appropriations or fund which incurred such obli-*
2 *gations.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8028. Of the funds made available in this Act,*
5 *not less than \$24,758,000 shall be available for the Civil*
6 *Air Patrol Corporation: Provided, That funds identified for*
7 *“Civil Air Patrol” under this section are intended for and*
8 *shall be for the exclusive use of the Civil Air Patrol Corpora-*
9 *tion and not for the Air Force or any unit thereof.*

10 *SEC. 8029. (a) None of the funds appropriated in this*
11 *Act are available to establish a new Department of Defense*
12 *(department) federally funded research and development*
13 *center (FFRDC), either as a new entity, or as a separate*
14 *entity administrated by an organization managing another*
15 *FFRDC, or as a nonprofit membership corporation con-*
16 *sisting of a consortium of other FFRDCs and other non-*
17 *profit entities.*

18 *(b) No member of a Board of Directors, Trustees, Over-*
19 *seers, Advisory Group, Special Issues Panel, Visiting Com-*
20 *mittee, or any similar entity of a defense FFRDC, and no*
21 *paid consultant to any defense FFRDC, except when acting*
22 *in a technical advisory capacity, may be compensated for*
23 *his or her services as a member of such entity, or as a paid*
24 *consultant by more than one FFRDC in a fiscal year: Pro-*
25 *vided, That a member of any such entity referred to pre-*
26 *viously in this subsection shall be allowed travel expenses*

1 *and per diem as authorized under the Federal Joint Travel*
2 *Regulations, when engaged in the performance of member-*
3 *ship duties.*

4 (c) *Notwithstanding any other provision of law, none*
5 *of the funds available to the department from any source*
6 *during fiscal year 2004 may be used by a defense FFRDC,*
7 *through a fee or other payment mechanism, for construction*
8 *of new buildings, for payment of cost sharing for projects*
9 *funded by Government grants, for absorption of contract*
10 *overruns, or for certain charitable contributions, not to in-*
11 *clude employee participation in community service and/or*
12 *development.*

13 (d) *Notwithstanding any other provision of law, of the*
14 *funds available to the department during fiscal year 2004,*
15 *not more than 6,450 staff years of technical effort (staff*
16 *years) may be funded for defense FFRDCs: Provided, That*
17 *of the specific amount referred to previously in this sub-*
18 *section, not more than 1,050 staff years may be funded for*
19 *the defense studies and analysis FFRDCs.*

20 (e) *The Secretary of Defense shall, with the submission*
21 *of the department's fiscal year 2005 budget request, submit*
22 *a report presenting the specific amounts of staff years of*
23 *technical effort to be allocated for each defense FFRDC dur-*
24 *ing that fiscal year.*

1 (f) Notwithstanding any other provision of this Act,
2 the total amount appropriated in this Act for FFRDCs is
3 hereby reduced by \$50,000,000.

4 SEC. 8030. None of the funds appropriated or made
5 available in this Act shall be used to procure carbon, alloy
6 or armor steel plate for use in any Government-owned facil-
7 ity or property under the control of the Department of De-
8 fense which were not melted and rolled in the United States
9 or Canada: Provided, That these procurement restrictions
10 shall apply to any and all Federal Supply Class 9515,
11 American Society of Testing and Materials (ASTM) or
12 American Iron and Steel Institute (AISI) specifications of
13 carbon, alloy or armor steel plate: Provided further, That
14 the Secretary of the military department responsible for the
15 procurement may waive this restriction on a case-by-case
16 basis by certifying in writing to the Committees on Appro-
17 priations of the House of Representatives and the Senate
18 that adequate domestic supplies are not available to meet
19 Department of Defense requirements on a timely basis and
20 that such an acquisition must be made in order to acquire
21 capability for national security purposes: Provided further,
22 That these restrictions shall not apply to contracts which
23 are in being as of the date of the enactment of this Act.

24 SEC. 8031. For the purposes of this Act, the term “con-
25 gressional defense committees” means the Armed Services

1 *Committee of the House of Representatives, the Armed Serv-*
2 *ices Committee of the Senate, the Subcommittee on Defense*
3 *of the Committee on Appropriations of the Senate, and the*
4 *Subcommittee on Defense of the Committee on Appropria-*
5 *tions of the House of Representatives.*

6 *SEC. 8032. During the current fiscal year, the Depart-*
7 *ment of Defense may acquire the modification, depot main-*
8 *tenance and repair of aircraft, vehicles and vessels as well*
9 *as the production of components and other Defense-related*
10 *articles, through competition between Department of De-*
11 *fense depot maintenance activities and private firms: Pro-*
12 *vided, That the Senior Acquisition Executive of the military*
13 *department or defense agency concerned, with power of dele-*
14 *gation, shall certify that successful bids include comparable*
15 *estimates of all direct and indirect costs for both public and*
16 *private bids: Provided further, That Office of Management*
17 *and Budget Circular A-76 shall not apply to competitions*
18 *conducted under this section.*

19 *SEC. 8033. (a)(1) If the Secretary of Defense, after con-*
20 *sultation with the United States Trade Representative, de-*
21 *termines that a foreign country which is party to an agree-*
22 *ment described in paragraph (2) has violated the terms of*
23 *the agreement by discriminating against certain types of*
24 *products produced in the United States that are covered by*
25 *the agreement, the Secretary of Defense shall rescind the*

1 *Secretary's blanket waiver of the Buy American Act with*
2 *respect to such types of products produced in that foreign*
3 *country.*

4 (2) *An agreement referred to in paragraph (1) is any*
5 *reciprocal defense procurement memorandum of under-*
6 *standing, between the United States and a foreign country*
7 *pursuant to which the Secretary of Defense has prospec-*
8 *tively waived the Buy American Act for certain products*
9 *in that country.*

10 (b) *The Secretary of Defense shall submit to the Con-*
11 *gress a report on the amount of Department of Defense pur-*
12 *chases from foreign entities in fiscal year 2004. Such report*
13 *shall separately indicate the dollar value of items for which*
14 *the Buy American Act was waived pursuant to any agree-*
15 *ment described in subsection (a)(2), the Trade Agreement*
16 *Act of 1979 (19 U.S.C. 2501 et seq.), or any international*
17 *agreement to which the United States is a party.*

18 (c) *For purposes of this section, the term "Buy Amer-*
19 *ican Act" means title III of the Act entitled "An Act mak-*
20 *ing appropriations for the Treasury and Post Office De-*
21 *partments for the fiscal year ending June 30, 1934, and*
22 *for other purposes", approved March 3, 1933 (41 U.S.C.*
23 *10a et seq.).*

24 SEC. 8034. *Appropriations contained in this Act that*
25 *remain available at the end of the current fiscal year as*

1 *a result of energy cost savings realized by the Department*
2 *of Defense shall remain available for obligation for the next*
3 *fiscal year to the extent, and for the purposes, provided in*
4 *section 2865 of title 10, United States Code.*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *SEC. 8035. Amounts deposited during the current fis-*
7 *cal year to the special account established under 40 U.S.C.*
8 *572(b)(5)(A) and to the special account established under*
9 *10 U.S.C. 2667(d)(1) are appropriated and shall be avail-*
10 *able until transferred by the Secretary of Defense to current*
11 *applicable appropriations or funds of the Department of*
12 *Defense under the terms and conditions specified by 40*
13 *U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to be*
14 *merged with and to be available for the same time period*
15 *and the same purposes as the appropriation to which trans-*
16 *ferred.*

17 *SEC. 8036. The President shall include with each budg-*
18 *et for a fiscal year submitted to the Congress under section*
19 *1105 of title 31, United States Code, materials that shall*
20 *identify clearly and separately the amounts requested in the*
21 *budget for appropriation for that fiscal year for salaries*
22 *and expenses related to administrative activities of the De-*
23 *partment of Defense, the military departments, and the de-*
24 *fense agencies.*

25 *SEC. 8037. Notwithstanding any other provision of*
26 *law, funds available for “Drug Interdiction and Counter-*

1 *Drug Activities, Defense” may be obligated for the Young*
2 *Marines program.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 8038. During the current fiscal year, amounts*
5 *contained in the Department of Defense Overseas Military*
6 *Facility Investment Recovery Account established by section*
7 *2921(c)(1) of the National Defense Authorization Act of*
8 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*
9 *available until expended for the payments specified by sec-*
10 *tion 2921(c)(2) of that Act.*

11 *SEC. 8039. (a) IN GENERAL.—Notwithstanding any*
12 *other provision of law, the Secretary of the Air Force may*
13 *convey at no cost to the Air Force, without consideration,*
14 *to Indian tribes located in the States of North Dakota,*
15 *South Dakota, Montana, and Minnesota relocatable mili-*
16 *tary housing units located at Grand Forks Air Force Base*
17 *and Minot Air Force Base that are excess to the needs of*
18 *the Air Force.*

19 *(b) PROCESSING OF REQUESTS.—The Secretary of the*
20 *Air Force shall convey, at no cost to the Air Force, military*
21 *housing units under subsection (a) in accordance with the*
22 *request for such units that are submitted to the Secretary*
23 *by the Operation Walking Shield Program on behalf of In-*
24 *dian tribes located in the States of North Dakota, South*
25 *Dakota, Montana, and Minnesota.*

1 (c) *RESOLUTION OF HOUSING UNIT CONFLICTS.*—The
2 *Operation Walking Shield* program shall resolve any con-
3 *flicts among requests of Indian tribes for housing units*
4 *under subsection (a) before submitting requests to the Sec-*
5 *retary of the Air Force under subsection (b).*

6 (d) *INDIAN TRIBE DEFINED.*—In this section, the term
7 “*Indian tribe*” means any recognized Indian tribe included
8 *on the current list published by the Secretary of the Interior*
9 *under section 104 of the Federally Recognized Indian Tribe*
10 *Act of 1994 (Public Law 103–454; 108 Stat. 4792; 25*
11 *U.S.C. 479a–1).*

12 *SEC. 8040. During the current fiscal year, appropria-*
13 *tions which are available to the Department of Defense for*
14 *operation and maintenance may be used to purchase items*
15 *having an investment item unit cost of not more than*
16 *\$250,000.*

17 *SEC. 8041. (a) During the current fiscal year, none*
18 *of the appropriations or funds available to the Department*
19 *of Defense Working Capital Funds shall be used for the pur-*
20 *chase of an investment item for the purpose of acquiring*
21 *a new inventory item for sale or anticipated sale during*
22 *the current fiscal year or a subsequent fiscal year to cus-*
23 *tomers of the Department of Defense Working Capital*
24 *Funds if such an item would not have been chargeable to*
25 *the Department of Defense Business Operations Fund dur-*

1 *ing fiscal year 1994 and if the purchase of such an invest-*
2 *ment item would be chargeable during the current fiscal*
3 *year to appropriations made to the Department of Defense*
4 *for procurement.*

5 *(b) The fiscal year 2005 budget request for the Depart-*
6 *ment of Defense as well as all justification material and*
7 *other documentation supporting the fiscal year 2005 De-*
8 *partment of Defense budget shall be prepared and submitted*
9 *to the Congress on the basis that any equipment which was*
10 *classified as an end item and funded in a procurement ap-*
11 *propriation contained in this Act shall be budgeted for in*
12 *a proposed fiscal year 2005 procurement appropriation and*
13 *not in the supply management business area or any other*
14 *area or category of the Department of Defense Working*
15 *Capital Funds.*

16 *SEC. 8042. None of the funds appropriated by this Act*
17 *for programs of the Central Intelligence Agency shall re-*
18 *main available for obligation beyond the current fiscal year,*
19 *except for funds appropriated for the Reserve for Contin-*
20 *gencies, which shall remain available until September 30,*
21 *2005: Provided, That funds appropriated, transferred, or*
22 *otherwise credited to the Central Intelligence Agency Cen-*
23 *tral Services Working Capital Fund during this or any*
24 *prior or subsequent fiscal year shall remain available until*
25 *expended: Provided further, That any funds appropriated*

1 or transferred to the Central Intelligence Agency for ad-
2 vanced research and development acquisition, for agent op-
3 erations, and for covert action programs authorized by the
4 President under section 503 of the National Security Act
5 of 1947, as amended, shall remain available until Sep-
6 tember 30, 2005.

7 *SEC. 8043. Notwithstanding any other provision of*
8 *law, funds made available in this Act for the Defense Intel-*
9 *ligence Agency may be used for the design, development, and*
10 *deployment of General Defense Intelligence Program intel-*
11 *ligence communications and intelligence information sys-*
12 *tems for the Services, the Unified and Specified Commands,*
13 *and the component commands.*

14 *SEC. 8044. Of the funds appropriated to the Depart-*
15 *ment of Defense under the heading “Operation and Mainte-*
16 *nance, Defense-Wide”, not less than \$10,000,000 shall be*
17 *made available only for the mitigation of environmental*
18 *impacts, including training and technical assistance to*
19 *tribes, related administrative support, the gathering of in-*
20 *formation, documenting of environmental damage, and de-*
21 *veloping a system for prioritization of mitigation and cost*
22 *to complete estimates for mitigation, on Indian lands re-*
23 *sulting from Department of Defense activities.*

24 *SEC. 8045. (a) None of the funds appropriated in this*
25 *Act may be expended by an entity of the Department of*

1 *Defense unless the entity, in expending the funds, complies*
2 *with the Buy American Act. For purposes of this subsection,*
3 *the term “Buy American Act” means title III of the Act*
4 *entitled “An Act making appropriations for the Treasury*
5 *and Post Office Departments for the fiscal year ending June*
6 *30, 1934, and for other purposes”, approved March 3, 1933*
7 *(41 U.S.C. 10a et seq.).*

8 *(b) If the Secretary of Defense determines that a person*
9 *has been convicted of intentionally affixing a label bearing*
10 *a “Made in America” inscription to any product sold in*
11 *or shipped to the United States that is not made in Amer-*
12 *ica, the Secretary shall determine, in accordance with sec-*
13 *tion 2410f of title 10, United States Code, whether the per-*
14 *son should be debarred from contracting with the Depart-*
15 *ment of Defense.*

16 *(c) In the case of any equipment or products purchased*
17 *with appropriations provided under this Act, it is the sense*
18 *of the Congress that any entity of the Department of De-*
19 *fense, in expending the appropriation, purchase only Amer-*
20 *ican-made equipment and products, provided that Amer-*
21 *ican-made equipment and products are cost-competitive,*
22 *quality-competitive, and available in a timely fashion.*

23 *SEC. 8046. None of the funds appropriated by this Act*
24 *shall be available for a contract for studies, analysis, or*
25 *consulting services entered into without competition on the*

1 *basis of an unsolicited proposal unless the head of the activ-*
2 *ity responsible for the procurement determines—*

3 (1) *as a result of thorough technical evaluation,*
4 *only one source is found fully qualified to perform the*
5 *proposed work;*

6 (2) *the purpose of the contract is to explore an*
7 *unsolicited proposal which offers significant scientific*
8 *or technological promise, represents the product of*
9 *original thinking, and was submitted in confidence*
10 *by one source; or*

11 (3) *the purpose of the contract is to take advan-*
12 *tage of unique and significant industrial accomplish-*
13 *ment by a specific concern, or to insure that a new*
14 *product or idea of a specific concern is given finan-*
15 *cial support:*

16 *Provided, That this limitation shall not apply to contracts*
17 *in an amount of less than \$25,000, contracts related to im-*
18 *provements of equipment that is in development or produc-*
19 *tion, or contracts as to which a civilian official of the De-*
20 *partment of Defense, who has been confirmed by the Senate,*
21 *determines that the award of such contract is in the interest*
22 *of the national defense.*

23 *SEC. 8047. (a) Except as provided in subsection (b)*
24 *and (c), none of the funds made available by this Act may*
25 *be used—*

1 (1) *to establish a field operating agency; or*

2 (2) *to pay the basic pay of a member of the*
3 *Armed Forces or civilian employee of the department*
4 *who is transferred or reassigned from a headquarters*
5 *activity if the member or employee's place of duty re-*
6 *mains at the location of that headquarters.*

7 (b) *The Secretary of Defense or Secretary of a military*
8 *department may waive the limitations in subsection (a),*
9 *on a case-by-case basis, if the Secretary determines, and cer-*
10 *tifies to the Committees on Appropriations of the House of*
11 *Representatives and Senate that the granting of the waiver*
12 *will reduce the personnel requirements or the financial re-*
13 *quirements of the department.*

14 (c) *This section does not apply to field operating agen-*
15 *cies funded within the National Foreign Intelligence Pro-*
16 *gram.*

17 SEC. 8048. *Notwithstanding section 303 of Public Law*
18 *96-487 or any other provision of law, the Secretary of the*
19 *Navy is authorized to lease real and personal property at*
20 *Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C.*
21 *2667(f), for commercial, industrial or other purposes: Pro-*
22 *vided, That notwithstanding any other provision of law, the*
23 *Secretary of the Navy may remove hazardous materials*
24 *from facilities, buildings, and structures at Adak, Alaska,*

1 *and may demolish or otherwise dispose of such facilities,*
2 *buildings, and structures.*

3 (RESCISSIONS)

4 SEC. 8049. *Of the funds appropriated in Department*
5 *of Defense Appropriations Acts, the following funds are*
6 *hereby rescinded from the following accounts and programs*
7 *in the specified amounts:*

8 “*Shipbuilding and Conversion, Navy, 2002/*
9 *2006*”, \$55,000,000;

10 “*Procurement of Ammunition, Army, 2003/*
11 *2005*”, \$36,000,000;

12 “*Other Procurement, Air Force, 2003/2005*”,
13 \$5,000,000;

14 “*Procurement, Defense-Wide, 2003/2005*”,
15 \$48,000,000;

16 “*Research and Development, Defense-Wide, 2003/*
17 *2004*”, \$25,000,000;

18 “*National Defense Sealift Fund*”, \$105,300,000.

19 SEC. 8050. *None of the funds available in this Act may*
20 *be used to reduce the authorized positions for military (ci-*
21 *vilian) technicians of the Army National Guard, the Air*
22 *National Guard, Army Reserve and Air Force Reserve for*
23 *the purpose of applying any administratively imposed ci-*
24 *vilian personnel ceiling, freeze, or reduction on military (ci-*
25 *vilian) technicians, unless such reductions are a direct re-*
26 *sult of a reduction in military force structure.*

1 *SEC. 8051. None of the funds appropriated or other-*
2 *wise made available in this Act may be obligated or ex-*
3 *pended for assistance to the Democratic People's Republic*
4 *of North Korea unless specifically appropriated for that*
5 *purpose.*

6 *SEC. 8052. During the current fiscal year, funds ap-*
7 *propriated in this Act are available to compensate members*
8 *of the National Guard for duty performed pursuant to a*
9 *plan submitted by a Governor of a State and approved by*
10 *the Secretary of Defense under section 112 of title 32,*
11 *United States Code: Provided, That during the performance*
12 *of such duty, the members of the National Guard shall be*
13 *under State command and control: Provided further, That*
14 *such duty shall be treated as full-time National Guard duty*
15 *for purposes of sections 12602(a)(2) and (b)(2) of title 10,*
16 *United States Code.*

17 *SEC. 8053. Funds appropriated in this Act for oper-*
18 *ation and maintenance of the Military Departments, Com-*
19 *batant Commands and Defense Agencies shall be available*
20 *for reimbursement of pay, allowances and other expenses*
21 *which would otherwise be incurred against appropriations*
22 *for the National Guard and Reserve when members of the*
23 *National Guard and Reserve provide intelligence or coun-*
24 *terintelligence support to Combatant Commands, Defense*
25 *Agencies and Joint Intelligence Activities, including the ac-*

1 *tivities and programs included within the National Foreign*
2 *Intelligence Program (NFIP), the Joint Military Intel-*
3 *ligence Program (JMIP), and the Tactical Intelligence and*
4 *Related Activities (TIARA) aggregate: Provided, That noth-*
5 *ing in this section authorizes deviation from established Re-*
6 *serve and National Guard personnel and training proce-*
7 *dures.*

8 *SEC. 8054. During the current fiscal year, none of the*
9 *funds appropriated in this Act may be used to reduce the*
10 *civilian medical and medical support personnel assigned to*
11 *military treatment facilities below the September 30, 2003*
12 *level: Provided, That the Service Surgeons General may*
13 *waive this section by certifying to the congressional defense*
14 *committees that the beneficiary population is declining in*
15 *some catchment areas and civilian strength reductions may*
16 *be consistent with responsible resource stewardship and*
17 *capitation-based budgeting.*

18 *SEC. 8055. (a) LIMITATION ON PENTAGON RENOVA-*
19 *TION COSTS.—Not later than the date each year on which*
20 *the President submits to Congress the budget under section*
21 *1105 of title 31, United States Code, the Secretary of De-*
22 *fense shall submit to Congress a certification that the total*
23 *cost for the planning, design, construction, and installation*
24 *of equipment for the renovation of wedges 2 through 5 of*
25 *the Pentagon Reservation, cumulatively, will not exceed*

1 *four times the total cost for the planning, design, construc-*
2 *tion, and installation of equipment for the renovation of*
3 *wedge 1.*

4 **(b) ANNUAL ADJUSTMENT.**—*For purposes of applying*
5 *the limitation in subsection (a), the Secretary shall adjust*
6 *the cost for the renovation of wedge 1 by any increase or*
7 *decrease in costs attributable to economic inflation, based*
8 *on the most recent economic assumptions issued by the Of-*
9 *fice of Management and Budget for use in preparation of*
10 *the budget of the United States under section 1104 of title*
11 *31, United States Code.*

12 **(c) EXCLUSION OF CERTAIN COSTS.**—*For purposes of*
13 *calculating the limitation in subsection (a), the total cost*
14 *for wedges 2 through 5 shall not include—*

15 **(1)** *any repair or reconstruction cost incurred as*
16 *a result of the terrorist attack on the Pentagon that*
17 *occurred on September 11, 2001;*

18 **(2)** *any increase in costs for wedges 2 through 5*
19 *attributable to compliance with new requirements of*
20 *Federal, State, or local laws; and*

21 **(3)** *any increase in costs attributable to addi-*
22 *tional security requirements that the Secretary of De-*
23 *fense considers essential to provide a safe and secure*
24 *working environment.*

1 (d) *CERTIFICATION COST REPORTS.*—As part of the
2 annual certification under subsection (a), the Secretary
3 shall report the projected cost (as of the time of the certifi-
4 cation) for—

5 (1) the renovation of each wedge, including the
6 amount adjusted or otherwise excluded for such wedge
7 under the authority of paragraphs (2) and (3) of sub-
8 section (c) for the period covered by the certification;
9 and

10 (2) the repair and reconstruction of wedges 1
11 and 2 in response to the terrorist attack on the Pen-
12 tagon that occurred on September 11, 2001.

13 (e) *DURATION OF CERTIFICATION REQUIREMENT.*—
14 The requirement to make an annual certification under
15 subsection (a) shall apply until the Secretary certifies to
16 Congress that the renovation of the Pentagon Reservation
17 is completed.

18 *SEC. 8056.* Notwithstanding any other provision of
19 law, that not more than 35 percent of funds provided in
20 this Act for environmental remediation may be obligated
21 under indefinite delivery/indefinite quantity contracts with
22 a total contract value of \$130,000,000 or higher.

23 *SEC. 8057.* (a) None of the funds available to the De-
24 partment of Defense for any fiscal year for drug interdic-
25 tion or counter-drug activities may be transferred to any

1 *other department or agency of the United States except as*
2 *specifically provided in an appropriations law.*

3 *(b) None of the funds available to the Central Intel-*
4 *ligence Agency for any fiscal year for drug interdiction and*
5 *counter-drug activities may be transferred to any other de-*
6 *partment or agency of the United States except as specifi-*
7 *cally provided in an appropriations law.*

8 *(TRANSFER OF FUNDS)*

9 *SEC. 8058. Appropriations available in this Act under*
10 *the heading “Operation and Maintenance, Defense-Wide”*
11 *for increasing energy and water efficiency in Federal build-*
12 *ings may, during their period of availability, be transferred*
13 *to other appropriations or funds of the Department of De-*
14 *fense for projects related to increasing energy and water ef-*
15 *iciency, to be merged with and to be available for the same*
16 *general purposes, and for the same time period, as the ap-*
17 *propriation or fund to which transferred.*

18 *SEC. 8059. None of the funds appropriated by this Act*
19 *may be used for the procurement of ball and roller bearings*
20 *other than those produced by a domestic source and of do-*
21 *mestic origin: Provided, That the Secretary of the military*
22 *department responsible for such procurement may waive*
23 *this restriction on a case-by-case basis by certifying in writ-*
24 *ing to the Committees on Appropriations of the House of*
25 *Representatives and the Senate, that adequate domestic*
26 *supplies are not available to meet Department of Defense*

1 requirements on a timely basis and that such an acquisition
2 must be made in order to acquire capability for national
3 security purposes: Provided further, That this restriction
4 shall not apply to the purchase of “commercial items”, as
5 defined by section 4(12) of the Office of Federal Procure-
6 ment Policy Act, except that the restriction shall apply to
7 ball or roller bearings purchased as end items.

8 *SEC. 8060. Notwithstanding any other provision of*
9 *law, funds available to the Department of Defense shall be*
10 *made available to provide transportation of medical sup-*
11 *plies and equipment, on a nonreimbursable basis, to Amer-*
12 *ican Samoa, and funds available to the Department of De-*
13 *fense shall be made available to provide transportation of*
14 *medical supplies and equipment, on a nonreimbursable*
15 *basis, to the Indian Health Service when it is in conjunc-*
16 *tion with a civil-military project.*

17 *SEC. 8061. None of the funds in this Act may be used*
18 *to purchase any supercomputer which is not manufactured*
19 *in the United States, unless the Secretary of Defense cer-*
20 *tifies to the congressional defense committees that such an*
21 *acquisition must be made in order to acquire capability for*
22 *national security purposes that is not available from*
23 *United States manufacturers.*

24 *SEC. 8062. Notwithstanding any other provision of*
25 *law, the Naval shipyards of the United States shall be eligi-*

1 ble to participate in any manufacturing extension program
2 financed by funds appropriated in this or any other Act
3 or hereafter in any other Act.

4 *SEC. 8063. Notwithstanding any other provision of*
5 *law, each contract awarded by the Department of Defense*
6 *during the current fiscal year for construction or service*
7 *performed in whole or in part in a State (as defined in*
8 *section 381(d) of title 10, United States Code) which is not*
9 *contiguous with another State and has an unemployment*
10 *rate in excess of the national average rate of unemployment*
11 *as determined by the Secretary of Labor, shall include a*
12 *provision requiring the contractor to employ, for the pur-*
13 *pose of performing that portion of the contract in such State*
14 *that is not contiguous with another State, individuals who*
15 *are residents of such State and who, in the case of any craft*
16 *or trade, possess or would be able to acquire promptly the*
17 *necessary skills: Provided, That the Secretary of Defense*
18 *may waive the requirements of this section, on a case-by-*
19 *case basis, in the interest of national security.*

20 *SEC. 8064. None of the funds made available in this*
21 *or any other Act may be used to pay the salary of any*
22 *officer or employee of the Department of Defense who ap-*
23 *proves or implements the transfer of administrative respon-*
24 *sibilities or budgetary resources of any program, project,*
25 *or activity financed by this Act to the jurisdiction of an-*

1 *other Federal agency not financed by this Act without the*
2 *express authorization of Congress: Provided, That this limi-*
3 *tation shall not apply to transfers of funds expressly pro-*
4 *vided for in Defense Appropriations Acts, or provisions of*
5 *Acts providing supplemental appropriations for the De-*
6 *partment of Defense.*

7 *SEC. 8065. (a) LIMITATION ON TRANSFER OF DE-*
8 *FENSE ARTICLES AND SERVICES.—Notwithstanding any*
9 *other provision of law, none of the funds available to the*
10 *Department of Defense for the current fiscal year may be*
11 *obligated or expended to transfer to another nation or an*
12 *international organization any defense articles or services*
13 *(other than intelligence services) for use in the activities de-*
14 *scribed in subsection (b) unless the congressional defense*
15 *committees, the Committee on International Relations of*
16 *the House of Representatives, and the Committee on For-*
17 *ign Relations of the Senate are notified 15 days in advance*
18 *of such transfer.*

19 *(b) COVERED ACTIVITIES.—This section applies to—*
20 *(1) any international peacekeeping or peace-en-*
21 *forcement operation under the authority of chapter VI*
22 *or chapter VII of the United Nations Charter under*
23 *the authority of a United Nations Security Council*
24 *resolution; and*

1 (2) *any other international peacekeeping, peace-*
2 *enforcement, or humanitarian assistance operation.*

3 (c) *REQUIRED NOTICE.*—*A notice under subsection (a)*
4 *shall include the following:*

5 (1) *A description of the equipment, supplies, or*
6 *services to be transferred.*

7 (2) *A statement of the value of the equipment,*
8 *supplies, or services to be transferred.*

9 (3) *In the case of a proposed transfer of equip-*
10 *ment or supplies—*

11 (A) *a statement of whether the inventory re-*
12 *quirements of all elements of the Armed Forces*
13 *(including the reserve components) for the type*
14 *of equipment or supplies to be transferred have*
15 *been met; and*

16 (B) *a statement of whether the items pro-*
17 *posed to be transferred will have to be replaced*
18 *and, if so, how the President proposes to provide*
19 *funds for such replacement.*

20 *SEC. 8066. To the extent authorized by subchapter VI*
21 *of chapter 148 of title 10, United States Code, the Secretary*
22 *of Defense may issue loan guarantees in support of United*
23 *States defense exports not otherwise provided for: Provided,*
24 *That the total contingent liability of the United States for*
25 *guarantees issued under the authority of this section may*

1 *not exceed \$15,000,000,000: Provided further, That the ex-*
2 *posure fees charged and collected by the Secretary for each*
3 *guarantee shall be paid by the country involved and shall*
4 *not be financed as part of a loan guaranteed by the United*
5 *States: Provided further, That the Secretary shall provide*
6 *quarterly reports to the Committees on Appropriations,*
7 *Armed Services, and Foreign Relations of the Senate and*
8 *the Committees on Appropriations, Armed Services, and*
9 *International Relations in the House of Representatives on*
10 *the implementation of this program: Provided further, That*
11 *amounts charged for administrative fees and deposited to*
12 *the special account provided for under section 2540c(d) of*
13 *title 10, shall be available for paying the costs of adminis-*
14 *trative expenses of the Department of Defense that are at-*
15 *tributable to the loan guarantee program under subchapter*
16 *VI of chapter 148 of title 10, United States Code.*

17 *SEC. 8067. None of the funds available to the Depart-*
18 *ment of Defense under this Act shall be obligated or ex-*
19 *pended to pay a contractor under a contract with the De-*
20 *partment of Defense for costs of any amount paid by the*
21 *contractor to an employee when—*

22 *(1) such costs are for a bonus or otherwise in ex-*
23 *cess of the normal salary paid by the contractor to the*
24 *employee; and*

1 *SEC. 8070. During the current fiscal year, in the case*
2 *of an appropriation account of the Department of Defense*
3 *for which the period of availability for obligation has ex-*
4 *pired or which has closed under the provisions of section*
5 *1552 of title 31, United States Code, and which has a nega-*
6 *tive unliquidated or unexpended balance, an obligation or*
7 *an adjustment of an obligation may be charged to any cur-*
8 *rent appropriation account for the same purpose as the ex-*
9 *pired or closed account if—*

10 (1) *the obligation would have been properly*
11 *chargeable (except as to amount) to the expired or*
12 *closed account before the end of the period of avail-*
13 *ability or closing of that account;*

14 (2) *the obligation is not otherwise properly*
15 *chargeable to any current appropriation account of*
16 *the Department of Defense; and*

17 (3) *in the case of an expired account, the obliga-*
18 *tion is not chargeable to a current appropriation of*
19 *the Department of Defense under the provisions of sec-*
20 *tion 1405(b)(8) of the National Defense Authorization*
21 *Act for Fiscal Year 1991, Public Law 101–510, as*
22 *amended (31 U.S.C. 1551 note): Provided, That in*
23 *the case of an expired account, if subsequent review*
24 *or investigation discloses that there was not in fact a*
25 *negative unliquidated or unexpended balance in the*

1 *account, any charge to a current account under the*
2 *authority of this section shall be reversed and re-*
3 *corded against the expired account: Provided further,*
4 *That the total amount charged to a current appro-*
5 *priation under this section may not exceed an*
6 *amount equal to 1 percent of the total appropriation*
7 *for that account.*

8 *SEC. 8071. Funds appropriated in title II of this Act*
9 *and for the Defense Health Program in title VI of this Act*
10 *for supervision and administration costs for facilities*
11 *maintenance and repair, minor construction, or design*
12 *projects, or any planning studies, environmental assess-*
13 *ments, or similar activities related to installation support*
14 *functions, may be obligated at the time the reimbursable*
15 *order is accepted by the performing activity: Provided, That*
16 *for the purpose of this section, supervision and administra-*
17 *tion costs includes all in-house Government cost.*

18 *SEC. 8072. (a) Notwithstanding any other provision*
19 *of law, the Chief of the National Guard Bureau may permit*
20 *the use of equipment of the National Guard Distance Learn-*
21 *ing Project by any person or entity on a space-available,*
22 *reimbursable basis. The Chief of the National Guard Bu-*
23 *reau shall establish the amount of reimbursement for such*
24 *use on a case-by-case basis.*

1 (b) Amounts collected under subsection (a) shall be
2 credited to funds available for the National Guard Distance
3 Learning Project and be available to defray the costs associ-
4 ated with the use of equipment of the project under that
5 subsection. Such funds shall be available for such purposes
6 without fiscal year limitation.

7 SEC. 8073. Using funds available by this Act or any
8 other Act, the Secretary of the Air Force, pursuant to a
9 determination under section 2690 of title 10, United States
10 Code, may implement cost-effective agreements for required
11 heating facility modernization in the Kaiserslautern Mili-
12 tary Community in the Federal Republic of Germany: Pro-
13 vided, That in the City of Kaiserslautern such agreements
14 will include the use of United States anthracite as the base
15 load energy for municipal district heat to the United States
16 Defense installations: Provided further, That at Landstuhl
17 Army Regional Medical Center and Ramstein Air Base,
18 furnished heat may be obtained from private, regional or
19 municipal services, if provisions are included for the con-
20 sideration of United States coal as an energy source.

21 SEC. 8074. None of the funds appropriated in title IV
22 of this Act may be used to procure end-items for delivery
23 to military forces for operational training, operational use
24 or inventory requirements: Provided, That this restriction
25 does not apply to end-items used in development, proto-

1 *typing, and test activities preceding and leading to accept-*
2 *ance for operational use: Provided further, That this restric-*
3 *tion does not apply to programs funded within the National*
4 *Foreign Intelligence Program: Provided further, That the*
5 *Secretary of Defense may waive this restriction on a case-*
6 *by-case basis by certifying in writing to the Committees on*
7 *Appropriations of the House of Representatives and the*
8 *Senate that it is in the national security interest to do so.*

9 *SEC. 8075. None of the funds made available in this*
10 *Act may be used to approve or license the sale of the F-*
11 *22 advanced tactical fighter to any foreign government.*

12 *SEC. 8076. (a) The Secretary of Defense may, on a*
13 *case-by-case basis, waive with respect to a foreign country*
14 *each limitation on the procurement of defense items from*
15 *foreign sources provided in law if the Secretary determines*
16 *that the application of the limitation with respect to that*
17 *country would invalidate cooperative programs entered into*
18 *between the Department of Defense and the foreign country,*
19 *or would invalidate reciprocal trade agreements for the pro-*
20 *curement of defense items entered into under section 2531*
21 *of title 10, United States Code, and the country does not*
22 *discriminate against the same or similar defense items pro-*
23 *duced in the United States for that country.*

24 *(b) Subsection (a) applies with respect to—*

1 (1) *contracts and subcontracts entered into on or*
2 *after the date of the enactment of this Act; and*

3 (2) *options for the procurement of items that are*
4 *exercised after such date under contracts that are en-*
5 *tered into before such date if the option prices are ad-*
6 *justed for any reason other than the application of a*
7 *waiver granted under subsection (a).*

8 (c) *Subsection (a) does not apply to a limitation re-*
9 *garding construction of public vessels, ball and roller bear-*
10 *ings, food, and clothing or textile materials as defined by*
11 *section 11 (chapters 50–65) of the Harmonized Tariff*
12 *Schedule and products classified under headings 4010,*
13 *4202, 4203, 6401 through 6406, 6505, 7019, 7218 through*
14 *7229, 7304.41 through 7304.49, 7306.40, 7502 through*
15 *7508, 8105, 8108, 8109, 8211, 8215, and 9404.*

16 SEC. 8077. (a) *PROHIBITION.*—*None of the funds made*
17 *available by this Act may be used to support any training*
18 *program involving a unit of the security forces of a foreign*
19 *country if the Secretary of Defense has received credible in-*
20 *formation from the Department of State that the unit has*
21 *committed a gross violation of human rights, unless all nec-*
22 *essary corrective steps have been taken.*

23 (b) *MONITORING.*—*The Secretary of Defense, in con-*
24 *sultation with the Secretary of State, shall ensure that prior*
25 *to a decision to conduct any training program referred to*

1 *in subsection (a), full consideration is given to all credible*
2 *information available to the Department of State relating*
3 *to human rights violations by foreign security forces.*

4 (c) *WAIVER.—The Secretary of Defense, after consulta-*
5 *tion with the Secretary of State, may waive the prohibition*
6 *in subsection (a) if he determines that such waiver is re-*
7 *quired by extraordinary circumstances.*

8 (d) *REPORT.—Not more than 15 days after the exercise*
9 *of any waiver under subsection (c), the Secretary of Defense*
10 *shall submit a report to the congressional defense commit-*
11 *tees describing the extraordinary circumstances, the purpose*
12 *and duration of the training program, the United States*
13 *forces and the foreign security forces involved in the train-*
14 *ing program, and the information relating to human rights*
15 *violations that necessitates the waiver.*

16 *SEC. 8078. The Secretary of Defense, in coordination*
17 *with the Secretary of Health and Human Services, may*
18 *carry out a program to distribute surplus dental equipment*
19 *of the Department of Defense, at no cost to the Department*
20 *of Defense, to Indian Health Service facilities and to feder-*
21 *ally-qualified health centers (within the meaning of section*
22 *1905(l)(2)(B) of the Social Security Act (42 U.S.C.*
23 *1396d(l)(2)(B))).*

24 *SEC. 8079. None of the funds appropriated or made*
25 *available in this Act to the Department of the Navy shall*

1 *be used to develop, lease or procure the T-AKE class of ships*
2 *unless the main propulsion diesel engines and propulsors*
3 *are manufactured in the United States by a domestically*
4 *operated entity: Provided, That the Secretary of Defense*
5 *may waive this restriction on a case-by-case basis by certi-*
6 *fying in writing to the Committees on Appropriations of*
7 *the House of Representatives and the Senate that adequate*
8 *domestic supplies are not available to meet Department of*
9 *Defense requirements on a timely basis and that such an*
10 *acquisition must be made in order to acquire capability for*
11 *national security purposes or there exists a significant cost*
12 *or quality difference.*

13 *SEC. 8080. None of the funds appropriated or other-*
14 *wise made available by this or other Department of Defense*
15 *Appropriations Acts may be obligated or expended for the*
16 *purpose of performing repairs or maintenance to military*
17 *family housing units of the Department of Defense, includ-*
18 *ing areas in such military family housing units that may*
19 *be used for the purpose of conducting official Department*
20 *of Defense business.*

21 *SEC. 8081. Notwithstanding any other provision of*
22 *law, funds appropriated in this Act under the heading “Re-*
23 *search, Development, Test and Evaluation, Defense-Wide”*
24 *for any advanced concept technology demonstration project*
25 *may only be obligated 30 days after a report, including a*

1 *description of the project, the planned acquisition and tran-*
2 *sition strategy and its estimated annual and total cost, has*
3 *been provided in writing to the congressional defense com-*
4 *mittees: Provided, That the Secretary of Defense may waive*
5 *this restriction on a case-by-case basis by certifying to the*
6 *congressional defense committees that it is in the national*
7 *interest to do so.*

8 *SEC. 8082. (a) LIMITATION ON AVAILABILITY OF*
9 *FUNDS FOR OFFICE OF UNDER SECRETARY OF DEFENSE*
10 *FOR INTELLIGENCE.—No funds appropriated or otherwise*
11 *made available by this Act for the Office of the Under Sec-*
12 *retary of Defense for Intelligence may be obligated or ex-*
13 *pended until 30 days after the date on which the report*
14 *referred to in subsection (c) is submitted to Congress.*

15 *(b) LIMITATION ON AVAILABILITY OF FUNDS FOR*
16 *CLANDESTINE MILITARY ACTIVITIES.—No funds appro-*
17 *priated or otherwise made available by this Act may be obli-*
18 *gated or expended for clandestine military activities until*
19 *the date on which the report referred to in subsection (c)*
20 *is submitted to Congress.*

21 *(c) REPORT.—The report referred to in this subsection*
22 *is the report required to be submitted to Congress in the*
23 *classified annex to the Emergency Wartime Supplemental*
24 *Appropriations Act, 2003 (Public Law 108–11).*

1 *SEC. 8083. During the current fiscal year, refunds at-*
2 *tributable to the use of the Government travel card, refunds*
3 *attributable to the use of the Government Purchase Card*
4 *and refunds attributable to official Government travel ar-*
5 *ranged by Government Contracted Travel Management*
6 *Centers may be credited to operation and maintenance ac-*
7 *counts of the Department of Defense which are current when*
8 *the refunds are received. Not more than \$1,000,000 of the*
9 *amount so credited may be available to provide assistance*
10 *to spouses and other dependents of deployed members of the*
11 *Armed Forces to defray the travel expenses of such spouses*
12 *and other dependents when visiting family members.*

13 *SEC. 8084. (a) REGISTERING FINANCIAL MANAGE-*
14 *MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD*
15 *CHIEF INFORMATION OFFICER.—None of the funds appro-*
16 *priated in this Act may be used for a mission critical or*
17 *mission essential financial management information tech-*
18 *nology system (including a system funded by the defense*
19 *working capital fund) that is not registered with the Chief*
20 *Information Officer of the Department of Defense. A system*
21 *shall be considered to be registered with that officer upon*
22 *the furnishing to that officer of notice of the system, together*
23 *with such information concerning the system as the Sec-*
24 *retary of Defense may prescribe. A financial management*
25 *information technology system shall be considered a mission*

1 *critical or mission essential information technology system*
2 *as defined by the Under Secretary of Defense (Comptroller).*

3 (b) *CERTIFICATIONS AS TO COMPLIANCE WITH FINAN-*
4 *CIAL MANAGEMENT MODERNIZATION PLAN.—*

5 (1) *During the current fiscal year, a financial*
6 *management automated information system, a mixed*
7 *information system supporting financial and non-fi-*
8 *nancial systems, or a system improvement of more*
9 *than \$1,000,000 may not receive Milestone A ap-*
10 *proval, Milestone B approval, or full rate production,*
11 *or their equivalent, within the Department of Defense*
12 *until the Under Secretary of Defense (Comptroller)*
13 *certifies, with respect to that milestone, that the sys-*
14 *tem is being developed and managed in accordance*
15 *with the Department's Financial Management Mod-*
16 *ernization Plan. The Under Secretary of Defense*
17 *(Comptroller) may require additional certifications,*
18 *as appropriate, with respect to any such system.*

19 (2) *The Chief Information Officer shall provide*
20 *the congressional defense committees timely notifica-*
21 *tion of certifications under paragraph (1).*

22 (c) *CERTIFICATIONS AS TO COMPLIANCE WITH*
23 *CLINGER-COHEN ACT.—(1) During the current fiscal year,*
24 *a major automated information system may not receive*
25 *Milestone A approval, Milestone B approval, or full rate*

1 *production approval, or their equivalent, within the De-*
2 *partment of Defense until the Chief Information Officer cer-*
3 *tifies, with respect to that milestone, that the system is being*
4 *developed in accordance with the Clinger-Cohen Act of 1996*
5 *(40 U.S.C. 1401 et seq.). The Chief Information Officer may*
6 *require additional certifications, as appropriate, with re-*
7 *spect to any such system.*

8 (2) *The Chief Information Officer shall provide the*
9 *congressional defense committees timely notification of cer-*
10 *tifications under paragraph (1). Each such notification*
11 *shall include, at a minimum, the funding baseline and*
12 *milestone schedule for each system covered by such a certifi-*
13 *cation and confirmation that the following steps have been*
14 *taken with respect to the system:*

15 (A) *Business process reengineering.*

16 (B) *An analysis of alternatives.*

17 (C) *An economic analysis that includes a cal-*
18 *culatation of the return on investment.*

19 (D) *Performance measures.*

20 (E) *An information assurance strategy con-*
21 *sistent with the Department's Global Information*
22 *Grid.*

23 (d) *DEFINITIONS.—For purposes of this section:*

24 (1) *The term “Chief Information Officer” means*
25 *the senior official of the Department of Defense des-*

1 *ignated by the Secretary of Defense pursuant to sec-*
2 *tion 3506 of title 44, United States Code.*

3 (2) *The term “information technology system”*
4 *has the meaning given the term “information tech-*
5 *nology” in section 5002 of the Clinger-Cohen Act of*
6 *1996 (40 U.S.C. 1401).*

7 *SEC. 8085. During the current fiscal year, none of the*
8 *funds available to the Department of Defense may be used*
9 *to provide support to another department or agency of the*
10 *United States if such department or agency is more than*
11 *90 days in arrears in making payment to the Department*
12 *of Defense for goods or services previously provided to such*
13 *department or agency on a reimbursable basis: Provided,*
14 *That this restriction shall not apply if the department is*
15 *authorized by law to provide support to such department*
16 *or agency on a nonreimbursable basis, and is providing the*
17 *requested support pursuant to such authority: Provided fur-*
18 *ther, That the Secretary of Defense may waive this restric-*
19 *tion on a case-by-case basis by certifying in writing to the*
20 *Committees on Appropriations of the House of Representa-*
21 *tives and the Senate that it is in the national security inter-*
22 *est to do so.*

23 *SEC. 8086. None of the funds provided in this Act may*
24 *be used to transfer to any nongovernmental entity ammuni-*
25 *tion held by the Department of Defense that has a center-*

1 *fire cartridge and a United States military nomenclature*
2 *designation of “armor penetrator”, “armor piercing (AP)”,*
3 *“armor piercing incendiary (API)”, or “armor-piercing in-*
4 *cendiary-tracer (API-T)”, except to an entity performing*
5 *demilitarization services for the Department of Defense*
6 *under a contract that requires the entity to demonstrate to*
7 *the satisfaction of the Department of Defense that armor*
8 *piercing projectiles are either: (1) rendered incapable of*
9 *reuse by the demilitarization process; or (2) used to manu-*
10 *facture ammunition pursuant to a contract with the De-*
11 *partment of Defense or the manufacture of ammunition for*
12 *export pursuant to a License for Permanent Export of Un-*
13 *classified Military Articles issued by the Department of*
14 *State.*

15 *SEC. 8087. Notwithstanding any other provision of*
16 *law, the Chief of the National Guard Bureau, or his des-*
17 *ignee, may waive payment of all or part of the consider-*
18 *ation that otherwise would be required under 10 U.S.C.*
19 *2667, in the case of a lease of personal property for a period*
20 *not in excess of 1 year to any organization specified in 32*
21 *U.S.C. 508(d), or any other youth, social, or fraternal non-*
22 *profit organization as may be approved by the Chief of the*
23 *National Guard Bureau, or his designee, on a case-by-case*
24 *basis.*

1 *SEC. 8088. None of the funds appropriated by this Act*
2 *shall be used for the support of any nonappropriated funds*
3 *activity of the Department of Defense that procures malt*
4 *beverages and wine with nonappropriated funds for resale*
5 *(including such alcoholic beverages sold by the drink) on*
6 *a military installation located in the United States unless*
7 *such malt beverages and wine are procured within that*
8 *State, or in the case of the District of Columbia, within*
9 *the District of Columbia, in which the military installation*
10 *is located: Provided, That in a case in which the military*
11 *installation is located in more than one State, purchases*
12 *may be made in any State in which the installation is lo-*
13 *cated: Provided further, That such local procurement re-*
14 *quirements for malt beverages and wine shall apply to all*
15 *alcoholic beverages only for military installations in States*
16 *which are not contiguous with another State: Provided fur-*
17 *ther, That alcoholic beverages other than wine and malt bev-*
18 *erages, in contiguous States and the District of Columbia*
19 *shall be procured from the most competitive source, price*
20 *and other factors considered.*

21 *SEC. 8089. (a) The Department of Defense is author-*
22 *ized to enter into agreements with the Department of Vet-*
23 *erans Affairs and federally-funded health agencies pro-*
24 *viding services to Native Hawaiians for the purpose of es-*
25 *tablishing a partnership similar to the Alaska Federal*

1 *Health Care Partnership, in order to maximize Federal re-*
2 *sources in the provision of health care services by federally-*
3 *funded health agencies, applying telemedicine technologies.*
4 *For the purpose of this partnership, Native Hawaiians*
5 *shall have the same status as other Native Americans who*
6 *are eligible for the health care services provided by the In-*
7 *dian Health Service.*

8 *(b) The Department of Defense is authorized to develop*
9 *a consultation policy, consistent with Executive Order No.*
10 *13084 (issued May 14, 1998), with Native Hawaiians for*
11 *the purpose of assuring maximum Native Hawaiian par-*
12 *ticipation in the direction and administration of govern-*
13 *mental services so as to render those services more respon-*
14 *sive to the needs of the Native Hawaiian community.*

15 *(c) For purposes of this section, the term “Native Ha-*
16 *waiian” means any individual who is a descendant of the*
17 *aboriginal people who, prior to 1778, occupied and exer-*
18 *cised sovereignty in the area that now comprises the State*
19 *of Hawaii.*

20 *SEC. 8090. Funds available to the Department of De-*
21 *fense for the Global Positioning System during the current*
22 *fiscal year may be used to fund civil requirements associ-*
23 *ated with the satellite and ground control segments of such*
24 *system’s modernization program.*

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8091. (a) Of the amounts appropriated in this
3 Act under the heading, “Research, Development, Test and
4 Evaluation, Defense-Wide”, \$48,000,000 shall remain
5 available until expended: Provided, That notwithstanding
6 any other provision of law, the Secretary of Defense is au-
7 thorized to transfer such funds to other activities of the Fed-
8 eral Government.

9 (b) Of the amounts appropriated in this Act under the
10 heading, “Operation and Maintenance, Army”,
11 \$177,000,000 shall remain available until expended: Pro-
12 vided, That notwithstanding any other provision of law, the
13 Secretary of Defense is authorized to transfer such funds
14 to other activities of the Federal Government: Provided fur-
15 ther, That the Secretary of Defense is authorized to enter
16 into and carry out contracts for the acquisition of real
17 property, construction, personal services, and operations re-
18 lated to projects described in further detail in the Classified
19 Annex accompanying the Department of Defense Appro-
20 priations Act, 2004, consistent with the terms and condi-
21 tions set forth herein: Provided further, That contracts en-
22 tered into under the authority of this section may provide
23 for such indemnification as the Secretary determines to be
24 necessary: Provided further, That projects authorized by
25 this section shall comply with applicable Federal, State,

1 *and local law to the maximum extent consistent with the*
2 *national security, as determined by the Secretary of De-*
3 *fense.*

4 *SEC. 8092. Section 8106 of the Department of Defense*
5 *Appropriations Act, 1997 (titles I through VIII of the mat-*
6 *ter under subsection 101(b) of Public Law 104–208; 110*
7 *Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect*
8 *to apply to disbursements that are made by the Department*
9 *of Defense in fiscal year 2004.*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 8093. Of the amounts appropriated in this Act*
12 *under the heading “Research, Development, Test and Eval-*
13 *uation, Defense-Wide”, \$154,800,000 shall be made avail-*
14 *able for the Arrow missile defense program: Provided, That*
15 *of this amount, \$10,000,000 shall be available for the pur-*
16 *pose of continuing the Arrow System Improvement Pro-*
17 *gram (ASIP), and \$80,000,000 shall be available for the*
18 *purpose of producing Arrow missile components in the*
19 *United States and Arrow missile components and missiles*
20 *in Israel to meet Israel’s defense requirements, consistent*
21 *with each nation’s laws, regulations and procedures: Pro-*
22 *vided further, That funds made available under this provi-*
23 *sion for production of missiles and missile components may*
24 *be transferred to appropriations available for the procure-*
25 *ment of weapons and equipment, to be merged with and*
26 *to be available for the same time period and the same pur-*

1 *poses as the appropriation to which transferred: Provided*
2 *further, That the transfer authority provided under this*
3 *provision is in addition to any other transfer authority con-*
4 *tained in this Act.*

5 *SEC. 8094. In addition to amounts provided in this*
6 *Act, \$90,000,000 is hereby appropriated for “Aircraft Pro-*
7 *curement, Navy”: Provided, That these funds shall be avail-*
8 *able only for transfer to the Coast Guard for mission essen-*
9 *tial equipment for Coast Guard HC-130J aircraft.*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 8095. Of the amounts appropriated in this Act*
12 *under the heading “Shipbuilding and Conversion, Navy”,*
13 *\$635,502,000 shall be available until September 30, 2004,*
14 *to fund prior year shipbuilding cost increases: Provided,*
15 *That upon enactment of this Act, the Secretary of Navy*
16 *shall transfer such funds to the following appropriations in*
17 *the amount specified: Provided further, That the amounts*
18 *transferred shall be merged with and be available for the*
19 *same purposes as the appropriations to which transferred:*

20 *To:*

21 *Under the heading, “Shipbuilding and Con-*
22 *version, Navy, 1996/04”:*

23 *LPD-17 Amphibious Transport Dock*
24 *Ship Program, \$95,300,000.*

25 *Under the heading, “Shipbuilding and Con-*
26 *version, Navy, 1998/04”:*

1 *New SSN, \$81,060,000.*

2 *Under the heading, “Shipbuilding and Con-*
3 *version, Navy, 1999/04”:*

4 *DDG–51 Destroyer Program,*
5 *\$44,420,000;*

6 *New SSN, \$156,978,000;*

7 *LPD–17 Amphibious Transport Dock*
8 *Ship Program, \$51,100,000.*

9 *Under the heading, “Shipbuilding and Con-*
10 *version, Navy, 2000/04”:*

11 *DDG–51 Destroyer Program,*
12 *\$24,510,000;*

13 *LPD–17 Amphibious Transport Dock*
14 *Ship Program, \$112,778,000.*

15 *Under the heading, “Shipbuilding and Con-*
16 *version, Navy, 2001/04”:*

17 *DDG–51 Destroyer Program,*
18 *\$6,984,000;*

19 *New SSN, \$62,372,000.*

20 *SEC. 8096. The Secretary of the Navy may settle, or*
21 *compromise, and pay any and all admiralty claims under*
22 *10 U.S.C. 7622 arising out of the collision involving the*
23 *U.S.S. GREENEVILLE and the EHIME MARU, in any*
24 *amount and without regard to the monetary limitations in*
25 *subsections (a) and (b) of that section: Provided, That such*

1 *payments shall be made from funds available to the Depart-*
2 *ment of the Navy for operation and maintenance.*

3 *SEC. 8097. Notwithstanding any other provision of*
4 *law or regulation, the Secretary of Defense may exercise the*
5 *provisions of 38 U.S.C. 7403(g) for occupations listed in*
6 *38 U.S.C. 7403(a)(2) as well as the following:*

7 *Pharmacists, Audiologists, and Dental Hygien-*
8 *ists.*

9 *(A) The requirements of 38 U.S.C.*
10 *7403(g)(1)(A) shall apply.*

11 *(B) The limitations of 38 U.S.C.*
12 *7403(g)(1)(B) shall not apply.*

13 *SEC. 8098. Funds appropriated by this Act, or made*
14 *available by transfer of funds in this Act, for intelligence*
15 *activities are deemed to be specifically authorized by the*
16 *Congress for purposes of section 504 of the National Secu-*
17 *rity Act of 1947 (50 U.S.C. 414) during fiscal year 2004*
18 *until the enactment of the Intelligence Authorization Act*
19 *for fiscal year 2004.*

20 *SEC. 8099. In addition to funds made available else-*
21 *where in this Act \$5,500,000 is hereby appropriated and*
22 *shall remain available until expended to provide assistance,*
23 *by grant or otherwise (such as, but not limited to, the provi-*
24 *sion of funds for repairs, maintenance, construction, and/*
25 *or for the purchase of information technology, text books,*

1 *teaching resources), to public schools that have unusually*
2 *high concentrations of special needs military dependents en-*
3 *rolled: Provided, That in selecting school systems to receive*
4 *such assistance, special consideration shall be given to*
5 *school systems in States that are considered overseas assign-*
6 *ments, and all schools within these school systems shall be*
7 *eligible for assistance: Provided further, That up to*
8 *\$2,000,000 shall be available for the Department of Defense*
9 *to establish a non-profit trust fund to assist in the public-*
10 *private funding of public school repair and maintenance*
11 *projects, or provide directly to non-profit organizations who*
12 *in return will use these monies to provide assistance in the*
13 *form of repair, maintenance, or renovation to public school*
14 *systems that have high concentrations of special needs mili-*
15 *tary dependents and are located in States that are consid-*
16 *ered overseas assignments, and of which 2 percent shall be*
17 *available to support the administration and execution of*
18 *the funds: Provided further, That to the extent a federal*
19 *agency provides this assistance, by contract, grant, or other-*
20 *wise, it may accept and expend non-federal funds in com-*
21 *bination with these federal funds to provide assistance for*
22 *the authorized purpose, if the non-federal entity requests*
23 *such assistance and the non-federal funds are provided on*
24 *a reimbursable basis.*

1 *SEC. 8100. None of the funds in this Act may be used*
2 *to initiate a new start program without prior notification*
3 *to the Office of Secretary of Defense and the congressional*
4 *defense committees.*

5 *SEC. 8101. Of the funds made available in this Act,*
6 *not less than \$56,400,000 shall be available to maintain*
7 *an attrition reserve force of 18 B-52 aircraft, of which*
8 *\$3,800,000 shall be available from “Military Personnel, Air*
9 *Force”, \$35,900,000 shall be available from “Operation and*
10 *Maintenance, Air Force”, and \$16,700,000 shall be avail-*
11 *able from “Aircraft Procurement, Air Force”: Provided,*
12 *That the Secretary of the Air Force shall maintain a total*
13 *force of 94 B-52 aircraft, including 18 attrition reserve air-*
14 *craft, during fiscal year 2004: Provided further, That the*
15 *Secretary of Defense shall include in the Air Force budget*
16 *request for fiscal year 2005 amounts sufficient to maintain*
17 *a B-52 force totaling 94 aircraft.*

18 *SEC. 8102. As an interim capability to enhance Army*
19 *lethality, survivability, and mobility for light and medium*
20 *forces before complete fielding of the Objective Force, the*
21 *Army shall ensure that budgetary and programmatic plans*
22 *will provide for no fewer than six Stryker Brigade Combat*
23 *Teams to be fielded between 2003 and 2008.*

24 *SEC. 8103. Of the funds made available under the*
25 *heading “Operation and Maintenance, Air Force”,*

1 \$8,000,000 shall be available to realign railroad track on
2 Elmendorf Air Force Base and Fort Richardson.

3 (TRANSFER OF FUNDS)

4 SEC. 8104. Of the amounts appropriated in Public
5 Law 107–206 under the heading “Defense Emergency Re-
6 sponse Fund”, an amount up to the fair market value of
7 the leasehold interest in adjacent properties necessary for
8 the force protection requirements of Tooele Army Depot,
9 Utah, may be made available to resolve any property dis-
10 putes associated with Tooele Army Depot, Utah, and to ac-
11 quire such leasehold interest as required: Provided, That
12 none of these funds may be used to acquire fee title to the
13 properties.

14 SEC. 8105. Up to \$3,000,000 of the funds appropriated
15 under the heading “Operation and Maintenance, Navy” in
16 this Act for the Pacific Missile Range Facility may be made
17 available to contract for the repair, maintenance, and oper-
18 ation of adjacent off-base water, drainage, and flood control
19 systems, electrical upgrade to support additional missions
20 critical to base operations, and support for a range foot-
21 print expansion to further guard against encroachment.

22 (TRANSFER OF FUNDS)

23 SEC. 8106. In addition to the amounts appropriated
24 or otherwise made available in this Act, \$24,000,000, to re-
25 main available until September 30, 2004, is hereby appro-
26 priated to the Department of Defense: Provided, That the

1 *Secretary of Defense shall make grants in the amount of*
2 *\$5,000,000 to the American Red Cross for Armed Forces*
3 *Emergency Services; \$10,000,000 for the Fort Benning In-*
4 *fantry Museum; \$2,500,000 to the National Guard Youth*
5 *Foundation; \$3,000,000 to the Chicago Park District for*
6 *renovation of the Broadway Armory; and \$3,500,000 to the*
7 *National D-Day Museum.*

8 *SEC. 8107. None of the funds appropriated in this Act*
9 *under the heading “Overseas Contingency Operations*
10 *Transfer Account” may be transferred or obligated for De-*
11 *partment of Defense expenses not directly related to the con-*
12 *duct of overseas contingencies: Provided, That the Secretary*
13 *of Defense shall submit a report no later than 30 days after*
14 *the end of each fiscal quarter to the Committees on Appro-*
15 *priations of the Senate and House of Representatives that*
16 *details any transfer of funds from the “Overseas Contingency*
17 *Operations Transfer Fund”:* *Provided further, That*
18 *the report shall explain any transfer for the maintenance*
19 *of real property, pay of civilian personnel, base operations*
20 *support, and weapon, vehicle or equipment maintenance.*

21 *SEC. 8108. For purposes of section 1553(b) of title 31,*
22 *United States Code, any subdivision of appropriations*
23 *made in this Act under the heading “Shipbuilding and*
24 *Conversion, Navy” shall be considered to be for the same*
25 *purpose as any subdivision under the heading “Ship-*

1 *building and Conversion, Navy” appropriations in any*
2 *prior year, and the 1 percent limitation shall apply to the*
3 *total amount of the appropriation.*

4 *SEC. 8109. The budget of the President for fiscal year*
5 *2005 submitted to the Congress pursuant to section 1105*
6 *of title 31, United States Code, and each annual budget re-*
7 *quest thereafter, shall include separate budget justification*
8 *documents for costs of United States Armed Forces’ partici-*
9 *pation in contingency operations for the Military Personnel*
10 *accounts, the Overseas Contingency Operations Transfer*
11 *Account, the Operation and Maintenance accounts, and the*
12 *Procurement accounts: Provided, That these budget jus-*
13 *tification documents shall include a description of the fund-*
14 *ing requested for each anticipated contingency operation,*
15 *for each military service, to include active duty and Guard*
16 *and Reserve components, and for each appropriation ac-*
17 *count: Provided further, That these documents shall include*
18 *estimated costs for each element of expense or object class,*
19 *a reconciliation of increases and decreases for ongoing con-*
20 *tingency operations, and programmatic data including, but*
21 *not limited to troop strength for each active duty and*
22 *Guard and Reserve component, and estimates of the major*
23 *weapons systems deployed in support of each contingency:*
24 *Provided further, That these documents shall include budget*
25 *exhibits OP-5 and OP-32, as defined in the Department*

1 *of Defense Financial Management Regulation, for the Over-*
2 *seas Contingency Operations Transfer Account for fiscal*
3 *years 2003 and 2004.*

4 *SEC. 8110. None of the funds in this Act may be used*
5 *for research, development, test, evaluation, procurement or*
6 *deployment of nuclear armed interceptors of a missile de-*
7 *fense system.*

8 *SEC. 8111. Of the amounts appropriated in this Act*
9 *under the headings “Research, Development, Test and*
10 *Evaluation, Navy” and “Operation and Maintenance, De-*
11 *fense-Wide” \$65,200,000 shall be transferred to such ap-*
12 *propriations available to the Department of Defense as*
13 *may be required to carry out the intent of Congress as ex-*
14 *pressed in the Classified Annex accompanying the Depart-*
15 *ment of Defense Appropriations Act, 2004, and amounts*
16 *so transferred shall be available for the same purposes and*
17 *for the same time period as the appropriations to which*
18 *transferred.*

19 *SEC. 8112. During the current fiscal year, section*
20 *2533a(f) of Title 10, United States Code, shall not apply*
21 *to any fish, shellfish, or seafood product. This section is ap-*
22 *plicable to contracts and subcontracts for the procurement*
23 *of commercial items notwithstanding section 34 of the Office*
24 *of Federal Procurement Policy Act (41 U.S.C. 430).*

1 *SEC. 8113. Notwithstanding section 2465 of title 10*
2 *U.S.C., the Secretary of the Navy may use funds appro-*
3 *priated in title II of this Act under the heading, “Operation*
4 *and Maintenance, Navy”, to liquidate the expenses incurred*
5 *for private security guard services performed at the Naval*
6 *Support Unit, Saratoga Springs, New York by Burns Inter-*
7 *national Security Services, Albany, New York in the*
8 *amount of \$29,323.35, plus accrued interest, if any.*

9 *SEC. 8114. Funds available to the Department of De-*
10 *fense under the heading “RESEARCH, DEVELOPMENT, TEST*
11 *AND EVALUATION, DEFENSE-WIDE” for the Missile Defense*
12 *Agency may be used for the development and fielding of*
13 *an initial set of missile defense capabilities.*

14 *SEC. 8115. Of the amounts provided in title II of this*
15 *Act under the heading, “Operation and Maintenance, De-*
16 *fense-Wide”, \$20,000,000 is available for the Regional De-*
17 *fense Counter-terrorism Fellowship Program, to fund the*
18 *education and training of foreign military officers, min-*
19 *istry of defense civilians, and other foreign security offi-*
20 *cials, to include United States military officers and civilian*
21 *officials whose participation directly contributes to the edu-*
22 *cation and training of these foreign students.*

23 *SEC. 8116. Up to \$2,000,000 of the funds appropriated*
24 *by this Act under the heading, “Operation and Mainte-*
25 *nance, Army”, may be made available to contract for serv-*

1 *ices required to solicit non-Federal donations to support*
2 *construction and operation of the United States Army Mu-*
3 *seum at Fort Belvoir, Virginia: Provided, That notwith-*
4 *standing any other provision of law, the Army is authorized*
5 *to receive future payments in this or the subsequent fiscal*
6 *year from any non-profit organization chartered to support*
7 *the United States Army Museum to reimburse amounts ex-*
8 *pended by the Army pursuant to this section: Provided fur-*
9 *ther, That any reimbursements received pursuant to this*
10 *section shall be merged with “Operation and Maintenance,*
11 *Army” and shall be made available for the same purposes*
12 *and for the same time period as that appropriation ac-*
13 *count.*

14 *SEC. 8117. DESIGNATION OF AMERICA’S NATIONAL*
15 *WORLD WAR II MUSEUM. (a) FINDINGS.—Congress makes*
16 *the following findings:*

17 *(1) The National D-Day Museum, operated in*
18 *New Orleans, Louisiana by an educational founda-*
19 *tion, has been established with the vision “to celebrate*
20 *the American Spirit”.*

21 *(2) The National D-Day Museum is the only*
22 *museum in the United States that exists for the exclu-*
23 *sive purpose of interpreting the American experience*
24 *during the World War II years (1939–1945) on both*
25 *the battlefield and the home front and, in doing so,*

1 *covers all of the branches of the Armed Forces and the*
2 *Merchant Marine.*

3 *(3) The National D-Day Museum was founded*
4 *by the preeminent American historian, Stephen E.*
5 *Ambrose, as a result of a conversation with President*
6 *Dwight D. Eisenhower in 1963, when the President*
7 *and former Supreme Commander, Allied Expedi-*
8 *tionary Forces in Europe, credited Andrew Jackson*
9 *Higgins, the chief executive officer of Higgins Indus-*
10 *tries in New Orleans, as the “man who won the war*
11 *for us” because the 12,000 landing craft designed by*
12 *Higgins Industries made possible all of the amphib-*
13 *ious invasions of World War II and carried American*
14 *soldiers into every theatre of the war.*

15 *(4) The National D-Day Museum, since its*
16 *grand opening on June 6, 2000, the 56th anniversary*
17 *of the D-Day invasion of Normandy, has attracted*
18 *nearly 1,000,000 visitors from around the world, 85*
19 *percent of whom have been Americans from across the*
20 *country.*

21 *(5) American World War II veterans, called the*
22 *“greatest generation” of the Nation, are dying at the*
23 *rapid rate of more than 1,200 veterans each day, cre-*
24 *ating an urgent need to preserve the stories, artifacts,*
25 *and heroic achievements of that generation.*

1 (6) *The United States has a need to preserve for-*
2 *ever the knowledge and history of the Nation's most*
3 *decisive achievement in the 20th century and to por-*
4 *tray that history to citizens, visitors, and school chil-*
5 *dren for centuries to come.*

6 (7) *Congress, recognizing the need to preserve*
7 *this knowledge and history, appropriated funds in*
8 *1992 to authorize the design and construction of The*
9 *National D-Day Museum in New Orleans to com-*
10 *memorate the epic 1944 Normandy invasion, and*
11 *subsequently appropriated additional funds in 1998,*
12 *2000, 2001, 2002, and 2003 to help expand the exhib-*
13 *its in the museum to include the D-Day invasions in*
14 *the Pacific Theatre of Operations and the other cam-*
15 *paigns of World War II.*

16 (8) *The State of Louisiana and thousands of do-*
17 *nors and foundations across the country have contrib-*
18 *uted millions of dollars to help build this national in-*
19 *stitution.*

20 (9) *The Board of Trustees of The National D-*
21 *Day Museum is national in scope and diverse in its*
22 *makeup.*

23 (10) *The World War II Memorial now under*
24 *construction on the National Mall in Washington, the*
25 *District of Columbia, will always be the memorial in*

1 *our Nation where people come to remember America's*
2 *sacrifices in World War II, while The National D-*
3 *Day Museum will always be the museum of the Amer-*
4 *ican experience in the World War II years (1939–*
5 *1945), where people come to learn about Americans'*
6 *experiences during that critical period, as well as a*
7 *place where the history of our Nation's monumental*
8 *struggle against worldwide aggression by would-be op-*
9 *pressors is preserved so that future generations can*
10 *understand the role the United States played in the*
11 *preservation and advancement of democracy and free-*
12 *dom in the middle of the 20th century.*

13 *(11) The National D-Day Museum seeks to edu-*
14 *cate a diverse group of audiences through its collec-*
15 *tion of artifacts, photographs, letters, documents, and*
16 *first-hand personal accounts of the participants in the*
17 *war and on the home front during one of history's*
18 *darkest hours.*

19 *(12) The National D-Day Museum is devoted to*
20 *the combat experience of United States citizen soldiers*
21 *in all of the theatres of World War II and to the he-*
22 *roic efforts of the men and women on the home front*
23 *who worked tirelessly to support the troops and the*
24 *war effort.*

1 (13) *The National D-Day Museum continues to*
2 *add to and maintain one of the largest personal his-*
3 *tory collections in the United States of the men and*
4 *women who fought in World War II and who served*
5 *on the home front.*

6 (14) *No other museum describes as well the vol-*
7 *unteer spirit that arose throughout the United States*
8 *and united the country during the World War II*
9 *years.*

10 (15) *The National D-Day Museum is engaged in*
11 *a 250,000 square foot expansion to include the Center*
12 *for the Study of the American Spirit, an advanced*
13 *format theatre, and a new United States pavilion.*

14 (16) *The planned “We’re All in this Together”*
15 *exhibit will describe the role every State, common-*
16 *wealth, and territory played in World War II, and*
17 *the computer database and software of The National*
18 *D-Day Museum’s educational program will be made*
19 *available to the teachers and school children of every*
20 *State, commonwealth, and territory.*

21 (17) *The National D-Day Museum is an official*
22 *Smithsonian affiliate institution with a formal agree-*
23 *ment to borrow Smithsonian artifacts for future exhi-*
24 *bitions.*

1 (18) *Le Memorial de Caen in Normandy, France*
2 *has formally recognized The National D-Day Museum*
3 *as its official partner in a Patriotic Alliance signed*
4 *on October 16, 2002, by both museums.*

5 (19) *The official Battle of the Bulge museums in*
6 *Luxembourg and the American Battlefield Monuments*
7 *Commission are already collaborating with The Na-*
8 *tional D-Day Museum on World War II exhibitions.*

9 (20) *For all of these reasons, it is appropriate to*
10 *designate The National D-Day Museum as “Amer-*
11 *ica’s National World War II Museum”.*

12 (b) *PURPOSES.—The purposes of this section are,*
13 *through the designation of The National D-Day Museum*
14 *as “America’s National World War II Museum”, to express*
15 *the United States Government’s support for—*

16 (1) *the continuing preservation, maintenance,*
17 *and interpretation of the artifacts, documents, im-*
18 *ages, and history collected by the museum;*

19 (2) *the education of the American people as to*
20 *the American experience in combat and on the home*
21 *front during the World War II years, including the*
22 *conduct of educational outreach programs for teachers*
23 *and students throughout the United States;*

24 (3) *the operation of a premier facility for the*
25 *public display of artifacts, photographs, letters, docu-*

1 *ments, and personal histories from the World War II*
2 *years (1939–1945);*

3 *(4) the further expansion of the current Euro-*
4 *pean and Pacific campaign exhibits in the museum,*
5 *including the Center for the Study of the American*
6 *Spirit for education; and*

7 *(5) ensuring the understanding by all future gen-*
8 *erations of the magnitude of the American contribu-*
9 *tion to the Allied victory in World War II, the sac-*
10 *rifices made to preserve freedom and democracy, and*
11 *the benefits of peace for all future generations in the*
12 *21st century and beyond.*

13 *(c) DESIGNATION OF “AMERICA’S NATIONAL WORLD*
14 *WAR II MUSEUM”.—The National D-Day Museum, New*
15 *Orleans, Louisiana, is designated as “America’s National*
16 *World War II Museum”.*

17 *SEC. 8118. NATIVE AMERICAN VETERAN HOUSING*
18 *LOANS. (a) Title I of Division K of the Consolidated Appro-*
19 *priations Resolution, 2003 (Public Law 108–7) is amended*
20 *by striking out “expenses: Provided, That no new loans in*
21 *excess of \$5,000,000 may be made in fiscal year 2003.” from*
22 *the paragraph under the heading “Native American Vet-*
23 *eran Housing Loan Program Account” and inserting in*
24 *lieu thereof “expenses.”.*

1 (b) *The amendment made by subsection (a) of this sec-*
2 *tion is effective on the date of the enactment of Public Law*
3 *108–7, February 20, 2003.*

4 *SEC. 8119. Of the funds made available in chapter 3*
5 *of title I of the Emergency Wartime Supplemental Appro-*
6 *priations Act, 2003 (Public Law 108–11), under the head-*
7 *ing “Iraq Freedom Fund”, \$3,157,000,000 are hereby re-*
8 *scinded.*

9 *SEC. 8120. (a) LIMITATION ON USE OF FUNDS FOR*
10 *RESEARCH AND DEVELOPMENT ON TERRORISM INFORMA-*
11 *TION AWARENESS PROGRAM.—Notwithstanding any other*
12 *provision of law, no funds appropriated or otherwise made*
13 *available to the Department of Defense, whether to an ele-*
14 *ment of the Defense Advanced Research Projects Agency or*
15 *any other element, or to any other department, agency, or*
16 *element of the Federal Government, may be obligated or ex-*
17 *pended on research and development on the Terrorism In-*
18 *formation Awareness program.*

19 (i) *LIMITATION ON DEPLOYMENT OF TERRORISM IN-*
20 *FORMATION AWARENESS PROGRAM.—(1) Notwithstanding*
21 *any other provision of law, if and when research and devel-*
22 *opment on the Terrorism Information Awareness program,*
23 *or any component of such program, permits the deployment*
24 *or implementation of such program or component, no de-*
25 *partment, agency, or element of the Federal Government*

1 *may deploy or implement such program or component, or*
2 *transfer such program or component to another department,*
3 *agency, or element of the Federal Government, until the Sec-*
4 *retary of Defense—*

5 *(A) notifies Congress of that development, includ-*
6 *ing a specific and detailed description of—*

7 *(i) each element of such program or compo-*
8 *nent intended to be deployed or implemented;*
9 *and*

10 *(ii) the method and scope of the intended*
11 *deployment or implementation of such program*
12 *or component (including the data or information*
13 *to be accessed or used); and*

14 *(B) has received specific authorization by law*
15 *from Congress for the deployment or implementation*
16 *of such program or component, including—*

17 *(i) a specific authorization by law for the*
18 *deployment or implementation of such program*
19 *or component; and*

20 *(ii) a specific appropriation by law of*
21 *funds for the deployment or implementation of*
22 *such program or component.*

23 *(2) The limitation in paragraph (1) shall not apply*
24 *with respect to the deployment or implementation of the*

1 *Terrorism Information Awareness program, or a compo-*
2 *nent of such program, in support of the following:*

3 (A) *Lawful military operations of the United*
4 *States conducted outside the United States.*

5 (B) *Lawful foreign intelligence activities con-*
6 *ducted wholly against non-United States persons.*

7 (c) *SENSE OF CONGRESS.—It is the sense of Congress*
8 *that—*

9 (1) *the Terrorism Information Awareness pro-*
10 *gram should not be used to develop technologies for*
11 *use in conducting intelligence activities or law en-*
12 *forcement activities against United States persons*
13 *without appropriate consultation with Congress or*
14 *without clear adherence to principles to protect civil*
15 *liberties and privacy; and*

16 (2) *the primary purpose of the Defense Advanced*
17 *Research Projects Agency is to support the lawful ac-*
18 *tivities of the Department of Defense and the national*
19 *security programs conducted pursuant to the laws as-*
20 *sembled for codification purposes in title 50, United*
21 *States Code.*

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

23 (1) *TERRORISM INFORMATION AWARENESS PRO-*
24 *GRAM.—The term “Terrorism Information Awareness*
25 *program”—*

1 (A) means the components of the program
2 known either as *Terrorism Information Aware-*
3 *ness* or *Total Information Awareness*, any re-
4 lated information awareness program, or any
5 successor program under the *Defense Advanced*
6 *Research Projects Agency* or another element of
7 the *Department of Defense*; and

8 (B) includes a program referred to in sub-
9 paragraph (1), or a component of such program,
10 that has been transferred from the *Defense Ad-*
11 *vanced Research Projects Agency* or another ele-
12 ment of the *Department of Defense* to any other
13 department, agency, or element of the *Federal*
14 *Government*.

15 (2) *NON-UNITED STATES PERSON*.—The term
16 “*non-United States person*” means any person other
17 than a *United States person*.

18 (3) *UNITED STATES PERSON*.—The term “*United*
19 *States person*” has the meaning given that term in
20 section 101(i) of the *Foreign Intelligence Surveillance*
21 *Act of 1978 (50 U.S.C. 1801(i))*.

22 *SEC. 8121. Notwithstanding any other provision in*
23 *this Act, the total amount appropriated in this Act is here-*
24 *by reduced by \$125,000,000 to limit excessive growth in the*

1 *procurement of advisory and assistance services, to be dis-*
2 *tributed as follows:*

3 *“Operation and Maintenance, Defense-Wide”,*
4 *\$45,000,000;*

5 *“Research, Development, Test and Evaluation,*
6 *Navy”, \$40,000,000; and*

7 *“Research, Development, Test and Evaluation,*
8 *Defense-Wide”, \$40,000,000:*

9 *Provided, That these reductions shall be applied proportion-*
10 *ally to each budget activity, activity group and subactivity*
11 *group and each program, project, and activity within each*
12 *appropriation account.*

13 *SEC. 8122. None of the funds appropriated in this Act*
14 *shall be used to study, demonstrate, or implement any plans*
15 *privatizing, divesting or transferring of any Civil Works*
16 *missions, functions, or responsibilities for the United States*
17 *Army Corps of Engineers to other government agencies*
18 *without specific direction in a subsequent Act of Congress.*

19 *SEC. 8123. None of the funds provided in this Act may*
20 *be used to pay any fee charged by the Department of State*
21 *for the purpose of constructing new United States diplo-*
22 *matic facilities.*

23 *SEC. 8124. Of the amount appropriated by title IV of*
24 *this Act under the heading “RESEARCH, DEVELOPMENT,*
25 *TEST, AND EVALUATION, AIR FORCE”, up to \$4,000,000*

1 *may be available for cost effective composite materials for*
2 *manned and unmanned flight structures (PE#0602103F).*

3 *SEC. 8125. Of the total amount appropriated by title*
4 *IV under the heading “RESEARCH, DEVELOPMENT, TEST*
5 *AND EVALUATION, ARMY”, up to \$3,000,000 may be used*
6 *for the Broad Area Unmanned Responsive Resupply Oper-*
7 *ations aircraft program.*

8 *SEC. 8126. Of the total amount appropriated by title*
9 *II under the heading “OPERATION AND MAINTENANCE,*
10 *NAVY” for civilian manpower and personnel management,*
11 *up to \$1,500,000 may be used for Navy Pilot Human Re-*
12 *sources Call Center, Cutler, Maine.*

13 *SEC. 8127. Of the amount appropriated by title IV of*
14 *this Act under the heading “RESEARCH, DEVELOPMENT,*
15 *TEST, AND EVALUATION, NAVY”, up to \$4,000,000 may be*
16 *available for Navy Integrated Manufacturing Development.*

17 *SEC. 8128. Amounts appropriated by this Act may be*
18 *used for the establishment and support of 12 additional*
19 *Weapons of Mass Destruction Civil Support Teams, as fol-*
20 *lows:*

21 *(1) Of the amount appropriated by title II under*
22 *the heading “OPERATION AND MAINTENANCE, ARMY”,*
23 *up to \$23,300,000.*

1 (2) *Of the amount appropriated by title II under*
2 *the heading “OPERATION AND MAINTENANCE, ARMY*
3 *NATIONAL GUARD”, up to \$16,000,000.*

4 (3) *Of the amount appropriated by title III*
5 *under the heading “OTHER PROCUREMENT, ARMY”,*
6 *up to \$25,900,000.*

7 (4) *Of the amount appropriated by title IV*
8 *under the heading “RESEARCH, DEVELOPMENT, TEST*
9 *AND EVALUATION, DEFENSE-WIDE”, up to*
10 *\$1,000,000.*

11 *SEC. 8129. Of the amount appropriated by title IV of*
12 *this Act under the heading “RESEARCH, DEVELOPMENT,*
13 *TEST, AND EVALUATION, DEFENSE-WIDE”, up to*
14 *\$2,000,000 may be available for the development of inte-*
15 *grated systems analysis capabilities for bioterrorism re-*
16 *sponse exercises.*

17 *SEC. 8130. Of the amount appropriated by title III*
18 *under the heading “PROCUREMENT, MARINE CORPS”, up*
19 *to \$1,500,000 may be used for the procurement of highly*
20 *versatile nitrile rubber collapsible storage units.*

21 *SEC. 8131. Of the appropriated by title IV of this Act*
22 *under the heading “RESEARCH, DEVELOPMENT, TEST, AND*
23 *EVALUATION, NAVY”, up to \$3,000,000 may be available for*
24 *Marine Corps Communications Systems (PE#0206313M)*
25 *for Critical Infrastructure Protection.*

1 *SEC. 8132. Of the total amount appropriated by title*
2 *III under the heading “OTHER PROCUREMENT, ARMY”, up*
3 *to \$1,500,000 may be used for the procurement of TSC–*
4 *750 computer systems.*

5 *SEC. 8133. Of the amount appropriated by title IV of*
6 *this Act under the heading “RESEARCH, DEVELOPMENT,*
7 *TEST, AND EVALUATION, NAVY”, up to \$1,000,000 may be*
8 *available for Combat Systems Integration (PE#0603582N)*
9 *for the Trouble Reports Information Data Warehouse.*

10 *SEC. 8134. Of the amount appropriated by title II of*
11 *this Act under the heading “OPERATION AND MAINTENANCE,*
12 *NAVY”, up to \$2,000,000 may be available for night*
13 *vision goggles in advanced helicopter training.*

14 *SEC. 8135. Of the amount appropriated by title IV of*
15 *this Act under the heading “RESEARCH, DEVELOPMENT,*
16 *TEST, AND EVALUATION, DEFENSE-WIDE”, up to*
17 *\$3,000,000 may be available for the Long Range Biometric*
18 *Target Identification System.*

19 *SEC. 8136. Of the total amount appropriated by title*
20 *IV under the heading “RESEARCH, DEVELOPMENT, TEST,*
21 *AND EVALUATION, DEFENSE-WIDE”, up to \$2,500,000 may*
22 *be used for the study of geospatial visualization tech-*
23 *nologies.*

24 *SEC. 8137. Of the amount appropriated by title IV of*
25 *this Act under the heading “RESEARCH, DEVELOPMENT,*

1 *TEST, AND EVALUATION, NAVY*”, up to \$4,000,000 may be
2 available for *High Speed Anti-Radiation Demonstration*
3 *Airframe/Propulsion Section (PE#0603114N)*.

4 *SEC. 8138. Of the total amount appropriated by title*
5 *IV under the heading “RESEARCH AND DEVELOPMENT, DE-*
6 *FENSE-WIDE”*, up to \$3,500,000 may be used for *National*
7 *Consortia on MASINT Research for program element num-*
8 *ber 0305884L*.

9 *SEC. 8139. Of the amount appropriated by title IV of*
10 *this Act under the heading “RESEARCH, DEVELOPMENT,*
11 *TEST, AND EVALUATION, ARMY”*, up to \$3,500,000 may be
12 available for the *Medical Vanguard Project to expand the*
13 *clinical trial of the Internet-based diabetes management*
14 *system under that project*.

15 *SEC. 8140. Of the amount appropriated by title IV of*
16 *this Act under the heading “RESEARCH, DEVELOPMENT,*
17 *TEST, AND EVALUATION, DEFENSE-WIDE”*, up to \$800,000
18 may be available for the *Tulane Center for Missile Defense,*
19 *Louisiana*.

20 *SEC. 8141. Of the amount appropriated by title III*
21 *of this Act under the heading “DEFENSE PRODUCTION ACT*
22 *PURCHASES”*, up to \$3,000,000 may be available for a
23 *Flexible Aerogel Material Supplier Initiative to develop af-*
24 *fordable methods and a domestic supplier of military and*
25 *commercial aerogels*.

1 *SEC. 8142. IN RECOGNITION OF THE NATIONAL*
2 *GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NA-*
3 *TIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR*
4 *THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE*
5 *THESE FORCES ACCESS TO TRICARE. (a) FINDINGS.—*

6 *The Senate makes the following findings:*

7 *(1) Forces in the United States National Guard*
8 *and Reserve have made and continue to make essen-*
9 *tial and effective contributions to Operation Iraqi*
10 *Freedom and other ongoing military operations.*

11 *(2) More than 200,000 Reserve personnel from*
12 *the Army, Navy, Air Force, Marine Corps, and Coast*
13 *Guard are currently serving their Nation on active*
14 *status.*

15 *(3) Our dependence on the National Guard and*
16 *Reserve has increased dramatically over the course of*
17 *the past decade. Annual duty days have grown from*
18 *about 1 million in the late 1980s to more than 12*
19 *million in every year since 1996.*

20 *(4) While our dependence on the Reserves has in-*
21 *creased in the post-Cold War era, their basic pay and*
22 *benefits structure has remained largely unchanged.*

23 *(5) Offering TRICARE to reservists for an af-*
24 *fordable monthly premium enhances our national se-*
25 *curity by improving their medical readiness when*

1 *called to duty, streamlining and accelerating the mo-*
2 *bilization process, and enhancing our military's abil-*
3 *ity to recruit and retain qualified personnel to reserve*
4 *duty.*

5 *(6) The Congressional Budget Office, the official,*
6 *nonpartisan scorekeeper of all congressional legisla-*
7 *tion, has estimated the cost of this proposal at just*
8 *over one-tenth of one percent of the Administration's*
9 *fiscal year 2004 defense budget request.*

10 *(7) On May 20, 2003, a strong majority of Sen-*
11 *ate Democrats and Republicans joined together and*
12 *voted 85–10 for an amendment to the fiscal year 2004*
13 *Defense authorization bill to provide reserve personnel*
14 *and their families access to TRICARE regardless of*
15 *their current deployment status.*

16 *(8) The Appropriations Committee indicated in*
17 *its report accompanying the fiscal year 2004 Defense*
18 *appropriations bill that it supports this proposal.*

19 *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*
20 *ate that—*

21 *(1) the National Guard and Reserve play a crit-*
22 *ical and increasingly demanding role in protecting*
23 *our national security; and*

24 *(2) the Senate supports the Appropriations Com-*
25 *mittee position as articulated in the report accom-*

1 *panying the fiscal year 2004 Defense appropriations*
2 *bill and affirms its support for providing Guard and*
3 *Reserve personnel access to TRICARE.*

4 *SEC. 8143. (a) The Secretary of Defense—*

5 *(1) shall review—*

6 *(A) all contractual offset arrangements to*
7 *which the policy established under section 2532*
8 *of title 10, United States Code, applies that are*
9 *in effect on the date of the enactment of this Act;*

10 *(B) any memoranda of understanding and*
11 *related agreements to which the limitation in*
12 *section 2531(c) of such title applies that have*
13 *been entered into with a country with respect to*
14 *which such contractual offset arrangements have*
15 *been entered into and are in effect on such date;*
16 *and*

17 *(C) any waivers granted with respect to a*
18 *foreign country under section 2534(d)(3) of title*
19 *10, United States Code, that are in effect on such*
20 *date; and*

21 *(2) shall determine the effects of the use of such*
22 *arrangements, memoranda of understanding, and*
23 *agreements on the effectiveness of buy American re-*
24 *quirements provided in law.*

1 (b) *The Secretary shall submit a report on the results*
2 *of the review under subsection (a) to Congress not later than*
3 *March 1, 2005. The report shall include a discussion of each*
4 *of the following:*

5 (1) *The effects of the contractual offset arrange-*
6 *ments on specific subsectors of the industrial base of*
7 *the United States and what actions have been taken*
8 *to prevent or ameliorate any serious adverse effects on*
9 *such subsectors.*

10 (2) *The extent, if any, to which the contractual*
11 *offset arrangements and memoranda of understanding*
12 *and related agreements have provided for technology*
13 *transfer that would significantly and adversely affect*
14 *the defense industrial base of the United States and*
15 *would result in substantial financial loss to a United*
16 *States firm.*

17 (3) *The extent to which the use of such contrac-*
18 *tual offset arrangements is consistent with—*

19 (A) *the limitation in section 2531(c) of title*
20 *10, United States Code, that prohibits implemen-*
21 *tation of a memorandum of understanding and*
22 *related agreements if the President, taking into*
23 *consideration the results of the interagency re-*
24 *view, determines that such memorandum of un-*
25 *derstanding or related agreement has or is likely*

1 to have a significant adverse effect on United
2 States industry that outweighs the benefits of en-
3 tering into or implementing such memorandum
4 or agreement; and

5 (B) the requirements under section 2534(d)
6 of such title that—

7 (i) a waiver granted under such section
8 not impede cooperative programs entered
9 into between the Department of Defense and
10 a foreign country and not impede the recip-
11 rocal procurement of defense items that is
12 entered into in accordance with section
13 2531 of such title; and

14 (ii) the country with respect to which
15 the waiver is granted not discriminate
16 against defense items produced in the
17 United States to a greater degree than the
18 United States discriminates against defense
19 items produced in that country.

20 (c) The Secretary—

21 (1) shall submit to the President any rec-
22 ommendations regarding the use or administration of
23 contractual offset arrangements and memoranda of
24 understanding and related agreements referred to in
25 subsection (a) that the Secretary considers appro-

1 *appropriate to strengthen the administration buy American*
2 *requirements in law; and*

3 *(2) may modify memoranda of understanding or*
4 *related agreements entered into under section 2531 of*
5 *title 10, United States Code, or take other action with*
6 *regard to such memoranda or related agreements, as*
7 *the Secretary considers appropriate to strengthen the*
8 *administration buy American requirements in law in*
9 *the case of procurements covered by such memoranda*
10 *or related agreements.*

11 *SEC. 8144. It is the sense of the Senate that—*

12 *(1) any request for funds for a fiscal year for an*
13 *ongoing overseas military operation, including oper-*
14 *ations in Afghanistan and Iraq, should be included in*
15 *the annual budget of the President for such fiscal year*
16 *as submitted to Congress under section 1105(a) of*
17 *title 31, United States Code; and*

18 *(2) any funds provided for such fiscal year for*
19 *such a military operation should be provided in ap-*
20 *propriations Acts for such fiscal year through appro-*
21 *priations to specific accounts set forth in such Acts.*

22 *SEC. 8145. Of the amount appropriated by title II of*
23 *this Act under the heading “OPERATION AND MAINTENANCE,*
24 *ARMY RESERVE”, up to \$2,000,000 may be avail-*

1 *able for a Software Engineering Institute Information As-*
2 *urance Initiative.*

3 *SEC. 8146. Of the amount appropriated by title II*
4 *under the heading “OPERATION AND MAINTENANCE, DE-*
5 *FENSE-WIDE”, up to \$10,000,000 may be used for civil-*
6 *military programs and the Innovative Readiness Training*
7 *(IRT) Program.*

8 *SEC. 8147. Of the total amount appropriated by title*
9 *III under the heading “MISSILE PROCUREMENT, AIR*
10 *FORCE”, up to \$10,000,000 may be used for assured access*
11 *to space in addition to the amount available under such*
12 *heading for the Evolved Expendable Launch Vehicle.*

13 *SEC. 8148. STUDY REGARDING MAIL DELIVERY IN*
14 *THE MIDDLE EAST. (a) STUDY.—The Comptroller General*
15 *of the United States shall conduct a review of the delivery*
16 *of mail to troops in the Middle East and the study should:*

17 *(1) Determine delivery times, reliability, and*
18 *losses for mail and parcels to and from troops sta-*
19 *tioned in the Middle East.*

20 *(2) Identify and analyze mail and parcel deliv-*
21 *ery service efficiency issues during Operations Desert*
22 *Shield/Desert Storm, compared to such services which*
23 *occurred during Operation Iraqi Freedom.*

24 *(3) Identify cost efficiencies and benefits of alter-*
25 *native delivery systems or modifications to existing*

1 *delivery systems to improve the delivery times of mail*
2 *and parcels.*

3 *(b) REPORT.—Not later than 60 days after the date*
4 *of enactment of this Act, the Comptroller General of the*
5 *United States shall submit a report to the congressional de-*
6 *fense committees on their findings and recommendations.*

7 *SEC. 8149. Of the amount appropriated by title IV of*
8 *this Act under the heading “RESEARCH, DEVELOPMENT,*
9 *TEST, AND EVALUATION, AIR FORCE”, up to \$4,000,000*
10 *may be available for adaptive optics research.*

11 *SEC. 8150. Of the amount appropriated by title IV of*
12 *this Act under the heading “RESEARCH, DEVELOPMENT,*
13 *TEST, AND EVALUATION, NAVY”, up to \$1,000,000 may be*
14 *available for the completion of the Rhode Island Disaster*
15 *Initiative.*

16 *SEC. 8151. Of the amount appropriated by title I of*
17 *this Act for military personnel, up to \$8,000,000 may be*
18 *available for the costs during fiscal year 2004 of an increase*
19 *in the amount of the death gratuity payable with respect*
20 *to members of the Armed Forces under section 1478 of title*
21 *10, United States Code, from \$6,000 to \$12,000.*

22 *SEC. 8152. Of the amount appropriated by title II of*
23 *this Act under the heading “SHIPBUILDING AND CONVER-*
24 *SION, NAVY”, up to \$20,000,000 may be available for DIG-*
25 *51 modernization planning.*

1 *SEC. 8153. Of the total amount appropriated by title*
2 *II under the heading “OPERATION AND MAINTENANCE,*
3 *ARMY”, up to \$4,000,000 may be used for the Army Mu-*
4 *seum of the Southwest at Ft. Sill, Oklahoma.*

5 *SEC. 8154. No funds appropriated or otherwise made*
6 *available by this Act may be obligated or expended for the*
7 *purpose of privatizing, or transferring to another depart-*
8 *ment or agency of the Federal Government, any prison*
9 *guard function or position at the United States Disciplinary*
10 *Barracks at Fort Leavenworth, Kansas, until 30 days*
11 *after the date on which the Secretary of the Army submits*
12 *to the congressional defense committees a plan for the imple-*
13 *mentation of the privatization or transfer of such function*
14 *or position.*

15 *SEC. 8155. Of the total amount appropriated by title*
16 *II under the heading “OPERATION AND MAINTENANCE, MA-*
17 *RINE CORPS”, up to \$6,000,000 may be used for the pur-*
18 *chase of HMMWV tires.*

19 *SEC. 8156. (a) AVAILABILITY OF CERTAIN PERSONNEL*
20 *AMOUNTS.—Of the amount appropriated by title I of this*
21 *Act under the heading “NATIONAL GUARD PERSONNEL,*
22 *ARMY”, up to \$2,500,000 may be available for Lewis and*
23 *Clark Bicentennial Commemoration Activities.*

24 *(b) AVAILABILITY OF CERTAIN OPERATION AND MAIN-*
25 *TENANCE AMOUNTS.—Of the amount appropriated by title*

1 *II of this Act under the heading “OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD”, up to \$1,500,000 may*
2 *be available for Lewis and Clark Bicentennial Commemora-*
3 *tion Activities.*

5 *SEC. 8157. (a) LIMITATION ON USE OF FUNDS.—Not-*
6 *withstanding any other provision of law, no funds appro-*
7 *priated or otherwise made available by this Act may be obli-*
8 *gated or expended to decommission a Naval or Marine*
9 *Corps Reserve aviation squadron until the report required*
10 *by subsection (b) is submitted to the committee of Congress*
11 *referred to in that subsection.*

12 *(b) REPORT ON NAVY AND MARINE CORPS TACTICAL*
13 *AVIATION REQUIREMENTS.—(1) Not later than twelve*
14 *months after the date of the enactment of this Act, the*
15 *Comptroller General of the United States shall submit to*
16 *the Committee on Appropriations of the Senate a report*
17 *on the requirements of the Navy and the Marine Corps for*
18 *tactical aviation, including mission requirements, recapiti-*
19 *talization requirements, and the role of Naval and Marine*
20 *Corps Reserve assets in meeting such requirements.*

21 *(2) The report shall include the recommendations of*
22 *the Comptroller General on an appropriate force structure*
23 *for the active and reserve aviation units of the Navy and*
24 *the Marine Corps, and related personnel requirements, for*
25 *the 10-year period beginning on the date of the report.*

1 *SEC. 8158. Of the amount appropriated by title III*
2 *of this Act under the heading “PROCUREMENT, DEFENSE-*
3 *WIDE”, up to \$20,000,000 may be available for procure-*
4 *ment of secure cellular telephones for the Department of De-*
5 *fense and the elements of the intelligence community.*

6 *SEC. 8159. Of the amount appropriated by title III*
7 *of this Act under the heading “RESEARCH, DEVELOPMENT,*
8 *TEST AND EVALUATION, ARMY”, up to \$5,000,000 may be*
9 *available to support Shortstop Electronic Protection Sys-*
10 *tems (SEPS) research and development efforts.*

11 *SEC. 8160. The Secretary of the Air Force, in consulta-*
12 *tion with the Chief of Air Force Reserve, shall study the*
13 *mission of the 932nd Airlift Wing, Scott Air Force Base,*
14 *Illinois, and evaluate whether it would be appropriate to*
15 *substitute for that mission a mixed mission of transporting*
16 *patients, passengers, and cargo that would increase the air-*
17 *lift capability of the Air Force while continuing the use and*
18 *training of aeromedical evacuation personnel. The Sec-*
19 *retary shall submit a report on the results of the study and*
20 *evaluation to the congressional defense committees not later*
21 *than January 16, 2004.*

22 *SEC. 8161. Of the total amount appropriated by*
23 *title IV under the heading “RESEARCH, DEVELOPMENT,*
24 *TEST AND EVALUATION, DEFENSE-WIDE”, up to \$3,000,000*
25 *may be used for Project Ancile.*

1 *SEC. 8162. Of the total amount appropriated by*
2 *title IV under the heading “RESEARCH, DEVELOPMENT,*
3 *TEST AND EVALUATION, ARMY”, up to \$2,000,000 may be*
4 *used for Knowledge Management Fusion.*

5 *SEC. 8163. Of the amount appropriated by title IV of*
6 *this Act under the heading “RESEARCH, DEVELOPMENT,*
7 *TEST, AND EVALUATION, ARMY”, up to \$3,000,000 may be*
8 *available for the Large Energy National Shock Tunnel*
9 *(LENS).*

10 *SEC. 8164. In addition to amounts provided in this*
11 *Act for Ultra-low Power Battlefield Sensor System, up to*
12 *an additional \$7,000,000 may be used from the total*
13 *amount appropriated by title IV “RESEARCH, DEVELOP-*
14 *MENT, TEST, AND EVALUATION, DEFENSE-WIDE”, for*
15 *Ultra-low Power Battlefield Sensor System.*

16 *SEC. 8165. (a) FINDINGS.—The Senate makes the fol-*
17 *lowing findings:*

18 *(1) If a terrorist group were to acquire the nec-*
19 *essary fissile material for a nuclear explosive device,*
20 *it would not be difficult for the group to construct*
21 *such a device, the explosion of which could kill and*
22 *injure thousands, or even hundreds of thousands, of*
23 *people and destroy a large area of a city.*

24 *(2) If a terrorist group were to acquire a com-*
25 *plete nuclear weapon from a nation which has con-*

1 *structed nuclear weapons, it is likely that the group*
2 *would be able to detonate the device with similar re-*
3 *sults.*

4 (3) *A nation supplying either complete nuclear*
5 *weapons or special nuclear material to terrorists*
6 *might believe that it could escape retaliation by the*
7 *United States, as the United States would not be able*
8 *to determine the origin of either a weapon or its*
9 *fissile material.*

10 (4) *It is possible, however, to determine the coun-*
11 *try of origin of fissile material after a nuclear explo-*
12 *sion, provided that samples of the radioactive debris*
13 *from the explosion are collected promptly and ana-*
14 *lyzed in appropriate laboratories.*

15 (5) *If radioactive debris is collected soon enough*
16 *after a nuclear explosion, it is also possible to deter-*
17 *mine the characteristics of the nuclear explosive device*
18 *involved, which information can assist in locating*
19 *and dismantling other nuclear devices that may*
20 *threaten the United States.*

21 (6) *If countries that might contemplate sup-*
22 *plying nuclear weapons or fissile material to terror-*
23 *ists know that their assistance can be traced, they are*
24 *much less likely to allow terrorists access to either*
25 *weapons or material.*

1 (7) *It is in the interest of the United States to*
2 *acquire a capability to collect promptly the debris*
3 *from a nuclear explosion that might occur in any*
4 *part of the Nation.*

5 (b) *SENSE OF THE SENATE ON NUCLEAR DEBRIS COL-*
6 *LECTION AND ANALYSIS CAPABILITY.—It is the sense of the*
7 *Senate that—*

8 (1) *the Secretary of Defense should develop and*
9 *deploy a nuclear debris collection and analysis capa-*
10 *bility sufficient to enable characterization of any nu-*
11 *clear device that might be exploded in the United*
12 *States;*

13 (2) *the capability should incorporate airborne*
14 *debris collectors, either permanently installed on dedi-*
15 *cated aircraft or available for immediate use on a*
16 *class of aircraft, stationed so that a properly*
17 *equipped and manned aircraft is available to collect*
18 *debris from a nuclear explosion anywhere in the*
19 *United States and transport such debris to an appro-*
20 *priate laboratory in a timely fashion; and*

21 (3) *to the maximum extent practicable, the capa-*
22 *bility should be compatible with collection and anal-*
23 *ysis systems used by the United States to characterize*
24 *overseas nuclear explosions.*

1 (c) *REPORT*.—Not later than March 31, 2004, the Sec-
2 retary of Defense shall submit to the congressional defense
3 committees a report on the feasibility of developing and de-
4 ploying the capability described in subsection (b)(1).

5 *SEC. 8166. Of the amount appropriated by title II of*
6 *this Act under the heading “OPERATION AND MAINTENANCE,*
7 *ARMY” up to \$15,000,000 may be made available*
8 *for upgrades of M1A1 Abrams tank transmissions.*

9 *SEC. 8167. Of the total amount appropriated by title*
10 *II of this Act under the heading “OPERATIONS AND MAIN-*
11 *TENANCE, ARMY”, up to \$2,000,000 may be used to promote*
12 *civil rights education and history in the Army.*

13 *SEC. 8168. REPORTS ON SAFETY ISSUES DUE TO DE-*
14 *FECTIVE PARTS. (a) REPORT FROM THE SECRETARY.*—*The*
15 *Secretary shall by March 31, 2004, examine and report*
16 *back to the congressional defense committees on—*

17 (1) *how to implement a system for tracking safe-*
18 *ty-critical parts so that parts discovered to be defec-*
19 *tive, including due to faulty or fraudulent work by a*
20 *contractor or subcontractor, can be identified and*
21 *found;*

22 (2) *appropriate standards and procedures to en-*
23 *sure timely notification of contracting agencies and*
24 *contractors about safety issues including parts that*
25 *may be defective, and whether the Government Indus-*

1 *try Data Exchange Program should be made manda-*
2 *tory;*

3 *(3) efforts to find and test airplane parts that*
4 *have been heat treated by companies alleged to have*
5 *done so improperly; and*

6 *(4) whether contracting agencies and contractors*
7 *have been notified about alleged improper heat treat-*
8 *ment of airplane parts.*

9 *(b) REPORT FROM THE COMPTROLLER GENERAL.—*
10 *The Comptroller General shall examine and report back to*
11 *the congressional defense committees on—*

12 *(1) the oversight of subcontractors by prime con-*
13 *tractors, and testing and quality assurance of the*
14 *work of the subcontractors; and*

15 *(2) the oversight of prime contractors by the De-*
16 *partment, the accountability of prime contractors for*
17 *overseeing subcontractors, and the use of enforcement*
18 *mechanisms by the Department.*

19 *SEC. 8169. Not later than 30 days after the date of*
20 *the enactment of this Act, the Secretary of Defense shall sub-*
21 *mit to Congress, in writing, a report on contracts for recon-*
22 *struction and other services in Iraq that are funded in*
23 *whole or in part with funds available to the Department*
24 *of Defense. The report shall detail—*

1 (1) *the process and standards for designing and*
2 *awarding such contracts, including assistance or con-*
3 *sulting services provided by contractors in that proc-*
4 *ess;*

5 (2) *the process and standards for awarding lim-*
6 *ited or sole-source contracts, including the criteria for*
7 *justifying the awarding of such contracts;*

8 (3) *any policies that the Secretary has imple-*
9 *mented or plans to implement to provide for inde-*
10 *pendent oversight of the performance by a contractor*
11 *of services in designing and awarding such contracts;*

12 (4) *any policies that the Secretary has imple-*
13 *mented or plans to implement to identify, assess, and*
14 *prevent any conflict of interest relating to such con-*
15 *tracts for reconstruction;*

16 (5) *any policies that the Secretary has imple-*
17 *mented or plans to implement to ensure public ac-*
18 *countability of contractors and to identify any fraud,*
19 *waste, or abuse relating to such contracts for recon-*
20 *struction;*

21 (6) *the process and criteria used to determine the*
22 *percentage of profit allowed on cost-plus-a-fixed-fee*
23 *contracts for reconstruction or other services in Iraq;*
24 *and*

1 (7) a good faith estimate of the expected costs
2 and duration of all contracts for reconstruction or
3 other services in Iraq.

4 SEC. 8170. Of the amount appropriated by title III
5 of this Act under the heading “AIRCRAFT PROCUREMENT,
6 AIR FORCE”, up to \$19,700,000 may be available for C-
7 5 aircraft in-service modifications for the procurement of
8 additional C-5 aircraft Avionics Modernization Program
9 (AMP) kits.

10 SEC. 8171. (a) REPORT ON ESTABLISHMENT OF PO-
11 LICE AND MILITARY FORCES IN IRAQ.—Not later than 180
12 days after the date of the enactment of this Act, the Sec-
13 retary of Defense shall, in coordination with the Secretary
14 of State, submit to the appropriate committees of Congress
15 a report on the establishment of police and military forces
16 in all of the 18 provinces of Iraq, including—

17 (1) the costs incurred by the United States in es-
18 tablishing Iraqi police and military units;

19 (2) a schedule for the completion of the establish-
20 ment of Iraqi police and military units;

21 (3) an assessment of the effect of the ongoing cre-
22 ation and final establishment of Iraqi police and
23 military units on the number of United States mili-
24 tary personnel required to be stationed in Iraq;

1 (4) *an assessment of the effect of the establish-*
2 *ment of an Iraqi police force on the safety of United*
3 *States military personnel stationed in Iraq; and*

4 (5) *an assessment of the effectiveness of the Iraqi*
5 *police force, as so established, in preventing crime*
6 *and insuring the safety of the Iraq people.*

7 (b) *UPDATES.*—*Not later than 120 days after the date*
8 *of the submittal of the report required by subsection (b),*
9 *and every 120 days thereafter, the Secretary of Defense*
10 *shall, in coordination with the Secretary of State, submit*
11 *to the appropriate committees of Congress an update of such*
12 *report.*

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

16 (1) *the Committees on Appropriations, Armed*
17 *Services, and Foreign Relations of the Senate; and*

18 (2) *the Committees on Appropriations, Armed*
19 *Services, and International Relations of the House of*
20 *Representatives.*

21 *SEC. 8172. Section 8149(b) of the Department of De-*
22 *fense Appropriations Act, 2003 (Public Law 107–248; 116*
23 *Stat. 1572) is amended by adding at the end the following*
24 *new paragraph:*

1 “(3) *This subsection shall remain in effect for fiscal*
 2 *year 2004.*”.

3 **TITLE IX—SETTLEMENT OF**
 4 **CLAIMS FOR SLAVE LABOR**
 5 **FOR JAPANESE COMPANIES**
 6 **DURING WORLD WAR II**

7 **SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRIS-**
 8 **ONERS OF WAR FOR FORCED OR SLAVE**
 9 **LABOR FOR JAPANESE COMPANIES DURING**
 10 **WORLD WAR II.**

11 (a) *PAYMENT OF COMPENSATION REQUIRED.*—*Subject*
 12 *to the availability of appropriations the Secretary of De-*
 13 *fense shall pay to each surviving former prisoner of war*
 14 *compensation as provided in subsection (b).*

15 (b) *COMPENSATION.*—*The compensation to be paid*
 16 *under subsection (a) is as follows: In the case of a living*
 17 *former prisoner of war, to the living former prisoner of war*
 18 *in the amount of \$10,000.*

19 (c) *IDENTIFICATION OF INDIVIDUALS AS FORMER*
 20 *PRISONERS OF WAR.*—(1) *An individual seeking compensa-*
 21 *tion under this section shall submit to the Secretary of De-*
 22 *fense an application therefor containing such information*
 23 *as the Secretary shall require. Only one application shall*
 24 *be submitted with respect to each individual seeking treat-*

1 *ment as a former prisoner of war for purposes of this sec-*
2 *tion.*

3 (2) *The Secretary shall take such actions as the Sec-*
4 *retary considers appropriate to identify and locate individ-*
5 *uals eligible for treatment as former prisoners of war for*
6 *purposes of this section.*

7 (d) *TREATMENT AS FORMER PRISONER OF WAR.—(1)*
8 *Subject to paragraph (3), the Secretary of Defense shall*
9 *treat an individual as a former prisoner of war if—*

10 (A) *the name of the individual appears on any*
11 *official list of the Imperial Government of Japan, or*
12 *of the United States Government, as having been im-*
13 *prisoned at any time during World War II in a*
14 *camp in Japan or territories occupied by Japan*
15 *where individuals were forced to provide labor; or*

16 (B) *evidence otherwise demonstrates that the in-*
17 *dividual is entitled to treatment as a former prisoner*
18 *of war.*

19 (2) *Any reasonable doubt under this subsection shall*
20 *be resolved in favor of the claimant.*

21 (3) *The treatment of an individual as a former pris-*
22 *oner of war under paragraph (1) shall be rebutted only by*
23 *clear and convincing evidence.*

24 (e) *TIMING OF PAYMENT.—The Secretary of Defense*
25 *shall pay compensation to a former prisoner of war, under*

1 subsection (a) not later than 30 days after determining that
2 compensation is payable to or on behalf of the former pris-
3 oner of war under this section.

4 (f) *PRIORITY IN PAYMENTS.*—The Secretary of Defense
5 shall complete the processing of applications under this sec-
6 tion in a manner that provides, to the maximum extent
7 practicable, for the payment of compensation to former
8 prisoners of war during their natural lives, with payments
9 prioritized based on age and health of the claimant.

10 (g) *FUNDING.*—(1) From funds available otherwise in
11 this Act up to \$49,000,000 may be made available to carry
12 out this title.

13 (2) The amount made available by paragraph (1) shall
14 remain available for obligation and expenditure during the
15 two-year period beginning on October 1, 2003.

16 (3) Any amounts made available by paragraph (1)
17 that have not been obligated as of September 30, 2005, shall
18 revert to the Treasury as of that date.

19 **SEC. 903. DEFINITIONS.**

20 *In this title:*

21 (1) *FORMER PRISONER OF WAR.*—The term
22 “former prisoner of war” means any individual
23 who—

24 (A) was a member of the Armed Forces of
25 the United States, a civilian employee of the

1 *United States, or an employee of a contractor of*
2 *the United States during World War II;*

3 *(B) served in or with the United States*
4 *combat forces during World War II;*

5 *(C) was captured and held as a prisoner of*
6 *war or prisoner by Japan in the course of such*
7 *service; and*

8 *(D) was required by one or more Japanese*
9 *companies to perform forced or slave labor dur-*
10 *ing World War II.*

11 (2) *JAPANESE COMPANY.*—*The term “Japanese*
12 *company” means—*

13 *(A) any business enterprise, corporation,*
14 *company, association, partnership, or sole pro-*
15 *prietorship having its principal place of business*
16 *within Japan or organized or incorporated*
17 *under the laws of Japan or any political sub-*
18 *division thereof; and*

19 *(B) any subsidiary or affiliate of an entity*
20 *in Japan, as described in subparagraph (A), if*
21 *controlled in fact by the entity, whether cur-*
22 *rently incorporated or located in Japan or else-*
23 *where.*

1 (3) *WORLD WAR II.*—*The term “World War II”*
2 *means the period beginning on December 7, 1941, and*
3 *ending on August 8, 1945.*

4 *This Act may be cited as the “Department of Defense*
5 *Appropriations Act of 2004”.*

Attest:

Secretary.

108TH CONGRESS
1ST SESSION

H. R. 2658

AMENDMENT