We cannot delay any longer. that is why I will introduce legislation to strengthen the Clean Water Act and other relevant laws regarding the cruise ship industry.

Specifically, the legislation I am preparing is based on ideas and recommendations generated by the EPA, GAO, and interest groups. Here is what it would do:

- Remove the exemption of cruise ships from existing Clean Water Act requirements;
- Ban the release of raw sewage anywhere in the ocean, and require treatment standards similar to Alaska's strict standards;
- Ban release of so-called "treated" wastes within a certain distance of our shores;
- Provide for adequate measures to prevent ballast waters from spreading invasive species;
- Provide for monitoring of compliance with these requirements and the availability of data for public review;
- Enable citizens to bring lawsuits against cruise ships, as provided under the Clean Water Act; and
- Increase resources for inspections and strengthen the inspection requirements.

This is truly an international issue, but the United States must not only do its part, it must lead the way. I urge my colleagues to join me. First, read this Pew Oceans Commission report. It is an eye opener. It is a revelation. Wherever you live in the United States, you will value our oceans and you will come to understand the dangers they face.

I also encourage my colleagues to join me by cosponsoring the legislation I am crafting. The oceans, that cover nearly 70 percent of our planet, cannot wait any longer.

I yield the floor.

Mr. PRYOR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.
Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Prohibition on transfer of certain programs outside the Office of the Secretary of Defense.
Sec. 212. Objective for indirect fires program.
Sec. 213. Amount for Joint Engineering Data Management Information and Control System.
Sec. 214. Human tissue engineering.
Sec. 215. Non-thermal imaging systems.
Sec. 216. Magnetic levitation.
Sec. 217. Composite sail test articles.
Sec. 218. Portable Mobile Emergency Broadband Systems.
Sec. 219. Boron energy cell technology.
Sec. 220. Modification of program element of short range air defense radar program of the Army.
Sec. 221. Amount for network centric operations.

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

Subtitle D—Other Matters
Sec. 231. Global Research Watch program in the Office of the Director of Defense Research and Engineering.
Sec. 233. Enhancement of authority of Secretary of Defense to support science, mathematics, engineering, and technology education.
Sec. 234. Department of Defense high-speed network-centric and bandwidth expansion program.
Sec. 235. Department of Defense strategy for management of electromagnetic spectrum.
Sec. 236. Amount for Collaborative Information Warfare Network.
Sec. 237. Coproduction of Arrow ballistic missile defense system.

TITLIII—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations
Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.

Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 311. Emergency and morale communications programs.
Sec. 312. Commercial imagery industrial base.
Sec. 313. Information operations sustainment programs.
Sec. 314. Submittal of survey on perchlorate.
Sec. 315. Extension of authority to use environmental restoration account funds for relocation of a contaminated facility.
Sec. 316. Applicability of certain procedural and administrative requirements to restoration advisory boards.
Sec. 317. Expansion of authorities on use of vessels stricken from the Naval Vessel Register for experimental purposes.
Sec. 318. Transfer of vessels stricken from the Naval Vessel Register for use as artificial reefs.
Sec. 319. Salvage facilities.
Sec. 320. Task force to study resolution of conflict between military training and endangered species protection at Barry M. Goldwater Range, Arizona.
Sec. 321. Public health assessment of exposure to perchlorate.

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

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

Subtitle F—Other Matters
Sec. 361. Sale of Defense Information Systems Agency services to contractors performing the Navy-Marine Corps Intranet contract.
Sec. 363. Exemption of certain firefighting service contracts from prohibition on contracts for performance of firefighting functions.
Sec. 364. Technical amendment relating to termination of Sacramento Army Depot, Sacramento, California.
Sec. 365. Exception to competition requirement for workloads previously performed by depot-level activities.
Sec. 366. Support for transfers of demobilized vessels and shipboard equipment.
Sec. 367. Aircraft for performance of aerial refueling mission.
Sec. 368. Contracting with employers of persons with disabilities.
Sec. 369. Repeal of calendar year limitations on use of commissary stores by certain Reserve and other military personnel.

TITLIV—MILITARY PERSONNEL POLICY

Subtitle A—Military Personnel Policy
Sec. 401. End strengths for Selected Reserve.
Sec. 402. End strengths for Reserves on active duty in support of the Reserves.
Sec. 403. End strengths for military technicians (dual status).
Sec. 404. Fiscal year 2004 limitations on non-dual status technicians.

Subtitle C—Other Matters Relating to Personnel Strengths
Sec. 411. Revision of personnel strength authorization and accounting process.
Sec. 412. Exclusion of recalled retired members from certain strength limitations during periods of war or national emergency.

Subtitle D—Authorization of Appropriations
Sec. 431. Authorization of appropriations for military personnel.

TITLV—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy
Sec. 501. Retention authority for commanding officers to fulfill active duty service obligations following failure of selection for promotion.
Sec. 502. Eligibility for appointment as Chief of Army Veterinary Corps.

Subtitle B—Reserve Component Personnel Policy
Sec. 511. Expanded authority for use of Ready Reserve in response to terrorism.
Sec. 512. Streamlined procedures for commanding officers on the Reserve Active-status list.
Sec. 513. National Guard officers on active duty in command of National Guard units.

Subtitle C—Revision of Retirement Authorities
Sec. 521. Permanent authority to reduce three-year timeliness requirement for retirement in grade for officers in grades above Major and Lieutenant Commander.

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

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

Subtitle F—Other Matters
Sec. 561. High-tempo personnel management and allowance.
Sec. 562. Alternate initial military service obligation for persons accepted under direct entry program.
Sec. 563. Policy on concurrent deployment to combat zones of both military spouses of military families with minor children.
Sec. 564. Enhancement of voting rights of members of the uniformed services.
Sec. 655. Certain travel and transportation allowances for dependents of members of the Armed Forces who have committed dependent abuse.

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

**Subtitle A—Pay and Allowances**

Sec. 601. Increase in basic pay for fiscal year 2004.

Sec. 602. Revised annual pay adjustment process.

Sec. 603. Computation of basic pay rate for commissioned officers with prior enlisted or warrant officer service.

Sec. 604. Pilot program of monthly subsistence allowance for non-sponsored Senior ROTC members committing to continue ROTC participation as sophomores.

Sec. 605. Basic allowance for housing for each member married to another member without dependents when both spouses are on sea duty.

Sec. 606. Increased rate of family separation allowance.

**Subtitle B—Bonuses and Special and Incentive Pays**

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

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

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

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

Sec. 615. Special pay for reserve officers holding positions of unusual responsibility and of critical nature.

Sec. 616. Assignment incentive pay for service in Korea.

Sec. 617. Increased maximum amount of reenlistment bonus for active members.

Sec. 618. Payment of Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.

Sec. 619. Increased rate of hostile fire and imminent danger special pay.

Sec. 620. Availability of hostile fire and imminent danger special pay for reserve component members on inactive duty.

Sec. 621. Expansion of overseas tour extension incentive program to officers.

Sec. 622. Eligibility of warrant officers for accession bonus for new officers in critical skills.

Sec. 623. Incentive bonus for conversion to military occupational specialty to ease personnel shortage.

**Subtitle C—Travel and Transportation Allowances**

Sec. 631. Shipment of privately owned motor vehicle within continental United States.

Sec. 632. Payment or reimbursement of student property transported at Government expense.

Sec. 633. Contracts for full replacement value for loss or damage to personal property transported at Government expense.

Sec. 634. Transportation of dependents to presence of members of the Armed Forces who are retired for illness or injury incurred in active duty.

**Subtitle D—Retired Pay and Survivor Benefits**

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

Sec. 642. Survivor Benefit Program annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.

Sec. 643. Increase in death gratuity payable with respect to deceased members of the Armed Forces.

Sec. 644. Full payment of both retired pay and compensation to disabled military retirees.

**Subtitle E—Other Matters**

Sec. 651. Retention of accumulated leave.

Sec. 652. GAO study.

**Subtitle F—Naturalization and Family Protection for Military Members**

Sec. 661. Short title.

Sec. 662. Requirements for naturalization through service in the Armed Forces of the United States.

Sec. 663. Naturalization benefits for members of the Reserve of the Ready Reserve.

Sec. 664. Extension of posthumous benefits to surviving spouses, children, and parents.

Sec. 665. Effective date.

**TITLE VII—HEALTH CARE**

Sec. 701. Medical and dental screening for members of Selected Reserve units prior to mobilization.

Sec. 702. TRICARE beneficiary counseling and assistance coordinators for Reserve component beneficiaries.

Sec. 703. Extension of authority to enter into personal services contracts for health care services to be performed at locations outside medical treatment facilities.

Sec. 704. Department of Defense Medicare-Eligible Retiree Health Care Fund valuations and contributions.

Sec. 705. Surveys on current viability of TRICARE standard.

Sec. 706. Elimination of limitation on covered beneficiaries' eligibility to receive health care services from former Public Health Service treatment facilities.

Sec. 707. Modification of structure and duties of Department of Veterans Affairs-Defense Department Health Executive Committee.

Sec. 708. Eligibility of reserve officers for health care pending orders to active duty following commissioning.

Sec. 709. Reimbursement of covered benefits for certain travel expenses relating to specialized dental care.

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

**Subtitle A—Acquisition Policy and Management**

Sec. 801. Temporary emergency procurement authority to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.

Sec. 802. Special temporary contract closeout authority.

Sec. 803. Defense acquisition program management for use of radio frequency spectrum.

Sec. 804. National Imagery and Mapping Agency Modernization Program.

Sec. 805. Quality control in procurement of aviation critical safety items and equipment.

Sec. 811. Expansion and extension of incentive for use of performance-based contracts in procurements of services.

Sec. 812. Public-private competitions for the performance of Department of Defense functions.

Sec. 813. Authority to enter into personal services contracts for demonstration purposes.

**Subtitle C—Major Defense Acquisition Programs**

Sec. 821. Certain weapons-related prototype projects.

Sec. 822. Applicability of Clinger-Cohen Act policies and requirements to equipment integral to a weapon or weapon system.

Sec. 823. Applicability of requirement for reports on maturity of technology at initiation of major defense acquisition programs.

**Subtitle D—Domestic Source Requirements**

Sec. 831. Exceptions to Berry amendment for contingency operations and other urgent situations.

Sec. 832. Inapplicability of Berry amendment to procurements of raw and by-products of cotton and wool fiber for use in the production of propellants and explosives.

Sec. 833. Waiver authority for domestic source or content requirements.

Sec. 834. Buy American exception for ball bearings and roller bearings used in foreign products.

**Subtitle E—Defense Acquisition and Support Workforce**

Sec. 841. Flexibility for management of the defense acquisition and support workforce.

Sec. 842. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.

Sec. 843. Clarification and revision of authority for demonstration project relating to certain acquisition personnel management policies and procedures.

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

Sec. 851. Application of indemnification authority to State and local government contractors.

Sec. 852. Federal support for enhancement of State and local anti-terrorism response capabilities.

Sec. 853. Definitions.

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

Sec. 861. Limited acquisition authority for Commander of United States Joint Forces Command.

Sec. 862. Operational test and evaluation.

Sec. 863. Multiyear task and delivery order contracts.

Sec. 864. Repeal of requirement for contractor assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by the Government.

Sec. 865. Reestablishment of authority for short-term leases of real or personal property across fiscal years.

Sec. 866. Consolidation of contract requirements.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**Subtitle A—Department Officers and Agencies**

Sec. 901. Clarification of responsibility of military departments to support combatant commands.

Sec. 902. Redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.

Sec. 1039. Sense of Senate on reward for information leading to resolution of status of members of the Armed Forces who remain missing in action.

Sec. 1035. Protection of operational files of the National Security Agency laboratory.

Sec. 1033. Acceptance of gifts and donations.

Sec. 1024. Report on mobilization of the Reserve component.

Sec. 1022. Global strike plan.

Sec. 1021. Transfer authority.

Sec. 1020. United States contribution to NATO common-funded budgets in fiscal year 2004.

Sec. 1013. Disciplinary actions and assessing penalties for misuse of Defense travel cards.

Sec. 1011. Mandatory disbursement of travel allowances directly to travel card providers for fiscal year 2003.


Sec. 1009. Mandatory disbursement of travel allowances to non-federal employees.

Sec. 1008. Extension of authority for experimental personnel program for scientific and technical personnel.

Sec. 1007. Use of funds for unified counterdrug mission.

Sec. 1006. Modification of authority to carry out certain fiscal year 2003 projects.

Sec. 1005. Termination of authority to carry out certain fiscal year 2002 project.

Sec. 1004. Authorization of appropriations, Army.

Sec. 1003. Authorization of supplemental appropriations.

Sec. 1002. Transfer of personnel investigative authority for experimental personnel program.

Sec. 1001. Authority to employ civilian faculty.

Sec. 925. Establishment of the National Guard Bureau.

Sec. 924. Integration of Defense intelligence, national security payload, and related personnel of the Department of Defense.

Sec. 922. Authority for the Marine Corps University.

Sec. 921. Combat Commander Initiative Fund.

Sec. 920. Authority for the Marine Corps University to award the degree of master of operational studies.


Sec. 918. Integration of Defense intelligence, surveillance, and reconnaissance agencies.

Sec. 917. Establishment of the National Guard of the Northern Mariana Islands.

Sec. 916. Policy regarding assured access to security payloads.

Sec. 915. Report on certification of international nonproliferation activities.

Sec. 913. Policy regarding assured access to security missions.

Sec. 912. Authority for the National Security Agency to provide personnel and resources to the National Security Agency laboratory.

Sec. 911. Authority to employ civilian faculty members at the Western Hemisphere Institute for Security Cooperation.

Sec. 906. Use of funds for national security laboratories.

Sec. 905. Termination of authority to carry out certain fiscal year 2003 project.

Sec. 904. Modification of authority to carry out certain fiscal year 2002 project.

Sec. 903. Use of funds to recognize superior noncombat achievements or other foreign service awards.

Sec. 902. Availability of funds to recognize superior noncombat achievements or foreign service awards.

Sec. 901. Authorization of appropriations, Foreign Service Agencies.

Sec. 821. Modification of authority to carry out certain fiscal year 2003 project.

Sec. 820. Termination of authority to carry out certain fiscal year 2003 project.


Sec. 818. Modification of authority to carry out certain fiscal year 2003 project.

Sec. 817. Termination of authority to carry out certain fiscal year 2003 project.

Sec. 816. Modification of authority to carry out certain fiscal year 2002 project.

Sec. 815. Termination of authority to carry out certain fiscal year 2001 project.

Sec. 814. Authorization of appropriations, Navy.

Sec. 813. Authorizations.

Sec. 812. Extension, expansion, and revision of authority for experimental personnel program.

Sec. 811. Use of funds to support additional support for counter drug activities.

Sec. 810. Use of funds to support additional support for counter-drug activities.

Sec. 809. Use of funds to support counterdrug and counterterrorism campaign.

Sec. 808. Competitive award of contracts for Iraqi reconstruction.


Sec. 806. Use of funds to support additional support for counterdrug activities.

Sec. 805. Use of funds to support additional support for counterdrug activities.

Sec. 804. Use of funds to support additional support for counterdrug activities.

Sec. 803. Use of funds to support additional support for counterdrug activities.

Sec. 802. Use of funds to support additional support for counterdrug activities.

Sec. 801. Use of funds to support additional support for counterdrug activities.

Sec. 800. Use of funds to support additional support for counterdrug activities.

Sec. 709. Sense of Senate on reward for information leading to resolution of status of members of the Armed Forces who remain missing in action.

Sec. 708. Authorization of appropriations, Department of Transportation.

Sec. 707. Modification of authority to carry out certain fiscal year 2002 project.

Sec. 706. Modification of authority to carry out certain fiscal year 2003 projects.

Sec. 705. Termination of authority to carry out certain fiscal year 2003 projects.

Sec. 704. Effective date.

Sec. 703. Extension of authority for experimental personnel program.

Sec. 702. Extension of authority for experimental personnel program.

Sec. 701. Expiration of authorizations of appropriations.

Sec. 2811. Increase in threshold for reports to Congress on real property transactions.

Sec. 2802. Extension of number of family housing units authorized for lease.

Sec. 2801. Modification of general definitions relating to military construction.

Sec. 2704. Modification of authority to carry out certain fiscal year 2002 project.

Sec. 2703. Extension of authorizations of certain fiscal year 2000 projects.

Sec. 2702. Extension of authorizations of certain fiscal year 2001 projects.

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2601. Authorization of guard and reserve construction and land acquisition projects.

Sec. 2505. Termination of authority to carry out certain fiscal year 2001 projects.

Sec. 2504. Authorization of appropriations, Department of the Navy.

Sec. 2503. Termination of authority to carry out certain fiscal year 2000 projects.

Sec. 2502. Authorization of appropriations, Department of the Navy.

Sec. 2405. Authorization of appropriations, Department of the Navy.

Sec. 2404. Energy conservation projects.

Sec. 2403. Improvements to military family housing units.

Sec. 2402. Family housing.

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2303. Improvements to military family housing units.

Sec. 2302. Family housing.

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2204. Authorization of appropriations, Department of the Navy.

Sec. 2203. Improvements to military family housing units.

Sec. 2202. Family housing.

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2105. Termination of authority to carry out certain fiscal year 2003 project.

Sec. 2104. Authorization of appropriations, Armed Forces.

Sec. 2103. Improvements to military family housing units.

Sec. 2102. Authorization of appropriations, Armed Forces.

Sec. 2101. Expiration of authorizations and extensions.

Sec. 2003. Improvements to military family housing units.

Sec. 2002. Family housing.

Sec. 2001. Use of funds for unified counterdrug mission.


Sec. 1909. Sense of Senate on reward for information leading to resolution of status of members of the Armed Forces who remain missing in action.

Sec. 1908. Authorization of appropriations, Department of the Navy.

Sec. 1907. Modification of authority to carry out certain fiscal year 2003 projects.

Sec. 1906. Modification of authority to carry out certain fiscal year 2003 projects.

Sec. 1905. Termination of authority to carry out certain fiscal year 2003 projects.

Sec. 1904. Authorization of appropriations, Army.

Sec. 1903. Improvements to military family housing units.

Sec. 1902. Family housing.

Sec. 1901. Authorized Army construction and land acquisition projects.

Sec. 1900. Sense of Senate on reward for information leading to resolution of status of members of the Armed Forces who remain missing in action.
Sec. 3133. Technical base and facilities maintenance.

Sec. 3134. Continuation of processing, treating, and disposal of waste.

Sec. 3135. Requirement for specific authorizations.

Sec. 3136. Consolidation and assembly of recurring and general provisions on Department of Energy national security programs.

Sec. 3137. Requirement for specific authorizations.

Sec. 3138. Authority and responsibility for national security programs.

Sec. 3139. Authority and responsibility for national security programs.

Sec. 3140. Authority and responsibility for national security programs.

Sec. 3141. Expansion of International Materials Protection, Control, and Accountability Programs.

Sec. 3142. Semi-annual financial reports on Defense Nuclear Nonproliferation programs.

Sec. 3143. Report on reduction of excessive military installations.

Sec. 3144. Semi-annual financial reports on Defense Nuclear Nonproliferation programs.

Sec. 3145. Report on reduction of excessive military installations.

Sec. 3146. Consolidation and assembly of recurring and general provisions on Department of Energy national security programs.

Sec. 3147. Requirement for specific authorizations.

Sec. 3148. Authority and responsibility for national security programs.

Sec. 3149. Authority and responsibility for national security programs.

Sec. 3150. Authority and responsibility for national security programs.

Sec. 3151. Modification of authorities on Department of Energy personnel security investigations.

Sec. 3152. Responsibilities of Environmental Management program and National Nuclear Security Administration of Department of Energy for environmental cleanup, decontamination and decommisioning, and waste management.

Sec. 3153. Update of report on stockpile stewardship.

Sec. 3154. Progress reports on Energy Employee Occupational Illness Compensation Program.

Sec. 3155. Study on the application of technology from the Robust Nuclear Earth Penetrator Program to Conventional Hard and Deeply Buried Weapons Development Programs.

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

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

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Subtitle A—Authorization of Appropriations

Sec. 301. Army.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Army as follows:

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

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

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

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

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

Sec. 302. Navy and Marine Corps.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Navy as follows:

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

(2) For weapons, including missiles and torpedoes, $2,046,821,000.

(3) For shipbuilding and conversion, $11,707,984,000.

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

(5) For Marine Corps, Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Marine Corps in the amount of $1,089,599,000.

(6) For ammunition, $1,200,000,000.

(7) For other procurement, $3,984,106,000.

(8) For defense-wide activities, $1,630,659,000.

(9) For defense-wide activities, $1,630,659,000.

Sec. 303. Air Force.

Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Air Force as follows:

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

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

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

(4) For other procurement, $3,984,106,000.

Sec. 304. Defense-wide activities.

Funds are hereby authorized to be appropriated for fiscal year 2004 for Defense-wide activities in the amount of $3,984,106,000.


Funds are hereby authorized to be appropriated for fiscal year 2004 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SUBTITLE B—Army Programs

SEC. 111. CH-47 HELICOPTER PROGRAM.

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

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

SEC. 112. RAPID INFUSION PUMPS.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 101(s) for other procurement, Army, $2,000,000 may be available for medical equipment for the procurement of rapid infusion (IV) pumps.

(2) The total amount authorized to be appropriated under section 101(s) is hereby increased by $2,000,000.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance, Army, the amount available is hereby reduced by $2,000,000.

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORIZATION FOR NAVY PROGRAMS.

(a) AUTHORITY.—Beginning with the fiscal year 2004 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract for procurement for the following programs:

(1) The F/A-18 aircraft program.

(2) The E-2C aircraft program.

(3) The Tactical Tomahawk Cruise Missile program, subject to subsection (b).

(4) The Virginia class submarine, subject to subsection (c).

(5) The Phalanx Close In Weapon System program, Block 1B.

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

(c) VIRGINIA CLASS SUBMARINES.—Paragraphs (2)(A), (3), and (4) of section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, 11 Stat. 1648) shall apply in the exercise of authority to enter into a multiyear contract for the procurement of...
SEC. 122. PILOT PROGRAM FOR FLEXIBLE FUNDING OF CONVERSIONS AND OVERHAULS.

(a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of conversions and overhauls of cruisers of the Navy for any fiscal year after fiscal year 2003 and before fiscal year 2013 for the following purposes:

(1) To fund conversion or overhaul of cruisers of the Navy that are initially funded with the appropriation to which transferred.

(c) FUNDS AVAILABLE FOR TRANSFER.—The appropriations provided in subsection (a) to the appropriation for the Navy for procurement for shipbuilding and conversion and for any fiscal year to continue to fund any conversion or overhaul of cruisers of the Navy that is to be made.

SEC. 132. B-1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 may be available to reconstitute the fleet of B-1B bomber aircraft for fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

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

(c) LIMITATIONS.—(1) A transfer may be made with respect to a cruiser under this section only to meet the following requirements:

(A) Funds are hereby transferred to the cruiser for the same period as the appropriation with which merged.

(b) LIMITATIONS.—(1) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written certification that the transfer resulting from a revision of the original baseline conversion or overhaul requirement resulting from a revision of the original baseline conversion or overhaul program for the cruiser for fiscal year 2004 for the Department of Defense for research, development, test, and evaluation as follows:

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

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

(3) For the Air Force, $22,362,407,000.

(4) For defense-wide activities, $15,135,679,000, of which $286,661,000 is authorized for the Director of Operational Test and Evaluation.

(b) AmOUNT FOR SCIENCE AND TECHNOLOGY.

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $10,705,561,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED. In this section, the term science and technology project means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activity 0603104D8Z.

(c) DEFENSE INSPECTOR GENERAL.

Funds are hereby transferred to the Inspectors General of the Department of Defense in the amount of $300,000.

(d) DEPARTMENT OF DEFENSE HEALTH PROGRAMS.

Funds are hereby transferred to the Department of Defense for research, development, test, and evaluation under Department of the Army budget activity 0601103D8Z.

(e) AMOUNT FOR PROJECTS. —Of the total amount authorized to be appropriated by section 201, $10,705,561,000 shall be available for science and technology projects.

(f) SCIENCE AND TECHNOLOGY DEFINED. In this section, the term science and technology project means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activity 0603104D8Z.

(g) LIMITATIONS. —(1) The limitations in section 103(1) shall apply to the Department of Defense in subsection (a) and the prohibition in subsection (b).

(h) AmOUNT FOR JOINT ENGINEERING DATA MANAGEMENT INFORMATION AND CONTROL SYSTEMS.

(a) NAVY RDT&E.—The amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000. Such amount may be available for the Joint Engineering Data Management Information and Control System (JEDMICS).

(b) OFFSETS.—The amount authorized to be appropriated under section 201(2) is hereby reduced by $2,500,000.

(h) OFFSETS.—The amount authorized to be appropriated under section 201(2) is hereby reduced by $2,500,000.

SEC. 212. OBJECTIVE FORCE INDIRECT FIRES PROGRAM.

(a) DISTINCT PROGRAM ELEMENT.—The Secretary of Defense shall ensure that, not later than October 1, 2003, the Objective Force Indirect Fires Program is appropriated, and budgeted for as a distinct program element and that funds available for such program are being administered consistent with the budgetary status of the program as a distinct program element.

(b) PROHIBITION.—Effective on October 1, 2003, the Objective Force Indirect Fires Program may not be planned, programmed, and budgeted for, and funds available for such program may not be administered, in one program element in combination with the Armored Systems Modernization program.

(c) CERTIFICATION REQUIREMENT.—At the same time that the President submits the budget for fiscal year 2005 to Congress under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written certification that the Objective Force Indirect Fires Program is being planned, programmed, and budgeted for, and funds available for such program are being administered, in accordance with the require-
SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

Funds authorized to be appropriated under section 201(b) for the Missile Defense Agency may be used for the design and fielding of an initial set of ballistic missile defense capabilities.

SEC. 222. REPEAL OF REQUIREMENT FOR CERTAIN PROGRAM ELEMENTS FOR MISSILE DEFENSE AGENCY ACTIVITIES.

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

(1) by striking subsection (a); and

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

(3) in subsection (a), by striking "specified in section (a)".

SEC. 223. OVERSIGHT OF PROCUREMENT, PERFORMANCE CRITERIA, AND OPERATIONAL TEST PLANS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

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

"§223a. Ballistic missile defense programs: procurement.

(1) Budget justification materials.—(I) In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) for the development of the Ballistic Missile Defense System, together with a discussion of the underlying factors and reasoning justifying the estimate.

(2) Information provided under paragraph (1) shall include—

(I) an assessment of the progress being made toward verifying through operational testing the performance of the system and any other weapons for placement in space unless specifically authorized by Congress.

(b) Other Matters

SEC. 225. REQUIREMENT FOR SPECIFIC AUTHORIZATION OF CONGRESS FOR DESIGN, DEVELOPMENT, OR DEPLOYMENT OF HIT-TO-KILL BALLISTIC MISSILE INTERCEPTORS.

(a) No amounts authorized to be appropriated by this Act for research, development, test, and evaluation, defense-wide, and available for Ballistic Missile Defense System interceptors (PE 0608986C), may be obligated or expended for design, develop, or deploy hit-to-kill interceptors or other weapons for placement in space unless specifically authorized by Congress.

(b) The amounts authorized to be appropriated for fiscal year 2004 for Ballistic Missile Defense System Interceptors, $14,000,000, is available for research and concept definition for the space-based test bed.

SEC. 226. PROHIBITION ON USE OF FUNDS FOR NUCLEAR ARMED INTERCEPTORS IN BALLISTIC MISSILE DEFENSE SYSTEMS.

No funds authorized to be appropriated by this Act for research, development, test, and evaluation, defense-wide, and available for Ballistic Missile Defense System interceptors (PE 0608986C), may be obligated or expended for design, develop, or deploy nuclear armed interceptors in a missile defense system.

Subtitle D—Other Matters

SEC. 221. GLOBAL RESEARCH WATCH PROGRAM IN THE OFFICE OF DEFENSE RESEARCH AND ENGINEERING.

Section 102(b) of title 10, United States Code, is amended by adding at the end the following new subsection:
The Secretary of Defense shall appoint a panel of persons knowledgeable in research activities of the United States, who shall serve as chairman of the panel.

The panel shall meet at the call of the Chairperson.

The panel shall coordinate the program with other international cooperative research and analysis activities of the military departments and Defense Agencies.

Information in electronic databases of the Global Research Watch program shall be maintained in unclassified form and, as determined necessary by the Director, in classified form in such databases.

SEC. 232. DEFENSE ADVANCED RESEARCH AGENCY BIENNIAL STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—(1) Subchapter I of chapter 230 of title 10, United States Code, is amended by inserting after section 201 the following new section:

(2) The panel shall coordinate the program with the international cooperation and analysis activities of the military departments and Defense Agencies.

Information in electronic databases of the Global Research Watch program shall be maintained in unclassified form and, as determined necessary by the Director, in classified form in such databases.

(b) PURPOSES OF ACTIVITIES.—The purposes of the activities required by subsection (a)(1) are as follows:

(1) To facilitate the acceleration of the network-centric operational capabilities of the Armed Forces, including more extensive utilization of unmanned vehicles, satellite communications, and sensors, through the promotion of research and development, and the focused coordination of programs, to fully achieve high-bandwidth connectivity to military assets.

(2) To provide for the development of equipment and technologies for military high-bandwidth network-centric communications facilities.

(c) RESEARCH AND DEVELOPMENT PROGRAM.—(1) In carrying out the program of research and development required by subsection (a)(1), the Secretary shall—

(i) identify areas of advanced wireless communications in which research and development, or the leveraging of emerging technologies, has significant potential to improve the performance, efficiency, cost, and flexibility of advanced network-centric communications systems;

(ii) develop a coordinated plan for research and development on—

(A) improving spectrum access through spectrum-efficient network-centric communications systems;

(B) networks, including complex ad hoc adaptive network structures;

(C) end user devices including efficient receivers and transmitter devices;

(D) applications, including robust security and encryption; and

(E) any other matters that the Secretary considers appropriate for purposes of this section;

(2) ensure joint research and development, and promote joint systems acquisition and deployment, among the various services and Defense Agencies, including the development of common cross-service technology requirements and doctrines, so as to enhance interoperability among the various services and Defense Agencies;

(3) conduct joint experimentation among the various Armed Forces, and coordinate with the Armed Forces Command and Control to support network-centric warfare capabilities to small units of the Armed Forces;
(E) develop, to the extent practicable and in consultation with other Federal entities and private industry, cooperative research and development efforts.

(2) The Secretary shall carry out the program of research and development through the Director of Defense Research and Engineering, in full coordination with the Secretaries of the military departments, the heads of appropriate Defense Agencies, and the heads of other appropriate elements of the Department of Defense.

(d) Budget.—The Secretary shall, acting through the Director of Defense Research and Engineering, submit to the congressional defense committees a report on the activities undertaken under this section as of the date of such report. The report shall provide information on the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) The report under paragraph (1) shall include:

(A) a description of the research and development activities carried out under subsection (a), including particular activities under subsection (c)(1)(B);

(B) an assessment of current and proposed funding for the activities set forth in each of clauses (i) through (v) of subsection (c)(1)(B), including the dependency of such funding to support such activities;

(C) an assessment of the extent and success of any joint research and development activities under section (c)(1)(B);

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

(E) an assessment of the effects of limited communications bandwidth, and of limited access to electromagnetic spectrum, on recent military operations; and

(F) recommendations for additional activities under this section as the Secretary considers appropriate to meet the purposes of this section.

SEC. 235. DEPARTMENT OF DEFENSE STRATEGY FOR MANAGEMENT OF ELECTROMAGNETIC SPECTRUM.

(a) In General.—The Secretary of Defense shall:

(1) in accordance with subsection (b), develop a strategy for the Department of Defense for the management of the electromagnetic spectrum to improve communications bandwidth and high-bandwidth connectivity to military assets; and

(2) in accordance with subsection (c), communicate with civilian departments and agencies of the Federal Government in the development of the strategy identified in paragraph (1).

(b) STRATEGY FOR DEPARTMENT OF DEFENSE SPECTRUM MANAGEMENT.—Not later than September 1, 2004, the Board shall develop a strategy for the Department of Defense for the management of the electromagnetic spectrum in order to ensure the development and use of spectrum-efficient technologies to facilitate the availability of adequate spectrum for network-centric warfare. The strategy shall include specific activities that pertain to plans for implementation, including the implementation of technologies for the efficient use of spectrum, and proposals for program funding.

(2) In developing the strategy, the Board shall consider and take into account the research and development program carried out under section 234.

(3) The Board shall assist in updating the strategy developed under paragraph (1) on a biennial basis to address changes in circumstances.

(4) The Board shall communicate with other departments and agencies of the Federal Government in the development of the strategy described in subsection (a)(1), including representatives of departments, the Federal Communications Commission, the National Telecommunications and Information Administration, the Department of Homeland Security, the Federal Aviation Administration, and other appropriate departments and agencies of the Federal Government.

(c) for Board.—In this section, the term “Board” means the board of senior acquisition officials as defined in section 822.

SEC. 236. AMOUNT FOR COLLABORATIVE INFORMATIONAL WARFARE PROGRAM.

(a) A VAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(2), for research and development, Navy, electronic defense, other than antimissile, $8,000,000 may be available for the Collaborative Information Warfare Network.

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

(b) O FSET.—(1) Of the amount authorized to be appropriated by section 201(4) for operation and maintenance, Air Force, the amount is hereby reduced by $8,000,000.

SEC. 237. COPRODUCTION OF ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the total amount authorized to be appropriated under section 201 for ballistic missile defense, $115,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

TITLE III.—OPERATION AND MAINTENANCE FUNDING

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATIONS AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $26,668,004,000.

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

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

(4) For the Air Force, $26,975,234,000.

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

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

(7) For the Air National Guard, $110,297,000.

(8) For the Army Reserve, $2,178,688,000.

(9) For the Army National Guard, $4,227,331,000.

(10) For the Air National Guard, $4,405,646,000.

(11) For the Defense Inspector General, $380,049,000.

(12) For the United States Court of Appeals for the Armed Forces, $10,333,000.

(13) For Environmental Restoration, Army, $396,018,000.

(14) For Environmental Restoration, Navy, $256,153,000.

(15) For Environmental Restoration, Air Force, $384,307,000.

(16) For Environmental Restoration, Defense-wide, $24,081,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $11,182,000.

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

(19) For Drug Interdiction and Counter-drug Activities, Defense-wide, $813,700,000.

(20) For Defense Health Program, $14,862,900,000.

(21) For Cooperative Threat Reduction programs, $450,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,661,301,000.

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

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2004 from the Armed Forces Retirement Home Trust Fund the sum of $65,279,000 for the operation of the Armed Forces Retirement Home, including the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. EMERGENCY AND MORALE COMMUNICATIONS PROGRAMS.

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

(b) DEPARTMENT OF DEFENSE MORALE TELECOMMUNICATIONS PROGRAM.—(1) As soon as possible after the date of enactment of this Act, the Secretary of Defense shall establish and carry out a program to provide, wherever practicable, prepaid phone cards, or an equivalent telecommunications benefit which includes access to telephone service, to members of the Armed Forces stationed outside the United States who are directly supporting military operations in Iraq or Afghanistan (as determined by the Secretary) and that enable them to make telephone calls to family and friends in the United States without cost to the member.

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

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

(4) In carrying out the program under this subsection, the Secretary shall maximize the use of existing Defense Department telecommunication programs and capabilities, private entities free or reduced-cost services, and programs to enhance morale and welfare. In addition, and notwithstanding any limitation on the expenditure or obligation of appropriated amounts, the Secretary may use available funds appropriated to or for the use of the Department of Defense that are not otherwise obligated or expended to carry out the program.

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

(6) The Secretary shall work with telecommunications providers to facilitate the deployment of additional telephones for use in calling the United States or a foreign country as quickly as practicable, consistent with the timely provision of telecommunications benefits of the program, the Secretary should carry out this subsection in a manner that allows for competition in the provision of such benefits.

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

SEC. 312. COMMERCIAL IMAGERY INDUSTRIAL BASE.

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

(1) To acquire space-based imagery from commercial sources.

(2) To support the development of next-generation commercial imagery satellites.
the House of Representatives a report on the actions taken and to be taken by the Secretary to implement the President's commercialremote sensing policy. The Secretary shall consult with the Director of Central Intelligence in preparing the report.

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

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

(B) The extent to which the United States policy and the policy of other countries, the sufficiency of imagery from commercial sources are sufficient to ensure that imagery is available to the Department of Defense from United States commercial firms to timely meet the needs of the Department of Defense for the imagery.

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT FOR LAND FORCES READINESS OF ARMY RESERVE.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ARMY RESERVE.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $3,000,000.

(b) AVAILABILITY FOR INFORMATION OPERATIONS.—Of the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve, as increased by subsection (a), $3,000,000 may be available for Information Operations (Account #19640) for Land Forces Readiness Information Operations Sustainment.

(c) OFFSET.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Air Force is hereby reduced by $3,000,000.

SEC. 314. SUBMITTAL OF SURVEY ON PERCHLORATE CONTAMINATION AT DEPARTMENT OF DEFENSE SITES.

(a) SUBMITTAL OF PERCHLORATE SURVEY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress the survey to identify the potential for perchlorate contamination at all active and closed defense sites that has been prepared by the United States Air Force Research Laboratory, Aerospace Expeditionary Force Technologies Division, Tyndall Air Force Base and the Air Force Research Laboratory.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means:

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

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

Subtitle C—Environmental Provisions

SEC. 321. GENERAL DEFINITIONS APPLICABLE TO FACILITIES AND OPERATIONS.

(a) GENERAL DEFINITIONS APPLICABLE TO FACILITIES AND OPERATIONS.—Section 101 of title 10, United States Code, is amended by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(b) inserting after subsection (d) the following new subsection:

"(e) FACILITIES AND OPERATIONS.—The following definitions relating to facilities and operations shall apply in this title:

"(1) the term "industrial base" means all the facilities, infrastructures, and services that support the US National Defense and the US Department of Defense, the Department of Energy, and the National Guard.

"(2) the term "industrial base" means all the facilities, infrastructures, and services that support the US National Defense and the US Department of Defense, the Department of Energy, and the National Guard.

(b) LIMITATION ON DESIGNATION OF CRITICAL HABITAT.—The Secretary of the Interior may not designate as critical habitat any lands or areas covered by the plan; and

(c) LIMITATION ON DESIGNATION OF CRITICAL HABITAT.—The Secretary of the Interior may not designate as critical habitat any lands or areas covered by the plan; and

(d) PROHIBITION ON DISPOSAL OF HABITAT.—Not later than 3 years after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) submit a report to the Congress on the status of critical habitat designation under the plan; and

(2) provide to the Congress a report on the status of critical habitat designation under the plan; and

(3) the management activities identified in the plan will effectively conserve the threatened species and endangered species within the lands or areas covered by the plan; and

(4) the plan provides assurances that adequate funding will be provided for such management activities.

(4) CONSTRUCTION WITH CONSULTATION REQUIREMENT.—Nothing in subsection (a) may be construed to affect the requirement to consult under section 7(a)(2) of the Endangered Species Act (16 U.S.C. 1536(a)(2)) with respect to an action that (as that term is defined in that section) . . .".

(b) CLERICAL AMENDMENTS.—The table of chapters at the beginning of title 10, United States Code, is amended by inserting after the item relating to chapter 101 the following new item:


SEC. 322. ARCTIC AND WESTERN PACIFIC ENVIRONMENTAL TECHNOLOGY COOPERATION PROGRAM.

(a) AUTHORITY TO CONDUCT PROGRAM.—The Secretary of Defense may, with the concurrence of the Secretary of State, conduct a cooperative program with countries of the Arctic and Western Pacific regions of a program of environmental activities provided for in subsection (b) in such regions. The program shall be known as the "Arctic and Western Pacific Environmental Technology Cooperation Program".

(b) PROGRAM ACTIVITIES.—(1) Except as provided in paragraph (3), activities under the program shall be conducted in accordance with this Act.

(2) Activities under this Act shall be consistent with the requirements of the Cooperative Threat Reduction Program.

(3) Activities under the program may not include activities for purposes prohibited under section 1403 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–114; 111 Stat. 1960).

(4) LIMITATION ON FUNDING FOR PROJECTS OTHER THAN RADIATION PROJECTS.—Not more than 10 percent of the amount made available under the program shall be used for projects other than radiation projects.

(5) ANNUAL REPORT.—Not later than March 1, 2004, and each year thereafter, the Secretary of Defense shall submit to Congress a report on activities under the program during the fiscal year.

(6) REPORT ON PROGRAM.—(A) A description of the activities carried out under the program during the fiscal year, including a separate description of each project under the program.

(B) A statement of the amounts obligated and expended for the program during that fiscal year, including the total life cycle costs of each project upon completion of such project.

(C) A statement of the amount of funding for programs that are not included in the report on activities under the program during the fiscal year; and

(D) A statement of the amount of funding for programs that are not included in the report on activities under the program during the fiscal year; and

(E) A statement of the amount of funding for programs that are not included in the report on activities under the program during the fiscal year; and

(F) A statement of the amount of funding for programs that are not included in the report on activities under the program during the fiscal year; and

(4) LIMITATION ON DISPOSAL OF HABITAT.—The Secretary of the Interior may not designate as critical habitat any lands or areas covered by the plan; and

(5) the term "industrial base" means all the facilities, infrastructures, and services that support the US National Defense and the US Department of Defense, the Department of Energy, and the National Guard.
SEC. 324. PARTICIPATION IN WETLAND MITIGATION BANKS IN CONNECTION WITH MILITARY CONSTRUCTION PROJECTS.

(a) Authority To Participate.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

``$2697. Participation in wetland mitigation banks

``(a) Authority To Participate.—In the case of a military construction project that results, or may result, in the destruction of or impacts to wetlands, the concerned Secretaries concerned may make one or more payments to a wetland mitigation banking program or consolidated user site (also referred to as an 'in-lieu-fee' program) meeting the requirements of section 10 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403).

(b) Approval Of Program Or Site Required.—The payment may only be made to a payment program or site under subsection (a) if the program or site is approved in accordance with the Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks or the Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or section 10 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403).

(c) Availability of Funds.—Amounts authorized to be appropriated for a military construction project for which a payment is authorized by subsection (a) may be utilized for purposes of making the payment.

(d) Clerical Amendment.—The table of sections in chapter 159 of title 10, United States Code, is amended by inserting after section 3706a the following new section:

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

``(a) Authority To Make Transfer.—Chapter 633 of title 10, United States Code, is amended by inserting after section 3706a the following new section:

``(b) Authority To Make Transfer.—Subject to subsection (b), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register to any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof.

``(c) Inapplicability to Certain Vessels.—The authority in subsection (a) shall not apply to vessels transferable to the Maritime Administration for disposal under section 548 of title 40.

``(d) Vessels Subject to Artificial Reef.—An agreement for the transfer of a vessel under subsection (a) shall require that—

``(1) the recipient use, site, construct, monitor, and manage the vessel in a manner consistent with the conservation, protection, and enhancement of the marine environment; and

``(2) the recipient provide to the Secretary of the Navy a written statement of the terms and conditions of the transfer.

``(e) Construction.—This section shall be considered as an addition to the section of the United States Code designated as section 10 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403).

SEC. 325. EXTENSION OF AUTHORITY TO USE ENVIRONMENTAL RESTORATION ACCOUNT FUNDS FOR RELOCATION OF A CONTAMINATED FACILITY.

Section 2703(c)(2) of title 10, United States Code, is amended by striking "September 30, 2003" and inserting "September 30, 2006".

SEC. 326. APPLICABILITY OF CERTAIN PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS TO RESTORATION AUTHORITY BOROUPH.

Section 2705(d)(2) of title 10, United States Code, is amended by adding at the end the following new paragraph:

``(C) If Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.), relating to publication in the Federal Register of notices of meetings of advisory committees, shall not apply to any meeting of a restoration advisory board under this subsection, but a restoration advisory board shall publish timely notice of each meeting of the restoration advisory board in a local newspaper of general circulation.

SEC. 327. EXPANSION OF AUTHORITY ON USE OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR EXPERIMENTAL PURPOSES.

(a) Expansion of Authorities.—Subsection (b) of section 7306a of title 10, United States Code, is amended to read as follows:

``(b) Stripping and Environmental Remediation of Vessels.—(1) Before using a vessel for experimental purposes pursuant to subsection (a), the Secretary shall carry out such stripping of the vessel and such environmental remediation of the vessel as is required for the use of the vessel for experimental purposes.

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

``(3) Amounts received as proceeds from the stripping of a vessel pursuant to this subsection shall be credited to funds available for stripping and environmental remediation of other vessels for use for experimental purposes.

``(b) Inclusion of Certain Purposes in Use for Experimental Purposes.—That section is further amended by adding at the end the following new subsection:

``(c) Use for Experimental Purposes.—For purposes of this section, the term 'use for experimental purposes' includes the use of the vessel by the Navy in sink exercises and as a target.''

SEC. 328. TRANSFER OF VESSELS STRICKEN FROM THE NAVAL VESSEL REGISTER FOR USE AS ARTIFICIAL REEFS.

(a) Authority To Make Transfer.—Section 633 of title 10, United States Code, is amended by inserting after section 3706a the following new section:

``(b) Authority To Make Transfer.—Subject to subsection (b), the Secretary of the Navy may transfer, by gift or otherwise, any vessel stricken from the Naval Vessel Register to any State, Commonwealth, or possession of the United States or any municipal corporation or political subdivision thereof.

``(c) Inapplicability to Certain Vessels.—The authority in subsection (a) shall not apply to vessels transferable to the Maritime Administration for disposal under section 548 of title 40.

``(d) Vessels Subject to Artificial Reef.—An agreement for the transfer of a vessel under subsection (a) shall require that—

``(1) the recipient use, site, construct, monitor, and manage the vessel in a manner consistent with the conservation, protection, and enhancement of the marine environment; and

``(2) the recipient provide to the Secretary of the Navy a written statement of the terms and conditions of the transfer.

``(e) Construction.—This section shall be considered as an addition to the section of the United States Code designated as section 10 of the Rivers and Harbors Appropriations Act of 1899 (33 U.S.C. 403).

``(f) Removal of Vessels.—A vessel transferred under subsection (a) may include, in addition to a claim for salvage services covered by subsection (a), the Secretary considers appropriate.

``(g) Construction.—Nothing in this section shall be construed to establish a preference for the use of artificial reefs of vessels stricken from the Naval Vessel Register in lieu of other authorized uses of such vessels, including the domestic scrapping of such vessels, or other disposal of such vessels under this chapter or other applicable authority.''

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with a transfer authorized by paragraph (a) as the Secretary considers appropriate.

``(e) Construction.—Nothing in this section shall be construed to establish a preference for the use of artificial reefs of vessels stricken from the Naval Vessel Register in lieu of other authorized uses of such vessels, including the domestic scrapping of such vessels, or other disposal of such vessels under this chapter or other applicable authority.''

(b) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

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

SEC. 329. SALVAGE FACILITIES.

(a) Facilities To Include Environmental Protection Equipment.—Section 7306(a) of title 10, United States Code, is amended—

``(1) by inserting "(U) before "The Secretary"; and

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

``(f) Purposes of this section, salvage facilities shall include equipment and gear utilized to prevent, abate, or minimize damage to the environment arising from salvage activities.''

``(g) Claims To Include Compensation for Use of Artificial Reefs.—(1) The recipient shall make an agreement with the Secretary containing—

``(A) the terms and conditions of the transfer; and

``(B) statements of the terms and conditions of the transfer.

``(2) The Secretary may require such additional terms and conditions in connection with a transfer authorized by paragraph (a) as the Secretary considers appropriate.

``(3) Construction.—Nothing in this section shall be construed to establish a preference for the use of artificial reefs of vessels stricken from the Naval Vessel Register in lieu of other authorized uses of such vessels, including the domestic scrapping of such vessels, or other disposal of such vessels under this chapter or other applicable authority.''

(b) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

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

SEC. 330. TASK FORCE ON RESOLUTION OF CONFLICT BETWEEN MILITARY TRAINING AND ENDANGERED SPECIES PROTECTION AT BARRY M. GOLDWATER RANGE, ARIZONA.

(a) Purpose.—The purpose of this section is to facilitate the determination of effective means of resolving the current conflict between the dual objectives at Barry M. Goldwater Range, Arizona, of the full utilization of live ordnance delivery areas for military training and the protection of endangered species.

(b) Task Force.—The Secretary of Defense shall establish a task force to determine and assess various means of enabling full use of the live ordnance delivery areas at Barry M. Goldwater Range while also protecting endangered species that are present at Barry M. Goldwater Range.

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

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

(B) The range officer at Barry M. Goldwater Range, Arizona.


(D) The commander of Marine Corps Air Station, Yuma, Arizona.

(E) The Director of the United States Fish and Wildlife Service.
(F) The manager of the Cabeza Prieta National Wildlife Refuge, Arizona.

(G) A representative of the Department of Game and Fish of the State of Arizona, as selected by the Governor of the State of Arizona.

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

(I) A representative of an environmental inter- est group in the State of Arizona, as selected by the Secretary in consultation with environmental interest groups in the State of Arizona.

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

(d) Duties. — The task force established under subsection (b) shall—

(1) assess the effects of the presence of endangered species on military training activities in the live ordnance delivery areas at Barry M. Goldwater Range in and any other areas of the range that are adversely affected by the presence of endangered species;

(2) determine various means of addressing any significant adverse effects on military training activities at Barry M. Goldwater Range that are identified pursuant to paragraph (1); and

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

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

(1) a description of the assessments and determinations made under subsection (d);

(2) the recommendations for legislative and administrative action as the task force considers appropriate; and

(3) the evaluation of the utility of task force proceedings as a means of resolving conflicts between military training objectives and protection of endangered species at other military training and testing ranges.

SEC. 331. PUBLIC HEALTH ASSESSMENT OF EXPOSURE TO PERCHLORATE.

(a) Epidemiological Study of Exposure to Perchlorate. —

(1) In General. — The Secretary of Defense shall provide for an independent epidemiological study of exposure to perchlorate in drinking water.

(2) Performance of Study. — The Secretary shall provide for the performance of the study under this subsection through the Centers for Disease Control, the National Institutes of Health, or another appropriate Federal research entity with experience in human endocrinology selected by the Secretary for purposes of the review. The Secretary shall require the review panel conducting the review to be composed of individuals with expertise in human endocrinology.

(b) Matters to be Included in Review. — In performing the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

(A) available data on human exposure to perchlorate, including clinical data and data on exposure of sensitive subpopulations, and the levels at which health effects were observed; and

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

(c) Report on Review. — The Secretary shall require the Federal entity conducting the review under this subsection to submit to the Secretary a report on the review not later than June 1, 2005.

Subtitle D—Reimbursement Authorities

SEC. 341. REIMBURSEMENT OF RESERVE COMPONENT MILITARY PERSONNEL ACCOUNTS FOR PERSONNEL COSTS OF SPECIAL OPERATIONS RESERVE COMPONENT PERSONNEL ENGAGED IN LANDMINES CLEARANCE.

(a) Reimbursement. — Funds authorized to be appropriated under section 18503 of title 10, United States Code, shall be available for transfer to reserve component military personnel accounts in reimburse- ment of such accounts for the pay and allowances paid to reserve component personnel under the United States Special Operations Command for duty performed by such personnel in connection with training and other activities relating to the clearing of landmines for humanitarian purposes.

(b) Maximum Amount. — Not more than $5,000,000 may be transferred under subsection (a).

(c) Merger of Transferred Funds. — Funds transferred under paragraph (2) of this section shall be merged with other sums in the account and shall be available for the same period and purposes as the sums with which merged.

(d) Transfer of Funds to Defense. — The transfer authority under this section is in addition to the transfer authority provided under section 18102.

SEC. 342. REIMBURSEMENT OF RESERVE COMPONENT ACCOUNTS FOR COSTS OF INTELLIGENCE ACTIVITIES SUPPORT PROVIDED TO RESERVE COMPONENT PERSONNEL.

(a) In General. — Chapter 1805 of title 10, United States Code, is amended by inserting after the item relating to section 18503 the following new section:

"§ 18503. Reserve components: reimbursement for costs of intelligence support provided by reserve component personnel;

(a) Reimbursement Requirement. — The Secretary of Defense shall require that the appropriate reserve component military personnel account or operation and maintenance account the amount necessary to reimburse such account for the costs charged to that account for military pay and allowances or operation and maintenance associated with the performance of duty described in subsection (b) by reason of an intelligence activity.

(b) Reimburseable Costs. — The transfer requirement under subsection (a) applies with respect to the performance of duty in providing intelligence support, counterintelligence support, or intelligence and counterintelligence support to a combatant command, Defense Agency, or joint intelligence activity, including any activity or program within the National Foreign Intelligence Program, the Joint Military Intelligence Program, or the Tactical Intelligence Program Related to Intelligence Activities; or

(c) Sources of Reimbursements. — Funds available for operation and maintenance for the Army, Navy, Air Force, or Marine Corps, for a combatant command, Defense Agency, or joint intelligence activity, including any activity or program within the National Foreign Intelligence Program, the Joint Military Intelligence Program, or the Tactical Intelligence Program Related to Intelligence Activities, shall be available for transfer under this section to military personnel accounts and operation and maintenance accounts of the reserve components."
of 1965 (20 U.S.C. 7703(b)(1)).

the Elementary and Secondary Education Act of

ation 386(b) of the National Defense Authoriza-

agencies.

cational agencies assistance to local educational

amount authorized to be appropriated pursuant

in the performance of the Navy-

Corps Intranet contract.

b) REIMBURSEMENT.—The Secretary shall re-

require reimbursement of each working-capital fund for the costs of services sold under sub-

(2) The term

'cepted by the Secretary of Defense for use by that person in the performance of the Navy-

Corps Intranet contract.

To the extent that savings are achieved for such ac-

Intranet contract. In such subsection (c), the term

ative agencies assistance to local educational agencies for fiscal year 2004

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

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

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

(d) AVAILABILITY OF FUNDS FOR LOCAL EDUCATIONAL AGENCIES AFFECTED BY THE BROOKS AIR FORCE BASE DEMONSTRATION PROJECT.—(1) Up to $20,000,000 in funds made available under subsection (a) may (notwithstanding the limitation in such subsection) also be used for making basic support payments for fiscal year 2004 to a local educational agency that received a basic support payment for fiscal year 2003, but whose payment for fiscal year 2004 would be reduced because of the conversion of Federal property to Department of Defense ownership under the Department of Defense infrastructure demonstra-

nent project at Brooks Air Force Base, Texas, and the amounts of such basic support payments for fiscal year 2004 shall be computed as if the converted property were Federal prop-

erity for purposes of receiving the basic support payments for the period in which the demon-

stration project is ongoing, as documented by the local educational agency to the satisfaction of the Secretary.

(2) If funds are used as authorized under paragraph (1), the Secretary shall reduce the amount of any basic support payment for fiscal year 2004 for a local educational agency des-

cribed in paragraph (1) by the amount of any revenue that the agency received during fiscal year 2003 in lieu of federal ownership under the Secretary of Defense infrastructure demonstration project, or in lieu of other elements of the Department of Defense to reduce the life cycle cost of a new or existing system.

SEC. 365. EXCEPTION TO COMPETITION REQUIRE-

ment on Contracts for Performance of Firefighting Func-

tions.

(b) Funds Available for Account.—(1) Funds available for the Defense Modernization Account shall consist of the following:

(c) NAVY-MARINE CORPS INTRANET CONTRACT DEFINED.—In this section, the term "Navy-Marine Corps Intranet contract" has the meaning given such term in section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-77).

SEC. 362. USE OF THE DEFENSE MODERNIZATION ACCOUNT FOR LIFE CYCLE COST RE-

VANTS.''

(a) AUTHORITY.—The Secretary of Defense may sell working-capital funded services of the Defense Information Systems Agency to a person outside the Department of Defense for use by that person in the performance of the Navy-

Corps Intranet contract.

(b) REIMBURSEMENT.—The Secretary shall require reimbursement of each working-capital fund for the costs of services sold under subsection (a) that are sold for such fund.

The sources of the reimbursement shall be the appropriation or appropriations funding the Navy-Marine Corps Intranet contract or any cash payments received by the Secretary for the services.

(c) NAVY-MARINE CORPS INTRANET CONTRACT DEFINED.—In this section, the term "Navy-Marine Corps Intranet contract" has the meaning given such term in section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398 (114 Stat. 1654A-77).
SEC. 366. SUPPORT FOR TRANSFERS OF DECOMMISSIONED VESSELS AND SHIPBOARD EQUIPMENT.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§7316. Support for transfers of decommissioned vessels and shipboard equipment

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of the Navy may provide an entity described in subsection (b) with assistance in support of the transfer of decommissioned vessels and shipboard equipment described in such subsection that is being executed under section 2572, 7306, 7307, or (41 U.S.C. 48) and is in effect on such date.

"(b) DEMONSTRATION PROJECTS FOR CONTRACTORS EMPLOYING PERSONS WITH DISABILITIES.—(1) The Secretary may carry out demonstration projects for the purpose of providing opportunities for participation by severely disabled individuals in the industries of manufacturing and information technology.

"(2) Under each demonstration project, the Secretary may enter into one or more contracts with an eligible contractor for each of fiscal years 2004 and 2005 for the acquisition of—

"(A) aerospace end items or components; or
"(B) information technology products or services.

"(c) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by adding at the end the following new item:

"7316. Support for transfers of decommissioned vessels and shipboard equipment.

SEC. 367. AIRCRAFT FOR PERFORMANCE OF AERIAL REFUELING MISSION.

(a) RESTRICTION ON RETIREMENT OF KC-135E AIRCRAFT.—The Secretary of the Air Force shall ensure that the KC-135E aircraft of the Air Force that are retired in fiscal year 2004, if any, does not exceed 12 such aircraft.

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

SEC. 368. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) IN GENERAL.—The Randolph-Sheppard Act does not apply to any contract described in subsection (b) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to any extension provided in the contract.

(b) JAVITS-WAGNER-O’DAY CONTRACTS.—Subsection (a) shall not apply to any contract for the operation of a Department of Defense facility described in subsection (c) that was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for severely handicapped in compliance with section 3 of the Javits-Wagner-O’Day Act (41 U.S.C. 40) and is in effect on such date.

(c) JAVITS-WAGNER-O’DAY CONTRACTS.—The Department of Defense facilities referred to in subsection (b) are as follows:

(1) A military troop dining facility.
"(2) A military mess hall.
"(3) Any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

(d) ENACTMENT OF POPULAR NAME AS SHORT TITLE.—The Act entitled "An Act to authorize and provide for the employment of blind persons to enlarge the economic opportunities of the blind, and for other purposes", approved June 20, 1936 (commonly known as the "Randolph-Sheppard Act") (41 U.S.C. 501 et seq.), is amended by adding at the end the following new section:

"Sec. 11. This Act may be cited as the "Randolph-Sheppard Act of 1936.""

SEC. 369. REPEAL OF CALENDAR YEAR LIMITATIONS ON USE OF COMMISSARY STORES.

(a) SENIOR JOINT OFFICER POSITIONS.—Section 604(c) of title 10, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(b) DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICERS GRADES.—Section 525(b)(5)(C) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

(c) AUTHORIZED STRENGTH FOR GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Section 526(b)(3) of such title is amended by striking "December 31, 2004" and inserting "December 31, 2005".

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2004, as follows:

(1) The Army National Guard of the United States, 350,000.
(2) The Army Reserve, 205,000.
(3) The Naval Reserve, 85,900.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 107,030.
(6) The Air Force Reserve, 75,800.
(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such reserve component which, prior to the end of the fiscal year, are not on active duty (other than for training) at the end of the fiscal year; and
(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without the consent of such individual member at the end of the fiscal year.

Subsection (a) is further amended by striking the period at the end of the first sentence and all that follows and inserting "December 31, 2004".

Subsections (a), (b), and (c) are further amended by striking the period at the end of the first sentence and all that follows and inserting "December 31, 2005".

Subsections (a), (b), and (c) are further amended by striking the period at the end of the first sentence and all that follows and inserting "December 31, 2005".

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

(a) IN GENERAL.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2004, as follows:

(1) The Army, 480,000.
(2) The Navy, 373,800.
(3) The Marine Corps, 175,000.
SEC. 421. REVISION OF PERSONNEL STRENGTH AUTHORIZATION AND ACCOUNTING PROCESS.

(a) ANNUAL AUTHORIZATION OF STRENGTHS.—Subsection (a) of section 115 of title 10, United States Code, is amended to read as follows:

115. Annual authorized end strengths.

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

(2) The average strength for each of the armed forces (other than the Coast Guard) for active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel.

(3) The strength for the Select Reserve of each reserve component of the armed forces.

(b) LIMITATION ON USE OF FUNDS.—Subsection (b) of such section is amended by striking "end strength" in paragraphs (1) and (2) and inserting "strength"; and

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

(1) to strike the heading, by striking "End Strength" and inserting "Strength"; and

(2) by adding at the end the following new subparagraph:

"(2) In this section, the term "non-dual status technician" has the meaning given the term in section 10217(a) of title 10, United States Code.

Subtitle C—Other Matters Relating to Personnel Strengths

SEC. 421. REVISION OF PERSONNEL STRENGTH AUTHORIZATION AND ACCOUNTING PROCESS.

(a) ANNUAL AUTHORIZATION OF STRENGTHS.—Subsection (a) of section 115 of title 10, United States Code, is amended to read as follows:

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

(2) The average strength for each of the armed forces (other than the Coast Guard) for active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel.

(3) The strength for the Select Reserve of each reserve component of the armed forces.

(b) LIMITATION ON USE OF FUNDS.—Subsection (b) of such section is amended by striking "end strength" in paragraphs (1) and (2) and inserting "strength";

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

(1) to strike the heading, by striking "End Strength" and inserting "Strength"; and

(2) by adding at the end the following new subparagraph:

"(2) In this section, the term "non-dual status technician" has the meaning given the term in section 10217(a) of title 10, United States Code.

Subtitle D—Other Authorization Issues

SEC. 422. EXCLUSION OF RECALLED RETIRED MEMBERS FROM CERTAIN STRENGTH LIMITATIONS DURING PERIOD OF WAR OR NATIONAL EMERGENCY.

SEC. 422. EXCLUSION OF RECALLED RETIRED MEMBERS FROM CERTAIN STRENGTH LIMITATIONS DURING PERIOD OF WAR OR NATIONAL EMERGENCY.

(a) ANNUAL AUTHORIZED END STRENGTHS.—Section 115(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(12) Members of the armed forces ordered to active duty under section 688 of this title during any period of war declared by Congress or any period of national emergency declared by Congress or the President in which members of a reserve component are serving on active duty pursuant to an order to active duty under section 688 of this title, for as long as the members ordered to active duty under such section 688 continue to serve on active duty during the period of the war or national emergency, as the case may be, do not count as members of the reserve component for purposes of any strength limitation under section 115(a) for the period beginning on the date of the termination of the war or national emergency, as the case may be.

Subtitle D—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Secretary of Defense to be available for the fiscal year 2004 the following:

$99,194,206,000.

Title V—Military Personnel Policy

Subtitle A—Officer Personnel Policy

SEC. 501. RETENTION OF HEALTH PROFESSIONALS TO FULFILL ACTIVE DUTY SERVICE OBLIGATIONS FOLLOWING FAILURE OF SELECTION FOR PROMOTION.

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

(1) by striking "or" at the end of paragraph (2);

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

"(3) Any other officer appointed in a medical or dental capacity, as determined by the Secretary of Defense, who is on active duty in the Armed Forces, and whose active duty service obligation incurred by the officer is not in the best interest of the Army, Navy, Air Force, or Marine Corps as determined by the Secretary of Defense, shall be appointed from among officers described in subsection (c) who, as of the date of discharge determined for the officer under paragraph (1), has not completed an active duty service obligation incurred by the officer under section 688 of this title, shall be retained on active duty until the officer completes the active duty service for which obligated, unless the Secretary concerned determines, after consultation with the Secretary of Defense, that the retention of the officer is not in the best interest of the Army, Navy, Air Force, or Marine Corps as determined by the Secretary of Defense.

(b) COVERED HEALTH PROFESSIONALS.—Subsection (b) of such section is amended by adding at the end the following new subparagraph:

"(4) "Health professionals, as determined by the Secretary of Defense, who are serving on active duty pursuant to an order to active duty under section 688 of this title, shall be appointed from among officers described in subsection (c) who, as of the date of discharge determined for the officer under paragraph (1), has not completed an active duty service obligation incurred by the officer under section 688 of this title, shall be retained on active duty until the officer completes the active duty service for which obligated, unless the Secretary concerned determines, after consultation with the Secretary of Defense, that the retention of the officer is not in the best interest of the Army, Navy, Air Force, or Marine Corps as determined by the Secretary of Defense.

(c) TECNICAL AMENDMENT.—Subsection (a)(3) of such section is amended by striking "clause (1)" and inserting "paragraph (1)

SEC. 502. ELIGIBILITY FOR APPOINTMENT AS CHIEF OF VETERINARY CORPS.

(a) APPOINTMENT FROM AMONG MEMBERS OF THE CORPS.—Section 3084 of title 10, United States Code, is amended by inserting after "The Chief of the Veterinary Corps of the Army" the following: "shall be appointed from among officers of the Veterinary Corps. The Chief of the Veterinary Corps"

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to appointments of the Chief of the Veterinary Corps of the Army that are made on or after the date of the enactment of this Act.

Subtitle B—Reserve Component Personnel Policy

SEC. 511. EXPANDED AUTHORITY FOR USE OF READY RESERVE IN RESPONSE TO TERRORISM.

Section 12304(a)(2) of title 10, United States Code, is amended by striking "catastrophic".

SEC. 512. STREAMLINED PROCESS FOR CONTINUING OFFICERS ON THE RESERVE COMPONENT.
(1) in subsection (a)—
(A) in paragraph (1), by striking “by a selection board convened under section 14101(b) of this title and inserting “under regulations prescribed under section 14101(b) of this title”; and
(B) in paragraph (7), by striking “the convening of a selection board under section 14101(b) of this title”;
(2) by striking subsections (b) and (c); and
(3) by redesignating subsection (d) as subsection (b).

SEC. 513. NATIONAL GUARD OFFICERS ON ACTIVE DUTY IN COMMAND OF NATIONAL GUARD UNITS.

(a) CONTINUATION IN STATE STATUS.—Subsection (a) of section 325 of title 32, United States Code, is amended—
(1) by striking “(a) Each” and inserting “(a) Except as provided in paragraph (2), each”; and
(2) by adding at the end the following new paragraph:

“(2) The Secretary of the Army may provide financial assistance that would otherwise have been provided for a student for that academic year under clause (i) of such subparagraph,

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 14101 of such title is amended—
(1) by striking paragraph (1); and
(2) by redesigning paragraphs (2) and (3) as paragraphs (a) and (b), respectively.

SEC. 514. AUTHORITY TO PAY EXPENSES FOR OFFICERS AND PERSONNEL IN THE NATIONAL GUARD OF ANY STATE OR TERRITORY.

(a) EXPANDED ELIGIBILITY FOR ENLISTED PERSONNEL.—Subsection (a)(2) of section 7045 of title 10, United States Code, is amended—
(1) by inserting “(1)” after “(b)”;
(2) by striking “if the person should not be and shall be” after “enlisted personnel”; and
(3) by striking “and” and inserting “or” in the last sentence.

(b) EXPANDED ELIGIBILITY.—Subsection (b) of such section is amended—
(1) by striking “the” before “enlisted member of the armed forces”;
(2) by adding at the end the following new paragraph:

“(f) The Secretary of the Army may provide financial assistance to a participant in the Information Security Scholarship program under chapter 112 of title 10, United States Code, is amended—

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 14101 of such title is amended—
(1) by striking paragraph (1); and
(2) by redesigning paragraphs (2) and (3) as paragraphs (a) and (b), respectively.

The Secretary, as authorized by section 663 of title 10, United States Code, is re-

(b) of section 14101 of such title is amended

(b) of section 14101(b) of this title

(b) REPEAL OF MINIMUM DURATION REQUIREMENT FOR CONTINUATION IN STATE STATUS.

SEC. 515. AUTHORIZE TRAVEL EXPENSES FOR PERSONNEL OF THE NATIONAL GUARD.

(a) IN GENERAL.—In section 812 of title 10, United States Code, the following shall be inserted:

“(f) Expenses for room and board and any other necessary expenses imposed by the Secretary of Defense, including travel expenses, shall be borne by the Secretary in the event of an occurrence of sexual misconduct.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—
(1) by striking “(a)” and inserting “(a) and”;
(2) by the insertion of “or” after “in paragraph (2)”;
(3) by striking “and” and inserting “or” in the last sentence.

SEC. 516. AUTHORITY OF THE SECRETARY OF THE NAVY TO PAY EXPENSES FOR PERSONNEL OF THE NATIONAL GUARD.

(a) EXPANDED ELIGIBILITY FOR ENLISTED PERSONNEL.—Subsection (a) of such section is amended—
(1) by striking “the” before “enlisted member of the armed forces”;
(2) by adding at the end the following new paragraph:

“(f) The Secretary of the Army may provide financial assistance to a participant in the Information Security Scholarship program under chapter 112 of title 10, United States Code, is amended—

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 14101 of such title is amended—
(1) by striking paragraph (1); and
(2) by redesigning paragraphs (2) and (3) as paragraphs (a) and (b), respectively.

The Secretary, as authorized by section 663 of title 10, United States Code, is re-

(b) of section 14101 of such title is amended

(b) REPEAL OF MINIMUM DURATION REQUIREMENT FOR CONTINUATION IN STATE STATUS.

SEC. 515. AUTHORITY TO PAY EXPENSES FOR PERSONNEL OF THE NATIONAL GUARD.

(a) IN GENERAL.—In section 812 of title 10, United States Code, the following shall be inserted:

“(f) Expenses for room and board and any other necessary expenses imposed by the Secretary of Defense, including travel expenses, shall be borne by the Secretary in the event of an occurrence of sexual misconduct.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—
(1) by striking “(a)” and inserting “(a) and”;
(2) by the insertion of “or” after “in paragraph (2)”;
(3) by striking “and” and inserting “or” in the last sentence.

SEC. 516. AUTHORITY OF THE SECRETARY OF THE NAVY TO PAY EXPENSES FOR PERSONNEL OF THE NATIONAL GUARD.

(a) EXPANDED ELIGIBILITY FOR ENLISTED PERSONNEL.—Subsection (a) of such section is amended—
(1) by striking “the” before “enlisted member of the armed forces”;
(2) by adding at the end the following new paragraph:

“(f) The Secretary of the Army may provide financial assistance to a participant in the Information Security Scholarship program under chapter 112 of title 10, United States Code, is amended—

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 14101 of such title is amended—
(1) by striking paragraph (1); and
(2) by redesigning paragraphs (2) and (3) as paragraphs (a) and (b), respectively.

The Secretary, as authorized by section 663 of title 10, United States Code, is re-

(b) of section 14101 of such title is amended

(b) REPEAL OF MINIMUM DURATION REQUIREMENT FOR CONTINUATION IN STATE STATUS.

SEC. 515. AUTHORITY TO PAY EXPENSES FOR PERSONNEL OF THE NATIONAL GUARD.

(a) IN GENERAL.—In section 812 of title 10, United States Code, the following shall be inserted:

“(f) Expenses for room and board and any other necessary expenses imposed by the Secretary of Defense, including travel expenses, shall be borne by the Secretary in the event of an occurrence of sexual misconduct.

(b) CONFORMING AMENDMENTS.—Subsection (b) of such section is amended—
(1) by striking “(a)” and inserting “(a) and”;
(2) by the insertion of “or” after “in paragraph (2)”;
(3) by striking “and” and inserting “or” in the last sentence.
and procedures on sexual misconduct to prevent criminal sexual misconduct involving academy personnel.

(2) For the assessment for each of the 2004, 2005, 2006, 2007, and 2008 academy program years, the Superintendent of the academy shall conduct a survey of all academy personnel—

(A) to measure—

(i) the incidence in such program year, of sexual misconduct events, on or off the academy reservation, that have not been reported to officials of the academy and

(ii) the frequency in such program year, of sexual misconduct events, on or off the academy reservation, that have not been reported to officials of the academy and

(B) to assess the perceptions of academy personnel on—

(i) the policies, training, and procedures on sexual misconduct involving academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual misconduct involving academy personnel in such program year; and

(iv) any other issues relating to sexual misconduct involving academy personnel.

(c) ANNUAL REPORT.—(1) The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall direct the superintendent of the United States Military Academy, the Superintendent of the United States Naval Academy, and the Superintendent of the United States Air Force Academy, respectively, to submit to the Secretary a report on sexual misconduct involving academy personnel for each of the 2004, 2005, 2006, 2007, and 2008 academy program years.

(2) The annual report for an academy under paragraph (1) shall contain, for the academy program year covered by the report, the following matters:

(A) The number of sexual assaults, rapes, and other sexual offenses involving academy personnel that have been reported to academy officials during the program year, and the number of the reported cases that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the military department concerned and the leadership of the academy in response to sexual misconduct involving academy personnel during the program year.

(C) In the report for the 2004 academy program year, a discussion of the survey conducted under subsection (b), together with an analysis of the survey, and a discussion of any initiatives undertaken on the basis of such results and analysis.

(D) In the report for each of the subsequent academy program years, the results of the annual survey conducted in such program year under subsection (b).

(E) A plan for the actions that are to be taken in the following academy program year regarding prevention of and response to sexual misconduct involving academy personnel.

(3) The Secretary of a military department shall submit the annual report on an academy under this subsection, together with the Secretary’s comments on the report, to the Secretary of Defense and the Board of Visitors of the academy.

(4) The Secretary of Defense shall transmit the annual report on each academy under this subsection, together with the Secretary’s comments on the report, to the Committees on Armed Services of the Senate and the House of Representatives.

(5) The report for the 2004 academy program year of each such academy shall be submitted to the Secretary of the military department concerned not later than one year after the date of the enactment of this Act.

(b) In subsection (a), the term “academy program year” with respect to a year, means the academy program year that ends in that year.

SEC. 535. FUNDING OF EDUCATION ASSISTANCE ENLISTMENT INCENTIVES TO FACILITATE NATIONAL SERVICE THROUGH DEPARTMENT OF DEFENSE EDUCATION BENEFITS FUND.

(a) IN GENERAL.—Subsection (j) of section 510 of title 10, United States Code, is amended to read as follows:

"(j) FUNDING.—(1) Amounts for the payment of incentives under paragraphs (1) and (2) of subsection (e) shall be derived from amounts available to the Secretary of the military department concerned for the payment of pay, allowances and other expenses of the members of the armed forces constituting the reserve components of the Uniformed Services.

(2) Amounts for the payment of incentives under paragraphs (3) and (4) of subsection (e) shall be derived from the Department of Defense Education Benefits Fund under section 2006 of this title.

(b) CONFORMING AMENDMENTS.—(1) the Uniform Code of Military Justice is amended to read as follows:

"(g)條 ""(1) A person charged with having committed a child abuse offense on a school, facility, or property under paragraph (2) of subsection (e) shall be entitled to such assistance.

Subtitle E—Military Justice

SEC. 551. EXTENDED LIMITATION PERIOD FOR PROSECUTION OF CHILD ABUSE CASES IN COURTS-MARTIAL.

Section 843(b) of title 10, United States Code (article 128 of this title (article 124 of this title)) is amended to read as follows:

"(b) Limitation on prosecution.—The statute of limitations on offenses authorized under this section (3) shall be extended to a period equal to the total number of days on which the member has been deployed or was ordered to active duty during the period of deployment.

(2) A member may be deployed, or continued in a deployment, without regard to paragraph (1) if the member is deployed, or continued deployment, is approved by—

(A) a general officer commanding a theater of operations;

(B) a general officer commanding a theater of operations; or

(C) the President.

SEC. 552. CLARIFICATION OF BLOOD ALCOHOL CONTENT LIMIT FOR OFFENSES UNDER MILITARY JUSTICE.

Section 843(a)(1) of title 10, United States Code (article 128) is amended to read as follows:

"(a)(1) The law of the State in which the conduct occurred, and the law of the armed force concerned, shall govern the determination of the blood alcohol content limit under the Uniform Code of Military Justice for offenses under paragraphs (1) and (2) of this subsection.

(b)(1) The law of the State in which the conduct occurred, and the law of the armed force concerned, shall govern the determination of the blood alcohol content limit under paragraphs (1) and (2) of this subsection.

(2) The blood alcohol content limit specified in paragraph (1) shall be derived from the Department of Defense Education Benefits Fund under section 2006 of this title.

(3) The blood alcohol content limit specified in paragraph (3) shall be derived from the Department of Defense Education Benefits Fund under section 2006 of this title.

(4) The blood alcohol content limit specified in paragraph (4) of subsection (e) of section 510 of title 10, United States Code, is amended to read as follows:

"(e) Limitation on prosecution.—(1) A person charged with having committed a child abuse offense on a school, facility, or property under paragraph (2) of subsection (e) shall be entitled to such assistance.

Subtitle F—Other Matters

SEC. 561. HIGH-TEMPO ALLOWANCE.

(a) DEPLOYMENT MANAGEMENT.—Section 991(a) of title 10, United States Code, is amended to read as follows:

"(a) DEPLOYMENT MANAGEMENT.—(1) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall each fiscal year prescribe regulations specifying—

(A) the maximum number of days a participant in a deployment, or potential deployment, may be deployed, or continued deployment, or deployed, or continued deployment, is approved by—

(B) a general officer commanding a theater of operations; or

(C) the President.

(b) MONTHLY ALLOWANCE.—The Secretary of the military department concerned shall pay a high-tempo allowance to a member of the armed forces under the Secretary’s jurisdiction for the following periods:

(1) Each month during which the member is deployed and has, as of any day during that month, been deployed—

(A) for at least the number of days out of the preceding 365 days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not exceed 200 days.

(B) for at least the number of consecutive days that is prescribed for the purpose of this subparagraph by the Under Secretary of Defense for Personnel and Readiness, except that the number of days so prescribed may not be more than 191 days.

(C) The Secretary of Defense shall prescribe the amount of the monthly allowance payable to a member under this paragraph. The amount may not exceed $1,000.

(2) Subsection (c) of such section is amended to read as follows:

"(c) MONTHLY ALLOWANCE.—The Secretary of Defense shall prescribe the amount of the monthly allowance payable to a member under this paragraph. The amount may not exceed $1,000.

(3) Such section is further amended by adding at the end the following new subsection:

"(D) SERVICE IN EXEMPTED DUTY POSITIONS.—(1) Except as provided in paragraph (2), a member

(2) The term ‘‘high-tempo allowance’’ means an allowance payable to a member under this section.
SEC. 561. ALTERNATE INITIAL MILITARY SERVICE OBLIGATION.

(a) REQUIREMENT FOR PROGRAM. — The Secretary of Defense shall carry out a direct entry program for persons with critical military skills who elect to serve in the Armed Forces under the direct entry program.

(b) ELIGIBLE PERSONS. — The Secretary shall prescribe the eligibility requirements for entering the Armed Forces under the direct entry program.

(c) MODIFIED REPORTING REQUIREMENT. — Section 487(b)(5) of title 10, United States Code, is amended to read as follows:

"§436. High-tempo allowance: lengthy or numerous deployments; frequent mobilizations."

(d) INITIAL SERVICE OBLIGATION. — The Secretary may designate the military skills that are critical military skills for the purposes of this section.

(e) TERMINATION OF PROGRAM. — The Secretary shall terminate the direct entry program if the Secretary determines that the purpose described in paragraph (4) has been achieved.

SEC. 562. ALTERNATE INITIAL MILITARY SERVICE OBLIGATION FOR PERSONS ACCESSED UNDER DIRECT ENTRY PROGRAM.

(a) REQUIREMENT FOR PROGRAM. — The Secretary of Defense shall carry out a direct entry program for persons with critical military skills who elect to serve in the Armed Forces under the direct entry program.

(b) ELIGIBLE PERSONS. — The Secretary shall prescribe the eligibility requirements for entering the Armed Forces under the direct entry program.

(c) MODIFIED REPORTING REQUIREMENT. — Section 487(b)(5) of title 10, United States Code, is amended to read as follows:

"§436. High-tempo allowance: lengthy or numerous deployments; frequent mobilizations."

(d) INITIAL SERVICE OBLIGATION. — The Secretary may designate the military skills that are critical military skills for the purposes of this section.

(e) TERMINATION OF PROGRAM. — The Secretary shall terminate the direct entry program if the Secretary determines that the purpose described in paragraph (4) has been achieved.

SEC. 563. POLICY ON CONCURRENT DEPLOYMENTS TO COMBAT ZONES OF BOTH MILITARY SPOUSES OF MILITARY FAMILIES WITH MINOR CHILDREN.

(a) PUBLICATION OF POLICY. — Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(i) prescribe the policy of the Department of Defense on concurrent deployment to a combat zone of both spouses of a dual-military family with one or more minor children; and

(ii) transmit the policy to the Committees on Armed Services of the Senate and the House of Representatives.

(b) DUAL-MILITARY FAMILY DEFINED. — In this section, the term "dual-military family" means a family in which both spouses are members of the Armed Forces.

SEC. 564. ENHANCEMENT OF VOTING RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES.

(a) STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS. — Section 102 of title 42, United States Code, is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and (b) by inserting after subsection (b) the following new subsection (c):

"(c) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS. —

"(1) IN GENERAL. — A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

"(A) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures;

"(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures;

"(C) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

"(D) by inserting after paragraph (6) the following new paragraph:

"(7) recently separated uniformed services voter means any individual who was a uniformed services voter on the date that is 30 days before the date on which the individual seeks to vote and who—

"(A) presents to the election official Department of Defense form 214 evidencing the individual’s former status as such a voter, or any other official proof of such status;

"(B) is no longer such a voter; and

"(C) is otherwise qualified to vote in that election; and

"(2) by inserting after paragraph (9), as so redesignated, the following new paragraph:

"(C) a member of a uniformed services active service;

"(D) a member of the merchant marine; and

"(E) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote and—

SEC. 565. CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO HAVE COMMITTED DEPENDENT ABUSE.

Section 406(h) of title 37, United States Code, is amended by adding at the end the following new paragraphs:

"(A) If the Secretary concerned makes a determination described in subparagraph (B) with respect to the spouse or a dependent of a member described in that subparagraph and a request described in subparagraph (C) has been by the spouse or on behalf of such dependent, the Secretary may provide any benefit authorized for a member under paragraph (1) or (3) to the spouse or such dependent in lieu of providing such benefit to the member.

"(B) A determination described in this subparagraph is a determination by the commanding officer of a member that—

"(i) the member has committed a dependent abuse offense against the spouse or a dependent of the member;

"(ii) any other officer or a dependent of the member is under any other officer or a dependent of the member;

"(iii) the safety of the spouse or such dependent is at risk; and

"(iv) the relocation of the spouse or such dependent is advisable.

"(C) A request described in this subparagraph is a request by the spouse of a member, or by the spouse or any other officer or a dependent of the member, or an order of a court of competent jurisdiction, gives possession of the effects or vehicle to...
The spouse or dependent of the member concerned.

"(E) In this paragraph, the term ‘dependent-abuse offense’ means an offense described in section 1059(c) of title 10.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2004, the rates of monthly basic pay for commissioned officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, the Chief of Naval Operations, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Marine Corps, shall be as follows:

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2004 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

Personnel Benefits—

## Pay and Allowances

### TABLE VI—Compensation and Other Personnel Benefits

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2004.

(a) W AIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2004 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2004, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-10</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>O-9</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-8</td>
<td>7,751.10</td>
<td>8,004.90</td>
<td>8,173.20</td>
<td>8,220.60</td>
<td>8,430.30</td>
</tr>
<tr>
<td>O-7</td>
<td>6,407.70</td>
<td>6,739.80</td>
<td>6,875.40</td>
<td>6,988.50</td>
<td>7,187.40</td>
</tr>
<tr>
<td>O-6</td>
<td>4,773.60</td>
<td>5,244.30</td>
<td>5,588.40</td>
<td>5,588.40</td>
<td>5,690.70</td>
</tr>
<tr>
<td>O-5</td>
<td>3,879.50</td>
<td>4,482.90</td>
<td>4,790.40</td>
<td>4,851.60</td>
<td>5,044.80</td>
</tr>
<tr>
<td>O-4</td>
<td>3,433.50</td>
<td>3,974.70</td>
<td>4,239.90</td>
<td>4,299.00</td>
<td>4,545.30</td>
</tr>
<tr>
<td>O-3</td>
<td>3,018.90</td>
<td>3,422.40</td>
<td>3,693.90</td>
<td>4,027.20</td>
<td>4,220.10</td>
</tr>
<tr>
<td>O-2</td>
<td>2,608.20</td>
<td>2,970.60</td>
<td>3,421.50</td>
<td>3,537.00</td>
<td>3,609.90</td>
</tr>
<tr>
<td>O-1</td>
<td>2,264.40</td>
<td>2,356.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
</tr>
<tr>
<td>O-0</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Note:**

1. Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

2. Subject to the preceding footnote, the rate of basic pay for an officer in this grade while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, the Chief of Naval Operations, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, or the Commandant of the Marine Corps, shall be as follows:

<p>| Years of service computed under section 205 of title 37, United States Code |
|---------------------------------|----------------|----------------|----------------|----------------|----------------|</p>
<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-10</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>O-9</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-8</td>
<td>8,781.90</td>
<td>8,863.50</td>
<td>9,179.10</td>
<td>9,292.80</td>
<td>9,579.90</td>
</tr>
<tr>
<td>O-7</td>
<td>7,394.70</td>
<td>7,611.60</td>
<td>7,836.00</td>
<td>8,061.60</td>
<td>8,403.00</td>
</tr>
<tr>
<td>O-6</td>
<td>6,850.00</td>
<td>6,882.10</td>
<td>7,082.40</td>
<td>7,216.30</td>
<td>7,513.70</td>
</tr>
<tr>
<td>O-5</td>
<td>5,162.20</td>
<td>5,415.90</td>
<td>5,660.20</td>
<td>5,844.00</td>
<td>6,213.60</td>
</tr>
<tr>
<td>O-4</td>
<td>4,809.30</td>
<td>5,171.80</td>
<td>5,506.00</td>
<td>5,781.60</td>
<td>6,174.40</td>
</tr>
<tr>
<td>O-3</td>
<td>4,431.60</td>
<td>4,658.70</td>
<td>4,974.30</td>
<td>4,913.00</td>
<td>4,913.00</td>
</tr>
<tr>
<td>O-2</td>
<td>3,609.90</td>
<td>3,609.90</td>
<td>3,609.90</td>
<td>3,609.90</td>
<td>3,609.90</td>
</tr>
<tr>
<td>O-1</td>
<td>2,848.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
</tr>
</tbody>
</table>

### COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-3E</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>O-2E</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>O-1E</td>
<td>3,069.50</td>
<td>3,069.50</td>
<td>3,069.50</td>
<td>3,069.50</td>
<td>3,069.50</td>
</tr>
<tr>
<td>O-1E</td>
<td>2,848.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
<td>2,848.50</td>
</tr>
</tbody>
</table>

### WARRANT OFFICERS

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-5</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>W-4</td>
<td>3,119.40</td>
<td>3,355.80</td>
<td>3,452.40</td>
<td>3,547.20</td>
<td>3,710.40</td>
</tr>
<tr>
<td>W-3</td>
<td>3,248.80</td>
<td>3,892.80</td>
<td>3,964.00</td>
<td>4,040.00</td>
<td>4,257.10</td>
</tr>
<tr>
<td>W-2</td>
<td>2,505.90</td>
<td>2,649.00</td>
<td>2,774.10</td>
<td>2,865.30</td>
<td>2,911.30</td>
</tr>
<tr>
<td>W-1</td>
<td>2,212.80</td>
<td>2,394.00</td>
<td>2,515.20</td>
<td>2,633.50</td>
<td>2,802.30</td>
</tr>
<tr>
<td>W-1</td>
<td>2,212.80</td>
<td>2,394.00</td>
<td>2,515.20</td>
<td>2,633.50</td>
<td>2,802.30</td>
</tr>
</tbody>
</table>

**Note:**

1. This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.
SEC. 602. REVISED ANNUAL PAY ADJUSTMENT PROCESS. 

(a) REQUIREMENT FOR ANNUAL ADJUSTMENT. — Subsection (a) of section 1009 of title 37, United States Code, is amended to read as follows: "(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Effective on January 1 of each year, the rates of basic pay for members of the uniformed services under section 203(a) of this title shall be increased under this section.";

(b) EFFECTIVENESS OF ADJUSTMENT.—Subsection (b) of such section is amended by striking "shall have the force and effect of law.";

(c) PERCENTAGE OF ADJUSTMENT.—Subsection (c) of such section is amended to read as follows: "(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) An adjustment made under this section in a year shall provide all eligible members with an increase in the monthly basic pay that is the percentage (rounded to the nearest one-tenth of 1 percent) by which the ECI for the base quarter of the year before the preceding year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all).

(2) Notwithstanding paragraph (1), but subject to subsection (d), the percentage of the adjustment taking effect under this section during each of fiscal years 2004, 2005, and 2006, shall be one-half of 1 percentage point higher than the percentage that would otherwise be applicable under such paragraph."

(d) REPEAL OF ALLOCATION AUTHORITY.—Such section is further amended—

(1) by striking subsections (d), (e), and (g); and

(2) redesignating subsection (f) as subsection (d).

(e) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—Such section, as amended by subsection (d), is further amended adding at the end the following new subsection:

(1) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President considers the pay adjustment which would otherwise be required by this section in any year to be inappropriate, the President shall present and transmit to Congress before September 1 of the preceding year a plan for such alternative pay adjustments the President considers appropriate, together with the reasons therefor.

(2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic indices, including the indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Indicator for Personal Consumption Expenditures.

(3) The President shall include in the plan submitted to Congress under paragraph (1) an assessment of the impact that the alternative pay adjustments proposed in the plan would have on the Government's ability to recruit and retain well-qualified persons for the uniformed services.

(f) DEFINITIONS.—Such section, as amended by subsection (e), is further amended by adding at the end the following:

(1) "ECI" means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics.

(2) The term "base quarter" for any year is the 3-month period ending on September 30 of such year.

SEC. 603. COMPUTATION OF BASIC PAY RATE FOR COMMISSIONED OFFICERS WITH UNIFORMED SERVICES COMMISSIONED OR WARRANT OFFICER SERVICE.

Section 203(d)(2) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking "enlisted member," and all that follows through the period and inserting "enlisted member."; and

(2) in subsection (b), by striking "($0.00)," and all that follows through the period and inserting "($0.00),"
(2) by striking paragraph (B) and inserting the following new subparagraph:

"(B) Service as a warrant officer, as an enlisted member, or as a warrant officer and an enlisted member for which at least 1,160 days have been credited to the officer for the purpose of section 1272(a)(2) of title 10.".

SEC. 604. PILOT PROGRAM OF MONTHLY SUBSISTENCE ALLOWANCE FOR NON-SCHOLARSHIP SENIOR ROTC MEMBERS COMMITTING TO CONTINUE ROTC PARTICIPATION AS SOPHOMORES.

(a) AUTHORITY.—Section 209 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(e) NON-SCHOLARSHIP SENIOR ROTC MEMBERS NOT IN ADVANCED TRAINING.—(1) A member of the Reserve Officers’ Training Corps described in subsection (b) is entitled to a monthly subsistence allowance at a rate prescribed under subsection (a).

(2) A member of the Reserve Officers’ Training Corps described in subsection (b) must maintain a student status for a period of 12 months after attaining the rank of lieutenant colonel or warrant officer and continue for as long as the member continues to maintain a student status for the period prescribed by the Secretary.

(3) A contract, with the consent of his parent or guardian if he is a minor, with the Secretary of the military department concerned, or his designated representative, to serve for the period required by the program;

(4) Agree in writing that he will accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that he will serve in the armed forces for the period prescribed by the Secretary;

(5) Successfully complete the first year of a four-year Reserve Officers’ Training Corps course;

(6) Not be eligible for advanced training under section 2104 of title 10.

(B) PAYMENT.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 605. INCREASED RATE OF FAMILY SEPARATION PAY.

(a) RATE.—Section 427(a)(1) of title 37, United States Code, is amended by striking "$100" and inserting "$125.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

Subtitle B—Bonuses and Special Pay

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITY FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308a(c) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(e) PRIOR SERVICE ENLISTMENT AND REENLISTMENT BONUS.—Section 308f(f) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITY FOR CERTAIN HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 312g of title 10, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking "January 1, 2004" and inserting "December 31, 2004".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 320a(1)(1) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 320a(1)(1) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITY FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312l(c) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312l(c) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312l(d) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUSES AND SPECIAL PAY AUTHORITY.

(a) AVIATION OFFICER RETENTION BONUS.—Section 307(b) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 615. SPECIAL PAY FOR RESERVE OFFICERS HOLDING POSITIONS OF UNUSUAL RESPONSIBILITY AND OF CRITICAL NATURE.

(a) ELIGIBILITY.—Section 306 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting "under section 201 of this title, or for compensation under section 206 of this title," after "is entitled to the basic pay";

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

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

"(b) In the case of an officer who is a member of a reserve component, special pay under subsection (a) shall be paid at the rate of 5% of the rate of basic pay for each month for each day of the performance of duties described in that subsection.".

(b) LIMITATION.—Subsection (d) of such section, as redesignated by subsection (a)(2) of this section, is amended—

(1) by inserting ("(1)" after ";"); and

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

"(2) Of the number of officers in the Selected Reserve of the Ready Reserve of an armed force who are not on active duty for training, not more than 5 percent of the number of such officers in each of the pay grades O-3 and below, and not more than 10 percent of the number of such officers in pay grade O-4, O-5, or O-6, may be paid special pay under subsection (b)."

SEC. 616. ASSIGNMENT INCENTIVE PAY FOR SERVICE IN KOREA.

(a) AUTHORITY.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 307a the following new section:

"307b. Special pay: Korea service incentive pay.

"(a) AUTHORITY.—The Secretary concerned shall pay monthly incentive pay under this section to a member of a uniformed service for the period that the member performs service in Korea while entitled to basic pay.

"(b) RATE.—The monthly rate of incentive pay payable to a member under this section is $300.

"(c) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—Incentive pay paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(d) STATUS NOT AFFECTED BY TEMPORARY DUTY OR LEAVE.—The service of a member in an assignment referred to in subsection (a) shall not be considered discontinued during any period that the member is not performing service in
the assignment by reason of temporary duty performed by the member pursuant to orders or absence of the member for authorized leave.

"(e) TERMINATION OF AUTHORITY.—Special pay under this section is in effect for not more than three additional months during which the member is so hospitalized.

"(f) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.

"(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2006.

"(h) ELIGIBLE MEMBERS.—A member is eligible for a bonus under this section if—

"(1) the member is entitled to basic pay; and

"(2) at the time the agreement under subsection (a) is executed, the member is serving in—

"(A) pay grade E-6 with not more than 10 years of service computed under section 205 of this title; or

"(B) pay grade E-5 or below, regardless of years of service.

"(i) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed $4,000.

"(2) A bonus payable under this section shall be disbursed in one lump sum when the member executing the agreement to the conversion to the military occupational specialty is approved by the chief personnel officer of the member’s armed force.

"(j) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

"(k) PAYMENT OF BONUS.—(I) A member who receives a bonus for conversion to a military occupational specialty under this section and who, voluntarily or because of misconduct, fails to serve in such military occupational specialty for the period specified in the agreement shall refund to the United States an amount that bears the same ratio to the bonus amount paid as the number of days during which such period bears to the total period agreed to be served.

"(II) An obligation to reimburse the United States imposed under paragraph (I) is, for all purposes, a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of the agreement for which a bonus was paid under this section shall not discharge the person signing such agreement from the debt arising under paragraph (I).

"(4) Under regulations prescribed pursuant to subsection (f), the Secretary concerned may waive, in whole or in part, a refund required under paragraph (I) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(5) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

S7318

Congressioninal Record — Senate

June 4, 2003

 SECTION 616. INCREASED MAXIMUM AMOUNT OF RE-

enlistment bonus for active duty.

(a) maximum amount.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking "$30,000" and inserting "$70,000".

(b) effective date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 617. INCREASED MAXIMUM AMOUNT OF RE-

enlistment bonus for active duty.

(a) maximum amount.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking "$50,000" and inserting "$110,000".

(b) effective date.—The amendment made by subsection (a) shall take effect on October 1, 2003, and shall apply with respect to reenlistments and extensions of enlistments that take effect on or after that date.

SEC. 618. PAYMENT OF SELECTED RESERVE RE-

enlistment bonus to members of selected reserve who are mobilized.

Section 308b of title 37, United States Code, is amended—

(1) by redesigning subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) Payment to mobilized members.—Section 308b of title 37, United States Code, as amended by section 127 of Public Law 107-206, is further amended by adding at the end the following new subsection:

"(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following new subsections:

"(A) maximum amount.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking "$60,000" and inserting "$225,000".

"(B) effective date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 619. INCREASED RATE OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY.

(a) rate.—Section 310(a) of title 37, United States Code, is amended by striking "$150" and inserting "$925".

(b) effective date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 620. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY FOR RESERVE COMPONENT MEM-

bers on inactive duty.

(a) expansion and clarification of current law.—Section 310 of title 37, United States Code, is amended—

(1) by redesigning subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following new subsections:

"(1) was on duty in a foreign area in which the member was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

"(2) at the time the agreement under this section is in effect for not more than three additional months during which the member is so hospitalized.

"(3) by striking "Determination of fact." and inserting "Determination of fact.—Before "Any".

"(b) clerical amendments.—Such section is further amended—

(1) in subsection (c), as redesignated by subsection (a), by striking "HOSPITALIZATION AND ADMINISTRATION." before "(I)"; and

(2) in subsection (d), as redesignated by subsection (a)(2), by inserting "Determinations of fact.—Before "Any".

SEC. 621. EXPANSION OF OVERSEAS TOUR EXTEN-

sion incentive program to officers.

(a) special pay or bonus for extending overseas tour of duty.—(1) Sections (a) and (b) of section 314 of title 37, United States Code, as added by subsection (a)(2), shall take effect as of September 11, 2001.

"(b) effective date.—Subsections (a) and (b) of section 310 of title 37, United States Code, as added by subsection (a)(2), shall take effect as of October 1, 2003.

SEC. 622. ELIGIBILITY OF WARRANT OFFICERS FOR ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.

(a) eligibility.—Section 324 of title 37, United States Code, is amended by striking "an enlisted member" and inserting "a member".

"(2) the member is attached to a command of an armed force component for purposes of such tour of duty.

"(b) effective date.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 623. INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.

(a) in general.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.

"(1) by redesigning subsection (h) as subsection (j); and

"(2) by inserting after subsection (g) the following new subsection:

"(h) in the case of a member’s change of personnel designation described in subsection (a) or (b) of section 112 of title 37, United States Code, is further amended by striking "(A) or "(B) of subsection (ii)(1), the Secretary concerned may authorize the member to arrange for the shipment of the motor vehicle in lieu of transportation as described in section 404(1) after the member has arrived at the temporary station described in subparagraph (A) of subsection (i)(1), the Secretary concerned shall be responsible for any transportation costs in excess of such allowance.

Subtitle C—Travel and Transportation Allowances

SEC. 624. SHIPMENT OF PRIVATELY OWned MOTOR VEHICLE WITHIN CONTI-

nental United States.

(a) authority to procure contract for transportation of motor vehicle.—Section 2634 of title 10, United States Code, is amended—

(1) by redesigning subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection:

"(h) the member may authorize the Secretary concerned to enter into a contract with an individual for transportation of the member’s privately owned motor vehicle with the Secretary concerned to be responsible for any transportation costs in excess of such allowance."
SEC. 632. PAYMENT OR REIMBURSEMENT OF STORAGE, PACKING, AND UNPACKING OF THE BAGGAGE OR HOUSEHOLD EFFECTS OFDEPENDENT CHILDREN OF MEMBERS STATIONED OVERSEAS.

Section 4214(d) of title 10, United States Code, is amended in the first sentence by inserting before the period at the end the following: "or during a different period in the same fiscal year selected by the member."

SEC. 633. CONTRACTS FOR FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

(a) AUTHORITY.—Chapter 157 of title 10, United States Code, is amended by inserting after section 1574 the following new section:

"SEC. 157A. Full replacement value for loss or damage to personal property transported at Government expense: full replacement value; deduction from amounts due carriers.

"(a) PROCUREMENT OF COVERAGE.—The Secretary of Defense may include in a contract for the transportation of baggage and household effects for members of the armed forces at Government expense the right to require that the carrier under the contract to pay the full replacement value for loss or damage to the baggage or household effects transported under the contract.

"(b) DEDUCTION UPON FAILURE OF CARRIER TO SETTLE.—In the case of a loss or damage of baggage or household effects transported under a contract that includes a clause described in subsection (a), the amount equal to the full replacement value for the baggage or household effects may be deducted from the amount owed by the United States to the carrier under the contract upon a failure of the carrier to settle a claim for such loss or total damage within a reasonable time. The amount so deducted shall be added to the budget, notwithstanding section 2636 of this title.

"(c) INAPPLICABILITY OF RELATED LIMITS.—The limitations on amounts of claims that may be settled under section 1574(b) of title 10, United States Code, that apply to a carrier’s contractual obligation to pay full replacement value under this section.

"(d) REGULATIONS.—The Secretary of Defense shall prescribe regulations for administering this section. The regulations shall include policies and procedures for validating and evaluating claims, validating proper claims, and determining reasonable time for settlement.

"(e) TRANSPORTATION DEFINED.—In this section, the terms ‘transportation’ and ‘transport’, with respect to baggage or household effects, includes packing, crating, drayage, temporary storage, and unpacking of the baggage or household effects.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to a contract entered into under section 1574 of this title on or after that date.

SEC. 634. TRANSPORTATION OF DEPENDENTS TO PRESENCE OF MEMBERS OF THE ARMED FORCES WHO ARE RETIRED PAYABLE BY DEPARTMENT OF DEFENSE FOR MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS UNDER SECTION 1613 OF TITLE 37, UNITED STATES CODE, IN ACTIVE DUTY.

Section 411(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraph (3)";

(2) by redesigning paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) In the case of a loss or damage of baggage or household effects, any claim arising from amounts due carriers shall be subject to the provisions of section 2636 of title 10, United States Code, and the Secretary of Defense shall impose such conditions as may be necessary to protect the interests of the Government.

SEC. 641. SPECIAL RULE FOR COMPUTATION OF DEATH BENEFITS PAYABLE FOR COMMANDERS OF COMBATANT COMMANDS.

(a) TREATMENT EQUIVALENT TO CHIEFS OF STAFF TO CHIEFS OF COMBATANT COMMANDS.

"The amendment made by this section shall apply with respect to officers who first became entitled to retired pay under title 10, United States Code, on or after that date.

(b) CONFORMING AMENDMENT.—The heading of subsection (a) is amended by striking "section 2634(h) of title 10, United States Code," and inserting "section 2634(h) of title 10, United States Code, as amended by section 632 of this Act."
payable under Federal, State, and local laws for employees of the Federal Government, State governments, and local governments. Not later than November 1, 2003, the Comptroller General shall submit a report regarding the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 644. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, as follows:

"(1) Section 701 of title 10, United States Code, as amended by this section, shall take effect on October 1, 2003.

(b) SAVINGS PROVISIONS. Not later than April 1, 2004, the Comptroller General shall submit a report regarding the adequacy of special pay and allowances for service members who experience frequent deployments away from their permanent duty stations for periods less than 30 days. The policies regarding eligibility for family separation allowance, including those related to required duration of absences from the permanently assigned duty station, should be assessed.

Subtitle F—Naturalization and Family Protection for Military Members

SEC. 661. SHOPI TH TIE. This subtitle may be cited as the "Naturalization and Family Protection for Military Members Act of 2003.

SEC. 662. REQUIREMENTS FOR NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES. The reduction of period for required service.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "three years" and inserting "2 years".

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(1) in section 328(b)—

(A) in paragraph (3), by striking "the alien (and each immediate relative after the date of the citizen's death)" and inserting "the alien (and each immediate relative after the date of the citizen's death)"

(B) in subsection (c), in paragraph (3), by striking "the alien (and each immediate relative after the date of the citizen's death)" and inserting "the alien (and each immediate relative after the date of the citizen's death)"

(C) in paragraph (4), in subparagraphs (B)(i) and (C)(i), by striking "the alien (and each immediate relative after the date of the citizen's death)" and inserting "the alien (and each immediate relative after the date of the citizen's death)"

(d) F INALIZATION OF NATURALIZATION PROCEEDINGS.—Notwithstanding any other provision of law, the Secretary of Homeland Security, in coordination with the Secretary of Defense shall provide for the finalization of naturalization for which the member has applied. The policy shall include, for such purpose, the following:

(1) A high priority for grant of emergency legal relief

(2) A high priority for transportation on aircraft, or, if necessary, by the armed forces.

(e) TECHNICAL AND CONFORMING AMENDMENTS. Sections 330(b), 331, 332, 333, 334 of title 8, United States Code, as amended by this section, are amended by striking "attorney general" and inserting "Secretary of Homeland Security".

SEC. 663. NATURALIZATION AND FAMILY PROTECTION BENEFITS FOR MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE. Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting "as a member of the Selected Reserve of the Ready Reserve or" after "has served honorably in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in the line of duty, or aggravated by combat, the alien (and each immediate relative after the date of the citizen's death)"

(f) BURIALS.—(1) The term "veterans' disability compensation" has the meaning given the term "compensation" in section 10113 of title 38.

(b) REPEAL OF SPECIAL COMPENSATION Programs.—Sections 1413 and 1413a of such title are repealed.

(c) CLERICAL AMENDMENTS. The tables of sections at the beginning of such chapter are amended by striking "54 years" and inserting "50 years".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on—

(1) the first day of the first month that begins after the first day of the fiscal year beginning on October 1, 2003.

SEC. 651. RETENTION OF ACCUMULATED LEAVE. (a) HIGHER MAXIMUM LIMITATION ASSOCIATED WITH ACTIVE DUTY.—Section 701(f) of title 10, United States Code, is amended to read as follows:

"(1) The Secretary of Defense may authorize a member eligible under paragraph (2) to retain 120 days' leave accumulated by the end of the fiscal year described in such paragraph.

(b) TREATMENT AS IMMEDIATE RELATIVES.—(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1131(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien (and each immediate relative after the date of the citizen's death) shall be considered, for purposes of section 201(b)(2) of such Act, to remain an immediate relative after the date of the citizen's death, only if the alien files a petition under section 204(a)(1)(A)(i) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(i), the term "petition under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act"

"(2) CHILDREN.—(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by combat, the alien shall be considered, for purposes of section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1131(b)(2)(A)(i)), to remain an immediate relative after the date of the citizen's death only if the alien files a petition under section 204(a)(1)(A)(i) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(i), the term "petition under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act"

"(B) ALIENS—The term "petition under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act" has the meaning given in section 211(a) of title 8 of the United States Code.

"(C) DEFINITIONS.—In this section:

"(1) "Petitioner" means an alien entitled to receive payment of retired pay and veterans' disability compensation.

"(2) "Veteran" means a member described in section 1414 of title 10, United States Code, as amended by this section.

SEC. 652. MARRIAGE AND PARENTS. (a) MARRIAGE.—(1) The term "spouse" includes a member eligible under paragraph (1) who is entitled to retired pay of a member who is entitled to retired pay under section 1414 of title 10, United States Code.

(b) SMALL FAMILY.—The term "small family" means a family that consists of a petitioner and—

(1) a member of the armed forces of the United States.

(c) CITIZENSHIP.—The term "citizen" includes a member described in section 1414 of title 10, United States Code, as amended by this section.
the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) PARENTS.—

(A) IN GENERAL.—In the case of an alien who was the parent of a citizen of the United States at the time of the citizen’s death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States, and if such parental relationship existed at the time of the citizen’s death and was not terminated by the death or by dissolution of the marriage or relationship (including a recognized common-law relationship), or if the alien is the surviving spouse of a citizen of the United States, but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in paragraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(C) EXCEPTION.—Notwithstanding section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), for purposes of this paragraph, a citizen described in subparagraph (A) does not have to be 21 years of age for a parent to benefit under this paragraph.

(4) ALIEN DESCRIBED.—An alien described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by combat; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440) for purposes of this section, shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

(5) IN GENERAL.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), any alien who was the parent of a citizen of the United States described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(B), may have such application adjudicated as if such death had not occurred.

(6) ALIEN DESCRIBED.—An alien described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by combat; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Natural Act (8 U.S.C. 1440) for purposes of this section, shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

SEC. 665. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect as if enacted on September 11, 2001.

TITLE VII—HEALTH CARE

SEC. 701. MEDICAL AND DENTAL SCREENING FOR MEMBERS OF SELECTED RESERVE UNITS ALERTED FOR MOBILIZATION.

Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(1) At time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called to active duty, the administering Secretaries may provide, to each such member any medical and dental screening and care necessary to ensure that the member meets the applicable medical and dental standards for deployment.

(2) The screening and care authorized under paragraph (1) shall include screening and care under TRICARE, pursuant to eligibility under paragraph (3), and continuation of care benefits under paragraph (4).

(3)(A) Members of the Selected Reserve of the Ready Reserve and members of the Individual Ready Reserve described in section 1034(b) of this title shall be subject to subparagraph (1).

(B) A member eligible under subparagraph (A) may enroll for either of the following types of coverage:

(i) Self alone coverage.

(ii) Self and family coverage.

(C) An enrollment by a member for self and family coverage under subparagraph (A) waives on behalf of the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072 of this title.

(D) The Secretary of Defense shall provide for each member one open enrollment period each year. During an open enrollment period, a member eligible under subparagraph (A) may enroll in the TRICARE program or change or terminate enrollment in the TRICARE program.

(E) A member and the dependents of a member enrolled in the TRICARE program under this paragraph shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

Section 1074c of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

‘‘(i) An enlisted member of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $30 for self-only coverage and $560 for self and family coverage for which enrolled under this section.

(ii) An officer of the armed forces enrolled in the TRICARE program under this section shall pay an annual premium of $380 for self-only coverage and $610 for self and family coverage for which enrolled under this section.

(iii) The premiums payable by a member under this subparagraph may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensa-

tions payable to the member under section 206 of title 37 of this title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such pay or compensation for any part of such pay or compensation.

(iv) Amounts collected as premiums under this subparagraph shall be credited to the appropriation available for the Defense Health Program Account under section 13100 of title 10 of this title, and shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subparagraph (A) of section 13102 of such title for any fiscal year.''

(G) A person who receives health care pursuant to an enrollment in a TRICARE program option under this paragraph, including a member of the uniformed services, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as
apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(H) The Secretary shall notify all members of the Ready Reserve that current or ordered to active duty include all members of the Ready Reserve.

"(I) The Secretary of Defense shall promptly notify all members of the Ready Reserve that they are eligible for screening and care under this section.

"(J) A member provided medical or dental screening or care under paragraph (1) may not be charged the premium for the coverage of the member and dependents.

"SEC. 709. TRICARE BENEFICIARY COUNSELING AND ASSISTANCE COORDINATORS FOR HEALTH CARE BENEFICIARIES.

Section 1095e(a)(1) of title 10, United States Code, is amended—

(a) S EPARATE PERIODIC ACTUARIAL VALUATIONS.

Section 1116(c) of this title is amended by striking "(other than members of the Ready Reserve)" and inserting "(other than members of the TRICARE beneficiary counseling and assistance coordinators for health care beneficiaries)".

"(b) FORMING AMENDMENT.

Subsections (a) and (c)(5) of section 1115 of such title are amended by striking "section 1116b of this title" and inserting "section 1116c of this title".

"SEC. 705. SURVEYS ON CONTINUED VIABILITY OF TRICARE STANDARD.

(a) REQUIREMENT FOR SURVEYS.

(1) The Secretary shall carry out surveys in the TRICARE Standard market areas in the continental United States to determine how many health care providers are accepting new patients under TRICARE Standard in each such market area.

(2) The Secretary shall carry out the surveys in at least 20 TRICARE market areas in the continental United States each fiscal year after fiscal year 2003 until all such market areas in the continental United States have been surveyed.

(b) REPRESENTATIVES.

The Secretary shall carry out the surveys through representatives who are health care providers in such areas.

The Secretary shall designate a senior official of the Department of Defense to take the actions necessary for achieving and maintaining participation of health care providers in TRICARE Standard in each TRICARE market area in a number that is adequate to ensure the viability of TRICARE Standard for TRICARE beneficiaries in that market area.

"(1) The official designated under paragraph (1) shall have the following duties:
(A) To educate health care providers about TRICARE Standard.
(B) To encourage health care providers to accept patients under TRICARE Standard.
(C) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard providers readily.
(D) To recommend adjustments in TRICARE Standard payment rates that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(2) The Comptroller General shall, on an ongoing basis, review—
(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of health care providers accepting TRICARE Standard beneficiaries as patients under TRICARE Standard in each TRICARE market area;
(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care under TRICARE Standard in each TRICARE market area.

(2)(A) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a semiannual report on the review under paragraph (1). The first semiannual report shall be submitted not later than June 30, 2004.

(2)(B) The semiannual report under subparagraph (A) shall include the following:
(i) An analysis of the adequacy of the surveys under subsection (a).
(ii) The adequacy of existing statutory authority to address inadequate levels of participation by health care providers in TRICARE Standard.
(iii) Identification of policy-based obstacles to achieving adequacy of availability of TRICARE Standard health care in the TRICARE Standard market areas.
(iv) An assessment of the adequacy of Department of Defense education programs to inform health care providers about TRICARE Standard.
(v) An assessment of the adequacy of Department of Defense initiatives to encourage health care providers to accept patients under TRICARE Standard.
(vi) An assessment of the adequacy of information to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care under TRICARE Standard.
(vii) The need for adjustment of health care provider payment rates to attract participation in TRICARE Standard by appropriate numbers of health care providers.

(b) DEFINITION.—In this section, the term "TRICARE Standard" means the option of the TRICARE program that is also known as the Civilian Health and Medical Program of the Uniformed Services, as defined in section 1072(4) of title 10, United States Code.

SEC. 703. ELIMINATION OF LIMITATION ON COVERAGE BENEFICIARIES’ ELIGIBILITY TO RECEIVE HEALTH CARE SERVICES FROM FORMER PUBLIC HEALTH SERVICE TREATMENT FACILITIES.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by striking "who—" and all that follows through "who are enrolled" and inserting "who are enrolled".

SEC. 704. MODIFICATION OF STRUCTURE AND DUTIES OF DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENT OF DEFENSE HEALTH EXECUTIVE COMMITTEE.

(a) IN GENERAL.—Subsection (c) of section 8111 of title 38, United States Code, is amended to read as follows:
"(c) DOD—VA JOINT EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall appoint an Interagency committee to be known as the Department of Veterans Affairs—Department of Defense Joint Executive Committee (hereinafter in this section referred to as the ‘Committee’).

(2) The Committee shall be composed of—

(A) the Deputy Secretary of Veterans Affairs and such other officers and employees of the Department as the Secretary may designate; and

(B) the Under Secretary of Defense for Personnel and Readiness and such other officers and employees of the Department as the Secretary of Defense may designate.

(3)(A) The Deputy Secretary and the Under Secretary shall define the structure, mission, and functions of the Committee, except that the Committee shall have subordinate committees as follows:

(i) A Health Executive Committee.

(ii) A Benefits Executive Committee.

(iii) Such other subordinate committees as the Deputy Secretary and the Under Secretary consider appropriate.

(B) The Secretary of Defense and the Under Secretary shall establish the administrative and procedural guidelines for the operation of the Committee.

(C) The two Departments shall supply staff and resources to the Committee in order to provide such administrative support and services for the Committee as are necessary for the efficient operation of the Committee.

(4) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing of efforts between and within the two Departments under this section, and shall oversee implementation of such coordination and efforts.

(5) In order to enable the Committee to make recommendations under paragraph (4) in its annual report under paragraph (6), the Committee shall—

(A) review existing policies, procedures, and practices relating to the coordination and sharing of health care resources and other resources between the two Departments;

(B) identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use of services and health care resources and other resources of the two Departments in order to achieve the goal of improving the quality, efficiency, and effectiveness of the delivery of benefits and services to veterans, members of the Armed Forces, military retirees, and their families through an enhanced partnership between the two Departments;

(C) identify and assess further opportunities for coordination and collaboration between the two Departments that, in the judgment of the Committee, would not adversely affect the range of services provided by the two Departments under this section, the Secretaries strategic direction for the joint coordination, use, or exchange of use of services and health care resources and other resources, especially new facilities and other resources, including such recommendations under paragraph (6) in its annual report under paragraph (5).

(6) The Committee shall submit to the Secretaries, and to Congress, each year a report containing such recommendations as the Committee considers appropriate, including recommendations in light of activities under paragraph (5).

(b) CONFORMING AMENDMENT.—Subsection (e)(1) of such section is amended by striking "subsection (c)(2)" and inserting "subsection (c)(4)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003, as if included in the amendments to section 8111 of title 38, United States Code, made by section 721 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-116; 116 Stat. 2589), to which the amendments made by this section relate.

(d) INTEGRATED HEALING CARE PRACTICES.—

(1) The Secretary of Defense and the Secretary of Veterans Affairs may, acting through the Department of Veterans Affairs—Department of Defense Joint Executive Committee, conduct a program to develop and evaluate integrated healing care practices for members of the Armed Forces and veterans.

(2) Amounts authorized to be appropriated by section 1012(1) for the Defense Health Program may be used for such integrated healing care practices.

SEC. 705. MODIFICATION OF STRUCTURE AND DUTIES OF DEPARTMENT OF VETERANS AFFAIRS—DEPARTMENT OF DEFENSE HEALTH EXECUTIVE COMMITTEE.


(b) EXPANDED SCOPE.—Such section 836(a) is further amended—

(1) in paragraph (1), by striking "the defense against terrorism or recovery from terrorist or nuclear, biological, chemical, or radiological attack" and inserting "defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack";

(2) in paragraph (2), by striking "the defense against terrorism or recovery from terrorist or nuclear, biological, chemical, or radiological attack" and inserting "defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack";

(c) CONFORMING AMENDMENT.—The heading for such section is amended to read as follows:
SEC. 802. TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

(a) Authority.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

(b) Termination of Authority.—A financial account may not be settled under this section after September 30, 2006.

SEC. 803. DEFENSE ACQUISITION PROGRAM MANAGEMENT FOR USE OF RADIO FREQUENCY SPECTRUM.

(a) Revision of Department of Defense Directive.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall revise and reissue Department of Defense Directive 4650.1, relating to management and use of the radio frequency spectrum, last issued on June 24, 1987, to update the procedures applicable to Department of Defense management and use of the radio frequency spectrum.

(b) Acquisition Program Requirements.—The Secretary of Defense shall—

(1) require that each military department or Defense Agency carrying out a program for the acquisition of a system that is to use the radio frequency spectrum consult with the official or board designated under subsection (c) on the usage of the spectrum by the system as early as practicable during the concept exploration and technology development phases of the acquisition program;

(2) prohibit the program from proceeding into system development and demonstration, or otherwise obtaining production or procuring any unit of the system, until—

(A) evaluation of the proposed radio frequency spectrum usage by the system is completed in accordance with requirements prescribed by the Secretary; and

(B) the acquisition program official or board reviews and approves the proposed usage of the spectrum by the system;

(3) prescribe a procedure for waiving the prohibition imposed under paragraph (2) in any case in which it is determined necessary to do so in the national security interests of the United States.

(c) Designation of Official or Board.—The Secretary of Defense shall designate an appropriate official or board of the Department of Defense to perform the functions described for the official or board in subsection (b).

SEC. 804. NATIONAL SECURITY AGENCY MODERNIZATION PROGRAM.

(a) Responsibilities of Under Secretary of Defense for Acquisition, Technology, and Logistics.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall—

(1) directly manage all contracts under the National Security Agency Modernization Program; and

(2) designate the projects under such program as major defense acquisition programs.

(b) Projects Comprising Program.—The National Security Agency Modernization Program includes the following projects of the National Security Agency:

(1) The Trailblazer project.

(2) The Groundbreaker project.

(c) Definitions.—In this section, the terms "aviation critical safety item" and "design control activity" have the meanings given such terms in section 2319 of title 10, United States Code, as amended by section 405 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–210; 10 U.S.C. 2302 note) is amended by striking "$5,000,000" and inserting "$10,000,000".

SEC. 805. QUALITY CONTROL IN PROCUREMENT OF AVIATION CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) Quality Control Policy.—The Secretary of Defense shall prescribe a quality control policy for the procurement of aviation critical safety items and the modifications, repair, and overhaul of such items.

(b) Content of Policy.—The policy shall include the following requirements:

(1) That the head of the design control activity for aviation critical safety items establish processes to identify and manage aviation critical safety items and modifications, repair, and overhaul of such items.

(2) That the head of the contracting activity for an aviation critical safety item enter into a contract for such item only if a source approved by the design control activity in accordance with section 2319 of title 10, United States Code.

(3) That the aviation critical safety items delivered, and the services performed with respect to aviation critical safety items, meet all technical and quality requirements specified by the design control activity, except for any requirement determined unnecessary by the Secretary of Defense in writing.
(iv) In addition to the cost referred to in clause (i), an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract.

(b) Application—(1) Paragraph (a) of section 246l(b)(3) shall not apply to an analysis of the performance of an information technology services function for the Department of Defense.

(3) Contracting for Information Technology Services.—(A) Under the pilot program, except as otherwise provided by law, the Secretary shall ensure that the Department of Defense contracts for information technology services necessary for or beneficial to the accomplishment of the authorized functions of the Department other than functions which the Secretary of Defense determines must be performed by military or Government personnel from a source in the private sector if performance represents the best value to the United States, determined in accordance with the competition requirements of Office of Management and Budget Circular A-76.

(B) Under the pilot program, section 2462(a) of title 10, United States Code, shall not apply to a procurement described in paragraph (3).

(4) Duration of Pilot Program.—(A) The period for which the pilot program may be carried out under this subsection shall be fiscal years 2004 through 2006.

(B) An analysis commenced under the pilot program in accordance with paragraph (2), and a procurement solicitation issued in accordance with paragraph (3), before the end of the pilot program period may be continued in accordance with paragraph (2) or (3), respectively, by that source or another source.

(5) GAO Review.—(A) The Comptroller General shall review the administration of any pilot program carried out under this subsection to assess the extent to which the program is effective and is equitable for the potential public sources and the potential private sources of information technology services for the Department of Defense.

(B) Not later than February 1, 2008, the Comptroller General shall submit to the congresional defense committees a report on the review of the program under subparagraph (A). The report shall include the Comptroller General’s assessment of the matters required under that subparagraph and any other conclusions resulting from the review.

(b) Information Technology Services Defined.—(1) INFORMATION TECHNOLOGY SERVICES DEFINED.—For purposes of this section, the term ‘information technology services’ means any service performed in the operation or maintenance of information technology as defined in section 11101 of title 10, United States Code.

(2) RESOURCES-BASED SCHEDULES FOR COMPLETION OF PUBLIC-PRIVATE COMPETITIONS.—(A) APPLICATION OF TIMEFRAMES.—Any interim or final deadline or other schedule-related milestone for the completion of a Department of Defense public-private competition shall be established solely on the basis of considered research and sound analysis regarding the availability of sufficient personnel, training, and technical resources to the Department of Defense to carry out such competition in a timely manner.

(B) EXTENSION OF TIMEFRAMES.—Any interim or final deadline or other schedule-related milestone for the completion of a Department of Defense public-private competition shall be extended if the Department of Defense official responsible for the competition determines under procedures prescribed by the Secretary of Defense that the personnel, training, or technical resources available to the Department of Defense to carry out such competition timely are insufficient.

SEC. 813. AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—

(a) Authority.—(1) of title 10, United States Code, is amended by inserting after section 2396 the following new section:

`2397. Personal services: procurement by certain elements of the Department of Defense.

'(a) AUTHORITY.—The head of an element of the Department of Defense referred to in subsection (b) may enter into a contract for the procurement of services described in section 3109 of title 5 that are necessary to carry out a mission of that element without regard to the limitations in such section concerning the use of that element.

(b) APPLICABILITY.—Subsection (a) applies to—

'(1) any element of the Department of Defense within the intelligence community, as defined in section 3 of (4) of the National Security Act of 1947 (50 U.S.C. 401a-4); and

'(2) the United States Special Operations Command.

'(c) CLERICAL AMENDMENT.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 2396 the following new item:

`2397. Personal services: procurement by certain elements of the Department of Defense.`

Subtitle C—Major Defense Acquisition Programs

SEC. 821. CERTAIN WEAPONS-RELATED PROTOTYPING ACTIVITIES.—


(b) INCREASED SCOPE OF AUTHORITY.—Subsection (a) of such section is amended by inserting before the period at the end thereof the following:—

'(4) to improve the technical performance of systems in use by the Armed Forces;`

(c) PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACT.—Such section is amended by inserting after subsection (a), is further amended—

'(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively, and—

'(2) by inserting after subsection (d) the following new subsection:

'(e) PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACT.—If the Secretary determines that the prototype equipment is incorporated in a manner that the Secretary considers to be useful in determining whether the contracts or subcontracts are performed in accordance with the competition requirements of chapter 113 of title 40, to the extent that such requirements are applicable to the acquisition of such equipment;

'(2) issues of spectrum availability, interoperability, and information security are appropriately addressed in the development of weapons and weapon systems; and

'(3) in the case of information technology equipment that is to be incorporated into a weapon or a weapon system under a major defense acquisition program, the information technology equipment is incorporated in a manner that is consistent with—

'(A) the planned approach to applying certain provisions of law to major defense acquisition programs following the acquisition process that the Secretary of Defense reported to Congress under section 802 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-104, 114 Stat. 398; 114 Stat. 1654A-398; 114 Stat. 1654A-398) and

'(B) the acquisition policies that apply to spinoff development programs under section 803 of such Act (114 Stat. 1654A-398; 114 Stat. 398) and

'(C) the software acquisition policies of the military department or Defense Agency concerned under section 804 of such Act (114 Stat. 1654A-398; 114 Stat. 398); and

'(D) the software acquisition policies of the military department or Defense Agency concerned under section 804 of such Act (114 Stat. 1654A-398; 114 Stat. 398).

'(d) INAPPLICABILITY OF OTHER LAWS.—The provisions of subsection (c) do not apply to information technology equipment that is determined by the Secretary of Defense as being an integral part of a weapon or a weapon system.

'(1) Section 11315 of title 40.

'(2) The policies and procedures established under section 8116 of title 40.

'(B) The acquisition policies that apply to spiral development programs under section 803 of such Act (114 Stat. 1654A-398; 114 Stat. 398) and?

'(3) Subsections (d) and (e) of section 811 of the Lloyd D. Shope National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-211, and the requirements and prohibitions that are imposed by Department of Defense Directive 5000.1 pursuant to subsections (b) and (c) of such section.

CONGRESSIONAL RECORD—SENATE
SEC. 832. INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF WASTE AND BYPRODUCTS OF COTTON AND WOOL FIBER FOR USE IN THE PRODUCTION OF PROPPELLANTS AND EXPLOSIVES.

Section 2533a(f) of title 10, United States Code, is amended—

(1) by striking "(f) EXCEPTION" and all that follows through "the procurement of" and inserting the following:

"(f) EXCEPTION FOR CERTAIN OTHER COMMODITIES AND ITEMS.—Subsection (a) does not preclude the procurement of the following:

(1) Wastes from cotton and wool products that are intended for use in the production of pyrotechnic devices for military purposes;

(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives;

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

"(2) Waste and byproducts of cotton and wool fiber for use in the production of propellants and explosives;

SEC. 833. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§2539c. Waiver of domestic source or content requirements.

(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

(1) in a foreign country that has a Declaration of Principles with the United States;

(2) in a foreign country that has a Declaration of Principles with the United States;

(b) COVERED REQUIREMENTS.—For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense satisfies its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2508(1) of this title).

(2) A domestic content requirement is any requirement under law that the Department of Defense satisfies its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

(b) COVERED REQUIREMENTS.—For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense satisfies its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

(2) A domestic content requirement is any requirement under law that the Department of Defense satisfies its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

(c) ADMINISTRATION.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States and;

(2) such country does not discriminate against defense items produced in the United States in a manner that discriminates against defense items produced in that country.

(d) LIMITATION ON DELEGATION.—The authority under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

(e) CONSULTATIONS.—The Secretary shall consult with the appropriate congressional committees prior to making a waiver under subsection (a). The Secretary shall consult with the appropriate congressional committees prior to making a waiver under subsection (a) before making a waiver under subsection (b). The Secretary shall consult with the appropriate congressional committees prior to making a waiver under subsection (b). The Secretary shall consult with the appropriate congressional committees prior to making a waiver under subsection (b).

(f) REPORTS.—The Secretary of Defense shall submit to Congress a report on the waiver of any domestic source or content requirement contained in any of the following:


(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

(3) Sections 7309 and 7310 of this title.

(4) Section 2533a of this title.

SEC. 834. FLEXIBILITY FOR MANAGEMENT OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) MANAGEMENT STRUCTURE.—(1) Sections 1703, 1705, 1706, and 1707 of title 10, United States Code, are repealed.

(2) Section 1724(d) of such title is amended—

(A) in the first sentence, by striking "The acquisition career program board concerned" and all that follows through "the board certifies" and inserting "The Secretary of Defense may waive any or all of the requirements of subsections (a) and (b) with respect to an employee of the Department of Defense or member of the armed forces if the Secretary determines that—

(B) in paragraph (3), by striking "the board" and inserting "the Secretary"; and

(C) by striking the third sentence.

(3) Section 1752(b) of such title is amended—

(A) in paragraph (1), by striking "an appropriate career program management board"; and

(B) in paragraph (2)(A)(i) by striking "has been certified by the appropriate career program management board of the employing military department as possessing" and inserting "possessing".
The Secretary of Defense may waive any or all of the requirements of subsection (b) with respect to an employee of the Secretary determined—

(i) in the first sentence, by striking "the acquisition career program board of a military department" and inserting "the Defense Acquisition Board"; and

(ii) in the second sentence, by striking "the Secretary" and inserting "the Secretary".

(2) Sections 1732(c)(2) and 1732(c)(7) of such title are amended—

(a) if the Secretary determines—

(i) in the first sentence, by striking "the Acquisition Corps" and inserting "the Acquisition Corps of that military department"; or

(ii) by striking paragraph (2); and

(3) The table of sections at the beginning of title 10, United States Code, is amended by inserting the following:

"1732. Authority to conduct a demonstration project".

SEC. 859. REORGANIZATION OF THE ACQUISITION CORPS.

The Secretary of Defense shall conduct the following education and training programs:

(a) Internship, cooperative education, and scholarship programs.

(b) A cooperative education credit program under which the Secretary arranges, through cooperative arrangements entered into with one or more accredited institutions of higher education, for such institutions to grant undergraduate credit for work performed by students who are employed by the Department of Defense in acquisition positions.

(c) A scholarship program for the purpose of qualifying personnel for acquisition positions in the Department of Defense.

(d) The Secretary of Defense may realign any part of the defense acquisition and support workforce making assignments of civilian and military members of the Acquisition Corps of that military department that, in the opinion of the Secretary, may be more efficiently managed by the General Manager of the Department.

SEC. 860. CONSOLIDATION OF CERTAIN EDUCATION AND TRAINING PROGRAM REQUIREMENTS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2004, 2005, and 2006, below the level of that workforce as of September 30, 2002, determined on the basis of full-time equivalent positions, except as may be necessary to strengthen the defense acquisition and support workforce in higher priority positions in accordance with this section.

(b) WORKFORCE FLEXIBILITY.—During fiscal years 2004, 2005, and 2006, the Secretary of Defense may realign any part of the defense acquisition and support workforce to support repositioning in other, higher priority positions in such workforce.

(c) HIGHER PRIORITY POSITIONS.—For the purposes of this section, higher priority positions in the defense acquisition and support workforce include the following positions:

(1) Positions the responsibilities of which include conducting performance analyses, negotiating company-wide pricing agreements, and taking other measures to reduce contract costs;

(2) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to improve product quality;

(3) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to improve product quality; and

(4) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to improve product quality.

(d) DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term "defense acquisition and support workforce" means members of the civilian and military personnel who are assigned to, or are employed in, an organization of the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense.

SEC. 861. CLARIFICATION AND REVISION OF AUTHORITY FOR DEMONSTRATION PROJECT RELATING TO CERTAIN ACQUISITION PERSONNEL MANAGEMENT POLICIES.

The apportionment of personnel for the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce.

(3) CONDITIONS.—(Paragraph 2) shall not apply with respect to a demonstration project unless—

(A) for each organization or team participating in the demonstration project, to the extent practicable, the program manager has the authority to—

(i) identify and train new participants;

(ii) and such other requirements as the Office of Personnel Management may prescribe.

(b) Single Acquisition Corps.—(1) Section 1731 of such title is amended—

(2) by striking paragraph (d); and

(3) by striking the following:

"1731. Authority to establish different minimum requirements."

(4) The Secretary may prescribe a different minimum number of years of experience, different minimum education qualifications, and different tenure of service qualifications to be required for eligibility for appointment or advancement to an acquisition position referred to in subsection (b) than is required for such position under or pursuant to any provision of this chapter.

(a) Authority.—(1) The Secretary of Defense may prescribe a different minimum number of years of experience, different minimum education qualifications, and different tenure of service qualifications to be required for eligibility for appointment or advancement to an acquisition position referred to in subsection (b) than is required for such position under or pursuant to any provision of this chapter.

(2) Program executive officer.

(3) Contracting officer, except a position referred to in paragraph (5).

(3) Positions the responsibilities of which in-
discretionary authority under Public Law 85-804 (50 U.S.C. 1431 et seq.) so as to provide under such law for indemnification of contractors and subcontractors in procurements by States or units of local government for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(b) LIMITATIONS.—Any authority that is delegated by the President under subsection (a) to the head of a Federal agency to provide the indemnification of contractors and subcontractors under Public Law 85-804 (50 U.S.C. 1431 et seq.) for procurements by States or units of local government may be exercised only—

(1) in the case of a procurement by a State or unit of local government that—

(A) is made under a contract awarded pursuant to section 852; and

(B) is in writing, for the provision of indemnification by the President or the official designated by the President under section 852(a); and

(2) with respect to—

(A) amounts of losses or damages not fully covered by private liability insurance and State or local government-provided indemnification; and

(B) liabilities of a contractor or subcontractor not arising out of willful misconduct or lack of good faith on the part of the contractor or subcontractor, respectively.

SEC. 852. FEDERAL SUPPORT FOR ENHANCEMENT OF STATE AND LOCAL ANTI-TERRORISM CAPABILITIES.

(a) PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.—

(1) ESTABLISHMENT OF PROGRAM.—The President shall designate an officer or employee of the United States to establish and administer a program under which States and units of local government may procure anti-terrorism technologies and anti-terrorism services directly from the contractors. No indemnification may be provided under Public Law 85-804 pursuant to an exercise of authority under section 851 for expenses incurred by the contractor or subcontractor for services rendered to or for the Bureau of Indian Affairs to perform anti-terrorism technologies and anti-terrorism services services, respectively, to the State and localities within the State.

(2) PROCUREMENTS.—The designated Federal procurement official may award and administer procurements that are made directly between the designated Federal procurement official and the contractor or subcontractor, respectively.

(b) FEDERAL PROCUREMENT OFFICIAL.—The designated Federal procurement official may waive the requirement for a non-Federal contribution described in subparagraph (A) in the case of any eligible entity.

(c) REQUIRED PROCEDURES.—The procedures required by subsection (b)(2) shall implement the following requirements and authorities:

(1) SUBMISSIONS BY STATES.—

(A) REQUIREMENT.—Except as provided in subparagraph (B), each State desiring to participate in a procurement of anti-terrorism technologies or anti-terrorism services through a designated Federal procurement official under this section shall submit to such official in such form and manner and at such times as such official prescribes, the following:

(i) REQUEST.—A request consisting of an enumeration of the technologies or services, respectively, that are required, that are desired, that are acquired, or that are being acquired, that are being funded by the Federal Government, that are being funded by the State, and that are being funded by other sources.

(ii) PAYMENT.—Advance payment for each requested technology or service in an amount determined by the designated official based on estimated or actual costs of the technology or service and administrative costs incurred by such official.

(B) WAIVER.—The designated Federal procurement official may waive the requirement of a non-Federal contribution described in subparagraph (A) in the case of any eligible entity.

(d) FEDERAL FUNDS.—Any eligible entity may use funds received from the disposal of property transferred to the eligible entity pursuant to section 9703(b) of title 31, United States Code, section 981(e) of title 18, United States Code, or section 616 of the Tariff Act of 1930 (19 U.S.C. 166a(a)) to provide non-Federal share required under paragraph (A).

(e) SAFER GRANT PROGRAM.—

(A) REQUIREMENT.—To receive a SAFER grant, an eligible entity shall submit an application for the grant to the designated Federal procurement official.

(B) CONTENT.—Each application for a SAFER grant shall contain, for each fire service covered by the application, the following information:

(i) A long-term strategy for increasing the force of firefighters in the fire service that reflects consultation with community leaders and appropriate federal, state, and local authorities.

(ii) Specific plans for obtaining necessary support and continuing funding for the firefighter positions proposed to be added to the fire service with SAFER grant funds.

(iii) An assessment of the ability of the eligible entity to increase the force of firefighters in the fire service with Federal assistance.

(iv) An assessment of the levels of community support for increasing that force, including identification in-kind and in-kind contributions and any other available community resources.

(v) Goals and performance measures for the fire service that agrees to contribute a non-Federal share described in paragraph (4)(A).

(5) APPLICATIONS.—

(A) AUTHORITY.—The designated Federal procurement official, in cooperation with the Secretary, shall establish and implement a process to receive, review, and approve applications submitted by eligible entities for the purpose of supporting an increase in the permanent positions for firefighters in fire services to ensure readiness for appropriate and effective emergency response to incidents or threats of terrorism.

(B) USE OF FUNDS.—In any case in which an entity agrees to contribute a non-Federal share described in paragraph (4)(A), the designated Federal procurement official shall contribute non-Federal funds to achieve the purpose of the grant in the amount described in paragraph (4)(A).

(C) SPECIAL RULE FOR SMALL COMMUNITIES.—The designated Federal procurement official may authorize the expenditure of Federal funds for the purpose of supporting an increase in the permanent positions for firefighters in fire services to ensure readiness for any threat of terrorism in any case in which the designated Federal procurement official determines that contributions from eligible entities for the purpose of supporting any increase in the permanent positions for firefighters in fire services are insufficient. Any required non-Federal share described in paragraph (4)(A) may be provided by the designated Federal procurement official or may be provided by the entity, the State, any other federal, State, or local government, or any other community source.

(D) FEDERAL SHARE.—An eligible entity may receive a SAFER grant only if the entity enters into an agreement with the designated Federal procurement official to contribute non-Federal funds to achieve the purpose of the grant in the following amounts:

(i) For the second year in which funds of a SAFER grant are received, an amount equal to 25 percent of the amount of the SAFER grant funds received that year.

(ii) For the third year in which funds of a SAFER grant are received, an amount equal to 50 percent of the amount of the SAFER grant funds received that year.

(iii) For the fourth year in which funds of a SAFER grant are received, an amount equal to 75 percent of the amount of the SAFER grant funds received that year.

(E) Waiver.—The designated Federal procurement official may authorize the waiver of the non-Federal share described in paragraph (4)(A) in the case of any eligible entity.

(F) SAFER GRANT PROGRAM.—The designated Federal procurement official, in cooperation with the Secretary, shall establish and implement a process to receive, review, and approve applications submitted by eligible entities for the purpose of supporting an increase in the permanent positions for firefighters in fire services to ensure readiness for any threat of terrorism in any case in which the designated Federal procurement official determines that contributions from eligible entities for the purpose of supporting any increase in the permanent positions for firefighters in fire services are insufficient. Any required non-Federal share described in paragraph (4)(A) may be provided by the designated Federal procurement official or may be provided by the entity, the State, any other federal, State, or local government, or any other community source.

(G) FEDERAL SHARE.—An eligible entity may receive a SAFER grant only if the entity enters into an agreement with the designated Federal procurement official to contribute non-Federal funds to achieve the purpose of the grant in the following amounts:

(i) For the second year in which funds of a SAFER grant are received, an amount equal to 25 percent of the amount of the SAFER grant funds received that year.

(ii) For the third year in which funds of a SAFER grant are received, an amount equal to 50 percent of the amount of the SAFER grant funds received that year.

(iii) For the fourth year in which funds of a SAFER grant are received, an amount equal to 75 percent of the amount of the SAFER grant funds received that year.

(H) Waiver.—The designated Federal procurement official may authorize the waiver of the non-Federal share described in paragraph (4)(A) in the case of any eligible entity.
(E) ASSISTANCE WITH APPLICATIONS.—The designated Federal procurement official is authorized to provide technical assistance to an eligible entity for the purpose of assisting with the preparation of an application for a SAFER grant.

(S) SPECIAL RULES ON USE OF FUNDS.—(A) SUPPLEMENT NOT SUPPLANT.—The proceeds made to an eligible entity shall be used to supplement and not supplant other Federal funds, State funds, or funds from a subdivision of a State, or, in the case of a tribal organization, funds supplied by the Bureau of Indian Affairs, that are available for salaries or benefits for firefighters.

(B) INITIATION, RELATING TO COMPENSATION OF FIREFIGHTERS.—(i) IN GENERAL.—The proceeds of a SAFER grant may not be used to fund the pay and benefits of a full-time firefighter if the total annual amount of the pay and benefits for that firefighter exceeds $100,000. The designated Federal procurement official may waive the prohibition in the preceding sentence in any particular case.

(ii) ADJUSTMENT FOR INFLATION.—Effective on October 1 of each year, the total annual amount applicable under subparagraph (A) shall be increased by the percentage (rounded to the nearest one-tenth of one percent) by which the Consumer Price Index for all-urban consumers published by the Department of Labor for July of the preceding year exceeds the Consumer Price Index for all-urban consumers published by the Department of Labor for July of the preceding year.

The first adjustment shall be made on October 1, 2004.

(7) PERFORMANCE EVALUATION.—(A) REQUIREMENT FOR INFORMATION.—The designated Federal procurement official shall evaluate, each year, whether an entity receiving SAFER grant funds in such year is substantially complying with the terms and conditions of that grant.

(B) AUDITS OF DESIGNATED FEDERAL PROCUREMENT OFFICIAL.—(i) The designated Federal procurement official may conduct an audit of a recipient of a SAFER grant and require the recipient to provide the designated Federal procurement official with any information that the designated Federal procurement official determines necessary for that purpose.

(C) ACCESS TO DOCUMENTS.—(A) AUDITS BY DESIGNATED FEDERAL PROCUREMENT OFFICIAL.—(i) The designated Federal procurement official may conduct an audit of a recipient of a SAFER grant and require that the recipient provide the designated Federal procurement official and any other designated Federal procurement official with any information that the designated Federal procurement official determines necessary for that purpose.

(D) REPORT TO CONGRESS.—(i) The designated Federal procurement official shall submit to Congress a report on the SAFER grant program under this section. The report shall include an assessment of the effectiveness of the program for achieving its purpose, and may include any recommendations that the designated Federal procurement official determines appropriate for increasing the forces of firefighters in fire services.

(F) TRL, ORGANIZATION.—The term "tribal organization" has the meaning given in section 45(4) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section such sums as may be necessary from the Department of Homeland Security, up to:

(A) $1,000,000,000 for fiscal year 2004; or
(B) $1,030,000,000 for fiscal year 2005; or
(C) $1,061,000,000 for fiscal year 2006.

SEC. 853. DEFINITIONS.

In this subtitle:

(1) ANTI-TERRORISM TECHNOLOGY AND SERVICES.—The terms "anti-terrorism technology" and "anti-terrorism service" mean any product, equipment, or device, including information technology, and any service, system integration, or other kind of service (including a support service), respectively, that is related to technology and is designed, developed, modified, or procured for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(2) INFORMATION TECHNOLOGY.—The term "information technology" has the meaning given in section 1101(c) of title 40, United States Code.

(3) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

(4) UNIT OF GOVERNMENT.—The term "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia Government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

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

SEC. 861. LIMITED ACQUISITION AUTHORITY FOR COMMANDER OF CERTAIN UNIFIED COMBATANT COMMAND.

(a) The Secretary of Defense shall delegate to the commander of the unified combatant command referred to in paragraph (2) of subsection (a) of section 216 of title 10, United States Code, for the purpose of completing operational test and evaluation of the items, a limited acquisition authority for the purpose of acquiring equipment consistent with requirements of operational security and other relevant operational requirements.”.
S7330

CONGRESSIONAL RECORD — SENATE

June 4, 2003

SEC. 863. MULTIYEAR TASK AND DELIVERY ORDER CONTRACTS.

(a) REPEAL OF APPLICABILITY OF EXISTING AUTHORITY AND REGULATIONS.—Section 2306c of title 10, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) MULTIYEAR CONTRACTING AUTHORITY.—

Section 230a of such title is amended—

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

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

"(f) Multiyear Contracts.—The head of an agency, before entering into a task or delivery order contract under this section may provide for the contract to cover any period up to five years and may extend the contract period for one or more successive periods pursuant to an option provided in the contract or a modification of the contract. In no event, however, may the total contract period as extended exceed eight years."

SEC. 864. REPEAL OF REQUIREMENT FOR CONTRACT ASSURANCES REGARDING TITLE, CONTRACT AUTHORITY, AND CONTRACTUAL SUFFICIENCY OF TECHNICAL DATA PROVIDED BY CONTRACTOR.

Section 2320(b) of title 10, United States Code, is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

SEC. 865. REESTABLISHMENT OF AUTHORITY FOR SHORT-TERM LEASES OF REAL OR PERSONAL PROPERTY ACROSS FISCAL YEARS.

(a) REESTABLISHMENT OF AUTHORITY.—Subsection (a) of section 2410a of title 10, United States Code, is amended—

(1) by inserting "(1)" before "The Secretary of Defense";

(2) by striking "for procurement of severable services" and inserting "for a purpose described in paragraph (2)"; and

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

"(2) The purpose of a contract described in this paragraph is as follows:

(A) The procurement of severable services.

(B) The lease of real or personal property, including the maintenance of such property when contracted for as part of the lease agreement."

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

"§2410a. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property."

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2410a and inserting the following new item:

"2410a. Contracts for periods crossing fiscal years: severable service contracts; leases of real or personal property."

SEC. 866. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) AMENDMENT TO TITLE 10.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

"§2382. Consolidation of contract requirements: policy and restrictions.

"(a) POLICY.—The Secretary of Defense shall require the Secretary of each military department, the head of each Defense Agency, and the head of each Department of Defense Field Activity to ensure that the decisions made by that official regarding consolidation of contract requirements, procurement, and award, agency, or field activity, as the case may be, are made with a view to providing small business concerns with appropriate opportunities to participate in Department of Defense procurements as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

"(b) IMPLEMENTATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—(1) An official of a military department, Defense Agency, or Department of Defense Field Activity may not enter an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive concerned first—

"(A) conducts market research;

"(B) identifies alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(C) determines that the consolidation is necessary and justified.

"(2) A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for the purposes of paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under paragraph (1) of that section.

"(3) Benefits considered for the purposes of paragraphs (1) and (2) may include cost, and, regardless of whether quantifiable in dollar amounts—

"(A) quality;

"(B) acquisition cycle;

"(C) terms and conditions; and

"(D) any other relevant factors.

"(c) APPLICABILITY.—In this section:

"(1) The terms "consolidation of contract requirements" and "consolidation", with respect to contract requirements of a military department, Defense Agency, or Department of Defense Field Activity, mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy two or more requirements of that department, agency, or activity for goods or services that have previously been provided to, or performed for, that department, agency, or activity under separate contracts or smaller in cost than the total cost of the contract for which the offers are solicited.

"(2) The term "multiple award contract" means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of this title;

"(B) a multiple award task order contract or delivery order contract that is entered into—

(i) under the authority of sections 2304a through 2306 of this title, through 230k of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253 through 253k); and

(ii) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation;

"(3) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with two or more sources pursuant to the same solicitation;

"(4) the term "small business concern" means a business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632a)."

(b) DATA REVIEW.—(1) The Secretary of Defense shall review the data collection systems of the Department of Defense to ensure that such systems are capable of identifying each procurement that involves a consolidation of contract requirements within the department with a total value in excess of $5,000,000.

"(2) The Secretary shall ensure that appropriate officials of the Department of Defense periodically review the information collected pursuant to paragraph (1) in cooperation with the Small Business Administration,

"(A) to determine the extent of the consolidation of contract requirements in the Department of Defense; and

"(B) to assess the impact of the consolidation of contract requirements on the availability of opportunities for small business concerns to participate in Department of Defense procurements, both as prime contractors and as subcontractors.

"(3) In this subsection:

"(A) The term "consolidation of contract requirements" has the meaning given in section 2382(c)(1) of title 10, United States Code, as added by subsection (a).

"(B) The term "small business concern" means a business concern that is determined by the Administrator of the Small Business Administration to be a small-business concern by application of the standards prescribed under section 3(a) of the Small Business Act (15 U.S.C. 632a).

(c) APPLICABILITY.—This section applies only with respect to contracts entered into with funds authorized to be appropriated by this Act.

TITLES IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department Officers and Agencies

SEC. 901. CLARIFICATION OF RESPONSIBILITY OF MILITARY DEPARTMENTS TO SUPPORT COMBATANT COMMANDS.

Sections 3013(c)(4), 5013(c)(4), and 8013(3)(c)(4) of title 10, United States Code, are amended by striking "(to the maximum extent practicable)".

SEC. 902. REDESIGNATION OF NATIONAL INTELLIGENCE AGENCY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) REDESIGNATION.—The National Imagery and Mapping Agency (NIMA) is hereby redesignated as the National Geospatial-Intelligence Agency (NGA).

(b) CONFORMING AMENDMENTS.—

(1) TITLE 10, UNITED STATES CODE.—(A) Chapter 22 of title 10, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in the penultimate place it appears in section 461(b) of such title and inserting "National Geospatial-Intelligence Agency".

(B) Section 4531b of such title is amended by striking "NIMA" each place it appears in inserting "NGA".

(C) Subsection (b)(3) of section 424 of such title is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(iii) The heading for such section is amended to read as follows:

amended in the item relating to section 242 by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

"(D) Section 425(a) of such title is amended—

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following paragraph:

"(3) The words ‘National Geospatial-Intelligence Agency’, the initials ‘NGA’, or the seal of the National Geospatial-Intelligence Agency.

"(E) Section 1614(2)(C) of such title is amended by striking ‘National Imagery and Mapping Agency’ and inserting ‘National Geospatial-Intelligence Agency’.

(F)(i) The heading for chapter 22 of such title is amended to read as follows:

"CHAPTER 22. NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(ii) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 22 and inserting the following new item:

"22. National Geospatial-Intelligence Agency—441c.


"(B) That Act is further amended by striking ‘National Imagery and Mapping Agency’ each place it appears in sections 105, 105A, 105C, 106, and 110 (50 U.S.C. 403–403a, 403c, 403e, 404e, and 404e) and inserting ‘National Geospatial-Intelligence Agency’.

"(C) Section 105G of such Act (50 U.S.C. 403c) is further amended—

(i) by striking ‘NGA’ each place it appears and inserting ‘NGA’s’; and

(ii) by inserting at the end of the subsection (6)(B)(iv)(II), by striking ‘NIMA’s’ and inserting ‘NGA’s’.

"(D) The heading for section 105C of that Act (50 U.S.C. 403c–5) is amended to read as follows:

"PROTECTION OF OPERATIONAL FILES OF THE NATIONAL GEOSPATIAL-INTelligence AGENCY.

"(E) The heading for section 110 of that Act (50 U.S.C. 404e) is amended to read as follows:

"NATIONAL MISSION OF NATIONAL GEOSPATIAL-INTelligence AGENCY.

"(F) The table of contents for that Act is amended—

(i) by striking the item relating to section 105C and inserting the following new item:

"Sec. 105C. Protection of operational files of the National Geospatial-Intelligence Agency.

and

(ii) by striking the item relating to section 110 and inserting the following new item:


(c) REPORT ON UTILIZATION OF CERTAIN DATA EXTRACTION AND UTILIZATION OF CAPABILITIES.

(1) Not later than 60 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall submit to the appropriate committees of Congress a report on the status of the efforts of the Agency to incorporate within the Commercial Joint Mapping Tool Kit (C/JMTK) applications for the rapid extraction and exploitation of three-dimensional geospatial data from reconnaissance imagery.

(2) In this subsection, the term ‘appropriate committees of Congress’ means—

(A) the Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Select Committee on Intelligence of the Senate;

(B) the Committee on Armed Services, the Subcommittee on Defense of the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) REFERENCES.—Any reference to the National Imagery and Mapping Agency or NIMA in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to the National Geospatial-Intelligence Agency or NGA, respectively.

(e) MATTERS RELATING TO GEOSPATIAL INTELLIGENCE.—(1) Section 422(a)(2) of title 10, United States Code, is amended by striking ‘Imagery, intelligence, and information’ and inserting ‘Geospatial intelligence’.

(2) Section 467 of such title is amended by adding at the end the following paragraph:

"(5) The term ‘geospatial intelligence’ means the exploitation and analysis of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth, and includes imagery, imagery intelligence, and geospatial information.

(3) Section 110(a) of the National Security Act of 1947 (50 U.S.C. 404a(e)) is amended by striking ‘imagery requirements’ and inserting ‘geospatial intelligence requirements’.

(f) R EPORT TO CONGRESS.—(A) The Defense Policy Board and the Defense Science Board shall submit a report on the space science and technology strategy and shall review and, as appropriate, revise the strategy annually.

(2) The strategy shall, at a minimum, address the following:

(A) The space science and technology strategy of the Department of Defense.

(B) The process for achieving the goals, including an implementation plan.

(C) The process for assessing progress made toward achieving the goals.

(D) Not later than June 15, 2004, the Under Secretary shall submit a report on the space science and technology strategy to the Committee on Armed Services of the Senate and the House of Representatives.

(b) REQUIRED COORDINATION.—In executing the space science and technology strategy, the Secretary of Defense, as Chief of the National Geospatial Intelligence Agency, the heads of other Department of Defense research components, and the heads of all other appropriate organizations shall—

(1) coordinate their efforts jointly by the Under Secretary of the Air Force and the Director of Defense Research and Engineering;

(2) identify research laboratory projects that make contributions pertaining directly and uniquely to the development of space technology; and

(3) ensure the development of a comprehensive assessment of the adequacy of the establishment of the Air Force officer career field for space under section 108 of title 10, United States Code, as a solution for correcting deficiencies identified by the Commission to Assess United States National Security Space Management and Organization (established under section 1621 of Public Law 106–113, 10 U.S.C. 403c).

(c) GENERAL ACCOUNTING OFFICE REVIEW.—(1) The Comptroller General shall review and assess the space science and technology strategy developed—

(A) at the request of the Under Secretary of the Air Force;

(B) the Senate and the House of Representatives;

(D) the House of Representatives.

(2) The term ‘space science and technology strategy’ means the following:

(A) The Air Force Research Laboratory.

(B) The Naval Research Laboratory.

(C) The Office of Naval Research.

(D) The Army Research Laboratory.

(3) The term ‘Department of Defense research component’ means the following:

(A) The Defense Advanced Research Projects Agency.

(B) The National Reconnaissance Office.

(d) SPACE PERSONNEL CADRE.—The term ‘Department of Defense’ shall include the National Geospatial Intelligence Agency.

(e) R EPORT.—The Secretary of Defense shall develop a human capital resources strategy for space personnel of the Department of Defense.

(f) SPACE PERSONNEL CADRE.—The term ‘space personnel cadre’ means—

(1) the strategy.

(2) An assessment of the progress made in integrating the space career fields of the military departments.

(3) A comprehensive assessment of the adequacy of the establishment of the Air Force officer career field for space under section 108 of title 10, United States Code, as a solution for correcting deficiencies identified by the Commission to Assess United States National Security Space Management and Organization (established under section 1621 of Public Law 106–113, 10 U.S.C. 403c).

(c) GENERAL ACCOUNTING OFFICE REVIEW.—(1) The Comptroller General shall review the strategy developed under subsection (a) and report to the Committees on Armed Services of the Senate and the House of Representatives.

(2) The report shall contain the following information:

(1) The strategy.

(2) An assessment of the progress made in integrating the space career fields of the military departments.

(3) A comprehensive assessment of the adequacy of the establishment of the Air Force officer career field for space under section 108 of title 10, United States Code, as a solution for correcting deficiencies identified by the Commission to Assess United States National Security Space Management and Organization (established under section 1621 of Public Law 106–113, 10 U.S.C. 403c).
SEC. 913. POLICY REGARDING ASSURED ACCESS TO SPACE FOR UNITED STATES NATIONAL SECURITY PAYLOADS.

(a) POLICY.—The policy of the United States for the President to undertake actions appropriate to ensure, to the maximum extent practicable, that the United States has the capability to launch and land United States national security payloads into space whenever such payloads are needed in space.

(b) INCLUDED ACTIONS.—The appropriate actions referred to in subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

(1) the availability of at least two space launch vehicles capable of delivering into space all payloads designated as national security payloads by the Secretary of Defense and the Director of Central Intelligence; and

(2) a robust space launch infrastructure and industrial base.

(c) COORDINATION.—The Secretary of Defense shall, to the maximum extent practicable, pursue the attainment of the capabilities described in subsection (a) in coordination with the Administrator of the National Space and Aeronautics Administration.

SEC. 914. PILOT PROGRAM TO PROVIDE SPACE SURVEILLANCE NETWORK SERVICES TO ENTITIES OUTSIDE THE UNITED STATES GOVERNMENT.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a pilot program to provide eligible entities outside the Federal Government with satellite tracking services using assets owned or controlled by the Department of Defense.

(b) ELIGIBLE ENTITIES.—The Secretary shall prescribe the requirements for eligibility to obtain services under the pilot program. The requirements shall, at a minimum, provide eligibility for entities—

(1) the governments of States;

(2) the governments of political subdivisions of States;

(3) United States commercial entities.

(4) United States commercial entities.

(5) Foreign commercial entities.

(c) SALE OF SERVICES.—Services under the pilot program may be provided by sale, except in the case of services provided to a government described in paragraph (1) or (2) of subsection (b).

(d) INTERMEDIARIES.—Services under the pilot program may be provided either directly to an eligible entity or through a contractor of the United States or a contractor of the United States.

(e) SATELLITE DATA AND RELATED ANALYSES.—The services provided under the pilot program may include satellite tracking data or any analysis derived from such data, but the policy decision described in paragraph (a) determines that it is in the national security interests of the United States for the services to include such data or analysis, respectively.

(f) REIMBURSEMENT OF COSTS.—The Secretary may require an entity purchasing services under the pilot program to reimburse the Department of Defense for the costs incurred by the Department in furnishing the service.

(g) CREDITING TO CHARGED ACCOUNTS.—The proceeds of a sale of services under the pilot program, together with any amounts reimbursed under subsection (f) in connection with the sale, shall be credited to the appropriation for the fiscal year in which collected that is or corresponds to the appropriation charged the costs of such services.

(h) NONTRANSFERABILITY AGREEMENT.—The Secretary shall require a recipient of services under the pilot program to enter into an agreement not to transfer any data or technical information, including any analysis of satellite tracking data, to any other entity without the expressed approval of the Secretary.

(i) PROHIBITION CONCERNING INTELLIGENCE ASSETS OR DATA.—Services and information concerning, or derived from, United States intelligence assets or data may not be provided under the pilot program.

(j) DEFINITIONS.—In this section:

(1) the term "United States commercial entity" means an entity that is involved in commerce and is organized under laws of a State, the Commonwealth of Puerto Rico, the Dominican Republic, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(2) the term "commercial entity" means an entity that is involved in commerce and is organized under laws of a foreign country.

(k) DURATION OF PILOT PROGRAM.—The pilot program under this section shall be conducted for three years beginning on a date designated by the Secretary of Defense, but not later than 180 days after the date of the enactment of this Act.

SEC. 915. CONTENT OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) REVISED CONTENT.—Paragraph (1) of section 2281(d) of title 10, United States Code, is amended—

(1) by striking subparagraph (C);

(2) in subparagraph (E), by striking "Any progress made toward" and inserting "Progress and challenges in";

(3) by striking subparagraph (F), and inserting the following:

(‘‘(F) Progress and challenges in protecting GPS from jamming, disruption, and interference.’’);

(4) by redesignating subparagraphs (D), (E), and (F), as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (E), as so redesignated, the following new subparagraph:

‘‘(C) Progress and challenges in developing the enhanced Global Positioning System required by section 218(b) of Public Law 105-261 (112 Stat. 1951; 10 U.S.C. 2281 note).’’.

(b) CONFORMING AMENDMENT.—Paragraph (2) of such section 2281(d) is amended by inserting ‘‘(C),’’ after ‘‘(C),’’ and inserting after ‘‘subparagraphs’’.

Subtitle C—Other Matters

SEC. 921. COMBATANT COMMANDER INITIATIVE FUND.

(a) REDESIGNATION OF CINC INITIATIVE FUND.—(1) The CINC Initiative Fund administered under section 166a of title 10, United States Code, is redesignated as the ‘‘Combatant Commander Initiative Fund’’.

(2) Section 166a of title 10, United States Code, is amended—

(A) by striking the heading for subsection (a) and inserting ‘‘COMBATANT COMMANDER INITIATIVE FUND’’; and

(B) by striking ‘‘CINC Initiative Fund’’ in subsection (a) and inserting ‘‘Combatant Commander Initiative Fund’’.

(3) Any reference to the CINC Initiative Fund in any other provision of law or in any regulation, document, or record of the United States shall be considered to be a reference to the Combatant Commander Initiative Fund.

(b) AUTHORIZED ACTIVITIES.—Subsection (b) of section 166a of title 10, United States Code, is amended by adding at the end the following new paragraph:

‘‘(10) joint warfighting capabilities.’’.

(c) INCREASED MAXIMUM AMOUNTS AUTHORIZED FOR USE.—Subsection (e)(1) of such section is amended—

(1) in subparagraph (A), by striking ‘‘$7,000,000’’ and inserting ‘‘$15,000,000’’;

(2) in subparagraph (B), by striking ‘‘$1,000,000’’ and inserting ‘‘$2,000,000’’; and

(3) in subparagraph (C), by striking ‘‘$2,000,000’’ and inserting ‘‘$10,000,000’’.

SEC. 922. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF OPERATIONAL STUDIES.

Section 7102(b) of title 10, United States Code, is amended—

(1) by striking ‘‘MARINE CORPS WAR COLLEGE’’ and inserting ‘‘AWARDING OF DEGREES’’; and

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

‘‘(2) Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies upon graduates of the School of Advanced Warfighting of the Command and Staff College who fulfill the requirements for that degree.’’.

SEC. 923. REPORT ON CHANGING ROLES OF UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the changing roles of the United States Special Operations Command.

(b) CONTENT OF REPORT.—(1) The report shall specifically discuss in detail the following matters:

(A) The expanded role of the United States Special Operations Command in the global war on terrorism.

(B) The reorganization of the United States Special Operations Command to function as a supporting combatant command for planning and executing operations.

(C) The role of the United States Special Operations Command as a supporting combatant command.

(2) The report shall also include, in addition to the matters discussed pursuant to paragraph (1), a discussion of the following matters:

(A) The military strategy to employ the United States Special Operations Command to fight the war on terrorism and how that strategy contributes to the overall national security strategy with regard to the global war on terrorism.

(B) The decisionmaking procedures for authorizing, planning, and conducting individual missions, including procedures for consultation with Congress.

(C) The procedures for the commander of the United States Special Operations Command to use to coordinate with commanders of other combatant commands, especially geographic commands.

(D) Future organization plans and resource requirements for conducting the global counterterrorism mission.

(E) The impact of the changing role of the United States Special Operations Command on other special operations missions, including foreign internal defense, psychological operations, counterinsurgency, unconventional warfare, counterdrug activities, and humanitarian activities.

(f) FORMS OF REPORT.—The report shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 924. INTEGRATION OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE.

(a) FINDINGS.—Congress makes the following findings:
(1) As part of transformation efforts within the Department of Defense, each of the Armed Forces is developing intelligence, surveillance, and reconnaissance capabilities that best support the national security requirements of the United States in the 21st century. This effort will allow the integration of the intelligence, surveillance, and reconnaissance development efforts of the military departments.

(2) The current funding structure of a National Intelligence Program (NI Program), Joint Military Intelligence Program (JMIP), and Tactical Intelligence and Related Activities Program (T IARA) might not be the best approach for achieving an integrated intelligence, surveillance, and reconnaissance capability. The current approach often results in the division of effort and to preclude unnecessary duplication of effort.

(3) The position of Under Secretary of Defense for Intelligence shall be established in 2004, the Under Secretary of Defense for Intelligence shall establish an Intelligence, Surveillance, and Reconnaissance Integration Council to provide a permanent forum for the discussion and arbitration of issues relating to the integration of intelligence, surveillance, and reconnaissance capabilities.

(4) The Committee shall be composed of the senior intelligence officers of the Armed Forces and the Under Secretary of Defense for Intelligence, the Director of Operations of the Joint Staff, and the Director of the Joint Intelligence Center. The Council shall develop an integrated intelligence, surveillance, and reconnaissance capability. The Council shall provide a forum for the discussion and arbitration of issues relating to the integration of intelligence, surveillance, and reconnaissance capabilities.

(5) The position of Under Secretary of Defense for Intelligence shall be established in 2002 by Public Law 107–314 in order to facilitate resolution of the issues surrounding achieving an integrated intelligence, surveillance, and reconnaissance capability.

(a) REQUIREMENT.—(1) The Secretary of Defense shall establish an Intelligence, Surveillance, and Reconnaissance Architecture Council to provide a permanent forum for the discussion and arbitration of issues relating to the integration of intelligence, surveillance, and reconnaissance capabilities.

(b) GOAL.—It shall be a goal of the Department of Defense to fully coordinate and integrate the intelligence, surveillance, and reconnaissance capabilities and developmental activities of the military departments, intelligence agencies of the Department of Defense, and the Director of Operations of the Joint Staff, and the Director of the Central Intelligence Agency.

(c) INTEGRATION ROADMAP.—The Under Secretary of Defense for Intelligence, in consultation with the Intelligence, Surveillance, and Reconnaissance Integration Council and the Director of the Central Intelligence Agency, shall develop a comprehensive Defense Intelligence, Surveillance, and Reconnaissance Architecture to provide a framework for the integration of the Department of Defense intelligence, surveillance, and reconnaissance development efforts.

(6) Section 109 is amended by adding “the Northern Mariana Islands” in subsections (a), (b), and (c) after “Puerto Rico”.

(7) Section 304 is amended by inserting “or the Commonwealth of Puerto Rico,” after “or of Puerto Rico” in the sentence following the oath.

(8) Section 314 is amended by inserting “or the Northern Mariana Islands,” after “or of Puerto Rico” in subsections (a) and (d).

(9) Section 315 is amended by inserting “or the Northern Mariana Islands,” after “Puerto Rico” each place it appears after “or of Puerto Rico”.

(10) Section 501(b) is amended by inserting “or the Northern Mariana Islands,” after “Puerto Rico”.

(11) Section 503(b) is amended by inserting “or the Northern Mariana Islands,” after “Puerto Rico”.

(12) Section 504(b) is amended by inserting “or the Northern Mariana Islands,” after “Puerto Rico”.

(13) Section 504(c) is amended by inserting “or the Northern Mariana Islands,” after “Puerto Rico”.

(14) Section 505 is amended by inserting “or the Northern Mariana Islands,” after “Puerto Rico,” in the first sentence.

(15) Section 505 is amended by inserting “or the Commonwealth of the Northern Mariana Islands,” after “or the Commonwealth of Puerto Rico,” in the first sentence.

(16) Section 507 is amended by inserting “the Northern Mariana Islands,” after “or Puerto Rico” in subsections (a) and (b).

(17) Section 507 is amended by inserting “or the Northern Mariana Islands,” after “or Puerto Rico” in subsections (a) and (b).

(18) Section 704 is amended by inserting “or the Northern Mariana Islands,” after “or Puerto Rico” in subsections (a) and (b).

(19) Section 708 is amended by inserting “or the Northern Mariana Islands,” after “or Puerto Rico” in subsections (a) and (b).

(20) Section 710 is amended by inserting “or the Northern Mariana Islands,” after “or Puerto Rico” each place it appears in subsections (a), (b), and (c).

(21) Section 711 is amended by inserting “or the Northern Mariana Islands,” after “or Puerto Rico”.

(22) Section 712(1) is amended by inserting “or the Northern Mariana Islands,” after “or Puerto Rico”.

(23) Section 715(c) is amended by striking “or the District of Columbia,” after “or Puerto Rico,” and inserting “or the Commonwealth of Puerto Rico,” after “or the Commonwealth of Puerto Rico,”.

(24) Amendments to title 32—Title 32, United States Code, is amended as follows:

(a) A UTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary...
Energy for fiscal year 2003 in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) are hereby adjusted, with respect to any such authorized amount, by subtracting from such appropriations in such legislation, pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I of Public Law 108-11.

(b) REPORT ON FISCAL YEAR 2003 TRANSFERS.—Not later than 30 days after the end of the fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the transfers during the fiscal year, pursuant to subsection (a). The report shall contain the following:

(1) The guidelines and penalties.
(2) A discussion of the implementation of the guidelines and penalties.
(3) A discussion of any additional administrative action, or any recommended legislation, that the Secretary considers necessary to effectively take disciplinary action against and penalize Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

(d) DEFENSE TRAVEL CARD DEFINED.—In this section, the term ‘Defense travel card’ has the meaning given such term in section 2784a(d) of title 10, United States Code.

Subtitle C—Reports

SEC. 1021. ELIMINATION AND REVISION OF VARIOUS REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 128 is amended by striking subsection (d).
(2) Section 437 is amended—
(A) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and
(B) by inserting new subsection (a) as follows:

"(a) DETERMINATIONS OF CREDITWORTHINESS FOR ISSUANCE OF DEFENSE TRAVEL CARD.—(1) The Secretary of Defense shall require that the creditworthiness of an individual be evaluated before a Defense travel card is issued to the individual. The evaluation may include an examination of the individual’s credit history in available credit records.

(2) An individual may not be issued a Defense travel card if the individual is found not creditworthy as a result of the evaluation required under paragraph (1)."

(3) Section 2224 is amended by striking subsection (d).
(4) Section 2323(i) is amended by striking paragraph (1).
(5) Section 2710 is amended—
(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and
(B) by inserting new paragraph (1) as follows:

"(1) The Secretary of Defense shall prescribe guidelines and penalties prescribed under section (e)."

SEC. 1022. DETERMINATIONS OF CREDITWORTHINESS FOR ISSUANCE OF DEFENSE TRAVEL CARD.

Section 2784a of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and
(2) by inserting after subsection (c) the following new subsection (d):

"(d) DETERMINATIONS OF CREDITWORTHINESS FOR ISSUANCE OF DEFENSE TRAVEL CARD.—(1) The Secretary of Defense shall require that the creditworthiness of an individual be evaluated before a Defense travel card is issued to the individual. The evaluation may include an examination of the individual’s credit history in available credit records.

(2) An individual may not be issued a Defense travel card if the individual is found not creditworthy as a result of the evaluation required under paragraph (1) ."

Subtitle D—Improvement of Travel Card Management

SEC. 1011. MANDATORY DISBURSEMENT OF TRAVEL ALLOWANCES DIRECTLY TO TRAVEL CARD CREDITORS.

Section 2784a(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "The Secretary of Defense may require" and inserting "The Secretary of Defense shall require";
(2) by redesignating paragraph (2) as paragraph (3); and
(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary of Defense shall require the direct payment to a travel card creditor under paragraph (1) in any case in which it is determined under regulations prescribed by the Secretary that the direct payment would be against equity and good conscience or would be contrary to the best interests of the United States.".

Subtitle E—Family and Community Programs

SEC. 1031. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2003.

(a) DOD AND DOE AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2003 in the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-146) are hereby adjusted, with respect to any such authorized amount, by subtracting from such appropriations in such legislation, pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I of Public Law 108-11.

(b) REPORT ON FISCAL YEAR 2003 TRANSFERS.—Not later than 30 days after the end of the fiscal year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the transfers during the fiscal year, pursuant to subsection (a). The report shall contain the following:

(1) The guidelines and penalties.
(2) A discussion of the implementation of the guidelines and penalties.
(3) A discussion of any additional administrative action, or any recommended legislation, that the Secretary considers necessary to effectively take disciplinary action against and penalize Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

(d) DEFENSE TRAVEL CARD DEFINED.—In this section, the term ‘Defense travel card’ has the meaning given such term in section 2784a(d) of title 10, United States Code.
CONGRESSIONAL RECORD — SENATE

June 4, 2003

S7335

(11) Section 2350(d) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) Not later than 90 days after the end of each fiscal year in which the Secretary of Defense has authority delegated as described in subsection (a), the Secretary shall submit to Congress a report on the administration of such authority under this section. The report for a fiscal year shall include the following information:

(A) Each prime contract that the Secretary required to be awarded to a particular prime contractor during such fiscal year, and each subcontract that the Secretary required be awarded to a particular subcontractor during such fiscal year, in a cooperative agreement, together with the reasons that the Secretary exercised authority to designate a particular contractor or subcontractor, as the case may be;

(B) Each exercise of the waiver authority under subsection (c) during such fiscal year, including the particular provision or provisions of law that were waived; and

(C) by striking paragraph (3) as a paragraph and inserting the following new paragraph:

(3) The report shall be prepared in consultation with the Congress and the Secretary of Defense shall summit to the congressional defense committees, not later than March 31, 2004, a report on the conduct of military operations, including the doctrine for the employment of military operations, in support of the Global War on Terrorism, and such other officials as the Secretary considers appropriate.

(2) The report shall include a discussion of the matters described in paragraph (1), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address the shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military objectives of the international coalition conducting Operation Iraqi Freedom, the military strategy selected to achieve the objectives, and an assessment of the execution of the military strategy;

(B) The deployment process, including the availability of the personnel and equipment necessary to meet the requirements of Operation Iraqi Freedom, to make the plans for continuing the acquisition of such items.

(C) The reserve component mobilization process, including the timeliness of notification, training, and subsequent demobilization.

(D) The use and performance of major items of United States military equipment, weapon systems, and munitions (including items classified under special access procedures and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of those items on the doctrinal and tactical employment of the United States forces, including operational and intelligence uses.

(E) The effectiveness of joint air operations, including the doctrine for the employment of close air support in the varied environments of Operation Iraqi Freedom, and the effectiveness of attack helicopter operations.

(F) The use of special operations forces, including operational and intelligence uses.

(G) The scope of logistics support, including support from other nations.

(H) The incident of accidental fratricide, together with a discussion of the effectiveness of the training of friendly forces and of the combat forces of the United States and the United Kingdom.
(i) The amount of the contract.
(ii) A brief description of the scope of the contract.
(iii) A discussion of how the executive agency identified and solicited offers from potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.
(iv) The justifications of the award documents on which was based the determination to use procedures other than those provided for in full and open competition.

(B) Submission of a contract (A) does not apply to a contract entered into more than one year after date of enactment.

(2) An executive agency may—
(a) withhold from publication and disclosure under paragraph (1) any document that is classified for restricted access in accordance with an executive order in the interest of national defense or foreign policy; and
(b) redact any part so classified that is in a document not so classified before publication and disclosure of the document under paragraph (1).

(B) In any case in which the head of an executive agency withholds information under subparagraph (A), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees:
(i) The Committee on Governmental Affairs of the Senate.
(ii) The Committee on the Judiciary of the Senate.
(iii) The Committee on the Judiciary of the House of Representatives.
(iv) The Committee on Oversight and Government Reform of the House of Representatives.
(v) The Committee on Appropriations of the Senate.
(vi) The Committee on Appropriations of the House of Representatives.

(C) The Committee, in compiling a report, may—
(i) withhold from publication and disclosure under section 301(a)(13) of title 10, United States Code, any information that is classified for national security purposes or that is otherwise protected from disclosure by law or administrative rule or regulation.
(ii) withhold from publication and disclosure under section 301(a)(13) of title 10, United States Code, any information that is exempt from disclosure under section 552(b) of title 5, United States Code, if such information is withheld in accordance with section 552(b)(6) of such title.
(iii) withhold from publication and disclosure under section 301(a)(13) of title 10, United States Code, any information that in the judgment of the head of the executive agency responsible for the information is excessive in length, is repetitious, or is preliminary in nature.

Effective Date

SEC. 1024. REPORT ON MOBILIZATION OF THE RESERVES.
(a) REQUIREMENT FOR REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the mobilization of reserve component forces during fiscal years 2002 and 2003.

(b) CONTENT.—The report under subsection (a) shall include, for the period covered by the report, the following information:
(1) A discussion of the issues identified with respect to the long-term supply of beryllium.
(2) An assessment of the need, if any, for modernization of the primary sources of production of beryllium.
(3) A discussion of the advisability of, and concepts for, meeting the future defense requirements of the United States for beryllium and maintaining a stable domestic industrial base of sources of beryllium through—
(A) cooperative arrangements commonly referred to as public-private partnerships;
(B) the administration of the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act; and
(C) any other means that the Secretary identifies as feasible.

Subtitle D—Other Matters

SEC. 1031. BLUE FORCES TRACKING INITIATIVE.
(a) FINDINGS.—Congress makes the following findings:
(1) For military commanders, a principal purpose of technology is to enable the commanders to ascertain the location of the units in their commands in near real time.
(2) The Armed Forces are developing and testing a variety of technologies for tracking friendly forces (known as “blue forces”).
(3) Situational awareness of blue forces has been improved since the 1990 Persian Gulf War, but blue forces tracking remains a complex problem characterized by information that is incomplete, not fully accurate, or untimely.

(b) GOAL.—It shall be a goal of the Department of Defense to fully coordinate the various efforts of the Joint Staff, the commanders of the
combatant commands, and the military departments to develop an effective blue forces tracking system.

(c) JOINT BLUE FORCES TRACKING EXPERIMENT.

(1) The Secretary of Defense, through the Commander of the United States Joint Forces Command, shall carry out a joint experiment in fiscal year 2004 to demonstrate and evaluate available joint blue forces tracking technologies.

(2) The objectives of the experiment are as follows:

(A) To explore various options for tracking United States and other friendly forces during combat operations.

(B) To determine an optimal, achievable, and ungradable solution for the development, acquisition, and fielding of a system for tracking all United States military forces that is coordinated and interoperable and also accommodates the participation of military forces of allied nations with United States forces in combat operations.

(d) REPORT.—Not later than 60 days after the conclusion of the experiment under subsection (c), but not later than December 1, 2004, the Secretary shall submit to the congressional defense committees a report on the results of the experiment.

(e) INSTRUCTION.—The Secretary shall develop a plan for the development, acquisition, and fielding of a functional, near real time blue forces tracking system.

SEC. 1032. LOAN, DONATION, OR EXCHANGE OF OBSOLETE OR SURPLUS PROPERTY.

During fiscal years 2004 and 2005, the Secretary of the military department concerned may exchange for an historical artifact any obsolete or surplus property held by such military department in accordance with section 2572 of title 10, United States Code, without regard to whether the property is described in subsection (c) of such section.

SEC. 1033. ACCEPTANCE OF GIFTS AND DONATIONS.

(a) AUTHORIZED SOURCES OF GIFTS AND DONATIONS.—Section (a) of section 2611 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “foreign gifts and donations” and inserting “gifts and donations from sources described in paragraph (2);”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

“(2) Sources from which gifts and donations may be accepted under paragraph (1) are as follows:

(A) A department or agency of the Federal Government.

(B) The government of a State or of a political subdivision of a State.

(C) A foundation or charitable organization, including a foundation or charitable organization that is organized and operates under the laws of a foreign country.

(D) A foundation or other charitable organization, including a foundation or charitable organization that is organized and operates under the laws of a foreign country.

(E) Any source in the private sector of the United States or a foreign country.

(f) PROCEDURE.—For the purposes of the provisions of section 704, any private citizen who is a member of a religious organization, including a religious order or sect, may, through the authority of such organization, make a request for a written submission of information for declassification to the National Security Agency for purposes of the project identified in section 703 of title 50, United States Code; or

(g) PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

(1) CONSOLIDATION OF CURRENT PROVISIONS ON PROTECTION OF OPERATIONAL FILES.—The provisions of sections 703 and 704 of title 50, United States Code, are consolidated in section 552a of title 50, United States Code, by transferring sections 703 and 704 to the end of title VII and redesignating such sections, as so transferred, as sections 703 and 704, respectively.

(3) PROTECTION OF OPERATIONAL FILES OF NSA.—Section VII of such Act, as amended by subsection (a), is further amended by adding at the end the following new section:

"OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY "SEC. 705. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM COURT REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Operational files of the National Security Agency (hereafter in this section referred to as ‘‘NSA’’) may be exempted from court review by the Director of the National Security Agency, the Director of NSA, and the Director of Central Intelligence, from the provisions of section 552 of title 5, United States Code, which provide publication, disclosure, search, or review in connection therewith.

(2) (A) In this section, the term ‘‘operational files’’ means:

(i) files of the Signals Intelligence Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through technical means;

(ii) files of the Research Associate Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems;

(iii) files of the Research Associate Directorate, and its successor organizations, which document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems;

(iv) files that are the sole repository of disseminated intelligence and intelligence that has been accessed by NSA. Available for its successor organizations, are not operational files.

(2) (B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

(i) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by NSA, such information shall be examined ex parte, in camera by the court.

(ii) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions.

(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

(iv) When a complainant alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, NSA shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

(3) (A) United States citizens or aliens lawfully admitted for permanent residence who have requested information in accordance with the provisions of section 552 or 552a of title 5, United States Code;

(3) (B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code; or

(3) (C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

(i) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives;

(ii) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(iii) The Intelligence Oversight Board.

(iv) The Department of Justice.

(v) The Office of General Counsel of NSA.


(vii) The Office of the Director of NSA.

(3) (D) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under paragraph (1), and which have been returned to exempted operational files for sole retention shall be subject to search and review.

(3) (E) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of the National Security Authorization Act for Fiscal Year 2004, and which specifically cites and repeals or modifies such provisions.

(3) (F)(i) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that NSA has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

(3) (F)(ii) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

(i) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by NSA, such information shall be examined ex parte, in camera by the court.

(ii) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submissions.

(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

(iv) When a complainant alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, NSA shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

(3) (F)(ii) The court may not order NSA to review the content of any exempted operational file or
files in order to make the demonstration re- quired under subclause (I), unless the complain- ant disputes NSA’s showing with a sworn writ- ten submission based on personal knowledge or otherwise.

“IV. In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursu- ant to rules 26 through 36 of the Federal Rules of Civil Procedure that requests for ad- missions may be made pursuant to rules 26 and 36.

“V. If the court finds under this paragraph that NSA has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NSA to search and review the appropriate exempted operational file or files for the re- quested records and make such records, or por- tions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive reme- dy for failure to comply with this subsection.

“VI. If at any time following the filing of a complaint pursuant to this paragraph NSA agrees to search the appropriate exempted oper- ational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

“VII. Any information filed with, or pro- duced for the court pursuant to clauses (i) and (iv) shall be coordinated with the Director of Central Intelligence before submission to the court.

"(b) DECENTRAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the National Security Agency and the Director of Central Intelligence shall review the exemptions in force under sub- section (a)(1) to determine whether such exemptions may be removed from a category of exempted files or merged with other categories. The Director of Central Intelligence must approve any determina- tion to remove such exemptions.

(3) The review required by paragraph (1) shall be conducted in consultation with the historical, cultural, or public interest in the subject mat- ter of a particular category of files or portions thereof and the potential for declassifying a sig- nificant part of the information contained therein.

(3) A complaint that alleges that NSA has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States in the district in which any of the parties reside, or in the District of Columbia. In such a pro- ceeding, the court shall be limited to deter- mining the following:

(1) Whether NSA has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the most recent review.

(2) Whether NSA, in fact, considered the cri- teria set forth in paragraph (2) in conducting the required review.

(c) CLERICAL AMENDMENTS.—(1) Section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)) is amended by striking “For pur- poses of this title” and inserting “In this section and section 512.”

(2) Section 702(c) of such Act (50 U.S.C. 432(c)) is amended by striking “enactment of this title” and inserting “October 15, 1984.”

(3) The title heading for title VII of such Act is amended to read as follows: ‘‘TITLE VII—PROTECTION OF OPERATIONAL FILES’’.

(B) The section heading for section 701 of such Act is amended to read as follows: ‘‘PROTECTION OF NATIONAL FILES OF THE CENTRAL INTELLIGENCE AGENCY’’.

(C) The section heading for section 702 of such Act is amended to read as follows: ‘‘DECLelial REVIEW OF EXEMPTED CENTRAL INTELLIGENCE AGENCY OPERATIONAL FILES’’.

(d) CLERICAL AMENDMENTS.—The table of con- tents for the National Security Act of 1947 is amended—

(1) by striking the items relating to sections 105C and 105D; and

(2) by striking the items relating to title VII and inserting the following new item—

‘‘TITLE VII—PROTECTION OF OPERATIONAL FILES’’.

Sec. 701. Protection of operational files of the Central Intelligence Agency.

Sec. 702. Decentral review of exempted Cen- tral Intelligence Agency oper- ational files.

Sec. 703. Protection of operational files of the National Imagery and Mapping

Agency.

Sec. 704. Protection of operational files of the National Reconnaissance Office.

Sec. 705. Protection of operational files of the National Security Agency.

SEC. 1036. TRANSFER OF ADMINISTRATION OF NATIONAL SECURITY EDUCATION PROGRAM TO DIRECTOR OF CENTRAL INTELLIGENCE.


(1) in paragraph (1)—

(A) by striking ‘‘(1)’’; and

(B) by striking the second sentence; and

(2) by striking paragraph (2).

(b) TECHNICAL AMENDMENT.—Section 802(g) of the David L. Boren National Security Education Act of 1991 (title VII of Public Law 102-183; 50 U.S.C. 1902) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘(1)’’; and

(B) by striking the second sentence; and

(2) by striking paragraph (2).

(c) D ELINQUENCY INITIATIVE.—Section 802(h) of the David L. Boren National Security Education Act of 1991 is amended by deleting ‘‘(b)(7)’’ and inserting ‘‘(b)(6)’’.

(d) DEPARTMENT OF DEFENSE.—Section 806(d) of the David L. Boren National Security Education Act of 1991 is amended by deleting ‘‘(b)(7)’’ and inserting ‘‘(b)(6)’’.

(e) NATIONAL SECURITY EDUCATION ACT OF 1991.—Title VIII of the National Security Education Act of 1991 is amended by deleting ‘‘(b)(7)’’ and inserting ‘‘(b)(6)’’.

(f) DEPARTMENT OF DEFENSE.—Section 806(h) of the National Security Education Act of 1991 is amended by deleting ‘‘(b)(7)’’ and inserting ‘‘(b)(6)’’.

(g) DEFINITION.—Section 802 of the David L. Boren National Security Education Act of 1991 is amended—

(1) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) by inserting before paragraph (2) the fol- lowing new paragraph (1):

‘‘(1) The term ‘Director’ means the Director of Central Intelligence.’’

(h) MATTERS RELATING TO NATIONAL FLAGSHIP LANGUAGE INITIATIVE.—(1) Effective as if included therein as enacted by section 333(a) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2396), section 802(i)(1) of the David L. Boren National Security Education Act of 1991 is amended by striking ‘‘Secretary’’ and inserting ‘‘Director.’’

(2) Effective as if included therein as enacted by section 333(b) of the Intelligence Authoriza- tion Act for Fiscal Year 2003 (116 Stat. 2397), section 802(a) of the David L. Boren Na- tional Security Education Act of 1991 is amended by striking ‘‘Secretary’’ each place it appears and inserting ‘‘Director.’’

(i) TRANSFER OF ADMINISTRATION ON SERVICE AGREEMENTS.—(1) The transfer to the Director of Central Intelligence of the National Security Education Act for Fiscal Year 2003 or before the expiration of the 10-year period beginning on the date of the most recent review.

(2) by striking the second sentence; and

(3) by inserting before paragraph (2) the fol- lowing new paragraph (1):

‘‘(1) The transfer to the Director of Central Intelligence of the National Security Education Act for Fiscal Year 2003 or before the expiration of the 10-year period beginning on the date of the most recent review.

(b) EFFECT OF TRANSFER OF ADMINISTRATION ON SERVICE AGREEMENTS.—(1) The transfer to the Director of Central Intelligence of the National Security Education Act for Fiscal Year 2003 or before the expiration of the 10-year period beginning on the date of the most recent review.

(c) TECHNICAL AMENDMENT.—Section 802(g) of the David L. Boren National Security Education Act of 1991 (title VII of Public Law 102-183; 50 U.S.C. 1902) is amended—

(1) in paragraph (1)—

(A) by striking ‘‘(1)’’; and

(B) by striking the second sentence; and

(2) by striking paragraph (2).

SEC. 503. REQUIREMENT FOR USE OF UNMANNED AERIAL VEHICLES FOR SUPPORT OF HOMELAND SECURITY MISSIONS.

(a) REQUIREMENT FOR REPORT.—Not later than April 1, 2004, the President shall submit to Congress a report on the potential uses of un- manned aerial vehicles for support of homeland security missions.

(b) CONTENT.—The report shall, at a mini- mum, include the following:

(1) An assessment of the potential for using unmanned aerial vehicles for monitoring activi- ties in remote areas along the northern and southern borders of the United States.

(2) An assessment of the potential for using unmanned aerial vehicles for support of the Coast Guard in the performance of its homeland security missions.

(3) An assessment of the potential for using unmanned aerial vehicles for monitoring the safety and integrity of critical infrastructure within the territory of the United States, includ- ing the following:

(A) Oil and gas pipelines.

(B) Dams.

(C) Hydroelectric power plants.

(D) Nuclear power plants.

(E) Drinking water utilities.

(F) Long-distance power transmission lines.

(4) An assessment of the potential for using unmanned aerial vehicles for monitoring the transportation of hazardous cargo.

(5) A discussion of the safety issues involved in the use of unmanned aerial vehicles by agencies other than the Department of Defense; and
(8) the operation of unmanned aerial vehicles over populated areas of the United States.

(6) A discussion of—

(A) the effects on privacy and civil liberties that current programs from the monitoring uses of unmanned aerial vehicles operated over the territory of the United States; and

(B) any restrictions on the domestic use of unmanned aerial vehicles that should be imposed, or any other actions that should be taken, to prevent any adverse effect of such a use of unmanned aerial vehicles on privacy or civil liberties.

(7) A discussion of what, if any, legislation and organizational changes may be necessary to accommodate the unmanned aerial vehicles of the Department of Defense in support of the performance of homeland security missions, including any amendment of section 1386 of title 18, United States Code (as popularly referred to as the "Posse Comitatus Act").

(8) An evaluation of the capabilities of manufacturers of unmanned aerial vehicles to produce such vehicles at higher rates if necessary to meet any increased requirements for homeland security and homeland defense missions.

Referral to Committees.—The report under subsection (a) shall be referred—

(1) upon receipt in the Senate, to the Committee on Armed Services of the Senate; and

(2) upon receipt in the House of Representatives, to the Committee on Armed Services of the House of Representatives.

SEC. 1038. CONVEYANCE OF SURPLUS T-37 AIRCRAFT TO AIR FORCE AVIATION HERITAGE FOUNDATION, INCORPORATED.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration, to the Air Force Aviation Heritage Foundation, Incorporated, of Georgia (in this section referred to as the "Foundation")—

(1) any T-37 aircraft that is surplus to the needs of the Air Force;

(2) any right, title, and interest in and to any other T-37 aircraft that is surplus to the needs of the Armed Forces; and

(3) any right, title, and interest in and to any other T-37 aircraft that is surplus to the needs of the United States at the time that the T-37 aircraft was placed in a missing status or a prisoner of war status, or who were determined to have been killed in action although the body was not recovered, and who remain unaccounted for.

(b) CONDITION OF AIRCRAFT.—The Secretary shall not convey ownership of the aircraft under subsection (a) until the Secretary determines that the Foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that has been designed to have.

(c) CONDITION FOR CONVEYANCE.—(1) The conveyance of a T-37 aircraft under this section shall be subject to the following conditions:

(A) That the conveyance shall convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary of the Air Force.

(B) That the possession and maintenance of the aircraft comply with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(C) That if the Secretary of the Air Force determines at any time that the Foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in subparagraph (B), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(2) The Secretary shall include the conditions under paragraph (1) in the instrument of conveyance of the T-37 aircraft.

(d) INSTRUMENT OF CONVEYANCE.—The conveyance of a T-37 aircraft under this section shall be made at no cost to the United States. Any conveyance of a T-37 aircraft under this subsection shall be referred to the Secretary for issuance as the "Posse Comitatus Act".

SEC. 1039. SENSE OF SENATE ON REWARD FOR INFORMING LEADING TO RESOLUTION OF STATUS OF MEMBERS OF THE ARMED FORCES WHO REMAIN MISSING IN ACTION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense estimates that there are more than 10,000 members of the Armed Forces and others who as a result of activities during the Vietnam War were placed in a missing status or a prisoner of war status, or who were determined to have been killed in action although the body was not recovered, and who remain unaccounted for.

(2) One member of the Armed Forces, Navy Captain Michael Scott Speicher, remains missing in action from the first Persian Gulf War, and there have been credible reports of him being seen alive in Iraq in the years since his plane was shot down on January 16, 1991.

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

(1) the Secretary of Defense should use the authority available to the Secretary to disburse funds as a reward to individuals who provide information leading to the conclusive resolution of cases of missing members of the Armed Forces;

(2) the Secretary of Defense has the authority to disburse funds as a reward to individuals who provide information leading to the conclusive resolution of cases of missing members of the Armed Forces; and

(3) the Senate supports the authority available to the Secretary to disburse funds as a reward to individuals who provide information leading to the conclusive resolution of cases of missing members of the Armed Forces.

SEC. 1040. ADVANCED SHIPBUILDING ENTERPRISE.

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

(1) The President’s budget for fiscal year 2004, as submitted to Congress, includes $10,300,000 for the Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency among shipyards in the defense industrial base.

(3) The leaders of the Nation’s shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method of exploring and collaborating on innovation in shipbuilding and ship repair that collectively benefits all industries and collaborating on innovation in shipbuilding and ship repair that collectively benefits all shipyards.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate strongly supports the innovative Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program that has yielded new processes and techniques to reduce the cost of designing, building, and repairing ships.

(2) the Senate is concerned that the future-years defense program in the fiscal year 2004 budget does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2004, and

(3) the Secretary of Defense and the Secretary of the Navy should continue funding the Advanced Shipbuilding Enterprise at a sustaining level through the future-years defense program to support subsequent research and development that reduce the cost of designing, building, and repairing ships.

SEC. 1041. AIRFARES FOR MEMBERS OF ARMED FORCES.

It is the sense of the Senate that each United States air carrier should—

(1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions, fees, or penalties;

(2) offer flexible terms that allow members of the armed forces on active duty to purchase, change, or cancel tickets without time restrictions, fees, or penalties.

SEC. 1042. SENSE OF SENATE ON DEPLOYMENT OF AIRBORNE CHEMICAL AGENT MONITORING SYSTEMS AT CHEMICAL STOCKPILE DISPOSAL SITES IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Millions of assembled chemical weapons are stockpiled at chemical agent disposal facilities and depot sites across the United States.

(2) Some of these weapons are filled with nerve agents, such as GB and VX and blister agents such as HD (mustard agent).

(3) Thousands of American citizens live in the vicinity of these chemical weapons stockpile sites and depots.

(4) The airborne chemical agent monitoring systems at these sites are sufficient or outdated compared to newer and advanced technologies on the market.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of the Army should develop and deploy a program to upgrade the airborne chemical agent monitoring systems at all chemical stockpile disposal sites across the United States in order to achieve the broadest and most possible protection of the general public, personnel involved in the chemical demilitarization program, and the environment.

SEC. 1043. FEDERAL INCENTIVE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended—

(1) by striking paragraphs (1), (2), and (3);

(2) by redesignating paragraph (4) as paragraph (3);

(3) in paragraph (1), as so redesignated, by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(2) for fiscal year 2004 (notwithstanding paragraph (1)), 65 percent of the costs of operating the State program during that year.".

(b) STUDY.—(1) The Secretary of Defense shall carry out a study to evaluate (A) the adequacy of the requirement under section 509(d) of title 32, United States Code, for the United States to fund 40 percent of such costs; and (B) the value of the Challenge program to the Department of Defense.

(2) In carrying out the study under paragraph (1), the Secretary should identify potential alternative incentive structures provided for the National Guard Challenge Program under section 509(d) of title 32, United States Code.
States Code, such as a range of Federal-State matching ratios, that would provide flexibility in the management of the program to better respond to temporary fiscal conditions.

(2) The Senate shall include the results of the study, including findings, conclusions, and recommendations, in the next annual report to Congress under section 509(k) of title 32, United States Code, transmitted to Congress after the date of the enactment of this Act.

(3) The total amount authorized to be appropriated under section 301(4) is hereby reduced by $3,000,000.

SEC. 1044. SENSE OF SENATE ON RECONSIDERATION OF DECISION TO TERMINATE REPORT INSPECTION DUTIES OF NATIONAL GUARD UNDER NATIONAL GUARD DRUG INTERDICT AND COUNTER-DRUG MISSION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The border-drug inspection mission of the National Guard is highly important to preventing the infiltration of illegal narcotics across United States borders.

(2) The support provided by the National Guard and the Customs Service and the Border Patrol has greatly enhanced the capability of the Customs Service and the Border Patrol to perform counter-terrorist surveillance and other border protection duties.

(b) SENSE OF SENATE.—It is the sense of the Senate that with respect to the border-drug inspection mission of the National Guard as part of the drug interdiction and counter-drug mission of the National Guard.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. AUTHORITY TO EMPLOY CIVILIAN PERSONNEL.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(16) The Western Hemisphere Institute for Security Cooperation."

(b) PAY AUTHORITY FOR CRITICAL POSITIONS.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1509e. Pay authority for critical positions

"(a) AUTHORITY GENERALLY.—(1) When the Secretary of Defense seeks a grant of authority under section 5377 of title 5, United States Code, to perform a function performed by personnel of the Defense Security Service at the time of the transfer, the Secretary of Defense may designate, in the grant of authority requested under section 5377, one or more critical positions that require the Secretary of Defense to pay the personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

(b) PAY AUTHORITY.—(1) The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

(c) PAYMENT AUTHORITY.—The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

(d) PAY AUTHORITY FOR CRITICAL POSITIONS.—(1) The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

(e) PAY AUTHORITY.—(1) The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

(f) PAY AUTHORITY.—(1) The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

SEC. 1102. EXTENSION, EXPANSION, AND REVISION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.


(b) INCREASED LIMITATION ON NUMBER OF APPOINTMENTS.—Subsection (d)(1)(A) of such section is amended by striking "40" and inserting "50":

(c) COMMENSURATE EXTENSION OF REQUIREMENT FOR ANNUAL REPORT.—Subsection (g) of such section is amended by striking "2006" and inserting "2009".

SEC. 1103. EXTENSION, EXPANSION, AND REVISION OF AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) EXTENSION OF PROGRAM.—(1) The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

(b) PAY AUTHORITY.—(1) The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

(c) PAY AUTHORITY.—(1) The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

(d) PAY AUTHORITY.—(1) The Secretary of Defense may authorize the payment of personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractors.

SEC. 1104. TRANSFER OF PERSONNEL INVESTIGATIVE FUNCTIONS AND RELATED PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—(1) With the approval of the Director of Personnel Management, the Secretary of Defense may transfer to the Office of Personnel Management the personnel security investigations functions of the Department of Defense, subject to paragraph (2).

(b) TRANSFER OF PERSONNEL.—(1) The Director of Personnel Management may accept a transfer of personnel under paragraph (1).

(c) TRANSFER OF PERSONNEL.—(1) The Secretary of Defense shall transfer to the Office of Personnel Management the personnel security investigations functions of the Department of Defense, subject to paragraph (2).

(d) TRANSFER OF PERSONNEL.—(1) The Director of Personnel Management may accept a transfer of personnel under paragraph (1).
function in accordance with the requirements of the Office of Management and Budget Circular A-76.

TITLE XII—MATTERS RELATING TO OTHER FORCES AND OTHER FOREIGN NATIONS

SEC. 1201. AUTHORITY TO USE FUNDS FOR PAYMENT OF COSTS OF ATTENDANCE OF FOREIGN VISITORS UNDER REGIONAL DEFENSE COUNTERTERRORISM FELLOWSHIP PROGRAM.

(a) AUTHORITY TO USE FUNDS.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§2249(c). Authority to use appropriated funds for costs of attendance of foreign visitors under Regional Defense Counterterrorism Fellowship Program.

(1) AUTHORITY TO USE FUNDS.—Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense may be used to pay any costs associated with the attendance of foreign military officers, ministry of defense officials, or security officials at United States military educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Counterterrorism Fellowship Program, including costs of transportation and travel and subsistence costs.

(2) LIMITATION.—Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the administration of this section during the fiscal year ended in such year. The report shall include the following matters:

(A) a complete accounting of the expenditure of appropriated funds for purposes authorized under subsection (a), including—

(i) the countries of the foreign officers and officials for whom costs were paid; and

(ii) for each such country, the total amount of the costs paid.

(B) The training courses attended by the foreign officers and officials, and a specification of which, if any, courses were conducted in foreign countries.

(C) An assessment of the effectiveness of the Regional Defense Counterterrorism Fellowship Program in increasing the cooperation of the governments of foreign countries with the United States in the global war on terrorism.

(D) A discussion of any actions being taken to improve the program.

(3) The table of sections at the beginning of such chapter is amended by adding after the item relating to title 31 the following new item:

"1051a. Bilateral or regional cooperation programs: availability of funds to recognize superior noncombat achievements or performance.

(b) NOTIFICATION OF CONGRESS.—Not later than December 1, 2003, the Secretary of Defense shall—

(1) promulgate the final regulations for carrying out section 2249c of title 10, United States Code, in a foreign country; and

(2) notify the congressional defense committees of the promulgation of such regulations.

SEC. 1202. AVAILABILITY OF FUNDS TO RECOGNIZE SUPERIOR NONCOMBAT ACHIEVEMENTS OR PERFORMANCE OF MEMBERS OF FRIENDLY FOREIGN FORCES AND OTHER FOREIGN NATIONALS.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after the following new section:

"§1051a. Bilateral or regional cooperation programs: availability of funds to recognize superior noncombat achievements or performance.

(a) AUTHORITY TO USE FUNDS.—Under regulations prescribed by the Secretary of Defense, funds appropriated to the Department of Defense may be used to pay any costs associated with the attendance of foreign military officers, ministry of defense officials, or security officials at United States military educational institutions, regional centers, conferences, seminars, or other training programs conducted under the Regional Defense Counterterrorism Fellowship Program, including costs of transportation and travel and subsistence costs.

(b) LIMITATION.—Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report on the administration of this section during the fiscal year ended in such year. The report shall include the following matters:

(1) a complete accounting of the expenditure of appropriated funds for purposes authorized under subsection (a), including—

(A) the countries of the foreign officers and officials for whom costs were paid; and

(B) for each such country, the total amount of the costs paid.

(2) The training courses attended by the foreign officers and officials, and a specification of which, if any, courses were conducted in foreign countries.

(3) An assessment of the effectiveness of the Regional Defense Counterterrorism Fellowship Program in increasing the cooperation of the governments of foreign countries with the United States in the global war on terrorism.

(4) A discussion of any actions being taken to improve the program.

(c) The table of sections at the beginning of such chapter is amended by adding after the item relating to title 31 the following new item:

"1051a. Bilateral or regional cooperation programs: availability of funds to recognize superior noncombat achievements or performance.

SEC. 1203. AUTHORITY TO USE FUNDS FOR SATTELITE EXPORT LICENSING.

(a) DIRECT COSTS OF MONITORING FOREIGN LANUCHES OF SATELLITES.—Section 3342(b) of title 31, United States Code, is amended by inserting the following new subsection before subsection (c) thereof:

"(7) in subsection (b), by striking paragraph (4) and inserting the following:

"4. A member of the armed forces of a foreign nation who is participating in a combined operation, combined exercise, or combined humanitarian operation shall be paid a guaranteed payment for any deficiency resulting from an action under paragraph (1) or (2) of subsection (a).

SEC. 1204. AUTHORITY TO USE FUNDS FOR PROHIBITION ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE.—In fiscal year 2004, the total amount of assistance provided pursuant to this section is limited to $10,000,000.

SEC. 1205. REFERENCES TO UNITED NATIONS SPECIAL COMMISSION ON IRAQ.

(a) IN GENERAL.—The table of sections at the beginning of such chapter is amended by striking the following:

"(7) the United Nations Special Commission on Iraq," and inserting the following:

"(7) the United Nations Special Commission on Iraq or any successor organization," and inserting the following:

"(8) a discussion of any actions being taken to improve the program.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting the following after the item relating to section 1051a:

"1051a. Bilateral or regional cooperation programs: availability of funds to recognize superior noncombat achievements or performance.

SEC. 1206. ANNUAL REPORT ON THE NATO PRAGUE CAPABILITIES COMMITMENT AND THE NATO RESPONSE FORCE.

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

(1) In the meeting of the North Atlantic Council held in Prague in November 2002, the heads of states and governments of the North Atlantic Treaty Organization (NATO) launched the Prague Capabilities Commitment and decided to create a NATO Response Force.

(2) The Prague Capabilities Commitment is part of the continuing NATO effort to improve and develop new military capabilities for modern warfare in a high-threat environment. As part of this commitment, individual NATO allies have made firm and specific political commitments to improve their capabilities in the areas of—

(A) chemical, biological, radiological, and nuclear defense;

(B) intelligence, surveillance, and target acquisition;

(C) air-to-ground surveillance;

(D) command, control, and communications;

(E) combat effectiveness, including precision guided munitions and suppression of enemy air defenses;

(F) air-to-air and sea lift;

(G) air-to-air refueling; and

(H) deployable combat support and combat service support units.

(b) BILATERAL OR REGIONAL COOPERATION.—The NATO Response Force is envisioned to be a technologically advanced, flexible, deployable, interoperable, and sustainable force that includes land, sea, and air elements ready to move quickly to where they are deterred by the North Atlantic Council. The NATO Response Force is also intended to be a catalyst
for focusing and promoting improvements in NATO’s military capabilities. It is expected to have initial operational capability by October 2004, and full operational capability by October 2006.

(b) ANNUAL REPORT.—(1) Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Armed Forces of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report, to be prepared in consultation with the Secretary of State, on implementation of the Prague Capabilities Commitment and development of the NATO Response Force by the member nations of NATO. The report shall include the following:

(A) A description of the actions taken by NATO as a whole and by each member nation of NATO other than the United States to further the Prague Capabilities Commitment, including any actions taken to improve capability shortfalls in the areas identified for improvement.

(B) A description of the actions taken by NATO as a whole and by each member nation of NATO, including the United States, to create the NATO Response Force.

(C) A discussion of the relationship between NATO’s efforts to improve capabilities through the Prague Capabilities Commitment and those of the European Union to enhance European capabilities, including the European Capabilities Action Plan, including the extent to which they are mutually reinforcing.

(D) A discussion of NATO decisionmaking on the implementation of the Prague Capabilities Commitment and the development of the NATO Response Force, including—

(i) an assessment of whether the Prague Capabilities Commitment and the NATO Response Force are the sole jurisdiction of the Defense Planning Committee, the North Atlantic Council, or the NATO Committee;

(ii) a description of the circumstances which led to the defense, military, security, and nuclear decisions of NATO on matters such as the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

(iii) a description of the extent to which any member that does not participate in the integrated military structure of NATO contributes to each of the component committees of NATO, including any and all committees relevant to the Prague Capabilities Commitment and the NATO Response Force;

(iv) a description of the extent to which any member that does not participate in the integrated military structure of NATO participates in deliberations and decisions of NATO on resource policy, contribution ceilings, infrastructure, force structure, modernization, threat assessments, training, exercises, deployments, and other issues related to the Prague Capabilities Commitment or the NATO Response Force;

(v) a description and assessment of the impediments, if any, that would prevent or limit NATO from conducting deliberations and making decisions on matters such as the Prague Capabilities Commitment and the NATO Response Force in the Defense Planning Committee;

(vi) the recommendations of the Secretary of Defense on streamlining defense, military, and security decisionmaking within NATO relating to the Prague Capabilities Commitment, and NATO Response Force, and other matters, including an assessment of the feasibility and desirability of the greater utilization of the Defense Planning Committee for such purposes; and

(vii) if a report under this subparagraph is a report under paragraph (6), the report submitted under this subparagraph, the information submitted in such report under any of clauses (i) through (vi) may consist solely of an update of any information previously submitted under the applicable clause in a preceding report under this subparagraph.

(2) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1207. EXPANSION AND EXTENSION OF AUTHORITY FOR REPLACEMENT SUPPORT FOR COUNTER-DRUG ACTIVITIES.


(1) in subsection (a)—

(A) by inserting after “subsection (f),” the following: “during fiscal years 1998 through 2006 in the case of the foreign governments named in paragraphs (1) and (2) of subsection (b), fiscal years 2004 through 2006 in the case of the foreign governments named in paragraphs (3) through (9) of subsection (b);” and

(B) by striking “either or both” and inserting “any”;

and

(B) in subsection (b)—

(C) by striking “fiscal years 1998 through 2002;” and

(D) by striking “fiscal years 1998 through 2006;”

(2) in paragraph (2), by striking “, for fiscal years 1998 through 2002;” and

(3) in paragraph (2), by striking “, for fiscal years 1998 through 2006;”

(b) ADDITIONAL GHalfs ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section 1033 is further amended by adding at the end the following new paragraphs:


(4) The Government of Brazil.


(9) The Government of Uzbekistan.

(c) TYPES OF SUPPORT.—Subsection (c) of such section 1033 is amended—

(1) in paragraph (2), by striking “riverine;” and

(2) in paragraph (3), by inserting “or upgrade” after “maintenance and repair”.

(d) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (f)(2) of such section 1033, as amended by such section 1021, is further amended by striking “$20,000,000 during any of the fiscal years 1999 through 2006;” and inserting “$20,000,000 during any of the fiscal years 1999 through 2006, or $40,000,000 during any of fiscal years 2004 through 2006;”.

(e) COUNTER-DRUG PLANNING.—Subsection (h) of such section 1033 is further amended—

(A) in the subsection caption, by striking “riverine”;

(B) in the matter preceding paragraph (1)—

(i) by striking “in the case of the government named in paragraphs (1) and (2) of subsection (b) and for fiscal year 2004 in the case of the governments named in paragraphs (3) through (9) of subsection (b);” and

(ii) by striking “riverine;” and

(iii) by striking “riverine” each place it appears in paragraphs (2), (7), (8), and (9);

(2) Subsection (f)(2)(A) of such section 1033 is amended by striking “riverine”.

(3) COUNTER-DRUG ACTIVITIES.—The heading for such section 1033 is amended by striking “PERU AND COLOMBIA” and inserting “OTHER COUNTRIES”.

SEC. 1208. UNIFIED FUNDS FOR UNIFIED COUNTERDRUG AND COUNTER-TERRORISM CAMPAIGN IN COLOMBIA.

(a) AUTHORITY.—(1) In fiscal years 2004 and 2005, the funds appropriated pursuant to the authorization of appropriations in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2004 COOPERATIVE THREAT REDUCTION FUNDS.—The term “fiscal year 2004 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 of the Cooperative Threat Reduction Act for Fiscal Year 2004 (as enacted into law by Public Law 108–117; 115 Stat. 2160, 2165, and 2166).

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 of the Cooperative Threat Reduction Act shall be available for obligation for three fiscal years.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2004 COOPERATIVE THREAT REDUCTION FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 of the Cooperative Threat Reduction Act for Fiscal Year 2004 (as enacted into law by Public Law 108–117; 115 Stat. 2160, 2165, and 2166).

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 of the Cooperative Threat Reduction Act shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) REQUIREMENTS.—The Department of Defense shall fully comply with the Competition in Contracting Act (10 U.S.C. 8301 et seq.) for any contracts awarded for activities in Iraq and shall conduct a full and open competition for performing work needed for the reconstruction of the Iraqi oil industry.

(b) REPORT TO CONGRESS.—If the Department of Defense does not have a fully competitive contract in place to replace the March 8, 2003 contract for the reconstruction of the Iraqi oil industry by August 31, 2003, the Secretary of Defense shall submit a report to Congress by September 30, 2003, detailing the reasons for allowing this sole-source contract to continue. A follow-up report shall be submitted to Congress each 60 days thereafter until a competitive contract is in place.
section 301(2)(f) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

1. For strategic offensive arms elimination in Russia, $27,600,000.
2. For strategic nuclear arms elimination in Russia, $390,000,000.
3. For nuclear weapons transportation security in Russia, $22,300,000.
4. For weapons storage security in Russia, $48,000,000.
5. For weapons of mass destruction proliferation prevention activities in the states of the former Soviet Union, $39,400,000.
6. For chemical weapons destruction in Russia, $200,300,000.
7. For defense and military contacts, $11,000,000.
8. For activities designated as Other Assessments/Administrative Support, $13,100,000.
9. For biological weapons proliferation prevention activities in the former Soviet Union, $54,200,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2004 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds were obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2004 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2004 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made only using the authority provided in paragraph (1) only after—

(a) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and
(b) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose listed in paragraphs (6) through (9) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. ANNUAL CERTIFICATIONS ON USE OF FACILITIES BEING CONSTRUCTED FOR COOPERATIVE THREAT REDUCTION PROJECTS OR ACTIVITIES.

(a) CERTIFICATION ON USE OF FACILITIES BEING CONSTRUCTED.—Not later than the first Monday of February each year, the Secretary of Defense shall submit to the congressional defense committees a certification for each facility for a Cooperative Threat Reduction project or activity for which construction occurred during the preceding fiscal year on matters as follows:

1. Whether or not such facility will be used for its intended purpose by the country in which the facility is constructed.
2. Whether or not the country remains committed to the use of such facility for its intended purpose.

(b) APPLICABILITY.—Subsection (a) shall apply to—

1. any facility the construction of which commences on or after the date of the enactment of this Act; and
2. any facility the construction of which is ongoing as of that date.

SEC. 1304. AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) AUTHORITY.—The President may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the President determines that such project or activity will—

1. assist the United States in the resolution of a critical emerging proliferation threat; or
2. assist the United States in the resolution of a proliferation threat that is critical to the national interest of the United States or of a country other than the United States.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to obligate and expend funds for a project or activity includes authority to provide equipment, goods, and services for the project or activity utilizing such funds, but does not include authority to provide cash directly to the project or activity.

(c) LIMITATION.—The amount that may be obligated or expended for a fiscal year under the authority in subsection (a) may not exceed $50,000,000.

(d) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Except as otherwise provided in subsections (a) and (b), the exercise of the authority in subsection (a) shall be subject to any requirement or limitation under another provision of law as follows:

1. Any requirement for prior notice or other reports to Congress on the use of Cooperative Threat Reduction funds or on Cooperative Threat Reduction projects or activities.
2. Any limitation on the obligation or expenditure of Cooperative Threat Reduction funds.

SEC. 1305. ONE-YEAR EXTENSION OF INAPPLICABILITY OF CERTAIN CONDITIONS ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

Section 8144 of Public Law 107-248 (116 Stat. 1571) is amended—

1. in subsection (a), by striking “and 2003” and inserting “2003, and 2004”;
2. in subsection (b), by striking “September 30, 2003” and inserting “September 30, 2004”.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2004”.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>$10,700,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Wainwright</td>
<td>$138,800,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>$100,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Leavenworth</td>
<td>$115,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Riley</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Aberdeen Proving Ground</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$125,500,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$152,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$49,800,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Moyer</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$3,900,000</td>
</tr>
</tbody>
</table>

Total: $1,055,500,000
(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

### Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$15,500,000</td>
</tr>
<tr>
<td></td>
<td>Livorno</td>
<td>$22,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Humphreys</td>
<td>$105,000,000</td>
</tr>
<tr>
<td></td>
<td>Kwajalein Atoll</td>
<td>$9,400,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$151,900,000</td>
</tr>
</tbody>
</table>

**SEC. 2102. FAMILY HOUSING.**

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Fort Huachuca</td>
<td>140 Units</td>
<td>$64,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Riley</td>
<td>220 Units</td>
<td>$41,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Knox</td>
<td>220 Units</td>
<td>$41,000,000</td>
</tr>
<tr>
<td></td>
<td>White Sands Missile Range</td>
<td>58 Units</td>
<td>$14,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Sill</td>
<td>120 Units</td>
<td>$25,373,000</td>
</tr>
<tr>
<td></td>
<td>Fort Lee</td>
<td>90 Units</td>
<td>$18,000,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>$220,673,000</td>
</tr>
</tbody>
</table>

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $34,488,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $156,030,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,980,454,000, as follows:

1. For military construction projects inside the United States authorized by section 2101(a), $893,500,000.
2. For military construction projects outside the United States authorized by section 2103(b), $151,900,000.
3. For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.
4. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $122,710,000.
5. For military family housing functions:
   - For construction and acquisition, planning and design, and improvement of military family housing and facilities, $409,190,000.
   - For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,031,053,000.
   - For the construction of phase 3 of Saddle Access Road, Pohakoula Training Facility, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2001 (division B of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-337; 114 Stat. 1654-339)), as amended by section 2107 of this Act, $17,000,000.
   - For the construction of phase 3 of a barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1280), as amended by section 2107 of this Act, $33,000,000.
   - For the construction of phase 3 of a barracks complex, 17th and B Streets, at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1280), $48,000,000.
   - For the construction of phase 2 of a barracks complex, Capron Road, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-334; 116 Stat. 2681), $49,000,000.
   - For the construction of phase 2 of a combined arms collective training facility at Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-334; 116 Stat. 2681), $13,000,000.
   - For the construction of phase 2 of a barracks complex, Range Road, at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-334; 116 Stat. 2681), $49,000,000.
   - For the construction of phase 2 of a maintenance complex at Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-334; 116 Stat. 2681), $13,000,000.
   - For the construction of phase 2 of a maintenance complex at Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-334; 116 Stat. 2681), $49,000,000.
   - For the construction of phase 2 of a maintenance complex at Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-334; 116 Stat. 2681), $13,000,000.

(b) Limitation on Total Cost of Construction Projects.—Withholding the cost variations authorized by section 2633 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of—

1. the total amount authorized to be appropriated under paragraphs (1), (2), and (2) of subsection (a);
2. $32,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks, Fort Stewart, Georgia);
3. $87,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks, Fort Huachuca, Arizona);
4. $43,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Wheeler-Sack Army Airfield, Fort Drum, New York); and
5. $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks, Bastogne Drive, Fort Bragg, North Carolina).

**SEC. 2105. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.**

(a) Military Construction Projects Outside the United States.—The table in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-334; 116 Stat. 2682) is amended—

1. by striking the item relating to Area Support Group, Bamberg, Germany;
2. by striking the item relating to Coleman Barracks, Germany;
3. by striking the item relating to Darmstadt, Germany;
4. by striking the item relating to Mannheim, Germany;
5. by striking the item relating to Schweinfurt, Germany; and
6. by striking the amount identified as the total in the amount column and inserting “$288,066,000.”

(b) Family Housing Outside the United States.—The table in section 2101(a) of that Act (116 Stat. 2683) is amended—

1. by striking the item relating to Yongson, Korea; and
(2) by striking the amount identified as the total in the amount column and inserting "$23,852,000";  
(3) in the item relating to Camp Humphreys, Korea, by striking "$36,000,000" in the amount column and inserting "$107,800,000"; and  
(4) by striking the item relating to K16 Airfield, Korea. 

(c) CONFORMING AMENDMENT. —Section 2104(a) of that Act (116 Stat. 2683) is amended—  
(1) in the matter preceding paragraph (1), by striking "$3,104,176,000" and inserting "$2,985,826,000";  
(2) in paragraph (2), by striking "$354,116,000" and inserting "$288,066,000"; and  
(3) in paragraph (6)(A), by striking "$282,356,000" and inserting "$230,056,000". 

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS. 

(1) in the item relating to Fort Richardson, Alaska, by striking "$115,000,000" in the amount column and inserting "$117,000,000"; and  
(2) by striking the amount identified as the total in the amount column and inserting "$1,364,750,000". 

(b) CONFORMING AMENDMENT.—Section 2104(b)(2) of that Act (115 Stat. 1284) is amended by striking "$52,000,000" and inserting "$54,000,000". 

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT. 

(1) in the item relating to Pahakou Training Facility, Hawaii, by striking "$32,000,000" in the amount column and inserting "$42,000,000"; and  
(2) by striking the amount identified as the total in the amount column and inserting "$636,374,000". 

(b) CONFORMING AMENDMENT.—Section 2104(b)(7) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A-392) is amended by striking "$20,000,000" and inserting "$30,000,000". 

TITLE XXII—NAVY 

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS. 

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table: 

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$22,230,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$73,580,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Lemoore</td>
<td>$34,510,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>$4,940,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, North Island</td>
<td>$49,240,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, China Lake</td>
<td>$12,890,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Point Mugu, San Nicholas Island</td>
<td>$9,150,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, San Clemente Island</td>
<td>$18,940,000</td>
</tr>
<tr>
<td></td>
<td>Naval Postgraduate School, Monterey</td>
<td>$35,550,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$42,710,000</td>
</tr>
<tr>
<td></td>
<td>Marine Air Ground Task Force Training Center, Twentynine Palms</td>
<td>$28,390,000</td>
</tr>
<tr>
<td></td>
<td>New London</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Barracks</td>
<td>$1,550,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Jacksonville</td>
<td>$3,190,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Whiting Field, Milton</td>
<td>$4,830,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Coastal Systems Station, Panama City</td>
<td>$9,550,000</td>
</tr>
<tr>
<td></td>
<td>Blount Island (Jacksonville)</td>
<td>$115,711,000</td>
</tr>
<tr>
<td></td>
<td>Strategic Weapons Facility Atlantic, Kings Bay</td>
<td>$11,310,000</td>
</tr>
<tr>
<td></td>
<td>Fleet and Industrial Supply Center, Pearl Harbor</td>
<td>$32,710,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Lualualei</td>
<td>$6,520,000</td>
</tr>
<tr>
<td></td>
<td>Naval Shipyard, Pearl Harbor</td>
<td>$7,010,000</td>
</tr>
<tr>
<td></td>
<td>Naval Training Center, Great Lakes</td>
<td>$137,120,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Patuxent River</td>
<td>$24,370,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Indiant Head</td>
<td>$14,850,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Meridian</td>
<td>$4,570,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Fallon</td>
<td>$4,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Lakehurst</td>
<td>$20,681,000</td>
</tr>
<tr>
<td></td>
<td>Naval Weapons Station, Earle</td>
<td>$123,720,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$1,270,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$6,240,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$29,450,000</td>
</tr>
<tr>
<td></td>
<td>Philadelphia Foundry</td>
<td>$10,200,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Newport</td>
<td>$18,690,000</td>
</tr>
<tr>
<td></td>
<td>Naval Undersea Warfare Center, Newport</td>
<td>$10,890,000</td>
</tr>
</tbody>
</table>
(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

### Navy: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Naval Air Station, Lemoore</td>
<td>$41,585,000</td>
</tr>
<tr>
<td>California</td>
<td>Naval Air Station, Pensacola</td>
<td>$34,070,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Naval Air Station, Sigonella</td>
<td>$7,070,000</td>
</tr>
<tr>
<td>Joint Maritime Facility, St. Mawgan</td>
<td></td>
<td>$7,070,000</td>
</tr>
<tr>
<td>Bahrain</td>
<td>Naval Support Activity, Bahrain</td>
<td>$18,030,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Support Activity, La Maddalena</td>
<td>$39,020,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Naval Air Station, Sigonella</td>
<td>$7,070,000</td>
</tr>
<tr>
<td>Bahrain</td>
<td>Naval Support Activity, Bahrain</td>
<td>$18,030,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Naval Air Station, Sigonella</td>
<td>$7,070,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$98,190,000</td>
</tr>
</tbody>
</table>

### Navy: Family Housing

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Florida</td>
<td>Naval Air Station, Lemoore</td>
<td>187 Units</td>
<td>$41,585,000</td>
</tr>
<tr>
<td>California</td>
<td>Naval Air Station, Pensacola</td>
<td>25 Units</td>
<td>$3,197,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>519 Units</td>
<td>$67,781,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>339 Units</td>
<td>$42,803,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$155,366,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $20,446,000.

SEC. 2002. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

### Navy: Family Housing

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas</td>
<td>Naval Station, Ingleside</td>
<td>$7,070,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Henderson Hall, Arlington</td>
<td>$1,970,000</td>
</tr>
<tr>
<td>Marine Corps Combat Development Command, Quantico</td>
<td>$18,120,000</td>
<td></td>
</tr>
<tr>
<td>Naval Amphibious Base, Little Creek</td>
<td>$3,810,000</td>
<td></td>
</tr>
<tr>
<td>Naval Station, Norfolk</td>
<td>$182,240,000</td>
<td></td>
</tr>
<tr>
<td>Naval Space Command Center, Dahlgren</td>
<td>$24,020,000</td>
<td></td>
</tr>
<tr>
<td>Norfolk Naval Shipyard, Portsmouth</td>
<td>$17,770,000</td>
<td></td>
</tr>
<tr>
<td>Naval Magazine, Indian Island</td>
<td>$2,240,000</td>
<td></td>
</tr>
<tr>
<td>Naval Submarine Base, Bangor</td>
<td>$33,820,000</td>
<td></td>
</tr>
<tr>
<td>Strategic Weapons Facility Pacific, Bangor</td>
<td>$6,530,000</td>
<td></td>
</tr>
<tr>
<td>Various Locations, CONUS</td>
<td>$56,360,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$1,287,482,000</td>
</tr>
</tbody>
</table>

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $25,690,000 (the balance of the amount authorized under section 2201(a) for the construction of a tertiary sewage treatment complex, Marine Corps Base, Camp Pendleton, California);

(3) $58,190,000 (the balance of the amount authorized under section 2201(a) for the construction of a general purpose berthing pier, Naval Weapons Station, Earle, New Jersey);

(4) $96,980,000 (the balance of the amount authorized under section 2201(a) for replacement of pier 11, Naval Station, Norfolk, Virginia); and

(5) $118,120,000 (the balance of the amount authorized under section 2201(a) for replacement of an outlying landing field and facilities at a location to be determined).
(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>$48,774,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$9,864,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$7,372,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$22,300,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$6,957,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Peterson Air Force Base</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Bolling Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$27,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Moody Air Force Base</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>$78,276,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>$15,137,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Columbus Air Force Base</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Keesler Air Force Base</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$11,627,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Tularosa Radar Test Site</td>
<td>$6,957,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Pope Air Force Base</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Seymour Johnson Air Force Base</td>
<td>$24,015,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Minot Air Force Base</td>
<td>$12,550,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Wright-Patterson Air Force Base</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Altus Air Force Base</td>
<td>$1,144,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Tinker Air Force Base</td>
<td>$25,560,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Charleston Air Force Base</td>
<td>$8,863,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Ellsworth Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Goodfellow Air Force Base</td>
<td>$19,970,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Lackland Air Force Base</td>
<td>$64,926,000</td>
</tr>
<tr>
<td></td>
<td>Randolph Air Force Base</td>
<td>$13,600,000</td>
</tr>
<tr>
<td></td>
<td>Sheppard Air Force Base</td>
<td>$28,590,000</td>
</tr>
<tr>
<td></td>
<td>Hill Air Force Base</td>
<td>$21,711,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base</td>
<td>$24,969,000</td>
</tr>
<tr>
<td></td>
<td>McChord Air Force Base</td>
<td>$19,000,000</td>
</tr>
<tr>
<td></td>
<td>F.E. Warren Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>$740,909,000</strong></td>
</tr>
</tbody>
</table>
SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,505,373,000, as follows:

1. For military construction projects inside the United States authorized by section 2301(a), $760,332,000.
2. For military construction projects outside the United States authorized by section 2301(b), $1,745,041,000.
3. For military construction projects at unspecified worldwide locations authorized by section 2301(c), $159,981,000.
4. For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.
5. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,345,000.
6. For military housing functions:
   A. For construction and acquisition, planning and design, and improvement of military family housing and facilities, $657,065,000.
   B. For support of military family housing (including functions described in section 2833 of title 10, United States Code), $812,770,000.
   C. Limitation on total cost of construction projects. Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$35,616,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$5,411,000</td>
</tr>
<tr>
<td></td>
<td>Aviano Air Base</td>
<td>$14,025,000</td>
</tr>
<tr>
<td></td>
<td>Kunsan Air Base</td>
<td>$7,059,000</td>
</tr>
<tr>
<td></td>
<td>Osan Air Base</td>
<td>$16,638,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Laajes Field, Azores</td>
<td>$4,086,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force, Lakenheath</td>
<td>$42,487,000</td>
</tr>
<tr>
<td></td>
<td>Royal Air Force, Mildenhall</td>
<td>$10,558,000</td>
</tr>
<tr>
<td></td>
<td>Wake Island</td>
<td>$24,000,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$159,880,000</td>
</tr>
</tbody>
</table>

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>93 Units</td>
<td>$19,357,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>56 Units</td>
<td>$12,723,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover Air Force Base</td>
<td>112 Units</td>
<td>$19,601,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>279 Units</td>
<td>$32,166,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>186 Units</td>
<td>$37,126,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>50 Units</td>
<td>$20,233,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>100 Units</td>
<td>$18,221,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom Air Force Base</td>
<td>94 Units</td>
<td>$19,368,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>138 Units</td>
<td>$18,336,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>144 Units</td>
<td>$29,550,000</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Minot Air Force Base</td>
<td>200 Units</td>
<td>$41,117,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Ellsworth Air Force Base</td>
<td>75 Units</td>
<td>$16,240,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Osan Air Base</td>
<td>111 Units</td>
<td>$44,765,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Laajes Field, Azores</td>
<td>42 Units</td>
<td>$13,428,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force, Lakenheath</td>
<td>89 Units</td>
<td>$23,640,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$399,598,000</td>
<td></td>
</tr>
</tbody>
</table>
Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

SEC. 2305. MODIFICATION OF FISCAL YEAR 2003 AUTHORITY RELATING TO IMPROVEMENT OF MILITARY FAMILY HOUSING UNITS.

(a) MODIFICATION.—Section 2303 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-31, 116 Stat. 2693) is amended by striking "$226,068,000" and inserting "$206,721,000".

(b) CONFORMING AMENDMENTS.—Section 2304(a) of that Act (116 Stat. 2693) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,633,738,000" and inserting "$2,614,391,000"; and

(2) in paragraph (6)(A), by striking "$689,824,000" and inserting "$670,477,000".

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Marine Corps Base, Camp Lejeune, North Carolina</td>
<td>$15,259,000</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>Defense Distribution Depot, New Cumberland, Pennsylvania</td>
<td>$27,000,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Air Force Base, Florida</td>
<td>$4,688,000</td>
</tr>
<tr>
<td></td>
<td>Eielson Air Force Base, Alaska</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Hickam Air Force Base, Hawaii</td>
<td>$14,100,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$3,500,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base, Virginia</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>Laughlin Air Force Base, Texas</td>
<td>$4,688,000</td>
</tr>
<tr>
<td></td>
<td>McChord Air Force Base, Washington</td>
<td>$8,100,000</td>
</tr>
<tr>
<td></td>
<td>Nellis Air Force Base, Nevada</td>
<td>$12,800,000</td>
</tr>
<tr>
<td></td>
<td>Offutt Air Force Base, Nebraska</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>National Security Agency</td>
<td>Fort Meade, Maryland</td>
<td>$1,842,000</td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>Dam Neck, Virginia</td>
<td>$15,281,000</td>
</tr>
<tr>
<td></td>
<td>Fort Benning, Georgia</td>
<td>$2,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$36,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Campbell, Kentucky</td>
<td>$7,800,000</td>
</tr>
<tr>
<td></td>
<td>Harrisburg International Airport, Pennsylvania</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>Little Creek, Virginia</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Tri-Care Management Activity</td>
<td>MacDill Air Force Base, Florida</td>
<td>$25,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Anacostia, District of Columbia</td>
<td>$15,714,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, New London, Connecticut</td>
<td>$6,400,000</td>
</tr>
<tr>
<td></td>
<td>United States Air Force Academy, Colorado</td>
<td>$21,500,000</td>
</tr>
<tr>
<td></td>
<td>Walter Reed Medical Center, District of Columbia</td>
<td>$9,000,000</td>
</tr>
<tr>
<td></td>
<td>Arlington, Virginia</td>
<td>$38,086,000</td>
</tr>
<tr>
<td>Washington Headquarters Services</td>
<td>Total</td>
<td>$331,170,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Agency</td>
<td>Grafenwoehr, Germany</td>
<td>$36,247,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg, Germany</td>
<td>$3,086,000</td>
</tr>
<tr>
<td></td>
<td>Sigonella, Italy</td>
<td>$30,234,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza, Italy</td>
<td>$16,374,000</td>
</tr>
<tr>
<td></td>
<td>Vilseck, Germany</td>
<td>$1,773,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart, Germany</td>
<td>$11,400,000</td>
</tr>
<tr>
<td></td>
<td>Andersen Air Force Base, Guam</td>
<td>$24,900,000</td>
</tr>
<tr>
<td></td>
<td>Grafenwoehr, Germany</td>
<td>$12,585,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$136,599,000</td>
</tr>
</tbody>
</table>

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $300,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $68,500,000.
SEC. 2405. AUTHORIZATION OF APPROPRIA-
TIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby author-
ized to be appropriated for fiscal years begin-
ning after September 30, 2003, for military con-
struction, land acquisition, and military family
housing functions of the Department of Defense
(other than military departments) in the total
amount of $1,154,402,000, as follows:

(1) For military construction projects inside
the United States authorized by section 2401(a),
$351,120,000.

(2) For military construction projects outside
the United States authorized by section 2401(b),
$102,703,000.

(3) For unspecified minor construction
projects under section 2805 of title 10, United
States Code, $16,153,000.

(4) For contingency construction projects of
the Secretary of Defense under section 2604 of
title 10, United States Code, $8,960,000.

(5) For architectural and engineering services
and construction design under section 2807 of
title 10, United States Code, $59,884,000.

(6) For energy conservation projects author-
ized by section 2404, $206,583,000.

(7) For base closure and realignment activities
as authorized by section 2806 of title 10, United
States Code, $370,427,000.

(8) For military family housing functions:
(A) For planning, design, and improvement of
military family housing and facilities, $350,000.

(B) For support of military family housing
(including functions described in section 2833 of
title 10, United States Code), $49,440,000.

(C) For credit to the Department of Defense
Family Housing Improvement Fund established
by section 2838(a)(1) of title 10, United States
Code, $300,000.

(9) For construction of the Defense Threat Re-
duction Center at Fort Belvoir, Virginia, au-
thorized by section 2401(a) of the Military
Construction Authorization Act for Fiscal Year
2695), $25,700,000.

(10) For construction of phase 5 of an ammu-
nition demilitarization facility at Pueblo Che-
mical Activity, Colorado, authorized by section
2401(a) of the Military Construction Authoriza-
tion Act for Fiscal Year 1999 (division B of Pub-
law 106-5; 110 Stat. 2775), $206,353,000.

(A) by striking the table in section 2401(b) of
the Military Construction Authorization Act for
Fiscal Year 2003 (division B of Public Law
107-314; 116 Stat. 2695) and inserting the total
amount authorized to be appropriated for the
projects and facilities, and contributions to the
North Atlantic Treaty Organization Security In-
vestment program (and authorizations of appro-
priations therefor) shall expire on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act au-
thorizing funds for military construction for fis-
cal year 2007.

(b) Exception.—Subsection (a) shall not
apply to authorizations for military construc-
tion projects, land acquisition, family housing
projects, and facilities, and contributions to the
North Atlantic Treaty Organization Security In-
vestment program (and authorizations of appro-
priations therefor) for which appropriated funds
have been obligated before the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act au-
thorizing funds for fiscal year 2007 for military
construction projects, land acquisition, family
housing projects, and facilities, and contribu-
tions to the North Atlantic Treaty Organization
Security Investment Program.

SEC. 2406. MODIFICATION OF AUTHORITY TO
CARRY OUT CERTAIN FISCAL YEAR
2003 PROJECTS.

The table in section 2401(b) of the Military
Construction Authorization Act for Fiscal Year
2695) is amended in the matter relating to De-
partment of Defense Dependent Schools by strik-
ing "Seoul, Korea" in the installation or location
column and inserting "Camp Humphreys, Korea";

SEC. 2407. MODIFICATION OF AUTHORITY TO
CARRY OUT CERTAIN FISCAL YEAR
2003 PROJECTS.

(a) Modification.—The table in section 2401(b) of the Military Construction Authoriza-
tion Act for Fiscal Year 2003 (division B of Public
Law 107-314; 116 Stat. 2695) is amended—

(1) in the matter relating to Department of De-
fense Dependent Schools—

(A) by striking "Seoul, Korea" in the installa-
tion or location column and inserting "Camp
Humphreys, Korea"; and

(B) by striking the item relating to Spangdah-
lem Air Base, Germany, and

(2) by striking the amount identified as the
total in the amount column and inserting "$205,586,000.

(b) Conforming Amendments.—Section
2404(a) of that Act (116 Stat. 2696) is amended—

(1) in the matter preceding paragraph (1), by
striking "$1,434,795,000" and inserting "$1,435,798,000";

(2) in paragraph (2), by striking "$206,353,000" and inserting "$205,586,000".

TITLE XVIII—NORTH ATLANTIC TREATY
ORGANIZATION SECURITY INVESTMENT
PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION
AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contri-
butions for the North Atlantic Treaty Organiza-
tion Security Investment program as provided in
section 2806 of title 10, United States Code, in an
amount not to exceed the sum of the amount au-
uthorized to be appropriated for this purpose in
section 2502 and the amount collected from the
North Atlantic Treaty Organization as a result
of construction previously financed by the United
States.

SEC. 2502. AUTHORIZATION OF APPROPRIA-
TIONS, NATO.

Funds are hereby authorized to be appro-
priated for fiscal years beginning after Sep-
tember 30, 2003, for contributions by the Secre-
tary of Defense under section 2806 of title 10,
United States Code, for the share of the United
States of the cost of projects for the North At-
lan tic Treaty Organization Security Investment
program authorized by section 2501, in the
amount of $169,300,000.

TITLE XXVI—GUARD AND RESERVE
CONSTRUCTION AND LAND ACQUISITION
PROJECTS

SEC. 2601. AUTHORIZED GUARD AND RESERVE
CONSTRUCTION AND LAND ACQUISITION
PROJECTS.

There are authorized to be appropriated for fis-
cal years beginning after September 30, 2003,
for the costs of acquisition, architectural and
engineering services, and construction of facili-
ties for the Guard and Reserve Forces, and for
contributions therefor, under chapter 3103 of
title 10, United States Code (including the cost
of acquisition of land for those facilities), the
following amounts:

(1) For the Department of the Army—
(A) for the Army National Guard of the
United States, $276,779,000; and
(B) for the Army Reserve, $74,478,000.

(2) For the Department of the Navy, for the
Naval and Marine Corps Reserve, $34,132,000.

(3) For the Department of the Air Force—
(A) for the Air National Guard of the
United States, $208,530,000; and
(B) for the Air Force Reserve, $53,912,000.

TITLE XXVII—EXPIRATION AND
EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS
AND AMOUNTS REQUIRED TO BE
SPECIFIED IN LAW.

(a) Expiration of Authorizations After
Three Years.—Except as provided in subsection
(b), all authorizations contained in titles XXI
through XXVI for military construction
projects, land acquisition, family housing
projects, and facilities, and contributions to the
North Atlantic Treaty Organization Security
Investment program (and authorizations of appro-
priations therefor) shall expire on the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act au-
thorizing funds for military construction for fis-
cal year 2007.

(b) Exception.—Subsection (a) shall not
apply to authorizations for military construc-
tion projects, land acquisition, family housing
projects, and facilities, and contributions to the
North Atlantic Treaty Organization Security
Investment program (and authorizations of appro-
priations therefor) for which appropriated funds
have been obligated before the later of—

(1) October 1, 2006; or

(2) the date of the enactment of an Act au-
thorizing funds for fiscal year 2007 for military
construction projects, land acquisition, family
housing projects, and facilities, and contribu-
tions to the North Atlantic Treaty Organization
Security Investment program.
### Army: Extension of 2001 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>New Construction—Family Housing (1 Unit)</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

### Navy: Extension of 2001 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia</td>
<td>Gas Turbine Test Facility</td>
<td>$10,680,000</td>
</tr>
</tbody>
</table>

### Defense Agencies: Extension of 2001 Project Authorizations

<table>
<thead>
<tr>
<th>State or country</th>
<th>Installation or location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Seoul, Korea</td>
<td>Elementary School Full Day Kindergarten Classroom Addition</td>
<td>$2,317,000</td>
</tr>
<tr>
<td></td>
<td>Taegu, Korea</td>
<td>Elementary/High School Full Day Kindergarten Classroom Addition</td>
<td>$762,000</td>
</tr>
</tbody>
</table>

### Army National Guard: Extension of 2001 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Papago Park</td>
<td>Add/Alter Readiness Center</td>
<td>$2,265,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Mansfield</td>
<td>Readiness Center</td>
<td>$3,100,000</td>
</tr>
</tbody>
</table>

### Air Force: Extension of 2000 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>Replace Family Housing (41 Units)</td>
<td>$6,000,000</td>
</tr>
</tbody>
</table>

### Army National Guard: Extension of 2000 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Fort Pickett</td>
<td>Multi-purpose Range Heavy</td>
<td>$13,500,000</td>
</tr>
</tbody>
</table>

---

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.**

(a) **Extension.**—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 841), authorizations set forth in the tables in subsection (b), as provided in section 2302 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2700), shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

(b) **Tables.**—The table referred to in subsection (a) is as follows:

---

**Conclusions:**

The tables and provisions outlined above provide detailed information on the extension of certain project authorizations for fiscal years 2001 and 2000, specifically for the projects listed across various states and locations. These extensions are subject to the enactment of an Act authorizing funds for military construction for fiscal year 2005. The tables provide a clear and structured view of the projects, their installations or locations, and the corresponding amounts allocated for each project.
Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF GENERAL DEFINITIONS RELATING TO MILITARY CONSTRUCTION.

(a) MILITARY CONSTRUCTION.—Subsection (a) of section 2801 of title 10, United States Code, is amended by inserting before the period the following: ‘‘, whether to satisfy temporary or permanent requirements’’.

(b) MILITARY INSTALLATION.—Subsection (c)(2) of such section is amended by inserting before the period the following: ‘‘, without regard to the duration of operational control’’.

SEC. 2802. INCREASE IN NUMBER OF FAMILY HOUSING UNITS IN UNITED STATES AUTHORIZED FOR LEASE BY THE NAVY.

Section 2828(e)(2) of title 10, United States Code, is amended by striking ‘‘2,000’’ and inserting ‘‘2,800’’.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF LAND AT FORT CAMPBELL, KENTUCKY AND TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the State of Tennessee, all right, title, and interest of the United States in and to a parcel of real property (right-of-way), including improvements thereon, located at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a 2-lane highway to a 4-lane highway.

(b) PAYMENT.—As consideration for the conveyance of the right-of-way parcel to be conveyed by subsection (a), the Secretary shall pay from any source (including Federal funds made available to the State from the Highway Trust Fund) the Secretary's costs associated with the environmental considerations required for the conveyance under section (c).

(c) DESCRIPTION OF PROPERTY.—(1) Costs of Conveyance.—The conveyance of the right-of-way parcel, including the preparation of documents under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), surveys (including surveys under subsection (c)), appraisals, cultural reviews, administrative expenses, cemetery relocation, and other expenses necessary to transfer the property.

(2) Acquisition of Replacement Land.—The acquisition of approximately 200 acres of mission-essential replacement land required to support the training mission at Fort Campbell.

(d) Disposal of Residual Property.—The disposal of residual land located south of the realigned highway.

(e) Acceptance and Credit.—The Secretary may accept funds under this subsection from the Federal Highway Administration or the State of Tennessee to pay the costs described in paragraphs (1) and (2) that the Corporation bears.

(f) Deposit of Amounts.—All funds accepted by the Secretary under this subsection shall remain available until expended.

(g) Description.—The acreage of the real property to be conveyed, acquired, and disposed of under this section shall be determined by surveys satisfactory to the Secretary.

(h) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as are appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the ‘‘Department’’), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 93 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State-run cemetery for veterans of the Armed Forces.

(b) Reimbursement for Costs of Conveyance.—(1) The Department shall reimburse the Secretary for any costs incurred by the Secretary in making the conveyance authorized by subsection (a), including costs related to environmental documentation and other administrative costs.

(2) The Secretary shall apply to costs associated with the environmental remediation of the real property to be conveyed under such subsection.

(3) Any reimbursements received under paragraph (1) for costs described in that paragraph shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as are appropriate to protect the interests of the United States.
SEC. 2824. LAND CONVEYANCE, AIR FORCE AND ARMY EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service to convey through negotiated sale all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 14 acres in Portland, Texas, for the purpose of facilitating the operation of the United States in and to a parcel of real property, consisting of approximately 7.5 acres located at 1515 Roundtable Drive in Dallas, Texas.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the purchaser shall pay the United States a single payment equal to the fair market value of the real property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) DEPOSIT OF AMOUNTS.—Section 574 of title 40, United States Code, shall apply to the consideration received under subsection (a) to the extend that the enforcement of such section is not inconsistent with the fair market value of the real property, including any improvements thereon, consisting of approximately 7.5 acres located at 1515 Roundtable Drive in Dallas, Texas.

(d) DETERMINATION.—As consideration for the conveyance authorized by subsection (a), a parcel of real property, including any improvements thereon, consisting of approximately 14 acres in Portland, Texas, shall be appraised and the appraisal shall be made available to the Secretary.

SEC. 2825. LAND EXCHANGE, NAVAL AND MARINE CORPS RESERVE CENTER, PORTLAND, OREGON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the United Parcel Service, Inc. (in this section referred to as "UPS"), any or all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 14 acres in Portland, Oregon, and comprising the Naval and Marine Corps Reserve Center, for the purpose of facilitating the expansion of the UPS main distribution complex in Portland.

(b) PROPERTY RECEIVED IN EXCHANGE.—(1) As consideration for the conveyance under subsection (a), UPS shall—

(A) convey to the United States a parcel of real property determined to be suitable by the Secretary; and

(B) design, construct, and convey such replacement facilities on the property conveyed under subparagraph (A) as the Secretary considers appropriate.

(2) The value of the real property and replacement facilities conveyed by the United States and received by UPS shall be equal to the fair market value of the real property conveyed under subsection (a), as determined by the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require UPS to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance and to construct the property conveyed by UPS, including survey costs, costs related to environmental documentation, relocation expenses incurred under subsection (b), and other administrative costs related to the conveyance. If amounts are collected from UPS in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred, the Secretary shall refund the excess amount to UPS.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. If amounts are credited shall be merged in, and available with, amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as the fund or account from which it was credited.

(d) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the parcel of real property, including any improvements thereon, consisting of approximately 7.5 acres located at 1515 Roundtable Drive in Dallas, Texas is suitable for the purposes of the conveyance. The Secretary may require UPS to commit to screen the property to be conveyed under subsection (a) to the extent to which the conveyance of the property to UPS will contribute to economic growth in the State of Louisiana and in Northwestern Louisiana in particular;

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2826. LAND CONVEYANCE, FORT RITCHIE, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the Louisiana National Guard the property known as the Louisiana Army Ammunition Plant, for the purpose of facilitating the operation of the United States in and to a parcel of real property determined to be suitable by the Secretary to be conveyed under this section as the Secretary considers appropriate to protect the interests of the United States.

(b) CONDITION OF CONVEYANCE.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary, and the cost of the survey shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. FEASIBILITY STUDY OF CONVEYANCE OF LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) STUDY REQUIRED.—(1) The Secretary of the Army shall conduct a study of the feasibility, costs, and benefits for the conveyance of the Louisiana Army Ammunition Plant as a site for storage in connection with the utilization and development of the Plant and similar parcels of real property.

(2) In conducting the study, the Secretary shall consider—

(A) the feasibility and advisability of entering into negotiations with the State of Louisiana or the Louisiana National Guard for the conveyance of the Louisiana Army Ammunition Plant;

(B) the extent to which the conveyance of the Plant could—

(i) facilitate the execution by the Department of Defense of its national security mission; and

(ii) facilitate the continued use of the Plant by the Louisiana National Guard and the execution by the Louisiana National Guard of its national security mission; and

(C) evidence presented by the State of Louisiana of the means by which the conveyance of the Plant could benefit current and potential private sector and governmental tenants of the Plant and facilitate the contribution of such tenants to economic development in Northwest Louisiana;

(D) the extent to which the conveyance of the Plant to a public-private partnership will contribute to economic growth in the State of Louisiana and in Northwestern Louisiana in particular;

(E) the value of any mineral rights in the lands of the Plant; and

(F) this subtitle may be cited as the "Overseas Military Facility Structure Review Act of 2003".

(b) EXEMPTION FROM FEDERAL SCREENING REQUIREMENT.—The conveyance authorized by subsection (a) shall be exempt from the requirement to screen the property to be conveyed under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(c) ESTABLISHMENT.—(1) There is established the Louisiana Army Ammunition Plant Fund, which shall be composed of 9 members of whom—

(A) 4 shall be appointed by the Secretary of the Senate; and

(B) 5 shall be appointed by the Secretary of the House of Representatives.

(2) The members of the Louisiana Army Ammunition Plant Fund shall be, to the extent practicable, representatives of the State of Louisiana and in Northwestern Louisiana of the extent to which the conveyance of the Plant could benefit current and potential private sector and governmental tenants of the Plant and facilitate the contribution of such tenants to economic development in Northwest Louisiana.

(d) MEMBERSHIP.—(1) The Commission shall be composed of 9 members of whom—

(A) 4 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate and the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(B) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate and the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(C) 2 shall be appointed by the Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate and the Ranking Member of the Committee on Armed Services of the Senate and the Ranking Member of the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(D) 2 shall be appointed by the Speaker of the House of Representatives, in consultation with the Majority Leader of the House of Representatives and the Chairman of the Committee on Appropriations of the House of Representatives; and

(E) shall be appointed by the Minority Leader of the House of Representatives, in consultation with the Majority Leader of the House of Representatives and the Chairman of the Committee on Appropriations of the House of Representatives.
(2) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(3) Appointments of the members of the Commission shall not later than 45 days after the date of the enactment of this Act.

(c) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) Meetings.—The Commission shall meet at the call of the Co-Chairmen.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a fewer number of members may hold hearing.

(g) Chair and Vice Chair.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 2843. DUTIES OF COMMISSION.

(a) Study.—The Commission shall conduct a thorough study of matters relating to the military facility and range structure of the United States overseas; and future mission of the Department of the United States overseas is adequate to meet the basing and training range structure of the United States overseas; and

(b) Matters to Be Studied.—In conducting the study, the Commission shall—

(1) assess the number of military personnel of the United States required to be based outside the United States;

(2) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(3) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(4) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

(5) assess the feasibility and advisability of the closure and realignment of military facilities of the United States overseas, or the establishment of new military facilities of the United States overseas, to meet the requirements of the Department of Defense to provide for the national security of the United States; and

(6) consider or assess any other issue relating to military facilities and ranges of the United States overseas that the Commission considers appropriate.

(c) Report.—(1) Not later than August 30, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative action as the Commission considers appropriate.

(2) In addition to the matters specified in paragraph (1), the report shall also include a proposal for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

SEC. 2844. POWERS OF COMMISSION.

(a) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) Information from Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission may deem necessary to carry out this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Administrative Support Services.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this subtitle.

(d) Pay.—(1) Members of the Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) Members of the Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 2845. COMMISSION PERSONNEL MATTERS.

(a) Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this subtitle. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel.—(1) Members of the Commission shall be reimbursed for all travel and transportation expenses required in the performance of official duties, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this subtitle.

(2) Members and staff of the Commission may receive transportation on aircraft of the Military Airlift Command to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(c) Staff.—(1) The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to carry out its duties under this subtitle. The employment of an executive director shall be subject to confirmation by the Commission.

(2) The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under paragraph (1), may not exceed 12.

(d) Funds.—(1) The Compensation of the executive director and such other additional personnel without regard to chapter 51 of title 5, United States Code, may not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) The total number of the staff of the Commission, including an executive director, may not exceed 12.

SEC. 2846. SECURITY.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for the activities of the National Nuclear Security Administration in carrying out its programs necessary for national security in the amount of $8,933,847,000, to be allocated as follows:

(1) For weapons activities, $6,457,272,000.

(2) For defense nuclear nonproliferation activities, $1,340,195,000.

(3) For nuclear reactors, $788,400,000.

(4) For the Office of the Administrator for Nuclear Security, $347,980,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for weapons activities, as follows:

Project 04-D-101, test capabilities revitalization phase I, Sandia National Laboratories, Albuquerque, New Mexico, $6,365,400,000.

Project 04-D-102, exterior communications infrastructure modernization, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000.

Project 04-D-103, project engineering and design, various locations, $2,000,000.

Project 04-D-125, chemistry and metallurgy research (CMR) facility replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.

Project 04-D-126, building 12-44 production cells upgrade, Pantex Plant, Amarillo, Texas, $20,000,000.

Project 04-D-127, cleaning and loading modifications, Carlsbad, New Mexico, $1,300,000.

Project 04-D-128, TA-18 mission relocation project, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.

Project 04-D-129, Savannah River Site, South Carolina, $5,820,000.

Project 04-D-203, project engineering and design, facilities and infrastructure recapitalization program, various locations, $3,719,000.

Project 04-D-204, Savannah River Site, South Carolina, $4,820,000.

Project 04-D-205, Savannah River Site, South Carolina, $5,000,000.

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated to the Department of Energy for the activities of the National Nuclear Security Administration in carrying out its programs necessary for national security in the amount of $8,933,847,000, to be allocated as follows:

(1) For weapons activities, $6,457,272,000.

(2) For defense nuclear nonproliferation activities, $1,340,195,000.

(3) For nuclear reactors, $788,400,000.

(4) For the Office of the Administrator for Nuclear Security, $347,980,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for weapons activities, as follows:

Project 04-D-101, test capabilities revitalization phase I, Sandia National Laboratories, Albuquerque, New Mexico, $6,365,400,000.

Project 04-D-102, exterior communications infrastructure modernization, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000.

Project 04-D-103, project engineering and design, various locations, $2,000,000.

Project 04-D-125, chemistry and metallurgy research (CMR) facility replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.

Project 04-D-126, building 12-44 production cells upgrade, Pantex Plant, Amarillo, Texas, $20,000,000.

Project 04-D-127, cleaning and loading modifications, Carlsbad, New Mexico, $1,300,000.

Project 04-D-128, TA-18 mission relocation project, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.

Project 04-D-129, Savannah River Site, South Carolina, $5,820,000.

Project 04-D-203, project engineering and design, facilities and infrastructure recapitalization program, various locations, $3,719,000.

Project 04-D-204, Savannah River Site, South Carolina, $4,820,000.

Project 04-D-205, Savannah River Site, South Carolina, $5,000,000.
to the Department of Energy for fiscal year 2004 for environmental management activities in carrying out programs necessary for national security in the amount of $6,809,814,000, to be allotted as follows:

1. For defense site acceleration completion, $5,814,635,000.
2. For defense environmental services, $20,259,000.

b) ALTERNATIVE READINESS POSTURE.—If as a result of the review conducted by the Secretary for purposes of the report required by section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2004 (Public Law 107-134; 111 Stat. 7233) the Secretary, in consultation with the Administrator for Nuclear Security, determines that the optimal, advisable, and preferred readiness posture for any placement of underground nuclear tests by the United States for any number of months other than 18 months, the Secretary, and, if the determinations described in subsection (b) such optimal, advisable, and preferred readiness posture instead of the readiness posture of 18 months.

c) REPORT ON TERMINATION.—(1) The Secretary shall submit to the congressional defense committees a report on a determination described in subsection (b) if the determination leads to the achievement by the Secretary of a readiness posture of other than 18 months under that subsection.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense activities in carrying out programs necessary for national security in the amount of $465,099,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense nuclear waste disposal for the Nuclear Waste Fund established in section 226(b) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10223(c)) in the amount of $360,000,000.

SEC. 3105. DEFENSE ENERGY SUPPLY.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for defense energy supply in carrying out programs necessary for national security in the amount of $110,473,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. REPEAL OF PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.


(b) CONSTRUCTION.—Nothing in the repeal made by subsection (a) shall be construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon.

(c) LIMITATION.—The Secretary of Energy may not commence the engineering development phase, or any subsequent phase, of a low-yield nuclear weapon unless specifically authorized by Congress.

(d) REPORT.—(1) Not later than March 1, 2004, the Secretary of State, the Secretary of Defense, and the Secretary of Energy shall jointly submit to Congress a report assessing whether or not the repeal of section 3136 of the National Defense Authorization Act for Fiscal Year 1994 will affect the United States ability to achieve its nonproliferation objectives and whether such programs and activities would be required to achieve those objectives.

(2) The report shall be submitted in unclassified form, but may include a classified annex if necessary.

SEC. 3112. READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.

(a) 18-MONTH READINESS POSTURE REQUIRED.—(1) Commencing not later than October 1, 2006, the Secretary of Energy shall achieve, and thereafter maintain, a readiness posture of 18 months under the United States capability in 235 new plant projects for defense site acceleration projects, the Secretary of Energy may carry out other programs that the Operations of the National Nuclear Security Administration as the Administrator shall designate for that purpose.

b) CONTINUATION OF CANYON FACILITY.—(1) No funds authorized to be appropriated to the National Nuclear Security Administration for fiscal year 2004 to support the operations of the Savannah River Site; and

(2) As the Savannah River Site or any other facilities that were operated as a program independent of the Readiness in Technical Base and Facilities program shall be managed by the Associate Administrator of the National Nuclear Security Administration for Facilities and Operations, or by such other official within the National Nuclear Security Administration as the Administrator shall designate for that purpose.

SEC. 3113. TECHNICAL BASE AND FACILITIES MAINTENANCE AND RECAPITIALIZATION ACTIVITIES.

(a) DEADLINE FOR INCLUSION OF PROJECTS IN FACILITIES AND INFRASTRUCTURE RECAPITIALIZATION PROGRAM.—(1) The Administrator for Nuclear Security shall include in the program described in paragraph (2) projects for inclusion in the Facilities and Infrastructure Recapitalization Program (FIRP) of the National Nuclear Security Administration under the following:

(2) No project may be included in the program until the date on which the President submits a report setting forth guidelines on the conduct of the Readiness in Technical Base and Facilities (RTBF) program of the National Nuclear Security Administration.

(3) The guidelines on the Readiness in Technical Base and Facilities program shall include the following:

(a) Criteria for the inclusion of projects in the program, and any priorities among projects included in the program.

(b) Mechanisms for the management of facilities under the program, including any changes to the program described in paragraph (3).
S3756 CONGRESSIONAL RECORD — SENATE June 4, 2003

Subtitle C—Proliferation Matters

SEC. 3141. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION TO ADDITIONAL COUNTRIES.—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting Program to carry out nuclear nonproliferation threat reduction activities and projects outside the states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS.—Not later than 15 days before the Secretary obligates funds for the International Materials Protection, Control, and Accounting Program for a project or activity in or with respect to a country outside of the former Soviet Union pursuant to the authority in subsection (a), the Secretary shall submit to the congressional defense committees a notice on the obligation of such funds for the project or activity that shall specify—

(1) the project or activity, and forms of assistance, for which the Secretary proposes to obligate such funds.

(b) The amount of the proposed obligation; and

(3) the projected involvement (if any) of any United States department or agency (other than the Department of Energy), or the private sector, in the project, activity, or assistance for which the Secretary proposes to obligate such funds.

SEC. 3142. SEMIANNUAL FINANCIAL REPORTS ON NUCLEAR NONPROLIFERATION PROGRAM.

(a) SEMIANNUAL REPORTS REQUIRED.—Not later than April 30 and October 30 each year, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the financial status during the half fiscal year ending on the last day of each specified month of all Department of Energy defense nuclear nonproliferation programs for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls—

(1) the aggregate amount appropriated for such fiscal year; and

(2) the aggregate amount appropriated for such fiscal year under subsection (a) shall set forth for each Department of Energy defense nuclear nonproliferation program for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls—

(A) the amounts obligated for such fiscal year; and

(b) CONTENTS.—Each report on a half fiscal year under subsection (a) shall set forth for each Department of Energy defense nuclear nonproliferation program for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls—

(1) the aggregate amount appropriated for such fiscal year; and

(2) the aggregate amount appropriated for such fiscal year for such program—

(A) the amounts obligated for such program as of the end of the fiscal year; and

(b) The amounts committed for such program as of the end of the half fiscal year;

(c) the amounts disbursed for such program as of the end of the half fiscal year; and

(d) the amounts that remain available for obli- gation for such program as of the end of the half fiscal year.

(c) APPLICABILITY.—This section shall apply with respect to fiscal years after fiscal year 2003.

SEC. 3143. REPORT ON REDUCTION OF EXCESS UNACCOUNTED FOR DEPARTMENT OF ENERGY NUCLEAR NONPROLIFERATION ACTIVITIES.

(a) CONTINGENT REQUIREMENT FOR REPORT.—If as of September 30, 2004, the aggregate amount obligated but not expended for defense nuclear nonproliferation activities from amounts authorized to be appropriated for such activities in fiscal year 2004 exceeds an amount equal to 20 percent of the aggregate amount so obligated for such activities, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives containing an executive plan to provide for the timely expenditure of amounts so obligated but not expended.

(b) SUBMITTAL DATE.—If required to be submitted under paragraph (a), the submittal date for the report under that subsection shall be November 30, 2004.

Subtitle D—Other Matters

SEC. 3151. MODIFICATION OF AUTHORITY ON DEPARTMENT OF ENERGY PERSONNEL SECURITY INVESTIGATIONS.

(a) IN GENERAL.—Subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking paragraph (2) and inserting the following:—

“(2) In the case of any program designated by the Secretary for the purposes as sensitive, the Secretary may require that any investigation requir- ing the use of an individual employed in the program be made by the Federal Bureau of Investigation.”.

(b) CONFORMING AMENDMENT.—Subsection f. of such section is amended by striking “a majority of the members of the Commission shall certify those specific positions” and inserting “the Secretary of Energy may certify specific positions (in addition to positions in programs designated as sensitive under subsection e.)”.

SEC. 3152. RESPONSIBILITIES OF ENVIRONMENTAL MANAGEMENT PROGRAM AND NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF ENERGY FOR ENVIRONMENTAL CLEANUP, DECONTAMINATION AND DECOMMISSIONING, AND WASTE MANAGEMENT.

(a) DELINEATION OF RESPONSIBILITIES.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2005, and in the budget of the President under section 1105(a) of title 31, United States Code (as submitted with the budget of the President for fiscal year 2005, and in the budget of the President under section 1105(a) of title 31, United States Code), a report setting forth a delineation of responsibilities between and among the Environmental Management (EM) program and the National Nuclear Security Administration (NNSA) of the Department of Energy for activities specified in this section.

(1) Environmental cleanup.

(2) Decontamination and decommissioning (D&D).

(3) Waste management.

(b) PLAN FOR IMPLEMENTATION OF DELINEATED RESPONSIBILITIES.—(1) The Secretary shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2005 (as so submitted) a report setting forth a plan to implement among the Environmental Management (EM) program and the National Nuclear Security Administration the responsibilities for activities referred to in subsection (a) as delineated under that subsection.

(2) The plan required under paragraph (1) shall include such recommendations for legislative action as the Secretary considers appropriate in order to—

(A) clarify in law the responsibilities delineated under subsection (a); and

(b) facilitate the implementation of the plan set forth in the report.

(c) CONTENTS.—The Secretary shall carry out this section in consultation with the Administrator for Nuclear Security and the Under Secretary of Energy for Energy, Science, and Environmental Management.

SEC. 3153. UPDATE OF REPORT ON STOCKPILE STEWARDSHIP CRITERIA.

(a) UPDATE OF REPORT.—Not later than March 1, 2005, the Secretary of Energy shall submit to the committees referred to in subsection (c) of section 4202 of the Atomic Energy Defense Act a report updating the report submitted under subsection (a) of such section.

(b) ELEMENTS.—The report under subsection (a) of this section shall—

(1) update any information or criteria described in the report submitted under such section 4202;

(2) describe any additional information identified, or criteria established, on matters covered by subsection (c) of such section, and include a description of the projects being developed to implement the report submitted under such section 4202 and ending on the date of the submittal of the report under subsection (a) of this section; and

(3) for each science-based tool developed by the Department of Energy during such period—

(A) a description of such science-based tool to the collection of information needed to determine that the nuclear weapons stockpile is safe and reliable; and

(B) a description of the process for judging whether or not such science-based tool provides the collection of such information.

SEC. 3154. PROGRESS REPORTS ON ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) REPORT ON ACCESS TO INFORMATION FOR PROFESSIONALS OF RADIATION DOSE RECONSTRUCTIONS.—(1) Not later than 90 days after the date of the enactment of this Act, the National Institute for Occupational Safety and Health shall submit to Congress a report on the ability of the institute to obtain, in a timely, accurate, and complete manner, information necessary for the purpose of carrying out radiation dose reconstructions under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.), including information requested from any element of the Department of Energy.

(b) REPORT ON DENIAL OF CLAIMS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report on the denial of claims under the Energy Employees Occupational Illness Compensation Program Act of 2000 and the date of such report.

(b) The report shall include the following:

(A) An identification of each matter adversely affecting the ability of the institute to obtain information described in paragraph (1) in a timely, accurate, and complete manner.

(B) For each facility with respect to which the Institute is carrying out one or more dose reconstructions described in paragraph (1), (i) a specification of the total number of claims requiring dose reconstruction; and

(ii) a specification of the number of claims for which dose reconstruction has not been completed within 150 days after the date on which the Secretary of Labor submitted the claim to the Secretary of Health and Human Services.

(b) REPORT ON DENIAL OF CLAIMS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report on the denial of claims under the Energy Employees Occupational Illness Compensation Program Act of 2000 and the date of such report.

(b) The report shall include the following:

(A) An identification of each matter adversely affecting the ability of the Institute to obtain information described in paragraph (1), (i) a specification of the total number of claims requiring dose reconstruction; and

(ii) a specification of the number of claims for which dose reconstruction has not been completed within 150 days after the date on which the Secretary of Labor submitted the claim to the Secretary of Health and Human Services.

(b) REPORT ON DENIAL OF CLAIMS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report on the denial of claims under the Energy Employees Occupational Illness Compensation Program Act of 2000 and the date of such report.

(b) The report shall include the following:

(A) An identification of each matter adversely affecting the ability of the Institute to obtain information described in paragraph (1), (i) a specification of the total number of claims requiring dose reconstruction; and

(ii) a specification of the number of claims for which dose reconstruction has not been completed within 150 days after the date on which the Secretary of Labor submitted the claim to the Secretary of Health and Human Services.

(b) REPORT ON DENIAL OF CLAIMS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report on the denial of claims under the Energy Employees Occupational Illness Compensation Program Act of 2000 and the date of such report.

(b) The report shall include the following:

(A) An identification of each matter adversely affecting the ability of the Institute to obtain information described in paragraph (1), (i) a specification of the total number of claims requiring dose reconstruction; and

(ii) a specification of the number of claims for which dose reconstruction has not been completed within 150 days after the date on which the Secretary of Labor submitted the claim to the Secretary of Health and Human Services.

SEC. 3155. STUDY ON THE APPLICATION OF TECHNOLOGY FROM THE ROBUST NUCLEAR EARTH PENETRATOR PROGRAM TO CONVENTIONAL HARD AND DEEPLY BURIED TARGET WEAPONS DEVELOPMENT PROGRAMS.

(a) FINDINGS.—Much of the technology that will be carried out by the Secretary of Energy in the feasibility study for the Robust Nuclear Earth Penetrator will have applicability to a nuclear or a conventional earth penetrator, but the Department of Energy does not have responsibility for development of conventional earth penetrator or other conventional programs for hard and deeply buried targets.

(b) PLAN.—The Secretary of Energy and the Secretary of Defense shall develop, submit to Congress three months after the date of enactment of this Act, and implement the plan to coordinate the Robust Nuclear Earth Penetrator feasibility study at the Department of Energy
with the ongoing conventional hard and deeply buried weapons development programs at the Department of Defense. This plan shall ensure that over the course of the feasibility study for the Robust Nuclear Earth Penetrator, the on-going results of the work of the Department of Energy, with application to the Department of Defense programs, is shared with and integrated into the Department of Defense programs.

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

SEC. 3141. CONSOLIDATION AND ASSEMBLY OF RECURRING AND GENERAL PROVISIONS ON DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) Purpose.

(1) IN GENERAL.—The purpose of this section is to assemble together, without substantive amendment of P.L. 106–298, but with technical and conforming amendments of a non-substantive nature, recurring and general provisions of law on Department of Energy national security programs that remain in force in order to consolidate and organize such provisions of law into a single Act intended to comprise general provisions of law on such programs.

(2) Date of Section of Transfers.—The transfer of a provision of law by this section shall not be construed as amending, altering, or otherwise modifying the substantive effect of such provision.

(3) Treatment of Satisfied Requirements.—Any requirement in a provision of law transferred under this section that has been fully satisfied in accordance with the terms of such provision shall be treated as so fully satisfied, and shall not be treated as being revived solely by reason of transfer.

(b) Division Heading.—The Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) is amended by adding at the end the following new division heading:

“DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS.”

(c) Short Title; Definition.

(1) Short Title.—Section 3601 of the Atomic Energy Defense Act, as amended by this Act, shall be known as “the Atomic Energy Defense Act, as amended by this Act”.

(2) Definition.—Division D of the Department of Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), as amended by this subsection, is amended by striking “for Fiscal Year 2003” and inserting “Act for Fiscal Year 2003”.

(d) Amended by Striking “Title” and Inserting “Division”.

(1) Division Heading.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is amended by striking “for Fiscal Year 2003” and inserting “Act for Fiscal Year 2003”.

(2) Definition.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new section:

“SEC. 4002. DEFINITION.

“In this division, the term ‘congressional defense committees’ means—

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

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”

(d) Organizational Matters.

(1) Division Heading.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new section:

“TITLE XI—ORGANIZATIONAL MATTERS.”

(2) Naval Nuclear Propulsion Program.—Section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 98 Stat. 2649) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1); and

(B) redesignated as section 4201, and

(C) redesignated by striking “title” and inserting “Division”.

(3) Stockpile Life Extension Program.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2041) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4202; and

(C) inserted after section 4201, as added by paragraph (2).
(A) transferred to title XLII of division D of such Act, as amended by this subsection;
(b) redesignated as section 4209; and
(c) inserted after section 4208, as added by paragraph (10);

(11) LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.—Subsection (f) of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102–337; 106 Stat. 1345) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) inserted after section 4209, as added by paragraph (10); and
(C) amended—
(i) by inserting before the text the following new subsection:

"SEC. 4210. LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.—

and
(ii) by striking "(f)".

(12) PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4211; and
(C) inserted after section 4210, as added by paragraph (11); and

(D) amended in subsection (b) by striking "the date of the enactment of this Act," and inserting "the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946)" as added by this section;

(13) TESTING OF NUCLEAR WEAPONS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1946) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4212; and
(C) inserted after section 4211, as added by paragraph (12); and

(D) amended—
(i) in subsection (a), by inserting "of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160)" after "section 3101(a)(2)"; and
(ii) in subsection (b), by striking "this Act," and inserting "the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160);"

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4213; and
(C) inserted after section 4212, as added by paragraph (13);

(16) TRANSITION TO LOW-YIELD NUCLEAR WEAPONS DEVELOPMENT.—Subsection (b) of section 4160 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 618) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4214; and
(C) inserted after section 4213, as added by paragraph (14).

(17) TRITIUM PRODUCTION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 662) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4231;
(C) inserted after the heading for subtitle B of such title XLII, as added by paragraph (16); and

(D) amended—
(i) by striking "the date of the enactment of this Act" each place it appears and inserting "February 10, 1996"; and
(ii) in subsection (b), by inserting "of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106)" after "section 3101".

(18) TRITIUM RECYCLING.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 662) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4232; and
(C) inserted after section 4231, as added by paragraph (17).

(19) TRITIUM PRODUCTION.—Subsections (c) and (d) of section 3133 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830) are—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) inserted after section 4232, as added by paragraph (18); and
(C) amended—
(i) by inserting before the text the following new subsection:

"SEC. 4233. TRITIUM PRODUCTION.—

and
(ii) redesigning such subsections as subsections (a) and (b), respectively; and

(20) MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2830) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4234; and
(C) inserted after section 4233, as added by paragraph (19);

(21) PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 927) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4235; and
(C) inserted after section 4234, as added by paragraph (20).

(f) PROLIFERATION MATTERS.—
(A) transferred to title XLIII of division D of such Act, as amended by this subsection;  
(B) redesignated as section 4306; and  
(C) inserted after section 4305, as added by paragraph (8); and

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;  
(B) redesignated as section 4307; and  
(C) inserted after section 4306, as added by paragraph (7).  

(g) Environmental Restoration and Waste Management Matters.— 
(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:  

TITLE XLIV—ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS

"Subtitle A—Environmental Restoration and Waste Management":  

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);  
(B) redesignated as section 4401; and  
(C) inserted after the heading for subtitle A of such title, as so added.  

(3) FUTURE USE PLANS FOR ENVIRONMENTAL MANAGEMENT.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2839) is—  
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;  
(B) redesignated as section 4402;  
(C) inserted after section 4401, as added by paragraph (2); and  
(D) amended—  
(i) in subsection (d), by striking "the date of the enactment of this Act" and inserting "September 23, 1996"; and  
(ii) in subsection (h)(1), by striking "the date of the enactment of this Act" and inserting "September 23, 1996".  

(4) INTEGRATED FISSILE MATERIALS MANAGEMENT.—Section 3135 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 106–65; 113 Stat. 948) is—  
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;  
(B) redesignated as section 4403; and  
(C) inserted after section 4402, as added by paragraph (3).  

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;  
(B) redesignated as section 4404; and  
(C) inserted after section 4403, as added by paragraph (4).
(11) in subparagraph (A), by striking “The date that is 90 days after the date of the enactment of this Act” and inserting “January 3, 2000”;
(12) in subsection (d)(3), by striking “the date of the enactment of this Act,” and inserting “October 5, 1999”;
(13) in subsection (g), by adding at the end the following paragraph:
“(3) The term ‘national laboratory’ means any of the following:
(A) Lawrence Livermore National Laboratory, Livermore, California.
(B) Los Alamos National Laboratory, Los Alamos, New Mexico.
(C) Sandia National Laboratories, Albuquerque, New Mexico and Livermore, California.
(4) The term ‘Restricted Data’ has the meaning given in section 11 y, of the Atomic Energy Act of 1946 (42 U.S.C. 2154a).
(5) BACKGROUND INVESTIGATIONS ON CERTAIN PERSONNEL.—Section 3143 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 934) is—
(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4503;
(C) inserted after section 4502, as added by paragraph (3); and
(D) amended—
(i) in subsection (b), by striking “the date of the enactment of this Act” and inserting “October 5, 1999”;
(ii) in subsection (c), by adding at the end the following new subsection:
“(c) Definitions.—In this section, the terms ‘national laboratory’ and ‘Restricted Data’ have the meanings given such terms in section 4502(g).”;
(5) COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—
(A) DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1376) is—
(i) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) redesignated as section 4504;
(iii) inserted after section 4503, as added by subparagraph (A); and
(i) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) redesignated as section 4504A;
(iii) inserted after section 4504, as added by subparagraph (A); and
(iv) in subsection (b) by striking “180 days after the date of the enactment of this Act,” and inserting “April 5, 2000”;
6. NOTICE OF SECURITY AND COUNTERINTELLIGENCE FAILURES.—Section 3150 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 939) is—
(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4505; and
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4601; and
(C) inserted after the heading for subtitle A of such title, as so added.
(3) WHISTLEBLOWER PROTECTION PROGRAM.—Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-100; 113 Stat. 946) is—
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4602; and
(C) inserted after section 4601, as added by paragraph (2); and
(D) amended in subsection (n) by striking "60 days after the date of the enactment of this Act." and inserting "December 5, 1995."
(4) EMPLOYEE INCENTIVES FOR WORKERS AT CLOSURE PROJECT FACILITIES.—Section 3136 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A–458) is—
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4603;
(C) inserted after section 4602, as added by paragraph (3); and
(D) amended—
(i) in subsections (c) and (ii)(I)(A), by striking "Section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)" and inserting "section 4421"; and
(ii) after subsection (b), by striking "section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997" and inserting "section 4421(h)".
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4604;
(C) inserted after section 4603, as added by paragraph (4); and
(D) amended—
(i) in subsection (a), by striking "hereinafter in this subsection referred to as the 'Secretary';" and
(ii) by adding at the end the following new subsection:
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4602; and
(C) inserted after section 4601, as added by paragraph (1); and
(D) amended—
(ii) in subsection (b)(2), by inserting ‘‘of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-337)’’ after ‘‘section 4401(c)’’;
(8) EXECUTIVE MANAGEMENT TRAINING.—Section 3142 of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102-190; 105 Stat. 1571) is—
(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4606; and
(C) inserted after section 4605, as added by paragraph (5).
(ii) in subsection (c), by striking “180 days after the date of the enactment of this Act,” and inserting “April 23, 1993;” and
(iii) by adding at the end the following new subsection:

"(c) Definitions.—In this section:

(1) The term ‘Department of Energy defense nuclear facility’ has the meaning given that term in the Defense Nuclear Facilities Safety Board Act (42 U.S.C. 5811).

(2) The term ‘Department of Energy employee’ means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor of subcontractor of the Department of Energy employed at such a facility.

(b) STRIKING—

(i) by striking section 4721, as amended by section 4721(l); and

(ii) by striking the section heading and inserting “Section 4722. Restriction on use of funds to pay penalties under clean air act.”

(c) AMENDED—

(i) by striking the section heading and inserting “SEC. 4722. RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.”

(ii) by striking section 4722, as amended by section 4722(l); and

(iii) by striking “this or any other Act” and inserting “the Department of Energy Nuclear Energy Authorization Act of 1981 (Public Law 96–540) or any other Act.”

(d) SUBTITLE HEADING ON OTHER MATTERS—

The word “Section” before the section heading for subtitle C of such title, as so amended, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Other Matters.”

(7) SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS.—Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (Public Law 95–509; 92 Stat. 1779) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle C of such title, as added by paragraph (6); and

(C) amended—

(i) by striking the section heading and inserting the following new section heading:

"SEC. 4731. SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS.”

(ii) by striking “Section 208.”

(k) ADMINISTRATIVE MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLVIII—ADMINISTRATIVE MATTERS

Subtitle A—Contracts.”

(2) COSTS NOT ALLOWED UNDER CERTAIN CONTRACTS.—Section 4811 of the Bob Stump National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4811;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (5); and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (d), by striking “the date of the enactment of this Act” and inserting “November 5, 1990.”

(3) PROHIBITION ON BONUSES TO CONTRACTORS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 100–232; 99 Stat. 155) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(B) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(C) inserted after section 4811, as added by paragraph (6); and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (b), by striking “the date of the enactment of this Act” and inserting “November 29, 1989;”

(iii) in subsection (b), by striking “6 months after the date of the enactment of this Act,” and inserting “‘May 29, 1990;’”

(iv) in subsection (d), by striking “90 days after the date of the enactment of this Act” and inserting “March 1, 2000.”

(4) CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING FROM ATOMIC WEAPONS TESTING PROGRAM.—Section 3142 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1837) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4803;

(C) inserted after section 4802, as added by paragraph (3); and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (d), by striking “the date of the enactment of this Act” and inserting “November 5, 1990.”

(5) S INGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4812;

(C) inserted after the heading for subtitle B of such title, as added by paragraph (5); and

(D) amended—

(i) in the section heading, by adding a period at the end; and

(ii) in subsection (b), by striking “the date of the enactment of this Act” and inserting “November 5, 1990;”

(iii) in subsection (b), by striking “6 months after the date of the enactment of this Act,” and inserting “‘May 29, 1990;’”

(iv) in subsection (d), by striking “90 days after the date of the enactment of this Act” and inserting “March 1, 2000.”

(6) PROHIBITION ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES.—Section 3151 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–199; 103 Stat. 1238) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4802;

(C) inserted after section 4801, as added by paragraph (2); and

(D) amended—

(i) in the section heading, by adding a period at the end;
chapter II of chapter 5 and section 540 of title 40, United States Code.”.

(14) SUBTITLE HEADING ON OTHER MATTERS.—

Title LIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(15) SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.—Section (f) of section 3153 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 110 Stat. 2046) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle D of title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(C) inserted after section 4903, as added by paragraph (4); and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking “this title” and inserting “title XXXI of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 106-213)”; and

(iii) in subsection (c), by striking “six months after the date of the enactment of this Act,” and inserting “May 5, 1999.”

(6) FUNDING FOR TERMINATION COSTS OF RIVER PROTECTION PROJECT.—Subsection (a) of section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106-398; 114 Stat. 1654A—465) is—

(A) transferred to title LIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after section 4902, as added by paragraph (3); and

(C) amended—

(i) by striking before the text the following new section heading:

“SEC. 4904. RIVER PROTECTION PROJECT.”;

(ii) by striking “(a) REDESIGNATION OF PROJECT.—”;

(iii) by striking “section 3141” and inserting “section 4904”;

(iv) by striking “the date of the enactment of this Act” and inserting “October 30, 2000”;

(v) by striking “title XXXI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;”;

(B) redesignated as section 4909;

(C) inserted after section 4904, as added by paragraph (5); and

(D) amended—

(i) by striking “section 3141” and inserting “section 4904”;

(ii) by striking “the date of the enactment of this Act” and inserting “October 30, 2000”;

(iii) by striking “title XXXI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;”;

(B) redesignated as section 4902;

(C) inserted after section 4901, as added by paragraph (2); and

(D) amended—

(i) in the section heading, by adding a period at the end;

(ii) in subsection (a), by striking “this title” and inserting “title XXXI of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 106-213)”; and

(iii) in subsection (c), by striking “six months after the date of the enactment of this Act,” and inserting “May 5, 1999.”
Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4911; and
(C) inserted after the heading for subtitle B of such Act, as added by paragraph (7).
(9) MULTI-YEAR PLAN FOR CLEAN-UP.—Subsection (e) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 105-261; 110 Stat. 2834) is—
(i) transferred to title X LIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) inserted after section 4911, as added by paragraph (B); and
(C) amended—
(i) by inserting before the text the following new section heading:
"SEC. 4912. MULTI-YEAR PLAN FOR CLEAN-UP.;"
and
(ii) by striking "(e) MULTI-YEAR PLAN FOR CLEAN-UP AT SAVANNAH RIVER SITE.——The Secretary and inserting "The Secretary of Energy".
(10) CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.—(A) FISCAL YEAR 2000.—Subsection (a) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-138; 114 Stat. 1654A-460) is—
(i) transferred to title X LIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) inserted after section 4912, as added by paragraph (9); and
(iii) amended—
(A) transferred to title XLIX of division D of such Act, as amended by this subsection;
(B) redesignated as section 4913A; and
(C) inserted after section 4913B, as added by subparagraph (A).
(C) FISCAL YEAR 1999.—Section 3135 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2248) is—
(i) transferred to title X LIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) redesignated as section 4913B; and
(iii) inserted after section 4913A, as added by subparagraph (B).
(D) FISCAL YEAR 1998.—Subsection (b) of section 3136 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2308) is—
(i) transferred to title X LIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) inserted after section 4913B, as added by subparagraph (C), and
(iii) amended—
(A) by inserting after the text the following new section heading:
"SEC. 4913C. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS."
and
(B) by striking "(b) REQUIREMENT FOR CONTINUING OPERATIONS AT SAVANNAH RIVER SITE.—".
the Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, the Clerk shall acquaint the Chair with the disagreement, and the Senate may then take up a conference on the pending business.

The PRESIDING OFFICER. Is there an objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Chair. Further, I ask unanimous consent that S. 1050, as previously passed by the Senate, be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

ENERGY POLICY ACT OF 2003—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Mr. DOMENICI. On behalf of the majority leader and minority leader and other Senators listed, I send to the desk the amendments I have received and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico. Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment No. 840 be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 850

Mr. DOMENICI. On behalf of the majority leader and minority leader and other Senators listed, I send to the desk the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico. Mr. DOMENICI. Mr. President, I ask unanimous consent that amendment numbered 850 be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is printed in today's CONGRESSIONAL RECORD under "Text of Amendments."

Mr. DOMENICI. Mr. President, for the benefit of the Senate, we are now back on the Energy bill. The pending business is the ethanol amendment. We did dispose of two amendments yesterday. I am hopeful we will not have to redo them, however there is going to be another amendment, at least one, perhaps two, on the ethanol amendment. But in the meantime, the distinguished Senator from Kentucky, Mr. MCCAIN, and Mrs. FEINSTEIN, pertaining to the introduction of S. 1182 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions."

Mr. BROWNBACK. Mr. President, I rise today in support of the ethanol amendment No. 850 that has been offered by our distinguished majority leader, Senator FRIST. This is a bipartisan amendment which has been crafted to encourage a bicameral leadership on both sides of the aisle and proves to be a compromise bill that will triple the amount of domestically produced ethanol used in America. President Bush was right when he said 2 years ago that we are long overdue in implementing comprehensive energy policy for our Nation. If he were to say the same thing today, he would still be right. We need a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America's security.

I believe that increasing our use of alternative and renewable fuels such as ethanol and biodiesel is a key element in our effort to constructing that much needed stability. It is a clean burning, homegrown renewable fuel that we can rely on for generations to come. Ethanol is a step towards good stewardship of our environment. Expanding the use of ethanol will also protect our environment by reducing auto emissions, which will mean cleaner air and improved public health. It just so happens that as we are looking out for our environment we are not only going to benefit in the arena of environmental friendliness but as the same time boost our economy.

Consumers will benefit from more efficient use of their vehicles at a lower cost. Adding 10 percent ethanol to a gallon of regular gas would reduce the retail price to consumers by almost seven cents per gallon according to the Energy Information Administration.

By continuing each year to increase the volume of ethanol in a gallon of gasoline, we can concurrently decrease the volume of crude oil needed for it. Crude oil reserves in the United States in 2003 as a result of the war with Iraq and international tensions. We must protect ourselves and be secure with our independence during these trying times and possible terrorism. It is no secret that we currently import over 58 percent of the oil we use. This dependence is not getting better. The Energy Information Administration estimates that our dependence on imported oil could grow to over 70 percent by 2015. The demand for renewable fuels such as ethanol and biodiesel is on the rise. Although our troops were successful in the liberation of Iraq, our greatest enemy is the very energy crisi that we are currently facing.

The production and marketing of ethanol is very important to the economy of my state and the nation. The Energy Information Administration has proven that tripling the use nationally of renewable fuels over the next decade will increase U.S. GDP by $156 billion by 2012, reduce our Nation's trade deficit by $156 billion by 2012, save taxpayers $2 billion annually in reduced government subsidies due to the creation of new markets for corn, and create more than 214,000 new jobs.

The benefits for the farm economy are even more pronounced. An increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State. Currently, ethanol production provides 192,000 jobs and $4.5 billion to net farm income nationwide. Passage of this amendment will increase net farm income by nearly $6 billion annually. Passage of this amendment will create $5.3 billion of new investment in renewable fuel production in Kansas and other States are loudly voicing their support of this legislation.

Phasing out MTBE on a national basis will be good for our fuel suppliers. Refiners are under tremendous strain from having to make several different gasoline blends to meet various state clean air requirements. The MTBE phaseout provisions in this package will ensure that refiners will have less stress on their system.

This entire Nation's is in need of this environmentally friendly renewable fuel as we carry on in our efforts to be good stewards of our environment. Ethanol will boost our energy independence and become an aid to national security while we as a country find ourselves continuing the battle against terrorism. I cannot proclaim enough, the greatness of the positive impacts this fuel contains. Leaders here in our body have discovered it. The language in this bill has strong bipartisan support and is the result of the negotiations between the Renewable Fuels Association, National Corn Growers Association, Farm Bureau Federation, American Petroleum Institute, North American Aviation, American Petroleum Institute, and the American Lung Association.

Americans can rest more sound and secure as we further develop the use of our homegrown fuel, ethanol.