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House of Representatives

CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mr. HUNTER submitted the following conference report and statement on the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–767)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005''.

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

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

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Sec. 3. Congressional defense committees defined.

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TITLE XXXVI—ASSISTANCE TO FIREFIGHTERS

Sec. 3601. Short title.
Sec. 3602. Amendments to Federal Fire Prevention and Control Act of 1974.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Sec. 111. Multiyear procurement authority for the light weight 155–millimeter howitzer program.
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Sec. 121. DDG–51 modernization program.
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Sec. 141. Development of deployable systems to include consideration of force protection in asymmetric threat environments.
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Sec. 143. Report on options for acquisition of precision-guided munitions.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $2,611,540,000.
(2) For missiles, $1,307,000,000.
(3) For weapons and tracked combat vehicles, $1,702,695,000.
(4) For ammunition, $1,545,702,000.
(5) For other procurement, $4,345,246,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Navy as follows:

(1) For aircraft, $8,814,442,000.
(2) For weapons, including missiles and torpedoes, $2,067,520,000.
(3) For shipbuilding and conversion, $10,116,827,000.
(4) For other procurement, $4,633,886,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Marine Corps in the amount of $1,268,453,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement of ammunition for the Navy and the Marine Corps in the amount of $878,140,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement for the Air Force as follows:

(1) For aircraft, $13,228,124,000.
(2) For ammunition, $1,318,959,000.
(3) For missiles, $4,548,513,000.
(4) For other procurement, $12,949,327,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2005 for Defense-wide procurement in the amount of $2,846,583,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR THE LIGHT WEIGHT 155–MILLIMETER HOWITZER PROGRAM.

The Secretary of the Army and the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, jointly enter into a multiyear contract, beginning with the fiscal year 2005 program year, for procurement of the light weight 155-millimeter howitzer.

SEC. 112. LIGHT UTILITY HELICOPTER PROGRAM.

(a) LIMITATION.—None of the funds authorized to be appropriated under section 101(1) for the procurement of light utility helicopters may be obligated or expended until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a report that contains—

(1) the Secretary's certification that all required documentation for the acquisition of light utility helicopters has been completed and approved; and

(2) an Army aviation modernization plan described in subsection (b).

(b) ARMY AVIATION MODERNIZATION PLAN.—The Army aviation modernization plan referred to in subsection (a)(2) is an updated modernization plan for Army aviation that contains, at a minimum, the following:

(1) The analysis on which the plan is based.

(2) A discussion of the Secretary's decision to terminate the Comanche helicopter program and to restructure the aviation force of the Army.

(3) The actions taken or to be taken to accelerate the procurement and development of aircraft survivability equipment for Army aircraft, together with a detailed list of aircraft survivability equipment that specifies such equipment by platform and by the related programmatic funding for procurement.

(4) A discussion of the conversion of Apache helicopters to block III configuration, including (A) the rationale for converting only 501 Apache helicopters to that configuration, and (B) the costs associated with a conversion of all Apache helicopters to the block III configuration.

(5) A discussion of the procurement of light armed reconnaissance helicopters, including (A) the rationale for the requirement for light armed reconnaissance helicopters, and (B) a discussion of the costs associated with upgrading the light armed reconnaissance helicopter to meet Army requirements.

(6) The rationale for the Army's requirement for light utility helicopters, together with a summary and copy of the analysis of the alternative means for meeting such requirement that the Secretary considered in the determination to procure light utility helicopters, including, at a minimum, the analysis of the alternative of

using light armed reconnaissance helicopters and UH–60 Black Hawk helicopters instead of light utility helicopters to meet such requirement.

(7) The rationale for the procurement of cargo fixed-wing aircraft.

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

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

Subtitle C—Navy Programs

SEC. 121. DDG–51 MODERNIZATION PROGRAM.

(a) ACCELERATION OF MODERNIZATION PROGRAM.—The Secretary of the Navy shall accelerate the program for in-service modernization of the DDG–51 class of destroyers (in this section referred to as the ''modernization program'').

(b) REPORT.—Not later than March 31, 2005, the Secretary of the Navy shall submit to the congressional defense committees a report on the steps taken as of that date to carry out subsection (a). The report shall—

(1) describe the elements of the modernization program; and

(2) specify those elements of the modernization program that are expected to contribute to the goal of reducing the crew size of the DDG–51 class of destroyers by one-third and explain the basis for those expectations.

SEC. 122. REPEAL OF AUTHORITY FOR PILOT PROGRAM FOR FLEXIBLE FUNDING OF CRUISER CONVERSIONS AND OVERHAULS.

Section 126 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1410; 10 U.S.C. 7291 note) is repealed.

SEC. 123. LHA(R) AMPHIBIOUS ASSAULT SHIP PROGRAM.

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

(b) AUTHORIZED AMOUNT.—Of the amount authorized to be appropriated under section 102(a)(3) for fiscal year 2005, $150,000,000 shall be available for the advance procurement and advance construction of components for the first amphibious assault ship of the LHA(R) class. The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

Subtitle D—Air Force Programs

SEC. 131. PROHIBITION OF RETIREMENT OF KC–135E AIRCRAFT.

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

SEC. 132. PROHIBITION OF RETIREMENT OF F–117 AIRCRAFT.

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

SEC. 133. AERIAL REFUELING AIRCRAFT ACQUISITION PROGRAM.

(a) TERMINATION OF LEASING AUTHORITY.—Subsection (a) of section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413; 10 U.S.C. 2401a note) is amended by striking ''may lease no more than 20 tanker aircraft'' and inserting ''shall lease no tanker aircraft''.

(b) MULTIYEAR PROCUREMENT AUTHORITY.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''Beginning with the fiscal year 2004 program year, the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''necessary to meet'' and all that follows through ''is insufficient'';

(2) in paragraph (2), by striking ''80'' and inserting ''100''; and

(3) by striking paragraph (4).

(c) STUDY.—Subsection (c)(1) of such section is amended by striking ''leased under the multiyear aircraft lease pilot program or'' in subparagraphs (A) and (B).

(d) RELATIONSHIP TO PREVIOUS LAW.—Such section is further amended by adding at the end the following new subsection:

''(f) RELATIONSHIP TO PREVIOUS LAW.—The multiyear procurement authority in subsection (b) may not be executed under section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117).''.

Subtitle E—Other Matters

SEC. 141. DEVELOPMENT OF DEPLOYABLE SYSTEMS TO INCLUDE CONSIDERATION OF FORCE PROTECTION IN ASYMMETRIC THREAT ENVIRONMENTS.

(a) REQUIREMENT FOR SYSTEMS DEVELOPMENT.—The Secretary of Defense shall require that the Department of Defense regulations, directives, and guidance governing the acquisition of covered systems be revised to require that—

(1) an assessment of warfighter survivability and of system suitability against asymmetric threats shall be performed as part of the development of system requirements for any such system; and

(2) requirements for key performance parameters for force protection and survivability shall be included as part of the documentation of system requirements for any such system.

(b) COVERED SYSTEMS.—In this section, the term ''covered system'' means any of the following systems that is expected to be deployed in an asymmetric threat environment:

(1) Any manned system.

(2) Any equipment intended to enhance personnel survivability.

(c) INAPPLICABILITY OF DEVELOPMENT REQUIREMENT TO SYSTEMS ALREADY THROUGH DEVELOPMENT.—The revisions pursuant subsection (a) to Department of Defense regulations, directives, and guidance shall not apply to a system that entered low-rate initial production before the date of the enactment of this Act.

(d) DEADLINE FOR POLICY REVISIONS.—The revisions required by subsection (a) to Department of Defense regulations, directives, and guidance shall be made not later than 120 days after the date of the enactment of this Act.

SEC. 142. ALLOCATION OF EQUIPMENT AUTHORIZED BY THIS TITLE TO UNITS DEPLOYED, OR TO BE DEPLOYED, TO OPERATION IRAQI FREEDOM OR OPERATION ENDURING FREEDOM.

In allocating equipment acquired using funds authorized to be appropriated by this title to operational units deployed, or scheduled to be deployed, to Operation Iraqi Freedom or Operation Enduring Freedom, the Secretary of Defense shall ensure that the allocation is made without regard to the status of the units as active, Guard, or reserve component units.

SEC. 143. REPORT ON OPTIONS FOR ACQUISITION OF PRECISION-GUIDED MUNITIONS.

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

(b) CONTENT OF REPORT.—The report shall include the following:

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

(2) For each such munition—

(A) the inventory level as of the most recent date that it is feasible to specify when the report is prepared;

(B) the inventory objective that is necessary to execute the current National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff;

(C) the year in which that inventory objective would be expected to be achieved—

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

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

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

(D) the procurement cost for each munition (in constant fiscal year 2004 dollars) at each of the production rates specified in subparagraph (C) for each year in the future-years defense program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

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

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Future Combat Systems program strategy.
Sec. 212. Collaborative program for research and development of vacuum electronics technologies.
Sec. 213. Annual Comptroller General report on Joint Strike Fighter program.
Sec. 214. Amounts for United States Joint Forces Command to be derived only from Defense-wide amounts.
Sec. 215. Global Positioning System III satellite.
Sec. 216. Initiation of concept demonstration of Global Hawk high altitude endurance unmanned aerial vehicle.
Sec. 217. Joint Unmanned Combat Air Systems program.

Subtitle C—Missile Defense Programs

Sec. 231. Fielding of ballistic missile defense capabilities.
Sec. 232. Integration of Patriot Advanced Capability-3 and Medium Extended Air Defense System into ballistic missile defense system.
Sec. 233. Comptroller General assessments of ballistic missile defense programs.
Sec. 234. Baselines and operational test and evaluation for ballistic missile defense system.

Subtitle D—Other Matters

Sec. 241. Annual report on submarine technology insertion.
Sec. 242. Sense of Congress regarding funding of the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

(1) For the Army, $9,307,248,000.

(2) For the Navy, $16,200,591,000.

(3) For the Air Force, $20,432,933,000.

(4) For Defense-wide activities, $20,556,986,000, of which $304,135,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2005.—Of the amounts authorized to be appropriated by section 201, $11,191,600,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in program elements for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. FUTURE COMBAT SYSTEMS PROGRAM STRATEGY.

(a) PROGRAM STRATEGY REQUIRED.—The Secretary of the Army shall establish and implement a program strategy for the Future Combat

Systems acquisition program of the Army. The purpose of the program strategy shall be to provide an effective, affordable, producible, and supportable military capability with a realistic schedule and a robust cost estimate.

(b) ELEMENTS OF PROGRAM STRATEGY.—The program strategy shall—

(1) require the release, at the design readiness review, of not less than 90 percent of engineering drawings for the building of prototypes;

(2) require, before facilitating production or contracting for items with long lead times, that an acceptable demonstration be carried out of the performance of the information network, including the performance of the Joint Tactical Radio System and the Warfighter Information Network-Tactical; and

(3) require, before the initial production decision, that an acceptable demonstration be carried out of the collective capability of each system to meet system-of-systems requirements when integrated with the information network.

(c) REQUIRED SUBMISSIONS TO CONGRESS.—Before convening the Milestone B update for the Future Combat Systems acquisition program required by the Future Combat Systems acquisition decision memorandum, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress each of the following documents:

(1) The cost estimate of the Army with respect to the Future Combat Systems program.

(2) A report, prepared by an independent panel, on the maturity levels of the critical technologies with respect to the program, including an assessment of those technologies that are likely to require a decision to use an alternative approach.

(3) A report, prepared by the chief information officer of the Army, describing—

(A) the status of the development and integration of the network and the command, control, computers, communications, intelligence, surveillance, and reconnaissance components; and

(B) the progress made toward meeting the requirements for network-centric capabilities as set forth by such officer.

(4) A report identifying the key performance parameters with respect to the program, with all objectives and thresholds quantified, together with the supporting analytical rationale.

(d) INDEPENDENT COST ESTIMATE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to Congress not later than March 1, 2005, an independent cost estimate, prepared by the cost analysis improvement group of the Office of the Secretary of Defense, with respect to the Future Combat Systems program.

(e) LIMITATION ON FUNDING.—(1) Except as provided in paragraph (2), the Secretary of the Army may not obligate, from amounts made available for fiscal year 2005, more than $2,200,000,000 for the Future Combat Systems acquisition program.

(2) The limitation in paragraph (1) shall not apply after the Secretary of the Army submits to Congress—

(A) the Secretary's certification that the Secretary has established and implemented the program strategy required by subsection (a); and

(B) each of the documents specified in subsection (c).

SEC. 212. COLLABORATIVE PROGRAM FOR RESEARCH AND DEVELOPMENT OF VACUUM ELECTRONICS TECHNOLOGIES.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall establish a program for research and development in advanced vacuum electronics to meet the requirements of Department of Defense systems.

(b) DESCRIPTION OF PROGRAM.—The program under subsection (a) shall be carried out collaboratively by the Director of Defense Research and Engineering, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Army, and other appropriate elements of the Department of Defense. The program shall include the following activities:

(1) Activities needed for development and maturation of advanced vacuum electronics technologies needed to meet the requirements of the Department of Defense.

(2) Identification of legacy and developmental Department of Defense systems which may make use of advanced vacuum electronics under the program.

(c) REPORT.—Not later than January 31, 2005, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report on the implementation of the program under subsection (a). The report shall include the following:

(1) Identification of the organization to have lead responsibility for carrying out the program.

(2) Assessment of the role of investing in vacuum electronics technologies as part of the overall strategy of the Department of Defense for investing in electronics technologies to meet the requirements of the Department.

(3) The management plan and schedule for the program and any agreements relating to that plan.

(4) Identification of the funding required for fiscal year 2006 and for the future-years defense program to carry out the program.

(5) A list of program capability goals and objectives.

(6) An outline of the role of basic and applied research in support of the development and maturation of advanced vacuum electronics technologies needed to meet the requirements of the Department of Defense.

(7) Assessment of global capabilities in vacuum electronics technologies and the effect of those capabilities on the national security and economic competitiveness of the United States.

SEC. 213. ANNUAL COMPTROLLER GENERAL REPORT ON JOINT STRIKE FIGHTER PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the Joint Strike Fighter aircraft program and shall, not later than March 15 of each year, submit to the congressional defense committees a report on the results of the most recent review. With each such report, the Comptroller General shall submit a certification as to whether the Comptroller General has had access to sufficient information to enable the Comptroller General to make informed judgments on the matters covered by the report.

(b) MATTERS TO BE INCLUDED.—Each report on the Joint Strike Fighter aircraft program under subsection (a) shall include the following with respect to system development and demonstration under the program:

(1) The extent to which such system development and demonstration is meeting established goals, including the goals established for performance, cost, and schedule.

(2) The plan for such system development and demonstration (leading to production) for the fiscal year that begins in the year in which the report is submitted.

(3) The Comptroller General's conclusion regarding whether such system development and demonstration (leading to production) is likely to be completed at a total cost not in excess of the amount specified (or to be specified) for such purpose in the Selected Acquisition report for the Joint Strike Fighter aircraft program under section 2432 of title 10, United States Code, for the first quarter of the fiscal year during which the report of the Comptroller General is submitted.

(c) REQUIREMENT TO SUPPORT ANNUAL GAO REVIEW.—The Secretary of Defense and the prime contractor for the Joint Strike Fighter aircraft program shall provide to the Comptroller General such information on that program as the Comptroller General considers necessary to carry out the responsibilities of the Comptroller General under this section, including such information as is necessary for the purposes of subsection (b)(3).

(d) TERMINATION.—No report is required under this section after the report that, under subsection (a), is required to be submitted not later than March 15, 2009.

SEC. 214. AMOUNTS FOR UNITED STATES JOINT FORCES COMMAND TO BE DERIVED ONLY FROM DEFENSE-WIDE AMOUNTS.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 232. United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts

''(a) REQUIREMENT.—Amounts for research, development, test, and evaluation for the United States Joint Forces Command shall be derived only from amounts made available to the Department of Defense for Defense-wide research, development, test, and evaluation.

''(b) SEPARATE DISPLAY IN BUDGET.—Any amount in the budget submitted to Congress under section 1105 of title 31 for any fiscal year for research, development, test, and evaluation for the United States Joint Forces Command shall be set forth under the account of the Department of Defense for Defense-wide research, development, test, and evaluation.''.

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

''232. United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts.''.

(c) APPLICABILITY.—Section 232 of title 10, United States Code (as added by subsection (a)) applies to fiscal years beginning with fiscal year 2007.

SEC. 215. GLOBAL POSITIONING SYSTEM III SATELLITE.

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

(1) completes an analysis of alternatives for the satellite and ground architectures, satellite technologies, and tactics, techniques, and procedures for the next generation global positioning system (GPS); and

(2) submits to the congressional defense committees a report on the results of the analysis, including an assessment of the results of the analysis.

SEC. 216. INITIATION OF CONCEPT DEMONSTRATION OF GLOBAL HAWK HIGH ALTITUDE ENDURANCE UNMANNED AERIAL VEHICLE.

Section 221(c) 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–40) is amended by striking ''March 1, 2001'' and inserting ''March 1, 2005''.

SEC. 217. JOINT UNMANNED COMBAT AIR SYSTEMS PROGRAM.

(a) EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall, subject to subsection (b), establish an executive committee and require that executive committee to provide guidance and recommendations for the management of the Joint Unmanned Combat Air Systems program to the Director of the Defense Advanced Research Projects Agency and the personnel who are managing the program for such agency.

(2) The executive committee established under paragraph (1) shall be composed of the following members:

(A) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall chair the executive committee.

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

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

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

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

(F) Any additional personnel of the Department of Defense whom the Secretary determines appropriate for membership on the executive committee.

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

Subtitle C—Missile Defense Programs

SEC. 231. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

(a) AUTHORITY.—Funds described in subsection (b) may, upon approval by the Secretary of Defense, be used for the development and fielding of ballistic missile defense capabilities.

(b) COVERED FUNDS.—Subsection (a) applies to funds appropriated for fiscal year 2005 or fiscal year 2006 for research, development, test, and evaluation for the Missile Defense Agency.

SEC. 232. INTEGRATION OF PATRIOT ADVANCED CAPABILITY-3 AND MEDIUM EXTENDED AIR DEFENSE SYSTEM INTO BALLISTIC MISSILE DEFENSE SYSTEM.

(a) RELATIONSHIP TO BALLISTIC MISSILE DEFENSE SYSTEM.—The combined program of the Department of the Army known as the Patriot Advanced Capability-3/Medium Extended Air Defense System air and missile defense program (hereinafter in this section referred to as the ''PAC–3/MEADS program'') is an element of the Ballistic Missile Defense System.

(b) MANAGEMENT OF CONFIGURATION CHANGES.—The Director of the Missile Defense Agency, in consultation with the Secretary of the Army (acting through the Assistant Secretary of the Army for Acquisition, Logistics and Technology) shall ensure that any configuration change for the PAC–3/MEADS program is subject to the configuration control board processes of the Missile Defense Agency so as to ensure integration of the PAC–3/MEADS element with appropriate elements of the Ballistic Missile Defense System.

(c) REQUIRED PROCEDURES.—(1) Except as otherwise directed by the Secretary of Defense, the Secretary of the Army (acting through the Assistant Secretary of the Army for Acquisition, Logistics and Technology) may make a significant change to the baseline technical specifications or the baseline schedule for the PAC–3/MEADS program only with the concurrence of the Director of the Missile Defense Agency.

(2) With respect to a proposal by the Secretary of the Army to make a significant change to the procurement quantity (including any quantity in any future block procurement) that, as of the date of such proposal, is planned for the PAC–3/MEADS program, the Secretary of Defense shall establish—

(A) procedures for a determination of the effect of such change on Ballistic Missile Defense System capabilities and on the cost of the PAC–3/MEADS program; and

(B) procedures for review of the proposed change by all relevant commands and agencies of the Department of Defense, including determination of the concurrence or nonconcurrence of each such command and agency with respect to such proposed change.

(d) REPORT.—Not later than February 1, 2005, the Secretary of Defense shall submit to the congressional defense committees a report describing the procedures developed pursuant to subsection (c)(2).

(e) DEFINITIONS.—For purpose of this section:

(1) The term ''significant change'' means, with respect to the PAC–3/MEADS program, a change that would substantially alter the role or contribution of that program in the Ballistic Missile Defense System.

(2) The term ''baseline technical specifications'' means, with respect to the PAC–3/MEADS program, those technical specifications for that program that have been approved by the configuration control board of the Missile Defense Agency and are in effect as of the date of the review.

(3) The term ''baseline schedule'' means, with respect to the PAC–3/MEADS program, the development and production schedule for the PAC–3/MEADS program in effect at the time of a review of such program conducted pursuant to subsection (b) or (c)(2)(B).

SEC. 233. COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended to read as follows:

''(g) COMPTROLLER GENERAL ASSESSMENT.—(1) At the conclusion of each of fiscal years 2002 through 2006, the Comptroller General of the United States shall carry out an assessment of the extent to which the Missile Defense Agency achieved the goals established under subsection (c) for that fiscal year for each ballistic missile defense program of the Department of Defense.

''(2) Not later than February 15 of each of 2003 through 2007, the Comptroller General shall submit to the congressional defense committees a report on the Comptroller General's assessment under paragraph (1) with respect to the preceding fiscal year.''.

SEC. 234. BASELINES AND OPERATIONAL TEST AND EVALUATION FOR BALLISTIC MISSILE DEFENSE SYSTEM.

(a) TESTING CRITERIA.—Not later than February 1, 2005, the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation, shall prescribe appropriate criteria for operationally realistic testing of fieldable prototypes developed under the ballistic missile defense spiral development program. The Secretary shall submit a copy of the prescribed criteria to the congressional defense committees.

(b) USE OF CRITERIA.—(1) The Secretary of Defense shall ensure that, not later than October 1, 2005, a test of the ballistic missile defense system is conducted consistent with the criteria prescribed under subsection (a).

(2) The Secretary of Defense shall ensure that each block configuration of the ballistic missile defense system is tested consistent with the criteria prescribed under subsection (a).

(c) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed to exempt any spiral development program of the Department of Defense, after completion of the spiral development, from the applicability of any provision of chapter 144 of title 10, United States Code, or section 139, 181, 2366, 2399, or 2400 of such title in accordance with the terms and conditions of such provision.

(d) EVALUATION.—(1) The Director of Operational Test and Evaluation shall evaluate the results of each test conducted under subsection (a) as soon as practicable after the completion of such test.

(2) The Director shall submit to the Secretary of Defense and the congressional defense committees a report on the evaluation of each test conducted under subsection (a) upon completion of the evaluation of such test under paragraph (1).

(e) COST, SCHEDULE, AND PERFORMANCE BASELINES.—(1) The Director of the Missile Defense Agency shall establish cost, schedule, and performance baselines for each block configuration of the Ballistic Missile Defense System being fielded. The cost baseline for a block configuration shall include full life cycle costs for the block configuration.

(2) The Director shall include the baselines established under paragraph (1) in the first Selected Acquisition Report for the Ballistic Missile Defense System that is submitted to Congress under section 2432 of title 10, United States Code, after the establishment of such baselines.

(3) The Director shall also include in the Selected Acquisition Report submitted to Congress under paragraph (2) the significant assumptions used in determining the performance baseline under paragraph (1), including any assumptions regarding threat missile countermeasures and decoys.

(f) VARIATIONS AGAINST BASELINES.—In the event the cost, schedule, or performance of any block configuration of the Ballistic Missile Defense System varies significantly (as determined by the Director of the Ballistic Missile Defense Agency) from the applicable baseline established under subsection (d), the Director shall include such variation, and the reasons for such variation, in the Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

(g) MODIFICATIONS OF BASELINES.—In the event the Director of the Missile Defense Agency elects to undertake any modification of a baseline established under subsection (d), the Director shall submit to the congressional defense committees a report setting forth the reasons for such modification.

Subtitle D—Other Matters

SEC. 241. ANNUAL REPORT ON SUBMARINE TECHNOLOGY INSERTION.

(a) REPORT REQUIRED.—(1) For each of fiscal years 2006, 2007, 2008, and 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the submarine technologies that are available or potentially available for insertion in submarines of the Navy to reduce the production and operating costs of the submarines while maintaining or improving the effectiveness of the submarines.

(2) The annual report for a fiscal year under paragraph (1) shall be submitted at the same time that the President submits to Congress the budget for that fiscal year under section 1105(a) of title 31, United States Code.

(b) CONTENT.—The report on submarine technologies under subsection (a) shall include, for each class of submarines of the Navy, the following matters:

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

(A) a plan for the insertion of any such technologies that have been determined appropriate for such submarines; and

(B) the estimated cost of such technology insertions.

(2) A list of the technologies that have not been demonstrated, together with a plan for the demonstration of any such technologies that have the potential for being appropriate for such submarines.

SEC. 242. SENSE OF CONGRESS REGARDING FUNDING OF THE ADVANCED SHIPBUILDING ENTERPRISE UNDER THE NATIONAL SHIPBUILDING RESEARCH PROGRAM OF THE NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The budget for fiscal year 2005, as submitted to Congress by the President, provides $10,300,000 for the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency in the national technology and industrial base.

(3) The leaders of the United States shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method for exploring and collaborating on innovation in shipbuilding and ship repair that collectively benefits all components of the industry.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that Congress—

(A) strongly supports the innovative Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program as an enterprise between the Navy and industry that has yielded new processes and techniques that reduce the cost of building and repairing ships in the United States; and

(B) is concerned that the future-years defense program of the Department of Defense that was submitted to Congress for fiscal year 2005 does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2005; and

(2) that the Secretary of Defense should continue to provide in the future-years defense program for funding the Advanced Shipbuilding Enterprise at a sustaining level in order to support additional research to further reduce the cost of designing, building, and repairing ships.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
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Sec. 316. Comptroller General study and report on alternative technologies to decontaminate groundwater at Department of Defense installations.
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Subtitle C—Workplace and Depot Issues

Sec. 321. Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads.
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Sec. 323. Extension of special treatment for certain expenditures incurred in operation of Centers of Industrial and Technical Excellence.
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Sec. 326. Bid protests by Federal employees in actions under Office of Management and Budget Circular A–76.
Sec. 327. Limitations on conversion of work performed by Department of Defense civilian employees to contractor performance.
Sec. 328. Competitive sourcing reporting requirement.

Subtitle D—Information Technology

Sec. 331. Preparation of Department of Defense plan for transition to Internet Protocol version 6.
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Sec. 333. Report on maturity and effectiveness of the Global Information Grid Bandwidth Expansion (GIG–BE).

Subtitle E—Extensions of Program Authorities

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

Subtitle F—Other Matters

Sec. 351. Reimbursement for certain protective, safety, or health equipment purchased by or for members of the Armed Forces deployed in contingency operations.
Sec. 352. Limitation on preparation or implementation of Mid-Range Financial Improvement Plan pending report.
Sec. 353. Pilot program to authorize Army working-capital funded facilities to engage in cooperative activities with non-Army entities.
Sec. 354. Transfer of excess Department of Defense personal property to assist firefighting agencies.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2005 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, $26,098,411,000.
(2) For the Navy, $29,682,590,000.
(3) For the Marine Corps, $3,648,115,000.
(4) For the Air Force, $28,298,660,000.
(5) For Defense-wide activities, $17,325,276,000.
(6) For the Army Reserve, $2,008,128,000.
(7) For the Naval Reserve, $1,240,038,000.
(8) For the Marine Corps Reserve, $188,696,000
(9) For the Air Force Reserve, $2,239,790,000
(10) For the Army National Guard, $4,452,786,000.
(11) For the Air National Guard, $4,503,338,000.
(12) For the United States Court of Appeals for the Armed Forces, $10,825,000.
(13) For Environmental Restoration, Army, $400,948,000.
(14) For Environmental Restoration, Navy, $266,820,000.
(15) For Environmental Restoration, Air Force, $397,368,000.
(16) For Environmental Restoration, Defense-wide, $23,684,000
(17) For Environmental Restoration, Formerly Used Defense Sites, $256,516,000.
(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.
(19) For Cooperative Threat Reduction programs, $409,200,000.
(20) For the Overseas Contingency Operations Transfer Fund, $10,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

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

(1) For the Defense Working Capital Funds, $451,886,000.
(2) For the National Defense Sealift Fund, $1,269,252,000.
(3) For the Defense Working Capital Fund, Defense Commissary, $1,175,000,000.

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $17,657,386,000, of which—

(1) $17,219,844,000 is for Operation and Maintenance;
(2) $72,907,000 is for Research, Development, Test, and Evaluation; and
(3) $364,635,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,371,990,000, of which—

(A) $1,088,801,000 is for Operation and Maintenance;
(B) $204,209,000 is for Research, Development, Test, and Evaluation; and
(C) $78,980,000 is for Procurement.

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

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $852,947,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $204,562,000, of which—

(1) $202,362,000 is for Operation and Maintenance;
(2) $2,100,000 is for Procurement; and
(3) $100,000 is for Research, Development, Test, and Evaluation.

Subtitle B—Environmental Provisions

SEC. 311. SATISFACTION OF SUPERFUND AUDIT REQUIREMENTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) SATISFACTION OF REQUIREMENTS.—The Inspector General of the Department of Defense shall be deemed to be in compliance with the requirements of section 111(k) of Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9611(k)) if the Inspector General conducts periodic audits of the payments, obligations, reimbursements, and other uses of the Hazardous Substance Superfund by the Department of Defense, even if such audits do not occur on an annual basis.

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

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

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

(2) The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs, including interest, incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under

the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

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

SEC. 313. INCREASE IN AUTHORIZED AMOUNT OF ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VIRGINIA.

Section 591(a)(2) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 378) is amended by striking ''$12,000,000'' and inserting ''$22,000,000''.

SEC. 314. SMALL BOAT HARBOR, UNALASKA, ALASKA.

The Secretary of the Army shall carry out the small boat harbor project in Unalaska, Alaska, at a total estimated cost of $23,200,000, with an estimated Federal cost of $11,500,000 and an estimated non-Federal cost of $11,700,000, substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

SEC. 315. REPORT REGARDING ENCROACHMENT ISSUES AFFECTING UTAH TEST AND TRAINING RANGE, UTAH.

(a) REPORT REQUIRED.—The Secretary of the Air Force shall prepare a report that outlines current and anticipated encroachments on the use and utility of the special use airspace of the Utah Test and Training Range in the State of Utah, including encroachments brought about through actions of other Federal agencies. The Secretary shall include in the report such recommendations as the Secretary considers appropriate regarding any legislative initiatives necessary to address encroachment problems identified by the Secretary in the report.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit the report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate. It is the sense of Congress that the recommendations contained in the report should be carefully considered for future legislative action.

(c) PROHIBITION ON GROUND MILITARY OPERATIONS.—Nothing in this section shall be construed to permit a military operation to be conducted on the ground in a covered wilderness study area in the Utah Test and Training Range.

(d) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this section shall be construed to prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or the infrastructure supporting such systems) necessary for effective testing and training to meet military requirements in the Utah Test and Training Range.

SEC. 316. COMPTROLLER GENERAL STUDY AND REPORT ON ALTERNATIVE TECHNOLOGIES TO DECONTAMINATE GROUNDWATER AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) COMPTROLLER GENERAL STUDY.—The Comptroller General shall conduct a study to determine whether cost-effective technologies are available to the Department of Defense for the cleanup of groundwater contamination at Department installations in lieu of traditional methods, such as pump and treat, used to respond to groundwater contamination.

(b) ELEMENTS OF STUDY.—In conducting the study under subsection (a), the Comptroller General shall—

(1) identify current technologies being used or field tested by the Department of Defense to treat groundwater at Department installations;

(2) identify cost-effective technologies for the cleanup of groundwater contamination that—

(A) are being researched, are under development by commercial vendors, or are available commercially and being used outside the Department; and

(B) have potential for use by the Department to address groundwater contamination;

(3) evaluate the potential benefits and limitations of using the technologies identified under paragraphs (1) and (2); and

(4) consider the barriers, such as cost, capability, or legal restrictions, to using the technologies identified under paragraph (2).

(c) REPORT REQUIRED.—Not later than April 1, 2005, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the study, including information regarding the matters specified in subsection (b) and any recommendations, including recommendations for administrative or legislative action, that the Comptroller General considers appropriate.

SEC. 317. COMPTROLLER GENERAL STUDY AND REPORT ON DRINKING WATER CONTAMINATION AND RELATED HEALTH EFFECTS AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY.—The Comptroller General shall conduct a study on drinking water contamination and related health effects at Camp Lejeune, North Carolina. The study shall consist of the following:

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

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

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

(C) what actions have been taken to address such contamination.

(2) An assessment of the study on the possible health effects associated with the drinking of contaminated drinking water at Camp Lejeune as proposed by the Agency for Toxic Substances and Disease Registry of the Department of Health and Human Services, including whether the proposed study—

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

(B) will encompass an appropriate timeframe;

(C) will consider all relevant health effects; and

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

(b) AUTHORITY TO USE EXPERTS.—The Comptroller General may use experts in conducting the study required by subsection (a). Any such experts shall be independent, highly qualified, and knowledgeable in the matters covered by the study.

(c) PARTICIPATION BY OTHER INTERESTED PARTIES.—In conducting the study required by subsection (a), the Comptroller General shall ensure that interested parties, including individuals who lived or worked at Camp Lejeune during the period when the drinking water may have been contaminated, have the opportunity to submit information and views on the matters covered by the study.

(d) CONSTRUCTION WITH ATSDR STUDY.—The requirement under subsection (a)(2) that the Comptroller General conduct an assessment of the study proposed by the Agency for Toxic Substances and Disease Registry, as described in such subsection, may not be construed as a basis for the delay of that study. The assessment is intended to provide an independent review of the appropriateness and credibility of the study proposed by the Agency and to identify possible improvements in the plan or implementation of the study proposed by the Agency.

(e) REPORT.—(1) Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a), including such recommendations as the Comptroller General considers appropriate for further study or for legislative or other action.

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

SEC. 318. SENSE OF CONGRESS REGARDING PERCHLORATE CONTAMINATION OF GROUND AND SURFACE WATER FROM DEPARTMENT OF DEFENSE ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should—

(1) develop a plan for the remediation of perchlorate contamination resulting from the activities of the Department of Defense to ensure that the Department is prepared to respond quickly and appropriately once the United States establishes a drinking water standard for perchlorate;

(2) continue remediation activities for perchlorate contamination at those sites where perchlorate contamination poses an imminent and substantial endangerment to public health and welfare and where the Department is undertaking site-specific remedial action as of the date of the enactment of this Act;

(3) develop a plan for the remediation of perchlorate contamination resulting from the activities of the Department of Defense in cases in which, notwithstanding the lack of a drinking water standard for perchlorate, such contamination is present in ground or surface water at levels that the Secretary of Defense determines pose a hazard to human health; and

(4) continue the process of evaluating and prioritizing perchlorate contamination sites without waiting for the establishment of the Federal drinking water standard for perchlorate.

Subtitle C—Workplace and Depot Issues

SEC. 321. SIMPLIFICATION OF ANNUAL REPORTING REQUIREMENTS CONCERNING FUNDS EXPENDED FOR DEPOT MAINTENANCE AND REPAIR WORKLOADS.

Subsection (d) of section 2466 of title 10, United States Code, is amended to read as follows:

''(d) ANNUAL REPORT AND REVIEW.—(1) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that was expended during the preceding fiscal year, and are projected to be expended during the current fiscal year and the ensuing fiscal year, for performance of depot-level maintenance and repair workloads by the public and private sectors.

''(2) Not later than 90 days after the date on which the Secretary submits a report under paragraph (1), the Comptroller General shall submit to Congress the Comptroller General's views on whether—

''(A) the Department of Defense complied with the requirements of subsection (a) during the preceding fiscal year covered by the report; and

''(B) the expenditure projections for the current fiscal year and the ensuing fiscal year are reasonable.''.

SEC. 322. REPEAL OF ANNUAL REPORTING REQUIREMENT CONCERNING MANAGEMENT OF DEPOT EMPLOYEES.

(a) REPEAL.—Section 2472 of title 10, United States Code, is amended—

(1) by striking ''(a) PROHIBITION ON MANAGEMENT BY END STRENGTH.—''; and

(2) by striking subsection (b).

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2472. Prohibition on management of depot employees by end strength''.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2472 and inserting the following new item:

''2472. Prohibition on management of depot employees by end strength.''.

SEC. 323. EXTENSION OF SPECIAL TREATMENT FOR CERTAIN EXPENDITURES INCURRED IN OPERATION OF CENTERS OF INDUSTRIAL AND TECHNICAL EXCELLENCE.

Section 2474(f)(1) of title 10, United States Code, is amended by striking ''through 2006'' and inserting ''through 2009''.

SEC. 324. TEMPORARY AUTHORITY FOR CONTRACTOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS.

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

(1) by inserting ''(1)'' after ''AUTHORITY.—''; and

(2) by striking ''at the end of the three-year period'' and all that follows through the period at the end of the subsection and inserting the following: ''at the end of September 30, 2006, except that such authority shall not be in effect after December 1, 2005, if the Secretary fails to submit to Congress the plan required by subsection (d)(4), until the date on which the Secretary submits the plan.

''(2) No security-guard functions may be performed under any contract entered into using the authority provided under this section during any period in which the authority for contractor performance of security-guard functions under this section is not in effect under paragraph (1). The term of any contract entered into using such authority may not extend beyond September 30, 2006.''.

(b) REAFFIRMATION AND REVISION OF REPORTING REQUIREMENT.—Subsection (d) of such section is amended to read as follows:

''(d) REPORT AND PLAN REQUIRED.—Not later than December 1, 2005, the Secretary of Defense shall submit to the congressional defense committees a report that—

''(1) identifies each contract for the performance of security-guard functions entered into on or before September 30, 2004, pursuant to the authority provided by subsection (a), including information regarding—

''(A) each installation at which such security-guard functions are performed or are to be performed;

''(B) the period and amount of such contract;

''(C) the number of security guards employed or to be employed under such contract;

''(D) whether the contract was awarded pursuant to full and open competition; and

''(E) the actions taken or to be taken within the Department of Defense to ensure that the conditions applicable under paragraph (1) of subsection (a) or determined under paragraph (2) of such subsection are satisfied;

''(2) identifies, for each military installation at which such authority was used or is expected to be used, any requirements for the performance of security-guard functions described in subsection (a) that are expected to continue after the date on which such authority expires;

''(3) identifies any limitation or constraint on the end strength of the civilian workforce of the Department of Defense that makes it difficult to meet requirements identified under paragraph (2) by hiring personnel as civilian employees of the Department of Defense; and

''(4) includes a plan for meeting such requirements, in a manner consistent with applicable law, on a long-term basis.''.

SEC. 325. PILOT PROGRAM FOR PURCHASE OF CERTAIN MUNICIPAL SERVICES FOR ARMY INSTALLATIONS.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Army may carry out a pilot program to procure one or more of the municipal services specified in subsection (b) for an Army installation from a county or municipality in which the installation is located for the purpose of evaluating the efficacy of procuring such services rather than providing them directly.

(b) SERVICES AUTHORIZED FOR PROCUREMENT.—Only the following services may be procured for a military installation participating in the pilot program:

(1) Refuse collection.

(2) Refuse disposal.

(3) Library services.

(4) Recreation services.

(5) Facility maintenance and repair.

(6) Utilities.

(c) PARTICIPATING INSTALLATIONS.—Not more than two Army installations may be selected to participate in the pilot program, and only installations located in the United States are eligible for selection.

(d) CONGRESSIONAL NOTIFICATION.—The Secretary may not enter into a contract under the pilot program for the procurement of municipal services until the Secretary notifies the congressional defense committees of the proposed contract and a period of 14 days elapses from the date the notification is received by the committees.

(e) IMPLEMENTATION REPORT.—(1) Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees and the Comptroller General a report describing the implementation of the pilot program, evaluating the efficacy of procuring municipal services for participating installations from local counties or municipalities, and containing any recommendations that the Secretary considers appropriate regarding expansion or alteration of the program.

(2) The Comptroller General shall submit to the congressional defense committees an assessment of the findings and recommendations contained in the report submitted under paragraph (1).

(f) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate on September 30, 2010. Any contract entered into under the pilot program shall terminate not later than that date.

SEC. 326. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76.

(a) TREATMENT OF AGENCY TENDER OFFICIAL AS INTERESTED PARTY.—Section 3551(2) of title 31, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)''; and

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

''(B) The term includes the official responsible for submitting the Federal agency tender in a public-private competition conducted under Office of Management and Budget Circular A–76 regarding an activity or function of a Federal agency performed by more than 65 full-time equivalent employees of the Federal agency.''.

(b) FILING OF PROTEST ON BEHALF OF FEDERAL EMPLOYEES.—Section 3552 of such title is amended—

(1) by inserting ''(a)'' before ''A protest''; and

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

''(b)(1) In the case of an agency tender official who is an interested party under section 3551(2)(B) of this title, the official may file a protest in connection with the public-private competition for which the official is an interested party. At the request of a majority of the employees of the Federal agency who are engaged in the performance of the activity or function subject to such public-private competition, the official shall file a protest in connection with such public-private competition unless the official determines that there is no reasonable basis for the protest.

''(2) The determination of an agency tender official under paragraph (1) whether or not to file a protest is not subject to administrative or judicial review. An agency tender official shall provide written notification to Congress whenever the official makes a determination under paragraph (1) that there is no reasonable basis for a protest.''.

(c) INTERVENTION IN PROTEST.—Section 3553 of such title is amended by adding at the end the following new subsection:

''(g) If an interested party files a protest in connection with a public-private competition described in section 3551(2)(B) of this title, a person representing a majority of the employees of the Federal agency who are engaged in the performance of the activity or function subject to the public-private competition may intervene in protest.''.

(d) APPLICABILITY.—The amendments made by this section shall apply to protests filed under subchapter V of chapter 35 of title 31, United States Code, that relate to studies initiated under Office of Management and Budget Circular A–76 on or after the end of the 90-day period beginning on the date of the enactment of this Act.

(e) RULE OF CONSTRUCTION.—The amendments made by this section shall not be construed to authorize the use of a protest under subchapter V of chapter 35 of title 31, United States Code, with regard to a decision made by an agency tender official.

SEC. 327. LIMITATIONS ON CONVERSION OF WORK PERFORMED BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) REQUIRED COST-SAVINGS THRESHOLD FOR CONVERSION.—If a public-private competition conducted under the Office of Management and Budget Circular A–76 dated May 29, 2003 (68 Fed. Reg. 32134), regarding an activity or function performed by civilian employees of the Department of Defense is required to include a formal comparison of the cost of civilian employee performance of the activity or function with the cost of contractor performance, the Secretary of Defense shall maintain the continued performance of the activity or function by civilian employees unless the competitive sourcing official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of the following:

(1) $10,000,000.

(2) 10 percent of the most efficient organization's personnel-related costs for performance of the activity or function by civilian employees.

(b) PROHIBITION ON MODIFICATION OF FUNCTIONS TO PERMIT STREAMLINED A–76 STUDY.—The Secretary of Defense shall ensure that no organization, function, or activity of the Department of Defense is consolidated, restructured, reengineered, or otherwise modified in any way for the purpose of exempting any public-private competition conducted under the Office of Management and Budget Circular A–76 dated May 29, 2003 (68 Fed. Reg. 32134), regarding a commercial or industrial type function of the Department of Defense from the requirement to formally compare, in accordance with such Circular, the cost of civilian employee performance of the function with the cost of contractor performance.

(c) EXCEPTION.—Subsection (a) does not apply in the case of a public-private competition conducted as part of the best-value source selection pilot program authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 2461 note).

SEC. 328. COMPETITIVE SOURCING REPORTING REQUIREMENT.

Not later than February 1, 2005, the Inspector General of the Department of Defense shall submit to Congress a report addressing whether the Department of Defense—

(1) employs a sufficient number of adequately trained civilian employees—

(A) to conduct satisfactorily, taking into account equity, efficiency and expeditiousness, all of the public-private competitions that are scheduled to be undertaken by the Department of Defense during the next fiscal year (including a sufficient number of employees to formulate satisfactorily the performance work statements and most efficient organization plans for the purposes of such competitions); and

(B) to administer any resulting contracts; and

(2) has implemented a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractors.

Subtitle D—Information Technology

SEC. 331. PREPARATION OF DEPARTMENT OF DEFENSE PLAN FOR TRANSITION TO INTERNET PROTOCOL VERSION 6.

(a) TRANSITION PLAN REQUIRED.—The Secretary of Defense shall prepare a plan detailing the Department of Defense strategy to provide for the transition of the Department's information technology systems to Internet Protocol version 6 from the present use of Internet Protocol version 4 and other network protocols. In preparing the transition plan, the Secretary shall compare private industry plans for the transition to Internet Protocol version 6.

(b) ELEMENTS OF PLAN.—The transition plan required by subsection (a) shall include the following:

(1) An outline of the networking and security system equipment that will need to be replaced in the transition, including the timing and costs of such replacement.

(2) An assessment of how the current and new networks and security systems will be managed.

(3) An assessment of the potential impact of the transition, including an overall cost estimate for the transition and an estimate of the costs to be incurred by each of the military departments and the Defense Agencies.

(4) Any measures proposed to alleviate any adverse effects of the transition.

(c) TESTING AND EVALUATION FOR INTERNET PROTOCOL.—To determine whether a change to the use of Internet Protocol version 6 will support Department of Defense requirements, the Secretary of Defense shall provide for rigorous, real-world, end-to-end testing of Internet Protocol version 6, as proposed for use by the Department, to evaluate the following:

(1) The ability of Internet Protocol version 6, with its ''best effort'' quality of service, to satisfactory support the Department's multiple applications and other information technology systems, including the use of Internet Protocol version 6 over bandwidth-constrained tactical circuits.

(2) The ability of the Department's networks using Internet Protocol version 6 to respond to, and perform under, heavy loading of the core networks.

(d) REPORTS ON PLAN AND TEST RESULTS.—(1) Not later than March 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a report containing the transition plan prepared under subsection (a).

(2) Not later than September 30, 2005, the Director of Operational Test and Evaluation shall submit to the congressional defense committees a report containing an update on the continuing test program and any test results.

SEC. 332. DEFENSE BUSINESS ENTERPRISE ARCHITECTURE, SYSTEM ACCOUNTABILITY, AND CONDITIONS FOR OBLIGATION OF FUNDS FOR DEFENSE BUSINESS SYSTEM MODERNIZATION.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting before section 2223 the following new section:

''§ 2222. Defense business systems: architecture, accountability, and modernization

''(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR DEFENSE BUSINESS SYSTEM MODERNIZATION.—Effective October 1, 2005, funds appropriated to the Department of Defense may not be obligated for a defense business system modernization that will have a total cost in excess of $1,000,000 unless—

''(1) the approval authority designated for the defense business system certifies to the Defense Business Systems Management Committee established by section 186 of this title that the defense business system modernization—

''(A) is in compliance with the enterprise architecture developed under subsection (c);

''(B) is necessary to achieve a critical national security capability or address a critical requirement in an area such as safety or security; or

''(C) is necessary to prevent a significant adverse effect on a project that is needed to achieve an essential capability, taking into consideration the alternative solutions for preventing such adverse effect; and

''(2) the certification by the approval authority is approved by the Defense Business Systems Management Committee.

''(b) OBLIGATION OF FUNDS IN VIOLATION OF REQUIREMENTS.—The obligation of Department of Defense funds for a business system modernization in excess of the amount specified in subsection (a) that has not been certified and approved in accordance with such subsection is a violation of section 1341(a)(1)(A) of title 31.

''(c) ENTERPRISE ARCHITECTURE FOR DEFENSE BUSINESS SYSTEMS.—Not later than September 30, 2005, the Secretary of Defense, acting through the Defense Business Systems Management Committee, shall develop—

''(1) an enterprise architecture to cover all defense business systems, and the functions and activities supported by defense business systems, which shall be sufficiently defined to effectively guide, constrain, and permit implementation of interoperable defense business system solutions and consistent with the policies and procedures established by the Director of the Office of Management and Budget, and

''(2) a transition plan for implementing the enterprise architecture for defense business systems.

''(d) COMPOSITION OF ENTERPRISE ARCHITECTURE.—The defense business enterprise architecture developed under subsection (c)(1) shall include the following:

''(1) An information infrastructure that, at a minimum, would enable the Department of Defense to—

''(A) comply with all Federal accounting, financial management, and reporting requirements;

''(B) routinely produce timely, accurate, and reliable financial information for management purposes;

''(C) integrate budget, accounting, and program information and systems; and

''(D) provide for the systematic measurement of performance, including the ability to produce timely, relevant, and reliable cost information.

''(2) Policies, procedures, data standards, and system interface requirements that are to apply uniformly throughout the Department of Defense.

''(e) COMPOSITION OF TRANSITION PLAN.—(1) The transition plan developed under subsection (c)(2) shall include the following:

''(A) The acquisition strategy for new systems that are expected to be needed to complete the defense business enterprise architecture.

''(B) A listing of the defense business systems as of December 2, 2002 (known as 'legacy systems'), that will not be part of the objective defense business enterprise architecture, together with the schedule for terminating those legacy systems that provides for reducing the use of those legacy systems in phases.

''(C) A listing of the legacy systems (referred to in subparagraph (B)) that will be a part of the objective defense business system, together with a strategy for making the modifications to those systems that will be needed to ensure that such systems comply with the defense business enterprise architecture.

''(2) Each of the strategies under paragraph (1) shall include specific time-phased milestones, performance metrics, and a statement of the financial and nonfinancial resource needs.

''(f) APPROVAL AUTHORITIES AND ACCOUNTABILITY FOR DEFENSE BUSINESS SYSTEMS.—The Secretary of Defense shall delegate responsibility for review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of defense business systems as follows:

''(1) The Under Secretary of Defense for Acquisition, Technology and Logistics shall be responsible and accountable for any defense business system the primary purpose of which is to support acquisition activities, logistics activities, or installations and environment activities of the Department of Defense.

''(2) The Under Secretary of Defense (Comptroller) shall be responsible and accountable for any defense business system the primary purpose of which is to support financial management activities or strategic planning and budgeting activities of the Department of Defense.

''(3) The Under Secretary of Defense for Personnel and Readiness shall be responsible and accountable for any defense business system the primary purpose of which is to support human resource management activities of the Department of Defense.

''(4) The Assistant Secretary of Defense for Networks and Information Integration and the Chief Information Officer of the Department of Defense shall be responsible and accountable for any defense business system the primary purpose of which is to support information technology infrastructure or information assurance activities of the Department of Defense.

''(5) The Deputy Secretary of Defense or an Under Secretary of Defense, as designated by the Secretary of Defense, shall be responsible for any defense business system the primary purpose of which is to support any activity of the Department of Defense not covered by paragraphs (1) through (4).

''(g) DEFENSE BUSINESS SYSTEM INVESTMENT REVIEW.—(1) The Secretary of Defense shall require each approval authority designated under subsection (f) to establish, not later than March 15, 2005, an investment review process, consistent with section 11312 of title 40, to review the planning, design, acquisition, development, deployment, operation, maintenance, modernization, and project cost benefits and risks of all defense business systems for which the approval authority is responsible. The investment review process so established shall specifically address the responsibilities of approval authorities under subsection (a).

''(2) The review of defense business systems under the investment review process shall include the following:

''(A) Review and approval by an investment review board of each defense business system as an investment before the obligation of funds on the system.

''(B) Periodic review, but not less than annually, of every defense business system investment.

''(C) Representation on each investment review board by appropriate officials from among the armed forces, combatant commands, the Joint Chiefs of Staff, and Defense Agencies.

''(D) Use of threshold criteria to ensure an appropriate level of review within the Department of Defense of, and accountability for, defense business system investments depending on scope, complexity, and cost.

''(E) Use of procedures for making certifications in accordance with the requirements of subsection (a).

''(F) Use of procedures for ensuring consistency with the guidance issued by the Secretary

of Defense and the Defense Business Systems Management Committee, as required by section 186(c) of this title, and incorporation of common decision criteria, including standards, requirements, and priorities that result in the integration of defense business systems.

''(h) BUDGET INFORMATION.—In the materials that the Secretary submits to Congress in support of the budget submitted to Congress under section 1105 of title 31 for fiscal year 2006 and fiscal years thereafter, the Secretary of Defense shall include the following information:

''(1) Identification of each defense business system for which funding is proposed in that budget.

''(2) Identification of all funds, by appropriation, proposed in that budget for each such system, including—

''(A) funds for current services (to operate and maintain the system); and

''(B) funds for business systems modernization, identified for each specific appropriation.

''(3) For each such system, identification of the official to whom authority for such system is delegated under subsection (f).

''(4) For each such system, a description of each certification made under subsection (d) with regard to such system.

''(i) CONGRESSIONAL REPORTS.—Not later than March 15 of each year from 2005 through 2009, the Secretary of Defense shall submit to the congressional defense committees a report on Department of Defense compliance with the requirements of this section. The first report shall define plans and commitments for meeting the requirements of subsection (a), including specific milestones and performance measures. Subsequent reports shall—

''(1) describe actions taken and planned for meeting the requirements of subsection (a), including—

''(A) specific milestones and actual performance against specified performance measures, and any revision of such milestones and performance measures; and

''(B) specific actions on the defense business system modernizations submitted for certification under such subsection;

''(2) identify the number of defense business system modernizations so certified;

''(3) identify any defense business system modernization with an obligation in excess of $1,000,000 during the preceding fiscal year that was not certified under subsection (a), and the reasons for the waiver; and

''(4) discuss specific improvements in business operations and cost savings resulting from successful defense business systems modernization efforts.

''(j) DEFINITIONS.—In this section:

''(1) The term 'approval authority', with respect to a defense business system, means the Department of Defense official responsible for the defense business system, as designated by subsection (f).

''(2) The term 'defense business system' means an information system, other than a national security system, operated by, for, or on behalf of the Department of Defense, including financial systems, mixed systems, financial data feeder systems, and information technology and information assurance infrastructure, used to support business activities, such as acquisition, financial management, logistics, strategic planning and budgeting, installations and environment, and human resource management.

''(3) The term 'defense business system modernization' means—

''(A) the acquisition or development of a new defense business system; or

''(B) any significant modification or enhancement of an existing defense business system (other than necessary to maintain current services).

''(4) The term 'enterprise architecture' has the meaning given that term in section 3601(4) of title 44.

''(5) The terms 'information system' and 'information technology' have the meanings given those terms in section 11101 of title 40.

''(6) The term 'national security system' has the meaning given that term in section 2315 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2223 the following new item:

''2222. Defense business systems: architecture, accountability, and modernization.''.

(b) DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—(1) Chapter 7 of such title is amended by adding at the end the following new section:

''§ 186. Defense Business System Management Committee

''(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Defense Business Systems Management Committee, to be composed of the following persons:

''(1) The Deputy Secretary of Defense.

''(2) The Under Secretary of Defense for Acquisition, Logistics, and Technology.

''(3) The Under Secretary of Defense for Personnel and Readiness.

''(4) The Under Secretary of Defense (Comptroller).

''(5) The Assistant Secretary of Defense for Networks and Information Integration.

''(6) The Secretaries of the military departments and the heads of the Defense Agencies.

''(7) Such additional personnel of the Department of Defense (including personnel assigned to the Joint Chiefs of Staff and combatant commands) as are designated by the Secretary of Defense.

''(b) CHAIRMAN AND VICE CHAIRMAN.—The Deputy Secretary of Defense shall serve as the chairman of the Committee. The Secretary of Defense shall designate one of the officials specified in paragraphs (2) through (5) of subsection (a) as the vice chairman of the Committee, who shall act as chairman in the absence of the Deputy Secretary of Defense.

''(c) DUTIES.—(1) In addition to any other matters assigned to the Committee by the Secretary of Defense, the Committee shall—

''(A) recommend to the Secretary of Defense policies and procedures necessary to effectively integrate the requirements of section 2222 of this title into all business activities and any transformation, reform, reorganization, or process improvement initiatives undertaken within the Department of Defense;

''(B) review and approve any major update of the defense business enterprise architecture developed under subsection (b) of section 2222 of this title, including evolving the architecture, and of defense business systems modernization plans; and

''(C) manage cross-domain integration consistent with such enterprise architecture.

''(2) The Committee shall be responsible for coordinating defense business system modernization initiatives to maximize benefits and minimize costs for the Department of Defense and periodically report to the Secretary on the status of defense business system modernization efforts.

''(3) The Committee shall ensure that funds are obligated for defense business system modernization in a manner consistent with section 2222 of this title.

''(c) DEFINITIONS.—In this section, the terms 'defense business system' and 'defense business system modernization' have the meanings given such terms in section 2222 of this title.''.

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

''186. Defense Business System Management Committee.''.

(c) IMPLEMENTATION REQUIREMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) complete the delegation of responsibility for the review, approval, and oversight of the planning, design, acquisition, deployment, operation, maintenance, and modernization of defense business systems required by subsection (f) of section 2222 of title 10, United States Code, as added by subsection (a)(1); and

(2) designate a vice chairman of the Defense Business System Management Committee, as required by subsection (b) of section 186 of such title, as added by subsection (b)(1).

(d) COMPTROLLER GENERAL ASSESSMENT.—Not later than 60 days after the date on which the Secretary of Defense approves the defense business enterprise architecture and transition plan developed under section 2222 of title 10, United States Code, as added by subsection (a)(1), and again each year not later than 60 days after the submission of the annual report required under subsection (i), the Comptroller General shall submit to the congressional defense committees an assessment of the extent to which the actions taken by the Department comply with the requirements of such section.

(e) RELATION TO ANNUAL REGISTRATION REQUIREMENTS.—Nothing in sections 186 and 2222 of title 10, United States Code, as added by this section, shall be construed to alter the requirements of section 8083 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 989), with regard to information technology systems (as defined in subsection (d) of such section).

(f) REPEAL OF OBSOLETE FINANCIAL MANAGEMENT ENTERPRISE ARCHITECTURE REQUIREMENTS.—Section 1004 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 113 note) is repealed.

SEC. 333. REPORT ON MATURITY AND EFFECTIVENESS OF THE GLOBAL INFORMATION GRID BANDWIDTH EXPANSION (GIG–BE).

(a) REPORT REQUIRED.—Not later that 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on a test program to demonstrate the maturity and effectiveness of the Global Information Grid-Bandwidth Expansion (hereinafter in this section referred to as ''GIG–BE'').

(b) CONTENT OF REPORT.—In the report under subsection (a), the Secretary of Defense shall include the following:

(1) The Secretary's determination as to whether the results of the test program described in subsection (a) demonstrate compliance of the GIG–BE architecture with the overall goals of the GIG–BE program.

(2) Identification of—

(A) the extent to which the GIG–BE architecture does not meet the overall goals of the GIG–BE program; and

(B) the components of that architecture that are not yet sufficiently developed to achieve the overall goals of that program.

(3) A plan for achieving compliance referred to in paragraph (1), together with cost estimates for carrying out that plan.

(4) Documentation of the equipment and network configuration used in the test program to demonstrate real-world scenarios for the operation of the GIG–BE within the continental United States.

Subtitle E—Extensions of Program Authorities

SEC. 341. TWO-YEAR EXTENSION OF DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

Section 344(c) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1448) is amended by striking ''September 30, 2004'' and inserting ''September 30, 2006''.

SEC. 342. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

(a) DURATION OF PROGRAM.—Subsection (a) of section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as

enacted into law by Public Law 106–398; 10 U.S.C. 4551 note) is amended by striking ''2004'' and inserting ''2008''.

(b) ADDITIONAL REPORT REQUIRED.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2008''; and

(2) in paragraph (2), by striking ''2003'' and inserting ''2007''.

SEC. 343. TWO-YEAR EXTENSION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.

Section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 2304 note) is amended—

(1) in subsection (f), by striking ''September 30, 2004'' and inserting ''September 30, 2006''; and

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

''(g) REPORTING REQUIREMENT.—Not later than February 1, 2006, the Secretary of Defense shall submit to Congress a report on the pilot program, including—

''(1) a description of the extent to which commercial firms have been used to provide the services specified in subsection (b) and the type of services procured;

''(2) a description of any problems that have limited the ability of the Secretary to utilize the pilot program to procure such services; and

''(3) the recommendation of the Secretary regarding whether the pilot program should be made permanent or extended beyond September 30, 2006.''.

Subtitle F—Other Matters

SEC. 351. REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONTINGENCY OPERATIONS.

(a) REIMBURSEMENT REQUIRED.—The Secretary of Defense shall reimburse a member of the Armed Forces for the cost (including any shipping cost) of any protective, safety, or health equipment that was purchased by the member or by another person on behalf of the member for the personal use of the member in anticipation of, or during, the deployment of the member in connection with Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom, but only if—

(1) the Secretary of Defense certifies that the protective, safety, or health equipment was critical to the protection, safety, or health of the member;

(2) the member was not issued the protective, safety, or health equipment before the member became engaged in operations in areas or situations described in section 310(a)(2) of title 37, United States Code; and

(3) the protective, safety, or health equipment was purchased by the member during the period beginning on September 11, 2001, and ending on July 31, 2004.

(b) AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, or health equipment purchased by a member of the Armed Forces may not exceed $1,100.

(c) SUBMISSION OF REIMBURSEMENT CLAIMS.—Claims for reimbursement for the cost of protective, safety, or health equipment purchased by a member of the Armed Forces shall be submitted to the Secretary of Defense under this section not later than one year after the date on which the implementing rules required by subsection (d) take effect.

(d) RULEMAKING.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue rules to expedite the provision of reimbursement under subsection (a). In conducting such rulemaking, the Secretary shall address the circumstances under which the United States will assume title or ownership of any protective, safety, or health equipment for which reimbursement is made.

SEC. 352. LIMITATION ON PREPARATION OR IMPLEMENTATION OF MID-RANGE FINANCIAL IMPROVEMENT PLAN PENDING REPORT.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 for operation and maintenance may not be obligated for the purpose of preparing or implementing the Mid-Range Financial Improvement Plan until the Secretary of Defense submits to the congressional defense committees a report containing the following:

(1) A determination that the enterprise architecture for defense business systems and the transition plan for implementing the enterprise architecture have been developed, as required by subsection (c) of section 2222 of title 10, United States Code, as added by section 332(a).

(2) An explanation of the manner in which the operation and maintenance funds will be used for each of the military departments and the Defense Agencies to prepare or implement the Mid-Range Financial Improvement Plan during that fiscal year.

(3) An estimate of the costs for future fiscal years for each of the military departments and the Defense Agencies to prepare and implement the Mid-Range Financial Improvement Plan.

SEC. 353. PILOT PROGRAM TO AUTHORIZE ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) COOPERATIVE ARRANGEMENTS AUTHORIZED.—Chapter 433 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 4544. Army industrial facilities: cooperative activities with non-Army entities

''(a) COOPERATIVE ARRANGEMENTS AUTHORIZED.—A working-capital funded Army industrial facility may enter into a contract or other cooperative arrangement with a non-Army entity to carry out with the non-Army entity a military or commercial project described in subsection (b), subject to the conditions prescribed in subsection (c).

''(b) AUTHORIZED ACTIVITIES.—A cooperative arrangement entered into by an Army industrial facility under subsection (a) may provide for any of the following activities:

''(1) The sale of articles manufactured by the facility or services performed by the facility to persons outside the Department of the Army.

''(2) The performance of work by a non-Army entity at the facility.

''(3) The performance of work by the facility for a non-Army entity.

''(4) The sharing of work by the facility and a non-Army entity.

''(5) The leasing, or use under a facilities use contract or otherwise, of the facility (including excess capacity) or equipment (including excess equipment) of the facility by a non-Army entity.

''(6) The preparation and submission of joint offers by the facility and a non-Army entity for competitive procurements entered into with Federal agency.

''(c) CONDITIONS.—An activity authorized by subsection (b) may be carried out at an Army industrial facility under a cooperative arrangement entered into under subsection (a) only under the following conditions:

''(1) In the case of an article to be manufactured or services to be performed by the facility, the articles can be substantially manufactured, or the services can be substantially performed, by the facility without subcontracting for more than incidental performance.

''(2) The activity does not interfere with performance of—

''(A) work by the facility for the Department of Defense; or

''(B) a military mission of the facility.

''(3) The activity meets one of the following objectives:

''(A) Maximized utilization of the capacity of the facility.

''(B) Reduction or elimination of the cost of ownership of the facility.

''(C) Reduction in the cost of manufacturing or maintaining Department of Defense products at the facility.

''(D) Preservation of skills or equipment related to a core competency of the facility.

''(4) The non-Army entity agrees to hold harmless and indemnify the United States from any liability or claim for damages or injury to any person or property arising out of the activity, including any damages or injury arising out of a decision by the Secretary of the Army or the Secretary of Defense to suspend or terminate an activity, or any portion thereof, during a war or national emergency or to require the facility to perform other work or provide other services on a priority basis, except—

''(A) in any case of willful misconduct or gross negligence; and

''(B) in the case of a claim by a purchaser of articles or services under this section that damages or injury arose from the failure of the United States to comply with quality, schedule, or cost performance requirements in the contract to carry out the activity.

''(d) ARRANGEMENT METHODS AND AUTHORITIES.—To establish a cooperative arrangement under subsection (a) with a non-Army entity, the approval authority described in subsection (e) for an Army industrial facility may—

''(1) enter into a firm, fixed-price contract (or, if agreed to by the non-Army entity, a cost reimbursement contract) for a sale of articles or services or use of equipment or facilities;

''(2) enter into a multiyear contract for a period not to exceed five years, unless a longer period is specifically authorized by law;

''(3) charge the non-Army entity the amounts necessary to recover the full costs of the articles or services provided, including capital improvement costs, and equipment depreciation costs associated with providing the articles, services, equipment, or facilities;

''(4) authorize the non-Army entity to use incremental funding to pay for the articles, services, or use of equipment or facilities; and

''(5) accept payment-in-kind.

''(e) APPROVAL AUTHORITY.—The authority of an Army industrial facility to enter into a cooperative arrangement under subsection (a) shall be exercised at the level of the commander of the major subordinate command of the Army that has responsibility for the facility. The commander may approve such an arrangement on a case-by-case basis or a class basis.

''(f) COMMERCIAL SALES.—Except in the case of work performed for the Department of Defense, for a contract of the Department of Defense, for foreign military sales, or for authorized foreign direct commercial sales (defense articles or defense services sold to a foreign government or international organization under export controls), a sale of articles or services may be made under this section only if the approval authority described in subsection (e) determines that the articles or services are not available from a commercial source located in the United States in the required quantity or quality, or within the time required.

''(g) EXCLUSION FROM DEPOT-LEVEL MAINTENANCE AND REPAIR PERCENTAGE LIMITATION.—Amounts expended for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at an Army industrial facility shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by a non-Army entity pursuant to a cooperative arrangement entered into under subsection (a).

''(h) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to affect the application of—

''(1) foreign military sales and the export controls provided for in sections 30 and 38 of the Arms Export Control Act (22 U.S.C. 2770 and 2778) to activities of a cooperative arrangement entered into under subsection (a); and

''(2) section 2667 of this title to leases of non-excess property in the administration of such an arrangement.

''(i) DEFINITIONS.—In this section:

''(1) The term 'Army industrial facility' includes an ammunition plant, an arsenal, a depot, and a manufacturing plant.

''(2) The term 'non-Army entity' includes the following:

''(A) A Federal agency (other than the Department of the Army).

''(B) An entity in industry or commercial sales.

''(C) A State or political subdivision of a State.

''(D) An institution of higher education or vocational training institution.

''(3) The term 'incremental funding' means a series of partial payments that—

''(A) are made as the work on manufacture or articles is being performed or services are being performed or equipment or facilities are used, as the case may be; and

''(B) result in full payment being completed as the required work is being completed.

''(4) The term 'full costs', with respect to articles or services provided under a cooperative arrangement entered into under subsection (a), means the variable costs and the fixed costs that are directly related to the production of the articles or the provision of the services.

''(5) The term 'variable costs' means the costs that are expected to fluctuate directly with the volume of sales or services provided or the use of equipment or facilities.

''(j) EXPIRATION OF AUTHORITY.—The authority to enter into a cooperative arrangement under subsection (a) expires September 30, 2009, and arrangements entered into under such subsection shall terminate not later than that date.''.

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

''4544. Army industrial facilities: cooperative activities with non-Army entities.''.

SEC. 354. TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PERSONAL PROPERTY TO ASSIST FIREFIGHTING AGENCIES.

Section 2576b of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall''; and

(2) in subsection (b), by striking ''may'' and inserting ''shall''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army and Marine Corps active duty personnel end strengths for fiscal years 2005 through 2009.
Sec. 404. Exclusion of service academy permanent and career professors from a limitation on certain officer grade strengths.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2005 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of Reserve personnel authorized to be on active duty for operational support.
Sec. 416. Accounting and management of reserve component personnel performing active duty or full-time National Guard duty for operational support.

Subtitle C—Authorizations of Appropriations

Sec. 421. Military personnel.
Sec. 422. Armed Forces Retirement Home.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) IN GENERAL.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 2005, as follows:

(1) The Army, 502,400.

(2) The Navy, 365,900.

(3) The Marine Corps, 178,000.

(4) The Air Force, 359,700.

(b) LIMITATION.—(1) The authorized strength for the Army provided in paragraph (1) of subsection (a) for active duty personnel for fiscal year 2005 is subject to the condition that costs of active duty personnel of the Army for that fiscal year in excess of 482,400 shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

(2) The authorized strength for the Marine Corps provided in paragraph (3) of subsection (a) for active duty personnel for fiscal year 2005 is subject to the condition that costs of active duty personnel of the Marine Corps for that fiscal year in excess of 175,000 shall be paid out of funds authorized to be appropriated for that fiscal year for a contingent emergency reserve fund or as an emergency supplemental appropriation.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) For the Army, 502,400.

''(2) For the Navy, 365,900.

''(3) For the Marine Corps, 178,000.

''(4) For the Air Force, 359,700.''.

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE DUTY PERSONNEL END STRENGTHS FOR FISCAL YEARS 2005 THROUGH 2009.

(a) AUTHORITY.—During fiscal years 2005 through 2009, the Secretary of Defense is authorized to increase by up to 30,000 the end strength authorized for the Army, and by up to 9,000 the end strength authorized for the Marine Corps, above the levels authorized for those services in the National Defense Authorization Act for Fiscal Year 2004, as necessary—

(1) to support the operational mission of the Army and Marine Corps in Iraq and Afghanistan; and

(2) with respect to end strengths for the Army, to achieve transformational reorganization objectives of the Army, including objectives for increased numbers of combat brigades, unit manning, force stabilization and shaping, and rebalancing of the active and reserve component forces of the Army.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

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

(d) BUDGET TREATMENT.—(1) If the Secretary of Defense plans to increase the Army or Marine Corps active duty end strength for a fiscal year under subsection (a) of this section or pursuant to a suspension of end-strength limitation under section 123a of title 10, United States Code, then the budget for the Department of Defense for such fiscal year as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army in excess of 482,400 and the Marine Corps in excess of 175,000 (the end strengths authorized for active duty personnel of the Army and Marine Corps, respectively, for fiscal year 2004 in paragraphs (1) and (3) of section 401 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1450)).

(2) If the amount proposed for the Department of Defense for fiscal year 2006 within budget function 050 (National Defense) includes amounts necessary for funding an active duty end strength of the Army in excess of 482,400, or an active duty end strength of the Marine Corps in excess of 175,000, for that fiscal year, the specification of amounts necessary for funding such end strength (as required under paragraph (1)) shall include the following additional information:

(A) A display of the following amounts:

(i) The amount that is to be funded out of the amounts proposed for the Department of Defense within budget function 050 (National Defense) other than out of amounts for the Army and Marine Corps.

(ii) The amount that is to be funded out of the amounts proposed for the Army and Marine Corps within budget function 050 (National Defense).

(iii) The estimated amounts that are to be funded out of emergency reserve funds and supplemental appropriations for fiscal year 2006.

(B) A detailed justification for reliance on each funding source described in subparagraph (A).

(C) A detailed discussion of which programs and plans of the Army and Marine Corps funded in the proposed budget for fiscal year 2006 must be modified if the funding sources relied on, as presented under subparagraph (A), must be changed.

(D) The projected Army and Marine Corps active duty end strengths for each of fiscal years 2006 through 2010, together with a detailed enumeration of the component costs of the projected end strengths for each such fiscal year.

SEC. 404. EXCLUSION OF SERVICE ACADEMY PERMANENT AND CAREER PROFESSORS FROM A LIMITATION ON CERTAIN OFFICER GRADE STRENGTHS.

Section 523(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(8) Permanent professors of the United States Military Academy and the United States Air Force Academy and professors of the United States Naval Academy who are career military professors (as defined in regulations prescribed by the Secretary of the Navy), but not to exceed 50 from any such academy.''.

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, 2005, as follows:

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

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 83,400.

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

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

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

(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 component which are 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 their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any

fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2005, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 14,970.

(3) The Naval Reserve, 14,152.

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

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

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

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2005 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

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

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

SEC. 414. FISCAL YEAR 2005 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

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

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

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

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

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

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

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2005, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 10,300.

(2) The Army Reserve, 5,000.

(3) The Naval Reserve, 6,200.

(4) The Marine Corps Reserve, 2,500.

(5) The Air National Guard of the United States, 10,100.

(6) The Air Force Reserve, 3,600.

SEC. 416. ACCOUNTING AND MANAGEMENT OF RESERVE COMPONENT PERSONNEL PERFORMING ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY FOR OPERATIONAL SUPPORT.

(a) STRENGTH AUTHORIZATIONS.—Section 115 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting ''unless on active duty pursuant to subsection (b)'' after ''active-duty personnel'';

(2) in subsection (a)(1)(B), by inserting ''unless on active duty or full-time National Guard duty pursuant to subsection (b)'' after ''reserve personnel'';

(3) by redesignating subsections (b), (c), (d), (e), (f), (g) and (h) as subsections (c), (d), (e), (f), (g), (h) and (i), respectively; and

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

''(b) CERTAIN RESERVES ON ACTIVE DUTY TO BE AUTHORIZED BY LAW.—(1) Congress shall annually authorize the maximum number of members of a reserve component permitted to be on active duty or full-time National Guard duty at any given time who are called or ordered to—

''(A) active duty under section 12301(d) of this title for the purpose of providing operational support, as prescribed in regulation issued by the Secretary of Defense;

''(B) full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of providing operational support when authorized by the Secretary of Defense;

''(C) active duty under section 12301(d) of this title or full-time National Guard duty under section 502(f)(2) of title 32 for the purpose of preparing for and performing funeral honors functions for funerals of veterans under section 1491 of this title;

''(D) active duty or retained on active duty under sections 12301(g) of this title while in a captive status; or

''(E) active duty or retained on active duty under 12301(h) or 12322 of this title for the purpose of medical evaluation or treatment.

''(2) A member of a reserve component who exceeds either of the following limits shall be included in the strength authorized under subparagraph (A) or subparagraph (B), as appropriate, of subsection (a)(1):

''(A) A call or order to active duty or full-time National Guard duty that specifies a period greater than three years.

''(B) The cumulative periods of active duty and full-time National Guard duty performed by the member exceed 1095 days in the previous 1460 days.

''(3) In determining the period of active service under paragraph (2), the following periods of active service performed by a member shall not be included:

''(A) All periods of active duty performed by a member who has not previously served in the Selected Reserve of the Ready Reserve.

''(B) All periods of active duty or full-time National Guard duty for which the member is exempt from strength accounting under paragraphs (1) through (8) of subsection (i).''.

(b) LIMITATION ON APPROPRIATIONS.—Subsection (c) of such section (as redesignated by subsection (a)(3)) is amended—

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

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) the use of reserve component personnel to perform active duty or full-time National Guard duty under subsection (b) unless the strength for such personnel for that reserve component for that fiscal year has been authorized by law.''.

(c) AUTHORITY FOR SECRETARY OF DEFENSE VARIANCES IN MAXIMUM STRENGTHS.—Subsection (f) of such section (as redesignated by subsection (a)(3)) is amended—

(1) by striking ''END'' in the heading;

(2) by striking ''and'' at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) increase the maximum strength authorized pursuant to subsection (b)(1) for a fiscal year for certain reserves on active duty for any of the reserve components by a number equal to not more than 10 percent of that strength.''.

(d) CONFORMING AMENDMENTS TO SECTION 115.—Such section is further amended as follows:

(1) Subsection (e) (as redesignated by subsection (a)(3)) is amended—

(A) in paragraph (1), by striking ''subsection (a) or (c)'' and inserting ''subsection (a) or (d)''; and

(B) in paragraph (2)—

(i) by striking ''subsections (a) and (c)''; and inserting ''subsections (a) and (d)'';

(ii) by striking ''pursuant to subsection (e)) and subsection (c)'' and inserting ''pursuant to subsection (f)) and subsection (d)'' each place it appears.

(2) Subsection (g) (as redesignated by subsection (a)(3)) is amended by striking ''subsection (e)(1)'' in paragraph (2) and inserting ''subsection (f)(1)''.

(3) Subsection (i) (as redesignated by subsection (a)(3)) is amended to read as follows:

''(i) CERTAIN PERSONNEL EXCLUDED FROM COUNTING FOR ACTIVE-DUTY END STRENGTHS.—In counting personnel for the purpose of the end strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:

''(1) Members of a reserve component ordered to active duty under section 12301(a) of this title.

''(2) Members of a reserve component in an active status ordered to active duty under section 12301(b) of this title.

''(3) Members of the Ready Reserve ordered to active duty under section 12302 of this title.

''(4) Members of the Selected Reserve of the Ready Reserve or members of the Individual Ready Reserve mobilization category described in section 10144(b) of this title ordered to active duty under section 12304 of this title.

''(5) Members of the National Guard called into Federal service under section 12406 of this title.

''(6) Members of the militia called into Federal service under chapter 15 of this title.

''(7) Members of the National Guard on full-time National Guard duty under section 502(f)(1) of title 32.

''(8) Members of reserve components on active duty for training or full-time National Guard duty for training.

''(9) Members of the Selected Reserve of the Ready Reserve on active duty to support programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(b)).

''(10) Members of the National Guard on active duty or full-time National Guard duty for the purpose of carrying out drug interdiction and counter-drug activities under section 112 of title 32.

''(11) Members of a reserve component on active duty under section 10(b)(2) of the Military Selective Service Act (50 U.S.C. App. 460(b)(2)) for the administration of the Selective Service System.

''(12) Members of the National Guard on full-time National Guard duty for the purpose of providing command, administrative, training, or support services for the National Guard Challenge Program authorized by section 509 of title 32.''.

(e) MILITARY TO MILITARY CONTACT STRENGTH ACCOUNTING.—Subsection (f) of section 168 of such title is amended to read as follows:

''(f) ACTIVE DUTY END STRENGTHS.—A member of a reserve component who is engaged in activities authorized under this section shall not be counted for purposes of the following personnel strength limitations:

''(1) The end strength for active-duty personnel authorized pursuant to section 115(a)(1) of this title for the fiscal year in which the member carries out the activities referred to under this section.

''(2) The authorized daily average for members in pay grades E–8 and E–9 under section 517 of this title for the calendar year in which the member carries out such activities.

''(3) The authorized strengths for commissioned officers under section 523 of this title for the fiscal year in which the member carries out such activities.''.

(f) E–8 AND E–9 STRENGTH ACCOUNTING.—Subsection (a) of section 517 of such title is amended by striking ''(other than for training) in connection with organizing, administering, recruiting, instructing, or training the reserve component of an armed force.'' and inserting ''as authorized under section 115(a)(1)(B) or 115(b) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title.''.

(g) FIELD GRADE OFFICER STRENGTH ACCOUNTING.—(1) Paragraph (1) of section 523(b) of such title is amended to read as follows:

(1) Reserve officers—

''(A) on active duty as authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title;

''(B) on active duty under section 10211, 10302 through 10305, or 12402 of this title or under section 708 of title 32; or

''(C) on full-time National Guard duty.''.

(2) Paragraph (7) of such section is amended by striking ''Reserve or retired officers'' and inserting ''Retired officers''.

(h) ACTIVE GUARD AND RESERVE FIELD GRADE OFFICER STRENGTH ACCOUNTING.—Paragraph (2) of section 12011(e) of such title is amended to read as follows:

''(2) Full-time National Guard duty (other than for training) under section 502(f) of title 32, except for duty under section 115(b)(1)(B) and (C) of this title and section 115(i)(9) of this title.''.

(i) WARRANT OFFICER ACTIVE-DUTY LIST EXCLUSION.—Paragraph (1) of section 582 of such title is amended to read as follows:

''(1) Reserve warrant officers—

''(A) on active duty as authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title; or

''(B) on full-time National Guard duty.''.

(j) OFFICER ACTIVE-DUTY LIST, APPLICABILITY OF CHAPTER.—Paragraph (1) of section 641 of such title is amended to read as follows:

''(1) Reserve officers—

''(A) on active duty authorized under section 115(a)(1)(B) or 115(b)(1) of this title, or excluded from counting for active duty end strengths under section 115(i) of this title;

''(B) on active duty under section 3038, 5143, 5144, 8038, 10211, 10301 through 10305, 10502, 10505, 10506(a), 10506(b), 10507, or 12402 of this title or section 708 of title 32; or

''(C) on full-time National Guard duty.''.

(k) STRENGTH ACCOUNTING FOR MEMBERS PERFORMING DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—Section 112 of title 32, United States Code, is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (f), (g), (h) and (i) as subsections (e), (f), (g) and (h) respectively; and

(3) in paragraph (1) of subsection (e), as redesignated by paragraph (2), by striking ''for a period of more than 180 days'' each place it appears.

(l) REPORT.—Not later than June 1, 2005, the Secretary of Defense shall report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the Secretary's recommendations regarding the exemptions provided in paragraphs (8) through (11) by section 115(i) of title 10, United States Code, as amended by this section. The recommendations shall address the manner in personnel covered by those exemptions shall be accounted for in authorizations provided by section 115 of such title. The objective of the analysis should be to terminate the need for such exemptions after September 30, 2006.

(m) REGULATIONS.—The Secretary of Defense shall prescribe by regulation the meaning of the term ''operational support'' for purposes of paragraph (1) of subsection (b) of section 115 of title 10, United States Code, as added by subsection (a).

Subtitle C—Authorizations of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2005 a total of $106,542,982,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2005.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2005 from the Armed Forces Retirement Home Trust Fund the sum of $61,195,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Transition of active-duty list officer force to a force of all regular officers.
Sec. 502. Repeal of requirement that Deputy Chiefs and Assistant Chiefs of Naval Operations be selected from officers in the line of the Navy.
Sec. 503. Limitation on number of officers frocked to major general and rear admiral.
Sec. 504. Distribution in grade of Marine Corps reserve officers in an active status in grades below brigadier general
Sec. 505. Authority for Federal recognition of National Guard commissioned officers appointed from former Coast Guard personnel.
Sec. 506. Study regarding promotion eligibility of retired officers recalled to active duty.
Sec. 507. Succession for office of Chief, National Guard Bureau.
Sec. 508. Redesignation of Vice Chief of the National Guard Bureau as Director of the Joint Staff of the National Guard Bureau.

Subtitle B—Reserve Component Policy Matters

Sec. 511. Modification of stated purpose of the reserve components.
Sec. 512. Homeland defense activities conducted by the National Guard under authority of title 32.
Sec. 513. Commission on the National Guard and Reserves.
Sec. 514. Repeal of exclusion of active duty for training from authority to order Reserves to active duty.
Sec. 515. Army program for assignment of active component advisers to units of the Selected Reserve.
Sec. 516. Authority to accept certain voluntary services.
Sec. 517. Authority to redesignate the Naval Reserve as the Navy Reserve.
Sec. 518. Comptroller General assessment of integration of active and reserve components of the Navy.
Sec. 519. Limitation on number of Starbase academies in a State.
Sec. 520. Recognition items for certain reserve component personnel.

Subtitle C—Reserve Component Personnel Matters

Sec. 521. Status under disability retirement system for reserve members released from active duty due to inability to perform within 30 days of call to active duty.
Sec. 522. Requirement for retention of Reserves on active duty to qualify for retired pay not applicable to nonregular service retirement system.
Sec. 523. Federal civil service military leave for Reserve and National Guard civilian technicians.
Sec. 524. Expanded educational assistance authority for officers commissioned through ROTC program at military junior colleges.
Sec. 525. Repeal of sunset provision for financial assistance program for students not eligible for advanced training.
Sec. 526. Effect of appointment or commission as officer on eligibility for Selected Reserve education loan repayment program for enlisted members.
Sec. 527. Educational assistance for certain reserve component members who perform active service.
Sec. 528. Sense of Congress on guidance concerning treatment of employer-provided compensation and other benefits voluntarily provided to employees who are activated Reservists.

Subtitle D—Joint Officer Management and Professional Military Education

Sec. 531. Strategic plan to link joint officer development to overall missions and goals of Department of Defense.
Sec. 532. Improvement to professional military education in the Department of Defense.
Sec. 533. Joint requirements for promotion to flag or general officer grade.
Sec. 534. Clarification of tours of duty qualifying as a joint duty assignment.
Sec. 535. Two-year extension of temporary standard for promotion policy objectives for joint officers.
Sec. 536. Two-year extension of authority to waive requirement that Reserve Chiefs and National Guard Directors have significant joint duty experience.

Subtitle E—Military Service Academies

Sec. 541. Revision to conditions on service of officers as service academy superintendents.
Sec. 542. Academic qualifications of the dean of the faculty of United States Air Force Academy.
Sec. 543. Board of Visitors of United States Air Force Academy.
Sec. 544. Appropriated funds for service academy athletic and recreational extracurricular programs to be treated in same manner as for military morale, welfare, and recreation progams.
Sec. 545. Codification of prohibition on imposition of certain charges and fees at the service academies.

Subtitle F—Other Education and Training Matters

Sec. 551. College First delayed enlistment program.
Sec. 552. Senior Reserve Officers' Training Corps and recruiter access at institutions of higher education.
Sec. 553. Tuition assistance for officers.
Sec. 554. Increased maximum period for leave of absence for pursuit of a program of education in a health care profession.
Sec. 555. Eligibility of cadets and midshipmen for medical and dental care and disability benefits.
Sec. 556. Transfer of authority to confer degrees upon graduates of the Community College of the Air Force.
Sec. 557. Change in titles of leadership positions at the Naval Postgraduate School.

Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

Sec. 558. Continuation of impact aid assistance on behalf of dependents of certain members despite change in status of member.
Sec. 559. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 560. Impact aid for children with severe disabilities.

Subtitle H—Medals and Decorations and Special Promotions and Appointments

Sec. 561. Award of medal of honor to individual interred in the Tomb of the Unknowns as representative of casualties of a war.
Sec. 562. Plan for revised criteria and eligibility requirements for award of Combat Infantryman Badge and Combat Medical Badge for service in Korea after July 28, 1953.
Sec. 563. Authority to appoint Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list.
Sec. 564. Posthumous commission of William Mitchell in the grade of major general in the Army.

Subtitle I—Military Voting

Sec. 566. Federal write-in ballots for absentee military voters located in the United States.
Sec. 567. Repeal of requirement to conduct electronic voting demonstration project for the Federal election to be held in November 2004.
Sec. 568. Reports on operation of Federal voting assistance program and military postal system.

Subtitle J—Military Justice Matters

Sec. 571. Review on how sexual offenses are covered by Uniform Code of Military Justice.
Sec. 572. Waiver of recoupment of time lost for confinement in connection with a trial.
Sec. 573. Processing of forensic evidence collection kits and acquisition of sufficient stocks of such kits.
Sec. 574. Authorities of the Judge Advocates General.

Subtitle K—Sexual Assault in the Armed Forces

Sec. 576. Examination of sexual assault in the Armed Forces by the Defense Task Force established to examine sexual harassment and violence at the military service academies.
Sec. 577. Department of Defense policy and procedures on prevention and response to sexual assaults involving members of the Armed Forces.

Subtitle L—Management and Administrative Matters

Sec. 581. Three-year extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
Sec. 582. Staffing for Defense Prisoner of War/Missing Personnel Office (DPMO).
Sec. 583. Permanent ID cards for retiree dependents age 75 and older.
Sec. 584. Authority to provide civilian clothing to members traveling in connection with medical evacuation.
Sec. 585. Authority to accept donation of frequent traveler miles, credits, and tickets to facilitate rest and recuperation travel of deployed members of the Armed Forces and their families.
Sec. 586. Annual report identifying reasons for discharges from the Armed Forces during preceding fiscal year.
Sec. 587. Study of blended wing concept for the Air Force.
Sec. 588. Sense of Congress regarding return of members to active duty service upon rehabilitation from service-related injuries.

Subtitle M—Other Matters

Sec. 591. Protection of Armed Forces personnel from retaliatory actions for communications made through the chain of command.
Sec. 592. Implementation plan for accession of persons with specialized skills.
Sec. 593. Enhanced screening methods and process improvements for recruitment of home schooled and National Guard Challenge program GED recipients.
Sec. 594. Redesignation of National Guard Challenge Program as National Guard Youth Challenge Program.
Sec. 595. Reports on certain milestones relating to Department of Defense transformation.
Sec. 596. Report on issues relating to removal of remains of persons interred in United States military cemeteries overseas.
Sec. 597. Comptroller General reports on closure of Department of Defense dependent elementary and secondary schools and commissary stores.
Sec. 598. Comptroller General report on transition assistance programs for members separating from the Armed Forces.
Sec. 599. Study on coordination of job training standards with certification standards for military occupational specialties.

Subtitle A—Officer Personnel Policy

SEC. 501. TRANSITION OF ACTIVE-DUTY LIST OFFICER FORCE TO A FORCE OF ALL REGULAR OFFICERS.

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

(2) Subsection (a)(2) of such section is amended by striking ''fifty-fifth birthday'' and inserting ''sixty-second birthday''.

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

''(f) The Secretary of Defense may waive the requirement of paragraph (1) of subsection (a) with respect to a person who has been lawfully admitted to the United States for permanent residence when the Secretary determines that the national security so requires, but only for an original appointment in a grade below the grade of major or lieutenant commander.''.

(B) Section 619(d) of such title is amended by adding at the end the following new paragraph:

''(5) An officer in the grade of captain or, in the case of the Navy, lieutenant who is not a citizen of the United States.''.

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

''(a)(1) Original appointments in the grades of second lieutenant, first lieutenant, and captain in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of ensign, lieutenant (junior grade), and lieutenant in the Regular Navy shall be made by the President alone.

''(2) Original appointments in the grades of major, lieutenant colonel, and colonel in the Regular Army, Regular Air Force, and Regular Marine Corps and in the grades of lieutenant commander, commander, and captain in the Regular Navy shall be made by the President, by and with the advice and consent of the Senate.''.

(b) REPEAL OF TOTAL STRENGTH LIMITATIONS FOR ACTIVE-DUTY REGULAR COMMISSIONED OFFICERS.—(1) Section 522 of such title is repealed.

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

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

''§ 647. Force shaping authority

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

''(1) discharge an officer described in subsection (b); or

''(2) transfer such an officer from the active-duty list of that armed force to the reserve active-status list of a reserve component of that armed force.

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

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

''(B) has completed more than 5 years of service as a commissioned officer in the armed forces, but has not completed a minimum service obligation applicable to that member.

''(2) In this subsection, the term 'minimum service obligation' means the initial period of required active duty service together with any additional period of required active duty service incurred during the initial period of required active duty service.

''(c) APPOINTMENT OF TRANSFERRED OFFICERS.—An officer of the Regular Army, Regular Air Force, Regular Navy, or Regular Marine Corps who is transferred to a reserve active-status list under this section shall be discharged from the regular component concerned and appointed as a reserve commissioned officer under section 12203 of this title.

''(d) REGULATIONS.—The Secretary concerned shall prescribe regulations for the exercise of the Secretary's authority under this section.''.

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

''647. Force shaping authority.''.

(2) Section 1174(e)(2)(B) of such title is amended by inserting after ''obligated service'' the following: '', unless the member is an officer discharged or released under the authority of section 647 of this title''.

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

(A) by inserting ''(1)'' after ''(a)'';

(B) in the first sentence, by inserting '', except as provided in paragraph (2),'' after ''the armed force concerned and''; and

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

''(2) An officer transferred from the active-duty list of an armed force to a reserve active-status list of an armed force under section 647 of this title is not required to subscribe to the oath referred to in paragraph (1) in order to qualify for an appointment under that paragraph.''.

(4) Section 12203 of such title is amended—

(A) by redesignating subsection (b) as subsection (c); and

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

''(b) Subject to the authority, direction, and control of the President, the Secretary concerned may appoint as a reserve commissioned officer any regular officer transferred from the active-duty list of an armed force to the reserve active-status list of a reserve component under section 647 of this title, notwithstanding the requirements of subsection (a).''.

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

''(c) Subject to the authority, direction, and control of the President, an original appointment as a commissioned officer in the Regular

Army, Regular Air Force, Regular Navy, or Regular Marine Corps may be made by the Secretary concerned in the case of a reserve commissioned officer upon the transfer of such officer from the reserve active-status list of a reserve component of the armed forces to the active-duty list of an armed force, notwithstanding the requirements of subsection (a).''.

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

(e) ALL REGULAR OFFICER APPOINTMENTS FOR STUDENTS OF THE UNIVERSITY OF HEALTH SCIENCES.—Section 2114(b) of such title is amended by striking ''Notwithstanding any other provision of law, they shall serve'' in the second sentence and all that follows through ''if qualified,'' in the third sentence and inserting ''They shall be appointed as regular officers in the grade of second lieutenant or ensign and shall serve on active duty in that grade. Upon graduation they shall be required to serve on active duty''.

(f) TERMINATION OF REQUIREMENT OF 6 YEARS SERVICE IN A RESERVE COMPONENT FOR NONREGULAR SERVICE RETIREMENT ELIGIBILITY.—Section 12731(a)(3) of such title is amended by inserting after ''(3)'' the following: ''in the case of a person who completed the service requirements of paragraph (2) before the end of the 180-day period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005,''.

(g) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than 180 days after the date of the enactment of this Act.

(2) The amendment made by subsection (a)(1) shall take effect on May 1, 2005.

SEC. 502. REPEAL OF REQUIREMENT THAT DEPUTY CHIEFS AND ASSISTANT CHIEFS OF NAVAL OPERATIONS BE SELECTED FROM OFFICERS IN THE LINE OF THE NAVY.

(a) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Section 5036(a) of title 10, United States Code, is amended by striking ''in the line''.

(b) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—Section 5037(a) of such title is amended by striking ''in the line''.

SEC. 503. LIMITATION ON NUMBER OF OFFICERS FROCKED TO MAJOR GENERAL AND REAR ADMIRAL.

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

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

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

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

SEC. 504. DISTRIBUTION IN GRADE OF MARINE CORPS RESERVE OFFICERS IN AN ACTIVE STATUS IN GRADES BELOW BRIGADIER GENERAL

The table in section 12005(c)(1) of title 10, United States Code, is amended to read as follows:

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

SEC. 505. AUTHORITY FOR FEDERAL RECOGNITION OF NATIONAL GUARD COMMISSIONED OFFICERS APPOINTED FROM FORMER COAST GUARD PERSONNEL.

Section 305(a) of title 32, United States Code, is amended—

(1) by striking ''Army, Navy, Air Force, or Marine Corps'' in paragraphs (2), (3), and (4) and inserting ''armed forces''; and

(2) by striking ''or the United States Air Force Academy'' in paragraph (5) and inserting ''the United States Air Force Academy, or the United States Coast Guard Academy''.

SEC. 506. STUDY REGARDING PROMOTION ELIGIBILITY OF RETIRED OFFICERS RECALLED TO ACTIVE DUTY.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense shall carry out a study to determine whether it would be equitable for retired officers on active duty, but not on the active-duty list by reason of section 582(2) or 641(4) of title 10, United States Code, to be eligible for consideration for promotion under chapter 33A of such title, in the case of warrant officers, or chapter 36 of such title, in the case of officers other than warrant officers.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of the study under subsection (a). The report shall include a discussion of the Secretary's determination regarding the issue covered by the study, the rationale for the Secretary's determination, and any recommended legislation that the Secretary considers appropriate regarding that issue.

SEC. 507. SUCCESSION FOR OFFICE OF CHIEF, NATIONAL GUARD BUREAU.

(a) DESIGNATION OF SENIOR OFFICER IN NATIONAL GUARD BUREAU.—Section 10502 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SUCCESSION.—(1) Unless otherwise directed by the President or the Secretary of Defense, the senior of the two officers specified in paragraph (2) shall serve as the acting Chief of the National Guard Bureau during any period that—

''(A) there is a vacancy in the position of Chief of the National Guard Bureau; or

''(B) the Chief is unable to perform the duties of that office.

''(2) The officers specified in this paragraph are the following:

''(A) The senior officer of the Army National Guard of the United States on duty with the National Guard Bureau.

''(B) The senior officer of the Air National Guard of the United States on duty with the National Guard Bureau.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession''.

(2) The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

''10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession.''.

(c) CONFORMING REPEAL.—Subsections (d) and (e) of section 10505 of such title are repealed.

SEC. 508. REDESIGNATION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU AS DIRECTOR OF THE JOINT STAFF OF THE NATIONAL GUARD BUREAU.

(a) REDESIGNATION OF POSITION.—Subsection (a)(1) of section 10505 of title 10, United States Code, is amended by striking ''Vice Chief of the National Guard Bureau'' and inserting ''Director of the Joint Staff of the National Guard Bureau''.

(b) CONFORMING AMENDMENTS.—(1) Subsections (a)(3)(A), (a)(3)(B), (b), and (c) of section 10505 of title 10, United States Code, are amended by striking ''Vice Chief of the National Guard Bureau'' and inserting ''Director of the Joint Staff of the National Guard Bureau''.

(2) Subsection (a)(3)(B) of such section, as amended by paragraph (1), is further amended by striking ''as the Vice Chief'' and inserting ''as the Director''.

(3) Paragraphs (2) and (4) of subsection (a) of such section are amended by striking ''Chief and Vice Chief of the National Guard Bureau'' and inserting ''Chief of the National Guard Bureau and the Director of the Joint Staff of the National Guard Bureau''.

(4) Section 10506(a)(1) of such title is amended by striking ''Chief and Vice Chief of the National Guard Bureau'' and inserting ''Chief of the National Guard Bureau and the Director of the Joint Staff of the National Guard Bureau''.

(c) CLERICAL AMENDMENTS.—(1) The heading for section 10505 of such title is amended to read as follows:

''§ 10505. Director of the Joint Staff of the National Guard Bureau''.

(2) The item relating to such section in the table of sections at the beginning of chapter 1011 of such title is amended to read as follows:

''10505. Director of the Joint Staff of the National Guard Bureau.''.

(d) OTHER REFERENCES.—Any reference in any law, regulation, document, paper, or other record of the United States to the Vice Chief of the National Guard Bureau shall be deemed to be a reference to the Director of the Joint Staff of the National Guard Bureau.

Subtitle B—Reserve Component Policy Matters

SEC. 511. MODIFICATION OF STATED PURPOSE OF THE RESERVE COMPONENTS.

Section 10102 of title 10, United States Code, is amended by striking '', during'' and all that follows through ''planned mobilization,''.

SEC. 512. HOMELAND DEFENSE ACTIVITIES CONDUCTED BY THE NATIONAL GUARD UNDER AUTHORITY OF TITLE 32.

(a) IN GENERAL.—(1) Title 32, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 9—HOMELAND DEFENSE ACTIVITIES

''Sec.
''901. Definitions.
''902. Homeland defense activities: funds.
''903. Regulations.
''904. Homeland defense duty.
''905. Funding assistance.
''906. Requests for funding assistance.
''907. Relationship to State duty.
''908. Annual report.

''§ 901. Definitions

''In this chapter:

''(1) The term 'homeland defense activity' means an activity undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary of Defense as being critical to national security, from a threat or aggression against the United States.

''(2) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.

''§ 902. Homeland defense activities: funds

''(a) The Secretary of Defense may provide funds to a Governor to employ National Guard units or members to conduct homeland defense activities that the Secretary, determines to be necessary and appropriate for participation by the National Guard units or members, as the case may be.

''§ 903. Regulations

''The Secretary of Defense shall prescribe regulations to implement this chapter.

''§ 904. Homeland defense duty

''(a) FULL-TIME NATIONAL GUARD DUTY.—All duty performed under this chapter shall be considered to be full-time National Guard duty

under section 502(f) of this title. Members of the National Guard performing full-time National Guard duty in the Active Guard and Reserve Program may support or execute homeland defense activities performed by the National Guard under this chapter.

''(b) DURATION.—The period for which a member of the National Guard performs duty under this chapter shall be limited to 180 days. The Governor of the State may, with the concurrence of the Secretary of Defense, extend the period one time for an additional 90 days to meet extraordinary circumstances.

''(c) RELATIONSHIP TO REQUIRED TRAINING.—A member of the National Guard performing duty under this chapter shall, in addition to performing such duty, participate in the training required under section 502(a) of this title. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing the duty under this chapter. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

''(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State for homeland defense activities does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the homeland defense activities that units and personnel of the National Guard of a State may perform:

''(1) The performance of the activities is not to affect adversely the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

''(2) The performance of the activities is not to degrade the military skills of the members of the National Guard performing those activities.

''§ 905. Funding assistance

''In the case of any homeland defense activity for which the Secretary of Defense determines under section 902 of this title that participation of units or members of the National Guard of a State is necessary and appropriate, the Secretary may provide funds to that State in an amount that the Secretary determines is appropriate for the following costs of the participation in that activity from funds available to the Department for related purposes:

''(1) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State.

''(2) The operation and maintenance of the equipment and facilities of the National Guard of that State.

''(3) The procurement of services and equipment, and the leasing of equipment, for the National Guard of that State.

''§ 906. Requests for funding assistance

''A Governor of a State may request funding assistance for the homeland defense activities of the National Guard of that State from the Secretary of Defense. Any such request shall include the following:

''(1) The specific intended homeland defense activities of the National Guard of that State.

''(2) An explanation of why participation of National Guard units or members, as the case may be, in the homeland defense activities is necessary and appropriate.

''(3) A certification that homeland defense activities are to be conducted at a time when the personnel involved are not in Federal service.

''§ 907. Relationship to State duty

''Nothing in this chapter shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

''§ 908. Annual report

''(a) REQUIREMENT FOR REPORT.—After the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report regarding any assistance provided and activities carried out under this chapter during that fiscal year. The report for a fiscal year shall be submitted not later than March 31 of the year following the year in which such fiscal year ended.

''(b) CONTENT.—The report for a fiscal year shall include the following matters:

''(1) The numbers of members of the National Guard excluded under subsection (i) of section 115 of title 10 from being counted for the purpose of end-strengths authorized pursuant to subsection (a)(1) of such section.

''(2) A description of the homeland defense activities conducted with funds provided under this chapter.

''(3) An accounting of the amount of the funds provided to each State.

''(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform homeland defense activities under this chapter.''.

(2) The table of chapters at the beginning of such title is amended by adding at the end the following new item:

''9. Homeland Defense Activities ..... 901''.

(b) CONFORMING AMENDMENT.—Section 115 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) CERTAIN FULL-TIME NATIONAL GUARD DUTY PERSONNEL EXCLUDED FROM COUNTING FOR FULL-TIME NATIONAL GUARD DUTY END STRENGTHS.—In counting full-time National Guard duty personnel for the purpose of end-strengths authorized pursuant to subsection (a)(1), persons involuntarily performing homeland defense activities under chapter 9 of title 32 shall be excluded.''.

SEC. 513. COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Commission on the National Guard and Reserves''.

(b) COMPOSITION.—(1) The Commission shall be composed of 13 members appointed as follows:

(A) Three members appointed by the chairman of the Committee on Armed Services of the Senate.

(B) Three members appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(C) Two members appointed by the ranking minority member of the Committee on Armed Services of the Senate.

(D) Two members appointed by the ranking minority member of the Committee on Armed Service of the House of Representatives.

(E) Three members appointed by the Secretary of Defense.

(2) The members of the Commission shall be appointed from among persons who have knowledge and expertise in the following areas:

(A) National security.

(B) Roles and missions of any of the Armed Forces.

(C) The mission, operations, and organization of the National Guard of the United States.

(D) The mission, operations, and organization of the other reserve components of the Armed Forces.

(E) Military readiness of the Armed Forces.

(F) Personnel pay and other forms of compensation.

(G) Other personnel benefits, including health care.

(3) Members of the Commission shall be appointed for the life of the Commission. A vacancy in the membership of the Commission shall not affect the powers of the Commission, but shall be filled in the same manner as the original appointment.

(4) The Secretary of Defense shall designate a member of the Commission to be chairman of the Commission.

(c) DUTIES.—(1) The Commission shall carry out a study of the following matters:

(A) The roles and missions of the National Guard and the other reserve components of the Armed Forces.

(B) The compensation and other benefits, including health care benefits, that are provided for members of the reserve components under the laws of the United States.

(2) In carrying out the study under paragraph (1), the Commission shall do the following:

(A) Assess the current roles and missions of the reserve components and identify appropriate potential future roles and missions for the reserve components.

(B) Assess the capabilities of the reserve components and determine how the units and personnel of the reserve components may be best used to support the military operations of the Armed Forces and the achievement of national security objectives, including homeland defense, of the United States.

(C) Assess the Department of Defense plan for implementation of section 115(b) of title 10, United States Code, as added by section 404(a)(4).

(D) Assess—

(i) the current organization and structure of the National Guard and the other reserve components; and

(ii) the plans of the Department of Defense and the Armed Forces for future organization and structure of the National Guard and the other reserve components.

(E) Assess the manner in which the National Guard and the other reserve components are currently organized and funded for training and identify an organizational and funding structure for training that best supports the achievement of training objectives and operational readiness.

(F) Assess the effectiveness of the policies and programs of the National Guard and the other reserve components for achieving operational readiness and personnel readiness, including medical and personal readiness.

(G) Assess—

(i) the adequacy and appropriateness of the compensation and benefits currently provided for the members of the National Guard and the other reserve components, including the availability of health care benefits and health insurance; and

(ii) the effects of proposed changes in compensation and benefits on military careers in both the regular and the reserve components of the Armed Forces.

(H) Identify various feasible options for improving the compensation and other benefits available to the members of the National Guard and the members of the other reserve components and assess—

(i) the cost-effectiveness of such options; and

(ii) the foreseeable effects of such options on readiness, recruitment, and retention of personnel for careers in the regular and reserve components the Armed Forces.

(I) Assess the traditional military career paths for members of the National Guard and the other reserve components and identify alternative career paths that could enhance professional development.

(J) Assess the adequacy of the funding provided for the National Guard and the other reserve components for several previous fiscal years, including the funding provided for National Guard and reserve component equipment and the funding provided for National Guard and other reserve component personnel in active duty military personnel accounts and reserve military personnel accounts.

(d) FIRST MEETING.—The Commission shall hold its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(e) ADMINISTRATIVE AND PROCEDURAL AUTHORITIES.—(1) Sections 955, 956, 957 (other than subsection (f)), 958, and 959 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C 111

note) shall apply to the Commission, except that in applying section 957(a) of such Act to the Commission, ''level IV of the Executive Schedule'' shall be substituted for ''level V of the Executive Schedule''.

(2) The following provisions of law do not apply to the Commission:

(A) Section 3161 of title 5, United States Code.

(B) The Federal Advisory Committee Act (5 U.S.C. App.).

(f) REPORTS.—(1) Not later than three months after the first meeting of the Commission, the Commission shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth—

(A) a strategic plan for the work of the Commission;

(B) a discussion of the activities of the Commission; and

(C) any initial findings of the Commission.

(2) Not later than one year after the first meeting of the Commission, the Commission shall submit a final report to the committees of Congress referred to in paragraph (1) and to the Secretary of Defense. The final report shall include any recommendations that the Commission determines appropriate, including any recommended legislation, policies, regulations, directives, and practices.

(g) TERMINATION.—The Commission shall terminate 90 days after the date on which the final report is submitted under subsection (f)(2).

(h) ANNUAL REVIEW.—(1) The Secretary of Defense shall annually review the reserve components of the Armed Forces with regard to—

(A) the roles and missions of the reserve components; and

(B) the compensation and other benefits, including health care benefits, that are provided for members of the reserve components under the laws of the United States.

(2) The Secretary shall submit a report of the annual review, together with any comments and recommendations that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(3) The first review under paragraph (1) shall take place during fiscal year 2006.

SEC. 514. REPEAL OF EXCLUSION OF ACTIVE DUTY FOR TRAINING FROM AUTHORITY TO ORDER RESERVES TO ACTIVE DUTY.

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

(1) in the first sentence of subsection (a), by striking ''(other than for training)'';

(2) in subsection (c)—

(A) in the first sentence, by striking ''(other than for training)'' and inserting ''as provided in subsection (a)''; and

(B) in the second sentence, by striking ''ordered to active duty (other than for training)'' and inserting ''so ordered to active duty''; and

(3) in subsection (e), by striking ''(other than for training)'' and inserting ''as provided in subsection (a)''.

(b) READY RESERVE 24-MONTH CALLUP AUTHORITY.—Section 12302 of such title is amended by striking ''(other than for training)'' in subsections (a) and (c).

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

(d) STANDBY RESERVE CALLUP AUTHORITY.—Section 12306 of such title is amended—

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

(2) in subsection (b)—

(A) in paragraph (1), by striking ''(other than for training)'' and inserting ''under section 12301(a) of this title''; and

(B) in paragraph (2), by striking ''no other member'' and all that follows through ''without his consent'' and inserting ''notwithstanding section 12301(a) of this title, no other member in the Standby Reserve may be ordered to active duty as an individual under such section without his consent''.

SEC. 515. ARMY PROGRAM FOR ASSIGNMENT OF ACTIVE COMPONENT ADVISERS TO UNITS OF THE SELECTED RESERVE.

(a) CHANGE IN MINIMUM NUMBER REQUIRED TO BE ASSIGNED.—Section 414(c)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 12001 note) is amended by striking ''5,000'' and inserting ''3,500''.

(b) LIMITATION ON REDUCTIONS.—Notwithstanding the amendment made by subsection (a), the Secretary of the Army may not reduce the number of active component Reserve support personnel below the number of such personnel as of the date of the enactment of this Act until the report required by subsection (c) has been submitted.

(c) REPORT.—Not later than March 31, 2005, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the support by active components of the Army for training and readiness of the Army National Guard and Army Reserve. The report shall include an evaluation and determination of each of the following:

(1) The effect on the ability of the Army to improve such training and readiness resulting from the reduction under the amendment made by subsection (a) in the minimum number of active component Reserve support personnel.

(2) The adequacy of having 3,500 members of the Army (the minimum number required under the law as so amended) assigned as active component Reserve support personnel in order to meet emerging training requirements in the Army reserve components in connection with unit and force structure conversions and preparations for wartime deployment.

(3) The nature and effectiveness of efforts by the Army to reallocate the 3,500 personnel assigned as active component Reserve support personnel to higher priority requirements and to expand the use of reservists on active duty to meet reserve component training needs.

(4) Whether the Army is planning further reductions in the number of active component Reserve support personnel and, if so, the scope and rationale for those reductions.

(5) Whether an increase in Army reserve component full-time support personnel will be required to replace the loss of active component Reserve support personnel.

(d) DEFINITION.—In this section, the term ''active component Reserve support personnel'' means the active component Army personnel assigned as advisers to units of the Selected Reserve of the Ready Reserve of the Army pursuant to section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 12001 note).

SEC. 516. AUTHORITY TO ACCEPT CERTAIN VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(8) Voluntary services to support programs of a committee of the Employer Support of the Guard and Reserve as authorized by the Secretary of Defense.''; and

(2) in subsection (f)(1), by striking ''subsection (a)(3)'' and inserting ''paragraph (3) or (8) of subsection (a)''.

SEC. 517. AUTHORITY TO REDESIGNATE THE NAVAL RESERVE AS THE NAVY RESERVE.

(a) AUTHORITY OF SECRETARY OF THE NAVY.—The Secretary of the Navy may, with the approval of the President, redesignate the reserve component known as the Naval Reserve as the ''Navy Reserve''. Any such redesignation shall be effective on a date specified by the Secretary, which date may not be earlier than the date that is 180 days after the date on which the Secretary submits recommended legislation under subsection (c).

(b) PUBLICATION OF REDESIGNATION.—If the Secretary of the Navy exercises the authority to redesignate the Naval Reserve under subsection (a), the Secretary shall promptly publish in the Federal Register and submit to the Congress notice of the redesignation, including the effective date of the redesignation.

(c) CONFORMING LEGISLATION.—If the Secretary of the Navy exercises the authority to redesignate the Naval Reserve under subsection (a), the Secretary shall submit to the Congress recommended legislation that identifies each specific provision of law that refers to the Naval Reserve and sets forth an amendment to that specific provision of law to conform the reference to the new designation.

(d) REFERENCES.—If the Secretary of the Navy exercises the authority to redesignate the Naval Reserve under subsection (a), then on and after the effective date of the redesignation, any reference in any law, map, regulation, document, paper, or other record of the United States to the Naval Reserve shall be deemed to be a reference to the Navy Reserve.

SEC. 518. COMPTROLLER GENERAL ASSESSMENT OF INTEGRATION OF ACTIVE AND RESERVE COMPONENTS OF THE NAVY.

(a) ASSESSMENT.—The Comptroller General shall review the plan of the Secretary of the Navy for, and implementation by the Secretary of, initiatives undertaken within the Navy to improve the integration of the active and reserve components of the Navy in peacetime and wartime operations resulting from—

(1) the Naval Reserve Redesign Study carried out by the Navy: and

(2) the zero-based review of reserve component force structure undertaken by the commander of the Fleet Forces Command of the Navy during fiscal year 2004.

(b) REPORT.—No later than March 31, 2005, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the review under subsection (a). The Comptroller General shall include in the report recommendations for improved active and reserve component integration in the Navy.

(c) MATTERS TO BE EXAMINED.—In conducting the review under subsection (a), the Comptroller General shall examine the following:

(1) The criteria the Navy used to determine the following with respect to integration of the active and reserve components of the Navy:

(A) The future mix of active and reserve component force structure.

(B) Organization of command and control elements.

(C) Manpower levels.

(D) Basing changes.

(2) The extent to which the plans of the Navy for improving the integration of the active and reserve components of the Navy considered each of the following:

(A) The new Fleet Response Plan of the Navy.

(B) The flexible deployment concept.

(C) Global operations.

(D) Emerging mission requirements.

(E) Other evolving initiatives.

(3) The manner in which the timing of the execution of planned active and reserve integration initiatives will correlate with the funding of those initiatives, including consideration of an evaluation of the adequacy of the funding allocated to those integration initiatives.

(4) For naval aviation forces, the extent to which the active and reserve component integration plans of the Navy will affect factors such as—

(A) common training and readiness standards for active and reserve forces;

(B) reserve component access to the same equipment as the active component;

(C) relationships between command and headquarters elements of active and reserve forces; and

(D) trends in the use by the Navy of units referred to as ''associate'' units or ''blended'' units.

(E) Basing criteria of future aviation forces.

(F) Employment of Naval Reserve aviation forces and personnel in peacetime and wartime operations.

SEC. 519. LIMITATION ON NUMBER OF STARBASE ACADEMIES IN A STATE.

Paragraph (3) of section 2193b(c) of title 10, United States Code, is amended to read as follows:

''(3)(A) Except as otherwise provided under subparagraph (B), the Secretary may not support the establishment in any State of more than two academies under the program.

''(B) The Secretary may support the establishment and operation of an academy in a State in excess of two academies in that State if the Secretary expressly waives, in writing, the limitation in subparagraph (A) with respect to that State. In the case of any such waiver, appropriated funds may be used for the establishment and operation of an academy in excess of two in that State only to the extent that appropriated funds are expressly available for that purpose. Any such waiver shall be made under criteria to be prescribed by the Secretary.''.

SEC. 520. RECOGNITION ITEMS FOR CERTAIN RESERVE COMPONENT PERSONNEL.

(a) ARMY RESERVE.—(1) Chapter 1805 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 18506. Recruitment and retention: availability of funds for recognition items for Army Reserve personnel

''(a) AVAILABILITY OF FUNDS.—(1) Under regulations prescribed by the Secretary of the Army, funds authorized to be appropriated to the Army Reserve and available for recruitment and retention of military personnel may be obligated and expended for recognition items that are distributed to members of the Army Reserve and to members of their families and other individuals recognized as providing support that substantially facilitates service in the Army Reserve.

''(2) The purpose of the distribution of such items shall be to enhance the recruitment and retention of members of the Army Reserve.

''(b) PROVISION OF MEALS AND REFRESHMENTS.—For purposes of section 520c of this title and any regulation prescribed to implement that section, functions conducted for the purpose of presenting recognition items described in subsection (a) shall be treated as recruiting functions and recipients of such items shall be treated as persons who are the objects of recruiting efforts.

''(c) LIMITATION ON VALUE.—The value of items referred to in subsection (a) that are distributed to any single member of the Army Reserve at any one time may not exceed $50.

''(d) TERMINATION OF AUTHORITY.—The authority under this section shall expire December 31, 2005.''.

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

''18506. Recruitment and retention: availability of funds for recognition items for Army Reserve personnel.''.

(b) USE OF FUNDS TO PROMOTE RETENTION IN THE NATIONAL GUARD.—(1) Chapter 7 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 717. Presentation of recognition items for retention purposes

''(a) EXPENDITURES FOR RECOGNITION ITEMS.—Under regulations prescribed by the Secretary of the Army and the Secretary of the Air Force, funds appropriated for the Army National Guard or Air National Guard for the purpose of recruitment and retention of military personnel may be expended to procure recognition items of nominal or modest value for retention purposes and to present such items to members of the National Guard and to members of their families and other individuals recognized as providing support that substantially facilitates service in the National Guard.

''(b) PROVISION OF MEALS AND REFRESHMENTS.—For purposes of section 520c of title 10 and any regulation prescribed to implement that section, functions conducted for the purpose of presenting recognition items described in subsection (a) shall be treated as recruiting functions and recipients of such items shall be treated as persons who are the objects of recruiting efforts.

''(c) RELATION TO OTHER LAW.—The authority provided in this section is in addition to other provision of law authorizing the use of appropriations for recruitment and retention purposes.

''(d) DEFINITION.—The term 'recognition items of nominal or modest value' means commemorative coins, medals, trophies, badges, flags, posters, paintings, or other similar items that are valued at less than $50 per item and are designed to recognize or commemorate service in the armed forces or National Guard.

''(e) TERMINATION OF AUTHORITY.—The authority under this section shall expire December 31, 2005.''.

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

''717. Presentation of recognition items for retention purposes.''.

(c) EFFECTIVE DATE.—Section 18506 of title 10, United States Code, as added by subsection (a), and section 717 of title 32, United States Code, as added by subsection (b), shall take effect as of November 24, 2003, and as if included in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

Subtitle C—Reserve Component Personnel Matters

SEC. 521. STATUS UNDER DISABILITY RETIREMENT SYSTEM FOR RESERVE MEMBERS RELEASED FROM ACTIVE DUTY DUE TO INABILITY TO PERFORM WITHIN 30 DAYS OF CALL TO ACTIVE DUTY.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1206 the following new section:

''§ 1206a. Reserve component members unable to perform duties when ordered to active duty: disability system processing

''(a) MEMBERS RELEASED FROM ACTIVE DUTY WITHIN 30 DAYS.—A member of a reserve component who is ordered to active duty for a period of more than 30 days and is released from active duty within 30 days of commencing such period of active duty for a reason stated in subsection (b) shall be considered for all purposes under this chapter to have been serving under an order to active duty for a period of 30 days or less.

''(b) APPLICABLE REASONS FOR RELEASE.—Subsection (a) applies in the case of a member released from active duty because of a failure to meet—

''(1) physical standards for retention due to a preexisting condition not aggravated during the period of active duty; or

''(2) medical or dental standards for deployment due to a preexisting condition not aggravated during the period of active duty.

''(c) SAVINGS PROVISION FOR MEDICAL CARE PROVIDED WHILE ON ACTIVE DUTY.—Notwithstanding subsection (a), any benefit under chapter 55 of this title received by a member described in subsection (a) or a dependent of such member before or during the period of active duty shall not be subject to recoupment or otherwise affected.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1206 the following new item:

''1206a. Reserve component members unable to perform duties when ordered to active duty: disability system processing.''.

SEC. 522. REQUIREMENT FOR RETENTION OF RESERVES ON ACTIVE DUTY TO QUALIFY FOR RETIRED PAY NOT APPLICABLE TO NONREGULAR SERVICE RETIREMENT SYSTEM.

Section 12686(a) of title 10, United States Code, is amended by inserting ''(other than the retirement system under chapter 1223 of this title)'' after ''retirement system''.

SEC. 523. FEDERAL CIVIL SERVICE MILITARY LEAVE FOR RESERVE AND NATIONAL GUARD CIVILIAN TECHNICIANS.

Section 6323(d)(1) of title 5, United States Code is amended by striking ''(other than active duty during a war or national emergency declared by the President or Congress)''.

SEC. 524. EXPANDED EDUCATIONAL ASSISTANCE AUTHORITY FOR OFFICERS COMMISSIONED THROUGH ROTC PROGRAM AT MILITARY JUNIOR COLLEGES.

(a) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE ON ACTIVE DUTY.—Section 2107(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) The Secretary of the Army, under regulations and criteria established by the Secretary, may provide an individual who received a commission as a Reserve officer in the Army from a military junior college through a program under this chapter and who does not have a baccalaureate degree with financial assistance for pursuit of a baccalaureate degree.

''(B) Such assistance is in addition to any financial assistance provided under paragraph (1), (3), or (4).

''(C) The agreement and reimbursement requirements established in section 2005 of this title are applicable to financial assistance under this paragraph.

''(D) An officer receiving financial assistance under this paragraph shall be attached to a unit of the Army as determined by the Secretary and shall be considered to be a member of the Senior Reserve Officers' Training Corps on inactive duty for training, as defined in section 101(23) of title 38.

''(E) A qualified officer who did not previously receive financial assistance under this section is eligible to receive educational assistance under this paragraph.

''(F) A Reserve officer may not be called or ordered to active duty for a deployment while participating in the program under this paragraph.

''(G) Any service obligation incurred by an officer under an agreement entered into under this paragraph shall be in addition to any service obligation incurred by that officer under any other provision of law or agreement.''.

(b) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE IN TROOP PROGRAM UNITS.—Section 2107a(c) of such title is amended by adding at the end the following new paragraph:

''(4)(A) The Secretary of the Army may provide an individual who received a commission as a Reserve officer in the Army from a military junior college through a program under this chapter and who does not have a baccalaureate degree with financial assistance for pursuit of a baccalaureate degree.

''(B) Such assistance is in addition to any provided under paragraph (1) or (2).

''(C) The agreement and reimbursement requirements established in section 2005 of this title are applicable to financial assistance under this paragraph.

''(D) An officer receiving financial assistance under this paragraph shall be attached to a unit of the Army as determined by the Secretary and shall be considered to be a member of the Senior Reserve Officers' Training Corps on inactive

duty for training, as defined in section 101(23) of title 38.

''(E) A qualified officer who did not previously receive financial assistance under this section is eligible to receive educational assistance under this paragraph.

''(F) A Reserve officer may not be called or ordered to active duty for a deployment while participating in the program under this paragraph.

''(G) Any service obligation incurred by an officer under an agreement entered into under this paragraph shall be in addition to any service obligation incurred by that officer under any other provision of law or agreement.''.

(c) IMPLEMENTATION REPORT.—Not later than March 31, 2007, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing information on the experience of the Department of the Army under paragraph (5) of section 2107(c) of title 10, United States Code, as added by subsection (a), and under paragraph (4) of section 2107a(c) of title 10, United States Code, as added by subsection (b). The report shall include any recommendations the Secretary considers necessary for the improvement of the programs under those paragraphs.

SEC. 525. REPEAL OF SUNSET PROVISION FOR FINANCIAL ASSISTANCE PROGRAM FOR STUDENTS NOT ELIGIBLE FOR ADVANCED TRAINING.

Section 2103a of title 10, United States Code, is amended by striking subsection (d).

SEC. 526. EFFECT OF APPOINTMENT OR COMMISSION AS OFFICER ON ELIGIBILITY FOR SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM FOR ENLISTED MEMBERS.

Section 16301(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''The Secretary'' in the first sentence and inserting ''Except as provided in paragraph (3), the Secretary of Defense''; and

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

''(3) In the case of a commitment made by the Secretary of Defense after the date of the enactment of this paragraph to repay a loan under paragraph (1) conditioned upon the performance by the borrower of service as an enlisted member under paragraph (2), the Secretary may repay the loan for service performed by the borrower as an officer (rather than as an enlisted member) in the case of a borrower who, after such commitment is entered into and while performing service as an enlisted member, accepts an appointment or commission as a warrant officer or commissioned officer of the Selected Reserve.''.

SEC. 527. EDUCATIONAL ASSISTANCE FOR CERTAIN RESERVE COMPONENT MEMBERS WHO PERFORM ACTIVE SERVICE.

(a) ESTABLISHMENT OF PROGRAM.—Part IV of subtitle E of title 10, United States Code, is amended by inserting after chapter 1606 the following new chapter:

''CHAPTER 1607—EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS

'' Sec.
''16161. Purpose.
''16162. Educational assistance program.
''16163. Eligibility for educational assistance.
''16164. Time limitation for use of entitlement.
''16165. Termination of assistance.
''16166. Administration of program.

''§ 16161. Purpose

''The purpose of this chapter is to provide educational assistance to members of the reserve components called or ordered to active service in response to a war or national emergency declared by the President or the Congress, in recognition of the sacrifices that those members make in answering the call to duty.

''§ 16162. Educational assistance program

''(a) PROGRAM ESTABLISHMENT.— The Secretary of each military department, under regulations prescribed by the Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall establish and maintain a program as prescribed in this chapter to provide educational assistance to members of the Ready Reserve of the armed forces under the jurisdiction of the Secretary concerned.

''(b) AUTHORIZED EDUCATION PROGRAMS.— Educational assistance may be provided under this chapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of title 38.

''(c) BENEFIT AMOUNT.—(1) The educational assistance program established under subsection (a) shall provide for payment by the Secretary concerned, through the Secretary of Veterans Affairs, an educational assistance allowance to each member entitled to educational assistance under this chapter who is pursuing a program of education authorized under subsection (b).

''(2) The educational assistance allowance provided under this chapter shall be based on the applicable percent under paragraph (4) to the applicable rate provided under section 3015 of title 38 for a member whose entitlement is based on completion of an obligated period of active duty of three years.

''(3) The educational assistance allowance provided under this section for a person who is undertaking a program for which a reduced rate is specified in chapter 30 of title 38, that rate shall be further adjusted by the applicable percent specified in paragraph (4).

''(4) The adjusted educational assistance allowance under paragraph (2) or (3), as applicable, shall be—

''(A) 40 percent in the case of a member of a reserve component who performed active service for 90 consecutive days but less than one continuous year;

''(B) 60 percent in the case of a member of a reserve component who performed active service for one continuous year but less than two continuous years; or

''(C) 80 percent in the case of a member of a reserve component who performed active service for two continuous years or more.

''(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Subject to section 3695 of title 38, the maximum number of months of educational assistance that may be provided to any member under this chapter is 36 (or the equivalent thereof in part-time educational assistance).

''(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of title 38, any payment of an educational assistance allowance described in subparagraph (B) shall not—

''(i) be charged against the entitlement of any individual under this chapter; or

''(ii) be counted toward the aggregate period for which section 3695 of title 38 limits an individual's receipt of assistance.

''(B) The payment of the educational assistance allowance referred to in subparagraph (A) is the payment of such an allowance to the individual for pursuit of a course or courses under this chapter if the Secretary of Veterans Affairs finds that the individual—

''(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of this title; and

''(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i), the individual's course pursuit.

''(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of title 38 shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii).

''§ 16163. Eligibility for educational assistance

''(a) ELIGIBILITY.—On or after September 11, 2001, a member of a reserve component is entitled to educational assistance under this chapter if the member—

''(1) served on active duty in support of a contingency operation for 90 consecutive days or more; or

''(2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full time National Guard duty under section 502(f) of title 32 for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

''(b) DISABLED MEMBERS.—Notwithstanding the eligibility requirements in subsection (a), a member who was ordered to active service as prescribed under subsection (a)(1) or (a)(2) but is released from duty before completing 90 consecutive days because of an injury, illness or disease incurred or aggravated in the line of duty shall be entitled to educational assistance under this chapter at the rate prescribed in section 16162(c)(4)(A) of this title.

''(c) WRITTEN NOTIFICATION.—(1) Each member who becomes entitled to educational assistance under subsection (a) shall be given a statement in writing prior to release from active service that summarizes the provisions of this chapter and stating clearly and prominently the substance of section 16165 of this title as such section may apply to the member.

''(2) At the request of the Secretary of Veterans Affairs, the Secretary concerned shall transmit a notice of entitlement for each such member to that Secretary.

''(d) BAR FROM DUAL ELIGIBILITY.—A member who qualifies for educational assistance under this chapter may not receive credit for such service under both the program established by chapter 30 of title 38 and the program established by this chapter but shall make an irrevocable election (in such form and manner as the Secretary of Veterans Affairs may prescribe) as to the program to which such service is to be credited.

''(e) BAR FROM DUPLICATION OF EDUCATIONAL ASSISTANCE ALLOWANCE.—(1) Except as provided in paragraph (2), an individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 1606 of this title, chapter 30, 31, 32, or 35 of title 38, or under the Hostage Relief Act of 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not receive assistance under more than one such programs and shall elect (in such form and manner as the Secretary concerned may prescribe) under which program the member elects to receive educational assistance.

''(2) The restriction on duplication of educational assistance under paragraph (1) does not apply to the entitlement of educational assistance under section 16131(i) of this title.

''§ 16164. Time limitation for use of entitlement

''(a) DURATION OF ENTITLEMENT.—Except as provided in subsection (b), a member remains entitled to educational assistance under this chapter while serving—

''(1) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(2) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve).

''(b) DURATION OF ENTITLEMENT FOR DISABLED MEMBERS.—(1) In the case of a person who is separated from the Ready Reserve because of a disability which was not the result of the individual's own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this chapter, such person's entitlement to educational assistance expires at the end of the 10-year period beginning on the date on which such person became entitled to such assistance.

''(2) The provisions of subsections (d) and (f) of section 3031 of title 38 shall apply to the period of entitlement prescribed by paragraph (1).

''§ 16165. Termination of assistance

''Educational assistance may not be provided under this chapter, or if being provided under this chapter, shall be terminated—

''(1) if the member is receiving financial assistance under section 2107 of this title as a member of the Senior Reserve Officers' Training Corps program; or

''(2) when the member separates from the Ready Reserve, as provided for under section 16164(a)(1) or section 16164(a)(2), as applicable, of this title.

''§ 16166. Administration of program

''(a) ADMINISTRATION.—Educational assistance under this chapter shall be provided through the Department of Veterans Affairs, under agreements to be entered into by the Secretary of Defense, and by the Secretary of Homeland Security, with the Secretary of Veterans Affairs. Such agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Department of Veterans Affairs for the making of payments under this chapter.

''(b) PROGRAM MANAGEMENT.—Except as otherwise provided in this chapter, the provisions of sections 503, 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692) shall be applicable to the provision of educational assistance under this chapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this chapter to refer to a person eligible for educational assistance under this chapter.

''(c) FLIGHT TRAINING.—The Secretary of Veterans Affairs may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of title 38) by an individual entitled to educational assistance under this chapter if—

''(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

''(2) the individual possesses a valid private pilot certificate and meets, on the day the member begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

''(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

''(d) TRUST FUND.—Amounts for payments for benefits under this chapter shall be derived from the Department of Defense Education Benefits Fund under section 2006 of this title.''.

(b) CONFORMING AMENDMENTS.—(1) Section 2006(b) of such title is amended—

(A) in paragraph (1), by striking ''chapter 1606'' and inserting ''chapters 1606 and 1607, including funds provided by the Secretary of Homeland Security for education liabilities for the Coast Guard when it is not operating as a service in the Department of the Navy''; and

(B) in paragraph (2)(C), by striking ''for educational assistance under chapter 1606'' and inserting ''(including funds from the Department in which the Coast Guard is operating) for educational assistance under chapters 1606 and 1607''.

(2) Section 3695(a)(5) of title 38, United States Code, is amended by inserting ''1607,'' after ''1606,''.

(c) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle E of title 10, United States Code, and at the beginning of part IV of such subtitle, are amended by inserting after the item relating to chapter 1606 the following new item:

''1607. Educational Assistance for Reserve Component Members Supporting Contingency Operations and Certain Other Operations ..... 16161''.

SEC. 528. SENSE OF CONGRESS ON GUIDANCE CONCERNING TREATMENT OF EMPLOYER-PROVIDED COMPENSATION AND OTHER BENEFITS VOLUNTARILY PROVIDED TO EMPLOYEES WHO ARE ACTIVATED RESERVISTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Secretary of the Treasury should provide guidance with respect to treatment under the internal revenue laws of payments made by employers to activated Reservist employees under voluntary Reserve-employee differential pay arrangements, benefits provided by employers to such employees, and contributions by employers to employer-provided retirement savings plans related thereto; and

(2) that the guidance provided under paragraph (1) should, to the extent possible within the Secretary's authority, be consistent with the goal of promoting and ensuring the validity of voluntary differential pay arrangements, benefits, and contributions referred to in that paragraph.

(b) DEFINITIONS.—For purposes of this section:

(1) VOLUNTARY RESERVE-EMPLOYEE DIFFERENTIAL PAY ARRANGEMENT.—The term ''voluntary Reserve-employee differential pay arrangement'' means an arrangement by which an employer of an activated Reservist employee voluntarily agrees to pay, and pays, to that employee, while on active duty, amounts equivalent to the difference (or some portion of the difference) between (A) the compensation of that employee paid by the employer at the time of the employee's activation for such active duty, and (B) that employee's military compensation.

(2) ACTIVATED RESERVIST EMPLOYEE.—The term ''activated Reservist employee'' means a member of a reserve component of the Armed Forces who is on active duty under a call or order to active duty (other than for training) and who at the time of such call or order is employed in a position subject to chapter 43 of title 38, United States Code (referred to as the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)).

Subtitle D—Joint Officer Management and Professional Military Education

SEC. 531. STRATEGIC PLAN TO LINK JOINT OFFICER DEVELOPMENT TO OVERALL MISSIONS AND GOALS OF DEPARTMENT OF DEFENSE.

(a) PLAN REQUIRED.—(1) The Secretary of Defense shall develop a strategic plan for joint officer management and joint professional military education that links joint officer development to the accomplishment of the overall missions and goals of the Department of Defense, as set forth in the most recent national military strategy under section 153(d) of title 10, United States Code. Such plan shall be developed for the purpose of ensuring that sufficient numbers of officers fully qualified in occupational specialties involving combat operations are available as necessary to meet the needs of the Department for qualified officers who are operationally effective in the joint environment.

(2) The Secretary shall develop the strategic plan with the advice of the Chairman of the Joint Chiefs of Staff.

(b) MATTERS TO BE INCLUDED.—As part of the strategic plan under subsection (a), the Secretary shall include the following:

(1) A statement of the levels of joint officer resources needed to be available to properly support the overall missions of the Department of Defense, with such resources to be specified by the number of officers with the joint specialty, the number of officers required for service in joint duty assignment positions, and the training and education resources required.

(2) An assessment of the available and projected joint officer development resources (including officers, educational and training resources, and availability of joint duty assignment positions and tours of duty) necessary to achieve the levels specified under paragraph (1).

(3) Identification of any problems or issues arising from linking resources for joint officer development to accomplishment of the objective of meeting the levels specified under paragraph (1) to resolve those problems and issues and plans.

(4) A description of the process for identification of the present and future requirements for joint specialty officers.

(5) A description of the career development and management of joint specialty officers and of any changes to be made to facilitate achievement of the levels of resources specified in paragraph (1), including additional education requirements, promotion opportunities, and assignments to fill joint assignments.

(6) An assessment of any problems or issues (and proposed solutions for any such problems and issues) arising from linking promotion eligibility to completion of joint professional military education.

(7) An assessment of any problems or issues (and proposed solutions for any such problems and issues) arising from linking prescribed lengths of joint duty assignments to qualification as joint specialty officers.

(8) An assessment of any problems or issues (and proposed solutions for any such problems and issues) arising from current law regarding expected rates of promotion for joint specialty officers and officers who are serving in, or have served in, joint duty assignments (other than those serving in, or who have served in, the Joint Staff and joint specialty officers).

(9) An assessment of any problems or issues (and proposed solutions for any such problems and issues) arising from current applicability of scientific and technical qualification waivers for designation as joint specialty officers.

(10) An assessment of the viability of the use of incentives (such as awarding ribbons) to any person who successfully completes a joint professional military education program of instruction.

(11) An assessment of the feasibility and utility of a comprehensive written examination as part of the evaluation criteria for selection of officers for full-time attendance at an intermediate or senior level service school.

(12) An assessment of the effects on the overall educational experience at the National Defense University of a small increase in the number of private-sector civilians eligible to enroll in instruction at the National Defense University .

(13) An assessment of the propriety and implications in providing joint specialty officer qualification to all qualifying reserve offices who have achieved the statutory prerequisites.

(c) INCLUSION OF RESERVE COMPONENT OFFICERS.—In developing the strategic plan required by subsection (a), the Secretary shall include joint officer development for officers on the reserve active-status list in the plan.

(d) REPORT.—The Secretary shall submit the plan developed under this section to the Committees on Armed Services of the Senate and House of Representatives not later than January 15, 2006.

(e) ADDITIONAL ASSESSMENT.—Not later than January 15, 2007, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, as a follow-on to the report under subsection (d), a

report providing an assessment of, and initiatives to improve, the performance in joint matters of the following:

(1) Senior civilian officers and employees in the Office of the Secretary of Defense, the Defense Agencies, and the military departments.

(2) Senior noncommissioned officers.

(3) Senior leadership in the reserve components.

SEC. 532. IMPROVEMENT TO PROFESSIONAL MILITARY EDUCATION IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Part III of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapter 107 as chapter 106A; and

(2) by inserting before chapter 108 the following new chapter:

"CHAPTER 107—PROFESSIONAL MILITARY EDUCATION

''Sec.
''2151. Definitions.
''2152. Professional military education: general requirements.
''2153. Capstone course: newly selected general and flag officers.
''2154. Joint professional military education: three-phase approach.
''2155. Joint professional military education phase II program of instruction.
''2156. Joint Forces Staff College: duration of principal course of instruction.
''2157. Annual report to Congress.

"§2151. Definitions

''(a) JOINT PROFESSIONAL MILITARY EDUCATION.—Joint professional military education consists of the rigorous and thorough instruction and examination of officers of the armed forces in an environment designed to promote a theoretical and practical in-depth understanding of joint matters and, specifically, of the subject matter covered. The subject matter to be covered by joint professional military education shall include at least the following:

''(1) National Military Strategy.

''(2) Joint planning at all levels of war.

''(3) Joint doctrine.

''(4) Joint command and control.

''(5) Joint force and joint requirements development.

''(b) OTHER DEFINITIONS.—In this chapter:

''(1) The term 'senior level service school' means any of the following:

''(A) The Army War College.

''(B) The College of Naval Warfare.

''(C) The Air War College.

''(D) The Marine Corps War College.

''(2) The term 'intermediate level service school' means any of the following:

''(A) The United States Army Command and General Staff College.

''(B) The College of Naval Command and Staff.

''(C) The Air Command and Staff College.

''(D) The Marine Corps Command and Staff College.

"§2152. Joint professional military education: general requirements

''(a) IN GENERAL.—The Secretary of Defense shall implement a comprehensive framework for the joint professional military education of officers, including officers nominated under section 661 of this title for the joint specialty.

"§2153. Capstone course: newly selected general and flag officers

''(a) REQUIREMENT.—Each officer selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be required, after such selection, to attend a military education course designed specifically to prepare new general and flag officers to work with the other armed forces.

''(b) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may waive subsection (a)—

''(A) in the case of an officer whose immediately previous assignment was in a joint duty assignment and who is thoroughly familiar with joint matters;

''(B) when necessary for the good of the service;

''(C) in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which joint requirements do not exist (as determined under regulations prescribed under section 619(e)(4) of this title); and

''(D) in the case of a medical officer, dental officer, veterinary officer, medical service officer, nurse, biomedical science officer, or chaplain.

''(2) The authority of the Secretary of Defense to grant a waiver under paragraph (1) may only be delegated to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer.

"§2154. Joint professional military education: three-phase approach

''(a) THREE-PHASE APPROACH.—The Secretary of Defense shall implement a three-phase approach to joint professional military education, as follows:

''(1) There shall be a course of instruction, designated and certified by the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff as Phase I instruction, consisting of all the elements of a joint professional military education (as specified in section 2151(a) of this title), in addition to the principal curriculum taught to all officers at an intermediate level service school.

''(2) There shall be a course of instruction, designated and certified by the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff as Phase II instruction, consisting of a joint professional military education curriculum taught in residence at—

''(A) the Joint Forces Staff College; or

''(B) a senior level service school that has been designated and certified by the Secretary of Defense as a joint professional military education institution.

''(3) There shall be a course of instruction, designated and certified by the Secretary of Defense with the advice and assistance of the Chairman of the Joint Chiefs of Staff as the Capstone course, for officers selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) and offered in accordance with section 2153 of this title.

''(b) SEQUENCED APPROACH.—The Secretary shall require the sequencing of joint professional military education so that the standard sequence of assignments for such education requires an officer to complete Phase I instruction before proceeding to Phase II instruction, as provided in section 2155(a) of this title.

"§2155. Joint professional military education phase II program of instruction

''(a) PREREQUISITE OF COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION I PROGRAM OF INSTRUCTION.—(1) After September 30, 2009, an officer of the armed forces may not be accepted for, or assigned to, a program of instruction designated by the Secretary of Defense as joint professional military education Phase II unless the officer has successfully completed a program of instruction designated by the Secretary of Defense as joint professional military education Phase I.

''(2) The Chairman of the Joint Chiefs of Staff may grant exceptions to the requirement under paragraph (1). Such an exception may be granted only on a case-by-case basis under exceptional circumstances, as determined by the Chairman. An officer selected to receive such an exception shall have knowledge of joint matters and other aspects of the Phase I curriculum that, to the satisfaction of the Chairman, qualifies the officer to meet the minimum requirements established for entry into Phase II instruction without first completing Phase I instruction. The number of officers selected to attend an offering of the principal course of instruction at the Joint Forces Staff College or a senior level service school designated by the Secretary of Defense as a joint professional military education institution who have not completed Phase I instruction should comprise no more than 10 percent of the total number of officers selected.

''(b) PHASE II REQUIREMENTS.—The Secretary shall require that the curriculum for Phase II joint professional military education at any school—

''(1) focus on developing joint operational expertise and perspectives and honing joint warfighting skills; and

''(2) be structured —

''(A) so as to adequately prepare students to perform effectively in an assignment to a joint, multiservice organization; and

''(B) so that students progress from a basic knowledge of joint matters learned in Phase I instruction to the level of expertise necessary for successful performance in the joint arena.

''(c) CURRICULUM CONTENT.—In addition to the subjects specified in section 2151(a) of this title, the curriculum for Phase II joint professional military education shall include the following:

''(1) National security strategy.

''(2) Theater strategy and campaigning.

''(3) Joint planning processes and systems.

''(4) Joint, interagency, and multinational capabilities and the integration of those capabilities.

''(d) STUDENT RATIO; FACULTY RATIO.—Not later than September 30, 2009, for courses of instruction in a Phase II program of instruction that is offered at senior level service school that has been designated by the Secretary of Defense as a joint professional military education institution—

''(1) the percentage of students enrolled in any such course who are officers of the armed force that administers the school may not exceed 60 percent, with the remaining services proportionally represented; and

''(2) of the faculty at the school who are active-duty officers who provide instruction in such courses, the percentage who are officers of the armed force that administers the school may not exceed 60 percent, with the remaining services proportionally represented.

"§2156. Joint Forces Staff College: duration of principal course of instruction

''(a) DURATION.—The duration of the principal course of instruction offered at the Joint Forces Staff College may not be less than 10 weeks of resident instruction.

''(b) DEFINITION.—In this section, the term 'principal course of instruction' means any course of instruction offered at the Joint Forces Staff College as Phase II joint professional military education.

"§2157. Annual report to Congress

''The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and separately for the Army, Navy, Air Force, and Marine Corps and each reserve component):

''(1) The number of officers who successfully completed a joint professional military education phase II course and were not selected for promotion.

''(2) The number of officer students and faculty members assigned by each service to the professional military schools of the other services and to the joint schools.''.

(b) TRANSFER OF OTHER PROVISIONS.—Subsections (b) and (c) of section 663 of title 10, United States Code, are transferred to section 2152 of such title, as added by subsection (a), and added at the end thereof.

(c) CONFORMING AMENDMENTS.—(1) Section 663 of such title, as amended by subsection (b), is further amended—

(A) by striking subsections (a) and (e); and

(B) by striking ''(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—(1) The'' and inserting ''(a) JOINT SPECIALTY OFFICERS.—The'';

(C) by striking ''(2)(A) The Secretary'' and inserting ''(b) OTHER OFFICERS.—(1) The Secretary'';

(D) by striking ''in subparagraph (B)'' and inserting ''in paragraph (2)'';

(E) by striking ''(B) The Secretary'' and inserting ''(2) The Secretary''; and

(F) by striking ''in subparagraph (A)'' and inserting ''in paragraph (1)''.

(2)(A) The heading of such section is amended to read as follows:

''§ 663. Joint duty assignments after completion of joint professional military education''.

(B) The item relating to that section in the table of sections at the beginning of chapter 38 of such title is amended to read as follows:

''663. Joint duty assignments after completion of joint professional military education.''.

(d) CONFORMING REPEAL.—Section 1123(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1556) is repealed.

(e) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of title 10, United States Code, are amended by striking the item relating to chapter 107 and inserting the following:

''106A. Educational Assistance for Persons Enlisting for Active Duty 2141
''107. Professional Military Education ..... 2151''.

SEC. 533. JOINT REQUIREMENTS FOR PROMOTION TO FLAG OR GENERAL OFFICER GRADE.

(a) EFFECTIVE DATE FOR JOINT SPECIALTY OFFICER REQUIREMENT.—Subsection (a)(2) of section 619a of title 10, United States Code, is amended by striking ''September 30, 2007'' and inserting ''September 30, 2008''.

(b) EXCEPTION TO JOINT DUTY REQUIREMENT FOR OFFICERS SERVING IN JOINT DUTY ASSIGNMENT WHEN CONSIDERED FOR PROMOTION.—Subsection (b)(4) of such section is amended by striking ''if—'' and all that follows through ''(B) the officer's'' and inserting ''if the officer's''.

SEC. 534. CLARIFICATION OF TOURS OF DUTY QUALIFYING AS A JOINT DUTY ASSIGNMENT.

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

(b) CONSECUTIVE TOURS OF DUTY IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended by striking ''within the same organization''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall not apply in the case of a joint duty assignment completed by an officer before the date of the enactment of this Act, except in the case of an officer who has continued in joint duty assignments, without a break in service in such assignments, between the end of such assignment and the date of the enactment of this Act.

SEC. 535. TWO-YEAR EXTENSION OF TEMPORARY STANDARD FOR PROMOTION POLICY OBJECTIVES FOR JOINT OFFICERS.

Section 662(a)(2) of title 10, United States Code, is amended by striking ''December 27, 2004'' in subparagraphs (A) and (B) and inserting ''December 27, 2006''.

SEC. 536. TWO-YEAR EXTENSION OF AUTHORITY TO WAIVE REQUIREMENT THAT RESERVE CHIEFS AND NATIONAL GUARD DIRECTORS HAVE SIGNIFICANT JOINT DUTY EXPERIENCE.

(a) EXTENSION.—Sections 3038(b)(4), 5143(b)(4), 5144(b)(4), 8038(b)(4), and 10506(a)(3)(D) of title 10, United States Code, are amended by striking ''December 31, 2004,'' and inserting ''December 31, 2006,''.

(b) FUTURE COMPLIANCE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a plan for ensuring that all officers selected after December 31, 2006, for recommendation for appointment as a Reserve chief or National Guard director have significant joint duty experience, as required by law, and may be so recommended without requirement for a wavier of such requirement. Such plan shall be developed in coordination with the Chairman of the Joint Chiefs of Staff.

Subtitle E—Military Service Academies

SEC. 541. REVISION TO CONDITIONS ON SERVICE OF OFFICERS AS SERVICE ACADEMY SUPERINTENDENTS.

(a) AUTHORITY TO WAIVE REQUIREMENT THAT OFFICERS RETIRE AFTER SERVICE AS SUPERINTENDENT.—Title 10, United States Code, is amended as follows:

(1) MILITARY ACADEMY.—Section 3921 is amended—

(A) by inserting ''(a) MANDATORY RETIREMENT.—'' before ''Upon the''; and

(B) by adding at the end the following:

''(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) for good cause. In each case in which such a waiver is granted for an officer, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of the waiver, with a statement of the reasons supporting the decision that the officer not retire, and a written notification of the intent of the President to nominate the officer for reassignment.''.

(2) NAVAL ACADEMY.—Section 6371 is amended—

(A) by inserting ''(a) MANDATORY RETIREMENT.—'' before ''Upon the''; and

(B) by adding at the end the following:

''(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) for good cause. In each case in which such a waiver is granted for an officer, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of the waiver, with a statement of the reasons supporting the decision that the officer not retire, and a written notification of the intent of the President to nominate the officer for reassignment.''.

(3) AIR FORCE ACADEMY.—Section 8921 is amended—

(A) by inserting ''(a) MANDATORY RETIREMENT.—'' before ''Upon the''; and

(B) by adding at the end the following:

''(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) for good cause. In each case in which such a waiver is granted for an officer, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of the waiver, with a statement of the reasons supporting the decision that the officer not retire, and a written notification of the intent of the President to nominate the officer for reassignment.''.

(b) MINIMUM THREE-YEAR TOUR OF DUTY AS SUPERINTENDENT.—Title 10, United States Code, is amended as follows:

(1) MILITARY ACADEMY.—Section 4333a is amended—

(A) by inserting ''(a) RETIREMENT.—'' before ''As a'';

(B) by inserting before the period at the end the following: ''pursuant to section 3921(a) of this title, unless such retirement is waived under section 3921(b) of this title''; and

(C) by adding at the end the following:

''(b) MINIMUM TOUR OF DUTY.—An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Army shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.''.

(2) NAVAL ACADEMY.—Section 6951a is amended—

(A) by inserting before the period at the end of subsection (b) the following: ''pursuant to section 6371(a) of this title, unless such retirement is waived under section 6371(b) of this title''; and

(B) by adding at the end the following new subsection:

''(c) An officer who is detailed to the position of Superintendent shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Navy shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.''.

(3) AIR FORCE ACADEMY.—Section 9333a is amended—

(A) by inserting ''(a) RETIREMENT.—'' before ''As a'';

(B) by inserting before the period at the end the following: ''pursuant to section 8921(a) of this title, unless such retirement is waived under section 8921(b) of this title''; and

(C) by adding at the end the following:

''(b) MINIMUM TOUR OF DUTY.—An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Air Force shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that officer did not complete three years service in that position.''.

(c) CLERICAL AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1)(A) The heading for section 3921 is amended to read as follows:

''§ 3921. Mandatory retirement: Superintendent of the United States Military Academy; waiver authority''.

(B) The item relating to that section in the table of sections at the beginning of chapter 367 is amended to read as follows:

''3921. Mandatory retirement: Superintendent of the United States Military Academy; waiver authority.''

(2)(A) The heading for section 6371 is amended to read as follows:

"§ 6371. Mandatory retirement: Superintendent of the United States Naval Academy; waiver authority".

(B) The item relating to that section in the table of sections at the beginning of chapter 573 is amended to read as follows:

''6371. Mandatory retirement: Superintendent of the United States Naval Academy; waiver authority.''.

(3)(A) The heading for section 8921 is amended to read as follows:

"§ 8921. Mandatory retirement: Superintendent of the United States Air Force Academy; waiver authority".

(B) The item relating to that section in the table of sections at the beginning of chapter 867 is amended to read as follows:

''8921. Mandatory retirement: Superintendent of the United States Air Force Academy; waiver authority.''.

SEC. 542. ACADEMIC QUALIFICATIONS OF THE DEAN OF THE FACULTY OF UNITED STATES AIR FORCE ACADEMY.

Section 9335(a) of title 10, United States Code, is amended by inserting before the period at the end of the second sentence the following: '', except that a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person's academic field''.

SEC. 543. BOARD OF VISITORS OF UNITED STATES AIR FORCE ACADEMY.

Section 9355 of title 10, United States Code, is amended to read as follows:

"§ 9355. Board of Visitors

''(a) A Board of Visitors to the Academy is constituted annually. The Board consists of the following members:

''(1) Six persons designated by the President.

''(2) The chairman of the Committee on Armed Services of the House of Representatives, or his designee.

''(3) Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives.

''(4) The chairman of the Committee on Armed Services of the Senate, or his designee.

''(5) Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate.

''(b)(1) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is designated. The President shall designate persons each year to succeed the members designated by the President whose terms expire that year.

''(2) At least two of the members designated by the President shall be graduates of the Academy.

''(c)(1) If a member of the Board dies or resigns or is terminated as a member of the board under paragraph (2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

''(2)(A) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

''(B) Termination of membership on the Board under subparagraph (A)—

''(i) in the case of a member of the Board who is not a member of Congress, may be made by the Board chairman; and

''(ii) in the case of a member of the Board who is a member of Congress, may be made only by the official who designated the member.

''(C) When a member of the Board is subject to termination from membership on the Board under subparagraph (A), the Board chairman shall notify the official who designated the member. Upon receipt of such a notification with respect to a member of the Board who is a member of Congress, the official who designated the member shall take such action as that official considers appropriate.

''(d) The Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board. Board meetings should last at least one full day. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.

''(e)(1) The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

''(2) The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, consistent with applicable laws concerning disclosure of information, with respect to institutional problems.

''(3) The Board shall recommend appropriate action.

''(f) The Board shall prepare a semiannual report containing its views and recommendations pertaining to the Academy, based on its meeting since the last such report and any other considerations it determines relevant. Each such report shall be submitted concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

''(h) While performing duties as a member of the Board, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.''.

SEC. 544. APPROPRIATED FUNDS FOR SERVICE ACADEMY ATHLETIC AND RECREATIONAL EXTRACURRICULAR PROGRAMS TO BE TREATED IN SAME MANNER AS FOR MILITARY MORALE, WELFARE, AND RECREATION PROGAMS.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4359. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds

''(a) AUTHORITY.—In the case of an Academy mixed-funded athletic or recreational extracurricular program, the Secretary of the Army may designate funds appropriated to the Department of the Army and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

''(b) COVERED PROGRAMS.—In this section, the term 'Academy mixed-funded athletic or recreational extracurricular program' means an athletic or recreational extracurricular program of the Academy to which each of the following applies:

''(1) The program is not considered a morale, welfare, or recreation program.

''(2) The program is supported through appropriated funds.

''(3) The program is supported by a nonappropriated fund instrumentality.

''(4) The program is not a private organization and is not operated by a private organization.''.

(2) The table of sections at the beginning of such title is amended by adding at the end the following new item:

''4359. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds.''.

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 6978. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds

''(a) AUTHORITY.—In the case of a Naval Academy mixed-funded athletic or recreational extracurricular program, the Secretary of the Navy may designate funds appropriated to the Department of the Navy and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

''(b) COVERED PROGRAMS.—In this section, the term 'Naval Academy mixed-funded athletic or recreational extracurricular program' means an athletic or recreational extracurricular program of the Naval Academy to which each of the following applies:

''(1) The program is not considered a morale, welfare, or recreation program.

''(2) The program is supported through appropriated funds.

''(3) The program is supported by a nonappropriated fund instrumentality.

''(4) The program is not a private organization and is not operated by a private organization.''.

(2) The table of sections at the beginning of such title is amended by adding at the end the following new item:

''6978. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds.''.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9359. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds

''(a) AUTHORITY.—In the case of an Academy mixed-funded athletic or recreational extracurricular program, the Secretary of the Air Force may designate funds appropriated to the Department of the Air Force and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

''(b) COVERED PROGRAMS.—In this section, the term 'Academy mixed-funded athletic or recreational extracurricular program' means an athletic or recreational extracurricular program of the Academy to which each of the following applies:

''(1) The program is not considered a morale, welfare, or recreation program.

''(2) The program is supported through appropriated funds.

''(3) The program is supported by a nonappropriated fund instrumentality.

''(4) The program is not a private organization and is not operated by a private organization.''.

(2) The table of sections at the beginning of such title is amended by adding at the end the following new item:

''9359. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as non-appropriated funds.''.

(d) EFFECTIVE DATE AND APPLICABILITY.—Sections 4359, 6978, and 9359 of title 10, United States Code, shall apply only with respect to funds appropriated for fiscal years after fiscal year 2004.

SEC. 545. CODIFICATION OF PROHIBITION ON IMPOSITION OF CERTAIN CHARGES AND FEES AT THE SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, as amended by 544(a)(1), is further amended by adding at the end the following new section:

''§ 4360. Cadets: charges and fees for attendance; limitation

''(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item added by section 544(a)(2) the following new item:

''4360. Cadets: charges and fees for attendance; limitation.''.

(b) UNITED STATES NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, as amended by 544(b)(1), is further amended by adding at the end the following new section:

''§ 6979. Midshipmen: charges and fees for attendance; limitation

''(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Naval Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to midshipmen for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Naval Academy in the amount of a charge or fee authorized under this subsection.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item added by section 544(b)(2) the following new item:

''6979. Midshipmen: charges and fees for attendance; limitation.''.

(c) UNITED STATES AIR FORCE ACADEMY.—(1) Chapter 903 title 10, United States Code, as amended by 544(c)(1), is further amended by adding at the end the following new section:

''§ 9360. Cadets: charges and fees for attendance; limitation

''(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item added by section 544(c)(2) the following new item:

''9360. Cadets: charges and fees for attendance; limitation.''.

(d) UNITED STATES COAST GUARD ACADEMY.—(1) Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 197. Cadets: charges and fees for attendance; limitation

''(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Homeland Security shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.''.

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

''197. Cadets: charges and fees for attendance; limitation.''.

(e) UNITED STATES MERCHANT MARINE ACADEMY.—Section 1303 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1295b), is amended by adding at the end the following new subsection:

''(j) LIMITATION ON CHARGES AND FEES FOR ATTENDANCE.—

''(1) Except as provided in paragraph (2), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

''(2) The prohibition specified in paragraph (1) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Transportation shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this paragraph.''.

(f) REPEAL OF CODIFIED PROVISION.—Section 553 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 4331 note) is repealed.

Subtitle F—Other Education and Training Matters

SEC. 551. COLLEGE FIRST DELAYED ENLISTMENT PROGRAM.

(a) CODIFICATION AND EXTENSION OF ARMY PROGRAM.—(1) Chapter 31 of title 10, United States Code, is amended by inserting after section 510 the following new section:

''§ 511. College First Program

''(a) PROGRAM AUTHORITY.—The Secretary of each military department may establish a program to increase the number of, and the level of the qualifications of, persons entering the armed forces as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service.

''(b) DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.—The Secretary concerned may—

''(1) exercise the authority under section 513 of this title—

''(A) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of a reserve component, notwithstanding the scope of the authority under subsection (a) of that section, in the case of the Army National Guard of the United States or Air National Guard of the United States; and

''(B) to authorize, notwithstanding the period limitation in subsection (b) of that section, a delay of the enlistment of any such person in a regular component under that subsection for the period during which the person is enrolled in, and pursuing a program of education at, an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within the maximum period of delay determined for that person under subsection (c); and

''(2) subject to paragraph (2) of subsection (d) and except as provided in paragraph (3) of that subsection, pay an allowance to a person accepted for enlistment under paragraph (1)(A) for each month of the period during which that person is enrolled in and pursuing a program described in paragraph (1)(B).

''(c) MAXIMUM PERIOD OF DELAY.—The period of delay authorized a person under paragraph (1)(B) of subsection (b) may not exceed the 30-month period beginning on the date of the person's enlistment accepted under paragraph (1)(A) of such subsection.

''(d) ALLOWANCE.—(1) The monthly allowance paid under subsection (b)(2) shall be equal to the amount of the subsistence allowance provided for certain members of the Senior Reserve Officers' Training Corps with the corresponding number of years of participation under section 209(a) of title 37. The Secretary concerned may supplement that stipend by an amount not to exceed $225 per month.

''(2) An allowance may not be paid to a person under this section for more than 24 months.

''(3) A member of the Selected Reserve of a reserve component may be paid an allowance under this section only for months during which the member performs satisfactorily as a member of a unit of the reserve component that trains as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32. Satisfactory performance shall be determined under regulations prescribed by the Secretary concerned.

''(4) An allowance under this section is in addition to any other pay or allowance to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

''(e) RECOUPMENT OF ALLOWANCE.—(1) A person who, after receiving an allowance under this section, fails to complete the total period of service required of that person in connection with delayed entry authorized for the person under section 513 shall repay the United States the amount which bears the same ratio to the total amount of that allowance paid to the person as the unserved part of the total required period of service bears to the total period.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge of a person in bankruptcy under title 11 that is entered less than five years after the date on which the person was, or was to be, enlisted in the regular Army pursuant to the delayed entry authority under section 513 does not discharge that person from a debt arising under paragraph (1).

''(4) The Secretary concerned may waive, in whole or in part, a debt arising under paragraph (1) in any case for which the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(f) SPECIAL PAY AND BONUSES.—Upon enlisting in the regular component of the member's armed force, a person who initially enlisted as a Reserve under this section may, at the discretion of the Secretary concerned, be eligible for all regular special pays, bonuses, education benefits, and loan repayment programs.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the

item relating to section 510 the following new item:

''511. College First Program.''.

(b) CONTINUATION FOR ARMY OF PRIOR ARMY COLLEGE FIRST PROGRAM.—The Secretary of the Army shall treat the program under section 511 of title 10, United States Code, as added by subsection (a), as a continuation of the program under section 573 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 513 note), and for such purpose the Secretary may treat such section 511 as having been enacted on October 1, 2004.

SEC. 552. SENIOR RESERVE OFFICERS' TRAINING CORPS AND RECRUITER ACCESS AT INSTITUTIONS OF HIGHER EDUCATION.

(a) EQUAL TREATMENT OF MILITARY RECRUITERS WITH OTHER RECRUITERS.—Subsection (b)(1) of section 983 of title 10, United States Code, is amended—

(1) by striking ''entry to campuses'' and inserting ''access to campuses''; and

(2) by inserting before the semicolon at the end the following: ''in a manner that is at least equal in quality and scope to the access to campuses and to students that is provided to any other employer''.

(b) PROHIBITION OF FUNDING FOR POST-SECONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR MILITARY RECRUITING.—(1) Subsection (d) of such section is amended—

(A) in paragraph (1)—

(i) by striking ''limitation established in subsection (a) applies'' and inserting ''limitations established in subsections (a) and (b) apply'';

(ii) in subparagraph (B), by inserting ''for any department or agency for which regular appropriations are made'' after ''made available''; and

(iii) by adding at the end the following new subparagraphs:

''(C) Any funds made available for the Department of Homeland Security.

''(D) Any funds made available for the National Nuclear Security Administration of the Department of Energy.

''(E) Any funds made available for the Department of Transportation.

''(F) Any funds made available for the Central Intelligence Agency.''; and

(B) by striking paragraph (2).

(2)(A) Subsection (b) of such section is amended by striking ''subsection (d)(2)'' and inserting ''subsection (d)(1)''.

(B) Subsection (e) of such section is amended by inserting '', to the head of each other department and agency the funds of which are subject to the determination,'' after ''Secretary of Education''.

(c) CODIFICATION AND EXTENSION OF EXCLUSION OF AMOUNTS TO COVER INDIVIDUAL PAYMENTS.—Subsection (d) of such section, as amended by subsection (b)(1), is further amended—

(1) by striking ''The'' after ''(1)'' and inserting ''Except as provided in paragraph (2), the''; and

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

''(2) Any Federal funding specified in paragraph (1) that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance, related administrative costs, or costs associated with attendance, may be used for the purpose for which the funding is provided.''.

(d) CONFORMING AMENDMENTS.—Subsections (a) and (b) of such section are amended by striking ''(including a grant of funds to be available for student aid)''.

(e) CONFORMING REPEAL OF CODIFIED PROVISION.—Section 8120 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 10 U.S.C. 983 note), is repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funds appropriated for fiscal year 2005 and thereafter.

SEC. 553. TUITION ASSISTANCE FOR OFFICERS.

(a) AUTHORITY TO REDUCE OR WAIVE ACTIVE DUTY SERVICE OBLIGATION.—Subsection (b) of section 2007 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by inserting ''or full-time National Guard duty'' after ''active duty'' each place it appears; and

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

''(2) Notwithstanding paragraph (1), the Secretary of the military department may reduce or waive the active duty service obligation—

''(A) in the case of a commissioned officer who is subject to mandatory separation;

''(B) in the case of a commissioned officer who has completed the period of active duty service in support of a contingency operation; or

''(C) in other exigent circumstances as determined by the Secretary.''.

(b) INCREASE IN TUITION ASSISTANCE AUTHORIZED FOR ARMY OFFICERS IN THE SELECTED RESERVE.—Paragraph (1) of section 2007(c) of title 10, United States Code, is amended to read as follows:

''(1) Subject to paragraphs (2) and (3), the Secretary of the Army may pay the charges of an educational institution for the tuition or expenses of an officer in the Selected Reserve of the Army National Guard or the Army Reserve for education or training of such officer.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) may, at the discretion of the Secretary concerned, be applied to a service obligation incurred by an officer serving on active duty as of the date of the enactment of this Act.

SEC. 554. INCREASED MAXIMUM PERIOD FOR LEAVE OF ABSENCE FOR PURSUIT OF A PROGRAM OF EDUCATION IN A HEALTH CARE PROFESSION.

Section 708(a) of title 10, United States Code, is amended—

(1) by striking ''for a period not to exceed two years''; and

(2) by adding at the end the following: ''The period of a leave of absence granted under this section may not exceed two years, except that the period may exceed two years but may not exceed three years in the case of an eligible member pursuing a program of education in a health care profession.''.

SEC. 555. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR MEDICAL AND DENTAL CARE AND DISABILITY BENEFITS.

(a) MEDICAL AND DENTAL CARE.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074a the following new section:

''§ 1074b. Medical and dental care: Academy cadets and midshipmen; members of, and designated applicants for membership in, Senior ROTC

''(a) ELIGIBILITY.—Under joint regulations prescribed by the administering Secretaries, the following persons are, except as provided in subsection (c), entitled to the benefits described in subsection (b):

''(1) A cadet at the United States Military Academy, the United States Air Force Academy, or the Coast Guard Academy, and a midshipman at the United States Naval Academy, who incurs or aggravates an injury, illness, or disease in the line of duty.

''(2) A member of, and a designated applicant for membership in, the Senior Reserve Officers' Training Corps who incurs or aggravates an injury, illness, or disease—

''(A) in the line of duty while performing duties under section 2109 of this title;

''(B) while traveling directly to or from the place at which that member or applicant is to perform or has performed duties pursuant to section 2109 of this title; or

''(C) in the line of duty while remaining overnight immediately before the commencement of duties performed pursuant to section 2109 of this title or, while remaining overnight, between successive periods of performing duties pursuant to section 2109 of this title, at or in the vicinity of the site of the duties performed pursuant to section 2109 of this title, if the site is outside reasonable commuting distance from the residence of the member or designated applicant.

''(b) BENEFITS.—A person eligible for benefits under subsection (a) for an injury, illness, or disease is entitled to—

''(1) the medical and dental care under this chapter that is appropriate for the treatment of the injury, illness, or disease until the injury, illness, disease, or any resulting disability cannot be materially improved by further hospitalization or treatment; and

''(2) meals during hospitalization.

''(c) EXCEPTION FOR GROSS NEGLIGENCE OR MISCONDUCT.—A person is not entitled to benefits under subsection (b) for an injury, illness, or disease, or the aggravation of an injury, illness, or disease that is a result of the gross negligence or the misconduct of that person.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074a the following new item:

''1074b. Medical and dental care: Academy cadets and midshipmen; members of, and designated applicants for membership in, Senior ROTC.''.

(b) ELIGIBILITY OF ACADEMY CADETS AND MIDSHIPMEN FOR DISABILITY RETIRED PAY.—(1) Section 1217 of title 10, United States Code, is amended to read as follows:

''§ 1217. Academy cadets and midshipmen: applicability of chapter

''(a) This chapter applies to cadets at the United States Military Academy, the United States Air Force Academy, and the United States Coast Guard Academy and midshipmen of the United States Naval Academy, but only with respect to physical disabilities incurred after the date of the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

''(b) Monthly cadet pay and monthly midshipman pay under section 203(c) of title 37 shall be considered to be basic pay for purposes of this chapter and the computation of retired pay and severance and separation pay to which entitlement is established under this chapter.''.

(2) The item related to section 1217 in the table of sections at the beginning of chapter 61 of such title is amended to read as follows:

''1217. Academy cadets and midshipmen: applicability of chapter.''.

SEC. 556. TRANSFER OF AUTHORITY TO CONFER DEGREES UPON GRADUATES OF THE COMMUNITY COLLEGE OF THE AIR FORCE.

(a) TRANSFER TO COMMANDER OF AIR UNIVERSITY.—Subsection (a) of section 9317 of title 10, United States Code, is amended—

(1) by striking ''may confer—'' and inserting ''may confer academic degrees as follows:'';

(2) by striking ''the'' in paragraphs (1), (2), and (3) after the paragraph designation and inserting ''The'';

(3) by striking the semicolon at the end of paragraph (1) and inserting a period;

(4) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

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

''(4) An academic degree at the level of associate upon graduates of the Community College of the Air Force who fulfill the requirements for that degree.''.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 9315 of such title is amended to read as follows:

''(c) ASSOCIATE DEGREES.—(1) Subject to paragraph (2), an academic degree at the level of associate may be conferred under section 9317 of this title upon any enlisted member who has

completed a program prescribed by the Community College of the Air Force.

''(2) No degree may be conferred upon any enlisted member under this section unless the Secretary of Education determines that the standards for the award of academic degrees in agencies of the United States have been met.''.

(c) CLERICAL AMENDMENTS.—(1) The heading of section 9317 of such title is amended to read as follows:

''§ 9317. Air University: conferral of degrees''.

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

''9317. Air University: conferral of degrees.''.

SEC. 557. CHANGE IN TITLES OF LEADERSHIP POSITIONS AT THE NAVAL POSTGRADUATE SCHOOL.

(a) DESIGNATION OF PRESIDENT.—(1) The position of Superintendent of the Naval Postgraduate School is redesignated as President of the Naval Postgraduate School.

(2) Any reference to the Superintendent of the Naval Postgraduate School in any law, rule, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the President of the Naval Postgraduate School.

(3)(A) Section 7042 of title 10, United States Code, is amended by striking ''Superintendent'' each place it appears in the text and inserting ''President''.

(B) The heading of such section is amended to read as follows:

''§ 7042. President; assistants''.

(4)(A) Section 7044 of such title is amended by striking ''Superintendent'' and inserting ''President of the school''.

(B) Sections 7048(a) and 7049(e) of such title are amended by striking ''Superintendent'' and inserting ''President''.

(b) DESIGNATION OF PROVOST AND ACADEMIC DEAN.—(1) The position of Academic Dean of the Naval Postgraduate School is redesignated as Provost and Academic Dean of the Naval Postgraduate School.

(2) Any reference to the Academic Dean of the Naval Postgraduate School in any law, rule, regulation, document, record, or other paper of the United States shall be deemed to be a reference to the Provost and Academic Dean of the Naval Postgraduate School.

(3)(A) Subsection (a) of section 7043 of title 10, United States Code, is amended to read as follows:

''(a) There is at the Naval Postgraduate School the civilian position of Provost and Academic Dean. The Provost and Academic Dean shall be appointed, to serve for periods of not more than five years, by the Secretary of the Navy. Before making an appointment to the position of Provost and Academic Dean, the Secretary shall consult with the Board of Advisors for the Naval Postgraduate School and shall consider any recommendation of the leadership and faculty of the Naval Postgraduate School regarding an appointment to that position.''.

(B) The heading of such section is amended to read as follows:

''§ 7043. Provost and Academic Dean''.

(4) Sections 7043(b) and 7081(a) of title 10, United States Code, are amended by striking ''Academic Dean'' and inserting ''Provost and Academic Dean''.

(5)(A) Section 5102(c)(10) of title 5, United States Code, is amended by striking ''Academic Dean of the Postgraduate School of the Naval Academy'' and inserting ''Provost and Academic Dean of the Naval Postgraduate School''.

(B) Subsection (b) of such section is amended by striking ''Academic Dean'' and inserting ''Provost and Academic Dean''.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 605 of such title 10, United States Code, is amended by striking the items related to sections 7042 and 7043 and inserting the following new items:

''7042. President; assistants.

''7043. Provost and Academic Dean.''.

Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

SEC. 558. CONTINUATION OF IMPACT AID ASSISTANCE ON BEHALF OF DEPENDENTS OF CERTAIN MEMBERS DESPITE CHANGE IN STATUS OF MEMBER.

(a) SPECIAL RULE.—For purposes of computing the amount of a payment for an eligible local educational agency under subsection (a) of section 8003 of the Elementary and Secondary Education Act (20 U.S.C. 7703) for school year 2004–2005, the Secretary of Education shall continue to count as a child enrolled in a school of such agency under such subsection any child who—

(1) would be counted under paragraph (1)(B) of such subsection to determine the number of children who were in average daily attendance in the school; but

(2) due to the deployment of both parents or legal guardians of the child, the deployment of a parent or legal guardian having sole custody of the child, or the death of a military parent or legal guardian while on active duty (so long as the child resides on Federal property (as defined in section 8013(5) of such Act (20 U.S.C. 7713(5))), is not eligible to be so counted.

(b) TERMINATION.—The special rule provided under subsection (a) applies only so long as the children covered by such subsection remain in average daily attendance at a school in the same local educational agency they attended before their change in eligibility status.

SEC. 559. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2005.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2005, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2005 of—

(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) DEFINITIONS.—In this section:

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

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

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

SEC. 560. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 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; 20 U.S.C. 7703a).

Subtitle H—Medals and Decorations and Special Promotions and Appointments

SEC. 561. AWARD OF MEDAL OF HONOR TO INDIVIDUAL INTERRED IN THE TOMB OF THE UNKNOWNS AS REPRESENTATIVE OF CASUALTIES OF A WAR.

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

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

''The medal of honor awarded posthumously to a deceased member of the armed forces who, as an unidentified casualty of a particular war or other armed conflict, is interred in the Tomb of the Unknowns at Arlington National Cemetery, Virginia, is awarded to the member as the representative of the members of the armed forces who died in such war or other armed conflict and whose remains have not been identified, and not to the individual personally.''.

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

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

SEC. 562. PLAN FOR REVISED CRITERIA AND ELIGIBILITY REQUIREMENTS FOR AWARD OF COMBAT INFANTRYMAN BADGE AND COMBAT MEDICAL BADGE FOR SERVICE IN KOREA AFTER JULY 28, 1953.

(a) REQUIREMENT FOR PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for revising the Army's criteria and eligibility requirements for award of the Combat Infantryman Badge and the Combat Medical Badge for service in the Republic of Korea after July 28, 1953, to fulfill the purpose stated in subsection (b).

(b) PURPOSE OF REVISED CRITERIA AND ELIGIBILITY REQUIREMENTS.—The purpose for revising the criteria and eligibility requirements for award of the Combat Infantryman Badge and the Combat Medical Badge for service in the Republic of Korea after July 28, 1953, is to ensure fairness in the standards applied to Army personnel in the awarding of such badges for Army service in the Republic of Korea in comparison to the standards applied to Army personnel in the awarding of such badges for Army service in other areas of operations.

SEC. 563. AUTHORITY TO APPOINT BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), TO THE GRADE OF MAJOR GENERAL ON THE RETIRED LIST.

The President is authorized to appoint, by and with the advice and consent of the Senate, Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list of the Air Force. Any such appointment shall not affect the retired pay or other benefits of Charles E. Yeager or any benefits to which any other person is or may become entitled based upon his service.

SEC. 564. POSTHUMOUS COMMISSION OF WILLIAM MITCHELL IN THE GRADE OF MAJOR GENERAL IN THE ARMY.

(a) AUTHORITY.—The President, by and with the advice and consent of the Senate, may issue posthumously a commission as major general, United States Army, in the name of the late William Mitchell, formerly a colonel, United States Army, who resigned his commission on February 1, 1926.

(b) DATE OF COMMISSION.—A commission issued under subsection (a) shall issue as of the date of the death of William Mitchell on February 19, 1936.

(c) PROHIBITION OF BENEFITS.—No person is entitled to receive any bonus, gratuity, pay, allowance, or other financial benefit by reason of the enactment of this section.

Subtitle I—Military Voting

SEC. 566. FEDERAL WRITE-IN BALLOTS FOR ABSENTEE MILITARY VOTERS LOCATED IN THE UNITED STATES.

(a) DUTIES OF PRESIDENTIAL DESIGNEE.—Section 101(b)(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(3)) is amended by striking ''overseas voters'' and inserting ''absent uniformed services voters and overseas voters''.

(b) STATE RESPONSIBILITIES.—Section 102(a)(3) of such Act (42 U.S.C. 1973ff–1(a)(3)) is amended by striking ''overseas voters'' and inserting ''absent uniformed services voters and overseas voters''.

(c) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) in subsection (a), by striking ''overseas voters'' and inserting ''absent uniformed services voters and overseas voters'';

(2) in subsection (b), by striking the second sentence and inserting the following new sentence: ''A Federal write-in absentee ballot of an absent uniformed services voter or overseas voter shall not be counted—

''(1) in the case of a ballot submitted by an overseas voter who is not an absent uniformed services voter, if the ballot is submitted from any location in the United States;

''(2) if the application of the absent uniformed services voter or overseas voter for a State absentee ballot is received by the appropriate State election official after the later of—

''(A) the deadline of the State for receipt of such application; or

''(B) the date that is 30 days before the general election; or

''(3) if a State absentee ballot of the absent uniformed services voter or overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.'';

(3) in subsection (c)(1), by striking ''overseas voter'' and inserting ''absent uniformed services voter or overseas voter'';

(4) in subsection (d), by striking ''overseas voter'' both places it appears and inserting ''absent uniformed services voter or overseas voter''; and

(5) in subsection (e)(2), by striking ''overseas voters'' and inserting ''absent uniformed services voters and overseas voters''.

(d) CONFORMING AMENDMENTS.—(1) The heading of section 103 of such Act is amended to read as follows:

"SEC. 103. FEDERAL WRITE-IN ABSENTEE BALLOT IN GENERAL ELECTIONS FOR FEDERAL OFFICE FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.".

(2) The subsection caption for subsection (d) of such section is amended by striking ''OVERSEAS VOTER'' and inserting ''ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER''.

SEC. 567. REPEAL OF REQUIREMENT TO CONDUCT ELECTRONIC VOTING DEMONSTRATION PROJECT FOR THE FEDERAL ELECTION TO BE HELD IN NOVEMBER 2004.

The first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1277; 42 U.S.C. 1977ff note) is amended by striking ''until the regularly scheduled general election for Federal office for November 2004'' and inserting the following: ''until the first regularly scheduled general election for Federal office which occurs after the Election Assistance Commission notifies the Secretary that the Commission has established electronic absentee voting guidelines and certifies that it will assist the Secretary in carrying out the project''.

SEC. 568. REPORTS ON OPERATION OF FEDERAL VOTING ASSISTANCE PROGRAM AND MILITARY POSTAL SYSTEM.

(a) REPORTS ON PROGRAM AND SYSTEM.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions that the Secretary has taken to ensure that the Federal Voting Assistance Program carried out under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) functions effectively to support absentee voting by members of the Armed Forces deployed outside the United States in support of Operation Iraqi Freedom, Operation Enduring Freedom, and all other contingency operations.

(2) Not later than 60 days after the date of the submission of the report required by paragraph (1), the Secretary of Defense shall submit to Congress a report on the actions that the Secretary has taken to ensure that the military postal system functions effectively to support the morale of members referred to in such paragraph and their ability to vote by absentee ballot.

(b) REPORT ON IMPLEMENTATION OF POSTAL SYSTEM IMPROVEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report specifying—

(1) the actions taken to implement the recommendations of the Military Postal Service Agency Task Force, dated 28 August 2000; and

(2) in the case of each recommendation not implemented or not fully implemented as of the date of the submission of the report, the reasons for not implementing or not fully implementing the recommendation, as the case may be.

Subtitle J—Military Justice Matters

SEC. 571. REVIEW ON HOW SEXUAL OFFENSES ARE COVERED BY UNIFORM CODE OF MILITARY JUSTICE.

(a) REVIEW REQUIRED.—The Secretary of Defense shall review the Uniform Code of Military Justice and the Manual for Courts-Martial with the objective of determining what changes are required to improve the ability of the military justice system to address issues relating to sexual assault and to conform the Uniform Code of Military Justice and the Manual for Courts-Martial more closely to other Federal laws and regulations that address such issues.

(b) REPORT.—Not later than March 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the review carried out under subsection (a). The report shall include the recommendations of the Secretary for revisions to the Uniform Code of Military Justice and, for each such revision, the rationale behind that revision.

SEC. 572. WAIVER OF RECOUPMENT OF TIME LOST FOR CONFINEMENT IN CONNECTION WITH A TRIAL.

Section 972 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) WAIVER OF RECOUPMENT OF TIME LOST FOR CONFINEMENT.—The Secretary concerned shall waive liability for a period of confinement in connection with a trial under subsection (a)(3), or exclusion of a period of confinement in connection with a trial under subsection (b)(3), in a case upon the occurrence of any of the following events:

''(1) For each charge—

''(A) the charge is dismissed before or during trial in a final disposition of the charge; or

''(B) the trial results in an acquittal of the charge.

''(2) For each charge resulting in a conviction in such trial—

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

''(B) a judgment of acquittal or a dismissal is entered upon a reversal of the conviction on appeal.''.

SEC. 573. PROCESSING OF FORENSIC EVIDENCE COLLECTION KITS AND ACQUISITION OF SUFFICIENT STOCKS OF SUCH KITS.

(a) ELIMINATION OF BACKLOG, ETC.—The Secretary of Defense shall take such steps as may be necessary to ensure that—

(1) the United States Army Criminal Investigation Laboratory has the personnel and resources to effectively process forensic evidence used by the Department of Defense within 60 days of receipt by the laboratory of such evidence;

(2) consistent policies are established among the Armed Forces to reduce the time period between the collection of forensic evidence and the receipt and processing of such evidence by United States Army Criminal Investigation Laboratory; and

(3) there is an adequate supply of forensic evidence collection kits—

(A) for all United States military installations, including the military service academies; and

(B) for units of the Armed Forces deployed in theaters of operation.

(b) TRAINING.—The Secretary shall take such measures as the Secretary considers appropriate to ensure that personnel are appropriately trained—

(1) in the use of forensic evidence collection kits; and

(2) in the prescribed procedures to ensure protection of the chain of custody of such kits once used.

SEC. 574. AUTHORITIES OF THE JUDGE ADVOCATES GENERAL.

(a) DEPARTMENT OF THE ARMY.—Section 3037 of title 10, United States Code, is amended—

(1) in subsection (a), by striking the second and third sentences and inserting ''The term of office of the Judge Advocate General and the Assistant Judge Advocate General is four years.''; and

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

''(e) No officer or employee of the Department of Defense may interfere with—

''(1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Army or the Chief of Staff of the Army; or

''(2) the ability of judge advocates of the Army assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.''.

(b) DEPARTMENT OF THE NAVY.—(1) Section 5148 of such title is amended by adding at the end the following new subsection:

''(e) No officer or employee of the Department of Defense may interfere with—

''(1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Navy or the Chief of Naval Operations; or

''(2) the ability of judge advocates of the Navy assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.''.

(2) Section 5046 of such title is amended by adding at the end the following new subsection:

''(c) No officer or employee of the Department of Defense may interfere with—

''(1) the ability of the Staff Judge Advocate to the Commandant of the Marine Corps to give independent legal advice to the Commandant of the Marine Corps; or

''(2) the ability of judge advocates of the Marine Corps assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.''.

(c) DEPARTMENT OF THE AIR FORCE.—Section 8037 of title 10, United States Code, is amended—

(1) in subsection (a), by striking '', but may be'' in the second sentence and all that follows in that sentence through ''President'';

(2) in subsection (c)—

(A) by striking ''shall'' in the matter preceding paragraph (1);

(B) by striking paragraph (2);

(C) by redesignating paragraph (1) as paragraph (3) and in that paragraph—

(i) inserting ''shall'' before ''receive,''; and

(ii) by striking ''; and'' at the end and inserting a period; and

(D) by inserting before paragraph (3), as so redesignated, the following new paragraphs:

''(1) is the legal adviser of the Secretary of the Air Force and of all officers and agencies of the Department of the Air Force;

''(2) shall direct the officers of the Air Force designated as judge advocates in the performance of their duties; and'';

(3) in subsection (d)(1), by striking '', but may be'' in the second sentence and all that follows in that sentence through ''President''; and

(4) by adding at the end the following new subsection:

''(f) No officer or employee of the Department of Defense may interfere with—

''(1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Air Force or the Chief of Staff of the Air Force; or

''(2) the ability of officers of the Air Force who are designated as judge advocates who are assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.''.

(d) INDEPENDENT REVIEW.—(1) The Secretary of Defense shall establish an independent panel of outside experts to conduct a study and review of the relationships between the legal elements of each of the military departments and to prepare a report setting forth the panel's recommendations as to statutory, regulatory, and policy changes that the panel considers to be desirable to improve the effectiveness of those relationships and to enhance the legal support provided to the leadership of each military department and each of the Armed Forces.

(2) The panel shall be composed of seven members, appointed by the Secretary of Defense from among private United States citizens who have substantial expertise in military law and the organization and functioning of the military departments. No more than one member of the panel may have served as the Judge Advocate General of an Armed Force, and no more than one member of the panel may have served as the General Counsel of a military department.

(3) The Secretary of Defense shall designate the chairman of the panel from among the members of the panel other than a member who has served as a Judge Advocate General or as a military department General Counsel.

(4) Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(5) The panel shall meet at the call of the chairman.

(6) All original appointments to the panel shall be made by January 15, 2005. The chairman shall convene the first meeting of the panel not later than February 1, 2005.

(7) In carrying out the study and review required by paragraph (1), the panel shall—

(A) review the history of relationships between the uniformed and civilian legal elements of each of the Armed Forces;

(B) analyze the division of duties and responsibilities between those elements in each of the Armed Forces;

(C) review the situation with respect to civilian attorneys outside the offices of the service general counsels and their relationships to the Judge Advocates General and the General Counsels;

(D) consider whether the ability of judge advocates to give independent, professional legal advice to their service staffs and to commanders at all levels in the field is adequately provided for by policy and law; and

(E) consider whether the Judge Advocates General and General Counsels possess the necessary authority to exercise professional supervision over judge advocates, civilian attorneys, and other legal personnel practicing under their cognizance in the performance of their duties.

(8) Not later than April 15, 2005, the panel shall submit a report on the study and review required by paragraph (1) to the Secretary of Defense. The report shall include the findings and conclusions of the panel as a result of the study and review, together with any recommendations for legislative or administrative action that the panel considers appropriate. The Secretary of Defense shall transmit the report, together with any comments the Secretary wishes to provide, to the Committees on Armed Services of the Senate and House of Representatives not later than May 1, 2005.

(9) In this section, the term ''Armed Forces'' does not include the Coast Guard.

Subtitle K—Sexual Assault in the Armed Forces

SEC. 576. EXAMINATION OF SEXUAL ASSAULT IN THE ARMED FORCES BY THE DEFENSE TASK FORCE ESTABLISHED TO EXAMINE SEXUAL HARASSMENT AND VIOLENCE AT THE MILITARY SERVICE ACADEMIES.

(a) EXTENSION OF TASK FORCE.—(1) The task force in the Department of Defense established by the Secretary of Defense pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1466) to examine matters relating to sexual harassment and violence at the United States Military Academy and United States Naval Academy shall continue in existence for a period of at least 18 months after the date as of which the task force would otherwise be terminated pursuant to subsection (i) of that section.

(2) Upon the completion of the functions of the task force referred to in paragraph (1) pursuant to section 526 of the National Defense Authorization Act for Fiscal Year 2004, the name of the task force shall be changed to the Defense Task Force on Sexual Assault in the Military Services, and the task force shall then carry out the functions specified in this section. The task force shall not begin to carry out the functions specified in this section until it has completed its functions under such section 526.

(3) Before the task force extended under this subsection begins to carry out the functions specified in this section, the Secretary of Defense may, consistent with the qualifications required by section 526(f) of Public Law 108-136, change the composition of the task force as the Secretary considers appropriate for the effective performance of such functions, except that—

(1) any change initiated by the Secretary in the membership of the task force under this paragraph may not take effect before the task force has completed its functions under section 526 of Public Law 108-136; and

(2) the total number of members of the task force may not exceed 14.

(b) EXAMINATION OF MATTERS RELATING TO SEXUAL ASSAULT IN THE ARMED FORCES.—The task force shall conduct an examination of matters relating to sexual assault in cases in which members of the Armed Forces are either victims or commit acts of sexual assault.

(c) RECOMMENDATIONS.—The Task Force shall include in its report under subsection (e) recommendations of ways by which civilian officials within the Department of Defense and leadership within the Armed Forces may more effectively address matters relating to sexual assault. That report shall include an assessment of, and recommendations (including any recommendations for changes in law) for measures to improve, with respect to sexual assault, the following:

(1) Victim care and advocacy programs.

(2) Effective prevention.

(3) Collaboration among military investigative organizations with responsibility or jurisdiction.

(4) Coordination and resource sharing between military and civilian communities, including local support organizations.

(5) Reporting procedures, data collection, tracking of cases, and use of data on sexual assault by senior military and civilian leaders.

(6) Oversight of sexual assault programs, including development of measures of the effectiveness of those programs in responding to victim needs.

(7) Military justice issues.

(8) Progress in developing means to investigate and prosecute assailants who are foreign nationals.

(9) Adequacy of resources supporting sexual assault prevention and victim advocacy programs, particularly for deployed units and personnel.

(10) Training of military and civilian personnel responsible for implementation of sexual assault policies.

(11) Programs and policies, including those related to confidentiality, designed to encourage victims to seek services and report offenses.

(12) Other issues identified by the task force relating to sexual assault.

(d) METHODOLOGY.—In carrying out its examination under subsection (b) and in formulating its recommendations under subsection (c), the task force shall consider the findings and recommendations of previous reviews and investigations of sexual assault conducted by the Department of Defense and the Armed Forces.

(e) REPORT.—(1) Not later than one year after the initiation of its examination under subsection (b), the task force shall submit to the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force a report on the activities of the task force and on the activities of the Department of Defense and the Armed Forces to respond to sexual assault.

(2) The report shall include the following:

(A) A description of any barrier to implementation of improvements as a result of previous efforts to address sexual assault.

(B) Other areas of concern not previously addressed in prior reports.

(C) The findings and conclusions of the task force.

(D) Any recommendations for changes to policy and law that the task force considers appropriate.

(3) Within 90 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and House of Representatives.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to the Committees on Armed Services of the Senate and House of Representatives pursuant to subsection (e)(3).

SEC. 577. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—(1) Not later than January 1, 2005, the Secretary of Defense shall develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces.

(2) The policy shall be based on the recommendations of the Department of Defense Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers appropriate.

(3) Before developing the comprehensive policy required by paragraph (1), the Secretary of Defense shall develop a definition of sexual assault. The definition so developed shall be used in the comprehensive policy under paragraph (1) and otherwise within the Department of Defense and Coast Guard in matters involving members of the Armed Forces. The definition shall be uniform for all the Armed Forces and shall be developed in consultation with the Secretaries of the military departments and the Secretary of Homeland Security with respect to the Coast Guard.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The comprehensive policy developed under subsection (a) shall, at a minimum, address the following matters:

(1) Prevention measures.

(2) Education and training on prevention and response.

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

(4) Medical treatment of victims.

(5) Confidential reporting of incidents.

(6) Victim advocacy and intervention.

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

(8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.

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

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

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

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

(d) APPLICATION OF COMPREHENSIVE POLICY TO MILITARY DEPARTMENTS.—The Secretary of Defense shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) POLICIES AND PROCEDURES OF MILITARY DEPARTMENTS.—(1) Not later than March 1, 2005, the Secretaries of the military departments shall prescribe regulations, or modify current regulations, on the policies and procedures of the military departments on the prevention of and response to sexual assaults involving members of the Armed Forces in order—

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

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

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

(A) A program to promote awareness of the incidence of sexual assaults involving members of the Armed Forces.

(B) A program to provide victim advocacy and intervention for members of the Armed Force concerned who are victims of sexual assault, which program shall make available, at home stations and in deployed locations, trained advocates who are readily available to intervene on behalf of such victims.

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

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

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

(iii) procedures for the preservation of evidence; and

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

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

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

(F) Training on the policies and procedures for all members of the Armed Force concerned, including specific training for members of the Armed Force concerned who process allegations of sexual assault against members of such Armed Force.

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

(f) ANNUAL REPORT ON SEXUAL ASSAULTS.—(1) Not later than January 15 of each year, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Forces under the jurisdiction of that Secretary during the preceding year. In the case of the Secretary of the Navy, separate reports shall be prepared for the Navy and for the Marine Corps.

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

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

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

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

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

(3) Each report under paragraph (1) for any year after 2005 shall include an assessment by the Secretary of the military department submitting the report of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(4) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on the report. The Secretary shall submit each such report not later than March 15 of the year following the year covered by the report.

(5) For the report under this subsection covering 2004, the applicable date under paragraph (1) is April 1, 2005, and the applicable date under paragraph (4) is May 1, 2005.

Subtitle L—Management and Administrative Matters

SEC. 581. THREE-YEAR EXTENSION OF LIMITATION ON REDUCTIONS OF PERSONNEL OF AGENCIES RESPONSIBLE FOR REVIEW AND CORRECTION OF MILITARY RECORDS.

Section 1559(a) of title 10, United States Code, is amended by striking ''During fiscal years 2003, 2004, and 2005,'' and inserting ''Before October 1, 2008,''.

SEC. 582. STAFFING FOR DEFENSE PRISONER OF WAR/MISSING PERSONNEL OFFICE (DPMO).

(a) REPORT WHEN STAFFING IS BELOW PRESCRIBED LEVEL.—Subparagraph (B) of section 1501(a)(5) of title 10, United States Code, is amended—

(1) by inserting ''(i)'' after ''(B)'';

(2) by inserting '', whether temporary or permanent,'' after ''civilian personnel''; and

(3) by adding at the end the following:

''(ii) If for any reason the number of military and civilian personnel assigned or detailed to the office should fall below the required level under clause (i), the Secretary of Defense shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of the number of personnel so assigned or detailed and of the Secretary's plan to restore the staffing level of the office to at least the required minimum number under clause (i). The Secretary shall publish such notice and plan in the Federal Register.''.

(b) GAO STUDY.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing an assessment of staffing and funding levels for the Defense Prisoner of War/Missing Personnel Office. The report shall include—

(1) a description of changes, over the period from the inception of the office to the time of the submission of the report, in the missions and mission requirements of the office, together with a comparison of personnel and funding requirements of the office over that period with actual manning and funding levels over that period; and

(2) the Comptroller General's assessment of the adequacy of current manning and funding levels for that office in light of current mission requirements.

SEC. 583. PERMANENT ID CARDS FOR RETIREE DEPENDENTS AGE 75 AND OLDER.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1060b. Military ID cards: dependents and survivors of retirees; issuance of permanent ID card after attaining 75 years of age

''(a) PERMANENT ID CARD AFTER AGE 75.—In issuing military ID cards to retiree dependents, the Secretary concerned shall issue a permanent ID card (not subject to renewal) to any such retiree dependent who has attained 75 years of age. Such a permanent ID card shall be issued upon the expiration, after the retiree dependent attains 75 years of age, of any earlier, renewable military ID card or, if earlier, upon the request of such a retiree dependent after attaining age 75.

''(b) DEFINITIONS.—In this section:

''(1) The term 'military ID card' means a card or other form of identification used for purposes of demonstrating eligibility for any benefit from the Department of Defense.

''(2) The term 'retiree dependent' means a person who is a dependent of a retired member of the uniformed services, or a survivor of a deceased retired member of the uniformed services, who is eligible for any benefit from the Department of Defense.''.

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

''1060b. Military ID cards: dependents and survivors of retirees; issuance of permanent ID card after attaining 75 years of age.''.

(b) EFFECTIVE DATE.—Section 1060b of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2004.

SEC. 584. AUTHORITY TO FURNISH CIVILIAN CLOTHING TO MEMBERS TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.

(a) AUTHORITY.—Section 1047 of title 10, United States Code, is amended—

(1) by inserting ''(b) CERTAIN ENLISTED MEMBERS.—'' before ''The Secretary''; and

(2) by inserting after the section heading the following:

''(a) MEMBERS TRAVELING IN CONNECTION WITH MEDICAL EVACUATION.—The Secretary of the military department concerned may furnish civilian clothing to a member at a cost not to exceed $250, or reimburse a member for the purchase of civilian clothing in an amount not to exceed $250, in the case of a member who—

''(1) is medically evacuated for treatment in a medical facility by reason of an illness or injury incurred or aggravated while on active duty; or

''(2) after being medically evacuated as described in paragraph (1), is in an authorized

travel status from a medical facility to another location approved by the Secretary.''.

(b) EFFECTIVE DATE.—Subsection (a) of section 1047 of title 10, United States Code, as added by subsection (a), shall take effect as of October 1, 2004, and (subject to subsection (c)) shall apply with respect to clothing furnished, and reimbursement for clothing purchased, on or after that date.

(c) RETROACTIVE APPLICATION.—With respect to the period beginning on October 1, 2004, and ending on the date of the enactment of this Act, the Secretary of Defense shall provide for subsection (a) of section 1047 of title 10, United States Code, as added by subsection (a), to be applied as a continuation of the authority provided in section 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 571), as continued in effect during fiscal year 2004 by section 1103 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1214).

SEC. 585. AUTHORITY TO ACCEPT DONATION OF FREQUENT TRAVELER MILES, CREDITS, AND TICKETS TO FACILITATE REST AND RECUPERATION TRAVEL OF DEPLOYED MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) OPERATION HERO MILES.—(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2613. Acceptance of frequent traveler miles, credits, and tickets; use to facilitate rest and recuperation travel of deployed members and their families

''(a) AUTHORITY TO ACCEPT DONATION OF TRAVEL BENEFITS.—Subject to subsection (c), the Secretary of Defense may accept from any person or government agency the donation of travel benefits for the purposes of use under subsection (d).

''(b) TRAVEL BENEFIT DEFINED.—In the section, the term 'travel benefit' means frequent traveler miles, credits for tickets, or tickets for air or surface transportation issued by an air carrier or a surface carrier, respectively, that serves the public.

''(c) CONDITION ON AUTHORITY TO ACCEPT DONATION.—The Secretary may accept a donation of a travel benefit under this section only if the air or surface carrier that is the source of the benefit consents to such donation. Any such donation shall be under such terms and conditions as the surface carrier may specify, and the travel benefit so donated may be used only in accordance with the rules established by the carrier.

''(d) USE OF DONATED TRAVEL BENEFITS.—A travel benefit accepted under this section may be used only for the purpose of—

''(1) facilitating the travel of a member of the armed forces who—

''(A) is deployed on active duty outside the United States away from the permanent duty station of the member in support of a contingency operation; and

''(B) is granted, during such deployment, rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member; or

''(2) in the case of a member of the armed forces recuperating from an injury or illness incurred or aggravated in the line of duty during such a deployment, facilitating the travel of family members of the member in order to be reunited with the member.

''(e) ADMINISTRATION.—(1) The Secretary shall designate a single office in the Department of Defense to carry out this section. That office shall develop rules and procedures to facilitate the acceptance and distribution of travel benefits under this section.

''(2) For the use of travel benefits under subsection (d)(2) by family members of a member of the armed forces, the Secretary may, as the Secretary determines appropriate, limit—

''(A) eligibility to family members who, by reason of affinity, degree of consanguinity, or otherwise, are sufficiently close in relationship to the member of the armed forces to justify the travel assistance;

''(B) the number of family members who may travel; and

''(C) the number of trips that family members may take.

''(3) The Secretary of Defense may, in an exceptional case, authorize a person not described in subsection (d)(2) to use a travel benefit accepted under this subsection to visit a member of the armed forces described in subsection (d)(1) if that person has a notably close relationship with the member. The travel benefit may be used by such person only in accordance with such conditions and restrictions as the Secretary determines appropriate and the rules established by the air carrier or surface carrier that is the source of the travel benefit.

''(f) SERVICES OF NONPROFIT ORGANIZATION.—The Secretary of Defense may enter into an agreement with a nonprofit organization to use the services of the organization—

''(1) to promote the donation of travel benefits under this section, except that amounts appropriated to the Department of Defense may not be expended for this purpose; and

''(2) to assist in administering the collection, distribution, and use of travel benefits under this section.

''(g) FAMILY MEMBER DEFINED.—In this section, the term 'family member' has the meaning given that term in section 411h(b)(1) of title 37.''.

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

''2613. Acceptance of frequent traveler miles, credits, and tickets; use to facilitate rest and recuperation travel of deployed members and their families.''.

(b) TAX TREATMENT OF TRAVEL BENEFITS DONATED FOR OPERATION HERO MILES.—

(1) EXCLUSION FROM GROSS INCOME.—Subsection (b) of section 134 of the Internal Revenue Code of 1986 (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(5) TRAVEL BENEFITS UNDER OPERATION HERO MILES.—The term 'qualified military benefit' includes a travel benefit provided under section 2613 of title 10, United States Code (as in effect on the date of the enactment of this paragraph).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 134(b)(3)(A) of such Code is amended by striking ''paragraph (4)'' and inserting ''paragraphs (4) and (5)''.

(B) Section 3121(a)(18) of such Code is amended by striking ''or 134(b)(4)'' and inserting ''134(b)(4), or 134(b)(5)''.

(C) Section 3306(b)(13) of such Code is amended by striking ''or 134(b)(4)'' and inserting ''134(b)(4), or 134(b)(5)''.

(D) Section 3401(a)(18) of such Code is amended by striking ''or 134(b)(4)'' and inserting ''134(b)(4), or 134(b)(5)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to travel benefits provided after the date of the enactment of this Act.

SEC. 586. ANNUAL REPORT IDENTIFYING REASONS FOR DISCHARGES FROM THE ARMED FORCES DURING PRECEDING FISCAL YEAR.

(a) REPORT REQUIRED.—Not later than March 1 each year through 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on discharges from the Army, Navy, Air Force, and Marine Corps during the preceding fiscal year.

(b) MATTERS TO BE INCLUDED.—Each such report shall show, in the aggregate and for each of those Armed Forces, the following:

(1) The total number of persons discharged during the preceding fiscal year.

(2) For each separation code, and for each reenlistment eligibility code, used by the Armed Forces, the number of those discharged persons assigned that code.

(3) For the persons assigned each such separation code, classification of discharges by age, by sex, by race, by military rank or grade, by time in service, by unit (shown at the small unit level), by military occupational specialty (or the equivalent), and by reenlistment eligibility code.

(c) USE OF GENERIC SEPARATION CODES.—In preparing the reports under this section, the Secretary shall use a generic interservice separation code that provides similar, and consistent, data across the services.

SEC. 587. STUDY OF BLENDED WING CONCEPT FOR THE AIR FORCE.

(a) STUDY REQUIRED.—Not later than March 1, 2005, the Secretary of the Air Force shall submit to Congress a report on the blended wing concept for the Air Force. The report shall include the Secretary's findings as to the characteristics and locations that are considered favorable for a blended wing, a description of the manner in which current blended wings are functioning, and a statement of the current and future plans of the Air Force to implement the blended wing concept.

(b) SELECTION CRITERIA.—The report shall include a description of the criteria and attributes that the Secretary requires when choosing units to become blended wings.

SEC. 588. SENSE OF CONGRESS REGARDING RETURN OF MEMBERS TO ACTIVE DUTY SERVICE UPON REHABILITATION FROM SERVICE-RELATED INJURIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The generation of young people currently serving on active duty in the Armed Forces, which history will record as being among the greatest, has shown in remarkable numbers an individual resolve to recover from injuries incurred in such service and to return to active service in the Armed Forces.

(2) Since September 11, 2001, numerous brave soldiers, sailors, airmen, and Marines have incurred serious combat injuries, including (as of June 2004) approximately 100 members of the Armed Forces who have been fitted with artificial limbs as a result of devastating injuries sustained in combat overseas.

(3) In cases involving combat-related injuries and other service-related injuries, it is possible, as a result of advances in technology and extensive rehabilitative services, to restore to members of the Armed Forces sustaining such injuries the capability to resume the performance of active military service, including, in a few cases, the capability to participate directly in the performance of combat missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a member of the Armed Forces who on the member's own initiative is highly motivated to return to active duty service following rehabilitation from injuries incurred in service in the Armed Forces should, after appropriate medical review and physical disability evaluation, be given the opportunity to present the member's case for continuing to serve on active duty in varied military capacities;

(2) other than appropriate medical review and physical disability evaluation, there should be no barrier in policy or law to such a member having the option to return to military service on active duty; and

(3) the Secretary of Defense should develop specific protocols that include options for such members to return to active duty service and to be retrained to perform military missions for which they are fully capable.

Subtitle M—Other Matters

SEC. 591. PROTECTION OF ARMED FORCES PERSONNEL FROM RETALIATORY ACTIONS FOR COMMUNICATIONS MADE THROUGH THE CHAIN OF COMMAND.

(a) PROTECTED COMMUNICATIONS.—Section 1034(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking ''or'' at the end of clause (iii)''; and

(2) by striking clause (iv) and inserting the following:

''(iv) any person or organization in the chain of command; or

''(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.''.

(b) EFFECTIVE DATE.—The amendments made by this section apply with respect to any unfavorable personnel action taken or threatened, and any withholding of or threat to withhold a favorable personnel action, on or after the date of the enactment of this Act.

SEC. 592. IMPLEMENTATION PLAN FOR ACCESSION OF PERSONS WITH SPECIALIZED SKILLS.

(a) PLAN FOR ACCESSION OF PERSONS WITH SPECIALIZED SKILLS.—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for implementation of authority, if subsequently provided by law, to allow for accession into the Armed Forces, on a special or lateral-entry basis, of persons with specialized skills, for duty involving the use of such skills.

(2) The plan under paragraph (1) shall address matters such as projected numbers of enlistments and appointments, initial rank or grade, projected enlistment and re-enlistment bonuses and pays, projected length of service obligation (if any), minimum time of active duty requirements, the potential effect the use of such authority would have on other special or lateral-entry programs (such as those applicable to physicians), and such other matters as the Secretary considers appropriate.

(3) The Secretary shall include with the plan submitted under paragraph (1) a comparison of that plan with an alternative for meeting the specialized skills required by the Armed Forces through the use of civilain contractor personnel.

(b) CIVILIAN SKILLS CORPS FEASIBILITY STUDY.—(1) The Secretary of Defense shall conduct a feasibility study of how to implement a system that would make civilian volunteers, with skills determined by the Secretary to be critical, rapidly available for use in, or in support of, units of the Armed Force on a temporary basis to meet no-notice, or short-notice, operational requirements. In conducting the study, the Secretary shall examine a range of options, including—

(A) a system that would embed on short notice in military units civilian volunteers who were not part of the military, but who possessed highly required skills that were in short supply in the Armed Forces; and

(B) a system to provide for the accession into the active or reserve components of persons with critical skills required by the Armed Forces for whom the Secretary could prescribe varying lengths of service and training requirements.

(2) The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study under paragraph (1) not later than March 31, 2005.

SEC. 593. ENHANCED SCREENING METHODS AND PROCESS IMPROVEMENTS FOR RECRUITMENT OF HOME SCHOOLED AND NATIONAL GUARD CHALLENGE PROGRAM GED RECIPIENTS.

(a) ENHANCED SCREEING METHODS AND PROCESS IMPROVEMENTS.—(1) The Secretary of the Army shall carry out an initiative—

(A) to develop screening methods and process improvements for recruiting specified GED recipients so as to achieve attrition patterns, among the GED recipients so recruited, that match attrition patterns for Army recruits who are high school diploma graduates; and

(B) subject to subsection (b), to implement such screening methods and process improvements on a test basis.

(2) For purposes of this section, the term ''specified GED recipients'' means persons who receive a General Educational Development (GED) certificate as a result of home schooling or the completion of a program under the National Guard Challenge program.

(b) SECRETARY OF DEFENSE REVIEW.—Before the screening methods and process improvements developed under subsection (a)(1) are put into effect under subsection (a)(2), the Secretary of Defense shall review the proposed screening methods and process improvements. Based on such review, the Secretary of Defense either shall approve the use of such screening methods and process improvements for testing (with such modifications as the Secretary may direct) or shall disapprove the use of such methods and process improvements on a test basis.

(c) SECRETARY OF DEFENSE DECISION.—If the Secretary of Defense determines under subsection (b) that the screening methods and process improvements developed under subsection (a)(1) should be implemented on a test basis, then upon completion of the test period, the Secretary of Defense shall, after reviewing the results of the test program, determine whether the new screening methods and process improvements developed by the Army should be extended throughout the Department for recruit candidates identified by the new procedures to be considered tier 1 recruits.

(d) REPORTS.—(1) If the Secretary of Defense determines under subsection (b) that the screening methods and process improvements developed under subsection (a)(1) should not be implemented on a test basis, the Secretary of Defense shall, not later than 90 days thereafter, notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of such determination, together with the reasons of the Secretary for such determination.

(2) If the Secretary of Defense determines under subsection (b) that the screening methods and process improvements developed under subsection (a)(1) should be implemented on a test basis, the Secretary of the Army shall submit to the committees specified in paragraph (1) a report on the results of the testing. The report shall be submitted not later than March 31, 2009, except that if the Secretary of Defense directs an earlier termination of the testing initiative, the Secretary of the Army shall submit the report under this paragraph not later than 180 days after such termination. Such report shall include the determination of the Secretary of Defense under subsection (c). If that determination is that the methods and processes tested should not be extended to the other services, the report shall include the Secretary's rationale for not recommending such extension.

SEC. 594. REDESIGNATION OF NATIONAL GUARD CHALLENGE PROGRAM AS NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) REDESIGNATION.—Section 509 of title 32, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''National Guard Challenge Program'' the first place it appears and inserting ''National Guard Youth Challenge Program''; and

(B) by striking ''National Guard Challenge Program'' the second place it appears and inserting ''Program'';

(2) by striking ''National Guard Challenge Program'' each place it appears in subsections (b) through (k) and subsection (m) and inserting ''Program'';

(3) by striking ''program'' each place it appears in subsections (b), (g), (i)(2)(A), (j), (k), and (m) and inserting ''Program''; and

(4) in subsection (l), by adding at the end the following new paragraph:

''(3) The term 'Program' means the National Guard Youth Challenge Program carried out pursuant to this section.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 509. National Guard Youth Challenge Program of opportunities for civilian youth''.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 509 and inserting the following new item:

''509. National Guard Youth Challenge Program of opportunities for civilian youth.''.

SEC. 595. REPORTS ON CERTAIN MILESTONES RELATING TO DEPARTMENT OF DEFENSE TRANSFORMATION.

(a) MILITARY-TO-CIVILIAN CONVERSIONS.—Not later than January 31, 2005, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing information as to the number of positions in the Department of Defense that were converted during fiscal year 2004 from performance by military personnel to performance by civilian personnel of the Department of Defense or contractor personnel. The report shall include the following:

(1) A description of the skill sets of the military positions converted.

(2) Specification of the total cost of the conversions and how that cost is being met.

(3) The number of positions in the Department of Defense projected for such conversion during the period from March 1, 2005, through January 31, 2006.

(b) MILITARY-TO-MILITARY CONVERSIONS.—Not later than March 31 of each of 2005, 2006, and 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on—

(1) the number of units, by type, converted from one primary military capability to another during the previous fiscal year and, for each such unit, what the new unit designation and new military capabilities are;

(2) the number of military personnel, by military skill, who have converted during the previous fiscal year from one primary military skill to another, with a listing of the military skills to which the individuals converted;

(3) a description of the military unit and military personnel conversions planned for the upcoming fiscal year; and

(4) a statement of whether the overall unit and military personnel conversions planned for the previous fiscal year were met, and for each such planned conversion, the reasons why the planned conversion was or was not met.

(c) ARMY TRANSFORMATION TO BRIGADE STRUCTURE.—The Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the status of the internal transformation of the Army from a division-orientated force to a brigade-orientated force. Such report shall be submitted not later than March 31 of each year, except that the requirement to submit such annual report shall terminate when the Secretary of the Army submits to those committees the Secretary's certification that the transformation of the Army to a brigade-orientated force has been completed. Upon the submission of such certification, the Secretary shall publish in the Federal Register notice of that certification and that the statutory requirement to submit an annual report under this subsection has terminated.

SEC. 596. REPORT ON ISSUES RELATING TO REMOVAL OF REMAINS OF PERSONS INTERRED IN UNITED STATES MILITARY CEMETERIES OVERSEAS.

(a) STUDY.—The Secretary of the Army shall examine the issues relating to requests for disinterment of remains of persons buried in United States overseas military cemeteries. The examination shall include the following:

(1) A review of the historical facts involved in establishing the United States overseas military cemeteries and in determining the criteria for interment in those cemeteries.

(2) An examination of the processes for ensuring that the initial disposition decision with respect to the remains of any decedent was carried out, together with a review and explanation of the existing policy and procedures regarding request for disinterment and any exceptions that have been made.

(3) An analysis of the potential reasons for justifying disinterment of remains from those cemeteries, including error, misunderstanding, and change of decision by the original responsible next of kin or other family member or group of family members.

(4) An analysis of the potential impact on the operation of United States overseas military cemeteries of permitting disinterment of remains from those cemeteries

(b) REPORT.—Not later than September 30, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the examination under subsection (a). The report shall include the following:

(1) The matters specified in paragraphs (1), (2), (3), and (4) of subsection (a).

(2) A description of the changes to policy criteria and procedures that would be necessary to support a system for requesting and authorizing disinterment of such remains.

(3) The recommendations of the Secretary of the Army and the American Battle Monuments Commission for changing current policy and procedures with respect to such disinterments.

(c) CONSULTATION WITH ABMC.—The Secretary shall carry out the examination under subsection (a) and prepare the report under subsection (b) in consultation with the American Battle Monuments Commission.

(d) ABMC ASSISTANCE.—The American Battle Monuments Commission shall provide the Secretary of the Army such assistance as the Secretary may require in carrying out this section.

(e) DEFINITIONS.—For purposes of this section:

(1) The term ''United States overseas military cemetery'' means a cemetery located in a foreign country that is administered by the Secretary of a military department or the American Battle Monuments Commission.

(2) The term ''initial disposition decision'', with respect to the remains of a person who died outside the United States and was interred in a United States overseas military cemetery, means a decision by a family member (or other designated person) as to the disposition (in accordance with laws and regulations in effect at the time) of the remains of the deceased person, such decision being to have the remains interred in a United States overseas military cemetery (rather than to have those remains transported to the United States for interment or other disposition in the United States).

SEC. 597. COMPTROLLER GENERAL REPORTS ON CLOSURE OF DEPARTMENT OF DEFENSE DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS AND COMMISSARY STORES.

(a) REPORT ON DEFENSE DEPENDENT SCHOOLS.—The Comptroller General shall prepare a report containing—

(1) an assessment by the Comptroller General of the policy of the Department of Defense, and the criteria utilized by the Department, regarding the closure of Department of Defense dependent elementary and secondary schools, including whether or not such policy and criteria are consistent with Department policies and procedures on the preservation of the quality of life of members of the Armed Forces and their dependents; and

(2) an assessment by the Comptroller General of any current or on-going studies or assessments of the Department with respect to any of the schools.

(b) REPORT ON COMMISSARY STORES.—The Comptroller General shall prepare a report containing—

(1) an assessment by the Comptroller General of the policy of the Department of Defense, and the criteria utilized by the Department, regarding the closure of commissary stores, including whether or not such policy and criteria are consistent with Department policies and procedures on the preservation of the quality of life of members of the Armed Forces and their dependents; and

(2) an assessment by the Comptroller General of any current or on-going studies or assessments of the Department with respect to any of the commissary stores.

(c) SUBMISSION OF REPORTS.—The Comptroller General shall submit the reports required by this section to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than 180 days after the date of the enactment of this Act.

SEC. 598. COMPTROLLER GENERAL REPORT ON TRANSITION ASSISTANCE PROGRAMS FOR MEMBERS SEPARATING FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report evaluating the programs of the Department of Defense and other Federal agencies under which transition assistance is provided to members of the Armed Forces who are separating from active duty service.

(b) ELEMENTS OF REPORT.—(1) With regard to the transition assistance programs under section 1142 and 1144 of title 10, United States Code, the report required by subsection (a) shall include—

(A) an analysis of the extent to which such programs are meeting the current needs of members of the Armed Forces as they are discharged or released from active duty;

(B) a discussion of the original purposes of the programs;

(C) a discussion of how the programs are currently being administered in relationship to those purposes;

(D) an assessment of whether the programs are adequate to meet the current needs of members of the reserve components; and

(E) such recommendations as the Comptroller General considers appropriate for improving such programs, including any recommendation regarding whether participation by members of the Armed Forces in such programs should be required.

(2) The report shall include an analysis of any differences among the Armed Forces and among the commands of military installations of the Armed Forces regarding how transition assistance is being provided under the transition assistance programs and such recommendations as the Comptroller General considers appropriate—

(A) to achieve uniformity in the provision of assistance under such programs; and

(B) to ensure that the transition assistance is provided under such programs to members of the Armed Forces who are being separated at medical facilities of the uniformed services or Department of Veterans Affairs medical centers and to Armed Forces personnel on a temporary disability retired list under section 1202 or 1205 of title 10, United States Code.

(3) The report shall include—

(A) an analysis of the relationship between the Department of Defense transition assistance programs and the transition assistance programs of the Department of Veterans Affairs and the Department of Labor, including the relationship between the benefits delivery at discharge program carried out jointly by the Department of Defense and the Department of Veterans Affairs and the other transition assistance programs; and

(B) an assessment of the quality and thoroughness of information being provided during preseparation briefings under such transition assistance programs regarding the full range of benefits available to qualified members of the Armed Forces under programs operated by the Department of Veterans Affairs and the requirements for qualifying for those benefits.

(4) The report shall specify the rates of participation of members of the Armed Forces in the transition assistance programs and include such recommendations as the Comptroller General considers appropriate to increase such participation rates, including any recommendations regarding revisions of such programs that could result in increased participation by members.

(5) The report shall include—

(A) an assessment of whether the transition assistance information provided to members of the Armed Forces omits any transition information that would be beneficial to members;

(B) an assessment of the extent to which information is provided under the transition assistance programs regarding participation in Federal procurement opportunities available at prime contract and subcontract levels to veterans with service-connected disabilities and other veterans; and

(C) such recommendations as the Comptroller General considers appropriate regarding additional information that should be provided and any other recommendations that the Comptroller General considers appropriate for enhancing the provision of counseling on such procurement opportunities.

(6) The report shall include—

(A) an assessment of the extent to which representatives of military service organizations and veterans' service organizations are afforded opportunities to participate, and do participate, in preseparation briefings under transition assistance programs;

(B) an assessment of the effectiveness and usefulness of the role that military service organizations and veterans' service organizations are playing in the preseparation briefing process; and

(C) such recommendations as the Comptroller General considers appropriate regarding whether such organizations should be given a more formal role in the preseparation briefing process and how representatives of such organizations could better be used to disseminate transition assistance information and provide preseparation counseling to members of the Armed Forces, including members who are being released from active duty for continuation of service in a reserve component.

(7) The report shall include an analysis of the use of post-deployment and predischarge health screenings and such recommendations as the Comptroller General considers appropriate regarding whether and how to integrate the health screening process and the transition assistance programs into a single, coordinated preseparation program for members of the Armed Forces being discharged or released from active duty.

(8) The report shall include an analysis of the processes of the Armed Forces for conducting physical examinations of members of the Armed Forces in connection with discharge and release from active duty, including—

(A) how post-deployment questionnaires are used;

(B) the extent to which members of the Armed Forces waive the physical examinations; and

(C) how, and the extent to which, members of the Armed Forces are referred for follow-up health care.

(9) The report shall include a discussion of the current process by which mental health

screenings are conducted, follow-up mental health care is provided for, and services are provided in cases of post-traumatic stress disorder and related conditions for members of the Armed Forces in connection with discharge and release from active duty, together with—

(A) for each of the Armed Forces, the programs that are in place to identify and treat cases of post-traumatic stress disorder and related conditions; and

(B) for persons returning from deployments in connection with Operation Enduring Freedom and Operation Iraqi Freedom—

(i) the number of persons treated as a result of such screenings; and

(ii) the types of interventions.

(c) ACQUISITION OF SUPPORTING INFORMATION.—In preparing the report under subsection (a), the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Defense and the Secretaries of the military departments.

(2) The Secretary of Veterans Affairs.

(3) The Secretary of Labor.

(4) Members of the Armed Forces who have received transition assistance under the programs covered by the report and members of the Armed Forces who have declined to accept transition assistance offered under such programs.

(5) Representatives of military service organizations and representatives of veterans' service organizations.

(6) Persons having expertise in health care (including mental health care) provided under the Defense Health Program, including Department of Defense personnel, Department of Veterans Affairs personnel, and persons in the private sector.

SEC. 599. STUDY ON COORDINATION OF JOB TRAINING STANDARDS WITH CERTIFICATION STANDARDS FOR MILITARY OCCUPATIONAL SPECIALTIES.

(a) STUDY REQUIRED.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that are applied to corresponding civilian occupations by occupational licensing or certification agencies of governments and occupational certification agencies in the private sector.

(b) SUBMISSION OF REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report containing the results of the study under subsection (a).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2005.
Sec. 602. Relationship between eligibility to receive supplemental subsistence allowance and eligibility to receive imminent danger pay, family separation allowance, and certain Federal assistance.
Sec. 603. Authority to provide family separation basic allowance for housing.
Sec. 604. Geographic basis for housing allowance during short-assignment permanent changes of station for education or training.
Sec. 605. Immediate lump-sum reimbursement for unusual nonrecurring expenses incurred for duty outside the continental United States.
Sec. 606. Authority for certain members deployed in combat zones to receive limited advances on future basic pay.
Sec. 607. Repeal of requirement that members entitled to basic allowance for subsistence pay subsistence charges while hospitalized.

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. Authority to provide hazardous duty incentive pay to military firefighters.
Sec. 616. Reduced service obligation for nurses receiving nurse accession bonus.
Sec. 617. Assignment incentive pay.
Sec. 618. Modification of active and reserve component reenlistment and enlistment bonus authorities.
Sec. 619. Bonus for certain initial service of officers in the Selected Reserve.
Sec. 620. Revision of authority to provide foreign language proficiency pay.
Sec. 621. Eligibility of enlisted members to qualify for critical skills retention bonus while serving on indefinite reenlistment.
Sec. 622. Eligibility of reserve component members for incentive bonus for conversion to military occupational specialty to ease personnel shortage.
Sec. 623. Permanent increase in authorized amounts for imminent danger special pay and family separation allowance.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation allowances for family members to attend burial ceremony or memorial service of member who dies on duty.
Sec. 632. Transportation of family members incident to serious illness or injury of members of the uniformed services.
Sec. 633. Reimbursement for certain lodging costs incurred in connection with dependent student travel.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Computation of high-36 month average for reserve component members retired for disability while on active duty or dying while on active duty.
Sec. 642. Repeal of phase-in of concurrent receipt of retired pay and veterans' disability compensation for military retirees with service-connected disabilities rated as 100 percent.
Sec. 643. Death benefits enhancement.
Sec. 644. Phased elimination of two-tier annuity computation for surviving spouses under Survivor Benefit Plan.
Sec. 645. One-year open enrollment period for Survivor Benefit Plan commencing October 1, 2005.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Sec. 651. Consolidation and reorganization of legislative provisions regarding defense commissary system and exchanges and other morale, welfare, and recreation activities.
Sec. 652. Consistent State treatment of Department of Defense Nonappropriated Fund Health Benefits Program.

Subtitle F—Other Matters

Sec. 661. Eligibility of members for reimbursement of expenses incurred for adoption placements made by foreign governments.
Sec. 662. Clarification of education loans qualifying for education loan repayment program for reserve component health professions officers.
Sec. 663. Receipt of pay by reservists from civilian employers while on active duty in connection with a contingency operation.
Sec. 664. Relief for mobilized reservists from certain Federal agricultural loan obligations.
Sec. 665. Survey and analysis of effect of extended and frequent mobilization of reservists for active duty service on reservist income.
Sec. 666. Study of disability benefits for veterans of service in the Armed Forces with service-connected disabilities.

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2005.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2005 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, 2005, the rates of monthly basic pay for members of the uniformed services are increased by 3.5 percent.

SEC. 602. RELATIONSHIP BETWEEN ELIGIBILITY TO RECEIVE SUPPLEMENTAL SUBSISTENCE ALLOWANCE AND ELIGIBILITY TO RECEIVE IMMINENT DANGER PAY, FAMILY SEPARATION ALLOWANCE, AND CERTAIN FEDERAL ASSISTANCE.

(a) ENTITLEMENT NOT AFFECTED BY RECEIPT OF IMMINENT DANGER PAY AND FAMILY SEPARATION ALLOWANCE.—Subsection (b) of section 402a of title 37, United States Code, is amended—

(1) in paragraph (2), by striking ''the Secretary—'' and all that follows through ''shall take into consideration'' and inserting ''the Secretary concerned shall take into consideration''; and

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

''(3) In determining whether a member meets the eligibility criteria under paragraph (1), the Secretary concerned shall not take into consideration—

''(A) the amount of the supplemental subsistence allowance that is payable under this section;

''(B) the amount of any special pay that is payable to the member under section 310 of this section, relating to duty subject to hostile fire or imminent danger; or

''(C) the amount of any family separation allowance that is payable to the member under section 427 of this title.''.

(b) RELATION TO OTHER FEDERAL ASSISTANCE.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

''(g) ELIGIBILITY FOR OTHER FEDERAL ASSISTANCE.—(1) A child or spouse of a member of the armed forces receiving the supplemental subsistence allowance under this section who, except on account of the receipt of such allowance, would be eligible to receive a benefit described in paragraph (2) shall be considered to be eligible for that benefit notwithstanding the receipt of such allowance.

''(2) The benefits referred to in paragraph (1) are as follows:

''(A) Assistance provided under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(B) Assistance provided under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(C) A service provided under the Head Start Act (42 U.S.C. 9831 et seq.).

''(D) Assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

''(3) A household that includes a member of the armed forces receiving the supplemental subsistence allowance under this section and that, except on account of the receipt of such allowance, would be eligible to receive a benefit under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) shall be considered to be eligible for that benefit notwithstanding the receipt of such allowance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply in determining, on or after the date of the enactment of this Act, the eligibility of a person for a supplemental subsistence allowance under section 402a of title 37, United States Code, or for Federal assistance under a law specified in subsection (g) of such section, as so amended.

SEC. 603. AUTHORITY TO PROVIDE FAMILY SEPARATION BASIC ALLOWANCE FOR HOUSING.

Section 403(d) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''is entitled to'' and inserting ''may be paid''; and

(2) in paragraph (4), by striking the first sentence and inserting the following new sentence: ''A family separation basic allowance for housing paid to a member under this subsection is in addition to any other allowance or per diem that the member receives under this title.''.

SEC. 604. GEOGRAPHIC BASIS FOR HOUSING ALLOWANCE DURING SHORT-ASSIGNMENT PERMANENT CHANGES OF STATION FOR EDUCATION OR TRAINING.

Section 403(d) of title 37, United States Code, as amended by section 603, is further amended—

(1) in the subsection heading, by striking ''ARE UNABLE TO'' and inserting ''DO NOT''; and

(2) in paragraph (3), by adding at the end the following new subparagraph:

''(C) If the member is reassigned for a permanent change of station or permanent change of assignment from a duty station in the United States to another duty station in the United States for a period of not more than one year for the purpose of participating in professional military education or training classes, the amount of the basic allowance for housing for the member may be based on whichever of the following areas the Secretary concerned determines will provide the more equitable basis for the allowance:

''(i) The area of the duty station to which the member is reassigned.

''(ii) The area in which the dependents reside, but only if the dependents reside in that area when the member departs for the duty station to which the member is reassigned and only for the period during which the dependents reside in that area.

''(iii) The area of the former duty station of the member, if different than the area in which the dependents reside.''.

SEC. 605. IMMEDIATE LUMP-SUM REIMBURSEMENT FOR UNUSUAL NONRECURRING EXPENSES INCURRED FOR DUTY OUTSIDE THE CONTINENTAL UNITED STATES.

(a) ELIGIBILITY FOR REIMBURSEMENT.—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(d) NONRECURRING EXPENSES.—(1) The Secretary concerned may reimburse a member of the uniformed services on duty as described in subsection (a) for a nonrecurring expense incurred by the member incident to such duty that—

''(A) is directly related to the conditions or location of the duty;

''(B) is of a nature or a magnitude not normally incurred by members of the uniformed services on duty inside the continental United States; and

''(C) is not included in the per diem determined under subsection (b) as payable to the member under subsection (a).

''(2) Any reimbursement provided to a member under paragraph (1) is in addition to a per diem payable to that member under subsection (a).''.

(b) USE OF DEFINED TERM CONTINENTAL UNITED STATES.—(1) Subsection (a) of such section is amended by striking ''outside of the United States or in Hawaii or Alaska'' and inserting ''outside of the continental United States''.

(2) The heading of such section is amended to read as follows:

''§ 405. Travel and transportation allowances: per diem while on duty outside the continental United States''.

(3) The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 405 and inserting the following new item:

''405. Travel and transportation allowances: per diem while on duty outside the continental United States.''.

SEC. 606. AUTHORITY FOR CERTAIN MEMBERS DEPLOYED IN COMBAT ZONES TO RECEIVE LIMITED ADVANCES ON FUTURE BASIC PAY.

(a) ADVANCEMENT OF BASIC PAY.—Chapter 3 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 212. Advancement of basic pay: members deployed in combat zone for more than one year

''(a) ELIGIBILITY; AMOUNT ADVANCED.—If a member of the armed forces is assigned to duty in an area for which special pay under section 310 of this title is available and the assignment is pursuant to orders specifying an assignment of one year or more (or the assignment is extended beyond one year), the member may request, during the period of the assignment, the advanced payment of not more than three months of the basic pay of the member.

''(b) CONSIDERATION OF REQUEST.—A request by a member described in subsection (a) for the advanced payment of a single month of basic pay shall be granted. The Secretary concerned may grant a member's request for a second or third month of advanced basic pay during the assignment upon a showing of financial hardship.

''(c) RECOUPMENT OF ADVANCED PAY.—The Secretary concerned shall recoup an advance made on the basic pay of a member under this section in equal installments over a one-year period beginning as provided in subsection (d). If the member is serving on active duty for any month during the recoupment period, the amount of the installment for the month shall be deducted from the basic pay of the member for that month. The estate of a deceased member shall not be required to repay any portion of the advanced pay paid to the member and not repaid before the death of the member.

''(d) COMMENCEMENT OF RECOUPMENT.—The recoupment period for an advancement of basic pay to a member under this section shall commence on the first day of the first month beginning on or after the date on which the member receives the advanced pay.''.

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

''212. Advancement of basic pay: members deployed in combat zone for more than one year.''.

SEC. 607. REPEAL OF REQUIREMENT THAT MEMBERS ENTITLED TO BASIC ALLOWANCE FOR SUBSISTENCE PAY SUBSISTENCE CHARGES WHILE HOSPITALIZED.

(a) REPEAL.—(1) Section 1075 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1075.

(b) CONFORMING AMENDMENT REGARDING MILITARY-CIVILIAN HEALTH SERVICES PARTNERSHIP PROGRAM.—Section 1096(c) of such title is amended—

(1) by inserting ''who is a dependent'' after ''covered beneficiary''; and

(2) by striking ''shall pay'' and all that follows through the period at the end of paragraph (2) and inserting ''shall pay the charges prescribed by section 1078 of this title.''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(b) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(d) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(f) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

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

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(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, 2005'' and inserting ''January 1, 2006''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2004'' and inserting ''October 30, 2000, and ending on December 31, 2005''.

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

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking

''December 31, 2004'' and inserting ''December 31, 2005''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

SEC. 615. AUTHORITY TO PROVIDE HAZARDOUS DUTY INCENTIVE PAY TO MILITARY FIREFIGHTERS.

Section 301 of title 37, United States Code, is amended—

(1) in subsection (d), by inserting ''(1)'' after ''(d)'';

(2) by redesignating subsection (e) as paragraph (2) of subsection (d); and

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

''(e) A member of a uniformed service who is entitled to basic pay may be paid incentive pay under this subsection, at a monthly rate not to exceed $150, for any month during which the member performs duty involving regular participation as a firefighting crew member, as determined by the Secretary concerned.''.

SEC. 616. REDUCED SERVICE OBLIGATION FOR NURSES RECEIVING NURSE ACCESSION BONUS.

(a) PERIOD OF OBLIGATED SERVICE.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''four years'' and inserting ''three years''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to agreements entered into under section 302d of title 37, United States Code, on or after the date of the enactment of this Act.

SEC. 617. ASSIGNMENT INCENTIVE PAY.

(a) DISCRETIONARY WRITTEN AGREEMENTS.—Subsection (b) of section 307a of title 37, United States Code, is amended to read as follows:

''(b) WRITTEN AGREEMENT.—The Secretary concerned may require a member performing service in an assignment designated under subsection (a) to enter into a written agreement with the Secretary in order to qualify for incentive pay under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, subject to subsection (c), the monthly rate of the incentive pay.''.

(b) DISCONTINUATION UPON COMMENCEMENT OF TERMINAL LEAVE.—Subsection (e) of such section is amended by striking ''by reason of'' and all that follows through the period at the end and inserting ''by reason of—

''(1) temporary duty performed by the member pursuant to orders; or

''(2) absence of the member for authorized leave, other than leave authorized for a period ending upon the discharge of the member or the release of the member from active duty.''.

(c) EFFECTIVE DATE.—Paragraph (2) of section 307a(e) of title 37, United States Code, as added by subsection (b), shall apply with respect to authorized leave occurring on or after the date of the enactment of this Act.

SEC. 618. MODIFICATION OF ACTIVE AND RESERVE COMPONENT REENLISTMENT AND ENLISTMENT BONUS AUTHORITIES.

(a) ACTIVE-DUTY REENLISTMENT BONUS.—(1) Paragraph (1) of subsection (a) of section 308 of title 37, United States Code, is amended—

(A) in the matter preceding subparagraph (A), by striking ''A member'' and inserting ''The Secretary concerned may pay a bonus under paragraph (2) to a member'';

(B) in subparagraph (A), by striking ''fourteen years'' and inserting ''16 years'';

(C) in subparagraph (D), by striking the semicolon at the end and inserting a period; and

(D) by striking ''may be paid a bonus as provided in paragraph (2).''.

(2) Paragraph (3) of such subsection is amended by striking ''16 years'' and inserting ''18 years''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—(1) Subsection (a) of section 308b of title 37, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking ''An enlisted member'' and inserting ''The Secretary concerned may pay a bonus under subsection (b) to an enlisted member'';

(B) in paragraph (1), by striking ''less than 14 years'' and inserting ''not more than 16 years'';

(C) in paragraph (2), by striking the semicolon at the end and inserting a period; and

(D) by striking ''may be paid a bonus as provided in subsection (b).''.

(2) Subsection (b)(1) of such section is amended—

(A) in subparagraph (A), by striking ''$5,000'' and inserting ''$15,000'';

(B) in subparagraph (B), by striking ''$2,500'' and inserting ''$7,500''; and

(C) in subparagraph (C), by striking ''$2,000'' and inserting ''$6,000''.

(3) Paragraph (2) of subsection (b) of such section is amended to read as follows:

''(2) Bonus payments authorized under this section may be paid in either a lump sum or in installments. If the bonus is paid in installments, the initial payment shall be not less than 50 percent of the total bonus amount. The Secretary concerned shall prescribe the amount of each subsequent installment payment and the schedule for making the installment payments.''.

(4) Subsection (c) of such section is amended—

(A) in the subsection heading, by striking ''; LIMITATION ON NUMBER OF BONUSES''; and

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(c) SELECTED RESERVE ENLISTMENT BONUS.—(1) Subsection (b) of section 308c of title 37, United States Code, is amended by striking ''$8,000'' and inserting ''$10,000''.

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

''(f) A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(b) of title 37, United States Code, is amended—

(1) by striking ''$1,000'' and inserting ''$3,000''; and

(2) by adding at the end the following new sentence: ''A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.''.

(e) PRIOR SERVICE READY RESERVE BONUS.—Section 308h(b) of title 37, United States Code, is amended—

(1) in paragraph (2)(A), by striking ''$1,500'' and inserting ''$3,000'';

(2) in paragraph (2)(B), by striking ''$750'' and inserting ''$1,500''; and

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

''(4) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.''.

(f) PRIOR SERVICE ENLISTMENT BONUS FOR SELECTED RESERVE.—(1) Subsection (a)(2)(A) of section 308i of title 37, United States Code, is amended by striking ''less than 14 years'' and inserting ''not more than 16 years''.

(2) Paragraph (1) of subsection (b) of such section is amended—

(A) in subparagraph (A), by striking ''$8,000'' and inserting ''$15,000'';

(B) in subparagraph (B), by striking ''$4,000'' and inserting ''$7,500''; and

(C) in subparagraph (C), by striking ''$3,500'' and inserting ''$6,000''.

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

''(3) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.''.

(g) EFFECTIVE DATE.—The amendment made by subsection (a)(2) shall apply only with respect to the computation of a bonus under section 308(a)(2)(A) of title 37, United States Code, made on or after the date of the enactment of this Act.

SEC. 619. BONUS FOR CERTAIN INITIAL SERVICE OF OFFICERS IN THE SELECTED RESERVE.

(a) AUTHORITY.—Chapter 5 of title 37, United States Code, is amended by inserting after section 308i the following new section:

''§ 308j. Special pay: bonus for certain initial service of officers in the Selected Reserve

''(a) AFFILIATION BONUS.—(1) The Secretary concerned may pay an affiliation bonus under this section to an eligible officer in any of the armed forces who enters into an agreement with the Secretary to serve, for the period specified in the agreement, in the Selected Reserve of the Ready Reserve of an armed force under the Secretary's jurisdiction—

''(A) in a critical officer skill designated under paragraph (3); or

''(B) to meet a manpower shortage in—

''(i) a unit of that Selected Reserve; or

''(ii) a particular pay grade in that armed force.

''(2) An officer is eligible for an affiliation bonus under this section if the officer—

''(A) either—

''(i) is serving on active duty for a period of more than 30 days; or

''(ii) is a member of a reserve component not on active duty and, if the member formerly served on active duty, was released from active duty under honorable conditions;

''(B) has not previously served in the Selected Reserve of the Ready Reserve; and

''(C) is not entitled to receive retired or retainer pay.

''(3)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the critical officer skills to which the bonus authority under this subsection is to be applied.

''(B) A skill may be designated as a critical officer skill for an armed force under subparagraph (A) if, to meet requirements of that armed force, it is critical for that armed force to have a sufficient number of officers who are qualified in that skill.

''(4) An affiliation bonus payable pursuant to an agreement under this section to an eligible

officer accrues on the date on which the person is assigned to a unit or position in the Selected Reserve pursuant to such agreement.

''(b) ACCESSION BONUS.—(1) The Secretary concerned may pay an accession bonus under this section to an eligible person who enters into an agreement with the Secretary—

''(A) to accept an appointment as an officer in the armed forces; and

''(B) to serve in the Selected Reserve of the Ready Reserve in a skill designated under paragraph (2) for a period specified in the agreement.

''(2)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the officer skills to which the authority under this subsection is to be applied.

''(B) A skill may be designated for an armed force under subparagraph (A) if, to mitigate a current or projected significant shortage of personnel in that armed force who are qualified in that skill, it is critical to increase the number of persons accessed into that armed force who are qualified in that skill or are to be trained in that skill.

''(3) An accession bonus payable to a person pursuant to an agreement under this section accrues on the date on which that agreement is accepted by the Secretary concerned.

''(c) PERIOD OF OBLIGATED SERVICE.—An agreement entered into with the Secretary concerned under this section shall require the person entering into that agreement to serve in the Selected Reserve for a specified period. The period specified in the agreement shall be any period not less than three years that the Secretary concerned determines appropriate to meet the needs of the reserve component in which the service is to be performed.

''(d) AMOUNT.—The amount of a bonus under this section may be any amount not in excess of $6,000 that the Secretary concerned determines appropriate.

''(e) PAYMENT.—(1) Upon acceptance of a written agreement by the Secretary concerned under this section, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus is to be paid in one lump sum or in installments.

''(2) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

''(f) RELATION TO OTHER ACCESSION BONUS AUTHORITY.—A person may not receive an affiliation bonus or accession bonus under this section and financial assistance under chapter 1608, 1609, or 1611 of title 10, or under section 302g of this title, for the same period of service.

''(g) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) A person who, after receiving all or part of the bonus under an agreement entered into by that person under this section, does not accept a commission or an appointment as an officer or does not commence to participate or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement shall repay to the United States such compensation or benefit, except under conditions prescribed by the Secretary concerned.

''(2) The Secretary concerned shall include in each agreement entered into by the Secretary under this section the requirements that apply for any repayment under this subsection, including the method for computing the amount of the repayment and any exceptions.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under this section does not discharge a person from a debt arising under an agreement entered into under this subsection or a debt arising under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 308i the following new item:

''308j. Special pay: bonus for certain initial service of officers in the Selected Reserve.''.

SEC. 620. REVISION OF AUTHORITY TO PROVIDE FOREIGN LANGUAGE PROFICIENCY PAY.

(a) IN GENERAL.—(1) Section 316 of title 37, United States Code, is amended to read as follows:

''§ 316. Special pay and bonus for members with foreign language proficiency

''(a) AVAILABILITY OF SPECIAL PAY.—Subject to subsection (c), the Secretary concerned may pay monthly special pay under this section to a member of the uniformed services who is entitled to basic pay under section 204 of this title and who—

''(1) is qualified in a uniformed services specialty requiring proficiency in a foreign language identified by the Secretary concerned as a foreign language in which it is necessary to have personnel proficient because of national defense or public health considerations;

''(2) received training, under regulations prescribed by the Secretary concerned, designed to develop a proficiency in such a foreign language;

''(3) is assigned to duties requiring a proficiency in such a foreign language; or

''(4) is proficient in a foreign language for which the uniformed service may have a critical need, as determined by the Secretary concerned.

''(b) AVAILABILITY OF BONUS.—Subject to subsection (c), the Secretary concerned may pay an annual bonus under this section to a member of a reserve component who satisfies the eligibility requirements specified in paragraph (1), (2), (3), or (4) of subsection (a).

''(c) CERTIFICATION OF PROFICIENCY.—To be eligible to receive special pay or a bonus under this section, a member described in subsection (a) or (b) must be certified by the Secretary concerned as being proficient in the foreign language for which the special pay or bonus is offered. The certification of the member shall expire at the end of the one-year period beginning on the first day of the first month beginning on or after the certification date.

''(d) SPECIAL PAY AND BONUS AMOUNTS.—(1) The monthly rate for special pay paid under subsection (a) may not exceed $1,000.

''(2) The maximum amount of the bonus paid to a member under subsection (b) may not exceed $6,000 for the one-year period covered by the certification of the member. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period.

''(e) RELATIONSHIP TO OTHER PAY OR ALLOWANCE.—(1) Except as provided in paragraph (2), special pay or a bonus paid under this section is in addition to any other pay or allowance payable to a member under any other provision of law.

''(2) If a member of a reserve component serving on active duty receives special pay under subsection (a) for any month occurring during a certification period in which the member received, or is receiving, a bonus under subsection (b), the amount of the special pay paid to the member for the month shall be reduced by an amount equal to 1/12 of the bonus amount.

''(f) CERTIFICATION INTERRUPTED BY CONTINGENCY OPERATION.—(1) Notwithstanding subsection (c), the Secretary concerned may waive the certification requirement under such subsection and pay monthly special pay or a bonus under this section to a member who—

''(A) is assigned to duty in connection with a contingency operation;

''(B) is unable to schedule or complete the certification required by subsection (c) because of that assignment; and

''(C) except for the lack of such certification, satisfies the eligibility requirements for receipt of special pay under subsection (a) or a bonus under subsection (b), whichever applies to the member.

''(2) For purposes of providing an annual bonus to a member under the authority of this subsection, the Secretary concerned may treat the date on which the member was assigned to duty in connection with the contingency operation as equivalent to a certification date. In the case of a member whose certification will expire during such a duty assignment, the Secretary shall commence the next one-year certification period on the date on which the prior certification period expires.

''(3) A member who is paid special pay or a bonus under the authority of this subsection shall complete the certification required by subsection (c) for the foreign language for which the special pay or bonus was paid not later than the end of the 180-day period beginning on the date on which the member is released from the assignment in connection with the contingency operation. The Secretary concerned may extend that period for a member in accordance with regulations prescribed under subsection (h).

''(4) If a member fails to obtain the required certification under subsection (c) before the end of the period provided under paragraph (3), the Secretary concerned may require the member to repay all or a portion of the bonus in the manner provided in subsection (g).

''(g) REPAYMENT OF BONUS.—(1) The Secretary concerned may require a member who receives a bonus under this section, but who does not satisfy an eligibility requirement specified in paragraph (1), (2), (3), or (4) of subsection (a) for the entire certification period, to repay to the United States an amount which bears the same ratio to the total amount of the bonus paid to the member as the unsatisfied portion of the certification period bears to the entire certification period.

''(2) An obligation to repay the United States imposed under paragraph (1) or subsection (f)(4) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered for the member less than five years after the expiration of the certification period does not discharge the member from a debt arising under this paragraph. This paragraph applies to any case commenced under title 11 after the date of the enactment of this section.

''(h) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary, by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy, by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration.''.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 316 and inserting the following new item:

''316. Special pay and bonus for members with foreign language proficiency.''.

(b) CONFORMING AMENDMENTS.—(1) Section 316a of title 37, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 316a.

SEC. 621. ELIGIBILITY OF ENLISTED MEMBERS TO QUALIFY FOR CRITICAL SKILLS RETENTION BONUS WHILE SERVING ON INDEFINITE REENLISTMENT.

Section 323(a) of title 37, United States Code, is amended—

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

(2) in paragraph (2)—

(A) by inserting ''other than an enlisted member referred to in paragraph (3),'' after ''enlisted member,''; and

(B) by striking the period at the end and inserting ''; or''; and

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

''(3) in the case of an enlisted member serving pursuant to an indefinite reenlistment, the member executes a written agreement to remain on active duty for a period of at least one year.''.

SEC. 622. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.

(a) ELIGIBILITY.—Section 326 of title 37, United States Code, is amended—

(1) in subsection (a), by inserting ''of a regular or reserve component'' after ''an eligible member'';

(2) in subsection (b)—

(A) by striking ''if—'' and all that follows through ''at the time'' and inserting ''if, at the time''; and

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(3) in subsection (c)(2), by inserting ''regular or reserve component of the'' after ''chief personnel officer of the''.

(b) AMOUNT OF BONUS.—Subsection (c)(1) of such section is amended by inserting before the period at the end the following: '', in the case of a member of a regular component of the armed forces, and $2,000, in the case of a member of a reserve component of the armed forces''.

SEC. 623. PERMANENT INCREASE IN AUTHORIZED AMOUNTS FOR IMMINENT DANGER SPECIAL PAY AND FAMILY SEPARATION ALLOWANCE.

(a) IMMINENT DANGER PAY.—(1) Subsection (e) of section 310 of title 37, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(2) Effective January 1, 2006, such section is further amended—

(A) in subsection (a), by striking ''$150'' and inserting ''$225''; and

(B) by striking subsection (e).

(b) FAMILY SEPARATION ALLOWANCE.—(1) Subsection (e) of section 427 of such title is amended by striking ''December 31, 2004'' and inserting ''December 31, 2005''.

(2) Effective January 1, 2006, such section is further amended—

(A) in subsection (a)(1), by striking ''$100'' and inserting ''$250''; and

(B) by striking subsection (e).

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES FOR FAMILY MEMBERS TO ATTEND BURIAL CEREMONY OR MEMORIAL SERVICE OF MEMBER WHO DIES ON DUTY.

(a) AUTHORIZED TRAVEL DESTINATIONS.—Subsection (a)(1) of section 411f of title 37, United States Code, is amended by inserting before the period at the end the following: ''at the location determined under subsection (a)(8) of section 1482 of title 10 or attend a memorial service for the deceased member, under circumstances covered by subsection (d) of such section''.

(b) LIMITATION ON AMOUNT.—Subsection (b) of such section is amended to read as follows:

''(b) LIMITATION ON AMOUNT.—Allowances for travel under subsection (a) may not exceed the rates for two days and the time necessary for such travel.''.

(c) UNCONDITIONAL ELIGIBILITY OF DECEASED'S PARENTS.—Subsection (c)(1)(C) of such section is amended by striking ''If no person described in subparagraph (A) or (B) is provided travel and transportation allowances under subsection (a)(1), the'' and inserting ''The''.

SEC. 632. TRANSPORTATION OF FAMILY MEMBERS INCIDENT TO SERIOUS ILLNESS OR INJURY OF MEMBERS OF THE UNIFORMED SERVICES.

(a) REMOVAL OF LIMITATION ON NUMBER OF FAMILY MEMBERS.—Subsection (a)(1) of section 411h of title 37, United States Code, is amended—

(1) by striking ''two family members'' and inserting ''three family members''; and

(2) by adding at the end the following new sentence: ''In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of family members provided travel and transportation under this section.''.

(b) AVAILABILITY OF PER DIEM.—Such section is further amended—

(1) in subsection (a)(1), by inserting ''travel and'' before ''transportation''; and

(2) in subsection (c)—

(A) by inserting ''(1)'' after ''(c)'' ; and

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

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.''.

(c) EFFECTIVE DATE.—Section 411h of title 37, United States Code, as amended by this section, shall apply to travel and transportation authorized under such section that is provided on or after October 1, 2004, to family members of a member of the Armed Forces who is ill or injured as described in such section.

SEC. 633. REIMBURSEMENT FOR CERTAIN LODGING COSTS INCURRED IN CONNECTION WITH DEPENDENT STUDENT TRAVEL.

Section 430(b) of title 37, United States Code, is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The allowance authorized under paragraph (1) for the travel of an eligible dependent may include reimbursement for costs incurred by or on behalf of the dependent for lodging of the dependent that is necessitated by an interruption in the travel caused by extraordinary circumstances prescribed in the regulations under subsection (a). The amount of the reimbursement shall be determined using the rate applicable to such circumstances.''.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. COMPUTATION OF HIGH-36 MONTH AVERAGE FOR RESERVE COMPONENT MEMBERS RETIRED FOR DISABILITY WHILE ON ACTIVE DUTY OR DYING WHILE ON ACTIVE DUTY.

(a) COMPUTATION OF HIGH-36 MONTH AVERAGE.—Subsection (c) of section 1407 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR RESERVE COMPONENT MEMBERS.—In the case of a member of a reserve component who is entitled to retired pay under section 1201 or 1202 of this title, the member's high-three average (notwithstanding paragraphs (1) and (2)) is computed in the same manner as prescribed in paragraphs (2) and (3) of subsection (d) for a member entitled to retired pay under section 1204 or 1205 of this title.''.

(b) EFFECTIVE DATE.—Paragraph (3) of section 1407(c) of title 10, United States Code, as added by subsection (a), shall take effect—

(1) for purposes of determining an annuity under subchapter II or III of chapter 73 of that title, with respect to deaths on active duty on or after September 10, 2001; and

(2) for purposes of determining the amount of retired pay of a member of a reserve component entitled to retired pay under section 1201 or 1202 of such title, with respect to such entitlement that becomes effective on or after the date of the enactment of this Act.

SEC. 642. REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR MILITARY RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED AS 100 PERCENT.

(a) TERMINATION OF PHASE-IN AT END OF 2004.—Subsection (a)(1) of section 1414 of title 10, United States Code, is amended by inserting before the period at the end the following: '', except that in the case of a qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent, payment of retired pay to such veteran is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004''.

(b) CONFORMING AMENDMENT.—Subsection (c) of such section is amended in the matter preceding paragraph (1) by inserting ''that pursuant to the second sentence of subsection (a)(1) is subject to this subsection'' after ''a qualified retiree''.

SEC. 643. DEATH BENEFITS ENHANCEMENT.

(a) ACTIONS ON FISCAL YEAR 2004 DEATH BENEFITS STUDY.—(1) The Secretary of Defense shall expedite the completion and submission of the report, which was due on March 1, 2004, of the results of the study of the Federal death benefits for survivors of deceased members of the Armed Forces required by section 647(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1520).

(2) The President should promptly transmit to Congress any recommendation for legislation, together with a request for appropriations, that the President determines necessary to implement any death benefits enhancements that are recommended in the report referred to in paragraph(1).

(b) INCREASES OF DEATH GRATUITY CONSISTENT WITH INCREASES OF RATES OF BASIC PAY.—Section 1478 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''(as adjusted under subsection (c))'' before the period at the end of the first sentence; and

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

''(c) Effective on the date on which rates of basic pay under section 204 of title 37 are increased under section 1009 of that title or any other provision of law, the amount of the death gratuity in effect under subsection (a) shall be increased by the same overall average percentage of the increase in the rates of basic pay taking effect on that date.''.

(c) FISCAL YEAR 2005 ACTIONS.—At the same time that the President transmits to Congress the budget for fiscal year 2006 under section 1105(a) of title 31, United States Code, the President shall transmit to Congress assessments and recommendations regarding legislation on proposals that would provide enhanced death benefits for survivors of deceased members of the uniformed services. Those assessments and recommendations regarding legislation shall include provisions for the following:

(1) Revision of the Servicemembers' Group Life Insurance program under chapter 19 of title 38, United States Code, to provide for—

(A) an increase in the maximum benefit amount provided under that program from $250,000 to $350,000;

(B) an increase, each fiscal year, in that maximum benefit amount by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code; and

(C) a minimum benefit amount of $100,000 at no cost to the insured members of the uniformed services who elect the maximum coverage, together with an increase in such minimum benefit each fiscal year by the same percentage increase as is described in subparagraph (B).

(2) An additional set of death benefits for each member of the uniformed services who dies in the line of duty while on active duty that includes, at a minimum, an additional death gratuity in the amount that—

(A) in the case of a member not described in subparagraph (B), is equal to the sum of—

(i) the total amount of the basic pay to which the deceased member would have been entitled under section 204 of title 37, United States Code, if the member had not died and had continued to serve on active duty for an additional year; and

(ii) the total amount of all allowances and special pays that the member would have been entitled to receive under title 37, United States Code, over the one-year period beginning on the member's date of death as if the member had not died and had continued to serve on active duty for an additional year with the unit to which the member was assigned or detailed on such date; and

(B) in the case of a member who dies as a result of an injury caused by or incurred while exposed to hostile action (including any hostile fire or explosion and any hostile action from a terrorist source), is equal to twice the amount calculated under subparagraph (A).

(3) Any other new death benefits or enhancement of existing death benefits that the President recommends.

(4) Retroactive applicability of the benefits referred to in paragraph (2) and, as appropriate, the benefits recommended under paragraph (3) so as to provide the benefits—

(A) for members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while deployed in support of Operation Enduring Freedom; and

(B) for members of the uniformed services who die in line of duty on or after March 19, 2003, of a cause incurred or aggravated while deployed in support of Operation Iraqi Freedom.

(d) CONSULTATION.—The President shall consult with the Secretary of Defense and the Secretary of Veterans Affairs in developing the assessments and recommendations required under subsection (c).

(e) FISCAL YEAR 2006 BUDGET SUBMISSION.—The budget for fiscal year 2006 that is transmitted to Congress under section 1105(a) of title 31, United States Code, shall include assessments and recommendations on legislation (other than draft appropriations) that includes provisions that, on the basis of the assumption that any draft legislation transmitted under subsection (c) would be enacted and would take effect in fiscal year 2006—

(1) would offset fully the increased outlays that would result from enactment of the provisions of any draft legislation transmitted under subsection (c), for fiscal year 2006 and each of the succeeding nine fiscal years;

(2) expressly state that they are proposed for the purpose of the offset described in paragraph (1); and

(3) are included in full in the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the fiscal years referred to in paragraph (1).

(f) EARLY SUBMISSION OF PROPOSAL FOR ADDITIONAL DEATH BENEFITS.—Congress urges the President to transmit any draft of legislation for the additional set of death benefits under paragraph (2) of subsection (c) before the time for submission required under that subsection and as soon as is practicable after the date of the enactment of this Act.

SEC. 644. PHASED ELIMINATION OF TWO-TIER ANNUITY COMPUTATION FOR SURVIVING SPOUSES UNDER SURVIVOR BENEFIT PLAN.

(a) PHASED INCREASE IN BASIC ANNUITY.—

(1) STANDARD ANNUITY.—

(A) INCREASE TO 55 PERCENT.—Clause (i) of subsection (a)(1)(B) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable to the month, as follows:

''(I) For a month before October 2005, the applicable percent is 35 percent.

''(II) For months after September 2005 and before April 2006, the applicable percent is 40 percent.

''(III) For months after March 2006 and before April 2007, the applicable percent is 45 percent.

''(IV) For months after March 2007 and before April 2008, the applicable percent is 50 percent.

''(V) For months after March 2008, the applicable percent is 55 percent.''.

(B) COORDINATION WITH SAVINGS PROVISION UNDER PRIOR LAW.—Clause (ii) of such subsection is amended by striking '', at the time the beneficiary becomes entitled to the annuity,''.

(2) RESERVE-COMPONENT ANNUITY.—Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under subsection (a)(1)(B)(i) as being applicable for the month''.

(3) SURVIVORS OF ELIGIBLE PERSONS DYING ON ACTIVE DUTY, ETC.—

(A) INCREASE TO 55 PERCENT.—Clause (i) of subsection (c)(1)(B) of such section is amended—

(i) by striking ''35 percent'' and inserting ''the applicable percent''; and

(ii) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for that month.''.

(B) COORDINATION WITH SAVINGS PROVISION UNDER PRIOR LAW.—Clause (ii) of such subsection is amended by striking '', at the time the beneficiary becomes entitled to the annuity,''.

(4) CLERICAL AMENDMENT.—The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) CORRESPONDING PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—

(1) PHASED REDUCTION OF SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(A) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(B) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months before October 2005, 15 percent for months after September 2005 and before April 2006, 10 percent for months after March 2006 and before April 2007, and 5 percent for months after March 2007 and before April 2008.''.

(2) REPEAL UPON IMPLEMENTATION OF 55 PERCENT SBP ANNUITY.—Effective on April 1, 2008, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—

(1) PERIODIC RECOMPUTATION REQUIRED.—Effective on the first day of each month specified in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) TIME FOR RECOMPUTATION.—The requirement under paragraph (1) for recomputation of certain annuities applies with respect to the following months:

(A) October 2005.

(B) April 2006.

(C) April 2007.

(D) April 2008.

(d) TERMINATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—(1) Except as provided in paragraph (2), there shall be no reduction in retired pay under section 1460 of title 10, United States Code, for any month beginning after the date of the enactment of this Act.

(2) Reductions in retired pay under section 1460 of title 10, United States Code, shall be made for months after September 2005 in the case of coverage under subchapter III of chapter 73 of title 10, United States Code, that is provided (for new coverage or increased coverage) through an election under the open season provided by section 645. The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that reductions in retired pay under section 1460 of title 10, United States Code, pursuant to the preceding sentence are adjusted to achieve the objectives set forth in subsection (b) of that section.

SEC. 645. ONE-YEAR OPEN ENROLLMENT PERIOD FOR SURVIVOR BENEFIT PLAN COMMENCING OCTOBER 1, 2005.

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (f).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan at the maximum level may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 1223 of title 10, United States Code, but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) ELECTION TO INCREASE COVERAGE UNDER SBP.—A person who on the day before the first day of the open enrollment period is a participant in the Survivor Benefit Plan but is not participating at the maximum base amount or is providing coverage under the Plan for a dependent child and not for the person's spouse or former spouse may, during the open enrollment period, elect to—

(1) participate in the Plan at a higher base amount (not in excess of the participant's retired pay); or

(2) provide annuity coverage under the Plan for the person's spouse or former spouse at a base amount not less than the base amount provided for the dependent child.

(c) ELECTION FOR CURRENT SBP PARTICIPANTS TO PARTICIPATE IN SUPPLEMENTAL SBP.—

(1) ELECTION.—A person who is eligible to make an election under this paragraph may elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan.

(2) PERSONS ELIGIBLE.—Except as provided in paragraph (3), a person is eligible to make an election under paragraph (1) if on the day before the first day of the open enrollment period the person is a participant in the Survivor Benefit Plan at the maximum level, or during the open enrollment period the person increases the level of such participation to the maximum level under subsection (b) of this section, and under that Plan is providing annuity coverage for the person's spouse or a former spouse.

(3) LIMITATION ON ELIGIBILITY FOR CERTAIN SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER ANNUITY COMPUTATION.—A person is not eligible to make an election under paragraph (1) if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan is to be computed under section 1451(e) of title 10, United States Code. However, such a person may during the open enrollment period waive the right to have that annuity computed under such section 1451(e). Any such election is irrevocable. A person making such a waiver may make an election under paragraph (1) as in the case of any other participant in the Survivor Benefit Plan.

(d) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(e) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(f) OPEN ENROLLMENT PERIOD.—The open enrollment period under this section is the one-year period beginning on October 1, 2005.

(g) EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(h) APPLICABILITY OF CERTAIN PROVISIONS OF LAW.—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(i) PREMIUM FOR OPEN ENROLLMENT ELECTION.—

(1) PREMIUMS TO BE CHARGED.—The Secretary of Defense shall prescribe in regulations premiums which a person electing under this section shall be required to pay for participating in the Survivor Benefit Plan pursuant to the election. The total amount of the premiums to be paid by a person under the regulations shall be equal to the sum of—

(A) the total amount by which the retired pay of the person would have been reduced before the effective date of the election if the person had elected to participate in the Survivor Benefit Plan (for the same base amount specified in the election) at the first opportunity that was afforded the member to participate under chapter 73 of title 10, United States Code;

(B) interest on the amounts by which the retired pay of the person would have been so reduced, computed from the dates on which the retired pay would have been so reduced at such rate or rates and according to such methodology as the Secretary of Defense determines reasonable; and

(C) any additional amount that the Secretary determines necessary to protect the actuarial soundness of the Department of Defense Military Retirement Fund against any increased risk for the fund that is associated with the election.

(2) PREMIUMS TO BE CREDITED TO RETIREMENT FUND.—Premiums paid under the regulations under paragraph (1) shall be credited to the Department of Defense Military Retirement Fund.

(h) DEFINITIONS.—In this section:

(1) The term ''Survivor Benefit Plan'' means the program established under subchapter II of chapter 73 of title 10, United States Code.

(2) The term ''Supplemental Survivor Benefit Plan'' means the program established under subchapter III of chapter 73 of title 10, United States Code.

(3) The term ''retired pay'' includes retainer pay paid under section 6330 of title 10, United States Code.

(4) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given those terms in section 101 of title 37, United States Code.

(5) The term ''Department of Defense Military Retirement Fund'' means the Department of Defense Military Retirement Fund established under section 1461(a) of title 10, United States Code.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

SEC. 651. CONSOLIDATION AND REORGANIZATION OF LEGISLATIVE PROVISIONS REGARDING DEFENSE COMMISSARY SYSTEM AND EXCHANGES AND OTHER MORALE, WELFARE, AND RECREATION ACTIVITIES.

(a) PROVISIONS RELATED TO COMMISSARY STORES.—Chapter 147 of title 10, United States Code, is amended—

(1) by striking the table of sections at the beginning of the chapter and sections 2481, 2483, 2485, and 2487;

(2) by redesignating sections 2482, 2484, and 2486 as sections 2485, 2483 and 2484, respectively;

(3) by inserting after the chapter heading the following:

''Subchapter	*Sec.*
''I. Defense Commissary and Exchange Systems	*2481*
''II. Relationship, Continuation, and Common Policies of Defense Commissary and Exchange Systems	*2487*
''III. Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities	*2491*

''SUBCHAPTER I—DEFENSE COMMISSARY AND EXCHANGE SYSTEMS

''Sec.

''2481. Defense commissary and exchange systems: existence and purpose

''2482. Commissary stores: criteria for establishment or closure; store size.

''2483. Commissary stores: use of appropriated funds to cover operating expenses.

''2484. Commissary stores: merchandise that may be sold; uniform surcharges and pricing.

''2485. Commissary stores: operation.

''§ 2481. Defense commissary and exchange systems: existence and purpose

''(a) SEPARATE SYSTEMS.—The Secretary of Defense shall operate, in the manner provided by this chapter and other provisions of law, a world-wide system of commissary stores and a separate world-wide system of exchange stores. The stores of each system may sell, at reduced prices, food and other merchandise to members of the uniformed services on active duty, members of the uniformed services entitled to retired pay, dependents of such members, and persons authorized to use the system under chapter 54 of this title.

''(b) PURPOSE OF SYSTEMS.—The defense commissary system and the exchange system are intended to enhance the quality of life of members of the uniformed services, retired members, and dependents of such members, and to support military readiness, recruitment, and retention.

''(c) OVERSIGHT.—(1) The Secretary of Defense shall designate a senior official of the Department of Defense to oversee the operation of both the defense commissary system and the exchange system.

''(2) The Secretary of Defense shall establish an executive governing body to provide advice to the senior official designated under paragraph (1) regarding the operation of the defense commissary and exchange systems and to ensure the complementary operation of the systems.

''(d) REDUCED PRICES DEFINED.—In this section, the term 'reduced prices' means prices for food and other merchandise determined using the price setting process specified in section 2484 of this title.

''§ 2482. Commissary stores: criteria for establishment or closure; store size

''(a) PRIMARY CONSIDERATION FOR ESTABLISHMENT.—The needs of members of the armed forces on active duty and the needs of dependents of such members shall be the primary consideration whenever the Secretary of Defense—

''(1) assesses the need to establish a commissary store; and

''(2) selects the actual location for the store.

''(b) STORE SIZE.—In determining the size of a commissary store, the Secretary of Defense shall take into consideration the number of all authorized patrons of the defense commissary system who are likely to use the store.

''(c) CLOSURE CONSIDERATIONS.—(1) Whenever assessing whether to close a commissary store, the effect of the closure on the quality of life of members and dependents referred to in subsection (a) who use the store and on the welfare and security of the military community in which the commissary is located shall be a primary consideration.

''(2) Whenever assessing whether to close a commissary store, the Secretary of Defense shall also consider the effect of the closure on the quality of life of members of the reserve components of the armed forces.

''(d) CONGRESSIONAL NOTIFICATION.—(1) The closure of a commissary store shall not take effect until the end of the 90-day period beginning on the date on which the Secretary of Defense submits to Congress written notice of the reasons supporting the closure. The written notice shall include an assessment of the impact closure will have on the quality of life for military patrons and the welfare and security of the military community in which the commissary is located.

''(2) Paragraph (1) shall not apply in the case of the closure of a commissary store as part of the closure of a military installation under a base closure law.'';

(4) by inserting sections 2483 and 2484, as redesignated by paragraph (2), after section 2482, as added by paragraph (3);

(5) in section 2484, as redesignated by paragraph (2)—

(A) by striking subsections (a), (b), (c), and (g);

(B) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(C) by inserting before subsection (f), as so redesignated, the following new subsections:

''(a) IN GENERAL.—As provided in section 2481(a) of this title, commissary stores are intended to be similar to commercial grocery stores

and may sell merchandise similar to that sold in commercial grocery stores.

''(b) AUTHORIZED COMMISSARY MERCHANDISE CATEGORIES.—Merchandise sold in, at, or by commissary stores may include items in the following categories:

''(1) Meat, poultry, seafood, and fresh-water fish.

''(2) Nonalcoholic beverages.

''(3) Produce.

''(4) Grocery food, whether stored chilled, frozen, or at room temperature.

''(5) Dairy products.

''(6) Bakery and delicatessen items.

''(7) Nonfood grocery items.

''(8) Tobacco products.

''(9) Health and beauty aids.

''(10) Magazines and periodicals.

''(c) INCLUSION OF OTHER MERCHANDISE ITEMS.—(1) The Secretary of Defense may authorize the sale in, at, or by commissary stores of merchandise not covered by a category specified in subsection (b). The Secretary shall notify Congress of all merchandise authorized for sale pursuant to this paragraph, as well as the removal of any such authorization.

''(2) Notwithstanding paragraph (1), the Department of Defense military resale system shall continue to maintain the exclusive right to operate convenience stores, shopettes, and troop stores, including such stores established to support contingency operations.

''(3) A military exchange shall be the vendor for the sale of tobacco products in commissary stores and may be the vendor for such merchandise as may be authorized for sale in commissary stores under paragraph (1). Subsections (d) and (e) shall not apply to the pricing of such an item when a military exchange serves as the vendor of the item. Commissary store and exchange prices shall be comparable for such an item.

''(d) UNIFORM SALES PRICE SURCHARGE.—The Secretary of Defense shall apply a uniform surcharge equal to five percent on the sales prices established under subsection (e) for each item of merchandise sold in, at, or by commissary stores.'';

(D) in subsection (e), as so redesignated, by striking ''(consistent with this section and section 2685 of this title)'' in paragraph (1);

(E) in subsection (g), as so redesignated, by striking ''Subsections (c) and (d)'' and inserting ''Subsections (d) and (e)''; and

(F) by adding at the end the following new subsection:

''(h) USE OF SURCHARGE FOR CONSTRUCTION, REPAIR, IMPROVEMENT, AND MAINTENANCE.—(1)(A) The Secretary of Defense may use the proceeds from the surcharges imposed under subsection (d) only—

''(i) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of commissary stores and central product processing facilities of the defense commissary system; and

''(ii) to cover environmental evaluation and construction costs related to activities described in clause (i), including costs for surveys, administration, overhead, planning, and design.

''(B) In subparagraph (A), the term 'physical infrastructure' includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.

''(2)(A) The Secretary of Defense may authorize a nonappropriated fund instrumentality of the United States to enter into a contract for construction of a shopping mall or similar facility for a commissary store and one or more nonappropriated fund instrumentality activities. The Secretary may use the proceeds of surcharges under subsection (d) to reimburse the nonappropriated fund instrumentality for the portion of the cost of the contract that is attributable to construction of the commissary store or to pay the contractor directly for that portion of such cost.

''(B) In subparagraph (A), the term 'construction', with respect to a facility, includes acquisition, conversion, expansion, installation, or other improvement of the facility.

''(3) The Secretary of Defense, with the approval of the Director of the Office of Management and Budget, may obligate anticipated proceeds from the surcharges under subsection (d) for any use specified in paragraph (1) or (2), without regard to fiscal year limitations, if the Secretary determines that such obligation is necessary to carry out any use of such adjustments or surcharges specified in such paragraph.

''(4) Revenues received by the Secretary of Defense from the following sources or activities of commissary store facilities shall be available for the purposes set forth in paragraphs (1), (2), and (3):

''(A) Sale of recyclable materials.

''(B) Sale of excess and surplus property.

''(C) License fees.

''(D) Royalties.

''(E) Fees paid by sources of products in order to obtain favorable display of the products for resale, known as business related management fees.'';

(6) by inserting section 2485, as redesignated by paragraph (2), after section 2484, as amended by paragraph (5); and

(7) in section 2485, as redesignated by paragraph (2)—

(A) in subsection (b)(2), by striking ''section 2484'' and inserting ''section 2483'';

(B) in subsection (c)(2), by adding at the end the following new sentences: ''The chairman of the governing board shall be a commissioned officer or member of the senior executive service who has demonstrated experience or knowledge relevant to the management of the defense commissary system. In selecting other members of the governing board, the Secretary shall give priority to persons with experience related to logistics, military personnel, military entitlements or other experiences of value of management of commissaries.''; and

(C) by adding at the end the following new subsections:

''(d) ASSIGNMENT OF ACTIVE DUTY MEMBERS.—(1) Except as provided in paragraph (2), members of the armed forces on active duty may not be assigned to the operation of a commissary store.

''(2)(A) The Secretary of Defense may assign an officer on the active-duty list to serve as the Director of the Defense Commissary Agency.

''(B) Not more than 18 members (in addition to the officer referred to in subparagraph (A)) of the armed forces on active duty may be assigned to the Defense Commissary Agency. Members who may be assigned under this subparagraph to regional headquarters of the agency shall be limited to enlisted members assigned to duty as advisers in the regional headquarters responsible for overseas commissaries and to veterinary specialists.

''(e) REIMBURSEMENT FOR USE OF COMMISSARY FACILITIES BY MILITARY DEPARTMENTS.—(1) The Secretary of a military department shall pay the Defense Commissary Agency the amount determined under paragraph (2) for any use of a commissary facility by the military department for a purpose other than commissary sales or operations in support of commissary sales.

''(2) The amount payable under paragraph (1) for use of a commissary facility by a military department shall be equal to the share of depreciation of the facility that is attributable to that use, as determined under regulations prescribed by the Secretary of Defense.

''(3) The Director of the Defense Commissary Agency shall credit amounts paid under paragraph (1) for use of a facility to an appropriate account to which proceeds of a surcharge applied under section 2484(d) of this title are credited.

''(4) This subsection applies with respect to a commissary facility that is acquired, constructed, converted, expanded, installed, or otherwise improved (in whole or in part) with the proceeds of a surcharge applied under section 2484(d) of this title.

''(f) DONATION OF UNUSABLE FOOD.—(1) The Secretary of Defense may donate food described in paragraph (2) to any of the following entities:

''(A) A charitable nonprofit food bank that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.

''(B) A State or local agency that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.

''(C) A chapter or other local unit of a recognized national veterans organization that provides services to persons without adequate shelter and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.

''(D) A not-for-profit organization that provides care for homeless veterans and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.

''(2) Food that may be donated under this subsection is commissary store food, mess food, meals ready-to-eat (MREs), rations known as humanitarian daily rations (HDRs), and other food available to the Secretary of Defense that—

''(A) is certified as edible by appropriate food inspection technicians;

''(B) would otherwise be destroyed as unusable; and

''(C) in the case of commissary store food, is unmarketable and unsaleable.

''(3) In the case of commissary store food, a donation under this subsection shall take place at the site of the commissary store that is donating the food.

''(4) This subsection does not authorize any service (including transportation) to be provided in connection with a donation under this subsection.

''(g) COLLECTION OF DISHONORED CHECKS.—(1) The Secretary of Defense may impose a charge for the collection of a check accepted at a commissary store that is not honored by the financial institution on which the check is drawn. The imposition and amounts of charges shall be consistent with practices of commercial grocery stores regarding dishonored checks.

''(2)(A) The following persons are liable to the United States for the amount of a check referred to in paragraph (1) that is returned unpaid to the United States, together with any charge imposed under that paragraph:

''(i) The person who presented the check.

''(ii) Any person whose status and relationship to the person who presented the check provide the basis for that person's eligibility to make purchases at a commissary store.

''(B) Any amount for which a person is liable under subparagraph (A) may be collected by deducting and withholding such amount from any amounts payable to that person by the United States.

''(3) Amounts collected as charges imposed under paragraph (1) shall be credited to the commissary trust revolving fund.

''(4) Appropriated funds may be used to pay any costs incurred in the collection of checks and charges referred to in paragraph (1). An appropriation account charged a cost under the preceding sentence shall be reimbursed the amount of that cost out of funds in the commissary trust revolving fund.

''(5) In this subsection, the term 'commissary trust revolving fund' means the trust revolving fund maintained by the Department of Defense for surcharge collections and proceeds of sales of commissary stores.

''(h) RELEASE OF CERTAIN COMMERCIALLY VALUABLE INFORMATION TO PUBLIC.—(1) The Secretary of Defense may limit the release to the public of any information described in paragraph (2) if the Secretary determines that it is in the best interest of the Department of Defense to

limit the release of such information. If the Secretary determines to limit the release of any such information, the Secretary may provide for limited release of such information in accordance with paragraph (3).

''(2) Paragraph (1) applies to the following:

''(A) Information contained in the computerized business systems of commissary stores or the Defense Commissary Agency that is collected through or in connection with the use of electronic scanners in commissary stores, including the following information:

''(i) Data relating to sales of goods or services.

''(ii) Demographic information on customers.

''(iii) Any other information pertaining to commissary transactions and operations.

''(B) Business programs, systems, and applications (including software) relating to commissary operations that were developed with funding derived from commissary surcharges.

''(3)(A) The Secretary of Defense may, using competitive procedures, enter into a contract to sell information described in paragraph (2).

''(B) The Secretary of Defense may release, without charge, information on an item sold in commissary stores to the manufacturer or producer of that item or an agent of the manufacturer or producer.

''(C) The Secretary of Defense shall establish performance benchmarks and shall submit information on customer satisfaction and performance data to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(D) The Secretary of Defense may, by contract entered into with a business, grant to the business a license to use business programs referred to in paragraph (2)(B), including software used in or comprising any such program. The fee charged for the license shall be based on the costs of similar programs developed and marketed by businesses in the private sector, determined by means of surveys.

''(E) Each contract entered into under this paragraph shall specify the amount to be paid for information released or a license granted under the contract, as the case may be.

''(4) Information described in paragraph (2) may not be released, under paragraph (3) or otherwise, in a form that identifies any customer or that provides information making it possible to identify any customer.

''(5) Amounts received by the Secretary under this section shall be credited to funds derived from commissary surcharges applied under section 2484(e) of this title, shall be merged with those funds, and shall be available for the same purposes as the funds with which merged.''.

(b) RELATION BETWEEN DEFENSE COMMISSARY AND EXCHANGE SYSTEMS.—Chapter 147 of title 10, United States Code, is further amended—

(1) by inserting after section 2485, as amended by subsection (a)(7), the following:

''SUBCHAPTER II—RELATIONSHIP, CONTINUATION, AND COMMON POLICIES OF DEFENSE COMMISSARY AND EXCHANGE SYSTEMS

''Sec.

''2487. Relationship between defense commissary system and exchange stores system.

''2488. Combined exchange and commissary stores.

''2489. Overseas commissary and exchange stores: access and purchase restrictions.

''§ 2487. Relationship between defense commissary system and exchange stores system

''(a) SEPARATE OPERATION OF SYSTEMS.—(1) Except as provided in paragraph (2), the defense commissary system and the exchange stores system shall be operated as separate systems of the Department of Defense.

''(2) Paragraph (1) does not apply to the following:

''(A) Combined exchange and commissary stores operated under the authority provided by section 2489 of this title.

''(B) NEXMART stores of the Navy Exchange Service Command established before October 1, 2003.

''(b) CONSOLIDATION OR OTHER ORGANIZATIONAL CHANGES OF DEFENSE RETAIL SYSTEMS.—(1) The operation and administration of the defense retail systems may not be consolidated or otherwise merged unless the consolidation or merger is specifically authorized by an Act of Congress.

''(2) In this subsection, the term 'defense retail systems' means the defense commissary system and exchange stores system and other revenue-generating facilities operated by nonappropriated fund instrumentalities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.'';

(2) by redesignating sections 2488, 2489, 2489a as sections 2495, 2495a, and 2495b, respectively; and

(3) by redesignating sections 2490a and 2492 as sections 2488 and 2489, respectively, and inserting such sections after section 2487, as added by paragraph (1).

(c) MWR PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES.—Chapter 147 of title 10, United States Code, is further amended—

(1) by inserting after section 2489, as redesignated and moved by subsection (b)(3), the following:

''SUBCHAPTER III—MORALE, WELFARE, AND RECREATION PROGRAMS AND NONAPPROPRIATED FUND INSTRUMENTALITIES

''Sec.

''2491. Uniform funding and management of morale, welfare, and recreation programs.

''2491a. Department of Defense golf courses: limitation on use of appropriated funds.

''2491b. Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation.

''2491c. Retention of morale, welfare, and recreation funds by military installations: limitation.

''2492. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide and obtain goods and services.

''2493. Fisher Houses: administration as nonappropriated fund instrumentality.

''2494. Nonappropriated fund instrumentalities: furnishing utility services for morale, welfare, and recreation purposes.

''2495. Nonappropriated fund instrumentalities: purchase of alcoholic beverages.

''2495a. Overseas package stores: treatment of United States wines.

''2495b. Sale or rental of sexually explicit material prohibited.'';

(2) by redesignating section 2494 as section 2491 and inserting such section after the table of sections at the beginning of subchapter III, as added by paragraph (1);

(3) by redesignating section 2482a as section 2492 and inserting such section before section 2493;

(4) by inserting after section 2493 the following new section:

''§ 2494. Nonappropriated fund instrumentalities: furnishing utility services for morale, welfare, and recreation purposes

''Appropriations for the Department of Defense may be used to provide utility services for—

''(1) buildings on military installations authorized by regulation to be used for morale, welfare, and recreation purposes; and

''(2) other morale, welfare, and recreation activities for members of the armed forces.''; and

(5) by inserting sections 2495, 2495a, and 2495b, as redesignated by subsection (b)(2), after section 2494, as added by paragraph (4).

(d) INCLUSION OF OTHER TITLE 10 PROVISIONS.—Sections 2246, 2247, and 2219 of title 10, United States Code, are—

(1) transferred to chapter 147 of such title;

(2) inserted after section 2491, as redesignated and moved by subsection (c)(2); and

(3) redesignated as sections 2491a, 2491b, and 2491c, respectively.

(e) CONFORMING AMENDMENTS.—(1) Section 977 of title 10, United States Code, is repealed.

(2) Section 2868 of such title is amended by striking ''for—'' and all that follows through the period at the end and inserting ''for buildings constructed at private cost, as authorized by law.''.

(3) Section 367 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1987; 10 U.S.C. 2482 note) is repealed.

(f) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 49 of title 10, United States Code, is amended by striking the item relating to section 977.

(2) The table of sections at the beginning of chapter 131 of such title is amended by striking the item relating to section 2219.

(3) The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by striking the items relating to sections 2246 and 2247.

(g) TEST PROGRAM OF SALE OF CERTAIN ITEMS IN COMMISSARY STORES.—(1) The Secretary of Defense may conduct a test program involving the sale of telephone cards, film, and one-time use cameras in not less than 10 commissary stores for a period selected by the Secretary, but not less than six months.

(2) Within 90 days after the completion of the first year of the test program or within 90 days after the completion of the test program, whichever occurs first, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the test program. The report shall include an analysis of the impact of the sale of such items on the exchange dividend and such recommendations as the Secretary considers appropriate regarding legislative changes necessary to expand the sale of such items in commissary stores.

(h) COMPTROLLER GENERAL STUDY.—(1) The Comptroller General shall conduct a study evaluating the impact that the expansion of the categories of merchandise authorized for sale in commissary stores has on the exchange dividend. The Comptroller General shall determine the amounts derived from exchange sales and allocated as exchange dividends during the five-year period ending on September 30, 2004, and the morale, welfare, and recreation programs supported using such dividends.

(2) The Secretary shall submit the results of the study to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than March 31, 2006.

SEC. 652. CONSISTENT STATE TREATMENT OF DEPARTMENT OF DEFENSE NONAPPROPRIATED FUND HEALTH BENEFITS PROGRAM.

Section 349 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1587 note) is amended by adding at the end the following new subsection:

''(c) TREATMENT OF PROGRAM AS FEDERAL HEALTH BENEFIT PROGRAM.—(1) No State tax, fee, other monetary payment, or State health plan requirement, may be imposed, directly or indirectly, on the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense, or on a carrier or an underwriting or plan administration contractor of the Program, to the same extent as such prohibition applies to the health insurance program authorized by chapter 89 of title 5, United States Code, under section 8909(f) of such title.

''(2) Paragraph (1) shall not be construed to exempt the Nonappropriated Fund Uniform

Health Benefits Program of the Department of Defense, or any carrier or underwriting or plan administration contractor of the Program from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to, or realized by, the Program or by such carrier or contractor from business conducted under the Program, so long as the tax, fee, or payment is applicable to a broad range of business activity.

''(3) In this subsection, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and any political subdivision or other non-Federal authority thereof.''.

Subtitle F—Other Matters

SEC. 661. ELIGIBILITY OF MEMBERS FOR REIMBURSEMENT OF EXPENSES INCURRED FOR ADOPTION PLACEMENTS MADE BY FOREIGN GOVERNMENTS.

Section 1052(g)(3) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) A foreign government or an agency authorized by a foreign government to place children for adoption, in any case in which—

''(i) the adopted child is entitled to automatic citizenship under section 320 of the Immigration and Nationality Act (8 U.S.C. 1431); or

''(ii) a certificate of citizenship has been issued for such child under section 322 of that Act (8 U.S.C. 1433).''.

SEC. 662. CLARIFICATION OF EDUCATION LOANS QUALIFYING FOR EDUCATION LOAN REPAYMENT PROGRAM FOR RESERVE COMPONENT HEALTH PROFESSIONS OFFICERS.

Section 16302(a)(5) of title 10, United States Code, is amended by inserting ''a basic professional qualifying degree (as determined under regulations prescribed by the Secretary of Defense) or graduate education in'' after ''regarding''.

SEC. 663. RECEIPT OF PAY BY RESERVISTS FROM CIVILIAN EMPLOYERS WHILE ON ACTIVE DUTY IN CONNECTION WITH A CONTINGENCY OPERATION.

Section 209 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(h) This section does not prohibit a member of the reserve components of the armed forces on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10 from receiving from any person that employed such member before the call or order to active duty any payment of any part of the salary or wages that such person would have paid the member if the member's employment had not been interrupted by such call or order to active duty.''.

SEC. 664. RELIEF FOR MOBILIZED RESERVISTS FROM CERTAIN FEDERAL AGRICULTURAL LOAN OBLIGATIONS.

The Consolidated Farm and Rural Development Act is amended by inserting after section 331F (7 U.S.C. 1981f) the following new section:

''SEC. 332. RELIEF FOR MOBILIZED MILITARY RESERVISTS FROM CERTAIN AGRICULTURAL LOAN OBLIGATIONS.

''(a) DEFINITION OF MOBILIZED MILITARY RESERVIST.—In this section, the term 'mobilized military reservist' means an individual who—

''(1) is on active duty under section 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12406, or chapter 15 of title 10, United States Code, or any other provision of law during a war or during a national emergency declared by the President or Congress, regardless of the location at which the active duty service is performed; or

''(2) in the case of a member of the National Guard, is on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds.

''(b) FORGIVENESS OF INTEREST PAYMENTS DUE WHILE BORROWER IS A MOBILIZED MILITARY RESERVIST.—Any requirement that a borrower of a direct loan made under this title make any interest payment on the loan that would otherwise be required to be made while the borrower is a mobilized military reservist is rescinded.

''(c) DEFERRAL OF PRINCIPAL PAYMENTS DUE WHILE OR AFTER BORROWER IS A MOBILIZED MILITARY RESERVIST.—The due date of any payment of principal on a direct loan made to a borrower under this title that would otherwise be required to be made while or after the borrower is a mobilized military reservist is deferred for a period equal in length to the period for which the borrower is a mobilized military reservist.

''(d) NONACCRUAL OF INTEREST.—Interest on a direct loan made to a borrower described in this section shall not accrue during the period the borrower is a mobilized military reservist.

''(e) BORROWER NOT CONSIDERED TO BE DELINQUENT OR RECEIVING DEBT FORGIVENESS.—Notwithstanding section 373 or any other provision of this title, a borrower who receives assistance under this section shall not, as a result of the assistance, be considered to be delinquent or receiving debt forgiveness for purposes of receiving a direct or guaranteed loan under this title.''.

SEC. 665. SURVEY AND ANALYSIS OF EFFECT OF EXTENDED AND FREQUENT MOBILIZATION OF RESERVISTS FOR ACTIVE DUTY SERVICE ON RESERVIST INCOME.

(a) SURVEY OF MOBILIZED RESERVISTS TO DETERMINE DIFFERENTIAL BETWEEN PRIVATE SECTOR INCOME AND MILITARY COMPENSATION.—(1) The Secretary of Defense shall conduct a survey involving members of the reserve components who serve, or have served, on active duty in support of a contingency operation at any time during the period beginning on September 11, 2001, and ending on September 30, 2005, to determine the extent to which such members sustained a reduction in monthly income during their period of active duty service compared to their average monthly civilian income during the 12 months preceding their mobilization.

(2) To the extent practicable, at least 50 percent of the total number of members of the reserve components who have served on active duty in support of a contingency operation at any time during the period specified in paragraph (1) should be included in the survey. To participate in the survey, a member shall agree to make available to the Secretary such information as the Secretary may require to accurately calculate the average monthly civilian income of the member.

(b) CALCULATION OF INCOME DIFFERENTIAL.—In the case of each member participating in the survey under subsection (a) whose total monthly military compensation during the active duty service of the member was less, or appeared to be less, than the average monthly civilian income of the member, the Secretary of Defense, in cooperation with the member, shall calculate the monthly active-duty income differential for the member.

(c) COLLECTION OF DEMOGRAPHIC DATA.—The Secretary of Defense shall collect demographic data regarding each member of a reserve component who participates in the survey under subsection (a), including, at a minimum, data on the following:

(1) Reserve component.
(2) Unit of assignment.
(3) Grade.
(4) Age.
(5) Years of service.
(6) Sex.
(7) Marital status.
(8) Number of dependents.
(9) General category of private-sector employment, as determined by the Secretary, but to include an employment category to cover members who are self-employed.
(10) Military occupational specialty, including specifying all surveyed members who are serving in a critical wartime specialty.
(11) Length of service on active duty during the most recent mobilization.
(12) Number of times mobilized since September 11, 2001.

(d) CONSIDERATION OF AVERAGE MONTHLY RESERVE SERVICE INCOME.—The Secretary of Defense shall collect data to calculate the average monthly reserve service income of members of the reserve components before their mobilization, and consider such data by grade, general category of military occupational specialty, and years of service. The Secretary shall also consider the effect that the receipt of average monthly reserve service income by reserve component members before mobilization should have on any obligation of the United States to eliminate or at least reduce the monthly active-duty income differential suffered by members serving on active duty in support of a contingency operation.

(e) EFFECT OF INCOME LOSS ON RETENTION.—The Secretary of Defense shall include in the survey under subsection (a) a question intended to solicit information from members of the reserve components participating in the survey regarding the likely effect that a reoccurring monthly active-duty income differential while serving on active duty would have on their decision to remain in Armed Forces.

(f) ANALYSIS OF SURVEY DATA.—(1) At a minimum, the Secretary of Defense shall determine, for each variable listed in paragraphs (2) through (12) of subsection (c), the number of members of the reserve components surveyed under subsection (a) who sustained a monthly active-duty income differential for any month during their active duty service and compare and contrast that number with the number of members who did not experience a monthly active-duty income differential.

(2) The Secretary shall also determine the average amount of the active-duty income differential by reserve component for each variable within the characteristics listed in paragraphs (2) through (12) of subsection (c).

(g) SUBMISSION OF SURVEY RESULTS AND RECOMMENDATIONS.—(1) Not later than January 31, 2006, the Secretary of Defense shall submit to Congress and the Comptroller General a report containing the results of the surveys conducted under subsection (a), including the results of the analysis of survey data required by subsection (f). The Secretary shall include such recommendations as the Secretary considers appropriate regarding alternatives for restoring income lost by members of the reserve components who sustained a monthly active-duty income differential during their active duty service.

(2) Not later than 90 days after receiving the report of the Secretary of Defense submitted under paragraph (1), the Comptroller General shall submit to Congress an assessment of the findings and recommendations of the Secretary contained in the report.

(h) DEFINITIONS USED IN CONDUCTING SURVEY AND CALCULATIONS.—In this section:

(1) The term ''monthly active-duty income differential'', with respect to a member of a reserve component who participates in the survey under subsection (a), means the difference between—

(A) the the average monthly civilian income of the member; and

(B) the total monthly military compensation of the member during the active duty service of the member.

(2) The term ''total monthly military compensation'', with respect to a member of a reserve component who participates in the survey, means the amount, computed on a monthly basis, of the sum of—

(A) the amount of the regular military compensation (RMC), as defined in section 101(25) of title 37, United States Code, of the member during the period specified in subsection (a)(1); and

(B) any amount of special pay or incentive pay and any allowance (other than an allowance included in regular military compensation) that is paid to the member on a monthly basis during the period specified in subsection (a)(1).

(3) The term ''average monthly civilian income'', with respect to a member of a reserve component who participates in the survey, means the amount, determined by the Secretary of Defense, of the earned income of the member for the 12 months preceding the first mobilization of the member for active duty service in support of a contingency operation during the period specified in subsection (a)(1), divided by 12.

(4) The term ''average monthly reserve service income'', with respect to a member of a reserve component who participates in the survey, means the amount, determined by the Secretary of Defense, of the regular military compensation, compensation under section 206 of title 37, United States Code, and any special pays and allowances referred to in paragraph (3)(B) received by the member during the 12 months preceding the first mobilization of the member for active duty service in support of a contingency operation during the period specified in subsection (a)(1), divided by 12.

SEC. 666. STUDY OF DISABILITY BENEFITS FOR VETERANS OF SERVICE IN THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES.

(a) REQUIREMENT FOR STUDY.—(1) The Secretary of Defense shall conduct a study of the totality of all current and projected disability benefits that are available to disabled members and former members of the Armed Forces for service-connected disabilities and, on the basis of the results of such study, determine the adequacy of those benefits.

(2) In carrying out the study, the Secretary shall—

(A) compare the disability benefits for members of the Armed Forces with commercial and other private-sector disability benefits plans that are provided for other persons in the United States who are disabled by causes other than service in the Armed Forces; and

(B) identify and assess the changes to Department of Defense personnel policies needed to enhance the financial and nonfinancial benefits that are provided to members and former members of the Armed Forces for service-connected disabilities.

(b) COORDINATION.—In carrying out the study under subsection (a) and preparing the report under subsection (c), the Secretary of Defense shall—

(1) consult with the Secretary of Veterans Affairs and take into consideration the veterans disability benefits programs that are administered by the Secretary of Veterans Affairs; and

(2) consult with, and obtain the assistance of, the Veterans' Disability Benefits Commission established under title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1676).

(c) REPORT.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report on the results of the study under this section to the committees of Congress specified in subsection (e). The report shall include the following:

(1) The Secretary's assessments, analyses, and conclusions resulting from the study.

(2) Recommended legislation to address the deficiencies in the system of Federal Government disability benefits for disabled members and former members of the Armed Forces that are identified in the course of the study.

(3) An estimate of the costs of improvements in the system of disability benefits that are provided for in the recommended legislation.

(d) GAO STUDY.—(1) The Comptroller General shall conduct a study to identify the disability benefits that are payable under Federal, State, and local laws for employees of the Federal Government, State governments, and local governments. In carrying out the study, the Comptroller General shall, to the extent feasible, pay particular attention to the disability benefits that are provided for disabilities incurred in the performance of jobs in which employees perform tasks with risks that are analogous to the risks associated with the performance of military tasks by members of the Armed Forces.

(2) Not later than November 1, 2005, the Comptroller General shall submit a report on the results of the study under paragraph (1) to the committees of Congress specified in subsection (e).

(e) RECIPIENTS OF REPORT.—The committees of Congress to which the reports under subsections (d) and (e) are to be submitted are as follows:

(1) The Committee on Armed Services and the Committee on Veterans' Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Enhanced Benefits for Reserves

Sec. 701. TRICARE coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty.
Sec. 702. Comptroller General report on the cost and feasibility of providing private health insurance stipends for members of the Ready Reserves.
Sec. 703. Permanent earlier eligibility date for TRICARE benefits for members of reserve components and their dependents.
Sec. 704. Waiver of certain deductibles under TRICARE program for members on active duty for a period of more than 30 days.
Sec. 705. Authority for payment by United States of additional amounts billed by health care providers to activated Reserves.
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Subtitle B—Other Benefits Improvements

Sec. 711. Opportunity for young child dependent of deceased member to become eligible for enrollment in a TRICARE dental plan.
Sec. 712. Comptroller General report on provision of health, education, and support services for Exceptional Family Member Program enrollees.
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Sec. 714. Improvements to pharmacy benefits program
Sec. 715. Professional accreditation of military dentists.
Sec. 716. Temporary authority for waiver of collection of payments due for CHAMPUS benefits received by disabled persons unaware of loss of CHAMPUS eligibility.
Sec. 717. Services of marriage and family therapists.
Sec. 718. Chiropractic health care benefits advisory committee.

Subtitle C—Planning, Programming, and Management

Sec. 721. Pilot program for health care delivery.
Sec. 722. Study of provision of travel reimbursement to hospitals for certain military disability retirees.
Sec. 723. Study of mental health services.
Sec. 724. Policy for timely notification of next of kin of members seriously ill or injured in combat zones.
Sec. 725. Revised funding methodology for military retiree health care benefits.
Sec. 726. Grounds for presidential waiver of requirement for informed consent or option to refuse regarding administration of drugs not approved for general use.
Sec. 727. TRICARE program regional directors.

Subtitle D—Medical Readiness Tracking and Health Surveillance

Sec. 731. Medical readiness plan and Joint Medical Readiness Oversight Committee.
Sec. 732. Medical readiness of Reserves.
Sec. 733. Baseline Health Data Collection Program.
Sec. 734. Medical care and tracking and health surveillance in the theater of operations.
Sec. 735. Declassification of information on exposures to environmental hazards.
Sec. 736. Report on training on environmental hazards.
Sec. 737. Uniform policy for meeting mobilization-related medical care needs at military installations.
Sec. 738. Full implementation of Medical Readiness Tracking and Health Surveillance Program and Force Health Protection and Readiness Program.
Sec. 739. Reports and Internet accessibility relating to health matters.

Subtitle A—Enhanced Benefits for Reserves

SEC. 701. TRICARE COVERAGE FOR MEMBERS OF RESERVE COMPONENTS WHO COMMIT TO CONTINUED SERVICE IN THE SELECTED RESERVE AFTER RELEASE FROM ACTIVE DUTY.

(a) ELIGIBILITY.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076c the following new section:

''§ 1076d. TRICARE program: coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty

''(a) ELIGIBILITY.—A member of the Selected Reserve of the Ready Reserve of a reserve component of the armed forces is eligible for health benefits under TRICARE Standard as provided in this section after the member completes service on active duty to which the member was called or ordered for a period of more than 30 days on or after September 11, 2001, under a provision of law referred to in section 101(a)(13)(B), if the member—

''(1) served continuously on active duty for 90 or more days pursuant to such call or order; and

''(2) on or before the date of the release from such active-duty service, entered into an agreement with the Secretary concerned to serve continuously in the Selected Reserve for a period of one or more whole years following such date.

''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard coverage of a member under this section, on the basis of active-duty service performed as described in subsection (a), begins upon the expiration of the member's entitlement to care and benefits under section 1145(a) of this title that is based on the same active-duty service.

''(2) Unless earlier terminated under paragraph (3), the period for TRICARE Standard coverage of a member under this section shall be equal to the lesser of—

''(A) one year, in the case of a member who is otherwise eligible but does not serve continuously on active duty for 90 days as described in subsection (a) because of an injury, illness, or disease incurred or aggravated while deployed;

''(B) one year for each consecutive period of 90 days of continuous active-duty service described in subsection (a); or

''(C) the number of whole years for which the member agrees under paragraph (2) of such subsection to continue to serve in the Selected Reserve after the coverage begins.

''(3) Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the termination of the member's service in the Selected Reserve.

''(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under the section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member.

''(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

''(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all covered members of the reserve components.

''(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to 28 percent of the total monthly amount that the Secretary determines on an appropriate actuarial basis as being reasonable for that coverage.

''(4) The premiums payable by a member of a reserve component under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums.

''(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

''(e) RELATIONSHIP OF SERVICE AGREEMENT TO OTHER SERVICE COMMITMENTS.—The service agreement required of a member of a reserve component under subsection (a)(2) is separate from any other form of commitment of the member to a period of obligated service in that reserve component and may cover any part or all of the same period that is covered by another commitment of the member to a period of obligated service in that reserve component.

''(f) DEFINITIONS.—In this section:

''(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

''(2) The term 'TRICARE Standard' means the Civilian Health and Medical Program of the Uniformed Services option under the TRICARE program.

''(g) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076c the following new item:

''1076d. TRICARE program: coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty.''.

(b) IMPLEMENTATION.—(1) The Secretary of Defense shall implement section 1076d of title 10, United States Code, not later than 180 days after the date of the enactment of this Act.

(2)(A) A member of a reserve component of the Armed Forces who performed active-duty service described in subsection (a) of section 1076d of title 10, United States Code, for a period beginning on or after September 11, 2001, and was released from that active-duty service before the date of the enactment of this Act, or is released from that active-duty service on or within 180 days after the date of the enactment of this Act, may, for the purpose of paragraph (2) of such subsection, enter into an agreement described in such paragraph not later than one year after the date of the enactment of this Act. TRICARE Standard coverage (under such section 1076d) of a member who enters into such an agreement under this paragraph shall begin on the later of—

(i) the date applicable to the member under subsection (b) of such section; or

(ii) the date of the agreement.

(B) The Secretary of Defense shall take such action as is necessary to ensure, to the maximum extent practicable, that members of the reserve components eligible to enter into an agreement as provided in subparagraph (A) actually receive information on the opportunity and procedures for entering into such an agreement together with a clear explanation of the benefits that the members are eligible to receive as a result of entering into such an agreement under section 1076d of title 10, United States Code.

SEC. 702. COMPTROLLER GENERAL REPORT ON THE COST AND FEASIBILITY OF PROVIDING PRIVATE HEALTH INSURANCE STIPENDS FOR MEMBERS OF THE READY RESERVES.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study on the cost and feasibility of providing a stipend to members of the Ready Reserves to offset the cost of continuing private health insurance coverage for the members' dependents when the members are on active duty for periods of more than 30 days, with the dependents being ineligible to enroll in the TRICARE program and payment of the stipend ending when the members are no longer on active duty.

(b) MATTERS COVERED.—The study shall include the following matters:

(1) Recommendation for a benefit amount and cost to the Department of Defense.

(2) Potential effects on medical readiness, recruitment, and retention.

(3) The extent to which the Reserves and members of their families might participate under the stipend program.

(4) Administrative and management considerations for the Department of Defense.

(5) Impact of pre-existing conditions on continuity of care for dependents.

(6) Possible implications for employers.

(c) REPORT.—Not later than March 31, 2005, the Comptroller General shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the study under this section.

SEC. 703. PERMANENT EARLIER ELIGIBILITY DATE FOR TRICARE BENEFITS FOR MEMBERS OF RESERVE COMPONENTS AND THEIR DEPENDENTS.

Section 1074(d) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 704. WAIVER OF CERTAIN DEDUCTIBLES UNDER TRICARE PROGRAM FOR MEMBERS ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.

Section 1095d(a) of title 10, United States Code, is amended by striking ''less than one year'' both places it appears and inserting ''more than 30 days''.

SEC. 705. AUTHORITY FOR PAYMENT BY UNITED STATES OF ADDITIONAL AMOUNTS BILLED BY HEALTH CARE PROVIDERS TO ACTIVATED RESERVES.

Section 1079(h) of title 10, United States Code, is amended by adding at the end of paragraph (4) the following new subparagraph:

''(C)(i) In the case of a dependent described in clause (ii), the regulations shall provide that, in addition to amounts otherwise payable by the United States, the Secretary may pay the amount referred to in subparagraph (B)(i).

''(ii) This subparagraph applies to a dependent referred to in subsection (a) of a member of a reserve component serving on active duty pursuant to a call or order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title.''.

SEC. 706. PERMANENT EXTENSION OF TRANSITIONAL HEALTH CARE BENEFITS AND ADDITION OF REQUIREMENT FOR PRESEPARATION PHYSICAL EXAMINATION.

(a) PERMANENT REQUIREMENT.—(1) Paragraph (3) of section 1145(a) of title 10, United States Code, is amended to read as follows:

''(3) Transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty.''.

(2) The following provisions of law are repealed:

(A) Section 704 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1527; 10 U.S.C. 1145 note).

(B) Section 1117 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1218; 10 U.S.C. 1145 note).

(3) Paragraph (1) of such section 1145(a) is amended by striking ''applicable''.

(b) REQUIREMENT FOR PHYSICAL EXAMINATION.—Such section 1145(a), as amended by subsection (a), is further amended by adding at the end the following new paragraph:

''(4)(A) The Secretary concerned shall require a member of the armed forces scheduled to be separated from active duty as described in paragraph (2) to undergo a physical examination immediately before that separation. The physical examination shall be conducted in accordance with regulations prescribed by the Secretary of Defense.

''(B) Notwithstanding subparagraph (A), if a member of the armed forces scheduled to be separated from active duty as described in paragraph (2) has otherwise undergone a physical examination within 12 months before the scheduled date of separation from active duty, the requirement for a physical examination under subparagraph (A) may be waived in accordance with regulations prescribed under this paragraph. Such regulations shall require that such a waiver may be granted only with the consent of the member and with the concurrence of the member's unit commander.''.

Subtitle B—Other Benefits Improvements

SEC. 711. OPPORTUNITY FOR YOUNG CHILD DEPENDENT OF DECEASED MEMBER TO BECOME ELIGIBLE FOR ENROLLMENT IN A TRICARE DENTAL PLAN.

Section 1076a(k)(2) of title 10, United States Code, is amended—

(1) by striking ''under subsection (a) or'' and inserting ''under subsection (a),''; and

(2) by inserting after ''under subsection (f),'' the following: ''or is not enrolled because the dependent is a child under the minimum age for enrollment,''.

SEC. 712. COMPTROLLER GENERAL REPORT ON PROVISION OF HEALTH, EDUCATION, AND SUPPORT SERVICES FOR EXCEPTIONAL FAMILY MEMBER PROGRAM ENROLLEES.

(a) EVALUATION REQUIREMENT.—The Comptroller General shall evaluate the effect of the Exceptional Family Member Program (in this section referred to as ''EFMP'') on health, education, and support services in selected civilian communities near military installations with a high concentration of EFMP enrollees.

(b) MATTERS COVERED.—The evaluation under subsection (a) shall include a discussion of the following:

(1) Communities that have high concentrations of EFMP enrollees that use State and local health, education, and support services.

(2) Needs of EFMP enrollees, if any, that are not met by State and local health, education, and support services.

(3) The burdens, financial and otherwise, placed on State and local health, education, and support services by EFMP enrollees and their families.

(4) The ability of the TRICARE program to meet the needs of EFMP enrollees and their families.

(5) Reasons for any limitations of the TRICARE program, the EFMP, and State and local health, education, and support services in providing assistance to EFMP enrollees and their families.

(6) Recommendations for more effectively meeting the needs of EFMP enrollees and their families.

(c) COMMUNITIES COVERED.—The evaluation under subsection (a) shall examine no fewer than four civilian communities, as determined by the Comptroller General, that have high concentrations of EFMP enrollees and that are near several military installations, including at least two military installations with tenants from more than one of the Armed Forces.

(d) DEFINITIONS.—In this section:

(1) The term ''health, education, and support services'' means services provided to children and other dependents with special needs, including specialized day care, mental health day treatment services, respite services, counseling, early childhood intervention, special education, and other such services provided for children and other dependents with special needs.

(2) The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the evaluation required under subsection (a), including findings and recommendations.

SEC. 713. CONTINUATION OF SUB-ACUTE CARE FOR TRANSITION PERIOD.

Section 1074j(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The Secretary of Defense may take such actions as are necessary to ensure that there is an effective transition in the furnishing of part-time or intermittent home health care benefits for covered beneficiaries who were receiving such benefits before the establishment of the program under this section. The actions taken under this paragraph may include the continuation of such benefits on an extended basis for such time as the Secretary determines appropriate.''.

SEC. 714. IMPROVEMENTS TO PHARMACY BENEFITS PROGRAM.

(a) REQUIREMENT RELATING TO PRESCRIPTION DRUG BENEFITS FOR MEDICARE-ELIGIBLE ENROLLEES.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(6)''; and

(2) by adding at the end the following:

''(B) For a medicare-eligible beneficiary, the cost-sharing requirements may not be in excess of the cost-sharing requirements applicable to all other beneficiaries covered by section 1086 of this title. For purposes of the preceding sentence, a medicare-eligible beneficiary is a beneficiary eligible for health benefits under section 1086 of this title pursuant to subsection (d)(2) of such section.''.

(b) IMPROVEMENT TO UNIFORM FORMULARY PROCESS.—Section 1974g(a)(2)(E)(i) of such title is amended by inserting before the semicolon the following: ''and additional determinations by the Pharmacy and Therapeutics Committee of the relative clinical and cost effectiveness of the agents''.

SEC. 715. PROFESSIONAL ACCREDITATION OF MILITARY DENTISTS.

Section 1077(c) of title 10, United States Code, is amended—

(1) by striking ''A'' and inserting ''(1) Except as specified in paragraph (2), a''; and

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

''(2)(A) Dependents who are 12 years of age or younger and are covered by a dental plan established under section 1076a of this title may be treated by postgraduate dental residents in a dental treatment facility of the uniformed services under a graduate dental education program accredited by the American Dental Association if—

''(i) treatment of pediatric dental patients is necessary in order to satisfy an accreditation standard of the American Dental Association that is applicable to such program, or training in pediatric dental care is necessary for the residents to be professionally qualified to provide dental care for dependent children accompanying members of the uniformed services outside the United States; and

''(ii) the number of pediatric patients at such facility is insufficient to support satisfaction of the accreditation or professional requirements in pediatric dental care that apply to such program or students.

''(B) The total number of dependents treated in all facilities of the uniformed services under subparagraph (A) in a fiscal year may not exceed 2,000.''.

SEC. 716. TEMPORARY AUTHORITY FOR WAIVER OF COLLECTION OF PAYMENTS DUE FOR CHAMPUS BENEFITS RECEIVED BY DISABLED PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) AUTHORITY TO WAIVE DEBT.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, may waive (in whole or in part) the collection of payments otherwise due from a person described in subsection (b) for health benefits received by such person under section 1086 of title 10, United States Code, after the termination of that person's eligibility for such benefits.

(2) If the Secretary of Defense waives collection of payments from a person under paragraph (1), the Secretary may also authorize a continuation of benefits for such person under such section 1086 for a period ending not later than the end of the period specified in subsection (c) of this section.

(b) ELIGIBLE PERSONS.—A person is eligible for relief under subsection (a)(1) if—

(1) the person is described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) except for such paragraph, the person would have been eligible for the health benefits under such section; and

(3) at the time of the receipt of such benefits—

(A) the person satisfied the criteria specified in paragraph (2)(B) of such subsection (d); and

(B) the person was unaware of the loss of eligibility to receive the health benefits.

(c) PERIOD OF APPLICABILITY.—The authority provided under this section to waive collection of payments and to continue benefits shall apply, under terms and conditions prescribed by the Secretary of Defense, to health benefits provided under section 1086 of title 10, United States Code, during the period beginning on July 1, 1999, and ending at the end of December 31, 2004.

(d) ADMINISTERING SECRETARIES.—In this subsection, the term ''administering Secretaries'' has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 717. SERVICES OF MARRIAGE AND FAMILY THERAPISTS.

(a) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''marriage and family therapists certified as such by a certification recognized by the Secretary of Defense,'' after ''psychologists,''.

(b) APPLICABILITY OF LICENSURE REQUIREMENT FOR HEALTH-CARE PROFESSIONALS.—Section 1094(e)(2) of title 10, United States Code, is amended by inserting ''marriage and family therapist certified as such by a certification recognized by the Secretary of Defense,'' after ''psychologist,''.

SEC. 718. CHIROPRACTIC HEALTH CARE BENEFITS ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall establish an oversight advisory committee to provide the Secretary with advice and recommendations regarding the continued development and implementation of an effective program of chiropractic health care benefits for members of the uniformed services on active duty.

(b) MEMBERSHIP.—The advisory committee shall be composed of members selected from among persons who, by reason of education, training, and experience, are experts in chiropractic health care, as follows:

(1) Members appointed by the Secretary of Defense in such number as the Secretary determines appropriate for carrying out the duties of the advisory committee effectively, including not fewer than three practicing representatives of the chiropractic health care profession.

(2) A representative of each of the uniformed services, as designated by the administering Secretary concerned.

(c) CHAIRMAN.—The Secretary of Defense shall designate one member of the advisory committee to serve as the Chairman of the advisory committee.

(d) MEETINGS.—The advisory committee shall meet at the call of the Chairman, but not fewer than three times each fiscal year, beginning in fiscal year 2005.

(e) DUTIES.—The advisory committee shall have the following duties:

(1) Review and evaluate the program of chiropractic health care benefits provided to members of the uniformed services on active duty under chapter 55 of title 10, United States Code.

(2) Provide the Secretary of Defense with advice and recommendations as described in subsection (a).

(3) Upon the Secretary's determination that the program of chiropractic health care benefits referred to in paragraph (1) has been fully implemented, prepare and submit to the Secretary a report containing the advisory committee's evaluation of the implementation of such program.

(f) REPORT.—The Secretary of Defense, following receipt of the report by the advisory committee under subsection (e)(3), shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report containing the following:

(1) A copy of the advisory committee report, together with the Secretary's comments on the report.

(2) An explanation of the criteria and rationale that the Secretary used to determine that the program of chiropractic health care benefits was fully implemented.

(3) The Secretary's views with regard to the future implementation of the program of chiropractic health care benefits.

(g) APPLICABILITY OF TEMPORARY ORGANIZATIONS LAW.—(1) Section 3161 of title 5, United States Code, shall apply to the advisory committee under this section.

(2) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the oversight advisory committee under this section.

(h) TERMINATION.—The advisory committee shall terminate 90 days after the date on which the Secretary submits the report under subsection (f).

Subtitle C—Planning, Programming, and Management

SEC. 721. PILOT PROGRAM FOR HEALTH CARE DELIVERY.

(a) PILOT PROGRAM.—The Secretary of Defense may conduct a pilot program at two or more military installations for purposes of testing initiatives that build cooperative health care arrangements and agreements between military installations and local and regional non-military health care systems.

(b) REQUIREMENTS OF PILOT PROGRAM.—In conducting the pilot program, the Secretary of Defense shall—

(1) identify and analyze health care delivery options involving the private sector and health care services in military facilities located on the installation;

(2) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector;

(3) study the potential, viability, cost efficiency, and health care effectiveness of Department of Defense health care providers delivering health care in civilian community hospitals; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including Federal, State, local, and contractor assets.

(c) CONSULTATION REQUIREMENTS.—The Secretary of Defense shall develop the pilot program in consultation with the Secretaries of the military departments, representatives from the military installation selected for the pilot program, Federal, State, and local entities, and the TRICARE managed care support contractor with responsibility for that installation.

(d) SELECTION OF MILITARY INSTALLATION.—The pilot program may be implemented at two or more military installations selected by the Secretary of Defense. At least one of the selected military installations shall meet the following criteria:

(1) The military installation has members of the Armed Forces on active duty and members of reserve components of the Armed Forces that use the installation as a training and operational base, with members routinely deploying in support of the global war on terrorism.

(2) The number of members of the Armed Forces on active duty permanently assigned to the military installation is expected to increase over the next five years.

(3) One or more cooperative arrangements exist at the military installation with civilian health care entities in the form of specialty care services in the military medical treatment facility on the installation.

(4) There is a military treatment facility on the installation that does not have inpatient or trauma center care capabilities.

(5) There is a civilian community hospital near the military installation with—

(A) limited capability to expand inpatient care beds, intensive care, and specialty services; and

(B) limited or no capability to provide trauma care.

(e) DURATION OF PILOT PROGRAM.—Implementation of the pilot program developed under this section shall begin not later than May 1, 2005, and shall be conducted during fiscal years 2005, 2006, and 2007.

(f) REPORTS.—With respect to any pilot program conducted under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives—

(1) an interim report on the program, not later than 60 days after commencement of the program; and

(2) a final report describing the results of the program with recommendations for a model health care delivery system for other military installations, not later than July 1, 2007.

SEC. 722. STUDY OF PROVISION OF TRAVEL REIMBURSEMENT TO HOSPITALS FOR CERTAIN MILITARY DISABILITY RETIREES.

(a) STUDY.—The Secretary of Defense shall conduct a study of the feasibility, and of the desirability, of providing that a member of the uniformed services retired under chapter 61 of title 10, United States Code, shall be provided reimbursement for the travel expenses of such member for travel, during the two-year period beginning on the date of the retirement of the member, to a military treatment facility for medical care. The Secretary shall include in that study consideration of whether reimbursement under such a plan should, as nearly as practicable, be under the same terms and conditions, and at the same rate, as apply to beneficiary travel reimbursement provided by the Secretary of Veterans Affairs under section 111 of title 38, United States Code.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report providing the results of the study under subsection (a). Such report shall be submitted not later than March 1, 2005.

SEC. 723. STUDY OF MENTAL HEALTH SERVICES.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study of mental health services available to members of the Armed Forces.

(b) PERSONS COVERED.—The study shall evaluate the availability and effectiveness of existing mental health treatment and screening resources—

(1) for members of the Armed Forces during a deployment to a combat theater;

(2) for members of the Armed Forces returning from a deployment to a combat theater, both—

(A) in the short-term, post-deployment period; and

(B) in the long-term, following the post-deployment period;

(3) for the families of members of the Armed Forces who have been deployed to a combat theater during the time of the deployment;

(4) for the families of members of the Armed Forces who have been deployed to a combat theater after the member has returned from the deployment; and

(5) for members of the Armed Forces and their families described in this subsection who are members of reserve components.

(c) ASSESSMENT OF OBSTACLES.—The study shall provide an assessment of existing obstacles that prevent members of the Armed Forces and military families in need of mental health services from obtaining these services, including—

(1) the extent to which existing confidentiality regulations, or lack thereof, inhibit members of the Armed Forces from seeking mental health treatment;

(2) the implications that a decision to seek mental health services can have on a military career;

(3) the extent to which a social stigma exists within the Armed Forces that prevents members of the Armed Forces and military families from seeking mental health treatment within the Department of Defense and the individual Armed Forces;

(4) the extent to which logistical obstacles, particularly with respect to members of the Armed Forces and families residing in rural areas, deter members in need of mental health services from obtaining them; and

(5) the extent to which members of the Armed Forces and their families are prevented or hampered from obtaining mental health treatment due to the cost of such services.

(d) IDENTIFICATION OF PROBLEMS UNIQUE TO RESERVES.—The study shall identify potential problems in obtaining mental health treatment that are unique to members of Reserve components.

(e) REPORT.—The Comptroller General shall submit to Congress a report on the study conducted under this section not later than March 31, 2005. The report shall contain the results of the study and make specific recommendations—

(1) for improving the effectiveness and accessibility of mental health services provided by Department of Defense to the persons listed in subsection (b), including recommendations to ensure appropriate referrals and a seamless transition to the care of the Department of Veterans Affairs following separation from the Armed Forces; and

(2) for removing or mitigating any obstacles identified under subsection (c) and problems identified under subsection (d).

SEC. 724. POLICY FOR TIMELY NOTIFICATION OF NEXT OF KIN OF MEMBERS SERIOUSLY ILL OR INJURED IN COMBAT ZONES.

(a) POLICY REQUIRED.—The Secretary of Defense shall prescribe the policy of the Department of Defense for providing, in the case of the serious illness or injury of a member of the Armed Forces in a combat zone, timely notification to the next of kin of the member regarding the illness or injury, including information on the condition of the member and the location at which the member is receiving treatment. In prescribing the policy, the Secretary shall ensure respect for the expressed desires of individual members of the Armed Forces regarding the notification of next of kin and shall include standards of timeliness for both the initial notification of next of kin under the policy and subsequent updates regarding the condition and location of the member.

(b) SUBMISSION OF POLICY.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a copy of the policy.

SEC. 725. REVISED FUNDING METHODOLOGY FOR MILITARY RETIREE HEALTH CARE BENEFITS.

(a) REVISION.—Section 1116 of title 10, United States Code, is amended to read as follows:

"§ 1116. Payments into the Fund

''(a) At the beginning of each fiscal year after September 30, 2005, the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury—

''(1) the amount certified to the Secretary by the Secretary of Defense under subsection (c), which shall be the contribution to the Fund for that fiscal year required by section 1115; and

''(2) the amount determined by each administering Secretary under section 1111(c) as the contribution to the Fund on behalf of the members of the uniformed services under the jurisdiction of that Secretary.

''(b) At the beginning of each fiscal year, the Secretary of Defense shall determine the sum of the following:

''(1) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1115(a) of this title for the amortization of the original unfunded liability of the Fund.

''(2) The amount (including any negative amount) of the Department of Defense contribution for that year as determined by the Secretary of Defense under section 1115(b) of this title.

''(3) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

''(4) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1115(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial assumption changes.

''(5) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary

of Defense under section 1115(c)(4) of this title for the amortization of any cumulative actuarial gain or loss to the Fund resulting from actuarial experience.

''(c) The Secretary of Defense shall promptly certify the amount determined under subsection (b) each year to the Secretary of the Treasury.

''(d) At the same time as the Secretary of Defense makes the certification under subsection (c), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the information provided to the Secretary of the Treasury under that subsection.''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any unsubscribed discretionary budget authority that accrues within the national defense budget function as a result of the amendments made by this section shall be applied to cover the unbudgeted costs of—

(1) increases in Army end strengths and modularization;

(2) increases in Marine Corps end strengths and necessary equipment; and

(3) Navy shipbuilding requirements.

(c) CONFORMING AMENDMENTS.—(1) Section 1111(c) of title 10, United States Code, is amended in the last sentence by striking ''1116'' and all that follows through the end of the sentence and inserting ''1115(b) of this title, and such contributions shall be paid into the Fund as provided in section 1116(a).''.

(2) Section 1115(a) of such title is amended by striking ''1116(c)'' and inserting ''1116''.

(3) Section 1115(b) of such title is amended—

(A) by striking ''(1) The Secretary of Defense'' and all that follows through ''of this title.'' and inserting ''The Secretary of Defense shall determine, before the beginning of each fiscal year after September 30, 2005, the total amount of the Department of Defense contribution to be made to the Fund for that fiscal year for purposes of section 1116(b)(2).'';

(B) by striking paragraph (2);

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(D) in each of paragraphs (1) and (2), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(E) in paragraph (2)(B), as so redesignated, by striking ''subparagraph (A)(ii)'' and inserting ''paragraph (1)(B)''.

(4) Section 1115(c)(1) of such title is amended by striking ''and section 1116(a) of this title''.

(5) Section 1115(c)(5) of such title is amended by striking ''1116(c)'' and inserting ''1116''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

SEC. 726. GROUNDS FOR PRESIDENTIAL WAIVER OF REQUIREMENT FOR INFORMED CONSENT OR OPTION TO REFUSE REGARDING ADMINISTRATION OF DRUGS NOT APPROVED FOR GENERAL USE.

(a) INVESTIGATIONAL NEW DRUGS.—Section 1107(f) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking ''obtaining consent—'' and all that follows through ''(C) is'' and inserting ''obtaining consent is''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) The waiver authority provided in paragraph (1) shall not be construed to apply to any case other than a case in which prior consent for administration of a particular drug is required by reason of a determination by the Secretary of Health and Human Services that such drug is subject to the investigational new drug requirements of section 505(i) of the Federal Food, Drug, and Cosmetic Act.''.

(b) EMERGENCY USE DRUGS.—Section 1107a(a) of such title is amended—

(1) by inserting ''(A)'' after ''PRESIDENT.—(1)'';

(2) by striking ''is not feasible,'' and all that follows through ''members affected, or''; and

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

''(B) The waiver authority provided in subparagraph (A) shall not be construed to apply to any case other than a case in which an individual is required to be informed of an option to accept or refuse administration of a particular product by reason of a determination by the Secretary of Health and Human Services that emergency use of such product is authorized under section 564 of the Federal Food, Drug, and Cosmetic Act.''.

SEC. 727. TRICARE PROGRAM REGIONAL DIRECTORS.

(a) RECOMMENDATIONS FOR SELECTION PROCESS FOR TRICARE PROGRAM REGIONAL DIRECTORS.—(1) The Secretary of Defense shall develop recommendations for a process for the selection of regional directors for TRICARE program administrative regions from among nominees and applicants for the position in accordance with this section.

(2) The recommendations developed under paragraph (1) shall provide for a process for—

(A) the Secretary of each military department to nominate, for each regional director position, one commissioned officer in a grade above colonel, or, in the case of the Navy, captain, or member of the Senior Executive Service under the jurisdiction of that Secretary; and

(B) the Secretary of Defense to accept applications for assignment or appointment to each such position from any other qualified person.

(3) The recommendations developed under paragraph (1) shall also include recommendations with respect to—

(A) the qualifications for regional directors;

(B) the period of assignment of a commissioned officer as a regional director;

(C) procedures for ensuring that fair consideration is given to each nominee and each applicant; and

(D) such other requirements as considered appropriate by the Secretary.

(b) REPORT.—Not later than March 1, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the recommendations developed by the Secretary under subsection (a).

Subtitle D—Medical Readiness Tracking and Health Surveillance

SEC. 731. MEDICAL READINESS PLAN AND JOINT MEDICAL READINESS OVERSIGHT COMMITTEE.

(a) REQUIREMENT FOR PLAN.—The Secretary of Defense shall develop a comprehensive plan to improve medical readiness, and Department of Defense tracking of the health status, of members of the Armed Forces throughout their service in the Armed Forces, and to strengthen medical readiness and tracking before, during, and after deployment of members of the Armed Forces overseas. The matters covered by the comprehensive plan shall include all elements that are described in this title and the amendments made by this title and shall comply with requirements in law.

(b) JOINT MEDICAL READINESS OVERSIGHT COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish a Joint Medical Readiness Oversight Committee.

(2) COMPOSITION.—The members of the Committee are as follows:

(A) The Under Secretary of Defense for Personnel and Readiness, who shall chair the Committee.

(B) The Vice Chief of Staff of the Army, the Vice Chief of Naval Operations, the Vice Chief of Staff of the Air Force, and the Assistant Commandant of the Marine Corp.

(C) The Assistant Secretary of Defense for Health Affairs.

(D) The Assistant Secretary of Defense for Reserve Affairs.

(E) The Surgeon General of each of the Army, the Navy, and the Air Force.

(F) The Assistant Secretary of the Army for Manpower and Reserve Affairs.

(G) The Assistant Secretary of the Navy for Manpower and Reserve Affairs.

(H) The Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment.

(I) The Chief of the National Guard Bureau.

(J) The Chief of Army Reserve.

(K) The Chief of Naval Reserve.

(L) The Chief of Air Force Reserve.

(M) The Commander, Marine Corps Reserve.

(N) The Director of the Defense Manpower Data Center.

(O) A representative of the Department of Veterans Affairs designated by the Secretary of Veterans Affairs.

(3) DUTIES.—The duties of the Committee are as follows:

(A) To advise the Secretary of Defense on the medical readiness and health status of the members of the active and reserve components of the Armed Forces.

(B) To advise the Secretary of Defense on the compliance of the Armed Forces with the medical readiness tracking and health surveillance policies of the Department of Defense.

(C) To oversee the development and implementation of the comprehensive plan required by subsection (a) and the actions required by this title and the amendments made by this title, including with respect to matters relating to—

(i) the health status of the members of the reserve components of the Armed Forces;

(ii) accountability for medical readiness;

(iii) medical tracking and health surveillance;

(iv) declassification of information on environmental hazards;

(v) postdeployment health care for members of the Armed Forces; and

(vi) compliance with Department of Defense and other applicable policies on blood serum repositories.

(D) To ensure unity and integration of efforts across functional and organizational lines within the Department of Defense with regard to medical readiness tracking and health surveillance of members of the Armed Forces.

(E) To establish and monitor compliance with the medical readiness standards that are applicable to members and those that are applicable to units.

(F) To improve continuity of care in coordination with the Secretary of Veterans Affairs, for members of the Armed Forces separating from active service with service-connected medical conditions.

(4) FIRST MEETING.—The first meeting of the Committee shall be held not later than 120 days after the date of the enactment of this Act.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—In addition to the duties described in subsection (b)(3), the Committee shall prepare and submit to the Secretary of Defense and to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 1 of each year, a report on—

(A) the health status and medical readiness of the members of the Armed Forces, including the members of reserve components, based on the comprehensive plan required under subsection (a) and the actions required by this title and the amendments made by this title; and

(B) compliance with Department of Defense policies on medical readiness tracking and health surveillance.

(2) OPPORTUNITY FOR COMMENT.—Each year, before the Committee submits to Congress the report required under paragraph (1), the Secretary of Defense shall provide an opportunity for representatives of veterans and military health advocacy organizations, and others the Secretary of Defense considers appropriate, to comment on the report. The report submitted to Congress shall include a summary of the comments received and the Secretary's response to them.

SEC. 732. MEDICAL READINESS OF RESERVES.

(a) COMPTROLLER GENERAL STUDY OF HEALTH OF RESERVES ORDERED TO ACTIVE DUTY FOR

OPERATIONS ENDURING FREEDOM AND IRAQI FREEDOM.—

(1) REQUIREMENT FOR STUDY.—The Comptroller General shall carry out a study of the health of the members of the reserve components of the Armed Forces who have been called or ordered to active duty for a period of more than 30 days in support of Operation Enduring Freedom and Operation Iraqi Freedom. The Comptroller General shall commence the study not later than 180 days after the date of the enactment of this Act.

(2) PURPOSES.—The purposes of the study under this subsection are as follows:

(A) To review the health status and medical fitness of the activated Reserves when they were called or ordered to active duty.

(B) To review the effects, if any, on logistics planning and the deployment schedules for the operations referred to in paragraph (1) that resulted from deficiencies in the health or medical fitness of activated Reserves.

(C) To review compliance of military personnel with Department of Defense policies on medical and physical fitness examinations and assessments that are applicable to the reserve components of the Armed Forces.

(3) REPORT.—The Comptroller General shall, not later than one year after the date of the enactment of this Act, submit a report on the results of the study under this subsection to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(A) With respect to the matters reviewed under subparagraph (A) of paragraph (2)—

(i) the percentage of activated Reserves who were determined to be medically unfit for deployment, together with an analysis of the reasons why the member was unfit, including medical illnesses or conditions most commonly found among the activated Reserves that were grounds for determinations of medical unfitness for deployment; and

(ii) the percentage of the activated Reserves who, before being deployed, needed medical care for health conditions identified when called or ordered to active duty, together with an analysis of the types of care that were provided for such conditions and the reasons why such care was necessary.

(B) With respect to the matters reviewed under subparagraph (B) of paragraph (2)—

(i) the delays and other disruptions in deployment schedules that resulted from deficiencies in the health status or medical fitness of activated Reserves; and

(ii) an analysis of the extent to which it was necessary to merge units or otherwise alter the composition of units, and the extent to which it was necessary to merge or otherwise alter objectives, in order to compensate for limitations on the deployability of activated Reserves resulting from deficiencies in the health status or medical fitness of activated Reserves.

(C) With respect to the matters reviewed under subparagraph (C) of paragraph (2), an assessment of the extent of the compliance of reserve component personnel with Department of Defense policies on routine medical and physical fitness examinations that are applicable to the reserve components of the Armed Forces.

(D) An analysis of the extent to which the medical care, if any, provided to activated Reserves in each theater of operations referred to in paragraph (1) related to preexisting conditions that were not adequately addressed before the deployment of such personnel to the theater.

(4) DEFINITIONS.—In this subsection:

(A) The term ''activated Reserves'' means the members of the Armed Forces referred to in paragraph (1).

(B) The term ''active duty for a period of more than 30 days'' has the meaning given such term in section 101(d) of title 10, United States Code.

(C) The term ''health condition'' includes a mental health condition and a dental condition.

(D) The term ''reserve components of the Armed Forces'' means the reserve components listed in section 10101 of title 10, United States Code.

(b) ACCOUNTABILITY FOR MEDICAL READINESS OF INDIVIDUALS AND UNITS OF THE RESERVE COMPONENTS.—

(1) POLICY.—The Secretary of Defense shall take measures, in addition to those required by section 1074f of title 10, United States Code, to ensure that individual members and commanders of reserve component units fulfill their responsibilities and meet the requirements for medical and dental readiness of members of the units. Such measures may include—

(A) requiring more frequent health assessments of members than is required by section 1074f(b) of title 10, United States Code, with an objective of having every member of the Selected Reserve receive a health assessment as specified in section 1074f of such title not less frequently than once every two years; and

(B) providing additional support and information to commanders to assist them in improving the health status of members of their units.

(2) REVIEW AND FOLLOWUP CARE.—The measures under this subsection shall provide for review of the health assessments under paragraph (1) by a medical professional and for any followup care and treatment that is otherwise authorized for medical or dental readiness.

(3) MODIFICATION OF PREDEPLOYMENT HEALTH ASSESSMENT SURVEY.—In carrying out paragraph (1), the Secretary shall—

(A) to the extent practicable, modify the predeployment health assessment survey to bring such survey into conformity with the detailed postdeployment health assessment survey in use as of October 1, 2004; and

(B) ensure the use of the predeployment health assessment survey, as so modified, for predeployment health assessments after that date.

(c) UNIFORM POLICY ON DEFERRAL OF MEDICAL TREATMENT PENDING DEPLOYMENT TO THEATERS OF OPERATIONS.—

(1) REQUIREMENT FOR POLICY.—The Secretary of Defense shall prescribe, for uniform applicability throughout the Armed Forces, a policy on deferral of medical treatment of members pending deployment.

(2) CONTENT.—The policy prescribed under paragraph (1) may specify the following matters:

(A) The circumstances under which treatment for medical conditions may be deferred to be provided within a theater of operations in order to prevent delay or other disruption of a deployment to that theater.

(B) The circumstances under which medical conditions are to be treated before deployment to that theater.

SEC. 733. BASELINE HEALTH DATA COLLECTION PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1092 the following new section:

''§ 1092a. Persons entering the armed forces: baseline health data

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program—

''(1) to collect baseline health data from each person entering the armed forces, at the time of entry into the armed forces; and

''(2) to provide for computerized compilation and maintenance of the baseline health data.

''(b) PURPOSES.—The program under this section shall be designed to achieve the following purposes:

''(1) To facilitate understanding of how subsequent exposures related to service in the armed forces affect health.

''(2) To facilitate development of early intervention and prevention programs to protect health and readiness.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1092 the following new item:

''1092a. Persons entering the armed forces: baseline health data.''.

(3) TIME FOR IMPLEMENTATION.—The Secretary of Defense shall implement the program required under section 1092a of title 10, United States Code (as added by paragraph (1)), not later than two years after the date of the enactment of this Act.

(b) INTERIM STANDARDS FOR BLOOD SAMPLING.—

(1) TIME REQUIREMENTS.—Subject to paragraph (2), the Secretary of Defense shall require that—

(A) the blood samples necessary for the predeployment medical examination of a member of the Armed Forces required under section 1074f(b) of title 10, United States Code, be drawn not earlier than 120 days before the date of the deployment; and

(B) the blood samples necessary for the postdeployment medical examination of a member of the Armed Forces required under such section 1074f(b) of such title be drawn not later than 30 days after the date on which the deployment ends.

(2) CONTINGENT APPLICABILITY.—The standards under paragraph (1) shall apply unless the Joint Medical Readiness Oversight Committee established by section 1301 recommends, and the Secretary approves, different standards for blood sampling.

SEC. 734. MEDICAL CARE AND TRACKING AND HEALTH SURVEILLANCE IN THE THEATER OF OPERATIONS.

(a) RECORDKEEPING POLICY.—The Secretary of Defense shall prescribe a policy that requires the records of all medical care provided to a member of the Armed Forces in a theater of operations to be maintained as part of a complete health record for the member.

(b) IN-THEATER MEDICAL TRACKING AND HEALTH SURVEILLANCE.—

(1) REQUIREMENT FOR EVALUATION.—The Secretary of Defense shall evaluate the system for the medical tracking and health surveillance of members of the Armed Forces in theaters of operations and take such actions as may be necessary to improve the medical tracking and health surveillance.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit a report on the actions taken under paragraph (1) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(A) An analysis of the strengths and weaknesses of the medical tracking system administered under section 1074f of title 10, United States Code.

(B) An analysis of the efficacy of health surveillance systems as a means of detecting—

(i) any health problems (including mental health conditions) of members of the Armed Forces contemporaneous with the performance of the assessment under the system; and

(ii) exposures of the assessed members to environmental hazards that potentially lead to future health problems.

(C) An analysis of the strengths and weaknesses of such medical tracking and surveillance systems as a means for supporting future research on health issues.

(D) Recommended changes to such medical tracking and health surveillance systems.

(E) A summary of scientific literature on blood sampling procedures used for detecting and identifying exposures to environmental hazards.

(F) An assessment of whether there is a need for changes to regulations and standards for drawing blood samples for effective tracking and health surveillance of the medical conditions of personnel before deployment, upon the end of a deployment, and for a followup period of appropriate length.

(c) PLAN TO OBTAIN HEALTH CARE RECORDS FROM ALLIES.—The Secretary of Defense shall

develop a plan for obtaining all records of medical treatment provided to members of the Armed Forces by allies of the United States in Operation Enduring Freedom and Operation Iraqi Freedom. The plan shall specify the actions that are to be taken to obtain all such records.

(d) POLICY ON IN-THEATER PERSONNEL LOCATOR DATA.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall prescribe a Department of Defense policy on the collection and dissemination of in-theater individual personnel location data.

SEC. 735. DECLASSIFICATION OF INFORMATION ON EXPOSURES TO ENVIRONMENTAL HAZARDS.

(a) REQUIREMENT FOR REVIEW.—The Secretary of Defense shall review and, as determined appropriate, revise the classification policies of the Department of Defense with a view to facilitating the declassification of data that is potentially useful for the monitoring and assessment of the health of members of the Armed Forces who have been exposed to environmental hazards during deployments overseas, including the following data:

(1) In-theater injury rates.

(2) Data derived from environmental surveillance.

(3) Health tracking and surveillance data.

(b) CONSULTATION WITH COMMANDERS OF THEATER COMBATANT COMMANDS.—The Secretary shall, to the extent that the Secretary considers appropriate, consult with the senior commanders of the in-theater forces of the combatant commands in carrying out the review and revising policies under subsection (a).

SEC. 736. REPORT ON TRAINING ON ENVIRONMENTAL HAZARDS.

(a) REQUIREMENT FOR REPORT ON TRAINING OF FIELD MEDICAL PERSONNEL.—Not later than one year 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 training on environmental hazards that is provided by the Armed Forces to medical personnel of the Armed Forces who are deployable to the field in direct support of combat personnel.

(b) CONTENT.—The report under subsection (a) shall include the following:

(1) An assessment of the adequacy of the training regarding—

(A) the identification of common environmental hazards and exposures to such hazards; and

(B) the prevention and treatment of adverse health effects of such exposures.

(2) A discussion of the actions taken and to be taken to improve such training.

SEC. 737. UNIFORM POLICY FOR MEETING MOBILIZATION-RELATED MEDICAL CARE NEEDS AT MILITARY INSTALLATIONS.

(a) HEALTH CARE AT MOBILIZATION INSTALLATIONS.—The Secretary of Defense shall take such steps as necessary, including through the uniform policy established under subsection (c), to ensure that anticipated health care needs of members of the Armed Forces at mobilization installations can be met at those installations. Such steps may, within authority otherwise available to the Secretary, include the following with respect to any such installation:

(1) Arrangements for health care to be provided by the Secretary of Veterans Affairs .

(2) Procurement of services from local health care providers.

(3) Temporary employment of health care personnel to provide services at such installation.

(b) MOBILIZATION INSTALLATIONS.—For purposes of this section, the term ''mobilization installation'' means a military installation at which members of the Armed Forces, in connection with a contingency operation or during a national emergency—

(1) are mobilized;

(2) are deployed; or

(3) are redeployed from a deployment location.

(c) REQUIREMENT FOR REGULATIONS.—

(1) POLICY ON IMPLEMENTATION.—The Secretary of Defense shall by regulation establish a policy for the implementation of subsection (a) throughout the Department of Defense.

(2) IDENTIFICATION AND ANALYSIS OF NEEDS.—As part of the policy prescribed under paragraph (1), the Secretary shall require the Secretary of each military department, with respect to each mobilization installation under the jurisdiction of that Secretary, to identify and analyze the anticipated health care needs at that installation with respect to members of the Armed Forces who may be expected to mobilize or deploy or redeploy at that installation as described in subsection (b)(1). Such identification and analysis shall be carried out so as to be completed before the arrival of such members at the installation.

(3) RESPONSE TO NEEDS.—The policy established by the Secretary of Defense under paragraph (1) shall require that, based on the results of the identification and analysis under paragraph (2), the Secretary of the military department concerned shall determine how to expeditiously and effectively respond to those anticipated health care needs that cannot be met within the resources otherwise available at that installation, in accordance with subsection (a).

(4) IMPLEMENTATION OF AUTHORITY.—In implementing the policy established under paragraph (1) at any installation, the Secretary of the military department concerned shall ensure that the commander of the installation, and the officers and other personnel superior to that commander in that commander's chain of command, have appropriate authority and responsibility for such implementation.

(d) POLICY.—The Secretary of Defense shall ensure—

(1) that the policy prescribed under subsection (c) is carried out with respect to any mobilization installation with the involvement of all agencies of the Department of Defense that have responsibility for management of the installation and all organizations of the Department that have command authority over any activity at the installation; and

(2) that such policy is implemented on a uniform basis throughout the Department of Defense.

SEC. 738. FULL IMPLEMENTATION OF MEDICAL READINESS TRACKING AND HEALTH SURVEILLANCE PROGRAM AND FORCE HEALTH PROTECTION AND READINESS PROGRAM.

(a) IMPLEMENTATION AT ALL LEVELS.—The Secretary of Defense, in conjunction with the Secretaries of the military departments, shall take such actions as are necessary to ensure that the Army, Navy, Air Force, and Marine Corps fully implement at all levels—

(1) the Medical Readiness Tracking and Health Surveillance Program under this title and the amendments made by this title; and

(2) the Force Health Protection and Readiness Program of the Department of Defense (relating to the prevention of injury and illness and the reduction of disease and noncombat injury threats).

(b) ACTION OFFICIAL.—The Secretary of Defense may act through the Under Secretary of Defense for Personnel and Readiness in carrying out subsection (a).

SEC. 739. REPORTS AND INTERNET ACCESSIBILITY RELATING TO HEALTH MATTERS.

(a) ANNUAL REPORTS.—

(1) REQUIREMENT FOR REPORTS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073a the following new section:

''§ 1073b. Recurring reports

''(a) ANNUAL REPORT ON HEALTH PROTECTION QUALITY.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives each year a report on the Force Health Protection Quality Assurance Program of the Department of Defense. The report shall cover the calendar year preceding the year in which the report is submitted and include the following matters:

''(A) The results of an audit conducted during the calendar year covered by the report of the extent to which the blood samples required to be obtained as described in section 733(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 from members of the armed forces before and after a deployment are stored in the blood serum repository of the Department of Defense.

''(B) The results of an audit conducted during the calendar year covered by the report of the extent to which the records of the health assessments required under section 1074f of this title for members of the armed forces before and after a deployment are being maintained in the electronic database of the Defense Medical Surveillance System.

''(C) An analysis of the actions taken by Department of Defense personnel to respond to health concerns expressed by members of the armed forces upon return from a deployment.

''(D) An analysis of the actions taken by Department of Defense personnel to evaluate or treat members of the armed forces who are confirmed to have been exposed to occupational or environmental hazards deleterious to their health during a deployment.

''(2) The Secretary of Defense shall act through the Assistant Secretary of Defense for Health Affairs in carrying out this subsection.

''(b) ANNUAL REPORT ON RECORDING OF HEALTH ASSESSMENT DATA IN MILITARY HEALTH RECORDS.—The Secretary of Defense shall issue each year a report on the compliance by the military departments with applicable law and policies on the recording of health assessment data in military health records, including compliance with section 1074f(c) of this title. The report shall cover the calendar year preceding the year in which the report is submitted and include a discussion of the extent to which immunization status and predeployment and postdeployment health care data are being recorded in such records.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073a the following new item:

''1073b. Recurring reports.''.

(3) INITIAL REPORTS.—The first reports under section 1073b of title 10, United States Code (as added by paragraph (1)), shall be completed not later than 180 days after the date of the enactment of this Act.

(b) INTERNET ACCESSIBILITY OF HEALTH ASSESSMENT INFORMATION FOR MEMBERS OF THE ARMED FORCES.—Not later than one year after the date of the enactment of this Act, the Chief Information Officer of each military department shall ensure that the online portal website of that military department includes the following information relating to health assessments:

(1) Information on the policies of the Department of Defense and the military department concerned regarding predeployment and postdeployment health assessments, including policies on the following matters:

(A) Health surveys.

(B) Physical examinations.

(C) Collection of blood samples and other tissue samples.

(2) Procedural information on compliance with such policies, including the following information:

(A) Information for determining whether a member is in compliance.

(B) Information on how to comply.

(3) Health assessment surveys that are either—

(A) web-based; or

(B) accessible (with instructions) in printer-ready form by download.

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

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Sec. 802. Internal controls for Department of Defense procurements through GSA Client Support Centers.
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Subtitle A—Acquisition Policy and Management

SEC. 801. SOFTWARE-RELATED PROGRAM COSTS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONTENT OF QUARTERLY UNIT COST REPORT.—Subsection (b) of section 2433 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Any significant changes in the total program cost for development and procurement of the software component of the program, schedule milestones for the software component of the program, or expected performance for the software component of the program that are known, expected, or anticipated by the program manager.''.

(b) CONTENT OF SELECTED ACQUISITION REPORT.—(1) Subsection (g)(1) of such section is amended by adding at the end the following new subparagraph:

''(Q) In any case in which one or more problems with the software component of the program significantly contributed to the increase in program unit costs, the action taken and proposed to be taken to solve such problems.''.

(2) Section 2432(e) of title 10, United States Code, is amended—

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

(B) by inserting after paragraph (6) the following new paragraph (7):

''(7) The reasons for any significant changes (from the previous Selected Acquisition Report) in the total program cost for development and procurement of the software component of the program, schedule milestones for the software component of the program, or expected performance for the software component of the program that are known, expected, or anticipated by the program manager.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date occurring 60 days after the date of the enactment of this Act, and shall apply with respect to reports due to be submitted to Congress on or after such date.

SEC. 802. INTERNAL CONTROLS FOR DEPARTMENT OF DEFENSE PROCUREMENTS THROUGH GSA CLIENT SUPPORT CENTERS.

(a) INITIAL INSPECTOR GENERAL REVIEW AND DETERMINATION.—(1) Not later than March 15, 2005, the Inspector General of the Department of Defense and the Inspector General of the General Services Administration shall jointly—

(A) review—

(i) the policies, procedures, and internal controls of each GSA Client Support Center; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) for each such Center, determine in writing whether—

(i) the Center is compliant with defense procurement requirements;

(ii) the Center is not compliant with defense procurement requirements, but the Center made significant progress during 2004 toward becoming compliant with defense procurement requirements; or

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct.

(2) If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii) or (iii) of subparagraph (B) of such paragraph is correct in the case of a GSA Client Support Center, those Inspectors General shall, not later than March 15, 2006, jointly—

(A) conduct a second review regarding that GSA Client Support Center as described in paragraph (1)(A); and

(B) determine in writing whether that GSA Client Support Center is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a GSA Client Support Center is compliant with defense procurement requirements if the GSA Client Support Center's policies, procedures, and internal controls, and the manner in which they are administered, are adequate to ensure compliance of that Center with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) LIMITATIONS ON PROCUREMENTS THROUGH GSA CLIENT SUPPORT CENTERS.—(1) After March 15, 2005, and before March 16, 2006, no official of the Department of Defense may, except as provided in subsection (d) or (e), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through any GSA Client Support Center for which a determination described in paragraph (1)(B)(iii) of subsection (a) has been made under that subsection.

(2) After March 15, 2006, no official of the Department of Defense may, except as provided in subsection (d) or (e), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through any GSA Client Support Center that has not been determined under this section as being compliant with defense procurement requirements.

(d) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—(1) No limitation applies under subsection (c) with respect to the procurement of property and services from a particular GSA Client Support Center during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through that GSA Client Support Center.

(2) A written determination with respect to a GSA Client Support Center under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(e) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (c) shall cease to apply to a GSA Client Support Center on the date on which the Inspector General of the Department of Defense and the Inspector General of the General Services Administration jointly determine that such Center is compliant with defense procurement requirements and notify the Secretary of Defense of that determination.

(f) GSA CLIENT SUPPORT CENTER DEFINED.—In this section, the term ''GSA Client Support Center'' means a Client Support Center of the Federal Technology Service of the General Services Administration.

SEC. 803. DEFENSE COMMERCIAL COMMUNICATIONS SATELLITE SERVICES PROCUREMENT PROCESS.

(a) REQUIREMENT FOR DETERMINATION.—The Secretary of Defense shall review all potential mechanisms for procuring commercial communications satellite services and provide guidance to the Director of the Defense Information Systems Agency and the Secretaries of the military departments on how such procurements should be conducted. The alternative procurement

mechanisms reviewed by the Secretary of Defense shall, at a minimum, include the following:

(1) Procurement under indefinite delivery, indefinite quantity contracts of other departments and agencies of the Federal Government, including the Federal Technology Service of the General Services Administration.

(2) Procurement directly from commercial sources that are qualified as described in subsection (b), using full and open competition (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))).

(3) Procurement by any other means that has been used by the Director of the Defense Information Systems Agency or the Secretary of a military department to enter into a contract for the procurement of commercial communications satellite services that is in force on the date of the enactment of this Act, including through commercial communications satellite service integrators and resellers.

(4) Procurement under the method used as of the date of the enactment of this Act, modified with streamlined processes to ensure increased efficiency and cost effectiveness.

(b) QUALIFIED SOURCES.—A source of commercial communications satellite services referred to in paragraph (2) of subsection (a) is a qualified source if the source is incorporated under the laws of a State of the United States and is either—

(1) a source of commercial communications satellite services under a Federal Technology Service contract for the procurement of commercial communications satellite services described in paragraph (1) of such subsection that is in force on the date of the enactment of this Act; or

(2) a source of commercial communications satellite services that meets qualification requirements (as defined in section 2319 of title 10, United States Code, and established in accordance with that section) to enter into a Federal Technology Service contract for the procurement of commercial communications satellite services.

(c) REPORT.—Not later than April 30, 2005, the Secretary of Defense shall submit to Congress a report setting forth the conclusions resulting from the Secretary's review under subsection (a). The report shall include—

(1) the guidance provided under such subsection; and

(2) a discussion of the rationale for that guidance and how the guidance will address each recommendation made in the December 2003 report of the General Accounting Office titled ''Satellite Communications: Strategic Approach Needed for DOD's Procurement of Commercial Satellite BandWidth'' (GAO–04–206).

(d) EFFECTIVE DATE.—(1) The Secretary may not enter into a contract for commercial communications satellite services (using any mechanism reviewed under subsection (a) or otherwise) until the expiration of 30 days after the date on which the report described in subsection (c) has been received by Congress, unless the Secretary determines that such a contract is required to meet urgent national security requirements.

(2) Notwithstanding paragraph (1), the Secretary may issue a task order or delivery order under a contract for commercial communications satellite services that was awarded before the date of the enactment of this Act.

SEC. 804. CONTRACTOR PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2382 the following new section:

''§ 2383. Contractor performance of acquisition functions closely associated with inherently governmental functions

''(a) LIMITATION.—The head of an agency may enter into a contract for the performance of acquisition functions closely associated with inherently governmental functions only if the contracting officer for the contract ensures that—

''(1) appropriate military or civilian personnel of the Department of Defense cannot reasonably be made available to perform the functions;

''(2) appropriate military or civilian personnel of the Department of Defense are—

''(A) to supervise contractor performance of the contract; and

''(B) to perform all inherently governmental functions associated with the functions to be performed under the contract; and

''(3) the agency addresses any potential organizational conflict of interest of the contractor in the performance of the functions under the contract, consistent with subpart 9.5 of part 9 of the Federal Acquisition Regulation and the best interests of the Department of Defense.

''(b) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given such term in section 2302(1) of this title, except that such term does not include the Secretary of Homeland Security or the Administrator of the National Oceanic and Atmospheric Administration.

''(2) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

''(3) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

''(4) The term 'organizational conflict of interest' has the meaning given such term in subpart 9.5 of part 9 of the Federal Acquisition Regulation.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2382 the following new item:

''2383. Contractor performance of acquisition functions closely associated with inherently governmental functions.''.

(b) EFFECTIVE DATE.—Section 2383 of title 10, United States Code (as added by subsection (a)), shall apply to contracts entered into on or after the date of the enactment of this Act.

SEC. 805. SUSTAINMENT PLANS FOR EXISTING SYSTEMS WHILE REPLACEMENT SYSTEMS ARE UNDER DEVELOPMENT.

(a) EXISTING SYSTEMS TO BE MAINTAINED WHILE REPLACEMENT SYSTEMS ARE UNDER DEVELOPMENT.—(1) Chapter 144 of title 10, United States Code, is amended by inserting after section 2436 the following new section:

''§ 2437. Development of major defense acquisition programs: sustainment of system to be replaced

''(a) REQUIREMENT FOR SUSTAINING EXISTING FORCES.—(1) The Secretary of Defense shall require that, whenever a new major defense acquisition program begins development, the defense acquisition authority responsible for that program shall develop a plan (to be known as a 'sustainment plan') for the existing system that the system under development is intended to replace. Any such sustainment plan shall provide for an appropriate level of budgeting for sustaining the existing system until the replacement system to be developed under the major defense acquisition program is fielded and assumes the majority of responsibility for the mission of the existing system. This section does not apply to a major defense acquisition that reaches initial operational capability before October 1, 2008.

''(2) In this section, the term 'defense acquisition authority' means the Secretary of a military department or the commander of the United States Special Operations Command.

''(b) SUSTAINMENT PLAN.—The Secretary of Defense shall require that each sustainment plan under this section include, at a minimum, the following:

''(1) The milestone schedule for the development of the major defense acquisition program, including the scheduled dates for low-rate initial production, initial operational capability, full-rate production, and full operational capability and the date as of when the replacement system is scheduled to assume the majority of responsibility for the mission of the existing system.

''(2) An analysis of the existing system to assess the following:

''(A) Anticipated funding levels necessary to—

''(i) ensure acceptable reliability and availability rates for the existing system; and

''(ii) maintain mission capability of the existing system against the relevant threats.

''(B) The extent to which it is necessary and appropriate to—

''(i) transfer mature technologies from the new system or other systems to enhance the mission capability of the existing system against relevant threats; and

''(ii) provide interoperability with the new system during the period from initial fielding until the new system assumes the majority of responsibility for the mission of the existing system.

''(c) EXCEPTIONS.—Subsection (a) shall not apply to a major defense acquisition program if the Secretary of Defense determines that—

''(1) the existing system is no longer relevant to the mission;

''(2) the mission has been eliminated;

''(3) the mission has been consolidated with another mission in such a manner that another existing system can adequately meet the mission requirements; or

''(4) the duration of time until the new system assumes the majority of responsibility for the existing system's mission is sufficiently short so that mission availability, capability, interoperability, and force protection requirements are maintained.

''(d) WAIVER.—The Secretary of Defense may waive the applicability of subsection (a) to a major defense acquisition program if the Secretary determines that, but for such a waiver, the Department would be unable to meet national security objectives. Whenever the Secretary makes such a determination and authorizes such a waiver, the Secretary shall submit notice of such waiver and of the Secretary's determination and the reasons therefor in writing to the congressional defense committees.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2436 the following new item:

''2437. Development of major defense acquisition programs: sustainment of system to be replaced.''.

(b) APPLICATION TO EXISTING PROGRAMS IN DEVELOPMENT.—Section 2437 of title 10, United States Code, as added by subsection (a), shall apply with respect to a major defense acquisition program for a system that is under development as of the date of the enactment of this Act and is not expected to reach initial operational capability before October 1, 2008. The Secretary of Defense shall require that a sustainment plan under that section be developed not later than one year after the date of the enactment of this Act for the existing system that the system under development is intended to replace.

SEC. 806. APPLICABILITY OF COMPETITION EXCEPTIONS TO ELIGIBILITY OF NATIONAL GUARD FOR FINANCIAL ASSISTANCE FOR PERFORMANCE OF ADDITIONAL DUTIES.

Section 113(b)(1)(B) of title 32, United States Code, is amended by inserting before the period at the end the following: '', subject to the exceptions provided in section 2304(c) of title 10''.

SEC. 807. INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.

(a) INFLATION ADJUSTMENT AUTHORITY.—(1) The Office of Federal Procurement Policy Act

(41 U.S.C. 403 et seq.) is amended by inserting after section 35 the following new section:

"SEC. 35A. INFLATION ADJUSTMENT OF ACQUISITION-RELATED DOLLAR THRESHOLDS.

''(a) REQUIREMENT FOR PERIODIC ADJUSTMENT.—(1) On October 1 of each year that is evenly divisible by five, the Federal Acquisition Regulatory Council shall adjust each acquisition-related dollar threshold provided by law, as described in subsection (c), to the baseline constant dollar value of that threshold.

''(2) For the purposes of paragraph (1), the baseline constant dollar value—

''(A) for a dollar threshold in effect on October 1, 2000, that was first specified in a law that took effect on or before such date shall be the October 1, 2000, constant dollar value of that dollar threshold; and

''(B) for a dollar threshold specified in a law that takes effect after October 1, 2000, shall be the constant dollar value of that threshold as of the effective date of that dollar threshold pursuant to such law.

''(b) ADJUSTMENTS EFFECTIVE UPON PUBLICATION.—The Federal Acquisition Regulatory Council shall publish a notice of the adjusted dollar thresholds under this section in the Federal Register. The adjusted dollar thresholds shall take effect on the date of publication.

''(c) ACQUISITION-RELATED DOLLAR THRESHOLDS.—Except as provided in subsection (d), the requirement for adjustment under subsection (a) applies to a dollar threshold that is specified in law as a factor in defining the scope of the applicability of a policy, procedure, requirement, or restriction provided in that law to the procurement of property or services by an executive agency, as determined by the Federal Acquisition Regulatory Council.

''(d) EXCLUDED THRESHOLDS.—Subsection (a) does not apply to—

''(1) dollar thresholds in sections 3141 through 3144, 3146, and 3147 of title 40, United States Code;

''(2) dollar thresholds in the Service Contract Act of 1965 (41 U.S.C. 351, et seq.); or

''(3) dollar thresholds established by the United States Trade Representative pursuant to title III of the Trade Agreements Act of 1979 (19 U.S.C. 2511 et seq.).

''(e) CALCULATION OF ADJUSTMENTS.—An adjustment under this section shall—

''(1) be calculated on the basis of changes in the Consumer Price Index for all-urban consumers published monthly by the Department of Labor; and

''(2) be rounded—

''(A) in the case of a dollar threshold that (as in effect on the day before the adjustment) is less than $10,000, to the nearest $500;

''(B) in the case of a dollar threshold that (as in effect on the day before the adjustment) is not less than $10,000, but is less than $100,000, to the nearest $5,000;

''(C) in the case of a dollar threshold that (as in effect on the day before the adjustment) is not less than $100,000, but is less than $1,000,000, to the nearest $50,000; and

''(D) in the case of a dollar threshold that (as in effect on the day before the adjustment) is $1,000,000 or more, to the nearest $500,000.

''(f) PETITION FOR INCLUSION OF OMITTED THRESHOLD.—(1) If a dollar threshold adjustable under this section is not included in a notice of adjustment published under subsection (b), any person may request adjustment of that dollar threshold by submitting a petition for adjustment to the Administrator for Federal Procurement Policy.

''(2) Upon receipt of a petition for adjustment of a dollar threshold under paragraph (1), the Administrator shall—

''(A) determine, in writing, whether that dollar threshold is required to be adjusted under this section; and

''(B) if so, shall publish in the Federal Register a revised notice of the adjusted dollar thresholds under this section that includes the adjustment of the dollar threshold covered by the petition.

''(3) The adjustment of a dollar threshold pursuant to a petition under this subsection shall take effect on the date of the publication of the revised notice adding the adjustment of that dollar threshold under paragraph (2)(B).''.

(2) The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 35 the following new item:

''Sec. 35A. Inflation adjustment of acquisition-related dollar thresholds.''.

(b) DEFINITION OF FEDERAL ACQUISITION REGULATORY COUNCIL.—Section 4 of such Act is amended by adding at the end the following new paragraph:

''(17) The term 'Federal Acquisition Regulatory Council' means the Federal Acquisition Regulatory Council established under section 25.''.

(c) RELATIONSHIP TO OTHER INFLATION ADJUSTMENT AUTHORITIES.—(1) Section 35A of the Office of Federal Procurement Policy Act, as added by subsection (a), supersedes the applicability of any other provision of law that provides for the adjustment of a dollar threshold that is adjustable under such section.

(2) After the date of the enactment of this Act, a dollar threshold adjustable under section 35A of the Office of Federal Procurement Policy Act, as added by subsection (a), shall be adjusted only as provided under that section.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES.

Section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections (c) and (d):

''(c) RESPONSE TO COMBAT EMERGENCIES.—(1) In the case of any equipment that, as determined in writing by the Secretary of Defense without delegation, is urgently needed to eliminate a combat capability deficiency that has resulted in combat fatalities, the Secretary shall use the procedures developed under this section in order to accomplish the rapid acquisition and deployment of the needed equipment.

''(2)(A) Whenever the Secretary makes a determination under paragraph (1) that certain equipment is urgently needed to eliminate a combat capability deficiency that has resulted in combat fatalities, the Secretary shall designate a senior official of the Department of Defense to ensure that the needed equipment is acquired and deployed as quickly as possible, with a goal of awarding a contract for the acquisition of the equipment within 15 days.

''(B) Upon designation of a senior official under subparagraph (A), the Secretary shall authorize that official to waive any provision of law, policy, directive, or regulation described in subsection (d) that such official determines in writing would unnecessarily impede the rapid acquisition and deployment of the needed equipment. In a case in which the needed equipment cannot be acquired without an extensive delay, the senior official shall require that an interim solution be implemented and deployed using the procedures developed under this section to minimize the combat capability deficiency and combat fatalities.

''(3) The authority of this section may not be used to acquire equipment in an amount aggregating more than $100,000,000 during any fiscal year. For acquisitions of equipment under this section during the fiscal year in which the Secretary makes the determination described in paragraph (1) with respect to such equipment, the Secretary may use any funds available to the Department of Defense for that fiscal year.

''(4) The Secretary of Defense shall notify the congressional defense committees within 15 days after each determination made under paragraph (1). Each such notice shall identify—

''(A) the equipment to be acquired;

''(B) the amount anticipated to be expended for the acquisition; and

''(C) the source of funds for the acquisition.

''(5) Any acquisition initiated under this subsection shall transition to the normal acquisition system not later than two years after the date on which the Secretary makes the determination described in paragraph (1) with respect to that equipment.

''(d) WAIVER OF CERTAIN STATUES AND REGULATIONS.—(1) Upon a determination described in subsection (c)(1), the senior official designated in accordance with subsection (c)(2) with respect to that designation is authorized to waive any provision of law, policy, directive or regulation addressing—

''(A) the establishment of the requirement for the equipment;

''(B) the research, development, test, and evaluation of the equipment; or

''(C) the solicitation and selection of sources, and the award of the contract, for procurement of the equipment.

''(2) Nothing in this subsection authorizes the waiver of—

''(A) the requirements of this section or the regulations implementing this section; or

''(B) any provision of law imposing civil or criminal penalties.''.

SEC. 812. DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.

(a) SELECTION CRITERIA FOR ACQUISITION CORPS AND FOR CRITICAL ACQUISITION POSITIONS.—(1) Section 1732(b) of title 10, United States Code, is amended by striking paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(2) Section 1733(b)(1) of title 10, United States Code, is amended in subparagraph (A) by striking ''in a position within grade GS–14 or above of the General Schedule,'' and inserting ''in a senior position in the National Security Personnel System, as determined in accordance with guidelines prescribed by the Secretary,''.

(b) SCHOLARSHIP PROGRAM REQUIREMENTS.—Section 1742 of such title is amended—

(1) by inserting ''(a) PROGRAMS.—'' at the beginning of the text; and

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

''(b) SCHOLARSHIP PROGRAM REQUIREMENTS.—Each recipient of a scholarship under a program conducted under subsection (a)(3) shall be required to sign a written agreement that sets forth the terms and conditions of the scholarship. The agreement shall be in a form prescribed by the Secretary and shall include terms and conditions, including terms and conditions addressing reimbursement in the event that a recipient fails to fulfill the requirements of the agreement, that are comparable to those set forth as a condition for providing advanced education assistance under section 2005. The obligation to reimburse the United States under an agreement under this subsection is, for all purposes, a debt owing the United States.''.

(c) AUTHORITY TO ESTABLISH MINIMUM REQUIREMENTS.—(1) Section 1764(b) of such title is amended—

(A) by redesignating paragraph (5) as paragraph (6); and

(B) by inserting after paragraph (4) the following new paragraph (5):

''(5) Deputy program manager.''.

(2) Paragraph (1) of such section is amended by striking ''in paragraph (5)'' and inserting ''in paragraph (6)''.

SEC. 813. PERIOD FOR MULTIYEAR TASK AND DELIVERY ORDER CONTRACTS.

(a) REVISED MAXIMUM PERIOD.—Section 2304a(f) of title 10, United States Code, is amended by striking ''a total period of not more

than five years.'' and inserting ''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. The total contract period as extended may not exceed 10 years unless such head of an agency determines in writing that exceptional circumstances necessitate a longer contract period.''.

(b) ANNUAL REPORT.—Not later than 60 days after the end of each of fiscal years 2005 through 2009, the Secretary of Defense shall submit to Congress a report setting forth each extension of a contract period to a total of more than 10 years that was granted for task and delivery order contracts of the Department of Defense during such fiscal year under section 2304a(f) of title 10, United States Code. The report shall include, with respect to each such contract period extension—

(1) a discussion of the exceptional circumstances on which the extension was based; and

(2) the justification for the determination of exceptional circumstances.

SEC. 814. FUNDING FOR CONTRACT CEILINGS FOR CERTAIN MULTIYEAR PROCUREMENT CONTRACTS.

(a) MULTIYEAR CONTRACTS RELATING TO PROPERTY.—Section 2306b(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''Before any'';

(2) by striking ''Committee'' through ''House of Representatives'' and inserting ''congressional defense committees''; and

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

''(2) In the case of a contract described in subsection (a) with a cancellation ceiling described in paragraph (1), if the budget for the contract does not include proposed funding for the costs of contract cancellation up to the cancellation ceiling established in the contract, the head of the agency concerned shall, as part of the certification required by subsection (i)(1)(A), give written notification to the congressional defense committees of—

''(A) the cancellation ceiling amounts planned for each program year in the proposed multiyear procurement contract, together with the reasons for the amounts planned;

''(B) the extent to which costs of contract cancellation are not included in the budget for the contract; and

''(C) a financial risk assessment of not including budgeting for costs of contract cancellation.''.

(b) MULTIYEAR CONTRACTS RELATING TO SERVICES.—Section 2306c(d) of title 10, United States Code, is amended—

(1) in paragraphs (1), (3), and (4), by striking ''committees of Congress named in paragraph (5)'' and inserting ''congressional defense committees'' each place it appears; and

(2) by amending paragraph (5) to read as follows:

''(5) In the case of a contract described in subsection (a) with a cancellation ceiling described in paragraph (4), if the budget for the contract does not include proposed funding for the costs of contract cancellation up to the cancellation ceiling established in the contract, the head of the agency concerned shall give written notification to the congressional defense committees of—

''(A) the cancellation ceiling amounts planned for each program year in the proposed multiyear procurement contract, together with the reasons for the amounts planned;

''(B) the extent to which costs of contract cancellation are not included in the budget for the contract; and

''(C) a financial risk assessment of not including budgeting for costs of contract cancellation.''.

SEC. 815. INCREASED THRESHOLD FOR SENIOR PROCUREMENT EXECUTIVE APPROVAL OF USE OF PROCEDURES OTHER THAN COMPETITIVE PROCEDURES.

Section 2304(f)(1)(B) of title 10, United States Code, is amended by striking ''$50,000,000'' both places it appears and inserting ''$75,000,000''.

SEC. 816. INCREASED THRESHOLD FOR APPLICABILITY OF REQUIREMENT FOR DEFENSE CONTRACTORS TO PROVIDE INFORMATION ON SUBCONTRACTING AUTHORITY OF CONTRACTOR PERSONNEL TO COOPERATIVE AGREEMENT HOLDERS.

Section 2416(d) of title 10, United States Code, is amended by striking ''$500,000'' and inserting ''$1,000,000''.

SEC. 817. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES.

Section 4202(e) of the Clinger-Cohen Act (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended by striking ''January 1, 2006'' and inserting ''January 1, 2008''.

SEC. 818. SUBMISSION OF COST OR PRICING DATA ON NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.

(a) INAPPLICABILITY OF COMMERCIAL ITEMS EXCEPTION TO NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.—Subsection (b) of section 2306a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) NONCOMMERCIAL MODIFICATIONS OF COMMERCIAL ITEMS.—(A) The exception in paragraph (1)(B) does not apply to cost or pricing data on noncommercial modifications of a commercial item that are expected to cost, in the aggregate, more than $500,000 or 5 percent of the total price of the contract, whichever is greater.

''(B) In this paragraph, the term 'noncommercial modification', with respect to a commercial item, means a modification of such item that is not a modification described in section 4(12)(C)(i) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(C)(i)).

''(C) Nothing in subparagraph (A) shall be construed—

''(i) to limit the applicability of the exception in subparagraph (A) or (C) of paragraph (1) to cost or pricing data on a noncommercial modification of a commercial item; or

''(ii) to require the submission of cost or pricing data on any aspect of an acquisition of a commercial item other than the cost and pricing of noncommercial modifications of such item.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—Paragraph (3) of section 2306a of title 10, United States Code (as added by subsection (a)), shall take effect on June 1, 2005, and shall apply with respect to offers submitted, and to modifications of contracts or subcontracts made, on or after that date.

SEC. 819. DELEGATIONS OF AUTHORITY TO MAKE DETERMINATIONS RELATING TO PAYMENT OF DEFENSE CONTRACTORS FOR BUSINESS RESTRUCTURING COSTS.

Section 2325(a)(2) of title 10, United States Code, is amended—

(1) by striking ''paragraph (1) to an official'' and all that follows and inserting ''paragraph (1), with respect to a business combination, to an official of the Department of Defense—''; and

(2) by adding at the end the following:

''(A) below the level of an Assistant Secretary of Defense for cases in which the amount of restructuring costs is expected to exceed $25,000,000 over a 5-year period; or

''(B) below the level of the Director of the Defense Contract Management Agency for all other cases.''.

SEC. 820. AVAILABILITY OF FEDERAL SUPPLY SCHEDULE SUPPLIES AND SERVICES TO UNITED SERVICE ORGANIZATIONS, INCORPORATED.

Section 220107 of title 36, United States Code, is amended by inserting after ''Department of Defense'' the following: '', including access to General Services Administration supplies and services through the Federal Supply Schedule of the General Services Administration,''.

SEC. 821. ADDITION OF LANDSCAPING AND PEST CONTROL SERVICES TO LIST OF DESIGNATED INDUSTRY GROUPS PARTICIPATING IN THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

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

''(5) landscaping and pest control services.''.

(b) LANDSCAPING AND PEST CONTROL SERVICES.—Section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by redesignating subsection (e) as subsection (f), and

(2) by inserting after subsection (d) the following new subsection:

''(e) LANDSCAPING AND PEST CONTROL SERVICES.—Landscaping and pest control services shall include contract awards assigned to North American Industrial Classification Code 561710 (relating to exterminating and pest control services) or 561730 (relating to landscaping services).''.

SEC. 822. INCREASED THRESHOLDS UNDER SPECIAL EMERGENCY PROCUREMENT AUTHORITY.

Section 32A(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 428a(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) the amount specified in subsections (c), (d), and (f) of section 32 shall be deemed to be—

''(A) $15,000 in the case of any contract to be awarded and performed, or purchase to be made, inside the United States; and

''(B) $25,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States; and''; and

(2) in paragraph (2)(B), by striking ''$500,000'' and inserting ''$1,000,000''.

Subtitle C—United States Defense Industrial Base Provisions

SEC. 831. DEFENSE TRADE RECIPROCITY.

(a) POLICY.—It is the policy of Congress that procurement regulations used in the conduct of trade in defense articles and defense services should be based on the principle of fair trade and reciprocity consistent with United States national security, including the need to ensure comprehensive manufacturing capability in the United States defense industrial base.

(b) REQUIREMENT.—The Secretary of Defense shall make every effort to ensure that the policies and practices of the Department of Defense reflect the goal of establishing an equitable trading relationship between the United States and its foreign defense trade partners, including ensuring that United States firms and United States employment in the defense sector are not disadvantaged by unilateral procurement practices by foreign governments, such as the imposition of offset agreements in a manner that undermines the United States defense industrial base. In pursuing this goal, the Secretary shall—

(1) develop a comprehensive defense acquisition trade policy that provides the necessary guidance and incentives for the elimination of any adverse effects of offset agreements in defense trade; and

(2) review and make necessary modifications to existing acquisition policies and strategies,

and review and seek to make necessary modifications to existing memoranda of understanding, cooperative project agreements, or related agreements with foreign defense trade partners, to reflect this goal.

(c) REGULATIONS.—The Secretary shall prescribe regulations to implement this section in the Department of Defense supplement to the Federal Acquisition Regulation.

(d) DEFINITIONS.—In this section:

(1) The term ''foreign defense trade partner'' means a foreign country with respect to which there is—

(A) a memorandum of understanding or related agreement described in section 2531(a) of title 10, United States Code; or

(B) a cooperative project agreement described in section 27 of the Arms Export Control Act (22 U.S.C. 2767).

(2) The term ''offset agreement'' has the meaning provided that term by section 36(e) of the Arms Export Control Act (22 U.S.C. 2776(e)).

(3) The terms ''defense article'' and ''defense service'' have the meanings provided those terms by section 47(7) of the Arms Export Control Act (22 U.S.C. 2794(7)).

SEC. 832. ASSESSMENT AND REPORT ON THE ACQUISITION OF POLYACRYLONITRILE (PAN) CARBON FIBER FROM FOREIGN SOURCES.

(a) REQUIREMENT.—The Secretary of Defense shall delay the phase-out of the restriction on acquisition of polyacrylonitrile (PAN) carbon fiber from foreign sources (described in subpart 225.7103 of the Department of Defense supplement to the Federal Acquisition Regulation) until an assessment of PAN carbon fiber industry is completed and 30 days have passed after submission of the report required under subsection (c).

(b) ASSESSMENT.—The Secretary of Defense shall perform a assessment of the domestic and international industrial structure that produces PAN carbon fibers, current and anticipated market trends for the product, and how the trends compare to the assessment as reported by the Secretary of Defense in January 2001.

(c) REPORT REQUIRED.—Not later than one year 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 assessment performed under subsection (b) and on any decision made to maintain or discontinue the phase-out of procurement restrictions on foreign acquisition of PAN carbon fibers in the Department of Defense supplement to the Federal Acquisition Regulation.

Subtitle D—Extensions of Temporary Program Authorities

SEC. 841. EXTENSION OF MENTOR-PROTEGE PROGRAM.

(a) EXTENSION OF PROGRAM.—Subsection (j) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking ''September 30, 2005'' and inserting ''September 30, 2010''; and

(2) in paragraph (2), by striking ''September 30, 2008'' and inserting ''September 30, 2013''.

(b) EXTENSION OF REQUIREMENT FOR ANNUAL REPORT.—Subsection (l)(3) of such section is amended by striking ''2007'' and inserting ''2010''.

(c) ADDITIONAL FEASIBILITY REVIEW OF TRANSITION TO OTHER FINANCING METHODS.—(1) The Secretary of Defense shall conduct an additional review of the Mentor-Protege Program under section 811(d)(2) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 708).

(2) Not later than September 30, 2005, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) a report on the results of the review conducted under paragraph (1); and

(B) any recommendations of the Secretary for legislative action.

(d) ADDITIONAL STUDY OF PROGRAM IMPLEMENTATION.—(1) The Comptroller General shall conduct an additional study of the Mentor-Protege Program under section 811(d)(3) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 709).

(2) Not later than September 30, 2006, the Comptroller General shall submit a report on the results of the study conducted under paragraph (1) to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 842. AMENDMENT TO MENTOR-PROTEGE PROGRAM.

Section 831(m)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note) is amended—

(1) in subparagraph (D), by striking ''or'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(F) a small business concern owned and controlled by service–disabled veterans (as defined in section 8(d)(3) of the Small Business Act); and

''(G) a qualified HUBZone small business concern (as defined in section 3(p) of the Small Business Act).''.

SEC. 843. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

SEC. 844. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES.

Section 141(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543 note) is amended by striking ''through 2004'' in the first sentence and inserting ''through 2009''.

Subtitle E—Other Acquisition Matters

SEC. 851. REVIEW AND DEMONSTRATION PROJECT RELATING TO CONTRACTOR EMPLOYEES.

(a) GENERAL REVIEW.—(1) The Secretary of Defense shall conduct a review of policies, procedures, practices, and penalties of the Department of Defense relating to employees of defense contractors for purposes of ensuring that the Department of Defense is in compliance with Executive Order No. 12989 (relating to a prohibition on entering into contracts with contractors that are not in compliance with the Immigration and Nationality Act).

(2) In conducting the review, the Secretary shall—

(A) identify potential weaknesses and areas for improvement in existing policies, procedures, practices, and penalties;

(B) develop and implement reforms to strengthen, upgrade, and improve policies, procedures, practices, and penalties of the Department of Defense and its contractors; and

(C) review and analyze reforms developed pursuant to this paragraph to identify for purposes of national implementation those which are most efficient and effective.

(3) The review under this subsection shall be completed not later than 180 days after the date of the enactment of this Act.

(b) DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project in accordance with this section, in one or more regions selected by the Secretary, for purposes of promoting greater contracting opportunities for contractors offering effective, reliable staffing plans to perform defense contracts that ensure all contract personnel employed for such projects, including management employees, professional employees, craft labor personnel, and administrative personnel, are lawful residents or persons properly authorized to be employed in the United States and properly qualified to perform services required under the contract. The demonstration project shall focus on contracts for construction, renovation, maintenance, and repair services for military installations.

(c) DEMONSTRATION PROJECT PROCUREMENT PROCEDURES.—As part of the demonstration project under subsection (b), the Secretary of Defense may conduct a competition in which there is a provision in contract solicitations and request for proposal documents to require significant weight or credit be allocated to—

(1) reliable, effective workforce programs offered by prospective contractors that provide background checks and other measures to ensure the contractor is in compliance with the Immigration and Nationality Act; and

(2) reliable, effective project staffing plans offered by prospective contractors that specify for all contract employees (including management employees, professionals, and craft labor personnel) the skills, training, and qualifications of such persons and the labor supply sources and hiring plans or procedures used for employing such persons.

(d) IMPLEMENTATION OF DEMONSTRATION PROJECT.—The Secretary of Defense shall begin operation of the demonstration project required under this section after completion of the review under subsection (a), but in no event later than 270 days after the date of the enactment of this Act.

(e) REPORT ON DEMONSTRATION PROJECT.—Not later than six months after award of a contract under the demonstration project, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a review of the demonstration project and recommendations on the actions, if any, that can be implemented to ensure compliance by the Department of Defense with Executive Order No. 12989.

(f) DEFINITION.—In this section, the term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

SEC. 852. INAPPLICABILITY OF CERTAIN FISCAL LAWS TO SETTLEMENTS UNDER SPECIAL TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1541) is amended—

(1) by inserting ''(1)'' after ''(a) AUTHORITY.—''; and

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

''(2) Under regulations which the Secretary of Defense may prescribe, a settlement of a financial account for a contract for the procurement of property or services under paragraph (1) may be made without regard to—

''(A) section 1301 of title 31, United States Code; and

''(B) any other provision of law that would preclude the Secretary from charging payments under the contract—

''(i) to an unobligated balance in an appropriation available for funding that contract; or

''(ii) if and to the extent that the unobligated balance (if any) in such appropriation is insufficient for funding such payments, to any current appropriation that is available to the Department of Defense for funding contracts for the procurement of the same or similar property or services.''.

SEC. 853. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) INAPPLICABILITY OF RANDOLPH-SHEPPARD ACT TO MESS HALL SERVICES UNDER EXISTING JAVITS-WAGNER-O'DAY ACT CONTRACTS.—(1) The Randolph-Sheppard Act (20 U.S.C. 107 et seq.) does not apply to any contract described in paragraph (2) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(2) Paragraph (1) applies to any contract for the operation of all or any part of a military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces that—

(A) was entered into before September 30, 2005, with a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48); and

(B) either—

(i) is in effect on such date; or

(ii) was in effect on November 24, 2003.

(b) INAPPLICABILITY OF JAVITS-WAGNER-O'DAY ACT TO MESS HALL SERVICES UNDER EXISTING RANDOLPH-SHEPPARD ACT CONTRACTS.—(1) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) does not apply to any contract described in paragraph (2) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(2) Paragraph (1) applies to any contract for the operation of all or any part of a military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces that—

(A) was entered into before September 30, 2005, with a State licensing agency under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.); and

(B) either—

(i) is in effect on such date; or

(ii) was in effect on November 24, 2003.

(3) In this subsection, the term ''State licensing agency'' means an agency designated under section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)).

(c) REPEAL OF SUPERSEDED LAW.—Subsections (a) and (b) of section 852 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1556) are repealed.

SEC. 854. DEFENSE PROCUREMENTS MADE THROUGH CONTRACTS OF OTHER AGENCIES.

(a) LIMITATION.—The head of an agency may not procure goods or services (under section 1535 of title 31, United States Code, pursuant to a designation under section 11302(e) of title 40, United States Code, or otherwise) through a contract entered into by an agency outside the Department of Defense for an amount greater than the simplified acquisition threshold referred to in section 2304(g) of title 10, United States Code, unless the procurement is done in accordance with procedures prescribed by that head of an agency for reviewing and approving the use of such contracts.

(b) EFFECTIVE DATE.—The limitation in subsection (a) shall apply only with respect to orders for goods or services that are issued by the head of an agency to an agency outside the Department of Defense on or after the date that is 180 days after the date of the enactment of this Act.

(c) INAPPLICABILITY TO CONTRACTS FOR CERTAIN SERVICES.—This section does not apply to procurements of the following services:

(1) Printing, binding, or blank-book work to which section 502 of title 44, United States Code, applies.

(2) Services available under programs pursuant to section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 114 Stat. 2187; 2 U.S.C. 182c).

(d) ANNUAL REPORT.—(1) For each of fiscal years 2005 and 2006, each head of an agency shall submit to the Secretary of Defense a report on the service charges imposed on purchases made for an amount greater than the simplified acquisition threshold during such fiscal year through a contract entered into by an agency outside the Department of Defense.

(2) In the case of procurements made on orders issued by the head of a Defense Agency, Department of Defense Field Activity, or any other organization within the Department of Defense (other than a military department) under the authority of the Secretary of Defense as the head of an agency, the report under paragraph (1) shall be submitted by the head of that Defense Agency, Department of Defense Field Activity, or other organization, respectively.

(3) The report for a fiscal year under this subsection shall be submitted not later than December 31 of the calendar year in which such fiscal year ends.

(e) DEFINITIONS.—In this section:

(1) The term ''head of an agency'' means the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force.

(2) The term ''Defense Agency'' has the meaning given such term in section 101(a)(11) of title 10, United States Code.

(3) The term ''Department of Defense Field Activity'' has the meaning given such term in section 101(a)(12) of such title.

SEC. 855. REQUIREMENTS RELATING TO SOURCE SELECTION FOR INTEGRATED SUPPORT OF AERIAL REFUELING AIRCRAFT FLEET FOR THE AIR FORCE.

For the selection of a provider of integrated support for the aerial refueling aircraft fleet in any acquisition of aerial refueling aircraft for the Air Force, the Secretary of the Air Force shall—

(1) before selecting the provider, perform all analyses required by law of—

(A) the costs and benefits of—

(i) the alternative of using Federal Government personnel to provide such support; and

(ii) the alternative of using contractor personnel to provide such support;

(B) the core logistics requirements;

(C) use of performance-based logistics; and

(D) the length of contract period; and

(2) select the provider in accordance with the procedures under the provisions of law referred to as the Competition in Contracting Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Duties and Functions of Department of Defense

Sec. 901. Study of roles and authorities of the Director of Defense Research and Engineering.

Sec. 902. Change of membership of specified council.

Subtitle B—Space Activities

Sec. 911. Space posture review.

Sec. 912. Panel on the future of national security space launch.

Sec. 913. Operationally responsive national security satellites.

Sec. 914. Nondisclosure of certain products of commercial satellite operations.

Subtitle C—Intelligence-Related Matters

Sec. 921. Two-year extension of authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities abroad.

Sec. 922. Pilot program on cryptologic service training.

Subtitle D—Other Matters

Sec. 931. Strategic plan for destruction of lethal chemical agents and munitions stockpile.

Sec. 932. Secretary of Defense criteria for and guidance on identification and internal transmission of critical information.

Subtitle A—Duties and Functions of Department of Defense

SEC. 901. STUDY OF ROLES AND AUTHORITIES OF THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) STUDY REQUIRED.—The Secretary of Defense shall carry out a study of the roles and authorities of the Director of Defense Research and Engineering.

(b) CONTENT OF STUDY.—The study under subsection (a) shall include the following:

(1) An examination of the past and current roles and authorities of the Director of Defense Research and Engineering.

(2) An analysis to determine appropriate future roles and authorities for the Director, including an analysis of the following matters:

(A) The relationship of the Director to other senior science and technology and acquisition officials of the military departments and the Defense Agencies

(B) The relationship of the Director to the performance of the following functions:

(i) The planning, programming, and budgeting of the science and technology programs of the Department of Defense, including those of the military departments and the Defense Agencies.

(ii) The management of Department of Defense laboratories and technical centers, including the management of the Federal Government scientific and technical workforce for such laboratories and centers.

(iii) The promotion of the rapid transition of technologies to acquisition programs within the Department of Defense.

(iv) The promotion of the transfer of technologies into and from the commercial sector.

(v) The coordination of Department of Defense science and technology activities with organizations outside the Department of Defense, including other Federal Government agencies, international research organizations, industry, and academia.

(vi) The technical review of Department of Defense acquisition programs and policies.

(vii) The training and educational activities for the national scientific and technical workforce.

(viii) The development of science and technology policies and programs relating to the maintenance of the national technology and industrial base.

(ix) The development of new technologies in support of the transformation of the Armed Forces.

(3) An examination of the duties of the Director as the Chief Technology Officer of the Department of Defense as prescribed by Department of Defense Directive 5134.3, dated November 3, 2003, especially in comparison to the duties of similar positions in the Federal Government and industry.

(4) An examination of any other matter that the Secretary considers appropriate for the study.

(c) REPORT.—(1) Not later than February 1, 2006, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study under this section.

(2) The report shall include recommendations regarding the appropriate roles and authorities that should be assigned and resources that should be provided to the Director of Defense Research and Engineering.

(d) ROLE OF DEFENSE SCIENCE BOARD IN STUDY AND REPORT.—The Secretary shall act through the Defense Science Board in carrying out the study under subsection (a) and in preparing the report under subsection (c).

SEC. 902. CHANGE OF MEMBERSHIP OF SPECIFIED COUNCIL.

(a) MEMBERSHIP OF COUNCIL UNDER SECTION 179.—Subsection (a) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(4) The Under Secretary of Defense for Policy.''.

(b) CONFORMING AND CLARIFYING AMENDMENTS.—Such subsection is further amended in the matter preceding paragraph (1)—

(1) by striking ''Joint''; and

(2) by striking ''composed of three members as follows:'' and inserting ''operated as a joint activity of the Department of Defense and the Department of Energy. The membership of the Council is comprised of the following officers of those departments:''.

(c) OTHER TECHNICAL AND CLARIFYING AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (c)(3)(B) is amended by striking ''appointed'' and inserting ''designated''.

(2) Subsection (e) is amended by striking ''In addition'' and all that follows through ''also'' and inserting ''The Council shall''.

(3) Subsection (f) is amended by striking ''Committee on'' the first place it appears and all that follows through ''Representatives'' and inserting ''congressional defense committees''.

(d) STYLISTIC AMENDMENTS.—Such section is further amended as follows:

(1) Subsection (a) is amended by inserting ''ESTABLISHMENT; MEMBERSHIP.—'' after ''(a)''.

(2) Subsection (b) is amended by inserting ''CHAIRMAN; MEETINGS.—'' after ''(b)''.

(3) Subsection (c) is amended by inserting ''STAFF AND ADMINISTRATIVE SERVICES; STAFF DIRECTOR.—'' after ''(c)''.

(4) Subsection (d) is amended by inserting ''RESPONSIBILITIES.—'' after ''(d)''.

(5) Subsection (e) is amended by inserting ''REPORT ON DIFFICULTIES RELATING TO SAFETY OR RELIABILITY.—'' after ''(e)''.

(6) Subsection (f) is amended by inserting ''ANNUAL REPORT.—'' after ''(f)''.

(e) FURTHER CONFORMING AMENDMENTS.—Section 3212(e) of the National Nuclear Security Administration Act (50 U.S.C. 2402(e)) is amended—

(1) by striking ''JOINT'' in the subsection heading; and

(2) by striking ''Joint''.

Subtitle B—Space Activities

SEC. 911. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense shall conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace.

(D) Force enhancement and force application.

(E) Space-based intelligence, surveillance, and reconnaissance from space.

(F) Any other matter the Secretary considers relevant to understanding the United States space posture.

(2) Current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(3) Future space systems and technology development (other than those in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (F) of paragraph (1).

(4) The relationship among—

(A) United States military space policy;

(B) national security space policy;

(C) national security space objectives; and

(D) arms control policy.

(5) Effect of United States military and national security space policy on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORTS.—(1) Not later than March 15, 2005, the Secretary of Defense shall submit to the congressional committees specified in paragraph (4) an interim report on the review conducted under subsection (a).

(2) Not later than December 31, 2005, the Secretary shall submit to those committees a final report on that review.

(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(4) The reports under this subsection shall be submitted to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) JOINT UNDERTAKING WITH THE DIRECTOR OF CENTRAL INTELLIGENCE (OR SUCCESSOR).—The Secretary of Defense shall conduct the review under this section, and shall submit the reports under subsection (c), jointly with the Director of Central Intelligence (or any successor official who has responsibility for management of the intelligence community).

(e) POSTURE REVIEW PERIOD.—In this section, the term ''posture review period'' means the 10-year period beginning on the first day of the first month beginning more than one year after the date of the enactment of this Act.

SEC. 912. PANEL ON THE FUTURE OF NATIONAL SECURITY SPACE LAUNCH.

(a) IN GENERAL.—(1) The Secretary of Defense shall enter into a contract with a federally funded research and development center to establish a panel on the future national security space launch requirements of the United States, including means of meeting those requirements.

(2) The Secretary shall enter into the contract not later than 60 days after the date of the enactment of this Act.

(b) MEMBERSHIP AND ADMINISTRATION OF PANEL.—(1) The panel shall consist of individuals selected by the federally funded research and development center from among private citizens of the United States with knowledge and expertise in one or more of the following areas:

(A) Space launch operations.

(B) Space launch technologies.

(C) Satellite and satellite payloads.

(D) State and national launch complexes.

(E) Space launch economics.

(2) The federally funded research and development center shall establish appropriate procedures for the administration of the panel, including designation of the chairman of the panel from among its members.

(3) All panel members shall hold security clearances appropriate for the work of the panel.

(4) The panel shall convene its first meeting not later than 30 days after the date on which all members of the panel have been selected.

(c) DUTIES.—(1) The panel shall conduct a review and assessment of the future national security space launch requirements of the United States, including the means of meeting those requirements.

(2) The review and assessment shall take into account the following matters:

(A) Launch economics.

(B) Operational concepts and architectures.

(C) Launch technologies, including—

(i) reusable launch vehicles;

(ii) expendable launch vehicles;

(iii) low cost options; and

(iv) revolutionary approaches.

(D) Payloads, including the implications of payloads for launch requirements.

(E) Launch infrastructure.

(F) Launch industrial base.

(G) Relationships among military, civilian, and commercial launch requirements.

(3) The review and assessment shall address national security space launch requirements over each of the 5-year, 10-year, and 15-year periods beginning with 2005.

(d) INFORMATION FROM FEDERAL AND STATE AGENCIES.—(1) The panel may secure directly from the Department of Defense, from any other department or agency of the Federal Government, and any State government any information that the panel considers necessary to carry out its duties.

(2) The Secretary of Defense shall designate at least one senior civilian employee of the Department of Defense and at least one general or flag officer of an Armed Force to serve as liaison between the Department, the Armed Forces, and the panel.

(e) REPORT.—Not later than one year after the date of the first meeting of the panel under subsection (b)(4), the panel shall submit to the Secretary of Defense, the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the results of the review and assessment under subsection (c). The report shall include—

(1) the findings and conclusions of the panel on the future national security space launch requirements of the United States, including means of meeting such requirements;

(2) the assessment of panel, and any recommendations of the panel, on—

(A) launch operational concepts and architectures;

(B) launch technologies;

(C) launch enabling technologies; and

(D) priorities for funding; and

(3) the assessment of the panel as to the best means of meeting the future national security space launch requirements of the United States.

(f) TERMINATION.—The panel shall terminate 16 months after the date of the first meeting of the panel under subsection (b)(4).

(g) FUNDING.—Amounts authorized to be appropriated to the Department of Defense shall be available to the Secretary of Defense for purposes of the contract required by subsection (a).

SEC. 913. OPERATIONALLY RESPONSIVE NATIONAL SECURITY SATELLITES.

(a) PLANNING, PROGRAMMING, AND MANAGEMENT.—(1) Chapter 135 of title 10, United States Code, is amended by inserting after section 2273 the following new section:

''§2273a. Operationally responsive national security payloads and buses: separate program element required

''(a) REQUIREMENT FOR PROGRAM ELEMENT.—The Secretary of Defense shall ensure that, within budget program elements for space programs of the Department of Defense, there is a separate, dedicated program element for operationally responsive national security payloads and buses of the Department of Defense for space satellites and that programs and activities for such payloads and buses are planned, programmed, and budgeted for through that program element.

''(b) MANAGEMENT AUTHORITY.—The Secretary of Defense shall assign management authority for the program element required under subsection (a) to the Director of the Office of Force Transformation of the Department of Defense.

''(c) DEFINITION OF OPERATIONALLY RESPONSIVE.—In this section, the term 'operationally responsive', with respect to a national security payload and bus for a space satellite, means an experimental or operational payload and bus with a weight not in excess of 5,000 pounds that—

''(1) can be developed and acquired within 18 months after authority to proceed with development is granted; and

''(2) is responsive to requirements for capabilities at the operational and tactical levels of warfare.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2273 the following new item:

''2273a. Operationally responsive national security payloads and buses: separate program element required.''.

(b) TIME FOR IMPLEMENTATION.—Subsection (a) of section 2273a of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 2005.

SEC. 914. NONDISCLOSURE OF CERTAIN PRODUCTS OF COMMERCIAL SATELLITE OPERATIONS.

(a) MANDATORY DISCLOSURE REQUIREMENTS INAPPLICABLE.—The requirements to make information available under section 552 of title 5, United States Code, shall not apply to land remote sensing information.

(b) LAND REMOTE SENSING INFORMATION DEFINED.—In this section, the term ''land remote sensing information''—

(1) means any data that—

(A) are collected by land remote sensing; and

(B) are prohibited from sale to customers other than the United States Government and United States Government-approved customers for reasons of national security pursuant to the terms of an operating license issued pursuant to the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5601 et seq.); and

(2) includes any imagery and other product that is derived from such data and which is prohibited from sale to customers other than the United States Government and United States Government-approved customers for reasons of national security pursuant to the terms of an operating license described in paragraph (1)(B).

(c) STATE OR LOCAL GOVERNMENT DISCLOSURES.—Land remote sensing information provided by the head of a department or agency of the United States to a State, local, or tribal government may not be made available to the general public under any State, local, or tribal law relating to the disclosure of information or records.

(d) SAFEGUARDING INFORMATION.—The head of each department or agency of the United States having land remote sensing information within that department or agency or providing such information to a State, local, or tribal government shall take such actions, commensurate with the sensitivity of that information, as are necessary to protect that information from disclosure other than in accordance with this section and other applicable law.

(e) ADDITIONAL DEFINITION.—In this section, the term ''land remote sensing'' has the meaning given such term in section 3 of the Land Remote Sensing Policy Act of 1992 (15 U.S.C. 5602).

(f) DISCLOSURE TO CONGRESS.—Nothing in this section shall be construed to authorize the withholding of information from the appropriate committees of Congress.

Subtitle C—Intelligence-Related Matters

SEC. 921. TWO-YEAR EXTENSION OF AUTHORITY OF THE SECRETARY OF DEFENSE TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking ''December 31, 2004'' and inserting ''December 31, 2006''.

SEC. 922. PILOT PROGRAM ON CRYPTOLOGIC SERVICE TRAINING.

(a) PROGRAM AUTHORIZED.—The Director of the National Security Agency may carry out a pilot program on cryptologic service training for the intelligence community.

(b) OBJECTIVE OF PROGRAM.—The objective of the pilot program is to increase the number of qualified entry-level language analysts and intelligence analysts available to the National Security Agency and the other elements of the intelligence community through the directed preparation and recruitment of qualified entry-level language analysts and intelligence analysts who commit to a period of service or a career in the intelligence community.

(c) PROGRAM SCOPE.—The pilot program shall be national in scope.

(d) PROGRAM PARTICIPANTS.—(1) Subject to the provisions of this subsection, the Director shall select the participants in the pilot program from among individuals qualified to participate in the pilot program utilizing such procedures as the Director considers appropriate for purposes of the pilot program.

(2) Each individual who receives financial assistance under the pilot program shall perform one year of obligated service with the National Security Agency, or another element of the intelligence community approved by the Director, for each academic year for which such individual receives such financial assistance upon such individual's completion of post-secondary education.

(3) Each individual selected to participate in the pilot program shall be qualified for a security clearance appropriate for the individual under the pilot program.

(4) The total number of participants in the pilot program at any one time may not exceed 400 individuals.

(e) PROGRAM MANAGEMENT.—In carrying out the pilot program, the Director shall—

(1) identify individuals interested in working in the intelligence community, and committed to taking college-level courses that will better prepare them for a career in the intelligence community as a language analyst or intelligence analyst;

(2) provide each individual selected for participation in the pilot program—

(A) financial assistance for the pursuit of courses at institutions of higher education selected by the Director in fields of study that will qualify such individual for employment by an element of the intelligence community as a language analyst or intelligence analyst; and

(B) educational counseling on the selection of courses to be so pursued; and

(3) provide each individual so selected information on the opportunities available for employment in the intelligence community.

(f) DURATION OF PROGRAM.—(1) The Director shall terminate the pilot program not later than six years after the date of the enactment of this Act.

(2) The termination of the pilot program under paragraph (1) shall not prevent the Director from continuing to provide assistance, counseling, and information under subsection (e) to individuals who are participating in the pilot program on the date of termination of the pilot program throughout the academic year in progress as of that date.

Subtitle D—Other Matters

SEC. 931. STRATEGIC PLAN FOR DESTRUCTION OF LETHAL CHEMICAL AGENTS AND MUNITIONS STOCKPILE.

Subsection (d) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended to read as follows:

''(d) REQUIREMENT FOR STRATEGIC PLAN.—(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Army shall jointly prepare, and from time to time shall update as appropriate, a strategic plan for future activities for destruction of the United States' stockpile of lethal chemical agents and munitions.

''(2) The plan shall include, at a minimum, the following considerations:

''(A) Realistic budgeting for stockpile destruction and related support programs.

''(B) Contingency planning for foreseeable or anticipated problems.

''(C) A management approach and associated actions that address compliance with the obligations of the United States under the Chemical Weapons Convention treaty and that take full advantage of opportunities to accelerate destruction of the stockpile.

''(3) The Secretary of Defense shall each year submit to the Committee on the Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the strategic plan as most recently prepared and updated under paragraph (1). Such submission shall be made each year at the time of the submission to the Congress that year of the President's budget for the next fiscal year.''.

SEC. 932. SECRETARY OF DEFENSE CRITERIA FOR AND GUIDANCE ON IDENTIFICATION AND INTERNAL TRANSMISSION OF CRITICAL INFORMATION.

(a) CRITERIA FOR CRITICAL INFORMATION.—(1) The Secretary of Defense shall establish criteria for determining categories of critical information that should be made known expeditiously to senior civilian and military officials in the Department of Defense. Those categories should be limited to matters of extraordinary significance and strategic impact to which rapid access by those officials is essential to the successful accomplishment of the national security strategy or a major military mission. The Secretary may from time to time modify the list to suit the current strategic situation.

(2) The Secretary shall provide the criteria established under paragraph (1) to the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, the commanders of the unified and specified commands, the commanders of deployed forces, and such other elements of the Department of Defense as the Secretary considers necessary.

(b) MATTERS TO BE INCLUDED.—The criteria established under subsection (a) shall include, at a minimum, requirement for identification of the following:

(1) Any incident that may result in a contingency operation, based on the incident's nature, gravity, or potential for significant adverse consequences to United States citizens, military personnel, interests, or assets, including an incident that could result in significant adverse publicity having a major strategic impact.

(2) Any event, development, or situation that could be reasonably assumed to escalate into an incident described in paragraph (1).

(3) Any deficiency or error in policy, standards, or training that could be reasonably assumed to have the effects described in paragraph (1).

(c) REQUIREMENTS FOR TRANSMISSION OF CRITICAL INFORMATION.—The criteria under subsection (a) shall include such requirements for transmission of such critical information to such senior civilian and military officials of the Department of Defense as the Secretary of Defense considers appropriate.

(d) TIME FOR ISSUANCE OF CRITERIA.—The Secretary of Defense shall establish the criteria required by subsection (a) not later than 120 days after the date of the enactment of this Act.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2005.
Sec. 1003. Budget justification documents for operation and maintenance.
Sec. 1004. Licensing of intellectual property.
Sec. 1005. Repeal of funding restrictions concerning development of medical countermeasures against biological warfare threats.
Sec. 1006. Report on budgeting for exchange rates for foreign currency fluctuations.
Sec. 1007. Fiscal year 2004 transfer authority.

Sec. 1008. Clarification of fiscal year 2004 funding level for a National Institute of Standards and Technology account.
Sec. 1009. Notification of fund transfers from working-capital funds.
Sec. 1010. Charges for Defense Logistics Information Services materials.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Authority for award of contracts for ship dismantling on net-cost basis.
Sec. 1012. Use of proceeds from exchange and sale of obsolete navy service craft and boats.
Sec. 1013. Transfer of naval vessels to certain foreign recipients.
Sec. 1014. Independent study to assess cost effectiveness of the Navy ship construction program.
Sec. 1015. Limitation on disposal of obsolete naval vessel.

Subtitle C—Counterdrug Matters

Sec. 1021. Use of funds for unified counterdrug and counterterrorism campaign in Colombia.
Sec. 1022. Sense of Congress and report regarding counter-drug efforts in Afghanistan.

Subtitle D—Matters Relating to Museums and Commemorations

Sec. 1031. Recognition of the Liberty Memorial Museum, Kansas City, Missouri, as America's National World War I Museum.
Sec. 1032. Program to commemorate 60th anniversary of World War II.
Sec. 1033. Annual report on Department of Defense operation and financial support for military museums.

Subtitle E—Reports

Sec. 1041. Quarterly detailed accounting for operations conducted as part of the Global War on Terrorism.
Sec. 1042. Report on post-major combat operations phase of Operation Iraqi Freedom.
Sec. 1043. Report on training provided to members of the Armed Forces to prepare for post-conflict operations.
Sec. 1044. Report on establishing National Centers of Excellence for unmanned aerial and ground vehicles.
Sec. 1045. Study of continued requirement for two-crew manning for ballistic missile submarines.
Sec. 1046. Report on Department of Defense programs for prepositioning of materiel and equipment.
Sec. 1047. Report on al Quaeda and associated groups in Latin America and the Caribbean.

Subtitle F—Defense Against Terrorism and Other Domestic Security Matters

Sec. 1051. Acceptance of communications equipment provided by local public safety agencies.
Sec. 1052. Determination and report on full-time airlift support for homeland defense operations.
Sec. 1053. Survivability of critical systems exposed to chemical or biological contamination.

Subtitle G—Personnel Security Matters

Sec. 1061. Use of National Driver Register for personnel security investigations and determinations.
Sec. 1062. Standards for disqualification from eligibility for Department of Defense security clearance.

Subtitle H—Transportation-Related Matters

Sec. 1071. Use of military aircraft to transport mail to and from overseas locations.
Sec. 1072. Reorganization and clarification of certain provisions relating to control and supervision of transportation within the Department of Defense.
Sec. 1073. Evaluation of procurement practices relating to transportation of security-sensitive cargo.

Subtitle I—Other Matters

Sec. 1081. Liability protection for Department of Defense volunteers working in maritime environment.
Sec. 1082. Sense of Congress concerning media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas.
Sec. 1083. Transfer of historic F3A-1 Brewster Corsair aircraft.
Sec. 1084. Technical and clerical amendments.
Sec. 1085. Preservation of search and rescue capabilities of the Federal Government.
Sec. 1086. Acquisition of aerial firefighting equipment for National Interagency Fire Center.
Sec. 1087. Revision to requirements for recognition of institutions of higher education as Hispanic-serving institutions for purposes of certain grants and contracts.
Sec. 1088. Military extraterritorial jurisdiction over contractors supporting defense missions overseas.
Sec. 1089. Definition of United States for purposes of Federal crime of torture.
Sec. 1090. Energy savings performance contracts.
Sec. 1091. Sense of Congress and policy concerning persons detained by the United States.
Sec. 1092. Actions to prevent the abuse of detainees.
Sec. 1093. Reporting requirements.
Sec. 1094. Findings and sense of Congress concerning Army Specialist Joseph Darby.

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2005 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2005.

(a) FISCAL YEAR 2005 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2005 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2004, of funds appropriated for fiscal years before fiscal year 2005 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $756,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $222,492,000 for the Military Budget.

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

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

SEC. 1003. BUDGET JUSTIFICATION DOCUMENTS FOR OPERATION AND MAINTENANCE.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by adding after section 232, as added by section 214(a), the following new section:

''§233. Operation and maintenance budget presentation

''(a) IDENTIFICATION OF BASELINE AMOUNTS IN O&M JUSTIFICATION DOCUMENTS.—In any case in which the amount requested in the President's budget for a fiscal year for a Department of Defense operation and maintenance program, project, or activity is different from the amount appropriated for that program, project, or activity for the current year, the O&M justification documents supporting that budget shall identify that appropriated amount and the difference between that amount and the amount requested in the budget, stated as an amount and as a percentage.

''(b) NAVY FOR SHIP DEPOT MAINTENANCE AND FOR INTERMEDIATE SHIP MAINTENANCE.—In the O&M justification documents for the Navy for any fiscal year, amounts requested for ship depot maintenance and amounts requested for intermediate ship maintenance shall be identified and distinguished.

''(c) DEFINITIONS.—In this section:

''(1) The term 'O&M justification documents' means Department of Defense budget justification documents with respect to accounts for operation and maintenance submitted to the congressional defense committees in support of the Department of Defense component of the President's budget for any fiscal year.

''(2) The term 'President's budget' means the budget of the President submitted to Congress under section 1105 of title 31 for any fiscal year.

''(3) The term 'current year' means the fiscal year during which the President's budget is submitted in any year.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 232, as added by section 214(b), the following new item:

''233. Operation and maintenance budget presentation.''.

(b) COMPONENTS OF LINE ITEMS FOR OTHER COSTS AND OTHER CONTRACTS.—Not later than March 1, 2005, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the component elements of the line items identified as ''Other Costs'' and ''Other Contracts'' in the exhibit identified as ''Summary of Price and Program Changes'' in the budget justification materials submitted to those committees in support of the budget for fiscal year 2006.

SEC. 1004. LICENSING OF INTELLECTUAL PROPERTY.

(a) AUTHORITY.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2260. Licensing of intellectual property: retention of fees

''(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may license trademarks, service marks, certification marks, and collective marks owned or controlled by the Secretary concerned and may retain and expend fees received from such licensing in accordance with this section.

''(b) DESIGNATED MARKS.—The Secretary concerned shall designate the trademarks, service marks, certification marks, and collective marks regarding which the Secretary will exercise the authority to retain licensing fees under this section.

''(c) USE OF FEES.—The Secretary concerned shall use fees retained under this section for the following purposes:

''(1) For payment of the following costs incurred by the Secretary:

''(A) Costs of securing trademark registrations.

''(B) Costs of operating the licensing program under this section.

''(2) For morale, welfare, and recreation activities under the jurisdiction of the Secretary, to the extent (if any) that the total amount of the licensing fees available under this section for a fiscal year exceed the total amount needed for such fiscal year under paragraph (1).

''(d) AVAILABILITY.—Fees received in a fiscal year and retained under this section shall be available for obligation in such fiscal year and the following two fiscal years.

''(e) DEFINITIONS.—In this section, the terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).''.

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

''2260. Licensing of intellectual property: retention of fees.''.

SEC. 1005. REPEAL OF FUNDING RESTRICTIONS CONCERNING DEVELOPMENT OF MEDICAL COUNTERMEASURES AGAINST BIOLOGICAL WARFARE THREATS.

(a) REPEAL.—Section 2370a of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 139 of such title is amended by striking the item relating to that section.

SEC. 1006. REPORT ON BUDGETING FOR EXCHANGE RATES FOR FOREIGN CURRENCY FLUCTUATIONS.

(a) SECRETARY OF DEFENSE REPORT.—(1) Not later than December 1, 2004, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the foreign currency exchange rate projection used in annual Department of Defense budget presentations.

(2) In the report under paragraph (1), the Secretary shall—

(A) identify alternative approaches for selecting foreign currency exchange rates that would produce more realistic estimates of amounts required to be appropriated or otherwise made available for the Department of Defense to accommodate foreign currency exchange rate fluctuations;

(B) discuss the advantages and disadvantages of each approach identified pursuant to subparagraph (A); and

(C) identify the Secretary's preferred approach among the alternatives identified pursuant to subparagraph (A) and provide the Secretary's rationale for preferring that approach.

(3) In identifying alternative approaches pursuant to paragraph (2)(A), the Secretary shall examine—

(A) approaches used by other Federal departments and agencies; and

(B) the feasibility of using private economic forecasting.

(b) COMPTROLLER GENERAL REVIEW AND REPORT.—The Comptroller General shall review the report under subsection (a), including the basis for the Secretary's conclusions stated in the report, and shall submit, not later than January 15, 2005, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of that review.

SEC. 1007. FISCAL YEAR 2004 TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1582) is amended by striking ''$2,500,000,000'' and inserting ''$2,800,000,000''.

SEC. 1008. CLARIFICATION OF FISCAL YEAR 2004 FUNDING LEVEL FOR A NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACCOUNT.

For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108–199) to matters in title II of such Act under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' (118 Stat. 69), in the account under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'', the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of $218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and may submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

SEC. 1009. NOTIFICATION OF FUND TRANSFERS FROM WORKING-CAPITAL FUNDS.

Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(r) NOTIFICATION OF TRANSFERS.—(1) Notwithstanding any authority provided in this section to transfer funds, the transfer of funds from a working-capital fund, including a transfer to another working-capital fund, shall not be made under such authority unless the Secretary of Defense submits, in advance, a notification of the proposed transfer to the congressional defense committees in accordance with customary procedures.

''(2) The amount of a transfer covered by a notification under paragraph (1) that is made in a fiscal year does not count toward any limitation on the total amount of transfers that may be made for that fiscal year under authority provided to the Secretary of Defense in a law authorizing appropriations for a fiscal year for military activities of the Department of Defense or a law making appropriations for the Department of Defense.''.

SEC. 1010. CHARGES FOR DEFENSE LOGISTICS INFORMATION SERVICES MATERIALS.

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

''§ 197. Defense Logistics Agency: fees charged for logistics information

''(a) AUTHORITY.—The Secretary of Defense may charge fees for providing information in the Federal Logistics Information System through Defense Logistics Information Services to a department or agency of the executive branch outside the Department of Defense, or to a State, a political subdivision of a State, or any person.

''(b) AMOUNT.—The fee or fees prescribed under subsection (a) shall be such amount or amounts as the Secretary of Defense determines appropriate for recovering the costs of providing information as described in such subsection.

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

''(d) DEFENSE LOGISTICS INFORMATION SERVICES DEFINED.—In this section, the term 'Defense Logistics Information Services' means the organization within the Defense Logistics Agency that is known as Defense Logistics Information Services.''.

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

''197. Defense Logistics Agency: fees charged for logistics information.''.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. AUTHORITY FOR AWARD OF CONTRACTS FOR SHIP DISMANTLING ON NET-COST BASIS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by inserting after section 7305 the following new section:

''§ 7305a. Vessels stricken from Naval Vessel Register: contracts for dismantling on net-cost basis

''(a) AUTHORITY FOR NET-COST BASIS CONTRACTS.—When the Secretary of the Navy awards a contract for the dismantling of a vessel stricken from the Naval Vessel Register, the Secretary may award the contract on a net-cost basis.

''(b) RETENTION BY CONTRACTOR OF PROCEEDS OF SALE OF SCRAP AND REUSABLE ITEMS.—When the Secretary awards a contract on a net-cost basis under subsection (a), the Secretary shall provide in the contract that the contractor may retain the proceeds from the sale of scrap and reusable items removed from the vessel dismantled under the contract.

''(c) DEFINITIONS.—In this section:

''(1) The term 'net-cost basis', with respect to a contract for the dismantling of a vessel, means that the amount to be paid to the contractor under the contract for dismantling and for removal and disposal of hazardous waste material is discounted by the offeror's estimate of the value of scrap and reusable items that the contractor will remove from the vessel during performance of the contract.

''(2) The term 'scrap' means personal property that has no value except for its basic material content.

''(3) The term 'reusable item' means a demilitarized component or a removable portion of a vessel or equipment that the Secretary of the Navy has identified as excess to the needs of the Navy but which has potential resale value on the open market.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7305 the following new item:

''7305a. Vessels stricken from Naval Vessel Register: contracts for dismantling on net-cost basis.''.

SEC. 1012. USE OF PROCEEDS FROM EXCHANGE AND SALE OF OBSOLETE NAVY SERVICE CRAFT AND BOATS.

(a) COSTS OF PREPARATION FOR DISPOSAL.—(1) Chapter 633 of title 10, United States Code, is amended by inserting after section 7311 the following new section:

''§ 7312. Service craft stricken from Naval Vessel Register; obsolete boats: use of proceeds from exchange or sale

''(a) EXCHANGE OR SALE OF SIMILAR ITEMS.—When the Secretary of the Navy sells an obsolete service craft or an obsolete boat, or exchanges such a craft or boat in a transaction for which a similar craft or boat is acquired, the Secretary may retain the proceeds of the sale or the exchange allowance from the exchange, as the case may be, and apply the proceeds of sale or the exchange allowance for any of the following purposes:

''(1) For payment, in whole or in part, for a similar service craft or boat acquired as a replacement, as authorized by section 503 of title 40.

''(2) For reimbursement, to the extent practicable, of the appropriate accounts of the Navy for the full costs of preparation of such obsolete craft or boat for such sale or exchange.

''(3) For deposit to the special account established under subsection (b), to be available in accordance with that subsection.

''(b) SPECIAL ACCOUNT.—Amounts retained under subsection (a) that are not applied as provided in paragraph (1) or (2) of that subsection shall be deposited into a special account. Amounts in the account shall be available under subsection (c) without regard to fiscal year limitation. Amounts in the account that the Secretary of the Navy determines are not needed for the purpose stated in subsection (c) shall be transferred at least annually to the General Fund of the Treasury.

''(c) COSTS OF PREPARATION OF OBSOLETE SERVICE CRAFT AND BOATS FOR FUTURE SALE OR EXCHANGE.—The Secretary may use amounts in the account under subsection (b) for payment, in whole or in part, for the full costs of preparation of obsolete service craft and obsolete boats for future sale or exchange.

''(d) COSTS OF PREPARATION FOR SALE OR EXCHANGE.—In this section, the term 'full costs of preparation' means the full costs (direct and indirect) incurred by the Navy in preparing an obsolete service craft or an obsolete boat for exchange or sale, including the cost of the following:

''(1) Towing.

''(2) Storage.

''(3) Defueling.

''(4) Removal and disposal of hazardous wastes.

''(5) Environmental surveys to determine the presence of regulated materials containing polychlorinated biphenyl (PCB) and, if such materials are found, the removal and disposal of such materials.

''(6) Other costs related to such preparation.

''(e) OBSOLETE SERVICE CRAFT.—For purposes of this section, an obsolete service craft is a service craft that has been stricken from the Naval Vessel Register.

''(f) INAPPLICABILITY OF ADVERTISING REQUIREMENT.—Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply to sales of service craft and boats described in subsection (a).

''(g) REGULATIONS.—The Secretary of the Navy shall prescribe regulations for the purposes of this section.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7311 the following new item:

''7312. Service craft stricken from Naval Vessel Register; obsolete boats: use of proceeds from exchange or sale.''.

(b) APPLICABILITY.—Section 7312 of title 10, United States Code, as added by subsection (a), shall apply with respect to amounts received on or after the date of the enactment of this Act and to amounts received before the date of the enactment of this Act and not obligated as of that date.

SEC. 1013. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign recipients on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) CHILE.—To the Government of Chile, the SPRUANCE class destroyer USS O'BANNON (DD–987).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) CHILE.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD–992).

(2) TAIWAN.—To the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the ANCHORAGE class dock landing ship ANCHORAGE (LSD–36).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)).

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized under subsection (a) or (b) shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1014. INDEPENDENT STUDY TO ASSESS COST EFFECTIVENESS OF THE NAVY SHIP CONSTRUCTION PROGRAM.

(a) STUDY.—The Secretary of Defense shall provide for a study of the cost effectiveness of the ship construction program of the Navy. The study shall be conducted by a group of industrial experts independent of the Department of Defense. The study shall examine both—

(1) a variety of approaches by which the Navy ship construction program could be made more efficient in the near term; and

(2) a variety of approaches by which, with a nationally integrated effort over the next decade, the United States shipbuilding industry might enhance its health and viability.

(b) NEAR-TERM IMPROVEMENTS IN EFFICIENCY.—With respect to the examination under subsection (a)(1) of approaches by which the Navy ship construction program could be made more efficient in the near term, the Secretary shall provide for the persons conducting the study to—

(1) determine the potential cost savings on an annual basis, with an estimate of return on investment, from implementation of each approach examined; and

(2) establish priorities for potential implementation of the approaches examined.

(c) UNITED STATES SHIPBUILDING INFRASTRUCTURE MODERNIZATION PLAN.—With respect to the examination under subsection (a)(2) of approaches by which the United States shipbuilding industry might enhance its health and viability through a nationally integrated effort over the next decade, the Secretary shall provide for the persons conducting the study to—

(1) propose a plan incorporating a variety of approaches that would modernize the United States shipbuilding infrastructure within the next decade, resulting in a healthier and more viable shipbuilding industrial base;

(2) establish priorities for potential implementation of the approaches examined; and

(3) estimate the resources required to implement each of the approaches examined.

(d) REPORT.—Not later than October 1, 2005, the Secretary of Defense shall submit a report to the congressional defense committees providing the results of the study under subsection (a). The report shall include the matters specified in subsections (b) and (c).

SEC. 1015. LIMITATION ON DISPOSAL OF OBSOLETE NAVAL VESSEL.

The Secretary of the Navy may not dispose of the decommissioned destroyer ex-Edson (DD–946) before October 1, 2007, to an entity that is not a nonprofit organization unless the Secretary first determines that there is no nonprofit organization that meets the criteria for donation of that vessel under section 7306(a)(3) of title 10, United States Code.

Subtitle C—Counterdrug Matters

SEC. 1021. USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) AUTHORITY.—(1) In fiscal years 2005 and 2006, funds available to the Department of Defense to provide assistance to the Government of Colombia may be used by the Secretary of Defense to support a unified campaign by the Government of Colombia against narcotics trafficking and against activities by organizations designated as terrorist organizations, such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC).

(2) The authority to provide assistance for a campaign under this subsection includes authority to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) APPLICABILITY OF CERTAIN LAWS AND LIMITATIONS.—The use of funds pursuant to the authority in subsection (a) shall be subject to the following:

(1) Sections 556, 567, and 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2160, 2165, and 2166).

(2) Section 8076 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 988).

(c) NUMERICAL LIMITATION ON ASSIGNMENT OF UNITED STATES PERSONNEL.—Notwithstanding section 3204(b) of the Emergency Supplemental Act, 2000 (Division B of Public Law 106–246; 114 Stat. 575), as amended by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107–115; 115 Stat. 2131), the number of United States personnel assigned to conduct activities in Colombia in connection with support of Plan Colombia under subsection (a) in fiscal years 2005 and 2006 shall be subject to the following limitations:

(1) The number of United States military personnel assigned for temporary or permanent duty in Colombia in connection with support of Plan Colombia may not exceed 800.

(2) The number of United States individual citizens retained as contractors in Colombia in connection with support of Plan Colombia who

are funded by Federal funds may not exceed 600.

(d) LIMITATION ON PARTICIPATION OF UNITED STATES PERSONNEL.—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the purpose of acting in self defense or of rescuing any United States citizen, including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States.

(e) RELATION TO OTHER AUTHORITY.—The authority provided by subsection (a) is in addition to any other authority in law to provide assistance to the Government of Colombia.

(f) REPORT ON RELATIONSHIPS BETWEEN TERRORIST ORGANIZATIONS IN COLOMBIA AND FOREIGN GOVERNMENTS AND ORGANIZATIONS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense and the Director of Central Intelligence, shall submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that describes—

(A) any relationships between foreign governments or organizations and organizations based in Colombia that have been designated as foreign terrorist organizations under United States law, including the provision of any direct or indirect assistance to such organizations; and

(B) United States policies that are designed to address such relationships.

(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1022. SENSE OF CONGRESS AND REPORT REGARDING COUNTER-DRUG EFFORTS IN AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should make the substantial reduction of illegal drug trafficking in Afghanistan a priority in the Global War on Terrorism;

(2) the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and

(3) the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries.

(b) REPORT REQUIRED.—(1) The Secretary of Defense and the Secretary of State shall jointly prepare a report that describes—

(A) the progress made towards substantially reducing poppy cultivation and heroin production capabilities in Afghanistan; and

(B) the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

(2) The report required by this subsection shall be submitted to Congress not later than 120 days after the date of the enactment of this Act.

Subtitle D—Matters Relating to Museums and Commemorations

SEC. 1031. RECOGNITION OF THE LIBERTY MEMORIAL MUSEUM, KANSAS CITY, MISSOURI, AS AMERICA'S NATIONAL WORLD WAR I MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Liberty Memorial Museum in Kansas City, Missouri, was built in honor of those individuals who served in World War I in defense of liberty and the United States.

(2) The Liberty Memorial Association, the nonprofit organization that originally built the Liberty Memorial Museum, is responsible for the finances, operations, and collections management of the Liberty Memorial Museum.

(3) The Liberty Memorial Museum is the only public museum in the United States that exists for the exclusive purpose of interpreting the experiences of the United States and its allies in the World War I years (1914–1918), both on the battlefield and on the home front.

(4) The Liberty Memorial Museum project began after the 1918 Armistice through the efforts of a large-scale, grass-roots civic and fundraising effort by the citizens of the Kansas City metropolitan area, including veterans of World War I. After the conclusion of a national architectural design competition, ground was broken in 1921, construction began in 1923, and the Liberty Memorial Museum was opened to the public in 1926.

(5) In 1994, the Liberty Memorial Museum closed for a massive restoration and expansion project. The restored museum reopened to the public on Memorial Day in 2002 during a gala rededication ceremony.

(6) Exhibits prepared for the original museum buildings presaged the dramatic, underground expansion of core exhibition gallery space, with over 30,000 square feet of new interpretive and educational exhibits currently in development. The new exhibits, along with an expanded research library and archives, will more fully utilize the many thousands of historical objects, books, maps, posters, photographs, diaries, letters, and reminiscences of World War I participants that are preserved for posterity in the collections of the Liberty Memorial Museum. The new core exhibition is scheduled to open on Veterans Day in 2006.

(7) The City of Kansas City, the State of Missouri, and thousands of private donors and philanthropic foundations have contributed millions of dollars to first build and later restore the Liberty Memorial Museum. The Liberty Memorial Museum continues to receive the strong support of residents from the States of Missouri and Kansas and across the United States.

(8) Since its restoration and rededication in 2002, the Liberty Memorial Museum has attracted thousands of visitors from across the United States and many foreign countries.

(9) There remains a need to preserve in a museum setting evidence of the honor, courage, patriotism, and sacrifice of those Americans who offered their services and who gave their lives in defense of liberty during World War I, evidence of the roles of women and African Americans during World War I, and evidence of other relevant subjects.

(10) The Liberty Memorial Museum seeks to educate a diverse group of audiences through its comprehensive collection of historical materials, emphasizing eyewitness accounts of the participants on the battlefield and the home front and the impact of World War I on individuals, then and now. The Liberty Memorial Museum continues to actively acquire and preserve such materials.

(11) A great opportunity exists to use the invaluable resources of the Liberty Memorial Museum to teach the ''Lessons of Liberty'' to schoolchildren in the United States through on-site visits, classroom curriculum development, distance-learning activities, and other educational initiatives.

(12) The Liberty Memorial Museum should remain the foremost museum in the United States regarding the national experience in the World War I years, which people can visit to learn about World War I and where the history of this monumental struggle will be preserved so that current and future generations may understand the role played by the United States in the preservation and advancement of democracy, freedom, and liberty in the early 20th century.

(13) The work of the Liberty Memorial Museum to recognize and preserve the history of the Nation's sacrifices in World War I will take on added significance as the centennial observance of the war approaches.

(14) It is fitting and proper to refer to the Liberty Memorial Museum as ''America's National World War I Museum''.

(b) CONGRESSIONAL RECOGNITION.—Congress—

(1) recognizes the Liberty Memorial Museum in Kansas City, Missouri, including the museum's future and expanded exhibits, collections, library, archives, and educational programs, as ''America's National World War I Museum'';

(2) recognizes that the continuing collection, preservation, and interpretation of the historical objects and other historical materials held by the Liberty Memorial Museum will enhance the knowledge and understanding of the experiences of the United States and its allies in the World War I years (1914–1918), both on the battlefield and on the home front;

(3) commends the ongoing development and visibility of the ''Lessons of Liberty'' educational outreach programs prepared by the Liberty Memorial Museum for teachers and students throughout the United States; and

(4) encourages present generations of Americans to understand the magnitude of World War I, how it shaped the United States, other countries, and later world events, and how the sacrifices made by Americans then helped preserve liberty, democracy, and other founding principles of the United States for generations to come.

SEC. 1032. PROGRAM TO COMMEMORATE 60TH ANNIVERSARY OF WORLD WAR II.

(a) IN GENERAL.—For fiscal year 2005, the Secretary of Defense may conduct a program—

(1) to commemorate the 60th anniversary of World War II; and

(2) to coordinate, support, and facilitate other such commemoration programs and activities of the Federal Government, State and local governments, and other persons.

(b) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of World War II;

(2) to thank and honor veterans of World War II and their families;

(3) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(4) to foster an awareness in the people of the United States that World War II was the central event of the 20th century that defined the postwar world;

(5) to highlight advances in technology, science, and medicine related to military research conducted during World War II;

(6) to inform wartime and postwar generations of the contributions of the Armed Forces of the United States to the United States;

(7) to recognize the contributions and sacrifices made by World War II allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(c) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury of the United States an account to be known as the ''Department of Defense 60th Anniversary of World War II Commemoration Account'' which shall be administered by the Secretary as a single account.

(2) There shall be deposited in the account, from amounts appropriated to the Department of Defense for operation and maintenance of Defense Agencies, such amounts as the Secretary considers appropriate to conduct the program referred to in subsection (a).

(3) The Secretary may use the funds in the account established in paragraph (1) only for the

purpose of conducting the program referred to in subsection (a).

(4) Not later than 60 days after the termination of the authority of the Secretary to conduct the program referred to in subsection (a), the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(d) ACCEPTANCE OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept from any person voluntary services to be provided in furtherance of the program referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary may reimburse a person providing voluntary services under this subsection for incidental expenses incurred by such person in providing such services. The Secretary shall determine which expenses are eligible for reimbursement under this paragraph.

SEC. 1033. ANNUAL REPORT ON DEPARTMENT OF DEFENSE OPERATION AND FINANCIAL SUPPORT FOR MILITARY MUSEUMS.

(a) REPORT REQUIRED.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 489. Annual report on Department of Defense operation and financial support for military museums

''(a) REPORT REQUIRED.—As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 15 of each year, the Secretary of Defense shall submit a report identifying all military museums that, during the most recently completed fiscal year—

''(1) were operated by the Secretary of Defense or the Secretary of a military department;

''(2) were otherwise supported using funds appropriated to the Department of Defense; or

''(3) were located on property under the jurisdiction of the Department of Defense, although neither operated by the Department of Defense nor supported using funds appropriated to the Department of Defense.

''(b) INFORMATION ON INDIVIDUAL MUSEUMS.—For each museum identified in a report under this section, the Secretary of Defense shall include in the report the following:

''(1) The purpose and functions of the museum and the justification for the museum.

''(2) A description of the facilities dedicated to the museum, including the location, size, and type of facilities and whether the facilities are included or eligible for inclusion on the National Register of Historic Places.

''(3) An itemized listing of the funds appropriated to the Department of Defense that were obligated to support the museum during the fiscal year covered by the report and a description of the process used to determine the annual allocation of Department of Defense funds for the museum.

''(4) An itemized listing of any other Federal funds, funds from a nonappropriated fund instrumentality account of the Department of Defense, and non-Federal funds obligated to support the museum.

''(5) The management structure of the museum, including identification of the persons responsible for preparing the budget for the museum and for making acquisition and management decisions for the museum.

''(6) The number of civilian employees of the Department of Defense and members of the armed forces who served full-time or part-time at the museum and their role in the management structure of the museum.

''(c) INFORMATION ON SUPPORT PRIORITIES.—Each report under this section shall also include a separate description of the procedures used by the Secretary of Defense, in the case of museums identified in the report that are operated or supported by the Secretary of Defense, and the Secretary of a military department, in the case of museums identified in the report that are operated or supported by that Secretary, to prioritize funding and personnel support to the museums. The Secretary of Defense shall include a description of any such procedures applicable to the entire Department of Defense.''.

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

''489. Annual report on Department of Defense operation and financial support for military museums.''.

Subtitle E—Reports

SEC. 1041. QUARTERLY DETAILED ACCOUNTING FOR OPERATIONS CONDUCTED AS PART OF THE GLOBAL WAR ON TERRORISM.

(a) QUARTERLY ACCOUNTING.—Not later than 45 days after the end of each quarter of a year, the Secretary of Defense shall submit to the congressional defense committees, for each operation specified in subsection (b)—

(1) a full accounting of all costs incurred for such operation during such quarter and all amounts expended during such quarter for such operation; and

(2) a description of the purposes for which those costs were incurred and those amounts were expended.

(b) OPERATIONS COVERED.—The operations referred to in subsection (a) are the following:

(1) Operation Iraqi Freedom.

(2) Operation Enduring Freedom.

(3) Operation Noble Eagle.

(4) Any other operation that the President designates as being an operation of the Global War on Terrorism.

(c) REQUIREMENT FOR COMPREHENSIVENESS.—For the purpose of providing a full and complete accounting of the costs and expenditures under subsection (a) for an operation specified in subsection (b), the Secretary shall account in the quarterly submission under subsection (a) for all costs and expenditures that are reasonably attributable to that operation, including personnel costs.

SEC. 1042. REPORT ON POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM.

(a) REPORT REQUIRED.—(1) Not later than June 1, 2005, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of military operations during the post-major combat operations phase of Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) CONTENT.—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address such shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military and political objectives of the international coalition conducting the post-major combat operations phase of Operation Iraqi Freedom, and the military strategy selected to achieve such objectives, together with an assessment of the execution of the military strategy.

(B) The mobilization process for the reserve components of the Armed Forces, including the timeliness of notification, training and certification, and subsequent demobilization.

(C) The use and performance of major items of United States military equipment, weapon systems, and munitions (including non-lethal weapons and munitions, 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 such items on the doctrinal and tactical employment of such items and on plans for continuing the acquisition of such items.

(D) Any additional requirements for military equipment, weapon systems, munitions, force structure, or other capability identified during the post-major combat operations phase of Operation Iraqi Freedom, including changes in type or quantity for future operations.

(E) The effectiveness of joint air operations, together with an assessment of the effectiveness of—

(i) the employment of close air support; and

(ii) attack helicopter operations.

(F) The use of special operations forces, including operational and intelligence uses.

(G) The scope of logistics support, including support to and from other nations and from international organizations and organizations and individuals from the private sector in Iraq.

(H) The incidents of accidental fratricide, including a discussion of the effectiveness of the tracking of friendly forces and the use of the combat identification systems in mitigating friendly fire incidents.

(I) The adequacy of spectrum and bandwidth to transmit information to operational forces and assets, including unmanned aerial vehicles, ground vehicles, and individual soldiers.

(J) The effectiveness of strategic, operational, and tactical information operations, including psychological operations and assets, organization, and doctrine related to civil affairs, in achieving established objectives, together with a description of technological and other restrictions on the use of information operations capabilities.

(K) The readiness of the reserve component forces used in the post-major combat operations phase of Operation Iraqi Freedom, including an assessment of the success of the reserve component forces in accomplishing their missions.

(L) The adequacy of intelligence support during the post-major combat operations phase of Operation Iraqi Freedom, including the adequacy of such support in searches for weapons of mass destruction.

(M) The rapid insertion and integration, if any, of developmental but mission-essential equipment, organizations, or procedures during the post-major combat operations phase of Operation Iraqi Freedom.

(N) A description of the coordination, communication, and unity of effort between the Armed Forces, the Coalition Provisional Authority, other United States government agencies and organizations, nongovernmental organizations, and political, security, and nongovernmental organizations of Iraq, including an assessment of the effectiveness of such efforts.

(O) The adequacy of training for military units once deployed to the area of operations of the United States Central Command, including training for changes in unit mission and continuation training for high-intensity conflict missions.

(P) An estimate of the funding required to return or replace equipment used through the period covered by the report in Operation Iraqi Freedom, including equipment in prepositioned stocks, to mission-ready condition.

(Q) A description of military civil affairs and reconstruction efforts, including efforts through

the Commanders Emergency Response Program, and an assessment of the effectiveness of such efforts and programs.

(R) The adequacy of the requirements determination and acquisition processes, acquisition, and distribution of force protection equipment, including personal gear, vehicles, helicopters, and defense devices.

(S) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable effects that an implementation of those changes would have on current visions, goals, and plans for transformation of the Armed Forces or the Department of Defense.

(T) The planning for and implementation of morale, welfare, and recreation programs for deployed forces and support to dependents, including rest and recuperation programs and personal communication benefits such as telephone, mail, and email services, including an assessment of the effectiveness of such programs.

(U) An analysis of force rotation plans, including individual personnel and unit rotations, differing deployment lengths, and in-theater equipment repair and leave behinds.

(V) The organization of United States Central Command to conduct post-conflict operations and lessons for other combatant commands to conduct other such operations in the future.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

(d) POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM DEFINED.—In this section, the term ''post-major combat operations phase of Operation Iraqi Freedom'' means the period of Operation Iraqi Freedom beginning on May 2, 2003, and ending on December 31, 2004.

SEC. 1043. REPORT ON TRAINING PROVIDED TO MEMBERS OF THE ARMED FORCES TO PREPARE FOR POST-CONFLICT OPERATIONS.

(a) STUDY ON TRAINING.—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training.

(b) MATTERS TO BE INCLUDED IN STUDY.—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of the curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, including a familiarity with applicable foreign languages and foreign cultures.

(3) The training time and resources available to members and units of the Armed Forces to develop awareness about ethnic backgrounds, religious beliefs, and political structures of the people living in areas in which the Armed Forces operate and areas in which post-conflict operations are likely to occur.

(4) The adequacy of training transformation to emphasize post-conflict operations, including interagency coordination in support of commanders of combatant commands.

(c) REPORT ON STUDY.—Not later than May 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the result of the study conducted under this section.

SEC. 1044. REPORT ON ESTABLISHING NATIONAL CENTERS OF EXCELLENCE FOR UNMANNED AERIAL AND GROUND VEHICLES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the need for one or more national centers of excellence for unmanned aerial and ground vehicles.

(b) GOAL OF CENTERS.—The goal of the centers covered by the report is to promote interservice cooperation and coordination in the following areas:

(1) Development of joint doctrine for the organization, training, and use of unmanned aerial and ground vehicles.

(2) Joint research, development, test, and evaluation, and joint procurement of unmanned aerial and ground vehicles.

(3) Identification and coordination, in conjunction with the private sector and academia, of the future development of unmanned aerial and ground vehicles.

(4) Monitoring of the development and utilization of unmanned aerial and ground vehicles in other nations for both military and non-military purposes.

(5) The providing of joint training and professional development opportunities in the use and operation of unmanned aerial and ground vehicles to military personnel of all ranks and levels of responsibility.

(c) REPORT REQUIREMENTS.—The report shall include, at a minimum, the following:

(1) A list of facilities at which the Department of Defense currently conducts or plans to conduct research, development, and testing activities on unmanned aerial and ground vehicles.

(2) A list of facilities at which the Department of Defense currently deploys or has committed to deploying unmanned aerial or ground vehicles.

(3) The extent to which existing facilities described in paragraphs (1) and (2) have sufficient unused capacity and expertise to research, develop, test, and deploy the current and next generations of unmanned aerial and ground vehicles and to provide for the development of doctrine on the use and training of operators of such vehicles.

(4) The extent to which efficiencies with respect to research, development, testing, and deployment of existing or future unmanned aerial and ground vehicles can be achieved through consolidation at one or more national centers of excellence for unmanned aerial and ground vehicles.

(5) A list of potential locations for the national centers of excellence under this section.

(d) CONSIDERATIONS.—In determining the potential locations for the national centers of excellence under this section, the Secretary of Defense shall take into consideration existing military facilities that have—

(1) a workforce of skilled personnel;

(2) existing capacity of runways and other facilities to accommodate the research, development, testing, and deployment of current and future unmanned aerial vehicles; and

(3) minimal restrictions on the research, development, testing, and deployment of unmanned aerial vehicles resulting from proximity to large population centers or airspace heavily utilized by commercial flights.

SEC. 1045. STUDY OF CONTINUED REQUIREMENT FOR TWO-CREW MANNING FOR BALLISTIC MISSILE SUBMARINES.

(a) STUDY AND DETERMINATION.—The Secretary of Defense shall conduct a study of whether the practice of using two alternating crews (referred to as the ''Gold Crew'' and the ''Blue Crew'') for manning of ballistic missile submarines (SSBNs) continues to be justified under the changed circumstances since the end of the Cold War and, based on that study, shall make a determination of whether that two-crew manning practice should be continued or should be modified or terminated.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report providing notice of the Secretary's determination under subsection (a) and the reasons for that determination.

SEC. 1046. REPORT ON DEPARTMENT OF DEFENSE PROGRAMS FOR PREPOSITIONING OF MATERIEL AND EQUIPMENT.

(a) SECRETARY OF DEFENSE ASSESSMENT AND REPORT.—(1) The Secretary of Defense shall conduct an assessment of the programs of the Armed Forces for the prepositioning of materiel and equipment. Such assessment shall focus on how those programs will support the goal of the Secretary to have the capability, from the onset of a contingency situation, to—

(A) deploy forces to a distant theater within 10 days;

(B) defeat an enemy within 30 days; and

(C) be ready for an additional conflict within another 30 days.

(2) The Secretary shall submit to Congress a report on such assessment not later than October 1, 2005.

(b) MATTERS TO BE INCLUDED.—The assessment under subsection (a) shall include the following:

(1) A review of the prepositioning of materiel and equipment used in Operation Iraqi Freedom and Operation Enduring Freedom, including identification of challenges and potential solutions.

(2) A description of changes to doctrine, strategy, and transportation plans that could be necessary to support the goal of the Secretary described in subsection (a).

(3) A description of modifications to prepositioning programs that could be required in order to incorporate modularity concepts, future force structure changes, and sea-basing concepts.

(4) A discussion of joint operations and training that support force projection requirements, including—

(A) theater opening requirements at potential aerial and sea ports of debarkation;

(B) joint force reception capabilities;

(C) joint theater distribution operations; and

(D) use of joint prepositioned stocks, materiel, and systems.

SEC. 1047 REPORT ON AL QAEDA AND ASSOCIATED GROUPS IN LATIN AMERICA AND THE CARIBBEAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the activities of al Qaeda and associated groups in Latin America and the Caribbean, including—

(1) an assessment of the extent to which such groups have established a presence in the area;

(2) a description of the activities of such groups in the area, including fundraising, money laundering, narcotrafficking, and associations with criminal groups;

(3) an assessment of the threat posed by such groups to the peace and stability of the nations in the area and to United States interests; and

(4) a description of United States policies intended to deal with such a threat.

(b) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

Subtitle F—Defense Against Terrorism and Other Domestic Security Matters

SEC. 1051. ACCEPTANCE OF COMMUNICATIONS EQUIPMENT PROVIDED BY LOCAL PUBLIC SAFETY AGENCIES.

(a) AUTHORITY.—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2613. Emergency communications equipment: acceptance from local public safety agencies for temporary use related to disasters

''(a) AUTHORITY TO ACCEPT EQUIPMENT.—(1) Subject to subsection (c), the Secretary concerned—

''(1) may accept communications equipment for use in coordinating joint response and recovery operations with public safety agencies in the event of a disaster; and

''(2) may accept services related to the operation and maintenance of such equipment.

''(b) REGULATIONS.—The authority under subsection (a) shall be exercised under regulations prescribed by the Secretary of Defense.

''(c) LIMITATIONS.—(1) Equipment may be accepted under subsection (a)(1) only to the extent that communications equipment under the control of the Secretary concerned at the potential disaster response site is inadequate to meet military requirements for communicating with public safety agencies during the period of response to the disaster.

''(2) Services may be accepted under subsection (a)(2) related to the operation and maintenance of communications equipment only to the extent that the necessary capabilities are not available to the military commander having custody of the equipment.

''(c) LIABILITY.—A person providing services accepted under this section may not be considered, by reason of the provision of such services, to be an officer, employee, or agent of the United States for any purpose.''.

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

''2613. Emergency communications equipment: acceptance from local public safety agencies for temporary use related to disasters.''.

SEC. 1052. DETERMINATION AND REPORT ON FULL-TIME AIRLIFT SUPPORT FOR HOMELAND DEFENSE OPERATIONS.

(a) DETERMINATION REQUIRED.—(1) The Secretary of Defense shall determine the feasibility and advisability of dedicating an airlift capability of the Armed Forces to the support of homeland defense operations, including operations in support of contingent requirements for transportation of any of the following in response to a disaster:

(A) Weapons of Mass Destruction Civil Support Teams.

(B) National Guard Chemical, Biological, Radiological, Nuclear, High Explosive Enhanced Response Force Packages.

(C) Air Force expeditionary medical teams.

(D) Department of Energy emergency response teams.

(2) In making the determination under paragraph (1), the Secretary shall take into consideration the results of the study required under subsection (b).

(b) REQUIREMENT FOR STUDY AND PLAN.—(1) The Secretary of Defense shall conduct a study of the plans and capabilities of the Department of Defense for meeting contingent requirements for transporting teams and packages specified in subsection (a)(1) in response to disasters.

(2) The Secretary shall prepare a plan for resolving any deficiencies in the plans and capabilities for meeting the transportation requirements described in paragraph (1).

(3) The Secretary of Defense shall require the commander of the United States Northern Command and the commander of the United States Transportation Command to carry out jointly the study required under paragraph (1) and to prepare jointly the plan required under paragraph (2).

(c) REPORT.—Not later than April 1, 2005, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study under subsection (b). The report shall include the following matters:

(1) The Secretary's determination under subsection (a).

(2) An assessment and discussion of the adequacy of existing plans and capabilities of the Department of Defense for meeting the transportation requirements described in subsection (b)(1).

(3) The plan required under subsection (b)(2).

(d) DEFINITION.—In this section, the term ''Weapons of Mass Destruction Civil Support Team'' has the meaning given that term in section 305b(e) of title 37, United States Code.

SEC. 1053. SURVIVABILITY OF CRITICAL SYSTEMS EXPOSED TO CHEMICAL OR BIOLOGICAL CONTAMINATION.

(a) REQUIREMENT FOR IMPLEMENTATION PLAN.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan, for implementation by the Department of Defense, that sets forth a systematic approach for ensuring the survivability of defense critical systems upon contamination of any such system by chemical or biological agents.

(b) CONTENT.—At a minimum, the plan under subsection (a) shall include the following:

(1) Policies for ensuring that the survivability of defense critical systems in the event of contamination by chemical or biological agents is adequately addressed throughout the Department of Defense.

(2) A systematic process for identifying those systems which are defense critical systems.

(3) Specific testing procedures to be used during the design and development of new defense critical systems.

(4) A centralized database that—

(A) contains comprehensive information on the effects of chemical and biological agents and decontaminants on materials used in defense critical systems; and

(B) is easily accessible to personnel who have duties to ensure the survivability of defense critical systems upon contamination of such systems by chemical and biological agents.

(c) DEFENSE CRITICAL SYSTEM DEFINED.—In this section, the term ''defense critical system'' means a Department of Defense system that, as determined by the Secretary of Defense, is vital to an essential defense mission.

Subtitle G—Personnel Security Matters

SEC. 1061. USE OF NATIONAL DRIVER REGISTER FOR PERSONNEL SECURITY INVESTIGATIONS AND DETERMINATIONS.

Section 30305(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (9) through (11) as paragraphs (10) through (12), respectively; and

(2) by inserting after paragraph (8) the following new paragraph:

''(9) An individual who has or is seeking access to national security information for purposes of Executive Order No. 12968, or any successor Executive order, or an individual who is being investigated for Federal employment under authority of Executive Order No. 10450, or any successor Executive order, may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section to a Federal department or agency that is authorized to investigate the individual for the purpose of assisting in the determination of the eligibility of the individual for access to national security information or for Federal employment in a position requiring access to national security information. A Federal department or agency that receives information about an individual under the preceding sentence may use such information only for purposes of the authorized investigation and only in accordance with applicable law.''.

SEC. 1062. STANDARDS FOR DISQUALIFICATION FROM ELIGIBILITY FOR DEPARTMENT OF DEFENSE SECURITY CLEARANCE.

(a) DISQUALIFIED PERSONS.—Subsection (c)(1) of section 986 of title 10, United States Code, is amended—

(1) by striking ''and'' and inserting '', was''; and

(2) by inserting before the period at the end the following: '', and was incarcerated as a result of that sentence for not less than one year''.

(b) WAIVER AUTHORITY.—Subsection (d) of such section is amended to read as follows:

''(d) WAIVER AUTHORITY.—In a meritorious case, an exception to the prohibition in subsection (a) may be authorized for a person described in paragraph (1) or (4) of subsection (c) if there are mitigating factors. Any such waiver may be authorized only in accordance with standards and procedures prescribed by, or under the authority of, an Executive order or other guidance issued by the President.''.

Subtitle H—Transportation-Related Matters

SEC. 1071. USE OF MILITARY AIRCRAFT TO TRANSPORT MAIL TO AND FROM OVERSEAS LOCATIONS.

(a) AUTHORITY FOR USE OF MILITARY AIRCRAFT.—Section 3401 of title 39, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1)(A), by striking ''title 49,'' and inserting ''title 49, or on military aircraft at rates not to exceed those so fixed and determined for scheduled United States air carriers,''; and

(B) in the sentence following paragraph (3), by striking ''carriers'' each place it appears and inserting ''carriers and military aircraft''; and

(2) in subsection (c)—

(A) in the first sentence, by striking ''title 49,'' and inserting ''title 49, or on military aircraft at rates not to exceed those so fixed and determined for scheduled United States air carriers,''; and

(B) in the second sentence—

(i) by inserting ''and military aircraft'' after ''carriers'' the first place it appears; and

(ii) by striking ''by air carriers other than scheduled United States air carriers'' and inserting ''by other than scheduled United States air carriers and military aircraft''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

''(g) In this section:

''(1) The term 'military aircraft' means an aircraft owned, operated, or chartered by the Department of Defense.

''(2) The term 'United States air carrier' has the meaning given the term 'air carrier' in section 40102 of title 49.''.

SEC. 1072. REORGANIZATION AND CLARIFICATION OF CERTAIN PROVISIONS RELATING TO CONTROL AND SUPERVISION OF TRANSPORTATION WITHIN THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF CERTAIN TRANSPORTATION AUTHORITIES.—Sections 4744, 4745, 4746, and 4747 of title 10, United States Code, are transferred to chapter 157 of such title, inserted (in that order) at the end of such chapter, and redesignated as sections 2648, 2649, 2650, and 2651, respectively.

(b) CLARIFICATION OF APPLICABILITY OF TRANSFERRED AUTHORITIES THROUGHOUT THE DEPARTMENT OF DEFENSE.—(1) Section 2648 of such title, as transferred and redesignated by subsection (a), is amended—

(A) by striking ''Secretary of the Army'' in the matter preceding paragraph (1) and inserting ''Secretary of Defense'';

(B) by striking ''Army transport agencies'' in the matter preceding paragraph (1) and all that follows through ''military transport agency of'';

(C) by striking paragraphs (1), (2), and (3);

(D) by redesignating paragraph (4), (5), (6), and (7) as paragraphs (1), (2), (3), and (4), respectively;

(E) by redesignating paragraph (8) as paragraph (5) and in that paragraph striking ''persons described in clauses (1), (2), (4), (5), and (7)'' and inserting ''members of the armed forces, officers and employees of the Department of Defense or the Coast Guard, and persons described in paragraphs (1), (2), and (4)''; and

(F) by striking ''clause (7) or (8)'' in the last sentence and inserting ''paragraph (4) or (5)''.

(2) Section 2649 of such title, as transferred and redesignated by subsection (a), is amended—

(A) by striking the section heading and inserting the following:

"§ 2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels"*;*

(B) by striking ''(1) on vessels'' and all that follows through ''Department of the Army'';

(C) by striking ''any transport agency of''; and

(D) by striking ''Secretary of the Army'' and all that follows through ''be transported'' and inserting ''Secretary of Defense, be transported''.

(3) Section 2650 of such title, as transferred and redesignated by subsection (a), is amended—

(A) in the matter preceding paragraph (1), by striking ''Army transport agencies'' and all that follows through ''military transport agency of'';

(B) in paragraph (1), by striking ''Secretary of the Army'' and inserting ''Secretary of Defense''; and

(C) in paragraph (4), by striking ''by air—'' and all that follows through ''the transportation cannot'' and inserting ''by air, the transportation cannot''.

(4) Section 2651 of such title, as transferred and redesignated by subsection (a), is amended by striking ''Army transport agencies'' and all that follows and inserting ''the Department of Defense, under regulations and at rates to be prescribed by the Secretary of Defense.''.

(c) REPEAL OF SUPERSEDED AND OBSOLETE PROVISIONS.—The following sections of such title are repealed: sections 4741, 4743, 9741, 9743, and 9746.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 157 of such title is amended by adding at the end the following new items:

''2648. Persons and supplies: sea transportation.
''2649. Civilian passengers and commercial cargoes: transportation on Department of Defense vessels.
''2650. Civilian personnel in Alaska.
''2651. Passengers and merchandise to Guam: sea transport.''.

(2) The table of sections at the beginning of chapter 447 of such title is amended by striking the items relating to sections 4741, 4743, 4744, 4745, 4746, and 4747.

(3) The table of sections at the beginning of chapter 947 of such title is amended by striking the items relating to sections 9741, 9743, and 9746.

SEC. 1073. EVALUATION OF PROCUREMENT PRACTICES RELATING TO TRANSPORTATION OF SECURITY-SENSITIVE CARGO.

(a) EVALUATION REQUIREMENT.—The Secretary of Defense shall evaluate the procurement practices of the Department of Defense in the award of service contracts for domestic freight transportation for security-sensitive cargo (such as arms, ammunitions, explosives, and classified material) to determine whether such practices are in the best interests of the Department of Defense.

(b) REPORT.—Not later than January 1, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the results of the evaluation conducted under subsection (a).

Subtitle I—Other Matters

SEC. 1081. LIABILITY PROTECTION FOR DEPARTMENT OF DEFENSE VOLUNTEERS WORKING IN MARITIME ENVIRONMENT.

Section 1588(d)(1)(B) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and the Act of March 9, 1920, commonly known as the 'Suits in Admiralty Act' (41 Stat. 525; 46 U.S.C. App. 741 et seq.) and the Act of March 3, 1925, commonly known as the 'Public Vessels Act' (43 Stat. 1112; 46 U.S.C. App. 781 et seq.) (relating to claims for damages or loss on navigable waters)''.

SEC. 1082. SENSE OF CONGRESS CONCERNING MEDIA COVERAGE OF THE RETURN TO THE UNITED STATES OF THE REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES FROM OVERSEAS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense, since 1991, has relied on a policy of no media coverage of the transfers of the remains of deceased members of the Armed Forces—

(A) at Ramstein Air Force Base, Germany;

(B) at Dover Air Force Base, Delaware, and the Port Mortuary Facility at Dover Air Force Base; and

(C) at interim stops en route to the point of final destination in the transfer of the remains.

(2) The principal focus and purpose of the policy is to protect the wishes and the privacy of families of deceased members of the Armed Forces during their time of great loss and grief and to give families and friends of the dead the privilege to decide whether to allow media coverage at the member's duty or home station, at the interment site, or at or in connection with funeral and memorial services.

(3) In a 1991 legal challenge to the Department of Defense policy, as applied during Operation Desert Storm, the policy was upheld by the United States District Court for the District of Columbia, and on appeal, by the United States Court of Appeals for the District of Columbia in the case of JB Pictures, Inc. v. Department of Defense and Donald B. Rice, Secretary of the Air Force on the basis that denying the media the right to view the return of remains at Dover Air Force Base does not violate the first amendment guarantees of freedom of speech and of the press.

(4) The United States Court of Appeals for the District of Columbia in that case cited the following two key Government interests that are served by the Department of Defense policy:

(A) Reducing the hardship on the families and friends of the war dead, who may feel obligated to travel great distances to attend arrival ceremonies at Dover Air Force Base if such ceremonies were held.

(B) Protecting the privacy of families and friends of the dead, who may not want media coverage of the unloading of caskets at Dover Air Force Base.

(5) The Court also noted, in that case, that the bereaved may be upset at the public display of the caskets of their loved ones and that the policy gives the family the right to grant or deny access to the media at memorial or funeral services at the home base and that the policy is consistent in its concern for families.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense policy regarding no media coverage of the transfer of the remains of deceased members of the Armed Forces—

(1) appropriately protects the privacy of the families and friends of the deceased; and

(2) is consistent with United States constitutional guarantees of freedom of speech and freedom of the press.

SEC. 1083. TRANSFER OF HISTORIC F3A-1 BREWSTER CORSAIR AIRCRAFT.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey, without consideration, to Lex Cralley of Princeton Minnesota (in this section referred to as ''transferee''), all right, title, and interest of the United States in and to a F3A-1 Brewster Corsair aircraft (Bureau Number 04634). The conveyance shall be made by means of a deed of gift.

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed under subsection (a) in its current unflyable, ''as is'' condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance and costs of operation and maintenance of the aircraft conveyed shall be borne by the transferee.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC.1084. TECHNICAL AND CLERICAL AMENDMENTS.

(a) CLARIFICATION OF DEFINITION OF ''OPERATIONAL RANGE''.—Section 101(e)(3) of title 10, United States Code, is amended by striking ''Secretary of Defense'' and inserting ''Secretary of a military department''.

(b) AMENDMENTS RELATING TO DEFINITION OF CONGRESSIONAL DEFENSE COMMITTEES.—Title 10, United States Code, is amended as follows:

(1) Section 2215 is amended—

(A) by striking ''(a) CERTIFICATION REQUIRED.—'';

(B) by striking ''congressional committees specified in subsection (b)'' and inserting ''congressional defense committees''; and

(C) by striking subsection (b).

(2) Section 2306b(g) is amended by striking ''Committee on'' the first place it appears and all that follows through ''House of Representatives'' and inserting ''congressional defense committees''.

(3) Section 2515(d) is amended—

(A) by striking ''(1)'' before ''The Secretary'';

(B) by striking ''congressional committees specified in paragraph (2)'' and inserting ''congressional defense committees''; and

(C) by striking paragraph (2).

(4) Section 2676(d) is amended by striking ''appropriate committees of Congress'' at the end of the first sentence and inserting ''congressional defense committees''.

(c) AMENDMENTS RELATING TO CHANGE OF NAME OF GAO.—Title 10, United States Code, is amended as follows:

(1) Section 1084 is amended by striking ''General Accounting Office'' and inserting ''Comptroller General''.

(2) Section 1102(d)(2) is amended by striking ''General Accounting Office'' and inserting ''Comptroller General''.

(3) Section 2014(g) is amended by striking ''General Accounting Office'' and inserting ''Government Accountability Office''.

(d) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, are amended by striking ''481'' in the item relating to chapter 23 and inserting ''480''.

(2) Section 130a is amended—

(A) by striking ''Effective October 1, 2002, the'' in subsection (a) and inserting ''The'';

(B) by striking ''baseline number'' in subsection (a) and all that follows through ''means the'' in subsection (c);

(C) by transferring subsection (e) so as to appear before subsection (d) and redesignating that subsection as subsection (b);

(D) by redesignating subsections (d) and (f) as subsection (c) and (d), respectively; and

(E) by striking subsection (g).

(3) Section 437(c) is amended by inserting ''(50 U.S.C. 415b)'' after ''National Security Act of 1947''.

(4) Section 487(d) is amended by striking ''OTHER DEFINITIONS'' and inserting ''INAPPLICABILITY TO COAST GUARD''.

(5) Section 503(c)(1)(B) is amended by striking ''education'' in the second sentence and inserting ''educational''.

(6) Section 632(c)(1) is amended—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (3)''; and

(B) by striking ''under that paragraph'' and inserting ''under that subsection''.

(7) The item relating to section 1076b in the table of sections at the beginning of chapter 55 is amended to read as follows:

''1076b. TRICARE program: coverage for members of the Ready Reserve.''.

(8) Section 1108(e) is amended by striking ''heath'' and inserting ''health''.

(9) Section 1406(g) is amended—

(A) by striking ''section 305'' and inserting ''section 245''; and

(B) by striking ''Officers Act of 2002'' and inserting ''Officer Corps Act of 2002 (33 U.S.C. 3045)''.

(10) Sections 1448(b)(1)(F), 1448(d)(2)(B), 1448(d)(6)(A), and 1458(j) are amended by striking ''on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004'' and inserting ''after November 23, 2003,''.

(11) Sections 1463(a)(1), 1465(c)(1)(A), 1465(c)(1)(B), 1465(c)(4)(A), 1465(c)(4)(B), and 1466(b)(2)(D) are amended by striking ''1413, 1413a,'' and inserting ''1413a''.

(12) Section 1557(b) is amended by striking ''Effective October 1, 2002, final'' and inserting ''Final''.

(13) Section 1566 is amended—

(A) in subsection (g)(2), by striking ''the date that is 6 months after the date of the enactment of the Help America Vote Act of 2002'' in the last sentence and inserting ''April 29, 2003''; and

(B) in subsections (h), (i)(1), and (i)(3), by striking ''Armed Forces'' and inserting ''armed forces''.

(14) Sections 1724(d) and 1732(d)(1) are amended by striking ''its decision'' in the second sentence and inserting ''the decision of the Secretary''.

(15) Section 1761(b) is amended—

(A) in the matter preceding paragraph (1), by striking ''provide for—'' and inserting ''provide for the following:'';

(B) in paragraphs (1), (2), and (3), by capitalizing the first letter of the first word;

(C) at the end of paragraphs (1) and (2), by striking the semicolon and inserting a period;

(D) at the end of paragraph (3), by striking ''; and'' and inserting a period; and

(E) by striking paragraph (4).

(16) Section 2193b(c)(2) is amended by striking ''the date of the enactment of this section'' and inserting ''October 5, 1999''.

(17) Section 2224(c) is amended in the matter preceding paragraph (1) by striking ''subtitle II of chapter 35'' and inserting ''subchapter II of chapter 35''.

(18) Section 2349(d) is amended by striking ''section 2350a(i)(3)'' and inserting ''section 2350a(i)(2)''.

(19) Section 2350b(g) is amended—

(A) in the matter preceding paragraph (1), by inserting ''the Secretary of Defense'' after ''authorizing''; and

(B) in paragraph (1), by striking ''the Secretary of Defense''.

(20) Section 2474(f)(2) is amended by striking ''section 2466(e)'' and inserting ''section 2466(d)''.

(21) Section 2540(b)(2) is amended by inserting '', as in effect on that date'' before the period at the end.

(22) Section 2662(a)(2) is amended—

(A) in the first sentence, by striking ''must include a summarization'' and inserting ''shall include a summary''; and

(B) in the second sentence, by inserting ''of paragraph (1)'' after ''in subparagraph (E)''.

(23) Section 2672a(a) is amended—

(A) in the matter preceding paragraph (1), by inserting ''in any case in which the Secretary determines'' after ''in land'';

(B) in paragraph (1), by striking ''the Secretary determines'' and inserting ''the acquisition''; and

(C) in paragraph (2), by inserting ''the acquisition'' after ''(2)''.

(24) Section 2701 is amended—

(A) in subsection (a)(2), by inserting ''(42 U.S.C. 9620)'' before the period at the end;

(B) in subsection (c)(2), by striking ''of CERCLA (relating to settlements)'' and inserting ''(relating to settlements) of CERCLA (42 U.S.C. 9622)'';

(C) in subsection (e), by inserting ''(42 U.S.C. 9619)'' after ''CERCLA''; and

(D) in subsection (j)(2), by striking ''the Comprehensive'' and all the follows through ''of 1980'' and inserting ''CERCLA''.

(25) Section 2702 is amended by inserting ''(42 U.S.C. 9660(a)(5))'' in the second sentence of subsection (a) before the period at the end.

(26) Section 2703(b) is amended by striking ''The terms'' at the beginning of the second sentence and inserting ''For purposes of the preceding sentence, the terms''.

(27) Section 2704 is amended by inserting ''(42 U.S.C. 9604(i))'' in subsections (c), (e), and (f) after ''CERCLA''.

(28) The second section 3755, added by section 543(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2549), is redesignated as section 3756, and the item relating to that section in the table of sections at the beginning of chapter 357 is revised to reflect such redesignation.

(29) Section 4689 is amended by striking ''Building'' after ''Capitol''.

(30) The second section 6257, added by section 543(c)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2549), is redesignated as section 6258, and the item relating to that section in the table of sections at the beginning of chapter 567 is revised to reflect such redesignation.

(31) Section 7102 is amended—

(A) by striking ''AUTHORITY'' at the beginning of subsection (a) and inserting ''MASTER OF MILITARY STUDIES'';

(B) by striking ''MARINE CORPS WAR COLLEGE'' at the beginning of subsection (b) and inserting ''MASTER OF STRATEGIC STUDIES'';

(C) by striking ''COMMAND AND STAFF COLLEGE OF THE MARINE CORPS UNIVERSITY'' at the beginning of subsection (c) and inserting ''MASTER OF OPERATIONAL STUDIES''; and

(D) by striking ''subsections (a) and (b)'' in subsection (d) and inserting ''subsections (a), (b), and (c)''.

(32) Section 8084 is amended by striking ''capabilty'' and inserting ''capability''.

(33) The second section 8755, added by section 543(d)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2550), is redesignated as section 8756, and the item relating to that section in the table of sections at the beginning of chapter 857 is revised to reflect such redesignation.

(34) The table in section 12012(a) is amended by inserting a colon after ''Air National Guard''.

(e) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 301a(b)(4) is amended by striking ''section 301(a)(11)'' and inserting ''section 301(a)(13)''.

(2) Section 323(h) is amended by striking ''Secretary of Transportation'' and inserting ''Secretary of Homeland Security''.

(f) PUBLIC LAW 108–136.—Effective as of November 24, 2003, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) is amended as follows:

(1) Sections 832(a) and 834(a) (117 Stat. 1550) are each amended by striking ''such title'' and inserting ''title 10, United States Code,''.

(2) Section 931(a)(1) (117 Stat. 1580) is amended by striking ''and donations'' in the first quoted matter and inserting ''or donations''.

(3) Section 2204(b) (117 Stat. 1706) is amended by striking ''section 2101(a)'' each place it appears and inserting ''section 2201(a)''.

(g) PUBLIC LAW 107–314.—Effective as of December 2, 2002, and as if included therein as enacted, section 1064(a)(2) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2654) is amended by inserting ''the item relating to'' after ''is amended by inserting after''.

(h) PUBLIC LAW 107–107.—Effective as of December 28, 2001, and as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) is amended as follows:

(1) Section 824(a)(1)(C) (115 Stat. 1183) is amended by striking ''(3)(A)'' and inserting ''(3)(B)''.

(2) Section 1048(e)(4) (115 Stat. 1227) is amended by striking ''Subsection'' and inserting ''Section''.

(3) Section 1111(c) (115 Stat. 1238) is amended by striking ''This provision'' and inserting ''Section 5949 of title 5, United States Code, as added by subsection (a),''.

(i) PUBLIC LAW 101–510.—Section 2902(e)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in clause (i), by striking ''Subcommittee on Readiness, Sustainability, and Support'' and inserting ''Subcommittee on Readiness and Management Support''; and

(2) in clause (ii), by striking ''Subcommittee on Military Installations and Facilities'' and inserting ''Subcommittee on Readiness''.

(j) NATIONAL SECURITY ACT OF 1947.—Sections 702(a)(6)(B)(iv)(I), 703(a)(6)(B)(iv)(I), and 704(f)(2)(D)(i) of the National Security Act of 1947 are amended by striking ''responsible records'' and inserting ''responsive records''.

(k) CODIFICATION RELATING TO LEAVE FOR ATTENDANCE AT CERTAIN HEARINGS.—Subsection (b) of section 363 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (10 U.S.C. 704 note) is—

(1) transferred to section 704 of title 10, United States Code;

(2) inserted at the end of that section;

(3) redesignated as subsection (c); and

(4) amended—

(A) by striking ''Armed Forces'' each place it appears and inserting ''armed forces'';

(B) in paragraph (1)—

(i) by striking ''Secretary of each'' and all that follows through ''in the Navy,'' and inserting ''Secretary concerned''; and

(ii) by striking ''(as defined in section 101 of title 10, United States Code)''; and

(C) in paragraph (3)—

(i) by striking ''For purposes of this subsection—'' and inserting ''In this subsection:'';

(ii) in subparagraph (A), by striking ''title 10, United States Code'' and inserting ''this title''; and

(iii) in subparagraph (B), by striking ''such term'' and inserting ''that term''.

SEC. 1085. PRESERVATION OF SEARCH AND RESCUE CAPABILITIES OF THE FEDERAL GOVERNMENT.

The Secretary of Defense may not reduce or eliminate search and rescue capabilities at any military installation in the United States unless the Secretary first certifies to the Committees on Armed Services of the Senate and the House of Representatives that equivalent search and rescue capabilities will be provided, without interruption and consistent with the policies and objectives set forth in the United States National Search and Rescue Plan entered into force on January 1, 1999, by—

(1) the Department of Interior, the Department of Commerce, the Department of Homeland Security, the Department of Transportation, the Federal Communications Commission, or the National Aeronautics and Space Administration; or

(2) the Department of Defense, either directly or through a Department of Defense contract with an emergency medical service provider or other private entity to provide such capabilities.

SEC. 1086. ACQUISITION OF AERIAL FIREFIGHTING EQUIPMENT FOR NATIONAL INTERAGENCY FIRE CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) The National Interagency Fire Center does not possess an adequate number of aircraft for use in aerial firefighting, and personnel at the Center rely on military aircraft to provide such firefighting services.

(2) It is in the national security interest of the United States for the National Interagency Fire Center to acquire aircraft for use in aerial firefighting so that the military aircraft made available for aerial firefighting will instead be available for use by the Armed Forces.

(b) AUTHORITY TO PURCHASE AERIAL FIREFIGHTING EQUIPMENT.—(1) The Secretary of Agriculture is authorized to purchase 10 aircraft, as described in paragraph (2), for the National Interagency Fire Center for use in aerial firefighting.

(2) The aircraft referred to in paragraph (1) shall be aircraft that are—

(A) specifically designed and built for aerial firefighting;

(B) certified by the Chief of the Forest Service as suited for conditions commonly experienced in aerial firefighting operations carried out in the United States, including Alaska; and

(C) manufactured in a manner that is consistent with the recommendations for aircraft used in aerial firefighting contained in—

(i) the Blue Ribbon Panel Report to the Chief of the Forest Service and the Director of the Bureau of Land Management dated December 2002; and

(ii) the Safety Recommendation of the Chairman of the National Transportation Safety Board related to aircraft used in aerial firefighting dated April 23, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture for fiscal year 2005 such funds as may be necessary to purchase the 10 aircraft described in subsection (b).

SEC. 1087. REVISION TO REQUIREMENTS FOR RECOGNITION OF INSTITUTIONS OF HIGHER EDUCATION AS HISPANIC-SERVING INSTITUTIONS FOR PURPOSES OF CERTAIN GRANTS AND CONTRACTS.

Section 502(a)(5)(C) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)(C)) is amended by inserting before the period the following: '', which assurances—

''(i) may employ statistical extrapolation using appropriate data from the Bureau of the Census or other appropriate Federal or State sources; and

''(ii) the Secretary shall consider as meeting the requirements of this subparagraph, unless the Secretary determines, based on a preponderance of the evidence, that the assurances do not meet the requirements''.

SEC. 1088. MILITARY EXTRATERRITORIAL JURISDICTION OVER CONTRACTORS SUPPORTING DEFENSE MISSIONS OVERSEAS.

Section 3267(1)(A) of title 18, United States Code, is amended to read as follows:

''(A) employed as—

''(i) a civilian employee of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

''(ii) a contractor (including a subcontractor at any tier) of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

''(iii) an employee of a contractor (or subcontractor at any tier) of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;''.

SEC. 1089. DEFINITION OF UNITED STATES FOR PURPOSES OF FEDERAL CRIME OF TORTURE.

Section 2340(3) of title 18, United States Code, is amended to read as follows:

''(3) 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.''.

SEC. 1090. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) IN GENERAL.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is amended by striking ''2003'' and inserting ''2006''.

(b) PAYMENT OF COSTS.—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by inserting '', water, or wastewater treatment'' after ''payment of energy''.

(c) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

''(2) The term 'energy savings' means a reduction in the cost of energy, water, or wastewater treatment, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

''(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

''(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

''(C) the increased efficient use of existing water sources in either interior or exterior applications.''.

(d) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

''(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract that provides for the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance, and repair, of an identified energy or water conservation measure or series of measures at 1 or more locations. Such contracts shall, with respect to an agency facility that is a public building (as such term is defined in section 3301 of title 40, United States Code), be in compliance with the prospectus requirements and procedures of section 3307 of title 40, United States Code.''.

(e) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

''(4) The term 'energy or water conservation measure' means—

''(A) an energy conservation measure, as defined in section 551; or

''(B) a water conservation measure that improves the efficiency of water use, is life-cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.''.

(f) REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, including the identification of additional qualified contractors, and energy efficiency services covered. The Secretary shall report these findings to Congress and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

(g) EXTENSION OF AUTHORITY.—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be deemed to have been entered into pursuant to such section 801 as amended by subsection (a) of this section.

SEC. 1091. SENSE OF CONGRESS AND POLICY CONCERNING PERSONS DETAINED BY THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that —

(1) the abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad, Iraq, are inconsistent with the professionalism, dedication, standards, and training required of individuals who serve in the United States Armed Forces;

(2) the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of illegal tactics and terrorist attacks and attempts on their lives;

(3) the abuse of persons in United States custody in Iraq is appropriately condemned and deplored by the American people;

(4) the Armed Forces are moving swiftly and decisively to identify, try, and, if found guilty, punish persons who perpetrated such abuse;

(5) the Department of Defense and appropriate military authorities must continue to undertake corrective action, as appropriate, to address chain-of-command deficiencies and the systemic deficiencies identified in the incidents in question;

(6) the Constitution, laws, and treaties of the United States and the applicable guidance and regulations of the United States Government prohibit the torture or cruel, inhuman, or degrading treatment of foreign prisoners held in custody by the United States;

(7) the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the Armed Forces who have served, or who are serving, in Operation Iraqi Freedom; and

(8) no detainee shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of United States.

(b) POLICY.—It is the policy of the United States to—

(1) ensure that no detainee shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States;

(2) investigate and prosecute, as appropriate, all alleged instances of unlawful treatment of detainees in a manner consistent with the international obligations, laws, or policies of the United States;

(3) ensure that all personnel of the United States Government understand their obligations in both wartime and peacetime to comply with the legal prohibitions against torture, cruel, inhuman, or degrading treatment of detainees in the custody of the United States;

(4) ensure that, in a case in which there is doubt as to whether a detainee is entitled to prisoner of war status under the Geneva Conventions, such detainee receives the protections

accorded to prisoners of war until the detainee's status is determined by a competent tribunal; and

(5) expeditiously process and, if appropriate, prosecute detainees in the custody of the United States, including those in the custody of the United States Armed Forces at Guantanamo Bay, Cuba.

(c) DETAINEES.—For purposes of this section, the term ''detainee'' means a person in the custody or under the physical control of the United States as a result of armed conflict.

SEC. 1092. ACTIONS TO PREVENT THE ABUSE OF DETAINEES.

(a) POLICIES REQUIRED.—The Secretary of Defense shall ensure that policies are prescribed not later than 150 days after the date of the enactment of this Act regarding procedures for Department of Defense personnel and contractor personnel of the Department of Defense intended to ensure that members of the Armed Forces, and all persons acting on behalf of the Armed Forces or within facilities of the Armed Forces, treat persons detained by the United States Government in a humane manner consistent with the international obligations and laws of the United States and the policies set forth in section 1091(b).

(b) MATTERS TO BE INCLUDED.—In order to achieve the objective stated in subsection (a), the policies under that subsection shall specify, at a minimum, procedures for the following:

(1) Ensuring that each commander of a Department of Defense detention facility or interrogation facility—

(A) provides all assigned personnel with training, and documented acknowledgment of receiving training, regarding the law of war, including the Geneva Conventions; and

(B) establishes standard operating procedures for the treatment of detainees.

(2) Ensuring that each Department of Defense contract in which contract personnel in the course of their duties interact with individuals detained by the Department of Defense on behalf of the United States Government include a requirement that such contract personnel have received training, and documented acknowledgment of receiving training, regarding the international obligations and laws of the United States applicable to the detention of personnel.

(3) Providing all detainees with information, in their own language, of the applicable protections afforded under the Geneva Conventions.

(4) Conducting periodic unannounced and announced inspections of detention facilities in order to provide continued oversight of interrogation and detention operations.

(5) Ensuring that, to the maximum extent practicable, detainees and detention facility personnel of a different gender are not alone together.

(c) SECRETARY OF DEFENSE CERTIFICATION.—The Secretary of Defense shall certify that all Federal employees and civilian contractors engaged in the handling or interrogation of individuals detained by the Department of Defense on behalf of the United States Government have fulfilled an annual training requirement on the law of war, the Geneva Conventions, and the obligations of the United States under international law.

SEC. 1093. REPORTING REQUIREMENTS.

(a) TRANSMISSION OF REGULATIONS, ETC.—Not later than 30 days after the date on which regulations, policies, and orders are first prescribed under section 1092(a), the Secretary of Defense shall transmit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives copies of such regulations, policies, or orders, together with a report on steps taken to the date of the report to implement section 1092.

(b) ONE-YEAR IMPLEMENTATION REPORT.—Not later than one year after the date on which regulations, policies, and orders are first prescribed under section 1092(a), the Secretary shall submit to such committees a report on further steps taken to implement section 1092 to the date of such report.

(c) ANNUAL REPORT.—Nine months after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report for the preceding 12-months containing the following:

(1) Notice of any investigation into any violation of international obligations or laws of the United States regarding the treatment of individuals detained by the United States Armed Forces or by a person providing services to the Department of Defense on a contractual basis, if the notice will not compromise any ongoing criminal or administrative investigation or prosecution.

(2) General information on the foreign national detainees in the custody of the Department of Defense during the 12-month period covered by the report, including the following:

(A) The best estimate of the Secretary of Defense of the total number of detainees in the custody of the Department as of the date of the report.

(B) The best estimate of the Secretary of Defense of the total number of detainees released from the custody of the Department during the period covered by the report.

(C) An aggregate summary of the number of persons detained as enemy prisoners of war, civilian internees, and unlawful combatants, including information regarding the average length of detention for persons in each category.

(D) An aggregate summary of the nationality of persons detained.

(E) Aggregate information as to the transfer of detainees to the jurisdiction of other countries, and the countries to which transferred.

(d) CLASSIFICATION OF REPORTS.—Reports submitted under this section shall be submitted, to the extent practicable, in unclassified form, but may include a classified annex as necessary to protect the national security of the United States.

(e) TERMINATION.—The requirements of this section shall cease to be in effect on December 31, 2007.

SEC. 1094. FINDINGS AND SENSE OF CONGRESS CONCERNING ARMY SPECIALIST JOSEPH DARBY.

(a) FINDINGS.—Congress makes the following findings:

(1) The need to act in accord with one's conscience, risking one's career and even the esteem of one's colleagues by pursuing what is right is especially important today.

(2) While the Department of Defense investigates the horrific abuses in American detention facilities in Iraq, the Nation should bear in mind that the abuses were only brought to light because of the courage of an American soldier.

(3) By alerting his superiors to abuses at Abu Ghraib prison in Iraq, Army Specialist Joseph Darby demonstrated the courage to speak out and do what is right for his country.

(4) Such an action is especially important in light of the many challenges facing the country.

(5) Specialist Darby deserves the Nation's thanks for speaking up and for standing up for what is right.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Secretary of Defense should make every protection available to Army Specialist Joseph Darby and others who demonstrate such courage; and

(2) Specialist Darby should be commended appropriately by the Secretary of the Army.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Payment of Federal employee health benefit premiums for mobilized Federal employees.
Sec. 1102. Foreign language proficiency pay.
Sec. 1103. Pay and performance appraisal parity for civilian intelligence personnel.
Sec. 1104. Pay parity for senior executives in defense nonappropriated fund instrumentalities.
Sec. 1105. Science, mathematics, and research for transformation (SMART) defense scholarship pilot program.
Sec. 1106. Report on how to recruit and retain individuals with foreign language skills.
Sec. 1107. Plan on implementation and utilization of flexible personnel management authorities in Department of Defense laboratories.

SEC. 1101. PAYMENT OF FEDERAL EMPLOYEE HEALTH BENEFIT PREMIUMS FOR MOBILIZED FEDERAL EMPLOYEES.

(a) AUTHORITY TO CONTINUE BENEFIT COVERAGE.—Section 8905a of title 5, United States Code is amended—

(1) in subsection (a), by striking ''paragraph (1) or (2) of'';

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking ''and'' at the end;

(B) in paragraph (2)(C), by striking the period at the end and inserting ''; and''; and

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

''(3) any employee who—

''(A) is enrolled in a health benefits plan under this chapter;

''(B) is a member of a reserve component of the armed forces;

''(C) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

''(D) is placed on leave without pay or separated from service to perform active duty; and

''(E) serves on active duty for a period of more than 30 consecutive days.''; and

(4) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

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

''(C) in the case of an employee described in subsection (b)(3), the date which is 24 months after the employee is placed on leave without pay or separated from service to perform active duty.''.

(b) AUTHORITY FOR AGENCIES TO PAY PREMIUMS.—Subparagraph (C) of section 8906(e)(3) of such title is amended by striking ''18 months'' and inserting ''24 months''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Federal employees called or ordered to active duty on or after September 14, 2001.

SEC. 1102. FOREIGN LANGUAGE PROFICIENCY PAY.

(a) ELIGIBILITY FOR SERVICE NOT RELATED TO CONTINGENCY OPERATIONS.—Section 1596a(a)(2) of title 10, United States Code, is amended by striking ''during a contingency operation supported by the armed forces''.

(b) EFFECTIVE DATE.—The amendment by this section shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

SEC. 1103. PAY AND PERFORMANCE APPRAISAL PARITY FOR CIVILIAN INTELLIGENCE PERSONNEL.

(a) PAY RATES.—Section 1602 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in relation to the rates of pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities'' and inserting ''in relation to the rates of pay provided for comparable positions in the Department of Defense and subject to the same limitations on maximum rates of pay established for employees of the Department of Defense by law or regulation'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

(b) PERFORMANCE APPRAISAL SYSTEM.—Section 1606 of such title is amended by adding at the end the following new subsection:

''(d) PERFORMANCE APPRAISALS.—(1) The Defense Intelligence Senior Executive Service shall be subject to a performance appraisal system which, as designed and applied, is certified by the Secretary of Defense under section 5307 of title 5 as making meaningful distinctions based on relative performance.

''(2) The performance appraisal system applicable to the Defense Intelligence Senior Executive Service under paragraph (1) may be the same performance appraisal system that is established and implemented within the Department of Defense for members of the Senior Executive Service.''.

SEC. 1104. PAY PARITY FOR SENIOR EXECUTIVES IN DEFENSE NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1587 the following new section:

''§ 1587a. Employees of nonappropriated fund instrumentalities: senior executive pay levels

''(a) AUTHORITY.—To achieve the objective stated in subsection (b), the Secretary of Defense may regulate the amount of total compensation that is provided for senior executives of nonappropriated fund instrumentalities who, for the fixing of pay by administrative action, are under the jurisdiction of the Secretary of Defense or the Secretary of a military department.

''(b) PAY PARITY.—The objective of an action taken with respect to the compensation of senior executives under subsection (a) is to provide for parity between the total compensation provided for such senior executives and total compensation that is provided for Department of Defense employees in Senior Executive Service positions or other senior executive positions.

''(c) STANDARDS OF COMPARABILITY.—Subject to subsection (d), the Secretary of Defense shall prescribe the standards of comparison that are to apply in the making of the determinations necessary to achieve the objective stated in subsection (b).

''(d) ESTABLISHMENT OF PAY RATES.—The Secretary of Defense shall apply subsections (a) and (b) of section 5382 of title 5 in the regulation of compensation under this section.

''(e) RELATIONSHIP TO PAY LIMITATION.—The Secretary of Defense may exercise the authority provided in subsection (a) without regard to section 5373 of title 5.

''(f) DEFINITIONS.—In this section:

''(1) The term 'compensation' includes rate of basic pay.

''(2) The term 'Senior Executive Service position' has the meaning given such term in section 3132 of title 5.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1587 the following new item:

''1587a. Employees of nonappropriated fund instrumentalities: senior executive pay levels.''.

SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PILOT PROGRAM.

(a) REQUIREMENT FOR PROGRAM.—(1) The Secretary of Defense shall carry out a pilot program to provide financial assistance for education in science, mathematics, engineering, and technology skills and disciplines that, as determined by the Secretary, are critical to the national security functions of the Department of Defense and are needed in the Department of Defense workforce.

(2) The pilot program under this section shall be carried out for three years beginning on the date of the enactment of this Act.

(b) SCHOLARSHIPS.—(1) Under the pilot program, the Secretary of Defense may award a scholarship in accordance with this section to a person who—

(A) is a citizen of the United States;

(B) is pursuing an undergraduate or advanced degree in a critical skill or discipline described in subsection (a) at an institution of higher education; and

(C) enters into a service agreement with the Secretary of Defense as described in subsection (c).

(2) The amount of the financial assistance provided under a scholarship awarded to a person under this subsection shall be the amount determined by the Secretary of Defense as being necessary to pay all educational expenses incurred by that person, including tuition, fees, cost of books, laboratory expenses, and expenses of room and board. The expenses paid, however, shall be limited to those educational expenses normally incurred by students at the institution of higher education involved.

(c) SERVICE AGREEMENT FOR RECIPIENTS OF ASSISTANCE.—(1) To receive financial assistance under this section—

(A) in the case of an employee of the Department of Defense, the employee shall enter into a written agreement to continue in the employment of the department for the period of obligated service determined under paragraph (2); and

(B) in the case of a person not an employee of the Department of Defense, the person shall enter into a written agreement to accept and continue employment in the Department of Defense for the period of obligated service determined under paragraph (2).

(2) For the purposes of this subsection, the period of obligated service for a recipient of a scholarship under this section shall be the period determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for the financial assistance provided under the scholarship. In no event may the period of service required of a recipient be less than the total period of pursuit of a degree that is covered by the scholarship. The period of obligated service is in addition to any other period for which the recipient is obligated to serve in the civil service of the United States.

(3) An agreement entered into under this subsection by a person pursuing an academic degree shall include any terms and conditions that the Secretary of Defense determines necessary to protect the interests of the United States or otherwise appropriate for carrying out this section.

(d) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—(1) A person who voluntarily terminates service before the end of the period of obligated service required under an agreement entered into under subsection (c) shall refund to the United States an amount determined by the Secretary of Defense as being appropriate to obtain adequate service in exchange for financial assistance.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) The Secretary of Defense may waive, in whole or in part, a refund required under paragraph (1) 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.

(4) A discharge in bankruptcy under title 11, United States Code, that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or under this subsection.

(e) RELATIONSHIP TO OTHER PROGRAMS.—The pilot program under this section is in addition to the authorities provided in chapter 111 of title 10, United States Code. The Secretary of Defense shall coordinate the provision of financial assistance under the authority of this section with the provision of financial assistance under the authorities provided in such chapter in order to maximize the benefits derived by the Department of Defense from the exercise of all such authorities.

(f) RECOMMENDATION ON PILOT PROGRAM.—Not later than February 1, 2007, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives a plan for expanding and improving the national defense science and engineering workforce educational assistance pilot program carried out under this section as appropriate to improve recruitment and retention to meet the requirements of the Department of Defense for its science and engineering workforce on a short-term basis and on a long-term basis.

(g) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

''(ii) the candidate is a participant in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.''.

(h) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (21 U.S.C. 1001).

SEC. 1106. REPORT ON HOW TO RECRUIT AND RETAIN INDIVIDUALS WITH FOREIGN LANGUAGE SKILLS.

Not later than March 31, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives and the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, a plan for expanding and improving the national security foreign language workforce of the Department of Defense as appropriate to improve recruitment and retention to meet the requirements of the Department for its foreign language workforce on a short-term basis and on a long-term basis.

SEC. 1107. PLAN ON IMPLEMENTATION AND UTILIZATION OF FLEXIBLE PERSONNEL MANAGEMENT AUTHORITIES IN DEPARTMENT OF DEFENSE LABORATORIES.

(a) PLAN REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Personnel and Readiness shall jointly develop a plan for the effective utilization of the personnel management authorities referred to in subsection (b) in order to increase the mission responsiveness, efficiency, and effectiveness of Department of Defense laboratories.

(b) COVERED AUTHORITIES.—The personnel management authorities referred to in this subsection are the personnel management authorities granted to the Secretary of Defense by the provisions of law as follows:

(1) Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 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–315)).

(2) Section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(3) Section 9902(c) of title 5, United States Code.

(4) Such other provisions of law as the Under Secretaries jointly consider appropriate for purposes of this section.

(c) PLAN ELEMENTS.—The plan under subsection (a) shall—

(1) include such elements as the Under Secretaries jointly consider appropriate to provide for the effective utilization of the personnel management authorities referred to in subsection (b) as described in subsection (a), including the recommendations of the Under Secretaries for such additional authorities, including authorities for demonstration programs or projects, as are necessary to achieve the effective utilization of such personnel management authorities; and

(2) include procedures, including a schedule for review and decisions, on proposals to modify current demonstration programs or projects, or to initiate new demonstration programs or projects, on flexible personnel management at Department laboratories

(d) SUBMITTAL TO CONGRESS.—The Under Secretaries shall jointly submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives the plan under subsection (a) not later than December 1, 2005.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Subtitle A—Matters Relating to Iraq, Afghanistan, and Global War on Terrorism

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Sec. 1202. Assistance to Iraq and Afghanistan military and security forces.
Sec. 1203. Redesignation and modification of authorities relating to Inspector General of the Coalition Provisional Authority.
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Sec. 1206. Report on contractors supporting deployed forces and reconstruction efforts in Iraq.
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Subtitle B—Counterproliferation Matters

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Subtitle C—Other Matters

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Sec. 1226. Study on missile defense cooperation.

Subtitle A—Matters Relating to Iraq, Afghanistan, and Global War on Terrorism

SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) FISCAL YEAR 2005 AUTHORITY.—During fiscal year 2005, from funds made available to the Department of Defense for operation and maintenance pursuant to title XV, not to exceed $300,000,000 may be used to provide funds—

(1) for the Commanders' Emergency Response Program, established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter (beginning with the first quarter of fiscal year 2005), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes stated in subsection (a).

(c) WAIVER AUTHORITY.—For purposes of the exercise of the authority provided by this section or any other provision of law making funding available for the Commanders' Emergency Response Program referred to in subsection (a) (including a program referred to in paragraph (2) of that subsection), the Secretary may waive any provision of law not contained in this section that would (but for the waiver) prohibit, restrict, limit, or otherwise constrain the exercise of that authority.

(d) REVIEW OF LAWS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report identifying all provisions of law that (if not waived) would prohibit, restrict, limit, or otherwise constrain the exercise of the authority provided in this section or any other provision of law using funds available for the purposes stated in subsection (a).

SEC. 1202. ASSISTANCE TO IRAQ AND AFGHANISTAN MILITARY AND SECURITY FORCES.

(a) AUTHORITY.—The Secretary of Defense may provide assistance under this section to Iraq and Afghanistan military and security forces. Such assistance shall be provided, subject to the provisions of this section, solely to enhance the ability of such forces to combat terrorism and support United States or coalition military operations in Iraq and Afghanistan, respectively.

(b) TYPE OF ASSISTANCE.—Assistance provided under subsection (a) may include equipment, supplies, services, and training.

(c) LIMITATIONS.—Assistance under this section or under any other provision of law for the purpose described in subsection (a) may be provided only from funds available to the Department of Defense for fiscal year 2005 for operation and maintenance under title XV. The total amount of such assistance may not exceed $500,000,000.

(d) CONGRESSIONAL NOTIFICATION.—Before any provision of assistance under this section or any other provision of law for the purpose described in subsection (a), the Secretary of Defense shall submit to the congressional defense committees a notification of the assistance proposed to be provided. Any such notification shall be submitted not less than 15 days before the provision of such assistance.

(e) MILITARY AND SECURITY FORCES DEFINED.—For purposes of this section, the term ''military and security forces'' means national armies, national guard forces, border security forces, civil defense forces, infrastructure protection forces, and police.

SEC. 1203. REDESIGNATION AND MODIFICATION OF AUTHORITIES RELATING TO INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

(a) REDESIGNATION.—(1) Subsections (b) and (c)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) are each amended by striking ''Office of the Inspector General of the Coalition Provisional Authority'' and inserting ''Office of the Special Inspector General for Iraq Reconstruction''.

(2) Subsection (c)(1) of such section is further amended by striking ''Inspector General of the Coalition Provisional Authority'' and inserting ''Special Inspector General for Iraq Reconstruction (in this section referred to as the 'Inspector General')''.

(3)(A) The heading of such section is amended to read as follows:

"SEC. 3001. SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.".

(B) The heading of title III of such Act is amended to read as follows:

"TITLE III—SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION".

(b) CONTINUATION IN OFFICE.—The individual serving as the Inspector General of the Coalition Provisional Authority as of the date of the enactment of this Act may continue to serve in that position after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004, but remaining subject to removal as specified in paragraph (4) of that section.

(c) PURPOSES.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking ''of the Coalition Provisional Authority (CPA)'' and inserting ''funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund'';

(2) in paragraph (2)(B), by striking ''fraud'' and inserting ''waste, fraud,''; and

(3) in paragraph (3), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State and the Secretary of Defense''.

(d) RESPONSIBILITIES OF ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d)(1) of such section is amended by striking ''of the Coalition Provisional Authority'' and inserting ''supported by the Iraq Relief and Reconstruction Fund''.

(e) SUPERVISION.—Such section is further amended—

(1) in subsection (e)—

(A) in paragraph (1), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State and the Secretary of Defense''; and

(B) in paragraph (2)—

(i) by striking ''Neither the head of the Coalition Provisional Authority,'' and all that follows through ''nor any other officer'' and inserting ''No officer''; and

(ii) by striking ''investigation,'' and all that follows through ''course of any'' and inserting ''investigation related to the Iraq Relief and Reconstruction Fund or from issuing any subpoena during the course of any such'';

(2) in subsection (h)—

(A) in paragraphs (4)(B) and (5), by striking ''head of the Coalition Provisional Authority'' and inserting ''Secretary of State or Secretary of Defense, as appropriate,''; and

(B) in paragraph (5), by striking ''at the central and field locations of the Coalition Provisional Authority'' and inserting ''within the Department of Defense or at appropriate locations of the Department of State in Iraq'';

(3) in subsection (j)—

(A) in paragraph (1), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State and the Secretary of Defense''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''the head of the Coalition Provisional Authority'' the first place it appears

and inserting ''the Secretary of State or the Secretary of Defense''; and

(II) by striking ''the head of the Coalition Provisional Authority'' the second place it appears and inserting ''the Secretary of State or the Secretary of Defense, as the case may be,''; and

(ii) in subparagraph (B), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State or the Secretary of Defense, as the case may be,''; and

(4) in subsection (k), by striking ''the head of the Coalition Provisional Authority shall'' both places it appears and inserting ''the Secretary of State and the Secretary of Defense shall jointly''.

(f) DUTIES.—Subsection (f)(1) of such section is amended—

(1) in the matter preceding subparagraph (A), by striking ''appropriated funds by the Coalition Provisional Authority in Iraq'' and inserting ''amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund''; and

(2) in subparagraph (D), by striking ''the Coalition Provisional Authority,'' and all that follows through ''Government, and'' and inserting ''departments, agencies, and entities of the United States and''.

(g) INTERAGENCY COORDINATION.—Subsection (f) of such section is further amended by striking paragraphs (4) and (5) and inserting the following new paragraph (4):

''(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

''(A) The Inspector General of the Department of State.

''(B) The Inspector General of the Department of Defense.

''(C) The Inspector General of the United States Agency for International Development.''.

(h) POWERS AND AUTHORITIES.—Subsection (g)(1) of such section is amended by inserting before the period the following: '', including the authorities under subsection (e) of such section''.

(i) REPORTS.—Subsection (i) of such section is amended—

(1) in paragraph (1)—

(A) by striking the first sentence and inserting the following: ''Not later than 30 days after the end of each fiscal-year quarter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing, for the period of that quarter and, to the extent possible, the period from the end of such quarter to the time of the submission of the report, the activities during such period of the Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.'';

(B) in subparagraph (B), by striking ''the Coalition Provisional Authority'' and inserting ''the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable,'';

(C) in subparagraph (E)—

(i) by striking ''the Coalition Provisional Authority and of any other'' ; and

(ii) by striking ''appropriated funds'' and inserting ''amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund''; and

(D) in subparagraph (F)(iii), by striking ''the Coalition Provisional Authority'' and inserting ''the contracting department or agency'';

(2) in paragraph (2), by striking ''by the Coalition Provisional Authority'' and inserting ''by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund'';

(3) in paragraph (3)—

(A) by striking ''Not later than June 30, 2004, and semiannually thereafter, the'' and inserting ''The'';

(B) by striking ''a report'' and inserting ''semiannual reports''; and

(C) and by adding at the end the following new sentence: ''The first such report for a year, covering the first six months of the year, shall be submitted not later than July 31 of that year, and the second such report, covering the second six months of the year, shall be submitted not later than January 31 of the following year.''; and

(4) in paragraph (4), by striking ''of the Coalition Provisional Authority'' and inserting ''of the Department of State and of the Department of Defense''.

(j) TERMINATION.—Subsection (o) of such section is amended to read as follows:

''(o) TERMINATION.—The Office of the Inspector General shall terminate on the date that is 10 months after the date, as determined by the Secretary of State and the Secretary of Defense, on which 80 percent of the amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund by chapter 2 of title II of this Act have been obligated.''.

SEC. 1204. PRESIDENTIAL REPORT ON STRATEGY FOR STABILIZATION OF IRAQ.

(a) STABILIZATION STRATEGY.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress an unclassified report (with classified annex, if necessary) on the strategy of the United States and coalition forces for stabilizing Iraq. The report shall contain a detailed explanation of the strategy, together with the following:

(1) A description of the efforts of the President to work with the United Nations to provide support for, and assistance to, the transitional government in Iraq and, in particular, the efforts of the President to negotiate and secure adoption by the United Nations Security Council of Resolution 1546.

(2) A description of the efforts of the President to continue to work with North Atlantic Treaty Organization (NATO) member states and non-NATO member states to provide support for and augment coalition forces, including—

(A) the current military forces of coalition countries deployed to Iraq;

(B) the current police forces of coalition countries deployed to Iraq;

(C) the current financial resources of coalition countries pledged and provided for the stabilization and reconstruction of Iraq; and

(D) a list of countries that have pledged to deploy military or police forces, including the schedule and level of such deployments.

(3) The strategic plan referred to in subsection (b) relating to Iraqi security forces.

(4) A description of the efforts of the United States and coalition forces to assist in the reconstruction of essential infrastructure of Iraq, including the oil industry, electricity generation, roads, schools, and hospitals.

(5) A description of the efforts of the United States, coalition partners, and relevant international agencies to assist in the development of political institutions and prepare for democratic elections in Iraq.

(6) A description of the obstacles, including financial, technical, logistic, personnel, political, and other obstacles, faced by NATO in generating and deploying military forces out of theater to locations such as Iraq.

(b) IRAQI SECURITY FORCES.—The President shall include in the report under subsection (a) a strategic plan setting forth the manner in which the coaltion will achieve the goal of establishing viable and professional Iraqi security forces able to provide for the long-term security of the Iraqi people. That strategic plan shall include at least the following:

(1) Recruiting and retention goals, shown for each service of the Iraqi security forces.

(2) Training plans for each service of the Iraqi security forces.

(3) A description of metrics by which progress toward the goal of Iraqi provision for its own security can be measured.

(4) A description of equipment needs, shown for each service of the Iraqi security forces.

(5) A resourcing plan for achieving the goals of the strategic plan.

(6) Personnel plans in terms of United States military and contractor personnel to be used in training each such service.

(7) A description of challenges faced and opportunities presented in particular regions of Iraq and a plan for addressing those challenges.

(8) A discussion of training and deployment successes and failures to the date of the report and how lessons from those successes and failures will be incorporated into the strategic plan.

(c) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of calendar year 2005, the Secretary of Defense shall submit to the Congress a report on the actions taken under the strategic plan set forth pursuant to subsection (b) since the date of the enactment of this Act. Each such report shall be prepared in conjunction with the Secretary of State.

SEC. 1205. GUIDANCE ON CONTRACTORS SUPPORTING DEPLOYED FORCES IN IRAQ.

(a) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on how the Department of Defense shall manage contractor personnel who support deployed forces and shall direct the Secretaries of the military departments to develop procedures to ensure implementation of that guidance. The guidance shall—

(1) establish policies for the use of contractors to support deployed forces;

(2) delineate the roles and responsibilities of commanders regarding the management and oversight of contractor personnel who support deployed forces; and

(3) integrate into a single document other guidance and doctrine that may affect Department of Defense responsibilities to contractors in locations where members of the Armed Forces are deployed.

(b) ISSUES TO BE ADDRESSED.—The guidance issued under subsection (a) shall address at least the following matters:

(1) Warning contractor security personnel of potentially hazardous situations.

(2) Coordinating the movement of contractor security personnel, especially through areas of increased risk or planned or ongoing military operations.

(3) Rapidly identifying contractor security personnel by members of the Armed Forces.

(4) Sharing relevant threat information with contractor security personnel and receiving information gathered by contractor security personnel for use by United States and coalition forces.

(5) Providing appropriate assistance to contractor personnel who become engaged in hostile situations.

(6) Providing medical assistance for, and evacuation of, contractor personnel who become casualties as a result of enemy actions.

(7) Investigating background and qualifications of contractor security personnel and organizations.

(8) Establishing rules of engagement for armed contractor security personnel, and ensuring proper training and compliance with the rules of engagement.

(9) Establishing categories of security, intelligence, law enforcement, and criminal justice functions that are—

(A) inherently governmental functions under Subpart 7.5 of the Federal Acquisition Regulation; or

(B) although not inherently governmental functions, should not ordinarily be performed by contractors in areas of operations.

(10) Establishing procedures for making and documenting determinations about which security, intelligence, law enforcement, and criminal justice functions will be performed by military personnel and which will be performed by private companies.

(c) REPORT.—Not later than 30 days after issuing the guidance required under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the guidance issued under subsection (a).

SEC. 1206. REPORT ON CONTRACTORS SUPPORTING DEPLOYED FORCES AND RECONSTRUCTION EFFORTS IN IRAQ.

(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 Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on contractors supporting deployed forces and reconstruction efforts in Iraq.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include, at a minimum, the following matters with respect to contractors, and employees of contractors, described in subsection (a):

(1) A description of the overall chain of command and oversight mechanisms that are in place to ensure adequate command and supervision of such contractor employees in critical security roles.

(2) A description of sanctions that are available to be imposed on such a contractor employee who—

(A) fails to comply with a requirement of law or regulation that applies to such employee; or

(B) engages in other misconduct.

(3) A description of disciplinary and criminal actions brought against contractor employees during the period beginning on May 1, 2003, and ending on the date of the enactment of this Act.

(4) An explanation of the legal status of contractor employees engaged in the performance of security functions in Iraq after the transfer of sovereign power to Iraq on June 28, 2004.

(5) A specification of casualty and fatality figures for contractor employees supporting deployed forces and reconstruction efforts in Iraq, shown, to the extent practicable, in the following categories:

(A) Total casualties and total fatalities.

(B) Casualties and fatalities among—

(i) nationals of the United States;

(ii) nationals of Iraq; and

(iii) nationals of states other than the United States and Iraq.

(6) A description, to the maximum extent practicable, of incidents in which contractor employees supporting deployed forces and reconstruction efforts in Iraq have been engaged in hostile fire or other incidents of note during the period beginning on May 1, 2003, and ending on the date of the enactment of this Act.

(c) PLANS.—The Secretary shall include with the report under subsection (a) the following plans:

(1) A plan for establishing and implementing a process for collecting data on individual contractors, the value of the contracts, the number of casualties incurred, and the number of personnel in Iraq performing the following services for the Department of Defense and other Federal agencies:

(A) Personal security details.

(B) Nonmilitary site security.

(C) Nonmilitary convoy security.

(D) Interrogation services at interrogation centers operated by the Department of Defense.

(2) A plan for ensuring that military commanders in the theater of operations have accurate information on the number, types, and sources of weapons and other critical equipment (such as body armor, armored vehicles, secure communications and friend-foe identification) that contractor personnel performing services specified in paragraph (1) are authorized to possess.

(d) COORDINATION.—In the preparation of the report under this section (including the plans under subsection (c)), the Secretary of Defense shall coordinate, as appropriate, with the head of any Federal agency that is involved in the procurement of services from contractors supporting deployed forces and reconstruction efforts in Iraq. The head of any such agency shall provide to the Secretary of Defense such information as the Secretary may require about such contractors to complete the report.

SEC. 1207. UNITED NATIONS OIL-FOR-FOOD PROGRAM.

(a) ACCESS TO DOCUMENTS.—It is the sense of Congress that the Secretary of State should seek to conclude a memorandum of understanding with the Interim Government of Iraq to ensure that the United States will have access to all documents in the possession of that Government related to the United Nations Oil-for-Food Program.

(b) INFORMATION FROM THE UNITED NATIONS.—(1) The Secretary of State shall use the voice and vote of the United States in the United Nations to urge the Secretary General of the United Nations to provide to the United States copies of all audits and core documents related to the United Nations Oil-for-Food Program, including all audits, examinations, studies, reviews, or similar documents prepared by the United Nations Office of Internal Oversight Services and all responses to such documents.

(2) It is the sense of Congress that, pursuant to section 941(b)(6) of the United Nations Reform Act of 1999 (title IX of division A of H.R. 3427 of the 106th Congress, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–483), the Comptroller General should have full and complete access to financial information relating to the United Nations, including information related to the financial transactions, organization, and activities of the United Nations Oil-for-Food Program.

(3) The Secretary of State shall facilitate access by the Comptroller General to the financial information described in paragraph (2).

(c) COOPERATION IN INVESTIGATIONS.—The head of any Executive agency (including the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, and the Director of the Central Intelligence Agency) shall, upon a request in connection with an investigation of the United Nations Oil-for-Food Program made by a committee of jurisdiction of the Senate or House of Representatives, promptly provide to the chairman of that committee—

(1) access to any information or document described in subsection (a) or (b) that is under the control of such agency and responsive to the request; and

(2) cooperation in gaining access to information and documents described in subsections (a) and (b) that are not under the control of such agency, as appropriate.

(d) REVIEW OF OIL-FOR-FOOD PROGRAM BY COMPTROLLER GENERAL.—(1) The Comptroller General shall conduct a review of the United Nations Oil-for-Food Program, including the role of the United States in that program. The review—

(A) in accordance with generally accepted government auditing standards, should not interfere with any ongoing criminal investigation or inquiry related to that program; and

(B) may take into account the results of any investigation or inquiry related to that program.

(2) The head of each Executive agency shall fully cooperate with the review of the Comptroller General under paragraph (1).

(e) EXECUTIVE AGENCY DEFINED.—In this section, the term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

SEC. 1208 SUPPORT OF MILITARY OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—The Secretary of Defense may expend up to $25,000,000 during any fiscal year during which this subsection is in effect to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) NOTIFICATION.—Upon using the authority provided in subsection (a) to make funds available for support of an approved military operation, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event in not less than 48 hours, of the use of such authority with respect to that operation. Such a notification need be provided only once with respect to any such operation. Any such notification shall be in writing.

(d) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to make funds available under subsection (a) for support of a military operation may not be delegated.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(g) FISCAL YEAR 2005 LIMITATION.—Support may be provided under subsection (a) during fiscal year 2005 only from funds made available for operations and maintenance pursuant to title XV of this Act.

(h) PERIOD OF AUTHORITY.—The authority under subsection (a) is in effect during each of fiscal years 2005 through 2007.

Subtitle B—Counterproliferation Matters

SEC. 1211. DEFENSE INTERNATIONAL COUNTERPROLIFERATION PROGRAMS.

(a) INTERNATIONAL SECURITY PROGRAM TO PREVENT UNAUTHORIZED TRANSFER AND TRANSPORTATION OF WMDS.—Subsection (b) of section 1424 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2333) is amended to read as follows:

''(b) OTHER COUNTRIES.—The Secretary of Defense may carry out programs under subsection (a) in a country other than a country specified in that subsection if the Secretary determines that there exists in that country a significant threat of the unauthorized transfer and transportation of nuclear, biological, or chemical weapons or related materials.''.

(b) INTERNATIONAL TRAINING PROGRAM TO DETER WMD PROLIFERATION.—Section 1504(e)(3)(A) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2918) is amended—

(1) by striking ''The training program referred to in paragraph (1)(B) is a'' and inserting 'The Secretary of Defense may participate in a'';

(2) by inserting ''of'' after ''acquisition'';

(3) by striking ''and'' after ''countries,''; and

(4) by inserting before the period at the end the following: '', and in other countries in which, as determined by the Secretary of Defense, there exists a significant threat of such proliferation and acquisition''.

SEC. 1212. POLICY AND SENSE OF CONGRESS ON NONPROLIFERATION OF BALLISTIC MISSILES.

(a) FINDINGS.—Congress makes the following findings:

(1) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the United States or place at risk United States interests, deployed

members of the Armed Forces, and allies of the United States and other friendly foreign countries.

(2) Certain countries continue to actively transfer or sell ballistic missile technologies in contravention of standards of behavior established by the United States and allies of the United States and other friendly foreign countries.

(3) The spread of ballistic missiles and related technologies worldwide has been slowed by a combination of national and international export controls, forward-looking diplomacy, and multilateral interdiction activities to restrict the development and transfer of such missiles and technologies.

(b) POLICY.—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies of the United States and other friendly foreign countries, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

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

(1) the United States should vigorously pursue foreign policy initiatives aimed at eliminating, reducing, or retarding the proliferation of ballistic missiles and related technologies; and

(2) the United States and the international community should continue to support and strengthen established international accords and other cooperative efforts, including United Nations Security Council Resolution 1540 (April 28, 2004) and the Missile Technology Control Regime, that are designed to eliminate, reduce, or retard the proliferation of ballistic missiles and related technologies.

SEC. 1213. SENSE OF CONGRESS ON THE GLOBAL PARTNERSHIP AGAINST THE SPREAD OF WEAPONS OF MASS DESTRUCTION.

(a) COMMENDATION OF PRESIDENT.—Congress commends the President for the steps taken at the G–8 summit at Sea Island, Georgia, on June 8–10, 2004—

(1) to demonstrate continued support for the Global Partnership against the Spread of Nuclear Weapons and Materials of Mass Destruction; and

(2) to expand the Partnership (A) by welcoming new members, and (B) by using the Partnership to coordinate nonproliferation projects in Libya, Iraq, and other countries.

(b) FUTURE ACTIONS.—It is the sense of Congress that the President should seek to—

(1) expand the membership of donor nations to the Global Partnership against the Spread of Nuclear Weapons and Materials of Mass Destruction;

(2) ensure that the Russian Federation remains the primary focus of the Partnership, but also seek to fund, through the Partnership, efforts in other countries that need assistance to secure or dismantle their own potentially vulnerable weapons or materials;

(3) develop for the Partnership clear program goals;

(4) develop for the Partnership transparent project prioritization and planning;

(5) develop for the Partnership project implementation milestones under periodic review;

(6) develop under the Partnership agreements between partners for project implementation; and

(7) give high priority and senior-level attention to resolving disagreements on site access and worker liability under the Partnership.

SEC. 1214. REPORT ON COLLABORATIVE MEASURES TO REDUCE THE RISKS OF A LAUNCH OF RUSSIAN NUCLEAR WEAPONS.

Not later than November 1, 2005, the Secretary of Defense shall submit to Congress a report on collaborative measures between the United States and the Russian Federation to reduce the risks of a launch of a nuclear-armed ballistic missile as a result of accident, misinformation, miscalculation, or unauthorized use. The report shall provide—

(1) a description and assessment of the collaborative measures that are currently in effect;

(2) a description and assessment of other collaborative measures that could be pursued in the future;

(3) an assessment of the potential contributions of such collaborative measures to the national security of the United States;

(4) an assessment of the effect of such collaborative measures on relations between the United States and the Russian Federation;

(5) a description of the obstacles and opportunities associated with pursuing such collaborative measures; and

(6) an assessment of the future of the Joint Data Exchange Center.

Subtitle C—Other Matters

SEC. 1221. AUTHORITY FOR HUMANITARIAN ASSISTANCE FOR THE DETECTION AND CLEARANCE OF LANDMINES EXTENDED TO INCLUDE OTHER EXPLOSIVE REMNANTS OF WAR.

(a) EXTENSION OF AUTHORITY.—Subsection (e)(5) of section 401 of title 10, United States Code, is amended by inserting ''and other explosive remnants of war'' after ''landmines'' both places it appears.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(4)(A), by inserting ''or other explosive remnants of war'' after ''landmines''; and

(2) in subsection (c)(2)(B), by striking ''landmine clearing equipment or supplies'' and inserting ''equipment or supplies for clearing landmines or other explosive remnants of war''.

SEC. 1222. EXPANSION OF ENTITIES OF THE PEOPLE'S REPUBLIC OF CHINA SUBJECT TO CERTAIN PRESIDENTIAL AUTHORITIES WHEN OPERATING IN THE UNITED STATES.

Section 1237(b)(4)(B)(i) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note) is amended—

(1) by inserting '', or affiliated with,'' after ''or controlled by''; and

(2) by inserting after ''the People's Liberation Army'' the following: ''or a ministry of the government of the People's Republic of China or that is owned or controlled by an entity affiliated with the defense industrial base of the People's Republic of China''.

SEC. 1223. ASSIGNMENT OF NATO NAVAL PERSONNEL TO SUBMARINE SAFETY PROGRAMS.

(a) IN GENERAL.—Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7234. Submarine safety programs: participation of NATO naval personnel

''(a) ACCEPTANCE OF ASSIGNMENT OF FOREIGN NAVAL PERSONNEL.—In order to facilitate the development, standardization, and interoperability of submarine vessel safety and rescue systems and procedures, the Secretary of the Navy may conduct a program under which members of the naval service of any of the member nations of the North Atlantic Treaty Organization may be assigned to United States commands to work on such systems and procedures.

''(b) RECIPROCITY NOT REQUIRED.—The authority under subsection (a) is not an exchange program. Reciprocal assignments of members of the Navy to the naval service of a foreign country is not a condition for the exercise of such authority.

''(c) COSTS FOR FOREIGN PERSONNEL.—(1) The United States may not pay the following costs for a member of a foreign naval service sent to the United States under the program authorized by this section:

''(A) Salary.

''(B) Per diem.

''(C) Cost of living.

''(D) Travel costs.

''(E) Cost of language or other training.

''(F) Other costs.

''(2) Paragraph (1) does not apply to the following costs, which may be paid by the United States:

''(A) The cost of temporary duty directed by the Secretary of the Navy or an officer of the Navy authorized to do so.

''(B) The cost of training programs conducted to familiarize, orient, or certify members of foreign naval services regarding unique aspects of their assignments.

''(C) Costs incident to the use of the facilities of the Navy in the performance of assigned duties.

''(d) RELATIONSHIP TO OTHER AUTHORITY.—The provisions of this section shall apply in the exercise of any authority of the Secretary of the Navy to enter into an agreement with the government of a foreign country, subject to the concurrence of the Secretary of State, to provide for the assignment of members of the naval service of the foreign country to a Navy submarine safety program. The Secretary of the Navy may prescribe regulations for the application of this section in the exercise of such authority.

''(e) TERMINATION OF AUTHORITY.—The Secretary of the Navy may not accept the assignment of a member of the naval service of a foreign country under this section after September 30, 2008.''.

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

''7234. Submarine safety programs: participation of NATO naval personnel.''.

SEC. 1224. AVAILABILITY OF WARSAW INITIATIVE FUNDS FOR NEW NATO MEMBERS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, defense-wide activities, and available for the Defense Security Cooperation Agency for the Warsaw Initiative Funds (WIF), $4,000,000 may be available only in fiscal year 2005 for the participation of the North Atlantic Treaty Organization (NATO) members set forth in subsection (b) in the exercises and programs of the Partnership for Peace program of the North Atlantic Treaty Organization.

(b) NATO MEMBERS.—The North Atlantic Treaty Organization members set forth in this subsection are as follows:

(1) Bulgaria.

(2) Estonia.

(3) Latvia.

(4) Lithuania.

(5) Romania.

(6) Slovakia.

(7) Slovenia.

SEC. 1225. BILATERAL EXCHANGES AND TRADE IN DEFENSE ARTICLES AND DEFENSE SERVICES BETWEEN THE UNITED STATES AND THE UNITED KINGDOM AND AUSTRALIA.

(a) POLICY.—It is the policy of Congress that bilateral exchanges and trade in defense articles and defense services between the United States and the United Kingdom and Australia are in the national security interest of the United States and that such exchanges and trade should be subjected to accelerated review and processing consistent with national security and the requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(b) REQUIREMENT.—The Secretary of State shall ensure that any license application submitted for the export of defense articles or defense services to Australia or the United Kingdom is expeditiously processed by the Department of State, in consultation with the Department of Defense, without referral to any other Federal department or agency, except where the item is classified or exceptional circumstances apply.

(c) REGULATIONS.—The President shall ensure that regulations are prescribed to implement this section.

SEC. 1226. STUDY ON MISSILE DEFENSE COOPERATION.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense, in consultation with the Secretary of State, shall carry out a study to determine the advisability of authorizing or requiring—

(1) the Secretary of State to establish procedures for considering technical assistance agreements and related amendments and munitions license applications for the export of defense items related to missile defense not later than 30 days after receiving such agreements, amendments, and munitions license applications, except in cases in which the Secretary of State determines that additional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology; and

(2) the Secretary of Defense to establish procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(b) FEASIBILITY OF REQUIRING COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.—In carrying out the study under subsection (a), the Secretary of Defense, in consultation with the Secretary of State, shall examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report on the results of the study under subsection (a). The report shall include—

(1) the determinations resulting from the study, including a determination on the feasibility of providing the major project authorization for projects related to missile defense described in subsection (b); and

(2) a discussion of the justification for each such determination.

(d) DEFINITION OF DEFENSE ITEMS.—In this section, the term ''defense items'' has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

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

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia.
Sec. 1304. Inclusion of descriptive summaries in annual Cooperative Threat Reduction reports and budget justification materials.

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 the programs 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 2005 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2005 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $409,200,000 authorized to be appropriated to the Department of Defense for fiscal year 2005 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $58,522,000.

(2) For nuclear weapons storage security in Russia, $48,672,000.

(3) For nuclear weapons transportation security in Russia, $26,300,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,030,000.

(5) For chemical weapons destruction in Russia, $158,400,000.

(6) For biological weapons proliferation prevention in the former Soviet Union, $54,959,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $14,317,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2005 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) 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 will be 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 2005 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 2005 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that 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 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 stated in any of paragraphs (5) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

(a) TEMPORARY AUTHORITY.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) shall not apply for a calendar year for which the President submits to Congress a written certification that includes—

(1) a statement as to why a waiver of the conditions described in such section 1305 is important to the national security interests of the United States;

(2) a full and complete justification for the waiver of the conditions; and

(3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

(b) EXPIRATION.—The authority in subsection (a) shall expire on December 31, 2006, and no waiver shall remain in effect after that date.

SEC. 1304. INCLUSION OF DESCRIPTIVE SUMMARIES IN ANNUAL COOPERATIVE THREAT REDUCTION REPORTS AND BUDGET JUSTIFICATION MATERIALS.

Section 1307 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2165; 22 U.S.C. 5952 note) is amended—

(1) in subsection (a), by striking ''as part of the Secretary's annual budget request to Congress'' in the matter preceding paragraph (1) and inserting ''in the materials and manner specified in subsection (c)''; and

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

''(c) INCLUSION IN CERTAIN MATERIALS SUBMITTED TO CONGRESS.—The summary required to be submitted to Congress in a fiscal year under subsection (a) shall be set forth by project category, and by amounts specified in paragraphs (1) and (2) of that subsection in connection with such project category, in each of the following:

''(1) The annual report on activities and assistance under Cooperative Threat Reduction programs required in such fiscal year under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398).

''(2) The budget justification materials submitted to Congress in support of the Department of Defense budget for the fiscal year succeeding such fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).''.

TITLE XIV—SUNKEN MILITARY CRAFT

Sec. 1401. Preservation of title to sunken military craft and associated contents.
Sec. 1402. Prohibitions.
Sec. 1403. Permits.
Sec. 1404. Penalties.
Sec. 1405. Liability for damages.
Sec. 1406. Relationship to other laws.
Sec. 1407. Encouragement of agreements with foreign countries.
Sec. 1408. Definitions.

SEC. 1401. PRESERVATION OF TITLE TO SUNKEN MILITARY CRAFT AND ASSOCIATED CONTENTS.

Right, title, and interest of the United States in and to any United States sunken military craft—

(1) shall not be extinguished except by an express divestiture of title by the United States; and

(2) shall not be extinguished by the passage of time, regardless of when the sunken military craft sank.

SEC. 1402. PROHIBITIONS.

(a) UNAUTHORIZED ACTIVITIES DIRECTED AT SUNKEN MILITARY CRAFT.—No person shall engage in or attempt to engage in any activity directed at a sunken military craft that disturbs, removes, or injures any sunken military craft, except—

(1) as authorized by a permit under this title;

(2) as authorized by regulations issued under this title; or

(3) as otherwise authorized by law.

(b) POSSESSION OF SUNKEN MILITARY CRAFT.—No person may possess, disturb, remove, or injure any sunken military craft in violation of—

(1) this section; or

(2) any prohibition, rule, regulation, ordinance, or permit that applies under any other applicable law.

(c) LIMITATIONS ON APPLICATION.—

(1) ACTIONS BY UNITED STATES.—This section shall not apply to actions taken by, or at the direction of, the United States.

(2) FOREIGN PERSONS.—This section shall not apply to any action by a person who is not a citizen, national, or resident alien of the United States, except in accordance with—

(A) generally recognized principles of international law;

(B) an agreement between the United States and the foreign country of which the person is a citizen; or

(C) in the case of an individual who is a crew member or other individual on a foreign vessel or foreign aircraft, an agreement between the United States and the flag State of the foreign vessel or aircraft that applies to the individual.

(3) LOAN OF SUNKEN MILITARY CRAFT.—This section does not prohibit the loan of United States sunken military craft in accordance with regulations issued by the Secretary concerned.

SEC. 1403. PERMITS.

(a) IN GENERAL.—The Secretary concerned may issue a permit authorizing a person to engage in an activity otherwise prohibited by section 1402 with respect to a United States sunken military craft, for archaeological, historical, or educational purposes, in accordance with regulations issued by such Secretary that implement this section.

(b) CONSISTENCY WITH OTHER LAWS.—The Secretary concerned shall require that any activity carried out under a permit issued by such Secretary under this section must be consistent with all requirements and restrictions that apply under any other provision of Federal law.

(c) CONSULTATION.—In carrying out this section (including the issuance after the date of the enactment of this Act of regulations implementing this section), the Secretary concerned shall consult with the head of each Federal agency having authority under Federal law with respect to activities directed at sunken military craft or the locations of such craft.

(d) APPLICATION TO FOREIGN CRAFT.—At the request of any foreign State, the Secretary of the Navy, in consultation with the Secretary of State, may carry out this section (including regulations promulgated pursuant to this section) with respect to any foreign sunken military craft of that foreign State located in United States waters.

SEC. 1404. PENALTIES.

(a) IN GENERAL.—Any person who violates this title, or any regulation or permit issued under this title, shall be liable to the United States for a civil penalty under this section.

(b) ASSESSMENT AND AMOUNT.—The Secretary concerned may assess a civil penalty under this section, after notice and an opportunity for a hearing, of not more than $100,000 for each violation.

(c) CONTINUING VIOLATIONS.—Each day of a continued violation of this title or a regulation or permit issued under this title shall constitute a separate violation for purposes of this section.

(d) IN REM LIABILITY.—A vessel used to violate this title shall be liable in rem for a penalty under this section for such violation.

(e) OTHER RELIEF.—If the Secretary concerned determines that there is an imminent risk of disturbance of, removal of, or injury to any sunken military craft, or that there has been actual disturbance of, removal of, or injury to a sunken military craft, the Attorney General, upon request of the Secretary concerned, may seek such relief as may be necessary to abate such risk or actual disturbance, removal, or injury and to return or restore the sunken military craft. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

(f) LIMITATIONS.—An action to enforce a violation of section 1402 or any regulation or permit issued under this title may not be brought more than 8 years after the date on which—

(1) all facts material to the right of action are known or should have been known by the Secretary concerned; and

(2) the defendant is subject to the jurisdiction of the appropriate district court of the United States or administrative forum.

SEC. 1405. LIABILITY FOR DAMAGES.

(a) IN GENERAL.—Any person who engages in an activity in violation of section 1402 or any regulation or permit issued under this title that disturbs, removes, or injures any United States sunken military craft shall pay the United States enforcement costs and damages resulting from such disturbance, removal, or injury.

(b) INCLUDED DAMAGES.—Damages referred to in subsection (a) may include—

(1) the reasonable costs incurred in storage, restoration, care, maintenance, conservation, and curation of any sunken military craft that is disturbed, removed, or injured in violation of section 1402 or any regulation or permit issued under this title; and

(2) the cost of retrieving, from the site where the sunken military craft was disturbed, removed, or injured, any information of an archaeological, historical, or cultural nature.

SEC. 1406. RELATIONSHIP TO OTHER LAWS.

(a) IN GENERAL.—Except to the extent that an activity is undertaken as a subterfuge for activities prohibited by this title, nothing in this title is intended to affect—

(1) any activity that is not directed at a sunken military craft; or

(2) the traditional high seas freedoms of navigation, including—

(A) the laying of submarine cables and pipelines;

(B) operation of vessels;

(C) fishing; or

(D) other internationally lawful uses of the sea related to such freedoms.

(b) INTERNATIONAL LAW.—This title and any regulations implementing this title shall be applied in accordance with generally recognized principles of international law and in accordance with the treaties, conventions, and other agreements to which the United States is a party.

(c) LAW OF FINDS.—The law of finds shall not apply to—

(1) any United States sunken military craft, wherever located; or

(2) any foreign sunken military craft located in United States waters.

(d) LAW OF SALVAGE.—No salvage rights or awards shall be granted with respect to—

(1) any United States sunken military craft without the express permission of the United States; or

(2) any foreign sunken military craft located in United States waters without the express permission of the relevant foreign state.

(e) LAW OF CAPTURE OR PRIZE.—Nothing in this title is intended to alter the international law of capture or prize with respect to sunken military craft.

(f) LIMITATION OF LIABILITY.—Nothing in sections 4281 through 4287 and 4289 of the Revised Statutes (46 U.S.C. App. 181 et seq.) or section 3 of the Act of February 13, 1893 (chapter 105; 27 Stat. 445; 46 U.S.C. App. 192), shall limit the liability of any person under this section.

(g) AUTHORITIES OF THE COMMANDANT OF THE COAST GUARD.—Nothing in this title is intended to preclude or limit the application of any other law enforcement authorities of the Commandant of the Coast Guard.

(h) PRIOR DELEGATIONS, AUTHORIZATIONS, AND RELATED REGULATIONS.—Nothing in this title shall invalidate any prior delegation, authorization, or related regulation that is consistent with this title.

(i) CRIMINAL LAW.—Nothing in this title is intended to prevent the United States from pursuing criminal sanctions for plundering of wrecks, larceny of Government property, or violation of any applicable criminal law.

SEC. 1407. ENCOURAGEMENT OF AGREEMENTS WITH FOREIGN COUNTRIES.

The Secretary of State, in consultation with the Secretary of Defense, is encouraged to negotiate and conclude bilateral and multilateral agreements with foreign countries with regard to sunken military craft consistent with this title.

SEC. 1408. DEFINITIONS.

In this title:

(1) ASSOCIATED CONTENTS.—The term ''associated contents'' means—

(A) the equipment, cargo, and contents of a sunken military craft that are within its debris field; and

(B) the remains and personal effects of the crew and passengers of a sunken military craft that are within its debris field.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) subject to subparagraph (B), the Secretary of a military department; and

(B) in the case of a Coast Guard vessel, the Secretary of the Department in which the Coast Guard is operating.

(3) SUNKEN MILITARY CRAFT.—The term ''sunken military craft'' means all or any portion of—

(A) any sunken warship, naval auxiliary, or other vessel that was owned or operated by a government on military noncommercial service when it sank;

(B) any sunken military aircraft or military spacecraft that was owned or operated by a government when it sank; and

(C) the associated contents of a craft referred to in subparagraph (A) or (B),

if title thereto has not been abandoned or transferred by the government concerned.

(4) UNITED STATES CONTIGUOUS ZONE.—The term ''United States contiguous zone'' means the contiguous zone of the United States under Presidential Proclamation 7219, dated September 2, 1999.

(5) UNITED STATES INTERNAL WATERS.—The term ''United States internal waters'' means all waters of the United States on the landward side of the baseline from which the breadth of the United States territorial sea is measured.

(6) UNITED STATES TERRITORIAL SEA.—The term ''United States territorial sea'' means the waters of the United States territorial sea under Presidential Proclamation 5928, dated December 27, 1988.

(7) UNITED STATES WATERS.—The term ''United States waters'' means United States internal waters, the United States territorial sea, and the United States contiguous zone.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Defense-wide activities procurement.
Sec. 1505. Operation and maintenance.
Sec. 1506. Defense working capital funds.
Sec. 1507. Iraq Freedom Fund.
Sec. 1508. Defense health program.
Sec. 1509. Military personnel.
Sec. 1510. Treatment as additional authorizations.
Sec. 1511. Transfer authority.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize emergency appropriations for the Department of Defense for fiscal year 2005 to provide funds for additional costs due to Operation Iraqi Freedom

and Operation Enduring Freedom. Funds in this title are available upon the enactment of this Act.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2005 for procurement accounts of the Army in amounts as follows:

(3) For weapons and tracked combat vehicles, $50,000,000.

(4) For ammunition, $110,000,000.

(5) For other procurement, $755,000,000.

(6) For National Guard and Reserve equipment, $50,000,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2005 for the procurement account for the Marine Corps in the amount of $150,000,000.

(b) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2005 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $30,000,000.

SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the procurement account for Defense-wide procurement in the amount of $50,000,000.

SEC. 1505. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Armed Forces for expenses, not otherwise provided for, operation and maintenance, in amounts as follows:

(1) For the Army, $13,550,000,000.

(2) For the Navy, $367,000,000.

(3) For the Marine Corps, $1,665,000,000.

(4) For the Air Force, $419,000,000.

(5) For Defense-wide, $404,000,000.

SEC. 1506. DEFENSE WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2005 for Defense Working Capital Program in the amount of $1,478,000,000.

SEC. 1507. IRAQ FREEDOM FUND.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2005 for the account of the Iraq Freedom Fund in amount of $3,892,000,000, to remain available for transfer to other accounts in this title until September 30, 2006. Amounts of authorization so transferred shall be merged with and be made available for the same purposes as the authorization to which transferred. Of the amounts provided in this section $1,800,000,000 shall only be used for classified programs.

(b) NOTICE TO CONGRESS.—A transfer may be made from the Iraq Freedom Fund only after the Secretary of Defense notifies the congressional defense committees with respect to the proposed transfer in writing not less than five days before the transfer is made.

SEC. 1508. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, the Defense Health Program, in the amount of $780,000,000, for Operation and Maintenance.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2005 a total of $1,250,000,000.

SEC. 1510. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1511. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2005 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $1,500,000,000. The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—A transfer may be made under the authority of this section only after the Secretary of Defense—

(1) consults with the chairmen and ranking members of the congressional defense committees with respect to the proposed transfer; and

(2) after such consultation, notifies those committees in writing of the proposed transfer not less than five days before the transfer is made.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2005''.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Modification of authority to carry out certain fiscal year 2004 projects.

Sec. 2106. Modification of authority to carry out certain fiscal year 2003 project.

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 or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$23,690,000
	Fort Rucker	$16,000,000
Alaska	Fort Richardson	$24,300,000
	Fort Wainwright	$92,459,000
Arizona	Fort Huachuca	$18,000,000
California	Fort Irwin	$38,100,000
	Sierra Army Depot	$12,600,000
Colorado	Fort Carson	$59,508,000
Florida	Camp Rudder	$1,850,000
Georgia	Fort Benning	$71,777,000
	Fort Gillem	$5,800,000
	Fort McPherson	$4,900,000
	Fort Stewart/Hunter Army Air Field	$65,495,000
Hawaii	Helemano Military Reservation	$75,300,000
	Hickam Air Force Base	$11,200,000
	Schofield Barracks	$249,792,000
Kansas	Fort Riley	$59,550,000
Kentucky	Fort Campbell	$89,600,000
	Fort Knox	$75,750,000
Louisiana	Fort Polk	$70,953,000
Maryland	Aberdeen Proving Ground	$13,000,000
	Fort Detrick	$4,000,000
Missouri	Fort Leonard Wood	$31,850,000
New Jersey	Picatinny Arsenal	$9,900,000
New Mexico	White Sands Missile Range	$33,000,000
New York	Fort Drum	$13,650,000
	Fort Hamilton	$7,600,000
	Hancock Field	$6,000,000
	Military Entrance Processing Station, Buffalo	$6,200,000
	United States Military Academy, West Point	$60,000,000
North Carolina	Fort Bragg	$111,687,000
Oklahoma	Fort Sill	$17,800,000
Pennsylvania	Letterkenny Depot	$5,400,000
Texas	Fort Bliss	$19,400,000
	Fort Hood	$85,188,000
	Fort Sam Houston	$11,400,000
Virginia	Fort A.P. Hill	$10,775,000
	Fort Lee	$4,250,000
	Fort Myer	$49,526,000
Washington	Fort Lewis	$56,200,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
	Total	$1,623,450,000

(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 or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Germany	Grafenwoehr	$77,200,000
Italy	Livorno	$26,000,000
Korea	Camp Humphreys	$12,000,000
	Total	$115,200,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or Location	Purpose	Amount
Alaska	Fort Richardson	92 Units	$42,000,000
	Fort Wainwright	246 Units	$124,000,000
Arizona	Fort Huachuca	205 Units	$41,000,000
	Yuma Proving Ground	55 Units	$14,900,000
Kansas	Fort Riley	126 Units	$33,000,000
New Mexico	White Sands Missile Range	156 Units	$31,000,000
Oklahoma	Fort Sill	247 Units	$47,000,000
Virginia	Fort Lee	218 Units	$46,000,000
	Fort Monroe	68 Units	$16,000,000
	Total		$394,900,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(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 $29,209,000.

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)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $211,990,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,537,141,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,453,950,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $115,200,000.

(3) For unspecified minor military 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, $151,335,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $636,099,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $926,507,000.

(6) For the construction of phase 2 of a barracks complex, 5th & 16th Street, at Fort Stewart/Hunter Army Air Field, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $32,950,000.

(7) For the construction of phase 3 of a barracks complex renewal, Capron Road, at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1283), as amended by section 2105 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $48,000,000.

(8) For the construction of phase 2 of the Lewis & Clark instructional facility at Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), $44,000,000.

(9) For the construction of phase 2 of a barracks complex at Wheeler Sack Army Air Field at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $48,000,000.

(10) For the construction of phase 2 of a barracks complex, Bastogne Drive, Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $48,000,000.

(11) For the construction of phase 3 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 107–314; 116 Stat. 2681), $13,100,000.

(b) 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 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $41,000,000 (the balance of the amount authorized under section 2101(a) to upgrade Drum Road, Helemano Military Reservation, Hawaii).

(3) $25,000,000 (the balance of the amount authorized under section 2101(a) for construction of a vehicle maintenance facility, Schofield Barracks, Hawaii).

(4) $25,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Fort Campbell, Kentucky).

(5) $22,000,000 (the balance of the amount authorized under section 2101(a) for construction of trainee barracks, Basic Training Complex 1, Fort Knox, Kentucky).

(6) $25,500,000 (the balance of the amount authorized under section 2101(a) for construction of a library and learning facility, United States Military Academy, West Point, New York).

(7) $31,000,000 (the balance of the amount authorized under section 2101(a) for a barracks complex renewal project, Fort Bragg, North Carolina).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (11) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $5,550,000, which represents prior year savings.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECTS.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697) is amended—

(1) in the item relating to Fort Stewart/Hunter Army Air Field, Georgia, by striking ''$113,500,000'' in the amount column and inserting ''$114,450,000'';

(2) in the item relating to Fort Drum, New York, by striking ''$130,700,000'' in the amount column and inserting ''$135,700,000''; and

(3) by striking the amount identified as the total in the amount column and inserting ''$1,043,150,000''.

(b) CONFORMING AMENDMENTS.—Section 2104(b) of that Act (117 Stat. 1700) is amended—

(1) in paragraph (2), by striking ''$32,000,000'' and inserting ''$32,950,000''; and

(2) in paragraph (4), by striking ''$43,000,000'' and inserting ''$48,000,000''.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), as amended by section 2105(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1700), is further amended—

(1) in the item relating to Fort Sill, Oklahoma, by striking ''$39,652,000'' in the amount column and inserting ''$40,752,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,157,267,000''.

(b) CONFORMING AMENDMENT.—Section 2104(b)(6) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2684) is amended by striking ''$25,000,000'' and inserting ''$26,100,000''.

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

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

SEC. 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 or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$26,670,000
California	Marine Corps Air-Ground Task Force Training Center, Twentynine Palms	$15,700,000
	Marine Corps Air Station, Camp Pendleton	$11,540,000
	Marine Corps Base, Camp Pendleton	$26,915,000
	Marine Corps Logistics Base, Barstow	$4,930,000
	Naval Air Facility, El Centro	$54,331,000
	Naval Air Station, North Island	$10,180,000
	Naval Surface Warfare Center, Division Corona	$9,850,000
	Recruit Depot San Diego	$8,110,000
Connecticut	Naval Submarine Base, New London	$50,302,000
District of Columbia	Naval Observatory, Washington	$3,239,000
Florida	Eglin Air Force Base	$2,060,000
	Naval Station, Mayport	$6,200,000
Georgia	Strategic Weapons Facility Atlantic, Kings Bay	$16,000,000
Hawaii	Naval Shipyard, Pearl Harbor	$5,100,000
Illinois	Naval Training Center, Great Lakes	$74,781,000
Indiana	Naval Surface Warfare Center, Crane	$12,600,000
Maine	Naval Air Station, Brunswick	$6,220,000
Maryland	Naval Surface Warfare Center, Indian Head	$23,000,000
North Carolina	Marine Corps Air Station, New River	$35,140,000
	Marine Corps Base, Camp Lejeune	$11,030,000
	Navy Outlying Landing Field, Washington County	$136,900,000
Nevada	Naval Air Station, Fallon	$4,980,000
Rhode Island	Naval Air Station, Newport	$5,490,000
South Carolina	Marine Corps Air Station, Beaufort	$5,480,000
	Naval Weapons Station, Charleston	$12,209,000
Virginia	Camp Elmore Marine Corps Detachment	$13,500,000
	Marine Corps Air Facility, Quantico	$73,838,000
	Marine Corps Combat Development Command, Quantico	$25,090,000
	Naval Air Station, Oceana	$2,770,000
	Naval Amphibious Base, Little Creek	$9,220,000
	Naval Station, Norfolk	$4,330,000
	Naval Weapons Station, Yorktown	$9,870,000
Washington	Naval Air Station, Whidbey Island	$1,990,000
	Naval Shipyard, Puget Sound	$20,305,000
	Naval Station, Bremerton	$74,125,000
	Strategic Weapons Facility Pacific, Bangor	$138,060,000
	Total	$952,055,000

(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 installations or locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Diego Garcia	Naval Support Facility, Diego Garcia	$17,500,000
Guam	Naval Public Works Center, Guam	$20,700,000
	Naval Station, Guam	$12,500,000
Italy	Sigonella	$22,550,000
Spain	Naval Station, Rota	$32,700,000
	Total	$105,950,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amount set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
	Unspecified Worldwide	$105,982,000
	Total	$105,982,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, for the purpose, and in the amount set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
North Carolina	Marine Corps Air Station, Cherry Point	198 Units	$27,002,000
	Total		$27,002,000

SEC. 2203. 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 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $112,105,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,897,245,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $712,927,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $94,950,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2201(c), $40,000,000.

(4) For unspecified minor military 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, $87,067,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $139,107,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $696,304,000.

(7) For the construction of increment 2 of the tertiary sewage treatment plant at Marine Corps Base, Camp Pendleton, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1703), $25,690,000.

(8) For the construction of increment 2 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $49,200,000.

(9) For the construction of increment 2 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $40,000,000.

(b) 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 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $21,000,000 (the balance of the amount authorized under section 2201(a) for apron and hangar recapitalization, Naval Air Facility, El Centro, California).

(3) $116,750,000 (the balance of the amount authorized under section 2201(a) for land acquisition for an outlying landing field in Washington County, North Carolina).

(4) $34,098,000 (the balance of the amount authorized under section 2201(a) for construction of a White Side complex, Marine Corps Air Facility, Quantico, Virginia).

(5) $40,000,000 (the balance of the amount authorized under section 2201(a) for construction of bachelor enlisted quarters, Naval Station, Bremerton, Washington).

(6) $95,320,000 (the balance of the amount authorized under section 2201(a) for construction of a limited area processing and storage complex, Strategic Weapons Facility Pacific, Bangor, Washington).

(7) $65,982,000 (the balance of the amount authorized under section 2201(c) for construction of a presidential helicopter programs support facility at an unspecified location).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (9) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $5,549,000, which represents prior year savings.

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

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(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 or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$52,057,000
Arizona	Davis-Monthan Air Force Base	$17,029,000
	Luke Air Force Base	$17,900,000
Arkansas	Little Rock Air Force Base	$8,931,000
California	Beale Air Force Base	$10,186,000
	Edwards Air Force Base	$9,965,000
	Travis Air Force Base	$18,894,000
Colorado	Buckley Air Force Base	$12,247,000
Delaware	Dover Air Force Base	$9,500,000
Florida	Tyndall Air Force Base	$27,614,000
	Patrick Air Force Base	$8,800,000
Georgia	Moody Air Force Base	$9,600,000
	Robins Air Force Base	$21,900,000
Hawaii	Hickam Air Force Base	$30,900,000
	Maui Site	$7,500,000
Louisiana	Barksdale Air Force Base	$13,800,000
Maryland	Andrews Air Force Base	$17,100,000
Mississippi	Columbus Air Force Base	$7,700,000
Missouri	Whiteman Air Force Base	$7,600,000
Montana	Malmstrom Air Force Base	$5,600,000
Nebraska	Offutt Air Force Base	$6,221,000
New Mexico	Cannon Air Force Base	$9,500,000
	Kirtland Air Force Base	$9,200,000
North Carolina	Pope Air Force Base	$15,150,000
North Dakota	Minot Air Force Base	$8,900,000
Ohio	Wright-Patterson Air Force Base	$9,904,000
Oklahoma	Altus Air Force Base	$7,000,000
	Tinker Air Force Base	$8,000,000
South Carolina	Shaw Air Force Base	$7,000,000
South Dakota	Ellsworth Air Force Base	$9,867,000
Tennessee	Arnold Air Force Base	$24,500,000
Texas	Dyess Air Force Base	$14,300,000
	Lackland Air Force Base	$2,596,000
	Laughlin Air Force Base	$6,900,000
	Sheppard Air Force Base	$50,284,000
Utah	Hill Air Force Base	$25,713,000
Wyoming	F.E. Warren Air Force Base	$5,500,000
	Total	$535,358,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Ramstein Air Base	$25,404,000
Greenland	Thule Air Base	$19,800,000
Guam	Andersen Air Force Base	$19,593,000
Italy	Aviano Air Base	$6,760,000
Korea	Kunsan Air Base	$37,100,000
	Osan Air Base	$18,600,000

Air Force: Outside the United States—Continued

Country	Installation or Location	Amount
Portugal	Lajes Field, Azores	$5,689,000
Spain	Naval Station, Rota	$14,153,000
United Kingdom	Royal Air Force Lakenheath	$5,500,000
	Total	$152,599,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the unspecified installations or locations, and in the amounts, set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
	Classified Locations	$26,121,000
	Unspecified Worldwide	$28,090,000
	Total	$54,211,000

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 or locations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or Location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	250 Units	$48,500,000
California	Edwards Air Force Base	218 Units	$41,202,000
	Vandenberg Air Force Base	120 Units	$30,906,000
Florida	MacDill Air Force Base	61 Units	$21,723,000
	MacDill Air Force Base	Housing Maintenance Facility	$1,250,000
Idaho	Mountain Home Air Force Base	147 Units	$39,333,000
Mississippi	Columbus Air Force Base	Housing Management Facility	$711,000
Missouri	Whiteman Air Force Base	160 Units	$37,087,000
Montana	Malmstrom Air Force Base	115 Units	$29,910,000
North Carolina	Seymour Johnson Air Force Base	167 Units	$32,693,000
North Dakota	Grand Forks Air Force Base	90 Units	$26,169,000
	Minot Air Force Base	142 Units	$37,087,000
South Carolina	Charleston Air Force Base	Fire Station	$1,976,000
South Dakota	Ellsworth Air Force Base	75 Units	$21,482,000
Texas	Dyess Air Force Base	127 Units	$28,664,000
	Goodfellow Air Force Base	127 Units	$20,604,000
Germany	Ramstein Air Base	144 Units	$57,691,000
Italy	Aviano Air Base	Housing Office	$2,542,000
Korea	Osan Air Base	117 Units	$46,834,000
United Kingdom	Royal Air Force Lakenheath	154 Units	$43,976,000
	Total		$570,340,000

(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 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 $38,266,000.

SEC. 2303. 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 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $238,353,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,559,768,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $525,358,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $142,771,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $54,211,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $124,085,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $846,959,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $853,384,000.

(b) 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 Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $10,000,000 (the balance of the amount authorized under section 2301(a) for construction of a hanger for an aircraft maintenance unit, Tyndall Air Force Base, Florida).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $5,550,000, which represents prior year savings.

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

Sec. 2402. Improvements to military family housing units.

Sec. 2403. Energy conservation projects.

Sec. 2404. Authorization of appropriations, Defense Agencies.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or Location	Amount
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	$6,000,000
Defense Logistics Agency	Defense Distribution Depot, New Cumberland, Pennsylvania	$22,300,000
	Defense Distribution Depot, Richmond, Virginia	$10,100,000
	Defense Fuel Support Point, Naval Air Station, Oceana, Virginia	$3,589,000
	Marina Corps Air Station, Cherry Point, North Carolina	$22,700,000
	Naval Air Station, Kingsville, Texas	$3,900,000
	Naval Station, Pearl Harbor, Hawaii	$3,500,000
	Tinker Air Force Base, Oklahoma	$5,400,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or Location	Amount
Missile Defense Agency	Travis Air Force Base, California	$15,100,000
National Security Agency	Redstone Arsenal, Alabama	$19,560,000
Special Operations Command	Fort Meade, Maryland	$15,007,000
	Corona, California	$13,600,000
	Fleet Combat Training Center, Dam Neck, Virginia	$5,700,000
	Fort A.P. Hill, Virginia	$1,500,000
	Fort Bragg, North Carolina	$42,888,000
	Fort Campbell, Kentucky	$3,500,000
	Fort Stewart/Hunter Army Air Field, Georgia	$17,600,000
	Hurlburt Field, Florida	$2,500,000
	Naval Amphibious Base, Little Creek, Virginia	$33,200,000
	Niland, California	$1,000,000
TRICARE Management Activity	Buckley Air Force Base, Colorado	$2,100,000
	Defense Language Institute, Presidio, Monterey	$6,700,000
	Fort Belvoir, Virginia	$100,000,000
	Fort Benning, Georgia	$7,100,000
	Langley Air Force Base, Virginia	$50,800,000
	Marine Corps Recruit Depot, Parris Island, South Carolina	$25,000,000
	Naval Air Station, Jacksonville, Florida	$28,438,000
	Total	$468,782,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Education Activity	Grafenwoehr, Germany	$36,247,000
	Naval Station, Guam	$26,964,000
	Vilseck, Germany	$9,011,000
Defense Logistics Agency	Defense Fuel Support Point, Lajes Field, Portugal	$19,113,000
Special Operations Command	Naval Station, Guam, Mariana Islands	$2,200,000
TRICARE Management Activity	Diego Garcia	$3,800,000
	Grafenwoehr, Germany	$13,000,000
	Total	$110,335,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Defense Agencies: Unspecified Worldwide

Location	Installation or Location	Amount
Special Operations Command	Classified Locations	$7,400,000
	Unspecified Worldwide	$2,900,000
	Total	$10,300,000

SEC. 2402. 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 2404(a)(9)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $49,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $50,000,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,055,663,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $411,782,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $110,335,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $10,300,000.

(4) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,938,000.

(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $62,182,000.

(7) For energy conservation projects authorized by section 2403 of this Act, $50,000,000.

(8) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $246,116,000.

(9) For military family housing functions:

(A) For improvement of military family housing and facilities, $49,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,575,000.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of phase 6 of an ammunition demilitarization facility at Pueblo Depot Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $44,792,000.

(11) For the construction of phase 5 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $37,094,000.

(b) 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 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2) and (3) of subsection (a).

(2) $57,000,000 (the balance of the amount authorized under section 2401(a) for hospital replacement, Fort Belvoir, Virginia).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization 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 authorized 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 APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for contributions by the Secretary 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 Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $160,800,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2004, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 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, $434,363,000; and

(B) for the Army Reserve, $90,310,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $48,185,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $233,518,000; and

(B) for the Air Force Reserve, $122,756,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

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

Sec. 2702. Extension of authorizations of certain fiscal year 2002 projects.

Sec. 2703. Extension and renewal of authorizations of certain fiscal year 2001 projects.

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY 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 appropriations therefor) shall expire on the later of—

(1) October 1, 2007; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2008.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations 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 appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2007; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2008 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in section 2101, 2302, or 2601 of that Act, shall remain in effect until October 1, 2005, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Fort Wainwright	Power plant cooling tower	$23,000,000
Hawaii	Pohakuloa Training Facility	Parker Ranch land acquisition	$1,500,000

Air Force: Extension of 2002 Project Authorizations

State	Installation or Location	Project	Amount
Colorado	Buckley Air Force Base	Family housing (55 Units)	$11,400,000
Louisiana	Barksdale Air Force Base	Family housing (56 Units)	$7,300,000

Army National Guard: Extension of 2002 Project Authorization

State	Installation or Location	Project	Amount
California	Lancaster	Readiness Center	$4,530,000

SEC. 2703. EXTENSION AND RENEWAL OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) EXTENSION AND RENEWAL.—Notwithstanding section 2701 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 106–398; 114 Stat. 1654A–407)), authorizations set forth in the tables in subsection (b), as provided in section 2102 or 2401 of that Act and, in the case of the authorization set forth in the first table in subsection (b), extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1716), shall remain in effect until October 1, 2005, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2006, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2001 Project Authorization

State	Installation or Location	Project	Amount
South Carolina	Fort Jackson	Family housing (1 unit)	$250,000

Defense Agencies: Renewal of 2001 Project Authorization

Agency	Installation or Location	Project	Amount
Defense Education Activity	Osan Air Base, Korea	Osan Elementary School addition	$843,000

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of approval and notice requirements for facility repair projects.

Sec. 2802. Reporting requirements regarding military family housing requirements for general officers and flag officers.

Sec. 2803. Congressional notification of deviations from authorized cost variations for military construction projects and military family housing projects.

Sec. 2804. Assessment of vulnerability of military installations to terrorist attack and annual report on military construction requirements related to antiterrorism and force protection.

Sec. 2805. Repeal of limitations on use of alternative authority for acquisition and improvement of military housing.

Sec. 2806. Additional reporting requirements relating to alternative authority for acquisition and improvement of military housing.

Sec. 2807. Temporary authority to accelerate design efforts for military construction projects carried out using design-build selection procedures.

Sec. 2808. Notification thresholds and requirements for expenditures or contributions for acquisition of facilities for reserve components.

Sec. 2809. Authority to exchange reserve component facilities to acquire replacement facilities.

Sec. 2810. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2811. Consideration of combination of military medical treatment facilities and health care facilities of Department of Veterans Affairs.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Reorganization of existing administrative provisions relating to real property transactions.
Sec. 2822. Development of Heritage Center for the National Museum of the United States Army.
Sec. 2823. Elimination of reversionary interests clouding United States title to property used as Navy homeports.

Subtitle C—Base Closure and Realignment

Sec. 2831. Establishment of specific deadline for submission of revisions to force-structure plan and infrastructure inventory.
Sec. 2832. Specification of final selection criteria for 2005 base closure round.
Sec. 2833. Repeal of authority of Secretary of Defense to recommend that installations be placed in inactive status.
Sec. 2834. Voting requirements for Defense Base Closure and Realignment Commission to add to or otherwise expand closure and realignment recommendations made by Secretary of Defense.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2841. Land conveyance, Sunflower Army Ammunition Plant, Kansas.
Sec. 2842. Land exchange, Fort Campbell, Kentucky and Tennessee.
Sec. 2843. Land conveyance, Louisiana Army Ammunition Plant, Doyline, Louisiana.
Sec. 2844. Land conveyance, Fort Leonard Wood, Missouri.
Sec. 2845. Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio.
Sec. 2846. Jurisdiction and utilization of former public domain lands, Umatilla Chemical Depot, Oregon.
Sec. 2847. Modification of authority for land conveyance, equipment and storage yard, Charleston, South Carolina.
Sec. 2848. Land conveyance, Fort Hood, Texas.
Sec. 2849. Land conveyance, local training area for Browning Army Reserve Center, Utah.
Sec. 2850. Land conveyance, Army Reserve Center, Hampton, Virginia.
Sec. 2851. Land conveyance, Army National Guard Facility, Seattle, Washington.
Sec. 2852. Modification of land exchange and consolidation, Fort Lewis, Washington.

PART II—NAVY CONVEYANCES

Sec. 2861. Land exchange, former Richmond Naval Air Station, Florida.
Sec. 2862. Land conveyance, Honolulu, Hawaii.
Sec. 2863. Land conveyance, Navy property, former Fort Sheridan, Illinois.
Sec. 2864. Land exchange, Naval Air Station, Patuxent River, Maryland.
Sec. 2865. Modification of land acquisition authority, Perquimans County, North Carolina.
Sec. 2866. Land conveyance, Naval Weapons Station, Charleston, South Carolina.
Sec. 2867. Land conveyance, Navy YMCA building, Portsmouth, Virginia.

PART III—AIR FORCE CONVEYANCES

Sec. 2871. Land exchange, Maxwell Air Force Base, Alabama.
Sec. 2872. Land conveyance, March Air Force Base, California.
Sec. 2873. Land conveyance, former Griffiss Air Force Base, New York.

PART IV—OTHER CONVEYANCES

Sec. 2881. Land exchange, Arlington County, Virginia.

Subtitle E—Other Matters

Sec. 2891. One-year resumption of Department of Defense Laboratory Revitalization Demonstration Program.
Sec. 2892. Designation of Airmen Leadership School at Luke Air Force Base, Arizona, in honor of John J. Rhodes, a former minority leader of the House of Representatives.
Sec. 2893. Settlement of claim of Oakland Base Reuse Authority and Redevelopment Agency.
Sec. 2894. Report on establishment of mobilization station at Camp Ripley National Guard Training Center, Little Falls, Minnesota.
Sec. 2895. Report on feasibility of establishment of veterans memorial at Marine Corps Air Station, El Toro, California.
Sec. 2896. Sense of Congress regarding effect of military housing policies and force structure and basing changes on local educational agencies.
Sec. 2897. Sense of Congress and study regarding memorial honoring non-United States citizens killed in the line of duty while serving in the United States Armed Forces.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF APPROVAL AND NOTICE REQUIREMENTS FOR FACILITY REPAIR PROJECTS.

(a) INCREASE IN THRESHOLD FOR APPROVAL REQUIREMENT.—Subsection (b) of section 2811 of title 10, United States Code, is amended by striking ''$5,000,000'' and inserting ''$7,500,000''.

(b) DECREASE IN THRESHOLD FOR CONGRESSIONAL NOTIFICATION.—Subsection (d) of such section is amended by striking ''$10,000,000'' and inserting ''$7,500,000''.

(c) INFORMATION REQUIRED IN COST ESTIMATE FOR MULTI-YEAR PROJECTS.—Subsection (d)(1) of such section is amended by inserting before the semicolon the following: '', including, in the case of a multi-year repair project to a single facility, the total cost of all phases of the project''.

SEC. 2802. REPORTING REQUIREMENTS REGARDING MILITARY FAMILY HOUSING REQUIREMENTS FOR GENERAL OFFICERS AND FLAG OFFICERS.

(a) REPORTS ON COST OF GENERAL AND FLAG OFFICERS QUARTERS.—Section 2831 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) REPORTS ON COST OF GENERAL OFFICERS AND FLAG OFFICERS QUARTERS.—(1) As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, the Secretary of Defense shall submit a report—

''(A) identifying each family housing unit used, or intended for use, as quarters for a general officer or flag officer for which the total operation, maintenance, and repair costs for the unit are anticipated to exceed $35,000 in the next fiscal year; and

''(B) for each family housing unit so identified, specifying the total of such anticipated operation, maintenance, and repair costs for the unit.

''(2) Not later than 120 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each family housing unit used as quarters for a general officer or flag officer at any time during that fiscal year, the total expenditures for operation and maintenance, utilities, lease, and repairs of the unit during that fiscal year.''.

(b) NOTICE AND WAIT REQUIREMENT.—Such section is further amended by inserting after subsection (e), as added by subsection (a), the following new subsection:

''(f) NOTICE AND WAIT REQUIREMENT.—(1) Except as provided in paragraphs (2) and (3), the Secretary concerned may not carry out a maintenance or repair project for a family housing unit used, or intended for use, as quarters for a general officer or flag officer if the project will or may result in the total operation, maintenance, and repair costs for the unit for the fiscal year to exceed $35,000, until—

''(A) the Secretary concerned submits to the congressional defense committees, in writing, a justification of the need for the maintenance or repair project and an estimate of the cost of the project; and

''(B) a period of 21 days has expired following the date on which the justification and estimate are received by the committees or, if over sooner, a period of 14 days has expired following the date on which a copy of the justification and estimate are provided in an electronic medium pursuant to section 480 of this title.

''(2) The project justification and cost estimate required by paragraph (1)(A) may be submitted after the commencement of a maintenance or repair project for a family housing unit used, or intended for use, as quarters for a general officer or flag officer if the project is a necessary enviromental remediation project for the unit or is necessary for occupant safety or security, and the need for the project arose after the submission of the most recent report under subsection (e).

''(3) Paragraph (1) shall not apply in the case of a family housing unit used, or intended for use, as quarters for a general officer or flag officer if the unit was identified in the most recent report submitted under subsection (e) and the cost of the maintenance or repair project was included in the total of anticipated operation, maintenance, and repair costs for the unit specified in the report.''.

(c) REPORT ON NEED FOR GENERAL AND FLAG OFFICERS QUARTERS IN NATIONAL CAPITAL REGION.—Not later than March 30, 2005, the Secretary of Defense shall submit to the congressional defense committees a report containing an analysis of anticipated needs in the National Capital Region for family housing units for general officers and flag officers. In conducting the analysis, the Secretary shall consider the extent of available housing in the National Capital Region and the necessity of providing housing for general officers and flag officers in secure locations.

(d) REPORT ON CURRENT WORLD-WIDE INVENTORY OF GENERAL AND FLAG OFFICERS QUARTERS.—Not later than March 30, 2005, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) containing a worldwide inventory of family housing units used, or intended for use, for general officers and flag officers; and

(2) identifying annual expenditures for fiscal years 2002, 2003, and 2004 for operation and maintenance, utilities, leases, and repairs of each unit.

(e) DEFINITIONS.—In this section:

(1) The terms ''general officer'' and ''flag officer'' have the meanings given such terms in section 101(b) of title 10, United States Code.

(2) The term ''National Capital Region'' has the meaning given such term in section 2674(f) of such title.

SEC. 2803. CONGRESSIONAL NOTIFICATION OF DEVIATIONS FROM AUTHORIZED COST VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

Section 2853(c)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title''.

SEC. 2804. ASSESSMENT OF VULNERABILITY OF MILITARY INSTALLATIONS TO TERRORIST ATTACK AND ANNUAL REPORT ON MILITARY CONSTRUCTION REQUIREMENTS RELATED TO ANTITERRORISM AND FORCE PROTECTION.

(a) ANNUAL ASSESSMENT AND REPORT.—(1) Chapter 169 of title 10, United States Code, is amended by inserting after section 2858 the following new section:

''§ 2859. Construction requirements related to antiterrorism and force protection

''(a) ANTITERRORISM AND FORCE PROTECTION GUIDANCE AND CRITERIA.—The Secretary of Defense shall develop common guidance and criteria to be used by each Secretary concerned—

''(1) to assess the vulnerability of military installations located inside and outside of the United States to terrorist attack;

''(2) to develop construction standards designed to reduce the vulnerability of structures to terrorist attack and improve the security of the occupants of such structures;

''(3) to prepare and carry out military construction projects, such as gate and fenceline construction, to improve the physical security of military installations; and

''(4) to assist in prioritizing such projects within the military construction budget of each of the armed forces.

''(b) VULNERABILITY ASSESSMENTS.—The Secretary of Defense shall require vulnerability assessments of military installations to be conducted, at regular intervals, using the criteria developed under subsection (a).

''(c) MILITARY CONSTRUCTION REQUIREMENTS.—As part of the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, but in no case later than March 15 of each year, the Secretary of Defense shall submit a report, in both classified and unclassified form, describing—

''(1) the location and results of the vulnerability assessments conducted under subsection (b) during the most recently completed fiscal year;

''(2) the military construction requirements anticipated to be necessary during the period covered by the then-current future-years defense plan under section 221 of this title to improve the physical security of military installations; and

''(3) the extent to which funds to meet those requirements are not requested in the Department of Defense budget for the fiscal year for which the budget is submitted.''.

(2) The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by inserting after the item relating to section 2858 the following new item:

''2859. Construction requirements related to antiterrorism and force protection.''.

(b) SPECIAL REQUIREMENT FOR 2006 REPORT.—In the case of the report required to be submitted in 2006 under section 2859(c) of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall include a certification by the Secretary that since September 11, 2001, assessments regarding the vulnerability of military installations to terrorist attack have been undertaken for all major military installations. The Secretary shall indicate the basis by which the Secretary differentiated between major and nonmajor military installations for purposes of making the certification.

SEC. 2805. REPEAL OF LIMITATIONS ON USE OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) REPEAL OF BUDGET AUTHORITY LIMITATION ON USE OF AUTHORITY.—Section 2883 of title 10, United States Code, is amended by striking subsection (g).

(b) REPEAL OF TERMINATION DATE ON USE OF AUTHORITY.—(1) Section 2885 of such title is repealed.

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2885.

SEC. 2806. ADDITIONAL REPORTING REQUIREMENTS RELATING TO ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) PROJECT REPORTS.—Paragraph (2) of subsection (a) of section 2884 of title 10, United States Code, is amended to read as follows:

''(2) For each proposed contract, conveyance, or lease described in paragraph (1), the report required by such paragraph shall include the following:

''(A) A description of the contract, conveyance, or lease, including a summary of the terms of the contract, conveyance, or lease.

''(B) A description of the authorities to be utilized in entering into the contract, conveyance, or lease and the intended method of participation of the United States in the contract, conveyance, or lease, including a justification of the intended method of participation.

''(C) A statement of the scored cost of the contract, conveyance, or lease, as determined by the Office of Management and Budget.

''(D) A statement of the United States funds required for the contract, conveyance, or lease and a description of the source of such funds.

''(E) An economic assessment of the life cycle costs of the contract, conveyance, or lease, including an estimate of the amount of United States funds that would be paid over the life of the contract, conveyance, or lease from amounts derived from payments of government allowances, including the basic allowance for housing under section 403 of title 37, if the housing affected by the project were fully occupied by military personnel over the life of the contract, conveyance, or lease.''.

(b) ANNUAL REPORTS.—Subsection (b) of such section is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) A report setting forth, by armed force—

''(A) an estimate of the amounts of basic allowance for housing under section 403 of title 37 that will be paid, during the current fiscal year and the fiscal year for which the budget is submitted, to members of the armed forces living in housing provided under the authorities in this subchapter; and

''(B) the number of units of military family housing and military unaccompanied housing upon which the estimate under subparagraph (A) for the current fiscal year and the next fiscal year is based.''.

SEC. 2807. TEMPORARY AUTHORITY TO ACCELERATE DESIGN EFFORTS FOR MILITARY CONSTRUCTION PROJECTS CARRIED OUT USING DESIGN-BUILD SELECTION PROCEDURES.

Section 2305a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) SPECIAL AUTHORITY FOR MILITARY CONSTRUCTION PROJECTS.—(1) The Secretary of a military department may use funds available to the Secretary under section 2807(a) or 18233(e) of this title to accelerate the design effort in connection with a military construction project for which the two-phase selection procedures described in subsection (c) are used to select the contractor for both the design and construction portion of the project before the project is specifically authorized by law and before funds are appropriated for the construction portion of the project. Notwithstanding the limitations contained in such sections, use of such funds for the design portion of a military construction project may continue despite the subsequent authorization of the project. The advance notice requirement of section 2807(b) of this title shall continue to apply whenever the estimated cost of the design portion of the project exceeds the amount specified in such section.

''(2) Any military construction contract that provides for an accelerated design effort, as authorized by paragraph (1), shall include as a condition of the contract that the liability of the United States in a termination for convenience may not exceed the actual costs incurred as of the termination date.

''(3) For each fiscal year during which the authority provided by this subsection is in effect, the Secretary of a military department may select not more than two military construction projects to include the accelerated design effort authorized by paragraph (1) for each armed force under the jurisdiction of the Secretary. To be eligible for selection under this subsection, a request for the authorization of the project, and for the authorization of appropriations for the project, must have been included in the annual budget of the President for a fiscal year submitted to Congress under section 1105(a) of title 31.

''(4) Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the usefulness of the authority provided by this subsection in expediting the design and construction of military construction projects. The authority provided by this subsection expires September 30, 2007, except that, if the report required by this paragraph is not submitted by March 1, 2007, the authority shall expire on that date.''.

SEC. 2808. NOTIFICATION THRESHOLDS AND REQUIREMENTS FOR EXPENDITURES OR CONTRIBUTIONS FOR ACQUISITION OF FACILITIES FOR RESERVE COMPONENTS.

(a) AUTHORITY TO CARRY OUT SMALL PROJECTS.—Section 18233a of title 10, United States Code, is amended to read as follows:

''§ 18233a. Notice and wait requirements for certain projects

''(a) CONGRESSIONAL NOTIFICATION.—Except as provided in subsection (b), an expenditure or contribution in an amount in excess of $750,000 may not be made under section 18233 of this title for any facility until—

''(1) the Secretary of Defense has notified the congressional defense committees of the location, nature, and estimated cost of the facility; and

''(2) a period of 21 days has elapsed after the notification has been received by those committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

''(b) CERTAIN EXPENDITURES OR CONTRIBUTIONS EXEMPTED.—Subsection (a) does not apply to expenditures or contributions for the following:

''(1) Facilities acquired by lease.

''(2) A project for a facility that has been authorized by Congress, if the location and purpose of the facility are the same as when authorized and if, based upon bids received—

''(A) the scope of work of the project, as approved by Congress, is not proposed to be reduced by more than 25 percent; and

''(B) the current working estimate of the cost of the project does not exceed the amount approved for the project by more than the lesser of the following:

''(i) 25 percent.

''(ii) 200 percent of the amount specified by section 2805(a)(2) of this title as the maximum amount for a minor military construction project.

''(3) A repair project (as that term is defined in section 2811(e) of this title) that costs less than $7,500,000.''.

(b) RECODIFICATION OF LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS.—Chapter 1803 of such title is amended by inserting after section 18233a the following new section:

''§ 18233b. Authority to carry out small projects with operation and maintenance funds

''Under such regulations as the Secretary of Defense may prescribe, the Secretary may expend, from appropriations available for operation and maintenance, amounts necessary to carry out any project authorized under section 18233(a) of this title that costs not more than—

''(1) the amount specified in section 2805(c)(1)(A) of this title, in the case of a project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

''(2) the amount specified in section 2805(c)(1)(B) of this title, in the case of any other project.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1803 of such title is amended by striking the item relating to section 18233a and inserting the following new items:

''18233a. Notice and wait requirements for certain projects.

''18233b. Authority to carry out small projects with operation and maintenance funds.''.

SEC. 2809. AUTHORITY TO EXCHANGE RESERVE COMPONENT FACILITIES TO ACQUIRE REPLACEMENT FACILITIES.

(a) EXCHANGE AUTHORITY.—(1) Chapter 1803 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 18240. Acquisition of facilities by exchange

''(a) EXCHANGE AUTHORITY.—In addition to the acquisition authority provided by section 18233 of this title, the Secretary of Defense may authorize the Secretary of a military department to acquire a facility, or addition to an existing facility, needed to satisfy military requirements for a reserve component by carrying out an exchange of an existing facility under the control of that Secretary through an agreement with a State, local government, local authority, or private entity.

''(b) FACILITIES ELIGIBLE FOR EXCHANGE.—Only a facility of a reserve component that is not excess property (as defined in section 102(3) of title 40) may be exchanged using the authority provided by this section.

''(c) EQUAL VALUE EXCHANGE.—In any exchange carried out using the authority provided by this section, the value of the replacement facility, or addition to an existing facility, acquired by the United States shall be at least equal to the fair market value of the facility conveyed by the United States under the agreement. If the values are unequal, the values may not be equalized by any payment of cash consideration by either party to the agreement.

''(d) REQUIREMENTS FOR REPLACEMENT FACILITIES.—The Secretary of a military department may not accept a replacement facility, or addition to an existing facility, to be acquired by the United States in an exchange carried out using the authority provided by this section until that Secretary determines that the facility or addition—

''(1) is complete and usable, fully functional, and ready for occupancy;

''(2) satisfies all operational requirements; and

''(3) meets all applicable Federal, State, and local requirements relating to health, safety, fire, and the environment.

''(e) CONSULTATION REQUIREMENTS.—The Secretary of a military department authorized to enter into an agreement under subsection (a) to convey an existing facility under the control of that Secretary by exchange shall consult with representatives of other reserve components to evaluate—

''(1) the value of using the facility to meet the military requirements of another reserve component, instead of conveying the facility under this section; and

''(2) the feasibility of using the conveyance of the facility to acquire a facility, or an addition to an existing facility, that would be jointly used by more than one reserve component or unit.

''(f) ADVANCE NOTICE OF PROPOSED EXCHANGE.—(1) When a decision is made to enter into an agreement under subsection (a) to exchange a facility using the authority provided by this section, the Secretary of the military department authorized to enter into the agreement shall submit to the congressional defense committees a report on the proposed agreement. The report shall include the following:

''(A) A description of the agreement, including the terms and conditions of the agreement, the parties to be involved in the agreement, the origin of the proposal that lead to the agreement, the intended use of the facility to be conveyed by the United States under the agreement, and any costs to be incurred by the United States to make the exchange under the agreement.

''(B) A description of the facility to be conveyed by the United States under the agreement, including the current condition and fair market value of the facility, and a description of the method by which the fair market value of the facility was determined.

''(C) Information on the facility, or addition to an existing facility, to be acquired by the United States under the agreement and the intended use of the facility or addition, which shall meet requirements for information provided to Congress for military construction projects to obtain a similar facility or addition to an existing facility.

''(D) A certification that the Secretary complied with the consultation requirements under subsection (e).

''(E) A certification that the conveyance of the facility under the agreement is in the best interests of the United States and that the Secretary used competitive procedures to the maximum extent practicable to protect the interests of the United States.

''(2) The agreement described in a report prepared under paragraph (1) may be entered into, and the exchange covered by the agreement made, only after the end of the 30-day period beginning on the date the report is received by the congressional defense committees or, if earlier, the end of the 21-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

''(3) Section 2662 of this title shall not apply to an exchange carried out using the authority provided by this section.

''(g) RELATION TO OTHER MILITARY CONSTRUCTION REQUIREMENTS.—The acquisition of a facility, or an addition to an existing facility, using the authority provided by this section shall not be treated as a military construction project for which an authorization is required by section 2802 of this title.''.

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

''18240. Acquisition of facilities by exchange.''.

(b) CONFORMING AMENDMENT.—Section 18233(f)(2) of such title is amended by striking ''gift, exchange of Government-owned land, or otherwise'' and inserting ''or gift''.

(c) TEMPORARY AUTHORITY TO INCLUDE CASH EQUALIZATION PAYMENTS IN EXCHANGE.—(1) Notwithstanding subsection (c) of section 18240 of title 10, United States Code, as added by subsection (a), the Secretary of Defense may authorize the Secretary of a military department, as part of an exchange agreement under such section, to make or accept a cash equalization payment if the value of the facility, or addition to an existing facility, to be acquired by the United States under the agreement is not equal to the fair market value of the facility to be conveyed by the United States under the agreement. All other requirements of such section shall continue to apply to the exchange.

(2) Cash equalization payments received by the Secretary of a military department under this subsection shall be deposited in a separate account in the Treasury. Amounts in the account shall be available to the Secretary of Defense, without further appropriation and until expended, for transfer to the Secretary of a military department—

(A) to make any cash equalization payments required to be made by the United States in connection with an exchange agreement covered by this subsection, and the account shall be the only source for such payments; and

(B) to cover costs associated with the maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of facilities, and additions to existing facilities, acquired using an exchange agreement covered by this subsection.

(3) Not more than 15 exchange agreements under section 18240 of title 10, United States Code, may include the exception for cash equalization payments authorized by this subsection. Of those 15 exchange agreements, not more than eight may be for the same reserve component.

(4) In this section, the term ''facility'' has the meaning given that term in section 18232(2) of title 10, United States Code.

(5) No cash equalization payment may be made or accepted under the authority of this subsection after September 30, 2007. Except as otherwise specifically authorized by law, the authority provided by this subsection to make or accept cash equalization payments in connection with the acquisition or disposal of facilities of the reserve components is the sole authority available in law to the Secretary of Defense or the Secretary of a military department for that purpose.

(6) Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees a report on the exercise of the authority provided by this subsection. The report shall include the following:

(A) A description of the exchange agreements under section 18240 of title 10, United States Code, that included the authority to make or accept cash equalization payments.

(B) A description of the analysis and criteria used to select such agreements for inclusion of the authority to make or accept cash equalization payments.

(C) An assessment of the utility to the Department of Defense of the authority, including recommendations for modifications of such authority in order to enhance the utility of such authority for the Department.

(D) An assessment of interest in the future use of the authority, in the event the authority is extended.

(E) An assessment of the advisability of making the authority, including any modifications of the authority recommended under subparagraph (C), permanent.

SEC. 2810. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723) is amended—

(1) in subsection (a), by inserting ''and, subject to subsection (d)(2), fiscal year 2005'' after ''During fiscal year 2004'';

(2) in subsection (c)(1), by striking ''in fiscal year 2004'' and inserting ''in a fiscal year''; and

(3) in subsection (d)—

(A) by inserting ''(1)'' before ''Not later than'';

(B) by striking ''fiscal year 2004,'' and inserting ''fiscal years 2004 and 2005,''; and

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

''(2) The ability to use this section as authority during fiscal year 2005 to obligate appropriated funds available for operation and maintenance to carry out construction projects outside the United States shall commence only after the date on which the Secretary of Defense submits to the congressional committees specified in subsection (f) all of the quarterly reports that were required under paragraph (1) for fiscal year 2004.''.

SEC. 2811. CONSIDERATION OF COMBINATION OF MILITARY MEDICAL TREATMENT FACILITIES AND HEALTH CARE FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) DEPARTMENT OF DEFENSE CONSIDERATION OF JOINT CONSTRUCTION.—When considering any military construction project for the construction of a new military medical treatment facility in the United States or a territory or possession of the United States, the Secretary of Defense shall consult with the Secretary of Veterans Affairs regarding the feasibility of carrying out a joint project to construct a medical facility that—

(1) could serve as a facility for health-resources sharing between the Department of Defense and the Department of Veterans Affairs; and

(2) would be no more costly to each Department to construct and operate than separate facilities for each Department.

(b) DEPARTMENT OF VETERANS AFFAIRS CONSIDERATION OF JOINT CONSTRUCTION.—When considering the construction of a new or replacement medical facility for the Department of Veterans Affairs, the Secretary of Veterans Affairs shall consult with the Secretary of Defense regarding the feasibility of carrying out a joint project to construct a medical facility that—

(1) could serve as a facility for health-resources sharing between the Department of Veterans Affairs and the Department of Defense; and

(2) would be no more costly to each Department to construct and operate than separate facilities for each Department.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. REORGANIZATION OF EXISTING ADMINISTRATIVE PROVISIONS RELATING TO REAL PROPERTY TRANSACTIONS.

(a) LIMITATION ON COMMISSIONS.—(1) Section 2661 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) COMMISSIONS ON LAND PURCHASE CONTRACTS.—The maximum amount payable as a commission on a contract for the purchase of land from funds appropriated for the Department of Defense is two percent of the purchase price.''.

(2) Section 2666 of such title is repealed.

(b) REPEAL OF OBSOLETE AUTHORITY TO ACQUIRE LAND FOR TIMBER PRODUCTION.—Section 2664 of such title is repealed.

(c) CONSOLIDATION OF CERTAIN PROVISIONS ON USE OF FACILITIES.—(1) Section 2670 of such title is amended by adding at the end the following new subsection:

''(c) USE OF SPACE AND EQUIPMENT BY VETERANS SERVICE ORGANIZATIONS.—(1) Upon certification to the Secretary concerned by the Secretary of Veterans Affairs, the Secretary concerned shall allow accredited, paid, full-time representatives of the organizations named in section 5902 of title 38, or of other organizations recognized by the Secretary of Veterans Affairs, to function on military installations under the jurisdiction of the Secretary concerned that are on land and from which persons are discharged or released from active duty.

''(2) The commanding officer of a military installation allowing representatives to function on the installation under paragraph (1) shall allow the representatives to use available space and equipment at the installation.

''(3) This subsection does not authorize the violation of measures of military security.''.

(2) Section 2679 of such title is repealed.

(3) The regulations prescribed to carry out section 2679 of title 10, United States Code, as in effect on the day before the date of the enactment of this Act, shall remain in effect with regard to section 2670(c) of such title, as added by paragraph (1), until changed by joint action of the Secretary concerned (as defined in section 101(9) of such title) and the Secretary of Veterans Affairs.

(d) AVAILABILITY OF FUNDS FOR ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTY.—(1) Section 2672 of such title is amended by adding at the end the following new subsection:

''(d) AVAILABILITY OF FUNDS.—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of land or interests in land under this section.''.

(2) Section 2673 of such title is repealed.

(3) Section 2675 of such title is amended—

(A) by inserting ''(a) LEASE AUTHORITY; DURATION.—'' before ''The Secretary''; and

(B) by adding at the end the following new subsection:

''(b) AVAILABILITY OF FUNDS.—Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of interests in land under this section.''.

(e) STYLISTIC AND CLERICAL AMENDMENTS.—(1) Section 2661 of such title is further amended—

(A) in subsection (a), by inserting ''AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—'' after ''(a)'' ; and

(B) in subsection (b), by inserting ''LEASING AND ROAD MAINTENANCE AUTHORITY.—'' after ''(b)''.

(2) The heading of section 2670 of such title is amended to read as follows:

''§ 2670. Use of facilities by private organizations; use as polling places''.

(3) The table of sections at the beginning of chapter 159 of such title is amended—

(A) by striking the items relating to sections 2664, 2666, 2673, and 2679; and

(B) by striking the item relating to section 2670 and inserting the following new item:

''2670. Use of facilities by private organizations; use as polling places.''.

SEC. 2822. DEVELOPMENT OF HERITAGE CENTER FOR THE NATIONAL MUSEUM OF THE UNITED STATES ARMY.

(a) AUTHORITY TO ENTER INTO AGREEMENT FOR DEVELOPMENT OF CENTER.—Chapter 449 of title 10, United States Code, is amended by inserting after section 4771 the following new section:

''§ 4772. Heritage Center for the National Museum of the United States Army: development and operation

''(a) AGREEMENT FOR DEVELOPMENT OF CENTER.—The Secretary of the Army may enter into an agreement with the Army Historical Foundation, a nonprofit organization, for the design, construction, and operation of a facility or group of facilities at Fort Belvoir, Virginia, for the National Museum of the United States Army. The facility or group of facilities constructed pursuant to the agreement shall be known as the Heritage Center for the National Museum of the United States Army (in this section referred to as the 'Center').

''(b) PURPOSE OF CENTER.—The Center shall be used for the identification, curation, storage, and public viewing of artifacts and artwork of significance to the United States Army, as agreed to by the Secretary of the Army. The Center may also be used to support such education, training, research, and associated purposes as the Secretary considers appropriate.

''(c) DESIGN AND CONSTRUCTION.—(1) The design of the Center shall be subject to the approval of the Secretary of the Army.

''(2) For each phase of the development of the Center, the Secretary may—

''(A) accept funds from the Army Historical Foundation for the design and construction of such phase of the Center; or

''(B) permit the Army Historical Foundation to contract for the design and construction of such phase of the Center.

''(d) ACCEPTANCE BY SECRETARY.—Upon the satisfactory completion, as determined by the Secretary of the Army, of any phase of the Center, and upon the satisfaction of any financial obligations incident to such phase of the Center by the Army Historical Foundation, the Secretary shall accept such phase of the Center from the Army Historical Foundation, and all right, title, and interest in and to such phase of the Center shall vest in the United States. Upon becoming the property of the United States, the Secretary shall assume administrative jurisdiction over the Center.

''(e) USE OF CERTAIN GIFTS.—(1) Under regulations prescribed by the Secretary of the Army, the Commander of the United States Army Center of Military History may, without regard to section 2601 of this title, accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of $250,000 or less made to the United States if such gift, devise, or bequest is for the benefit of the National Museum of the United States Army or the Center.

''(2) The Secretary may pay or authorize the payment of any reasonable and necessary expense in connection with the conveyance or transfer of a gift, devise, or bequest under this subsection.

''(f) LEASE OF FACILITY.—(1) Under such terms and conditions as the Secretary of the Army considers appropriate, the Secretary may lease portions of the Center to the Army Historical Foundation to be used by the Foundation, consistent with the purpose of the Center, for—

''(A) generating revenue for activities of the Center through rental use by the public, commercial and nonprofit entities, State and local governments, and other Federal agencies; and

''(B) such administrative purposes as may be necessary for the support of the Center.

''(2) The annual amount of consideration paid to the Secretary by the Army Historical Foundation for a lease under paragraph (1) may not exceed an amount equal to the actual cost, as determined by the Secretary, of the annual operations and maintenance of the Center.

''(3) Notwithstanding any other provision of law, the Secretary shall use amounts paid under paragraph (2) to cover the costs of operation of the Center.

''(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the agreement authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4771 the following new item:

''4772. Heritage Center for the National Museum of the United States Army: development and operation.''.

SEC. 2823. ELIMINATION OF REVERSIONARY INTERESTS CLOUDING UNITED STATES TITLE TO PROPERTY USED AS NAVY HOMEPORTS.

(a) AUTHORITY TO ACQUIRE COMPLETE TITLE.—If real property owned by the United States and used as a Navy homeport is subject

to a reversionary interest of any kind, the Secretary of the Navy may enter into an agreement with the holder of the reversionary interest to acquire the reversionary interest and thereby secure for the United States all right, title, and interest in and to the property.

(b) AUTHORIZED CONSIDERATION.—(1) As consideration for the acquisition of a reversionary interest under subsection (a), the Secretary shall provide the holder of the reversionary interest with in-kind consideration, to be determined pursuant to negotiations between the Secretary and the holder of the reversionary interest.

(2) In determining the type and value of any in-kind consideration to be provided for the acquisition of a reversionary interest under subsection (a), the Secretary shall take into account the nature of the reversionary interest, including whether it would require the holder of the reversionary interest to pay for any improvements acquired by the holder as part of the reversion of the real property, and the long-term use and ultimate disposition of the real property if the United States were to acquire all right, title, and interest in and to the real property subject to the reversionary interest.

(c) PROHIBITED CONSIDERATION.—Cash payments are not authorized to be made as consideration for the acquisition of a reversionary interest under subsection (a).

Subtitle C—Base Closure and Realignment

SEC. 2831. ESTABLISHMENT OF SPECIFIC DEADLINE FOR SUBMISSION OF REVISIONS TO FORCE-STRUCTURE PLAN AND INFRASTRUCTURE INVENTORY.

Section 2912(a)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking ''as part of the budget justification documents submitted to Congress for fiscal year 2006.'' and inserting the following: ''not later than March 15, 2005. For purposes of selecting military installations for closure or realignment under this part in 2005, no revision of the force-structure plan or infrastructure inventory is authorized after that date.''.

SEC. 2832. SPECIFICATION OF FINAL SELECTION CRITERIA FOR 2005 BASE CLOSURE ROUND.

Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended to read as follows:

''SEC. 2913. FINAL SELECTION CRITERIA FOR ADDITIONAL ROUND OF BASE CLOSURES AND REALIGNMENTS.

''(a) FINAL SELECTION CRITERIA.—The final criteria to be used by the Secretary in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005 shall be the military value and other criteria specified in subsections (b) and (c).

''(b) MILITARY VALUE CRITERIA.—The military value criteria are as follows:

''(1) The current and future mission capabilities and the impact on operational readiness of the total force of the Department of Defense, including the impact on joint warfighting, training, and readiness.

''(2) The availability and condition of land, facilities, and associated airspace (including training areas suitable for maneuver by ground, naval, or air forces throughout a diversity of climate and terrain areas and staging areas for the use of the Armed Forces in homeland defense missions) at both existing and potential receiving locations.

''(3) The ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

''(4) The cost of operations and the manpower implications.

''(c) OTHER CRITERIA.—The other criteria that the Secretary shall use in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005 are as follows:

''(1) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the closure or realignment, for the savings to exceed the costs.

''(2) The economic impact on existing communities in the vicinity of military installations.

''(3) The ability of the infrastructure of both the existing and potential receiving communities to support forces, missions, and personnel.

''(4) The environmental impact, including the impact of costs related to potential environmental restoration, waste management, and environmental compliance activities.

''(d) PRIORITY GIVEN TO MILITARY VALUE.—The Secretary shall give priority consideration to the military value criteria specified in subsection (b) in the making of recommendations for the closure or realignment of military installations.

''(e) EFFECT ON DEPARTMENT AND OTHER AGENCY COSTS.—The selection criteria relating to the cost savings or return on investment from the proposed closure or realignment of military installations shall take into account the effect of the proposed closure or realignment on the costs of any other activity of the Department of Defense or any other Federal agency that may be required to assume responsibility for activities at the military installations.

''(f) RELATION TO OTHER MATERIALS.—The final selection criteria specified in this section shall be the only criteria to be used, along with the force-structure plan and infrastructure inventory referred to in section 2912, in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005.

''(g) RELATION TO CRITERIA FOR EARLIER ROUNDS.—Section 2903(b), and the selection criteria prepared under such section, shall not apply with respect to the process of making recommendations for the closure or realignment of military installations in 2005.''.

(c) CONFORMING AMENDMENTS.—The Defense Base Closure and Realignment Act of 1990 is amended—

(1) in section 2912(c)(1)(A), by striking ''criteria prepared under section 2913'' and inserting ''criteria specified in section 2913''; and

(2) in section 2914(a), by striking ''criteria prepared by the Secretary under section 2913'' and inserting ''criteria specified in section 2913''.

SEC. 2833. REPEAL OF AUTHORITY OF SECRETARY OF DEFENSE TO RECOMMEND THAT INSTALLATIONS BE PLACED IN INACTIVE STATUS.

Section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking subsection (c).

SEC. 2834. VOTING REQUIREMENTS FOR DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION TO ADD TO OR OTHERWISE EXPAND CLOSURE AND REALIGNMENT RECOMMENDATIONS MADE BY SECRETARY OF DEFENSE.

Subsection (d) of section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 3003 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat, 1346) and amended by section 2854 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2728), is amended—

(1) in paragraph (3), by striking ''TO ADD'' and inserting ''TO CONSIDER ADDITIONS''; and

(2) by striking paragraph (5) and inserting the following new paragraph:

''(5) REQUIREMENTS TO EXPAND CLOSURE OR REALIGNMENT RECOMMENDATIONS.—In the report required under section 2903(d)(2)(A) that is to be transmitted under paragraph (1), the Commission may not make a change in the recommendations of the Secretary that would close a military installation not recommended for closure by the Secretary, would realign a military installation not recommended for closure or realignment by the Secretary, or would expand the extent of the realignment of a military installation recommended for realignment by the Secretary unless—

''(A) at least two members of the Commission visit the military installation before the date of the transmittal of the report; and

''(B) the decision of the Commission to make the change to recommend the closure of the military installation, the realignment of the installation, or the expanded realignment of the installation is supported by at least seven members of the Commission.''.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2841. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the ''entity'' and the ''Board'', respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. As a form of in-kind consideration for the conveyance of the property, the Secretary may authorize the entity to carry out environmental remediation activities for the conveyed property.

(2) Cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(i) of such subsection.

(c) CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY.—The conveyance authority provided by subsection (a) is in addition to the conveyance authority provided by section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2712) to convey a portion of the Sunflower Army Ammunition Plant to the Johnson County Park and Recreation District.

(d) AGREEMENTS CONCERNING ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.—(1) The Secretary, in consultation with the Administrator, may enter into a multi-year cooperative agreement or contract with the entity for the environmental remediation and explosives cleanup of the conveyed property, and may utilize amounts authorized to be appropriated to the Secretary for purposes of environmental remediation and explosives cleanup under the agreement or contract.

(2) The cooperative agreement or contract may provide for advance payments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the entity 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 under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the entity.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) 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 Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary and the Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a), and the environmental remediation and explosives cleanup under subsection (d), as the Secretary and the Administrator jointly consider appropriate to protect the interests of the United States.

SEC. 2842. LAND EXCHANGE, FORT CAMPBELL, KENTUCKY AND TENNESSEE.

(a) LAND EXCHANGE AUTHORIZED.—In exchange for the real property described in subsection (b), the Secretary of the Army may convey to Bi-County Solid Waste Management System, a local government agency (in this section referred to as ''Bi-County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 358 acres located at Fort Campbell in Montgomery County, Tennessee, for the purpose of permitting Bi-County to expand a landfill facility.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), Bi-County shall convey to the United States all right, title, and interest of Bi-County in and to a parcel of real property consisting of approximately 670 acres located adjacent to Fort Campbell in Trigg County, Kentucky, and Stewart County, Tennessee. The Secretary shall have jurisdiction over the real property received under this subsection.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that Bi-County construct a fence, acceptable to the Secretary, consisting of at least six-foot high, nine-gauge chain-link and three-strand barbed wire along the boundary between Fort Campbell and the real property conveyed under subsection (a).

(d) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require Bi-County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from Bi-County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to Bi-County.

(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 conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary and Bi-County.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2843. LAND CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Louisiana (in this section referred to as the ''State'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14,949 acres located at the Louisiana Army Ammunition Plant, Doyline, Louisiana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That at least 13,500 acres of the real property conveyed under such subsection is maintained by the State for the purpose of military training, unless the Secretary determines that fewer acres are required for such purpose.

(2) That the State ensure that any other uses made of the conveyed property do not adversely impact such military training.

(3) That the State accommodate the use of the conveyed property, at no cost or fee, for meeting the present and future training needs of units of the Armed Forces, including units of the Louisiana National Guard and the other active and reserve components of the Armed Forces.

(4) That the State assume the rights and responsibilities of the Department of the Army under the armaments retooling manufacturing support agreement between the Department of the Army and the facility use contractor with respect to the Louisiana Army Ammunition Plant, in accordance with the terms of such agreement in effect at the time of the conveyance.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State 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 under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) 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 State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, FORT LEONARD WOOD, MISSOURI.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Missouri (in this section referred to as the ''State'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 227.7 acres at Fort Leonard Wood, Missouri, for the purpose of permitting the State to establish on the property a State-operated cemetery for veterans of the Armed Forces.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State 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 under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the State to carry out the conveyance, the Secretary shall refund the excess amount to the State. The authority of the Secretary to require the State to cover administrative costs related to the conveyance does not include costs related to any environmental remediation required for the property.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) 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.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. TRANSFER OF ADMINISTRATIVE JURISDICTION, DEFENSE SUPPLY CENTER, COLUMBUS, OHIO.

(a) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 20 acres and comprising a portion of the Defense Supply Center in Columbus, Ohio.

(b) USE OF PROPERTY.—The Secretary of Veterans Affairs may only use the property transferred under subsection (a) as the site for the construction of a new outpatient clinic for the provision of medical services to veterans.

(c) COSTS.—Any administrative costs in connection with the transfer of property under subsection (a), including the costs of the survey required by subsection (e), shall be borne by the Secretary of Veterans Affairs.

(d) RETURN OF JURISDICTION TO ARMY.—If construction of the outpatient clinic described in subsection (b) has not commenced on the property transferred under subsection (a) by the end of the three-year period beginning on the date on which the property is transferred, the Secretary of Veterans Affairs shall return, at the request of the Secretary of the Army, administrative jurisdiction over the property to the Secretary of the Army.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

SEC. 2846. JURISDICTION AND UTILIZATION OF FORMER PUBLIC DOMAIN LANDS, UMATILLA CHEMICAL DEPOT, OREGON.

(a) RETENTION OF JURISDICTION.—The various parcels of real property consisting of approximately 8,300 acres within the boundaries of Umatilla Chemical Depot, Oregon, that were previously withdrawn from the public domain are no longer suitable for return to the public domain and shall remain under the administrative jurisdiction of the Secretary of the Army.

(b) UTILIZATION.—The Secretary shall combine the real property described in subsection (a) with other real property comprising the Umatilla Chemical Depot for purposes of their management and disposal pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100–526; 10 U.S.C. 2687 note) and other applicable law.

SEC. 2847. MODIFICATION OF AUTHORITY FOR LAND CONVEYANCE, EQUIPMENT AND STORAGE YARD, CHARLESTON, SOUTH CAROLINA.

Subsection (h) of section 563 of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 360) is amended to read as follows:

''(h) CHARLESTON, SOUTH CAROLINA.—

''(1) CONVEYANCE AUTHORIZED.—The Secretary may convey to the City of Charleston, South Carolina (in this subsection referred to as the 'City'), all right, title, and interest of the United States in and to a parcel of real property of the Corps of Engineers, including any improvements thereon, that is known as the Equipment and Storage Yard and consists of approximately 1.06 acres located on Meeting Street in Charleston, South Carolina. The property shall be conveyed in as-is condition.

''(2) CONSIDERATION.—As consideration for the conveyance under this subsection, the City shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary.

''(3) USE OF PROCEEDS.—(A) Notwithstanding any requirements associated with the Plant Replacement and Improvement Program, amounts received as consideration under paragraph (2) may be used by the Corps of Engineers, Charleston District—

''(i) to lease, purchase, or construct an office facility within the boundaries of Charleston, Berkeley, or Dorchester County, South Carolina;

''(ii) to cover costs associated with the design and furnishing of such facility; and

''(iii) to satisfy any Plant Replacement and Improvement Program balances.

''(B) Any amounts received as consideration under paragraph (2) that are in excess of the fair market value of the real property conveyed under this subsection may be used for any authorized activities of the Corps of Engineers, Charleston District.

''(4) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection and any property transferred to the United States as consideration under paragraph (2) shall be determined by surveys satisfactory to the Secretary.

''(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.''.

SEC. 2848. LAND CONVEYANCE, FORT HOOD, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Texas A&M University System of the State of Texas (in this section referred to as the ''University System'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 662 acres at Fort Hood, Texas, for the sole purpose of permitting the University System to establish on the property an upper level (junior, senior, and graduate) university that will be State-supported, separate from other universities of the University System, and designated as Texas A&M University, Central Texas.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the University System shall pay to the United States an amount equal to the fair market value of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(2) In lieu of all or a portion of the cash consideration required by paragraph (1), the Secretary may accept in-kind consideration, including the conveyance by the University System of real property acceptable to the Secretary.

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Secretary determine that the conveyance of the property and the establishment of a university on the property will not adversely impact the operation of Robert Grey Army Airfield, which is located on Fort Hood approximately one mile from the property authorized for conveyance.

(d) 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 University System.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2849. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah (in this section referred to as the ''State'') all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 10 acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of facilitating the construction and operation of a nursing-care facility for veterans. The parcel to be conveyed under this subsection shall be selected by the Secretary in consultation with the State.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State 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 under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the State.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) 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.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2850. LAND CONVEYANCE, ARMY RESERVE CENTER, HAMPTON, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Hampton City School Board of Hampton, Virginia (in this section referred to as the ''Board''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, that consists of approximately 13.42 acres, is located on Downey Farm Road in Hampton, Virginia, and is known as the Butler Farm United States Army Reserve Center for the purpose of permitting the Board to use the property for public education purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Board accept the real property described in subsection (a) in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the Board 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 under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Board in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Board.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2851. LAND CONVEYANCE, ARMY NATIONAL GUARD FACILITY, SEATTLE, WASHINGTON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Washington (in this section referred to as the ''State'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9.747 acres in Seattle, Washington, and comprising a portion of the National Guard Facility, Pier 91, for the purpose of permitting the State to convey the facility unencumbered for economic development purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the State accept the real property in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(c) ADMINISTRATIVE EXPENSES.—(1) The State shall reimburse the Secretary for the administrative expenses incurred by the Secretary in carrying out the conveyance under subsection (a), including expenses related to surveys and legal descriptions, boundary monumentation, environmental surveys, necessary documentation, travel, and deed preparation.

(2) Section 2695(c) of title 10, United States Code, shall apply to any amounts received by the Secretary as reimbursement under this subsection.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the 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 United States, subject to the requirement for reimbursement under subsection (c).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. MODIFICATION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

(a) PROPERTY TO BE TRANSFERRED TO SECRETARY OF THE INTERIOR IN TRUST.—Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315) is amended—

(1) by striking ''may convey to'' and inserting ''may transfer to the Secretary of the Interior, in trust for''; and

(2) by striking ''Washington, in'' and all that follows through the period and inserting ''Washington. The Secretary of the Army may make the transfer under the preceding sentence, and the Secretary of the Interior may accept the property transferred in trust for the Nisqually Tribe under the preceding sentence, only in conjunction with the conveyance described in subsection (b)(2).''.

(b) INCREASE IN ACREAGE TO BE TRANSFERRED.—Such subsection is further amended by striking ''138 acres'' and inserting ''168 acres''.

(c) QUALIFICATION ON PROPERTY TO BE TRANSFERRED.—Subsection (a)(2) of such section is amended—

(1) by striking ''conveyance'' and inserting ''transfer''; and

(2) by striking ''or the right of way described in subsection (c)'' and inserting ''located on the real property transferred under that paragraph''.

(d) CONSIDERATION.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''conveyance'' and inserting ''transfer''; and

(2) in paragraph (2), by striking ''fee title over the acquired property to the Secretary'' and inserting ''to the United States fee title to the property acquired under paragraph (1), free from all liens, encumbrances or other interests other than those, if any, acceptable to the Secretary of the Army''.

(e) TREATMENT OF EXISTING PERMIT RIGHTS; GRANT OF EASEMENT.—Such section is further 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) TREATMENT OF EXISTING PERMIT RIGHTS; GRANT OF EASEMENT.—(1) The transfer under subsection (a) recognizes and preserves to the Bonneville Power Administration, in perpetuity and without the right of revocation except as provided in paragraph (2), rights in existence at the time of the conveyance under the permit dated February 4, 1949, as amended January 4, 1952, between the Department of the Army and the Bonneville Power Administration with respect to any portion of the property transferred under subsection (a) upon which the Bonneville Power Administration retains transmission facilities. The rights recognized and preserved include the right to upgrade those transmission facilities.

''(2) The permit rights recognized and preserved under paragraph (1) shall terminate only upon the Bonneville Power Administration's relocation of the transmission facilities referred to in paragraph (1), and then only with respect to that portion of those transmission facilities that are relocated.

''(3) The Secretary of the Interior, as trustee for the Nisqually Tribe, shall grant to the Bonneville Power Administration, without consideration and subject to the same rights recognized and preserved in paragraph (1), such additional easements across the property transferred under subsection (a) as the Bonneville Power Administration considers necessary to accommodate the relocation or reconnection of Bonneville Power Administration transmission facilities from property owned by the Tribe and held by the Secretary of the Interior in trust for the Tribe.''.

(f) CONFORMING AMENDMENTS.—(1) Subsection (c) of such section is amended by inserting ''of the Army'' after ''Secretary''.

(2) Subsection (e) of such section (as redesignated by subsection (e)(1)) is amended—

(A) by striking ''conveyed'' and inserting ''transferred'';

(B) by inserting ''of the Army'' after ''Secretary''; and

(C) by striking ''the recipient of the property being surveyed'' and inserting ''the Tribe, in the case of the transfer under subsection (a), and the Secretary of the Army, in the case of the acquisition under subsection (b)''.

(3) Subsection (f) of such section (as redesignated by subsection (e)(1)) is amended—

(A) by inserting ''of the Army'' after ''Secretary'' both place it appears; and

(B) by striking ''conveyances under this section'' and inserting ''transfer under subsection (a) and conveyances under subsections (b)(2) and (c)''.

PART II—NAVY CONVEYANCES

SEC. 2861. LAND EXCHANGE, FORMER RICHMOND NAVAL AIR STATION, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the University of Miami, Miami, Florida (in this section referred to as the ''University''), all right, title, and interest of the United States in and to certain parcels of real property, together with any improvements thereon, consisting of approximately 14 acres and located in the vicinity of the former Richmond Naval Air Station, Florida, in order to facilitate force protection and security needs of Department of Defense facilities located on the former Richmond Naval Air Station.

(b) RELEASE OF EASEMENTS.—As part of the conveyance of property authorized by subsection (a), the Secretary may also—

(1) release and extinguish any interest of the United States in a clearance easement on the western portion of the property of the University; and

(2) release and extinguish any interest of the United States in a certain easement for ingress and egress extending southwest and south from Southwest 127th Street along the western property line of a certain portion of United States property referred to as ''IE2'' in the Agreement in Principle referred to in subsection (e)(2).

(c) CONSIDERATION.—As consideration for the conveyance of property authorized by subsection (a) and the release and extinguishment of interests authorized by subsection (b), the University shall—

(1) convey to the United States all right, title, and interest of the University in and to certain parcels of real property, together with any improvements thereon, consisting of approximately 12 acres;

(2) grant to the United States such easement over a parcel of real property located along the western boundary of the property of the University as the Secretary considers appropriate to permit the United States to exercise dominion and control over the portion of the western boundary of the property of the University that has been, or may be, designated as Natural Forest Community habitat;

(3) construct and install a berm and fence security system along the entirety of the new property line between the United States and the University;

(4) relocate the existing security gate and guard building, or establish a new security gate and guard building similar in design and size to the existing security gate and guard building, at a point where the property of the United States and the University intersect on the existing ingress-egress road; and

(5) construct a new two-lane access road from Southwest 152nd Street at the western boundary of the property of the University to a point that connects with the existing road on the property of the United States (commonly referred to as the ''FAA Road'').

(d) CONSTRUCTION WITH PREVIOUS CONVEYANCE.—Any restrictions on the use as an animal research facility of a certain parcel of real property, consisting of approximately 30 acres, conveyed by the Secretary of Health and Human Services to the University pursuant to section 647 of the Ominbus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–366) shall terminate upon the execution of the agreement of exchange required by subsection (e).

(e) TERMS OF EXCHANGE.—(1) The Secretary and the University shall carry out the conveyances and releases of interest authorized by this section pursuant to an agreement of exchange (to be known as the ''Exchange Agreement'') between the Secretary and the University.

(2) The agreement of exchange shall conform to, and develop with more particularity, the Agreement in Principle executed by the United States and the University on July 13 through 15, 2004.

(f) PAYMENT OF COSTS.—(1) The Secretary may require the University to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section and the release and grants of interests under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to such activities. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out such activities, the Secretary shall refund the excess amount to the University.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section, and of the interests to be released or granted 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 conveyances under this section, and the release and grants of interests under this section, as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, HONOLULU, HAWAII.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration but subject to the conditions specified in subsection (b), to the City and County of Honolulu, Hawaii, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5.16 acres located at 890 Valkenberg Avenue, Honolulu, Hawaii, and currently used by the City and County of Honolulu as the site of a fire station and firefighting training facility. The purpose of the conveyance is to enhance the capability of the City and County of Honolulu to provide fire protection and firefighting services to the civilian and military properties in the area and to provide a location for firefighting training for civilian and military personnel.

(b) CONDITIONS OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the following conditions:

(1) That the City and County of Honolulu accept the real property in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(2) That the City and County of Honolulu make the firefighting training facility available to the fire protection and firefighting units of the military departments for training not less than two days per week on terms satisfactory to the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary shall require the City and County of Honolulu 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 under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the City and County of Honolulu in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount, without interest, to the City and County of Honolulu.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, NAVY PROPERTY, FORMER FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of Illinois, a political subdivision of the State, or a nonprofit land conservation organization (in this section referred to as the ''grantee'') all right, title, and interest of the United States in and to certain parcels of real property consisting of a total of approximately 25 acres of environmentally sensitive land at the former Fort Sheridan, Illinois, for the purpose of ensuring the permanent protection of the land.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used or maintained in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) RECONVEYANCE AUTHORIZED.—The Secretary may permit the grantee to convey the real property conveyed under subsection (a) to another eligible entity described in such subsection, subject to the same covenants and terms and conditions as provided in the deed from the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary shall require the grantee 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 under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the grantee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the grantee.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) 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.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(g) USE OF ALTERNATE CONVEYANCE AUTHORITY.—In lieu of using the authority provided by this section to convey the real property described in subsection (a), the Secretary may elect to include the property in a conveyance authorized by section 2878 of title 10, United States Code, subject to such terms, reservations, restrictions, and conditions as may be necessary to ensure the permanent protection of the property, if the Secretary determines that a conveyance under such section is advantageous to the interests of the United States.

SEC. 2864. LAND EXCHANGE, NAVAL AIR STATION, PATUXENT RIVER, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the State of Maryland (in this section referred to as ''State'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately five acres at Naval Air Station, Patuxent River, Maryland, and containing the Point Lookout Lighthouse, other structures related to the lighthouse, and an archaeological site pertaining to the military hospital that was located on the property during the Civil War. The conveyance shall include artifacts pertaining to the military hospital recovered by the Navy and held at the installation.

(b) PROPERTY RECEIVED IN EXCHANGE.—As consideration for the conveyance of the real property under subsection (a), the State shall convey to the United States a parcel of real property at Point Lookout State Park, Maryland, consisting of approximately five acres, or a smaller parcel that the Secretary considers sufficient and such related property interests as the Secretary and the State may agree to.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State 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 under subsection (a), including survey costs, costs related to environmental documentation, relocation expenses incurred in connection with the acquisition of real property under subsection (b), and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to State.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the properties to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2865. MODIFICATION OF LAND ACQUISITION AUTHORITY, PERQUIMANS COUNTY, NORTH CAROLINA.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1320) is amended by striking ''240 acres'' and insert ''840 acres''.

SEC. 2866. LAND CONVEYANCE, NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Berkeley County Sanitation Authority, South Carolina (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of not more than 38 acres and comprising a portion of the Naval Weapons Station, Charleston, South Carolina, for the purpose of allowing the Authority to expand an existing sewage treatment plant.

(b) CONSIDERATION.—(1) As consideration for the conveyance of the real property under subsection (a), the Authority shall provide the United States, whether by cash payment, in-kind services, or a combination thereof, an amount that is not less than the fair market value of the conveyed property.

(2) The fair market value of the real property conveyed under subsection (a) shall be determined by an appraisal acceptable to the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the Authority to cover costs incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) 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.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2867. LAND CONVEYANCE, NAVY YMCA BUILDING, PORTSMOUTH, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Portsmouth, Virginia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 0.49 acres located at 517 King Street in Portsmouth, Virginia, and known as the ''Navy YMCA Building'', for the purpose of permitting the City to use the property for economic revitalization purposes.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount equal to the costs related to the environmental remediation of the real property to be conveyed.

(c) PAYMENT OF OTHER COSTS OF CONVEYANCE.—(1) The Secretary may require the City 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 under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(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. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2871. LAND EXCHANGE, MAXWELL AIR FORCE BASE, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the City of Montgomery, Alabama (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 28 acres and containing the Maxwell Heights Housing site at Maxwell Air Force Base, Alabama.

(b) CONSIDERATION.—(1) As consideration for the conveyance of the real property under subsection (a), the City shall convey to the United States a parcel of real property, including any improvements thereon, located contiguous to Maxwell Air Force Base, consisting of approximately 35 acres, and designated as project AL 6–4, for the purpose of allowing the Secretary to incorporate the parcel into a project for the acquisition or improvement of military housing. The military housing project may consist of or include a project conducted under the authority of subchapter IV of chapter 169 of title 10, United States Code. The Secretary shall have jurisdiction over the real property received under this paragraph.

(2) If the fair market value of the real property received under paragraph (1) is less than the fair market value of the real property conveyed under subsection (a), the Secretary may require the City to make up the difference through the payment of cash, the provision of in-kind consideration, or a combination thereof, to be determined pursuant to negotiations between the Secretary and the City.

(3) The fair market values of the real property to be exchanged under this section shall be determined by appraisals acceptable to the Secretary and the City.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsections (a) and (b), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyances, the Secretary shall refund the excess amount to the City.

(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 conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the properties to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2872. LAND CONVEYANCE, MARCH AIR FORCE BASE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the March Joint Powers Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres located in Riverside County, California, and containing the former Defense Reutilization and Marketing Office facility for March Air Force Base, which is also known as Parcel A–6, for the purpose of permitting the Authority to use the property for economic development and revitalization.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Authority shall pay the United States an amount equal to the fair market value of the conveyed property, as determined by the Secretary. The payment shall be deposited in the special account in the Treasury referred to in paragraph (5) of section 572(b) of title 40, United States Code, and shall be available as provided in subparagraph (B)(ii) of such paragraph.

(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 Authority.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2873. LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey to the Oneida County Industrial Development Agency, New York, the local reuse authority for the former Griffiss Air Force Base (in this section referred to as the ''Authority''), all right, title and interest of the United States in and to two parcels of real property consisting of 7.897 acres and 1.742 acres and containing the four buildings specified in paragraph (2), which were vacated by the Air Force in conjunction with its relocation to the Consolidated Intelligence and Reconnaissance Laboratory at Air Force Research Laboratory—Rome Research Site, Rome, New York.

(2) The buildings referred to in paragraph (1) are the following:

(A) Building 240 (117,323 square feet).

(B) Building 247 (13,199 square feet).

(C) Building 248 (4,000 square feet).

(D) Building 302 (20,577 square feet).

(3) The purpose of the conveyance under this subsection is to permit the Authority to develop the parcels and buildings for economic purposes in a manner consistent with section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Authority accept the real property in its condition at the time of the conveyance, commonly known as conveyance ''as is''.

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Authority shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount equal to the fair market of value of the conveyed real property, as determined by the Secretary.

(d) 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 Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART IV—OTHER CONVEYANCES

SEC. 2881. LAND EXCHANGE, ARLINGTON COUNTY, VIRGINIA.

(a) EXCHANGE AUTHORIZED.—The Secretary of Defense may convey to Arlington County, Virginia (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, that consists of not more than 4.5 acres and is located north of Columbia Pike on the Navy Annex property in Arlington County, Virginia, for the purpose of the construction of a freedmen heritage museum and an Arlington history museum.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the County shall convey to the United States all right, title, and interest of the County in and to a parcel of real property, together with any improvements thereon, that is of a size equivalent to the total acreage of the real property conveyed by the Secretary under subsection (a) and is located in the area known as the Southgate Road right-of-way between Arlington National Cemetery, Virginia, and the Navy Annex property.

(c) SELECTION OF PROPERTY FOR CONVEYANCE.—The Secretary, in consultation with the County, shall determine the acreage of the parcels of real property to be exchanged under this section, and such determination shall be final. In selecting the real property for conveyance to

the County under subsection (a), the Secretary shall seek—

(1) to provide the County with sufficient property for museum construction that is compatible with, and honors, the history of the freedmen's village that was located in the area and the heritage of the County;

(2) to preserve the appropriate traditions of Arlington National Cemetery; and

(3) to maintain the amount of acreage currently available for potential grave sites at Arlington National Cemetery.

(d) PAYMENT OF COSTS OF CONVEYANCES.—(1) The Secretary may require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under subsections (a) and (b), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(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 conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

(f) REVERSIONARY INTEREST.—(1) If at any time the Secretary determines that the property conveyed to the County under subsection (a) is not being used for the purposes stated in that subsection, then, at the option of the Secretary, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(2) If the Secretary exercises the reversionary interest provided for in paragraph (1), the Secretary shall pay the County, from amounts available to the Secretary for military construction for the Defense Agencies, an amount equal to the fair market value of the property that reverts to the United States, as determined by the Secretary.

(g) INCLUSION OF SOUTHGATE ROAD RIGHT-OF-WAY PROPERTY IN TRANSFER OF NAVY ANNEX PROPERTY FOR ARLINGTON NATIONAL CEMETERY.—Subsection (a) of section 2881 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 879) is amended by striking ''three parcels of real property consisting of approximately 36 acres'' and inserting ''four parcels of real property consisting of approximately 40 acres''.

(h) TERMINATION OF RESERVATION OF CERTAIN NAVY ANNEX PROPERTY FOR MEMORIALS OR MUSEUMS.—(1) Subsection (b) of such section, as amended by section 2863(f) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1332) and section 2851(a)(1) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2726), is further amended—

(A) by striking ''(1) Subject to paragraph (2), the Secretary'' and inserting ''The Secretary''; and

(B) by striking paragraph (2).

(2) Subsection (d)(2) of such section, as amended by section 2851(a)(2) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2726), is further amended—

(A) by striking ''(A)''; and

(B) by striking '', and (B)'' and all that follows through ''Museum.'' and inserting a period.

(2) Subsection (f) of such section is amended by striking ''reserved under subsection (b)(2) and of the portion''.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2891. ONE-YEAR RESUMPTION OF DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM.

Section 2892(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2805 note) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2005''.

SEC. 2892. DESIGNATION OF AIRMEN LEADERSHIP SCHOOL AT LUKE AIR FORCE BASE, ARIZONA, IN HONOR OF JOHN J. RHODES, A FORMER MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES.

The Airmen Leadership School at Luke Air Force Base, Arizona, building 156, shall be known and designated as the ''John J. Rhodes Airmen Leadership School''. Any reference to such facility in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the John J. Rhodes Airmen Leadership School.

SEC. 2893. SETTLEMENT OF CLAIM OF OAKLAND BASE REUSE AUTHORITY AND REDEVELOPMENT AGENCY.

(a) AUTHORITY TO SETTLE CLAIM.—The Secretary of the Navy may make a payment in the amount of $2,100,000 to the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California, in settlement of Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland v. the United States, Case No. C02–4652 MHP, United States District Court, Northern District of California, including any appeal.

(b) RELEASE OF CLAIM.—The payment made under subsection (a) shall be in full satisfaction of all claims of the Oakland Base Reuse Authority and Redevelopment Agency against the United States related to the case referred to in subsection (a), and the Oakland Base Reuse Authority and Redevelopment Agency shall give to the Secretary a release of all claims to 18 officer housing units and related real property located at the former Naval Medical Center Oakland, California. The release shall be in a form that is satisfactory to the Secretary.

(c) SOURCE OF FUNDS FOR SETTLEMENT.—To make the payment authorized by subsection (a), the Secretary may use—

(1) funds in the Department of Defense Base Closure Account 1990; or

(2) the proceeds from the sale of the housing units and property described in subsection (b).

SEC. 2894. REPORT ON ESTABLISHMENT OF MOBILIZATION STATION AT CAMP RIPLEY NATIONAL GUARD TRAINING CENTER, LITTLE FALLS, MINNESOTA.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the feasibility of using Camp Ripley National Guard Training Center in Little Falls, Minnesota, as a mobilization station for members of a reserve component ordered to active duty under any provision of law specified in section 101(a)(13)(B) of title 10, United States Code. The report shall include a discussion of the actions necessary to establish the center as a mobilization station.

SEC. 2895. REPORT ON FEASIBILITY OF ESTABLISHMENT OF VETERANS MEMORIAL AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on whether the anticipated future uses of the former Marine Corps Air Station, El Toro, California, by the City of Irvine, California, would permit the establishment and maintenance, at no cost to the United States, of a veterans memorial at the former installation.

SEC. 2896. SENSE OF CONGRESS REGARDING EFFECT OF MILITARY HOUSING POLICIES AND FORCE STRUCTURE AND BASING CHANGES ON LOCAL EDUCATIONAL AGENCIES.

(a) FINDINGS.—Congress finds the following:

(1) There are approximately 750,000 school-aged children of members of the active duty Armed Forces in the United States.

(2) Approximately 650,000 of those students are currently attending public elementary or secondary schools in the United States.

(3) Changes to the military family housing policies of the military departments affect both military housing requirements and the number of dependent children living on military installations in the United States.

(4) Proposed restationing of units of the Armed Forces worldwide, including the return of a significant number of members of the Armed Forces stationed overseas to the United States and the Army proposal to modify its force structure to establish so-called units of action, will increase military housing requirements at military installations in the United States and may result in the need for additional educational facilities at such installations and in the adjacent communities.

(5) To help provide sufficient housing for members of the Armed Forces and their families, the Secretaries of the military departments intend to continue to use the authorities provided in subchapter IV of chapter 169 of title 10, United States Code, to carry out privatization initiatives that will improve or replace an additional 120,000 military family housing units in the United States.

(6) The Secretaries of the military departments may include the construction of school facilities as one of the ancillary supporting facilities authorized as part of a privatization initiative carried out under such subchapter.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) consider the effects that changes in force structure and overseas stationing arrangements will have on—

(A) military housing requirements at specific military installations in the United States;

(B) the number of school-aged military dependents at those installations; and

(C) the need for additional educational facilities to serve such dependents; and

(2) consult with local communities and local educational agencies about the best ways to address such changing housing requirements and satisfy the need for additional educational facilities, including using the authority of subchapter IV of chapter 169 of title 10, United States Code, to include the construction of educational facilities as one of the ancillary supporting facilities authorized as part of military privatization housing initiatives.

SEC. 2897. SENSE OF CONGRESS AND STUDY REGARDING MEMORIAL HONORING NON-UNITED STATES CITIZENS KILLED IN THE LINE OF DUTY WHILE SERVING IN THE UNITED STATES ARMED FORCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a memorial marker or monument should be designed and placed in an appropriate location to honor the service and sacrifice of individuals who, although not United States citizens, served in the United States Armed Forces and were killed in the line of duty.

(b) STUDY.—The Secretary of the Army, in consultation with the Secretary of Veterans Affairs and the American Battle Monuments Commission, shall conduct a study examining the feasibility of placing in Arlington National Cemetery, or some other appropriate location, a memorial marker honoring the service and sacrifice of non-United States citizens killed in the line of duty while serving in the Armed Forces.

(c) CONTENT OF STUDY.—The study required by subsection (b) shall include the following:

(1) A discussion of the historical development of Arlington National Cemetery.

(2) Comprehensive information on the memorial markers presently located in Arlington National Cemetery.

(3) A description of any limitations affecting the ability to establish new monuments, markers, tributes, or plaques in Arlington National Cemetery.

(4) A discussion of alternative locations outside of Arlington National Cemetery that have been used for comparable memorial markers.

(5) Recommendations for appropriate locations for a memorial marker that may be considered.

(d) REPORT AND RECOMMENDATIONS.—Not later than April 1, 2005, the Secretary of the Army shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate a report containing the results of the study required by subsection (b), together with any recommendations for an appropriate plan to honor the service of non-United States citizens killed in the line of duty while serving in the Armed Forces.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
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Sec. 3115. Modification of submittal date of annual plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
Sec. 3116. Defense site acceleration completion.
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Sec. 3141. Indemnification of Department of Energy contractors.
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Subtitle E—Energy Employees Occupational Illness Compensation Program

Sec. 3161. Contractor employee compensation.
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Sec. 3167. Emergency Special Exposure Cohort meeting and report.
Sec. 3168. Coverage of individuals employed at atomic weapons employer facilities during periods of residual contamination.
Sec. 3169. Update of report on residual contamination of facilities.
Sec. 3170. Sense of Congress on resource center for energy employees under Energy Employee Occupational Illness Compensation Program in western New York and western Pennsylvania region.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,082,300,000, to be allocated as follows:

(1) For weapons activities, $6,592,053,000.

(2) For defense nuclear nonproliferation activities, $1,348,647,000.

(3) For naval reactors, $797,900,000.

(4) For the Office of the Administrator for Nuclear Security, $343,700,000.

(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, for weapons activities, the following new plant projects:

Project 05–D–140, project engineering and design, various locations, $11,600,000.

Project 05–D–160, facilities and infrastructure recapitalization program, project engineering and design, various locations, $8,700,000.

Project 05–D–170, project engineering and design, safeguards and security, various locations, $17,000,000.

Project 05–D–401, production bays upgrade, Pantex Plant, Amarillo, Texas, $25,100,000.

Project 05–D–402, beryllium capability project, Y–12 national security complex, Oak Ridge, Tennessee, $3,627,000.

Project 05–D–601, compressed air upgrades project, Y–12 national security complex, Oak Ridge, Tennessee, $4,400,000.

Project 05–D–602, power grid infrastructure upgrade, Los Alamos National Laboratory, Los Alamos, New Mexico, $10,000,000.

Project 05–D–603, new master substation, Sandia National Laboratories, Albuquerque, New Mexico, $600,000.

Project 05–D–701, security perimeter, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for defense environmental management activities in carrying out programs necessary for national security in the amount of $6,957,307,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,970,837,000.

(2) For defense environmental services, $986,470,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for other defense activities in carrying out programs necessary for national security in the amount of $636,036,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2005 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $120,000,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. REPORT ON REQUIREMENTS FOR MODERN PIT FACILITY.

(a) REPORT.—Not later than January 31, 2005, the Administrator for Nuclear Security shall submit to the congressional defense committees a report setting forth the validated pit production requirements for the Modern Pit Facility.

(b) VALIDATED PIT PRODUCTION REQUIREMENTS.—(1) The validated pit production requirements in the report under subsection (a) shall be established by the Administrator in conjunction with the Chairman of the Nuclear Weapons Council.

(2) The validated pit production requirements shall—

(A) include specifications regarding the total number of pits per year, and the number of pits to be produced per year for each weapon type, that will be required to be produced in order to support the weapons that will be retained in the nuclear weapons stockpile pursuant to the revised nuclear weapons stockpile plan submitted to the congressional defense committees as specified in the joint explanatory statement to accompany the report of the Committee on Conference on the bill H.R. 2754 of the 108th Congress;

(B) identify any surge capacity that may be included in the annual pit production requirements; and

(C) assume that the lifetime of any particular pit type is each of 40 years, 50 years, 60 years, and 70 years.

(c) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form and shall include a classified annex.

SEC. 3112. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking ''September 30, 2004'' and inserting ''September 30, 2006''.

SEC. 3113. LIMITED AUTHORITY TO CARRY OUT NEW PROJECTS UNDER FACILITIES AND INFRASTRUCTURE RECAPITALIZATION PROGRAM AFTER PROJECT SELECTION DEADLINE.

(a) LIMITED AUTHORITY TO CARRY OUT NEW PROJECTS.—Section 3114(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1744; 50 U.S.C. 2453 note) is amended—

(1) in the subsection caption, by striking ''DEADLINE FOR'';

(2) in paragraph (2), by striking ''No project'' and inserting ''Except as provided in paragraph (3), no project''; and

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

''(3)(A) Subject to the provisions of this paragraph, a project described in subparagraph (B) may be carried out under the Facilities and Infrastructure Recapitalization Program after December 31, 2004, if the Administrator approves the project. The Administrator may not delegate the authority to approve projects under the preceding sentence.

''(B) A project described in this subparagraph is a project that consists of a specific building, facility, or other improvement (including fences, roads, or similar improvements).

''(C) Funds may not be obligated or expended for a project under this paragraph until 60 days after the date on which the Administrator submits to the congressional defense committees a notice on the project, including a description of the project and the nature of the project, a statement explaining why the project was not included in the Facilities and Infrastructure Recapitalization Program under paragraph (1), and a statement explaining why the project was not included in any other program under the jurisdiction of the Administrator.

''(D) The total number of projects that may be carried out under this paragraph in any fiscal year may not exceed five projects.

''(E) The Administrator may not utilize the authority in this paragraph until 60 days after the later of—

''(i) the date of the submittal to the congressional defense committees of a list of the projects selected for inclusion in the Facilities and Infrastructure Recapitalization Program under paragraph (1); or

''(ii) the date of the submittal to the congressional defense committees of the report required by subsection (c).

''(F) A project may not be carried out under this paragraph unless the project will be completed by September 30, 2011.''.

(b) CONSTRUCTION OF AUTHORITY.—The amendments made by subsection (a) may not be construed to authorize any delay in either of the following:

(1) The selection of projects for inclusion in the Facilities and Infrastructure Recapitalization Program under subsection (a) of section 3114 of the National Defense Authorization Act for Fiscal Year 2004.

(2) The submittal of the report required by subsection (c) of such section.

SEC. 3114. MODIFICATION OF MILESTONE AND REPORT REQUIREMENTS FOR NATIONAL IGNITION FACILITY.

(a) NOTIFICATION ON MILESTONES TO ACHIEVE IGNITION.—Subsection (a) of section 3137 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1369) is amended by striking ''each Level I milestone and Level II milestone for the National Ignition Facility.'' and inserting the following: ''each milestone for the National Ignition Facility as follows:

''(1) Each Level I milestone.

''(2) Each Level II milestone.

''(3) Each milestone to achieve ignition.''.

(b) REPORT ON FAILURE OF TIMELY ACHIEVEMENT OF MILESTONES.—Subsection (b) of such section is amended by striking ''a Level I milestone or Level II milestone for the National Ignition Facility'' and inserting ''a milestone for the National Ignition Facility referred to in subsection (a)''.

(c) MILESTONES TO ACHIEVE IGNITION.—Subsection (c) of such section is amended to read as follows:

''(c) MILESTONES.—For purposes of this section:

''(1) The Level I milestones and Level II milestones for the National Ignition Facility are as established in the August 2000 revised National Ignition Facility baseline document.

''(2) The milestones for the National Ignition Facility to achieve ignition are such milestones (other than the milestones referred to in paragraph (1)) as the Administrator shall establish on any activities at the National Ignition Facility that are required to enable the National Ignition Facility to achieve ignition and be a fully functioning user facility by December 31, 2011.''.

(d) SUBMITTAL TO CONGRESS OF MILESTONES TO ACHIEVE IGNITION.—Not later than January 31, 2005, the Administrator for Nuclear Security shall submit to the congressional defense committees a report setting forth the milestones of the National Ignition Facility to achieve ignition as established by the Administration under subsection (c)(2) of section 3137 of the National Defense Authorization Act for Fiscal Year 2002, as amended by subsection (c) of this section. The report shall include—

(1) a description of each milestone established; and

(2) a proposal for the funding to be required to meet each such milestone.

(e) EXTENSION OF SUNSET.—Subsection (d) of section 3137 of such Act is amended by striking ''September 30, 2004'' and inserting ''December 31, 2011''.

SEC. 3115. MODIFICATION OF SUBMITTAL DATE OF ANNUAL PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.

Section 4203(c) of the Atomic Energy Defense Act (50 U.S.C. 2523(c)) is amended by striking ''March 15 of each year thereafter'' and inserting ''May 1 of each year thereafter''.

SEC. 3116. DEFENSE SITE ACCELERATION COMPLETION.

(a) IN GENERAL.—Notwithstanding the provisions of the Nuclear Waste Policy Act of 1982, the requirements of section 202 of the Energy Reorganization Act of 1974, and other laws that define classes of radioactive waste, with respect to material stored at a Department of Energy site at which activities are regulated by a covered State pursuant to approved closure plans or permits issued by the State, the term ''high-level radioactive waste'' does not include radioactive waste resulting from the reprocessing of spent nuclear fuel that the Secretary of Energy (in this section referred to as the ''Secretary''), in consultation with the Nuclear Regulatory Commission (in this section referred to as the ''Commission''), determines—

(1) does not require permanent isolation in a deep geologic repository for spent fuel or high-level radioactive waste;

(2) has had highly radioactive radionuclides removed to the maximum extent practical; and

(3)(A) does not exceed concentration limits for Class C low-level waste as set out in section 61.55 of title 10, Code of Federal Regulations, and will be disposed of—

(i) in compliance with the performance objectives set out in subpart C of part 61 of title 10, Code of Federal Regulations; and

(ii) pursuant to a State-approved closure plan or State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this section; or

(B) exceeds concentration limits for Class C low-level waste as set out in section 61.55 of title 10, Code of Federal Regulations, but will be disposed of—

(i) in compliance with the performance objectives set out in subpart C of part 61 of title 10, Code of Federal Regulations;

(ii) pursuant to a State-approved closure plan or State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this section; and

(iii) pursuant to plans developed by the Secretary in consultation with the Commission.

(b) MONITORING BY NUCLEAR REGULATORY COMMISSION.—(1) The Commission shall, in coordination with the covered State, monitor disposal actions taken by the Department of Energy pursuant to subparagraphs (A) and (B) of subsection (a)(3) for the purpose of assessing compliance with the performance objectives set out in subpart C of part 61 of title 10, Code of Federal Regulations.

(2) If the Commission considers any disposal actions taken by the Department of Energy pursuant to those subparagraphs to be not in compliance with those performance objectives, the Commission shall, as soon as practicable after discovery of the noncompliant conditions, inform the Department of Energy, the covered State, and the following congressional committees:

(A) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Appropriations of the House of Representatives.

(B) The Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Appropriations of the Senate.

(3) For fiscal year 2005, the Secretary shall, from amounts available for defense site acceleration completion, reimburse the Commission for all expenses, including salaries, that the Commission incurs as a result of performance under subsection (a) and this subsection for fiscal year 2005. The Department of Energy and the Commission may enter into an interagency agreement that specifies the method of reimbursement. Amounts received by the Commission for performance under subsection (a) and this subsection may be retained and used for salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code, and shall remain available until expended.

(4) For fiscal years after 2005, the Commission shall include in the budget justification materials submitted to Congress in support of the Commission budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) the amounts required, not offset by revenues, for performance under subsection (a) and this subsection.

(c) INAPPLICABILITY TO CERTAIN MATERIALS.—Subsection (a) shall not apply to any material otherwise covered by that subsection that is transported from the covered State.

(d) COVERED STATES.—For purposes of this section, the following States are covered States:

(1) The State of South Carolina.

(2) The State of Idaho.

(e) CONSTRUCTION.—(1) Nothing in this section shall impair, alter, or modify the full implementation of any Federal Facility Agreement and Consent Order or other applicable consent decree for a Department of Energy site.

(2) Nothing in this section establishes any precedent or is binding on the State of Washington, the State of Oregon, or any other State not covered by subsection (d) for the management, storage, treatment, and disposition of radioactive and hazardous materials.

(3) Nothing in this section amends the definition of ''transuranic waste'' or regulations for repository disposal of transuranic waste pursuant to the Waste Isolation Pilot Plant Land

Withdrawal Act or part 191 of title 40, Code of Federal Regulations.

(4) Nothing in this section shall be construed to affect in any way the obligations of the Department of Energy to comply with section 4306A of the Atomic Energy Defense Act (50 U.S.C. 2567).

(5) Nothing in this section amends the West Valley Demonstration Act (42 U.S.C. 2121a note).

(f) JUDICIAL REVIEW.—Judicial review shall be available in accordance with chapter 7 of title 5, United States Code, for the following:

(1) Any determination made by the Secretary or any other agency action taken by the Secretary pursuant to this section.

(2) Any failure of the Commission to carry out its responsibilities under subsection (b).

SEC. 3117. TREATMENT OF WASTE MATERIAL.

Of the amounts made available pursuant to the authorization of appropriations in section 3102(1) for environmental management for defense site acceleration completion for the High-Level Waste Proposal, $350,000,000 shall be available at specified sites for any defense site acceleration completion activities at those sites, as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho, $97,300,000.

(2) The Savannah River Site, Aiken, South Carolina, $188,600,000.

(3) The Hanford Site, Richland, Washington, $64,100,000.

SEC. 3118. LOCAL STAKEHOLDER ORGANIZATIONS FOR 2006 CLOSURE SITES.

(a) ESTABLISHMENT.—(1) The Secretary of Energy shall establish for each Department of Energy 2006 closure site a local stakeholder organization having the responsibilities set forth in subsection (c).

(2) The local stakeholder organization shall be established in consultation with interested elected officials of local governments in the vicinity of the closure site concerned.

(b) COMPOSITION.—A local stakeholder organization for a Department of Energy 2006 closure site under subsection (a) shall be composed of such elected officials of local governments in the vicinity of the closure site concerned as the Secretary considers appropriate to carry out the responsibilities set forth in subsection (c) who agree to serve on the organization, or the designees of such officials.

(c) RESPONSIBILITIES.—A local stakeholder organization for a Department of Energy 2006 closure site under subsection (a) shall—

(1) solicit and encourage public participation in appropriate activities relating to the closure and post-closure operations of the site;

(2) disseminate information on the closure and post-closure operations of the site to the State government of the State in which the site is located, local and tribal governments in the vicinity of the site, and persons and entities having a stake in the closure or post-closure operations of the site;

(3) transmit to appropriate officers and employees of the Department of Energy questions and concerns of governments, persons, and entities referred to paragraph (2) on the closure and post-closure operations of the site; and

(4) perform such other duties as the Secretary and the local stakeholder organization jointly determine appropriate to assist the Secretary in meeting post-closure obligations of the Department at the site.

(d) DEADLINE FOR ESTABLISHMENT.—The local stakeholder organization for a Department of Energy 2006 closure site shall be established not later than six months before the closure of the site.

(e) DEPARTMENT OF ENERGY 2006 CLOSURE SITE DEFINED.—In this section, the term ''Department of Energy 2006 closure site'' means the following:

(1) The Rocky Flats Environmental Technology Site, Colorado.

(2) The Fernald Plant, Ohio.

(3) The Mound Plant, Ohio.

SEC. 3119. REPORT TO CONGRESS ON ADVANCED NUCLEAR WEAPONS CONCEPTS INITIATIVE.

(a) REPORT REQUIRED.—Not later than March 1, 2005, the Administrator for Nuclear Security shall submit to the congressional defense committees a detailed report on the planned activities for studies under the Advanced Nuclear Weapons Concepts Initiative for fiscal year 2005.

(b) FORM OF REPORT.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Proliferation Matters

SEC. 3131. MODIFICATION OF AUTHORITY TO USE INTERNATIONAL NUCLEAR MATERIALS PROTECTION AND COOPERATION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) APPLICABILITY OF AUTHORITY LIMITED TO PROJECTS NOT PREVIOUSLY AUTHORIZED.—Subsection (a) of section 3124 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1747) is amended by inserting ''that has not previously been authorized by Congress'' after ''states of the former Soviet Union''.

(b) REPEAL OF LIMITATION ON TOTAL AMOUNT OF OBLIGATION.—Such section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(c) APPLICABILITY BEYOND FISCAL YEAR 2004.—Subsection (e) of such section (as redesignated by subsection (b)) is amended by striking ''the funds appropriated pursuant to the authorization of appropriations in section 3101(a)(2) for such program'' and inserting ''the funds appropriated pursuant to an authorization of appropriations for the International Nuclear Materials Protection and Cooperation Program''.

SEC. 3132. ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

(a) SENSE OF CONGRESS.—(1) It is the sense of Congress that the security, including the rapid removal or secure storage, of high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment at vulnerable sites worldwide should be a top priority among the activities to achieve the national security of the United States.

(2) It is the sense of Congress that the President may establish in the Department of Energy a task force to be known as the Task Force on Nuclear Materials to carry out the program authorized by subsection (b).

(b) PROGRAM AUTHORIZED.—The Secretary of Energy may carry out a program to undertake an accelerated, comprehensive worldwide effort to mitigate the threats posed by high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment located at sites potentially vulnerable to theft or diversion.

(c) PROGRAM ELEMENTS.—(1) Activities under the program under subsection (b) may include the following:

(A) Accelerated efforts to secure, remove, or eliminate proliferation-attractive fissile materials or radiological materials in research reactors, other reactors, and other facilities worldwide.

(B) Arrangements for the secure shipment of proliferation-attractive fissile materials, radiological materials, and related equipment to other countries willing to accept such materials and equipment, or to the United States if such countries cannot be identified, and the provision of secure storage or disposition of such materials and equipment following shipment.

(C) The transportation of proliferation-attractive fissile materials, radiological materials, and related equipment from sites identified as proliferation risks to secure facilities in other countries or in the United States.

(D) The processing and packaging of proliferation-attractive fissile materials, radiological materials, and related equipment in accordance with required standards for transport, storage, and disposition.

(E) The provision of interim security upgrades for vulnerable, proliferation-attractive fissile materials, radiological materials, and related equipment pending their removal from their current sites.

(F) The utilization of funds to upgrade security and accounting at sites where proliferation-attractive fissile materials or radiological materials will remain for an extended period of time in order to ensure that such materials are secure against plausible potential threats and will remain so in the future.

(G) The management of proliferation-attractive fissile materials, radiological materials, and related equipment at secure facilities.

(H) Actions to ensure that security, including security upgrades at sites and facilities for the storage or disposition of proliferation-attractive fissile materials, radiological materials, and related equipment, continues to function as intended.

(I) The provision of technical support to the International Atomic Energy Agency (IAEA), other countries, and other entities to facilitate removal of, and security upgrades to facilities that contain, proliferation-attractive fissile materials, radiological materials, and related equipment worldwide.

(J) The development of alternative fuels and irradiation targets based on low-enriched uranium to convert research or other reactors fueled by highly-enriched uranium to such alternative fuels, as well as the conversion of reactors and irradiation targets employing highly-enriched uranium to employment of such alternative fuels and targets.

(K) Accelerated actions for the blend down of highly-enriched uranium to low-enriched uranium.

(L) The provision of assistance in the closure and decommissioning of sites identified as presenting risks of proliferation of proliferation-attractive fissile materials, radiological materials, and related equipment.

(M) Programs to—

(i) assist in the placement of employees displaced as a result of actions pursuant to the program in enterprises not representing a proliferation threat; and

(ii) convert sites identified as presenting risks of proliferation regarding proliferation-attractive fissile materials, radiological materials, and related equipment to purposes not representing a proliferation threat to the extent necessary to eliminate the proliferation threat.

(2) The Secretary of Energy shall, in coordination with the Secretary of State, carry out the program in consultation with, and with the assistance of, appropriate departments, agencies, and other entities of the United States Government.

(3) The Secretary of Energy shall, with the concurrence of the Secretary of State, carry out activities under the program in collaboration with such foreign governments, non-governmental organizations, and other international entities as the Secretary of Energy considers appropriate for the program.

(d) REPORTS.—(1) Not later than March 15, 2005, the Secretary of Energy shall submit to Congress a classified interim report on the program under subsection (b).

(2) Not later than January 1, 2006, the Secretary shall submit to Congress a classified final report on the program under subsection (b) that includes the following:

(A) A survey by the Secretary of the facilities and sites worldwide that contain proliferation-attractive fissile materials, radiological materials, or related equipment.

(B) A list of sites determined by the Secretary to be of the highest priority, taking into account risk of theft from such sites, for removal or security of proliferation-attractive fissile materials, radiological materials, or related equipment, organized by level of priority.

(C) A plan, including activities under the program under this section, for the removal, security, or both of proliferation-attractive fissile materials, radiological materials, or related equipment at vulnerable facilities and sites worldwide, including measurable milestones, metrics, and estimated costs for the implementation of the plan.

(3) A summary of each report under this subsection shall also be submitted to Congress in unclassified form.

(e) FUNDING.—Amounts authorized to be appropriated to the Secretary of Energy for defense nuclear nonproliferation activities shall be available for purposes of the program under this section.

(f) DEFINITIONS.—In this section:

(1) The term ''fissile materials'' means plutonium, highly-enriched uranium, or other material capable of sustaining an explosive nuclear chain reaction, including irradiated items containing such materials if the radiation field from such items is not sufficient to prevent the theft or misuse of such items.

(2) The term ''radiological materials'' includes Americium-241, Californium-252, Cesium-137, Cobalt-60, Iridium-192, Plutonium-238, Radium-226, Strontium-90, Curium-244, and irradiated items containing such materials, or other materials designated by the Secretary of Energy for purposes of this paragraph.

(3) The term ''related equipment'' includes equipment useful for enrichment of uranium in the isotope 235 and for extraction of fissile materials from irradiated fuel rods and other equipment designated by the Secretary of Energy for purposes of this section.

(4) The term ''highly-enriched uranium'' means uranium enriched to or above 20 percent in the isotope 235.

(5) The term ''low-enriched uranium'' means uranium enriched below 20 percent in the isotope 235.

(6) The term ''proliferation-attractive'', in the case of fissile materials and radiological materials, means quantities and types of such materials that are determined by the Secretary of Energy to present a significant risk to the national security of the United States if diverted to a use relating to proliferation.

SEC. 3133. SILK ROAD INITIATIVE.

(a) PROGRAM AUTHORIZED.—(1) The Secretary of Energy may carry out a program, to be known as the Silk Road Initiative, to promote non-weapons-related employment opportunities for scientists, engineers, and technicians formerly engaged in activities to develop and produce weapons of mass destruction in Silk Road nations. The program should—

(A) incorporate best practices under the Initiatives for Proliferation Prevention program; and

(B) facilitate commercial partnerships between private entities in the United States and scientists, engineers, and technicians in the Silk Road nations.

(2) Before implementing the program with respect to multiple Silk Road nations, the Secretary of Energy shall carry out a pilot program with respect to one Silk Road nation selected by the Secretary. It is the sense of Congress that the Secretary should select the Republic of Georgia.

(b) SILK ROAD NATIONS DEFINED.—In this section, the Silk Road nations are Armenia, Azerbaijan, the Republic of Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

(c) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy for nonproliferation and international security for fiscal year 2005, up to $10,000,000 may be used to carry out this section.

SEC. 3134. NUCLEAR NONPROLIFERATION FELLOWSHIPS FOR SCIENTISTS EMPLOYED BY UNITED STATES AND RUSSIAN FEDERATION.

(a) IN GENERAL.—(1) From amounts made available to carry out this section, the Administrator for Nuclear Security may carry out a program under which the Administrator awards, to scientists employed at nonproliferation research laboratories of the Russian Federation and the United States, international exchange fellowships, to be known as Nuclear Nonproliferation Fellowships, in the nuclear nonproliferation sciences.

(2) The purpose of the program shall be to provide opportunities for advancement in the nuclear nonproliferation sciences to scientists who, as demonstrated by their academic or professional achievements, show particular promise of making significant contributions in those sciences.

(3) A fellowship awarded to a scientist under the program shall be for collaborative study and training or advanced research at—

(A) a nonproliferation research laboratory of the Russian Federation, in the case of a scientist employed at a nonproliferation research laboratory of the United States; and

(B) a nonproliferation research laboratory of the United States, in the case of a scientist employed at a nonproliferation research laboratory of the Russian Federation.

(4) The duration of a fellowship under the program may not exceed two years, except that the Administrator may provide for a longer duration in an individual case to the extent warranted by extraordinary circumstances, as determined by the Administrator.

(5) In a calendar year, the Administrator may not award more than—

(A) one fellowship to a scientist employed at a nonproliferation research laboratory of the Russian Federation; and

(B) one fellowship to a scientist employed at a nonproliferation research laboratory of the United States.

(6) A fellowship under the program shall include—

(A) travel expenses; and

(B) any other expenses that the Administrator considers appropriate, such as room and board.

(b) DEFINITIONS.—In this section:

(1) The term ''nonproliferation research laboratory'' means, with respect to a country, a national laboratory of that country at which research in the nuclear nonproliferation sciences is carried out.

(2) The term ''nuclear nonproliferation sciences'' means bodies of scientific knowledge relevant to developing or advancing the means to prevent or impede the proliferation of nuclear weaponry.

(3) The term ''scientist'' means an individual who has a degree from an institution of higher education in a science that has practical application in the nuclear nonproliferation sciences.

(c) FUNDING.—Amounts available to the Department of Energy for defense nuclear nonproliferation activities shall be available for the fellowships authorized by subsection (a).

SEC. 3135. UTILIZATION OF INTERNATIONAL CONTRIBUTIONS TO THE ELIMINATION OF WEAPONS GRADE PLUTONIUM PRODUCTION PROGRAM.

Section 3151 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2736; 22 U.S.C. 5952 note) is amended by adding at the end the following new subsection:

''(e) INTERNATIONAL PARTICIPATION IN PROGRAM.—(1) In order to achieve international participation in the program referred to in subsection (a), the Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary considers appropriate for the contribution of funds by such person, government, or organization for purposes of the program.

''(2) Notwithstanding section 3302 of title 31, United States Code, and subject to paragraphs (3) and (4), the Secretary may retain and utilize any amounts contributed by a person, government, or organization under an agreement under paragraph (1) for purposes of the program without further appropriation and without fiscal year limitation.

''(3) The Secretary may not utilize under paragraph (2) any amount contributed under an agreement under paragraph (1) until 30 days after the date on which the Secretary notifies the congressional defense committees of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

''(4) If any amount contributed under paragraph (1) has not been utilized within five years of receipt under that paragraph, the Secretary shall return such amount to the person, government, or organization contributing such amount under that paragraph.

''(5) Not later than 30 days after the receipt of any amount contributed under paragraph (1), the Secretary shall submit to the congressional defense committees a notice of the receipt of such amount.

''(6) Not later than October 31 each year, the Secretary shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

''(A) a statement of any amounts received under this subsection, including the source of each such amount; and

''(B) a statement of any amounts utilized under this subsection, including the purpose for which such amounts were utilized.

''(7) The authority of the Secretary to accept and utilize amounts under this subsection shall expire on December 31, 2011.''.

Subtitle D—Other Matters

SEC. 3141. INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.

Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ''until December 31, 2004'' and inserting ''until December 31, 2006''.

SEC. 3142. REPORT ON MAINTENANCE OF RETIREMENT BENEFITS FOR CERTAIN WORKERS AT 2006 CLOSURE SITES AFTER CLOSURE OF SITES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Assistant Secretary of Energy for Environmental Management shall submit to the Secretary of Energy a report on the maintenance of retirement benefits for workers at Department of Energy 2006 closure sites after closure of such sites.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) The number of workers at Department of Energy 2006 closure sites who would be eligible for regular or early retirement benefits if such sites close on or after their target completion dates, but who would not be eligible for regular or early retirement benefits if such sites close before their target completion dates (by calendar quarter).

(2) The cost of providing regular or full retirement benefits, after the closure of Department of Energy 2006 closure sites, to workers at such sites who would fail to qualify for regular or early retirement benefits because of the early closure of such sites (by calendar quarter).

(3) The impact on collective-bargaining agreements and any applicable retirement benefit plan documents covering workers at Department of Energy 2006 closure sites of providing regular or early retirement benefits as set forth herein.

(c) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report under

subsection (a), the Secretary shall transmit the report to Congress, together with such recommendations, including recommendations for legislative action, as the Secretary considers appropriate.

(d) DEFINITIONS.—In this section:

(1) The term ''Department of Energy 2006 closure site'' means the following:

(A) The Rocky Flats Environmental Technology Site, Colorado.

(B) The Fernald Plant, Ohio.

(C) The Mound Plant, Ohio.

(2) The term ''worker'' means any employee who is employed by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at a Department of Energy 2006 closure site.

(3) The term ''retirement benefits'' means pension, health, and other similar post-retirement benefits.

(4) The term ''target completion date'', with respect to a Department of Energy 2006 closure site, means the physical completion date specified in the site contracts.

SEC. 3143. REPORT ON EFFORTS OF NATIONAL NUCLEAR SECURITY ADMINISTRATION TO UNDERSTAND PLUTONIUM AGING.

(a) STUDY.—(1) The Administrator for Nuclear Security shall enter into a contract with a Federally Funded Research and Development Center (FFRDC) providing for a study to assess the efforts of the National Nuclear Security Administration to understand the aging of plutonium in nuclear weapons.

(2) The Administrator shall make available to the FFRDC contractor under this subsection all information that is necessary for the contractor to successfully complete a meaningful study on a timely basis.

(b) REPORT REQUIRED.—(1) Not later than two years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study required by subsection (a)(1).

(2) The report shall include the recommendations of the study for improving the knowledge, understanding, and application of the fundamental and applied sciences related to the study of plutonium aging.

(3) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 3144. SUPPORT FOR PUBLIC EDUCATION IN THE VICINITY OF LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

The Secretary of Energy shall require that the primary management and operations contract for Los Alamos National Laboratory, New Mexico, that involves Laboratory operations after September 30, 2005, shall contain terms requiring the contractor under such contract to provide support to the Los Alamos Public School District, New Mexico, for the elementary and secondary education of students in the school district in the amount of $8,000,000 in each fiscal year.

SEC. 3145. REVIEW OF WASTE ISOLATION PILOT PLANT, NEW MEXICO, PURSUANT TO COMPETITIVE CONTRACT.

(a) CONTRACT REQUIREMENT.—The Secretary of Energy shall use competitive procedures to enter into a contract to conduct independent reviews and evaluations of the design, construction, and operations of the Waste Isolation Pilot Plant in New Mexico (in this section referred to as the ''WIPP'') as they relate to the protection of the public health and safety and the environment. The contract shall be for a period of one year, beginning on October 1, 2004, and shall be renewable for four additional one-year periods with the consent of the contractor and subject to the authorization and appropriation of funds for such purpose.

(b) CONTENT OF CONTRACT.—A contract entered into under subsection (a) shall require the following:

(1) The contractor shall appoint a Director and Deputy Director, who shall be scientists of national eminence in the field of nuclear waste disposal, shall be free from any biases related to the activities of the WIPP, and shall be widely known for their integrity and scientific expertise.

(2) The Director shall appoint staff. The professional staff shall consist of scientists and engineers of recognized integrity and scientific expertise who represent scientific and engineering disciplines needed for a thorough review of the WIPP, including disciplines such as geology, hydrology, health physics, environmental engineering, probability risk analysis, mining engineering, and radiation chemistry. The disciplines represented in the staff shall change as may be necessary to meet changed needs in carrying out the contract for expertise in any certain scientific or engineering discipline. Scientists and engineers employed under the contract shall have qualifications and experience equivalent to the qualifications and experience required for scientists and engineers employed by the Federal Government in grades GS–13 through GS–15.

(3) Scientists and engineers employed under the contract shall have an appropriate support staff.

(4) The Director and Deputy Director shall each be appointed for a term of 5 years, subject to contract renewal, and may be removed only for misconduct or incompetence. The staff shall be appointed for such terms as the Director considers appropriate.

(5) The rates of pay of professional staff and the procedures for increasing the rates of pay of professional staff shall be equivalent to those rates and procedures provided for the General Schedule pay system under chapter 53 of title 5, United States Code.

(6) The results of reviews and evaluations carried out under the contract shall be published.

(c) ADMINISTRATION.—The contractor shall establish general policies and guidelines to be used by the Director in carrying out the work under the contract.

SEC. 3146. NATIONAL ACADEMY OF SCIENCES STUDY ON MANAGEMENT BY DEPARTMENT OF ENERGY OF CERTAIN RADIOACTIVE WASTE STREAMS.

(a) STUDY REQUIRED.—The Secretary of Energy shall, as soon as practicable, enter into an arrangement with the National Research Council of the National Academy of Sciences to carry out a study of the plans of the Department of Energy to manage those waste streams specified in subsection (b) that—

(1) exceed the concentration limits for Class C low-level waste as set out in section 61.55 of title 10, Code of Federal Regulations; and

(2) the Department plans to dispose of on the sites specified in subsection (b)(3) rather than in a repository for spent nuclear fuel and high-level waste.

(b) COVERED WASTE STREAMS.—The waste streams referred to in subsection (a) are the streams of waste, from reprocessed spent nuclear fuel, that—

(1) exceed the concentration limits for Class C low-level waste as set out in section 61.55 of title 10, Code of Federal Regulations;

(2) the Department does not plan for disposal in a repository for spent nuclear fuel and high-level waste; and

(3) are stored in tanks at the following sites:

(A) The Savannah River Site, South Carolina.

(B) The Idaho National Engineering Laboratory, Idaho.

(C) The Hanford Reservation, Washington.

(c) MATTERS INCLUDED.—The study required by subsection (a) shall evaluate—

(1) the state of the Department's understanding of the physical, chemical, and radiological characteristics of the waste referred to in subsection (b), including an assessment of data uncertainties;

(2) any actions additional to those contained in current plans that the Department should consider to ensure that the plans referred to in subsection (a) will comply with the performance objectives of part 61 of title 10, Code of Federal Regulations;

(3) the adequacy of the Department's plans for monitoring disposal sites and the surrounding environment to verify compliance with those performance objectives;

(4) existing technology alternatives to the plans referred to in subsection (a) and, for each such alternative, an assessment of the cost, consequences for worker safety, and long-term consequences for environmental and human health;

(5) any technology gaps that exist to effect improved efficiency in removal and treatment of waste from the tanks referred to in subsection (b)(3); and

(6) any other matters that the National Research Council considers appropriate and directly related to the subject matter of the study.

(d) RECOMMENDATIONS.—In carrying out the study required by subsection (a), the National Research Council may develop recommendations it considers appropriate and directly related to the subject matter of the study. It is the sense of Congress that the National Research Council should develop recommendations on—

(1) improvements to the scientific and technical basis for managing the waste covered by the study, including the identification of technology alternatives and mitigation of technology gaps; and

(2) the best means of monitoring any on-site disposal sites from the waste streams referred to in subsection (b), to include soil, groundwater, and surface water monitoring.

(e) REPORTS.—(1) The National Research Council shall submit to the Secretary of Energy and the congressional committees described in paragraph (2)—

(A) not later than six months after entering into the arrangement required by subsection (a), an interim report on the study that, with respect to the requirements of subsection (c)(2), specifically addresses any additional actions the Department should consider to ensure that the Department's plans for the Savannah River Site, including plans for grouting of tanks, will comply with the performance objectives referred to in that subsection in a more effective manner; and

(B) not later than one year after entering into the arrangement required by subsection (a), a final report on the study that includes all findings, conclusions, and recommendations.

(2) The congressional committees referred to in paragraph (1) are as follows:

(A) The Committee on Appropriations, Committee on Armed Services, and Committee on Energy and Commerce of the House of Representatives.

(B) The Committee on Appropriations, Committee on Armed Services, Committee on Energy and Natural Resources, and Committee on Environment and Public Works of the Senate.

(f) PROVISION OF INFORMATION.—The Secretary of Energy shall, in a timely manner, make available to the National Research Council all information that the National Research Council considers necessary to carry out its responsibilities under this section.

(g) RULE OF CONSTRUCTION.—This section shall not be construed to affect section 3116.

(h) FUNDING.—Of the amounts made available to the Department of Energy pursuant to the authorization of appropriations in section 3102, $1,500,000 shall be available only for carrying out the study required by this section.

SEC. 3147. COMPENSATION OF PAJARITO PLATEAU, NEW MEXICO, HOMESTEADERS FOR ACQUISITION OF LANDS FOR MANHATTAN PROJECT IN WORLD WAR II.

(a) ESTABLISHMENT OF COMPENSATION FUND.—There is established in the Treasury of the United States a fund to be known as the Pajarito Plateau Homesteaders Compensation Fund (in this section referred to as the ''Fund''). The Fund shall be dedicated to the

settlement of the two lawsuits in the United States District Court for the District of New Mexico consolidated as Civ. No. 00–60.

(b) ELEMENTS OF FUND.—The Fund shall consist of the following:

(1) Amounts available for deposit in the Fund under subsection (j).

(2) Interest earned on amounts in the Fund under subsection (g).

(c) USE OF FUND.—The Fund shall be available for the settlement of the consolidated lawsuits in accordance with the following requirements:

(1) The settlement shall be subject to preliminary and final approval by the Court in accordance with rule 23(e) of the Federal Rules of Civil Procedure.

(2) The Court shall appoint a special master in accordance with rule 53 of the Federal Rules of Civil Procedure to—

(A) identify class members;

(B) receive claims from class members so identified;

(C) determine in accordance with subsection (d) eligible claimants from among class members so identified;

(D) resolve contests, if any, among claimants with respect to a particular eligible tract, regarding the disbursement of monies in the Fund with respect to that eligible tract; and

(E) address such other matters as the Court may order.

(3) Lead counsel for claimants shall provide evidence to the special master to assist the special master in the duties set forth in paragraph (2).

(4) If more than 10 percent of the class members object to the settlement, or the Court fails to approve the settlement—

(A) the Fund shall not serve as the basis for the settlement of the consolidated lawsuits and the provisions of this section shall have no further force or effect; and

(B) amounts in the Fund shall not be disbursed, but shall be retained in the Treasury as miscellaneous receipts.

(5) The Court may award compensation for the special master and attorney fees and expenses from the Fund pursuant to rule 23 of the Federal Rules of Civil Procedure, except that the award of attorney fees may not exceed 20 percent of the Fund and the award of expenses may not exceed 2 percent of the Fund. Any compensation and attorney fees and expenses so paid shall be paid from the Fund by the Court before distribution of the amount in the Fund to eligible claimants entitled thereto.

(6) The Fund shall be available to pay settlement awards in accordance with the following:

(A) The balance of the amount of the Fund that is available for disbursement after any award of attorney fees and expenses under paragraph (5) shall be allocated proportionally by eligible tract according to its acreage as compared with all eligible tracts.

(B) The allocation for each eligible tract shall be allocated pro rata among all eligible claimants having an interest in such eligible tract according to the extent of their interest in such eligible tract, as determined under the laws of the State of New Mexico.

(7) The special master shall disburse the allocated amounts from the Fund after approval by the Court.

(8) Any amounts available for disbursement with respect to an eligible tract that are not awarded to eligible claimants with respect to that tract shall be retained in the Treasury as miscellaneous receipts.

(d) ELIGIBLE CLAIMANTS.—(1) For purposes of this section, an eligible claimant is any class member determined by the Court, by a preponderance of evidence, to be a person or entity who held a fee simple ownership in an eligible tract at the time of its acquisition by the United States during World War II for use in the Manhattan Project, or the heir, successor in interest, assignee, or beneficiary of such a person or entity.

(2) The status of a person or entity as an heir, successor in interest, assignee, or beneficiary for purposes of this subsection shall be determined under the laws of the State of New Mexico, including the descent and distribution law of the State of New Mexico.

(e) FULL RESOLUTION OF CLAIMS AGAINST UNITED STATES.—(1) The acceptance of a disbursement from the Fund by an eligible claimant under this section shall constitute a final and complete release of the defendants in the consolidated lawsuits with respect to such eligible claimant, and shall be in full satisfaction of any and all claims of such eligible claimant against the United States arising out of acts described in the consolidated lawsuits.

(2) Upon the disbursement of the amount in the Fund to eligible claimants entitled thereto under this section, the Court shall, subject to the provisions of rule 23(e) of the Federal Rules of Civil Procedure, enter a final judgment dismissing with prejudice the consolidated lawsuits and all claims and potential claims on matters covered by the consolidated lawsuits.

(f) COMPENSATION LIMITED TO AMOUNTS IN FUND.—(1) An eligible claimant may be paid under this section only from amounts in the Fund.

(2) Nothing in this section shall authorize the payment to a class member by the United States Government of any amount authorized by this section from any source other than the Fund.

(g) INVESTMENT OF FUND.—(1) The Secretary of the Treasury shall, in accordance with the requirements of section 9702 of title 31, United States Code, and the provisions of this subsection, direct the form and manner by which the Fund shall be safeguarded and invested so as to maximize its safety while earning a return comparable to other common funds in which the United States Treasury is the source of payment.

(2) Interest on the amount deposited in the Fund shall accrue from the date of the enactment of the Act appropriating amounts for deposit in the Fund until the date on which the Secretary of the Treasury disburses the amount in the Fund to eligible claimants who are entitled thereto under subsection (c).

(h) PRESERVATION OF RECORDS.—(1) All documents, personal testimony, and other records created or received by the Court in the consolidated lawsuits shall be kept and maintained by the Archivist of the United States, who shall preserve such documents, testimony, and records in the National Archives of the United States.

(2) The Archivist shall make available to the public the materials kept and maintained under paragraph (1).

(i) DEFINITIONS.—In this section:

(1) The term ''Court'' means the United States District Court for the District of New Mexico having jurisdiction over the consolidated lawsuits.

(2) The term ''consolidated lawsuits'' means the two lawsuits in the United States District Court for the District of New Mexico consolidated as Civ. No. 00–60.

(3)(A) The term ''eligible tract'' means private real property located on the Pajarito Plateau of what is now Los Alamos County, New Mexico, that was acquired by the United States during World War II for use in the Manhattan Project and which is the subject of the consolidated lawsuits.

(B) The term does not include lands of the Los Alamos Ranch School and of the A.M. Ross Estate (doing business as Anchor Ranch).

(4) The term ''class member'' means the following:

(A) Any person or entity who claims to have held a fee simple ownership in an eligible tract at the time of its acquisition by the United States during World War II for use in the Manhattan Project.

(B) Any person or entity claiming to be the heir, successor in interest, assignee, or beneficiary of a person or entity who held a fee simple ownership in an eligible tract at the time of its acquisition by the United States during World War II for use in the Manhattan Project.

(j) FUNDING.—Of the amount authorized to be appropriated by section 3101(a)(4) for the National Nuclear Security Administration for the Office of the Administrator for Nuclear Security, $10,000,000 shall be available for deposit in the Fund under subsection (b)(1).

SEC. 3148. MODIFICATION OF REQUIREMENTS RELATING TO CONVEYANCES AND TRANSFER OF CERTAIN LAND AT LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

Section 632(a) of Public Law 105–119 (111 Stat. 2523; 42 U.S.C. 2391 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''except as provided in paragraph (2),'' before ''convey''; and

(B) by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) notwithstanding paragraph (1) and the agreement under subsection (e), convey, without consideration, to the Board of Education of the Los Alamos Public Schools, New Mexico, within the County, fee title to the parcels of land identified by the Department of Energy as Parcel A–8 and Parcel A–15–1 that are currently located in Technical Area–21 of Los Alamos National Laboratory upon the entry of Los Alamos Public Schools and the County into an agreement for the use of the parcel of land identified as Parcel A–8; and''.

Subtitle E—Energy Employees Occupational Illness Compensation Program

SEC. 3161. CONTRACTOR EMPLOYEE COMPENSATION.

The Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398)) is amended by adding after subtitle D (42 U.S.C. 7385o) the following new title:

''Subtitle E—Contractor Employee Compensation

''SEC. 3671. DEFINITIONS.

''In this subtitle:

''(1) The term 'covered DOE contractor employee' means any Department of Energy contractor employee determined under section 3675 to have contracted a covered illness through exposure at a Department of Energy facility.

''(2) The term 'covered illness' means an illness or death resulting from exposure to a toxic substance.

''(3) The term 'Secretary' means the Secretary of Labor.

''SEC. 3672. COMPENSATION TO BE PROVIDED.

''Subject to the other provisions of this subtitle:

''(1) CONTRACTOR EMPLOYEES.—A covered DOE contractor employee shall receive contractor employee compensation under this subtitle in accordance with section 3673.

''(2) SURVIVORS.—After the death of a covered DOE contractor employee, compensation referred to in paragraph (1) shall not be paid. Instead, the survivor of that employee shall receive compensation as follows:

''(A) Except as provided in subparagraph (B), the survivor of that employee shall receive contractor employee compensation under this subtitle in accordance with section 3674.

''(B) In a case in which the employee's death occurred after the employee applied under this subtitle and before compensation was paid under paragraph (1), and the employee's death occurred from a cause other than the covered illness of the employee, the survivor of that employee may elect to receive, in lieu of compensation under subparagraph (A), the amount of contractor employee compensation that the employee would have received in accordance with

section 3673 if the employee's death had not occurred before compensation was paid under paragraph (1).

"SEC. 3673. COMPENSATION SCHEDULE FOR CONTRACTOR EMPLOYEES.

''(a) COMPENSATION PROVIDED.—The amount of contractor employee compensation under this subtitle for a covered DOE contractor employee shall be the sum of the amounts determined under paragraphs (1) and (2), as follows:

''(1) IMPAIRMENT.—(A) The Secretary shall determine—

''(i) the minimum impairment rating of that employee, expressed as a number of percentage points; and

''(ii) the number of those points that are the result of any covered illness contracted by that employee through exposure to a toxic substance at a Department of Energy facility.

''(B) The employee shall receive an amount under this paragraph equal to $2,500 multiplied by the number referred to in clause (ii) of subparagraph (A).

''(2) WAGE LOSS.—(A) The Secretary shall determine—

''(i) the calendar month during which the employee first experienced wage loss as the result of any covered illness contracted by that employee through exposure to a toxic substance at a Department of Energy facility;

''(ii) the average annual wage of the employee for the 36-month period immediately preceding the calendar month referred to in clause (i), excluding any portions of that period during which the employee was unemployed; and

''(iii) beginning with the calendar year that includes the calendar month referred to in clause (i), through and including the calendar year during which the employee attained normal retirement age (for purposes of the Social Security Act)—

''(I) the number of calendar years during which, as the result of any covered illness contracted by that employee through exposure to a toxic substance at a Department of Energy facility, the employee's annual wage exceeded 50 percent of the average annual wage determined under clause (ii), but did not exceed 75 percent of the average annual wage determined under clause (ii); and

''(II) the number of calendar years during which, as the result of any covered illness contracted by that employee through exposure to a toxic substance at a Department of Energy facility, the employee's annual wage did not exceed 50 percent of the average annual wage determined under clause (ii).

''(B) The employee shall receive an amount under this paragraph equal to the sum of—

''(i) $10,000 multiplied by the number referred to in clause (iii)(I) of subparagraph (A); and

''(ii) $15,000 multiplied by the number referred to in clause (iii)(II) of subparagraph (A).

''(b) DETERMINATION OF MINIMUM IMPAIRMENT RATING.—For purposes of subsection (a), a minimum impairment rating shall be determined in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment.

"SEC. 3674. COMPENSATION SCHEDULE FOR SURVIVORS.

''(a) CATEGORIES OF COMPENSATION.—The amount of contractor employee compensation under this subtitle for the survivor of a covered DOE contractor employee shall be determined as follows:

''(1) CATEGORY ONE.—The survivor shall receive the amount of $125,000, if the Secretary determines that—

''(A) the employee would have been entitled to compensation under section 3675 for a covered illness; and

''(B) it is at least as likely as not that exposure to a toxic substance at a Department of Energy facility was a significant factor in aggravating, contributing to, or causing the death of such employee.

''(2) CATEGORY TWO.—The survivor shall receive the amount of $150,000, if paragraph (1) applies to the employee and the Secretary also determines that there was an aggregate period of not less than 10 years, before the employee attained normal retirement age (for purposes of the Social Security Act), during which, as the result of any covered illness contracted by that employee through exposure to a toxic substance at a Department of Energy facility, the employee's annual wage did not exceed 50 percent of the average annual wage of that employee, as determined under section 3673(a)(2)(A)(ii).

''(3) CATEGORY THREE.—The survivor shall receive the amount of $175,000, if paragraph (1) applies to the employee and the Secretary also determines that there was an aggregate period of not less than 20 years, before the employee attained normal retirement age (for purposes of the Social Security Act), during which, as the result of any covered illness contracted by that employee through exposure to a toxic substance at a Department of Energy facility, the employee's annual wage did not exceed 50 percent of the average annual wage of that employee, as determined under section 3673(a)(2)(A)(ii).

''(b) ONE AMOUNT ONLY.—The survivor of a covered DOE contractor employee to whom more than one amount under subsection (a) applies shall receive only the highest such amount.

''(c) DETERMINATION AND ALLOCATION OF SHARES.—The amount under subsection (a) shall be paid only as follows:

''(1) If a covered spouse is alive at the time of payment, such payment shall be made to such surviving spouse.

''(2) If there is no covered spouse described in paragraph (1), such payment shall be made in equal shares to all covered children who are alive at the time of payment.

''(3) Notwithstanding the other provisions of this subsection, if there is—

''(A) a covered spouse described in paragraph (1); and

''(B) at least one covered child of the employee who is living at the time of payment and who is not a recognized natural child or adopted child of such covered spouse,

''then half of such payment shall be made to such covered spouse, and the other half of such payment shall be made in equal shares to each covered child of the employee who is living at the time of payment.

''(d) DEFINITIONS.—In this section:

''(1) The term 'covered spouse' means a spouse of the employee who was married to the employee for at least one year immediately before the employee's death.

''(2) The term 'covered child' means a child of the employee who, as of the employee's death—

''(A) had not attained the age of 18 years;

''(B) had not attained the age of 23 years and was a full-time student who had been continuously enrolled as a full-time student in one or more educational institutions since attaining the age of 18 years; or

''(C) had been incapable of self-support.

''(3) The term 'child' includes a recognized natural child, a stepchild who lived with an individual in a regular parent-child relationship, and an adopted child.

"SEC. 3675. DETERMINATIONS REGARDING CONTRACTION OF COVERED ILLNESSES.

''(a) CASES DETERMINED UNDER SUBTITLE B.—A determination under subtitle B that a Department of Energy contractor employee is entitled to compensation under that subtitle for an occupational illness shall be treated for purposes of this subtitle as a determination that the employee contracted that illness through exposure at a Department of Energy facility.

''(b) CASES DETERMINED UNDER FORMER SUBTITLE D.—In the case of a covered illness of an employee with respect to which a panel has made a positive determination under section 3661(d) and the Secretary of Energy has accepted that determination under section 3661(e)(2), or with respect to which a panel has made a negative determination under section 3661(d) and the Secretary of Energy has found significant evidence to the contrary under section 3661(e)(2), that determination shall be treated for purposes of this subtitle as a determination that the employee contracted the covered illness through exposure at a Department of Energy facility.

''(c) OTHER CASES.—(1) In any other case, a Department of Energy contractor employee shall be determined for purposes of this subtitle to have contracted a covered illness through exposure at a Department of Energy facility if—

''(A) it is at least as likely as not that exposure to a toxic substance at a Department of Energy facility was a significant factor in aggravating, contributing to, or causing the illness; and

''(B) it is at least as likely as not that the exposure to such toxic substance was related to employment at a Department of Energy facility.

''(2) A determination under paragraph (1) shall be made by the Secretary.

''(d) APPLICATIONS BY SPOUSES AND CHILDREN.—If a spouse or child of a Department of Energy contractor employee applies for benefits under this subtitle, the Secretary shall make a determination under this section with respect to that employee without regard to whether the spouse is a 'covered spouse', or the child is a 'covered child', under this subtitle.

"SEC. 3676. APPLICABILITY TO CERTAIN URANIUM EMPLOYEES.

''(a) IN GENERAL.—This subtitle shall apply to—

''(1) a section 5 payment recipient who contracted a section 5 illness through a section 5 exposure at a section 5 facility, or

''(2) a section 5 uranium worker determined under section 3675(c) to have contracted a covered illness through exposure to a toxic substance at a section 5 mine or mill,

''(or to the survivor of that employee, as applicable) on the same basis as it applies to a Department of Energy contractor employee determined under section 3675 to have contracted a covered illness through exposure to a toxic substance at a Department of Energy facility (or to the survivor of that employee, as applicable).

''(b) DEFINITIONS.—In this section:

''(1) The term 'section 5 payment recipient' means an individual who receives, or has received, $100,000 under section 5 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) for a claim made under that Act.

''(2) The terms 'section 5 exposure', 'section 5 facility', and 'section 5 illness' mean the exposure, facility, and illness, respectively, to which an individual's status as a section 5 payment recipient relates.

''(3) The term 'section 5 uranium worker' means an individual to whom subsection (a)(1)(A)(i) of section 5 of the Radiation Exposure Compensation Act applies (whether directly or by reason of subsection (a)(2)).

''(4) The term 'section 5 mine or mill' means the mine or mill to which an individual's status as a section 5 uranium worker relates.

"SEC. 3677. ADMINISTRATIVE AND JUDICIAL REVIEW.

''(a) JUDICIAL REVIEW.—A person adversely affected or aggrieved by a final decision of the Secretary under this subtitle may review that order in the United States district court in the district in which the injury was sustained, the employee lives, the survivor lives, or the District of Columbia, by filing in such court within 60 days after the date on which that final decision was issued a written petition praying that such decision be modified or set aside. The person shall also provide a copy of the petition to the Secretary. Upon such filing, the court shall have jurisdiction over the proceeding and shall have the power to affirm, modify, or set aside, in whole or in part, such decision. The court may modify or set aside such decision only if the

court determines that such decision was arbitrary and capricious.

''(b) ADMINISTRATIVE REVIEW.—The Secretary shall ensure that recommended decisions of the Secretary with respect to a claim under this subtitle are subject to administrative review. The Secretary shall prescribe regulations for carrying out such review or shall apply to this subtitle the regulations applicable to recommended decisions under subtitle B.

''SEC. 3678. PHYSICIANS SERVICES.

''(a) IN GENERAL.—The Secretary may utilize the services of physicians for purposes of making determinations under this subtitle.

''(b) PHYSICIANS.—Any physicians whose services are utilized under subsection (a) of this section shall possess appropriate expertise and experience in the evaluation and determination of the extent of permanent physical impairments or in the evaluation and diagnosis of illnesses or deaths aggravated, contributed to, or caused by exposure to toxic substances.

''(c) ARRANGEMENT.—The Secretary may secure the services of physicians utilized under subsection (a) of this section through the appointment of physicians or by contract.

''SEC. 3679. MEDICAL BENEFITS.

''A covered DOE contractor employee shall be furnished medical benefits specified in section 3629 for the covered illness to the same extent, and under the same conditions and limitations, as an individual eligible for medical benefits under that section is furnished medical benefits under that section.

''SEC. 3680. ATTORNEY FEES.

''Section 3648 shall apply to a payment under this subtitle to the same extent that it applies to a payment under subtitle B.

''SEC. 3681. ADMINISTRATIVE MATTERS.

''(a) IN GENERAL.—The Secretary shall administer this subtitle.

''(b) CONTRACT AUTHORITY.—The Secretary may enter into contracts with appropriate persons and entities to administer this subtitle.

''(c) RECORDS.—(1)(A) The Secretary of Energy shall provide to the Secretary all records, files, and other data, whether paper, electronic, imaged, or otherwise, developed by the Secretary of Energy that are applicable to the administration of this subtitle, including records, files, and data on facility industrial hygiene, employment of individuals or groups, exposure and medical records, and claims applications.

''(B) In providing records, files, and other data under this paragraph, the Secretary of Energy shall preserve the current organization of such records, files, and other data, and shall provide such description and indexing of such records, files, and other data as the Secretary considers appropriate to facilitate their use by the Secretary.

''(2) The Secretary of Energy and the Secretary shall jointly undertake such actions as are appropriate to retrieve records applicable to the claims of Department of Energy contractor employees for contractor employee compensation under this subtitle, including employment records, records of exposure to beryllium, radiation, silica, or other toxic substances, and records regarding medical treatment.

''(d) INFORMATION.—At the request of the Secretary, the Secretary of Energy and any contractor who employed a Department of Energy contractor employee shall, within time periods specified by the Secretary, provide to the Secretary and to the employee information or documents in response to the request.

''(e) REGULATIONS.—The Secretary shall prescribe regulations necessary for the administration of this subtitle. The initial regulations shall be prescribed not later than 210 days after the date of the enactment of this subtitle. The Secretary may prescribe interim final regulations necessary to meet the deadlines specified in this subtitle.

''(f) TRANSITION PROVISIONS.—(1) The Secretary shall commence the administration of the provisions of this subtitle not later than 210 days after the date of the enactment of this subtitle.

''(2) Until the commencement of the administration of this subtitle, the Department of Energy Physicians Panels appointed pursuant to subtitle D shall continue to consider and issue determinations concerning any cases pending before such Panels immediately before the date of the enactment of this subtitle.

''(3) The Secretary shall take such actions as are appropriate to identify other activities under subtitle D that will continue until the commencement of the administration of subtitle E.

''(g) PREVIOUS APPLICATIONS.—Upon the commencement of the administration of this subtitle, any application previously filed with the Secretary of Energy pursuant to subtitle D shall be considered to have been filed with the Secretary as a claim for benefits pursuant to this subtitle.

''SEC. 3682. COORDINATION OF BENEFITS WITH RESPECT TO STATE WORKERS COMPENSATION.

''(a) IN GENERAL.—An individual who has been awarded compensation under this subtitle, and who has also received benefits from a State workers compensation system by reason of the same covered illness, shall receive compensation specified in this subtitle reduced by the amount of any workers compensation benefits, other than medical benefits and benefits for vocational rehabilitation, that the individual has received under the State workers compensation system by reason of the covered illness, after deducting the reasonable costs, as determined by the Secretary, of obtaining those benefits under the State workers compensation system.

''(b) WAIVER.—The Secretary may waive the provisions of subsection (a) if the Secretary determines that the administrative costs and burdens of implementing subsection (a) with respect to a particular case or class of cases justifies such a waiver.

''(c) INFORMATION.—Notwithstanding any other provision of law, each State workers compensation authority shall, upon request of the Secretary, provide to the Secretary on a quarterly basis information concerning workers compensation benefits received by any covered DOE contractor employee entitled to compensation or benefits under this subtitle, which shall include the name, Social Security number, and nature and amount of workers compensation benefits for each such employee for which the request was made.

''SEC. 3683. MAXIMUM AGGREGATE COMPENSATION.

''For each individual whose illness or death serves as the basis for compensation or benefits under this subtitle, the total amount of compensation (other than medical benefits) paid under this subtitle, to all persons, in the aggregate, on the basis of that illness or death shall not exceed $250,000.

''SEC. 3684. FUNDING OF ADMINISTRATIVE COSTS.

''There is authorized and hereby appropriated to the Secretary for fiscal year 2005 and thereafter such sums as may be necessary to carry out this subtitle.

''SEC. 3685. PAYMENT OF COMPENSATION AND BENEFITS FROM COMPENSATION FUND.

''The compensation and benefits provided under this title, when authorized or approved by the President, shall be paid from the compensation fund established under section 3612.

''SEC. 3686. OFFICE OF OMBUDSMAN.

''(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the 'Office of the Ombudsman' (in this section referred to as the 'Office').

''(b) HEAD.—The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

''(1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

''(2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

''(c) DUTIES.—The duties of the Office shall be as follows:

''(1) To provide information on the benefits available under this subtitle and on the requirements and procedures applicable to the provision of such benefits.

''(2) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle.

''(3) To carry out such other duties with respect to this subtitle as the Secretary shall specify for purposes of this section.

''(d) INDEPENDENT OFFICE.—The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this subtitle.

''(e) ANNUAL REPORT.—(1) Not later than February 15 each year, the Ombudsman shall submit to Congress a report on activities under this subtitle.

''(2) Each report under paragraph (1) shall set forth the following:

''(A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this subtitle during the preceding year.

''(B) An assessment of the most common difficulties encountered by claimants and potential claimants under this subtitle during the preceding year.

''(3) The first report under paragraph (1) shall be the report submitted in 2006.

''(f) OUTREACH.—The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

''(g) SUNSET.—Effective on the date that is 3 years after the date of the enactment of this section, this section shall have no further force or effect.''.

SEC. 3162. CONFORMING AMENDMENTS.

(a) OFFSET FOR CERTAIN PAYMENTS.—Section 3641 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385) is amended—

(1) by striking ''subtitle B'' and inserting ''this title''; and

(2) by striking ''on account of'' and all that follows through the period at the end and inserting ''on account of the exposure for which compensation is payable under this title.''.

(b) SUBROGATION OF THE UNITED STATES.—Section 3642 of such Act (42 U.S.C. 7385a) is amended by striking ''subtitle B'' and inserting ''this title''.

(c) PAYMENT IN FULL SETTLEMENT OF CLAIMS.—Section 3643 of such Act (42 U.S.C. 7385b) is amended by striking ''The acceptance'' and inserting ''Except as provided in subtitle E, the acceptance''.

(d) EXCLUSIVITY OF REMEDY.—Section 3644 of such Act (42 U.S.C. 7385c(a)) is amended by adding at the end the following new subsection:

''(d) APPLICABILITY TO SUBTITLE E.—This section applies with respect to subtitle E to the covered medical condition or covered illness or death of a covered DOE contractor employee on the same basis as it applies with respect to subtitle B to the cancer (including a specified cancer), chronic silicosis, covered beryllium illness, or death of a covered employee.''.

(e) CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.—Section 3646 of such Act (42 U.S.C. 7385e) is amended by striking ''subtitle B'' and inserting ''this title''.

(f) CLAIMS NOT ASSIGNABLE OR TRANSFERABLE.—Section 3647(a) of such Act (42 U.S.C. 7385f(a)) is amended by striking ''subtitle B'' and inserting ''this title''.

(g) CERTAIN CLAIMS NOT AFFECTED BY AWARDS OF DAMAGES.—Section 3649 of such Act (42 U.S.C. 7385h) is amended by striking ''subtitle B'' both places such term appears and inserting ''this title''.

(h) FORFEITURE OF BENEFITS BY CONVICTED FELONS.—Section 3650 of such Act (42 U.S.C. 7385i) is amended by striking ''subtitle B'' each place such term appears and inserting ''this title''.

(i) REPEAL OF SUBTITLE D.—Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7385o) is repealed.

SEC. 3163. TECHNICAL AMENDMENTS.

(a) SUBPOENAS.—Subtitle B of such Act is amended by adding after section 3631 (42 U.S.C. 7384v) the following new section:

''SEC. 3632. SUBPOENAS; OATHS; EXAMINATION OF WITNESSES.

''The Secretary of Labor, with respect to any matter under this subtitle, may—

''(1) issue subpoenas for and compel the attendance of witnesses;

''(2) administer oaths;

''(3) examine witnesses; and

''(4) require the production of books, papers, documents, and other evidence.''.

(b) SOCIAL SECURITY EARNINGS INFORMATION.—Subtitle C of such Act is amended by adding after section 3651 (42 U.S.C. 7385j) the following new section:

''SEC. 3652. SOCIAL SECURITY EARNINGS INFORMATION.

''Notwithstanding the provision of section 552a of title 5, United States Code, or any other provision of Federal or State law, the Social Security Administration shall make available to the Secretary of Labor, upon written request, the Social Security earnings information of living or deceased employees who may have sustained an illness that is the subject of a claim under this title, which the Secretary of Labor may require to carry out the provisions of this title.''.

(c) RECOVERY OF OVERPAYMENT.—Subtitle C of such Act is further amended by adding after section 3652 (as added by subsection (b)) the following new section:

''SEC. 3653. RECOVERY AND WAIVER OF OVERPAYMENTS.

''(a) IN GENERAL.—When an overpayment has been made to an individual under this title because of an error of fact or law, recovery shall be made under regulations prescribed by the Secretary of Labor by decreasing later payments to which the individual is entitled. If the individual dies before the recovery is completed, recovery shall be made by decreasing later benefits payable under this title with respect to the individual's death.

''(b) WAIVER.—Recovery by the United States under this section may not be made when incorrect payment has been made to an individual who is without fault and when adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

''(c) LIABILITY.—A certifying or disbursing official is not liable for an amount certified or paid by him when recovery of the amount is waived under subsection (b) of this section, or when recovery under subsection (a) of this section is not completed before the death of all individuals against whose benefits deductions are authorized.''.

SEC. 3164. TRANSFER OF FUNDS FOR FISCAL YEAR 2005.

Of the funds appropriated to the Secretary of Energy for fiscal year 2005 for the Energy Employees Occupational Illness Compensation Program, the Secretary of Energy shall transfer to the Secretary of Labor the amount of funds that the Secretary of Energy, in consultation with the Secretary of Labor, determine will be necessary for fiscal year 2005 to administer the provisions of subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000, as added by this Act.

SEC. 3165. USE OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND FOR CERTAIN PAYMENTS TO COVERED URANIUM EMPLOYEES.

(a) IN GENERAL.—Section 3630 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384u) is amended in subsection (d) by inserting after ''The compensation provided under this section'' the following: ''and the compensation provided under section 5 of the Radiation Exposure Compensation Act''.

(b) CONFORMING AMENDMENT.—Section 6(c)(1) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by inserting after ''Fund'' the following: ''(or, in the case of a payment under section 5, from the Energy Employees Occupational Illness Compensation Fund, pursuant to section 3630(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000)''.

SEC. 3166. IMPROVEMENTS TO SUBTITLE B OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) ADVISORY BOARD.—Section 3624 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384o) is amended by adding at the end the following new subsections:

''(e) SECURITY CLEARANCES.—(1) The Secretary of Energy shall ensure that the members and staff of the Board, and the contractors performing work in support of the Board, are afforded the opportunity to apply for a security clearance for any matter for which such a clearance is appropriate. The Secretary should, not later than 180 days after receiving a completed application, make a determination whether or not the individual concerned is eligible for the clearance.

''(2) For fiscal year 2007 and each fiscal year thereafter, the Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for that fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report specifying the number of applications for security clearances under this subsection, the number of such applications granted, and the number of such applications denied.

''(f) INFORMATION.—The Secretary of Energy shall, in accordance with law, provide to the Board and the contractors of the Board access to any information that the Board considers relevant to carry out its responsibilities under this title, including information such as Restricted Data (as defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y))) and information covered by the Privacy Act.''.

(b) DEADLINES FOR SPECIAL EXPOSURE COHORT ACTIONS.—(1) Section 3626 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384q) is amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

''(c) DEADLINES.—(1) Not later than 180 days after the date on which the President receives a petition for designation as members of the Special Exposure Cohort, the Director of the National Institute for Occupational Safety and Health shall submit to the Advisory Board on Radiation and Worker Health a recommendation on that petition, including all supporting documentation.

''(2)(A) Upon receipt by the President of a recommendation of the Advisory Board on Radiation and Worker Health that the President should determine in the affirmative that paragraphs (1) and (2) of subsection (b) apply to a class, the President shall have a period of 30 days in which to determine whether such paragraphs apply to the class and to submit that determination (whether affirmative or negative) to Congress.

''(B) If the determination submitted by the President under subparagraph (A) is in the affirmative, the President shall also submit a report meeting the requirements of section 3621(14)(C)(ii).

''(C) If the President does not submit a determination required by subparagraph (A) within the period required by subparagraph (A), then upon the day following the expiration of that period, it shall be deemed for purposes of section 3621(14)(C)(ii) that the President submitted the report under that provision on that day.''.

(2) Section 3621(14)(C)(ii) of that Act (42 U.S.C. 7384l(14)(C)(ii)) is amended by striking ''180 days'' and inserting ''30 days''.

(c) SITE PROFILES.—Subtitle B of that Act is amended by adding after section 3632 (as added by section 3163(a)) the following new section:

''SEC. 3633. COMPLETION OF SITE PROFILES.

''(a) IN GENERAL.—To the extent that the Secretary of Labor determines it useful and practicable, the Secretary of Labor shall direct the Director of the National Institute for Occupational Safety and Health to prepare site profiles for a Department of Energy facility based on the records, files, and other data provided by the Secretary of Energy and such other information as is available, including information available from the former worker medical screening programs of the Department of Energy.

''(b) INFORMATION.—The Secretary of Energy shall furnish to the Secretary of Labor any information that the Secretary of Labor finds necessary or useful for the production of such site profiles, including records from the Department of Energy former worker medical screening program.

''(c) DEFINITION.—In this section, the term 'site profile' means an exposure assessment of a facility that identifies the toxic substances or processes that were commonly used in each building or process of the facility, and the time frame during which the potential for exposure to toxic substances existed.

''(d) TIME FRAMES.—The Secretary of Health and Human Services shall establish time frames for completing site profiles for those Department of Energy facilities for which a site profile has not been completed. Not later than March 1, 2005, the Secretary of Health and Human Services shall submit to Congress a report setting forth those time frames.''.

SEC. 3167. EMERGENCY SPECIAL EXPOSURE COHORT MEETING AND REPORT.

(a) MEETING OF ADVISORY BOARD.—(1) For purposes of carrying out section 3626 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384q), the President shall require the Advisory Board on Radiation and Worker Health to convene a meeting of the Board at which the Board considers each petition for designation as members of the Special Exposure Cohort—

(A) that was filed not later than October 1, 2004; and

(B) the evaluation of which (by the Director of the National Institute of Occupational Safety and Health) was completed more than 10 days before a previously scheduled meeting of the Board.

(2) Effective March 1, 2005, this subsection shall have no further force or effect.

(b) REPORT TO CONGRESS.—Not later than March 15, 2005, the President shall submit to Congress a report on the status of the petitions referred to in subsection (a). The report shall include, for each petition, the estimated time to complete the consideration of that petition and any anticipated actions or circumstances that

could preclude the Board from acting upon that petition before the end of fiscal year 2005.

SEC. 3168. COVERAGE OF INDIVIDUALS EMPLOYED AT ATOMIC WEAPONS EMPLOYER FACILITIES DURING PERIODS OF RESIDUAL CONTAMINATION.

(a) COVERAGE.—Paragraph (3) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384l) is amended to read as follows:

''(3) The term 'atomic weapons employee' means any of the following:

''(A) An individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

''(B) An individual employed—

''(i) at a facility with respect to which the National Institute for Occupational Safety and Health, in its report dated October 2003 and titled 'Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities', or any update to that report, found that there is a potential for significant residual contamination outside of the period in which weapons-related production occurred;

''(ii) by an atomic weapons employer or subsequent owner or operators of a facility described in clause (i); and

''(iii) during a period, as specified in such report or any update to such report, of potential for significant residual radioactive contamination at such facility.''.

(b) RADIATION DOSE FOR CERTAIN ATOMIC WEAPONS EMPLOYEES.—Section 3623 of that Act (42 U.S.C. 7384n) is amended by adding at the end of subsection (c) the following new paragraph:

''(4) In the case of an atomic weapons employee described in section 3621(3)(B), the following doses of radiation shall be treated, for purposes of paragraph (3)(A) of this subsection, as part of the radiation dose received by the employee at such facility:

''(A) Any dose of ionizing radiation received by that employee from facilities, materials, devices, or byproducts used or generated in the research, development, production, dismantlement, transportation, or testing of nuclear weapons, or from any activities to research, produce, process, store, remediate, or dispose of radioactive materials by or on behalf of the Department of Energy (except for activities covered by Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note) pertaining to the Naval Nuclear Propulsion Program).

''(B) Any dose of ionizing radiation received by that employee from a source not covered by subparagraph (A) that is not distinguishable through reliable documentation from a dose covered by subparagraph (A).''.

SEC. 3169. UPDATE OF REPORT ON RESIDUAL CONTAMINATION OF FACILITIES.

(a) UPDATE OF REPORT.—Not later than December 31, 2006, the Director of the National Institute for Occupational Safety and Health shall submit to Congress an update to the report required by section 3151(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 42 U.S.C. 7384 note).

(b) ELEMENTS.—The update shall—

(1) for each facility for which such report found that insufficient information was available to determine whether significant residual contamination was present, determine whether significant residual contamination was present;

(2) for each facility for which such report found that significant residual contamination remained present as of the date of the report, determine the date on which such contamination ceased to be present;

(3) for each facility for which such report found that significant residual contamination was present but for which the Director has been unable to determine the extent to which such contamination is attributable to atomic weapons-related activities, identify the specific dates of coverage attributable to such activities and, in so identifying, presume that such contamination is attributable to such activities until there is evidence of decontamination of residual contamination identified with atomic weapons-related activities;

(4) for each facility for which such report found significant residual contamination, determine whether it is at least as likely as not that such contamination could have caused an employee who was employed at such facility only during the residual contamination period to contract a cancer or beryllium illness compensable under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000; and

(5) if new information that pertains to the report has been made available to the Director since that report was submitted, identify and describe such information.

(c) PUBLICATION.—The Director shall ensure that the report referred to in subsection (a) is published in the Federal Register not later than 15 days after being released.

SEC. 3170. SENSE OF CONGRESS ON RESOURCE CENTER FOR ENERGY EMPLOYEES UNDER ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IN WESTERN NEW YORK AND WESTERN PENNSYLVANIA REGION.

(a) FINDINGS.—Congress makes the following findings:

(1) New York has 36 current or former Department of Energy facilities involved in nuclear weapons production-related activities statewide, mostly atomic weapons employer facilities, and 14 such facilities in western New York. Despite having one of the greatest concentrations of such facilities in the United States, western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the Energy Employees Occupational Illness Compensation Program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

(2) The establishment of a permanent resource center in western New York would represent a substantial step toward improving services under the Energy Employees Occupational Illness Compensation Program for energy employees in this region.

(3) The number of claims submitted to the Department under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 from the western New York region, including western Pennsylvania, exceeds the number of such claims filed at resource centers in Hanford, Washington, Portsmouth, Ohio, Los Alamos, New Mexico, the Nevada Test Site, Nevada, the Rocky Flats Environmental Technology Site, Colorado, the Idaho National Engineering Laboratory, Idaho, and the Amchitka Test Site, Alaska.

(4) Energy employees in the western New York region, including western Pennsylvania, deserve assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 commensurate with the assistance provided energy employees at other locations in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Labor should—

(1) review the availability of assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 for energy employees in the western New York region, including western Pennsylvania; and

(2) recommend a location in that region for a resource center to provide such assistance to such energy employees.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2005, $21,268,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Revision of earlier authority to dispose of certain materials in National Defense Stockpile.
Sec. 3303. Disposal of ferromanganese.
Sec. 3304. Prohibition on storage of mercury at certain facilities.

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2005, the National Defense Stockpile Manager may obligate up to $59,700,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. REVISION OF EARLIER AUTHORITY TO DISPOSE OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

Section 3303(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note) is amended by striking paragraphs (4) and (5) and inserting the following new paragraphs:

''(4) $785,000,000 by the end of fiscal year 2005; and

''(5) $870,000,000 by the end of fiscal year 2009.''.

SEC. 3303. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 50,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2005.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—(1) If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2005, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(2) If the Secretary completes the disposal of the total quantity of additional ferromanganese authorized for disposal by paragraph (1) before September 30, 2005, the Secretary may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of ferromanganese under the authority of paragraph (1) or (2) of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of

the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal under the applicable paragraph, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause undue disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SEC. 3304. PROHIBITION ON STORAGE OF MERCURY AT CERTAIN FACILITIES.

(a) PROHIBITION.—During fiscal year 2005, the Secretary of Defense may not store mercury from the National Defense Stockpile at any facility that is not owned or leased by the United States.

(b) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary of Energy $20,000,000 for fiscal year 2005 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for Maritime Administration.

Sec. 3502. Extension of authority to provide war risk insurance for merchant marine vessels.

Sec. 3503. Modification of priority afforded applications for national defense tank vessel construction assistance.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR MARITIME ADMINISTRATION.

There are authorized to be appropriated to the Secretary of Transportation for the Maritime Administration for fiscal year 2005 (in lieu of amounts authorized for the same purposes by section 3511 of the National Defense Authorization Act for Fiscal Year 2004)—

(1) for expenses necessary for operations and training activities, $109,300,000;

(2) for administrative expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), $4,764,000; and

(3) for ship disposal, $35,000,000, of which $2,000,000 shall be for decommissioning, removal, and disposal of the nuclear reactor and hazardous materials on board the vessel SAVANNAH.

SEC. 3502. EXTENSION OF AUTHORITY TO PROVIDE WAR RISK INSURANCE FOR MERCHANT MARINE VESSELS.

(a) EXTENSION.—Section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1294), is amended by striking ''June 30, 2005'' and inserting ''December 31, 2010''.

(b) INVESTMENT OF ASSETS IN INSURANCE FUND.—Section 1208(a) of such Act (46 U.S.C. App. 1288), is amended by striking the third sentence and inserting the following: ''The Secretary of Transportation may request the Secretary of the Treasury to invest such portion of the Fund as is not, in the judgment of the Secretary of Transportation, required to meet the current needs of the fund. Such investments shall be made by the Secretary of the Treasury in public debt securities of the United States, with maturities suitable to the needs of the fund, and bearing interest rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.''.

SEC. 3503. MODIFICATION OF PRIORITY AFFORDED APPLICATIONS FOR NATIONAL DEFENSE TANK VESSEL CONSTRUCTION ASSISTANCE.

Section 3542(d)(2) of the Maritime Security Act of 2003 (title XXXV of Public Law 108–136; 117 Stat. 1821; 46 U.S.C. 53101 note) is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) with respect to any proposal for financial assistance to be provided from amounts appropriated for a fiscal year after fiscal year 2005, acceptance of the vessel to be constructed with the assistance for participation in the Shipboard Technology Evaluation Program as outlined in Navigation and Vessel Inspection Circular 01–04, issued by the Commandant of the United States Coast Guard on January 2, 2004.''.

TITLE XXXVI—ASSISTANCE TO FIREFIGHTERS

Sec. 3601. Short title.

Sec. 3602. Amendments to Federal Fire Prevention and Control Act of 1974.

Sec. 3603. Report on assistance to firefighters.

SEC. 3601. SHORT TITLE.

This title may be cited as the ''Assistance to Firefighters Grant Program Reauthorization Act of 2004''.

SEC. 3602. AMENDMENTS TO FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended—

(1) in subsection (b)(1)(A)—

(A) by inserting ''throughout the Nation'' after ''personnel''; and

(B) by striking ''and'' at the end;

(2) in subsection (b)(1)(B)—

(A) by inserting ''and firefighter safety research and development'' after ''fire prevention''; and

(B) by striking the period and inserting ''; and'';

(3) by adding at the end of subsection (b)(1) the following new subparagraph:

''(C) provide assistance for nonaffiliated EMS organizations for the purpose of paragraph (3)(F).'';

(4) in subsection (b)(3)(F), by inserting ''and nonaffiliated EMS organizations'' after ''fire departments'';

(5) in subsection (b)(4)—

(A) by inserting ''AND FIREFIGHTER SAFETY RESEARCH AND DEVELOPMENT'' after ''PREVENTION'' in the paragraph heading;

(B) in subparagraph (A)(ii)—

(i) by inserting ''that are not fire departments and'' after ''community organizations'';

(ii) by inserting ''and firefighter research and development programs,'' after ''fire safety programs and activities,''; and

(iii) by inserting ''and research to improve firefighter health and life safety'' after ''fire prevention programs'';

(C) in subparagraph (B), by striking ''to children from fire'' and inserting ''to high risk groups from fire, as well as research programs that demonstrate the potential to improve firefighter safety''; and

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

''(C) GRANT LIMITATION.—A grant under this paragraph shall not be greater than $1,000,000 for a fiscal year.'';

(6) in subsection (b)(5)(B)—

(A) by redesignating clause (iv) as clause (v); and

(B) by inserting after clause (iii) the following new clause:

''(iv) OTHER FEDERAL SUPPORT.—A list of other sources of Federal funding received by the applicant. The Director, in coordination with the Secretary of Homeland Security, shall use such list to prevent unnecessary duplication of grant funds.'';

(7) in subsection (b)(6), by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Director may provide assistance under this subsection only if the applicant for such assistance agrees to match 20 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

''(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel—

''(i) serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent; and

''(ii) serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.

''(C) FIRE PREVENTION AND FIREFIGHTER SAFETY GRANTS.—There shall be no matching requirement for a grant described in paragraph (4)(A)(ii).'';

(8) in subsection (b)(10)—

(A) by amending subparagraph (A) to read as follows:

''(A) RECIPIENT LIMITATIONS.—A grant recipient under subsection (b)(1)(A)—

''(i) that serves a jurisdiction with 500,000 people or less may not receive grants in excess of $1,000,000 for any fiscal year;

''(ii) that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people may not receive grants in excess of $1,750,000 for any fiscal year; and

''(iii) that serves a jurisdiction with more than 1,000,000 people may not receive grants in excess of $2,750,000 for any fiscal year.

The Director may award grants in excess of the limitations provided in clause (i) and (ii) if the Director determines that extraordinary need for assistance by a jurisdiction warrants a waiver.'';

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) DISTRIBUTION.—Notwithstanding subparagraph (A), no single recipient may receive more than the lesser of $2,750,000 or one half of one percent of the funds appropriated under this section for a single fiscal year.''; and

(D) by adding at the end the following new subparagraphs:

''(D) REQUIREMENTS FOR GRANTS FOR EMERGENCY MEDICAL SERVICES.—Subject to the restrictions in subparagraph (E), not less than 3.5 percent of the funds appropriated under this section for a fiscal year shall be awarded for purposes described in paragraph (3)(F).

''(E) NONAFFILIATED EMS LIMITATION.—Not more than 2 percent of the funds appropriated to provide grants under this section for a fiscal year shall be awarded to nonaffiliated EMS organizations.

''(F) APPLICATION OF SELECTION CRITERIA TO GRANT APPLICATIONS FROM NONAFFILIATED EMS

ORGANIZATIONS.—In reviewing applications submitted by nonaffiliated EMS organizations, the Director shall consider the extent to which other sources of Federal funding are available to provide assistance requested in such grant applications.'';

(9) in subsection (b), by adding at the end the following new paragraphs:

''(13) ANNUAL MEETING.—The Director shall convene an annual meeting of individuals who are members of national fire service organizations and are recognized for expertise in firefighting or emergency medical services provided by fire services, and who are not employees of the Federal Government, for the purpose of recommending criteria for awarding grants under this section for the next fiscal year and recommending any necessary administrative changes to the grant program.

''(14) GUIDELINES.—(A) Each year, prior to making any grants under this section, the Director shall publish in the Federal Register—

''(i) guidelines that describe the process for applying for grants and the criteria for awarding grants; and

''(ii) an explanation of any differences between the guidelines and the recommendations made pursuant to paragraph (13).

''(B) The criteria for awarding grants under subsection (b)(1)(A) shall include the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property.

''(15) PEER REVIEW.—The Director shall, after consultation with national fire service organizations, appoint fire service personnel to conduct peer review of applications received under paragraph (5). In making grants under this section, the Director shall consider the results of such peer review evaluations.

''(16) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities under paragraphs (13) and (15).

''(17) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, rule, regulation, or guidance, for purposes of receiving assistance under this section, equipment costs shall include, but not be limited to, all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.'';

(10) by amending subsection (d) to read as follows:

''(d) DEFINITIONS.—In this section—

''(1) the term 'Director' means the Director, acting through the Administrator;

''(2) the term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Director finds that emergency medical services are adequately provided by a fire department; and

''(3) the term 'State' includes the District of Columbia and the Commonwealth of Puerto Rico.''; and

(11) in subsection (e)(1), by striking the first sentence and inserting ''There are authorized to be appropriated for the purposes of this section $900,000,000 for fiscal year 2005, $950,000,000 for fiscal year 2006, and $1,000,000,000 for each of the fiscal years 2007 through 2009.''.

SEC. 3603. REPORT ON ASSISTANCE TO FIREFIGHTERS.

(a) STUDY AND REPORT ON ASSISTANCE TO FIREFIGHTERS.—

(1) STUDY.—The Administrator of the United States Fire Administration, in conjunction with the National Fire Protection Association, shall conduct a study to—

(A) define the current roles and activities associated with the fire services on a national, State, regional, and local level;

(B) identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) conduct an assessment to identify gaps between what fire departments currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) measure the impact of the Assistance to Firefighters Grant program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of the fire services identified in the report submitted to Congress under section 1701(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a report on the findings of the study described in paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Fire Administration $300,000 for fiscal year 2005 to carry out the study required by subsection (a).

And the Senate agree to the same.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

DUNCAN HUNTER,
CURT WELDON,
JOEL HEFLEY,
JIM SAXTON,
JOHN M. MCHUGH,
TERRY EVERETT,
ROSCOE G. BARTLETT,
HOWARD P. ''BUCK'' MCKEON,
MAC THORNBERRY,
JOHN N. HOSTETTLER,
JIM RYUN,
JIM GIBBONS,
ROBIN HAYES,
KEN CALVERT,
ROB SIMMONS,
IKE SKELTON,
JOHN SPRATT,
SOLOMON P. ORTIZ,
LANE EVANS,
NEIL ABERCROMBIE,
MARTIN T. MEEHAN,
SILVESTRE REYES,
VIC SNYDER,
JIM TURNER,
ADAM SMITH,
LORETTA SANCHEZ,
BARON HILL,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

PETE HOEKSTRA,
RAY LAHOOD,
JANE HARMAN,

From the Committee on Agriculture, for consideration of sec. 1076 of the Senate amendment, and modifications committed to conference:

BOB GOODLATTE,
MAX BURNS,
CHARLES W. STENHOLM,

From the Committee on Education and the Workforce, for consideration of secs. 590, 595, 596, 904, and 3135 of the House bill, and secs. 351, 352, 532, 533, 707, 868, 1079, 3143, and 3151–3157 of the Senate amendment, and modifications committed to conference:

SAM JOHNSON,
TIMOTHY BISHOP,

From the Committee on Government Reform, for consideration of secs. 801, 806, 807, 825, 1061, 1101–1104, 2833, 2842, and 2843 of the House bill, and secs. 801, 805, 832, 851, 852, 869, 870, 1034, 1059B, 1091, 1101, 1103–1107, 1110, 2823, 2824, 2833, and 3121 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,

From the Committee on House Administration, for consideration of secs. 572 and 1065 of the Senate amendment, and modifications committed to conference:

BOB NEY,
VERNON J. EHLERS,
JOHN B. LARSON,

From the Committee on International Relations, for consideration of secs. 811, 1013, 1031, 1212, 1215, Title XIII, secs. 1401–1405, 1411, 1412, 1421, and 1422 of the house bill, and secs. 1014, 1051–1053, 1058, 1059A, 1059B, 1070, Title XII, secs. 3131 and 3132 of the Senate amendment, and modifications committed to conference:

HARRY HYDE,
JAMES LEACH,

From the Committee on the Judiciary, for consideration of secs. 551, 573, 616, 652, 825, 1075, 1078, 1105, 2833, 2842, and 2843 of the House Bill, and secs. 620, 842, 1063, 1068, 1074, 1080–1082, 1101, 1106, 1107, 2821, 2823, 2824, 3143, 3146, 3151–3157, 3401–3410 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
LAMAR SMITH,

From the Committee on Resources, for consideration of secs. 601 and 2834 of the House bill, and sec. 1076 of the Senate amendment, and modifications committed to conference:

GREG WALDEN,
JAY INSLEE,

From the Committee on Science, for consideration of sec. 596 of the House bill and secs. 1034, 1092, and Title XXXV of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
NICK SMITH,
BART GORDON,

From the Committee on Small Business, for consideration of secs. 807 and 3601 of the House bill, and secs. 805, 822, 823, 912, and 1083 of the Senate amendment, and modifications committed to conference:

DONALD A. MANZULLO,
SUE KELLY,

From the Committee on Transportation and Infrastructure, for consideration of secs. 555, 558, 596, 601, 905, 1051, 1063, 1072, and 3502 of the House bill, and sec. 321, 323, 325, 717, 1066, 1076, 1091, 2828, 2833–2836, and Title XXXV of the Senate amendment, and modifications committed to conference:

DON YOUNG,
JOHN J. DUNCAN, Jr.,
MICHAEL E. CAPUANO,

From the Committee on Veterans' Affairs, for consideration of secs. 2810 and 2831 of the House bill, and secs. 642, 2821, and 2823 of the Senate amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,

From the Committee on Ways and Means, for consideration of sec. 585 of the House bill, and sec. 653 of the Senate amendment, and modifications committed to conference:

E. CLAY SHAW, Jr.,
DAVE CAMP,

Managers on the Part of the House.

JOHN W. WARNER,
JOHN MCCAIN,
PAT ROBERTS,
WAYNE ALLARD,
JEFF SESSIONS,
SUSAN M. COLLINS,
JOHN ENSIGN,
JIM TALENT,
SAXBY CHAMBLISS,
LINDSEY GRAHAM,
ELIZABETH DOLE,
JOHN CORNYN,

CARL LEVIN,
EDWARD M. KENNEDY,
ROBERT C. BYRD,
JOE LIEBERMAN,
JACK REED,
DANIEL K. AKAKA,
BILL NELSON,
E. BENJAMIN NELSON,
MARK DAYTON,
EVAN BAYH,
HILLARY RODHAM CLINTON,
MARK PRYOR,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4200), to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SUMMARY STATEMENT OF CONFERENCE ACTIONS

The Conferees recommend authorization of appropriations for fiscal year 2005 for the Department of Defense for procurement; research and development; test and evaluation; operation and maintenance; working capital funds; military construction and family housing; and for weapons and environmental restoration programs of the Department of Energy; that have a budget authority implication of $445.6 billion for the national defense function.

Summary table of authorizations

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is provided in the appropriations act.

In order to relate the conference recommendations to the budget resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the national defense function are authorized in other legislation.

The following table summarizes authorizations included in the bill for fiscal year 2005 and, in addition, summarizes the implications of the conference action for the budget authority totals for national defense (budget function 050).

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005

(Dollars in Thousands)

	Authorizatio Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
DIVISION A									
Title I – PROCUREMENT									
Aircraft Procurement, Army	2,658,240	2,809,940	2,702,640	-46,700	2,611,540	2,658,240	2,809,940	2,702,640	2,611,540
Missile Procurement, Army	1,398,321	1,504,321	1,488,321	-91,321	1,307,000	1,398,321	1,504,321	1,488,321	1,307,000
Procurement of Weapons and Tracked Combat Vehicles, Army	1,639,695	1,739,695	1,698,595	63,000	1,702,695	1,639,695	1,739,695	1,698,595	1,702,695
Procurement of Ammunition, Army	1,556,902	1,729,402	1,598,302	-11,200	1,545,702	1,556,902	1,729,402	1,598,302	1,545,702
Other Procurement, Army	4,240,896	4,309,640	5,383,296	104,350	4,345,246	4,240,896	4,309,640	5,383,296	4,345,246
Aircraft Procurement, Navy	8,767,867	8,912,667	8,870,832	46,575	8,814,442	8,767,867	8,912,667	8,870,832	8,814,442
Weapons Procurement, Navy	2,101,529	2,253,454	2,183,829	-34,009	2,067,520	2,101,529	2,253,454	2,183,829	2,067,520
Procurement of Ammunition, Navy and Marine Corps	858,640	870,840	873,140	19,500	878,140	858,640	870,840	873,140	878,140
Shipbuilding and Conversion, Navy	9,962,027	10,120,027	10,127,027	154,800	10,116,827	9,962,027	10,120,027	10,127,027	10,116,827
Other Procurement, Navy	4,834,278	4,876,725	4,904,978	-200,392	4,633,886	4,834,278	4,876,725	4,904,978	4,633,886
Procurement, Marine Corps	1,190,103	1,315,103	1,302,703	78,350	1,268,453	1,190,103	1,315,103	1,302,703	1,268,453
Aircraft Procurement, Air Force	13,163,174	13,649,174	13,035,674	64,950	13,228,124	13,163,174	13,649,174	13,035,674	13,228,124
Procurement of Ammunition, Air Force	1,396,457	1,396,457	1,396,457	-77,498	1,318,959	1,396,457	1,396,457	1,396,457	1,318,959
Missile Procurement, Air Force	4,718,313	4,611,313	4,635,613	-169,800	4,548,513	4,718,313	4,611,313	4,635,613	4,548,513
Other Procurement, Air Force	13,283,557	13,229,257	13,298,257	-334,230	12,949,327	13,283,557	13,229,257	13,298,257	12,949,327
Procurement, Defense-wide	2,883,302	2,950,702	2,967,402	-36,719	2,846,583	2,883,302	2,950,702	2,967,402	2,846,583
National Guard and Reserve Equipment									
Defense Production Act Purchases						9,015	9,015	9,015	9,015
Total Procurement	**74,653,301**	**76,278,717**	**76,467,066**	**-470,344**	**74,182,957**	**74,662,316**	**76,287,732**	**76,476,081**	**74,191,972**
Title II – RESEARCH, DEVELOPMENT, TEST & EVALUATION									
Research, Development, Test & Evaluation, Army	9,266,258	9,478,164	9,690,458	40,990	9,307,248	9,266,258	9,495,164	9,707,458	9,324,248
Research, Development, Test & Evaluation, Navy	16,346,391	16,052,841	16,690,391	-145,800	16,200,591	16,346,391	16,052,841	16,690,391	16,200,591
Research, Development, Test & Evaluation, Air Force	21,114,667	21,532,967	21,264,267	-681,734	20,432,933	21,114,667	21,532,967	21,264,267	20,432,933
Research, Development, Test & Evaluation, Defense-wide	20,739,837	20,721,254	20,654,437	-486,986	20,252,851	20,739,837	20,721,254	20,654,437	20,252,851
Operational Test & Evaluation, Defense	305,135	305,135	309,135	-1,000	304,135	305,135	305,135	309,135	304,135
Total Research, Development, Test & Evaluation	**67,772,288**	**68,090,361**	**68,608,688**	**-1,274,530**	**66,497,758**	**67,772,288**	**68,107,361**	**68,625,688**	**66,514,758**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005

(Dollars in Thousands)

	Authorizatior Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
Title III -- OPERATION AND MAINTENANCE & OTHER PROGAMS									
Operation and Maintenance									
Operation and Maintenance, Army	26,133,411	25,838,611	26,313,611	-35,000	26,098,411	26,133,411	25,838,611	26,313,611	26,098,411
Operation and Maintenance, Navy	29,789,190	29,523,490	29,702,790	-106,600	29,682,590	29,789,190	29,523,490	29,702,790	29,682,590
Operation and Maintenance, Marine Corps	3,632,115	3,637,615	3,682,727	16,000	3,648,115	3,632,115	3,637,615	3,682,727	3,648,115
Operation and Maintenance, Air Force	28,471,260	27,068,566	27,423,560	-172,600	28,298,660	28,471,260	27,068,566	27,423,560	28,298,660
Operation and Maintenance, Defense-wide	17,494,076	17,317,406	17,458,576	-168,800	17,325,276	17,494,076	17,317,406	17,458,576	17,325,276
Operation and Maintenance, Army Reserve	2,008,128	2,003,728	1,925,728		2,008,128	2,008,128	2,003,728	1,925,728	2,008,128
Operation and Maintenance, Navy Reserve	1,240,038	1,240,038	1,240,038		1,240,038	1,240,038	1,240,038	1,240,038	1,240,038
Operation and Maintenance, Marine Corps Reserve	188,696	188,696	197,496		188,696	188,696	188,696	197,496	188,696
Operation and Maintenance, Air Force Reserve	2,239,790	2,226,790	2,154,790		2,239,790	2,239,790	2,226,790	2,154,790	2,239,790
Operation and Maintenance, Army National Guard	4,440,686	4,425,686	4,227,236	12,100	4,452,786	4,440,686	4,425,686	4,227,236	4,452,786
Operation and Maintenance, Air National Guard	4,422,838	4,448,938	4,366,738	80,500	4,503,338	4,422,838	4,448,938	4,366,738	4,503,338
Transfer Accounts	1,305,336	1,305,336	1,349,986	40,000	1,345,336	1,305,336	1,305,336	1,349,986	1,345,336
Miscellaneous Appropriations	509,025	534,025	479,025	-20,000	489,025	509,025	534,025	479,025	489,025
Subtotal Operation and Maintenance	**121,874,589**	**119,758,925**	**120,522,301**	**-354,400**	**121,520,189**	**121,874,589**	**119,758,925**	**120,522,301**	**121,520,189**
Other Programs									
Drug Interdiction and Counter-Drug Activities, Defense	852,697	852,697	852,697	250	852,947	852,697	852,697	852,697	852,947
Defense Health Program	17,640,411	17,811,586	17,992,711	16,975	17,657,386	17,640,411	17,811,586	17,992,711	17,657,386
Office of the Inspector General	244,562	193,562	164,562	-40,000	204,562	244,562	193,562	164,562	204,562
Chemical Agents and Munitions Destruction, Army	1,371,990	1,371,990	1,518,990		1,371,990	1,371,990	1,371,990	1,518,990	1,371,990
Subtotal Other Programs	**20,109,660**	**20,229,835**	**20,528,960**	**-22,775**	**20,086,885**	**20,109,660**	**20,229,835**	**20,528,960**	**20,086,885**
Revolving and Management Funds									
Defense Working Capital Funds (Army, Navy, Air Force, and Def	510,886	372,886	450,686	-59,000	451,886	510,886	372,886	450,686	451,886
Defense Working Capital Funds - DeCA	1,175,000	1,175,000	1,175,000		1,175,000	1,175,000	1,175,000	1,175,000	1,175,000
National Defense Sealift Fund	1,269,252	1,219,252	1,269,252		1,269,252	1,269,252	1,219,252	1,269,252	1,269,252
Subtotal Revolving and Management Funds	**2,955,138**	**2,767,138**	**2,894,938**	**-59,000**	**2,896,138**	**2,955,138**	**2,767,138**	**2,894,938**	**2,896,138**
Total Operation and Maintenance & Other Programs	**144,939,387**	**142,755,898**	**143,946,199**	**-436,175**	**144,503,212**	**144,939,387**	**142,755,898**	**143,946,199**	**144,503,212**
MILITARY PERSONNEL	**104,811,558**	**104,647,558**	**104,477,958**	**1,731,424**	**106,542,982**	**104,811,558**	**104,647,558**	**104,477,958**	**106,542,982**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005

(Dollars in Thousands)

	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
Title X -- GENERAL PROVISIONS									
General Transfer Authority (non-additive)	[4,000,000]	[3,000,000]	[3,000,000]	[-500,000]	[3,500,000]				
Inflation Savings			-1,670,000					-1,670,000	
Subtotal General Provisions			**-1,670,000**					**-1,670,000**	
DIVISION B									
MILITARY CONSTRUCTION									
Military Construction, Army	1,771,285	1,866,209	1,942,885	197,700	1,968,985	1,771,285	1,866,209	1,942,885	1,968,985
Military Construction, Navy	1,060,455	1,077,862	1,000,105	-4,170	1,056,285	1,060,455	1,077,862	1,000,105	1,056,285
Military Construction, Air Force	663,964	792,054	782,469	189,911	853,875	663,964	792,054	782,469	853,875
Military Construction, Defense-wide	699,437	708,937	682,337	-23,900	675,537	709,337	718,837	692,237	685,437
Military Construction, Army National Guard	295,657	393,225	361,072	138,706	434,363	295,657	393,225	361,072	434,363
Military Construction, Air National Guard	127,368	184,620	214,418	106,150	233,518	127,368	184,620	214,418	233,518
Military Construction, Army Reserve	87,070	116,955	63,047	3,240	90,310	87,070	116,955	63,047	90,310
Military Construction, Naval and Marine Corps Reserve	25,285	30,955	25,285	22,900	48,185	25,285	30,955	25,285	48,185
Military Construction, Air Force Reserve	84,556	114,090	99,206	38,200	122,756	84,556	114,090	99,206	122,756
Military Construction, Foreign Currency Fluctuations				-63,000	-63,000		63,000	63,000	
Base Realignment and Closure IV	246,116	246,116	246,116		246,116	246,116	246,116	246,116	246,116
NATO Security Investment Program	165,800	165,800	165,800	-5,000	160,800	165,800	165,800	165,800	160,800
Chem Agents and Munitions Destruction	81,886	81,886	81,886		81,886	81,886	81,886	81,886	81,886
Subtotal Military Construction	**5,308,879**	**5,778,709**	**5,664,626**	**600,737**	**5,909,616**	**5,318,779**	**5,851,609**	**5,737,526**	**5,982,516**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005

(Dollars in Thousands)

	Authorizatior Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
FAMILY HOUSING									
Family Housing Construction, Army	636,099	636,099	636,099		636,099	636,099	636,099	636,099	636,099
Family Housing Support, Army	928,907	926,507	928,907	-2,400	926,507	928,907	926,507	928,907	926,507
Family Housing Construction, Navy and Marine Corps	139,107	139,107	139,107		139,107	139,107	139,107	139,107	139,107
Family Housing Support, Navy and Marine Corps	704,504	696,304	704,504	-8,200	696,304	704,504	696,304	704,504	696,304
Family Housing Construction, Air Force	846,959	846,959	846,959		846,959	846,959	846,959	846,959	846,959
Family Housing Support, Air Force	863,896	854,666	856,114	-10,512	853,384	863,896	854,666	856,114	853,384
Family Housing Construction, Defense-wide	49	49	49		49	49	49	49	49
Family Housing Support, Defense-wide	49,575	49,575	49,575		49,575	49,575	49,575	49,575	49,575
DoD Family Housing Improvement Fund	2,500	2,500	2,500		2,500	2,500	2,500	2,500	2,500
Subtotal Family Housing	**4,171,596**	**4,151,766**	**4,163,814**	**-21,112**	**4,150,484**	**4,171,596**	**4,151,766**	**4,163,814**	**4,150,484**
Prior Year Rescissions				-130,000	-130,000				-130,000
Total Military Construction and Family Housing	**9,480,475**	**9,930,475**	**9,828,440**	**449,625**	**9,930,100**	**9,490,375**	**10,003,375**	**9,901,340**	**10,003,000**
OTHER DoD MILITARY (Discretionary)									
Receipts from Travel and Purchase Card Refunds							44,000	44,000	44,000
Armed Forces Retirement Home Fund	61,195	61,195	61,195		61,195				
National Security Educational Trust Fund						8,000	8,000	8,000	8,000
Disposal of DoD Real Property						16,000	15,000	15,000	15,000
Lease of DoD Real Property						14,770	9,770	9,770	9,770
Overseas Facility Investment Recovery						1,300	1,300	1,300	1,300
National Science Center, Army						5	5	5	5
Total Other DoD Military Discretionary	**61,195**	**61,195**	**61,195**		**61,195**	**40,075**	**78,075**	**78,075**	**78,075**
Subfunction (051) Department of Defense Discretionary	**401,718,204**	**401,764,204**	**401,719,546**		**401,718,204**	**401,715,999**	**401,879,999**	**401,835,341**	**401,833,999**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005

(Dollars in Thousands)

	Authorizatior Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
OTHER DoD MILITARY (Mandatory)									
Concurrent Receipt Accrual Payments to the Military Retirement F	1,534,200	1,534,200	1,534,200		1,534,200	1,534,200	1,374,200	1,374,200	1,374,200
Offsetting Receipts and Other	-1,386,000	-1,386,000	-1,386,000		-1,386,000	-1,386,000	-1,238,000	-1,238,000	-1,238,000
Revolving, Trust, and Other DoD Mandatory	273,000	273,000	273,000		273,000	883,010	762,010	762,010	762,010
National Defense Stockpile Transaction Fund, Public Enterprise Fund							-80,000	-80,000	-80,000
Sale of Certain Materials in the National Defense Stockpile Transa	-115,000	-130,000	-130,000		-115,000	-115,000	-115,000	-115,000	-115,000
Quantity Restrictions on Ferro Manganese Alloy Sales		-8,000	-8,000				-8,000	-8,000	-8,000
H. Sec 503 - Increase in Retirement Age Limit for Military Officers		250					250		
H. Sec. 504 - Flexibility for Voluntary Retirement for Military Officers		250					250		
H. Sec. 512 - Mandatory Retention of Active Duty to Qualify for Retired Pay		500					500		500
H. Sec. 555 - Disabilities Sustained During Accession Training		33					33		
H. Sec. 642 - Survivor Benefits Plan		-1,000					-1,000		-1,000
H. Sec. 1004 - Microclaim Waiver Authority		100					100		
H. Sec. 2806 - Modification of the Military Housing Privatization Initiative									1,286,000
H. Sec. 2834 - Modification of Land Exchange, Ft Lewis, Wa							3,000		3,000
S. Sec 641 - Disability Retirement and Survivor Annuities for Reservists								2,000	2,000
S. Sec 643 - Modification of Phase-In for Concurrent Receipt								176,000	176,000
S. Sec 644 - Survivor Benefit Plan								-3,000	
S. Sec 655 - Relief from Farm Loan Obligations for Reservists								2,000	2,000
S. Sec 871 - KC-767 Tanker Acquisition								-3,619,000	-3,619,000
S. Sec 1072 - Reimbursement for Soldier Protective Equipment									16,000
S. Sec 1091 - Energy Savings Performance Contracts								272,000	272,000
Enhanced Reserve Education Benefit									92,000
Total Other DoD Military Mandatory	**306,200**	**283,333**	**283,200**		**306,200**	**916,210**	**695,343**	**695,210**	**-1,075,290**
Subfunction (051) Department of Defense Mandatory	**306,200**	**283,333**	**283,200**		**306,200**	**916,210**	**698,343**	**-2,474,790**	**-1,075,290**
SUBFUNCTION (051) TOTAL DEPARTMENT OF DI	**402,024,404**	**402,047,537**	**402,002,746**		**402,024,404**	**402,632,209**	**402,578,342**	**399,360,551**	**400,758,709**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005

(Dollars in Thousands)

	Authorizatior Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
DIVISION C									
ATOMIC ENERGY DEFENSE ACTIVITIES (053)									
Weapons Activities	**6,568,453**	6,577,953	6,674,898	23,600	6,592,053	6,568,453	6,577,953	6,674,898	6,592,053
Defense Nuclear Nonproliferation	**1,348,647**	1,338,147	1,348,647		1,348,647	1,348,647	1,338,147	1,348,647	1,348,647
Naval Reactors	**797,900**	797,900	797,900		797,900	797,900	797,900	797,900	797,900
Office of the Administrator	**333,700**	333,700	343,700	10,000	343,700	333,700	333,700	343,700	343,700
Subtotal National Nuclear Security Administration	**9,048,700**	**9,047,700**	**9,165,145**	**33,600**	**9,082,300**	**9,048,700**	**9,047,700**	**9,165,145**	**9,082,300**
Defense Site Acceleration Completion	**5,970,837**	5,926,837	5,971,932		5,970,837	5,970,837	5,926,837	5,971,932	5,970,837
Defense Environmental Services	**982,470**	986,470	982,470	4,000	986,470	982,470	986,470	982,470	986,470
Other Defense Activities	**663,636**	657,636	568,096	-27,600	636,036	663,636	657,636	568,096	636,036
Defense Nuclear Waste Disposal	**131,000**	131,000	108,000	-11,000	120,000	131,000	131,000	108,000	120,000
Subtotal Environmental & Other Defense Activities	**7,747,943**	**7,701,943**	**7,630,498**	**-34,600**	**7,713,343**	**7,747,943**	**7,701,943**	**7,630,498**	**7,713,343**
Subtotal Department of Energy	**16,796,643**	**16,749,643**	**16,795,643**	**-1,000**	**16,795,643**	**16,796,643**	**16,749,643**	**16,795,643**	**16,795,643**
OTHER ATOMIC ENERGY DEFENSE ACTIVITIES (Discretionary)									
Defense Nuclear Facilities Safety Board	**20,268**	21,268	21,268	1,000	21,268	20,268	21,268	21,268	21,268
Corps of Engineers - Civil Works						140,000	140,000	140,000	140,000
Total Other Atomic Energy Defense Activities Discretion:	**20,268**	**21,268**	**21,268**	**1,000**	**21,268**	**160,268**	**161,268**	**161,268**	**161,268**
Subfunction (053) Atomic Energy Defense Activities Dis	**16,816,911**	**16,770,911**	**16,816,911**		**16,816,911**	**16,956,911**	**16,910,911**	**16,956,911**	**16,956,911**
OTHER ATOMIC ENERGY DEFENSE ACTIVITIES (Mandatory)									
Energy Employees Occupational Illness Compensation Program (EEOICPA)						262,000	341,000	341,000	341,000
S. Secs. 3151-3157 - EEOICPA									249,000
Subfunction (053) Other Atomic Energy Defense Activit						**262,000**	**341,000**	**341,000**	**590,000**
SUBFUNCTION (053) TOTAL ATOMIC ENERGY D	**16,816,911**	**16,770,911**	**16,816,911**		**16,816,911**	**17,218,911**	**17,251,911**	**17,297,911**	**17,546,911**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATION FOR FY 2005

(Dollars in Thousands)

	Authorizatior Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement	Budget Authority Implication Request	House	Senate	Conference
DEFENSE RELATED ACTIVITIES (054)									
Department of Homeland Security						937,000	937,000	937,000	937,000
Department of Justice						530,000	530,000	530,000	530,000
Department of Transportation - MARAD Maritime Security Program						99,000	99,000	99,000	99,000
Intelligence Community Management Account						269,000	269,000	269,000	269,000
National Science Foundation - Antarctic Research Activities						68,000	68,000	68,000	68,000
Radiation Exposure Compensation Trust Fund Transferred to Mandatory						72,000	72,000	72,000	72,000
Selective Service System - Salaries and Expenses						26,000	26,000	26,000	26,000
Subfunction (054) Defense Related Activities Discretionai						**2,001,000**	**2,001,000**	**2,001,000**	**2,001,000**
OTHER DEFENSE RELATED ACTIVITIES (Mandatory)									
CIA Retirement & Disability						239,000	239,000	239,000	239,000
Radiation Exposure Compensation Trust Fund						65,000	65,000	65,000	65,000
Proposed Legislation (outside DoD's Jurisdiction)						940,000			
Subfunction (054) Defense Related Activities Mandatory						**1,244,000**	**304,000**	**304,000**	**304,000**
SUBFUNCTION (054) TOTAL DEFENSE-RELATED						**3,245,000**	**2,305,000**	**2,305,000**	**2,305,000**
Total National Defense Function (050) Discretionary	**418,535,115**	**418,535,115**	**418,536,457**		**418,535,115**	**420,673,910**	**420,791,910**	**420,793,252**	**420,791,910**
Total National Defense Function (050) Mandatory	**306,200**	**283,333**	**283,200**		**306,200**	**2,422,210**	**1,343,343**	**-1,829,790**	**-181,290**
TOTAL NATIONAL DEFENSE FUNCTION (050)	**418,841,315**	**418,818,448**	**418,819,657**		**418,841,315**	**423,096,120**	**422,135,253**	**418,963,462**	**420,610,620**

TITLE I—PROCUREMENT

Procurement Overview

The budget request for fiscal year 2005 included an authorization of $74,653.3 million in Procurement for the Department of Defense.

The House bill would authorize $76,278.7 million.

The Senate amendment would authorize $76,467.1 million.

The conferees recommend an authorization of $74,183.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2005
(Dollars in Thousands)

Title I -- PROCUREMENT	Authorization Request	House Authorization	Senate Authorization	Conference Change	Conference Authorization
Aircraft Procurement, Army	2,658,240	2,809,940	2,702,640	-46,700	2,611,540
Missile Procurement, Army	1,398,321	1,504,321	1,488,321	-91,321	1,307,000
Procurement of W&TCV, Army	1,639,695	1,739,695	1,698,595	63,000	1,702,695
Procurement of Ammunition, Army	1,556,902	1,729,402	1,598,302	-11,200	1,545,702
Other Procurement, Army	4,240,896	4,309,640	5,383,296	104,350	4,345,246
Aircraft Procurement, Navy	8,767,867	8,912,667	8,870,832	46,575	8,814,442
Weapons Procurement, Navy	2,101,529	2,253,454	2,183,829	-34,009	2,067,520
Procurement of Ammunition, Navy & Marine Corps	858,640	870,840	873,140	19,500	878,140
Shipbuilding and Conversion, Navy	9,962,027	10,120,027	10,127,027	154,800	10,116,827
Other Procurement, Navy	4,834,278	4,876,725	4,904,978	-200,392	4,633,886
Procurement, Marine Corps	1,190,103	1,315,103	1,302,703	78,350	1,268,453
Aircraft Procurement, Air Force	13,163,174	13,649,174	13,035,674	64,950	13,228,124
Procurement of Ammunition, Air Force	1,396,457	1,396,457	1,396,457	-77,498	1,318,959
Missile Procurement, Air Force	4,718,313	4,611,313	4,635,613	-169,800	4,548,513
Other Procurement, Air Force	13,283,557	13,229,257	13,298,257	-334,230	12,949,327
Procurement, Defense-Wide	2,883,302	2,950,702	2,967,402	-36,719	2,846,583
National Guard and Reserve Equipment					
Defense Production Act Purchases					
TOTAL PROCUREMENT	74,653,301	76,278,717	76,467,066	-470,344	74,182,957

Aircraft Procurement, Army Overview

The budget request for fiscal year 2005 included an authorization of $2,658.2 million in Aircraft Procurement, Army for the Department of Defense.

The House bill would authorize $2,809.9 million.

The Senate amendment would authorize $2,702.6 million.

The conferees recommend an authorization of $2,611.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Aircraft Procurement, Army										
	Aircraft										
	Fixed Wing										
1	UTILITY F/W AIRCRAFT	1	11,967	1	11,967	1	11,967			1	11,967
	Rotary Wing										
2	HELICOPTER, OBSERVATION, KW RPLCMNT		24,000		24,000		24,000		-12,000		12,000
	Funding ahead of need								[-12,000]		
3	HELICOPTER, LIGHT UTILITY		45,000		45,000		45,000		-22,000		23,000
	Funding ahead of need								[-22,000]		
4	COMANCHE										
5	UH-60 BLACKHAWK (MYP)	27	299,456	35	417,056	27	299,456			27	299,456
	HH-60M			[8]	[117,600]						
5	LESS: ADVANCE PROCUREMENT		-19,719		-19,719		-19,719				-19,719
6	ADVANCE PROCUREMENT (CY)		34,723		34,723		34,723				34,723
7	HELICOPTER NEW TRAINING		13,100		13,100		13,100				13,100
	Modification of Aircraft										
8	GUARDRAIL MODS (TIARA)		2,195		2,195		2,195				2,195
9	ARL MODS (TIARA)										
10	AH-64 MODS		37,201		58,801		37,201		1,900		39,101
	Modern Signal Processing Unit				[7,600]				[1,900]		
	Combo PAK Aux Fuel System				[10,000]						
	Aircraft wireless intercom (H. Amdt 31)				[2,000]						
	Bladefold kits (H. Amdt 31)				[2,000]						
11	CH-47 CARGO HELICOPTER MODS		723,813		730,313		723,813		-25,000		698,813
	Production efficiencies								[-25,000]		
	Crashworthy Crew Seats				[6,500]						

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
11	LESS: ADVANCE PROCUREMENT (PY)		-20,363		-20,363		-20,363				-20,363
12	ADVANCE PROCUREMENT (CY)		23,832		23,832		23,832				23,832
13	UTILITY/CARGO AIRPLANE MODS		10,093		10,093		10,093				10,093
14	OH-58 MODS										
15	AIRCRAFT LONG RANGE MODS		754		754		754				754
16	LONGBOW		668,559		668,559		673,559				668,559
	AH-64D Combo Pak acceleration						[5,000]				
16	LESS: ADVANCE PROCUREMENT (PY)		-14,099		-14,099		-14,099				-14,099
17	ADVANCE PROCUREMENT (CY)										
18	UH-60 MODS		156,389		156,389		166,389		1,000		157,389
	Crashworthy external fuel system for UH-60						[5,000]		[1,000]		
	UH-60 Blackhawk de-icing systems upgrade						[5,000]				
18	LESS: ADVANCE PROCUREMENT (PY)		-13,500		-13,500		-13,500				-13,500
19	ADVANCE PROCUREMENT (CY)		6,130		6,130		6,130				6,130
	De-icing System Upgrade (non-add)				[2,400]						
20	KIOWA WARRIOR		39,276		39,276		45,276				39,276
	OH-58D Safety Enhancement Program - GAU-19 gun						[6,000]				
21	AIRBORNE AVIONICS		49,091		49,091		49,091				49,091
22	GATM ROLLUP		61,259		61,259		61,259				61,259
23	AIRBORNE DIGITIZATION										
	Spares and Repair Parts										
24	SPARE PARTS (AIR)		10,857		10,857		10,857				10,857
	Support Equipment and Facilities										
	Ground Support Avionics										
25	AIRCRAFT SURVIVABILITY EQUIPMENT		7,319		7,319		17,319		5,000		12,319
	Additional AVR-2B						[10,000]		[5,000]		
26	ASE INFRARED CM		272,165		272,165		272,165				272,165

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Other Support										
27	AIRBORNE COMMAND & CONTROL		26,603		26,603		37,503		1,000		27,603
	A2C2S						[10,900]		[1,000]		
28	AVIONICS SUPPORT EQUIPMENT		5,140		5,140		5,140				5,140
29	COMMON GROUND EQUIPMENT		55,543		55,543		55,543				55,543
30	AIRCREW INTEGRATED SYSTEMS		28,609		28,609		31,109		1,200		29,809
	Cockpit Airbag System (CABS)						[2,500]		[1,200]		
31	AIR TRAFFIC CONTROL		55,449		55,449		55,449				55,449
32	INDUSTRIAL FACILITIES		45,216		45,216		45,216				45,216
33	LAUNCHER, 2.75 ROCKET		2,413		2,413		2,413				2,413
34	AIRBORNE COMMUNICATIONS		9,769		15,769		9,769		2,200		11,969
	AN/ARS-6 Personnel Locator				[6,000]				[2,200]		
35	CLOSED ACCOUNT ADJUSTMENT										
	Total - Aircraft Procurement, Army		**2,658,240**		**2,809,940**		**2,702,640**		**-46,700**		**2,611,540**

Missile Procurement, Army Overview

The budget request for fiscal year 2005 included an authorization of $1,398.3 million in Missile Procurement, Army for the Department of Defense.

The House bill would authorize $1,504.3 million.

The Senate amendment would authorize $1,488.3 million.

The conferees recommend an authorization of $1,307.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Missile Procurement, Army										
	Other Missiles										
	Surface-to-air Missile System										
1	PATRIOT SYSTEM SUMMARY	108	489,253	108	579,253	144	579,253			108	489,253
	PAC-3 missiles					[36]	[90,000]				
	Additional PAC-3 missiles (H. Amdt 10)				[90,000]						
2	STINGER SYSTEM SUMMARY										
3	SURFACE-LAUNCHED AMRAAM SYSTEM SUMM/		2,449		2,449		2,449				2,449
	Air-to-surface Missile System										
4	HELLFIRE SYS SUMMARY		108,475		108,475		108,475				108,475
5	APKWS (ADVANCED PRECISION KILL WEAPON S		755		755		755				755
6	ADVANCE PROCUREMENT (CY)		6,124		6,124		6,124				6,124
	Anti-tank/Assault Missile System										
7	JAVELIN (AAWS-M) SYSTEM SUMMARY	1,038	125,403	1,038	141,403	1,038	125,403			1,038	125,403
	Additional Missiles- ARNG				[16,000]						
7	LESS: ADVANCE PROCUREMENT (PY)		-7,600		-7,600		-7,600				-7,600
8	ADVANCE PROCUREMENT (CY)										
9	LINE OF SIGHT ANTI-TANK (LOSAT) SYSTEM SUN	158	86,321	158	86,321	158	86,321		-71,321	158	15,000
	Program termination								[-71,321]		
10	TOW 2 SYSTEM SUMMARY	500	25,813	500	25,813	500	25,813			500	25,813
10	LESS: ADVANCE PROCUREMENT (PY)		-12,946		-12,946		-12,946				-12,946
11	ADVANCE PROCUREMENT (CY)		13,375		13,375		13,375				13,375
12	GUIDED MLRS ROCKET (GMLRS)	1,026	112,302	1,026	112,302	1,026	112,302			1,026	112,302
13	MLRS REDUCED RANGE PRACTICE ROCKETS (RF	822	6,627	822	6,627	822	6,627			822	6,627
14	MLRS LAUNCHER SYSTEMS		41,200		41,200		41,200		-20,000		21,200
	Fielding and delivery cost growth								[-20,000]		
15	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (F	37	169,249	37	169,249	37	169,249			37	169,249
16	ARMY TACTICAL MSL SYS (ATACMS) - SYS SUM	56	61,484	56	61,484	56	61,484			56	61,484

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Modification of Missiles										
	Modifications										
17	PATRIOT MODS		87,948		87,948		87,948				87,948
18	STINGER MODS										
19	ITAS/TOW MODS		9,784		9,784		9,784				9,784
20	MLRS MODS		18,970		18,970		18,970				18,970
21	HIMARS MODIFICATIONS: (NON AAO)		474		474		474				474
22	HELLFIRE MODIFICATIONS		9,770		9,770		9,770				9,770
	Spares and Repair Parts										
23	SPARES AND REPAIR PARTS		33,779		33,779		33,779				33,779
	Support Equipment and Facilities										
24	AIR DEFENSE TARGETS		5,843		5,843		5,843				5,843
25	ITEMS LESS THAN $5.0M (MISSILES)		10		10		10				10
26	MISSILE DEMILITARIZATION										
27	PRODUCTION BASE SUPPORT		3,459		3,459		3,459				3,459
28	CLOSED ACCOUNT ADJUSTMENTS										
	Total - Missile Procurement Army		**1,398,321**		**1,504,321**		**1,488,321**		**-91,321**		**1,307,000**

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY OVERVIEW

The budget request for fiscal year 2005 included an authorization of $1,639.7 million in Procurement of Weapons and Tracked Combat Vehicles, Army for the Department of Defense.

The House bill would authorize $1,739.7 million.

The Senate amendment would authorize $1,698.6 million.

The conferees recommend an authorization of $1,702.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Procurement of Weapons and Tracked Combat Vehicl										
	Tracked Combat Vehicles										
1	ABRAMS TRNG DEV MOD		3,643		3,643		3,643				3,643
2	BRADLEY BASE SUSTAINMENT		71,378		71,378		71,378				71,378
2	LESS: ADVANCE PROCUREMENT (PY)										
3	BRADLEY FVS TRAINING DEVICES (MOD)		2,454		2,454		2,454				2,454
4	ABRAMS TANK TRAINING DEVICES		3,624		3,624		3,624				3,624
5	STRYKER		905,074		905,074		905,074				905,074
	Modification of Tracked Combat Vehicles										
6	CARRIER, MOD						15,000		10,500		10,500
	M113A2 OIF for Army prepositioned stocks						[15,000]		[10,500]		
7	FIST VEHICLE (MOD)		1		1		1				1
8	MOD OF IN-SVC EQUIP, FIST VEHICLE		670		670		670				670
9	BFVS SERIES (MOD)		55,424		120,424		55,424		51,500		106,924
	BFV Integrated Management				[40,000]				[34,000]		
	Reactive Armor Bradley FV				[25,000]				[17,500]		
10	HOWITZER, MED SP FT 155MM M109A6 (MOD)		18,350		18,350		18,350				18,350
11	FAASV PIP TO FLEET		7,294		7,294		12,294				7,294
	New production: FAASV or C2V (S. Amdt 3239)						[5,000]				
12	IMPROVED RECOVERY VEHICLE (M88 MOD)										
13	ARMORED VEH LAUNCH BRIDGE (AVLB) (MOD)										
14	M1 ABRAMS TANK (MOD)		116,917		116,917		116,917				116,917
15	SYSTEM ENHANCEMENT PGM: SEP M1A2	67	292,152	67	292,152	67	292,152			67	292,152
16	ABRAMS UPGRADE PROGRAM										
	Support Equipment and Facilities										
17	ITEMS LESS THAN $5.0M (TCV-WTCV)		407		407		407				407
18	PRODUCTION BASE SUPPORT (TCV-WTCV)		10,278		10,278		10,278				10,278

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Weapons and Other Combat Vehicles										
19	INTEGRATED AIR BURST WEAPON SYSTEM FAM		500		500		13,500				500
	XM-8 - additional LRIP after fielding to BCTs						[13,000]				
20	ARMOR MACHINE GUN, 7.62MM M240 SERIES	2,070	25,249	2,070	25,249	2,070	25,249			2,070	25,249
21	MACHINE GUN, 5.56MM (SAW)		80		80		8,480				80
	Rapid fielding initiative (Additional M249 SAWs)						[8,400]				
23	MORTAR SYSTEMS	577	5,258	577	5,258	577	5,258			577	5,258
24	M16 RIFLE										
25	XM107, CAL. 50, SNIPER RIFLE	600	8,871	600	8,871	600	8,871			600	8,871
26	5.56 CARBINE M4	8,255	9,376	8,255	9,376	8,255	9,376			8,255	9,376
27	HOWITZER LT WT 155MM (T)	18	37,209	18	72,209	18	37,209			18	37,209
	M777 LW 155 Howitzer- ARNG				[35,000]						
	Modification of Weapons and Other Combat Vehicles										
28	MARK-19 MODIFICATIONS		4,236		4,236		4,236				4,236
29	M4 CARBINE MODS		13,777		13,777		13,777				13,777
30	SQUAD AUTOMATIC WEAPON (MOD)		3,382		3,382		11,182				3,382
	Rapid fielding initiative (Additional SAW items)						[7,800]				
31	MEDIUM MACHINE GUNS (MODS)		3,409		3,409		3,409				3,409
32	HOWITZER, TOWED, 155MM, M198 (MODS)	13	779	13	779	13	779			13	779
33	M119 MODIFICATIONS										
34	M16 RIFLE MODS		2,345		2,345		2,345				2,345
35	MODIFICATIONS LESS THAN $5.0M (WOCV-WTC\		3,245		3,245		3,245				3,245
	Support Equipment and Facilities										
36	ITEMS LESS THAN $5.0M (WOCV-WTCV)		486		486		486				486
	SHOTGUNS (House entry, no funds)										
37	PRODUCTION BASE SUPPORT (WOCV-WTCV)		6,620		6,620		6,620				6,620

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
38	INDUSTRIAL PREPAREDNESS		2,629		2,629		2,629		1,000		3,629
	Rock Island Arsenal Upgrades (non-add)				[1,000]						
	Rock Island Arsenal Upgrades								[1,000]		
39	SMALL ARMS (SOLDIER ENH PROG)		3,492		3,492		13,192				3,492
	Rapid fielding initiative (mags, sights, wpn pks)						[9,700]				
40	REF SMALL ARMS		998		998		998				998
	Spares										
41	SPARES AND REPAIR PARTS (WTCV)		20,088		20,088		20,088				20,088
	Total - Procurement of WTCV, Army		**1,639,695**		**1,739,695**		**1,698,595**		**63,000**		**1,702,695**

Procurement of Ammunition, Army Overview

The budget request for fiscal year 2005 included an authorization of $1,556.9 million in Procurement of Ammunition, Army for the Department of Defense.

The House bill would authorize $1,729.4 million.

The Senate amendment would authorize $1,598.3 million.

The conferees recommend an authorization of $1,545.7 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Procurement of Ammunition, Army										
	Ammunition										
	Small/Medium Caliber Ammunition										
1	CTG, 5.56MM, ALL TYPES		173,550		173,550		173,550				173,550
2	CTG, 7.62MM, ALL TYPES		45,062		45,062		45,062				45,062
3	CTG, 9MM, ALL TYPES		5,078		5,078		5,078				5,078
4	CTG, .50 CAL, ALL TYPES		59,810		59,810		59,810				59,810
5	CTG, 25MM, ALL TYPES		21,600		21,600		21,600				21,600
6	CTG, 30MM, ALL TYPES		9,726		26,726		9,726				9,726
	30mm M789 HEDP				[17,000]						
7	CTG, 40MM, ALL TYPES		119,658		119,658		119,658				119,658
	Mortar Ammunition										
8	60MM MORTAR, ALL TYPES		38,436		43,436		38,436				38,436
	60mm M720A1 HE M734A1 Fuze				[5,000]						
9	81MM MORTAR, ALL TYPES		4,597		19,597		4,597				4,597
	81mm M821A2 HE				[15,000]						
10	CTG, MORTAR, 120MM, ALL TYPES		50,316		88,416		50,316				50,316
	120mm M931A1 FR Practice				[22,900]						
	120mm M933 HE				[15,200]						
	Tank Ammunition										
11	CTG TANK 105MM: ALL TYPES		27,419		27,419		27,419				27,419
12	120MM TANK TRAINING, ALL TYPES		139,718		139,718		139,718				139,718
13	CTG, TANK, 120MM TACTICAL, ALL TYPES		49,845		49,845		49,845				49,845
	Artillery Ammunition										
14	CTG, ARTY, 75MM: ALL TYPES										

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
15	CTG, ARTY, 105MM: ALL TYPES		33,286		45,286		33,286				33,286
	105mm M915 DPICM				[12,000]						
16	CTG, ARTY, 155MM, ALL TYPES		132,668		132,668		132,668		-24,000		108,668
	M864 program delay								[-24,000]		
17	PROJ 155MM EXTENDED RANGE XM982		16,960		16,960		16,960				16,960
18	MODULAR ARTILLERY CHARGE SYSTEM (MACS		65,807		65,807		65,807				65,807
	Artillery Fuzes										
19	ARTILLERY FUZES, ALL TYPES		40,796		46,796		40,796		600		41,396
	Electronic Fuze M762A1/M767A1				[6,000]				[600]		
	Mines										
20	MINE, TRAINING, ALL TYPES		527		527		527				527
21	MINES (CONVENTIONAL), ALL TYPES		4,242		4,242		4,242				4,242
22	MINE AT VOLCANO,: ALL TYPES										
23	MINE, CLEARING CHARGE, ALL TYPES		1,020		1,020		1,020				1,020
24	ANTIPERSONNEL LANDMINE ALTERNATIVES		15,222		15,222		15,222				15,222
	Rockets										
25	SHOULDER FIRED ROCKETS, ALL TYPES		15,414		25,414		15,414				15,414
	Bunker Defeat Munition-NE				[10,000]						
26	ROCKET, HYDRA 70, ALL TYPES		164,689		164,689		164,689		-43,000		121,689
	Training rounds--procuring ahead of need								[-43,000]		
	Other Ammunition										
27	DEMOLITION MUNITIONS, ALL TYPES		29,193		37,193		29,193				29,193
	M112 Demolition Charge				[8,000]						
28	GRENADES, ALL TYPES		52,857		52,857		52,857				52,857
29	SIGNALS, ALL TYPES		26,276		26,276		26,276				26,276
30	SIMULATORS, ALL TYPES		20,165		20,165		20,165				20,165
	Miscellaneous										
31	AMMO COMPONENTS, ALL TYPES		8,550		8,550		8,550				8,550

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
32	NON-LETHAL AMMUNITION, ALL TYPES		5,534		5,534		5,534				5,534
33	CAD/PAD ALL TYPES		3,884		3,884		3,884				3,884
34	ITEMS LESS THAN $5 MILLION		11,398		11,398		11,398				11,398
35	AMMUNITION PECULIAR EQUIPMENT		4,898		4,898		8,898				4,898
	Robotic dominated ammunition module						[3,000]				
	Desert optimized equipment						[1,000]				
36	FIRST DESTINATION TRANSPORTATION (AMMO)		10,700		10,700		10,700				10,700
37	CLOSEOUT LIABILITIES		80		80		80				80
	Ammunition Production Base Support										
	Production Base Support										
38	PROVISION OF INDUSTRIAL FACILITIES		40,746		100,146		70,746		50,900		91,646
	120mm ext range mortar ammo flexible load, assembly, and pack						[2,000]		[1,000]		
	RDX nitration facility reactivation						[2,000]		[2,000]		
	Acid plant modernization						[16,000]				
	Lake City AAP Modernization				[22,400]				[19,400]		
	Radford AAP Modernization				[16,000]				[16,000]		
	Lone Star AAP LAP upgrades				[6,000]				[6,000]		
	Kansas AAP LAP upgrades				[15,000]		[10,000]		[6,500]		
39	LAYAWAY OF INDUSTRIAL FACILITIES		2,315		2,315		2,315				2,315
40	MAINTENANCE OF INACTIVE FACILITIES		4,745		4,745		4,745				4,745

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
41	CONVENTIONAL MUNITIONS DEMILITARIZATIOI		95,372		97,372		102,772		4,300		99,672
	Conventional Ammunition Demilitarization						[4,400]		[2,200]		
	Missile recycling energetics processing module						[3,000]		[2,100]		
	Remote Weapon Decasing and Explosive Removal Kits				[1,500]						
	Rotary Furnace RF9 Upgrades				[500]						
42	ARMS INITIATIVE		4,743		4,743		4,743				4,743
	Total - Procurement of Ammunition, Army		**1,556,902**		**1,729,402**		**1,598,302**		**-11,200**		**1,545,702**

Other Procurement, Army Overview

The budget request for fiscal year 2005 included an authorization of $4,240.9 million in Other Procurement, Army for the Department of Defense.

The House bill would authorize $4,309.6 million.

The Senate amendment would authorize $5,383.3 million.

The conferees recommend an authorization of $4,345.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Other Procurement, Army										
	Tactical and Support Vehicles										
	Tactical Vehicles										
1	TACTICAL TRAILERS/DOLLY SETS		11,940		11,940		11,940		-1,500		10,440
	Unjustified cost growth								[-1,500]		
2	SEMITRAILERS, FLATBED:		9,242		9,242	55	11,742				9,242
	M871A3 semitrailers					[55]	[2,500]				
3	SEMITRAILERS, TANKERS		667		667		667				667
4	HI MOB MULTI-PURP WHLD VEH (HMMWV)		303,692		303,692		618,692				303,692
	Up-armored HMWWV production						[315,000]				
5	TRUCK, DUMP, 20T (CCE)										
6	FAMILY OF MEDIUM TACTICAL VEH (FMTV)		505,664		505,664		505,664				505,664
7	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQU		2,198		2,198		2,198				2,198
8	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		84,038		99,038		134,038		21,000		105,038
	Additional vehicles						[15,000]				
	Movement Tracking System				[15,000]		[35,000]		[21,000]		
8a	Wheeled Vehicle Ballistic Armor Protection						610,000				
	Up-armored HMMWVs or armor kits for trucks						[610,000]				
9	ARMORED SECURITY VEHICLES (ASV)										
10	TRUCK, TRACTOR, LINE HAUL, M915/M916		15,314		15,314		30,314		15,000		30,314
	M915A3 family of military vehicles						[15,000]		[15,000]		
11	TOWING DEVICE, 5TH WHEEL										
12	TRUCK, TRACTOR, YARD TYPE, M878 (C/S)										
13	HVY EXPANDED MOBILE TACTICAL TRUCK EXT		19,204		19,204		19,204				19,204
14	MODIFICATION OF IN SVC EQUIP		25,848		25,848		25,848				25,848
15	ITEMS LESS THAN $5.0M (TAC VEH)		247		247		247				247
16	TOWING DEVICE-FIFTH WHEEL		1,907		1,907		1,907				1,907

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Non-tactical Vehicles										
17	HEAVY ARMORED SEDAN		196		196		196				196
18	PASSENGER CARRYING VEHICLES		197		197		197				197
19	NONTACTICAL VEHICLES, OTHER		196		196		196				196
	Communications and Electronics Equipment										
	Comm-Joint Communications										
20	COMBAT IDENTIFICATION PROGRAM										
21	JCSE EQUIPMENT (USREDCOM)		4,550		4,550		4,550				4,550
	Comm-Satellite Communications										
22	DEFENSE SAT COMMUNICATIONS SYSTEM (SPA(		99,775		99,775		99,775				99,775
23	SHF TERM		30,621		30,621		30,621		-4,000		26,621
	Unjustified cost growth								[-4,000]		
24	SAT TERM, EMUT (SPACE)		3,371		3,371		3,371				3,371
25	NAVSTAR GLOBAL POSITIONING SYSTEM (SPAC!		40,067		40,067		45,067		3,800		43,867
	Defense advanced GPS receiver						[5,000]		[3,800]		
26	SMART-T (SPACE)		73,354		73,354		73,354		-1,700		71,654
	Unjustified cost growth								[-1,700]		
27	SCAMP (SPACE)		600		600		600				600
28	MILSTAR COMPONENTS (SPACE)		25,282		25,282		25,282				25,282
29	GLOBAL BRDCST SVC - GBS		12,664		12,664		12,664				12,664
30	MOD OF IN-SVC EQUIP (TAC SAT)		198		198		198				198
	Comm-C3 System										
31	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		19,790		19,790		19,790				19,790

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Comm-Combat Communications										
32	ARMY DATA DISTRIBUTION SYSTEM (DATA RAI		34,435		34,435		41,435		7,000		41,435
	Enhanced position location reporting system						[7,000]		[7,000]		
33	JTRS CLUSTER 1		121,452		121,452		121,452		-10,000		111,452
	Excessive management costs								[-10,000]		
34	RADIO TERMINAL SET, MIDS LVT(2)		3,223		3,223		3,223				3,223
35	SINCGARS FAMILY		48,614		48,614		61,114		5,000		53,614
	SINCGARS radios						[12,500]		[5,000]		
36	MULTI-PURPOSE INFORMATION OPERATIONS SY		7,776		7,776		7,776				7,776
37	JOINT TACTICAL AREA COMMAND SYSTEMS		843		8,843		843		1,800		2,643
	Open Architecture COTS Integration				[8,000]				[1,800]		
38	ACUS MOD PROGRAM		81,317		81,317		81,317				81,317
39	COMMS-ELEC EQUIP FIELDING		8,889		8,889		22,889				8,889
	Rapid fielding initiative (MBITR)						[14,000]				
40	SOLDIER ENHANCEMENT PROGRAM COMM/ELE		25,952		25,952		25,952				25,952
41	COMBAT SURVIVOR EVADER LOCATOR (CSEL)		28,767		28,767		28,767				28,767
42	RADIO, IMPROVED HF FAMILY		6,948		6,948		6,948				6,948
43	MEDICAL COMM FOR CBT CASUALTY CARE (MC		4,662		4,662		4,662				4,662
	Comm-Intelligence Communications										
44	CI AUTOMATION ARCHITECTURE		1,279		1,279		1,279				1,279
	Information Security										
45	TSEC - ARMY KEY MGT SYS (AKMS)		2,834		2,834		2,834				2,834
46	INFORMATION SYSTEM SECURITY PROGRAM-IS		114,124		114,124		114,124				114,124
	Comm-Long Haul Communications										
47	TERRESTRIAL TRANSMISSION		23,421		23,421		23,421				23,421
48	BASE SUPPORT COMMUNICATIONS		40,564		40,564		40,564				40,564
49	ARMY DISN ROUTER		6,133		6,133		6,133				6,133
50	ELECTROMAG COMP PROG (EMCP)		469		469		469				469

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
51	WW TECH CON IMP PROG (WWTCIP)		2,698		2,698		2,698				2,698
	Comm-Base Communications										
52	INFORMATION SYSTEMS		268,940		268,940		268,940				268,940
53	DEFENSE MESSAGE SYSTEM (DMS)		12,296		12,296		12,296				12,296
54	LOCAL AREA NETWORK (LAN)		84,820		84,820		84,820				84,820
55	PENTAGON INFORMATION MGT AND TELECOM		14,671		14,671		14,671				14,671
	Elect Equip-Nat For Int Prog (NFIP)										
56	FOREIGN COUNTERINTELLIGENCE PROG (FCI)	[ ]	[ ]								
57	GENERAL DEFENSE INTELL PROG (GDIP)	[ ]	[ ]								
	Elect Equip-Tact Int Rel Act (TIARA)										
58	ALL SOURCE ANALYSIS SYS (ASAS) (TIARA)		15,979		15,979		15,979				15,979
59	JTT/CIBS-M (TIARA)		13,993		13,993		13,993				13,993
60	PROPHET GROUND (TIARA)		17,692		17,692		26,092		6,550		24,242
	Prophet Block I upgrades						[8,400]		[6,550]		
61	TUAV		100,456		116,456	2	131,056		17,700		118,156
	TUAV lifecycle maintenance program						[5,000]		[3,500]		
	Additional Shadow TUAVs					[2]	[25,600]		[12,800]		
	Shadow UAV Enhancements				[16,000]				[1,400]		
62	ARMY COMMON GROUND STATION (CGS) (TIAR/										
63	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (TIARA)		9,138		9,138		9,138				9,138
64	DRUG INTERDICTION PROGRAM (DIP) (TIARA)										
65	TACTICAL EXPLOITATION SYSTEM (TIARA)		14,094		14,094		14,094				14,094
66	DCGS-A UNIT OF EMPLOYMENT (JMIP)		9,575		8,175		9,575				9,575
	Program decrease				[-1,400]						
67	TROJAN (TIARA)		5,840		5,840		5,840				5,840
68	MOD OF IN-SVC EQUIP (INTEL SPT) (TIARA)		2,594		2,594		2,594				2,594
69	CI HUMINT INFO MANAGEMENT SYS (CHIMS) (TI		2,924		8,924		2,924				2,924
	Digital Soldier Concept				[6,000]						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
70	ITEMS LESS THAN $5.0M (TIARA)		4,287		4,287		4,287				4,287
	Elect Equip-Electronic Warfare (EW)										
71	SHORTSTOP				18,600						
	Program increase				[18,600]						
72	COUNTERINTELLIGENCE/SECURITY COUNTERM										
	Elect Equip-Tactical Surv. (TAC SURV)										
73	FAAD GBS										
74	SENTINEL MODS		7,487		7,487		7,487				7,487
75	NIGHT VISION DEVICES		102,325		102,325		116,325				102,325
	Night vision device PVS-14						[14,000]				
76	LONG RANGE ADVANCED SCOUT SURVEILLANC		49,176		49,176		49,176				49,176
77	LTWT VIDEO RECON SYSTEM (LWVRS)										
78	NIGHT VISION, THERMAL WPN SIGHT		54,809		54,809		54,809				54,809
79	ARTILLERY ACCURACY EQUIP										
80	MOD OF IN-SVC EQUIP (MMS)		461		461		461				461
81	MOD OF IN-SVC EQUIP (MVS)		280		280		280				280
82	PORTABLE INDUCTIVE ARTILLERY FUZE SETTEI		1,985		1,985		1,985				1,985
83	PROFILER		4,963		4,963		8,363		2,600		7,563
	Meteorological measuring set - Profiler						[3,400]		[2,600]		
84	MOD OF IN-SVC EQUIP (TAC SURV)		17,444		21,444		21,444		3,500		20,944
	AN/TPQ-36(V)8 radar processor replacement/upgrade				[4,000]		[4,000]		[3,500]		
85	FORCE XXI BATTLE CMD BRIGADE & BELOW (FI		120,073		120,073		120,073				120,073
86	LIGHTWEIGHT LASER DESIGNATOR/RANGEFIND		12,339		12,339		12,339				12,339
87	MORTAR FIRE CONTROL SYSTEM		14,633		14,633		14,633				14,633
88	INTEGRATED MET SYS SENSORS (IMETS) - TIARA		346		346		346				346
89	ENHANCED SENSOR & MONITORING SYSTEM		1,456				1,456				1,456
	Program decrease				[-1,456]						

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Elect Equip-Tactical C2 Systems										
90	TACTICAL OPERATIONS CENTERS		50,692		50,692		50,692				50,692
91	ADV FA TAC DATA SYS / EFF CTRL SYS (AFATDS		26,922		26,922		26,922				26,922
92	MOD OF IN-SVC EQUIP, AFATDS		3,990		3,990		3,990				3,990
93	LIGHT WEIGHT TECH FIRE DIRECTION SYS (LWT		2,018		2,018		2,018				2,018
94	BATTLE COMMAND SUSTAINMENT SUPPORT SY		11,909		11,909		11,909				11,909
95	FAAD C2		12,873		12,873		12,873				12,873
96	AIR & MSL DEFENSE PLANNING & CONTROL SYS		6,400		6,400		6,400				6,400
97	FORWARD ENTRY DEVICE / LIGHTWEIGHT FED (		2,045		2,045		2,045				2,045
98	KNIGHT FAMILY		2,236		2,236		2,236				2,236
99	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		1,827		1,827		1,827				1,827
100	LOGTECH		24,416		24,416		24,416				24,416
101	TC AIMS II		16,376		16,376		16,376				16,376
102	GUN LAYING AND POS SYS (GLPS)										
103	ISYSCON EQUIPMENT										
104	JOINT NETWORK MANAGEMENT SYSTEM (JNMS		12,587		12,587		12,587				12,587
105	TACTICAL INTERNET MANAGER		11,363		11,363		11,363				11,363
106	MANEUVER CONTROL SYSTEM (MCS)		29,136		29,136		29,136				29,136
107	STAMIS TACTICAL COMPUTERS (STACOMP)		54,581		54,581		54,581				54,581
108	STANDARD INTEGRATED CMD POST SYSTEM										
	Elect Equip - Automation										
109	ARMY TRAINING MODERNIZATION		5,377		5,377		5,377				5,377

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
110	AUTOMATED DATA PROCESSING EQUIP		146,184		146,184		152,984		1,000		147,184
	Active data-rich RFID for in-transit visibility						[6,800]		[1,000]		
111	RESERVE COMPONENT AUTOMATION SYS (RCAS		48,467		48,467		48,467				48,467
	Elect Equip-Audio Visual Sys (A/V)										
112	AFRTS		1,801		1,801		1,801				1,801
113	ITEMS LESS THAN $5.0M (A/V)		1,624		1,624		1,624				1,624
114	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT		2,298		2,298		2,298				2,298
	Elect Equip-Support										
115	PRODUCTION BASE SUPPORT (C-E)		434		434		434				434
	Other Support Equipment										
	Chemical Defensive Equipment										
116	SMOKE & OBSCURANT FAMILY: SOF (NON AAO I		3,863		3,863		3,863				3,863
	Bridging Equipment										
117	TACTICAL BRIDGING		34,137		34,137		34,137				34,137
118	TACTICAL BRIDGE, FLOAT-RIBBON		17,360		17,360		17,360				17,360
	Engineer (Non-construction) Equipment										
119	DISPENSER, MINE M139										
120	TOWED VOLCANO DELIVERY SYSTEM										
121	HANDHELD STANDOFF MINEFIELD DETECTION S		6,906		6,906		6,906				6,906
122	KIT, STANDARD TELEOPERATING		3,023		3,023		3,023				3,023
123	GRND STANDOFF MINE DETECTION SYSTEM (GS		2,001		2,001		7,301		4,500		6,501
	Buffalo landmine vehicles						[6,300]		[4,500]		
	Buffalo landmine vehicles (S. Amdt 3228)						[-1,000]				
124	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)		1,038		1,038		1,038				1,038
125	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD		12,670		12,670		12,670				12,670
126	ITEMS LESS THAN $5M, COUNTERMINE EQUIPM		680		680		680				680
	Combat Service Support Equipment										
127	HEATERS AND ECU'S		17,554		17,554		17,554				17,554

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
128	LAUNDRIES, SHOWERS AND LATRINES		2,020		2,020		2,020				2,020
129	FLOODLIGHT SET, ELEC, TRL MTD, 3 LIGHTS										
130	SOLDIER ENHANCEMENT		7,275		7,275		7,275				7,275
131	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LMI		30		30		3,930		3,900		3,930
	Lightweight maintenance enclosure						[3,900]		[3,900]		
132	LAND WARRIOR		8,896		8,896		8,896				8,896
133	FORCE PROVIDER										
134	AUTHORIZED STOCKAGE LIST MOBILITY SYSTEI										
135	FIELD FEEDING EQUIPMENT		20,063		20,063		20,063				20,063
136	AIR DROP PROGRAM		14,288		14,288		14,288				14,288
137	ITEMS LESS THAN $5.0M (ENG SPT EQ)		6,546		6,546		6,546				6,546
138	ITEMS LESS THAN $5.0M (CSS EQ)						2,500		2,500		2,500
	High-intensity handheld searchlights						[2,500]		[2,500]		
	Petroleum Equipment										
139	QUALITY SURVEILLANCE EQUIPMENT										
140	DISTRIBUTION SYSTEMS, PETROLEUM & WATER		38,091		38,091		38,091				38,091
141	INLAND PETROLEUM DISTRIBUTION SYSTEM										
	Water Equipment										
142	WATER PURIFICATION SYSTEMS		12,581		12,581		12,581				12,581
	Medical Equipment										
143	COMBAT SUPPORT MEDICAL		11,743		11,743		14,243		2,500		14,243
	Life support trauma and transport						[2,500]		[2,500]		
	Maintenance Equipment										
144	SHOP EQ CONTACT MAINTENANCE TRK MTD (M		9,427		9,427		9,427				9,427
145	WELDING SHOP, TRAILER MTD										
146	ITEMS LESS THAN $5.0M (MAINT EQ)		5,439		5,439		5,439				5,439
	Construction Equipment										
147	GRADER, ROAD MTZD, HVY, 6X4 (CCE)										

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
148	SCRAPERS, EARTHMOVING										
149	MISSION MODULES - ENGINEERING		5,863		5,863		5,863				5,863
150	COMPACTOR										
151	LOADERS		10,202		10,202		10,202				10,202
152	HYDRAULIC EXCAVATOR										
153	DEPLOYABLE UNIVERSAL COMBAT EARTH MOV										
154	TRACTOR, FULL TRACKED										
155	CRANES		3,812		3,812		3,812				3,812
156	CRUSHING/SCREENING PLANT, 150 TPH										
157	PLANT, ASPHALT MIXING										
158	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)		8,675		8,675		8,675				8,675
159	CONST EQUIP ESP		5,310		5,310		5,310				5,310
160	ITEMS LESS THAN $5.0M (CONST EQUIP)		7,192		7,192		7,192				7,192
	Rail Float Containerization Equipment										
161	LOGISTIC SUPPORT VESSEL (LSV)				3,500				2,000		2,000
	Program increase				[3,500]				[2,000]		
162	THEATER SUPPORT VESSEL (TSV)				1,000				1,000		1,000
	Small Tugs				[1,000]				[1,000]		
163	CAUSEWAY SYSTEMS						25,000		4,500		4,500
	Modular Causeway System						[25,000]	25,000	[4,500]		
164	ITEMS LESS THAN $5.0M (FLOAT/RAIL)		3,465		3,465		3,465				3,465

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Generators										
165	GENERATORS AND ASSOCIATED EQUIP		54,397		54,397		54,397				54,397
	Material Handling Equipment										
166	ROUGH TERRAIN CONTAINER HANDLER (RTCH)										
167	ALL TERRAIN LIFTING ARMY SYSTEM		1,315		1,315		1,315				1,315
168	MHE EXTENDED SERVICE PROGRAM (ESP)										
169	ITEMS LESS THAN $5.0M (MHE)										
	Training Equipment										
170	COMBAT TRAINING CENTERS (CTC) SUPPORT		86,421		86,421		86,421				86,421
171	TRAINING DEVICES, NONSYSTEM		241,946		242,446		269,346		15,700		257,646
	Call for fire trainer/joint fires and effects trainer						[10,000]		[5,000]		
	MOUT instrumentation						[2,400]		[1,700]		
	Laser marksmanship training system						[15,000]		[9,000]		
	Live Fire Range Targeting Equipment				[500]						
172	CLOSE COMBAT TACTICAL TRAINER		61,811		61,811		61,811				61,811
173	AVIATION COMBINED ARMS TACTICAL TRAINEI		40,803		40,803		40,803				40,803
	Test Measure and Dig Equipment (TMD)										
174	CALIBRATION SETS EQUIPMENT										
175	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTI		4,054		4,054		4,054				4,054
176	TEST EQUIPMENT MODERNIZATION (TEMOD)		5,214		5,214		5,214				5,214
177	ARMY DIAGNOSTICS IMPROVEMENT PGM (ADIP										
	Other Support Equipment										
178	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMEN		13,510		13,510		13,510				13,510
179	PHYSICAL SECURITY SYSTEMS (OPA3)		68,044		71,044		68,044				68,044
	Gamma Ray Inspection Equipment				[3,000]						
180	BASE LEVEL COM'L EQUIPMENT		7,197		7,197		7,197				7,197
181	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		10,457		10,457		10,457				10,457
182	PRODUCTION BASE SUPPORT (OTH)		2,655		2,655		2,655				2,655

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
183	SPECIAL EQUIPMENT FOR USER TESTING		9,905		9,905		9,905				9,905
184	MA8975		2,447		2,447		2,447				2,447
	Spares and Repair Parts										
	OPA2										
185	INITIAL SPARES - C&E		44,102		44,102		44,102				44,102
	OPA3										
186	INITIAL SPARES - OTHER SUPPORT EQUIP		1,260		1,260		1,260				1,260
999	CLASSIFIED PROGRAMS		9,354		9,354		9,354				9,354
	Financial information systems						-22,400				
	Information systems (H. Amdt 31)				-4,000						
	Total - Other Procurement, Army		**4,240,896**		**4,309,640**		**5,383,296**		**104,350**		**4,345,246**

Aircraft Procurement, Navy Overview

The budget request for fiscal year 2005 included an authorization of $8,767.9 million in Aircraft Procurement, Navy for the Department of Defense.

The House bill would authorize $8,912.7 million.

The Senate amendment would authorize $8,870.8 million.

The conferees recommend an authorization of $8,814.4 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Aircraft Procurement, Navy										
	Combat Aircraft										
1	AV-8B (V/STOL)HARRIER (MYP)		4,659		4,659		4,659				4,659
2	ADVANCE PROCUREMENT (CY)		8,243		8,243		8,243				8,243
3	F/A-18E/F (FIGHTER) HORNET (MYP)	42	2,991,592	45	3,015,592	42	2,991,592			42	2,991,592
3	LESS: ADVANCE PROCUREMENT (PY)		-84,136		-84,136		-84,136				-84,136
	SHARP			[3]	[24,000]						
4	ADVANCE PROCUREMENT (CY)		78,306		78,306		78,306				78,306
5	V-22 (MEDIUM LIFT)	8	885,339	8	885,339	8	885,339			8	885,339
5	LESS: ADVANCE PROCUREMENT (PY)		-38,768		-38,768		-38,768				-38,768
6	ADVANCE PROCUREMENT (CY)		71,490		71,490		71,490				71,490
7	UH-1Y/AH-1Z	9	241,792	9	241,792	9	241,792			9	241,792
8	MH-60S (MYP)	15	390,427	15	390,427	15	390,427			15	390,427
8	LESS: ADVANCE PROCUREMENT (PY)		-94,832		-94,832		-94,832				-94,832
9	ADVANCE PROCUREMENT (CY)		105,159		105,159		105,159				105,159
10	MH-60R	8	384,618	8	384,618	8	384,618		-44,000	8	340,618
	Align production ramp more closely to 2004 level								[-44,000]		
10	LESS: ADVANCE PROCUREMENT (PY)		-46,127		-46,127		-118,827				-46,127
	Reductions						[-72,700]				
11	ADVANCE PROCUREMENT (CY)		70,604		70,604		61,204				70,604
	Reductions						[-9,400]				
12	E-2C (EARLY WARNING) HAWKEYE (MYP)	2	226,132	2	226,132	2	226,132			2	226,132
12	LESS: ADVANCE PROCUREMENT (PY)		-14,595		-14,595		-14,595				-14,595
13	ADVANCE PROCUREMENT (CY)		36,413		36,413		36,413				36,413
	Airlift Aircraft										
14	UC-35										
15	C-40A	1	65,224	1	65,224	1	65,224			1	65,224

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
16	C-37	1	53,331	1	53,331	2	106,631	1	53,300	2	106,631
	Additional aircraft					[1]	[53,300]	[1]	[53,300]		
	Trainer Aircraft										
17	T-48 (T-39 REPLACEMENT)	1	52,435					-1	-52,435		
	Program postponed					[-1]	[-52,435]	[-1]	[-52,435]		
	T-48 Transfer			[-1]	[-52,435]						
18	T-45TS (TRAINER) GOSHAWK	8	253,589	10	306,024	10	305,989	2	52,435	10	306,024
	Additional T-45 aircraft					[2]	[52,400]	[2]	[52,435]		
	T-48 Transfer			[2]	[52,435]						
19	JPATS		2,534	6	37,534	4	26,534		15,000		17,534
	Additional aircraft			[6]	[35,000]	[4]	[24,000]		[15,000]		
	Other Aircraft										
20	KC-130J	4	320,389	4	320,389	4	320,389			4	320,389
20	LESS: ADVANCE PROCUREMENT (PY)		-41,703		-41,703		-41,703				-41,703
21	ADVANCE PROCUREMENT (CY)		45,531		45,531		45,531				45,531
22	F-5	9	4,487	9	4,487	9	4,487			9	4,487
	Modification of Aircraft										
23	EA-6 SERIES		165,702		165,702		185,702		-55,725		109,977
	EA-6B reliability/sustainment						[20,000]				
	ICAP III program								[-55,725]		
24	AV-8 SERIES		20,808		20,808		20,808				20,808
25	F-14 SERIES										
26	ADVERSARY		5,465		5,465		5,465				5,465

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
27	F-18 SERIES		412,495		412,495		432,495				412,495
	ATFLIR						[8,000]				
	Ancillary armament equipment						[4,000]				
	ECP-560						[8,000]				
28	H-46 SERIES		71,179		71,179		79,179				71,179
	CH-46 lightweight seats						[8,000]				
29	AH-1W SERIES		2,153		2,153		7,153		3,500		5,653
	Night Targeting System upgrade						[5,000]		[3,500]		
30	H-53 SERIES		9,835		9,835		9,835				9,835
31	SH-60 SERIES		11,655		11,655		16,655				11,655
	H-60 armed helo kits						[5,000]				
32	H-1 SERIES		3,488		17,488		3,488		5,000		8,488
	Night Thermal Imaging System				[14,000]				[5,000]		
33	EP-3 SERIES		28,339		28,339		33,339		5,000		33,339
	EP-3 JMOD common configuration						[5,000]		[5,000]		
34	P-3 SERIES		134,970		138,970		171,770		14,500		149,470
	P-3 AIP kits						[26,800]		[3,500]		
	Operational flight trainer for the P-3						[10,000]		[10,000]		
	Communications Upgrade Risk Reduction				[4,000]				[1,000]		
35	S-3 SERIES		1,861		1,861		1,861				1,861
36	E-2 SERIES		15,124		22,724		23,124				15,124
	Production navigation equipment						[8,000]				
	AN/USC-42 MIN-DAMA				[7,600]						
37	TRAINER A/C SERIES		14,040		14,040		14,040				14,040
38	C-2A		29,564		29,564		29,564				29,564
39	C-130 SERIES		15,419		15,419		15,419				15,419
40	FEWSG		579		579		579				579
41	CARGO/TRANSPORT A/C SERIES		8,285		8,285		8,285				8,285

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
42	E-6 SERIES		19,721		19,721		19,721				19,721
43	EXECUTIVE HELICOPTERS SERIES		21,800		21,800		21,800				21,800
44	SPECIAL PROJECT AIRCRAFT		12,415		12,415		12,415				12,415
45	T-45 SERIES		44,190		44,190		44,190				44,190
46	POWER PLANT CHANGES		24,409		24,409		24,409				24,409
47	JPATS SERIES		648		648		648				648
48	AVIATION LIFE SUPPORT MODS		7,364		7,364		7,364				7,364
49	COMMON ECM EQUIPMENT		43,163		43,163		43,163				43,163
50	COMMON AVIONICS CHANGES		167,504		167,504		167,504				167,504
51	ID SYSTEMS		1,575		1,575		1,575				1,575
52	V-22 (TILT/ROTOR ACFT) OSPREY		3,448		3,448		3,448				3,448
	Aircraft Spares and Repair Parts										
53	SPARES AND REPAIR PARTS		925,813		984,813		925,813		49,000		974,813
	Spare Engine Procurement Transfer From Title III WCF				[59,000]				[59,000]		
	MH-60 initial spares								[-10,000]		
	Aircraft Support Equipment and Facilities										
54	COMMON GROUND EQUIPMENT		474,521		474,521		474,521				474,521
55	AIRCRAFT INDUSTRIAL FACILITIES		16,115		17,315		16,115		1,000		17,115
	Metrology and Calibration Program				[1,200]				[1,000]		
56	WAR CONSUMABLES		9,070		9,070		9,070				9,070

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
57	OTHER PRODUCTION CHARGES		9,883		9,883		9,883				9,883
58	SPECIAL SUPPORT EQUIPMENT		61,553		61,553		61,553				61,553
59	FIRST DESTINATION TRANSPORTATION		1,581		1,581		1,581				1,581
60	JUDGMENT FUND										
61	CANCELLED ACCOUNT ADJUSTMENTS										
	Total - Aircraft Procurement, Navy		**8,767,867**		**8,912,667**		**8,870,832**		**46,575**		**8,814,442**

Weapons Procurement, Navy Overview

The budget request for fiscal year 2005 included an authorization of $2,101.5 million in Weapons Procurement, Navy for the Department of Defense.

The House bill would authorize $2,253.5 million.

The Senate amendment would authorize $2,183.8 million.

The conferees recommend an authorization of $2,067.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Weapons Procurement, Navy										
	Ballistic Missiles										
1	TRIDENT II	5	113,761	5	113,761	5	113,761			5	113,761
1	LESS: ADVANCE PROCUREMENT (PY)		-40,694		-40,694		-40,694				-40,694
	Modification of Missiles										
2	TRIDENT II MODS		695,555		695,555		695,555		-50,000		645,555
	Excess program growth								[-50,000]		
	Support Equipment and Facilities										
3	MISSILE INDUSTRIAL FACILITIES		1,334		1,334		1,334				1,334
	Other Missiles										
	Strategic Missiles										
4	TOMAHAWK	293	256,196	350	305,896	316	276,196	28	24,000	321	280,196
	Tactical Tomahawk missiles			[57]	[49,700]	[23]	[20,000]	[28]	[24,000]		
5	ESSM	71	80,313	95	102,313	81	91,613			71	80,313
	Additional missiles					[10]	[11,300]				
	Program increase			[24]	[22,000]						
	Tactical Missiles										
6	AMRAAM	46	33,914	46	33,914	46	33,914		-5,000	46	28,914
	Production support continuity with USAF								[-5,000]		
7	SIDEWINDER	157	35,177	157	35,177	157	35,177		-3,800	157	31,377
	Accounting/ pricing inconsistencies								[-3,800]		
8	JSOW	389	139,407	389	152,407	404	144,407		4,000	389	143,407
	Additional JSOW-C missiles				[13,000]	[15]	[5,000]		[4,000]		
9	SLAM-ER										
10	STANDARD MISSILE	75	150,098	75	150,098	75	150,098			75	150,098
10a	Hellfire				42,000						
11	RAM	90	47,412	90	47,412	90	47,412			90	47,412
12	AERIAL TARGETS		72,686		72,686		72,686				72,686

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
13	DRONES AND DECOYS										
14	OTHER MISSILE SUPPORT		10,385		10,385	190	26,385				10,385
	AGM-114 Hellfire					[190]	[16,000]				
	Modification of Missiles										
15	SIDEWINDER MODS										
16	HARM MODS										
17	STANDARD MISSILES MODS		51,790		51,790		51,790				51,790
	Support Equipment and Facilities										
18	WEAPONS INDUSTRIAL FACILITIES		4,037		4,037		24,037		20,000		24,037
	Allegany Ballistics Laboratory facility restoration						[20,000]		[20,000]		
	Ordnance Support Equipment										
19	ORDNANCE SUPPORT EQUIPMENT		56,073		56,073		56,073		-16,100		39,973
	Torpedoes and Related Equipment										
	Torpedoes and Related Equip.										
20	ASW TARGETS		23,973		23,973		23,973				23,973
	Mod of Torpedoes and Related Equipment										
21	MK-46 TORPEDO MODS		61,413		61,413		61,413				61,413
22	MK-48 TORPEDO ADCAP MODS		61,185		61,185		61,185				61,185
23	QUICKSTRIKE MINE		2,981		2,981		2,981				2,981
	Support Equipment										
24	TORPEDO SUPPORT EQUIPMENT		23,401		23,401		23,401				23,401
25	ASW RANGE SUPPORT		12,935		12,935		12,935				12,935
	Destination Transportation										
26	FIRST DESTINATION TRANSPORTATION		3,123		3,123		3,123				3,123
	Other Weapons										
	Guns and Gun Mounts										
27	SMALL ARMS AND WEAPONS		2,195		2,195		2,195				2,195

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
28	COAST GUARD WEAPONS		5,349		5,349		5,349		-5,349		
	Lack of justification materials								[-5,349]		
29	AIRBORNE MINE NEUTRALIZATION SYSTEMS										
	Modification of Guns and Gun Mounts										
30	CIWS MODS		86,128		120,128		96,128		15,000		101,128
	Block 1B upgrade				[34,000]		[10,000]		[15,000]		
31	5/54 GUN MOUNT MODS										
32	GUN MOUNT MODS		25,858		25,858		25,858				25,858
	Other										
33	PIONEER		8,775				8,775				8,775
	Program decrease				[-8,775]						
34	CRUISER MODERNIZATION WEAPONS		8,760		8,760		8,760		-8,760		
	Program reduction								[-8,760]		
35	CANCELLED ACCOUNT ADJUSTMENTS										
	Spares and Repair Parts										
36	SPARES AND REPAIR PARTS		68,009		68,009		68,009		-8,000		60,009
	Unjustified growth								[-8,000]		
	Total - Weapons Procurement, Navy		**2,101,529**		**2,253,454**		**2,183,829**		**-34,009**		**2,067,520**

Procurement of Ammunition, Navy and Marine Corps Overview

The budget request for fiscal year 2005 included an authorization of $858.6 million in Procurement of Ammunition, Navy and Marine Corps for the Department of Defense.

The House bill would authorize $870.8 million.

The Senate amendment would authorize $873.1 million.

The conferees recommend an authorization of $878.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Procurement of Ammunition, Navy & Marine Corps										
	Proc Ammo, Navy										
	Navy Ammunition										
1	GENERAL PURPOSE BOMBS		181,452		181,452		181,452				181,452
2	JDAM	6,620	151,189	6,620	151,189	6,620	151,189			6,620	151,189
3	AIRBORNE ROCKETS, ALL TYPES		34,151		34,151		34,151				34,151
4	MACHINE GUN AMMUNITION		25,674		25,674		25,674				25,674
5	PRACTICE BOMBS		53,577		53,577		53,577				53,577
6	CARTRIDGES & CART ACTUATED DEVICES		26,182		26,182		26,182				26,182
7	AIRCRAFT ESCAPE ROCKETS		10,735		10,735		10,735				10,735
8	AIR EXPENDABLE COUNTERMEASURES		48,674		48,674		48,674				48,674
9	JATOS		4,502		4,502		4,502				4,502
10	5 INCH/54 GUN AMMUNITION		19,749		19,749		19,749				19,749
11	EXTENDED RANGE GUIDED MUNITIONS (ERGM)		500		500		500				500
12	76MM GUN AMMUNITION		1,153		1,153		1,153				1,153
13	OTHER SHIP GUN AMMUNITION		19,199		29,399		19,199		7,000		26,199
	20mm PGU-28A/B				[10,200]				[7,000]		
14	SMALL ARMS & LANDING PARTY AMMO		23,235		23,235		23,235				23,235
15	PYROTECHNIC AND DEMOLITION		10,133		10,133		10,133				10,133
16	MINE NEUTRALIZATION DEVICES										
17	JUDGMENT FUND										
18	AMMUNITION LESS THAN $5 MILLION		3,135		3,135		3,135				3,135
	Proc Ammo, MC										
	Marine Corps Ammunition										
19	5.56 MM, ALL TYPES		35,129		35,129		35,129				35,129
20	7.62 MM, ALL TYPES		8,708		8,708		8,708				8,708

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
21	LINEAR CHARGES, ALL TYPES		10,286		10,286		14,286		3,000		13,286
	M59A1 linear demolition charge						[2,000]		[1,500]		
	M58A4 HE linear demolition charge						[2,000]		[1,500]		
22	.50 CALIBER		1,898		1,898		1,898				1,898
23	40 MM, ALL TYPES		23,614		23,614		25,614		1,500		25,114
	40mm HEDP						[2,000]		[1,500]		
24	60MM, ALL TYPES		10,446		10,446		12,946		2,000		12,446
	60mm high-explosive cartridge						[2,500]		[2,000]		
25	81MM, ALL TYPES		24,319		24,319		25,319		1,000		25,319
	M853A1 illumination cartridge						[1,000]		[1,000]		
26	120MM, ALL TYPES		15,365		15,365		15,365				15,365
27	CTG 25MM, ALL TYPES		3,749		3,749		3,749				3,749
28	9 MM ALL TYPES		7,644		7,644		7,644				7,644
29	GRENADES, ALL TYPES		5,042		5,042		5,042				5,042
30	STINGER SLEP										
31	ROCKETS, ALL TYPES		14,050		16,050		19,050		5,000		19,050
	Shoulder launched, multi-purpose assault weapon						[3,000]		[3,000]		
	M72 improved light anti-armor weapon				[2,000]		[2,000]		[2,000]		
32	ARTILLERY, ALL TYPES		55,599		55,599		55,599				55,599
33	EXPEDITIONARY FIGHTING VEHICLE		2,474		2,474		2,474				2,474
34	DEMOLITION MUNITIONS, ALL TYPES		3,270		3,270		3,270				3,270
35	FUZE, ALL TYPES		13,816		13,816		13,816				13,816
36	NON LETHALS		1,145		1,145		1,145				1,145
37	AMMO MODERNIZATION		7,123		7,123		7,123				7,123
38	ITEMS LESS THAN $5 MILLION		1,723		1,723		1,723				1,723
	Total - Procurement of Ammunition, Navy & Marine Corps		**858,640**		**870,840**		**873,140**		**19,500**		**878,140**

Shipbuilding and Conversion, Navy Overview

The budget request for fiscal year 2005 included an authorization of $9,962.0 million in Shipbuilding and Conversion, Navy for the Department of Defense.

The House bill would authorize $10,120.0 million.

The Senate amendment would authorize $10,127.0 million.

The conferees recommend an authorization of $10,116.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Shipbuilding and Conversion, Navy										
	Other Warships										
1	CARRIER REPLACEMENT PROGRAM										
2	ADVANCE PROCUREMENT (CY)		626,084		626,084		626,084				626,084
3	SSN-21										
3	COMPLETION OF PY PROGRAMS										
4	VIRGINIA CLASS SUBMARINE	1	2,253,513	1	2,253,513	1	2,253,513			1	2,253,513
4	LESS: ADVANCE PROCUREMENT (PY)		-672,370		-672,370		-672,370				-672,370
5	ADVANCE PROCUREMENT (CY)		871,864		871,864		871,864				871,864
4	COMPLETION OF PY PROGRAMS										
6	SSGN CONVERSION	1	783,793	1	783,793	1	783,793			1	783,793
6	LESS: ADVANCE PROCUREMENT (PY)		-314,567		-314,567		-314,567				-314,567
7	ADVANCE PROCUREMENT (CY)		48,000		48,000		48,000				48,000
8	CRUISER CONVERSION										
8	LESS: ADVANCE PROCUREMENT (PY)										
9	ADVANCE PROCUREMENT (CY)		333,061		333,061		333,061				333,061
10	SSN ERO		90,699		90,699		90,699				90,699
10	LESS: ADVANCE PROCUREMENT (PY)		-90,699		-90,699		-90,699				-90,699
11	ADVANCE PROCUREMENT (CY)		19,368		19,368		19,368				19,368
12	SSBN ERO	1	292,450	1	292,450	1	292,450			1	292,450
12	LESS: ADVANCE PROCUREMENT (PY)		-30,221		-30,221		-30,221				-30,221
13	ADVANCE PROCUREMENT (CY)		72,171		72,171		72,171				72,171
14	DDG-51	3	3,504,970	3	3,504,970	3	3,504,970			3	3,504,970
14	LESS: ADVANCE PROCUREMENT (PY)		-60,020		-60,020		-60,020				-60,020
14	COMPLETION OF PY PROGRAMS				100,000				50,000		50,000
	DDG-51 In Service Modernization				[100,000]				[50,000]		
14a	DDG-51 ADVANCE PROCUREMENT - / - / 164/										

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
14b	DDG-51 MODERNIZATION PROGRAM										
14c	DD(X) (AP)										
	Amphibious Ships										
15	LHD-1 AMPHIBIOUS ASSAULT SHIP		1,091,185		1,091,185		1,091,185				1,091,185
15	LESS: ADVANCE PROCUREMENT (PY)		-855,167		-705,167		-855,167				-855,167
	Advance Procurement (CY)				[150,000]						
16	LPD-17	1	1,103,620	1	1,103,620	1	1,103,620			1	1,103,620
16	LESS: ADVANCE PROCUREMENT (PY)		-137,061		-137,061		-137,061				-137,061
17	ADVANCE PROCUREMENT (CY)										
17A	LHA-R - acceleration and incremental funding						150,000		150,000		150,000
	Auxiliaries, Craft and Prior Yr Program Costs										
18	LCU(X)	1	25,048	1	25,048	1	25,048			1	25,048
19	OUTFITTING		399,327		299,327		399,327		-50,000		349,327
	Program decrease				[-100,000]				[-50,000]		
20	SERVICE CRAFT		32,099		40,099		32,099		4,800		36,899
	Aft Ramp Range Retriever Craft				[8,000]				[4,800]		
21	LCAC SLEP	5	90,490	5	90,490	5	90,490			5	90,490
21	COMPLETION OF PY PROGRAMS										
22	CANCELLED ACCOUNT ADJUSTMENTS										
23	MINE HUNTER										
24	COMPLETION OF PY SHIPBUILDING PROGRAMS		484,390		484,390		484,390				484,390
24A	Power unit assembly facility						15,000				
	Total - Shipbuilding and Conversion, Navy		**9,962,027**		**10,120,027**		**10,127,027**		**154,800**		**10,116,827**

Other Procurement, Navy Overview

The budget request for fiscal year 2005 included an authorization of $4,834.3 million in Other Procurement, Navy for the Department of Defense.

The House bill would authorize $4,876.7 million.

The Senate amendment would authorize $4,905.0 million.

The conferees recommend an authorization of $4,633.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Other Procurement, Navy										
	Ships Support Equipment										
	Ship Propulsion Equipment										
1	LM-2500 GAS TURBINE		9,009		9,009		9,009				9,009
2	ALLISON 501K GAS TURBINE		22,271		22,271		22,271				22,271
	Propellers										
3	SUBMARINE PROPELLERS				7,000				4,900		4,900
	CVN Propeller Replacement				[7,000]				[4,900]		
	Navigation Equipment										
4	OTHER NAVIGATION EQUIPMENT		16,180		16,180		16,180				16,180
	Underway Replenishment Equipment										
5	UNDERWAY REPLENISHMENT EQUIPMENT		1,530		1,530		1,530				1,530
	Periscopes										
6	SUB PERISCOPES & IMAGING EQUIP	5	62,050	5	62,050	5	62,050			5	62,050
	Other Shipboard Equipment										
7	FIREFIGHTING EQUIPMENT		24,731		24,731		24,731				24,731
8	COMMAND AND CONTROL SWITCHBOARD		3,768		3,768		3,768				3,768
9	POLLUTION CONTROL EQUIPMENT		42,612		42,612		42,612				42,612
10	SUBMARINE SUPPORT EQUIPMENT		21,181		21,181		26,181		3,500		24,681
	High Performance Brush Program						[5,000]		[3,500]		
11	VIRGINIA CLASS SUPPORT EQUIPMENT		56,051		56,051		56,051				56,051
12	SUBMARINE BATTERIES		26,077		26,077		26,077				26,077
13	STRATEGIC PLATFORM SUPPORT EQUIP		55,166		55,166		55,166				55,166
14	DSSP EQUIPMENT		21,131		21,131		21,131				21,131
15	CG-MODERNIZATION		114,139		114,139		114,139		-114,139		
	Cruiser modernization								[-114,139]		
16	LCAC		8,365		8,365		8,365				8,365
17	MINESWEEPING EQUIPMENT		8,046		8,046		8,046				8,046

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
18	ITEMS LESS THAN $5 MILLION		148,637		162,737		152,637		6,700		155,337
	Machinery Control Surveillance System						[4,000]		[2,000]		
	Integrated Condition Assessment				[11,800]				[2,400]		
	Weapons Elevator Automation				[2,300]				[2,300]		
19	CHEMICAL WARFARE DETECTORS		4,725		4,725		4,725				4,725
20	SUBMARINE LIFE SUPPORT SYSTEM		13,940		13,940		13,940				13,940
	Reactor Plant Equipment										
21	REACTOR POWER UNITS		356,372		356,372		356,372				356,372
22	REACTOR COMPONENTS		217,175		217,175		217,175				217,175
	Ocean Engineering										
23	DIVING AND SALVAGE EQUIPMENT		8,875		8,875		8,875				8,875
	Small Boats										
24	STANDARD BOATS		18,328		18,328		18,328				18,328
	Training Equipment										
25	OTHER SHIPS TRAINING EQUIPMENT		8,848		8,848		8,848				8,848
	Production Facilities and Equipment										
26	OPERATING FORCES IPE		22,384		22,384		22,384				22,384
	Other Ship Support										
27	NUCLEAR ALTERATIONS		133,999		133,999		133,999				133,999
	Drug Interdiction Support										
28	DRUG INTERDICTION SUPPORT										
	Communications and Electronics Equipment										
	Ship Radars										
29	SPQ-9B RADAR		3,584		9,584		10,584		8,000		11,584
	AN/SPQ-9B shipboard radar transmitter upgrade						[7,000]		[5,000]		
	Evolved Sea Sparrow: SPQ-9B				[6,000]				[3,000]		
30	RADAR SUPPORT										
31	TISS										

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Ship Sonars										
32	AN/SQQ-89 SURF ASW COMBAT SYSTEM										
33	SSN ACOUSTICS		225,028		229,028		225,028				225,028
	Complementary Acoustic System				[4,000]						
34	UUV PROGRAM		61,253				61,253		-61,253		
	Program decrease				[-61,253]				[-61,253]		
35	UNDERSEA WARFARE SUPPORT EQUIPMENT		14,116		14,116		19,116		2,500		16,616
	Surface Sonar Dome Window prototype						[5,000]		[2,500]		
36	SONAR SWITCHES AND TRANSDUCERS		13,330		13,330		13,330				13,330
	ASW Electronic Equipment										
37	SUBMARINE ACOUSTIC WARFARE SYSTEM		20,857		20,857		20,857				20,857
38	SSTD		22,273		22,273		22,273				22,273
39	FIXED SURVEILLANCE SYSTEM		55,325		55,325		55,325				55,325
40	SURTASS		7,166		7,166		7,166				7,166
41	TACTICAL SUPPORT CENTER		5,100		5,100		5,100				5,100
	Electronic Warfare Equipment										
42	AN/SLQ-32		18,728		18,728		18,728				18,728
43	INFORMATION WARFARE SYSTEMS		4,034		4,034		4,034				4,034
	Reconnaissance Equipment										
44	SHIPBOARD IW EXPLOIT		69,194		69,194		69,194				69,194
	Submarine Surveillance Equipment										
45	SUBMARINE SUPPORT EQUIPMENT PROG		78,968		78,968		78,968				78,968
	Other Ship Electronic Equipment										
46	NAVY TACTICAL DATA SYSTEM										

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
47	COOPERATIVE ENGAGEMENT CAPABILITY		57,531		61,731		57,531				57,531
	Evolved Sea Sparrow: CEC				[4,200]						
48	GCCS-M EQUIPMENT		63,363		63,363		63,363				63,363
49	NAVAL TACTICAL COMMAND SUPPORT SYSTEM		26,208		26,208		26,208				26,208
50	ATDLS		2,386		2,386		2,386				2,386
51	MINESWEEPING SYSTEM REPLACEMENT	3	77,956	3	77,956	3	77,956		-26,300	3	51,656
	RMS - buying ahead of need								[-11,700]		
	MCM1 class engine replacement - change in acquisition strategy								[-14,600]		
52	NAVSTAR GPS RECEIVERS (SPACE)		11,650		11,650		11,650				11,650
53	ARMED FORCES RADIO AND TV		4,170		4,170		4,170				4,170
54	STRATEGIC PLATFORM SUPPORT EQUIP		5,265		5,265		5,265				5,265
	Training Equipment										
55	OTHER SPAWAR TRAINING EQUIPMENT										
56	OTHER TRAINING EQUIPMENT		42,913		42,913		42,913				42,913
	Aviation Electronic Equipment										
57	MATCALS		15,614		15,614		15,614				15,614
58	SHIPBOARD AIR TRAFFIC CONTROL		7,695		7,695		7,695				7,695
59	AUTOMATIC CARRIER LANDING SYSTEM		12,515		12,515		12,515				12,515
60	NATIONAL AIR SPACE SYSTEM		16,122		16,122		16,122		-3,000		13,122
	Digital Airport Surveillance Radar - program delay								[-3,000]		
61	AIR STATION SUPPORT EQUIPMENT		3,640		3,640		3,640				3,640
62	MICROWAVE LANDING SYSTEM		7,232		7,232		7,232				7,232
63	FACSFAC		3,712		3,712		3,712				3,712
64	ID SYSTEMS		18,296		18,296		18,296				18,296
65	TAC A/C MISSION PLANNING SYS(TAMPS)		9,098		9,098		9,098				9,098
	Other Shore Electronic Equipment										
66	DEPLOYABLE JOINT COMMAND AND CONT		32,469		32,469		32,469				32,469
67	NAVAL SPACE SURVEILLANCE SYSTEM										

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(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
68	DIMHRS										
69	COMMON IMAGERY GROUND SURFACE SYSTEM		53,173		45,173		53,173		-8,000		45,173
	Program decrease				[-8,000]				[-8,000]		
70	RADIAC		9,087		9,087		9,087				9,087
71	GPETE		7,010		7,010		7,010				7,010
72	INTEG COMBAT SYSTEM TEST FACILITY		4,662		4,662		4,662				4,662
73	EMI CONTROL INSTRUMENTATION		5,872		5,872		5,872				5,872
74	ITEMS LESS THAN $5 MILLION		12,058		12,058		12,058				12,058
	Shipboard Communications										
75	SHIPBOARD TACTICAL COMMUNICATIONS		14,077		16,077		14,077				14,077
	Programmable Integrated Communications Terminal				[2,000]						
76	SHIP COMMUNICATIONS AUTOMATION		159,718		159,718		159,718				159,718
77	COMMUNICATIONS ITEMS UNDER $5M		11,921		11,921		14,921		1,500		13,421
	Navy shipboard communications						[3,000]		[1,500]		
	Submarine Communications										
78	SUBMARINE BROADCAST SUPPORT		17,802		17,802		17,802				17,802
79	SUBMARINE COMMUNICATION EQUIPMENT		94,533		94,533		113,533		5,000		99,533
	Submarine high data rate						[19,000]		[5,000]		
	Satellite Communications										
80	SATELLITE COMMUNICATIONS SYSTEMS		130,564		130,564		130,564				130,564
	Shore Communications										
81	JCS COMMUNICATIONS EQUIPMENT		3,023		3,023		3,023				3,023
82	ELECTRICAL POWER SYSTEMS		1,291		1,291		1,291				1,291
83	NSIPS		289		289		289				289
84	JEDMICS										
85	NAVAL SHORE COMMUNICATIONS		57,066		57,066		57,066				57,066
	Cryptographic Equipment										
86	INFO SYSTEMS SECURITY PROGRAM (ISSP)		88,418		88,418		88,418				88,418

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(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Cryptologic Equipment										
87	CRYPTOLOGIC COMMUNICATIONS EQUIP		26,111		26,111		26,111				26,111
	Other Electronic Support										
88	COAST GUARD EQUIPMENT		7,638		7,638		7,638				7,638
	Drug Interdiction Support										
89	OTHER DRUG INTERDICTION SUPPORT										
	Aviation Support Equipment										
	Sonobuoys										
90	SONOBUOYS - ALL TYPES		50,081		50,081		50,081				50,081
	Aircraft Support Equipment										
91	WEAPONS RANGE SUPPORT EQUIPMENT		44,643		44,643		47,643		2,300		46,943
	Joint threat emitter						[3,000]		[2,300]		
92	EXPEDITIONARY AIRFIELDS		7,527		7,527		7,527				7,527
93	AIRCRAFT REARMING EQUIPMENT		11,667		11,667		11,667				11,667
94	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		21,275		21,275		21,275				21,275
95	METEOROLOGICAL EQUIPMENT		20,134		20,134		20,134				20,134
96	OTHER PHOTOGRAPHIC EQUIPMENT		1,438		1,438		1,438				1,438
97	AVIATION LIFE SUPPORT		19,040		27,040		19,040		3,500		22,540
	Multi Climate Protection Clothing System				[8,000]				[3,500]		
98	AIRBORNE MINE COUNTERMEASURES		73,081		73,081		73,081		-5,900		67,181
	AN-AQS-20A - buying ahead of need								[-5,900]		
99	LAMPS MK III SHIPBOARD EQUIPMENT		16,433		16,433		16,433				16,433
100	OTHER AVIATION SUPPORT EQUIPMENT		6,157		6,157		6,157				6,157

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(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Ordnance Support Equipment										
	Ship Gun System Equipment										
101	GUN FIRE CONTROL EQUIPMENT										
102	NAVAL FIRES CONTROL SYSTEM		7,610		7,610		7,610				7,610
103	GUN FIRE CONTROL EQUIPMENT		11,481		11,481		11,481				11,481
	Ship Missile System Equipment										
104	NATO SEASPARROW		25,453		34,153		25,453				25,453
	Evolved Sea Sparrow: RNSSMS				[8,700]						
105	RAM GMLS		22,968		22,968		22,968				22,968
106	SHIP SELF DEFENSE SYSTEM		42,130		42,130		42,130				42,130
107	AEGIS SUPPORT EQUIPMENT		57,517		76,517		66,517		6,800		64,317
	Integrated Bridge System				[19,000]		[9,000]		[6,800]		
108	SURFACE TOMAHAWK SUPPORT EQUIPMENT		69,732		69,732		69,732				69,732
109	SUBMARINE TOMAHAWK SUPPORT EQUIP		5,469		5,469		5,469				5,469
110	VERTICAL LAUNCH SYSTEMS		9,829		9,829		9,829				9,829
	FBM Support Equipment										
111	STRATEGIC MISSILE SYSTEMS EQUIP		102,073		102,073		102,073				102,073
	ASW Support Equipment										
112	SSN COMBAT CONTROL SYSTEMS		147,481		147,481		147,481		-32,000		115,481
	Provide for six SSN installations								[-32,000]		
113	SUBMARINE ASW SUPPORT EQUIPMENT		4,849		4,849		4,849				4,849
114	SURFACE ASW SUPPORT EQUIPMENT		4,539		4,539		4,539				4,539
115	ASW RANGE SUPPORT EQUIPMENT		7,175		7,175		7,175				7,175
	Other Ordnance Support Equipment										
116	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		25,058		35,458		25,058				25,058
	EOD Capability Requirement				[10,400]						
117	ITEMS LESS THAN $5 MILLION		4,037		4,037		4,037				4,037

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(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Other Expendable Ordnance										
118	ANTI-SHIP MISSILE DECOY SYSTEM		46,553		46,553		52,653		6,100		52,653
	NULKA decoys						[6,100]		[6,100]		
119	SURFACE TRAINING DEVICE MODS		6,347		6,347		6,347				6,347
120	SUBMARINE TRAINING DEVICE MODS		39,405		39,405		43,405				39,405
	Submarine mobile performance support systems						[4,000]				
	Civil Engineering Support Equipment										
121	ARMORED SEDANS										
122	PASSENGER CARRYING VEHICLES		1,507		1,507		1,507				1,507
123	GENERAL PURPOSE TRUCKS		2,321		2,321		2,321				2,321
124	CONSTRUCTION & MAINTENANCE EQUIP		19,197		19,197		19,197				19,197
125	FIRE FIGHTING EQUIPMENT		12,345		12,345		12,345				12,345
126	TACTICAL VEHICLES		30,926		30,926		30,926				30,926
127	AMPHIBIOUS EQUIPMENT		11,607		11,607		11,607				11,607
128	POLLUTION CONTROL EQUIPMENT		11,396		11,396		11,396				11,396
129	ITEMS UNDER $5 MILLION		13,686		13,686		13,686				13,686
130	PHYSICAL SECURITY VEHICLES		1,125		1,125		1,125				1,125
	Supply Support Equipment										
131	MATERIALS HANDLING EQUIPMENT		12,754		12,754		12,754				12,754
132	OTHER SUPPLY SUPPORT EQUIPMENT		11,523		19,523		26,023		6,000		17,523
	Serial Number Tracking System				[8,000]		[8,000]		[6,000]		
	Radio frequency identification						[6,500]				
133	FIRST DESTINATION TRANSPORTATION		5,578		5,578		5,578				5,578
134	SPECIAL PURPOSE SUPPLY SYSTEMS		82,158		82,158		82,158				82,158

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(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Personnel and Command Support Equipment										
	Training Devices										
135	TRAINING SUPPORT EQUIPMENT		18,756		23,756		18,756		5,000		23,756
	Laser Marksmanship Training System- Navy Reserve				[5,000]				[5,000]		
	Command Support Equipment										
136	COMMAND SUPPORT EQUIPMENT		20,658		31,558		30,658		7,000		27,658
	Man Overboard Identification System				[12,400]		[10,000]		[7,000]		
	Enterprise Resource Planning				[-1,500]						
137	EDUCATION SUPPORT EQUIPMENT		5,507		5,507		5,507				5,507
138	MEDICAL SUPPORT EQUIPMENT		8,459		8,459		8,459				8,459
139	INTELLIGENCE SUPPORT EQUIPMENT	[ ]	[ ]								
140	OPERATING FORCES SUPPORT EQUIPMENT		7,826		7,826		7,826				7,826
141	C4ISR EQUIPMENT		27,582		27,582		27,582				27,582
142	ENVIRONMENTAL SUPPORT EQUIPMENT		13,155		13,155		13,155				13,155
143	PHYSICAL SECURITY EQUIPMENT		194,214		194,214		194,214		-20,000		174,214
	Unjustified cost growth								[-20,000]		
144	CLASSIFIED PROGRAMS	[ ]	[ ]								
145	SPECIAL PROGRAM	[ ]	[ ]								
	Productivity Programs										
146	JUDGMENT FUND REIMBURSEMENT										
	Other										
147	CANCELLED ACCOUNT ADJUSTMENTS										

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(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Spares and Repair Parts										
148	SPARES AND REPAIR PARTS		245,476		249,876		247,476		1,400		246,876
	Protective covers				[4,400]		[2,000]		[1,400]		
999	CLASSIFIED PROGRAMS		18,646		18,646		18,646				18,646
	Financial information systems						-20,900				
	Total - Other Procurement, Navy		**4,834,278**		**4,876,725**		**4,904,978**		**-200,392**		**4,633,886**

Procurement, Marine Corps Overview

The budget request for fiscal year 2005 included an authorization of $1,190.1 million in Procurement, Marine Corps for the Department of Defense.

The House bill would authorize $1,315.1 million.

The Senate amendment would authorize $1,302.7 million.

The conferees recommend an authorization of $1,268.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Procurement, Marine Corps										
	Weapons and Combat Vehicles										
	Tracked Combat Vehicles										
1	AAV7A1 PIP	60	58,596	60	104,996	60	81,796		46,400	60	104,996
	AAV RAM/RS upgrade				[46,400]		[23,200]		[46,400]		
2	EXPEDITIONARY FIGHTING VEHICLE		67,701		67,701		67,701		-15,000		52,701
	Production facility and execution delays								[-15,000]		
3	LAV PIP		41,588		41,588		41,588				41,588
4	IMPROVED RECOVERY VEHICLE (IRV)				8,500						
	Program increase				[8,500]						
5	MODIFICATION KITS (TRKD VEH)		11,844		11,844		11,844				11,844
6	M1A1 FIREPOWER ENHANCEMENTS		36,873		36,873		36,873				36,873
	Artillery and Other Weapons										
7	HIMARS	1	16,340	1	16,340	1	16,340			1	16,340
8	155MM LIGHTWEIGHT TOWED HOWITZER	97	175,445	97	175,445	97	175,445			97	175,445
9	MOD KITS (ARTILLERY)		3,248		3,248		3,248				3,248
10	MARINE ENHANCEMENT PROGRAM		4,024		4,024		4,024				4,024
11	WEAPONS AND COMBAT VEHICLES UNDER $5 M		4,888		4,888		10,688				4,888
	Rapid fielding initiative (Additional M249 Saws)						[5,800]				
	Weapons										
12	MODULAR WEAPON SYSTEM		10,051		10,051		10,051				10,051
	Other Support										
13	OPERATIONS OTHER THAN WAR		1,509		1,509		1,509				1,509
	Guided Missiles and Equipment										
	Guided Missiles										
14	EADS MOD		10,314		10,314		10,314				10,314

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
15	JAVELIN					200	9,800		4,000		4,000
	Additional Javelin anti-tank missiles					[200]	[9,800]		[4,000]		
16	PEDESTAL MOUNTED STINGER (PMS) (MYP)		10,004		10,004		10,004				10,004
17	HIMARS ROCKETS		1,325		1,325		1,325				1,325
18	PREDATOR (SRAW)										
	Other Support										
19	MODIFICATION KITS		595		595		595				595
	Communications and Electronics Equipment										
	Vehicle Mounted Radios and Equipment										
20	SMALL UNIT REMOTE SCOUTING SYSTEM		8,866		8,866		8,866				8,866
	Command and Control Systems										
21	UNIT OPERATIONS CENTER		35,933		35,933		37,933		-6,500		29,433
	USMC Baseline Combat Operations Center						[2,000]		[1,500]		
	Unjustified support costs								[-8,000]		
22	GLOBAL COMBAT SUPPORT SYSTEM		21,664		21,664		29,964		3,900		25,564
	Radio frequency identification						[8,300]		[3,900]		
23	MULTIPLE ROLE RADAR SYSTEM		2,283		2,283		2,283				2,283
24	JOINT TACTICAL RADIO SYSTEMS		26,009		40,209		40,209				26,009
	High frequency manpack radio AN/PRC-150						[14,200]				
	AN/PRC 150C				[14,200]						
25	TRANSITION SWITCH MODULE		9,245		9,245		9,245				9,245
26	COMPLIMENTARY LOW ALTITUDE WEAPON		4,412		4,412		4,412				4,412
	Repair and Test Equipment										
27	AUTO TEST EQUIP SYS		15,823		15,823		15,823				15,823
28	GENERAL PURPOSE ELECTRONIC TEST EQUIP.		14,495		14,495		14,495				14,495
29	CALIBRATION FACILITIES		2,305		2,305		2,305				2,305
	Radar Equipment (Non-tel)										
30	RADAR SET AN/TPS-59		24,466		24,466		24,466				24,466

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(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Intell/Comm Equipment (Non-tel)										
31	TACTICAL REMOTE SENSOR SYSTEM		10,622		10,622		10,622				10,622
32	INTELLIGENCE SUPPORT EQUIPMENT		15,842		15,842		15,842				15,842
33	MOD KITS (INTEL)		9,551		14,051		9,551				9,551
	GCCS-13				[4,500]						
34	ITEMS UNDER $5 MILLION (INTELL)										
	Repair and Test Equipment (Non-tel)										
35	GENERAL PURPOSE MECHANICAL TMDE		1,790		1,790		1,790				1,790
	Other Comm/Elec Equipment (Non-tel)										
36	NIGHT VISION EQUIPMENT		26,100		49,000		36,000		14,700		40,800
	AN/PVS 14				[5,800]		[5,800]		[4,400]		
	AN/PVS 17				[4,100]		[4,100]		[4,000]		
	AN/PEQ-2A				[13,000]				[6,300]		
	Other Support (Non-tel)										
37	ITEMS UNDER $5 MILLION (COMM & ELEC)		461		461		461				461
38	COMMON COMPUTER RESOURCES		61,989		61,989		61,989				61,989
39	COMMAND POST SYSTEMS		8,144		8,144		8,144				8,144
40	RADIO SYSTEMS		14,476		27,676		26,476		12,000		26,476
	Lightweight Multiband Satellite Terminal				[12,000]		[12,000]		[12,000]		
	AN/TRC-170				[1,200]						
41	COMM SWITCHING & CONTROL SYSTEMS		26,145		26,145		26,145				26,145
42	COMM & ELEC INFRASTRUCTURE SUPPORT		24,778		24,778		24,778				24,778
43	MOD KITS MAGTF C41		984		984		13,984		3,300		4,284
	Communication emitter sensing and attacking system						[13,000]		[3,300]		
44	AIR OPERATIONS C2 SYSTEMS		10,290		10,290		10,290				10,290
45	INTELLIGENCE C2 SYSTEMS		1,211		1,211		1,211				1,211
46	FIRE SUPPORT SYSTEM		10,215		10,215		10,215				10,215

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(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Support Vehicles										
	Administrative Vehicles										
47	COMMERCIAL PASSENGER VEHICLES	37	1,096	37	1,096	37	1,096			37	1,096
48	COMMERCIAL CARGO VEHICLES		11,563		11,563		11,563				11,563
	Tactical Vehicles										
49	5/4T TRUCK HMMWV (MYP)	1,830	131,276	1,830	131,276	1,830	131,276			1,830	131,276
50	MEDIUM TACTICAL VEHICLE REPLACEMENT										
51	LOGISTICS VEHICLE SYSTEM REP		3,343		3,343		3,343				3,343
52	FAMILY OF TACTICAL TRAILERS		942		942		942				942
	Other Support										
53	ITEMS LESS THAN $5 MILLION		3,598		3,598		3,598				3,598
	Engineer and Other Equipment										
54	ENVIRONMENTAL CONTROL EQUIP ASSORT		2,869		2,869		2,869				2,869
55	COMBAT BREACHER VEHICLE		4,621		16,621		4,621		3,500		8,121
	Program increase				[12,000]				[3,500]		
56	BULK LIQUID EQUIPMENT		11,524		11,524		11,524				11,524
57	TACTICAL FUEL SYSTEMS		5,219		8,519		5,219		3,300		8,519
	Nitrile Rubber Collapsible Storage Units				[3,300]				[3,300]		
58	DEMOLITION SUPPORT SYSTEMS		3,422		3,422		10,822		5,500		8,922
	Handheld Standoff Mine Detection System						[7,400]		[5,500]		
59	POWER EQUIPMENT ASSORTED		10,657		10,657		10,657				10,657
60	SHOP EQ CONTACT MAINTENANCE (SECM)										
61	FAMILY OF EOD EQUIPMENT		4,724		4,724		4,724				4,724
62	BRIDGE BOATS		5,307		5,307		5,307				5,307
	Materials Handling Equipment										
63	AMPHIBIOUS RAID EQUIPMENT		15,771		15,771		15,771				15,771
64	PHYSICAL SECURITY EQUIPMENT		4,979		4,979		4,979				4,979
65	GARRISON MOBILE ENGR EQUIP		10,927		10,927		10,927				10,927

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(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
66	MATERIAL HANDLING EQUIP		21,190		21,190		21,190				21,190
67	FIRST DESTINATION TRANSPORTATION		5,715		5,715		5,715				5,715
	General Property										
68	FIELD MEDICAL EQUIPMENT		6,027		6,027		13,027		3,250		9,277
	Combat casualty care equipment						[3,500]		[1,750]		
	Combat casualty care equipment (S. Amdt (3228)						[-500]				
	Rapid infusion pumps						[4,000]		[1,500]		
69	TRAINING DEVICES		24,214		24,214		24,214				24,214
70	CONTAINER FAMILY		5,244		5,244		5,244				5,244
71	FAMILY OF CONSTRUCTION EQUIPMENT		15,067		15,067		15,067				15,067
72	RAPID DEPLOYABLE KITCHEN										
	Other Support										
73	FAMILY OF INCIDENT RESPONSE		2,804		2,804		2,804				2,804
74	MODIFICATION KITS		2,901		2,901		2,901				2,901
75	ITEMS LESS THAN $5 MILLION		5,713		5,713		5,713				5,713
76	CANCELLED ACCOUNT ADJUSTMENT (M)										
	Spares and Repair Parts										
77	SPARES AND REPAIR PARTS		26,946		26,946		26,946				26,946
	Total - Procurement, Marine Corps		**1,190,103**		**1,315,103**		**1,302,703**		**78,350**		**1,268,453**

Aircraft Procurement, Air Force Overview

The budget request for fiscal year 2005 included an authorization of $13,163.2 million in Aircraft Procurement, Air Force for the Department of Defense.

The House bill would authorize $13,649.2 million.

The Senate amendment would authorize $13,035.7 million.

The conferees recommend an authorization of $13,228.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Aircraft Procurement, Air Force										
	Combat Aircraft										
	Tactical Forces										
1	F-22 RAPTOR	24	4,128,356	24	4,128,356	22	3,848,156		-30,000	24	4,098,356
	Production deliveries behind schedule					[-2]	[-280,200]				
	Program efficiencies								[-30,000]		
1	LESS: ADVANCE PROCUREMENT (PY)		-494,587		-494,587		-494,587				-494,587
2	ADVANCE PROCUREMENT (CY)		523,187		523,187		523,187				523,187
	Airlift Aircraft										
	Tactical Airlift										
3	C-17A (MYP)	14	2,941,532	14	2,941,532	14	2,941,532			14	2,941,532
3	LESS: ADVANCE PROCUREMENT (PY)		-429,053		-394,053		-429,053		34,000		-395,053
	Maintenance Training System				[35,000]				[34,000]		
4	ADVANCE PROCUREMENT (CY)		381,800		381,800		381,800				381,800
5	C-17 ICS		945,560		945,560		945,560				945,560
	Other Airlift										
6	C-130H										
7	C-130J	11	902,421	11	939,121	11	939,121		36,666	11	939,087
	C-130J (transfer from APAF, line 8)				[36,700]		[36,700]		[36,666]		
7	LESS: ADVANCE PROCUREMENT (PY)		-169,916		-169,916		-169,916				-169,916
8	ADVANCE PROCUREMENT (CY)		186,666		149,966		149,966		-36,666		150,000
	C-130J (transfer to APAF, line 7)				[-36,700]		[-36,700]		[-36,666]		
	Trainer Aircraft										
	Operational Trainers										
9	JPATS	53	307,072	53	307,072	53	307,072			53	307,072
	Other Aircraft										
	Helicopters										
10	V-22 OSPREY	3	320,619	3	320,619	3	320,619			3	320,619

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
10	LESS: ADVANCE PROCUREMENT (PY)		-15,038		-15,038		-15,038				-15,038
11	ADVANCE PROCUREMENT (CY)		11,035		11,035		11,035				11,035
	Mission Support Aircraft										
12	CIVIL AIR PATROL A/C	27	2,271	27	2,271	27	2,271			27	2,271
	Other Aircraft										
13	TARGET DRONES		74,143		74,143		74,143				74,143
14	C-40 ANG										
15	EC130J										
16	E-8C										
16	LESS: ADVANCE PROCUREMENT (PY)										
17	HAEUAV	4	342,360	4	342,360	4	342,360			4	342,360
17	LESS: ADVANCE PROCUREMENT (PY)		-54,592		-54,592		-54,592				-54,592
18	ADVANCE PROCUREMENT (CY)		71,863		71,863		71,863				71,863
19	PREDATOR UAV	9	146,609	9	322,609	9	146,609		30,000	9	176,609
	Predator A				[132,000]						
	Predator B				[44,000]				[30,000]		
20	SMALL UAV'S										
20a	Tanker Replacement Transfer Fund				15,000				15,000		15,000
	Modification of In-service Aircraft										
	Strategic Aircraft										
21	B-2A		96,002		96,002		96,002				96,002
22	B-1B		8,825		104,625		8,825				8,825
	Program increase				[95,800]						
23	B-52		92,216		92,216		92,216				92,216
24	F-117		13,223		13,223		13,223				13,223

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Tactical Aircraft										
25	A-10		53,362		53,362		69,362		7,000		60,362
	Litening air targeting pod						[16,000]		[7,000]		
26	F-15		181,602		198,602		217,402		25,100		206,702
	IFF modernization						[5,800]		[4,100]		
	F100-PW-220E engines						[30,000]		[14,000]		
	ALQ 135				[17,000]				[7,000]		
27	F-16		336,289		358,289		383,289		21,500		357,789
	Block 42 engine upgrade						[30,000]		[21,000]		
	Litening air targeting pod						[17,000]		[10,500]		
	Advanced IFF Interrogator				[10,000]						
	TARS P3I				[12,000]						
	Budget growth/execution								[-10,000]		
28	F22 RAPTOR		70,087		70,087		70,087				70,087
29	T/AT-37		78		78		78				78
	Airlift Aircraft										
30	C-5		99,601		120,601		129,601		3,500		103,101
	AMP				[21,000]		[30,000]		[3,500]		
31	C-9										
32	C-17A		89,144		89,144		89,144				89,144
33	C-21		1,409		1,409		1,409				1,409
34	C-32A		187		187		187				187
35	C-37A		351		351		351				351
36	C-141										
	Trainer Aircraft										
37	T-6		3,850		3,850		3,850				3,850
38	T-38		153,677		173,677		153,677		17,000		170,677
	Escape System				[20,000]				[17,000]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
39	T-41 AIRCRAFT		89		89		89				89
40	T-43		599		599		599				599
	Other Aircraft										
41	KC-10A (ATCA)		37,314		37,314		37,314				37,314
42	C-12		19,373		19,373		19,373				19,373
43	C-18										
44	C-20 MODS		449		449		449				449
45	VC-25A MOD		28,031		28,031		28,031				28,031
46	C-40		187		187		187				187
47	C-130		110,375		119,575		120,275		-8,200		102,175
	Scathe Chief						[7,900]				
	C-130E Engine Upgrades				[7,200]				[1,500]		
	Senior Scout				[2,000]		[2,000]		[2,000]		
	Link 16 development								[-11,700]		
48	C130J MODS		36,921		36,921		36,921				36,921
49	C-135		51,905		51,905		61,905				51,905
	GATM for KC-135						[10,000]				
50	C-29A MODS		15,953		15,953		15,953				15,953
51	DARP		101,233		101,233		101,233		-10,000		91,233
	RC-135 Rivet Joint baseline spares - premature request								[-10,000]		
52	E-3		36,025		36,025		36,025				36,025
53	E-4		101,818		101,818		101,818				101,818
54	E-8		45,302		55,302		45,302				45,302
	Blue Force Combat ID				[10,000]						
55	H-1		6,575		6,575		6,575				6,575
56	H-60		95,068		95,068		95,068				95,068
57	OTHER AIRCRAFT		76,701		76,701		76,701		-13,200		63,501
	ROBE Group B kits								[-13,200]		

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
58	PREDATOR MODS		31,872		31,872		31,872				31,872
59	CV-22 MODS		275		275		275				275
	Other Modifications										
60	CLASSIFIED PROJECTS		20,880		20,880		20,880				20,880
	Aircraft Spares and Repair Parts										
61	INITIAL SPARES/REPAIR PARTS		234,103		234,103		234,103				234,103
	Aircraft Support Equipment and Facilities										
	Common Support Equip										
62	COMMON SUPPORT EQUIPMENT		223,600		223,600		227,600		-16,750		206,850
	Aircraft de-icers						[4,000]		[3,250]		
	Program growth								[-20,000]		
	Post Production Support										
63	B-1		11,733		11,733		11,733				11,733
64	B-2A		6,801		6,801		6,801				6,801
65	B-2A		30,683		30,683		30,683				30,683
66	B-52		19,405		19,405		19,405				19,405
67	C-130		1,229		1,229		1,229				1,229
68	F-15		13,407		13,407		13,407				13,407
69	F-16		11,531		11,531		11,531				11,531
	Industrial Preparedness										
70	INDUSTRIAL RESPONSIVENESS		21,082		21,082		21,082				21,082
	War Consumables										
71	WAR CONSUMABLES		41,314		41,314		41,314				41,314
	Other Production Charges										
72	OTHER PRODUCTION CHARGES		309,725		374,725		309,725		-10,000		299,725
	Sniper XR Advanced Targeting Pod				[65,000]						
	STING (R7) pods								[-10,000]		
73	DEPOT MODERNIZATION		34,464		34,464		34,464				34,464

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Classified Pgms										
74	CLASSIFIED PROGRAMS										
	Common ECM Equip										
75	COMMON ECM EQUIPMENT										
	Other Production Charges SOF										
76	CANCELED ACCT ADJUSTMENTS										
	DARP										
77	DARP		64,941		64,941		64,941				64,941
	Total - Aircraft Procurement, Air Force		**13,163,174**		**13,649,174**		**13,035,674**		**64,950**		**13,228,124**

F/A–22 aircraft

The budget request included $4.128 billion for the procurement of 24 F/A–22 aircraft.

The House bill would authorize the budget request.

The Senate amendment would authorize $3.848 billion for the procurement of 22 F/A–22 aircraft, a reduction of $280.2 million. The Senate amendment also included language that would allow the Air Force to procure more than 22 aircraft with the authorized funds if the Secretary of the Air Force certifies that the contractual delivery schedule is being met and that the program is fully funded.

The conferees agree to authorize $4.098 billion for the procurement of 24 F/A–22 aircraft, a reduction of $30.0 million. The conferees agree that the certification required in the Senate amendment is not required to procure more than 22 aircraft.

Procurement of Ammunition, Air Force Overview

The budget request for fiscal year 2005 included an authorization of $1,396.5 million in Procurement of Ammunition, Air Force for the Department of Defense.

The House bill would authorize $1,396.5 million.

The Senate amendment would authorize $1,396.5 million.

The conferees recommend an authorization of $1,319.0 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Procurement of Ammunition, Air Force										
	Procurement of Ammo, Air Force										
	Rockets										
1	ROCKETS		34,557		34,557		34,557				34,557
	Cartridges										
2	CARTRIDGES		149,100		149,100		149,100		-20,000		129,100
	Execution								[-20,000]		
	Bombs										
3	PRACTICE BOMBS		46,918		46,918		46,918				46,918
4	GENERAL PURPOSE BOMBS		266,489		266,489		266,489		-39,900		226,589
	Program growth								[-35,000]		
	Incorrect justification								[-4,900]		
5	SENSOR FUZED WEAPON	315	117,023	315	117,023	315	117,023			315	117,023
6	JOINT DIRECT ATTACK MUNITION	23,137	521,782	23,137	521,782	23,137	521,782		-5,000	23,137	516,782
	Engineering change orders execution								[-5,000]		
7	WIND CORRECTED MUNITIONS DISP	2,507	58,670	2,507	58,670	2,507	58,670			2,507	58,670
	Flare, IR MJU-7B										
8	CAD/PAD		20,379		20,379		20,379				20,379
9	EXPLOSIVE ORDINANCE DISPOSAL		2,889		2,889		2,889				2,889
10	SPARES AND REPAIR PARTS		179		179		179				179
11	REPLENISHMENT SPARES		4,185		4,185		4,185				4,185
12	MODIFICATIONS <5M		202		202		202				202
13	ITEMS LESS THAN $5,000,000		2,798		2,798		2,798				2,798
	Fuzes										
14	FLARES		123,830		123,830		123,830		-4,300		119,530
	LUU-1 program delay								[-3,000]		
	MJU-39/40 unit cost savings								[-1,300]		

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
15	FUZES		36,507		36,507		36,507		-8,298		28,209
	FMU-139								[-8,298]		
	Weapons										
	Small Arms										
16	SMALL ARMS		10,949		10,949		10,949				10,949
	Total - Procurement of Ammunition, Air Force		**1,396,457**		**1,396,457**		**1,396,457**		**-77,498**		**1,318,959**

Missile Procurement, Air Force Overview

The budget request for fiscal year 2005 included an authorization of $4,718.3 million in Missile Procurement, Air Force for the Department of Defense.

The House bill would authorize $4,611.3 million.

The Senate amendment would authorize $4,635.6 million.

The conferees recommend an authorization of $4,548.5 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Missile Procurement, Air Force										
	Ballistic Missiles										
	Missile Replacement Equipment-Ballistic										
1	LGM-30F/G MINUTEMAN II/III		30,143		30,143		30,143		-6,500		23,643
	Miscellaneous equipment cost growth								[-6,500]		
2	PEACEKEEPER (M-X)										
	Other Missiles										
	Tactical										
3	JASSM	360	148,161	360	148,161	360	148,161		-8,300	360	139,861
	Operational suitability deficiencies								[-8,300]		
4	JOINT STANDOFF WEAPON										
5	SIDEWINDER (AIM-9X)	248	52,595	248	52,595	248	52,595			248	52,595
6	AMRAAM	202	107,354	202	107,354	202	107,354			202	107,354
7	PREDATOR HELLFIRE MISSILE	235	20,017	235	20,017	235	20,017			235	20,017
8	SMALL DIAMETER BOMB	158	29,257	158	29,257	158	29,257			158	29,257
	Industrial Facilities										
9	INDUSTR'L PREPAREDNS/POL PREVENTION		2,084		2,084		2,084				2,084
	Modification of In-service Missiles										
	Class IV										
10	ADVANCED CRUISE MISSILE		4,094		4,094		4,094				4,094
11	LGM-30F/G MINUTEMAN II/III										
12	MM III MODIFICATIONS		640,760		640,760		640,760				640,760
13	AGM-65D MAVERICK		222		222		222				222
14	AIR LAUNCH CRUISE MISSILE		21,154		21,154		21,154				21,154
15	PEACEKEEPER (M-X)										
	Spares and Repair Parts										
	Other Aircraft										
16	ADVANCED CRUISE MISSILE		8,020		8,020		8,020				8,020

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
17	AIM-7E SPARROW		1,898		1,898		1,898				1,898
18	AIM-9 SIDEWINDER		6,273		6,273		6,273				6,273
19	SIDEWINDER (AIM-9X)		1,759		1,759		1,759				1,759
20	AGM-130 POWERED GBU-15		368		368		368				368
21	LGM-30F/G MINUTEMAN II/III		10,016		10,016		10,016				10,016
22	MM III MODIFICATIONS		12,866		12,866		12,866				12,866
23	AGM-65D MAVERICK		1,423		1,423		1,423				1,423
24	AGM-88A HARM		2,868		2,868		2,868				2,868
25	AIR LAUNCH CRUISE MISSILE		4,609		4,609		4,609				4,609
26	AMRAAM		341		341		341				341
27	PEACEKEEPER (M-X)		11,669		11,669		11,669				11,669
	Other Support										
	Space Programs										
28	ADVANCED EHF		98,590		133,590		133,590				98,590
	Advanced EHF spare parts and long lead items						[35,000]				
	Advanced Extremely High Frequency Satellite				[35,000]						
29	WIDEBAND GAPFILLER SATELLITES		40,307		40,307		55,307				40,307
	Wideband gapfiller satellite						[15,000]				
29	LESS: ADVANCE PROCUREMENT (PY)										
30	SPACEBORNE EQUIP (COMSEC)		9,250		9,250		9,250				9,250
31	GLOBAL POSITIONING (SPACE)	3	332,763	3	332,763	3	332,763			3	332,763
31	LESS: ADVANCE PROCUREMENT (PY)		-31,991		-31,991		-31,991				-31,991
32	ADVANCE PROCUREMENT (CY)		29,758		29,758		29,758				29,758
33	DEF METEOROLOGICAL SAT PROG(S		74,201		74,201		74,201				74,201
34	DEFENSE SUPPORT PROGRAM(SPACE		116,468		101,468		116,468		-10,000		106,468
	Program decrease				[-15,000]						
	Excess funding for projected launch schedule								[-10,000]		
35	DEFENSE SATELLITE COMM SYSTEM		6,613		6,613		6,613				6,613

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
36	TITAN SPACE BOOSTERS(SPACE)		74,290		47,290		46,590		-25,000		49,290
	Titan excess funds						[-27,700]		[-25,000]		
	Titan excess funds (H. Amdt)				[-27,000]						
37	EVOLVED EXPENDABLE LAUNCH VEH	3	610,997	3	510,997	3	510,997		-100,000	3	510,997
	EELV launch delay				[-100,000]		[-100,000]		[-100,000]		
38	MEDIUM LAUNCH VEHICLE(SPACE)		102,872		102,872		97,872		-20,000		82,872
	MLV excess rate growth						[-5,000]		[-20,000]		
	Special Programs										
39	CANCELLED ACCOUNT										
40	DEFENSE SPACE RECONN PROGRAM		332,388		332,388		332,388				332,388
41	SPECIAL PROGRAMS	[ ]	[ ]								
42	SPECIAL ACTIVITIES	[ ]	[ ]								
43	CLASSIFIED PROGRAMS	[ ]	[ ]								
44	SPECIAL UPDATE PROGRAMS		130,809		130,809		130,809				130,809
999	CLASSIFIED PROGRAMS		1,673,047		1,673,047		1,673,047				1,673,047
	Total - Missile Procurement, Air Force		**4,718,313**		**4,611,313**		**4,635,613**		**-169,800**		**4,548,513**

Other Procurement, Air Force Overview

The budget request for fiscal year 2005 included an authorization of $13,283.6 million in Other Procurement, Air Force for the Department of Defense.

The House bill would authorize $13,229.3 million.

The Senate amendment would authorize $13,298.3 million.

The conferees recommend an authorization of $12,949.3 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Other Procurement, Air Force										
	Vehicular Equipment										
	Passenger Carrying Vehicles										
1	SEDAN, 4 DR 4X2										
2	STATION WAGON, 4X2										
3	BUSES										
4	AMBULANCES										
5	LAW ENFORCEMENT VEHICLE										
6	ARMORED VEHICLE	1	250	1	250	1	250			1	250
7	PASSENGER CARRYING VEHICLE	284	11,873	284	11,873	284	11,873			284	11,873
	Cargo and Utility Vehicles										
8	TRUCK, STAKE/PLATFORM		8,342		8,342		8,342				8,342
9	TRUCK, CARGO-UTILITY, 3/4T, 4		13,415		13,415		13,415				13,415
10	TRUCK, CARGO-UTILITY, 3/4T, 4		7,855		7,855		7,855				7,855
11	TRUCK MAINT/UTILITY/DELIVERY		9,062		9,062		9,062				9,062
12	TRUCK CARRYALL		4,166		4,166		4,166				4,166
13	FAMILY MEDIUM TACTICAL VEHICLE		15,332		15,332		15,332				15,332
14	HIGH MOBILITY VEHICLE (MYP)		7,555		7,555		7,555				7,555
15	TRUCK TRACTOR, OVER 5T		14,086		14,086		14,086				14,086
16	CAP VEHICLES		802		802		802				802
17	ITEMS LESS THAN $5,000,000		24,734		24,734		24,734				24,734
	Special Purpose Vehicles										
18	TRUCK, TANK, 1200 GAL		5,775		5,775		5,775				5,775
19	TRUCK TANK FUEL R-11		14,642		14,642		14,642				14,642
20	HMMWV, ARMORED		2,301		2,301		2,301				2,301
21	TRUCK, REFUSE		549		549		549				549
22	HMWWV, UP-ARMORED		6,953		6,953		6,953				6,953
23	TRACTOR, A/C TOW, MB-2										

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
24	TRACTOR, A/C TOW, MB-4		11,127		11,127		11,127				11,127
25	TRACTOR, TOW, FLIGHTLINE		6,820		6,820		6,820				6,820
26	TRUCK HYDRANT FUEL		45		45		45				45
27	ITEMS LESS THAN $5,000,000		38,839		38,839		38,839				38,839
	Fire Fighting Equipment										
28	TRUCK CRASH P-19		16,158		16,158		16,158				16,158
29	ITEMS LESS THAN $5,000,000		8,372		8,372		8,372				8,372
	Materials Handling Equipment										
30	TRUCK, F/L 6000 LB		7,408		7,408		7,408				7,408
31	TRUCK, F/L 10,000 LB		18,588		18,588		18,588				18,588
32	TUNNER LOADER										
33	HALVERSEN LOADER						6,400		6,400		6,400
	Halvorsen loaders						[6,400]		[6,400]		
34	ITEMS LESS THAN $5,000,000		18,184		18,184		18,184		-6,000		12,184
	Execution								[-6,000]		
	Base Maintenance Support										
35	LOADER, SCOOP		9,414		9,414		9,414				9,414
36	LOADER, SCOOP, W/BACKHOE		4,202		4,202		4,202				4,202
37	TRUCK, DUMP		10,609		10,609		10,609				10,609
38	RUNWAY SNOW REMOVAL & CLEANING		22,589		22,589		22,589				22,589
39	CRANE, 7-50 TON		5,827		5,827		5,827				5,827
40	MODIFICATIONS		4,474		4,474		4,474				4,474
41	ITEMS LESS THAN $5,000,000		34,013		34,013		34,013				34,013
	Cancelled Account Adjustment										
42	CANCELLED ACCOUNT ADJUSTMENT										
43	JUDGEMENT FUND										

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Electronics and Telecommunications										
	Comm Security Equipment (COMSEC)										
44	COMSEC EQUIPMENT		46,867		46,867		46,867				46,867
	KIV-7M - unjustified request										
45	MODIFICATIONS (COMSEC)		462		462		462				462
	Intelligence Programs										
46	INTELLIGENCE TRAINING EQUIPMENT		2,902		2,902		2,902				2,902
47	INTELLIGENCE COMM EQUIP		1,695		1,695		1,695				1,695
	Electronics Programs										
48	AIR TRAFFIC CTRL/LAND SYS (AT		2,949		2,949		2,949				2,949
49	NATIONAL AIRSPACE SYSTEM		44,354		44,354		44,354				44,354
50	THEATER AIR CONTROL SYS IMPRO		67,471		67,471		67,471		-15,800		51,671
	BCS-M Block 20 upgrades								[-15,800]		
51	WEATHER OBSERVE/FORECAST		32,366		32,366		32,366		-4,130		28,236
	Digital Ionospheric Sounder System								[-4,130]		
52	STRATEGIC COMMAND AND CONTROL		49,300		49,300		49,300				49,300
53	CHEYENNE MOUNTAIN COMPLEX		17,672		17,672		17,672				17,672
54	TAC SIGINT SUPPORT		386		386		386				386
55	DRUG INTERDICTION PROGRAM		404		404		404				404
	Special Comm-Electronics Projects										
56	GENERAL INFORMATION TECHNOLOGY		99,862		114,862		99,862		6,400		106,262
	Science and Engineering Lab Data Integration				[8,000]				[4,900]		
	Eagle Scout				[7,000]				[1,500]		
57	AF GLOBAL COMMAND & CONTROL S		17,324		17,324		17,324				17,324
58	MOBILITY COMMAND AND CONTROL		8,982		8,982		8,982				8,982
59	AIR FORCE PHYSICAL SECURITY S		93,750		93,750		93,750				93,750

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
60	COMBAT TRAINING RANGES		38,142		43,142		38,142		-19,700		18,442
	Joint Threat Emitter				[5,000]						
	Joint Simulator Upgrades								[-19,700]		
61	MINIMUM ESSENTIAL EMERGENCY C										
62	C3 COUNTERMEASURES		11,812		11,812		11,812				11,812
63	GCSS-AF FOS		18,614		18,614		18,614				18,614
64	THEATER BATTLE MGT C2 SYS		44,669		44,669		44,669				44,669
65	AIR OPERATIONS CENTER (AOC)		43,269		43,269		43,269				43,269
	Air Force Communications										
66	BASE INFORMATION INFRASTRUCTURE		423,972		357,372		423,972		-60,000		363,972
	Combat Information Transport System				[-60,000]				[-60,000]		
	Joint Network Management System				[-6,600]						
67	USCENTCOM		30,430		30,430		30,430				30,430
68	DEFENSE MESSAGE SYSTEM (DMS)		8,297		8,297		8,297				8,297
	DISA Programs										
69	SPACE BASED IR SENSOR PROG SP										
70	NAVSTAR GPS SPACE		10,272		10,272		10,272				10,272
71	NUDET DETECTION SYS (NDS) SPA		7,554		7,554		7,554				7,554
72	AF SATELLITE CONTROL NETWORK		43,882		43,882		43,882				43,882
73	SPACELIFT RANGE SYSTEM SPACE		101,458		101,458		101,458				101,458
74	MILSATCOM SPACE		19,176		19,176		19,176		-4,100		15,076
	GBS receive suites								[-4,100]		
75	SPACE MODS SPACE		16,346		16,346		16,346				16,346
	Organization and Base										
76	TACTICAL C-E EQUIPMENT		141,883		141,883		141,883				141,883
77	COMBAT SURVIVOR EVADER LOCATE		13,936		13,936		13,936				13,936
78	RADIO EQUIPMENT		8,777		8,777		8,777				8,777
79	TV EQUIPMENT (AFRTV)		5,112		5,112		5,112				5,112

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
80	CCTV/AUDIOVISUAL EQUIPMENT		3,271		3,271		3,271				3,271
81	BASE COMM INFRASTRUCTURE		118,935		118,935		118,935				118,935
82	ITEMS LESS THAN $5,000,000		5,948		5,948		5,948				5,948
	Modifications										
83	COMM ELECT MODS		23,400		23,400		23,400				23,400
	Other Base Maintenance and Support Equipment										
	Test Equipment										
84	BASE/ALC CALIBRATION PACKAGE		15,306		15,306		15,306				15,306
85	PRIMARY STANDARDS LABORATORY		1,107		1,107		1,107				1,107
86	ITEMS LESS THAN $5,000,000		7,607		7,607		7,607				7,607
	Personal Safety and Rescue Equipment										
87	NIGHT VISION GOGGLES		17,349		17,349		17,349				17,349
88	ITEMS LESS THAN $5,000,000		12,997		17,797		25,797		5,700		18,697
	ACES II ejection seat leg restraint kits						[6,000]		[2,600]		
	Aircrew survival radio test sets						[4,000]				
	Fixed aircrew standardized seats				[4,800]		[2,800]		[3,100]		
	Depot Plant and Material Handling Equipment										
89	MECHANIZED MATERIAL HANDLING		16,155		32,155		22,155		6,000		22,155
	Point of Maintenance Initiative				[16,000]		[6,000]		[6,000]		
90	ITEMS LESS THAN $5,000,000		6,503		6,503		6,503				6,503
	Electrical Equipment										
91	FLOODLIGHTS		5,882		5,882		5,882				5,882
92	ITEMS LESS THAN $5,000,000		9,876		9,876		9,876				9,876
	Base Support Equipment										
93	BASE PROCURED EQUIPMENT		8,401		8,401		11,401		3,000		11,401
	Combat Arms Training System						[3,000]		[3,000]		
94	MEDICAL/DENTAL EQUIPMENT		14,019		14,019		14,019				14,019
95	ENVIRONMENTAL PROJECTS										

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
96	AIR BASE OPERABILITY		5,432		5,432		5,432				5,432
97	PHOTOGRAPHIC EQUIPMENT		1,424		1,424		1,424				1,424
98	PRODUCTIVITY ENHANCING CAPITA		5,475		5,475		5,475				5,475
99	MOBILITY EQUIPMENT		320,116		320,116		320,116		-52,000		268,116
	Program Growth								[-52,000]		
100	AIR CONDITIONERS		1,452		1,452		1,452				1,452
101	ITEMS LESS THAN $5,000,000		18,811		18,811		18,811				18,811
	Special Support Projects										
102	PRODUCTION ACTIVITIES	[ ]	[ ]								
103	TECH SURV COUNTERMEASURES EQ		4,034		4,034		4,034				4,034
104	DARP RC135		18,726		18,726		18,726				18,726
105	DARP, MRIGS		320,218		291,718		320,218		-200,000		120,218
	Program decrease				[-28,500]						
	DCGS - ETP SATCOM ground stations								[-190,000]		
	DCGS - accelerated fielding of DCGS								[-10,000]		
106	SELECTED ACTIVITIES	[ ]	[ ]								
107	SPECIAL UPDATE PROGRAM		224,988		224,988		224,988				224,988
108	DEFENSE SPACE RECONNAISSANCE		14,264		14,264		14,264				14,264
109	MODIFICATIONS		195		195		195				195
110	FIRST DESTINATION TRANSPORTATION		5,767		5,767		5,767				5,767
	Spares and Repair Parts										
111	SPARES AND REPAIR PARTS		41,097		41,097		41,097				41,097
112	REPLENISHMENT SPARES		297		297		297				297
999	CLASSIFIED PROGRAMS		10,195,797		10,195,797		10,195,797				10,195,797
	Financial information systems						-13,500				
	Total - Other Procurement, Air Force		**13,283,557**		**13,229,257**		**13,298,257**		**-334,230**		**12,949,327**

Procurement, Defense-Wide Overview

The budget request for fiscal year 2005 included an authorization of $2,883.3 million in Procurement, Defense-wide for the Department of Defense.

The House bill would authorize $2,950.7 million.

The Senate amendment would authorize $2,967.4 million.

The conferees recommend an authorization of $2,846.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Procurement, Defense-Wide										
	Major Equipment										
	Major Equipment, OSD/WHS										
1	WHS MOTOR VEHICLES	1	40	1	40	1	40			1	40
2	PROCUREMENT DEFENSE WIDE		125,320		95,020		125,320		-30,248		95,072
	Strategic planning and budget domain architecture support				[-30,300]				[-30,248]		
3	MAJOR EQUIPMENT, WHS		23,324		14,724		23,324				23,324
	Horizontal Fusion				[-2,000]						
	OSD IT Programs				[-6,600]						
	Major Equipment, NSA										
4	CONSOLIDATED CRYPTOLOGIC PROGRAM	[ ]	[ ]								
5	INFORMATION SYSTEMS SECURITY PROGRAM (I		10,487		10,487		10,487				10,487
6	DEFENSE AIRBORNE RECONNAISSANCE PGM	[ ]	[ ]								
7	DEFENSE INTELLIGENCE COUNTERDRUG PROGF	[ ]	[ ]								
	Major Equipment, DISA										
8	ADNET										
9	INFORMATION SYSTEMS SECURITY		44,827		44,827		44,827				44,827
10	CONTINUITY OF OPERATIONS										
11	DEFENSE MESSAGE SYSTEM		4,261		4,261		4,261				4,261
12	GLOBAL COMMAND AND CONTROL SYS		5,187		5,187		5,187				5,187
13	GLOBAL COMBAT SUPPORT SYSTEM		2,639		2,639		2,639				2,639
14	TELEPORTS		42,710		42,710		42,710				42,710
15	GLOBAL INFORMATION GRID										
16	ITEMS LESS THAN $5 MILLION		38,217		38,217		38,217				38,217
	Major Equipment, DIA										
17	INTELLIGENCE AND COMMUNICATIONS	[ ]	[ ]								

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
18	INTELLIGENCE PLANNING AND REVIEW ACTIVI	[ ]	[ ]								
19	INTEL SUPPORT TO OSD COUNTER-NARCOTICS	[ ]	[ ]								
20	MOBILE SURVEY GROUP	[ ]	[ ]								
21	DEFENSE HUMINT INTELLIGENCE (HUMINT) PRC	[ ]	[ ]								
	Major Equipment, DLA										
22	MAJOR EQUIPMENT		7,874		7,874		7,874				7,874
	Major Equipment, DCAA										
23	ITEMS LESS THAN $5 MILLION		1,496		1,496		1,496				1,496
	Major Equipment, TJS										
24	MAJOR EQUIPMENT, TJS		47,633		47,633		47,633				47,633
	Missile Defense Agency										
25	PATRIOT PAC-3										
	Major Equipment, DHRA										
26	PERSONNEL ADMINISTRATION		7,187		7,187		7,187				7,187
	National Geospacial Intelligence Agency										
27	MAJOR EQUIPMENT, NGA	[ ]	[ ]								
	Defense Threat Reduction Agency										
28	VEHICLES		80		80		80				80
29	OTHER MAJOR EQUIPMENT		23,772		23,772		23,772				23,772
	Defense Security Cooperation Agency										
30	OTHER MAJOR EQUIPMENT										
	Major Equipment, AFIS										
31	MAJOR EQUIPMENT, AFIS		6,977		6,977		6,977				6,977
	Major Equipment, DODDE										
32	AUTOMATION/EDUCATIONAL SUPPORT & LOGIS		2,965		2,965		2,965				2,965
	Major Equipment, DCMA										
33	MAJOR EQUIPMENT		18,945		9,945		18,945				18,945
	Standard Procurement System				[-9,000]						

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Major Equipment, DTSA										
34	MAJOR EQUIPMENT		628		628		628				628
	Major Equipment, CIFA										
35	TSCM EQUIPMENT	[ ]	[ ]								
	Major Equipment, NDU										
36	NATIONAL DEFENSE UNIVERSITY		348		348		348				348
	Special Operations Command										
	Aviation Programs										
37	ROTARY WING UPGRADES AND SUSTAINMENT		447,272		454,272		454,272		-6,000		441,272
	MH-47E/D IR suppression				[7,000]		[7,000]		[6,000]		
	NRE and publications								[-5,000]		
	Flight test and installation								[-7,000]		
38	SOF TRAINING SYSTEMS		49,192		49,192		49,192				49,192
39	MC-130H, COMBAT TALON II		82,079		82,079		82,079				82,079
40	CV-22 SOF MOD	3	126,083	3	126,083	3	126,083			3	126,083
41	AC-130U GUNSHIP ACQUISITION		10,243		10,243		10,243				10,243
42	C-130 MODIFICATIONS		110,666		110,666		110,666		-29,100		81,566
	Low band jammer								[-13,900]		
	Towed decoy								[-15,200]		
43	AIRCRAFT SUPPORT		387		387		387				387
	Shipbuilding										
44	ADVANCED SEAL DELIVERY SYSTEM (ASDS)		29,262		29,262		29,262				29,262
44	LESS: ADVANCE PROCUREMENT (PY)		-23,398		-23,398		-23,398				-23,398
45	ADVANCE PROCUREMENT (CY)		34,921		34,921		34,921		-34,921		
	Program restructure								[-34,921]		
46	MK8 MOD1 SEAL DELIVERY VEHICLE		1,768		1,768		1,768				1,768
	Ammunition Programs										
47	SOF ORDNANCE REPLENISHMENT		34,380		34,380		34,380				34,380

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
48	SOF ORDNANCE ACQUISITION		12,166		12,166		12,166		-500		11,666
	SLAM								[-500]		
	Other Procurement Programs										
49	COMMUNICATIONS EQUIPMENT AND ELECTRON		38,434		38,434		42,434		3,000		41,434
	Automatic equipment ID						[4,000]		[3,000]		
50	SOF INTELLIGENCE SYSTEMS		16,946		31,446		24,246		2,600		19,546
	Joint threat warning system				[14,500]		[7,300]		[2,600]		
51	SMALL ARMS AND WEAPONS		8,221		20,221		33,221		19,000		27,221
	AN/PVS 15 Goggles				[12,000]		[5,000]		[2,000]		
	UAV systems						[10,000]		[10,000]		
	MK-47 ALGL						[10,000]		[7,000]		
52	CLASSIFIED PROGRAMS	[ ]	[ ]								
53	CLASSIFIED PROGRAM GDIP	[ ]	[ ]								
54	MARITIME EQUIPMENT MODIFICATIONS		1,796		1,796		1,796				1,796
55	SPECIAL APPLICATIONS FOR CONTINGENCIES		16,184		16,184		16,184				16,184
56	SOF COMBATANT CRAFT SYSTEMS		7,297		7,297		7,297				7,297
57	SPARES AND REPAIR PARTS		8,369		8,369		8,369				8,369
58	SPECIAL PROGRAM	[ ]	[ ]								
59	TACTICAL VEHICLES		493		493		1,493		1,000		1,493
	Militarized lightweight tactical all terrain vehicles (LTATV)						[1,000]		[1,000]		
60	SOF MARITIME EQUIPMENT		3,449		3,449		3,449				3,449
61	DRUG INTERDICTION										
62	MISCELLANEOUS EQUIPMENT		16,830		16,830		16,830				16,830
63	SOF PLANNING AND REHEARSAL SYSTEM		192		192		192				192
64	SOF OPERATIONAL ENHANCEMENTS		233,632		233,632		238,632		1,000		234,632
	Tactical computer system						[5,000]		[1,000]		
65	PSYOP EQUIPMENT		18,388		18,388		18,388				18,388

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	Chemical/Biological Defense										
	CBDP										
66	INSTALLATION FORCE PROTECTION		104,935		104,935		104,935				104,935
67	INDIVIDUAL PROTECTION		131,926		153,426		132,426		1,000		132,926
	M45 Protective Mask				[3,000]		[500]		[500]		
	M40 Protective Mask (Rebuild)				[5,000]						
	M45 Protective Mask (Rebuild)				[500]						
	M40 Protective Mask				[2,000]				[500]		
	Aircrew CBD Respirator				[11,000]						
68	DECONTAMINATION		11,284		22,284		17,284				11,284
	M291/M295 decon kits						[6,000]				
	M12A1 Decontamination Apparatus (Rework)				[3,000]						
	M49 Fixed Installation Filters				[1,000]						
	M100 Sorbent Decontamination Kit				[2,000]						
	M291 Skin Protection Kit				[3,000]						
	M295 Equipment Decontamination Kit				[2,000]						
69	JOINT BIOLOGICAL DEFENSE PROGRAM		101,097		101,097		101,097				101,097
70	COLLECTIVE PROTECTION		18,394		37,394		29,394		17,750		36,144
	M49/M98 fixed installation filter						[1,000]				
	Chem-bio protective shelter						[10,000]		[3,500]		
	Protective Shelters				[19,000]				[14,250]		

Title I - Procurement

(Dollars in Thousands)

		FY 2005 Request		House Authorized		Senate Authorized		Conference Agreement Change		Conference Agreement Authorized	
Line	Program Title	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
71	CONTAMINATION AVOIDANCE		270,105		290,105		296,305		18,700		288,805
	M22 ACADA				[20,000]		[8,000]		[10,500]		
	JCAD Cancellation								[-10,000]		
	WMD-CST equipment						[18,200]		[18,200]		
999	CLASSIFIED PROGRAMS		545,392		555,692		545,392				545,392
	Program increase				[10,300]						
	Financial information systems						-8,900				
	Total - Procurement, Defense-Wide		**2,883,302**		**2,950,702**		**2,967,402**		**-36,719**		**2,846,583**

Title I - Procurement

(Dollars in Thousands)

Line	Program Title	FY 2005 Request Qty	FY 2005 Request Cost	House Authorized Qty	House Authorized Cost	Senate Authorized Qty	Senate Authorized Cost	Conference Agreement Change Qty	Conference Agreement Change Cost	Conference Agreement Authorized Qty	Conference Agreement Authorized Cost
	National Guard & Reserve Equipment										
	Reserve Equipment										
	ARMY RESERVE										
1	MISCELLANEOUS EQUIPMENT										
	NAVY RESERVE										
2	MISCELLANEOUS EQUIPMENT										
	MARINE CORPS RESERVE										
3	MISCELLANEOUS EQUIPMENT										
	AIR FORCE RESERVE										
4	MISCELLANEOUS EQUIPMENT										
	National Guard Equipment										
	ARMY NATIONAL GUARD										
5	MISCELLANEOUS EQUIPMENT										
	AIR NATIONAL GUARD										
6	MISCELLANEOUS EQUIPMENT										
	Total - National Guard & Reserve Equipment										
	Defense Production Act Purchases										
1	DEFENSE PRODUCTION ACT PURCHASES										
	Total - Defense Production Act Purchases										
	TOTAL PROCUREMENT		**74,653,301**		**76,278,717**		**76,467,066**		**-470,344**		**74,182,957**

ITEMS OF SPECIAL INTEREST

Joint surveillance and target attack radar system re-engining

The conference report accompanying the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) included a requirement for the Secretary of Defense to submit a report to the congressional defense committees by February 13, 2004, that provides an economic analysis of options for maintaining engines for the E–8C joint surveillance and target attack radar system (JSTARS) aircraft. In the Senate report accompanying S. 2400 (S. Rept. 108–260), the committee noted that although the required report had not yet been received from the Department of Defense, the committee encouraged the Air Force to take into account the recommendations of the report when deciding what to do with the JSTARS fleet.

The congressional defense committees received the required report on July 8, 2004. The report states that there are both economic and operational advantages to acquiring new engines for the JSTARS aircraft, but the letter accompanying the report states that the Department's preferred solution is to maintain the current engines while carefully considering the need for JSTARS re-engining in the fiscal year 2006 budget request. Since the current engines have significant operational shortfalls and since maintaining the current engines would be more costly in terms of total life cycle costs than any option that would acquire new engines, the conferees encourage the Secretary to reevaluate the decision to maintain the current engines in the JSTARS fleet of aircraft.

Halvorsen loaders

The conferees are aware that as a result of the global war on terrorism, the Air Force has been required to significantly expand its expeditionary logistics capability. The conferees note Halvorsen 25K loaders play a significant role in material handling and are currently in use around the world, including Iraq and Afghanistan.

The Commander, U.S. Transportation Command (USTRANSCOM) has a stated mobility requirement for 618 Halvorsen 25K loaders, of which 316 have been acquired between the fiscal years 2000–2004. Given the high operational tempo in air mobility missions and heavy use of the Air Force's mobility and material handling equipment (MHE) fleet, the Congress increased funding for this program in fiscal year 2004 and fiscal year 2005 to help meet the requirements for USTRANSCOM.

The conferees encourage the Air Force to continue its effort to modernize its MHE to include planning and funding for the Halvorsen 25K loader program.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (sec. 101–104)

The House bill contained provisions (sec. 101–104) that would authorize the recommended fiscal year 2005 funding levels for procurement Army, Navy, Marine Corps, Air Force, and Defense-wide activities.

The Senate amendment contained similar provisions (secs. 101–104).

The conference agreement includes these provisions.

Subtitle B—Army Programs

Multiyear procurement authority for the lightweight 155-millimeter howitzer program (sec. 111)

The House bill contained a provision (sec. 111) that would permit the Secretary of the Army and the Secretary of the Navy to enter into a joint service, multiyear contract for procurement of the lightweight 155 millimeter howitzer.

The Senate amendment contained a provision (sec. 122) that would authorize the Secretary of the Navy to enter into a multiyear contract for procurement of the lightweight 155 millimeter howitzer.

The Senate recedes.

Light utility helicopter program (sec. 112)

The Senate amendment contained a provision (sec. 111) that would preclude authorization of appropriations for the procurement of light utility helicopters until the Secretary of the Army provides a report to the congressional defense committees. The report will include: (1) The Secretary's certification that all required documentation for the acquisition of light utility helicopters has been completed and approved; (2) an updated Army Aviation modernization plan that contains detailed justification and information which affected the decision to terminate the Comanche helicopter program; and (3) a summary and copy of the results of the analysis of alternatives that the Secretary considered in the determination to procure light utility helicopters, including the analysis of alternatives of using light armed reconnaissance helicopters and UH–60 Black Hawk helicopters instead of light utility helicopters.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle C—Navy Programs

DDG–51 modernization program (sec. 121)

The House bill contained a provision (sec. 112) that would require the Secretary of the Navy to accelerate the modernization program for the DDG–51 *Arleigh Burke*-class of destroyers. The provision would also require the Secretary to place emphasis in this program on determining a means by which the crew size on this class of ships could be reduced from approximately 300 to about 200. The provision would also require the Secretary to submit a report to the congressional defense committees by March 31, 2005, on the steps taken in this program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify the reporting requirement so that the report would include the elements of the modernization program, and specify those elements of the program that are expected to contribute to the goal of reducing the crew size on this class of ships by one-third and explain the basis for those expectations.

Repeal of authority for pilot program for flexible funding of cruiser conversions and overhauls (sec. 122)

The House bill contained a provision (sec. 113) that would repeal section 126 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1410, U.S.C. 7291 note).

The Senate amendment contained no similar provision.

The Senate recedes.

LHA(R) amphibious assault ship program (sec. 123)

The Senate amendment contained a provision (sec. 121) that would authorize the Secretary of the Navy to procure the first amphibious ship of the LHA(R) class. It would also authorize $150.0 million of shipbuilding and conversion funds, and authorize the Secretary of the Navy to enter into a contract or contracts for the advance procurement and advance construction of components for this ship with these funds.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Air Force Programs

Prohibition of retirement of KC–135E aircraft (sec. 131)

The Senate amendment contained a provision (sec. 131) that would prohibit the Secretary of the Air Force from retiring any KC–135E aerial refueling aircraft in fiscal year 2005.

The House bill contained no similar provision.

The House recedes.

Prohibition of retirement of F–117 aircraft (sec. 132)

The Senate amendment contained a provision (sec. 132) that would prohibit any F–117 aircraft in use by the Air Force in fiscal year 2004 from being retired in fiscal year 2005.

The House bill contained no similar provision.

The House recedes.

Aerial refueling aircraft acquisition program (sec. 133)

The House bill contained a provision (sec. 116) that would authorize the Secretary of the Air Force to enter into a multiyear procurement contract for 80 tanker aerial refueling aircraft beginning in fiscal year 2005, for a period of up to eight years. The provision would also repeal section subsection (b) of 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136). The provision would prohibit this multiyear procurement from being executed under the authority of either section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–36) or section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to: (1) provide that no tanker aircraft can be leased under the multiyear aircraft lease pilot program previously established under section 8159 of the Department of Defense Appropriation Act for Fiscal Year 2002; (2) authorize a multiyear procurement of up to 100 aerial refueling aircraft, for a period not to exceed ten program years; (3) prohibit the use of incremental funding for the multiyear contract; and (4) remove reference to leasing of aircraft throughout the provision.

Subtitle E—Other Matters

Development of deployable systems to include consideration of force protection in asymmetric threat environment (sec. 141)

The House Bill contained a provision (sec. 114) that would require that all manned ground systems, warfighter survivability systems, and certain manned airborne systems be assessed annually for adequacy in survivability and suitability against asymmetrical threats. The provision also requires the secretary of each military department to implement force protection and survivability enhancements for all assessed systems. Finally, the provision requires that the Secretary of Defense ensure that developmental military system designs account for survivability and suitability against asymmetrical threats.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to revise defense regulations, directives, and guidance to account for survivability and suitability against asymmetric threats in developing any manned system and any equipment intended to enhance personnel survivability.

Allocation of equipment authorized by this title to units deployed, or to be deployed to Operation Iraqi Freedom or Operation Enduring Freedom (sec. 142)

The House bill contained a provision (sec. 115) that would require the Secretary of Defense to give priority to those operational units that are deployed to, or preparing to deploy to, Operation Iraqi Freedom or Operation Enduring Freedom, regardless of the status of those units as Active, Guard, or Reserve component units, when allocating equipment acquired using funds authorized to be appropriated by the National Defense Authorization Act for Fiscal Year 2005.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to ensure that the allocation of equipment acquired using funds authorized to be appropriated by this title to operational units deployed, or scheduled to be deployed, to Operation Iraqi Freedom or Operation Enduring Freedom is made without regard to the status of the units as Active, Guard, or Reserve component.

Report on options for acquisition of precision-guided munitions (sec. 143)

The Senate amendment contained a provision (sec. 141) that would require the Secretary of Defense to provide a report on options for the acquisition of precision-guided weapons at various production rates, to include the cost for these options.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require the report to identify the required costs for each precision-guided munition at the various production rates for each year in the future-years defense program.

LEGISLATIVE PROVISIONS NOT ADOPTED

Up-armored high mobility multi-purpose wheeled vehicles or wheeled vehicle ballistic add-on armor protection

The Senate amendment contained a provision (sec. 112) that would authorize an increase of $610.0 million in Other Procurement, Army (OPA), for the procurement of additional up-armored high mobility multi-purpose wheeled vehicles at a rate up to 450 per month or wheeled vehicle ballistic add-on armor protection, the amount of which to be determined and reported by the Secretary of the Army.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $572.0 million in OPA for the procurement of additional up-armored high mobility multi-purpose wheeled vehicles at a rate up to 450 per month, and an increase of $100.0 million for wheeled vehicle ballistic add-on armor protection.

Command and control vehicles or field artillery ammunition support vehicles

The Senate amendment contained a provision (sec. 113) that would authorize an increase of $5.0 million in Weapons and Tracked Combat Vehicles, Army, for the procurement of new production command and control vehicles or field artillery ammunition support vehicles.

The House bill contained no similar provision.

The Senate recedes.

Other matters relating to KC–767 tanker aircraft acquisition program

The House bill contained a provision (sec. 117) that would express a Sense of Congress about the criticality of the aerial refueling mission, the need to proceed with a program to replace the current fleet of aerial refueling aircraft, taking advantage of the U.S. commercial aircraft production base, and encouraging the investigation and prosecution of anyone suspected of improper or illegal activities. The provision would also require the Secretary of the Air Force to enter into one or more contracts for the multi-year tanker program no later than March 1, 2005. The provision would also require a review by an outside panel of any proposed contract for the multi-year tanker program, and required a report of this review be provided to the Secretary of the Air Force and the congressional defense committees.

The Senate amendment contained no similar provision.

The House recedes.

Additional amount for Patriot missile procurement

The House bill contained a provision (sec. 118) that would increase funds available for procurement of Patriot missiles by $90.0 million and offset the increase with reductions to several other accounts.

The Senate amendment contained no similar provision.

The House recedes.

Transfer of certain Army procurement funds

The House bill contained a provision (sec. 119) that would authorize an increase of $2.0 million for the Aircraft Wireless Intercom System and $2.0 million for bladefold kits for Apache helicopters, in Aircraft Procurement, Army, offset by a commensurate amount from funds for information systems in Other Procurement, Army.

The Senate amendment contained no similar provision.

The House recedes.

Pilot program for flexible funding of submarine engineered refueling overhaul and conversion

The Senate amendment contained a provision (sec. 123) that would authorize the Secretary of the Navy to carry out a pilot program of flexible funding of engineered refueling overhauls (EROs) and conversions of submarines. The provision would allow the transfer of authorization of appropriations to provide flexibility in the accomplishment of these EROs, and set certain limitations on these transfers.

The House bill contained no similar provision.

The Senate recedes.

Senior Scout mission bed-down initiative

The Senate amendment contained a provision (sec. 133) that would authorize an increase of $2.0 million in Aircraft Procurement, Air Force for a bed-down initiative to enable the C–130 aircraft of the Idaho Air National Guard to be the permanent carrier of the Senior Scout mission shelters of the 169th Intelligence Squadron of the Utah Air National Guard.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $1.4 million in Aircraft Procurement, Air Force for the bed-down initiative.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Research, Development, Test and Evaluation Overview

The budget request for fiscal year 2005 included an authorization of $67,772.3 million in Research and Development for the Department of Defense.

The House bill would authorize $68,090.4 million.

The Senate amendment would authorize $68,608.7 million.

The conferees recommend an authorization of $66,497.8 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2005

(Dollars in Thousands)

Title II -- RESEARCH, DEVELOPMENT, TEST & EVALUATION	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Research, Development, Test & Evaluation, Army	9,266,258	9,478,164	9,690,458	40,990	9,307,248
Research, Development, Test & Evaluation, Navy	16,346,391	16,052,841	16,690,391	-145,800	16,200,591
Research, Development, Test & Evaluation, Air Force	21,114,667	21,532,967	21,264,267	-681,734	20,432,933
Research, Development, Test & Evaluation, Defense-wide	20,739,837	20,721,254	20,654,437	-486,986	20,252,851
Operational Test & Evaluation	305,135	305,135	309,135	-1,000	304,135
TOTAL RDT&E	67,772,288	68,090,361	68,608,688	-1,274,530	66,497,758

ARMY

Research, Development, Test and Evaluation, Army Overview

The budget request for fiscal year 2005 included an authorization of $9,266.3 million in Research, Development, Test and Evaluation, Army for the Department of Defense.

The House bill would authorize $9,478.2 million.

The Senate amendment would authorize $9,690.5 million.

The conferees recommend an authorization of $9,307.2 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY					
0601101A	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	23,971	23,971	23,971		23,971
0601102A	2	DEFENSE RESEARCH SCIENCES	131,206	137,206	142,706	9,300	140,506
		Reactive surface technology			[2,000]	[1,800]	
		Flexible substrates electronics			[3,000]		
		Desert terrain prediction			[2,500]	[2,500]	
		Low temperature research			[2,000]	[2,000]	
		Advanced deployable nanosensors			[2,000]	[1,000]	
		Carbon Nano Technology		[6,000]		[2,000]	
0601103A	3	UNIVERSITY RESEARCH INITIATIVES	75,133	79,133	77,133	3,500	78,633
		Anti terrorism building and construction research			[2,000]	[1,500]	
		Smart Responsive Nanocomposites		[4,000]		[2,000]	
0601104A	4	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	77,658	80,658	83,658	6,950	84,608
		Nanocomposite materials research			[2,000]	[1,500]	
		Ferroelectric nanodevice research			[2,500]	[2,000]	
		Information assurance research			[1,500]	[1,200]	
		Centers of Excellence		[3,000]		[2,250]	
0601105A	5	FORCE HEALTH PROTECTION	9,538	9,538	9,538		9,538

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602105A	6	MATERIALS TECHNOLOGY	15,385	23,685	22,885	11,500	26,885
		Advanced materials processing			[3,000]	[3,000]	
		Affordable multi-utility materials			[2,000]	[2,000]	
		Mine detection and blast mitigation			[2,500]	[2,500]	
		Titanium Alloy Powder		[5,000]		[2,000]	
		Ultrasonic Consolidation Matrix for Metal Composites		[2,300]		[1,000]	
		Ballistic Shields Technology		[1,000]		[1,000]	
0602120A	7	SENSORS AND ELECTRONIC SURVIVABILITY	25,629	25,629	27,129	1,500	27,129
		Army small airship program			[1,500]	[1,500]	
0602122A	8	TRACTOR HIP	6,627	6,627	6,627		6,627
0602211A	9	AVIATION TECHNOLOGY	41,629	58,629	46,629	8,500	50,129
		Silver Fox			[5,000]	[5,000]	
		National Full Scale Aerodynamic Complex		[10,000]			
		Center for Rotorcraft Innovation		[5,000]		[2,500]	
		Xenon Light Source for Non Lethal Deterrence from Small UAVs		[2,000]		[1,000]	
0602270A	10	ELECTRONIC WARFARE TECHNOLOGY	18,034	18,034	18,034		18,034
0602303A	11	MISSILE TECHNOLOGY	51,993	61,993	57,993	4,200	56,193
		Hypersonic engine research			[2,000]	[2,000]	
		Air defense science and technology			[2,000]	[1,400]	
		Army flight test			[2,000]	[1,500]	
		Unmanned Systems Initiative		[10,000]		[7,000]	
		National Aerospace Initiative				[-7,700]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602307A	12	ADVANCED WEAPONS TECHNOLOGY	16,641	46,641	18,641	9,750	26,391
		Rapid target acquisition and tracking			[2,000]	[2,000]	
		Solid state lasers		[10,000]		[4,700]	
		Applied Weapons Technology		[20,000]		[3,050]	
0602308A	13	ADVANCED CONCEPTS AND SIMULATION	15,041	22,041	26,341	7,100	22,141
		Advanced modeling and simulation			[2,500]		
		Photonics research			[2,000]	[2,000]	
		Joint unmanned testing facility			[6,800]	[5,100]	
		Institute for Creative Technologies		[7,000]			
0602601A	14	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	69,638	84,638	85,138	14,850	84,488
		Advanced electric drives			[3,000]	[1,500]	
		Clean battlefield fuel research			[3,000]	[3,000]	
		Advanced energy and manufacturing technology			[3,000]	[2,200]	
		Advanced high power rechargeable stored energy technology			[2,000]	[2,000]	
		Rapid prototyping			[2,000]	[2,000]	
		Unmanned vehicle control technologies			[2,500]	[1,900]	
		Hydrogen Proton Exchange Membrane		[10,000]			
		Light Utility Vehicle		[5,000]		[2,250]	
0602618A	15	BALLISTICS TECHNOLOGY	51,301	51,301	51,301		51,301
0602622A	16	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	3,476	3,476	3,476		3,476
0602623A	17	JOINT SERVICE SMALL ARMS PROGRAM	5,739	5,739	5,739		5,739

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602624A	18	WEAPONS AND MUNITIONS TECHNOLOGY	44,666	64,666	52,666	10,650	55,316
		Micro-laminate ceramic armor			[3,000]	[3,000]	
		Active coating technology		[2,000]	[4,000]	[3,000]	
		Active coating technology (S. Amdt 3228)			[-1,000]		
		Gun recoil mitigation technologies			[2,000]	[1,000]	
		Strategic Materials Strategic Manufacturing Initiative		[6,000]		[2,250]	
		TEMPER		[12,000]		[1,400]	
0602705A	19	ELECTRONICS AND ELECTRONIC DEVICES	41,236	80,236	52,236	23,700	64,936
		Flexible display initiative		[13,500]	[8,000]	[5,600]	
		Software-defined radio research			[3,000]	[1,500]	
		Advanced Battery Technology Initiative		[20,000]		[15,600]	
		JP-8 Soldier Fuel Cell		[2,000]		[1,000]	
		Silicon Based Alternative Substrates for IR Images		[3,500]			
0602709A	20	NIGHT VISION TECHNOLOGY	22,617	27,617	22,617	2,000	24,617
		UAV Miniature Hyperspectral Coherent Imaging		[5,000]		[2,000]	
0602712A	21	COUNTERMINE SYSTEMS	20,547	22,047	24,547	5,000	25,547
		Landmine detection technology			[4,000]	[4,000]	
		Stoichemetric Explosive Detection Systems		[1,500]		[1,000]	
0602716A	22	HUMAN FACTORS ENGINEERING TECHNOLOGY	16,899	22,399	16,899	4,200	21,099
		Manpower and Personnel Integration (MANPRINT)		[5,500]		[4,200]	
0602720A	23	ENVIRONMENTAL QUALITY TECHNOLOGY	17,026	17,026	17,026		17,026
0602782A	24	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	18,604	18,604	18,604		18,604
0602783A	25	COMPUTER AND SOFTWARE TECHNOLOGY	3,982	3,982	3,982		3,982

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602784A	26	MILITARY ENGINEERING TECHNOLOGY	47,152	52,152	50,152	2,800	49,952
		Geoscience and atmospheric research			[3,000]	[1,800]	
		Modeling and Anaylsis of Response of Structures		[5,000]		[1,000]	
0602785A	27	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	15,322	15,322	15,322		15,322
0602786A	28	WARFIGHTER TECHNOLOGY	21,131	31,131	35,631	10,550	31,681
		Smart combat suits			[2,000]	[1,000]	
		Chem/bio protective garment			[2,500]	[1,250]	
		Advanced structures and composites			[3,000]	[3,000]	
		Supplemental body armor research		[10,000]	[7,000]	[5,300]	
0602787A	29	MEDICAL TECHNOLOGY	60,877	95,877	74,077	26,600	87,477
		Fibrogen bandage development			[4,500]	[3,500]	
		Post traumatic stress disorder research			[2,000]	[1,000]	
		Non-defense research reduction			[-5,000]	[-5,000]	
		Walter Reed Army Medical Center amputee research			[8,700]	[7,800]	
		Expanded anthrax research			[3,000]	[2,250]	
		Amputee R&D		[10,000]		[10,000]	
		Applied Research Initiative		[25,000]		[7,050]	
0603001A	30	WARFIGHTER ADVANCED TECHNOLOGY	68,034	68,034	70,034	-4,000	64,034
		Technology for human systems integration			[2,000]	[1,000]	
		Land Warrior/Future Force Warrior consolidation				[-5,000]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603002A	31	MEDICAL ADVANCED TECHNOLOGY	38,404	46,404	47,804	8,300	46,704
		Automatic records tracking			[2,000]	[2,000]	
		Wound decontamination			[3,000]	[1,400]	
		Electronic textiles		[3,000]	[3,000]	[2,000]	
		Digital imaging diagnosis			[1,000]	[1,000]	
		Non-defense research reduction			[-5,000]	[-5,000]	
		Elastin biomatrices			[4,000]	[4,000]	
		Leishmaniasis			[1,400]	[1,400]	
		Patient Monitor with Defibrillator		[5,000]		[1,500]	
0603003A	32	AVIATION ADVANCED TECHNOLOGY	69,549	71,549	77,549	8,000	77,549
		Unmanned tactical combat vehicle			[8,000]	[6,000]	
		VTDP Compound Helicopter Program		[2,000]		[2,000]	
0603004A	33	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,622	83,622	69,622	2,000	69,622
		Advanced penetrator munitions			[2,000]	[2,000]	
		Silicon Power Light Sandwich Technology		[1,000]			
		ALACV Air Burst Munition		[15,000]			

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603005A	34	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	203,126	225,126	239,326	31,800	234,926
		Electrochromic materials research			[4,000]	[2,000]	
		Advanced thermal management controls			[3,500]	[2,600]	
		Fastening and joining research			[2,000]	[1,500]	
		Fuel cell ground support equipment demonstration			[6,100]	[4,600]	
		Next generation non-tactical vehicle propulsion			[3,500]	[2,600]	
		Tactical vehicle design tools			[2,000]	[1,500]	
		Armored composite cab development			[4,000]	[2,500]	
		Active protection system			[3,600]		
		Lightweight Structures Initiative		[9,000]	[7,500]	[7,900]	
		UAV Weaponization		[4,000]		[1,000]	
		Advanced Composite Bridge		[9,000]		[5,600]	
0603006A	35	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	9,946	9,946	9,946		9,946
0603007A	36	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	7,288	7,288	10,288	1,000	8,288
		Coordinated training			[3,000]	[1,000]	
0603008A	37	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	41,760	58,760	48,760	14,000	55,760
		Emergency response broadband system		[4,000]	[3,000]	[2,000]	
		C4 mobile service research			[2,000]	[2,000]	
		Missile intercept test bed			[2,000]		
		Applied Communications and Information Networking		[10,000]		[10,000]	
		GalaxyVue Compression Technology		[2,000]			
		Advanced Antenna Technologies		[1,000]			
0603009A	38	TRACTOR HIKE	8,035	8,035	8,035		8,035

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603015A	39	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	18,072	18,072	23,572	5,500	23,572
		ICT/joint fires and effects training system			[2,500]	[2,500]	
		Automatic virtual environment			[3,000]	[3,000]	
0603020A	40	TRACTOR ROSE	4,736	4,736	4,736		4,736
0603103A	41	EXPLOSIVES DEMILITARIZATION TECHNOLOGY	9,706	9,706	13,706	2,900	12,606
		Missile recycling			[2,000]	[1,400]	
		Munitions demilitarization			[2,000]	[1,500]	
0603105A	42	MILITARY HIV RESEARCH	6,641	6,641	6,641		6,641
0603125A	43	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	3,383	3,383	3,383		3,383
0603238A	44	GLOBAL SURVEILLANCE/AIR DEFENSE/PRECISION STRIKE TECHNOLOGY	10,721	10,721	10,721		10,721
0603270A	45	ELECTRONIC WARFARE TECHNOLOGY	9,382	9,382	9,382		9,382
0603313A	46	MISSILE AND ROCKET ADVANCED TECHNOLOGY	92,800	92,800	100,300	5,300	98,100
		Close-in Active Protection System (CIAPS)			[7,500]	[5,300]	
0603322A	47	TRACTOR CAGE	13,312	13,312	13,312		13,312
0603606A	48	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	25,577	25,577	25,577		25,577
0603607A	49	JOINT SERVICE SMALL ARMS PROGRAM	5,968	5,968	5,968		5,968
0603654A	50	LINE-OF-SIGHT TECHNOLOGY DEMONSTRATION					
0603710A	51	NIGHT VISION ADVANCED TECHNOLOGY	50,071	61,571	54,871	10,400	60,471
		Cost Effective Targeting Systems - demo/integrate into Stryker			[4,800]	[2,400]	
		Night Vision Fusion Technology		[9,500]		[6,000]	
		Integrated Autonomous Situation Awareness Sensor		[2,000]		[2,000]	
0603728A	52	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	14,666	14,666	14,666		14,666

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Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603734A	53	MILITARY ENGINEERING ADVANCED TECHNOLOGY	3,865	3,865	10,065	6,200	10,065
		Advanced mobile microgrid			[6,200]	[6,200]	
0603772A	54	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	31,951	38,951	31,951	1,000	32,951
		Digital Army radar technology development		[7,000]		[1,000]	
0603305A	55	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE)	53,509	63,509	84,509	16,100	69,609
		C4ISR visualization			[3,000]	[1,000]	
		Integrated composite missile structure			[7,000]	[2,500]	
		Interactive modeling and simulation			[3,000]	[2,100]	
		Remote sensor monitoring technology research program			[3,000]	[2,500]	
		Mobile tactical high energy laser			[15,000]	[8,000]	
		Joint and Combined Communications Test Tool		[10,000]			
0603308A	56	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	4,871	4,871	4,871		4,871
0603327A	57	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	91,713	105,713	103,713	15,500	107,213
		Adaptive integrated fire control demo program			[2,000]		
		E-STRIKE			[10,000]	[5,000]	
		Space and Missile Defense Architecture Analysis Program		[7,000]		[5,200]	
		Geospatial Information Decision Support		[7,000]		[5,300]	
0603619A	58	LANDMINE WARFARE AND BARRIER - ADV DEV	11,634	11,634	11,634		11,634
0603627A	59	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	6,249	6,249	6,249		6,249
0603639A	60	TANK AND MEDIUM CALIBER AMMUNITION	39,697	39,697	39,697	-15,000	24,697
		Mid-range munition (MRM)				[-15,000]	
0603645A	61	ARMORED SYSTEM MODERNIZATION - ADV DEV					
0603653A	62	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	51,892	51,892	51,892		51,892

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603747A	63	SOLDIER SUPPORT AND SURVIVABILITY	13,810	13,810	13,810		13,810
0603766A	64	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV	15,441	15,441	15,441		15,441
0603774A	65	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	14,047	14,047	14,047		14,047
0603779A	66	ENVIRONMENTAL QUALITY TECHNOLOGY	9,356	11,856	13,956	3,450	12,806
		Manganese Health Research Project			[4,600]	[2,250]	
		Aberdeen Proving Ground Asbestos Conversion Facility		[2,500]		[1,200]	
0603782A	67	WARFIGHTER INFORMATION NETWORK-TACTICAL	99,645	99,645	99,645		99,645
0603790A	68	NATO RESEARCH AND DEVELOPMENT	4,801	4,801	4,801		4,801
0603801A	69	AVIATION - ADV DEV	12,113	12,113	12,113		12,113
0603802A	70	WEAPONS AND MUNITIONS - ADV DEV	2,382	2,382	4,382		2,382
		120MM mortar family advance development			[2,000]		
0603804A	71	LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV	10,485	10,485	16,485	4,500	14,985
		Mobile parts hospital - continue development			[6,000]	[4,500]	
0603805A	72	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANAL'	6,366	6,366	6,366		6,366
0603807A	73	MEDICAL SYSTEMS - ADV DEV	10,258	10,258	10,258		10,258
0603850A	74	INTEGRATED BROADCAST SERVICE (JMIP/DISTP)	4,356	4,356	4,356		4,356
0603854A	75	ARTILLERY SYSTEMS					
0603856A	76	SCAMP BLOCK II	10,221	10,221	10,221		10,221
0603869A	77	MEDIUM EXTENDED AIR DEFENSE SYSTEM (MEADS) CONCEPTS	264,527	264,527	328,705		264,527
		PAC-3/MEADS (transfer from 64865A, line 126)			[64,178]		
0604201A	78	AIRCRAFT AVIONICS	68,857	68,857	68,857		68,857
0604220A	79	ARMED, DEPLOYABLE OH-58D	20,000	20,000	20,000	-5,000	15,000
		Lack of justification				[-5,000]	

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Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604223A	80	COMANCHE					
0604270A	81	ELECTRONIC WARFARE DEVELOPMENT	16,879	16,879	16,879		16,879
0604280A	82	JOINT TACTICAL RADIO	121,400	121,400	121,400		121,400
0604321A	83	ALL SOURCE ANALYSIS SYSTEM	5,346	5,346	5,346		5,346
0604328A	84	TRACTOR CAGE	14,149	14,149	14,149		14,149
0604329A	85	COMMON MISSILE	152,381	152,381	152,381	-35,000	117,381
		Funding ahead of need				[-35,000]	
0604601A	86	INFANTRY SUPPORT WEAPONS	28,187	30,687	40,687	4,000	32,187
		XM312 .50 caliber advanced crew served weapon			[4,000]	[4,000]	
		XM-307 25mm advanced crew served weapon			[8,500]		
		Low Cost Course Correction M135 AT4		[2,500]			
0604604A	87	MEDIUM TACTICAL VEHICLES	2,854	12,554	5,854	9,700	12,554
		Medium Tactical Vehicle Development		[9,700]	[3,000]	[9,700]	
0604609A	88	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD	3,798	3,798	3,798		3,798
0604611A	89	JAVELIN	944	944	944		944
0604622A	90	FAMILY OF HEAVY TACTICAL VEHICLES	2,479	2,479	12,479	7,500	9,979
		Tactical wheeled vehicle development			[10,000]	[7,500]	
0604633A	91	AIR TRAFFIC CONTROL	2,088	2,088	2,088		2,088
0604641A	92	TACTICAL UNMANNED GROUND VEHICLE (TUGV)					
0604642A	93	LIGHT TACTICAL WHEELED VEHICLES			15,000	10,000	10,000
		HMMWV block improvement program - initiate development			[15,000]	[10,000]	
0604645A	94	ARMORED SYSTEMS MODERNIZATION (ASM)-SDD	2,700,455	1,737,401	2,700,455	-270,070	2,430,385
		Program decrease		[-963,054]		[-270,070]	

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Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
646XAA	94a	Reconnaissance and Sensors		35,300			
646XBA	94b	Unmanned Ground Vehicles		57,600			
646XCA	94c	MGVs		186,900			
646XDA	94d	UGS		15,700			
646XEA	94e	NLOS-LS		76,400			
0604647A	95	NON-LINE OF SIGHT CANNON	497,643	843,500	497,643		497,643
		Program increase		[345,857]			
0604649A	96	ENGINEER MOBILITY EQUIPMENT DEVELOPMENT					
0604710A	97	NIGHT VISION SYSTEMS - SDD	24,693	24,693	24,693		24,693
0604713A	98	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	115,093	119,293	117,593	-12,200	102,893
		Integrated battle space combat situational awareness system			[2,500]		
		Mounted Warrior Nomad C2 HUD		[4,200]		[2,800]	
		Land Warrior/Future Force Warrior consolidation				[-15,000]	
0604715A	99	NON-SYSTEM TRAINING DEVICES - SDD	51,694	51,694	51,694		51,694
0604716A	100	TERRAIN INFORMATION - SDD	3,199	3,199	3,199		3,199
0604726A	101	INTEGRATED METEOROLOGICAL SUPPORT SYSTEM	2,485	2,485	2,485		2,485
0604738A	102	JSIMS CORE PROGRAM					
0604741A	103	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE - SDD	27,376	27,376	27,376		27,376
0604742A	104	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	42,869	42,869	42,869		42,869
0604746A	105	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	4,713	4,713	7,213	1,800	6,513
		Accelerate diagnostic and expert system development			[2,500]	[1,800]	
0604760A	106	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SDD	26,985	26,985	26,985		26,985
0604766A	107	TACTICAL SURVEILLANCE SYSTEMS - SDD	21,821	21,821	21,821		21,821

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Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604768A	108	ARMY TACTICAL MISSILE SYSTEM (ATACMS)	21	21	5,021	1,800	1,821
		Viper Strike			[5,000]	[1,800]	
0604770A	109	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)					
0604778A	110	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	2,048	2,048	2,048		2,048
0604780A	111	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	23,849	23,849	23,849	-4,740	19,109
		Comanche IOT&E funding				[-4,740]	
0604783A	112	JOINT NETWORK MANAGEMENT SYSTEM	10,726	10,726	10,726		10,726
0604801A	113	AVIATION - SDD	2,378	2,378	2,378		2,378
0604802A	114	WEAPONS AND MUNITIONS - SDD	125,885	195,885	142,885	24,000	149,885
		APKWS - semi-active laser seeker production transition initiative			[7,000]	[3,500]	
		Precision guided mortar munitions - accelerate Block I			[10,000]	[8,500]	
		Common Remotely Operated Weapon System		[70,000]		[12,000]	
0604804A	115	LOGISTICS AND ENGINEER EQUIPMENT - SDD	89,151	89,151	89,151		89,151
0604805A	116	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD	219,790	219,790	219,790		219,790
0604807A	117	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT - SDD	11,727	14,227	16,227	6,300	18,027
		LSTAT		[2,500]		[1,800]	
		Leishmaniasis topical treatment (S. Amdt 3329)			[4,500]	[4,500]	
0604808A	118	LANDMINE WARFARE/BARRIER - SDD	51,045	51,045	51,045		51,045
0604814A	119	ARTILLERY MUNITIONS	133,297	138,297	133,297	2,500	135,797
		BONUS Compliance Program		[5,000]		[2,500]	
0604817A	120	COMBAT IDENTIFICATION	6,994	6,994	6,994		6,994
0604818A	121	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	68,110	68,110	68,110		68,110
0604819A	122	LOSAT	22,628	22,628	22,628		22,628

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Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604820A	123	RADAR DEVELOPMENT	6,107	6,107	6,107		6,107
0604823A	124	FIREFINDER	18,516	18,516	18,516		18,516
0604854A	125	ARTILLERY SYSTEMS	9,550	9,550	9,550		9,550
0604865A	126	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION	64,178	64,178			64,178
		PAC-3 (transfer to 63869A, line 77)			[-64,178]		
0605013A	127	INFORMATION TECHNOLOGY DEVELOPMENT	95,261	95,261	95,261		95,261
0604256A	128	THREAT SIMULATOR DEVELOPMENT	22,101	22,101	22,101		22,101
0604258A	129	TARGET SYSTEMS DEVELOPMENT	11,017	11,017	11,017		11,017
0604759A	130	MAJOR T&E INVESTMENT	57,987	57,987	57,987		57,987
0605103A	131	RAND ARROYO CENTER	20,012	20,012	20,012		20,012
0605301A	132	ARMY KWAJALEIN ATOLL	143,921	143,921	143,921		143,921
0605326A	133	CONCEPTS EXPERIMENTATION PROGRAM	22,727	22,727	22,727		22,727
0605502A	134	SMALL BUSINESS INNOVATIVE RESEARCH					
0605601A	135	ARMY TEST RANGES AND FACILITIES	181,114	181,114	181,114		181,114
0605602A	136	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	52,433	52,433	52,433		52,433
0605604A	137	SURVIVABILITY/LETHALITY ANALYSIS	44,648	44,648	44,648		44,648
0605605A	138	DOD HIGH ENERGY LASER TEST FACILITY	15,725	15,725	15,725		15,725
0605606A	139	AIRCRAFT CERTIFICATION	3,485	3,485	3,485		3,485
0605702A	140	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,711	8,711	8,711		8,711
0605706A	141	MATERIEL SYSTEMS ANALYSIS	18,000	18,000	18,000		18,000
0605709A	142	EXPLOITATION OF FOREIGN ITEMS	4,740	4,740	4,740		4,740
0605712A	143	SUPPORT OF OPERATIONAL TESTING	71,239	71,239	71,239		71,239
0605716A	144	ARMY EVALUATION CENTER	62,209	62,209	62,209		62,209

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0605718A	145	SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART)	1,935	1,935	1,935		1,935
0605801A	146	PROGRAMWIDE ACTIVITIES	59,368	59,368	59,368		59,368
0605803A	147	TECHNICAL INFORMATION ACTIVITIES	27,713	27,713	30,713	1,500	29,213
		Supercomputing research			[3,000]	[1,500]	
0605805A	148	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	14,611	17,111	15,111	3,000	17,611
		Battle effects simulator			[500]	[500]	
		MEMS/IMU Technology		[2,500]		[2,500]	
0605857A	149	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,527	4,527	4,527		4,527
0605898A	150	MANAGEMENT HQ - R&D	11,575	11,575	11,575		11,575
0909999A	151	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS					
0102419A	152	JOINT LAND ATTACK CRUISE MISSILES DEFENSE (JLENS)	81,514	84,514	81,514		81,514
		Aerostat Joint Program Office		[3,000]			
0203610A	153	DOMESTIC PREPAREDNESS AGAINST WMD					
0203726A	154	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	17,994	17,994	17,994		17,994
0203735A	155	COMBAT VEHICLE IMPROVEMENT PROGRAMS	15,952	20,952	15,952	2,000	17,952
		Combat Vehicle Electronics		[5,000]		[2,000]	
0203740A	156	MANEUVER CONTROL SYSTEM	24,753	24,753	24,753		24,753
0203744A	157	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	242,853	242,853	242,853	-20,000	222,853
		Contract award delay				[-20,000]	
0203752A	158	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	2,427	5,927	12,427	5,000	7,427
		Full Authority Control (FADEC) for armed reconnaissance Helicopters			[10,000]	[5,000]	
		Electronic Flight Planning		[3,500]			
0203758A	159	DIGITIZATION	24,506	24,506	24,506		24,506

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Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0203759A	160	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)	23,510	23,510	23,510		23,510
0203801A	161	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	31,690	31,690	36,690	2,000	33,690
		Advanced composite radome			[5,000]	[2,000]	
0203802A	162	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	4,863	4,863	4,863		4,863
0203806A	163	TRACTOR RUT	3,321	3,321	3,321		3,321
0203808A	164	TRACTOR CARD	9,023	9,023	9,023		9,023
0208010A	165	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)	18,177	18,177	18,177		18,177
0208053A	166	JOINT TACTICAL GROUND SYSTEM	9,967	9,967	9,967		9,967
0301359A	167	SPECIAL ARMY PROGRAM	5,213	5,213	5,213		5,213
0303028A	168	SECURITY AND INTELLIGENCE ACTIVITIES		4,000	16,000	11,000	11,000
		Document exploitation			[4,000]	[3,000]	
		Information Dominance Center		[4,000]	[8,000]	[8,000]	
		Pathfinder Data Analysis Tool			[4,000]		
0303140A	169	INFORMATION SYSTEMS SECURITY PROGRAM	24,725	24,725	24,725		24,725
0303141A	170	GLOBAL COMBAT SUPPORT SYSTEM	94,215	94,215	94,215		94,215
0303142A	171	SATCOM GROUND ENVIRONMENT (SPACE)	51,959	51,959	51,959		51,959
0303150A	172	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	19,204	19,204	19,204		19,204
0305114A	173	TRAFFIC CONTROL, APPROACH AND LANDING SYSTEM					
0305204A	174	TACTICAL UNMANNED AERIAL VEHICLES (JMIP)	45,627	49,127	45,627		45,627
		Shadow UAV Improvements		[3,500]			
0305206A	175	AIRBORNE RECONNAISSANCE SYSTEMS	5,128	8,628	11,328	3,100	8,228
		Hyperspectral Longwave Imager for the Tactical Environment (HYLITE)		[3,500]	[6,200]	[3,100]	
0305208A	176	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	43,254	43,254	43,254		43,254

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0603778A	177	MLRS PRODUCT IMPROVEMENT PROGRAM	97,422	97,422	97,422		97,422
0702239A	178	AVIONICS COMPONENT IMPROVEMENT PROGRAM	997		997		997
		Program decrease		[-997]			
0708045A	179	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	67,236	70,236	75,736	8,200	75,436
		Packaging and interconnection technology			[3,000]	[2,500]	
		Virtual parts program			[3,000]	[2,300]	
		Lean manufacturing system demonstrations			[2,500]	[1,900]	
		LEAN Munitions		[3,000]		[1,500]	
1001018A	180	NATO JOINT STARS	595	595	595		595
XXXXXX	180A	Army Aviation Test Bed			48,000		
	180B	Defense Language Institute Foreign Learning Center		5,000		5,000	5,000
		Financial information systems			-18,200		
		Total, RDT&E Army	**9,266,258**	**9,478,164**	**9,690,458**	**40,990**	**9,307,248**

Advanced battery technology initiative

The budget request included $41.2 million in PE 62705A for applied research in electronics and electronic devices.

The House bill would authorize an increase of $20.0 million in PE 62705A for an advanced battery technology initiative.

The Senate amendment contained no similar authorization.

The conferees agree to authorize an increase of $15.6 million in PE 62705A for an advanced battery technology initiative, which would fund programs selected on the basis of technical merit, cost effectiveness, and potential to meet service requirements, including the following areas: alkaline cylindrical cells; cylindrical zinc air batteries; high capacity nickel/zinc rechargeable cells; lithium battery technologies; lithium carbon monoflouride cells; and proton exchange membrane fuel cells.

The conferees note that in a recent study, ''Meeting the Energy Needs of Future Warriors,'' the National Research Council highlighted the importance of Army research on soldier power technologies, and indicated that ''energy to power soldier systems, . . . must now be viewed on par with the other critical logistics commodities—ammunition, fuel, food, and water.''

Medical technology applied research initiative

The budget request included $60.9 million in PE 62787A for medical technology.

The House bill would authorize an increase of $25.0 million in PE 62787A for a medical technology applied research initiative.

The Senate amendment contained no similar authorization.

The conferees agree to authorize an increase of $7.05 million for an applied initiative in medical technologies of specific military application and value, including: dermal phase meter; gene delivery technology; fibrin bandages from non-mammalian sources; nano-fabricated bioartificial kidney; and rapid bio-pathogen detection technology. Projects are to be selected on the basis of technical merit, cost effectiveness, and potential to meet service requirements.

Lightweight Structures Initiative

The budget request included $203.1 million in PE 63005A for combat vehicle and automotive technology.

The House bill would authorize an increase of $9.0 million in PE 63005A for the Lightweight Structures Initiative.

The Senate amendment would authorize an increase of $7.5 million for components of the Lightweight Structures Initiative including: $3.0 million for advanced titanium armor systems; $1.5 million for Future Combat System common chassis design; and $3.0 million for non-line of sight cannon structure design.

The conferees agree to authorize an increase of $7.9 million in PE 63005A for the Lightweight Structures Initiative.

Mobile tactical high energy laser

The budget request included $53.5 million in PE 63305A for Army missile defense systems integration, of which $39.0 million was for the mobile tactical high energy laser (MTHEL).

The House bill would authorize the budget request.

The Senate amendment would authorize an increase of $15.0 million for MTHEL.

The conferees agree to authorize an increase of $8.0 million in PE 63305A for MTHEL.

The conferees are aware of successful tests of the Army's heat capacity solid state laser and believe that laser weapons could play an important role in future missile, air, and counter-mortar defenses. The conferees direct that the increase be used to accelerate development of a 100 kilowatt solid state laser and to initiate a system demonstration using a solid state laser.

The conferees note that the Joint Technology Office (JTO) plays a key role in maturing a range of laser technologies. The JTO was established pursuant to subtitle E, title II, of the National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) with the intent of establishing an office that would accelerate progress in high energy laser technology and provide incentives to services to invest in such technologies. The conferees are concerned that the JTO may not be effective in accomplishing the goals defined in subtitle E or transitioning laser technology to the services. The conferees direct the Secretary of Defense to provide a report to the congressional defense committees by January 15, 2005 on the effectiveness of the JTO in achieving the objectives of subtitle E, the impact of shifting funding responsibility for JTO efforts to the Air Force, and the effectiveness of the JTO structure in transitioning laser technologies to the warfighter. The conferees further direct the Comptroller General to review this assessment and to report the results of this review to congressional defense committees no later March 15, 2005.

NAVY

Research, Development, Test and Evaluation, Navy Overview

The budget request for fiscal year 2005 included an authorization of $16,346.4 million in Research, Development, Test and Evaluation, Navy for the Department of Defense.

The House bill would authorize $16,052.8 million.

The Senate amendment would authorize $16,690.4 million.

The conferees recommend an authorization of $16,200.6 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY					
0601103N	1	UNIVERSITY RESEARCH INITIATIVES	83,508	83,508	100,508	6,600	90,108
		Nanoscience research			[3,000]	[1,500]	
		Nanoparticle materials research			[1,500]	[1,500]	
		Remote sensing research			[1,000]	[1,000]	
		Corrosion research			[5,000]		
		Neural engineering research			[1,500]	[1,000]	
		Multifunctional materials for naval structures			[5,000]	[1,600]	
0601152N	2	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	17,664	17,664	20,164	1,900	19,564
		Navy S&T outreach			[2,500]	[1,900]	
0601153N	3	DEFENSE RESEARCH SCIENCES	375,812	378,812	375,812		375,812
		Nanoscience and Nanomaterials		[3,000]			
0602114N	4	POWER PROJECTION APPLIED RESEARCH	98,831	106,831	103,831	10,200	109,031
		Silver Fox			[5,000]	[5,000]	
		Integrated Personnel Protection System		[3,000]		[1,200]	
		Interrogator for High-Speed Retro-Reflective Communications		[3,000]		[2,000]	
		Terahertz for Photonics for Imaging		[2,000]		[2,000]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602123N	5	FORCE PROTECTION APPLIED RESEARCH	96,269	103,269	111,269	15,400	111,669
		Hyperspectral data fusion			[4,000]	[3,400]	
		Unmanned systems battery development			[3,000]	[2,000]	
		Structural reliability composite research			[1,000]	[1,000]	
		Fire retardant resins			[1,000]		
		Theater support vessel hull material development			[4,000]	[2,000]	
		Polymer aircraft components			[2,000]	[2,000]	
		Hybrid POSS Composites		[2,000]			
		Center for Critical Infrastructure Protection		[5,000]		[5,000]	
0602131M	6	MARINE CORPS LANDING FORCE TECHNOLOGY	35,398	35,398	35,398		35,398
0602232N	7	COMMUNICATIONS, COMMAND AND CONTROL, INTELL, SURVEILLANCE					
0602233N	8	HUMAN SYSTEMS TECHNOLOGY		2,000		1,500	1,500
		Human Systems Integration		[2,000]		[1,500]	
0602234N	9	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY					
0602235N	10	COMMON PICTURE APPLIED RESEARCH	60,134	66,134	60,134	6,000	66,134
		Theater Undersea Warfare Initiative		[6,000]		[6,000]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602236N	11	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	63,726	80,926	86,726	24,200	87,926
		Aerospace alloy research			[2,000]	[1,400]	
		Microsystem fuze, safe & arm devices			[2,000]	[1,000]	
		Infectious disease analysis			[2,500]	[2,100]	
		Biowarfare detector			[2,500]	[2,100]	
		Sensornet			[12,000]	[12,000]	
		Titanium materials research			[2,000]	[1,600]	
		Formable Aligned Carbon Thermosets		[2,000]		[1,500]	
		Marine Mammal Research Program		[2,200]		[1,100]	
		Composite Ceramic UUV		[8,000]			
		Composite Ceramic Materials for Aerospace Fabrication		[5,000]		[1,400]	
0602271N	12	RF SYSTEMS APPLIED RESEARCH	49,151	66,151	52,651	9,300	58,451
		Wide bandgap semiconductor research		[4,000]	[1,500]	[2,700]	
		High brightness electronics			[2,000]	[1,500]	
		Vacuum Technology		[10,000]		[3,100]	
		Gallium Nitride RF Power Technology		[3,000]		[2,000]	
0602435N	13	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	48,482	48,482	50,482	1,000	49,482
		Integrated littoral sensor network			[2,000]	[1,000]	
0602747N	14	UNDERSEA WARFARE APPLIED RESEARCH	64,060	65,060	65,060		64,060
		Low Acoustic Signature Motor/Propulsor		[1,000]	[1,000]		
0602782N	15	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	48,016	48,016	48,016		48,016

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603114N	16	POWER PROJECTION ADVANCED TECHNOLOGY	92,359	117,359	96,359	18,300	110,659
		Free electron laser			[9,000]	[2,200]	
		Unjustified growth			[-5,000]		
		DP-2 Thrust Vectoring System		[10,000]		[7,500]	
		Laser Radar Data Exploitation		[3,000]		[2,100]	
		Low-Cost Terminal Imaging Seeker		[5,000]		[4,500]	
		Low Power Mega Performance UAV Processing Engine		[7,000]		[2,000]	
0603123N	17	FORCE PROTECTION ADVANCED TECHNOLOGY	82,130	141,630	109,630	47,000	129,130
		High temp superconductor (HTS) synchronous Navy propulsion motor		[8,000]	[7,000]	[3,500]	
		Development of wide bandgap semiconductor materials			[6,000]	[4,500]	
		Wave Power Demonstration Project			[4,000]	[3,400]	
		Composite twisted rudder			[1,000]	[1,000]	
		Tactical aircraft directed IR countermeasures			[7,000]	[6,800]	
		Steel sandwich panel qualification			[2,500]	[2,500]	
		Littoral Support Craft Experimental		[25,800]		[11,100]	
		Superconducting DC Homopolar Motor		[9,200]		[5,500]	
		Project M		[4,000]		[2,500]	
		Technologies for Future Naval Capabilities		[2,000]		[1,300]	
		Electromagnetic Gun Program		[9,500]		[3,900]	
		High-Speed Power Node Switching Center		[1,000]		[1,000]	
0603235N	18	COMMON PICTURE ADVANCED TECHNOLOGY	79,521	83,521	82,521	3,400	82,921
		Consolidated undersea situational awareness		[4,000]	[3,000]	[3,400]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603236N	19	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	61,103	76,103	78,103	13,500	74,603
		Automatic container and cargo handling systems			[4,000]	[2,000]	
		Ultrasonic consolidation of matrix composites			[2,000]	[1,000]	
		Expeditionary logistics for the 21st Century			[6,000]	[3,000]	
		Defense Systems Modernization and Sustainment Initiative			[5,000]	[4,000]	
		Intermediate Modulus COTS Carbon Fiber Qualification		[4,000]		[1,000]	
		Emerging/Critical Interconnection Technology		[4,000]		[1,500]	
		Virtual, At Sea Training Initiative		[4,000]		[1,000]	
		Human Systems Integration		[3,000]		[1,500]	
		Program growth				[-1,500]	
0603271N	20	RF SYSTEMS ADVANCED TECHNOLOGY	44,046	65,546	47,046	5,000	49,046
		APY-6 Realtime Precision Targeting Radar		[10,000]	[3,000]	[2,500]	
		Vacuum Technology		[5,000]			
		Remote Ocean Surveillance System		[3,000]		[1,500]	
		SCOUT Radar		[2,000]			
		Spectral Beam Combining Fiber Lasers		[1,500]		[1,000]	
0603640M	21	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	58,222	62,722	67,222	12,600	70,822
		Unmanned tactical combat vehicle			[1,000]	[1,000]	
		Water purification research			[8,000]	[8,000]	
		Advanced Mine Detection Program		[3,000]		[2,600]	
		Rapid Deployment Fortification Wall		[1,500]		[1,000]	
0603712N	22	ENVIRONMENTAL QUALITY AND LOGISTICS ADVANCED TECHNOLOGY					

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603727N	23	NAVY TECHNICAL INFORMATION PRESENTATION SYSTEM	167,626		167,626		167,626
		Transfer PDW 81a		[-167,626]			
0603729N	24	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	16,719	27,719	19,319	3,600	20,319
		Anti-oxidant micronutrients research			[600]	[600]	
		Battlefield pharmaceutical test			[2,000]	[1,000]	
		Organ Transplant Technology		[4,000]		[2,000]	
		Biomedical Research Imaging		[5,000]			
		Oxygen Dressing		[2,000]			
0603747N	25	UNDERSEA WARFARE ADVANCED TECHNOLOGY	26,515	26,515	26,515		26,515
0603757N	26	JOINT WARFARE EXPERIMENTS	26		26		26
		Transfer PDW 81b		[-26]			
0603758N	27	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	16,006	16,006	16,006		16,006
0603782N	28	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	32,899	32,899	32,899		32,899
0603792N	29	ADVANCED TECHNOLOGY TRANSITION					
0603207N	30	AIR/OCEAN TACTICAL APPLICATIONS	24,431	24,431	24,431		24,431
0603216N	31	AVIATION SURVIVABILITY	10,820	13,820	16,320	3,800	14,620
		Rotorcraft External Airbag System			[5,500]	[3,800]	
		Reduced Risk Ordnance		[3,000]			
0603237N	32	DEPLOYABLE JOINT COMMAND AND CONTROL	42,394	42,394	42,394		42,394
0603254N	33	ASW SYSTEMS DEVELOPMENT	4,541	15,541	9,541	7,900	12,441
		Claymore marine		[7,000]	[5,000]	[4,200]	
		Tactical E Field Buoy Development		[4,000]		[3,700]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603261N	34	TACTICAL AIRBORNE RECONNAISSANCE	6,448	1,900	6,448		6,448
		UAV Concept of Operations		[-4,548]			
0603382N	35	ADVANCED COMBAT SYSTEMS TECHNOLOGY	67,605	67,605	67,605		67,605
0603502N	36	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	103,308	123,308	103,308	-3,500	99,808
		UUV		[20,000]		[1,500]	
		Long-Term Mine Reconnaissance System				[-5,000]	
0603506N	37	SURFACE SHIP TORPEDO DEFENSE	46,896	53,896	46,896	7,000	53,896
		Anti Torpedo Torpedo		[7,000]		[7,000]	
0603512N	38	CARRIER SYSTEMS DEVELOPMENT	157,479	167,479	166,479	3,700	161,179
		Aviation Ship Integration Center		[10,000]	[9,000]	[3,700]	
0603513N	39	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	18,993	25,493	21,993	2,900	21,893
		Amorphous metal permanent magnet generator set			[3,000]	[1,500]	
		DD(X) Ship System Component Development		[2,000]		[1,400]	
		Integrated-fight-through-power		[2,000]			
		Ultrasonic Detection Equipment		[2,500]			
0603525N	40	PILOT FISH	78,223	78,223	78,223		78,223
0603527N	41	RETRACT LARCH	82,532	82,532	82,532		82,532
0603536N	42	RETRACT JUNIPER	36,915	36,915	36,915		36,915
0603542N	43	RADIOLOGICAL CONTROL	946	946	946		946
0603553N	44	SURFACE ASW	17,633	34,233	23,433	2,400	20,033
		Surface ship combat systems warfare enhancements			[3,000]	[1,000]	
		Improved surface vessel torpedo launcher			[2,800]	[1,400]	
		Task Force Anti-Submarine Warfare		[16,600]			

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603559N	45	SSGN CONVERSION	19,970	19,970	19,970		19,970
0603561N	46	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	81,160	98,160	91,160	1,400	82,560
		Submarine payloads and sensors		[10,000]	[10,000]	[5,000]	
		Composite Structures		[7,000]		[1,400]	
		Development and demonstration of UUV in submarine operations				[-5,000]	
0603562N	47	SUBMARINE TACTICAL WARFARE SYSTEMS	5,957	5,957	5,957		5,957
0603563N	48	SHIP CONCEPT ADVANCED DESIGN	3,723	3,723	8,723	2,500	6,223
		Integrated Condition Assessment System			[5,000]	[2,500]	
0603564N	49	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES					
0603570N	50	ADVANCED NUCLEAR POWER SYSTEMS	169,733	169,733	169,733		169,733
0603573N	51	ADVANCED SURFACE MACHINERY SYSTEMS					
0603576N	52	CHALK EAGLE	47,786	47,786	47,786		47,786
0603581N	53	LITTORAL COMBAT SHIP (LCS)	352,089	244,389	352,089	-2,000	350,089
		Program decrease		[-107,700]			
		Phase I Design for Flight 1 Ship				[-2,000]	
0603582N	54	COMBAT SYSTEM INTEGRATION	80,840	86,840	75,840	-6,000	74,840
		Context-adaptable autonomous and remote unmanned systems			[5,000]	[2,500]	
		Transfer to PE 64503N (RDN 108)			[-10,000]	[-10,000]	
		Laser Diode Arrays		[6,000]		[1,500]	
0603609N	55	CONVENTIONAL MUNITIONS	34,151	34,151	34,151		34,151
0603611M	56	MARINE CORPS ASSAULT VEHICLES	236,969	236,969	236,969		236,969
0603612M	57	USMC MINE COUNTERMEASURES SYSTEMS - ADV DEV	4,522	4,522	4,522		4,522

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603635M	58	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	22,440	22,440	39,140	10,300	32,740
		Urban operations environmental laboratory			[6,400]	[4,200]	
		Urban operations nonlethal and scalable weaponization			[2,900]	[1,900]	
		Clearing facilities with novel technology			[3,400]	[2,200]	
		Anti-Armor Weapon System - Heavy			[4,000]	[2,000]	
0603654N	59	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	18,047	18,047	18,047		18,047
0603658N	60	COOPERATIVE ENGAGEMENT	103,452	103,452	103,452		103,452
0603713N	61	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	26,232	26,232	26,232		26,232
0603721N	62	ENVIRONMENTAL PROTECTION	24,641	24,641	27,641	2,100	26,741
		Marine mammal detection and mitigation			[3,000]	[2,100]	
0603724N	63	NAVY ENERGY PROGRAM	1,494	7,494	4,494	6,300	7,794
		Proton exchange membrane (PEM) fuel cell trial			[3,000]	[2,800]	
		One Megawatt Molten Carbonate Fuel Cell		[6,000]		[3,500]	
0603725N	64	FACILITIES IMPROVEMENT	1,621	1,621	1,621		1,621
0603734N	65	CHALK CORAL	58,467	58,467	58,467		58,467
0603739N	66	NAVY LOGISTIC PRODUCTIVITY	7,421	7,421	7,421		7,421
0603746N	67	RETRACT MAPLE	275,407	275,407	275,407		275,407
0603748N	68	LINK PLUMERIA	112,997	112,997	112,997		112,997
0603751N	69	RETRACT ELM	48,130	48,130	48,130		48,130
0603755N	70	SHIP SELF DEFENSE	9,493	9,493	9,493		9,493
0603764N	71	LINK EVERGREEN	63,346	63,346	63,346		63,346
0603787N	72	SPECIAL PROCESSES	44,232	44,232	44,232		44,232
0603790N	73	NATO RESEARCH AND DEVELOPMENT	10,151	10,151	10,151		10,151

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603795N	74	LAND ATTACK TECHNOLOGY	82,049	105,049	53,149	13,200	95,249
		Reduction - Affordable Weapons System			[-28,900]		
		Affordable Weapon System		[23,000]		[20,000]	
		Extended Range Guided Munition (ERGM)				[-6,800]	
0603851M	75	NONLETHAL WEAPONS	43,321	43,321	43,321		43,321
0603857N	76	ALL SERVICE COMBAT IDENTIFICATION EVALUATION TEAM (ASCIET)	13,626	13,626	13,626		13,626
0603860N	77	JOINT PRECISION APPROACH AND LANDING SYSTEMS	32,391	32,391	32,391		32,391
0603879N	78	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE)	20,252	20,252	20,252		20,252
0603889N	79	COUNTERDRUG RDT&E PROJECTS					
0604272N	80	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)					
0604707N	81	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERINC	25,943	25,943	25,943		25,943
0604787N	82	JOINT WARFARE TRANSFORMATION PROGRAMS	22,450		22,450		22,450
		Transfer PDW 81c		[-22,450]			
0604212N	83	OTHER HELO DEVELOPMENT	186,970	186,970	186,970		186,970
0604214N	84	AV-8B AIRCRAFT - ENG DEV	12,284	12,284	12,284		12,284
0604215N	85	STANDARDS DEVELOPMENT	57,675	57,675	57,675		57,675
0604216N	86	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	78,757	78,757	78,757		78,757
0604217N	87	S-3 WEAPON SYSTEM IMPROVEMENT					
0604218N	88	AIR/OCEAN EQUIPMENT ENGINEERING	4,506	4,506	4,506		4,506
0604221N	89	P-3 MODERNIZATION PROGRAM	9,554	9,554	9,554		9,554
0604230N	90	WARFARE SUPPORT SYSTEM	5,201	5,201	5,201		5,201
0604231N	91	TACTICAL COMMAND SYSTEM	49,180	49,180	49,180		49,180
0604234N	92	ADVANCED HAWKEYE	597,015	597,015	597,015		597,015

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604245N	93	H-1 UPGRADES	90,389	90,389	132,389	42,000	132,389
		AH-1Z/UH-1Y upgrades - turned exhaust			[42,000]	[42,000]	
0604261N	94	ACOUSTIC SEARCH SENSORS	13,363	28,363	13,363		13,363
		Automatic Radar Periscope Detection Discrimination		[15,000]			
0604262N	95	V-22A	304,164	304,164	304,164	-42,000	262,164
		CV-22 flight test program delay				[-42,000]	
0604264N	96	AIR CREW SYSTEMS DEVELOPMENT	8,838	8,838	12,838	4,000	12,838
		Joint Helmet Mounted Cueing System Quad Eye			[4,000]	[4,000]	
0604269N	97	EA-18	357,502	357,502	357,502		357,502
0604270N	98	ELECTRONIC WARFARE DEVELOPMENT	48,956	48,956	48,956		48,956
0604273N	99	VHXX EXECUTIVE HELO DEVELOPMENT	777,398	557,398	632,398	-220,000	557,398
		VXX executive helicopter execution		[-220,000]	[-145,000]	[-220,000]	
0604280N	100	JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY)	78,624	93,624	78,624	2,000	80,624
		Digital Modular Radio		[15,000]		[2,000]	
0604300N	101	SC-21 TOTAL SHIP SYSTEM ENGINEERING	1,431,585	1,220,485	1,530,985	39,900	1,471,485
		For second DD(X)			[99,400]	[84,400]	
		Program decrease		[-221,100]			
		Advanced Gun System for DD(X)		[10,000]			
		Joint distance support and response and integrated fleet support				[-44,500]	
0604307N	102	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	146,463	168,263	146,463	4,300	150,763
		Open Architecture		[21,800]		[4,300]	
0604311N	103	LPD-17 CLASS SYSTEMS INTEGRATION	8,988	8,988	8,988		8,988
0604312N	104	TRI-SERVICE STANDOFF ATTACK MISSILE	27,047	27,047	27,047		27,047

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604329N	105	SMALL DIAMETER BOMB (SDB)	9,961	9,961	9,961		9,961
0604366N	106	STANDARD MISSILE IMPROVEMENTS	99,022	99,022	109,022	8,500	107,522
		Standard missile insensitive munitions improvements			[5,000]	[5,000]	
		Advanced missile data link			[5,000]	[3,500]	
0604373N	107	AIRBORNE MCM	50,514	50,514	53,514		50,514
		Surface Navy integrated undersea tactical technology (SNIUTT) sim			[3,000]		
0604503N	108	SSN-688 AND TRIDENT MODERNIZATION	75,359	104,359	94,359	20,800	96,159
		Submarine expendable communication device			[4,000]		
		Transfer from PE 63582N (RDN 54)			[10,000]	[10,000]	
		Advanced Processor Build Integration		[20,000]		[4,000]	
		Affordable Towed Array Construction		[6,000]		[3,500]	
		AN/BLQ-10 Test and Support		[3,000]			
		Littoral array system (S. Amdt 3351)			[5,000]	[3,300]	
0604504N	109	AIR CONTROL	13,102	13,102	13,102		13,102
0604507N	110	ENHANCED MODULAR SIGNAL PROCESSOR	1,075	1,075	1,075		1,075
0604512N	111	SHIPBOARD AVIATION SYSTEMS	28,631	32,631	31,131	1,000	29,631
		Synthetic material arresting cable			[2,500]	[1,000]	
		Aviation Shipboard Information Technology Initiative		[4,000]			
0604518N	112	COMBAT INFORMATION CENTER CONVERSION	8,228	8,228	8,228		8,228

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604558N	113	NEW DESIGN SSN	143,270	153,270	219,370	12,000	155,270
		Submarine information assurance			[2,000]	[1,500]	
		Multi-mission module		[10,000]	[56,000]	[20,000]	
		Large aperture bow array			[5,000]	[2,500]	
		Common submarine radio room			[13,100]	[8,000]	
		Re-align base funding to fiscal year 2004 level				[-20,000]	
0604561N	114	SSN-21 DEVELOPMENTS	3,020	3,020	3,020		3,020
0604562N	115	SUBMARINE TACTICAL WARFARE SYSTEM	43,404	43,404	49,404	4,600	48,004
		Submarine warfare system strike weapon status control			[6,000]	[4,600]	
0604567N	116	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	130,908	130,908	130,908	-13,000	117,908
		Cruiser modernization				[-13,000]	
0604574N	117	NAVY TACTICAL COMPUTER RESOURCES	2,381	2,381	2,381		2,381
0604601N	118	MINE DEVELOPMENT	6,123	6,123	6,123		6,123
0604603N	119	UNGUIDED CONVENTIONAL AIR-LAUNCHED WEAPONS					
0604610N	120	LIGHTWEIGHT TORPEDO DEVELOPMENT	9,965	9,965	9,965	1,500	11,465
		MK-54 System PIP (non-add)		[2,000]			
		MK-54 System				[1,500]	
0604618N	121	JOINT DIRECT ATTACK MUNITION					
0604654N	122	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	8,081	8,081	8,081		8,081
0604703N	123	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	3,005	3,005	3,005		3,005
0604710N	124	NAVY ENERGY PROGRAM					
0604721N	125	BATTLE GROUP PASSIVE HORIZON EXTENSION SYSTEM	17,981	17,981	20,981	1,100	19,081
		Anti-terrorism Tech Surveillance System			[3,000]	[1,100]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604727N	126	JOINT STANDOFF WEAPON SYSTEMS	9,531	9,531	9,531		9,531
0604755N	127	SHIP SELF DEFENSE (DETECT & CONTROL)	48,154	88,754	53,154	9,400	57,554
		Directed energy user scrutiny equipment			[5,000]	[2,500]	
		Integrated Radar Optical Surveillance and Sighting System		[3,500]		[3,500]	
		Evolved Sea Sparrow		[15,300]			
		Open Architecture Warfare Systems		[21,800]		[3,400]	
0604756N	128	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	51,213	51,213	51,213		51,213
0604757N	129	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	28,233	28,233	33,233	1,500	29,733
		NULKA research to counter multi-mode RF and IR			[5,000]	[1,500]	
0604771N	130	MEDICAL DEVELOPMENT	6,942	21,942	9,942	11,500	18,442
		Sea rescue technology			[3,000]	[3,000]	
		Hemoglobin-based Oxygen Carrier		[13,000]		[7,000]	
		Pseudofollicullitus Barbae Research		[2,000]		[1,500]	
0604777N	131	NAVIGATION/ID SYSTEM	28,104	28,104	28,104		28,104
0604784N	132	DISTRIBUTED SURVEILLANCE SYSTEM	7,776	7,776	7,776		7,776
0604800N	133	JOINT STRIKE FIGHTER (JSF)	2,264,507	2,264,507	2,279,507	-126,000	2,138,507
		STOVL lift fan study			[15,000]	[8,000]	
		Align engine development with SDD schedule				[-49,000]	
		Fiscal year 2003/04 reprogramming activity				[-25,000]	
		Manufacturing, tooling materials				[-60,000]	
0604910N	134	SMART CARD	695	695	695		695
0605013M	135	INFORMATION TECHNOLOGY DEVELOPMENT	9,301	9,301	9,301		9,301

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0605013N	136	INFORMATION TECHNOLOGY DEVELOPMENT	109,543	29,543	109,543	-25,000	84,543
		Enterprise Resource Planning		[-83,000]		[-25,000]	
		Open Architecture Wireless Sensors		[3,000]			
0605014N	137	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS					
0605500N	138	MULTI-MISSION MARITIME AIRCRAFT (MMA)	496,029	496,029	496,029		496,029
0508713N	139	NAVY STANDARD INTEGRATED PERSONNEL SYSTEM (NSIPS)					
0604256N	140	THREAT SIMULATOR DEVELOPMENT	23,866	23,866	23,866		23,866
0604258N	141	TARGET SYSTEMS DEVELOPMENT	35,677	35,677	35,677		35,677
0604759N	142	MAJOR T&E INVESTMENT	39,787	39,787	39,787		39,787
0605152N	143	STUDIES AND ANALYSIS SUPPORT - NAVY	2,183	2,183	2,183		2,183
0605154N	144	CENTER FOR NAVAL ANALYSES	43,982	43,982	43,982		43,982
0605155N	145	FLEET TACTICAL DEVELOPMENT	2,338	2,338	2,338		2,338
0605502N	146	SMALL BUSINESS INNOVATIVE RESEARCH					
0605804N	147	TECHNICAL INFORMATION SERVICES	696	696	696		696
0605853N	148	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	31,407	31,407	31,407		31,407
0605856N	149	STRATEGIC TECHNICAL SUPPORT	3,493	3,493	3,493		3,493
0605861N	150	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	66,117	66,117	62,317	-3,800	62,317
		Unjustified growth			[-3,800]	[-3,800]	
0605862N	151	RDT&E INSTRUMENTATION MODERNIZATION	19,370	19,370	19,370		19,370
0605863N	152	RDT&E SHIP AND AIRCRAFT SUPPORT	81,308	81,308	81,308		81,308
0605864N	153	TEST AND EVALUATION SUPPORT	255,926	255,926	255,926		255,926
0605865N	154	OPERATIONAL TEST AND EVALUATION CAPABILITY	13,044	13,044	13,044		13,044
0605866N	155	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,941	2,941	2,941		2,941

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0605867N	156	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	12,160	12,160	12,160		12,160
0605873M	157	MARINE CORPS PROGRAM WIDE SUPPORT	19,701	19,701	19,701		19,701
0909999N	158	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS					
0603660N	159	ADVANCED DEVELOPMENT PROJECTS	[ ]				
0603661N	160	RETRACT VIOLET	[ ]				
0101221N	161	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	108,782	108,782	113,782	-18,100	90,682
		Thin-plate pure lead battery technology			[5,000]	[4,900]	
		Strategic propulsion applications				[-18,000]	
		Radiation hardened applications				[-5,000]	
0101224N	162	SSBN SECURITY TECHNOLOGY PROGRAM	43,408	43,408	43,408		43,408
0101226N	163	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	8,453	8,453	8,453		8,453
0101402N	164	NAVY STRATEGIC COMMUNICATIONS	31,391	31,391	31,391		31,391
0203761N	165	RAPID TECHNOLOGY TRANSITION (RTT)	14,630	14,630	14,630		14,630
0204136N	166	F/A-18 SQUADRONS	134,580	134,580	134,580		134,580
0204152N	167	E-2 SQUADRONS	6,055	6,055	6,055		6,055
0204163N	168	FLEET TELECOMMUNICATIONS (TACTICAL)	19,784	19,784	19,784		19,784
0204229N	169	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	28,776	28,776	33,776	4,000	32,776
		Precision Terrain Aided Navigation			[5,000]	[4,000]	
0204311N	170	INTEGRATED SURVEILLANCE SYSTEM	16,965	16,965	16,965		16,965
0204413N	171	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	2,604	2,604	2,604		2,604
0204571N	172	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	21,644	21,644	21,644		21,644
0204574N	173	CRYPTOLOGIC DIRECT SUPPORT	1,460	1,460	1,460		1,460
0204575N	174	ELECTRONIC WARFARE (EW) READINESS SUPPORT	12,139	12,139	12,139		12,139

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0205601N	175	HARM IMPROVEMENT	163,371	165,371	163,371	1,100	164,471
		Embedded National Tactical Receiver - AARGM		[2,000]		[1,100]	
0205604N	176	TACTICAL DATA LINKS	18,977	18,977	18,977		18,977
0205620N	177	SURFACE ASW COMBAT SYSTEM INTEGRATION	10,612	10,612	10,612		10,612
0205632N	178	MK-48 ADCAP	21,620	21,620	21,620		21,620
0205633N	179	AVIATION IMPROVEMENTS	62,635	67,635	66,635	3,700	66,335
		Corrosion inhibiting coatings			[4,000]	[1,400]	
		Nano-composite hard-coat for aircraft canopies (H. Amdt 10)		[5,000]		[2,300]	
0205658N	180	NAVY SCIENCE ASSISTANCE PROGRAM	3,821	3,821	3,821		3,821
0205675N	181	OPERATIONAL NUCLEAR POWER SYSTEMS	64,554	64,554	64,554		64,554
0206313M	182	MARINE CORPS COMMUNICATIONS SYSTEMS	268,638	268,638	278,438	-6,000	262,638
		Communication emitter sensing and attacking system			[3,800]		
		Infrastructure system security engineering development (S. Amdt 3228)			[3,000]	[1,500]	
		Advanced ferrite antenna (S. Amdt 3179)			[3,000]	[2,100]	
		Coastal battlefield reconnaissance and analysis				[-9,600]	
0206623M	183	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	44,828	44,828	44,828		44,828
0206624M	184	MARINE CORPS COMBAT SERVICES SUPPORT	10,731	10,731	12,731	1,000	11,731
		Battlefield Management System			[2,000]	[1,000]	
0207161N	185	TACTICAL AIM MISSILES	4,061	4,061	4,061		4,061
0207163N	186	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	9,085	9,085	9,085		9,085
0301303N	187	MARITIME INTELLIGENCE	[ ]				
0301323N	188	COLLECTION MANAGEMENT	[ ]				
0301327N	189	TECHNICAL RECONNAISANCE AND SURVEILLANCE	[ ]				

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0303109N	190	SATELLITE COMMUNICATIONS (SPACE)	573,092	581,092	573,092	-105,100	467,992
		Joint Integrated Systems Technology for Digital Networking		[8,000]		[4,900]	
		MOUS - fund to CAIG estimate				[-110,000]	
0303140N	191	INFORMATION SYSTEMS SECURITY PROGRAM	18,676	36,376	18,676		18,676
		Common Submarine Radio Room		[17,700]			
0304111N	192	SPACE ACTIVITIES	[ ]				
0305149N	193	COBRA JUDY	80,694	80,694	93,694	13,000	93,694
		Cobra Judy replacement			[13,000]	[13,000]	
0305160N	194	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	4,215	4,215	4,215		4,215
0305188N	195	JOINT C4ISR BATTLE CENTER (JBC)	43,569	43,569	43,569		43,569
0305192N	196	JOINT MILITARY INTELLIGENCE PROGRAMS	4,746	4,746	4,746		4,746
0305204N	197	TACTICAL UNMANNED AERIAL VEHICLES (JMIP)	53,439	53,439	53,439		53,439
0305205N	198	ENDURANCE UNMANNED AERIAL VEHICLES	113,438	113,438	113,438	-15,000	98,438
		Broad Area Maritime Development - schedule slip due to competition				[-15,000]	
0305206N	199	AIRBORNE RECONNAISSANCE SYSTEMS	10,191	13,191	10,191	1,000	11,191
		Passive Collision Avoidance and Reconnaissance		[3,000]		[1,000]	
0305207N	200	MANNED RECONNAISSANCE SYSTEMS (JMIP)	20,203	20,203	20,203		20,203
0305208N	201	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,635	9,635	3,635	2,800	6,435
		Enterprise Targeting and Strike System		[6,000]		[2,800]	
0305927N	202	NAVAL SPACE SURVEILLANCE					
0307207N	203	AERIAL COMMON SENSOR (ACS) (JMIP)	24,909	24,909	24,909		24,909
0308601N	204	MODELING AND SIMULATION SUPPORT	7,262	7,262	16,262	6,000	13,262
		Modeling and simulation research			[9,000]	[6,000]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0702207N	205	DEPOT MAINTENANCE (NON-IF)					
0708011N	206	INDUSTRIAL PREPAREDNESS	56,565	56,565	56,565		56,565
0708730N	207	MARITIME TECHNOLOGY (MARITECH)	10,265	10,265	10,265		10,265
XXXXXXX	999	CLASSIFIED PROGRAMS	1,003,485	1,003,485	1,003,485		1,003,485
		Financial information systems			-15,200		
		Total, RDT&E Navy	**16,346,391**	**16,052,841**	**16,690,391**	**-145,800**	**16,200,591**

Littoral Combat Ship

The budget request included $352.1 million in PE 63581N for the Littoral Combat Ship (LCS), including $244.4 million for LCS development and $107.7 million for construction.

The House bill would authorize $244.4 million in PE 63581N for LCS development, a decrease of $107.7 million, delaying construction of the first LCS until fiscal year 2006.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $350.1 million, a decrease of $2.0 million for phase one design of the Flight One LCS design.

The conferees note the concerns expressed in the House report accompanying H.R. 4200 (H. Rept. 108–491) regarding whether the LCS program schedule provides sufficient time and opportunities for experimentation and evaluation of the operational concepts for LCS in Flight Zero before committing to major serial production of the ship with Flight One. The program plan provided with the fiscal year 2005 budget request had construction starting on Flight One ships before delivery and evaluation of Flight Zero ships. This concurrency could require expensive retrofit to Flight One ships after lessons have been learned from operating Flight Zero ships.

The conferees are concerned with a potential industrial impact induced by making fiscal year 2006 a gap year in LCS production, which could lead to increased ship costs or technology insertion challenges. However, the conferees agree with the rationale of section 8092 of the Department of Defense Appropriations Act for Fiscal Year 2005 (section A of Public Law 108–287), which directs that no funds be obligated for construction of a third vessel in the fiscal year 2006 budget request. The conferees expect that the Navy will include a plan that reduces the risk of concurrency in the LCS justification submitted as part of the fiscal year 2006 budget request.

Land attack technology

The budget request included $82.0 million in PE 63795N for land attack technology. This included $28.9 million for the affordable weapons system (AWS) and $11.3 million for the continued development of the extended range guided munition (ERGM).

The House bill would authorize $105.0 million in PE 63795N for land attack technology. This included $51.9 million for AWS, an increase of $23.0 million, and would authorize the budget request for ERGM.

The Senate amendment would authorize $53.1 million in PE 63795N for land attack technology. This would authorize no funding for AWS, and would authorize the budget request for ERGM.

The conferees agree to authorize $95.2 million in PE 63795N for land attack technology. This includes an authorization of $48.9 million for AWS, an increase of $20.0 million. This also includes an authorization of $4.5 million for ERGM, a decrease of $6.8 million.

The conferees are aware of past testing problems in the ERGM program, but have supported fielding of ERGM capability as soon as possible. The conferees are also aware that the Navy has issued a notice to industry stating that it will issue a solicitation for a capability to mirror that of ERGM. While supportive of this risk-reduction strategy, the conferees also expect that funds appropriated for the ERGM program be applied to continued developmental testing of ERGM.

Open architecture

The budget request included $146.5 million in PE 64307N for surface combatant combat system engineering and $48.2 million in PE 64755N for ship self-defense (detect and control).

The House bill would authorize an increase of $21.8 million in PE 64307N for open architecture systems and would also authorize an increase of $21.8 million in PE 64755N for open architecture warfare systems.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $4.3 million in PE 64307N and an increase of $3.4 million in PE 64755N for open architecture warfare systems.

The conferees concur with the Navy's decision to move to open architecture (OA)-based warfare systems, and recognize OA as an enabling step to modernizing warfighting capabilities at an affordable cost. Similarly, given the rapid rate that commercial, off-the-shelf computing equipment and software is becoming obsolescent, delaying the implementation of OA will result in military systems falling further and further behind the commercial sector's capability. While an OA approach to development and fielding requires increased cooperation at all levels, it also creates interdependencies among programs as a result of design and development components that will be used in multiple systems. With this approach, the impact of a delay or funding cut in a program implementing OA could have impact on other programs.

The Navy identified the implementation of OA into Navy surface forces as its highest unfunded priority in fiscal year 2005. Under the Navy's plan, modernization of existing forces (cruiser modernization and DDG modernization) and recapitalization of the surface fleet (DD(X), CVN–21, and the Littoral Combat Ship) are all inextricably linked to the overall execution of the OA initiative. The conferees believe that there could be serious, cascading effects on these programs unless the Navy ensures that the OA initiative is fully funded, and urge the Navy to pursue any shortfalls through supplemental submissions for fiscal year 2005. The conferees also believe the Navy should consider grouping various OA efforts in a separate program element, so that: (1) the Navy can coordinate its efforts more efficiently; and (2) difficulties with individual platform programs do not jeopardize the entire effort.

AIR FORCE

Research, Development, Test and Evaluation, Air Force Overview

The budget request for fiscal year 2005 included an authorization of $21,114.7 million in Research Development, Test and Evaluation, Air Force for the Department of Defense.

The House bill would authorize $21,533.0 million.

The Senate amendment would authorize $21,264.3 million.

The conferees recommend an authorization of $20,432.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE					
0601102F	1	DEFENSE RESEARCH SCIENCES	217,304	219,304	227,304	7,800	225,104
		Information assurance research			[3,000]	[2,500]	
		Logistics research			[2,000]		
		Advanced research in quantum information technology			[2,000]	[1,000]	
		Nanomaterials research			[3,000]	[2,300]	
		Chabot Space and Science Center		[2,000]		[2,000]	
0601103F	2	UNIVERSITY RESEARCH INITIATIVES	115,865	115,865	132,465	6,700	122,565
		Photonics research			[1,600]	[1,600]	
		Nano- and micro-electromechanical research			[2,500]		
		Information security research			[2,500]	[1,600]	
		SMART Defense scholarship pilot program			[10,000]	[2,500]	
		Logistics research				[1,000]	
0601108F	3	HIGH ENERGY LASER RESEARCH INITIATIVES	12,331	12,331	12,331		12,331
0602102F	4	MATERIALS	73,660	73,660	77,060	2,900	76,560
		Composite materials research for unmanned structures			[1,500]	[1,000]	
		Blast resistant barriers			[1,900]	[1,900]	
0602201F	5	AEROSPACE VEHICLE TECHNOLOGIES	74,679	74,679	74,679		74,679
0602202F	6	HUMAN EFFECTIVENESS APPLIED RESEARCH	71,483	74,483	76,483	2,600	74,083
		Battlefield air operations technology			[5,000]	[1,100]	
		Improved Performance Research Integration Tool		[3,000]		[1,500]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602203F	7	AEROSPACE PROPULSION	92,650	108,150	102,650	7,800	100,450
		Hypersonics research (X-43C)			[10,000]		
		Integrated Cooling and Power System Magnetic Bearing		[4,000]		[2,800]	
		Fuel Cell Technology-Proton Exchange Membrane		[2,000]			
		Advanced Vehicle and Propulsion Center		[8,500]		[4,000]	
		Engineering Research Lab Equipment Upgrade		[1,000]		[1,000]	
0602204F	8	AEROSPACE SENSORS	78,804	78,804	83,804	5,000	83,804
		Super-resolution Sensor System			[3,000]	[2,000]	
		Three-dimensional microelectronics development			[2,000]	[2,000]	
		Compact Optical Receiver for Smart Loitering Standoff Munitions (non-add)		[2,000]			
		Compact Optical Receiver for Smart Loitering Standoff Munitions				[1,000]	
0602500F	9	MULTI-DISCIPLINARY SPACE TECHNOLOGY	84,581	84,581	84,581		84,581
0602601F	10	SPACE TECHNOLOGY	88,909	96,909	99,909	1,500	90,409
		Elastic memory composite research			[3,000]	[2,000]	
		Foldable space structures			[3,000]	[1,500]	
		Hyperspectral technology			[5,000]		
		Integrated Control for Autonomous Space Systems		[4,000]		[2,000]	
		Satellite Tool Kit Technology Integration		[4,000]			
		Spacecraft vehicles technology, deployable structures for SBR				[-4,000]	
0602602F	11	CONVENTIONAL MUNITIONS	52,251	52,251	52,251		52,251
0602605F	12	DIRECTED ENERGY TECHNOLOGY	36,532	46,532	36,532	5,000	41,532
		Ultra Short Pulse Laser Technology		[10,000]		[5,000]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602702F	13	COMMAND CONTROL AND COMMUNICATIONS	82,147	86,647	83,147	1,000	83,147
		Joint battlespace infosphere			[1,000]	[1,000]	
		Collaborative Information and Knowledge Management		[4,500]			
0602805F	14	DUAL USE SCIENCE AND TECHNOLOGY PROGRAM	5,151	5,151	5,151		5,151
0602890F	15	HIGH ENERGY LASER RESEARCH	45,333	45,333	45,333		45,333
0603112F	16	ADVANCED MATERIALS FOR WEAPON SYSTEMS	34,284	48,284	41,284	7,500	41,784
		Metals Affordability Initiative		[14,000]	[7,000]	[7,500]	
0603203F	17	ADVANCED AEROSPACE SENSORS	30,634	30,634	34,634	2,550	33,184
		Advanced sensors			[4,000]	[2,550]	
0603205F	18	FLIGHT VEHICLE TECHNOLOGY					
0603211F	19	AEROSPACE TECHNOLOGY DEV/DEMO	29,145	29,145	31,145		29,145
		Photonics technology			[2,000]		
0603216F	20	AEROSPACE PROPULSION AND POWER TECHNOLOGY	79,914	79,914	87,914	5,900	85,814
		Advanced turbine engine gas generators			[5,000]	[3,500]	
		Turbine engine program			[3,000]	[2,400]	
0603231F	21	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	32,794	32,794	27,794		32,794
		Decision support and cognitive systems			[-5,000]		
0603270F	22	ELECTRONIC COMBAT TECHNOLOGY	28,282	40,282	28,282	5,600	33,882
		Day-Night Electro Optical Tracker Countermeasures		[6,000]			
		Light Weight Modular Support Jammer		[6,000]		[5,600]	
0603311F	23	BALLISTIC MISSILE TECHNOLOGY					
0603333F	24	UNMANNED AIR VEHICLE DEV/DEMO					

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603401F	25	ADVANCED SPACECRAFT TECHNOLOGY	60,124	74,124	87,124	17,000	77,124
		AC coupled interconnect			[5,000]	[1,000]	
		Hardening technologies for satellites			[7,000]	[3,500]	
		Thin film amorphous solar arrays			[7,000]	[7,000]	
		Boron energy cell technology			[5,000]	[1,000]	
		Intelligent free space optical satellite communications node		[3,000]	[3,000]	[1,500]	
		Satellite Simulation Toolkit		[5,000]			
		Streaker Small Launch Vehicle		[6,000]		[3,000]	
0603444F	26	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	6,306	16,306	16,306	8,500	14,806
		High accuracy network determination system (HANDS)		[10,000]	[10,000]	[8,500]	
0603500F	27	MULTI-DISCIPLINARY ADVANCED DEVELOPMENT SPACE TECHNOLOGY	51,114	58,114	56,114		51,114
		Laser threat warning attack reporting for space			[5,000]		
		Upper Stage Engine Technology		[7,000]			
0603601F	28	CONVENTIONAL WEAPONS TECHNOLOGY	22,398	31,398	25,398	3,000	25,398
		Low Cost Autonomous Attack System			[3,000]		
		BLU-109H		[9,000]		[3,000]	
0603605F	29	ADVANCED WEAPONS TECHNOLOGY	31,103	31,103	31,103		31,103
0603723F	30	ENVIRONMENTAL ENGINEERING TECHNOLOGY					
0603789F	31	C3I ADVANCED DEVELOPMENT	28,524	33,524	28,524	1,500	30,024
		Identification of Time Critical Targets		[5,000]		[1,500]	
0603801F	32	SPECIAL PROGRAMS	320,503	320,503	320,503		320,503
0603850F	33	INTEGRATED BROADCAST SERVICE	2,294	2,294	2,294		2,294
0603924F	34	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	8,547	8,547	8,547		8,547

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0207423F	35	ADVANCED COMMUNICATIONS SYSTEMS	12,051	12,051	12,051		12,051
0401840F	36	AMC COMMAND AND CONTROL SYSTEM	6,038	6,038	6,038		6,038
0804757F	37	JOINT NATIONAL TRAINING CENTER	2,939	2,939	2,939		2,939
0603260F	38	INTELLIGENCE ADVANCED DEVELOPMENT	4,612	4,612	4,612		4,612
0603287F	39	PHYSICAL SECURITY EQUIPMENT	22,640	35,640	22,640	2,000	24,640
		Xray Base Protection System		[8,000]		[2,000]	
		Quick Reaction Perimeter Intrusion Detection		[5,000]			
0603421F	40	NAVSTAR GLOBAL POSITIONING SYSTEM III	40,568	40,568	40,568		40,568
0603430F	41	ADVANCED EHF MILSATCOM (SPACE)	612,049	612,049	612,049		612,049
0603432F	42	POLAR MILSATCOM (SPACE)	960	960	960		960
0603434F	43	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITI					
0603438F	44	SPACE CONTROL TECHNOLOGY	15,046	15,046	15,046		15,046
0603742F	45	COMBAT IDENTIFICATION TECHNOLOGY	19,582	19,582	19,582		19,582
0603790F	46	NATO RESEARCH AND DEVELOPMENT	3,930	3,930	3,930		3,930
0603791F	47	INTERNATIONAL SPACE COOPERATIVE R&D	552	552	552		552
0603845F	48	TRANSFORMATIONAL SATCOM (TSAT)	774,836	674,836	674,836	-300,000	474,836
		TSAT program risk		[-100,000]	[-100,000]	[-300,000]	
0603850F	49	INTEGRATED BROADCAST SERVICE	23,927	23,927	23,927		23,927
0603851F	50	INTERCONTINENTAL BALLISTIC MISSILE	72,503	72,503	72,503	-2,000	70,503
		Long range planning				[-2,000]	
0603854F	51	WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE)	73,499	88,499	73,499		73,499
		Program increase		[15,000]			
0603856F	52	AIR FORCE/NATIONAL PROGRAM COOPERATION (AFNPC)					

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603858F	53	SPACE-BASED RADAR	327,732	327,732	327,732	-252,732	75,000
		Technological risk reduction				[-252,732]	
0603859F	54	POLLUTION PREVENTION	2,692	2,692	2,692		2,692
0603860F	55	JOINT PRECISION APPROACH AND LANDING SYSTEMS	18,385	18,385	18,385		18,385
0604015F	56	NEXT GENERATION BOMBER		100,000		30,000	30,000
		Program increase		[100,000]		[30,000]	
0604327F	57	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRA	6,383	6,383	6,383		6,383
0604731F	58	UNMANNED COMBAT AIR VEHICLE (UCAV)					
0604855F	59	OPERATIONALLY RESPONSIVE LAUNCH	35,362	45,362	42,862	-2,000	33,362
		Operationally responsive launch		[6,000]	[7,500]	[1,000]	
		Blue MAJIC		[4,000]		[2,000]	
		Program reduction				[-5,000]	
0604856F	60	COMMON AERO VEHICLE (CAV)	21,610	33,610	21,610	-5,000	16,610
		Program increase		[12,000]			
		Program reduction				[-5,000]	
0305178F	61	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLIT	307,668	307,668	307,668		307,668
0603840F	62	GLOBAL BROADCAST SERVICE (GBS)	33,447	33,447	33,447	-7,000	26,447
		Reduce forward financing				[-7,000]	
0604012F	63	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,867	2,867	2,867		2,867
0604222F	64	NUCLEAR WEAPONS SUPPORT	13,301	13,301	13,301		13,301
0604226F	65	B-1B	59,462	59,462	79,462	20,000	79,462
		B-1 data link and FLIR upgrades			[20,000]	[20,000]	
0604233F	66	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	3,359	3,359	3,359		3,359

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604239F	67	F-22	210,000	210,000	210,000		210,000
0604240F	68	B-2 ADVANCED TECHNOLOGY BOMBER	245,049	343,049	245,049	30,000	275,049
		Global Strike		[98,000]		[30,000]	
0604270F	69	ELECTRONIC WARFARE DEVELOPMENT	138,393	138,393	153,093	-32,000	106,393
		PLAID			[14,700]	[4,000]	
		AEA technology development				[-36,000]	
0604280F	70	JOINT TACTICAL RADIO	49,856	49,856	49,856	-10,000	39,856
		SDD contract award delay				[-10,000]	
0604287F	71	PHYSICAL SECURITY EQUIPMENT	9,744	9,744	9,744		9,744
0604329F	72	SMALL DIAMETER BOMB (SDB)	76,489	76,489	76,489		76,489
0604421F	73	COUNTERSPACE SYSTEMS	75,863	75,863	80,863	-49,500	26,363
		Space control test capabilities			[5,000]	[3,500]	
		Counter Surveillance Reconnaissance Sysytem				[-53,000]	
0604435F	74	ADVANCED POLAR MILSATCOM					
0604441F	75	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	508,448	543,448	543,448	35,000	543,448
		SBIRS development		[35,000]	[35,000]	[35,000]	
0604479F	76	MILSTAR LDR/MDR SATELLITE COMMUNICATIONS (SPACE)	1,380	1,380	1,380		1,380
0604600F	77	MUNITIONS DISPENSER DEVELOPMENT	28,048	28,048	28,048		28,048
0604602F	78	ARMAMENT/ORDNANCE DEVELOPMENT	8,353	8,353	8,353		8,353
0604604F	79	SUBMUNITIONS	4,824	4,824	4,824		4,824
0604617F	80	AGILE COMBAT SUPPORT	10,053	10,053	10,053		10,053
0604618F	81	JOINT DIRECT ATTACK MUNITION					
0604706F	82	LIFE SUPPORT SYSTEMS	6,630	6,630	6,630		6,630

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604731F	83	UNMANNED COMBAT AIR VEHICLE (UCAV)					
0604735F	84	COMBAT TRAINING RANGES	18,714	18,714	18,714		18,714
0604740F	85	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	258	6,258	258	5,600	5,858
		Distributed Mission Interoperability Tool Kit		[6,000]		[5,600]	
0604750F	86	INTELLIGENCE EQUIPMENT	1,349	1,349	1,349		1,349
0604754F	87	TACTICAL DATA LINK INFRASTRUCTURE					
0604762F	88	COMMON LOW OBSERVABLES VERIFICATION SYSTEM (CLOVERS)	10,303	10,303	10,303		10,303
0604800F	89	JOINT STRIKE FIGHTER (JSF)	2,307,420	2,307,420	2,307,420	-134,000	2,173,420
		F135 engine development				[-49,000]	
		Reprogramming activity				[-25,000]	
		Manufacturing, tooling and materials				[-60,000]	
0604851F	90	INTERCONTINENTAL BALLISTIC MISSILE	91,687	91,687	91,687		91,687
0604853F	91	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	27,000	27,000	27,000		27,000
0605011F	92	RDT&E FOR AGING AIRCRAFT	15,665	19,665	15,665	3,000	18,665
		Enterprise Availability and Cost Optimization System		[2,000]		[2,000]	
		Program increase		[2,000]		[1,000]	
0207131F	93	A-10 SQUADRONS					
0207256F	94	UNMANNED COMBAT AIR VEHICLE JOINT PROGRAM OFFICE	2,911	2,911	2,911		2,911
0207434F	95	LINK-16 SUPPORT AND SUSTAINMENT	141,012	141,012	141,012	-10,800	130,212
		Data Links Facility - fiscal year 2006 contract award				[-10,800]	
0207443F	96	FAMILY OF INTEROPERABLE OPERATIONAL PICTURES (FIOP)	44,947	49,947	44,947	-200	44,747
		Command-and-control service level management (H. Amdt 10)		[5,000]		[3,800]	
		Program growth				[-4,000]	

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0207450F	97	MULTI-SENSOR C2 AIRCRAFT (MC2A)	538,860	538,860	498,860	-40,000	498,860
		Reduction - MC2A (late delivery of test bed aircraft)			[-40,000]	[-40,000]	
0207701F	98	FULL COMBAT MISSION TRAINING	5,894	5,894	5,894		5,894
0305176F	99	COMBAT SURVIVOR EVADER LOCATOR					
0401318F	100	CV-22	16,439	16,439	16,439		16,439
XXXXXXX	100a	Tanker Replacement Transfer Fund		80,000		80,000	80,000
0604256F	101	THREAT SIMULATOR DEVELOPMENT	34,517	34,517	34,517		34,517
0604759F	102	MAJOR T&E INVESTMENT	58,933	58,933	58,933		58,933
0605101F	103	RAND PROJECT AIR FORCE	24,970	24,970	24,970		24,970
0605306F	104	RANCH HAND II EPIDEMIOLOGY STUDY	4,813	4,813	4,813		4,813
0605502F	105	SMALL BUSINESS INNOVATION RESEARCH					
0605712F	106	INITIAL OPERATIONAL TEST & EVALUATION	28,839	28,839	28,839		28,839
0605807F	107	TEST AND EVALUATION SUPPORT	356,266	356,266	356,266		356,266
0605860F	108	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	7,984	7,984	30,484	15,000	22,984
		Ballistic missile range safety technology			[15,000]	[15,000]	
		Microsatellite launch capability			[7,500]		
0605864F	109	SPACE TEST PROGRAM (STP)	44,521	44,521	44,521		44,521
0605976F	110	FACILITIES RESTORATION AND MODERNIZATION - TEST AND EVALUATIC	58,936	58,936	58,936		58,936
0605978F	111	FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT	23,067	23,067	23,067		23,067
0804731F	112	GENERAL SKILL TRAINING	323	323	323		323
0909900F	113	FINANCING FOR EXPIRED ACCOUNT ADJUSTMENTS					
0909980F	114	JUDGMENT FUND REIMBURSEMENT	100,000	100,000	100,000		100,000
1001004F	115	INTERNATIONAL ACTIVITIES	3,945	3,945	3,945		3,945

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0605024F	116	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	7,858	7,858	7,858		7,858
0101113F	117	B-52 SQUADRONS	25,766	25,766	25,766		25,766
0101120F	118	ADVANCED CRUISE MISSILE	7,740	7,740	7,740		7,740
0101122F	119	AIR-LAUNCHED CRUISE MISSILE (ALCM)	11,837	11,837	11,837		11,837
0101313F	120	STRAT WAR PLANNING SYSTEM - USSTRATCOM	23,391	23,391	23,391	-5,000	18,391
		ISPAN contractor costs				[-5,000]	
0101314F	121	NIGHT FIST - USSTRATCOM	4,987	4,987	4,987		4,987
0101815F	122	ADVANCED STRATEGIC PROGRAMS	8,393	8,393	8,393		8,393
0102326F	123	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGI	19,047	19,047	19,047		19,047
0203761F	124	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION I	24,935	24,935	24,935		24,935
0207028F	125	JOINT EXPEDITIONARY FORCE EXPERIMENT					
0207131F	126	A-10 SQUADRONS	22,590	22,590	32,590	5,000	27,590
		A-10 propulsion modernization			[10,000]	[5,000]	
0207133F	127	F-16 SQUADRONS	99,606	99,606	99,606		99,606
0207134F	128	F-15E SQUADRONS	115,246	132,446	132,446	14,600	129,846
		Active Electronically Scanned Array Radar		[17,200]	[17,200]	[14,600]	
0207136F	129	MANNED DESTRUCTIVE SUPPRESSION	16,976	16,976	16,976		16,976
0207138F	130	F/A-22 SQUADRONS	354,528	354,528	354,528	-10,000	344,528
		Execution				[-10,000]	
0207141F	131	F-117A SQUADRONS	29,661	29,661	29,661		29,661
0207161F	132	TACTICAL AIM MISSILES	5,558	5,558	5,558		5,558
0207163F	133	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	33,266	33,266	33,266		33,266
0207224F	134	COMBAT RESCUE AND RECOVERY	12,342	12,342	12,342		12,342

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(Dollars in Thousands)

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0207247F	135	AF TENCAP	10,673	10,673	15,673	3,300	13,973
		GPS jammer detection and locator system			[5,000]	[3,300]	
0207248F	136	SPECIAL EVALUATION PROGRAM	199,040	199,040	199,040		199,040
0207253F	137	COMPASS CALL	3,990	3,990	3,990		3,990
0207268F	138	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	165,609	165,609	165,609		165,609
0207277F	139	CSAF INNOVATION PROGRAM	1,879	1,879	1,879		1,879
0207325F	140	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	45,777	45,777	45,777		45,777
0207410F	141	AIR & SPACE OPERATIONS CENTER (AOC)	27,695	27,695	27,695		27,695
0207412F	142	CONTROL AND REPORTING CENTER (CRC)	11,634	11,634	11,634		11,634
0207417F	143	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	288,787	288,787	288,787		288,787
0207423F	144	ADVANCED COMMUNICATIONS SYSTEMS	20,066	20,066	20,066		20,066
0207424F	145	EVALUATION AND ANALYSIS PROGRAM					
0207433F	146	ADVANCED PROGRAM TECHNOLOGY	249,391	249,391	249,391		249,391
0207438F	147	THEATER BATTLE MANAGEMENT (TBM) C4I	37,210	37,210	37,210		37,210
0207445F	148	FIGHTER TACTICAL DATA LINK	50,976	50,976	50,976		50,976
0207446F	149	BOMBER TACTICAL DATA LINK	120,256	120,256	120,256	-39,000	81,256
		B-52 program growth				[-39,000]	
0207448F	150	C2ISR TACTICAL DATA LINK	25,441	25,441	25,441		25,441
0207449F	151	COMMAND AND CONTROL (C2) CONSTELLATION	44,035	44,035	44,035		44,035
0207581F	152	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	89,247	100,247	89,247		89,247
		Blue Force Combat ID Upgrades		[11,000]			
0207590F	153	SEEK EAGLE	23,159	23,159	23,159		23,159

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(Dollars in Thousands)

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0207591F	154	ADVANCED PROGRAM EVALUATION	474,734	474,734	474,734	-40,000	434,734
		Classified program				[-40,000]	
0207601F	155	USAF MODELING AND SIMULATION	18,693	18,693	18,693		18,693
0207605F	156	WARGAMING AND SIMULATION CENTERS	6,377	6,377	6,377		6,377
0208006F	157	MISSION PLANNING SYSTEMS	136,701	136,701	136,701	-30,000	106,701
		Program growth				[-30,000]	
0208021F	158	INFORMATION WARFARE SUPPORT	7,230	7,230	7,230		7,230
0208160F	159	TECHNICAL EVALUATION SYSTEM					
0208161F	160	SPECIAL EVALUATION SYSTEM					
0301310F	161	NATIONAL AIR INTELLIGENCE CENTER	[ ]				
0301314F	162	COBRA BALL	[ ]				
0301315F	163	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]				
0301324F	164	FOREST GREEN	[ ]				
0301398F	165	MANAGEMENT HEADQUARTERS GDIP	[ ]				
0302015F	166	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	11,172	11,172	11,172		11,172
0303110F	167	DEFENSE SATELLITE COMMUNICATIONS SYSTEM (SPACE)					
0303131F	168	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEEC	33,183	33,183	33,183		33,183
0303140F	169	INFORMATION SYSTEMS SECURITY PROGRAM	79,625	87,625	87,625	6,500	86,125
		Cyber security research			[5,000]	[2,500]	
		Info systems security research			[3,000]	[2,000]	
		Worldwide Infrastructure Security Environment		[8,000]		[2,000]	
0303141F	170	GLOBAL COMBAT SUPPORT SYSTEM	18,637	18,637	18,637		18,637

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0303150F	171	GLOBAL COMMAND AND CONTROL SYSTEM	3,611	5,611	11,611	1,800	5,411
		Global awareness presentation system			[8,000]		
		Applied Research in Computing Enterprise Services		[2,000]		[1,800]	
0303401F	172	COMMUNICATIONS SECURITY (COMSEC)					
0303601F	173	MILSATCOM TERMINALS	272,149	272,149	272,149		272,149
0304111F	174	SPECIAL ACTIVITIES	[ ]				
0304311F	175	SELECTED ACTIVITIES	[ ]				
0305099F	176	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	7,291	7,291	7,291		7,291
0305110F	177	SATELLITE CONTROL NETWORK (SPACE)	17,833	17,833	20,833	2,500	20,333
		Civil reserve space service			[3,000]	[2,500]	
0305111F	178	WEATHER SERVICE	16,526	16,526	16,526		16,526
0305114F	179	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	7,371	7,371	7,371		7,371
0305116F	180	AERIAL TARGETS	5,178	5,178	5,178		5,178
0305128F	181	SECURITY AND INVESTIGATIVE ACTIVITIES	484	484	484		484
0305142F	182	APPLIED TECHNOLOGY AND INTEGRATION	[ ]				
0305148F	183	AIR FORCE TACTICAL MEASUREMENT AND SIGNATURE INTELLIGENCE (M	7,905	7,905	7,905		7,905
0305159F	184	DEFENSE RECONNAISSANCE SUPPORT ACTIVITIES (SPACE)	219,345	219,345	219,345	-30,000	189,345
		Classified adjustment				[-30,000]	
0305160F	185	DEFENSE METEOROLOGICAL SATELLITE PROGRAM (SPACE)					
0305164F	186	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	104,114	104,114	104,114		104,114
0305165F	187	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMEN	148,344	148,344	148,344		148,344
0305172F	188	COMBINED ADVANCED APPLICATIONS	[ ]				
0305174F	189	SPACE WARFARE CENTER	411	411	411		411

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0305182F	190	SPACELIFT RANGE SYSTEM (SPACE)	47,253	47,253	47,253		47,253
0305191F	191	PERSONNEL SECURITY INVESTIGATIONS PROGRAM - AIR FORCE	118,787	118,787	118,787		118,787
0305193F	192	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,097	1,097	1,097		1,097
0305202F	193	DRAGON U-2 (JMIP)	87,745	81,445	87,745		87,745
		ASIP Sensor Development		[-6,300]			
0305205F	194	ENDURANCE UNMANNED AERIAL VEHICLES		-2,000			
		Network Centric Collaborative Targeting		[-2,000]			
0305206F	195	AIRBORNE RECONNAISSANCE SYSTEMS	55,464	55,464	55,464		55,464
0305207F	196	MANNED RECONNAISSANCE SYSTEMS	13,283	24,783	13,283	3,200	16,483
		Geo Processor		[4,000]			
		COBRA BALL		[7,500]		[3,200]	
0305208F	197	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	21,232	21,232	21,232		21,232
0305219F	198	PREDATOR UAV (JMIP)	81,346	81,346	81,346		81,346
0305220F	199	GLOBAL HAWK UAV (JMIP)	336,159	318,159	336,159		336,159
		Program decrease		[-18,000]			
0305887F	200	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	963	963	963		963
		Program decrease					
0305906F	201	NCMC - TW/AA SYSTEM	64,822	64,822	64,822		64,822
0305910F	202	SPACETRACK (SPACE)	161,838	170,838	172,538	-21,600	140,238
		Air Force Space Surveillance System		[9,000]	[10,700]	[5,400]	
		Block 10 contract savings				[-7,000]	
		SBSS delay				[-20,000]	
0305911F	203	DEFENSE SUPPORT PROGRAM (SPACE)					

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0305913F	204	NUDET DETECTION SYSTEM (SPACE)	35,398	35,398	35,398		35,398
0305917F	205	SPACE ARCHITECT	12,907	12,907	12,907		12,907
0308601F	206	MODELING AND SIMULATION SUPPORT					
0308699F	207	SHARED EARLY WARNING (SEW)	3,345	3,345	3,345		3,345
0401115F	208	C-130 AIRLIFT SQUADRON	150,242	153,242	150,242	2,000	152,242
		Realtime Weight and Balance Measurement		[3,000]		[2,000]	
0401119F	209	C-5 AIRLIFT SQUADRONS (IF)	332,982	332,982	332,982		332,982
0401130F	210	C-17 AIRCRAFT (IF)	199,692	199,692	199,692		199,692
0401132F	211	C-130J PROGRAM	36,305	36,305	36,305		36,305
0401134F	212	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	73,684	73,684	73,684		73,684
0401218F	213	KC-135S	1,079	1,079	1,079		1,079
0401219F	214	KC-10S	18,452	9,352	18,452	-18,452	
		KC-10 GATM		[-9,100]		[-18,452]	
0408011F	215	SPECIAL TACTICS / COMBAT CONTROL	1,067	1,067	1,067		1,067
0702207F	216	DEPOT MAINTENANCE (NON-IF)	1,431	1,431	1,431		1,431
0702806F	217	ACQUISITION AND MANAGEMENT SUPPORT	1,596	1,596	1,596		1,596
0708011F	218	INDUSTRIAL PREPAREDNESS	38,012	38,012	42,512	3,200	41,212
		Aircraft batteries			[2,000]	[1,300]	
		Advanced nanomaterials research			[2,500]	[1,900]	
0708012F	219	LOGISTICS SUPPORT ACTIVITIES					
0708026F	220	PRODUCTIVITY, RELIABILITY, AVAILABILITY, MAINTAIN. PROG OFC (PRA					

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0708611F	221	SUPPORT SYSTEMS DEVELOPMENT	50,238	50,238	57,238	3,000	53,238
		Modular fuel cell architecture development			[5,000]	[2,000]	
		Unmanned aging aircraft maintenance			[2,000]	[1,000]	
0708612F	222	COMPUTER RESOURCES SUPPORT IMPROVEMENT PROGRAM (CRSIP)					
0808716F	223	OTHER PERSONNEL ACTIVITIES	110	110	110		110
0901212F	224	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)					
0901218F	225	CIVILIAN COMPENSATION PROGRAM	7,272	7,272	7,272		7,272
0901538F	226	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	15,732	15,732	15,732		15,732
XXXXXXX	999	CLASSIFIED PROGRAMS	5,551,279	5,551,279	5,551,279		5,551,279
		Financial information systems			-11,500		
		Total, RDT&E Air Force	**21,114,667**	**21,532,967**	**21,264,267**	**-681,734**	**20,432,933**

Transformational satellite communications

The budget request included $674.8 million in PE 63845F for tranformational military satellite communications (TSAT).

The House bill would authorize a decrease of $100.0 million in PE 63845F.

The Senate amendment would authorize a decrease of $100.0 million in PE 63845F.

The conferees agree to authorize $374.8 million in PE 63845F, a decrease of $300.0 million.

The conferees strongly support the objectives of the TSAT program, including much higher communications capacity, assured connectivity for a much larger number of mobile and fixed forces, and the ability to protect these capabilities against emerging threats. The conferees, however, have had continuing concerns related to the risk of the current acquisition approach and potential program delays, which the conferees believe could elevate operational risks resulting from gaps in the military satellite communications (MILSATCOM) architecture.

The conferees are aware of program options that could leverage both current MILSATCOM program investments and TSAT development efforts. The conferees believe that such an approach could accelerate the deployment of advanced communications capabilities, provide the opportunity to incrementally demonstrate advanced satellite communications technology, and provide a lower risk path to meeting TSAT requirements. The conferees believe that such an approach is potentially more consistent with spiral development and capabilities-based acquisition.

The conferees direct the Secretary of Defense to evaluate modified TSAT acquisition strategies that streamline the program structure and leverage current MILSATCOM investment, and to provide a report to the congressional defense committees on that evaluation by March 1, 2005.

Space based radar

The budget request included $327.7 million in PE 63858F for space based radar (SBR).

The House bill would authorize the budget request.

The Senate amendment would authorize the budget request.

The conferees agree to authorize $75.0 million in PE 63858F for SBR, a decrease of $252.7 million.

The conferees believe that the United States must continue to improve its space-based and airborne intelligence, reconnaissance, and surveillance (ISR) systems; and believe that persistent surveillance will be critical to future U.S. military and intelligence capabilities. The conferees note that space based radar can make a significant contribution to persistent surveillance and that radars provide the only all weather, day/night ISR capabilities.

While strongly supportive of radar satellites, the conferees are concerned that the Air Force cost estimates for the notional SBR architecture that served as the basis for the fiscal year 2005 budget request were very high. If accurate, these estimates could render the system unaffordable.

The conferees believe that affordability will be critically dependent on the development and deployment of a single radar satellite system to meet both military and intelligence community needs and the thorough integration of space based radar ISR capabilities into a system of systems architecture that includes air assets, other national technical means, responsive space assets, and possibly near-space assets. Such an integration will have direct and significant implications for the capabilities needed in any one element of a system of systems. The conferees believe that an integrated architecture, that leverages and evolves existing architectures as well as innovative technologies, will provide greater capabilities earlier and at a more affordable cost.

Consequently, the conferees believe that the number of satellites and technical capabilities needed in an SBR system, and how an SBR system might evolve over time, is critically dependent on a more complete understanding of an integrated ISR system. The conferees direct that the SBR effort be restructured to focus on continued technology maturation (including satellite integration), architectural analysis, and system evolution. The conferees further direct the Secretary of Defense to submit a report to the congressional defense committees no later than March 1, 2005, outlining the key features and programmatic implications of an ISR system of systems architecture that includes national technical means and other space, air, responsive space, near-space and terrestrial systems.

Space based infrared system

The budget request included $508.4 million in PE 64441F for the space based infrared system (SBIRS).

The House bill would authorize the budget request.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $35.0 million in PEG 4441F.

The conferees remain concerned with continued SBIRS cost increases, schedule delays, and technical problems. The conferees note that the initial 1996 cost estimate for SBIRS was $3.6 billion; that estimate has increased by nearly $4 billion in the last three years and is now $10.0 billion. While strongly supportive of the development of next generation early warning capabilities, the conferees do not believe that continuation of this program can be justified if such increases continue in the future. The conferees direct the Secretary of Defense to provide a report in classified and unclassified form to the congressional defense committees no later than February 1, 2005 on the cause of the most recent SBIRS cost increases, schedule delays, and technical problems; the most recent Defense Support Program gap analysis and any effect that further delays will have on U.S. early warning, technical intelligence, and missile defense capabilities; steps taken to address the most recent SBIRS technical difficulties; any adjustments in management and contract arrangements with the contractor to reflect the most recent program challenges; remaining risk areas; and an assessment of the confidence level in the SBIRS schedule and cost estimates current as of October 1, 2004.

DEFENSE–WIDE

Research, Development, Test and Evaluation, Defense-wide Overview

The budget request for fiscal year 2005 included an authorization of $20,739.8 million in Research, Development, Test and Evaluation, Defense-wide for the Department of Defense.

The House bill would authorize $20,721.3 million.

The Senate amendment would authorize $20,654.4 million.

The conferees recommend an authorization of $20,252.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE					
0601101D8Z	1	IN-HOUSE LABORATORY INDEPENDENT RESEARCH					
0601101E	2	DEFENSE RESEARCH SCIENCES	143,729	148,729	151,229	9,900	153,629
		Molecular electronics			[2,500]	[1,900]	
		Infectious disease research			[2,000]	[1,000]	
		Nanophotonics systems research			[2,000]	[2,000]	
		Novel energetic materials			[1,000]		
		Optoelectronics and Optical Communications		[3,000]		[3,000]	
		Super Lattice Nanotechnology		[2,000]		[2,000]	
0601103D8Z	3	UNIVERSITY RESEARCH INITIATIVES					
0601105D8Z	4	FORCE HEALTH PROTECTION					
0601108D8Z	5	HIGH ENERGY LASER RESEARCH INITIATIVES					
0601111D8Z	6	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH			7,000	7,000	7,000
		Focus center research program			[7,000]	[7,000]	
0601114D8Z	7	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESE/	9,590	9,590	9,590		9,590
0601384BP	8	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	36,769	51,769	36,769	11,000	47,769
		Basic Research Initiative		[15,000]		[11,000]	
0602227D8Z	9	MEDICAL FREE ELECTRON LASER	9,668	19,668	17,668	9,000	18,668
		Medical free electron laser		[10,000]	[8,000]	[9,000]	
0602228D8Z	10	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE	14,192	14,192	14,192		14,192
0602234D8Z	11	LINCOLN LABORATORY RESEARCH PROGRAM	25,441	25,441	25,441		25,441
0602301E	12	COMPUTING SYSTEMS AND COMMUNICATIONS TECHNOLOGY	342,614	322,614	342,614		342,614
0602302E	13	EMBEDDED SOFTWARE AND PERVASIVE COMPUTING					

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602383E	14	BIOLOGICAL WARFARE DEFENSE	147,533	157,533	150,533	3,000	150,533
		Biodefense research			[3,000]	[1,000]	
		Asymmetric Protocols		[10,000]		[2,000]	
0602384BP	15	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	104,385	129,385	114,285	33,350	137,735
		Mustard gas antidote			[3,000]	[3,000]	
		Bioinformatics			[2,000]	[2,000]	
		Chemical agent persistence models			[2,900]	[2,900]	
		Neurotoxin mitigation research (S. Amdt 3241)			[2,000]	[1,000]	
		Applied Research Initiative		[25,000]		[24,450]	
0602702E	16	TACTICAL TECHNOLOGY	339,175	300,175	314,175	-12,200	326,975
		Stimulated Isomer Energy Release		[-4,000]	[-4,000]	[-4,000]	
		Automated battle management			[-10,000]		
		Novel sensors			[-3,000]	[-3,200]	
		HEDlight			[-5,000]		
		Laser star			[-3,000]	[-3,000]	
		Walrus Hybrid Airlift Vehicle		[-10,000]			
		High-speed/Hypersonic reusable demonstration		[-15,000]			
		Program Reduction		[-10,000]			
		Combat zones that see				[-2,000]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0602712E	17	MATERIALS AND ELECTRONICS TECHNOLOGY	502,044	492,044	479,044	-3,500	498,544
		Bio-based nanosensors			[2,000]	[2,000]	
		Unjustified growth			[-25,000]		
		Program Reduction		[-10,000]			
		BioFabrication				[-5,500]	
0602716BR	18	WMD DEFEAT TECHNOLOGY	249,786	259,786	249,786		249,786
		Nuclear Weapons Effects		[10,000]			
0602717BR	19	WMD DEFENSE TECHNOLOGIES	116,113	116,113	116,113		116,113
0602787D8Z	20	MEDICAL TECHNOLOGY	10,084	10,084	10,184		10,084
		Pseudofolliculitis Barbae			[100]		
0602890D8Z	21	HIGH ENERGY LASER RESEARCH					
1160401BB	22	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	13,109	16,109	13,109	2,500	15,609
		Spike Missile Development and Production		[3,000]		[2,500]	
1160407BB	23	SOF MEDICAL TECHNOLOGY DEVELOPMENT	2,162	2,162	2,162		2,162
0603002D8Z	24	MEDICAL ADVANCED TECHNOLOGY	2,063	7,063	5,063	1,500	3,563
		Anti-radiation Drug and Trials Program		[5,000]		[1,500]	
		Radiation casualty research (S. Amdt 3157)			[3,000]		
0603104D8Z	25	EXPLOSIVES DEMILITARIZATION TECHNOLOGY					
0603121D8Z	26	SO/LIC ADVANCED DEVELOPMENT	32,682	32,682	32,682		32,682
0603122D8Z	27	COMBATING TERRORISM TECHNOLOGY SUPPORT	46,719	74,219	56,719	13,500	60,219
		Blast mitigation			[10,000]	[7,000]	
		SVS Collaborative and Virtual Reality Training Pilot		[2,500]		[1,500]	
		Advanced Combating Terrorism Technology		[25,000]		[5,000]	

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603160BR	28	COUNTERPROLIFERATION INITIATIVES - PROLIFERATION PREVENTION A	74,456	74,456	79,456	5,000	79,456
		Portable radiation search tool			[5,000]	[5,000]	
0603175C	29	BALLISTIC MISSILE DEFENSE TECHNOLOGY	204,320	208,320	211,120	6,100	210,420
		Massively parallel optical interconnects		[4,000]	[4,000]	[3,400]	
		Radiation hardened CMOS			[3,300]	[2,700]	
		Radiation hardened CMOS (S. Amdt 3228)			[-500]		
0603225D8Z	30	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	23,319	23,319	23,319		23,319
0603232D8Z	31	AUTOMATIC TARGET RECOGNITION					
0603285E	32	ADVANCED AEROSPACE SYSTEMS	361,067	306,067	321,067	-37,500	323,567
		Unjustified growth			[-25,000]		
		Reduction - Orbital Express project			[-15,000]	[-10,000]	
		Program Reduction		[-20,000]			
		Walrus Hybrid Airlift Vehicle		[-10,000]		[-10,000]	
		Transfer to 63122D8Z		[-25,000]			
		RASCAL				[-5,000]	
		CAV				[-12,500]	
0603384BP	33	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOI	117,343	152,343	126,843	38,250	155,593
		Anthrax and plague oral vaccine development			[6,000]	[2,800]	
		Water quality sensors			[3,500]	[2,600]	
		Advanced Technology Development Initiative		[35,000]		[32,850]	
0603400D8Z	34	JOINT UNMANNED COMBAT AIR SYSTEMS (J-UCAS) ADVANCED TECHNOI	284,617	284,617	284,617		284,617
0603704D8Z	35	SPECIAL TECHNICAL SUPPORT					
0603711BR	36	ARMS CONTROL TECHNOLOGY					

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603712S	37	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	27,542	29,542	47,042	18,150	45,692
		Ferrite technology			[2,500]	[2,500]	
		Support of legacy systems			[2,000]	[2,000]	
		Multi-purpose airframe support system			[2,500]	[1,400]	
		Vehicle fuel cell program			[7,000]	[5,250]	
		Supply chain surge/shortage			[2,500]	[2,500]	
		Microelectronics testing and technology			[3,000]	[3,000]	
		Connectory for Rapid ID of Tech Resources		[2,000]		[1,500]	
0603716D8Z	38	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	56,936	56,936	56,936		56,936
0603727D8Z	39	JOINT WARFIGHTING PROGRAM	9,936	9,936	9,936		9,936
0603739E	40	ADVANCED ELECTRONICS TECHNOLOGIES	218,151	213,151	207,151		218,151
		Unjustified growth			[-11,000]		
		Program Reduction		[-5,000]			
0603750D8Z	41	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS	213,901	213,901	215,901	2,000	215,901
		Hardware encryption device			[2,000]	[2,000]	
0603755D8Z	42	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	186,666	192,666	190,666	4,000	190,666
		High performance computing visualization			[2,000]	[2,000]	
		Simulation center upgrade		[6,000]	[2,000]	[2,000]	
0603760E	43	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	225,784	205,784	214,784	-4,000	221,784
		Unjustified growth			[-11,000]		
		Program Reduction		[-20,000]			
		Space Based Networking				[-4,000]	

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603762E	44	SENSOR AND GUIDANCE TECHNOLOGY	337,117	312,117	322,117	-3,000	334,117
		Unjustified growth			[-15,000]		
		Program Reduction		[-25,000]			
		ISIS				[-3,000]	
0603763E	45	MARINE TECHNOLOGY					
0603764E	46	LAND WARFARE TECHNOLOGY	63,121	63,121	63,121		63,121
0603765E	47	CLASSIFIED DARPA PROGRAMS	238,131	213,131	238,131		238,131
		Program Reduction		[-25,000]			
0603766E	48	NETWORK-CENTRIC WARFARE TECHNOLOGY	125,124	110,124	125,124		125,124
		Program Reduction		[-15,000]			
0603769SE	49	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,756	13,756	13,756		13,756
0603781D8Z	50	SOFTWARE ENGINEERING INSTITUTE	21,599	21,599	21,599		21,599
0603805S	51	DUAL USE APPLICATION PROGRAMS					
0603826D8Z	52	QUICK REACTION SPECIAL PROJECTS	64,389	169,389	74,389	5,300	69,689
		IED Electronic Counter Measures and Jammers		[30,000]			
		Optical Surveillance Systems		[25,000]			
		Quick Reaction Counter Rocket and Mortar Capability		[50,000]			
		Combat casualty technologies (S. Amdt 3264)			[10,000]	[5,300]	
0603832D8Z	53	JOINT WARGAMING SIMULATION MANAGEMENT OFFICE	46,017	46,017	46,017		46,017
0603924D8Z	54	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM					
0603942D8Z	55	TECHNOLOGY LINK	1,934	1,934	1,934		1,934
0605160D8Z	56	COUNTERPROLIFERATION SUPPORT	1,958	1,958	7,958		1,958
		Nuclear physical security			[6,000]		

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1160402BB	57	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	48,803	64,803	48,803	7,000	55,803
		Remote Sensor Power Source		[4,000]			
		Advanced ID Capability for AC-130U		[3,000]			
		ANGELFIRE Active Protection		[6,000]		[6,000]	
		Surveillance Augmentation Vehicle - Insertable on Request		[3,000]		[1,000]	
0603228D8Z	58	PHYSICAL SECURITY EQUIPMENT					
0603709D8Z	59	JOINT ROBOTICS PROGRAM	11,771	11,771	11,771		11,771
0603714D8Z	60	ADVANCED SENSOR APPLICATIONS PROGRAM	17,581	35,581	17,581	9,150	26,731
		Program increase		[10,000]		[5,550]	
		Multi-Wavelength Surface Scanning Biologics Sensor		[3,000]		[1,500]	
		Advanced Solid State Dye Laser		[5,000]		[2,100]	
0603736D8Z	61	CALS INITIATIVE					
0603851D8Z	62	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	32,546	32,546	40,246		32,546
		Unexploded ordnance detection using airborne GPR			[4,700]		
		Enhanced techniques for the detection of explosives (ETDE)			[3,000]		
0603869C	63	MEADS CONCEPTS					
0603879C	64	ADVANCED CONCEPTS, EVALUATIONS AND SYSTEMS	256,159	206,159	256,159	-25,000	231,159
		Reduce programmed growth		[-50,000]		[-25,000]	
0603880C	65	BALLISTIC MISSILE DEFENSE SYSTEM SEGMENT					
0603881C	66	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	937,748	984,748	937,748		937,748
		Arrow coproduction (non-additive)			[80,000]	[68,000]	
		Program increase		[47,000]			

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603882C	67	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	4,384,775	4,414,775	4,424,775	62,000	4,446,775
		GMD enhancements			[75,000]	[75,000]	
		GMD long lead			[-35,000]		
		Solid State S Band Radar		[30,000]		[15,000]	
		Long lead materials for interceptors #31-40				[-28,000]	
0603883C	68	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	492,614	492,614	492,614		492,614
0603884BP	69	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	104,195	104,195	104,195		104,195
0603884C	70	BALLISTIC MISSILE DEFENSE SENSORS	591,957	540,957	611,957	9,000	600,957
		Airborne infrared system			[15,000]	[9,000]	
		E-2C infrared search and track (IRST)			[5,000]		
		Program decrease		[-56,000]			
		Post Ramos Project		[5,000]			
0603886C	71	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR	511,262	396,262	311,262	-163,000	348,262
		Kinetic energy interceptor			[-200,000]		
		Program decrease		[-75,000]			
		BMD System Interceptor Program (H. Amdt 10)		[-48,000]			
		Boost Phase Hit-to-Kill		[8,000]			
		Reduce programmed growth				[-163,000]	
0603888C	72	BALLISTIC MISSILE DEFENSE TEST & TARGETS	713,658	713,658	713,658		713,658
0603889C	73	BALLISTIC MISSILE DEFENSE PRODUCTS	418,608	358,608	423,608	-13,500	405,108
		Joint National Integration Center			[5,000]	[2,500]	
		Program decrease		[-60,000]			
		Reduce programmed growth				[-16,000]	

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603890C	74	BALLISTIC MISSILE DEFENSE SYSTEMS CORE	479,764	449,764	474,764	-74,000	405,764
		Corporate lethality program			[-5,000]		
		Program decrease		[-30,000]			
		Wide Bandwidth Technology (non-additive)		[4,000]		[1,000]	
		System engineering and integration national team unjustified growth				[-75,000]	
0603910D8Z	75	STRATEGIC CAPABILITY MODERNIZATION					
060xxxxD8Z	75A	Operationally responsive satellite payloads			25,000		
0603920D8Z	76	HUMANITARIAN DEMINING	13,747	13,747	13,747		13,747
0603923D8Z	77	COALITION WARFARE	5,886	5,886	5,886		5,886
0604400D8Z	78	JOINT UNMANNED COMBAT AIR SYSTEMS (J-UCAS) ADVANCED COMPON	422,873	422,873	422,873	-200,000	222,873
		Program restructure				[-200,000]	
0604722D8Z	79	JOINT SERVICE EDUCATION AND TRAINING SYSTEMS DEVELOPMENT					
0605017D8Z	80	REDUCTION OF TOTAL OWNERSHIP COST	27,351	27,351	27,351	-27,351	
		Lack of program justification				[-27,351]	
0303191D8Z	81	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	6,679	6,679	6,679		6,679
	81a	Joint Experimentation		167,626			
	81b	Joint Warfare Experiments		26			
	81c	Joint Warfare Transformation Programs		22,450			
0604384BP	82	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	152,379	165,379	159,379	-11,500	140,879
		Joint Biological Point Detection System		[5,000]	[5,000]	[3,500]	
		JSLSCAD			[2,000]		
		Joint Service Lightweight Standoff Chemical Agent Detector		[8,000]			
		JCAD - Cancellation				[-15,000]	

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0604618D8Z	83	MANPADS DEFENSE PROGRAM	14,135		14,135	-6,500	7,635
		Program decrease		[-14,135]		[-6,500]	
0604709D8Z	84	JOINT ROBOTICS PROGRAM	13,845	13,845	13,845		13,845
0604764K	85	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	18,183	18,183	18,183		18,183
0604771D8Z	86	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	18,515	18,515	18,515		18,515
0604861C	87	THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM - TMD					
0604865C	88	PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION					
0605013BL	89	INFORMATION TECHNOLOGY DEVELOPMENT	10,683	10,683	10,683		10,683
0605013D8Z	90	PROTOTYPE ACCOUNTING SYSTEMS					
0605014SE	91	INFORMATION TECHNOLOGY DEVELOPMENT	52,407	52,407	52,407		52,407
0605015BL	92	INFORMATION TECHNOLOGY DEVELOPMENT-STANDARD PROCUREMEN	6,690	6,690	6,690		6,690
0605016D8Z	93	FINANCIAL MANAGEMENT SYSTEM IMPROVEMENTS	94,767	45,767	94,767	-45,000	49,767
		Program decrease		[-49,000]		[-45,000]	
0303129K	94	DEFENSE MESSAGE SYSTEM	6,623	6,623	6,623		6,623
0303140K	95	INFORMATION SYSTEMS SECURITY PROGRAM	2,493	2,493	2,493		2,493
0303141K	96	GLOBAL COMBAT SUPPORT SYSTEM	17,867	17,867	17,867		17,867
0303158K	97	JOINT COMMAND AND CONTROL PROGRAM (JC2)	3,000	3,000	3,000		3,000
0305840K	98	ELECTRONIC COMMERCE	3,466	3,466	3,466		3,466
0305840S	99	ELECTRONIC COMMERCE	2,345	2,345	2,345		2,345
0901200D8Z	100	BMMP DOMAIN MANAGEMENT AND SYSTEMS INTEGRATION	7,472	7,472	7,472		7,472
0603704D8Z	101	SPECIAL TECHNICAL SUPPORT	19,274	19,274	19,274	8,000	27,274
		Classified Adjustment				[8,000]	
0603757D8Z	102	TRAINING TRANSFORMATION (T2)					

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0603835D8Z	103	TRANSFORMATION INITIATIVES PROGRAM	9,977	9,977	9,977	-9,977	
		Program reduction				[-9,977]	
0603858D8Z	104	UNEXPLODED ORDNANCE DETECTION AND CLEARANCE					
0604774D8Z	105	DEFENSE READINESS REPORTING SYSTEM (DRRS)	19,691	19,691	19,691		19,691
0604875D8Z	106	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	4,989	4,989	4,989		4,989
0604943D8Z	107	THERMAL VICAR	7,263	7,263	7,263		7,263
0605104D8Z	108	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	30,618	31,618	25,618	1,000	31,618
		Unjustified growth			[-5,000]		
		NDU Technology Pilot Program		[1,000]		[1,000]	
0605110BR	109	CRITICAL TECHNOLOGY SUPPORT	1,937	1,937	1,937		1,937
0605114D8Z	110	BLACK LIGHT	21,535	21,535	21,535		21,535
0605116D8Z	111	GENERAL SUPPORT TO C3I					
0605117D8Z	112	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	35,572	35,572	35,572		35,572
0605123D8Z	113	INTERAGENCY EXPORT LICENSE AUTOMATION	5,882	5,882	5,882		5,882
0605124D8Z	114	DEFENSE TRAVEL SYSTEM	28,508	28,508	28,508		28,508
0605126J	115	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	86,409	86,409	86,409		86,409
0605128D8Z	116	CLASSIFIED PROGRAM USD(P)					
0605130D8Z	117	FOREIGN COMPARATIVE TESTING	35,633	37,183	35,633	1,000	36,633
		Weather SCOUT UAV		[1,550]		[1,000]	
0605170D8Z	118	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	11,490	11,490	13,690	1,100	12,590
		Command Information Superiority Architectures Program			[2,200]	[1,100]	
0605200D8Z	119	GENERAL SUPPORT TO USD (INTELLIGENCE)	4,830	4,830	4,830		4,830

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0605384BP	120	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	42,652	42,652	42,652	-5,000	37,652
		Management support cost growth				[-5,000]	
0605502BR	121	SMALL BUSINESS INNOVATION RESEARCH					
0605502C	122	SMALL BUSINESS INNOVATIVE RESEARCH - MDA					
0605502D8Z	123	SMALL BUSINESS INNOVATIVE RESEARCH					
0605502E	124	SMALL BUSINESS INNOVATIVE RESEARCH					
0605710D8Z	125	CLASSIFIED PROGRAMS - C3I			10,000	3,000	3,000
		Foreign Supplier Assessment Center			[10,000]	[3,000]	
0605790D8Z	126	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATIO	1,999	1,999	1,999		1,999
0605798S	127	DEFENSE TECHNOLOGY ANALYSIS	7,279	7,279	8,279		7,279
		Global research watch			[1,000]		
0605799D8Z	128	FORCE TRANSFORMATION DIRECTORATE	19,591	44,591	19,591	20,000	39,591
		Operationally Responsive Satellite		[25,000]		[20,000]	
		Operationally Responsive Satellite (line 75A)					
0605801K	129	DEFENSE TECHNICAL INFORMATION SERVICES (DTIC)	45,203	45,203	45,203		45,203
0605803SE	130	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	10,598	10,598	10,598		10,598
0605804D8Z	131	DEVELOPMENT TEST AND EVALUATION	8,882	8,882	8,882		8,882
0605898E	132	MANAGEMENT HQ - R&D	46,689	46,689	46,689		46,689
0303169D8Z	133	INFORMATION TECHNOLOGY RAPID ACQUISITION	19,958	2,958	19,958	-14,958	5,000
		Rapid Acquisition Process		[-17,000]		[-14,958]	
0305193D8Z	134	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	12,878	12,878	12,878		12,878
0305193G	135	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]				
0901585C	136	PENTAGON RESERVATION	13,884	13,884	13,884		13,884

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0901598C	137	MANAGEMENT HQ - MDA	141,923	141,923	141,923	-25,000	116,923
		Reduce programmed growth				[-25,000]	
0901598D8W	138	IT SOFTWARE DEV INITIATIVES	1,700	1,700	1,700		1,700
0909999E	139	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS					
XXXXXXX	999	Classified Programs increase		20,400			
0604805D8Z	140	COMMERCIAL OPERATIONS AND SUPPORT SAVINGS INITIATIVE					
0605127T	141	PARTNERSHIP FOR PEACE (PFP) INFORMATION MANAGEMENT SYSTEM	6,995	6,995	6,995		6,995
0607384BP	142	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVEL(	2,178	2,178	2,178		2,178
0208043J	143	CLASSIFIED PROGRAMS	1,663	1,663	1,663		1,663
0208045K	144	C4I INTEROPERABILITY	41,074	41,074	41,074		41,074
0208052J	145	JOINT ANALYTICAL MODEL IMPROVEMENT PROGRAM	5,577	5,577	5,577		5,577
0300205R	146	INFORMATION TECHNOLOGY SYSTEMS					
0301011G	147	CRYPTOLOGIC ACTIVITIES	[ ]				
0301301L	148	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]				
0301318BB	149	HUMINT (CONTROLLED)	[ ]				
0301398L	150	MANAGEMENT HEADQUARTERS GDIP, DIA	[ ]				
0301555BB	151	CLASSIFIED PROGRAMS	[ ]				
0301556BB	152	SPECIAL PROGRAM	[ ]				
0302016K	153	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	1,240	1,240	1,240		1,240
0302019K	154	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	2,517	2,517	2,517		2,517
0303126K	155	LONG-HAUL COMMUNICATIONS - DCS	11,401	11,401	11,401		11,401
0303127K	156	SUPPORT OF THE NATIONAL COMMUNICATIONS SYSTEM					
0303131K	157	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEEC	7,261	7,261	7,261		7,261

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0303140D8Z	158	INFORMATION SYSTEMS SECURITY PROGRAM	11,135	11,135	11,135		11,135
0303140G	159	INFORMATION SYSTEMS SECURITY PROGRAM	477,846	477,846	477,846		477,846
0303149J	160	C4I FOR THE WARRIOR	4,177	4,177	4,177		4,177
0303149K	161	C4I FOR THE WARRIOR	24,712	24,712	24,712		24,712
0303150K	162	GLOBAL COMMAND AND CONTROL SYSTEM	43,693	43,693	43,693		43,693
0303153K	163	JOINT SPECTRUM CENTER	18,941	18,941	18,941		18,941
0303165K	164	DEFENSE COLLABORATION TOOL SUITE (DCTS)	8,503	8,503	8,503		8,503
0303170K	165	NET-CENTRIC ENTERPRISE SERVICES (NCES)	52,059	52,059	52,059		52,059
0303610K	166	TELEPORT PROGRAM	10,272	10,272	10,272		10,272
0304210BB	167	SPECIAL APPLICATIONS FOR CONTINGENCIES	20,758	20,758	20,758		20,758
0304345BQ	168	NATIONAL IMAGERY AND MAPPING PROGRAM	[ ]				
0305102BQ	169	DEFENSE IMAGERY AND MAPPING PROGRAM	[ ]	-200			
		TPED of SYERS-2		[3,000]			
		National Geospatial-Intelligence Agency		[-3,200]			
0305125D8Z	170	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	28,021	28,021	28,021		28,021
0305127BZ	171	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]				
0305127V	172	FOREIGN COUNTERINTELLIGENCE ACTIVITIES					
0305146BZ	173	DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM (JMIP)	32,939	32,939	32,939		32,939
0305146D8Z	174	DEFENSE JOINT COUNTERINTELLIGENCE PROGRAM (JMIP)					
0305183L	175	DEFENSE HUMINT PROGRAM (DHIP)	[ ]				
0305190D8Z	176	C3I INTELLIGENCE PROGRAMS					
0305191D8Z	177	TECHNOLOGY DEVELOPMENT					
0305193G	178	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]				

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
0305193L	179	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[ ]				
0305199D8Z	180	NET CENTRICITY	214,222	144,222	214,222	-80,000	134,222
		Program decrease		[-70,000]			
		Horizontal Fusion program reduction				[-80,000]	
0305202G	181	DRAGON U-2 (JMIP)	[ ]				
0305206G	182	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]				
0305207G	183	MANNED RECONNAISSANCE SYSTEMS	[ ]				
0305208BQ	184	DISTRIBUTED COMMON GROUND SYSTEMS	[ ]				
0305208G	185	DISTRIBUTED COMMON GROUND SYSTEMS	[ ]				
0305208L	186	DISTRIBUTED COMMON GROUND SYSTEMS	[ ]				
0305883L	187	HARD AND DEEPLY BURIED TARGET INTEL SUPPORT	[ ]		10,000		
		Enhanced ISR			[10,000]		
0305884L	188	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]	10,000			
		Measures and Signatures Intelligence Consortium		[10,000]			
0305885G	189	TACTICAL CRYPTOLOGIC ACTIVITIES	[ ]				
0305889G	190	COUNTERDRUG INTELLIGENCE SUPPORT	[ ]				
0305917D8Z	191	NATIONAL SECURITY SPACE ARCHITECT (NSSA)					
0708011S	192	INDUSTRIAL PREPAREDNESS	11,005	23,205	16,005	4,500	15,505
		Advanced manufacturing technologies			[3,000]	[4,500]	
		Advanced manufacturing technologies (S Amdt 3157)			[2,000]		
		Smart Machine Platform Initiative		[12,200]			
0708012S	193	LOGISTICS SUPPORT ACTIVITIES	11,389	11,389	11,389		11,389
0902298J	194	MANAGEMENT HEADQUARTERS (JCS)	22,421	22,421	22,421		22,421

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(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
1001018D8Z	195	NATO JOINT STARS	30,399	30,399	30,399		30,399
1160279BB	196	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER I					
1160401BB	197	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT					
1160402BB	198	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT					
1160404BB	199	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	311,966	311,966	316,866	-28,500	283,466
		LAW confined space			[4,900]		
		Underexecution				[-10,000]	
		CAAP Program				[-18,500]	
1160405BB	200	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	25,015	25,015	32,015	5,800	30,815
		Wireless management and control project			[5,000]	[3,800]	
		Joint Threat Warning System maritime variants (S. Amdt 3471)			[2,000]	[2,000]	
1160407BB	201	SOF MEDICAL TECHNOLOGY DEVELOPMENT					
1160408BB	202	SOF OPERATIONAL ENHANCEMENTS	57,643	57,643	61,643	1,400	59,043
		Tactical computer system development			[4,000]	[1,400]	
XXXXXXXX	999	CLASSIFIED PROGRAMS	3,578,082	3,583,082	3,578,082		3,578,082
		Program Increase		[5,000]			
		Financial information systems			-10,500		
		Total, RDT&E Defense-Wide	**20,739,837**	**20,721,254**	**20,654,437**	**-486,986**	**20,252,851**

Chemical and biological defense basic research program

The budget request included $36.8 million in PE 61384BP for chemical and biological defense program basic research.

The House bill would authorize an increase of $15.0 million in PE 61384BP for a chemical and biological defense basic research initiative.

The Senate amendment would authorize the budget request.

The conferees agree to authorize an increase of $11.0 million in PE 61384BP for a chemical and biological defense basic research initiative. The conferees note that projects and technologies to be considered for funding under the chemical and biological defense basic research initiative should be selected on the basis of technical merit and potential operational utility. The conferees recommend that the projects and technologies to be considered for funding under the chemical and biological defense basic research initiative should include, but not be limited to, the following: engineered pathogen identification and countermeasures, multipurpose biodefense immunoarrays and fluorescence activated sensing technologies.

Chemical and biological defense applied research program

The budget request included $104.4 million in PE 62384BP for chemical and biological defense program applied research.

The House bill would authorize an increase of $25.0 million in PE 62384BP for a chemical and biological defense applied research initiative.

The Senate amendment would authorize an increase of $8.9 million in PE 62384BP, including $3.0 million for mustard gas antidotes; $2.0 million for bioinformatics; $2.0 million for neurotoxin mitigation research; and $2.9 million for chemical agent persistence models.

The conferees agree to authorize an increase of $33.4 million in PE 62384BP for chemical and biological defense program applied research, including $3.0 million for mustard gas antidote; $2.0 million for bioinformatics; $1.0 million for neurotoxin mitigation research; $2.9 million chemical agent persistence models; and $24.5 million for a chemical and biological applied research initiative.

The conferees note that projects and technologies to be considered for funding under the chemical and biological defense program applied research initiative should be selected on the basis of technical merit and potential operational utility. The conferees recommend that the projects and technologies to be considered for funding under the chemical and biological defense applied research initiative should include, but not be limited to, the following: air contamination monitoring systems; hand-held detectors; heat shock protein vaccine creation processes; low-cost chemical-biological protective shelters; membrane research for next generation chemical-biological protective suits; rapid anti-body based biological countermeasures; and rapid decontamination systems for nerve agents.

Stimulated isomer energy release

The budget request included $339.2 million in PE 62702E for tactical technology applied research, including $4.0 million for the Defense Advanced Research Project Agency's (DARPA) stimulated isomer energy release (SIER) project.

The House bill and the Senate amendment would reduce the budget request for the SIER project by $4.0 million. The House bill also directed the Secretary of Defense to terminate the project.

The conferees agree to authorize no funds for continuation of the DARPA SIER project and direct that the DARPA project be terminated.

Combating terrorism technology support

The budget request included $46.7 million in PE 63122D8Z for combating terrorism technology support programs.

The House bill would authorize an increase of $27.5 million in PE 63122D8Z for combating terrorism technology support programs, including $25.0 million for advanced combating terrorism technology support.

The Senate amendment would authorize an increase of $10.0 million in PE 63122D8Z for blast mitigation research. The conferees agree to authorize an increase of $13.5 million in PE 63122D8Z for combating terrorism technology support, including $7.0 million for blast mitigation; $5.0 million for advanced combating terrorism technology support; and $1.5 million for combating terrorism intelligence, surveillance, and reconnaissance research.

Chemical and biological defense program advanced technology development

The budget request included $117.3 million in PE 63384BP for the chemical and biological defense program for advanced technology development.

The House bill would authorize an increase of $35.0 million in PE 63384BP for a chemical and biological defense program advanced technology initiative.

The Senate amendment would authorize an increase of $9.5 million for chemical and biological defense program advanced technology development, including $6.0 million for anthrax and plague oral vaccine development; and $3.5 million for water quality sensors.

The conferees agree to authorize an increase of $38.3 million for chemical and biological defense program for advanced technology development, including $32.9 million for an advanced technology development initiative; $2.8 million for anthrax and plague oral vaccine development; and $2.6 million for water quality sensors.

The conferees note that projects and technologies to be considered for funding under the chemical and biological defense advanced technology development initiative should be selected on the basis of technical merit and potential operational utility. The conferees recommend that the projects and technologies to be considered for funding under the chemical and biological defense basic research initiative should include, but not be limited to, the following: hand-held biological detection systems; immuno biological/chemical threat agent detectors; non-invasive vectored vaccine development; and recombinant protein vaccines.

Airborne laser

The budget request included $474.3 million in PE 63883C for the airborne laser (ABL).

The House bill would authorize the budget request.

The Senate amendment would authorize the budget request.

The conferees agree to authorize the budget request.

The conferees remain convinced of the importance of boost phase intercept in the ballistic missile defense architecture, and note that ABL has potentially revolutionary capabilities. The conferees also note that, in response to consistent cost overruns and schedule delays, the program has been restructured to reflect these difficulties and its developmental nature. The conferees applaud this restructuring and are aware of progress in recent months toward achieving key milestones in the ABL program, particularly first light from conjoined laser modules. The conferees note that demonstrated progress in these areas will be critical to the continuation of the ABL effort.

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees by February 15, 2005 that provides the status of ABL laser tests and the beam control/fire control system and recommendations on the future of the ABL program.

Kinetic energy interceptor

The budget request included $511.3 million in PE 63886C for the kinetic energy interceptor (KEI) and associated boost phase intercept efforts.

The House bill authorized a decrease of $75.0 million in PE 63886C.

The Senate amendment authorized a decrease of $200.0 million in PE 63886C.

The conferees agree to authorize $348.3 million in PE 63886C, a decrease of $163.0 million.

The conferees remain convinced that the KEI could be an important aspect of the overall ballistic missile defense architecture, potentially contributing intercept capabilities in boost, midcourse, and terminal phases of the threat missile flight. The conferees are concerned, however, with the lack of progress in defining basing modes. The conferees note that:

(1) Recent justifications for the KEI ground-based variant suggest that it might serve as the basis for midcourse intercept capability in Europe. At the same time, however, the budget request included $35.0 million for additional ground-based interceptors (GBI) for the ground-based midcourse defense element that could be deployed in Europe; and

(2) Consideration of sea-based concepts of operations and platforms do not appear to be progressing.

The conferees direct the Director of the Missile Defense Agency to provide a report to the congressional defense committees by February 1, 2005 that includes planned ground- and sea-basing modes for KEI (including specific sea-based platforms) and the concept of operations for each basing mode; how KEI will enhance ballistic missile defense system capabilities; the role KEI may play in European missile defense and how that role relates to the fielding of additional GBIs; and a comparison of anticipated sea-based KEI capabilities with other sea-based missile defense options.

Operationally responsive space

The budget request included $19.6 million in PE 65799D8Z for the force transformation directorate, but no funds for operationally responsive satellite payloads and busses.

The House bill would authorize an increase of $25.0 million in PE 65799D8Z for operationally responsive satellite payloads.

The Senate amendment would authorize $25.0 million in a new program element for operationally responsive satellite payloads.

The conferees believe that smaller, less expensive satellites may provide a means of achieving more rapid and effective deployment of space-based military capabilities than is now possible. The conferees are encouraged by Air Force efforts to develop small, low-cost space launch vehicles as an essential step for enabling the launch of such satellites, but are concerned that the effort to develop viable payloads for these rockets is not adequately funded. The conferees note that the Office of Transformation is working with the Air Force Research Laboratory to develop lightweight, experimental tactical satellites (TACSATs), but that this effort lacks dedicated funding. The conferees also believe that the development of standards, protocols, and interfaces for common satellite bus components will be key to producing affordable small satellites. The conferees agree to authorize $39.6 million in PE

65799D8Z, an increase of $20.0 million, for further development of TACSATs and common small satellite bus components. The conferees expect, consistent with section 913 of this Act, that future funding requests for operationally responsive payloads will be forwarded in a separate and dedicated program element.

TEST AND EVALUATION

Operational Test and Evaluation, Defense Overview

The budget request for fiscal year 2005 included an authorization of $305.1 million in Operational Test and Evaluation, Defense for the Department of Defense.

The House bill would authorize $305.1 million.

The Senate amendment would authorize $309.1 million.

The conferees recommend an authorization of $304.1 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Title II-RDT and E

(Dollars in Thousands)

Account	Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		OPERATIONAL TEST & EVALUATION, DEFENSE					
0603941D8Z	1	TEST & EVALUATION SCIENCE & TECHNOLOGY	16,295	16,295	16,295	-1,500	14,795
		Execution/delays				[-1,500]	
0604940D8Z	2	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	123,562	123,562	126,562	1,500	125,062
		Autonomous unmanned surface vessel			[3,000]	[1,500]	
0605118D8Z	3	OPERATIONAL TEST AND EVALUATION	42,390	42,390	42,390		42,390
0605131D8Z	4	LIVE FIRE TESTING	10,209	10,209	11,209	1,000	11,209
		Joint Test and Training Rapid Advanced Capabilities			[1,000]	[1,000]	
0605804D8Z	5	DEVELOPMENT TEST AND EVALUATION	112,679	112,679	112,679	-2,000	110,679
		Threat systems				[-2,000]	
		Total, Operational Test & Evaluation, Defense	**305,135**	**305,135**	**309,135**	**-1,000**	**304,135**
		TOTAL RDT&E	**67,772,288**	**68,090,361**	**68,608,688**	**-1,274,530**	**66,497,758**

ITEMS OF SPECIAL INTEREST

Department of Defense—National Aeronautics and Space Administration coordination

The conferees note that in the areas of aeronautics and space research technology development, the Department of Defense and the National Aeronautics and Space Administration (NASA) must coordinate closely in order to ensure that the nation continues its global leadership in these technologies.

The conferees believe that as NASA evaluates its future plans for aeronautics, it is essential that the Department and NASA provide for the continued availability of unique wind tunnels and other research, test, and evaluation facilities and services critical to the development of military systems. The conferees direct the Under Secretary of Defense for Acquisition, Technology and Logistics to identify and analyze aeronautics facilities currently managed by NASA that are considered by the Department to be critical to the accomplishment of defense missions and to the maintenance of U.S. leadership in aeronautics.

The conferees also endorse the Secretary of Defense's emphasis on transformational technologies. One of the more promising technologies under development is hypersonic propulsion, which when further developed will provide significantly improved operational capabilities for both manned and unmanned flight, missile defense and a single-stage-to-flight capability that could provide rapid access to space. Unfortunately, due to changing priorities within both the Air Force and NASA, funding for such efforts has been reduced to insignificant levels.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees by March 15, 2005, which details the Department's plans to provide the required funding to pursue a development program for transition of hypersonic technologies to an integrated demonstration system that validates their affordability and effectiveness to support prompt global strike and assured space access missions. The report should analyze the results and technological advances enabled by the X–43 series of programs and other efforts to develop a detailed technology roadmap and investment strategy consistent with meeting future military needs in hypersonics. The conferees believe the capabilities to be realized through a successful hypersonic development program justify the sustained and full support of the Department and NASA.

Enterprise Resource Planning for Army Combat Logistics

The Army logistics systems arm, fuel, repair, move, and sustain combat forces. The Army's goals for modernization of its legacy logistics systems include improved sustainment of combat forces using fewer soldiers, increased readiness and operational availability, and significantly lowering cost. The Army plans to modernize its logistics systems using enterprise resource planning systems, which will provide essential information for timely decision making and accurate performance measurement. They use no custom software code and only commercial, off-the-shelf computer technology. They are also web-based with a robust telecommunications infrastructure and have been tested at thousands of sites outside the Army.

The conferees encourage the Army to leverage existing Army information technology assets and expertise to augment funds within the Global Combat Support System account to complete the blueprinting and accelerate fielding of the system, wherever feasible, to replace 20–year-old systems which are unable to fully support combat operations.

Patriot air and missile defense system

The conferees note that the Patriot air and missile defense system destroyed all nine theater ballistic missiles launched at coalition forces during Operation Iraqi Freedom (OIF) for which intercept was attempted. The conferees also note, however, that the Patriot was also involved in three ''friendly fire'' incidents during that conflict and that electromagnetic interference (EMI) between Patriot and other systems contributed to these incidents. Similar interference problems with the Patriot occurred during the Gulf War in 1991.

The conferees strongly support the Patriot system, note with approval that the Army has reprogrammed funding to fix the known ''friendly-fire'' problems associated with the Patriot, and are encouraged at the level of attention given to this problem since the OIF incidents. The conferees expect, however, that as more radars, communications systems, and other emitting systems are added to the battlefield in the future, EMI problems will continue to grow in complexity.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees by March 1, 2005 summarizing the tests, exercises, and changes to operational procedures and requirements that are planned or being implemented to prevent or reduce future EMI problems with the Patriot system. The conferees also direct the Director of Operational Test and Evaluation to include an assessment of the Department's plans to reduce EMI problems with the Patriot system in his Annual Report to Congress, required by section 139 of title 10, United States Code.

Russian-American missile defense cooperation

The conferees understand that the Secretary of Defense desires to explore opportunities for missile defense cooperative programs with the Russian Federation that build upon the experience gained in the Russian-American Observation Satellite (RAMOS) program that was terminated earlier this year. The conferees recognize the potential importance of such cooperative efforts, both to the technical success of the U.S. missile defense effort and to the establishment of a cooperative strategic relationship with the Russian Federation.

The conferees urge the Secretary to engage in serious negotiations with the Russian Federation as soon as possible on joint missile defense programs. The conferees believe that previous efforts under the RAMOS program, including Russian Presidential and Government decrees and the U.S.-Russian Federation technical agreement, should be leveraged to help ensure the successful initiation of such efforts.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (sec. 201)

The House bill contained a provision (sec. 201) that would authorize the recommended fiscal year 2005 funding levels for the Research, Development, Test and Evaluation accounts for the Army, Navy, Marine Corps, Air Force, Defense-wide activities and the Director of Operational Test and Evaluation.

The Senate amendment contained a similar provision (sec. 201).

The conference agreement includes this provision.

Amount for defense science and technology (sec. 202)

The budget request included $10,550.3 million for Department of Defense science and technology (S&T) programs.

The House bill would authorize $11,067.7 million for defense S&T programs.

The Senate amendment would authorize $11,012.4 million for defense S&T programs.

The conferees agree to authorize $11,191.6 million for S&T programs, an increase of $641.3 million over the request. The increase provided by the conferees brings the Department closer to 3 percent of total spending, the goal stated by the Department and outside experts as the desired investment for these programs. In recognition of the key role played by S&T in maintaining the best equipped, best protected fighting force in the world, the conferees have targeted increases to project areas which improve current capabilities, while focusing on basic research and long-term projects that ensure future innovation.

The conferees note that current operations in Iraq, Afghanistan, and elsewhere continue to demonstrate how technologies transitioned from the Department's S&T programs are enhancing the combat effectiveness of warfighters, reducing casualties, and improving the efficiency and flexibility of our military forces. The conferees commend the Department for mobilizing its technical capabilities in the science and technology community to support these current global operations.

The conferees expect to see an increased commitment by the Department to robustly fund S&T in the fiscal year 2006 budget, along with an appropriate balance within the accounts that acknowledges the importance of long-term research in an era of immediate and pressing needs.

Conferees also urge continued attention to a key component of ensuring the U.S. military's technological edge—development, recruitment and retention of skilled scientists and engineers.

Subtitle B—Program Requirements, Restrictions, and Limitations

Future Combat Systems program strategy (sec. 211)

The House bill contained a provision (sec. 211) that would direct the Secretary of the Army to establish and implement a program strategy for the Future Combat Systems (FCS) acquisition program. The provision limits authorization of appropriations for FCS in fiscal year 2005 to $2.2 billion until the Secretary of the Army certifies that elements of the program strategy includes certain technical and performance criteria before production facilitization and long lead items are placed on contract. The provision also requires the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)) to submit to the Congress: (1) an independent program cost estimate; (2) a report, prepared by an independent panel, on the maturity levels of critical technologies; (3) a report on the status of the network and command, control, communications, computers, intelligence, surveillance, and reconnaissance components; and (4) key performance parameters, prior to the Milestone B update required by the FCS acquisition decision memorandum.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that limits the authorization of appropriations for FCS in fiscal year 2005 to $2.2 billion until the Secretary of the Army certifies that elements of the program strategy includes certain technical and performance criteria before production facilitization and long lead items are placed on contract. The amendment requires the USD(AT&L) to submit to Congress: (1) a program cost estimate; (2) a report, prepared by an independent panel, on the maturity levels of critical technologies; (3) a report on the status of the network and command, control, communications, computers, intelligence, surveillance,

and reconnaissance components; and (4) key performance parameters, prior to the Milestone B update required by the FCS acquisition decision memorandum. The amendment also requires the USD (AT&L) submit to Congress an independent cost estimate of the FCS program not later than March 1, 2005.

The conferees continue to support FCS and believe that the Army has made a sound decision to restructure the FCS program. With this restructure, the Army will reduce FCS program risk while providing increased capabilities for the current force.

Collaborative program for research and development of vacuum electronics technologies (sec. 212)

The House bill contained a provision (sec. 212) that would require the Secretary of Defense to establish a program for research and development in advanced vacuum electronics technology to meet Department of Defense requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Director, Defense Research and Engineering to submit a report on establishment of a collaborative vacuum electronics research and development program that: identifies a department lead to carry out the effort; assesses the role of investing in vacuum electronics technologies as part of the overall strategy of the Department's investments to meet electronic technology needs; provides a management plan and schedule for the program; identifies required funding and a list of program capability goals and objectives; outlines the role of basic and applied research in support of the program; and assesses global capabilities in the technology area.

The conferees note that vacuum electronics are utilized in a variety of the Department's systems, particularly many legacy systems. While there is a trend toward solid state electronics in most defense systems, the Department must ensure that systems which depend on the use of vacuum electronics will have access to the most advanced technologies available.

Annual Comptroller General report on Joint Strike Fighter program (sec. 213)

The House bill contained a provision (sec. 213) that would require the Comptroller General to conduct an annual review of the Joint Strike Fighter (JSF) aircraft program, and submit a report of that review to Congress by March 15 of each year from fiscal year 2005 through fiscal year 2009.

Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the annual report to be submitted to the congressional defense committees.

The conferees are aware of the recently conducted study by a senior independent review team on the JSF program, and believe that the first report submitted by March 15, 2005 should place emphasis on the degree to which the program office and contractor have incorporated the recommendations of that team.

Amounts for U.S. Joint Forces Command to be derived only from Defense-wide accounts (sec. 214)

The House bill contained a provision (sec. 214) that would transfer funding for the joint warfare experimentation programs of U.S. Joint Forces Command (JFCOM) from Research, Development, Test and Evaluation (RDT&E), Navy accounts to an RDT&E, Defense-wide account.

The Senate amendment contained a similar provision (sec. 216).

The Senate recedes with an amendment that would require, beginning in fiscal year 2007, all RDT&E funds for JFCOM be derived from Defense-wide RDT&E funds, and that this be clearly reflected in the budget request.

The conferees note that this provision does not take effect until fiscal year 2007. The conferees direct, however, that the amounts requested for JFCOM joint warfare experimentation programs be separately identified in the fiscal year 2006 budget request, and distinguished within any executive agent account in which they are included. The conferees also note that JFCOM is responsible for a number of critical efforts directly related to increasing the joint warfighting capability of the military services, and that funding those efforts through executive agents does not provide Congress with clear visibility into the amounts dedicated to those key joint initiatives. The practice of requesting funding through executive agents also distorts the amount of funding for military service activities that carry funding for joint initiatives. The conferees have strong interest not only in joint experimentation, which is addressed by this provision, but in JFCOM joint training initiatives as well. Therefore the conferees direct the Department of Defense, when submitting its fiscal year 2006 budget request, to clearly identify funding for joint training activities in Defense-wide and executive agent accounts to enhance congressional visibility into funding dedicated to joint training in future budgets.

The conferees further note the unique, important role that JFCOM plays in developing doctrine and capabilities for other combatant commanders, and in developing and monitoring joint training standards for elements of the Armed Forces and coalition partners. The conferees believe that the Department should consider the establishment of a major force program or similar consolidation of related budget activities for joint experimentation, procurement, and training activities.

Global Positioning System III satellite (sec. 215)

The Senate amendment contained a provision (sec. 212) that would prohibit the obligation or expenditure of any more than 80 percent of the funds authorized to be appropriated for the Global Positioning System III (GPS) until the Secretary of Defense completes an analysis of alternatives and submits a report on that analysis to the congressional defense committees.

The House bill contained no similar provision.

The House recedes.

The conferees expect the analysis of alternatives to include an assessment of architectures that take advantage of smaller, lighter weight, and potentially less expensive GPS satellites.

Initiation of concept demonstration of Global Hawk high altitude endurance unmanned aerial vehicle (sec. 216)

The Senate amendment contained a provision (sec. 213) that would amend section 221(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) by changing the date by which the Secretary of Defense is to initiate the demonstration of the Global Hawk high altitude endurance unmanned aerial vehicle from March 1, 2001 to March 1, 2005.

The House bill contained no similar provision.

The House recedes.

Joint unmanned combat air systems program (sec. 217)

The Senate amendment contained a provision (sec. 214) that would require the Secretary of Defense to establish an executive committee, which would provide guidance and recommendations for the management of the joint unmanned combat air systems program to the Director of the Defense Advanced Research Projects Agency (DARPA) for as long as the program is managed by DARPA.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Missile Defense Programs

Fielding of ballistic missile defense capabilities (sec. 231)

The House bill contained a provision (sec. 221) that would authorize the Department of Defense to use Research, Development, Test and Evaluation funds appropriated in fiscal years 2005 and 2006 for the Missile Defense Agency to develop and field ballistic missile defense capabilities.

The Senate amendment contained a similar provision (sec. 231) that would authorize the use of Research, Development, Test and Evaluation funds appropriated in fiscal year 2005 for the development and fielding of an initial set of missile defense capabilities.

The Senate recedes.

Integration of Patriot Advanced Capability-3 and Medium Extended Air Defense System into ballistic missile defense system (sec. 232)

The Senate amendment contained a provision (sec. 232) that would require the Secretary of the Army to obtain approval of the Director of the Missile Defense Agency (MDA) prior to making changes to system level specifications or establishing new system level specifications for the combined Patriot Advanced Capability–3 (PAC–3) and Medium Extended Air Defense System (MEADS) program. It would also require such approval prior to making any significant change in procurement quantities or the baseline schedule for the PAC–3/MEADS combined program.

The House bill contained no similar provision.

The House recedes with an amendment that would define the PAC–3/MEADS air and missile defense program as part of the integrated ballistic missile defense system (BMDS), and require that the Director of MDA, in consultation with the Secretary of the Army (acting through the Assistant Secretary of the Army for Acquisition, Logistics and Technology), ensure that any configuration change to the PAC–3/MEADS program is subject to MDA's configuration control processes. The amendment would also require that the Secretary of the Army (acting through the Assistant Secretary of the Army for Acquisition, Logistics and Technology) make significant changes to the baseline technical specifications and schedule for the PAC–3/MEADS program only with the concurrence of the Director of the Missile Defense Agency. The amendment would further require the Secretary of Defense to establish procedures to determine the effect of significant changes proposed by the Secretary of the Army to planned PAC–3/MEADS procurement quantities on BMDS capabilities; to provide for reviews of the proposed procurement changes by all relevant Department of Defense commands and agencies; to obtain the concurrence or nonconcurrence of those commands and agencies with the proposed procurement changes; and to submit a report to the congressional defense committees on the procedures the Secretary of Defense establishes.

Comptroller General assessments of ballistic missile defense programs (sec. 233)

The Senate amendment contained a provision (sec. 233) that would require assessments by the Comptroller General of the extent to which missile defense programs met their cost, schedule, test, and performance goals for the years 2004 through 2009. The provision also requires the Comptroller General to submit reports on those assessments to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment that would require assessments by the Comptroller General of the extent to which missile defense programs met their cost, schedule, test, and performance goals for the years 2004 through 2006.

Baselines and operational test and evaluation for ballistic missile defense system (sec. 234)

The Senate amendment contained a provision (sec. 234) that would require: 1) the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation (DOT&E), to prepare appropriate criteria for operationally realistic testing of the ballistic missile defense system (BMDS); 2) the conduct of a test consistent with those criteria not later than October 1, 2005; 3) the conduct of tests consistent with those criteria for each block configuration of the BMDS; 4) evaluation of those tests by the DOT&E; 4) the establishment of baselines for each block configuration of the BMDS; and 5) the Director of the Missile Defense Agency to report variances in program performance from those baselines to Congress and the reasons for any changes made to the baselines.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Other Matters

Annual report on submarine technology insertion (sec. 241)

The Senate amendment contained a provision (sec. 241) that would require the Secretary of Defense to submit an annual report on available or potentially available technologies for insertion into submarines for each of fiscal years 2006, 2007, 2008, and 2009.

The House bill contained no similar provision.

The House recedes.

Sense of the Congress regarding funding of the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy (sec. 242)

The Senate amendment contained a provision (sec. 242) that would express the sense of the Senate in support of continued funding for the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy, citing it as a method for exploring and collaborating on innovation in shipbuilding and ship repair that collectively benefits all components of the industry.

The House bill contained no similar provision.

The House recedes with an amendment that would change the provision to a sense of the Congress.

LEGISLATIVE PROVISIONS NOT ADOPTED

Program increases

The House bill contained a provision (sec. 203) that would authorize an increase of $5.0 million in PE 25633N for Research, Development, Test and Evaluation, Navy, for nano composite hard-coat for aircraft canopies, and an increase of $5.0 million in PE 27443F for Research, Development, Test and Evaluation, Air Force, for command and control service-level management.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to authorize an increase of $2.3 million in PE 25633N for nano composite hard-coat for aircraft canopies, and an increase of $3.8 million in PE 27443F for command and control service-level management. DD(X)-class destroyer program.

The Senate amendment contained a provision (sec. 211) that would authorize the Secretary of the Navy to fund the second destroyer of the DD(X)-class with Research, Development, Test and Evaluation, Navy funds, and would direct that $99.4 million be authorized for detail design of the second ship.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize a total of $1,471.5 million in PE 64300N for the DD(X) destroyer, including $84.4 million to begin detail design of the second ship of the class.

The conferees have strongly supported both the DD(X) program and the Navy's acquisition strategy, which uses the construction and test of engineering development models (EDMs) to mitigate technical risk.

The conferees are aware of the assessment by the Government Accountability Office (GAO) of the maturity of 12 technologies critical to DD(X), as the program entered the system development and demonstration (SDD) phase, and the GAO's further assessment that DD(X) technology maturity and design stability will not be demonstrated before the Milestone B decision scheduled for March 2005. Many of the tests to demonstrate technical maturity will occur around the time of the critical design review (CDR) late in fiscal year 2005. Program officials acknowledge the risks associated with the advanced technologies, but the conferees believe that taking such risks is warranted to ensure that the DD(X) technologies are not obsolete, and that the Navy has taken adequate steps to mitigate the risks before ship construction begins. These steps include the identification of fall back options if new technologies are not available.

In particular, the conferees note the concerns expressed in the House report (H. Rept. 108–491) regarding the schedule for land-based testing of the integrated power system and advanced gun system EDMs. These two system EDMs are not scheduled to complete land-based testing until late in fiscal year 2005, coincident with the DD(X) CDR.

The conferees agree that the integrated power system and advanced gun system are key elements which drive much of the DD(X) design, and that land-based testing of these systems should be essentially complete prior to the DD(X) CDR. The conferees direct the Secretary of the Navy, in coordination with the Under Secretary of Defense for Acquisition, Technology and Logistics, to report to the congressional defense committees following completion of the DD(X) CDR. That report should include the results of the CDR and an assessment of the readiness of the program to proceed beyond the SDD phase of the program.

The conferees share the concerns raised in the Senate Report (S. Rept. 108–260) regarding maintaining the viability of a competitive industrial base for the design and construction of Navy surface combatants. As noted in that report, the Navy had originally planned to compete the construction phase of the DD(X), but made a decision to award that contract on a sole-source basis to the shipyard with lead design responsibility. The conferees expect the Navy to take all actions necessary to ensure the viability of the second shipyard in order to maintain a healthy and competitive industrial base for surface combatants.

Joint Strike Fighter aircraft program

The Senate amendment contained a provision (sec. 215) that would require the Secretary of Defense to have the Defense Science Board (DSB) conduct a study of the Joint Strike Fighter (JSF) aircraft program, which would be delivered to the congressional defense committees with the budget request for fiscal year 2006. This study would focus primarily on the issue of excess weight in the aircraft, the potential performance penalties that would be incurred, and the technical approaches to solve these issues.

The House bill amendment contained no similar provision.

The Senate recedes.

The conferees have been made aware of the results of a recently completed study by a senior-level independent review team which reviewed almost identical areas of the JSF program, and believe another study by the DSB would be redundant at this time.

Space based radar

The House bill contained a provision (sec. 215) that would prohibit the Department of Defense from proceeding to Milestone B in the Space Based Radar program until 30 days after meeting a requirement to provide the congressional defense committees and intelligence committees a report that includes independent cost and technology maturity and readiness assessments and the system design concept for the program.

The Senate amendment contained no similar provision.

The House recedes.

Mark-54 torpedo product improvement program

The House bill contained a provision (sec. 216) that would make available $2.0 million of the funds in PE 64610N for Research, Development, Test, and Evaluation, Navy for the Mark-54 torpedo product improvement program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree to authorize an increase of $1.5 million in PE 64610N for the Mark-54 torpedo product improvement program.

Infrastructure system security engineering development for the Navy

The Senate amendment contained a provision (sec. 217) that would authorize an increase of $3.0 million in PE 26313M for Research, Development, Test and Evaluation, Navy, for infrastructure system security engineering development.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $1.5 million in PE 26313M for infrastructure system security engineering at the Critical Infrastructure Protection Center.

Neurotoxin Mitigation Research

The Senate amendment contained a provision (sec. 218) that would authorize an increase of $2.0 million in PE 62384BP for Research, Development, Test and Evaluation, Defense-wide activities for neurotoxin mitigation research.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $1.0 million in PE 62384BP for neurotoxin mitigation research.

Spiral development of Joint Threat Warning System maritime variants

The Senate amendment contained a provision (sec. 219) that would authorize an increase of $2.0 million in PE 116405BB for the development of maritime variants for the Joint Threat Warning System (JTWS), to be offset by a decrease of $2.0 million of the amount authorized to be appropriated for military personnel (sec. 421), with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $2.0 million in PE116405BB for spiral development of maritime variants for JTWS.

Advanced ferrite antenna

The Senate amendment contained a provision (sec. 220) that would authorize an increase of $3.0 million in PE 26313M for Research, Development, Test, and Evaluation, Navy, for advanced ferrite antenna development.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $2.1 million in PE 26313M for advanced ferrite antenna development.

Prototype littoral array system for operating submarines

The Senate amendment contained a provision (sec. 221) that would authorize an increase of $5.0 million in PE 64503N for Research, Development, Test and Evaluation, Navy for the design, development, and testing of a prototype littoral array system for operating submarines.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $3.3 million in PE 64503N for the design, development, and testing of a prototype littoral array system for operating submarines.

Advanced manufacturing technologies and radiation casualty research

The Senate amendment contained a provision (sec. 222) that would authorize an increase of $2.0 million in PE 78011S for advanced manufacturing technologies and $3.0 million in PE 63002D8Z for radiation casualty research.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $4.5 million in PE 78011S for advanced manufacturing technologies.

Research and development for improved prevention of leishmaniasis

The Senate amendment contained a provision (sec. 328) that would authorize an increase of $0.5 million in the Defense Health Program and $4.5 million in PE 64807A for research and development for improved prevention of leishmaniasis.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an increase of $0.5 million in the Defense Health Program, $1.4 million in PE 63002A, and $4.5 million in PE 64807A for research and development for the prevention and treatment of leishmaniasis.

TITLE III—OPERATION AND MAINTENANCE

Operation and Maintenance Overview

The budget request included an authorization of $121,874.6 million in Operation and Maintenance, $20,109.6 million in Other Programs, and $2,955.1 million in Working Capital Fund accounts for the Department for Defense.

The House bill would authorize $119,758.9 million in Operation and Maintenance, $20,229.8 million in Other Programs, and $2,767.1 million in Working Capital Fund accounts.

The Senate amendment would authorize $120,522.3 million in Operation and Maintenance, $20,529.0 million in Other Programs, and $2,894.9 million in Working Capital Fund accounts.

The conferees recommend an authorization of $121,520.2 million in Operation and Maintenance, $20,086.9 million in Other Programs, and $2,896.1 million in Working Capital Fund accounts. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2005

(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Title III – OPERATION AND MAINTENANCE & OTHER PROGRAMS					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	26,133,411	25,838,611	26,313,611	-35,000	26,098,411
Operation and Maintenance, Navy	29,789,190	29,523,490	29,702,790	-106,600	29,682,590
Operation and Maintenance, MC	3,632,115	3,637,615	3,682,727	16,000	3,648,115
Operation and Maintenance, AF	28,471,260	27,068,566	27,423,560	-172,600	28,298,660
Operation and Maintenance, Defense-wide	17,494,076	17,317,406	17,458,576	-168,800	17,325,276
Operation and Maintenance, Army Reserve	2,008,128	2,003,728	1,925,728		2,008,128
Operation and Maintenance, Navy Reserve	1,240,038	1,240,038	1,240,038		1,240,038
Operation and Maintenance, Marine Corps Reserve	188,696	188,696	197,496		188,696
Operation and Maintenance, Air Force Reserve	2,239,790	2,226,790	2,154,790		2,239,790
Operation and Maintenance, Army National Guard	4,440,686	4,425,686	4,227,236	12,100	4,452,786
Operation and Maintenance, Air National Guard	4,422,838	4,448,938	4,366,738	80,500	4,503,338
Transfer Accounts	1,305,336	1,305,336	1,349,986	40,000	1,345,336
Miscellaneous Appropriations	509,025	534,025	479,025	-20,000	489,025
SUBTOTAL OPERATION AND MAINTENANCE	**121,874,589**	**119,758,925**	**120,522,301**	**-354,400**	**121,520,189**

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2005

(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
OTHER PROGRAMS					
DEFENSE HEALTH PROGRAM					
Defense Health Program, O&M	17,203,369	17,374,544	17,555,169	16,475	17,219,844
Reserve health benefits			[400,000]		
Retail pharmacy benefit			[-44,000]		
Walter Reed amputee care			[7,800]	[7,800]	
Traumatic brain injury			[2,000]		
Financial information systems			[-14,000]		
Information Technology Reduction		[-50,000]			
Earlier TRICARE Eligibility for RC Families and Members		[113,000]			
Waiver of TRICARE Deductibles for RC Families		[2,000]			
Protection against Balance Billing for Mobilized Reservists		[500]			
Enrollment of Certain Young Children in Dental Plan		[500]			
Improved Transition Assistance Program		[170,000]			
TRICARE Coverage of Certain Ready Reservists		[30,000]			
Additional TRICARE Prime Remote Beneficiaries		[1,000]			
Cooperative Education for Sexual Health Decision Making		[175]		[175]	
Sub-Acute Care Transition Program		[500]			
Marshall Islands Diabetes Program		[2,000]			
Landstuhl Medical Center		[10,000]		[8,500]	
DOD Cooperative Health Care Program		[5,000]			
GAO Estimate Annual DHP Unobligated Funds		[-113,500]			

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2005

(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Defense Health Program, RDTE	72,407	72,407	72,907	500	72,907
Leishmaniasis diagnostics laboratory (S. Amdt 3329)			[500]	[500]	
Defense Health Program, Procurement	364,635	364,635	364,635		364,635
Subtotal Defense Health Program	**17,640,411**	**17,811,586**	**17,992,711**	**16,975**	**17,657,386**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES					
Demand Reduction	122,109	122,109	122,109		122,109
Domestic Support	207,998	207,998	207,998		207,998
Intelligence and Technology	111,085	111,085	111,085	1,750	112,835
Intelligence, surveillance, reconnaissance and tanker support		[-2,000]		[-1,000]	
Tethered Aerostat Radar System		[-5,000]		[-3,500]	
Southwest border fence		[5,000]		[5,000]	
Nothern Command counternarcotics support		[2,000]		[1,250]	
CENTCOM, PACOM, and EUCOM AOR Support	40,840	40,840	40,840		40,840
SOUTHCOM AOR Support	370,665	370,665	370,665	-1,500	369,165
LEA support/OCONUS ops support				[-1,500]	
Subtotal Drug Interdiction and Counter-Drug Activities	**852,697**	**852,697**	**852,697**	**250**	**852,947**
OFFICE OF THE INSPECTOR GENERAL					
Office of the Inspector General, O&M	242,362	191,362	162,362	-40,000	202,362
Mid Range Financial Improvement Program / Audits		[-51,000]	[-80,000]	[-40,000]	
Office of the Inspector General, RDTE	100	100	100		100
Office of the Inspector General, Procurement	2,100	2,100	2,100		2,100
Subtotal Office of the Inspection General	**244,562**	**193,562**	**164,562**	**-40,000**	**204,562**

NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 2005

(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION					
Chemical Agents and Munitions Destruction, O&M	1,138,801	1,138,801	1,138,801	-50,000	1,088,801
Unobligated balances				[-50,000]	
Chemical Agents and Munitions Destruction, RDTE	154,209	154,209	301,209	50,000	204,209
Chemical agent disposal facility-Pueblo, CO			[147,000]	[50,000]	
Chemical Agents and Munitions Destruction, Procurement	78,980	78,980	78,980		78,980
Subtotal Chemical Agents and Munitions Destruction	**1,371,990**	**1,371,990**	**1,518,990**		**1,371,990**
SUBTOTAL OTHER PROGRAMS	**20,109,660**	**20,229,835**	**20,528,960**	**-22,775**	**20,086,885**
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	510,886	372,886	450,686	-59,000	451,886
Financial information systems			[-60,200]		
Army - Industrial mobilization capacity		[-67,000]			
Navy - Aviation spare engine procurement		[-59,000]		[-59,000]	
Air Force - Perishable medical and dental readiness material		[-12,000]			
Defense Working Capital Funds - DeCA	1,175,000	1,175,000	1,175,000		1,175,000
National Defense Sealift Fund	1,269,252	1,219,252	1,269,252		1,269,252
Program decrease		[-50,000]			
SUBTOTAL REVOLVING AND MANAGEMENT FUNDS	**2,955,138**	**2,767,138**	**2,894,938**	**-59,000**	**2,896,138**
TOTAL O&M AND OTHER PROGRAMS	**144,939,387**	**142,755,898**	**143,946,199**	**-436,175**	**144,503,212**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Operation and Maintenance, Army					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	LAND FORCES					
1	DIVISIONS	1,520,706	1,520,706	1,520,706		1,520,706
2	CORPS COMBAT FORCES	472,692	472,692	472,692		472,692
3	CORPS SUPPORT FORCES	445,344	445,344	445,344		445,344
4	ECHELON ABOVE CORPS SUPPORT FORCES	515,730	496,730	515,730	-10,000	505,730
	Unjustified growth in modernized equipment support costs		[-10,000]		[-10,000]	
	Network Enterprise Technology Command		[-9,000]			
5	LAND FORCES OPERATIONS SUPPORT	1,197,822	1,187,822	1,198,822	-4,000	1,193,822
	Forward osmosis water filtration system			[1,000]	[1,000]	
	Unjustified growth in combat training centers		[-10,000]			
	Unjustified cost growth for rotational training				[-5,000]	
	LAND FORCES READINESS					
6	FORCE READINESS OPERATIONS SUPPORT	1,787,147	1,793,647	2,344,147		1,787,147
	Rapid fielding initiative (RFI)			[262,000]		
	Interceptor body armor			[295,000]		
	Hydration on the move		[3,000]			
	Vehicle batteries		[2,500]			
	Military Skills Engagement		[1,000]			

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
7	LAND FORCES SYSTEMS READINESS	537,567	533,567	545,567	-4,000	533,567
	Corrosion prevention and control			[8,000]		
	Tactical exploitation system		[-4,000]		[-4,000]	
8	LAND FORCES DEPOT MAINTENANCE	1,031,105	1,031,105	1,053,005	12,000	1,043,105
	M1A1 transmission maintenance			[21,900]	[12,000]	
	LAND FORCES READINESS SUPPORT					
9	BASE OPERATIONS SUPPORT	5,609,973	5,584,773	5,609,973	-14,000	5,595,973
	Visual information support		[-13,000]			
	Installation Management Activity		[-10,000]			
	DCSIM and DOIM staff operations		[-2,200]			
	Unjustified growth in base operating support				[-14,000]	
10	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,956,128	1,956,128	1,956,128		1,956,128
11	MANAGEMENT & OPERATIONAL HEADQUARTERS	251,474	251,474	251,474		251,474
12	UNIFIED COMMANDS	94,850	94,850	94,850		94,850
13	MISCELLANEOUS ACTIVITIES	1,057,943	1,057,943	1,057,943		1,057,943
	TOTAL, BA 01: OPERATING FORCES	**16,478,481**	**16,426,781**	**17,066,381**	**-20,000**	**16,458,481**
	BUDGET ACTIVITY 02: MOBILIZATION					

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	MOBILITY OPERATIONS					
14	STRATEGIC MOBILIZATION	327,345	327,345	331,345	2,800	330,145
	Specialty containers			[4,000]	[2,800]	
15	ARMY PREPOSITIONED STOCKS	126,163	126,163	126,163		126,163
16	INDUSTRIAL PREPAREDNESS	8,491	8,491	8,491		8,491
17	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION					
	TOTAL, BA 02: MOBILIZATION	**461,999**	**461,999**	**465,999**	**2,800**	**464,799**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
18	OFFICER ACQUISITION	107,554	107,554	107,554		107,554
19	RECRUIT TRAINING	20,766	20,766	20,766		20,766
20	ONE STATION UNIT TRAINING	41,961	41,961	41,961		41,961
21	SENIOR RESERVE OFFICERS' TRAINING CORPS	234,308	234,308	234,308	-6,000	228,308
	Unjustified growth in ROTC cadre and support costs				[-6,000]	
22	BASE OPERATIONS SUPPORT					
23	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION					

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BASIC SKILL/ ADVANCE TRAINING					
24	SPECIALIZED SKILL TRAINING	506,557	509,557	510,157	3,000	509,557
	Army Defense Language Institute (SCOLA)		[3,000]	[5,600]	[3,000]	
	Army Defense Language Institute (SCOLA) (S. Amdt 3241)			[-2,000]		
25	FLIGHT TRAINING	575,406	575,406	575,406		575,406
26	PROFESSIONAL DEVELOPMENT EDUCATION	102,832	102,832	102,832		102,832
27	TRAINING SUPPORT	618,519	603,519	618,519	-20,000	598,519
	Unjustified growth in training support		[-15,000]		[-20,000]	
28	BASE OPERATIONS SUPPORT					
29	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION					
	RECRUITING/OTHER TRAINING					
30	RECRUITING AND ADVERTISING	461,157	447,157	461,157		461,157
	Recruiting Information Support System		[-4,000]			
	MEPCOM Management Information Reporting System		[-10,000]			
31	EXAMINING	131,206	131,206	131,206		131,206
32	OFF-DUTY AND VOLUNTARY EDUCATION	296,311	296,311	296,311		296,311
33	CIVILIAN EDUCATION AND TRAINING	111,003	111,003	111,003		111,003
34	JUNIOR RESERVE OFFICERS' TRAINING CORPS	137,331	137,331	137,331		137,331
35	BASE OPERATIONS SUPPORT					
	TOTAL, BA 03: TRAINING AND RECRUITING	**3,344,911**	**3,318,911**	**3,348,511**	**-23,000**	**3,321,911**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	SECURITY PROGRAMS					
36	SECURITY PROGRAMS	883,510	883,510	883,510		883,510
	LOGISTICS OPERATIONS					
37	SERVICEWIDE TRANSPORTATION	570,923	570,923	570,923		570,923
38	CENTRAL SUPPLY ACTIVITIES	490,261	490,261	491,261	1,000	491,261
	Management training			[1,000]	[1,000]	
39	LOGISTICS SUPPORT ACTIVITIES	439,466	439,466	440,866		439,466
	Radio frequency identification (RFID)			[1,400]		
40	AMMUNITION MANAGEMENT	356,607	356,607	356,607		356,607
	SERVICEWIDE SUPPORT					
41	ADMINISTRATION	702,719	683,219	702,719		702,719
	Unjustified growth in headquarters management		[-19,500]			

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
42	SERVICEWIDE COMMUNICATIONS	610,866	547,566	610,866		610,866
	Personnel transformation		[-13,000]			
	Army Knowledge enterprise architecture		[-4,000]			
	Management headquarters information management		[-13,000]			
	Defense Civilian Personnel Data System - sustainment		[-2,200]			
	Logistics Modernization Program		[-2,700]			
	Logistic post production software support		[-3,500]			
	Army Personnel Electronic Records Management System		[-7,000]			
	Army Human Resources Command core automation support		[-20,000]			
	Information Technology Agency		[-12,400]			
	Training instrumentation for air and missile defense units		[5,000]			
	National Guard's Enterprise Resource Planning Program		[3,500]			
	National Guard's nationwide dedicated fiber optic network		[6,000]			
43	MANPOWER MANAGEMENT	267,365	267,365	267,365		267,365
	Excessive growth in civilian personnel operations					
44	OTHER PERSONNEL SUPPORT	191,686	191,686	191,686		191,686
45	OTHER SERVICE SUPPORT	848,391	848,391	848,391		848,391
46	ARMY CLAIMS	115,453	115,453	115,453		115,453
47	REAL ESTATE MANAGEMENT	60,633	60,633	60,633		60,633
48	BASE OPERATIONS SUPPORT					
49	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION					
50	COMMISSARY OPERATIONS					

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	SUPPORT OF OTHER NATIONS					
51	SUPPORT OF NATO OPERATIONS	250,026	250,026	250,026		250,026
52	MISC. SUPPORT OF OTHER NATIONS	60,114	60,114	60,114		60,114
53	EXPANSION OF NATO					
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**5,848,020**	**5,765,220**	**5,850,420**	**1,000**	**5,849,020**
	Civilian personnel underexecution		-82,000	-81,900		
	Working Capital Fund excess balances			-250,000		
	Working Capital Fund excess carryover			-100,000		
	WMD-CSTs			4,200	4,200	4,200
	Excessive unobligated balances		-52,300			
	Family Readiness Program (S. Amdt 3234)			10,000		
	Total Operation and Maintenance, Army	**26,133,411**	**25,838,611**	**26,313,611**	**-35,000**	**26,098,411**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Operation and Maintenance, Navy					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
1	MISSION AND OTHER FLIGHT OPERATIONS	3,002,769	3,002,769	3,002,769		3,002,769
2	FLEET AIR TRAINING	1,066,452	1,066,452	1,066,452		1,066,452
3	INTERMEDIATE MAINTENANCE	66,565	66,565	66,565		66,565
4	AIR OPERATIONS AND SAFETY SUPPORT	111,146	111,146	111,146		111,146
5	AIR SYSTEMS SUPPORT	498,508	458,508	498,508	-23,000	475,508
	Unjustified growth for technical publications		[-25,000]		[-15,000]	
	Navy air logistics data analysis		[-15,000]		[-8,000]	
6	AIRCRAFT DEPOT MAINTENANCE	995,596	980,096	995,596	-5,000	990,596
	Navy Converged Enterprise Resource Planning Program		[-15,500]		[-5,000]	
7	AIRCRAFT DEPOT OPERATIONS SUPPORT	67,980	67,980	67,980		67,980
	SHIP OPERATIONS					
8	MISSION AND OTHER SHIP OPERATIONS	2,604,963	2,589,963	2,604,963		2,604,963
	Fleet response plan efficiencies		[-15,000]			
9	SHIP OPERATIONAL SUPPORT AND TRAINING	622,119	622,119	624,119		622,119
	NULKA decoy cartridge			[2,000]		
10	INTERMEDIATE MAINTENANCE					

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
11	SHIP DEPOT MAINTENANCE	3,910,439	3,914,439	3,980,439	14,300	3,924,739
	Ship depot maintenance			[70,000]	[11,300]	
	Stainless steel sanitary spaces		[4,000]		[3,000]	
12	SHIP DEPOT OPERATIONS SUPPORT	1,113,910	1,113,910	1,113,910	-43,100	1,070,810
	Cruiser conversion				[-43,100]	
	COMBAT OPERATIONS/SUPPORT					
13	COMBAT COMMUNICATIONS	379,929	379,929	380,929	1,000	380,929
	Manufacturing Technical Assistance and Production Program			[1,000]	[1,000]	
14	ELECTRONIC WARFARE	16,946	16,946	16,946		16,946
15	SPACE SYSTEMS & SURVEILLANCE	136,231	136,231	136,231		136,231
16	WARFARE TACTICS	266,032	266,032	266,032		266,032
17	OPERATIONAL METEOROLOGY & OCEANOGRAPHY	256,003	256,003	256,003		256,003
18	COMBAT SUPPORT FORCES	1,362,179	1,322,179	1,362,179	-15,000	1,347,179
	Unjustified growth for JFCOM and PACOM		[-40,000]			
	Excessive growth for JFCOM				[-15,000]	
19	EQUIPMENT MAINTENANCE	186,658	186,658	186,658		186,658
20	DEPOT OPERATIONS SUPPORT	3,214	3,214	3,214		3,214
	WEAPONS SUPPORT					
21	CRUISE MISSILE	155,731	155,731	155,731		155,731
22	FLEET BALLISTIC MISSILE	830,393	830,393	830,393		830,393
23	IN-SERVICE WEAPONS SYSTEMS SUPPORT	51,043	51,043	51,043		51,043

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
24	WEAPONS MAINTENANCE	447,327	449,327	447,327		447,327
	NULKA - electronic decoy maintenance		[2,000]			
	WORKING CAPITAL FUND SUPPORT					
25	NWCF SUPPORT					
	BASE SUPPORT					
26	SUSTAINMENT, RESTORATION & MODERNIZATION	1,330,363	1,330,363	1,330,363		1,330,363
27	BASE OPERATIONS SUPPORT	3,195,350	3,168,350	3,195,350	-37,500	3,157,850
	Navy / USMC base level communications		[-27,000]			
	Annual savings from NSRR disestablishment				[-30,000]	
	Unjustified growth in base operating support				[-7,500]	
	TOTAL, BA 01: OPERATING FORCES	**22,677,846**	**22,546,346**	**22,750,846**	**-108,300**	**22,569,546**
	BUDGET ACTIVITY 02: MOBILIZATION					
	READY RESERVE AND PREPOSITIONING FORCES					
28	SHIP PREPOSITIONING AND SURGE	548,199	548,199	548,199		548,199
	ACTIVATIONS/INACTIVATIONS					
29	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,619	7,619	7,619		7,619
30	SHIP ACTIVATIONS/INACTIVATIONS	212,393	212,393	212,393		212,393

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	MOBILIZATION PREPAREDNESS					
31	FLEET HOSPITAL PROGRAM	26,119	26,119	26,119		26,119
32	INDUSTRIAL READINESS	1,523	1,523	1,523		1,523
33	COAST GUARD SUPPORT	17,185	17,185	17,185		17,185
	TOTAL, BA 02: MOBILIZATION	**813,038**	**813,038**	**813,038**		**813,038**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
34	OFFICER ACQUISITION	120,835	120,835	120,835		120,835
35	RECRUIT TRAINING	7,716	7,716	7,716		7,716
36	RESERVE OFFICERS TRAINING CORPS	102,336	102,336	102,336		102,336
	BASIC SKILLS AND ADVANCED TRAINING					
37	SPECIALIZED SKILL TRAINING	434,374	434,374	434,374		434,374
38	FLIGHT TRAINING	420,829	420,829	420,829		420,829
39	PROFESSIONAL DEVELOPMENT EDUCATION	116,770	116,770	116,770		116,770
40	TRAINING SUPPORT	238,246	238,246	238,246		238,246

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	RECRUITING, AND OTHER TRAINING AND EDUCATION					
41	RECRUITING AND ADVERTISING	282,526	272,526	282,526	1,700	284,226
	Naval Sea Cadets		[2,000]		[1,700]	
	Other Navy military personnel and readiness		[-12,000]			
42	OFF-DUTY AND VOLUNTARY EDUCATION	146,508	146,508	146,508		146,508
43	CIVILIAN EDUCATION AND TRAINING	67,556	67,556	67,556		67,556
44	JUNIOR ROTC	39,900	39,900	39,900		39,900
	BASE SUPPORT					
45	SUSTAINMENT, RESTORATION & MODERNIZATION					
46	BASE OPERATIONS SUPPORT					
	TOTAL, BA 03: TRAINING AND RECRUITING	**1,977,596**	**1,967,596**	**1,977,596**	**1,700**	**1,979,296**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	SERVICEWIDE SUPPORT					
47	ADMINISTRATION	773,940	773,940	773,940		773,940
48	EXTERNAL RELATIONS	3,893	3,893	3,893		3,893
49	CIVILIAN MANPOWER & PERSONNEL MGT	110,614	110,614	110,614		110,614
50	MILITARY MANPOWER & PERSONNEL MGT	198,465	198,465	198,465		198,465
51	OTHER PERSONNEL SUPPORT	317,284	317,284	317,284		317,284

Title III - Operation and Maintenance
(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
52	SERVICEWIDE COMMUNICATIONS	605,415	589,415	605,415		605,415
	Other Navy military personnel and readiness		[-16,000]			
53	MEDICAL ACTIVITIES					
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT					
54	SERVICEWIDE TRANSPORTATION	189,634	189,634	189,634		189,634
55	ENVIRONMENTAL PROGRAMS					
56	PLANNING, ENGINEERING & DESIGN	252,972	252,972	252,972		252,972
57	ACQUISITION AND PROGRAM MANAGEMENT	840,666	840,666	840,666		840,666
58	AIR SYSTEMS SUPPORT					
59	HULL, MECHANICAL & ELECTRICAL SUPPORT	55,505	55,505	55,505		55,505
60	COMBAT/WEAPONS SYSTEMS	51,683	51,683	51,683		51,683
61	SPACE & ELECTRONIC WARFARE SYSTEMS	70,166	70,166	70,166		70,166
61a	NAVAL CIS - Office of Naval Intelligence - small ship registry		1,500			
	SECURITY PROGRAMS					
62	SECURITY PROGRAMS	839,870	839,870	839,870		839,870
	SUPPORT OF OTHER NATIONS					
63	INTERNATIONAL HDQTRS & AGENCIES	10,603	10,603	10,603		10,603
	BASE SUPPORT					
64	CANCELLED ACCOUNT ADJUSTMENTS					

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
65	JUDGEMENT FUND					
	CANCELLED ACCOUNTS					
66	CANCELLED ACCOUNT					
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**4,320,710**	**4,306,210**	**4,320,710**		**4,320,710**
	Civilian personnel underexecution		-12,000	-11,800		
	Working Capital Fund excess balances			-200,000		
	Additional Navy MWR funds			52,400		
	Excessive unobligated balances		-97,700			
	Total Operation and Maintenance, Navy	**29,789,190**	**29,523,490**	**29,702,790**	**-106,600**	**29,682,590**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Operation and Maintenance, Marine Corps					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	EXPEDITIONARY FORCES					
1	OPERATIONAL FORCES	633,914	639,414	671,314	17,100	651,014
	Interceptor body armor			[14,400]		
	General property and support equipment			[9,000]	[4,600]	
	All-purpose environmental clothing system			[4,800]	[4,800]	
	Ultra-light camouflage net system			[9,200]	[3,800]	
	Hydration on the move		[1,000]			
	Vehicle batteries		[2,500]		[1,900]	
	Tent lighting system		[2,000]		[2,000]	
2	FIELD LOGISTICS	367,293	367,293	371,293	-100	367,193
	Corrosion prevention and control			[4,000]	[3,400]	
	Unjustified growth in life cycle sustainment software maintenance				[-1,500]	
	Unjustified growth in transportation CLS replacement and ammunition rework				[-2,000]	
3	DEPOT MAINTENANCE	102,085	102,085	102,085		102,085
	USMC PREPOSITIONING					
4	MARITIME PREPOSITIONING	72,128	72,128	72,128	-1,000	71,128
	Unjustified growth in contract maintenance and training exercises				[-1,000]	
5	NORWAY PREPOSITIONING	7,763	7,763	7,763		7,763

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BASE SUPPORT					
6	SUSTAINMENT, RESTORATION & MODERNIZATION	451,012	451,012	451,012		451,012
7	BASE OPERATIONS SUPPORT	1,026,795	1,026,795	1,036,007		1,026,795
	Communications support for USMC NOC			[9,212]		
	TOTAL, BA 01: OPERATING FORCES	**2,660,990**	**2,666,490**	**2,711,602**	**16,000**	**2,676,990**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
8	RECRUIT TRAINING	10,539	10,539	10,539		10,539
9	OFFICER ACQUISITION	351	351	351		351
	BASIC SKILLS AND ADVANCED TRAINING					
10	SPECIALIZED SKILLS TRAINING	45,155	45,155	45,155		45,155
11	FLIGHT TRAINING	174	174	174		174
12	PROFESSIONAL DEVELOPMENT EDUCATION	8,972	8,972	8,972		8,972
13	TRAINING SUPPORT	134,241	134,241	134,241		134,241
	RECRUITING AND OTHER TRAINING EDUCATION					
14	RECRUITING AND ADVERTISING	113,988	113,988	113,988		113,988
15	OFF-DUTY AND VOLUNTARY EDUCATION	34,336	34,336	34,336		34,336

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
16	JUNIOR ROTC	13,270	13,270	13,270		13,270
	BASE SUPPORT					
17	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	68,553	68,553	68,553		68,553
18	BASE OPERATIONS SUPPORT	162,579	162,579	162,579		162,579
	TOTAL, BA 03: TRAINING AND RECRUITING	**592,158**	**592,158**	**592,158**		**592,158**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	SERVICEWIDE SUPPORT					
19	SPECIAL SUPPORT	274,508	274,508	274,508		274,508
20	SERVICEWIDE TRANSPORTATION	37,300	37,300	37,300		37,300
21	ADMINISTRATION	45,271	45,271	45,271		45,271
	CANCELLED ACCOUNT					
22	CANCELLED ACCOUNT					
	BASE SUPPORT					
23	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,191	3,191	3,191		3,191

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
24	BASE OPERATIONS SUPPORT	18,697	18,697	18,697		18,697
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**378,967**	**378,967**	**378,967**		**378,967**
	Total Operation and Maintenance, Marine Corps	**3,632,115**	**3,637,615**	**3,682,727**	**16,000**	**3,648,115**
	Operation and Maintenance, Air Force					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
1	PRIMARY COMBAT FORCES	3,275,334	3,430,634	3,275,334	-9,000	3,266,334
	B-1A Lancer bomber support		[157,400]			
	KC-767 tanker support		[3,500]			
	Hydration on the move		[2,000]			
	Joint crew protection masks		[1,400]			
	Combat Air Systems activities, 480th Intel Squadron		[-9,000]		[-9,000]	
2	PRIMARY COMBAT WEAPONS	331,333	331,333	331,333		331,333
3	COMBAT ENHANCEMENT FORCES	346,322	346,322	346,322		346,322
4	AIR OPERATIONS TRAINING	1,274,599	1,274,599	1,274,599	-15,000	1,259,599
	Unjustified growth in JNTC distributed mission operations				[-15,000]	

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
5	COMBAT COMMUNICATIONS	1,318,159	1,278,859	1,318,159		1,318,159
	Depot maintenance program realignment to Air National Guard		[-39,300]			
6	DEPOT MAINTENANCE	2,085,761	2,085,761	2,046,461	-39,300	2,046,461
	Transfer to Air National Guard			[-39,300]	[-39,300]	
7	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,017,301	948,917	1,017,901	-9,400	1,007,901
	Drop zone extension			[600]	[600]	
	Unjustified growth for foreign national indirect hires		[-10,484]			
	Base level communications infrastructure, Air Combat Command		[-8,000]			
	Base level communications infrastructure, Pacific		[-9,000]			
	Base level communications infrastructure, Europe		[-10,000]			
	Engineering & installation, Air Combat Command		[-5,600]			
	Engineering & installation, Space Command		[-4,000]			
	Engineering & installation, Air Mobility Command		[-6,300]			
	Engineering & installation, Pacific		[-5,000]			
	Engineering & installation, Europe		[-10,000]			
	Unjustified growth for air operations centers				[-10,000]	
8	BASE SUPPORT	1,995,494	1,995,494	1,995,494		1,995,494
	COMBAT RELATED OPERATIONS					
9	GLOBAL C3I & EARLY WARNING	1,147,163	1,147,163	1,147,163	-20,000	1,127,163
	Unjustified growth for C3I operations and sustainment				[-20,000]	
10	NAVIGATION/WEATHER SUPPORT	204,543	204,543	204,543		204,543

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
11	OTHER COMBAT OPERATIONS SUPPORT PROGRAMS	622,524	592,312	622,524	-20,000	602,524
	Unjustified growth for service support to NORTHCOM		[-26,212]			
	Combatant Commanders Intelligence Capabilities		[-4,000]			
	Unjustified growth in engineering, installation - Space Operations School				[-20,000]	
12	JCS EXERCISES	32,756	32,756	32,756		32,756
13	MANAGEMENT/OPERATIONAL HEADQUARTERS	240,380	240,380	240,380		240,380
14	TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES	340,102	340,102	340,102		340,102
	SPACE OPERATIONS					
15	LAUNCH FACILITIES	343,565	343,565	343,565		343,565
16	LAUNCH VEHICLES	100,135	100,135	100,135		100,135
17	SPACE CONTROL SYSTEMS	237,995	237,995	237,995		237,995
18	SATELLITE SYSTEMS	68,655	68,655	68,655		68,655
19	OTHER SPACE OPERATIONS	258,376	258,376	258,376		258,376
20	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	171,469	171,469	171,469		171,469
21	BASE SUPPORT	528,332	528,332	528,332		528,332
	TOTAL, BA 01: OPERATING FORCES	**15,940,298**	**15,957,702**	**15,901,598**	**-112,700**	**15,827,598**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 02: MOBILIZATION					
	MOBILITY OPERATIONS					
22	AIRLIFT OPERATIONS	1,919,987	1,919,987	1,919,987		1,919,987
23	AIRLIFT OPERATIONS C3I	51,824	51,824	51,824		51,824
24	MOBILIZATION PREPAREDNESS	170,623	170,623	170,623		170,623
25	PAYMENTS TO TRANSPORTATION BUSINESS AREA					
26	DEPOT MAINTENANCE	410,679	371,179	431,779	-38,900	371,779
	Depot maintenance program realignment to Air National Guard		[-39,500]	[-39,500]	[-39,500]	
	Oxygen repair facility			[600]	[600]	
	Depot maintenance for KC-135			[60,000]		
27	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	200,928	200,928	200,928		200,928
28	BASE SUPPORT	537,718	537,718	537,718		537,718
	TOTAL, BA 02: MOBILIZATION	**3,291,759**	**3,252,259**	**3,312,859**	**-38,900**	**3,252,859**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING					
	ACCESSION TRAINING					
29	OFFICER ACQUISITION	73,788	73,788	73,788		73,788
30	RECRUIT TRAINING	6,034	6,034	6,034		6,034
31	RESERVE OFFICER TRAINING CORPS (ROTC)	84,381	84,381	84,381		84,381
32	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	85,892	85,892	85,892		85,892

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
33	BASE SUPPORT	71,777	71,777	71,777		71,777
	BASIC SKILLS AND ADVANCED TRAINING					
34	SPECIALIZED SKILL TRAINING	336,818	336,818	336,818		336,818
35	FLIGHT TRAINING	775,819	775,819	775,819		775,819
36	PROFESSIONAL DEVELOPMENT EDUCATION	158,967	158,967	158,967		158,967
37	TRAINING SUPPORT	108,450	108,450	108,450		108,450
38	DEPOT MAINTENANCE	12,914	12,914	12,914		12,914
39	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	190,592	190,592	190,592		190,592
40	BASE SUPPORT	584,857	584,857	584,857		584,857
	RECRUITING, AND OTHER TRAINING AND EDUCATION					
41	RECRUITING AND ADVERTISING	143,369	143,369	143,369	-23,000	120,369
	Reduced recruiting goals				[-23,000]	
42	EXAMINING	3,281	3,281	3,281		3,281
43	OFF DUTY AND VOLUNTARY EDUCATION	159,129	159,129	159,129		159,129
44	CIVILIAN EDUCATION AND TRAINING	158,738	158,738	158,738		158,738
45	JUNIOR ROTC	50,108	50,108	50,108		50,108
	TOTAL, BA 03: TRAINING AND RECRUITING	**3,004,914**	**3,004,914**	**3,004,914**	**-23,000**	**2,981,914**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	LOGISTICS OPERATIONS					
46	LOGISTICS OPERATIONS	883,478	883,478	886,478		883,478
	Radio frequency identification (RFID)			[3,000]		
47	TECHNICAL SUPPORT ACTIVITIES	432,323	432,323	432,323		432,323
48	SERVICEWIDE TRANSPORTATION	171,501	171,501	171,501		171,501
49	DEPOT MAINTENANCE	105,158	105,158	105,158		105,158
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	260,580	260,580	260,580		260,580
51	BASE SUPPORT	1,072,242	1,072,242	1,072,242		1,072,242
	SERVICEWIDE ACTIVITIES					
52	ADMINISTRATION	299,617	299,617	299,617		299,617
53	SERVICEWIDE COMMUNICATIONS	377,574	348,774	377,574		377,574
	Combat Information Transport System		[-6,400]			
	Military personnel data systems		[-2,400]			
	Pentagon Communications Agency		[-20,000]			
54	PERSONNEL PROGRAMS	262,281	252,781	262,281		262,281
	Central Civilian Career Permanent Change of Station Program		[-9,500]			
55	RESCUE AND RECOVERY SERVICES	129,437	129,437	129,437		129,437
56	ARMS CONTROL	41,645	41,645	41,645		41,645
57	OTHER SERVICEWIDE ACTIVITIES	728,942	728,942	728,942		728,942
58	OTHER PERSONNEL SUPPORT	39,457	39,457	39,457		39,457

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
59	CIVIL AIR PATROL CORPORATION	21,722	21,722	21,722		21,722
60	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	12,848	12,848	12,848		12,848
61	BASE SUPPORT	345,170	314,770	345,170		345,170
	Unjustified growth		[-30,400]			
	SECURITY PROGRAMS					
62	SECURITY PROGRAMS	1,024,129	1,024,129	1,024,129		1,024,129
	SUPPORT TO OTHER NATIONS					
63	INTERNATIONAL SUPPORT	26,185	26,185	26,185		26,185
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**6,234,289**	**6,165,589**	**6,237,289**		**6,234,289**
	NORTHCOM HS/HD education consortium			1,000	1,000	1,000
	Simulation training for WMD emergency response programs			2,500	1,000	1,000
	Civilian personnel underexecution		-29,500	-36,600		
	Working Capital Fund excess balances			-360,000		
	Civilian separation incentives		-40,798			
	Working Capital Fund, Transportation		-967,200	-640,000		
	Working Capital Fund, Transportation (H. Amdts 10,)		-75,000			

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Working Capital Fund, Supply Management		-150,000			
	Excessive unobligated balances		-49,400			
	Total Operation and Maintenance, Air Force	**28,471,260**	**27,068,566**	**27,423,560**	**-172,600**	**28,298,660**
	Operation and Maintenance, Defense-wide					
	BUDGET ACTIVITY 1: OPERATING FORCES					
1	JOINT CHIEFS OF STAFF	243,062	204,162	231,262	-40,000	203,062
	Unjustified growth for JCS exercises			[-11,800]	[-40,000]	
	Unjustified growth for military air and sea lift cargo		[-27,100]			
	Unjustified growth for joint exercises		[-11,800]			
2	SPECIAL OPERATIONS COMMAND	1,992,613	1,993,613	1,993,613	-25,000	1,967,613
	Militarized lightweight tactical all terrain vehicles (LTATV)			[1,000]		
	Hydration on the move		[1,000]			
	Unjustified growth for SOCOM				[-15,000]	
	SOCOM - decreased airlift requirements				[-10,000]	
	TOTAL, BUDGET ACTIVITY 1:	**2,235,675**	**2,197,775**	**2,224,875**	**-65,000**	**2,170,675**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 2: MOBILIZATION					
3	DEFENSE LOGISTICS AGENCY	40,599	44,599	48,599	3,500	44,099
	Radio frequency identification (RFID)		[4,000]	[8,000]	[3,500]	
	TOTAL, BUDGET ACTIVITY 2:	**40,599**	**44,599**	**48,599**	**3,500**	**44,099**
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING					
4	AMERICAN FORCES INFORMATION SERVICE	14,050	14,050	14,050		14,050
5	OTHER PROGRAMS					
6	DEFENSE ACQUISITION UNIVERSITY	103,532	103,532	103,532		103,532
7	DEFENSE CONTRACT AUDIT AGENCY	5,296	5,296	5,296		5,296
8	DEFENSE THREAT REDUCTION AGENCY	5,968	5,968	5,968		5,968
9	DEFENSE HUMAN RESOURCES ACTIVITY	56,067	66,067	56,067	5,000	61,067
	Joint Advertising and Market Research		[10,000]		[10,000]	
	DLAMP program growth				[-5,000]	
10	DEFENSE FINANCE AND ACCOUNTING SERVICE					
11	DEFENSE SECURITY SERVICE	7,343	7,343	7,343		7,343
12	NATIONAL DEFENSE UNIVERSITY	90,263	94,863	90,263	2,700	92,963
	Continuing education		[2,000]		[1,500]	
	Joint Forces Staff College infrastructure		[2,600]		[1,200]	
13	SPECIAL OPERATIONS COMMAND	96,244	96,244	96,244		96,244
	TOTAL, BUDGET ACTIVITY 3:	**378,763**	**393,363**	**378,763**	**7,700**	**386,463**

Title III - Operation and Maintenance
(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES					
14	AMERICAN FORCES INFORMATION SERVICE	110,528	110,528	110,528		110,528
15	CIVIL MILITARY PROGRAMS	101,389	101,389	112,389	7,200	108,589
	National Guard Youth Challenge Program			[11,000]	[7,200]	
18	DEFENSE CONTRACT AUDIT AGENCY	368,119	368,119	368,119		368,119
20	DEFENSE LEGAL SERVICES AGENCY	25,484	25,484	25,484		25,484
21	DEFENSE LOGISTICS AGENCY	265,379	280,379	265,379	12,750	278,129
	Commercial technologies for maintenance activities		[15,000]		[12,750]	
22	DEFENSE POW /MIA OFFICE	15,964	15,964	15,964		15,964
23	DEFENSE TECHNOLOGY SECURITY AGENCY	20,456	21,456	20,456		20,456
	Program increase		[1,000]			
24	DEFENSE THREAT REDUCTION AGENCY	319,483	320,983	321,983		319,483
	UNWD testbeds			[2,500]		
	Program increase		[1,500]			
25	DEPARTMENT OF DEFENSE EDUCATION AGENCY	1,761,852	1,819,052	1,761,852	-10,000	1,751,852
	DOD supplemental impact aid		[50,000]			
	Joint Counterintelligence Training Academy		[7,200]			
	DoDEA unjustified certification program				[-10,000]	
26	DOD HUMAN RESOURCES ACTIVITY	318,940	318,940	318,940	-6,400	312,540
	Defense Business Fellows				[-4,400]	
	Business systems				[-2,000]	
27	DEFENSE CONTRACT MANAGEMENT AGENCY	1,029,592	1,029,592	1,029,592		1,029,592

Title III - Operation and Maintenance
(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
28	DEFENSE FINANCE AND ACCOUNTING SERVICE	4,310	4,310	4,310		4,310
29	DEFENSE INFORMATION SERVICES AGENCY	1,090,558	1,090,558	1,090,558	-25,000	1,065,558
	Program growth				[-25,000]	
30	DEFENSE SECURITY COOPERATION AGENCY	83,922	83,922	83,922		83,922
31	DEFENSE SECURITY SERVICE	277,100	227,100	277,100	-25,000	252,100
	Program reduction to prevent transition to Working Capital Fund		[-50,000]			
	Unjustified program				[-25,000]	
32	JOINT CHIEFS OF STAFF	278,884	278,884	278,884		278,884
34	OFFICE OF ECONOMIC ADJUSTMENT	44,756	44,756	44,756		44,756
35	OFFICE OF THE SECRETARY OF DEFENSE	805,813	693,243	785,013	-103,550	702,263
	Information Assurance Scholarship Program			[3,000]	[2,250]	
	Command Information Superiority Architectures Program			[3,500]	[1,000]	
	Capital cost sharing-eliminate subsidy		[-27,300]	[-27,300]	[-27,300]	
	FEHB premiums for mobilized federal employees		[10,000]			
	USD(I)		[-20,000]			
	Environment readiness		[-10,000]		[-7,500]	
	Public affairs		[-11,500]			
	Secretary's analytical agenda		[-7,000]			
	Unjustified growth		[-20,000]			
	Persistent stratospheric vehicles		[4,230]			
	DJCC - research technology protection		[4,800]			
	Counterintelligence Law Enforcement Watch Center		[4,000]			
	Paralyzed Veterans Association		[1,000]			

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Chief information officer programs		[-12,000]			
	Comptroller Business Management Modernization Program		[-25,400]			
	Horizontal Fusion		[-3,400]			
	Public affairs				[-11,500]	
	Business Management Modernization Program (BMMP)				[-7,000]	
	Net Assessment				[-4,000]	
	BMMP domains				[-15,000]	
	Logistics system modernization				[-4,000]	
	DOD CIO				[-2,500]	
	Training transformation				[-5,000]	
	Contract and support				[-5,000]	
	Study program				[-4,000]	
	Comptroller initiatives				[-6,500]	
	Defense procurement and acquisition policy				[-7,500]	
36	SPECIAL OPERATIONS COMMAND	142,457	142,457	142,457		142,457
37	WASHINGTON HEADQUARTERS SERVICE	447,166	437,166	447,166		447,166
	BRAC Commission		[-10,000]			
99	OTHER PROGRAMS	7,326,887	7,326,887	7,326,887		7,326,887
	TOTAL, BUDGET ACTIVITY 4:	**14,839,039**	**14,741,169**	**14,831,739**	**-150,000**	**14,689,039**
	Impact aid			30,000	30,000	30,000
	Impact aid for children with disabilities			5,000	5,000	5,000

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Working Capital Fund excess balances			-60,700		
	Financial information systems			-4,700		
	Excessive unobligated balances		-59,500			
	One Source military counseling (S. Amdt 3289)			5,000		
	Total Operation and Maintenance, Defense-Wide	**17,494,076**	**17,317,406**	**17,458,576**	**-168,800**	**17,325,276**
	Operation and Maintenance, Army Reserve					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	LAND FORCES					
1	DIVISION FORCES	7,640	7,640	7,640		7,640
2	CORPS COMBAT FORCES	34,607	34,607	34,607		34,607
3	CORPS SUPPORT FORCES	318,411	318,411	318,411		318,411
4	ECHELON ABOVE CORPS FORCES	150,421	150,421	150,421		150,421
5	LAND FORCES OPERATIONS SUPPORT	459,134	459,134	459,134		459,134
	LAND FORCES READINESS					
6	FORCES READINESS OPERATIONS SUPPORT	153,475	153,475	153,475		153,475
7	LAND FORCES SYSTEM READINESS	65,202	65,202	65,202		65,202
8	LAND FORCES DEPOT MAINTENANCE	71,548	71,548	71,548		71,548

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	LAND FORCES READINESS SUPPORT					
9	BASE OPERATIONS SUPPORT	379,112	384,712	379,112		379,112
	Family Support Programs		[5,600]			
10	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	201,141	201,141	201,141		201,141
11	MISCELLANEOUS ACTIVITIES	7,627	7,627	7,627		7,627
	Tuition assistance		1,000			
	TOTAL, BA 01: OPERATING FORCES	**1,848,318**	**1,854,918**	**1,848,318**		**1,848,318**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
12	ADMINISTRATION	52,180	52,180	52,180		52,180
13	SERVICEWIDE COMMUNICATIONS	9,116	9,116	9,116		9,116
14	MANPOWER MANAGEMENT	8,201	8,201	8,201		8,201
15	RECRUITING AND ADVERTISING	90,313	90,313	90,313		90,313
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**159,810**	**159,810**	**159,810**		**159,810**
	Military technicians cost avoidance / underexecution		-11,000	-82,400		

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Total Operation and Maintenance, Army Reserve	**2,008,128**	**2,003,728**	**1,925,728**		**2,008,128**
	Operation and Maintenance, Navy Reserve					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	RESERVE AIR OPERATIONS					
1	MISSION AND OTHER FLIGHT OPERATIONS	483,526	483,526	483,526		483,526
2	INTERMEDIATE MAINTENANCE	16,494	16,494	16,494		16,494
3	AIR OPERATIONS AND SAFETY SUPPORT	1,592	1,592	1,592		1,592
4	AIRCRAFT DEPOT MAINTENANCE	131,607	131,607	131,607		131,607
5	AIRCRAFT DEPOT OPERATIONS SUPPORT	384	384	384		384
	RESERVE SHIP OPERATIONS					
6	MISSION AND OTHER SHIP OPERATIONS	59,127	59,127	59,127		59,127
7	SHIP OPERATIONAL SUPPORT AND TRAINING	531	531	531		531
8	INTERMEDIATE MAINTENANCE					
9	SHIP DEPOT MAINTENANCE	92,787	92,787	92,787		92,787
10	SHIP DEPOT OPERATIONS SUPPORT	3,596	3,596	3,596		3,596
	RESERVE COMBAT OPERATIONS SUPPORT					
11	COMBAT COMMUNICATIONS	6,732	6,732	6,732		6,732

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
12	COMBAT SUPPORT FORCES	224,589	224,589	224,589		224,589
	RESERVE WEAPONS SUPPORT					
13	WEAPONS MAINTENANCE	5,548	5,548	5,548		5,548
	BASE SUPPORT					
14	SUSTAINMENT, RESTORATION AND MODERNIZATION	73,410	73,410	73,410		73,410
15	BASE OPERATIONS SUPPORT	108,863	108,863	108,863		108,863
	TOTAL, BA 01: OPERATING FORCES	**1,208,786**	**1,208,786**	**1,208,786**		**1,208,786**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
16	ADMINISTRATION	6,930	6,930	6,930		6,930
17	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT					
18	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	8,797	8,797	8,797		8,797
19	SERVICEWIDE COMMUNICATIONS	3,347	3,347	3,347		3,347
20	COMBAT/WEAPONS SYSTEMS	5,667	5,667	5,667		5,667
21	OTHER SERVICEWIDE SUPPORT	6,511	6,511	6,511		6,511

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	CANCELLED ACCOUNTS					
22	CANCELLED ACCOUNTS					
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**31,252**	**31,252**	**31,252**		**31,252**
	Total Operation and Maintenance, Navy Reserve	**1,240,038**	**1,240,038**	**1,240,038**		**1,240,038**
	Operation and Maintenance, Marine Corps Reserve					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	MISSION FORCES					
1	OPERATING FORCES	72,940	72,940	81,740		72,940
	Interceptor body armor			[2,200]		
	General property and support equipment			[3,000]		
	All-purpose environmental clothing system			[600]		
	Ultra-light camouflage net system			[3,000]		
2	DEPOT MAINTENANCE	12,132	12,132	12,132		12,132
3	BASE SUPPORT					
4	TRAINING SUPPORT	25,544	25,544	25,544		25,544
5	SUSTAINMENT, RESTORATION AND MODERNIZATION					

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BASE SUPPORT					
6	SUSTAINMENT, RESTORATION AND MODERNIZATION	12,126	12,126	12,126		12,126
7	BASE OPERATING SUPPORT	33,370	33,370	33,370		33,370
	TOTAL, BA 01: OPERATING FORCES	**156,112**	**156,112**	**164,912**		**156,112**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
8	SPECIAL SUPPORT	8,948	8,948	8,948		8,948
9	SERVICE-WIDE TRANSPORTATION	580	580	580		580
10	ADMINISTRATION	10,407	10,407	10,407		10,407
11	BASE SUPPORT					
12	RECRUITING AND ADVERTISING	8,013	8,013	8,013		8,013

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BASE SUPPORT					
13	BASE SUPPORT	4,636	4,636	4,636		4,636
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**32,584**	**32,584**	**32,584**		**32,584**
	Total Operation and Maintenance, Marine Corps Reserve	**188,696**	**188,696**	**197,496**		**188,696**
	Operation and Maintenance, Air Force Reserve					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
1	PRIMARY COMBAT FORCES	1,329,717	1,329,717	1,329,717		1,329,717
2	MISSION SUPPORT OPERATIONS	74,077	74,077	74,077		74,077
3	DEPOT MAINTENANCE	410,893	410,893	410,893		410,893
4	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	53,056	53,056	53,056		53,056
5	BASE SUPPORT	264,425	264,425	264,425		264,425
	TOTAL, BA 01: OPERATING FORCES	**2,132,168**	**2,132,168**	**2,132,168**		**2,132,168**

Title III - Operation and Maintenance
(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
6	ADMINISTRATION	60,270	60,270	60,270		60,270
7	RECRUITING AND ADVERTISING	14,516	14,516	14,516		14,516
8	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	25,485	25,485	25,485		25,485
9	OTHER PERSONNEL SUPPORT (DISABILITY COMP)	6,707	6,707	6,707		6,707
10	AUDIOVISUAL	644	644	644		644
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**107,622**	**107,622**	**107,622**		**107,622**
	Military technicians cost avoidance / underexecution		-13,000	-85,000		
	Total Operation and Maintenance, Air Force Reserve	**2,239,790**	**2,226,790**	**2,154,790**		**2,239,790**
	Operation and Maintenance, Army National Guard					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	LAND FORCES					
1	DIVISIONS	558,168	558,168	558,168		558,168

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
2	CORPS COMBAT FORCES	629,062	629,062	629,062		629,062
3	CORPS SUPPORT FORCES	333,393	333,393	333,393		333,393
4	ECHELON ABOVE CORPS FORCES	615,838	615,838	615,838		615,838
5	LAND FORCES OPERATIONS SUPPORT	20,786	20,786	20,786		20,786
	LAND FORCES READINESS					
6	FORCE READINESS OPERATIONS SUPPORT	180,163	181,163	181,813	1,300	181,463
	Cannon bore cleaning			[1,650]	[1,300]	
	Hydration on the move		[1,000]			
7	LAND FORCES SYSTEMS READINESS	142,914	142,914	142,914		142,914
8	LAND FORCES DEPOT MAINTENANCE	230,567	230,567	230,567		230,567
	LAND FORCES READINESS SUPPORT					
9	BASE OPERATIONS SUPPORT	577,028	607,028	577,028		577,028
	Family Assistance Centers		[30,000]			
10	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	384,044	384,044	384,044		384,044
11	MANAGEMENT AND OPERATIONAL HQ	451,167	451,167	451,167		451,167
12	MISCELLANEOUS ACTIVITIES	59,356	59,356	59,356		59,356
	TOTAL, BA 01: OPERATING FORCES	**4,182,486**	**4,213,486**	**4,184,136**	**1,300**	**4,183,786**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	ADMINISTRATION AND SERVICEWIDE ACTIVITIES					
13	ADMINISTRATION	110,669	110,669	110,669		110,669
14	SERVICEWIDE COMMUNICATIONS	26,341	26,341	26,341		26,341
15	MANPOWER MANAGEMENT	35,376	35,376	35,376		35,376
16	RECRUITING AND ADVERTISING	85,814	85,814	85,814		85,814
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**258,200**	**258,200**	**258,200**		**258,200**
	CERFP			1,500		
	Military technicians cost avoidance / underexecution		-32,000	-227,400		
	WMD-CSTs			9,800	9,800	9,800
	CBRA			1,000	1,000	1,000
	Tuition assistance		500			
	Excessive unobligated balances		-14,500			
	Total Operation and Maintenance, Army National Guard	**4,440,686**	**4,425,686**	**4,227,236**	**12,100**	**4,452,786**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Operation and Maintenance, Air National Guard					
	BUDGET ACTIVITY 01: OPERATING FORCES					
	AIR OPERATIONS					
1	AIRCRAFT OPERATIONS	2,685,471	2,685,471	2,685,471		2,685,471
2	MISSION SUPPORT OPERATIONS	362,114	362,114	364,114	1,700	363,814
	Extended cold weather clothing system			[2,000]	[1,700]	
3	DEPOT MAINTENANCE	676,647	755,447	755,447	78,800	755,447
	ANG depot maintenance (transfer from AF DPEM BA1, BA2)		[78,800]	[78,800]	[78,800]	
4	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	230,642	230,642	230,642		230,642
5	BASE SUPPORT	431,076	431,076	431,076		431,076
	TOTAL, BA 01: OPERATING FORCES	**4,385,950**	**4,464,750**	**4,466,750**	**80,500**	**4,466,450**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
	SERVICEWIDE ACTIVITIES					
6	ADMINISTRATION	27,490	27,490	27,490		27,490
7	RECRUITING AND ADVERTISING	9,398	9,398	9,398		9,398
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**36,888**	**36,888**	**36,888**		**36,888**

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Military technicians cost avoidance / underexecution		-19,000	-137,300		
	CERFP			400		
	Excessive unobligated balances		-33,700			
	Total Operation and Maintenance, Air National Guard	**4,422,838**	**4,448,938**	**4,366,738**	**80,500**	**4,503,338**
	TRANSFER ACCOUNTS					
1	ENVIRONMENTAL RESTORATION, ARMY	400,948	400,948	405,598		400,948
	Fort Hood offsite conservation program			[850]		
	Environmental compliance --Holston Army Ammo Plant			[3,800]		
2	ENVIRONMENTAL RESTORATION, NAVY	266,820	266,820	266,820		266,820
3	ENVIRONMENTAL RESTORATION, AIR FORCE	397,368	397,368	397,368		397,368
4	ENVIRONMENTAL RESTORATION, DEFENSE-WIDE	23,684	23,684	23,684		23,684
5	ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES	216,516	216,516	256,516	40,000	256,516
	TOTAL, O&M, TRANSFER ACCOUNTS	**1,305,336**	**1,305,336**	**1,349,986**	**40,000**	**1,345,336**
	MISCELLANEOUS APPROPRIATIONS					
6	U.S. COURT OF APPEALS FOR THE ARMED FORCES	10,825	10,825	10,825		10,825
7	SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS					

Title III - Operation and Maintenance

(Dollars in Thousands)

Line	Program Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
8	OVERSEAS CONTINGENCIES OPERATIONS TRANSFER FUND	30,000	5,000		-20,000	10,000
	Program reduction		[-25,000]	[-30,000]	[-20,000]	
9	EMERGENCY RESPONSE FUND, DEFENSE					
10	EMERGENCY RESPONSE FUND, DEFENSE					
11	EMERGENCY RESPONSE FUND, DEFENSE					
12	EMERGENCY RESPONSE FUND, DEFENSE					
13	EMERGENCY RESPONSE FUND, DEFENSE					
14	EMERGENCY RESPONSE FUND, DEFENSE					
15	EMERGENCY RESPONSE FUND, DEFENSE					
16	EMERGENCY RESPONSE FUND, DEFENSE					
17	EMERGENCY RESPONSE FUND, DEFENSE					
18	IRAQ FREEDOM FUND, DEF					
19	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AFFAIRS	59,000	59,000	59,000		59,000
20	KAHO'OLAWE					
21	CLAIMS, MT. PINATUBO, DEFENSE					
22	FORMER SOVIET UNION (FSU) THREAT REDUCTION	409,200	409,200	409,200		409,200
	Defense Industrial Base Capabilities Fund		50,000			
	TOTAL, MISCELLANEOUS	**509,025**	**534,025**	**479,025**	**-20,000**	**489,025**
	TOTAL OPERATION AND MAINTENANCE TITLE:	**121,874,589**	**119,758,925**	**120,522,301**	**-354,400**	**121,520,189**

ITEMS OF SPECIAL INTEREST

Navy Marine Corps Intranet

The conferees note that the Navy Marine Corps Intranet (NMCI) program is working to transfer legacy applications and networks into the NMCI environment. The conferees note that the scope of this process is large and the original goals relating to termination or migration of legacy applications have not been achieved. The conferees understand that there may be valid operational reasons for not migrating some legacy applications into the NMCI environment. The Secretary of the Navy should accelerate the migration or termination of legacy applications and networks, and the conferees direct the Secretary to report to the Congress on the progress in this area, as well as on a plan for the future funding of any legacy systems support by September 30, 2005. The conferees take no position on matters of NMCI contract administration and direct the Secretary to resolve any matters in contractual arrangements relating to legacy application termination, transition, and support in a manner consistent with established procedures and acquisition policies.

Transforming the Department of the Army's logistics maintenance information

The conferees support the Department of the Army's recent decision to allocate funds to reduce the cost, while increasing the speed of transforming its logistics maintenance information into modern and usable formats. The conferees urge the Army to continue these efforts as a means to improve maintenance support tools available to soldiers.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations (secs. 301–303)

The House bill contained provisions (sec. 301–303) that would authorize fiscal year 2005 funding levels for all operation and maintenance accounts, working capital funds, and other Department of Defense programs, including the Defense Inspector General, the Chemical Demilitarization Program, Drug Interdiction and Counter-Drug Activities, and the Defense Health Program.

The Senate amendment contained similar provisions (secs. 301–303).

The conference agreement includes these provisions.

Chemical Agents and Munitions Destruction, Defense (sec. 303b)

The budget request included $1,372.0 million in Chemical Agents and Munitions Destruction, Army for the Department of Defense.

The House bill contained a provision (sec. 303(b)) that would provide a total of $1,372.0 million in Chemical Agents and Munitions Destruction, Defense (CAMD,D) for the Department of Defense.

The Senate amendment contained a provision (sec. 303(b)) that would provide a total of $1,519.0 million for CAMD,D, including an increase of $147.0 million to restore the funding for the chemical demilitarization research and development program at the Pueblo Chemical Agent Disposal Facility, Pueblo, Colorado, to the original estimates developed by the Department's Cost Analysis Improvement Group, which were provided in the Future Years Defense Program submitted with the fiscal year 2004 budget request.

The House recedes with an amendment that would authorize $1,372.0 million for CAMD,D, as follows: $1,088.8 million for Operation and Maintenance; $204.2 million for Research and Development, (an increase of $50.0 million to the budget request to be used for the chemical demilitarization research and development program at Pueblo); and $79.0 million for Procurement.

Elsewhere in this report the conferees recommend an authorization of $81.9 million for military construction for the Chemical Agents and Munitions Destruction program.

The conferees note the reduction in the fiscal year 2005 budget request from the fiscal year budget estimate for the chemical demilitarization program, particularly for the Pueblo facility, and concerns raised in the Senate report accompanying S.2400 (S. Rept. 108–260) regarding the need to provide sufficient funding in the program for the United States to meet its obligations under the Chemical Weapons Convention. The conferees also note the views expressed in the House report accompanying H.R. 4200 (H. Rept. 108–491) that the United States proceed as rapidly as possible in destroying the stockpile of bulk VX nerve agent stored at Newport Chemical Depot, Indiana, in order to ensure maximum safety and to meet international treaty commitments, while proceeding objectively and deliberately in ensuring that the disposal of the hydrolysate hazardous waste, which results from neutralization of the VX agent, in a commercial hazardous water treatment facility does not compromise the public health and safety of the citizens or the environment near such a facility.

Elsewhere in this report the conferees have recommended a provision that would require the Under Secretary of Defense for Acquisition, Technology and Logistics and the Secretary of the Army to jointly prepare and annually update a strategic report for future activities and funding of the chemical demilitarization program.

Section 1421 of the Department of Defense Authorization Act, 1986 (section 1521 of title 50, United States Code, Public Law 99–145) requires that funds for the chemical demilitarization program, including those for military construction, shall be set forth in the budget of the Department for any fiscal year as a separate account and shall not be included in the budget accounts for any military department. Section 141 of the National Defense Authorization Act for fiscal year 2003 (Public Law 107–314) requires that the Under Secretary of Defense (Comptroller) annually certify to the congressional defense committees that the budget request for the chemical agents and munition destruction program has been submitted in accordance with the requirements of section 1421. The Department submitted the fiscal year 2005 budget request for chemical demilitarization in an Army account, contrary to the law. The conferees expect the Department to comply with the law in future budget requests by submitting the budget request for chemical agents and munitions destruction in a Department of Defense account.

Subtitle B—Environmental Provisions

Satisfaction of Superfund audit requirements by the Inspector General of the Department of Defense (sec. 311)

The Senate amendment contained a provision (sec. 323) that would allow the Inspector General of the Department of Defense the discretion to audit Superfund financial transactions on a periodic basis.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees expect that a periodic review would result in an audit at least every three years.

Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington (sec. 312)

The Senate amendment contained a provision (sec. 322) that would provide discretionary authority to the Secretary of Defense to transfer not more than $524,927 to the Moses Lake Wellfield Superfund Site (Moses Lake), 10–6J Special Account, formerly the home of Larson Air Force Base. This payment would be for reimbursement to the Environmental Protection Agency for costs and interest incurred to perform a remedial investigation and feasibility study at Moses Lake, where the groundwater is apparently contaminated with trichloroethylene.

The House bill contained no similar provision.

The House recedes.

Increase in authorized amount of environmental remediation, Front Royal, Virginia (sec. 313)

The Senate amendment contained a provision (sec. 325) that would amend section 591(a)(2) of the Water Resources Development Act of 1999 (Public Law 106–53) by increasing the authorized level by $10.0 million for environmental remediation in Front Royal, Virginia.

The House bill contained no similar provision.

The House recedes.

Small Boat Harbor, Unalaska, Alaska (sec. 314)

The conferees agree to include a provision that requires the Secretary of the Army to carry out the small boat harbor project in Unalaska, Alaska. The conferees note that the total estimated cost is $23.2 million, with an estimated federal cost of $11.5 million and an estimated non-federal cost of $11.7 million. The project shall be carried out in accordance with the plans and subject to the conditions recommended in a final report of the Chief of Engineers, if a favorable final report of the Chief for the project is completed not later than December 31, 2004.

Report regarding encroachment issues affecting Utah Test and Training Range, Utah (sec. 315)

The House bill included a provision (sec. 311) that would require the Secretary of the Air Force to submit a report to the Committees on Armed Services of the Senate and the House of Representatives that outlines current and anticipated encroachments on the use of the special use airspace of the Utah Test and Training Range (UTTR). The Senate amendment included a similar provision (sec. 329). The Senate amendment also confirmed a prohibition on ground military operations in the covered wilderness study area within UTTR. The Senate amendment further clarified that nothing in the provision would prevent required maintenance of existing communications, instrumentation, or electronic tracking systems necessary for effective testing and training to meet military requirements in UTTR.

The House recedes with a technical amendment.

Comptroller General Study and report on Alternative Technologies to decontaminate groundwater at Department of Defense installations (sec. 316)

The Senate amendment contained a provision (sec. 326) which would require the Comptroller General of the United States to conduct a study to determine whether or not cost-effective technologies are available to the Department of Defense for the cleanup of groundwater contamination at Department installations in lieu of traditional methods.

The House bill contained no similar provision.

The House recedes with an amendment clarifying the scope of the study.

Comptroller General study and report on drinking water contamination and related health effects at Camp Lejeune, North Carolina (sec. 317)

The Senate amendment contained a provision (sec. 324) that would require the Comptroller General of the U.S. to conduct a

study of the history of drinking water contamination at the United States Marine Corps (USMC) base at Camp Lejeune, North Carolina.

The House bill contained no similar provision.

The House recedes with an amendment clarifying the scope of the study.

Sense of Congress regarding perchlorate contamination of ground and surface water from Department of Defense activities (sec. 318)

The Senate amendment contained a provision (sec. 327) that would express the sense of the Senate that the Department of Defense should develop a national plan to remediate perchlorate contamination specifically to: (1) ensure the Department is prepared to respond quickly and appropriately once a drinking water standard is established; (2) continue remediation at those sites where perchlorate contamination poses an imminent and substantial endangerment to public health; (3) develop a plan to remediate perchlorate contamination in cases in which such contamination from the Department's activities is present in ground or surface water at levels the Department determines pose a hazard to human health; and (4) continue the process of evaluating and prioritizing sites without waiting for the development of a federal standard.

The House bill contained no similar provision.

The House recedes with an amendment clarifying the scope of the sense of the Congress.

Subtitle C–Workplace and Depot Issues

Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads (sec. 321)

The House bill contained a provision (sec. 321) that would amend section 2466(d) of title 10, United States Code, to require the Secretary of Defense to submit to Congress a report on the percentage of funds expended or expected to be expended for depot maintenance and repair workloads in the public and private sectors.

The Senate amendment contained a similar provision (section 331) that would simplify and improve the two separate annual reports required by section 2466(d) of title 10, United States Code, that the Department of Defense prepares relating to the percentage of funds expended or projected to be expended for depot maintenance and repair workloads in the public and private sectors.

The House recedes with a technical amendment.

Repeal of annual reporting requirement concerning management of depot employees (sec. 322)

The House bill contained a provision (sec. 322) that would repeal section 2472(b) of title 10, United States Code, which currently requires the Secretary of Defense to report annually to the Committees on Armed Services of the Senate and the House of Representatives the number of Department of Defense employees employed and expected to be employed during that fiscal year to perform depot level maintenance and repair of materiel.

The Senate amendment contained a similar provision (sec. 332).

The Senate recedes.

Extension of special treatment for certain expenditures incurred in the operation of Centers of Industrial and Technical Excellence (sec. 323)

The Senate amendment contained a provision (sec. 333) that would extend for three years section 2474(f) of title 10, United States Code. Section 2474(f) excludes all work performed by non-federal personnel at designated Centers of Industrial and Technical Excellence from the 50 percent limitation on contracting for depot maintenance in section 2466(a) of title 10, United States Code, if the personnel are performing the work pursuant to a public-private partnership.

The House bill contained no similar provision.

The House recedes.

Temporary authority for contractor performance of security-guard functions (sec. 324)

The Senate amendment contained a provision (sec. 362) that would extend for two years the authority granted in section 332 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) to hire contract security guards on a temporary basis to fill positions that would otherwise be filled by members of the Armed Forces.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit a report on the use of this authority no later than December 1, 2005.

Pilot program for purchase of certain municipal services for Army installation (sec. 325)

The Senate amendment contained a provision (sec. 363) that would authorize a pilot program under which the secretary of a military department could provide for the purchase of local governmental services at a Department of Defense installation from the local government responsible for serving the area.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the pilot program to two Department of Army installations located in the United States.

Bid protests by federal employees in actions under Office of Management and Budget Circular A–76 (sec. 326)

The House bill contained a provision (sec. 325) that would express the sense of Congress that Department of Defense civilian employees (or their representatives) and contractors (or their representatives) should receive comparable treatment regarding legal standing to challenge the way in which a public-private competition has been conducted before the Government Accountability Office (GAO) or in the U.S. Court of Federal Claims.

The Senate amendment contained a provision (sec. 1107) that would provide such legal standing, in GAO bid protests only, to both: (1) the official who submits an agency tender in a public-private competition (the Agency Tender Official (ATO)); and (2) a person representing a majority of the employees of the federal agency who are engaged in the performance of the activity or function that is subject to the competition. The Senate amendment also authorized the ATO or a person representing a majority of the employees to intervene in protests filed in the U.S. Court of Federal Claims.

The House recedes with an amendment providing the ATO legal standing in GAO bid protests of public-private competitions for functions performed by more than 65 full-time federal employees.

Under the conference agreement, the ATO would be required to file a protest at the request of a majority of the employees of the federal agency who are engaged in the performance of the activity or function that is subject to the competition unless the ATO determines that there is no reasonable basis for the protest. A determination by the ATO would not be subject to judicial or administrative appeal, but would be reported to the congressional defense committees. A person representing a majority of the employees would not have standing to file a protest, but would have the right to intervene in a protest filed by an interested party, including the ATO. The conference agreement would not address protests that are filed in the United States Court of Federal Claims.

Limitations on conversion of work performed by Department of Defense civilian employees to contractor performance (sec. 327)

The House bill contained a provision (sec. 323) that would: (1) codify the prohibition on converting an activity or function to private sector performance unless the conversion would result in savings of at least 10 percent or $10.0 million; (2) prohibit the Department from breaking up a function to avoid applicable thresholds for conducting a public competition; (3) ensure that a public competitor is not disadvantaged by the offer of a private competitor to reduce costs by reducing health care benefits for its employees; and (4) require the Department to conduct a competition, including an agency tender, a most efficient organization plan, and a formal cost comparison for any function performed by 10 or more civilian employees.

The Senate amendment contained a similar provision (sec. 851).

The Senate recedes with an amendment that would: (1) codify the prohibition on converting an activity or function to private sector performance unless the conversion would result in savings of at least 10 percent or $10.0 million when conducting a public-private competition under OMB circular A–76 dated May 29, 2003; and (2) prohibit the Department of Defense from breaking up a function to avoid applicable thresholds for conducting a public-private competition under A–76 Circular A–76, May 29, 2003.

The conferees agree to exclude the pilot program for best-value source selection authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 103–136) from the requirement to apply a price differential of 10 percent or $10.0 million. The conferees expect the Secretary of Defense to utilize the price differential in the cost or price component of an evaluation under the pilot program, but understand that cost or price alone is not determinative in a best value competition.

The conferees note that the Department of Defense Appropriations Act for Fiscal Year 2005 (Public Law 108–257) includes a provision that would require the Department to ensure, in fiscal year 2005, that a public competitor is not disadvantaged by the offer of a private competitor to reduce costs by reducing health care benefits for its employees and that the Department must conduct a competition, including an agency tender, a most efficient organization plan, and a formal cost comparison for any function performed by 10 or more civilian employees.

The conferees direct the Comptroller General to review the implementation and impact of the Appropriations provision with regard to health care costs and competition of small agency functions. The Comptroller General's review should also address the full range of benefits provided by public and private sector employers, the manner in which these benefits are considered in a public-private competition, the impact of any benefit changes on employees who transition to private sector employment as a result of a public-private competition, and steps that could be taken to ameliorate any adverse impact of such a transition.

The conferees direct the Comptroller General to provide a preliminary report on this review to the congressional defense committees by no later than May 1, 2005, and a final report by no later than three months after the end of fiscal year 2005.

Competitive sourcing reporting requirement (sec. 328)

The House bill contained a provision (sec. 326) that would require the Inspector General of the Department of Defense to submit to Congress a report addressing whether the Department has implemented a comprehensive and reliable system to track and assess the results of public-private competitions. The House provision would establish a number of specific elements to be addressed in the tracking system.

The Senate amendment contained a compatible provision (sec. 853). The Senate provision would not establish the specific reporting elements to be addressed in the tracking system.

The House recedes.

The conferees note that section 354 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) and section 385 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) required the Department to maintain a system for tracking the results of public-private competitions and established the specific elements to be addressed in the tracking system.

Subtitle D—Information Technology

Preparation of Department of Defense plan for transition to Internet Protocol version 6 (sec. 331)

The House bill contained a provision (sec. 331) that would require the Secretary of Defense to prepare a transition plan to evaluate how the Department of Defense's information technology systems may be affected by the Department's decision to transition from the current protocols to Internet Protocol version 6 (IPv6). The provision would also direct the Secretary to conduct and manage tests of IPv6 and the global information grid to ensure the needs of the warfighter will continue to be met.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to include cost estimates in the IPv6 transition plan.

The conferees expect that any testing will be performed under the direction and review of the Director of Operational Test and Evaluation, who shall identify the most appropriate facilities and organizations to perform the testing. The conferees direct the Director to provide an update on the ongoing test program and test results no later than September 30, 2005.

Defense business enterprise architecture, system accountability, and conditions for obligation of funds for defense business system modernization (sec. 332)

The House bill contained a provision (sec. 332) that would require the Department of Defense to develop a comprehensive architecture for all business systems of the Department. The provision would also prohibit significant investments in new business systems or upgrades to existing business systems that would be inconsistent with the new architecture.

The Senate amendment contained a similar provision (sec. 1004).

The Senate recedes with an amendment that would: (1) clarify the criteria for approving business system modernization expenditures; (2) provide that a covered expenditure for a business system that has not been approved is a violation of the Anti-Deficiency Act (31 U.S.C., section 1341); (3) provide additional detail on the composition of the enterprise architecture and transition plan; (4) clarify that domain managers have responsibility for the review, approval, and oversight of defense business system acquisition and operation, but not for the execution of such requirements; (5) clarify the budget justification material to be provided by the Secretary of Defense in support of the President's budget; (6) require the Secretary to appoint a Vice Chairman of the Defense Business System Management Committee; (7) clarify the responsibilities of the Committee; and (8) require the Comptroller General to assess the Department's compliance with the requirements of the provision.

Report on maturity and effectiveness of the Global Information Grid Bandwidth Expansion (GIG–BE) (sec. 333)

The Senate amendment contained a provision (sec. 142) that would require the Secretary of Defense to submit a report to the congressional defense committees on a test program to demonstrate the maturity and effectiveness of the Global Information Grid-Bandwidth Expansion (GIG–BE).

The House bill amendment contained no similar provision.

The House recedes with a technical amendment.

Subtitle E—Extensions of Program Authorities

Two-year extension of Department of Defense telecommunications benefit (sec. 341)

The Senate amendment contained a provision (sec. 341) that would extend until September 30, 2006 the Department of Defense telecommunications benefit authorized in section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

The House bill contained no similar provision.

The House recedes.

The conferees are concerned that the Department has not competitively awarded a contract under this section, relying instead on an existing contract. The conferees expect that the Secretary of Defense will, as soon as possible, award a contract to a commercial firm for the purposes of this provision through competitive procedures.

Extension of Arsenal Support Program Initiative (sec. 342)

The House bill contained a provision (sec. 351) that would amend Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), to authorize the Secretary of the Army to extend the Arsenal Support Initiative Program through fiscal year 2008. This section would also require the Secretary to report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2007, the benefits of the program, the extent to which the program met its goals, and whether the program should be made permanent.

The Senate amendment contained a similar provision (sec. 342) that would extend the Arsenal Support Program Initiative through the end of fiscal year 2006.

The Senate recedes.

Two-year extension of warranty claims recovery pilot program (sec. 343)

The Senate amendment contained a provision (sec. 343) that would extend, through September 30, 2006, the warranty claims recovery pilot program authorized in section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85).

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit a report on the commercial use of warranty recovery services, and to determine whether the pilot should be made permanent or extended beyond 2006.

Subtitle F—Other Matters

Reimbursement for certain protective, safety, or health equipment purchased by or for members of the Armed Forces deployed in contingency operations (sec. 351)

The House bill contained a provision (sec. 304) that would authorize the Secretary of Defense to reimburse service members who purchased protective body armor for use while deployed in connection with Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom, if the service member did not receive the protective body armor before engaging in such operations where such body armor might be necessary. Reimbursement would be available to service members who purchased the body armor between September 1, 2003 and December 31, 2003.

The Senate amendment contained a provision (sec. 1072) that would direct the Secretary to reimburse service members, a relative of the service member, a nonprofit organization, or a community group, who purchased any protective, safety, or health equipment for use by such service member while deployed in connection with Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom, provided that the unit commander of the service member certifies that such equipment was critical to the protection, safety, or health of the service member. The provision also stated that the type of protective, safety, or health equipment would include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, and a solder intercommunication device. Non-military equipment would be treated as protective, safety, and health equipment only if such equipment provides protection, safety, or health benefits, as the case may be, such as would be provided by equipment meeting military specifications. Reimbursement would be available for armor or protective equipment purchased for high mobility multi-purpose wheeled vehicles between September 11, 2001 and July 31, 2004, and for any other protective, safety, and health equipment purchased between September 11, 2001 and December 31, 2003 or any date thereafter as determined by the Secretary. The provision would further establish a limit on the amount of reimbursement, and provide authority for the Secretary to assume title or ownership of any protective, safety, or health equipment for which a service member was reimbursed.

The House recedes with an amendment that would direct the Secretary to reimburse service members who purchased, or had another person purchase on their behalf, any protective, safety, or health equipment for use while deployed in connection with Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom, provided that: (1) the Secretary certifies that the equipment was critical to the protection, safety, and health of the service member; (2) the equipment was not issued to the service member before the service member was on duty in an area in which the service member was in imminent danger of being exposed to hostile fire; and (3) the equipment was purchased between September 11, 2001 and July 31, 2004. The amendment would also limit the amount of reimbursement to $1,100 per item, establish a one-year period for the submission of claims for reimbursement, and direct the Secretary to establish rules not later

than 120 days after date of enactment of this Act to expedite reimbursements, to include addressing circumstances under which the United States will assume title or ownership of any protective, safety, or health equipment for which a service member was reimbursed.

The conferees direct the Secretary to consult with the appropriate chain of command to ensure all criteria for reimbursement are attained. The conferees also note that the type of protective, safety, or health equipment for which a reimbursement is made may include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, and a solder intercommunication device. Non-military equipment for which a reimbursement could be made should be treated as protective, safety, and health equipment only if such equipment provides protection, safety, or health benefits, as the case may be, such as would be provided by equipment meeting military specifications.

Limitation on preparation or implementation of Mid-Range Financial Improvement Plan pending report (sec. 352)

The House bill contained a provision (sec. 352) that would prohibit the Secretary of Defense from obligating operation and maintenance funds to implement the Mid-Range Financial Improvement Plan until the Secretary provides to the Committees on Armed Services of the Senate and the House of Representatives an explanation of how the operation and maintenance funds are to be utilized in fiscal year 2005 and the estimated cost for this plan in future years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would also require the Secretary to provide a written determination that the Department has developed an enterprise architecture and transition plan for its business systems that meets the requirements of section 2222 of title 10, United States Code (as added by section 332.

Pilot program to authorize Army working-capital funded facilities to engage in cooperative activities with non-Army entities (sec. 353)

The Senate amendment contained a provision (sec. 364) that would authorize Army industrial activities that operate under the working capital fund to enter into public-private partnerships with non-Army entities, and allow the proceeds to be retained by the entity engaged in the partnership.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize such contracts or cooperative arrangements, but would not direct that the facility involved retain the proceeds.

Transfer of excess Department of Defense personal property to assist firefighting agencies (sec. 354)

The House bill contained a provision (sec. 1079) that would amend section 2576b of title 10, United States Code, to modify the recipients of the Department of Defense excess personal property to assist rural firefighting agencies. The provision would require the Secretary of Defense to enter into an agreement with the Secretary of Agriculture to facilitate the reutilization of the Department's excess personal property by firefighting agencies in rural areas. The agreement between the Secretary of Defense and Secretary of Agriculture would include a prohibition on the transfer of the Department's aircraft until the end of a one-year period beginning on the date that the Secretary of Agriculture submits a report to the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, and the Committee on Armed Services of the Senate and the House of Representatives on the measures taken by the U.S. Forest Service in response to National Transportation Safety Board Recommendations A–04–29 through A–04–33. The provision would also require that personal property being transferred for reutilization by firefighting agencies in rural areas be afforded a property disposal priority at least equal to the priority given to the military departments and other entities within the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 2576b of title 10, United States Code, to direct the Secretary of Defense to transfer to a firefighting agency in a State any personal property of the Department that the Secretary determines is excess to the needs of the Department and suitable for use in providing fire and emergency medical services, including personal protective equipment and equipment for communications and monitoring.

LEGISLATIVE PROVISIONS NOT ADOPTED

Amount for One Source military counseling and referral hotline

The Senate amendment contained a provision (sec. 304) that would authorize an increase of $5.0 million for the Department of Defense One Source counseling and referral hotline.

The House bill contained no similar provision.

The Senate recedes.

Reduction in authorization for Air Force operations and maintenance

The House bill contained a provision (sec. 305) that would reduce the amount authorized to be appropriated to the Air Force by $10.0 million, to be derived from the transportation working capital fund.

The Senate amendment contained no similar provision.

The House recedes.

Family Readiness Program of the National Guard

The Senate amendment contained a provision (sec. 313) that would increase the amount authorized to be appropriated in Operation and Maintenance, Army by $10.0 million for the Family Readiness Program of the National Guard.

The House bill contained no similar provision.

The Senate recedes.

Payment of certain private cleanup costs in connection with Defense Environmental Restoration Program

The Senate amendment contained a provision (sec. 321) that would allow the Secretary of Defense to execute environmental restoration agreements with owners of covenant properties.

The House bill contained no similar provision.

The Senate recedes.

Public-private competition pilot program

The House bill contained a provision (sec. 324) that would require the Secretary of Defense to establish a pilot program to examine the use of public-private competition process on new requirements and functions currently being performed by contractors that could be performed by civilian employees. Under the pilot program, the Secretary would be required to allow civilian employees to compete through the standard competitive process of Office of Management and Budget Circular A–76 for: (1) approximately one-tenth of the new requirements of the Department of Defense; and (2) functions currently being performed by a number of contractor employees that is approximately one-tenth of the number of civilian employees subject to public-private competition during the same period.

The Senate amendment contained a provision (sec. 852) that would require the Secretary to prescribe guidelines and procedures for ensuring that fair consideration is given to using federal government employees to perform new work and functions that are currently performed by contractors. The provision would provide that no public-private competition may be required before assigning government employees to perform new work or work that was previously performed by contractors.

The conference report does not include either provision.

The conferees believe that the Department's workforce of civilian employees is an important resource that the Department should fully utilize. The National Security Personnel System gives the Secretary broad authority to hire new civilian employees and to develop new competencies within the Department's civilian workforce. The conferees believe that Department of Defense managers must have flexibility not only to assign work to civilian employees, but also to build and structure the civilian workforce to perform appropriate tasks, free of artificial or unneeded regulatory constraints.

The conferees direct the Secretary to work with the Director of the Office of Management and Budget and other appropriate officials to ensure that the Department has the flexibility that it needs to assign work to its civilian workforce and to build needed capabilities in that workforce.

Establishment of joint program office to improve interoperability of battlefield management command and control systems

The House bill contained a provision (sec 333) that would establish a joint program office to improve interoperability of battlefield management command and control systems.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense has struggled for many years to develop and field command, control, communications, computers, and intelligence, surveillance, and reconnaissance systems that interoperate effectively across all of the military services and with coalition forces. The conferees note that there are a number of current efforts throughout the Department to develop portions of a ''Family of Interoperable Operating Pictures'', including the Single Integrated Air Picture, the Single Integrated Ground Picture, the Single Integrated Maritime Picture, the Special Operations Forces Picture, and the Single Integrated Space Picture. The conferees are concerned that without proper management, oversight, and coordination, as well as a single over-arching architecture that controls all systems, these efforts could become redundant and wasteful, and lack the interoperability required to effectively support joint warfighting missions.

Therefore, the conferees direct the Secretary of Defense to provide to the congressional defense committees a report no later than March 15, 2005 that identifies all funds for research and procurement activities related to the development of joint battlefield

management command and control systems in the Department.

This report shall also include baselines for the Family of Interoperable Pictures, including a baseline for the Single Integrated Air Picture, the Single Integrated Ground Picture, the Single Integrated Maritime Picture, the Special Operations Forces Picture, and the Single Integrated Space Picture. The baselines shall be consistent with those required for major defense acquisition programs under Department regulations, and shall include a description of the overall systems architecture, specific milestones and performance measures for each developmental block, the schedule for achieving those performance goals, the estimated total and annual costs to meet that schedule, and a description of the management approach being used to achieve program goals.

Procurement of follow-on contracts for the operation of five Champion-class T–5 tank vessels

The House bill contained a provision (sec. 353) that would direct the Secretary of the Navy to consider proposals for the follow-on Department of the Navy contracts to operate five *Champion*-class T–5 tank vessels only from an entity that is a citizen under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802).

The Senate amendment contained no similar provision.

The House recedes.

Expansion of Department of Defense excess personal property disposal program to include health agencies

The House bill contained a provision (sec. 1080) that would amend section 2576b of title 10, United States Code, to authorize the Secretary of Defense to expand the Department of Defense excess personal property program to include State health agencies.

The Senate amendment contained no similar provision.

The House recedes.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active forces as of September 30, 2005: Army, 482,400; Navy, 365,900; Marine Corps, 175,000; and Air Force, 359,700.

The Senate amendment contained a similar provision (sec. 401) that would authorize an active-duty end strength for the Army of 502,400, subject to the condition that costs of active-duty personnel of the Army in excess of 482,400 shall be paid out of funds authorized to be appropriated for fiscal year 2005 for a contingent emergency reserve fund or as an emergency supplemental appropriation.

The House recedes with an amendment that would authorize an end strength of 178,000 for the Marine Corps subject to the condition that costs in excess of 175,000 active-duty Marines shall be paid out of funds authorized to be appropriated for fiscal year 2005 for a contingent emergency reserve fund or as an emergency supplemental appropriation.

The conferees recommend end strength levels for active forces for fiscal year 2005 as set forth in the following table:

Service	FY 2004 authorized	FY 2005		Change from	
		Request	Conferee recommendation	FY 2005 request	FY 2004 authorized
Army	482,400	482,400	502,400	20,000	20,000
Navy	373,800	365,900	365,900	0	−7,900
Marine Corps	175,000	175,000	178,000	3,000	3,000
Air Force	359,300	359,700	359,700	0	400
DoD Total	1,390,500	1,383,000	1,406,000	23,000	15,500

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would establish new minimum active-duty end strengths for the Navy of 365,900 and Air Force of 359,700 as of October 1, 2004.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish new minimum active-duty end strengths for the Army of 502,400 and the Marine Corps of 178,000.

Additional authority for increases of Army and Marine Corps active duty personnel end strengths for fiscal years 2005 through 2009 (sec. 403)

The House bill contained provisions (sec. 1531 and 1532) that would increase the active Army and Marine Corps end strength authorized for fiscal year 2005 by 10,000 and 3,000 respectively above the authorization in section 401 of the National Defense Authorization Act for Fiscal Year 2004. These provisions would also authorize corresponding active-duty Army and Marine Corps end strengths for fiscal years 2006 and 2007 and prescribe corresponding minimum end strengths under section 691(b) of title 10, United States Code.

The Senate amendment contained a provision (sec. 402) that would authorize a temporary increase in the Army's active-duty end strength of up to 30,000 during fiscal years 2005 through 2009. The provision would require that if the Secretary of Defense plans to increase the Army active-duty end strength above the levels authorized for fiscal year 2004, then the budget for the Department for such fiscal years as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army in excess of 482,400.

The House recedes with an amendment that would authorize a temporary increase in the Marine Corps' active-duty end strength of up to 9,000 over 175,000, the level set forth in section 401 of the National Defense Authorization Act for Fiscal Year 2004 during fiscal years 2005 through 2009. The amendment would also require that if the Secretary of Defense plans to increase the Army or Marine Corps active-duty end strength for a fiscal year, then the budget for the Department for such fiscal years as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army or Marine Corps in excess of 482,400 and 175,000 respectively.

Exclusion of service academy permanent and career professors from a limitation on certain officer grade strengths (sec. 404)

The Senate amendment contained a provision (sec. 403) that would amend section 523(b) of title 10, United States Code, to exclude up to 50 permanent professors at both the U.S. Military Academy and U.S. Air Force Academy, and up to 50 career military professors at the U.S. Naval Academy from the determination of authorized strengths in prescribed officer grades.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for Reserves on active duty in support of the Reserves as of September 30, 2005: the Army National Guard of the United States, 350,000; the Army Reserve, 205,000; the Naval Reserve, 83,400; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,800; the Air Force Reserve, 76,100; and the Coast Guard Reserve, 10,000.

The Senate amendment contained an identical provision (sec. 411).

The conference agreement includes this provision.

The conferees recommend end strength levels for the Selected Reserve for fiscal year 2005 as set forth in the following table:

Service	FY 2004 authorized	FY 2005		Change from	
		Request	Conferee recommendation	FY 2005 request	FY 2004 authorized
Army National Guard	350,000	350,000	350,000	0	0
Army Reserve	205,000	205,000	205,000	0	0
Naval Reserve	85,900	83,400	83,400	0	−2,500
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	107,030	106,800	106,800	0	−230
Air Force Reserve	75,800	76,100	76,100	0	300
DoD Total	863,330	860,900	860,900	0	−2,430
Coast Guard Reserve	10,000	10,000	10,000	0	0

End strengths for Reserves on active duty in support of the Reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the following end strengths for Reserves on active duty in support of the Reserves as of September 30, 2005: the Army National Guard of the United States, 26,476; the Army Reserve, 14,970; the Naval Reserve, 14,152; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 12,225; and the Air Force Reserve, 1,900.

The Senate amendment contained a similar provision (sec. 412) that would authorize end strengths of 26,602 for the Army National Guard, 12,253 for the Air National Guard, and identical end strengths for the other services.

The House recedes.

The conferees recommend end strength levels for Reserves on active duty in support of the Reserves as set forth in the following table:

Service	FY 2004 authorized	FY 2005		Change from	
		Request	Conferee recommendation	FY 2005 request	FY 2004 authorized
Army National Guard	25,599	26,476	26,602	126	1003
Army Reserve	14,374	14,970	14,970	0	596
Naval Reserve	14,384	14,152	14,152	0	−232
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	12,191	12,225	12,263	28	62
Air Force Reserve	1,660	1,900	1,900	0	240
DoD Total	70,469	71,984	72,138	154	1669

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2005: the Army National Guard of the United States, 25,076; the Army Reserve, 7,299; the Air National Guard of the United States, 22,956; and the Air Force Reserve, 9,954.

The Senate amendment contained an identical provision (sec. 413).

The conference agreement includes this provision.

The conferees recommend end strength levels for military technicians (dual status) as set forth in the following table:

Service	FY 2004 authorized	FY 2005		Change from	
		Request	Conferee recommendation	FY 2005 request	FY 2004 authorized
Army National Guard	24,589	25,076	25,076	0	487
Army Reserve	6,949	7,299	7,299	0	350
Air National Guard	22,806	22,956	22,956	0	150
Air Force Reserve	9,991	9,954	9,954	0	−37
DoD Total	64,335	65,285	65,285	0	950

Fiscal year 2005 limitation on number of non-dual status technicians (sec. 414)

The House bill contained a provision (sec. 414) that would establish the maximum end strengths for the Reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2005.

The Senate amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

Maximum number of Reserve personnel authorized to be on active duty for operational support (sec. 415)

The House bill contained a provision (sec. 403) that would authorize the maximum number of Reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2005 to provide operational support.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees recommend maximum levels by service for Reserve component personnel on full-time, active duty who are providing operational support as set forth in the following table:

Service	FY 2005 conference recommendation
Army National Guard	10,300
Army Reserve	5,000
Naval Reserve	6,200
Marine Corps Reserve	2,500
Air National Guard	10,100
Air Force Reserve	3,600
DoD Total	37,700

Accounting and management of Reserve component personnel performing active duty or full-time National Guard duty for operational support (sec. 416)

The House bill contained a provision (sec. 404) that would establish the requirement for an annual congressional authorization of the maximum number of Reserve component personnel to be on active duty or full-time National Guard duty providing operational support. This provision would eliminate the current 180–day strength accounting metric that requires all reservists on active duty beyond that limit to count against Active component end strengths. In its place, the section would authorize Reserve component members who are voluntarily on active duty for up to three years, or a cumulative three years over a four-year period, to not be counted against Active component end strengths. The section would also exempt Reserve component personnel, authorized by this section, from certain officer and enlisted grade limits.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Subtitle C—Authorization of Appropriations

Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize a total of $104,647.6 million for military personnel for the Department of Defense in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 421) that would authorize a total of $104,535.5 million for military personnel for the Department of Defense in fiscal year 2005. The Senate amendment also contained $57.5 million in military personnel reductions in other titles of the amendment that were not reflected in the total contained in section 421. Therefore, the net amount authorized to be appropriated to the Department by the Senate amendment was $104,478.0 millions.

The House recedes with an amendment that would authorize $106,543.0 million for military personnel for the Department of Defense in fiscal year 2005, an increase of $1,731.4 million above the budget request.

The conferees note that in addition to the amounts shown below, $1,250.0 million was made available in title XV of this act for the additional costs of military personnel associated with ongoing operations in Iraq and Afghanistan. The conferees provide the following itemization of the increases from the budget request related to the military personnel accounts:

[Additions in millions]

Add AGR strength for WMD-CST teams	$ 14.7
Imminent Danger Pay	92.5
Family Separation Allowance	135.0
Eliminate SBP-Social Security Offset (Accrual Payment)	439.0
Enhanced Reserve Education Benefit (Accrual Payment)	222.0
Additional military personnel costs	828.2
Total	$1,731.4

Armed Forces Retirement Home (sec. 422)

The House bill contained a provision (sec. 422) that would authorize $61.2 million to be appropriated for the operation of the Armed Forces Retirement Home during fiscal year 2005.

The Senate amendment contained an identical provision (sec. 422).

The conference agreement includes this provision.

TITLE V—MILITARY PERSONNEL POLICY

ITEMS OF SPECIAL INTEREST

Space cadre

The conferees appreciate the submission by the Secretary of Defense of the human capital resources strategy for space personnel, as required in section 547 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–87). The conferees note, however, that the strategy lacks a detailed implementation plan and direct the Secretary to develop such an implementation plan. The conferees further direct the Secretary of Defense to submit this plan and the Secretary of the Air Force to submit the detailed career planning guidance for the Air Force space cadre, consistent with direction in the Senate report accompanying S. 2400 (S. Rept. 108–260).

The conferees believe that a comprehensive view of the military space community must also consider competencies and skills embodied in academia and industry. These

institutions have valuable tools, expertise, and a skill base that contribute to the military space community, as well as unique organizational cultures with which the military space cadre must interact. The conferees are concerned that the human capital resources strategy lacks breadth and depth with respect to the relationship of academia and industry to the development, education, and training of the space cadre.

The conferees direct the Secretary of Defense to provide the Committees on Armed Services of the Senate and the House of Representatives an interim report by March 15, 2005, and a full report concurrent with the Department of Defense fiscal year 2007 budget submission that: (1) assess the ability in academia, industry, and government to educate and train a community of space professionals, and (2) recommend corrective actions to address any shortfalls identified in these education and training activities. The reports should also address the definition and development of key competencies and skill levels in the areas of systems engineering, program management, financial management, operations and tactics, and any other areas deemed necessary by the Secretary of Defense as they relate to military space systems.

Time for holding grade of general, admiral, lieutenant general, or vice admiral

The conferees are aware of the legislative proposal affecting senior military officers in the grades of admiral, general, vice admiral, and lieutenant general. This proposal would give authority to the Secretary of Defense to exempt senior officers in these grades who are on terminal leave from counting against applicable grade limits and would enable senior military officers, after Senate confirmation and upon the assumption of the duties of a position of importance and responsibility under section 601 of title 10, United States Code, to be promoted. It would repeal the authority to ''frock'' these officers, or allow them, in advance of their actual promotion to a higher grade, to wear the insignia of the higher rank of the position that they are assigned to. The conferees have long sought to limit the practice of frocking, but also have had concerns about continuing efforts by the Department to waive senior general and flag officer grade limits. The conferees believe this proposal would benefit from more time for consideration to better understand the implications of the changes in law contained in the informal legislative proposal. The conferees urge the Secretary of Defense to formally submit a legislative proposal for the conferees' consideration during the next defense authorization budget request.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Officer Personnel Policy

Transition of active-duty list officer force to a force of all regular officers (sec. 501)

The House bill contained a provision (sec. 511) that would authorize the Secretary of Defense to commission all new officer accessions as Regular officer and transition all officers on the active-duty list to regular status. The provision would implement the recommendation of the Defense Science Board Task Force on Human Resources Strategy that all new officers, regardless of their commissioning source, be given regular commissions in order to enhance professionalism, esprit de corps, and retention.

The Senate amendment contained a similar provision (sec. 511).

The House recedes with an amendment that would repeal the requirement that a member serve the last six years in a Reserve component before being eligible for nonregular service retirement.

Repeal of requirement that Deputy Chiefs and Assistant Chiefs of Naval Operations be selected from officers in the line of the Navy (sec. 502)

The House bill contained a provision (sec. 502) that would eliminate the requirement that officers serving in the positions of Deputy Chief of Naval Operations and Assistant Chief of Naval Operations be line officers. This provision would expand the pool of officers who may be considered for assignment in these highly responsible positions within the Office of the Chief of Naval Operations, to include officers of the Navy staff corps.

The Senate amendment contained an identical provision (sec. 512).

The conference agreement includes this provision.

Limitation on number of officers frocked to major general and rear admiral (sec. 503)

The Senate amendment contained a provision (sec. 514) that would provide that the total number of brigadier generals and rear admirals (lower half) on the active-duty list who are authorized to be frocked to the grade of major general or rear admiral (upper half) may not exceed 30.

The House bill contained no similar provision.

The House recedes.

Distribution in grade of Marine Corps Reserve officers in an active status in grades below brigadier general (sec. 504)

The House bill contained a provision (sec. 513) that would correct a technical discrepancy in the existing grade table for the Marine Corps Reserve that could unnecessarily limit the overall numbers of Marine Corps Reserve officers in an active status under section 12005 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 415).

The Senate recedes.

Authority for Federal recognition of National Guard commissioned officers appointed from former Coast Guard personnel (sec. 505)

The House bill contained a provision (sec. 588) that would make current and former officers and enlisted members of the U.S. Coast Guard, as well as graduates of the U.S. Coast Guard Academy, eligible for federal recognition after becoming commissioned officers of the National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Study regarding promotion eligibility of retired officers recalled to active duty (sec. 506)

The Senate amendment contained a provision (sec. 515) that would require the Secretary of Defense to carry out a study to determine whether it would be equitable for retired warrant officers on active duty, but not on the active-duty list by reason of section 582(2) of title 10, United States Code, to be eligible for consideration for promotion under section 573 of such title. The Secretary would be required to submit a report on the results of the study not later than 180 days after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would extend the scope of the study to include all retired officers.

Succession for office of Chief, National Guard Bureau (sec. 507)

The House bill contained a provision (sec. 507) that would establish a chain of succession when there is a vacancy in the Office of the Chief of the National Guard Bureau or in the event that the Chief is unable to perform the duties of the office. In such cases, the more senior officer of either the Army National Guard or of the Air National Guard on duty with the National Guard Bureau would assume responsibility as the Acting Chief.

The Senate amendment contained a similar provision (sec. 903).

The Senate recedes with a technical amendment.

Redesignation of Vice Chief of the National Guard Bureau as Director of the Joint Staff of the National Guard Bureau (sec. 508)

The House bill contained a provision (sec. 508) that would change the title of the Vice Chief of the National Guard Bureau to the Director of the Joint Staff of the National Guard Bureau.

The Senate amendment contained a similar provision (sec. 904).

The House recedes with a technical amendment.

Subtitle B—Reserve Component Policy Matters

Modification of stated purpose of the Reserve components (sec. 511)

The House bill contained a provision (sec. 521) that would clarify the purpose of the Reserve components. By eliminating statutory reference to planned mobilizations, the provision would more accurately reflect the operational mission, responsibilities, and contributions of National Guard and Reserve members and the manner in which Reserve forces will be employed in the future.

The Senate amendment contained a similar provision (sec. 901).

The Senate recedes with a technical amendment.

Homeland defense activities conducted by the National Guard under authority of title 32 (sec. 512)

The House bill contained a provision (sec. 529) that would amend title 32, United States Code, to authorize the Secretary of Defense to provide funds to the governor of a State to employ National Guard units and personnel to conduct operational activities that the Secretary determines to be in the national interest. This provision would also establish a process by which the governor of a State may request funding from the Secretary for the operational activities of that State's National Guard.

The Senate amendment contained a similar provision (sec. 906).

The Senate recedes with an amendment that would authorize the Secretary to provide funds to a governor of a State to employ National Guard units or members to conduct homeland defense activities. Homeland defense activities include those undertaken for the military protection of the territory or domestic population of the United States, or of infrastructure or other assets of the United States determined by the Secretary as being critical to national security, from a threat or aggression against the United States. National Guard personnel could perform homeland defense activities under this provision for up to 180 days, which could be extended for an additional 90 days to meet extraordinary circumstances.

Commission on the National Guard and Reserves (sec. 513)

The Senate amendment contained a provision (sec. 902) that would establish a Commission on the National Guard and Reserves. The commission would study the roles and missions of the National Guard and Reserve and the compensation and other benefits that are provided to members of the Reserve components. Among the issues the commission would be required to assess are the following: (1) the current and future roles and missions of the Reserve components; (2) the capabilities of the Reserve components and the manner in which the Reserve components may be best used to support the military operations of the Armed Forces and the

achievement of national security objectives, including homeland defense; (3) the current and future organization and structure of the National Guard and Reserve; (4) the organization and funding of training for the Reserve; and (5) options for improving compensation and benefits. The provision would also require the establishment of an independent review board in 2006, following the termination of the commission, to annually review the roles and missions of the Reserve components and the compensation and other benefits provided for members of the Reserve components.

The House bill contained no similar provision.

The House recedes with an amendment that would require an annual review by the Secretary of Defense of the roles and missions of the Reserve components and the compensation and benefits provided for members of the Reserve components beginning in fiscal year 2006.

Repeal of exclusion of active duty for training from authority to order Reserves to active duty (sec. 514)

The House bill contained a provision (sec. 522) that would authorize units and members of the Reserve components to be involuntarily mobilized for the purpose of training. This would provide the Department of Defense with improved access to Reserve component personnel during war or national emergency for the purpose of individual or collective skill training required to meet deployment standards and timelines for emergent missions or contingencies. The provision would also require that the time spent in such training be counted against the mobilization timelines that are established in law.

The Senate amendment contained a similar provision (sec. 521).

The House recedes with a technical amendment.

Army program for assignment of Active component advisers to units of the Selected Reserve (sec. 515)

The House bill contained a provision (sec. 530) that would reduce from 5,000 to 3,500 the minimum number of Army Active component advisers that are required to be assigned to support the training and readiness of Selected Reserve units of the Army. This provision would prohibit the Secretary of the Army from making any reductions in the numbers of Active component advisers until the Secretary reports, as required by March 31, 2005, to the Committees on Armed Services of the Senate and the House of Representatives on the support by the Active component of the Army for training and readiness of the Army National Guard and Army Reserve.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Authority to accept certain voluntary services (sec. 516)

The House bill contained a provision (sec. 1078) that would authorize the secretaries concerned to accept voluntary services to support programs of the National Committee for Employer Support of the Guard and Reserve as authorized by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority to redesignate the Naval Reserve as the Navy Reserve (sec. 517)

The Senate amendment contained a provision (sec. 905) that would authorize the Secretary of the Navy, with the approval of the President, to redesignate the Naval Reserve as the ''Navy Reserve'' effective 180 days after the date on which the Secretary submits recommended legislation.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Comptroller General assessment of integration of Active and Reserve components of the Navy (sec. 518)

The House bill contained a provision (sec. 528) that would require the Comptroller General to review the Navy's implementation plans for the integration of the service's Active and Reserve components. This provision would require the Comptroller General to submit a report on the results of that assessment to the Committees on Armed Services of the Senate and the House of Representatives by March 31, 2005.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that eliminates the provision that would prohibit appropriated funds being made available for the decommissioning of any Naval Reserve or Marine Corps Reserve aviation squadrons until the report required by this section is completed.

Limitation on number of STARBASE academies in a State (sec. 519)

The House bill contained a provision (sec. 527) that would authorize the Secretary of Defense to support the establishment of more than two STARBASE academies in a State under criteria to be established by the Secretary.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would provide that waivers granted by the Secretary for the establishment and operation of additional STARBASE academies in a State should be based on the availability of appropriated funds for that purpose.

The conferees believe that limiting the number of STARBASE academies eligible for Department of Defense financial support to two per State could lead to inequities, particularly in states with several military installations located in separate communities. The conferees urge the Secretary to develop criteria for waivers that will appropriately balance increased program costs associated with establishment and operation of additional STARBASE academies with anticipated measurable gains in realizing the mission of the program.

Recognition items for certain Reserve component personnel (sec. 520)

The conferees agree to include a provision that would authorize the use of official funds by the Army National Guard, Air National Guard, and Army Reserve in order to recognize and retain Guardsmen and Reservists, family members, and other individuals who have served and supported members of the National Guard and Army Reserve. The provision would permit procurement of recognition items of nominal or modest value such as coins, medals, trophies, flags, posters, or other similar items that are valued at less than $50 per item. The authorization would be effective as of November 24, 2003, and would expire on December 31, 2005.

Subtitle C—Reserve Component Personnel Matters

Status under disability retirement system for Reserve members released from active duty due to inability to perform within 30 days of call to active duty (sec. 521)

The House bill contained a provision (sec. 523) that would clarify that mobilized Reserve members who, within 30 days of being called to active duty, are unable to serve the full period for which they were mobilized due to pre-existing medical conditions, which were not aggravated while on active duty, may be separated. Such members would be considered as serving under an order to active duty for a period of 30 days or less.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Requirement for retention of Reserves on active duty to qualify for retired pay not applicable to nonregular service retirement system (sec. 522)

The House bill contained a provision (sec. 512) that would clarify that section 12686 of title 10, United States Code, does not require that reservists serving on active duty with over 18 years of reserve service be retained on active duty for the purpose of qualifying the member for reserve retirement.

The Senate amendment contained a similar provision (sec. 522).

The Senate recedes with a technical amendment.

Federal civil service military leave for Reserve and National Guard civilian technicians (sec. 523)

The House bill contained a provision (sec. 524) that would eliminate the restriction on the use of military leave specified in section 6323 of title 5, United States Code, during a war or national emergency declared by the President, for Reserve and National Guard civilian technicians who are federal employees.

The Senate amendment contained no similar provision.

The Senate recedes.

Expanded educational assistance authority for officers commissioned through ROTC program at military junior colleges (sec. 524)

The House bill contained a provision (sec. 525(a), (b), and (d)), that would allow commissioned officers who graduate from military junior colleges to receive additional financial assistance to complete their baccalaureate degree requirements. Individuals who participate in this program would be attached to a Senior Reserve Officers' Training Corps unit to ensure that they maintain their military training, bearing, and education as they complete their post-secondary education.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Repeal of sunset provision for financial assistance program for students not eligible for advanced training (sec. 525)

The House bill contained a provision (sec. 525(c)) that would repeal section 2103a(d) of title 10, United States Code. This section provided that after December 31, 2006 contracts by members of the Senior Reserve Officers' Training Corps program, under the authority of section 2103a, could no longer be entered into force.

The Senate amendment contained no similar provision.

The Senate recedes.

Effect of appointment or commission as officer on eligibility for selected Reserve education loan repayment program for enlisted members (sec. 526)

The House bill contained a provision (sec. 526) that would authorize the Secretary of Defense to continue to repay educational loans for enlisted members in a Reserve component after they are commissioned as officers, if the members continue to serve the period specified in the original loan repayment agreement.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Educational assistance for certain Reserve component members who perform active service (sec. 527)

The conferees agree to include a provision that would authorize a new educational assistance benefit for members of the reserve components who have been ordered to active service in support of a contingency operation or in response to a war or national emergency. The provision would be effective on or after September 11, 2001, and would authorize: (1) payment of 40 percent of the amount of basic educational assistance provided under section 3015 of title 38 for a member whose entitlement is based on completion of an obligated period of active duty of three years for reservists who perform active service for a period of 90 days to one year; (2) payment of 60 percent of the amount of basic educational assistance in the case of a member who performed active service for one continuous year but less than two continuous years; and (3) payment of 80 percent of the amount of basic educational assistance for those members who serve for two continuous years or more. The maximum number of months of educational assistance that would be permitted under this provision would be 36, or the equivalent thereof in part-time educational assistance. Eligible reservists would remain entitled to educational assistance under this provision while serving in the Selected Reserve, in the case of members who were ordered to active duty while serving in the Selected Reserve, or in the Ready Reserve, in the case of a member who was ordered to active duty while serving in the Ready Reserve other than the Selected Reserve.

Sense of Congress on guidance concerning treatment of employer-provided compensation and other benefits voluntarily provided to employees who are activated reservists (sec. 528)

The Senate amendment contained a provision (sec. 1075) that would express the sense of the Senate that the Internal Revenue Service should provide guidance consistent with the goal of promoting and ensuring the validity of differential pay arrangements, benefits payments, and contributions to retirement savings plans made by employers of reservists who have been called to active duty.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees note that employers of reservists called up for active duty are required under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) to treat their reservist-employees as if they are on a leave of absence or furlough and are not required to pay their salaries. Many patriotic employers, however, have paid their reservist-employees who have been mobilized the difference between their military pay and their civilian salaries, and have allowed deductions from these differential payments for contributions to employer-provided retirement savings plans. The conferees believe that insufficient guidance exists for the tax status of these payments for both reservist-employees and employers under existing Internal Revenue Service regulations and that additional guidance should be provided.

Subtitle D—Joint Officer Management and Professional Military Education

Strategic plan to link joint officer development to overall missions and goals of Department of Defense (sec. 531)

The House bill contained a provision (sec. 531) that would require the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff, to develop a strategic plan for joint officer management and joint professional military education. This strategic plan would link future requirements for Active and Reserve military personnel, who are trained and educated in joint matters, to the resources required to develop those persons in terms of manpower, formal education, practical experience, and other requirements. Additionally, the strategic plan would identify the methods the Secretary would use to fulfill those requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that, among other data elements, would call for assessment of emerging issues related to joint officer management, including problems stemming from linkage of qualification as a joint specialty officer to eligibility for promotion, expected rates of promotion, and prescribed tour lengths.

Improvement to professional military education in the Department of Defense (sec. 532)

The House bill contained a provision (sec. 541) that would establish a new chapter 107 in title 10, United States Code, consisting of eight new sections that would consolidate sections of law related to joint professional military education. The provision would define the term ''joint professional military education,'' as well as ''intermediate'' and ''senior level'' schools. It would require the secretaries of the military departments to use a written examination as a portion of the evaluation criteria in selecting officers for full-time attendance at intermediate level service schools and would require phasing of joint professional military education and student to faculty ratios. The provision would also require that the length of the principal course of instruction at the Joint Forces Staff College could not be less than 10 weeks.

The Senate amendment contained a provision (sec. 505) that would repeal the minimum period requirement for phase II joint professional military education in section 663 of title 10, United States Code.

The Senate recedes with an amendment that would reduce and consolidate the number of subjects that joint professional military education must include. The amendment would specify that the Chairman of the Joint Chiefs of Staff will advise and assist the Secretary of Defense in designating and certifying certain courses of instruction and would delete the requirement for a written examination as a portion of the evaluation criteria in selecting officers for full-time attendance at intermediate level service schools.

Although the conferees did not establish a statutory minimum length for the duration of the principal course of instruction offered at the primary resident campus of each intermediate level service school and each senior level service school, the conferees believe that such courses should consist of not less than 10 months of resident instruction, except in times of war or national emergency. The conferees will continue to review this matter with each of the military services as changes and modifications to such courses are proposed.

Joint requirements for promotion to flag or general officer grade (sec. 533)

The House bill contained a provision (sec. 532) that would extend from September 30, 2007 to September 30, 2008, the date after which an officer must be selected for the joint specialty before promotion to the grade of brigadier general or rear admiral (lower half). The provision would also eliminate the requirement that an officer serve in a joint assignment at least 180 days prior to the convening of a promotion board for selection to the grade of brigadier general or rear admiral (lower half).

The Senate amendment contained a provision (sec. 501) that would also eliminate the requirement for 180 days of service in a joint duty assignment before an officer may be considered for promotion to flag or general officer rank.

The Senate recedes.

Clarification of tours of duty qualifying as a joint duty assignment (sec. 534)

The House bill contained a provision (sec. 533) that would modify the definition of the term ''tour of duty'' in section 668(c) of title 10, United States Code, to allow officers to continue accumulating joint credit if they serve consecutive joint duty assignments, even if those assignments are not within the same organization.

The Senate amendment contained a similar provision (sec. 506).

The Senate recedes with an amendment that would insert the term ''joint duty assignment list'' in section 668 of title 10, United States Code.

Two-year extension of temporary standard for promotion policy objectives for joint officers (sec. 535)

The Senate amendment contained a provision (sec. 503) that would require the military departments to ensure that an adequate number of officers are eligible for promotion to brigadier general and rear admiral (lower half) to meet joint qualification requirements under section 619a of title 10, United States Code. The provision would also make permanent the temporary authority regarding promotion comparison standards for joint specialty officers under section 662 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the temporary authority regarding promotion comparison standards for officers with the joint specialty under section 662 of title 10, United States Code, until December 27, 2006.

Two-year extension of authority to waive requirement that Reserve Chiefs and National Guard Directors have significant joint duty experience (sec. 536)

The House bill contained a provision (sec. 509) that would extend for two years, until December 31, 2006, the authority of the Secretary of Defense to waive the requirement that the chiefs of the Reserves and the directors of the Army and Air National Guard must have significant joint duty experience to be eligible for appointment. The provision would also require that the Secretary develop a plan to ensure that officers selected after December 31, 2006, to be the chiefs of the Reserves and the directors of the Army and Air National Guard, have significant joint duty experience in order to ensure a concerted effort to develop a system to eliminate the need for this waiver.

The Senate amendment contained a provision (sec. 513) that would extend the Secretary's waiver authority for one year.

The Senate recedes.

Subtitle E—Military Service Academies

Revision to conditions on service of officers as service academy superintendents (sec. 541)

The House bill contained a provision (sec. 557) that would repeal the requirement that

the superintendents of the military service academies retire upon completion of their assignments. The provision would also require that an officer serve at least a three-year tour of duty as superintendent, and that if the officer is re-assigned before that period elapses, the secretary of the military department concerned must notify the Committees on Armed Services of the Senate and the House of Representatives of the reasons for the re-assignment.

The Senate amendment contained a provision (sec. 535) that would repeal the requirement under sections 8921 and 9333a of title 10, U.S. Code, that the Superintendent of the U.S. Air Force Academy retire upon termination of his or her assignment.

The Senate recedes with an amendment that would retain the requirement that the superintendents retire upon completion of their tours of duty. It would, however, authorize the Secretary of Defense to waive this requirement for good cause, and would require written notification to Congress of the President's intent to nominate a superintendent of a service academy for re-assignment.

Academic qualifications of the Dean of the Faculty of United States Air Force Academy (sec. 542)

The House bill contained a provision (sec. 559) that would require that a person selected to be the Dean of the Faculty at the U.S. Air Force Academy, who is not an officer on active duty, must be either a retired or former officer of the Armed Forces. Furthermore, the provision would prohibit the appointment or assignment of a person to be the Dean unless that person holds the highest academic degree in their academic field.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the requirement that the Dean of the Faculty at the U.S. Air Force Academy must be either a retired or former officer of the Armed Forces.

Board of Visitors of United States Air Force Academy (sec. 543)

The House bill contained a provision (sec. 560A) that would modify section 9355 of title 10, United States Code, to change the composition of the Board of Visitors of the U.S. Air Force Academy. The provision would also prescribe: (1) procedures for when a member of the Board dies, resigns, or is absent from meetings; (2) four meetings of the Board and reports to Congress each year; and (3) candid and complete disclosure by the Secretary of the Air Force and the Superintendent of the Air Force Academy of all institutional problems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would retain the current criteria in section 9355 of title 10, United States Code, for designation of U.S. Senators to serve on the Board of Visitors. The amendment would also modify the conditions for termination of board members who are members of Congress, assigning discretion to designating authorities to take appropriate action if Board of Visitors meetings are unattended without good cause. The amendment would further require semiannual reports from the Board of Visitors to Congress.

Appropriated funds for service academy athletic and recreational extracurricular programs to be treated in same manner as for military morale, welfare, and recreation programs (sec. 544)

The Senate amendment contained a provision (sec. 1005) that would authorize the service academies to treat funds appropriated for morale, welfare, and recreation athletics and extracurricular programs as non-appropriated funds in order to achieve uniform funding and management of those funds.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Codification of prohibition on imposition of certain charges and fees at the service academies (sec. 545)

The House bill contained a provision (sec. 558) that would codify section 553 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). This provision would prohibit the imposition of charges or fees for tuition, room, or board for attendance by cadets and midshipmen at the service academies.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Subtitle F—Other Education and Training Matters

College First delayed enlistment program (sec. 551)

The House bill contained a provision (sec. 551) that would permanently authorize the Army College First Pilot Program, and extend the authority to implement the program to the other service secretaries.

The Senate amendment contained a provision (sec. 531) that would extend for one year the duration of the Army's College First Pilot Program.

The Senate recedes with a technical amendment.

Senior Reserve Officer Training Corps and recruiter access at institutions of higher education (sec. 552)

The House bill contained a provision (sec. 596) that would: (1) require that military recruiters be given access to campuses and students at institutions of higher education that is at least equal in quality and scope to the access provided to any other employer; (2) require the Secretary of Defense to obtain an annual verification from colleges and universities which already support the Senior Reserve Officers' Training Corps (ROTC) program that they will continue to do so in the upcoming academic year; (3) specify that federal funding that is provided to an institution of higher education, or to an individual, to be available solely for student financial assistance is exempt from the stricture of section 983 of title 10, United States Code; and (4) add additional defense-related funding sources to include: the Department of Homeland Security, the Central Intelligence Agency, and the National Nuclear Security Administration of the Department of Energy, and would restore the funds of the Department of Transportation to the list of covered funds that potentially could be terminated if an institution is determined to prevent recruiter access or maintains anti-ROTC policies.

The Senate amendment contained two provisions (sec. 532 and 533) that would require colleges and universities to give equal treatment to military recruiters, and specify that federal funding for student financial assistance may be used for the purpose for which the funding is provided.

The Senate recedes with an amendment that would delete the requirement for the Secretary to obtain an annual verification from colleges and universities that they would continue to support Senior ROTC.

Tuition assistance for officers (sec. 553)

The House bill contained a provision (sec. 514) that would authorize the secretaries of the military departments to waive for Reserve component officers the two-year Active-Duty service obligation required as a condition for receipt of tuition assistance while on active duty. The provision would also allow an increase in tuition assistance authorized for Army officers in the Selected Reserve.

The Senate amendment contained no similar provision.

The Senate recedes.

Increased maximum period for leave of absence for pursuit of a program of education in a health care profession (sec. 554)

The House bill contained a provision (sec. 554) that extends from two to three years the educational leave of absence authorized for members of the Armed Forces in section 708 of title 10, United States Code.

The Senate amendment contained a provision (sec. 651) that would extend from two to three years the period of time that a military member may take educational leave of absence for a health profession education program.

The House recedes.

Eligibility of cadets and midshipmen for medical and dental care and disability benefits (sec. 555)

The House bill contained a provision (sec. 555) that would provide the capability to effectively respond to injuries and illness sustained during accession training by cadets and midshipmen. The provision would authorize service academy cadets and midshipmen to be eligible for disability evaluation and retirement under chapter 61 of title 10, United States Code, and cadets and midshipmen participating in the Senior Reserve Officers' Training Corps (ROTC) to be eligible for medical and dental care for injuries and illness sustained in the line of duty and not due to gross negligence or misconduct.

The Senate amendment contained a similar provision (sec. 717).

The House recedes with a technical amendment.

The conferees were greatly assisted by the Department of Defense's report on health and disability benefits for pre-accession training and education programs required by section 546 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107). This report proved essential in gaining an understanding of the origins of current law and the steps that are needed to be taken to ensure equitable treatment of cadets and midshipmen and their families.

The conferees urge the Department to continue to identify ways to improve the treatment of Senior ROTC cadets and midshipmen who have experienced illness or injury and whose continued participation in ROTC is jeopardized as a result. The conferees, for example, are aware that under current service regulations cadets in Army ROTC and midshipmen in Naval ROTC who become ill or who are injured through no fault of their own are involuntarily being placed on ''leave of absence'' and denied scholarship payments and monthly stipends, even when it is apparent that these cadets and midshipmen will recover fully and they continue to attend classes and participate fully in ROTC activities. The conferees urge the Department and the services to act expeditiously, but no later than April 1, 2005, to revise Departmental regulations to achieve uniformity among the services in responding to medical conditions to avoid unnecessary hardships on ROTC cadets, midshipmen, and their families.

Transfer of authority to confer degrees upon graduates of the Community College of the Air Force (sec. 556)

The House bill contained a provision (sec. 552) that would authorize the Commander of the Air University to confer associate level

academic degrees on graduates of the Community College of the Air Force. This change would align the Community College with all other Air University programs by ensuring that only the Commander of the Air University is responsible for conferring degrees.

The Senate amendment contained a similar provision (sec. 534).

The House recedes with a technical amendment.

Change in titles of leadership positions at the Naval Postgraduate School (sec. 557)

The House bill contained a provision (sec. 553) that would change the title of the Superintendent of the Naval Postgraduate School from Superintendent to President. This provision would also establish a new civilian position of Provost and Academic Dean, and revise the procedures to fill this position.

The Senate amendment contained a similar provision (sec. 913).

The House recedes with a technical amendment.

Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education

Continuation of impact aid assistance on behalf of dependents of certain members despite change in status of member (sec. 558)

The House bill contained a provision (sec. 590) that would temporarily adjust the process for computing the amount of funding provided by the Department of Education to certain local educational agencies heavily impacted by dependents of military personnel. The adjustment, limited to school year 2004–2005, would require that certain children continue to be counted as a child enrolled in school when computing the average daily attendance. Such children include those who attend the school but no longer live on a military base because both parents are deployed, or are children who temporarily reside in military base housing following the death of a military parent on active duty.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 559)

The House bill contained a provision (sec. 595) that would provide $50.0 million in Operation and Maintenance, Defense-wide activities, for assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

The Senate amendment contained a similar provision (sec. 351) that would authorize $30.0 million for assistance to local educational agencies.

The House recedes.

Impact aid for children with severe disabilities (sec. 560)

The Senate amendment contained a provision (sec. 352) that would authorize $5.0 million in Operation and Maintenance, Defense-wide, for impact aid payments for children with disabilities under section 8003(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(d)), using the formula set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), for continuation of the Department of Defense's assistance program to local educational agencies that benefit dependents with severe disabilities.

The House bill contained no similar provision.

The House recedes.

Subtitle H—Medals and Decorations and Special Promotions and Appointments

Award of medal of honor to individual interred in the Tomb of the Unknowns as representative of casualties of a war (sec. 561)

The Senate amendment contained a provision (sec. 541) that would clarify that the posthumous award of a medal of honor to the deceased member of the Armed Forces who is interred in the Tomb of the Unknowns at Arlington National Cemetery is awarded to that member as a representative of the unknown members of the Armed Forces who died in such war or other armed conflict, and not to the individual personally.

The House bill contained no similar provision.

The House recedes.

Plan for revised criteria and eligibility requirements for award of combat infantryman badge and combat medical badge for service in Korea after July 28, 1953 (sec. 562)

The House bill contained a provision (sec. 565) that would revise the criteria and eligibility requirements for award of the combat infantry badge and combat medical badge to Army personnel for service in the Republic of Korea after July 28, 1953.

The Senate amendment contained a provision (sec. 543) that would require the Secretary of the Army to submit a plan not later than 90 days after the date of enactment of this Act for the revision of the criteria and eligibility requirements for these badges for service in Korea.

The House recedes.

The conferees note that the mutual purpose of the House and Senate provisions is to ensure modification of the eligibility requirements, which over time have become inequitable for soldiers who are serving or have served in Korea. The Commander, U.S. Forces Korea, has expressed his support for this initiative. The conferees expect the Secretary to promptly and equitably revise the criteria for the award of the combat infantryman and combat medical badges, and act upon applications from veterans of Korea service who qualify for these awards.

Authority to appoint Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list (sec. 563)

The House bill contained a provision (sec. 563) that would authorize the President, by and with the advice and consent of the Senate, to appoint Brigadier General Charles E. Yeager U. S. Air Force (retired), to the grade of major general on the retired list of the U.S. Air Force.

The Senate amendment contained no similar provision.

The Senate recedes.

Posthumous commission of William Mitchell in the grade of major general in the Army (sec. 564)

The House bill contained a provision (sec. 564) that would authorize the President, by and with the advice and consent of the Senate, to issue a posthumous commission in the grade of major general in the Army to William Mitchell, formerly a colonel in the U.S. Army. A commission issued under this authority would become effective as of the date of the death of William Mitchell on February 19, 1936.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle I—Military Voting

Federal write-in ballots for absentee military voters located in the United States (sec. 566)

The Senate amendment contained a provision (sec. 572) that would amend section 1973ff of title 42, United States Code, to authorize military voters and their dependents, who are stationed in the United States but absent from their home states, to use federal write-in absentee ballots. Operational requirements and the mobility of military personnel may prevent them from receiving state-provided absentee ballots in the mail in time for an election. Allowing absentee military voters and their dependents to use the federal write-in ballots, even while stationed in the United States, would serve to remedy these problems.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Repeal of requirement to conduct electronic voting demonstration project for the federal election to be held in November 2004 (sec. 567)

The House bill contained a provision (sec. 592) that would repeal the requirement in section 1604 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) for the Secretary of Defense to conduct a demonstration project to permit absentee uniformed service voters to cast their ballots through an electronic voting system.

The Senate amendment contained a provision (sec. 1065) that would authorize delay in carrying out an electronic voting demonstration project until November 2006.

The House recedes with an amendment that would delay the electronic voting demonstration project until the first regularly scheduled general election for federal office that occurs after the Election Assistance Commission notifies the Secretary that the commission has established electronic absentee voting guidelines and certifies that the commission will assist the Secretary in carrying out the project.

The conferees recognize the magnitude of the technical challenge associated with ensuring the security of electronic voting using the Internet. The Department of Defense's Secure Electronic Registration and Voting Experiment (SERVE) was an important prototype for electronic voting that should not be abandoned. The conferees encourage the Secretary to provide funding to the Election Assistance Commission and the National Institute of Standards and Technology to advance electronic absentee voting by U.S. voters located overseas and Uniformed Services voters.

Reports on operation of Federal Voting Assistance Program and military postal system (sec. 568)

The Senate amendment contained a provision (sec. 1026) that would require the Secretary of Defense to submit reports to Congress on: (1) the actions that the Secretary has taken to ensure that the Federal Voting Assistance Program functions effectively to support absentee voting; (2) the actions that the Secretary has taken to ensure that the military postal system functions effectively to support the morale of military members and their ability to vote by absentee ballot; and (3) the actions taken to implement the recommendations of the Military Postal Service Agency Task Force of August 28, 2000.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle J—Military Justice Matters

Review on how sexual offenses are covered by Uniform Code of Military Justice (sec. 571)

The House bill contained a provision (sec. 571) that would require the Secretary of Defense to review the Uniform Code of Military Justice and the Manual for Courts-Martial to

determine what changes are required to improve the ability of the military justice system relating to sexual assault, and to conform the Code and the Manual more closely to other federal laws and regulations that address such issues. The Secretary is to report on the review to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2005. The report is to include the Secretary's recommendations for revisions to the Code.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees understand that the Department of Defense is already undertaking such a review. The conferees expect that the Department's legislative proposal for fiscal year 2006 will include any suggestions for revisions in the Code provisions dealing with sexual assault that are determined to be desirable.

Waiver of recoupment of time lost for confinement in connection with a trial (sec. 572)

The Senate amendment contained a provision (sec. 552) that would amend section 972 of title 10, United States Code, to require the Secretary concerned to waive time lost when a member is confined by military or civilian authorities for more than one day in connection with a trial, if the charge is thereafter dismissed, the trial results in an acquittal, a conviction is thereafter set aside (other than for clemency), or a judgment of acquittal or dismissal is entered upon a reversal of the conviction of on appeal.

The House bill contained a similar provision.

The House recedes.

Processing of forensic evidence collection kits and acquisition of sufficient stocks of such kits (sec. 573)

The House bill contained a provision (sec. 306) that would require the Secretary of Defense to take steps to eliminate the current backlog in the processing of forensic evidence collection kits, to shorten the time period between the use of such kits and their processing, and to ensure that there is an adequate supply of rape kits for all domestic and overseas U.S. military installations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to ensure that the United States Army Criminal Investigation Laboratory has the personnel and resources to effectively process forensic evidence used by the Department of Defense within 60 days of its receipt, and that military personnel are properly trained in the use of forensic evidence collection kits and in procedures to ensure protection of the chain of custody of the kits once used.

Authorities of the Judge Advocates General (sec. 574)

The Senate amendment contained a provision (sec. 915) that would amend the title 10, United States Code, provisions relating to the Judge Advocates General (TJAG) of the services and the General Counsels (GC) of the military departments to make the TJAGs the legal advisers of the service secretaries, the service chiefs and their staffs, and the offices and agencies of the military departments, provide for TJAG direction and supervision of judge advocates and of civilian attorneys outside the offices of the service general counsels, provide for the responsibilities of the TJAGs under the Uniform Code of Military Justice (UCMJ), provide for other duties as may be directed by the service secretaries, and provide that the TJAGs shall be appointed in the grade of lieutenant general or vice admiral, as appropriate.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit any officer or employee of the Department of Defense from interfering with the ability of the TJAGs to provide independent legal advice to their service secretaries and service chiefs, or of judge advocates assigned, attached, or performing duty with military units to provide such advice to commanders. The provision would also require the Secretary of Defense to appoint an independent panel to conduct a study of the relationships between the legal elements of each service and transmit the panel's recommendations as to statutory, regulatory, and policy changes which it believes to be desirable, together with the Secretary's comments, to the Committees on Armed Services by May 1, 2005. The conferees expect that this panel will be truly independent, expert, and disinterested. They will examine the panel's findings and recommendations with care in the fiscal year 2006 authorization process.

The conferees note that this is the second time in 12 years that attempts to consolidate legal services in the Department of Defense have led to congressional action. In 1992, the Deputy Secretary of Defense issued a memorandum that would have moved substantially in the direction of centralization under the General Counsel of the Department of Defense. In response, the Senate version of the National Defense Authorization Act for Fiscal Year 1993 contained a provision directing that the memorandum be rescinded. After the memorandum was rescinded, the provision was dropped in conference.

In May 2003, the Secretary of the Air Force issued an order subordinating the Judge Advocate General to the General Counsel of the Department of the Air Force as her military deputy. The order also stated that the General Counsel had ''full legal authority to . . . become involved in . . . any particular case or matter within the Department.'' Thereafter the General Counsel issued a draft operating instruction in which she asserted the right to exercise legal oversight and review over virtually every legal issue arising in the Department of the Air Force, including the field of military justice which is statutorily reserved to the TJAGs. The Air Force situation, while the most aggravated, is not unique.

Consistent with the legislative provision included in the conference report, the conferees direct the Secretary of the Air Force to rescind his order of May 15, 2003, ''Functions and Duties of the General Counsel and the Judge Advocate General.'' The conferees further direct the General Counsel of the Department of the Air Force to rescind all internal operating instructions and memoranda issued in reliance on the Secretary's May 15, 2003, order.

Subtitle K—Sexual Assault in the Armed Forces

Examination of sexual assault in the Armed Forces by the defense task force established to examine sexual harassment and violence at the military service academies (sec. 576)

The House bill contained a provision (sec. 593) that would require the Secretary of Defense to expand the mission of the Task Force on Sexual Harassment and Violence at the Military Service Academies that was established in the National Defense Authorization Act for Fiscal year 2004 (Public Law 108–136). Upon completion of its current work, the task force would be renamed the Defense Task Force on Sexual Assault in the Military Services and would be extended for at least 18 months. It would examine matters relating to sexual assault in the Armed Forces and would be required to report its findings and recommendations to the Secretary of Defense within 12 months of its initial meeting. The Secretary of Defense would be required to provide the report, together with an evaluation of it, to the Committees on Armed Services of the Senate and the House of Representatives, along with an assessment of the effectiveness of the corrective actions being taken by the Department of Defense and the military services as a result of various investigations and reviews into matters involving sexual assault.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to expand the scope of the task force report to include: a report on the use of data relating to sexual assault by senior military and civilian leaders; development of measures of effectiveness for responding to victim needs by sexual assault programs; progress in developing means to investigate and prosecute assailants who are foreign nationals; the adequacy of Department resources supporting sexual assault prevention and victim advocacy programs, particularly for deployed units and personnel; training of military and civilian personnel responsible for implementation of sexual assault polices; and programs and policies, including those related to confidentiality, designed to encourage victims to seek services and report offenses.

The Senate amendment also would authorize the Secretary to change the composition of the Defense Task Force on Sexual Assault in the Military Services as appropriate, but remaining consistent with the qualifications required by section 526(f) of Public Law 108–136, and not before the task force established to examine sexual harassment and violence at the service military academies has completed its statutorily mandated functions.

The conferees intend to closely monitor the development and implementation of uniform policies and programs on sexual assault required elsewhere in this Act. Given the urgency of the need for effective action to prevent and resolve sexual assault offenses against military members, the conferees expect that the task force, re-designated as the Task Force on Sexual Assault in the Military Services, will provide an independent assessment of the effectiveness of policies and programs developed by the Department, as well as the success of the military services at all levels in achieving their implementation.

Department of Defense policy and procedures on prevention and response to sexual assaults involving members of the Armed Forces (sec. 577)

The House bill contained a provision (sec. 598) that would require the Department of Defense to promulgate a uniform Department of Defense policy for the prevention of and response to sexual assaults involving members of the Armed Forces, and would require service secretaries to prescribe regulations on policies and procedures to prevent and respond to sexual assaults involving members of the Armed Forces. The provision would also require the secretaries of the military departments to prescribe programs throughout each service designated for victim advocacy and intervention, both at home and in deployed locations, and provide an annual assessment of the implementation of sexual assault prevention policies and procedures during the preceeding year. Additionally, the provision would require the Secretary to develop a definition of sexual assault that is uniform for all the Armed Forces. The provision would require an annual report to Congress by the Secretary of Defense on the number of sexual assaults, rapes, and other sexual offenses involving military personnel; a synopsis of disciplinary

action taken in substantiated cases; the policies and programs implemented by the Secretary to respond to sexual assault and violence against military members; and a plan for future actions to be taken.

The Senate amendment contained a similar provision (sec. 553).

The Senate recedes with an amendment that would clarify reporting requirements by the Secretary and service secretaries, and would require a definition of sexual assault that is uniform for all the Armed Forces.

Subtitle L—Management and Administrative Matters

Three-year extension of limitation on reductions of personnel of agencies responsible for review and correction of military records (sec. 581)

The House bill contained a provision (sec. 581) that would extend through September 30, 2008 the prohibition precluding the secretaries of the military departments from reducing the number of military and civilian personnel assigned to duty within the boards for correction of military records until 90 days after the secretary of the military department concerned submits a report to Congress that describes the proposed reduction, provides the rationale for the reduction, and specifies the number of personnel that will be assigned to the board after the reduction is complete.

The Senate amendment contained no similar provision.

The Senate recedes.

Staffing for Defense Prisoner of War/Missing Personnel Office (DPMO) (sec. 582)

The House bill contained a provision (sec. 582) that would establish specific, permanent minimum levels of military and civilian personnel assigned to the Defense Prisoner of War/Missing Personnel Office (DPMO). The provision would require that the number of permanent positions and full-time Department of Defense personnel permanently assigned or detailed to the DPMO would not be less than 46 military members and 69 civilian employees of the Department.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify section 1501(a)(5) of title 10, United States Code, to provide that the number of military and civilian personnel, whether temporary or permanent, who are assigned or detailed to the DPMO may not be less than the number requested in the President's budget for fiscal year 2003. The conferees note that the budget request for fiscal year 2003 provided for 46 military personnel and 69 civilian personnel and included a budget request for $16.0 million.

The Senate amendment would also require a study by the Government Accountability Office in order to provide a comprehensive examination of trends in staffing and funding levels of the DPMO compared to mission requirements and the Comptroller General's assessment of the adequacy of current manning and funding levels of the DPMO in light of current mission requirements.

Permanent ID cards for retiree dependents age 75 and older (sec. 583)

The House bill contained a provision (sec. 583) that would require the service secretaries to issue permanent identification cards to dependents of military retirees and survivors of military retirees eligible for benefits for periods after the dependent or survivor attains age 75.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish the age for issuance of permanent military identification cards to dependents and survivors of military retirees at 75 years of age.

Authority to provide civilian clothing to members traveling in connection with medical evacuation (sec. 584)

The House bill contained a provision (sec. 584) that would authorize the secretaries of the military departments to furnish members, who have been medically evacuated, civilian clothing at a cost not to exceed $250 or to reimburse the member for the purchase of civilian clothing in an amount not to exceed $250.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide civilian clothing to members traveling in connection with medical evacuation. This authority is a continuation of the authority provided in section 1319 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11) and later in section 1103 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106).

Authority to accept donation of frequent traveler miles, credits, and tickets to facilitate rest and recuperation travel of deployed members of the Armed Forces and their families (sec. 585)

The House bill contained a provision (sec. 585) that would authorize the Secretary of Defense to accept the donation of frequent traveler miles, credits, and tickets for the purpose of facilitating the travel of members of the Armed Forces who are deployed away from their permanent duty station and are granted leave, to include rest and recuperative leave, emergency leave, convalescent leave, or another form of leave authorized for the member, and for facilitating the travel of family members to be reunited with such a member.

The Senate amendment contained a similar provision (sec. 653) that, in addition, would authorize the Secretary, in an exceptional case, to permit a person who is not a family member to use frequent traveler miles, credits, and tickets, if that person has a notably close relationship with the member. The Senate amendment also contained a provision that would authorize the Secretary to enter into an agreement with a nonprofit organization to assist in administering the collection, distribution, and use of donated frequent traveler miles, credits, and tickets.

The House recedes with an amendment that would eliminate a requirement that the Secretary encourage air and surface carriers to participate in the donation of frequent traveler miles, credits, and tickets. The amendment would also amend section 134 of the Internal Revenue Code of 1986 to exempt recipients of frequent traveler miles, credits, and tickets authorized in this Act from tax liability for receipt of such frequent traveler miles, credits, or tickets.

Annual report identifying reasons for discharges from the Armed Forces during preceding fiscal year (sec. 586)

The House bill contained a provision (sec. 587) that would require the Secretary of Defense to report annually to the Committees on Armed Services of the Senate and the House of Representatives detailed information regarding the numbers of persons discharged from each of the military services in the preceding fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would authorize the use of generic interservice separation codes providing similar, consistent data across the services in this report, and that would terminate the authority for this report after 1 March 2011.

Study of blended wing concept for the Air Force (sec. 587)

The House bill contained a provision (sec. 589) that would require the Secretary of the Air Force to submit by March 1, 2005 a report on matters related to the Air Force's current implementation of and future plans for blended wings to the Committees on Armed Services of the Senate and the House of Representatives.

The Senate amendment contained no similar provision.

The Senate recedes.

In describing the manner in which current blended wings are functioning, the conferees request the Secretary of the Air Force to comment on the efficacy of the provisions of section 516 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136). The Secretary should include recommendations for legislative changes, if needed, to ensure the ability of officers of the Army or Air National Guard, called to active duty for the purpose of commanding a unit composed of both active and Reserve component personnel, to successfully perform their duties.

Sense of Congress regarding return of members to active-duty service upon rehabilitation from service-related injuries (sec. 588)

The Senate amendment contained a provision (sec. 575) that would find that in cases involving combat-related injuries or other service-related injuries, it is possible, as a result of advances in technology and extensive rehabilitative services, to restore to members of the Armed Forces sustaining such injuries the capability to resume active military service, including, in a few cases, the capability to participate directly in the performance of combat missions.

The provision would express the sense of the Senate that members of the Armed Forces who, on their own initiative, are highly motivated to return to active-duty service following rehabilitation from injuries incurred in service of the Armed Forces should, after appropriate medical review and physical disability evaluation, be given the opportunity to present their case for continuing service on active duty in varied military capacities. Additionally, the provision would express the sense of the Senate that there should be no barrier in policy or law to members having the option to return to military service on active duty, and that the Secretary of Defense should develop specific protocols that include options for such members to return to active-duty service and to be retrained to perform military missions for which they are fully capable.

The House bill contained no similar provision.

The House recedes with an amendment that would express a sense of Congress.

Subtitle M—Other Matters

Protection of Armed Forces personnel from retaliatory actions for communications made through the chain of command (sec. 591)

The Senate amendment contained a provision (sec. 1069) that would amend section 1034 of title 10, United States Code, to allow a protected communication to be made to any person in the chain of command of a member of the Armed Forces making such a communication, as well as any other person or organization designated by regulations or other procedures for such communications.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Implementation plan for accession of persons with specialized skills (sec. 592)

The Senate amendment contained a provision (sec. 571) that would authorize the service secretaries to establish an alternate minimum military service obligation for accession of persons into the Armed Forces who have unique skills. The provision would also authorize establishment of expedited basic training requirements for certain individuals in order to allow the Department of Defense to meet exigent mission requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, not later than 180 days after the date of enactment of this Act, to submit a plan for implementation of authority, if subsequently provided by law, to allow for accession into the Armed Forces of persons with specialized skills for duty involving the use of such skills. The Secretary would also be required to include a comparison of the plan submitted with an alternative plan of using civilian contractor personnel to meet the specialized skills required by the Armed Forces.

The conferees believe that there may be a valid requirement for an alternate minimum military service obligation for certain individuals and for expedited basic training that would justify exceptions under sections 651 and 671 of title 10, United States Code. The Department has not sufficiently explained, however, the manner in which such new authorities would be used and the potential effects such exceptional treatment of new accessions could have on other special or lateral entry programs. The conferees expect the Department to use the report to address these concerns.

The provision would also require the Secretary to conduct a feasibility study of how to implement a system that would make civilian volunteers, with skills determined by the Secretary to be critical, rapidly available for use in, or in support of, units of the Armed Forces on a temporary basis to meet no-notice or short-notice operational requirements. The requirement to conduct this feasibility study was included in the House bill (sec. 597) and is appropriately submitted in the context of better evaluating expedited, short-term manpower needs of the military services.

The conferees suggest that coordinating the foregoing feasibility study with the separate report required elsewhere in this Act on acceptance of voluntary services under section 1588 of title 10, United States Code, could be useful.

Enhanced screening methods and process improvements for recruitment of home schooled and National Guard Challenge program GED recipients (sec. 593)

The House bill contained a provision (sec. 594) that would reestablish the pilot program under section 571 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261). This pilot program permitted participants in a National Guard Challenge Program who received a general education development (GED) certificate, and those who completed their high school requirements through a home schooling program to enlist in the Armed Forces as if they had received a high school diploma.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Army to carry out an initiative aimed at developing screening methods and process improvements for recruiting specified GED recipients. The purpose would be to achieve attrition patterns among the recruited recipients of a GED that match those of Army recruits who are high school diploma graduates and, following review by the Secretary of Defense, to implement such screening methods and process improvements on a test basis.

Redesignation of National Guard Challenge Program as National Guard Youth Challenge Program (sec. 594)

The Senate amendment contained a provision (sec. 573) that would change the name of the National Guard Challenge Program to the National Guard Youth Challenge Program. Additionally, the provision would phase in over three years an increase in the matching funds ratio to increase the amount of federal funds that may be provided to a State program.

The House bill contained no similar provision. The House recedes with an amendment that would redesignate the National Guard Challenge Program as the National Guard Youth Challenge Program.

The conferees were disappointed that the Secretary of Defense, in the report required by section 587 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), did not provide alternatives to the current matching funds structure for the National Guard Youth Challenge Program. The conferees believe that such alternatives would provide greater flexibility in the management of the program to better respond to temporary fiscal conditions.

The conferees direct the Comptroller General to conduct a study of the National Guard Youth Challenge program to determine the effects of current fiscal constraints at the State level on the operation of individual programs. The study should assess the Department of Defense's oversight of the program, the efforts of both the Department and the States to secure alternative and supplemental funding support for the programs, and the impact of changes to the existing 60–40 DOD-to-State matching funds ratio.

Reports on certain milestones relating to Department of Defense transformation (sec. 595)

The House bill contained a provision (sec. 597) that would require the Secretary of Defense to submit reports to the Committees on Armed Services of the Senate and the House of Representatives on implementation of transformational milestones identified by the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to remove the requirement for a feasibility study on a civilian skill corps.

The conferees expect that a study on the feasibility of a civilian skill corps will be conducted under authority provided elsewhere in this Act concerning accession of persons with specialized skills.

With respect to military-to-civilian conversions in Navy medical and dental fields that are proposed for fiscal year 2005, the conferees are concerned that the specialties targeted for conversion are those most needed by military families, including pediatrics, family practice, and pharmacy. The conferees urge not only the Secretary of the Navy but also the secretaries of the other military departments to ensure that plans for military-to-civilian conversions do not adversely affect the quality and access of military health care required by military families. The conferees direct the Secretary of Defense to provide a report to the Committees on Armed Services of the Senate and the House of Representatives not later than 90 days following enactment of this Act that describes the plans of each military department for military-to-civilian conversions of medical and dental personnel in fiscal year 2006.

Report on issues relating to removal of remains of persons interred in United States military cemeteries overseas (sec. 596)

The House bill contained a provision (sec. 599) that would authorize the Secretary of Defense, upon application of a qualifying survivor, to authorize disinterment and removal of the remains of military personnel interred in overseas military cemeteries.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of the Army, in consultation with the American Battle Monuments Commission (ABMC), to examine the history of the overseas cemeteries and the processes used to ensure that the initial disposition decision was carried out, together with a review and explanation of the existing policy and procedures regarding requests for disinterment and any exceptions that have been made. Additionally, the examination should include an analysis of potential reasons for justifying disinterment or remains from overseas cemeteries and the potential impact on the operation of U.S. overseas military cemeteries of permitting disinterment of remains from those cemeteries. Not later than September 30, 2005, the Secretary would be required to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on the results of the examination, a description of the changes to policy that would be necessary to support a system for requesting and authorizing disinterment of remains, and the recommendations of the Secretary and the ABMC with respect to changes in policy and procedures with respect to such disinterments.

The conferees believe that a comprehensive examination and report on the history of the overseas military cemeteries and the reasons for the policy prohibiting disinterments is needed. Survivors of military veterans buried in the overseas military cemeteries must be assisted in every way possible in understanding the history of the overseas cemeteries and the reasons justifying the policy barring disinterments. The conferees express no opinion about this policy, however, to the extent that exceptions to the policy have been made or may be deemed warranted by the Secretary and the ABMC, survivors should have a clear understanding through the report that would be required by this provision of what burden of proof must be satisfied.

Comptroller General reports on closure of Department of Defense Dependent Elementary and Secondary Schools and commissary stores (sec. 597)

The Senate amendment contained a provision (sec. 2845) that would require the Comptroller General of the United States to submit a report to the appropriate committees of Congress which includes an assessment of the policy and criteria utilized by the Department of Defense regarding the closure of schools and commissary stores, including whether or not such policy and criteria are consistent with policies and procedures on the preservation of the quality of life of members of the Armed Forces.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Comptroller General report on transition assistance programs for members separating from the Armed Forces (sec. 598)

The Senate amendment contained a provision (sec. 1029A) that would require the Comptroller General to carry out a study of the programs of the Department of Defense and other departments and agencies of the

Federal Government, including the Department of Veterans Affairs, under which transition assistance is provided to personnel who are separating from active-duty service in the Armed Forces. The report would include an analysis of the extent to which transition assistance programs authorized under sections 1142 and 1144 of title 10, United States Code, are adequate to meet the needs of the Reserve components, as well as recommendations by the Comptroller General to improve the content and uniformity of pre-separation counseling. The provision would also include an analysis of pre- and post-deployment health screening, and programs that are in place to identify and treat post-traumatic stress disorder and related health conditions.

The House bill contained no similar provision.

The House recedes with an amendment to clarify that the Comptroller General report will include an assessment of the quality and thoroughness of information being provided during the pre-separation briefings conducted by the Department of Veterans Affairs.

Study on coordination of job training standards with certification standards for military occupational specialties (sec. 599)

The Senate amendment contained a provision (sec. 1029B) that would require the Secretary of Defense and the Secretary of Labor to jointly carry out a study on ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that are applied to corresponding civilian occupations by governmental and private sector certification agencies.

The House bill contained no similar provision.

The House recedes with a technical amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Length of service for service chiefs

The House bill contained a provision (sec. 501) that would authorize the President to extend the term of service of an officer serving as the Chief of Staff of the Army, the Chief of Naval Operations, the Commandant of the Marine Corps, or the Chief of Staff of the Air Force for a period of up to two years beyond the initial four-year appointment.

The Senate amendment contained no similar provision.

The House recedes.

Modification of conditions of eligibility for waiver of joint duty credit requirement for promotion to general or flag officer

The Senate amendment contained a provision (sec. 501) that would allow waivers of certain tour length requirements in cases in which an officer's proposed selection for promotion is based primarily upon a career field specialty, vice scientific and technical qualification, for which joint requirements do not exist. The provision would also eliminate the requirement that an officer serve in a joint duty assignment at least 180 days prior to the convening of a selection board for that officer to qualify for promotion to the rank of brigadier general or rear admiral (lower half).

The House bill had no similar provision regarding waivers of tour length requirements but a provision (sec. 532) that also repealed the requirement for 180 days service in a joint duty assignment before an officer may be considered for promotion to flag or general officer rank.

The Senate recedes.

Management of joint specialty officers

The Senate amendment contained a provision (sec. 502) that would provide that officers shall be designated as joint specialty officers upon successfully completing, in any sequence, a program accredited by the Chairman of the Joint Chiefs of Staff that is offered by a joint professional military education institution and a full tour of duty in a joint duty assignment, or after completing two full tours of duty in joint duty assignments. This provision would also specify that general and flag officer positions identified as joint duty assignments must be filled by officers with joint specialty unless the Secretary of Defense determines that the assignment of officers without the joint specialty is necessary and waives the requirement.

The House bill contained no similar provision.

The Senate recedes.

Increase in age limit for deferral of mandatory retirement for up to 10 senior general and flag officers

The House bill contained a provision (sec. 503) that would increase from 64 to 66 the mandatory retirement age for senior general and flag officers whom the President had previously retained on active duty beyond the statutory limits on either time-in-grade or age.

The Senate amendment contained no similar provision.

The House recedes.

Increased flexibility for voluntary retirement for military officers

The House bill contained a provision (sec. 504) that would require officers serving in grades above colonel or captain in the Navy to serve a minimum of one year time-in-grade before being allowed to retire in that grade. Additionally, the provision would modify existing law to give the authority to the secretary of the military department concerned to approve retirement of officers in grades above major general or rear admiral in the Navy with the concurrence of the Secretary of Defense.

The Senate amendment contained no similar provision.

The House recedes.

Length of joint duty assignments

The Senate amendment contained a provision (sec. 504) that would prescribe certain conditions under which officers would qualify to receive full credit for joint duty. The provision would also allow the Secretary of Defense to waive the applicability of section 664 of title 10, United States Code, if the Secretary determines that it is in the national security interests of the United States to do so.

The House bill contained no similar provision.

The Senate recedes.

Repeal of requirement that no more than 50 percent of active duty general and flag officers be in grades above brigadier general and rear admiral (lower half)

The House bill contained a provision (sec. 505) that would repeal the limitation in section 525 of title 10, United States Code, that no more than 50 percent of general and flag officers in a military service on active duty can be in grades above brigadier general and rear admiral (lower half).

The Senate amendment contained no similar provision.

The House recedes.

Revision to terms for assistants to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve matters

The House bill contained a provision (sec. 506) that would authorize the assistants to the Chairman of the Joint Chiefs of Staff for National Guard and Reserve matters to serve an initial term of four years.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of distribution requirements for Naval Reserve flag officers

The House bill contained a provision (sec. 510) that would amend section 12004(c) of title 10, United States Code, and repeal the existing distribution of flag officer billets for staff corps officers in the U.S. Naval Reserve.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the allocations for flag officer billets in section 12004(c) apply to the Medical Corps, Nurse Corps, Dental Corps, Judge Advocate General's Corps, Civil Engineer Corps, Supply Corps, Chaplain Corps, and Medical Service Corps of the U.S. Naval Reserve. At a time when the Naval Reserve is engaged in an ongoing zero-based review of Reserve component force structure and development of initiatives to improve the integration of the Active and Reserve components of the Navy, the conferees question the Department of Defense's position that flag officer allocations for these vital Naval Reserve staff corps communities should be totally eliminated in order to establish additional line and restricted line Naval Reserve flag officer billets. The conferees expect the Navy to provide the Committees on Armed Services of the Senate and the House of Representatives with additional information justifying modifications to existing allocations in section 12004(c) based on the results of its zero-based review.

Authority for Reserve officers to qualify as joint specialty officers

The House bill contained a provision (sec. 534) that would authorize the Secretary of Defense to award the joint specialty officer designation to Reserve officers who have met the prescribed requirements for such designation.

The Senate amendment contained no similar provision.

The House recedes.

The conferees strongly support the inclusion of Reserve officers in the Department of Defense planning and policies regarding designation, career development, and management of officers skilled in joint matters. The conferees anticipate that the report on the applicability of the term ''joint specialty officer'' to qualified reservists, required by the Senate report accompanying S. 2400 (S. Rept. 108–260), will be useful in identifying legislative and regulatory changes needed to accomplish this goal. Additionally, the conferees expect the strategic plan linking joint officer development to overall missions and goals of the Department to fully address Reserve officer matters.

Ribbons to recognize completion of joint professional military education

The House bill contained a provision (sec. 542) that would authorize the Secretary of Defense to award a military decoration to persons who have successfully completed joint professional military education phase I and to subsequently award a device to affix to the ribbon when a person has successfully completed joint professional military education phase II.

The Senate amendment contained no similar provision.

The House recedes.

Increase in number of private-sector civilians who may be enrolled for instruction at National Defense University

The House bill contained a provision (sec. 543) that would increase the maximum number of eligible private-sector employees who may receive instruction at the National Defense University from 10 to 20.

The Senate amendment contained no similar provision.

The House recedes.

Requirement for completion of phase I joint professional military education before promotion to colonel or Navy captain

The House bill contained a provision (sec. 544) that, with certain exceptions, would require that after September 30, 2007 officers on the active-duty list must complete joint professional military education phase I or phase II before being appointed to the grade of colonel or captain in the Navy.

The Senate amendment contained no similar provision.

The House recedes.

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

The Senate amendment contained a provision (sec. 551) that would amend Article 111 of the Uniform Code of Military Justice (10 U.S.C. 911) to lower the permissible blood alcohol concentration for the offense of drunken operation of a vehicle, aircraft, or vessel from the lesser of 0.10 grams or the limit prescribed in the State in which the offense occurred to the lesser of 0.08 grams or the limit prescribed in the State in which the offense occurred.

The House bill contained no similar provision.

The Senate recedes.

Prayer at military service academy activities

The House bill contained a provision (sec. 556) that would authorize the superintendent of a service academy to establish a policy with respect to the offering of a voluntary, nondenominational prayer at an authorized activity of the academy.

The Senate amendment contained no similar provision.

The House recedes.

Establishment of college financial assistance program for District of Columbia National Guard

The House bill contained a provision (sec. 560B) that would authorize the Department of Defense to provide financial assistance for college expenses, not to exceed $2,500 for any academic year, to eligible members of the National Guard of the District of Columbia.

The Senate amendment contained no similar provision.

The House recedes.

Separate military campaign medals to recognize service in Operation Enduring Freedom and service in Operation Iraqi Freedom

The House bill contained a provision (sec. 561) that would require the President to establish separate campaign medals to recognize the service of members during Operation Enduring Freedom and Operation Iraqi Freedom.

The Senate amendment contained a similar provision (sec. 542).

This provision is not included in the conference report because it is unnecessary. On May 28, 2004, H.R. 3104, an Act to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participate in Operation Enduring Freedom and Operation Iraqi Freedom, was enacted as Public Law 108–234.

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

The Senate amendment contained a provision (sec. 561) that would redesignate the duty status applicable to members of the Reserve components of the Armed Forces known as ''inactive duty training'' as ''inactive duty.''

The House bill contained no similar provision.

The Senate recedes.

The conferees acknowledge that the intent of the Department of Defense in requesting this statutory change is to more accurately reflect the current mission, capabilities, and actual utilization of the modern Reserve component. The conferees are concerned, however, that the full implications of this extensive change on the requirement for training and the priority to be given to training are not sufficiently defined or understood. The conferees urge the Department to demonstrate in its Reserve continuum of service and corresponding proposals for legislative change, its commitment to preserving periods of training in order to maintain readiness and core capabilities.

Eligibility of all uniformed services personnel for National Defense Service Medal

The House bill contained a provision (sec. 562) that would require the President to authorize the award of the National Defense Service Medal to members of the uniformed services.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of unnecessary duty status distinction for funeral honors duty

The Senate amendment contained a provision (sec. 562) that would repeal section 12503 of title 10, United States Code, relating to funeral honors duty. Section 12503, which authorizes treatment of funeral honors duty as inactive duty training, would have been unnecessary in conjunction with renaming of ''inactive duty training'' as ''inactive duty.''

The House bill contained no similar provision.

The Senate recedes.

Conforming amendments to other laws referring to inactive-duty training

The Senate amendment contained a provision (sec. 563) that would conform certain provision in titles 5 and 38, United States Code, with the proposed change of the term ''inactive duty training'' to ''inactive duty.''

The House bill contained no similar provision.

The Senate recedes.

Conforming amendments to other laws referring to funeral honors duty

The Senate amendment contained a provision (sec. 564) that would conform certain provisions in titles 5 and 38, United States Code, with the proposed change of the term ''inactive duty training'' to ''inactive duty'' as it would apply to funeral honors duty.

The House bill contained no similar provision.

The Senate recedes.

Army combat recognition ribbon

The House bill contained a provision (sec. 566) that would require the Secretary of the Army to establish a combat recognition ribbon to recognize participation by members of the Army in combat.

The Senate amendment contained no similar provision.

The House recedes.

Clarification of authority of military legal assistance counsel to provide military legal assistance without regard to licensing requirements

The House bill contained a provision (sec. 573) that would amend section 1044 of title 10, United States Code, to provide that a judge advocate or a civilian attorney authorized to provide military legal assistance may provide such assistance in any jurisdiction, notwithstanding any law regarding the licensing of attorneys and subject to regulations to be prescribed by the Secretary concerned.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that differing responses were received from the Department of Defense and the services as to the need for and advisability of such a change in law. Concerns were expressed as to the possible effect on judge advocates and federal civilian attorneys practicing outside the legal assistance area, if such a proposal is adopted. The conferees urge the Department to develop a unified position with regard to the need for such a statutory change, and to submit a legislative proposal, if necessary.

Appearance of veterans service organizations at pre-separation counseling provided by the Department of Defense

The Senate amendment contained a provision (sec. 574) that would authorize the service secretaries to permit a representative from a veterans service organization to appear at and participate in pre-separation counseling for military members, authorized in section 1142 of title 10, United States Code. The provision would also authorize Reserve component units to meet with a veterans service organization upon release from active duty for the purpose of obtaining information and assistance.

The House bill contained no similar provision.

The Senate recedes.

The conferees expect that the matter of participation by representatives from veterans service organizations in pre-separation counseling for members in both Active and Reserve components will be addressed in the Comptroller General's report on transition assistance programs for members separating from the Armed Forces required elsewhere in this Act.

Limitation on amendment or cancellation of Department of Defense directive relating to reasonable access to military installations for certain personal commercial solicitation

The House bill contained a provision (sec. 586) that would prohibit the Secretary of Defense from cancelling or amending Department of Defense (DOD) Directive 1344.7, ''Personal Commercial Solicitation on DOD Installations,'' for a period of one year after the Government Accountability Office (GAO) reports to Congress on the findings of an ongoing review of the financial allotment system and the treatment of insurance agents by military finance offices and local managers and commanders at Department of Defense installations.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Statement of Managers accompanying the Department of Defense Appropriations Act for Fiscal Year 2005 (Public Law 108–287) prohibits the use of appropriated funds to amend or cancel DOD Directive 1344.7 until 90 days after the report of the results of the investigation regarding insurance premiums allotment processing is submitted.

In the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), the conferees stated that the Department has taken appropriate steps to thoroughly consider and evaluate potential changes to personal commercial solicitation policies. The conferees believe sufficient time has elapsed for the Department to complete its evaluation. The Secretary is directed to submit a report on the status of its plans to effect changes to personal commercial solicitation policies, including any recommended changes or revisions to DOD Directive 1344.7, to the Committees on Armed Services of the Senate and the House of Representatives by May 1, 2005.

Employment preferences for spouses of certain Department of Defense civilian employees subject to relocation agreements

The House bill contained a provision (sec. 591) that would expand the employment preference for spouses of Department of Defense civilian employees who have been assigned under a mandatory mobility agreement or similar mandatory mobility program. The authority would place spouses of civilian employees in an equivalent position to spouses of military members who already receive employment preferences.

The Senate amendment contained no similar provision.

The House recedes.

Demonstration program on expanded use of Reserves to perform developmental testing, new equipment training, and related activities

The Senate amendment contained a provision (sec. 862) that would authorize the Secretary of the Army to carry out a demonstration program through September 2009 on the assignment of members of Reserve components to perform test, evaluation, and related activities for acquisition programs.

The House bill contained no similar provision.

The Senate recedes.

Content of pre-separation counseling for personnel separating from active-duty service

The Senate amendment contained a provision (sec. 1029C) that would require that information on participation in Federal Government procurement opportunities be included in pre-separation counseling authorized by section 1142 of title 10, United States Code. The provision would also authorize the secretary concerned to provide pre-separation counseling at medical centers of the Department of Veterans Affairs and the Department of Defense with the consent of the member.

The House bill contained no similar provision.

The Senate recedes.

The conferees expect that this requirement will be included in the Comptroller General report on transition assistance programs for members separating from the Armed Forces required elsewhere in this Act.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Pay and Allowances

Increase in basic pay for fiscal year 2005 (sec. 601)

The House bill contained a provision (sec. 601) that would specify the requirement for increased pay for members of the Armed Forces by 3.5 percent effective January 1, 2005, and waiver of the adjustment required by section 1009 of title 37, United States Code.

The Senate amendment contained no similar provision in view of the requirement regarding annual pay adjustment under section 1009(c)(2) of title 37, United States Code.

The Senate recedes.

Relationship between eligibility to receive supplemental subsistence allowance and eligibility to receive imminent danger pay, family separation allowance, and certain federal assistance (sec. 602)

The Senate amendment contained a provision (sec. 621) that would exclude the family separation allowance and special pay relating to duty subject to hostile fire or imminent danger from the calculation of household income for eligibility to receive the family supplemental subsistence allowance (FSSA). The provision would also exclude the amount of FSSA received by service members in determining the eligibility of their spouses and children for certain low income assistance programs, and require a report on the accessibility by members of the Armed Forces and their families to social services.

The House bill contained no similar provision.

The House recedes with a technical amendment that would eliminate the reporting requirement.

Authority to provide family separation basic allowance for housing (sec. 603)

The House bill contained a provision (sec. 602) that would extend permissive authority to service secretaries to decline to pay family separation housing allowances when, in the secretaries' discretion, members' circumstances do not justify such payments.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees caution that it is not their intent that the service secretaries use the discretion provided in this provision to deny appropriate housing allowances to deserving service members and their families. The conferees intend that service members stationed worldwide should receive a family separation housing allowance in all cases when their families are prohibited from joining them at their current duty station and government-provided quarters are unavailable to the service members at their duty locations.

Geographic basis for housing allowance during short-assignment permanent changes of station for education or training (sec. 604)

The House bill contained a provision (sec. 603) that would authorize service members who attend professional military education or training lasting 12 months or less to elect to leave their families at their previous duty station and receive basic allowance for housing based on the area where their dependents reside.

The Senate amendment contained a similar provision (sec. 601).

The House recedes with a technical amendment.

Immediate lump-sum reimbursement for unusual nonrecurring expenses incurred for duty outside the continental United States (sec. 605)

The House bill contained a provision (sec. 604) that would authorize the service secretary concerned to pay service members serving outside the continental United States for certain unusual nonrecurring expenses.

The Senate amendment contained a similar provision (sec. 602).

The House recedes with a technical amendment.

Authority for certain members deployed in combat zones to receive limited advances on future basic pay (sec. 606)

The House bill contained a provision (sec. 606) that would authorize the secretary concerned to pay advances on future basic pay for service members assigned to locations where they would receive imminent danger pay and their assignment is pursuant to orders specifying an assignment of one year or more or the assignment is extended beyond one year.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the service member to repay the advance in equal monthly installments over a one-year period beginning the month after the advance is received.

Repeal of requirement that members entitled to basic allowance for subsistence pay subsistence charges while hospitalized (sec. 607)

The House bill contained a provision (sec. 661) that would repeal the requirement for officers and certain enlisted members to pay subsistence charges when they are hospitalized.

The Senate amendment contained a similar provision (sec. 711).

The Senate recedes with a technical amendment.

Subtitle B—Bonuses and Special and Incentive Pays

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

The House bill contained a provision (sec. 611) that would extend the authority for various bonuses and special pays for Active and Reserve members.

The Senate amendment contained a provision (sec. 611) that would extend for one year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve enlistment bonus, the special pay for enlisted members assigned to certain high priority units in the Selected Reserve, the Selected Reserve affiliation bonus, the Ready Reserve enlistment and reenlistment bonus, and the prior service enlistment bonus.

The House recedes.

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

The House bill contained a provision (sec. 611) that would extend the authority for various bonuses and special pays for Active and Reserve members, including certain health care professionals.

The Senate amendment contained a provision (sec. 612) that would extend for one year the authority to pay the nurse officer candidate accession bonus, the accession bonus for registered nurses, incentive special pay for nurse anesthetists, special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, and to repay education loans for certain Selected Reserve health professionals.

The House recedes with an amendment that would also extend the authority to pay the accession bonus for pharmacy officers until December 31, 2005.

One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)

The House bill contained a provision (sec. 611) that would extend the authority for various bonuses and special pays for Active and Reserve members, including nuclear officers.

The Senate amendment contained a provision (sec. 613) that would extend for one year the authority to pay the special pay for nuclear-qualified officers extending their period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

The House recedes.

One-year extension of other bonus and special pay authorities (sec. 614)

The House bill contained a provision (sec. 611) that would extend the authority for various bonuses and special pays for Active and Reserve members.

The Senate amendment contained a provision (sec. 614) that would extend for one year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for Active members, the enlistment bonus for Active members, the retention bonus for members with critical military skills, and the accession bonus for new officers in critical military skills.

The House recedes.

Authority to provide hazardous duty incentive pay to military firefighters (sec. 615)

The House bill contained a provision (sec. 620) that would authorize a new hazardous duty incentive pay of $150 per month for members of the uniformed services who regularly perform duty as a member of a firefighting crew.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would modify section 301 of title 37, United States Code, to authorize incentive pay at a monthly rate not to exceed $150 per month for any month during which a member performs duty involving regular participation as a firefighting crew member, as determined by the secretary concerned.

Reduced service obligation for nurses receiving nurse accession bonus (sec. 616)

The House bill contained a provision (sec. 612) that would reduce the service commitment required for the nurse accession bonus from four to three years of service.

The Senate amendment contained a similar amendment (sec. 615).

The House recedes with an amendment that the authority shall apply on or after the date of enactment of this Act.

Assignment incentive pay (sec. 617)

The House bill contained a provision (sec. 614) that would require termination of assignment incentive pay when the member is placed on terminal leave and will not be returning to the assignment location.

The Senate amendment contained a similar provision (sec. 616) that would also delete the requirement for a written agreement between the secretary concerned and the member.

The House recedes with a technical amendment.

The conferees believe that assignment incentive pay should be a highly flexible means of providing an incentive to members to volunteer for challenging assignments. In this regard, the conferees approve of the actions of the Department of Defense and the Department of the Army in supporting the Commander, U.S. Forces Korea, in aggressively using assignment incentive pay to provide stability and enhanced readiness for soldiers and units in the Republic of Korea.

The conferees also view assignment incentive pay as a responsive means for service secretaries, on a discretionary basis when mission accomplishment so requires, to appropriately compensate members who are called on to extend their service or tours of duty or otherwise serve in demanding assignments. The requirement for a written agreement under these circumstances is not required and should not be mandatory in all cases.

Modification of active and Reserve component reenlistment and enlistment bonus authorities (sec. 618)

The House bill contained a provision (sec. 615) that would consolidate Active and Reserve Component reenlistment and enlistment bonus authorities. The provision would repeal certain special pay provisions and also extend eligibility for the reenlistment bonus through 17 years of service and authorize the use of the reenlistment bonus during war and national emergency to address unit specific retention problems without regard to critical skill eligibility requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize payment of an active-duty or Selected Reserve reenlistment bonus up to 16, vice 14, years of service and increase the maximum amount of the Selected Reserve reenlistment bonus from $5,000 to $15,000 for a reenlistment or extension of six years, from $2500 to $7,500 for a reenlistment or extension of three years, and from $2,000 to $6,000 for a reenlistment or extension of three years when the member has received a bonus for a previous three year enlistment. The amendment would also authorize lump sum payments of the foregoing bonuses.

The amendment would increase the maximum amount of the Selected Reserve enlistment bonus from $8,000 to $10,000; increase the Ready Reserve enlistment bonus for persons without prior service from $1,000 to $3,000; and increase the maximum amount of the prior service Ready Reserve bonus from $15,00 to $3,000 for a six year enlistment and from $750 to $1,500 for a three year enlistment. The amendment would authorize payment of the prior service enlistment bonus for the Selected Reserve for members who have not more than 16 years of total service. It would increase the maximum amount of the bonus from $8,000 to $15,000 for a six year enlistment, from $4,000 to $7,500 for a three year enlistment, and from $3,500 to $6,000 for a three year reenlistment or extension when the member has received a bonus for a previous three year enlistment.

Bonus for certain initial service of officers in the Selected Reserve (sec. 619)

The House bill contained a provision (sec. 618) that would modify section 324 of title 37, United States Code, to authorize Reserve component officers to be paid an accession of affiliation bonus using the same authority used to pay active-duty officers.

The Senate amendment contained a provision (sec. 620) that would authorize an affiliation or accession bonus of up to $6,000 for certain commissioned officers in the Selected Reserve. The provision would help to access and affiliate officers in the Selected Reserve who possess or would train to acquire designated critical skills.

The House recedes with an amendment that would specify that a member entitled to a bonus under this provision who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

Revision of authority to provide foreign language proficiency pay (sec. 620)

The House bill contained a provision (sec. 616) that would authorize the service secretary concerned to pay an annual bonus of up to $12,000 to members of the uniformed services who maintain proficiency in a foreign language.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the monthly rate for foreign language proficiency pay under section 316 of title 37, United States Code, to be determined by the secretary concerned but not to exceed $1,000. Additionally, the amendment would authorize payment of a bonus of up to $6,000 payable in a lump sum or installments for members of the Reserve component. The amendment would require that if a member of a Reserve component serving on active duty receives foreign language monthly special pay during any month for which the member receives a lump sum payment, the amount of the special pay paid to the member for the month shall be reduced by an amount equal to one-twelfth of the bonus amount.

Eligibility of enlisted members to qualify for critical skills retention bonus while serving on indefinite reenlistment (sec. 621)

The House bill contained a provision (sec. 617) that would allow Reserve component members to be paid the critical skills retention bonus under the authority of section 323 of title 37, United States Code. The provision would also extend eligibility for the bonus through 17 years of service and, clarify that enlisted members serving pursuant to an indefinite enlistment would be eligible under certain conditions for receipt of the bonus.

The Senate amendment contained a provision (sec. 618) that would authorize enlisted personnel serving on indefinite reenlistments in designated critical military skills to receive a critical skills retention bonus on the condition that they enter into a written agreement to remain on active duty for at least one year under such enlistments.

The House recedes with a technical amendment.

The conferees believe that initiatives to consolidate or extend bonus authorities in the absence of Department of Defense legislative proposals are premature. The Department has indicated that a Defense Advisory Committee on Military Compensation will be appointed by the Secretary of Defense to conduct a comprehensive review of military compensation from the perspective of both the Active and Reserve forces. This Advisory Committee on Military Compensation will perform a comprehensive review and strategic assessment of military pay and benefits with a view towards simplifying and balancing pays to maintain a competitive edge in recruiting and retention. Upon completion of its work, which is anticipated in the late summer of 2005, the advisory committee will publish its conclusions and recommendations and transmit those to the Secretary of Defense. The conferees also expect that the Commission on National Guard and Reserves will contribute to a better informed resolution of questions about potential reform to title 37, United States Code.

Eligibility of Reserve component members for incentive bonus for conversion to military occupational specialty to ease personnel shortage (sec. 622)

The House bill contained a provision (sec. 619) that would allow Reserve component members to be paid bonuses for converting to, and serving for a period of not less than three years, in military occupational specialties for which there is a shortage of trained and qualified personnel.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that a bonus under this provision may not exceed $2,000.

Permanent increase in authorized amounts for imminent danger special pay and family separation allowance (sec. 623)

The House bill contained a provision (sec. 1533) that would make permanent the increase in the rate of imminent danger pay from $150 per month to $225 per month and the increase in the rate of family separation allowance from $100 per month to $250 per month.

The Senate amendment contained similar provisions (sec. 603 and 617).

The Senate recedes with a technical amendment.

Subtitle C—Travel and Transportation Allowances

Travel and transportation allowances for family members to attend burial ceremony or memorial service of member who dies on duty (sec. 631)

The House bill contained a provision (sec. 631) that would clarify that family members are authorized to travel at government expense to the burial site of a member who dies while on duty, and that the member's parents are always eligible to travel at government expense to attend the burial ceremony. The House bill included a $2.0 million ceiling on expenditures in fiscal year 2005 for this purpose.

The Senate amendment included a similar provision (sec. 631), but did not include a ceiling on expenditures in fiscal year 2005.

The House recedes with a clarifying amendment.

Transportation of family members incident to serious illness or injury of members of the uniformed services (sec. 632)

The House bill contained a provision (sec. 632) that would expand the number and categories of family members and other people that would be entitled to transportation at government expense, and would authorize such persons to receive a per diem or be reimbursed for travel expenses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the number of family members authorized transportation and travel expenses to three, and would provide authority for the Secretary concerned to waive the limitation on the number of family members in circumstances determined to be appropriate.

Reimbursement for certain lodging costs incurred in connection with dependent student travel (sec. 633)

The House bill contained a provision (sec. 633) that would authorize the secretary concerned to reimburse a service member for lodging costs incurred by a dependent child traveling between the child's school and the member's overseas duty station when the lodging expenses are incurred for reasons beyond the control of the dependent child.

The Senate amendment contained a similar provision (sec. 632).

The House recedes with a technical amendment.

Subtitle D—Retired Pay and Survivor Benefits

Computation of high–36 month average for Reserve component members retired for disability while on active duty or dying while on active duty (sec. 641)

The Senate amendment contained a provision (sec. 641) that would modify the rules controlling the computation of retirement pay and survivor annuities for Reserve component members who are entitled to retired pay for physical disability under sections 1201 and 1202 of title 10, United States Code. The provision would permit more equitable treatment of these Reserve component members by calculating the average of monthly basic pay for purposes of pay and annuity payments as if they had been entitled to basic pay for the 36 months preceding their retirement, regardless of whether the member served the entire period on active duty.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Repeal of phase-in of concurrent receipt of retired pay and veterans' disability compensation for military retirees with service-connected disabilities rated as 100 percent (sec. 642)

The Senate amendment contained a provision (sec. 643) that would modify section 1414 of title 10, United States Code, to repeal the requirement for phase-in of concurrent receipt of retired pay and veterans' disability compensation for military retirees with service-connected disabilities rated as 100 percent.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Death benefits enhancement (sec. 643)

The Senate amendment contained a provision (sec. 642) that would index the amount of the death gratuity payable under section 1478 of title 10, United States Code, to the average percentage of the increase in rates of basic pay taking effect each year. Additionally, the amendment would require the President to submit draft legislation to Congress that would increase the maximum benefit provided under Servicemembers' Group Life Insurance (SGLI) to $350,000 and allow a minimum SGLI benefit of $100,000 at no cost for members who elect the maximum coverage. The amendment would also establish an additional set of death benefits, retroactive to October 7, 2001, for survivors of members who die in the line of duty or as a result of hostile action consisting of the total amount of basic pay, allowances, and special pays a member would have received for one or two years respectively. The amendment would also require the budget for fiscal year 2006 to include funds for the implementation of the foregoing enhanced benefits.

The House bill contained no similar provision.

The House recedes with an amendment that would require the President, at the same time he transmits to Congress the budget for fiscal year 2006, to submit assessments and recommendations on legislation, including budgetary implications for the legislation described in the Senate amendment.

Phased elimination of two-tier annuity computation for surviving spouses under Survivor Benefit Plan (sec. 644)

The House bill contained a provision (sec. 641) that would phase in from October 2005 to March 2008 elimination of the Social Security offset under the Survivor Benefit Plan (SBP), and increase the annuities paid to survivors of military retirees who are 62 or older. The provision would also make corresponding adjustments to the SBP supplemental annuity program and require SBP annuities to be recalculated during October 2005, April 2006, April 2007, and April 2008.

The Senate amendment contained a similar provision (sec. 644) that would phase in from October 2005 to October 2014 elimination of the Social Security offset under the SBP.

The Senate recedes with an amendment that would eliminate the requirement that participating retirees continue to pay premiums for supplemental SBP coverage effective on the date of enactment of this Act. Retired members who choose supplemental SBP coverage during the open enrollment period, which would begin on October 1, 2005, would have their additional premium phased out from 2005 through 2008.

One-year open enrollment period for Survivor Benefit Plan commencing October 1, 2005 (sec. 645)

The House bill contained a provision (sec. 642) that would authorize an open enrollment period for retired members to participate in the Survivor Benefit Plan (SBP) or to increase the level of their participation if they were previously participating below the maximum allowed level. The provision would authorize the Secretary of Defense to require retirees who enroll to pay an additional premium not to exceed 4.5 percent of the retiree's base amount.

The Senate amendment contained a similar provision (sec. 645) that would authorize an open enrollment period similar to that authorized by section 642 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261). The open enrollment period under the Senate amendment would last for one year beginning on October 1, 2005. The premium would be calculated based on the total amount of the premiums, plus interest, by which members' retired pay would have been reduced if they had elected to participate in the SBP at the first opportunity that they had been afforded.

The House recedes with a clarifying amendment that would give eligible retirees during the open enrollment period the option of purchasing temporary supplemental SBP coverage that would be phased out by 2008 when the two-tier SBP system is terminated.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits

Consolidation and reorganization of legislative provisions regarding defense commissary system and exchanges and other morale, welfare, and recreation activities (sec. 651)

The House bill contained a provision (sec. 651) that would consolidate and reorganize a wide range of sections from title 10, United States Code, and related laws concerning commissaries, exchanges and other morale, welfare, and recreation activities. The provision would define the commissary benefit; specify criteria for establishment, sizing, and closure of commissaries; and address other commissary management matters.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would define commissary and exchange systems, and clarify that the purpose of the systems is to enhance the quality of life of members of the uniformed services, retired members, and dependents of such members; and to support military readiness, recruitment, and retention. The amendment would require the designation of a senior official to oversee both systems and an executive governing body to ensure complimentary operations of both systems. The amendment would authorize the Secretary of Defense to consider the quality of life of the Reserve components whenever assessing whether to close a commissary store, and would clarify that the closure of a commissary store at an installation not closing under a base closure law would not take effect until 90 days after the Secretary notifies Congress of the reasons for such closure.

The amendment would authorize the Secretary to conduct a test program on the sale of telephone cards, film, and one-time use cameras. Within 90 days of the completion of one year of testing, the Secretary would report findings and recommendations to the Committees on Armed Services of the Senate and the House of Representatives. The amendment would require the report to include an analysis of the actual impact of the sale of such items on the exchange dividend and any recommendations for changes in legislation that may be necessary. The amendment would require the Comptroller General to conduct a study to evaluate the impact of the expansion of categories of merchandise authorized for sale in commissary stores and its impact on the exchange dividend.

The conferees expect that the oversight body established by this Act will include military members. The conferees also expect that for items procured from the exchange, any revenue above the commissary purchase price of other merchandise items, shall be accounted for and allocated as if it were a uniform sales price surcharge. Finally, the conferees expect the Secretary to maintain the decor, format, and product selection in military commissaries consistent with modern grocery store norms.

Consistent State treatment of Department of Defense Nonappropriated Fund Health Benefits Program (sec. 652)

The House bill contained a provision (sec. 652) that would clarify that the Nonappropriated Fund Uniform Health Benefits Program of the Department of Defense is not subject to State, local and territorial taxes, fees, other monetary payment, or health plan mandates.

The Senate amendment contained a similar provision (sec. 1106).

The Senate recedes with a technical amendment.

Subtitle F—Other Matters

Eligibility of members for reimbursement of expenses incurred for adoption placements made by foreign governments (sec. 661)

The Senate amendment contained a provision (sec. 652) that would amend section 1052(g) of title 10, United States Code, to include within the definition of ''qualified adoption agency'' a foreign government or an agency authorized by a foreign government to place children for adoption. Section 1052 authorizes reimbursement of expenses for certain members of the Armed Forces who adopt children. Although that statute includes intercountry adoptions, the definition of qualified adoption agency does not include either foreign governments or agencies authorized by such governments to place children. Otherwise eligible members who adopt children while on duty outside the United States have been forced to re-adopt them through a domestic agency upon their return to the United States in order to be reimbursed. The provision would authorize reimbursement of expenses for such intercountry adoptions, if the child is either eligible for automatic United States citizenship or has been issued a certificate of citizenship under the Immigration and Nationality Act.

The House bill contained no similar provision.

The House recedes.

The conferees expect that the Secretary of Defense will make the necessary adjustments, including extending the period allowed under regulations for filing for reimbursement, to accommodate members who are outside the United States on military orders.

Clarification of education loans qualifying for education loan repayment program for Reserve component health professions officers (sec. 662)

The House bill contained a provision (sec. 662) that would clarify that college loans involving both a basic professional degree and graduate education would qualify for repayment under section 16302 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 619).

The Senate recedes.

Receipt of pay by reservists from civilian employers while on active duty in connection with a contingency operation (sec. 663)

The Senate amendment contained a provision (sec. 1068) that would modify section 209 of title 18, United States Code, to permit a member of the Reserves on active duty pursuant to a call or order to active duty to receive payment of any part of the salary or wages that a civilian employer would have paid if the reservist's employment had not been interrupted by the order to active duty.

The House bill contained no similar provision.

The House recedes.

Relief for mobilized reservists from certain federal agricultural loan obligations (sec. 664)

The Senate amendment contained a provision (sec. 655) that would authorize forgiveness of interest payments due under section 1981f of title 7, United States Code, while borrowers are mobilized military reservists. The provision would also authorize deferral of principal payments due while or after borrowers are mobilized reservists, and direct that borrowers who receive assistance under this provision would not be considered to be delinquent or receiving debt forgiveness for purpose of receiving direct or guaranteed loans under title 7, United States Code.

The House bill contained no similar provision.

The House recedes.

Survey and analysis of effect of extended and frequent mobilization of reservists for active-duty service on reservist income (sec. 665)

The House bill contained a provision (sec. 663) that would require the Secretary of Defense to conduct a detailed study of the loss of income by mobilized reservists who have served on active-duty in support of a contingency operation following September 11, 2001.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to ensure that all sources of income are reported by the member in response to the survey.

The conferees believe that accurate information regarding loss of income is an important prerequisite to future congressional action, and acknowledge the need to better understand the impact of any such loss of income on members with skills in high demand for deployments.

Study of disability benefits for veterans of service in the Armed Forces with service-connected disabilities (sec. 666)

The conferees agree to a provision that would require the Secretary of Defense to conduct a study of the totality of all current and projected disability benefits that are available to disabled members and former members of the Armed Forces for service-connected disabilities. The study would compare the disability benefits for members of the Armed Forces with commercial and other private sector disability benefits plans, and identify the Department of Defense personnel policy changes needed to enhance the financial and nonfinancial benefits that are provided to members and former members of the Armed Forces for service-connected disabilities. The Secretary's report would include conclusions resulting from the study and recommended legislation to address the deficiencies in the system of Federal Government disability benefits for disabled members and former members of the Armed Forces.

The provision would require the Comptroller General to study the disability benefits that are available for employees of the Federal, State and local governments, especially those provided for disabilities incurred in the performance of jobs in which employees perform tasks with risks that are similar to the risks associated with military service.

LEGISLATIVE PROVISIONS NOT ADOPTED

Income replacement payments for Reserves experiencing extended mobilization for active-duty service

The House bill contained a provision (sec. 605) that would require the Secretary of Defense to pay involuntarily mobilized Reserve members on a monthly basis the amount necessary to replace the difference in income between their regular military compensation plus special pays and allowances and the average monthly income received by the member during the 12 months preceding the month in which the member was mobilized. Payments would be limited to a minimum of $50 each month and a maximum of $3,000 each month.

The Senate amendment contained a provision (sec. 1110) that would amend chapter 55 of title 5, United States Code, to require federal agencies to pay any difference between military and civilian compensation for federal employees who, as members of the uniformed services or National Guard, were called to active-duty service in support of a national emergency since October 11, 2002.

These provisions were not included in the conference report because funding was not appropriated for Reserve income replacement payments to either Reserve members or federal government agencies.

Increase in maximum monthly rate authorized for hardship duty pay

The House bill contained a provision (sec. 613) that would increase from $300 to $750 the maximum amount of special pay that may be paid to members performing duty designated by the Secretary of Defense as hardship duty under section 305 of title 37, United States Code.

The Senate amendment contained no similar provision.

The House recedes.

Source of funds for Survivor Benefit Plan annuities for Department of Defense beneficiaries over age 62

The House bill contained a provision (sec. 643) that would direct that the payments made into the Department of Defense Military Retirement Fund, which is funding the increases in this Act, to the cost of the Survivor Benefit Plan would be made directly by the Secretary of the Treasury.

The Senate amendment contained no similar provision.

The House recedes.

Cooperation and assistance for qualified scouting organizations serving dependents of members of the Armed Forces and civilian employees overseas

The House bill contained a provision (sec. 653) that would require that professional staff supporting both the Boy Scouts of America and the Girl Scouts of the United States of America in overseas areas be made non-appropriated fund employees of the United States and would clarify that appropriated funds may be used to pay the costs of the employees.

The Senate amendment contained no similar provision.

The House recedes.

Child care for children of members of Armed Forces on active duty for Operation Enduring Freedom or Operation Iraqi Freedom

The Senate amendment (sec. 654) would authorize the Secretary of Defense to provide funds, to the extent that funds are available for such purpose, to secure access to child care at State licensed child care and development programs in the private sector for members serving in Operation Enduring Freedom and Operation Iraqi Freedom, who are geographically disbursed and do not have practical access to a military child development center.

The House bill contained no similar provision.

The Senate recedes.

The conferees acknowledge that the Department of Defense has authority under section 1798 of title 10, United States Code, to subsidize the cost of child and youth services in the private sector, and has initiated programs to provide affordable, quality child care and youth service options for families of activated Guard and Reserve members. Such initiatives include partnerships with civilian child care referral agencies, and the Department of Defense Military One Source referral services available to all members.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Enhanced Benefits for Reserves

TRICARE coverage for members of Reserve components who commit to continued service in the Selected Reserve after release from active duty (sec. 701)

The Senate amendment contained a provision (sec. 706) that would authorize TRICARE coverage for each member of the Ready Reserve while in a non-active duty status. The provision would authorize the same benefits for members of the Reserve

components as a member on active duty or a dependent of an active-duty member, based on a premium payment by the member. The amount of the monthly premium required of the member would be 28 percent of the total amount determined by the Secretary of Defense as being reasonable for the TRICARE coverage. TRICARE coverage for Reserves in a non-active duty status would commence following expiration of transitional health care benefits authorized in section 1145, title 10, United States Code. The amendment would not extend TRICARE eligibility to federal employees entitled to Federal Employee Health Benefits Plan coverage under chapter 89 of title 5, United States Code.

The House bill contained no similar provision.

The House recedes with an amendment to authorize TRICARE coverage for Reserves in a non-active duty status for members of Reserve components called or ordered to active duty on or after September 11, 2001 in support of a contingency operation, and who commit to continued service in the Selected Reserve after release from active duty. For each period of 90 consecutive days of extended active-duty service, the Reserve member would be entitled to one year of TRICARE coverage while in a non-active duty status under the TRICARE Standard option. The amendment would authorize one year of coverage for a member who is otherwise eligible but does not serve continuously on active duty for 90 days because of an injury, illness, or disease incurred or aggravated while deployed. The amendment would also require payment of a premium by the Reserve member equal to 28 percent of the total amount determined by the Secretary as being reasonable for TRICARE coverage, and execution by the member of a service agreement. The amendment would be in effect within 180 days of enactment of this Act, and would require the Secretary to take all necessary actions to ensure that members eligible for TRICARE coverage receive information on the opportunity to enter into such an agreement.

Comptroller General report on the cost and feasibility of providing private health insurance stipends for members of the Ready Reserves (sec. 702)

The House bill contained a provision (sec. 702) that would require the Comptroller General to conduct a study on the cost and feasibility of providing a stipend to members of the Ready Reserves to offset the cost of continuing private health insurance when the member is on active duty for more than 30 days.

The Senate amendment contained no similar provision.

The Senate recedes.

Permanent earlier eligibility date for TRICARE benefits for members of Reserve components and their dependents (sec. 703)

The House bill contained a provision (sec. 703) that would make permanent the temporary authority for dependents of Reserve component members to obtain TRICARE benefits up to 90 days before the date on which the member's period of active duty is to begin.

The Senate amendment contained a similar provision (sec. 702).

The House recedes with a technical amendment.

Waiver of certain deductibles under TRICARE program for members on active duty for a period of more than 30 days (sec. 704)

The House bill contained a provision (sec. 704) that would authorize the waiver of certain deductibles required by certain TRICARE programs for dependents of certain Reserve component members who are called or ordered to active duty for a period of more than 30 days.

The Senate amendment contained a similar provision (sec. 703).

The House recedes with a technical amendment.

Authority for payment by United States of additional amounts billed by health care providers to activated Reserves (sec. 705)

The House bill contained a provision (sec. 705) that would protect a dependent of a member of a Reserve component who is ordered to active duty for a period of more than 30 days in support of a contingency operation from paying a health care provider any amount above the TRICARE maximum allowable charge.

The Senate amendment contained a similar provision (sec. 704).

The House recedes with a technical amendment.

Permanent extension of transitional health care benefits and addition of requirement for pre-separation physical examination (sec. 706)

The House bill contained a provision (sec. 706) that would make permanent the authority to provide Transition Assistance Medical Program benefits to service members and their dependents for up to 180 days following separation from active duty. The provision would require that eligibility for transition benefits would cease prior to the 180-day limit if the beneficiaries acquire employer-provided insurance. The provision would also limit outlays provided after January 1, 2005, to not more than $170.0 million.

The Senate amendment included a provision (sec. 705) that would make permanent the authority to provide transition benefits for 180 days following separation from active duty for certain Active and Reserve members. The provision would require that as part of such transitional health care coverage, each member shall undergo a comprehensive physical examination before separating from active-duty service.

The House recedes with an amendment that would authorize the Secretary of Defense to prescribe in regulations the content of the physical provided to each member immediately before separation. The amendment would also authorize a waiver of the requirement for a physical examination if a member has undergone a physical examination within 12 months before the scheduled date of separation, and would require that a waiver may be granted only with the consent of the member and the member's unit commander.

Subtitle B—Other Benefits Improvements

Opportunity for young child dependent of deceased member to become eligible for enrollment in a TRICARE dental plan (sec. 711)

The House bill contained a provision (sec. 711) that would permit certain young children, who are dependents of service members who die while on active duty, to enroll in the TRICARE dental insurance program, regardless of the dependent's dental plan enrollment status on the date of the service member's death. Many young children, due to their age, are not enrolled in the TRICARE dental plan.

The Senate amendment contained a similar provision (sec. 712).

The House recedes.

Comptroller General report on provision of health, education, and support services for Exceptional Family Member Program enrollees (sec. 712)

The House bill contained a provision (sec. 712) that would require the Comptroller General to evaluate the effect of the Exceptional Family Member Program on health and support services in selected civilian communities near military installations with a high concentration of Exceptional Family Member Program enrollees, and to submit a report to the Committees on Armed Services of the Senate and the House of Representatives no later than March 31, 2005.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include in the Comptroller General's assessment an evaluation of education services, including early childhood intervention and special education services required by Exceptional Family Member Program enrollees. The amendment would also require the report to be submitted no later than one year after the date of enactment of this Act. The conferees specifically request that the report include an assessment of the services available for family members with autism.

Continuation of sub-acute care for transition period (sec. 713)

The House bill contained a provision (sec. 714) that would allow the Secretary of Defense to extend previous benefits for part-time or intermittent home health care after the transition to new managed care contracts that result in a change of benefits.

The Senate amendment contained a similar provision (sec. 718).

The House recedes.

Improvements to pharmacy benefits program (sec. 714)

The House bill contained a provision (sec. 715) that would prohibit the prescription drug cost-sharing requirements for Medicare-eligible TRICARE beneficiaries from being in excess of the cost-sharing requirements applicable to non-Medicare-eligible beneficiaries.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of Defense to consider additional determinations by the Department of Defense Pharmacy and Therapeutics Committee of the relative clinical and cost-effectiveness of the agents for a preferred formulary status at military treatment facilities.

Professional accreditation of military dentists (sec. 715)

The House bill contained a provision (sec. 716) that would allow the secretaries of the military departments to authorize the treatment of no more than 2,000 children under the age of 13 per year at certain military facilities offering residency training programs in oral and maxillofacial surgery and orthodontics.

The Senate amendment contained a similar provision (sec. 713).

The House recedes with a technical amendment.

Temporary authority for waiver of collection of payments due for CHAMPUS benefits received by disabled persons unaware of loss of CHAMPUS eligibility (sec. 716)

The House bill contained a provision (sec. 718) that would allow the Secretary of Defense to waive the collection of certain payments for health care services provided during a period of ineligibility between July 1, 1999 and December 31, 2004 for beneficiaries under age 65 entitled to Medicare on the basis of disability or end stage renal disease. The waiver would apply to those beneficiaries who were unaware of their loss of eligibility to receive health benefits at the time they were received. The provision also required a quarterly report to Congress on efforts to identify such individuals and actions taken when individuals are determined to be ineligible.

The Senate amendment contained a similar provision (sec. 719) with no reporting requirement.

The House recedes with a technical amendment.

Services of marriage and family therapists (sec. 717)

The Senate amendment contained a provision (sec. 714) that would clarify that certified marriage and family therapists can serve as health care professionals under sections 1091 and 1094 of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

The conferees clarify that the term ''marriage and family therapist'' includes masters-level prepared psychologists who are licensed in marriage and family therapy.

Chiropractic health care benefits advisory committee (sec. 718)

The Senate amendment contained a provision (sec. 715) that would require the Secretary of Defense to establish a Chiropractic Health Care Benefits Advisory Committee to provide advice regarding the implementation of chiropractic benefits for active-duty members, and would require the Committee to meet no fewer than three times in each fiscal year beginning in 2005.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that not less than three committee members appointed by the Secretary must be practicing representatives of the chiropractic health care profession. The amendment would also require that the Secretary submit a copy of the advisory committee report to the Committee on Armed Services of the Senate and the House of Representatives, including an explanation of the criteria used to determine full implementation of the current program, and views with regard to future implementation of chiropractic health care benefits.

Subtitle C—Planning, Programming, and Management

Pilot program for health care delivery (sec. 721)

The House bill contained a provision (sec. 721) that would authorize the Secretary of Defense to conduct a pilot program for health care delivery to test a model for future health care delivery systems at one or more military installations where the military population is expected to expand. The model would focus on coordinating and leveraging the use of existing health care resources, to include federal, state, local, and contractor assets, to meet increased health care requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary to conduct a health care delivery pilot program at two or more military installations for the purpose of testing a model of health care delivery that builds cooperative health care arrangements between military installations and local and regional civilian health care systems.

The conferees find that with increasing requirements to repair or replace aging military treatment facilities and potential realignment of forces, the Department of Defense will be challenged to find new ways of providing enhanced health care for beneficiaries entitled to military health care.

Study of provision of travel reimbursement to hospitals for certain military disability retirees (sec. 722)

The House bill contained a provision (sec. 722) that would require the Secretary of Defense to conduct a study of the feasibility and desirability of providing retirees with combat-related disabilities travel and transportation benefits to receive medical treatment at military hospitals for two years after their retirement. The provision would also require the Secretary to report the results of the study to the congressional defense committees by March 1, 2005.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include all military disability retirees in the study.

Study of mental health services (sec. 723)

The House bill contained a provision (sec. 723) that would require the Secretary of Defense to conduct a study of mental health services available to members of the Armed Forces, to include an evaluation of the availability and effectiveness of mental health treatment and screening resources for members before and after deployment, and for the families of deployed members. The provision would also require an assessment of obstacles that prevent members of the Armed Forces and their families from obtaining mental health services, as well as identification of mental health problems unique to members of the Reserve component.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Comptroller General to conduct the study and submit a report to Congress by March 31, 2005. The amendment would also require the report to include recommendations for removing any obstacles to obtaining mental health services for members of the Reserve component.

The conferees support the recommendations made by the Army's Mental Health Advisory Team and direct the Secretary of the Army to provide a report by March 1, 2005, on the implementation of recommendations for providing mental health assistance to soldiers wanting help and educating soldiers on how to obtain help from forward-deployed mental health units.

Policy for timely notification of next of kin of members seriously ill or injured in combat zones (sec. 724)

The Senate amendment contained a provision (sec. 367) that would require the Secretary of Defense, not later than 120 days after the date of enactment of this Act, to prescribe the policy for providing timely notification to the next of kin of the status, including health and location of members of the Armed Forces who are seriously ill or injured in a combat zone. The provision also authorized an increase of $10.0 million in research, development, test and evaluation funding for medical equipment and combat casualty care technologies.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees honor the sacrifice of the members of the Armed Forces who have been killed or wounded while bravely serving in ongoing military operations and the heroic efforts of the medical personnel of the Armed Forces in treating wounded military personnel and civilians under combat conditions. In view of modern communications capabilities, the conferees believe the Department of Defense's current policies relating to notification of next of kin about service members who have been seriously wounded or are gravely ill must be revised to include appropriate standards aimed at ensuring timely and ongoing communication, consistent with the desires of individual service members.

The conferees agree to an increase of $5.3 million for combat casualty care technologies, which is reflected in the tables for title II of this Act.

Revised funding methodology for military retiree health care benefits (sec. 725)

The House bill contained a provision (sec. 1541) that would revise the process for funding the annual payments that are required to be paid into the Department of Defense Medicare-Eligible Retiree Health Care Accrual Fund. Beginning in fiscal year 2006, the Secretary of the Treasury would make the annual payments from the general fund of the Treasury.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to transmit certifications required under this Act to the Committees on Armed Services of the Senate and the House of Representatives immediately upon transmission to the Secretary of the Treasury.

The conferees expect that the transmission of funding certifications will include all determinations by the Secretary of Defense concerning the amounts required for deposit into the Medicare-Eligible Retiree Health Care Accrual Fund beginning in fiscal year 2006.

Grounds for presidential waiver of requirement for informed consent or option to refuse regarding administration of drugs not approved for general use (sec. 726)

The Senate amendment contained a provision (sec. 716) that would limit to national security interests the grounds on which the President could deny a service member the right to refuse an investigational new drug or product not approved for general use.

The House bill contained no similar provision.

The House recedes.

TRICARE program regional directors (sec. 727)

The conferees agree to include a provision which would require the Secretary of Defense to develop and report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2005 recommendations for a formal TRICARE Regional Director selection process. The selection process would require the Secretary of each military department to nominate one commissioned officer in a grade above colonel or, for the Navy in a grade above the grade of captain, or a member of the Senior Executive Service. The provision would require that the recommendations of the Secretary include the qualifications for Regional Directors, the period of assignment of a commissioned officer as a Regional Director and other requirements as prescribed by the Secretary.

The conferees expect that, among other duties as prescribed by the Secretary, the TRICARE Regional Director will be responsible for ensuring the adequacy of the number and types of civilian TRICARE providers, both in civilian networks and those who participate in the TRICARE Standard program. The conferees expect that the Regional Director will consider the requirement for the availability of TRICARE Standard providers to support members of the Reserve components and their families who are eligible to participate in TRICARE Standard, as authorized elsewhere in this Act.

Subtitle D—Medical Readiness Tracking and Health Surveillance

Medical readiness plan and Joint Medical Readiness Oversight Committee (sec. 731)

The Senate amendment contained a provision (sec. 1301) that would require the Secretary of Defense to develop a comprehensive plan to improve medical readiness, and Department of Defense tracking of the health status of members of the Armed Forces; and to strengthen medical readiness tracking before, during, and after deployment of members of the Armed Forces overseas. The provision would also require the establishment

by the Secretary of a Joint Medical Readiness Oversight Committee to advise the Secretary of Defense on medical readiness and health status of the members of the Active and Reserve components of the Armed Forces and to oversee the development of the comprehensive medical readiness plan required elsewhere in this Act.

The House bill contained no similar provision.

The House recedes with an amendment to include the Vice Chiefs of the military services as members of the committee, and a requirement that each year, before the committee submits its report to Congress, that the Secretary shall provide an opportunity for representatives of veterans and military health advocacy organizations, and others the Secretary of Defense considers appropriate, to comment on the report. The amendment requires that the report submitted to Congress shall include a summary of the comments received and the Secretary's response to them.

The conferees are concerned that a report published by the Comptroller General in September 2004, entitled ''DoD Needs to Address Long-term Reserve Force Availability and Related Mobilization and Demobilization Issues,'' continues to identify problems in the management of the health status of Reserve forces by the Department of Defense. The report finds that, ''DoD's ability to effectively manage the health status of its reserve forces is limited because its centralized database has missing and incomplete health records and it has not maintained full visibility over reserve component members with medical problems.'' The conferees expect the committee and the comprehensive plan authorized in this Act to promptly address the ongoing issues identified by the Comptroller General for the Reserve component, as well as all those matters concerning medical readiness, health surveillance, and force health protection for both active-duty and Reserve components delineated in this Act.

Medical readiness of Reserves (sec. 732)

The Senate amendment contained a provision (sec. 1302) that would require the Comptroller General to conduct a study of the health of members of the Reserve components who have been ordered to active duty in support of Operation Enduring Freedom and Operation Iraqi Freedom. The study would review the health and medical fitness of Reserves when they were ordered to active duty, the effects of their health status on planning and deployment schedules, and compliance by military personnel with Department of Defense policies on medical and physical fitness applicable to the reserve components. The provision would also require health assessments not less frequently than once every two years, using the pre-deployment health assessments required under section 1074f of title 10, United States Code, as the minimum standard. The provision would require the review of pre-deployment health assessments by a medical professional and any follow-up care that is required by the member. The Senate provision would further require improvement to the pre-deployment assessment form currently in use by the Department, and development of a uniform policy on deferral of medical treatment pending deployment to theaters of operations.

The House bill contained no similar provision.

The House recedes with an amendment to clarify that follow-up care and treatment provided to Reserve members is care that is otherwise authorized for medical and dental readiness.

Baseline health data collection program (sec. 733)

The Senate amendment contained a provision (sec. 1303) that would require the Secretary of Defense to collect baseline health data from each person entering the Armed Forces, and to provide for the computerized compilation and maintenance of the data. The provision would also establish interim standards for blood sampling, not less than 60 days prior to deployment and not later than 30 days after the date on which the deployment ends.

The House bill contained no similar provision.

The House recedes with an amendment to require that blood samples be drawn not earlier than 120 days before the date of deployment. The amendment would require the application of interim standards for blood sampling unless the Joint Medical Readiness Oversight Committee established elsewhere in this Act recommends, and the Secretary approves, a different standard.

The conferees expect that in the development of the health baseline data collection program required by this title, the Department of Defense will work jointly with the Department of Veterans Affairs to examine coding and terminology for all computerized medical data systems to ensure compatibility with those computerized medical data systems of the Department of Veterans Affairs. The conferees acknowledge that much progress has been made in achieving compatibility of medical information systems, both in the clinical setting, such as the Federal Health Information Exchange, and in support of field operational units, such as the Special Operations Forces Medics system. The conferees urge the Department of Defense to continue such efforts with the Department of Veterans Affairs, which are necessary to improve continuity of care.

Medical care and tracking and health surveillance in the theater of operations (sec. 734)

The Senate amendment contained a provision (sec. 1304) that would require the Secretary of Defense to establish a policy on health record keeping in the theater of operations, and to evaluate and report to Congress on the strengths and weaknesses and recommend changes to mandatory record keeping systems for military personnel in the theater. The report would also include a summary of scientific literature on blood sampling, and a recommendation for changes to regulations and standards for blood sampling. The provision would require that the Secretary develop a plan for obtaining all records of medical treatment provided to members of the Armed Forces by allies of the United States in Operation Enduring Freedom and Operation Iraqi Freedom. The provision would also require the Secretary to prescribe a policy on the collection and dissemination of in-theater individual personnel location data.

The House bill contained no similar provision.

The House recedes.

Declassification of information on exposures to environmental hazards (sec. 735)

The Senate amendment contained a provision (sec. 1305) that would require the Secretary of Defense to review and revise as appropriate the classification policies of the Department of Defense to facilitate the declassification of data that is potentially useful for monitoring and assessing the health of members of the Armed Forces who have been exposed to environmental hazards during overseas deployments.

The House bill contained no similar provision.

The House recedes.

Report on training on environmental hazards (sec. 736)

The Senate amendment contained a provision (sec. 1306) that would require a report by the Secretary of Defense to the Committees on Armed Services of the Senate and the House of Representatives on the training on environmental hazards that is provided by the Armed Forces to medical personnel who are deployed to the field in support of combat personnel. The provision would also require a report to congressional defense committees on actions taken by Department of Defense officials in response to health concerns expressed by members of the Armed Forces during post-deployment health assessments.

The House recedes with an amendment to remove the reporting requirement on actions taken by Department officials in response to health concerns expressed by members of the Armed Forces during post-deployment health assessments from this provision.

The conferees intend that the report required by this provision on actions taken by Department officials to health concerns expressed by members of the Armed Forces during post- deployment health assessments will be addressed by a reporting requirement elsewhere in this Act.

Uniform policy for meeting mobilization-related medical care needs at military installations (sec. 737)

The Senate amendment contained a provision (sec. 1307) that would require the Secretary of Defense to prescribe through regulations a policy to ensure that anticipated health needs of members of the Armed Forces at mobilization installations can be met at those installations. The policy would include procedures for arrangements for health care provided by the Secretary of Veterans Affairs, services of local health care providers, and temporary employment of health care personnel at such installations.

The House bill contains no similar amendment.

The House recedes with an amendment to clarify the definition of the term military installation, and to require the Secretary of Defense to establish a uniform policy through the secretaries concerned and military command structure for meeting anticipated health needs at mobilization installations.

Full implementation of Medical Readiness Tracking and Health Surveillance Program and Force Health Protection and Readiness Program (sec. 738)

The Senate amendment contained a provision (sec. 1308) that would require the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness and in conjunction with the secretaries of the military departments, to fully implement at all levels the Medical Readiness Tracking and Health Surveillance Program under this title, and the Force Health Protection and Readiness Program of the Department of Defense.

The House recedes.

Reports and Internet accessibility relating to health matters (sec. 739)

The Senate amendment contained a provision (sec. 1309) that would require the Secretary of Defense to submit annually to the Committees on Armed Services of the Senate and the House of Representatives a report on the Force Health Protection Quality Assurance Program. The provision would require that the report include an audit of the extent to which the serum samples required to be obtained from members of the Armed Forces before and after deployment are stored in the serum repository of the Department of Defense, and an audit of the extent to which health assessments required before and after deployment are being maintained in the electronic database of the Defense Medical Surveillance System.

The provision would also require that the annual report to the congressional defense committees include an analysis of actions taken by the Department to respond to health concerns expressed by members of the Armed Forces upon return from a deployment, and an analysis of actions taken by Department personnel to evaluate or treat members of the Armed Forces who are confirmed to have been exposed to occupational or environmental hazards deleterious to their health during a deployment.

The provision would include a requirement for an annual report on compliance by the military departments with Department policy on recording of health assessment data in military health records. The provision would also require that the Chief Information Officer of each military department ensure that information on Department policies regarding pre-deployment and post-deployment health policies are available through an online portal website of that military department.

The House bill contains no similar amendment.

The House recedes with an amendment to remove the requirement for a report on actions taken by the Department to evaluate or treat former members of the Armed Forces who are confirmed to have been exposed to occupational or environmental hazards during deployment. The amendment would also clarify that health assessment data required in section 1074(f) of title 10, United States Code, would be recorded in military health records.

LEGISLATIVE PROVISIONS NOT ADOPTED

Demonstration project on health benefits for Reserves

The House bill contained a provision (sec. 701) that would require the Secretary of Defense to conduct a three-year demonstration project to provide TRICARE coverage for Ready Reserve members not on active duty who are ineligible for employer-sponsored health benefits. The purpose of the demonstration would be to determine whether such coverage enhances medical readiness, recruiting, and retention of Reserve component members.

The Senate amendment contained a provision (sec. 701) that would direct the Secretary to carry out a demonstration project under section 1092 of title 10, United States Code, to determine the need for, and feasibility of, providing benefits under TRICARE to members of the Ready Reserve who are eligible for unemployment compensation, continuously unemployed after the expiration of such compensation, or ineligible for employer-provided health care coverage.

The conference agreement does not include these provisions.

The conferees acknowledge the preference of the Secretary to conduct a demonstration project and expect the Secretary to proceed with a demonstration project to assess the feasibility and effectiveness of providing TRICARE benefits to Reserve members without employer-provided health insurance coverage using existing authority in section 1092 of title 10, United States Code. The conferees request that the Comptroller General include in the evaluation of the needs of Reserves for health care required by section 705 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) a report on actions taken by the Department to prepare for a demonstration project on the feasibility of providing TRICARE benefits to Reserve members without employer-provided health insurance.

Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents

The Senate amendment contained a provision (sec. 707) that would direct the Secretary of Defense to pay private health insurance premiums for the dependents of a Reserve member ordered to extended active duty and who would then not be eligible for TRICARE.

The House bill contained no similar provision.

The Senate recedes.

Exceptional eligibility for TRICARE Prime Remote

The House bill contained a provision (sec. 713) that would authorize the Secretary of Defense to waive all restrictions with regard to TRICARE Prime Remote medical coverage for active-duty family members that reside at a remote location without regard to the sponsor's current or past assignment. Such a waiver would occur if the Secretary determines that exceptional circumstances warrant such coverage.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that there exist today situations of extreme hardship for beneficiaries, particularly minor children, caused by exceptional circumstances through no fault of their own and beyond their control. The conferees urge the Secretary to look within existing authorities for means to remedy these extreme circumstances. If existing authorities do not allow for such remedy, the Secretary shall submit to Congress recommendations to address such exceptional situations.

Addition of certain unremarried former spouses to persons eligible for dental insurance plan of retirees of the uniformed services

The House bill contained a provision (sec. 717) that would permit certain unremarried former spouses of a member or former member to participate in the TRICARE Retiree Dental Program, if they do not have dental coverage under an employer-sponsored health plan.

The Senate amendment contained no similar provision.

The House recedes.

Vaccine Healthcare Centers Network

The Senate amendment contained a provision (sec. 720) that would require the Secretary of Defense to establish the Vaccine Healthcare Centers Network for the purpose of monitoring adverse reactions of members of the Armed Forces to vaccines and, in addition, to improve the safety and quality of vaccine administration for members of the Armed Forces.

The House bill contained no similar provision.

The Senate recedes.

The conferees acknowledge that the Vaccine Healthcare Centers in existence today have made contributions to the quality monitoring system for adverse reactions to anthrax and smallpox immunization programs conducted by the Department of Defense. The Secretary should examine the feasibility and necessity of the establishment of an expanded Vaccine Healthcare Centers Network in the context of a review of the adequacy of existing clinical immunization safety, educational, training and research programs for military members and providers involved in immunization of military service members. The Secretary should also make recommendations on improvements as necessary in submission of data to the Vaccine-related Events Reporting System, and access to clinical management services for members who experience vaccine adverse events.

The conferees strongly encourage each of the military departments to continue to provide funds required by the existing Vaccine Healthcare Centers based on each service's share of the total force vaccinated.

Use of Department of Defense funds for abortion

The Senate amendment contained a provision (sec. 721) that would authorize the use of Department of Defense funds for abortions in cases in which a pregnancy occurred as a result of an act of rape or incest.

The House bill contained no similar provision.

The Senate recedes.

United States Military Cancer Institute

The Senate amendment contained a provision (sec. 914) that would establish a United States Military Cancer Institute within the Uniformed Services University of the Health Sciences. The institute would conduct research on the causes, prevention, and early detection of cancer, including epidemiological features of cancer and impact of genetic and environmental factors and disparities in health among populations of various ethnic origins. The research would also include research on oncologic nursing.

The House bill contained no similar provision.

The Senate recedes.

The conferees acknowledge that the United States Military Cancer Institute continues to operate under the auspices of the Uniformed Services University of the Health Sciences, and has received appropriations since fiscal year 2002. The conferees commend the United States Military Cancer Institute for its worthy contributions to cancer research, prevention, and treatment.

Use of civilian experts as consultants

The Senate amendment contained a provision (sec. 1310) that would clarify that nothing contained in amendments to this title should be construed to limit the authority of the Secretary of Defense to procure the services of experts outside the Federal Government for performing any function to comply with requirements for readiness tracking and health surveillance.

The House bill contained no similar provision.

The Senate recedes.

The conferees expect that the Secretary will use existing authority to procure the services of outside experts as needed for any of the requirements of this title.

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

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Acquisition Policy and Management

Software-related program costs under major defense acquisition programs (sec. 801)

The Senate amendment contained a provision (sec. 802) that would modify existing quarterly acquisition reports submitted to Congress by the Secretary of Defense to include information on significant changes in the cost, schedule, or performance of the computer software component of each major defense acquisition program.

The House bill contained no similar provision.

The House recedes with an amendment that would delay the effective date of the provision.

Internal controls for Department of Defense procurements through General Services Administration Client Support Centers (sec. 802)

The Senate amendment contained a provision (sec. 803) that would prohibit Department of Defense officials from placing orders in excess of $100,000 through a Client Support Center (CSC) of the Federal Technology Service of the General Services Administration (GSA) until the Department Inspector General, in consultation with the GSA Inspector General, determines that the CSC has in place the policies, procedures, and internal controls necessary to ensure compliance with requirements of law and regulation.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) extend the time frame for Inspector General review of the policies, procedures, and internal controls of the GSA Client Support Centers; (2) permit the Department to continue contracting for an additional year with any CSC that is making significant progress toward implementing effective policies, procedures, and internal controls; (3) require a second Inspector General review and determination at the end of the additional year; and (4) authorize the Under Secretary of Defense for Acquisition, Technology and Logistics to continue contracting through a CSC that has failed to implement appropriate policies, procedures, and internal controls, if he determines that it is necessary to do so in the interest of the Department.

Defense commercial communications satellite services procurement process (sec. 803)

The Senate amendment contained a provision (sec. 804) that would require the Secretary of Defense to review alternative mechanisms for procuring commercial satellite services, and provide guidance to the Director of the Defense Information Services Agency and the secretaries of the military departments on how such procurements should be conducted.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the reporting requirement, and require a 30 day waiting period after the submission of the report during which the Secretary could not enter into a new contract for commercial satellite services unless the Secretary determines that such a contract is required to meet urgent national security requirements.

Contractor performance of acquisition functions closely associated with inherently governmental functions (sec. 804)

The Senate amendment contained a provision (sec. 867) that would limit contracting for functions closely associated with inherently governmental functions unless the Secretary of Defense determines that: (1) appropriate military or civilian personnel are not available to perform such function; (2) appropriate military or civilian personnel are able to supervise and perform all inherently governmental functions; and (3) the contractor to perform the function does not have an organizational conflict of interest or the appearance of an organizational conflict of interest.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the applicability of the provision, and require the agency to address any potential contractor organizational conflict of interest consistent with subpart 9.5 of part 9 of the Federal Acquisition Regulation and the best interest of the Department of Defense.

Sustainment plans for existing systems while replacement systems are under development (sec. 805)

The House bill contained a provision (sec. 821) that would require the Department of Defense to plan and budget for the sustainment and modernization of current military systems until such time that the replacement system under development is fielded and assumes responsibility for the mission.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the requirements of the provision and delete annual review and reporting requirements.

Applicability of competition exceptions to eligibility of National Guard for financial assistance for performance of additional duties (sec. 806)

The Senate amendment contained a provision (sec. 863) that would clarify that exceptions to competition requirements provided in the Competition in Contracting Act (10 U.S.C. 2304), apply to support activities provided by the Army National Guard under the authority of section 113(b) of title 32, United States Code.

The House bill contained no similar provision.

The House recedes.

Inflation adjustment of acquisition-related dollar thresholds (sec. 807)

The House bill contained a provision (sec. 807) that would authorize the Federal Acquisition Regulatory Council to amend the dollar threshold of procurement statutes in accordance with inflationary rates in order to maintain the constant dollar value of the threshold. This section would not authorize adjustments to the Davis-Bacon Act (40 U.S.C. 276(a)), the Service Contract Act of 1965 (Public Law 89–286), or title III of the Trade Agreements Act of 1979 (Public Law 96–39).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) codify the provision in the Office of Federal Procurement Policy Act; (2) make adjustment to acquisition thresholds mandatory rather than discretionary to ensure that all thresholds are adjusted in the same way; (3) establish a petition process for thresholds omitted by the Federal Acquisition Regulatory Council; (4) supercede other inflation adjustment statutes to ensure there is no conflicting authority; and (5) address procurement thresholds enacted in law after October 1, 2000.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Rapid acquisition authority to respond to combat emergencies (sec. 811)

The House bill contained a provision (sec. 801) that would authorize the Secretary of Defense to establish a streamlined acquisition process for use when combat fatalities have occurred, the combatant commander has an urgent need of equipment, and delay would cause a continuation of combat fatalities. This process is to be used as a 'quick start' bridge to the normal acquisition process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would incorporate the new authority into section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), provide for waivers to be made on a case-by-case basis, and clarify that a program initiated under this authority must transition to the traditional acquisition process within two years.

Defense acquisition workforce improvements (sec. 812)

The House bill contained a provision (sec. 802) that would amend various sections of the Defense Acquisition Workforce Improvement Act, chapter 87 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 842).

The House recedes with an amendment that would: (1) clarify the selection criteria for the acquisition corps and for critical acquisition positions; and (2) streamline the provision addressing scholarship program requirements.

Period for multiyear task and delivery order contracts (sec. 813)

The House bill contained a provision (sec. 803) that would amend section 2304(a) of title 10, United States Code, to clarify time limitations for options in task and delivery order contracts.

The Senate amendment contained a similar provision (sec. 812).

The House recedes with an amendment to limit the base period of a task and delivery order contract to five years, with options for up to an additional five years, for a total period of not more than ten years. Task and delivery order contracts may have more than five option years, if the head of an agency determines in writing that exceptional circumstances necessitate a longer contract period.

Funding for contract ceilings for certain multiyear procurement contracts (sec. 814)

The House bill contained a provision (sec. 804) that would amend section 2306b(g) and section 2306c(d) of title 10, United States Code, to require the head of the agency concerned to provide written notification to the congressional defense committees in those instances when cancellation costs that are above $100.0 million are not fully funded. The written notification would include a financial risk assessment for not fully funding the cancellation ceiling.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would not require the head of the agency to identify up-front funding sources for potential contract cancellation.

Increased threshold for senior procurement executive approval of use of procedures other than competitive procedures (sec. 815)

The Senate amendment contained a provision (sec. 811(a)) that would raise from $50.0 million to $75.0 million the threshold in section 2304(f)(1)(B)(iii) of title 10, United States Code, for requiring approval of the senior procurement executive of an agency to award contracts under other than competitive procedures.

The House bill contained no similar provision.

The House recedes.

Section 811(b) of the Senate amendment is addressed elsewhere in this conference report.

Increased threshold for applicability of requirement for defense contractors to provide information on subcontracting authority of contractor personnel to cooperative agreement holders (sec. 816)

The House bill contained a provision (sec. 805) that would increase from $500,000 to $1.0 million the threshold in section 2416(d) of title 10, United States Code, at which contractors must provide to cooperative agreement holders a listing of the names and contact information of each contractor employee who has authority to enter into contracts, including subcontracts.

The Senate amendment contained a similar provision (sec. 811(b)).

The Senate recedes.

Section 811(a) of the Senate amendment is addressed elsewhere in this conference report.

Extension of authority for use of simplified acquisition procedures (sec. 817)

The House bill contained a provision (sec. 806) that would amend section 4202(e) of the Clinger-Cohen Act of 1996 (Public Law 104–106) by extending until October 1, 2009, the time frame in which the secretary of an executive agency may use simplified procedures to purchase commercial items that have a value of $5.0 million or less.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend this authority for two years.

Submission of cost or pricing data on noncommercial modifications of commercial items (sec. 818)

The Senate amendment contained a provision (sec. 813) that would require contractors for Department of Defense contracts to submit cost or pricing data on noncommercial modifications to commercial items, if the modifications are expected to cost in excess of $500,000.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the requirement to apply to noncommercial modifications that are expected to cost in excess of $500,000 or five percent of the total price of the contract, whichever is greater.

Delegations of authority to make determinations relating to payment of defense contractors for business restructuring costs (sec. 819)

The Senate amendment contained a provision (sec. 814) that would permit the Secretary of Defense to delegate below the level of an Assistant Secretary of Defense the authority to pay defense contractors for restructuring costs associated with business combinations in cases where the amount of restructuring costs over a five year period is expected to be under $25.0 million. In no case could this authority be delegated below the Director of the Defense Contract Management Agency.

The House bill contained no similar provision.

The House recedes.

Availability of Federal supply schedule supplies and services to United Service Organizations, Incorporated (sec. 820)

The Senate amendment contained a provision (sec. 870) that would clarify that the Secretary of Defense may provide the United Service Organizations access to the Federal Supply Schedule of the General Services Administration.

The House bill contained no similar provision.

The House recedes.

Addition of landscaping and pest control services to list of designated industry groups participating in the small business competitiveness demonstration program (sec. 821)

The House bill contained a provision (sec. 3601) that would add landscaping and pest control services to the list of designated industry groups participating in the small business competitiveness demonstration program.

The Senate amendment contained no similar provision.

The Senate recedes.

Increased thresholds under special emergency procurement authority (sec. 822)

The conferees agree to include a provision that would increase the dollar thresholds below which the Department of Defense may use streamlined acquisition procedures for purchases outside the United States in support of a contingency operation or to facilitate the defense against or recovery from nuclear, biological, chemical, or radiological attack against the United States. The provision included in the conference report would raise the simplified acquisition threshold for such purchases from $500,000 to $1,000,000 and it would raise the micropurchase threshold for such purchases from $15,000 to $25,000.

Subtitle C—United States Defense Industrial Base Provisions

Defense trade reciprocity (sec. 831)

The House bill contained a provision (sec. 811) that would limit the ability of the Secretary of Defense to purchase defense items from countries that impose offset regulations or policies on purchases of defense items from the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a defense acquisition trade policy designed to eliminate any adverse impact of offset agreements in defense trade.

Assessment and report on the acquisition of polyacrylonitrile (PAN) carbon fiber from foreign sources (sec. 832)

The House bill contained a provision (sec. 813) that would require the Secretary of Defense to delay phasing out of the restriction of acquisition of polyacrylonitrile (PAN) carbon fiber from foreign sources for three years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay the phase out of the domestic source restriction for PAN carbon fibers for 30 days after the Secretary of Defense provides to the Committees on Armed Service of the Senate and the House of Representatives a report on an assessment of the domestic and international industrial structure that produces PAN carbon fibers and market trends for the product.

Subtitle D—Extensions of Temporary Program Authorities

Extension of mentor-protege program (sec. 841)

The Senate amendment contained a provision (sec. 822) that would extend for five years the pilot Mentor-Protege program established by section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510).

The House amendment contained no similar provision.

The House recedes with an amendment requiring a review of the implementation and effectiveness of the Mentor-Protege program.

Amendment to mentor-protege program (Sec. 842)

The Senate amendment contained a provision (sec. 1083) that would permit HUBZone small business concerns and small business concerns owned and controlled by service-disabled veterans to participate in the Department of Defense's Mentor-Protege program.

The House bill contained no similar provision.

The House recedes.

Extension of test program for negotiation of comprehensive small business subcontracting plans (sec. 843)

The Senate amendment contained a provision (sec. 823) that would extend for five years the test program for negotiation of comprehensive small business subcontracting plans established by section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189). Under the test program, prime contractors may submit a plan designed to provide the maximum subcontracting opportunity for small, disadvantaged, and women-owned small business concerns that covers all anticipated contracts on a plant, division, or corporate basis, rather than for each Federal contract and subcontract of more than $500,000 (or $1.0 million in the case of construction contracts) awarded as required under section 8(d) of the Small Business Act (Public Law 85–536, as amended).

The House bill contained no similar provision.

The House recedes.

Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities (sec. 844)

The Senate amendment contained a provision (sec. 824) that would extend for five years the pilot program for the sale of manufactured articles and services from Army industrial facilities enacted in the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85). This program tests the efficiency and appropriateness of selling manufactured articles and services at Army facilities under the authority of section 4543 of title 10, United States Code, without regard to the availability of the articles and services from U.S. commercial sources.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Other Acquisition Matters

Review and demonstration project relating to contractor employees (Sec. 851)

The House bill contained a provision (sec. 822) that would require the Secretary of Defense to conduct a review of Department of Defense policies, procedures, and practices relating to employees of defense contractors and their subcontractors. The provision also require the Secretary to conduct a demonstration program for the procurement of military construction, renovation, maintenance or repair service on military installations to ensure employees are properly authorized to be employed in the United States and properly qualified to perform the services required under the contract.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would give the Secretary of Defense general discretion over the types of procurement procedures used in the demonstration project.

Inapplicability of certain fiscal laws to settlements under special temporary contract closeout authority (sec. 852)

The Senate amendment contained a provision (sec. 861) that would clarify the authority to settle financial accounts for old contracts that have unreconciled balances of less than $100,000 under section 804 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

The House bill contained no similar provision.

The House recedes.

Contracting with employers of persons with disabilities (sec. 853)

The Senate amendment contained a provision (sec. 868) that would provide for the continuation and completion of existing contracts (including any options) awarded to the blind and severely disabled for the operation of military troop dining facilities, military mess halls, and other similar military dining facilities.

The House bill contained no similar provision.

The House recedes with an amendment that would cover contracts awarded under the Randolph-Sheppard Act (28 U.S.C. 107).

Defense procurements made through contracts of other agencies (sec. 854)

The Senate amendment contained a provision (sec. 815) that would prohibit the Department of Defense from paying more than a 1 percent service charge for using other agency contracts to purchase goods and services.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the prohibition on paying fees in excess of 1 percent of the amount charged by the contractor and substitute: (1)

a requirement that the procurement is done in accordance with military department or defense agency procedures for reviewing and approving the use of non-Department contracts; and (2) a reporting requirement for all service charges imposed on purchases in amounts greater than the simplified acquisition threshold in fiscal years 2005 and 2006. Approvals of inter-agency transactions under this provision should be in writing, with supporting rationale, and retained in an official file.

The conferees expect the Department's review and approval procedures to ensure that any fees are reasonable in relation to the work actually performed by the contracting agency. The conferees do not believe that the Department should pay fees in excess of 1 percent to an outside agency that merely acts as a conduit for Department requirements. The conferees are particularly concerned that in some instances, the Department's orders appear to have been awarded to contractors who charge their own fees for directing the work to preferred subcontractors without providing any value added.

The conferees also expect the Department's review and approval procedures to ensure that the goods or services to be procured are within the scope of the non-Department contract vehicle, and that the supplies or services to be acquired are consistent with the appropriated funding to be utilized. In addition, the Department's review and approval procedures should ensure that orders placed against non-Department contracts are in compliance with all applicable Department-unique statutes, regulations, directives, and other requirements prior to approval. The use of multiple award contracts must be consistent with the requirements of section 803 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107 (Competition Requirements for Purchase of Services Pursuant to Multiple Award Contracts)); Part 8.002 of the Federal Acquisition Regulation (Priorities for Use of Government Supply Sources); Part 17.5 of the Federal Acquisition Regulation (Interagency Acquisitions under the Economy Act); and the Department of Defense Instruction 4000.19 (Interservice and Intergovernmental Support). Purchases of information technology should also be consistent with Department information security requirements and the requirements of the Department business system enterprise architecture and transition plan. Officials should be familiar with the requirements of the basic contract and should provide to the assisting agency any Department-unique requirements associated with the acquisition.

Requirements relating to source selection for integrated support of aerial refueling aircraft fleet for the Air Force (sec. 855)

The Senate amendment contained a provision (sec. 871) that would require the Secretary of Defense to prevent the Secretary of the Air Force from proceeding with the acquisition of aerial refueling aircraft, by lease or other contract, either with full and open competition or under section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) until 60 days after the Secretary of Defense has reviewed applicable documentation and submitted a determination to the congressional defense committees that the acquisition is in compliance with all currently applicable laws, Office of Management and Budget circulars, and regulations. The provision would also require an independent review of the acquisition by the Comptroller General and the Inspector General of the Department of Defense. The provision would also require operational testing prior to proceeding beyond low-rate initial production of the aircraft. The provision would also require a competition for the integrated support of the aircraft, and require pricing information with respect to commercial items covered by the lease or contract. The provision would also require the Secretary of the Air Force to contact the Inspector General of the Department of Defense to review and approve any Air Force use of non-Federal audit services for any lease or other contract for the acquisition of aerial refueling aircraft.

The House bill contained no similar provision.

The House recedes with an amendment to require the Department to review the costs and benefits of using federal employees or contractors for the logistics support of any new tanker aircraft and, if the Air Force chooses to use a contractor for this support, that any such contract be conducted under the procedures of the Competition in Contracting Act.

The conferees understand that the Department is working on a new aerial refueling validated capabilities document in accordance with applicable Chairman of Joint Chiefs Instructions. The conferees also note that on February 24, 2004, the Acting Undersecretary of Defense for Acquisition, Technology and Logistics directed the Secretary of the Air Force to conduct an analysis of alternatives (AOA) for recapitalizing the KC–135 fleet as required by section 134(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), and that the Secretary of Defense has directed that this analysis, along with a completed aerial refueling portion of the mobility capabilities study be accelerated. In addition, at the direction of the Secretary, the National Defense University, the Defense Science Board and the Department of Defense Inspector General prepared independent evaluations on various aspects of the aerial tanker refueling issue. The conferees expect that the Secretary of Defense will fully consider all of the recommendations from these studies and reports prior to proceeding with the acquisition of aerial refueling aircraft for the Air Force.

LEGISLATIVE PROVISIONS NOT ADOPTED

Responsibilities of acquisition executives and chief information officers under the Clinger-Cohen Act

The Senate amendment contained a provision (sec. 801) that would require that the Clinger-Cohen Act requirements as applied to weapons and weapon systems be administered by senior acquisition executives of the three military services and overseen by a board of senior acquisition officials.

The House bill contained no similar provision.

The Senate recedes.

The Clinger-Cohen Act (40 U.S.C. 113) establishes requirements for capital planning, investment control, and performance and results-based management processes in the acquisition of information technology. While the Clinger-Cohen Act designates that the Chief Information Officer (CIO) is responsible for information technology in general, the Act does not specify who within the Department of Defense is responsible for administering these requirements for information technology embedded in major weapon systems. The Department's current practice is to administer the requirements of the Clinger-Cohen Act through the Department's CIO, even for information technology embedded in major weapon systems that are acquired by senior acquisition executives of the military departments. This approach raises the possibility of overlapping responsibilities and inefficient and/or duplicative procedures for the acquisition of information technology embedded in major weapon systems.

Therefore, the conferees direct the Secretary of Defense to review the Department's current approach to implementing the requirements of the Clinger-Cohen Act with respect to information technology embedded in major weapon systems; the conferees also direct the Secretary to identify any overlapping responsibilities and inefficient and/or duplicative procedures arising from possible dual responsibilities of the CIO and senior acquisition executives for the acquisition of such information systems. The conferees further direct the Secretary to report to the congressional defense committees and the Committee on Governmental Affairs of the Senate and the Committee on Governmental Reform of the House of Representatives no later than June 15, 2005, on the Department's strategy for addressing any such overlapping responsibilities and inefficient and/or duplicative procedures, including any legislative changes that the Secretary may choose to recommend.

Revision and extension of authority for advisory panel on review of government procurement laws and regulations

The Senate amendment contained a provision (sec. 805) that would revise and extend the authority for the advisory panel on the review of government procurement laws and regulations established by section 1423 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

The House bill contained no similar provision.

The Senate recedes.

Amendments to domestic source requirements

The House bill contained a provision (sec. 812) that would amend section 2533a of title 10, United States Code, also known as the Berry Amendment, to require the Secretary of Defense to notify Congress and the public when the Secretary exercises a waiver and describe certain covered items as clothing.

The Senate amendment contained no similar provision.

The House recedes.

Grant program for defense contractors to implement strategies to avoid outsourcing of jobs

The House bill contained a provision (sec. 814) that would authorize the Secretary of Defense to award grants to qualified defense contractors in order to assist the contractor in avoiding the outsourcing of jobs.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that improving competitiveness in the defense industrial base is an effective method of retaining domestic defense jobs and reducing the pressure to outsource jobs.

The conferees recommend that the Secretary of Defense establish a program to encourage qualified defense contractors to implement cost reduction strategies that would improve competitiveness to avoid the outsourcing of jobs. Examples of such strategies could include retraining employees, plant upgrades, technology development, and other production cost-cutting measures.

Preference for domestic freight forwarding services

The House bill contained a provision (sec. 815) that would require the Secretary of Defense to grant preferences to freight forwarder companies owned and controlled by U.S. citizens that offer fair and reasonable rates in the award of transportation service contracts for transportation services to, from, or within Iraq or Afghanistan.

The Senate amendment contained no similar provision.

The House recedes.

Sense of the Senate of effects of cost inflation on the value of the contracts to which a small business contract reservation applies

The Senate amendment contained a provision (sec. 816) that would express the sense of the Senate that the thresholds for the requirement for the reservation of contracts for small businesses and the use of simplified acquisition procedures should be adjusted in the same amount when adjusting these thresholds for inflation.

The House bill contained no similar provision.

The Senate recedes.

Extension of contract goal for small disadvantaged businesses and certain institutions of higher education

The Senate amendment contained a provision (sec. 821) that would extend section 2323 of title 10, United States Code, for three years.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that section 2323, which establishes a 5 percent goal for Department of Defense contracting with small disadvantaged businesses and certain institutions of higher education, would continue to be effective until September 2006, and that a decision on whether to extend this authority will be deferred to later legislation.

Defense acquisition workforce limitations

The House bill contained a provision (sec. 823) that would require a 5 percent reduction in the number of defense acquisition and support personnel in the Department of Defense on or before October 1, 2005.

The Senate amendment contained a provision (sec. 841) that would require a 15 percent increase in the defense acquisition and support workforce during fiscal years 2005 through 2007.

The conference report does not include either provision.

Provision of information to Congress to enhance transparency in contracting

The House bill contained a provision (sec. 824) that would require the Secretary of Defense to provide information on contracts and task or delivery orders to the chairmen or ranking members of the Committees on Armed Services of the Senate and the House of Representatives, within 14 days of the request.

The Senate amendment contained no similar provision.

The House recedes.

Requirement to treat sureties in same manner as financing institutions when contractors default

The House bill contained a provision (sec. 825) that would require that sureties be treated in the same manner as financing institutions in cases of contractor default.

The Senate amendment contained no similar provision.

The House recedes.

Provisions relating to creation of jobs in the United States by defense contractors

The House bill contained a provision (sec. 826) that would require that the creation of jobs in the United States be used as an evaluation factor in defense procurements.

The Senate amendment contained no similar provision.

The House recedes.

Commission on the future of the national technology and industrial base

The Senate amendment contained a provision (sec. 831) that would require the President to establish a commission to assess the future of the national technology and industrial base as defined by section 2500 of title 10, United States Code.

The House bill contained no similar provision.

The Senate recedes.

Waiver authority for domestic source or content requirements

The Senate amendment contained a provision (sec. 832) that would provide the Secretary of Defense the authority to waive the application of statutory domestic source requirements and domestic content requirements for those countries who have signed a Declaration of Principles on defense trade with the United States.

The House bill contained no similar provision.

The Senate recedes.

Consistency with United States obligations under trade agreements

The Senate amendment contained a provision (sec. 833) that would require that no provision of this Act, or any amendment made by this Act, shall apply if the Secretary of Defense, in consultation with the Secretary of Commerce, the U.S. Trade Representative, and the Secretary of State determines that the application of the provision would be inconsistent with international trade agreements of the United States.

The House bill contained no similar provision.

The Senate recedes.

Repeal of certain requirements and limitations relating to the defense industrial base

The Senate amendment contained a provision (sec. 834) that would repeal sections 812, 813, 814, and 821 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

The House bill contained no similar provision.

The Senate recedes.

Report on contractor performance of security, intelligence, law enforcement, and criminal justice functions in Iraq

The Senate amendment contained a provision (sec. 865) that would require the Secretary of Defense to report to the congressional defense committees on contractor performance of security, intelligence, law enforcement, and criminal justice functions in Iraq.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to include the intent of this provision in a related provision in this conference report.

Accreditation study of commercial, off-the-shelf processes for evaluating information technology products and services

The Senate amendment contained a provision (sec. 866) that would require the Secretary of Defense to carry out a study of commercial, off-the-shelf processes available to measure the quality of information technology, and to determine whether to accredit such a process for use in procurement of information technology and related services throughout the Department of Defense.

The House bill contained no similar provision.

The Senate recedes.

Energy savings performance contracts

The Senate amendment contained a provision (sec. 869) that would require the Secretary of Defense to exercise existing authority to introduce life-cycle, cost-effective upgrades to federal assets through shared, energy savings contracting; demand management programs; and utility incentive programs.

The House bill contained no similar provision.

The Senate recedes.

Comptroller General analysis of use of transitional benefit corporations in connection with competitive sourcing of performance of Department of Defense activities and functions

The Senate amendment contained a provision (sec. 1029) that would require the Comptroller General to review the potential for use of transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense.

The House amendment contained no similar provision.

The Senate recedes. The manner in which employee benefits are addressed in public-private competitions is addressed in a separate section of the conference report.

Study of effect on defense industrial base of elimination of United States domestic firearms manufacturing base

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to submit to the congressional defense committees, within 60 days of enactment of this Act, a report detailing the impact on military readiness and the defense industrial infrastructure of the elimination of the U.S. domestic firearms manufacturing base as a result of ongoing civil litigation.

The Senate amendment contained no similar provision.

The House recedes.

Determination of whether private air carriers are controlled by United States citizens for purposes of eligibility for government contracts for transportation of passengers or supplies

The House bill contained a provision (sec. 1063) that would amend section 2710 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11), to clarify that the Secretary of Transportation is responsible for certifying whether an air carrier is effectively controlled by citizens of the United States.

The Senate amendment contained no similar provision.

The House recedes.

Report on offset requirements under certain contracts

The Senate amendment contained a provision (sec. 1093) that would add additional reporting requirements to the report required under section 8138(b) of the Department of Defense Appropriations Act for Fiscal Year 2004 (Public Law 108–199).

The House bill contained no similar provision.

The Senate recedes.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Duties and Functions of Department of Defense

Study of roles and authorities of the Director of Defense Research and Engineering (sec. 901)

The Senate amendment contained a provision (sec. 911) that would require the Secretary of Defense, through the Defense Science Board, to carry out a study of the roles and authorities of the Director, Defense Research and Engineering.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Change of membership of specified council (sec. 902)

The House bill contained a provision (sec. 905) that would amend sections 171 and 179, title 10, United States Code, to include the Commandant of the Coast Guard as a member of the Armed Forces Policy Council

(AFPC) and include the Under Secretary of Defense for Policy (USD,P) on the Nuclear Weapons Council (NWC).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would include the USD,P on the NWC, but would leave the membership of the AFPC unchanged.

The conferees believe that the addition of the USD,P should allow the other members of the NWC to become more closely involved with nuclear related policy decisions. Additionally, the change will make the decisions that flow from the NWC more responsive to policy direction. The conferees note that this is the first time an additional member has been added to the NWC since its inception in 1987. The conferees expect the next two annual reports of the NWC required by subparagraph (f) of section 179 of title 10, United States Code, will discuss implementation of this provision.

Subtitle B—Space Activities

Space posture review (sec. 911)

The Senate amendment contained a provision (sec. 1031) that would require the Secretary of Defense, jointly with the Director of Central Intelligence, to conduct a comprehensive review of the space posture of the United States for the period of the next 10 years. The provision also would require the Secretary and Director to provide an interim report on that review to congressional defense and intelligence committees by March 15, 2005 and a final report by December 31, 2005.

The House bill amendment contained no similar provision.

The House recedes with a clarifying amendment.

Panel on the future of national security space launch (sec. 912)

The Senate amendment contained a provision (sec. 1032) that would establish a panel to examine the future military space launch requirements of the United States and the means of meeting such requirements.

The House bill contained no similar provision.

The House recedes with an amendment that would establish a panel to examine the future national security space launch requirements of the United States and the means of meeting such requirements.

The conferees expect that the panel will consider the full range of national security space launch requirements.

Operationally responsive national security satellites (sec. 913)

The Senate amendment contained a provision (sec. 1033) that would establish a separate program element for operationally responsive satellite payloads managed by the Office of Force Transformation of the Office of the Secretary of Defense. The provision would also authorize $25.0 million for the new program element.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees agree to authorize an increase of $20.0 million in PE 65799D8Z for operationally responsive payloads.

Nondisclosure of certain products of commercial satellite operations (sec. 914)

The Senate amendment contained a provision (sec. 1034) that would exempt from disclosure under the Freedom of Information Act (FOIA), section 552 of title 5, United States Code, data that are collected by land remote sensing and are prohibited from sale to customers other than the United States and its affiliated users under the Land Remote Sensing Policy Act of 1992, section 5601 et seq. of title 15, United States Code. The exemption would also include any imagery and other product that is derived from such data. State and local laws mandating disclosure would be preempted.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the restrictions imposed on such data or imagery are imposed for reasons of national security pursuant to the terms of operating licenses issued pursuant to the Land Remote Sensing Policy Act, and that would extend the preemption to include tribal law. The amendment would also provide that nothing in this section shall be construed to authorize the withholding of information from Congress.

Subtitle C—Intelligence-Related Matters

Two-year extension of authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities abroad (sec. 921)

The House bill contained a provision (sec. 1071) that would amend section 431(a) of title 10, United States Code, to extend by two years, to December 31, 2006, the authority of the Secretary of Defense to engage in commercial activities necessary to provide security for authorized intelligence collection activities abroad.

The Senate amendment contained an identical provision (sec. 1062).

The conference agreement includes this provision.

Pilot program on cryptologic service training (sec. 922)

The Senate amendment contained a provision (sec. 1090) that would allow the Director of the National Security Agency (NSA) to establish a pilot program for cryptologic service training by way of scholarships for college study in order to increase the number of qualified language analysts and intelligence analysts available to work at NSA or other elements of the intelligence community.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Other Matters

Strategic plan for destruction of lethal Chemical Agents and Munitions Stockpile (sec. 931)

The conferees agree to include a provision that would require the Under Secretary of Defense for Acquisition, Technology and Logistics and the Secretary of the Army, who is responsible for executing the Chemical Agents and Munitions Destruction program, to jointly prepare a strategic plan for the future activities of the Chemical Demilitarization program. The plan shall include, at a minimum, consideration of realistic budgeting for stockpile destruction and related support programs; contingency planning for foreseeable or anticipated problems; and a management approach and associated actions that are designed to ensure full compliance with U.S. obligations under the Chemical Weapons Convention, and that take full advantage of opportunities to accelerate destruction of the chemical stockpile. The plan shall be updated yearly, and submitted each year by the Secretary of Defense to the Committees on Armed Services of the Senate and the House of Representatives with the President's budget submission for the next fiscal year.

Secretary of Defense criteria for and guidance on identification and internal transmission of critical information (sec. 932)

The House bill contained a provision (sec. 908) that would require the Secretary of Defense to establish criteria for determining the types of critical information required to be made known expeditiously to senior decision makers in the Department of Defense. The Secretary should provide guidance for the purpose of identifying such information to the secretaries of the military departments, the commanders of deployed forces, and other elements of the Department. The provision would also establish minimum criteria for such information, and would require the Secretary to establish a policy for the expeditious transmission of any report or evaluation at any level of the Department that results in the identification of any such information to the Secretary and the Joint Chiefs of Staff. The guidance is to be issued by the Secretary not later than 90 days after enactment.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Change in title of Secretary of the Navy to Secretary of the Navy and Marine Corps

The House bill contained a provision (sec. 901) that would change the title of the Secretary of the Navy to the Secretary of the Navy and Marine Corps.

The Senate amendment contained no similar provision.

The House recedes.

Transfer of Center for the Study of Chinese Military Affairs from the National Defense University to United States-China Economic and Security Review Commission

The House bill contained a provision (sec. 902) that would transfer the Center for the Study of Chinese Military Affairs at the National Defense University, established in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) to the United States-China Economic and Security Review Commission, established in the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note their strong support for having a Center for the Study of Chinese Military Affairs at the National Defense University, and urge the Secretary of Defense to provide the Institute for National Strategic Studies at the National Defense University with sufficient resources to support a fully operational China Center.

Transfer to Secretary of the Army responsibility for Assembled Chemical Weapons Alternatives program.

The House bill contained a provision (sec. 903) that would transfer oversight of the Assembled Chemical Weapons Alternatives program from the Under Secretary of Defense for Acquisition, Technology and Logistics to the Secretary of the Army, and would require the Army to fully implement the alternative technologies previously selected for destruction of lethal chemical munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

The Senate amendment contained no similar provision.

The House recedes.

Modification of obligated service requirements under National Security Education Program

The House bill contained a provision (sec. 904) that would amend section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) to modify service requirements, allow service to be conducted in additional agencies of government, establish time frames for commencement of service, and clarify minimum length of service.

The Senate Amendment contained no similar provision.

The House recedes.

Responses to congressional inquiries

The House bill contained a provision (sec. 907) that would require the Secretary of Defense and other Department of Defense officials to respond to questions for the record from hearings of the Committees on Armed Services of the Senate and the House of Representatives within 21 days of receiving such questions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that Department officials frequently take months to respond to questions for the record.

The two committees conduct hearings to inform Congress and the public on significant issues regarding the operations of the Department. These hearings often serve as the basis for legislative, budget, and policy positions of the two committees. Because officials of the Department are not always prepared to respond to the full range of questions at such hearings, questions for the record form an important part of the record of such hearings.

Lengthy delays in responding to questions for the record are contrary to the public interest because they delay the availability of critical information to Congress and the public. In many cases, responses are not made available until after the committees have made decisions on legislative, budget, and policy matters to which the information relates. This is not in the interest of either the Congress or the Department.

The conferees recognize that questions for the record for some hearings are extensive and that, in some instances, the compilation of answers and responses can and does require detailed research and discussion prior to their transmission to the Congress. For this reason, the conferees have determined that it would not be practical to establish a single, uniform deadline for all responses to questions for the record.

Overall, however, the Department must do a far better job of responding to questions for the record than it has in the recent past. Accordingly, the conferees direct the Secretary of Defense and other officials of the Department to respond to questions for the record within 21 days of receiving such questions, unless the Secretary or other official has informed the committee concerned in writing that he or she will be unable to meet the 21-day deadline and stated the date by which the questions will be answered.

The conferees note that the Members of the congressional defense committees frequently request information from the Department through letters, meetings, and other mechanisms. The conferees expect that officials of the Department will respond promptly to such inquiries as well.

Directors of Small Business Programs

The Senate amendment contained a provision (sec. 912) that would change the title of the Department of Defense's Office of Small and Disadvantaged Business Utilization to the Office of Small Business Programs.

The House bill contained no similar provision.

The Senate recedes.

TITLE X—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Coordination of Department of Defense Homeland Defense/Homeland Security Initiative in Support of First Responders

The conferees remain concerned about the level of planning and coordination between the Department of Defense and other federal departments and agencies that the Department might be called upon to assist in cases of natural or man-made disasters.

Therefore, the conferees direct the Secretary of Defense to provide the Committees on Armed Services of the Senate and the House of Representatives a report by March 5, 2005, detailing the Department's strategy and plans to coordinate with the Department of Homeland Security (DHS), the Department of Justice (DoJ), and state, local and tribal governments on command, control and communication problems encountered during man-made and natural disasters. Additionally, the report shall address technology developments and interoperability issues that exist or may exist between the Department and other federal departments, and state, local and tribal first responders, as well as possible solutions to resolve such issues. The conferees encourage the Department to continue its efforts to identify technologies that may serve homeland security purposes, and to make such technologies available to DHS, DoJ and the first responder community.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Financial Matters

Transfer Authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would provide $3.0 billion in transfer authority among accounts in division A of this Act for fiscal year 2005.

The Senate amendment contained a similar provision (sec. 1001).

The conferees agree to a provision that provides $3.5 billion in transfer authority.

United States contribution to NATO common-funded budgets in fiscal year 2005 (sec. 1002)

The Senate amendment contained a provision (sec. 1002) that would authorize the U.S. contribution to North Atlantic Treaty Organization (NATO) common-funded budgets for fiscal year 2005, including the use of unexpended balances. The resolution of ratification for the Protocol to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic contained a provision (section 3(2)(c)(ii))requiring a specific authorization for U.S. payments to the common-funded budgets of NATO for each fiscal year, beginning in fiscal year 1999, that payments exceed the fiscal year 1998 total.

The House bill contained no similar provision.

The House recedes.

Budget justification documents for operation and maintenance (sec. 1003)

The House bill contained a provision (sec. 1002) that would amend section 232 of title 10, United States Code, to require additional information be provided with the annual Department of Defense operation and maintenance (O&M) budget presentation, including: the baseline costs for programs in which there is an identified program increase or decrease; the amount of funds requested for personal service contracts and the number of personal service contractors expected to be compensated at an annual rate in excess of the annual rate of pay for the Vice President; identification by the Department of the Navy of funding requested for ship depot maintenance and funding requested for intermediate depot maintenance; and the average civilian salary cost by sub-activity group as a component of the personnel summary. The provision would also require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2005 that catalogues the elements of ''other costs'' and ''other contracts'' which are currently used in the O&M justification materials of the budget request.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 232 of title 10, United States Code, to require additional information be provided with the Department of Defense annual O&M budget presentation, including: the baseline costs for programs in which there is an identified program increase or decrease; and identification by the Department of the Navy of funding requested for ship depot maintenance and funding requested for intermediate depot maintenance. The amendment would also require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by March 1, 2005 that catalogues the elements of other costs and other contracts which are currently used in justification materials of the budget request.

The conferees note that the Committees on Armed Services of the Senate and the House of Representatives will continue to work with the Department and the services to improve the information included in the annual O&B budget submissions.

Licensing of intellectual property (sec. 1004)

The House bill contained a provision (sec. 1003) that would authorize the Secretary concerned, under regulations prescribed by the Secretary of Defense, to license trademarks, service marks, certification marks, and collective marks owned by a military department, and to retain and expend fees received from such licensing. Fees received in excess of the costs of registration and licensing could be expended for recruiting and retention and morale, welfare, and recreation activities of the military department.

The Senate amendment contained a provision (sec. 1064) that would provide similar authority, but would limit the use of excess fees to morale, welfare, and recreation activities of the military department.

The House recedes with a technical amendment.

Repeal of funding restrictions concerning development of medical countermeasures against biological warfare threats (sec. 1005)

The House bill contained a provision (sec. 1005) which would repeal Section 2370a of title 10, United States Code that set statutory limits on funding concerning the development of medical countermeasures against biological warfare threats.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees intend to monitor the expenditure of funds in this account and expect the Department of Defense to provide briefings to the congressional defense committees on this issue. Although the statutory limits are being lifted, the conferees remain concerned that sufficient funding is not being requested or expended in the various categories for medical countermeasures against biological warfare threats. The conferees urge the Department to program more robust funding for biological defense programs consistent with the needs and objectives of these programs, and expect the Department to use the money authorized to develop medical countermeasures against biological warfare threats.

Report on budgeting for exchange rates for foreign currency fluctuations (sec. 1006)

The House bill contained a provision (sec. 1006) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and House of Representatives a report on the foreign currency exchange rate projection used in annual Department of Defense budget presentations.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Fiscal year 2004 transfer authority (sec. 1007)

The House bill contained a provision (sec. 1007) that would provide $3.0 billion in transfer authority among accounts in division A of this Act for fiscal year 2004.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide $2.8 billion in transfer authority.

Clarification of fiscal year 2004 funding level for a National Institute of Standards and Technology account (sec. 1008)

The Senate amendment contained a provision (sec. 1092) that would clarify fiscal year 2004 funding for programs under the National Institute of Standards and Technology Industrial Technology Services account.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Notification of fund transfers from working capital funds (sec. 1009)

The Senate amendment contained a provision (sec. 312) that would limit the transfer of funds out of, or among, working capital funds. The provision requires the Secretary of Defense to notify the Congress when such transfers are made. The Department of Defense should submit prior approval reprogramming requests, DD Forms 1415–1, to the congressional defense committees in accordance with established procedures.

The House bill contained no similar provision.

The House recedes.

Charges for Defense Logistics Information Services materials (sec. 1010)

The Senate amendment contained a provision (sec. 361) that would permit the Defense Logistics Information Services, a division of the Defense Logistics Agency, to develop a fee schedule for charging public and private entities for copies of materials from the Federal Logistics Information System (FLIS). The FLIS is a management system designed to collect, store, process, and provide item-related logistics information. This information often is used by private entities doing or seeking business with the Department of Defense.

The House bill contained no similar provision.

The House recedes.

Subtitle B—Naval Vessels and Shipyards

Authority for award of contracts for ship dismantling on net-cost basis (sec. 1011)

The House bill contained a provision (sec. 1011) that would allow the Secretary of the Navy to award contracts for the dismantling of vessels stricken from the Naval Vessel Register on a net-cost basis.

The Senate amendment contained a similar provision (sec. 1013).

The Senate recedes.

Use of proceeds from exchange and sale of obsolete Navy service craft and boats (sec. 1012)

The Senate amendment contained a provision (sec. 1011) that would allow the Secretary of the Navy to retain the proceeds of the sale, or exchange allowance from the exchange, of obsolete service craft and obsolete boats. The Secretary would be allowed to use these proceeds or exchange allowances for specified purposes.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that restructures the items within the provision.

Transfer of Naval vessels to certain foreign recipients (sec. 1013)

The House bill contained a provision (sec. 1013) that would authorize the President: (1) to transfer on a grant basis to the government of Chile, the Spruance-class destroyer *O'Bannon* (DD 987) and (b) to the government of Portugal, the Oliver Hazard Perry-class frigate *George Phillip* (FFG 12); and (2) to transfer on a sale basis to the Taipei Economic and Cultural Office of the United States, the Anchorage-class dock landing ship *Anchorage* (LSD–36). The provision would also direct that: (1) any expense incurred by the United States in connection with a transfer on a grant basis shall be charged to the recipient; and (2) to the maximum extent possible, the President shall require, as a condition of transfer, the repair and refurbishment associated with the transfer be accomplished in a shipyard located in the United States.

The Senate amendment contained a similar provision (sec. 1014) that would authorize the Secretary of the Navy: (1) to transfer on a grant basis to the government of Chile, the Spruance-class destroyer *O'Bannon* (DD 987) and to the government of Portugal, the Oliver Hazard Perry-class frigates *George Phillip* (FFG 12) and *Sides* (FFG 14); and (2) to transfer on a sale basis to the Taipei Economic and Cultural Office of the United States, the Anchorage-class dock landing ship *Anchorage* (LSD–36) and (b) to the government of Chile, the Spruance-class destroyer *Fletcher* (DD 992). The provision would also direct that any expense incurred by the United States in connection with a transfer authorized by this provision be charged to the recipient.

The House recedes with an amendment that would authorize the President: (1) to transfer on a grant basis to the government of Chile, the Spruance-class destroyer *O'Bannon* (DD 987) and to the government of Portugal, the Oliver Hazard Perry-class frigates *George Phillip* (FFG 12) and *Sides* (FFG 14); and (2) to transfer on a sale basis to the Taipei Economic and Cultural Office of the United States, the Anchorage-class dock landing ship *Anchorage* (LSD–36) and to the government of Chile, the Spruance-class destroyer *Fletcher* (DD 992). The amendment would also direct that any expense incurred by the United States in connection with a transfer authorized by this provision be charged to the recipient.

Independent study to assess cost-effectiveness of the Navy ship construction program (sec. 1014)

The House bill contained a provision (sec. 1012) that would require the Secretary of Defense to have a study conducted by an entity independent of the Department of Defense on the cost-effectiveness of the ship construction program of the Navy. The study would examine various approaches for how the Navy ship construction program could be made more cost-effective in the near-term, and how the United States shipbuilding industry might be made globally competitive through a nationally integrated effort over the next decade.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide for a group of industrial experts to assess priorities for potential implementation of the various approaches in the near-term study, with an assessment of the return on investment. It would also require an assessment of priorities for potential implementation of the various approaches for the nationally, integrated effort, with the objective being to create a healthier and more viable U.S. shipbuilding industrial base.

The conferees believe the group chosen for this study should be five to ten industrial experts who represent an array of industrial sectors, not just the shipbuilding industry. Many sectors of the U.S. industrial base have had to retool processes and equipment to become more competitive. Since the rate of shipbuilding is much lower, competitiveness has not provided the same incentive for this sector. The conferees are aware of and support the work of the National Shipbuilding Research Program-Advanced Shipbuilding Enterprise (NSRP–ASE), including its lean shipbuilding initiative. The conferees would expect the group of industrial experts chosen for this study to become familiar with this work, and to consider the potential for using the NSRP–ASE to implement some of the various approaches.

Limitation on disposal of obsolete naval vessel (sec. 1015)

The Senate amendment contained a provision (sec. 1012) that would not allow the Secretary of the Navy to dispose of the decommissioned destroyer ex-*Edson* (DD–946) to a nonprofit organization before October 1, 2007, unless the Secretary first determines that there is no nonprofit organization that meets the criteria for donation of that vessel under section 7306(a)(3) of title 10, United States Code.

The House bill contained no similar provision.

The House recedes.

Subtitle C–Counterdrug Matters

Use of funds for unified counterdrug and counterterrorism campaign in Colombia (sec. 1021)

The Senate amendment contained a provision (sec. 1052) that would extend through fiscal year 2006, the expanded authority for the Department of Defense to use counterdrug funds to support the Government of Colombia's unified campaign against narcotics cultivation and trafficking, and against the terrorist organizations involved in such drug trafficking activities. The provision would also change the limitation on the number of U.S. military personnel assigned to Colombia in support of Plan Colombia to 800 personnel, and the number of federally funded contractor personnel employed in support of Plan Colombia to 600 personnel.

The House bill contained similar provisions (sec. 1031 and 1032) that would extend the expanded authority through fiscal year 2006 and would increase the number of U.S. military personnel in Colombia to 500.

The House recedes.

Sense of Congress and report regarding counterdrug efforts in Afghanistan (Sec. 1022)

The Senate amendment contained a provision (sec. 1056) that would express the sense of the Senate that: (1) the President should make the substantial reduction of drug trafficking in Afghanistan a priority in the war on terror; (2) the Secretary of Defense should, in coordination with the Secretary of State, work to a greater extent with the Government of Afghanistan and international organizations involved in counterdrug activities to provide a secure environment for counter-drug personnel in Afghanistan; and (3) additional efforts should be made by the Armed Forces of the United States, with coalition forces, to significantly reduce narcotics trafficking in Afghanistan, with particular focus on those traffickers with the closest links to known terrorist organizations. The provision also directed the Secretary of Defense to submit a report to Congress on progress made towards substantially reducing the poppy cultivation and heroin production capabilities in Afghanistan, and the extent to which profits from illegal drug activity in Afghanistan fund terrorist organizations and support groups that seek to undermine the Government of Afghanistan.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of the Congress that: (1) the President should make the substantial reduction of illegal drug trafficking in Afghanistan a priority in the global war on terrorism; (2) the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in the counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and (3) the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries. The conferees further agree that the Secretary of Defense and the Secretary of State will jointly submit the aforementioned report.

The conferees note that there are strong, direct connections between terrorism and drug trafficking, and that the elimination of this funding source is critical to making significant progress in the global war on terror. It is clear that the military action against the Taliban in Afghanistan was designed, in part, to disrupt the activities of and financial support for terrorists. While progress in disrupting the financial links has been made, it is clear that some of the profits associated with opium harvested in Afghanistan continue to fund terrorists and terrorist organizations, including Al Qaeda, that seek to attack the United States and its interests. Additionally, the President of Afghanistan, Hamad Karzai, has stated that opium production poses a significant threat to the future of Afghanistan, and has established a plan of action to deal with this threat. It is for these and other reasons that the conferees believe that the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries. The conferees believe that the Department of Defense, in conjunction with other U.S. agencies and coalition partners, must have a comprehensive strategy that provides consistent funding from year to year to achieve significant progress in reducing drug cultivation, trafficking, and related activities in Afghanistan.

Subtitle D—Matters Relating to Museums and Commemorations

Recognition of the Liberty Memorial Museum, Kansas City, Missouri, as America's National World War I Museum (sec. 1031)

The House bill contained a provision (sec. 354) that would express the sense of Congress that the Liberty Memorial Museum in Kansas City, Missouri, is recognized as ''America's National World War I Museum.''

The Senate amendment contained a similar provision (sec. 1078).

The Senate recedes with technical amendments.

Program to Commemorate 60th Anniversary of World War II (sec. 1032)

The Senate amendment contained a provision (sec. 365) that would authorize the Secretary of Defense to conduct a program to commemorate the 60th anniversary of World War II and to coordinate, support, and facilitate other such commemoration programs and activities of the Federal, State, and local governments, and other persons.

The House bill contained no similar amendment.

The House recedes.

Annual report on Department of Defense operation and financial support for military museums (sec. 1033)

The House bill contained a provision (sec. 341) that would amend chapter 23 of title 10, United States Code, to require the Secretary of Defense to include in the annual budget justification materials a complete inventory of military museums operated with funds appropriated to the Department of Defense or the military services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add a reporting requirement for the Secretary to describe the management structure of each museum. The amendment would also add a reporting requirement for the Secretary to provide information on the prioritization process within the Department and within each military department for funds allocation and personnel support for museums.

While the conferees agree that military museums serve an important role in the preservation of the history and heritage of the U.S. military, the conferees are concerned that the proliferation of military museums nationwide may be draining fiscal resources needed for other requirements. The conferees expect that the information to be provided by the Secretary will be used as a database for future discussions with the Department about the effective management of military museums.

Subtitle E—Reports [Not Provided for Elsewhere]

Quarterly detailed accounting for operations conducted as part of the global war on terrorism (sec. 1041)

The Senate amendment contained a provision (sec. 1029D) that would require the Secretary of Defense to provide to the congressional defense committees quarterly reports on the costs incurred by the Department of Defense for all operations in the global war on terrorism. In addition to the reports required by this provision, the conferees expect the Department to continue to provide to the legislative branch timely access to monthly contingency cost reports.

The House bill amendment contained no similar provision.

The House recedes with a technical amendment.

Report on post-major combat operations phase of Operation Iraqi Freedom (sec. 1042)

The Senate amendment contained a provision (sec. 1028) that would require a report on aspects of the post-major combat operations phase of Operation Iraqi Freedom.

The House bill contained no similar provision.

The House recedes with an amendment that would change the due date of the report to June 1, 2005, and would include an assessment of the organization of U.S Central Command to conduct post-conflict operations and related lessons learned.

Report on training provided to members of the Armed Forces to prepare for post-conflict operations (sec. 1043)

The Senate amendment contained a provision (sec. 1024) that would direct the Secretary of Defense to conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training. The provision would direct the Secretary to submit a report to Congress on the assessment not later than May 1, 2005.

The House bill contained a similar provision (sec. 1043).

The House recedes with a clarifying amendment.

Report on establishing national centers of excellence for unmanned aerial and ground vehicles (sec. 1044)

The Senate amendment contained a provision (sec. 1027) that would require the Secretary of Defense to submit a report to the congressional defense committees on the need for one or more national centers of excellence for unmanned aerial and ground vehicles. The provision also defines the goals of the centers and other considerations to be included in the preparation of this report.

The House bill contained no similar provision.

The House recedes with a technical amendment to clarify certain elements of the provision.

Study of continued requirement for two-crew manning for ballistic missile submarines (sec. 1045)

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to submit to the congressional defense committees a report on whether the requirement for two-crew manning of fleet ballistic missile submarines should be continued, modified, or terminated.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on Department of Defense programs for prepositioning of materiel and equipment (sec. 1046)

The House bill contained a provision (sec. 342) that would direct the Secretary of Defense to conduct an assessment of the programs of the Department of Defense for the prepositioning of materiel and equipment. The provision would direct the Secretary to submit a report to Congress on the assessment not later than October 1, 2005.

The Senate amendment contained no similar amendment.

The Senate recedes with a clarifying amendment.

Report on al Qaeda activity in the Western Hemisphere (sec. 1047)

The conferees agree to include a provision that would direct the Secretary of State, in consultation with the Secretary of Defense and the Director of Central Intelligence, to submit to the appropriate committees of Congress a report on any al Qaeda activity in the Western Hemisphere, including fundraising, affiliations with other groups in the region, and possible targets for attack; and on United States policies that are designed to address such activities. The provision would require that an unclassified report, with a classified annex as necessary, be submitted no later that 180 days after the date of the enactment of this Act. The conferees note their concern about potential al Qaeda activity in the Western Hemisphere, and the indirect and direct threat to United States national security that such activity represents.

Subtitle F—Defense Against Terrorism [and Other Domestic Security Matters]

Acceptance of communications equipment provided by local public safety agencies (sec. 1051)

The Senate amendment contained a provision (sec. 1041) that would allow military installations that have Memoranda of Understanding or Memoranda of Agreement with state and local first responders to accept ham radios or communication equipment on an interim basis until interoperability of communications has been established.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Determination and report on full-time airlift support for homeland defense operations (sec. 1052)

The Senate amendment contained a provision (sec. 1042) that would instruct the Secretary of Defense to determine the feasibility and advisability of dedicating a full-time airlift capability to support homeland defense operations.

The House bill contained no similar provision.

The House recedes with an amendment that would instruct the Secretary to also consider the transportation requirements of the newly established National Guard Chemical, Biological, Radiological, Nuclear and High Explosive Enhanced Response Force Packages.

Survivability of critical systems exposed to chemical or biological contamination (sec. 1053)

The Senate amendment contained a provision (sec. 1043) that would direct the Secretary of Defense to submit a plan to the Committees on Armed Services of the Senate and the House of Representatives that describes the Department of Defense's systematic approach for ensuring the survivability of defense critical systems exposed to chemical or biological contamination.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle G—Personnel Security Matters

Use of National Driver Register for personnel security investigations and determinations (sec. 1061)

The House bill contained a provision (sec. 1051) that would amend title 49, United States Code, to authorize access to the National Driver Register by federal departments and agencies for use in personnel security investigations and for use in personnel investigations with regard to federal employment.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the federal employment contemplated in the provision is employment requiring access to national security information, and that the department or agency receiving such information may use that information only for the purpose of the authorized investigation, in accordance with applicable law.

Standards for disqualification from eligibility for Department of Defense security clearance (sec. 1062)

The House bill contained a provision (sec. 1052) that would amend section 986 of title 10, United States Code, to clarify a standard for disqualification and would allow delegation of waiver authority, in accordance with standards and procedures establish by Executive order or other Presidential guidance.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle H—Transportation-Related Matters

Use of military aircraft to transport mail to and from overseas locations (sec. 1071)

The House bill contained a provision (sec. 1061) that would provide the Secretary of Defense the authority to use military aircraft to transport mail and parcels to, from, and between overseas locations. This authority, however, would be limited to the following circumstances:

(1) There is excess space on a scheduled military flight;

(2) There is no overall cost increase to the Department of Defense or the U.S. Postal Service;

(3) The U.S. Transportation Command would pay the cost of transporting mail from U.S. Postal Service to customs clearance facilities and military debarkation locations at rates not to exceed Department of Transportation rates for commercial airlines;

(4) There is no degradation of mail service; and

(5) There is no diversion of such military aircraft during contingencies or other events.

The Senate amendment contained no similar provision.

The Senate recedes.

Reorganization and clarification of certain provisions relating to control and supervision of transportation within the Department of Defense (sec. 1072)

The House bill contained a provision (sec. 1062) that would amend sections 4744 through 4747 of title 10, United States Code, by moving these sections from chapter 47 to chapter 26. This section would also repeal sections 9741, 9743, and 9746 of title 10, United States Code. These changes reflect the Secretary of Defense's role in transportation versus the individual role of the service secretaries.

The Senate amendment contained no similar provision.

The Senate recedes.

Evaluation of procurement practices relating to transportation of security-sensitive cargo (sec. 1073)

The House bill contained a provision (sec. 1064) that would require the Secretary of Defense to evaluate whether, and under what conditions, in the award of service contracts for domestic freight transportation for security-sensitive cargo, the Secretary should not consider an offer or tender from more than one motor carrier that is a part of a group of motor carriers under common financial or administrative control. The provision would also direct the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives with the results of the evaluation not later than January 1, 2005.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary to evaluate the award of service contracts for domestic freight transportation for security-sensitive cargo (such as arms, ammunition, explosive, and classified material) to determine whether such practices are in the best interest of the Department of Defense, and would direct the Secretary to submit a report to the Committees on Armed Services of the Senate and the House of Representatives with the results of the evaluation not later than January 1, 2005.

Subtitle I—Other Matters

Liability protection for Department of Defense volunteers working in maritime environment (sec. 1081)

The House bill contained a provision (sec. 1075) that would modify section 1588 of title 10, United States Code, to add the training of cadets and midshipmen at the service academies to the voluntary services that may be accepted, and include chapters 20 and 22 of title 46 to the laws covered by this provision.

The Senate amendment contained a provision (sec. 1063) that would extend to volunteers working in the maritime training environment the same status and legal protections, for purposes of claims and loss, presently available to volunteers working in support of land-based programs.

The House recedes with an amendment that would modify section 1588 of title 10, United States Code, to add chapters 20 and 22 of title 46 Appendix to the provisions of law listed in subparagraph (d) with the intent of not limiting the liability protection afforded volunteers in the maritime environment only to the service academies.

The conferees appreciate the importance of voluntary services provided by individuals for the benefit of soldiers, sailors, airmen, and marines and their families. As reflected in section 1588 of title 10, United States Code, voluntary services are received in connection with a wide variety of programs and activities. Under many circumstances, the ability of the services to offer protection from personal liability is a necessary condition for the acceptance of voluntary services. This is not always the case; however, and the criteria for identifying those functions and voluntary services appropriate for inclusion in section 1588 are not evident.

The conferees direct the Secretary of Defense to submit a report by June 1, 2005, to the Committees on Armed Services of the Senate and the House of Representatives describing the manner in which the Department of Defense currently determines what voluntary services to accept, which of the accepted services warrant liability protection, and how the Department oversees their delivery under section 1588. The Secretary should prescribe the policy of the Department of Defense regarding the acceptance of voluntary services and, in consultation with the Department of Justice, submit proposals for legislative changes, if needed. The conferees urge the Department of Defense to develop policies and procedures that will enable commands and activities to appropriately accept and supervise voluntary services and, when called for, afford immunity from personal liability.

Sense of the Congress concerning media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas (sec. 1082)

The Senate amendment contained a provision (sec. 366) that would state the sense of the Congress that the Department of Defense policy regarding no media coverage of the transfer of the remains of deceased members of the Armed Forces appropriately protects the privacy of the families and friends of the deceased, and is consistent with constitutional guarantees of freedom of speech and freedom of the press.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Transfer of historic F3A–1 Brewster Corsair aircraft (sec. 1083)

The House bill contained a provision (sec. 1076) that would authorize the Secretary of the Navy to convey by means of a gift, without consideration, to Mr. Lex Cralley, of Princeton, Minnesota, all right, title, and interest of the United States in and to a F3A–1 Brewster Corsair aircraft.

The Senate amendment contained no similar amendment.

The Senate recedes.

The conferees note that this transfer should not be considered as a precedent for future transfers of aircraft or other property of the U.S. government to individuals.

Technical and clerical amendments (sec. 1084)

The House bill contained a provision (sec. 1073) that would make technical and clerical amendments to various provisions of law. The Senate amendment contained similar provisions (sec. 1022 and 1061).

The Senate recedes with an amendment that would incorporate the provisions of sections 1022 and 1061 of the Senate amendment, strike certain portions of section 1073 of the House bill, and make certain additional technical and clerical amendments.

Preservation of search and rescue capabilities of the Federal Government (sec. 1085)

The Senate amendment contained a provision (sec. 1073) that would prevent the Secretary of Defense for reducing or eliminating the search and rescue capabilities at any military installation in the United States until the Secretary certifies that equivalent services will be provided without interruption and consistent with the policies and objectives established in the United States National Search and Rescue Plan of January 1, 1999.

The House bill contained no similar provision.

The House recedes.

Acquisition of aerial firefighting equipment for National Interagency Fire Center (sec. 1086)

The Senate amendment contained a provision (sec. 1076) that would authorize the Secretary of Agriculture to purchase 10 aerial firefighting aircraft to be used by the National Interagency Fire Center.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the aircraft be certified by the Chief of the Forest Service as suited for conditions commonly carried out in the United States, including Alaska.

Revision to requirements for recognition of institutions of higher education as Hispanic-serving institutions for purposes of certain grants and contracts (sec. 1087)

The Senate amendment contained a provision (sec. 1079) that would allow universities to qualify as Hispanic-serving institutions, as defined by the Higher Education Act (Public Law 89–329, as amended), by providing assurances that 50 percent of the Hispanic student population is low-income by employing statistical extrapolation from Census Bureau data.

The House bill contained no similar provision.

The House recedes.

Military extraterritorial jurisdiction over contractors supporting defense missions overseas (sec. 1088)

The Senate amendment contained a provision (sec. 1081) that would amend the definitional section of the Military Extraterritorial Jurisdiction Act of 2000, section 3267 of title 18, United States Code (Public Law 106–523), to expand jurisdiction over civilian employees and contractor personnel of the United States to include personnel not employed by or contracting with the Department of Defense whose employment relates to supporting the mission of the Department of Defense overseas.

The House bill contained no similar provision.

The House recedes.

Definition of United States for purposes of Federal crime of torture (sec. 1089)

The Senate amendment contained a provision (sec. 1082) that would amend section 2340 of title 18, United States Code, to define ''United States'' for the purposes of chapter 113C of that title as the States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

The House bill contained no similar provision.

The House recedes.

Energy savings performance contracts (sec. 1090)

The Senate amendment contained a provision (sec. 1091) that would reauthorize energy savings performance contract authority under section 802 of the National Energy Policy Act (42 U.S.C. 8287a) for the Department of Defense and other federal agencies until October 1, 2006. The provision would also authorize water or wastewater treatment projects to be conducted under an energy savings performance contract.

The House bill contained no similar provision.

The House recedes with an amendment to reauthorize this authority until October 1, 2006.

Sense of Congress and policy concerning persons detained by the United States (sec. 1091–1093)

The House bill contained a provision (sec. 906) that would require the Secretary of Defense to prescribe policies to prevent the abuse of detainees held by the United States as part of the Global War on Terrorism, and would require that the policies be transmitted, and a report on implementation be submitted, to the Committees on Armed Services of the Senate and the House of Representatives. It also contained a provision (sec. 1207) expressing the sense of Congress concerning the abuse of persons in United States custody in Iraq.

The Senate amendment contained a provision (sec. 1029F) that would require detailed reports on foreign national detainees in the custody of the Department of Defense, and the detention facilities and practices of the Department. It also contained a provision (sec. 1057) that would make findings on United States adherence to international conventions on torture and cruel or inhuman treatment or punishment; prohibit torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States; require the Secretary of Defense to prescribe regulations to ensure compliance with the prohibition; and report twice a year on investigations of possible violations of the prohibition. The Senate amendment also contained a provision (sec. 1059C) that would set out the policy of the United States concerning torture and inhumane treatment; require reports on detainees, military commissions, and interrogation techniques; require the submission of certain reports prepared by the International Committee of the Red Cross; and require the Secretary to certify that federal and contractor personnel engaged in the handling of detainees have been trained in U.S. international obligations and the law of war.

The House recedes with an amendment that would state the sense of Congress with regard to misconduct by certain U.S. personnel at the Abu Ghraib prison in Iraq; the professionalism and morality of the vast majority of American servicemembers serving there; the law governing the treatment of detainees; and the prohibition of torture or cruel and inhumane treatment contained in applicable domestic and international law. The amendment further sets out the policy of the United States with respect to the proper treatment of detainees; the need for thorough investigation and prosecution, as appropriate, of unlawful treatment of detainees; the need to ensure that all personnel of the United States Government understand their obligations to comply with the prohibitions against torture and inhumane treatment; the need to ensure the proper status of detained persons while a determination is made as to their prisoner of war status under the applicable Geneva Convention; and the need for expeditious prosecution of detainees in U.S. custody who are alleged to have committed terrorist acts or other crimes.

The amendment would further require the Secretary of Defense to ensure that policies are prescribed, within 150 days of enactment, to ensure that detainees are treated in a humane manner consistent with the international obligations of the United States and the aforementioned policies on the treatment of detainees; would set out minimum criteria for these policies; and would require that the Secretary certify that federal employees and contractor personnel involved with handling or interrogation of detainees have fulfilled annual training requirements on the law of war and U.S. obligations under international law.

Finally, the amendment contains several reporting requirements, including a requirement that the policies prescribed be forwarded by the Secretary to the Committees on Armed Services of the Senate and the House of Representatives within 30 days. The Secretary is to report to the committees within one year after prescribing the policies on further steps taken to implement them. Nine months after enactment and annually thereafter, the Secretary would be required to submit to the committees a report giving notice of any investigations into violations of international or U.S. law regarding the treatment of detainees; and aggregate data on foreign national detainees in the custody of the Department of Defense during the prior year. The reporting provisions of this provision expire on December 31, 2007.

Findings and sense of Congress concerning Army Specialist Joseph Darby (sec. 1094)

The House bill contained a provision (sec. 1206) that would recognize and thank U.S. Army Specialist Joseph Darby for his courageous actions in alerting his superiors to misconduct by American soldiers at Abu Ghraib prison in Iraq, and express the sense of Congress that Specialist Darby should be afforded appropriate protection and recognition by the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes.

Legislative Provisions Not Adopted

Reduction in overall authorization due to inflation savings

The Senate amendment contained a provision (sec. 1003) that would reduce the amount authorized to be appropriated to the Department of Defense by $1.7 billion to reflect the reduced inflation estimates in the Congressional Budget Office's annual review of the budget.

The House bill contained no similar provision.

The Senate recedes.

Authority to waive claims of the United States when amounts recoverable are less than costs of collection

The House bill contained a provision (sec. 1004) that would authorize the Secretary of Defense or his designee to waive indebtedness when the cost of processing the transaction exceeds the amounts recoverable. The maximum amount that may be waived under this statue would be the micro-purchase threshold, currently $2,500.

The Senate amendment contained no similar provision.

The House recedes.

The conferees request that the Department of Defense provide the following information: (1) proposed regulations for the purposes of this section; (2) how this authority will be used with the existing law related to claims or debt collection, including the Debt Collection Improvement Act; (3) the number of estimated transactions that will be used with this authority regarding amounts owed by members of the Armed Forces and Department civilian personnel; (4) the number of estimated transactions that will be used with this authority regarding amounts owed by contractors; and (5) the procedures that will be implemented to track debts waived for members of the Armed Forces and Department civilian personnel for tax implications.

Report on amounts remitted and reimbursed during fiscal year 2004 under section 1007 of Public Law 108–136

The House bill contained a provision (sec. 1008) that would require the Secretary of Defense to submit a report not later than 30 days after the end of fiscal year 2004 on amounts remitted and reimbursed during fiscal year 2004 under section 1007 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1585; 10 U.S.C. 2241 note).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 1007 of the National Defense Authorization Act for Fiscal Year 2004 permits funds appropriated to the Department of Defense to be transferred to the Department of State as payment for a fee charged by the Department of State for maintenance, upgrade, or construction of U.S. diplomatic facilities only to the extent that the amount charged in any given year exceeds the total amount of unreimbursed costs incurred by the Department of Defense during that year in providing goods and services to the Department of State. Section 8067 of the Defense Appropriations Act for Fiscal Year 2005 permits funds appropriated to the Department of Defense to be transferred to the Department of State as remittance for a fee charged by the Department of State for fiscal year 2005 for maintenance, upgrade, or construction of U.S. diplomatic facilities only to the extent that the amount of the fee so charged exceeds the total amount of the unreimbursed costs incurred by the Department of Defense during that fiscal year in providing goods and services to the Department of State.

The conferees further note that the capital security cost sharing program has not been authorized by the Congress. While the conferees recognize the need to upgrade and construct new U.S. diplomatic facilities, the conferees oppose the use of a capital cost sharing program as a means of accomplishing this goal. As currently described by the administration, the capital cost sharing program does not take into account the goods and services that other departments and agencies provide to the Department of State at no cost. The conferees urge the administration to request sufficient funds for the Department of State in future year budget requests to provide for the costs of upgrading or constructing U.S. diplomatic facilities.

Limitation on leasing of foreign-built vessels

The House bill contained a provision (sec. 1014) that would restrict the secretary of a military department from entering into a contract for a lease or charter of a vessel for a term of more than 12 months, including all options to renew or extend the contract, if the hull, a major component of the hull, or superstructure of the vessel is constructed in a foreign shipyard. This provision includes a clause by which the President could make an exception to this limitation if the President determines it is in the national security interest of the United States to do so.

The Senate amendment contained no similar provision.

The House recedes.

Report on availability of potential overland ballistic missile defense test ranges

The Senate amendment contained a provision (sec. 1025) that would require the Secretary of Defense to submit a report to Congress assessing the availability of potential ballistic missile defense test ranges for overland intercept flight tests of defenses against ballistic missiles with a range of 750–1500 kilometers.

The House bill amendment contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees by February 1, 2005, that assesses the availability of potential ballistic missile defense test ranges for overland intercept flight tests of defenses against ballistic missiles with a range of 750–1500 kilometers.

Sense of Congress on space launch ranges

The Senate amendment contained a provision (sec. 1035) that would express the sense of Congress that the Secretary of Defense should provide support for and continue the development of range safety systems to reduce costs and enhance technical capabilities and operational safety at U.S. space launch ranges.

The House bill contained no similar provision.

The Senate recedes.

The conferees continue to believe that safe, effective, and efficient space launch ranges are key to assured access to space. The conferees are aware of ongoing efforts to develop, test, and certify launch range technology based on Global Positioning System signals and inertial navigation that holds promise to improve down-range reentry support, increase launch support capability, lower range support costs, and improve range safety. The conferees encourage the Department of Air Force to support these efforts.

Compensation for former prisoners of war

The Senate amendment contained a provision (sec. 1055) that would require that any plan of the Secretary of Defense to provide compensation to an individual who was injured in a military prison under the control of the United States in Iraq shall include a provision to address the injuries suffered by the citizens of the United States who were held as prisoners of war by the regime of Saddam Hussein during the First Gulf War.

The House bill contained no similar provision.

The Senate recedes.

Phased implementation of new program for transporting household goods of members of the Armed Forces

The House bill contained a provision (sec. 1065) that would prohibit the Secretary of Defense from implementing the new program, ''Families First'' for the transportation of household goods of members of the Armed Forces and their dependents beyond phase I of the program until the Secretary submits to Congress a report evaluating whether phase I met its objectives and whether it is in the best interest of the Department of Defense and members of the Armed Forces to move forward to phase II of the program.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of quarterly reporting requirement concerning payments for District of Columbia water and sewer services and establishment of annual report by Treasury

The Senate amendment contained a provision (sec. 1067) that would amend the District of Columbia Public Works Act of 1954, as amended, to repeal the requirement that the Inspector General of each federal department or agency receiving water or sewer services from the District of Columbia submit quarterly reports, analyzing the promptness of payments for such services. These reports would be replaced by an annual report on payments for these services submitted by the Secretary of the Treasury to the Committees on Appropriations of the Senate and the House and Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

The House bill contained no similar provision.

The Senate recedes. The conferees anticipate that this issue will be addressed in other legislation.

Assistance for study of feasibility of biennial international air trade show in the United States and for initial implementation

The House bill contained a provision (sec. 1072) that would require the Secretary of Defense to select and provide assistance to a community in conducting a joint study to determine the feasibility of establishing an international air trade show in that community.

The Senate amendment contained no similar provision.

The House recedes.

Commission on the long-term implementation of the new strategic posture of the United States

The House bill contained a provision (sec. 1074) that would establish a new commission to review the long-term implementation of Nuclear Posture Review recommendations.

The Senate amendment contained no similar provision.

The House recedes.

Grant of federal charter to Korean War Veterans Association, Incorporated

The Senate amendment contained a provision (sec. 1074) that would modify title 36, United States Code, to grant a federal charter to the Korean War Veterans Association, Incorporated.

The House bill contained no similar provision.

The Senate recedes.

Assignment of members to assist Bureau of Border Security and Bureau of Citizenship and Immigration Services of the Department of Homeland Security

The House bill contained a provision (sec. 1077) that would authorize the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps to assist the Bureau of Border Security and the U.S. Customs Service of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and to aid in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

The Senate amendment contained no similar provision.

The House recedes.

Sense of the Senate on American Forces Radio and Television Service

The Senate amendment contained a provision (sec. 1077) that would express the sense of the Senate that the mission statement and policies of the American Forces Radio and Television Service appropriately state the goal of maintaining equal opportunity balance with respect to political programming and that the Secretary of Defense should ensure that these policies are fully being implemented.

The House bill contained no similar provision.

The Senate recedes.

Extension of scope and jurisdiction for current fraud offenses

The Senate amendment contained a provision (sec. 1080) that would provide for extraterritorial jurisdiction under the provisions of section 1001 of title 18, United States Code, dealing with false statements or entries and section 1031 of that title, dealing with major fraud against the United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that existing law adequately addresses the situation.

Broadcast Decency Enforcement Act of 2004

The Senate amendment contained several provisions (sec. 1084–1089) that would (1) amend the Communications Act of 1934 (47 U.S.C. 151 et seq.) to increase the penalties for broadcasting obscene, indecent, or profane language; (2) provide mitigating factors for such penalties; (3) make findings on media concentration and suspend the media concentration rules adopted by the Federal Communications Commission in June, 2003; and (4) prohibit the distribution of violent video programming not blockable by electronic means.

The House bill contained no similar provision.

The Senate recedes.

Local Law Enforcement Enhancement Act of 2004

The Senate amendment contained several provisions (sec. 3401–3410) that would constitute the ''Local Law Enforcement Enhancement Act of 2004.'' The Attorney General, at the request of a State or tribal law enforcement official, could provide assistance in the investigation or prosecution of certain hate crimes. The Attorney General could also award grants to State, local, and tribal law enforcement officials to assist with the investigation and prosecution of such crimes. Chapter 13 of title 18, United States Code, would be amended to establish a substantive federal prohibition of certain specific hate crime acts. No prosecution could be undertaken under this section without certification from the Attorney General or certain other officials of the Department of Justice.

The House bill contained no similar provision.

The Senate recedes.

TITLE XI—CIVILIAN PERSONNEL MATTERS

ITEMS OF SPECIAL INTEREST

Fort Meade—work related illnesses

The conferees are concerned with continued reports of work related illnesses among the National Security Agency (NSA) employees at Fort Meade, Maryland. The conferees direct the Secretary of Defense to undertake an epidemiological study and health hazard evaluation related to NSA buildings at Fort Meade. The conferees believe the National Institute for Occupational Safety and Health of the Department of Health and Human Services is an appropriate federal government organization to perform such a study. The conferees expect the study to be completed by March 2006.

LEGISLATIVE PROVISIONS ADOPTED

Payment of Federal employee health benefit premiums for mobilized Federal employees (sec. 1101)

The House bill contained a provision (sec. 1101) that would authorize a federal government employee, who is a member of a Reserve component ordered to active-duty in support of a contingency operation and placed on leave without pay, to continue to receive coverage under the Federal Employee Health Benefit Program for 24 months. The provision would also authorize the agency to pay both the employee's share and the agency's share of the premiums for continued coverage up to 24 months.

The Senate amendment contained no similar provision.

The Senate recedes.

Foreign language proficiency pay (sec. 1102)

The House bill contained a provision (sec. 1102) that would eliminate the restriction in current law that foreign language proficiency pay may be paid only to those civilian employees working in support of contingency operations.

The Senate amendment contained a similar provision (sec. 1102).

The House recedes with an amendment to require that the authority for foreign language proficiency pay will take effect on the first day of the first month that begins after the date of enactment of this Act.

Pay and performance appraisal parity for civilian intelligence personnel (sec. 1103)

The House bill contained a provision (sec. 1103) that would require the Secretary of Defense to fix the rates of basic pay for employees within the Department's Civilian Intelligence Personnel System in relation to rates of pay provided for their counterparts elsewhere within the Department of Defense. The provision would repeal maximum rates of pay and outline the performance appraisal system for senior executive service personnel.

The Senate amendment contained a similar provision (sec. 1103) that would also require the implementation of an appraisal system for Defense Intelligence Senior Executive Service personnel comparable to that provided for other senior executive service personnel in the Department of Defense that would make meaningful distinctions based on performance.

The House recedes with an amendment to clarify that pay rates for defense civilian intelligence personnel would be established in relation to the rates of pay provided for comparable positions in the Department of Defense, and subject to the same limitations on maximum rates of pay established for employees of Defense by law or regulation. The amendment would recede to the Senate's version of the performance appraisal system for senior executive service personnel in the Defense Intelligence Personnel System.

Pay parity for senior executives in defense nonappropriated fund instrumentalities (sec. 1104)

The House bill contained a provision (sec. 1104) that would authorize the Secretary of Defense to adjust the pay cap for Department of Defense nonappropriated fund executives to ensure that the compensation paid to such employees remains consistent with the Senior Executive Service employees.

The Senate amendment contained a similar provision (sec. 1105).

The House recedes with a technical amendment.

The conferees intend that in order to qualify for higher pay, the nonappropriated fund executives would meet performance standards established in a rigorous performance management system as required for federal civil service employees under section 5382 of title 5, United States Code.

Science, mathematics and research for transformation (SMART) defense scholarship pilot program (sec. 1105)

The Senate amendment contained a provision (sec. 1101) that would establish a pilot program within the Department of Defense to provide targeted educational assistance to individuals seeking a baccalaureate or an advanced degree in science and engineering disciplines that are critical to national security. This provision would allow individuals to acquire such education in exchange for a period of employment with the Department in the areas specified.

The House bill contained no similar provision.

The House recedes.

Report on how to recruit and retain individuals with foreign language skills (sec. 1106)

The Senate amendment contained a provision (sec. 1108) that would require the Secretary of Defense to submit a plan to the congressional defense and intelligence committees with the fiscal year 2006 budget request for expanding and improving the national security foreign language workforce of the Department of Defense, on both a near-term and a long-term basis.

The House bill contained no similar provision.

The House recedes with a technical amendment that would require the Secretary to submit the required plan to the congressional defense and intelligence committees no later than March 31, 2005, and incorporate the findings of the Senate's provision into this statement of managers.

The conferees agree that strengthening the foreign language workforce of the Department is a critical step in winning the global war on terrorism and improving the national security of the United States. The conferees find that: (1) The Federal Government has a requirement to ensure that the employees of its departments and agencies with national security responsibilities are prepared to meet the challenges of the current and future international environment; (2) According to a 2002 General Accounting Office report, federal agencies have shortages in translators and interpreters and an overall shortfall in the language proficiency levels needed to carry our their missions, which has adversely affected agency operations and hindered U.S. military, law enforcement, intelligence, counterterrorism, and diplomatic efforts; (3) Foreign language skills and area expertise are integral to, or directly support, every foreign intelligence discipline and are essential factors in national security readiness, information superiority, and coalition peacekeeping or warfighting missions; (4) Communicating in languages other than English and understanding and accepting cultural and societal differences are vital to the success of peacetime and wartime military and intelligence activities; (5) Proficiency levels required for foreign language support to national security functions have been raised, and what was once considered proficiency is no longer the case; (6) According to the Joint Intelligence Committee Inquiry into the 9/11 Terrorist Attacks, the U.S. intelligence community had insufficient linguists prior to September 11, 2001, to handle the challenge it faced in translating the volumes of foreign language counterterrorism intelligence it collected, including a readiness level of only 30 percent in the most critical languages that are used by terrorists; and (7) Because of this shortage, the Federal Government has had to enter into private contracts to procure linguist and translator services, including some positions that would be more appropriately filled by permanent federal employees or members of the U.S. Armed Forces.

The conferees expect the Secretary to formulate a comprehensive, achievable plan for improving the foreign language workforce of the Department, both military and civilian, and to work closely with other agencies of the Federal Government to ensure that the foreign language requirements of the United States are met.

Plan on implementation and utilization of flexible personnel management authorities in Department of Defense laboratories (sec. 1107)

The Senate amendment contained a provision (sec. 1109) that would require the Under Secretary of Defense for Acquisition, Technology and Logistics and the Under Secretary of Defense for Personnel and Readiness to jointly develop and submit to the Committees on Armed Services in the Senate and the House of Representatives a plan for the effective utilization of specific personnel management authorities designed to

increase the mission responsiveness, efficiency, and effectiveness of Department of Defense laboratories.

The House bill contained no similar provision.

The House recedes with an amendment that would change the reporting requirements associated with the plan.

The conferees note that Secretary of the Navy Gordon England's letter to the Committee on Government Reform of the House of Representatives, dated April 26, 2004, stated that the Department ''will not impose Best Practices in those laboratories that are temporarily exempt'' from the National Security Personnel System. The Secretary further stated that the Department's laboratories ''should be able to continue individually to refine and evolve their 'successfully tailored systems' over the next several years if they determine that such adjustments are beneficial and not disruptive to their workforce.''

LEGISLATIVE PROVISIONS NOT ADOPTED

Accumulation of annual leave by intelligence senior-level employees

The Senate amendment contained a provision (sec. 1104) that would permit intelligence senior-level employees of the Department of Defense to accumulate annual leave in a manner identical to the Department's Senior Executive Service.

The House bill contained no similar provision.

The Senate recedes.

Prohibition of unauthorized wearing or use of civilian medals or decorations

The House bill contained a provision (sec. 1105) that would prohibit any person from merchandising or wearing a Department of Defense civilian medal or decoration without the written permission of the Secretary of Defense. The provision would also authorize the Attorney General to initiate a civil proceeding in a U.S. district court to enjoin the prohibited practice.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Matters Relating to Iraq, Afghanistan, and Global War on Terrorism

Commanders' Emergency Response Program (sec. 1201)

The House bill contained a provision (sec. 1203) that would authorize the Secretary of Defense to use, notwithstanding any other provision of law, up to $300.0 million in operations and maintenance funding for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom for the Commanders' Emergency Response Program (CERP), under which commanders in Iraq and Afghanistan receive funds for use in small humanitarian and reconstruction projects in their areas of responsibility. The provision would require quarterly reports on the source and use of funds pursuant to this program.

The Senate amendment contained a similar provision (sec. 311), but did not include the phrase ''notwithstanding any other provision of law.''

The Senate recedes with an amendment that would provide the Secretary authority to waive any provision of law that would prohibit, restrict, limit or otherwise constrain implementation of the CERP program in Iraq and Afghanistan. The provision would also require the Secretary to submit a report within 120 days to the Committees on Armed Services of the Senate and the House of Representatives identifying all provisions of law that, if not waived, would prohibit, restrict, limit or otherwise constrain implementation of the CERP program in Iraq and Afghanistan. In the event that the Secretary identifies additional such provisions of law after the report is submitted to the Committees on Armed Services of the Senate and the House of Representatives, the conferees expect the Secretary to send supplemental reports with the requested information to those committees.

Assistance to Iraq and Afghanistan military and security forces (sec. 1202)

The Senate amendment contained a provision (sec. 1053) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to use up to $250.0 million in operations and maintenance funding to provide assistance in fiscal year 2005 to Iraq and Afghanistan military or security forces solely to enhance their ability to combat terrorism and support United States or coalition military operations in Iraq and Afghanistan, respectively.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Defense to use up to $500.0 million in operations and maintenance funding for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom to provide assistance in fiscal year 2005 to Iraq and Afghanistan military or security forces solely to enhance their ability to combat terrorism and support United States or coalition military operations in Iraq and Afghanistan, respectively. The provision defines ''military and security forces'' to mean national armies, national guard forces, border security forces, civil defense forces, infrastructure protection forces, and police.

The conferees note that the authority provided by this provision would not permit the provision of assistance to nongovernmental or irregular forces such as private militias. The conferees expect the prior notifications to the congressional defense committees to include detailed information regarding the proposed amounts of funds to be spent, recipients of the funds, and the specific purposes for which the funds would be used.

Redesignation and modification of authorities relating to Inspector General of the Coalition Provisional Authority (sec. 1203)

The Senate amendment contained a provision (sec. 1059B) that would amend the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106), to establish the Office of Special Inspector General for Iraq Reconstruction; to provide for the continuation in office of the individual presently serving as Inspector General of the Coalition Provisional Authority; to provide that the Inspector General shall be responsible to the Secretaries of State and Defense; to provide for support of the Inspector General at appropriate locations of the Department of State in Iraq; to provide for reporting by the Inspector General to the Secretaries of State and Defense; to provide for jurisdiction of the Inspector General over sums appropriated to the Iraq Relief and Reconstruction Fund; to provide for coordination by the Inspector General with the Inspectors General of the Departments of State and Defense and the Agency for International Development; to allow personnel of the Inspector General to carry firearms and make arrests in the line of duty with the permission of the Attorney General; and to provide for the termination of the Office of the Special Inspector General.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Presidential report on strategy for the stabilization of Iraq (sec. 1204)

The House bill contained a provision (sec. 1204) that would require the Secretary of Defense to submit a strategic plan on how the United States will achieve the goal of establishing capable Iraqi security forces to provide for the long-term security of the Iraqi people.

The Senate amendment contained a similar provision (sec. 1029E) that would require the President to submit a report on the strategy of the United States and coalition partners to stabilize Iraq, including the training and deployment of Iraqi security forces, as well as the participation of other international police and military forces.

The House recedes with an amendment that would incorporate the House provision into the Senate provision and require a single Presidential report, followed by quarterly updates from the Secretary of Defense, in conjunction with the Secretary of State, during calendar year 2005. Each quarterly report shall address the following: the number of forces recruited, currently serving, and that have left (along with a breakdown of the reasons for leaving) by service over the period in question; progress in meeting training goals; progress in achieving other metrics as identified in the strategic plan; and a description and analysis of any training incidents and deployment successes and failures, with a discussion of how those incidents and successes will affect future efforts to achieve the goals of the strategic plan.

Guidance on contractors supporting deployed forces in Iraq (sec. 1205)

The House bill contained a provision (sec. 1205) that would require the Secretary of Defense to issue guidance and a report on contractors supporting deployed forces in Iraq.

The Senate amendment contained a similar provision (sec. 864). In addition, the Senate amendment contained a provision (sec. 865) that would require a report on contractor performance of security, intelligence, law enforcement, and criminal justice functions in Iraq.

The Senate recedes with an amendment that would provide additional detail on the guidance to be issued. The amendment would require that the Secretary's guidance address the issue of contractor performance of security, intelligence, law enforcement, and criminal justice functions. The conferees expect the guidance to address the full range of security, intelligence, law enforcement, and criminal justice functions that are being performed by contractors in support of current military operations or are anticipated to be performed by contractors in support of future military operations.

The amendment would also require that the guidance address: (1) investigating background and qualifications of contractor security personnel and organizations; and (2) ensuring proper training and compliance with rules of engagement by armed contractor security personnel. The conferees take no position as to whether such investigations and training should be conducted by Department of Defense personnel or by contractor personnel subject to Department oversight.

The conferees expect the Secretary to coordinate, as appropriate, with the heads of other departments and agencies of the Federal Government that would be affected by the implementation of the guidance.

In addition, the conferees expect the Secretary, in preparing the guidance required by this section, to address options for enhancing contractor security and reducing contractor security costs in current and future armed conflicts. The options considered

should include: (1) temporary commissioning of contractor security personnel as Reserve component officers in order to subject such personnel to the military chain of command; (2) requiring contractor security personnel to obtain security clearances to facilitate the communication of critical threat information; (3) establishing a contract schedule for companies furnishing contractor security personnel to provide a more orderly process for the selection, training, and compensation of such personnel; (4) establishing a contract schedule for companies to provide more cost-effective insurance for contractor security personnel; and (5) providing for U.S. indemnification of contractors to reduce the costs of insuring contractor security personnel. The report required by subsection (c) should explain the rationale for the Secretary's decision to implement or not to implement these options.

Report on contractors supporting deployed forces and reconstruction efforts in Iraq (sec. 1206)

The Senate amendment contained a provision (sec. 1021) that would require a report on contractor security in Iraq.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the reporting requirements.

With regard to contractor casualties and fatalities, the report would include: (1) a plan for establishing and implementing a process for collecting data on casualties and fatalities; and (2) a requirement for data on casualties and fatalities that have occurred since the conclusion of major combat operations in Iraq. The conferees understand that the Department of Defense has not yet established a comprehensive system for collecting data on contractor casualties and fatalities and do not believe that the requirement to provide retrospective data should be, or needs to be, implemented in a manner that would become burdensome on the combatant command or on combat units, but should be done in a manner and to an extent that does not undermine military operations. The conferees believe that the Department should be able to collect this information accurately and comprehensively from the contractors themselves. The requirement to establish a plan for collecting contractor casualty and fatality data in the future should ensure that such data is collected routinely and uniformly.

With regard to the requirement to establish a plan for establishing and implementing a process for collecting data on contractors performing security functions in Iraq, the conferees understand that the categories of security functions performed by contractors are not mutually exclusive and expect the Department to indicate any overlap to the best of its ability.

United Nations Oil-for-Food Program (sec. 1207)

The Senate amendment contained a provision (sec. 1058) that would: (1) require the Inspector General of the Department of Defense to ensure, not later than June 30, 2004, the security of all documents relevant to the United Nations Oil-for-Food Program that are in the possession or control of the Coalition Provisional Authority; (2) require executive agencies to provide to the Senate committees of jurisdiction access to documents and information relevant to the Oil-for-Food Program; (3) call on the Secretary of State to urge the Secretary General of the United Nations to provide the United States copies of all audits and core documents related to the Oil-for-Food Program; and (4) require the Comptroller General to conduct a review of United States oversight of the Oil-for-Food Program.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) express the sense of Congress that the Secretary of State should seek to conclude a Memorandum of Understanding with the Iraq Interim Government to ensure that the United States will have access to all documents in the possession of the Iraq Interim Government related to the United Nations Oil-for-Food Program; (2) require executive agencies to provide to congressional committees of jurisdiction access to documents and information relevant to the Oil-for-Food Program; (3) call on the Secretary of State to urge the Secretary General of the United Nations to provide the United States copies of all audits and core documents related to the Oil-for-Food Program; and (4) require the Comptroller General to conduct a review of the Oil-for-Food Program, including the role of the United States.

The conferees note their understanding that the phrase ''committee of jurisdiction'' includes, but is not limited to, the Committees on Armed Services of the Senate and House of Representatives, and the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs of the Senate.

Support of military operations to combat terrorism (sec. 1208)

The House bill contained a provision (sec. 1202) that would authorize the Secretary of Defense to expend up to $25.0 million during fiscal years 2005 to 2007 to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by the U.S. Special Operations Forces to combat terrorism. The provision would not, however, constitute authority to conduct a covert action. The Secretary would be required to submit a report on the support provided under this section within 30 days of the close of each fiscal year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to establish procedures for the exercise of such authority and to notify the congressional defense committees of these procedures prior to the exercise of authority contained in the provision. Additionally, the amendment would require the Secretary to notify the congressional defense committees expeditiously, and in any event, within 48 hours, of the use of such authority as part of an approved military operation, and would prohibit the Secretary from delegating this authority.

The conferees intend that nothing in this provision shall constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (Public Law 93–148) or to supersede any requirement of the War Powers Resolution.

Report on al Qaeda activity in the Western Hemisphere (sec. 1209)

The conferees agree to include a provision that would direct the Secretary of Defense, in consultation with the Secretary of State to submit to the committees on Armed Services of the Senate and House of Representatives of Congress a report on the activities of al Qaeda and associated groups in Latin America and Caribbean, including (1) an assessment of the extent to which such groups have established a presence in the area; (2) a description of activities of such groups in the area, including fund-raising, money laundering, narcotrafficking, and association with criminal groups; (3) an assessment of the threat posed by such groups to the peace and stability of nations in the area and to United States interests; and (4) a description of the United States policies intended to deal with such a threat. The provision would require that an unclassified report, with a classified annex as necessary, be submitted no later that 180 days after the date of enactment of this Act. The conferees note their concern about potential al Qaeda activity in the Western Hemisphere, and the indirect and direct threat to United States national security that such activity represents.

Subtitle B—Counterproliferation Matters

Defense international counterproliferation programs (sec. 1211)

The House bill contained a provision (sec. 1411) that would authorize the Secretary of Defense to expand existing programs to train foreign border and law enforcement officials in preventing the illicit transfer of weapons of mass destruction in the states of the former Soviet Union, Eastern Europe, and the Baltic States, by granting the Secretary authority to conduct those programs in any other country in which the Secretary determines a significant threat exists.

The Senate amendment contained no similar provision.

The Senate recedes.

Policy and sense of Congress on nonproliferation of ballistic missiles (sec. 1212)

The Senate amendment contained a provision (sec. 1071) that would establish the policy of the United States to develop, support, and strengthen efforts to curtail the proliferation of ballistic missiles and related technology. The provision would also express the sense of Congress that ballistic missile proliferation represents a threat to the United States and its allies and friends which has been slowed by variety of means, and that steps to prevent such proliferation should be vigorously pursued.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress on the Global Partnership against the Spread of Weapons of Mass Destruction (sec. 1213)

The Senate amendment contained a provision (sec. 1059) that would express the sense of Congress that the President should be commended for the steps taken at the G–8 summit at Sea Island, Georgia, on June 8–10, 2004, to demonstrate continued support for the Global Partnership against the Spread of Nuclear Weapons and Materials of Mass Destruction, and to expand the Global Partnership by welcoming new members and using the partnership to coordinate nonproliferation projects in Libya, Iraq, and other countries. The provision would also call on the President to take a number of specific steps to strengthen the partnership.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on collaboration to reduce the risks of a launch of Russian nuclear weapons (sec. 1214)

The House bill contained a provision (sec. 1423) that makes certain findings and would require the Secretary of Defense to submit a report to Congress by November 1, 2005 on steps that might be taken to reduce the danger of unauthorized or accidental ballistic missile launches.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to submit a report to Congress by November 1, 2005 on current and future collaborative efforts to reduce the risk of unauthorized or accidental launches of nuclear armed ballistic missiles.

The conferees recognize that a number of factors related to Russian Federation nuclear forces contribute to the risk of unauthorized or accidental launch of Russian ballistic missiles. These factors include: the high state of readiness of the Russian Federation intercontinental ballistic missile force; the remote location of many of these forces; shortcomings in the Russian Federation's early warning system; the short decision time available to the Russian Federation President after being informed of a possible nuclear attack; the possibility that the Russian Federation, because of concerns that its nuclear forces would not survive a nuclear attack, may have a nuclear deterrence posture that relies on launching a retaliatory strike on warning of nuclear attack; deficiencies in the security and control of Russian Federation nuclear forces; and the susceptibility of nuclear strategic command and control systems and early warning systems to an intrusion or accident that could create the false impression that a nuclear ballistic missile attack is underway. The conferees believe that collaborative measures between the United States and the Russian Federation and continued high-level discussions between U.S. and Russian Federation military leaders could be useful in reducing these risks.

Subtitle C—Other Matters

Authority for humanitarian assistance for the detection and clearance of landmines extended to include other explosive remnants of war (sec. 1221)

The Senate amendment contained a provision (sec. 1051) that would add a new section to chapter 20 of title 10, United States Code, to authorize the Secretary of Defense to provide military training, education, and technical assistance to foreign nations for the purpose of detecting and clearing landmines or other explosive remnants of war. The provision would clarify existing law by separating authority to conduct humanitarian mine clearing actions from the authority to conduct humanitarian and civic assistance, and recognize the requirement to detect and clear other explosive remnants of war, in addition to landmines.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 401 of title 10, United States Code, to include explosive remnants of war, but would not establish a new category for humanitarian activity.

Expansion of entities of the People's Republic of China subject to certain Presidential authorities when operating in the United States (sec. 1222)

The House bill contained a provision (sec. 1212) that would expand the definition of a ''Communist Chinese military company'' as defined in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) to include Chinese firms owned or operated by a ministry of the People's Republic of China or an entity affiliated with the defense industrial base of the People's Republic of China.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Assignment of NATO naval personnel to submarine safety programs (sec. 1223)

The House bill contained a provision (sec. 1211) that would authorize the Secretary of Defense to assign military personnel from NATO countries and specified other countries to U.S. commands for the purpose of working on the standardization, development, and interoperability of submarine safety and rescue systems and procedures.

The Senate amendment contained a similar provision (sec. 1054).

The Senate recedes with an amendment that would: (1) limit the authority of the Secretary of the Navy to the assignment of members of the naval services of NATO nations in connection with this program; and (2) terminate this authority after September 30, 2008.

Availability of Warsaw Initiative Funds for new NATO Members (sec. 1224)

The conferees agree to include a provision that would make available up to $4.0 million of Warsaw Initiative Funds in fiscal year 2005 for the participation of new North Atlantic Treaty Organization (NATO) Members (Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia) in the exercises and programs of the Partnership for Peace program. This authority would be available only in fiscal year 2005.

The conferees note that Warsaw Initiative Funds are authorized for the participation of Partnership for Peace nations in the exercises and programs of NATO's Partnership for Peace program.

In a letter to the Committees on Armed Services of the Senate and the House of Representatives, the Deputy Secretary of Defense requested that $4.0 million of these funds be available in fiscal year 2005 to new NATO members, specifically to work with remaining Partnership for Peace nations as they seek closer cooperation with NATO. The Deputy Secretary noted in his letter that in 1999, when Poland, Hungary, and the Czech Republic became NATO Members, a limited amount of Warsaw Initiative Funds continued into fiscal year 2000 for exercises and programs that had begun in fiscal year 1999, as well as for funding completion of program audits by local-hire administrative personnel in each of these countries.

The conferees expect that the use of Warsaw Initiative Funds in fiscal year 2005 for new NATO Members will similarly be used for the purposes of completing exercises and programs that began in fiscal year 2004 and, as necessary, completing program audits in those countries.

Bilateral exchanges and trade in defense articles and defense services between the United States and the United Kingdom and Australia (sec. 1225)

The Senate amendment contained a provision (sec. 1059A) that would provide an exception from the certain requirements of subsection (j) of section 38 of the Arms Export Control Act related to bilateral agreement requirements for the transfers of defense items for the Governments of Australia and the United Kingdom.

The House contained no similar provision.

The House recedes with an amendment that would require the Secretary of State, in consultation with the Secretary of Defense, to expeditiously process any application for the export of defense items to the Governments of Australia and the United Kingdom without referral to any other Federal department of agency, except where the item is classified or exceptional circumstances apply.

Study on Missile Defense Cooperation (sec. 1226)

The Senate amendment contained a provision (sec. 1070) that would require the Secretary of State and the Secretary of Defense to establish procedures for streamlining the export licensing review process for missile defense items and examine the feasibility of providing major project authorizations for programs related to missile defense similar to those established under section 126.14 of the International Traffic in Arms Regulations.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, in consultation with the Secretary of State, to study the advisability and feasibility of establishing procedures for streamlining the export licensing review process for missile defense items and providing major project authorizations for programs related to missile defense.

LEGISLATIVE PROVISIONS NOT ADOPTED

Documentation of conditions in Iraq under former dictatorial government as part of transition to post-dictatorial government

The House bill contained a provision (sec. 1201) that would require the Secretary of Defense to establish a process for transferring to Iraqi entities documentation on the nature of the Saddam Hussein regime, including any documents or records that have been captured by U.S. military forces in Iraq regarding the activities of the Saddam Hussein government and individuals within that government.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary has already transferred most of the noteworthy documentation and is sharing relevant information with the Iraqi government.

Sense of Congress regarding limitation on use of funds for the reconstruction of Iraq

The House bill contained a provision (sec. 1208) that would express the sense of Congress that no U.S. funds may be used for reconstruction activities in Iraq until the President certifies that the Government of Iraq has agreed to expend a significant portion of its oil production revenues on reconstruction activities.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress on destruction of Abu Ghraib prison in Iraq

The House bill contained a provision (sec. 1209) that would express the sense of Congress that the Secretary of Defense should assist the Government of Iraq in destroying the Abu Ghraib prison and replacing it with a modern detention facility.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that Abu Ghraib prison was one of the world's most notorious prisons during the rule of Saddam Hussein, and that recent misconduct at that prison by members of the U.S. Armed Forces have further highlighted the horrible memories associated with Abu Ghraib. The conferees further note the progress made in improving conditions at Abu Ghraib prison in recent months, combined with the limited options available to the Government of Iraq for adequate detention facilities, suggest that continued operation of the prison may be a necessity in the near-term. The conferees believe that the fate of Abu Ghraib prison is a decision for the sovereign Government of Iraq.

Report on Global Peace Operations Initiative

The House bill contained a provision (sec. 1213) that would require the President to report to Congress on the Global Peace Operations Initiative (GPOI), a new program announced by the administration after the submission of the budget request.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that, traditionally, the training of foreign peacekeeping forces has been conducted by the Department of State under title 22 of the United States Code. The

conferees further note that the administration has the necessary authority under title 22 to conduct GPOI as a foreign assistance program.

Procurement sanctions against certain foreign persons that transfer certain defense articles and services to the People's Republic of China

The House bill contained a provision (sec. 1214) that would make it the policy of the United States to prevent destabilizing arms transfers to the People's Republic of China by denying Department of Defense procurement contracts to foreign companies that sell to China items similar to those found on the U.S. Munitions List. The provision would also require the Secretary of Defense to publish a list of such companies in the Federal Register.

The Senate amendment contained no similar provision.

The House recedes.

Military educational exchanges between senior officers and officials of the United States and Taiwan

The House bill contained a provision (sec. 1215) that would require the Secretary of Defense to undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan's defenses against the People's Liberation Army of the People's Republic of China.

The Senate amendment contained no similar provision.

The House recedes.

Definitions under Arms Export Control Act

The House bill contained a provision (sec. 1401) that would amend the Arms Export Control Act (22 U.S.C. 2794) to clarify the definitions of ''license,'' ''agent,'' and ''exporting agent.''

The Senate amendment contained no similar provision.

The House recedes.

Exemption from licensing requirements for export of significant military equipment

The House bill contained a provision (sec. 1402) that would amend the Arms Export Control Act (22 U.S.C. 2778(b)(2)) to prohibit the President from creating regulatory exemptions for significant military equipment that would otherwise require an export license.

The Senate amendment contained no similar provision.

The House recedes.

Cooperative projects with friendly foreign countries

The House bill contained a provision (sec. 1403) that would amend the Arms Export Control Act (22 U.S.C. 2767) to: (1) permit the Congress to block a cooperative project agreement with a friendly foreign country; and (2) require a license for the export of defense articles or defense services relating to a cooperative project.

The Senate amendment contained no similar provision.

The House recedes.

Control of exports of United States weapons technology to the People's Republic of China

The House bill contained a provision (sec. 1404) that would require the President to require exporters of militarily critical technologies to obtain an export license for the export or re-export of any item on the Militarily Critical Technologies List published by the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

Licensing requirement for export of militarily critical technologies

The House bill contained a provision (sec. 1405) that would prohibit the export of certain technologies to individuals or countries engaged in the sale of such items to the security services of the People's Republic of China unless certain conditions are met. Such conditions would require that: a license be approved for that export; the Secretary of Defense concurs in the export; and the foreign person or country agrees in writing not to transfer title, possession of, or otherwise provide access to that item without prior written consent by the President.

The Senate amendment contained no similar provision.

The House recedes.

Strengthening international export controls

The House bill contained a provision (sec. 1406) that would make it the policy of the United States to seek continued negotiations to strengthen the international export control system for sales of arms and militarily-sensitive goods and technologies to countries of concern. The provision would require a Presidential report on progress made in strengthening international controls 180 days after enactment of this Act and every six months thereafter.

The Senate amendment contained no similar provision.

The House recedes.

Defense counterproliferation fellowship program

The House bill contained a provision (sec. 1412) that would direct the Secretary of Defense to establish a fellowship program to train and educate foreign defense policymakers and military officers in identifying and using counterproliferation tools to combat the spread of weapons of mass destruction.

The Senate amendment contained no similar provision.

The House recedes.

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

LEGISLATIVE PROVISIONS ADOPTED

Specification of Cooperative Threat Reduction programs and funds (sec. 1301)

The House bill contained a provision (sec. 1301) that would define the programs and funds that are Cooperative Threat Reduction (CTR) programs and funds, define the funds as those authorized to be appropriated in section 301 of this Act, and specify that CTR funds shall remain available for obligation for three fiscal years.

The Senate amendment contained an identical provision (sec. 1201).

The conferees agree to include this provision.

Funding allocations (sec. 1302)

The House bill contained a provision (sec. 1302) that would authorize $409.2 million for the Cooperative Threat Reduction (CTR) program. The provision would also authorize specific amounts for each CTR program element, require notification to Congress 30 days before the Secretary of Defense obligates and expends fiscal year 2005 funds for purposes other than those specifically authorized, and provide limited authority to obligate amounts for a CTR program element in excess of the amount specifically authorized for that purpose.

The Senate amendment contained a similar provision (sec. 1202).

The House recedes.

Temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia (sec. 1303)

The House bill contained a provision (sec. 1303) that would provide the President authority for fiscal year 2005 to waive existing certification requirements before obligating funds for the construction of the Shchuch'ye chemical weapons destruction facility in Russia.

The Senate amendment contained a provision (sec. 1203) that would provide the President permanent authority to waive, on an annual basis for each fiscal year, existing certification requirements before obligating funds for the construction of the Shchuch'ye chemical weapons destruction facility in Russia. The Senate amendment would also clarify that funds obligated, but not expended, prior to lapse of a previously executed waiver could be expended.

The Senate recedes with an amendment that would provide the President authority through December 31, 2006, to waive, on an annual basis for each calendar year, existing certification requirements before obligating or expending funds for the construction of the Shchuch'ye chemical weapons destruction facility in Russia. This authority would expire on December 31, 2006, and no waiver would remain in effect after that date.

The conferees agree that providing waiver authority on a calendar year basis, rather than on a fiscal year basis, will minimize the risk of unintended interruptions in the program that could occur when fiscal year waiver authority is not renewed before the end of a fiscal year.

Inclusion of descriptive summaries in annual Cooperative Threat Reduction reports and budget justification materials (sec. 1304)

The Senate amendment contained a provision (sec. 1204) that would clarify that the Secretary of Defense should provide the specified Cooperative Threat Reduction (CTR) budgetary and programmatic information both in the CTR annual report, and in the budget justification materials that the Department of Defense provides each year as part of the President's annual budget request to Congress.

The House bill contained no similar provision.

The House recedes.

TITLE XIV—SUNKEN MILITARY CRAFT

LEGISLATIVE PROVISIONS ADOPTED

Sunken military craft (sec. 1401–1408)

The House bill contained several provisions (sec. 1021–1028) that would protect sunken U.S. military vessels, aircraft, and spacecraft, as well as the remains and personal effects of their crews from salvage, recovery, or other disturbance without authorization from the secretary of the military department concerned.

These provisions would clarify the circumstances under which such sunken craft, entitled to sovereign immunity when they sank, remain the property of the flag state until officially abandoned. They would also encourage the negotiation of international agreements to protect sunken military craft.

Finally, the provisions would authorize the secretary of the military department concerned to issue and enforce permits for activities directed at sunken U.S. military craft, including contract salvage. This system would not invalidate any permitting system currently in place nor affect any prior lawful transfer or express abandonment of title to any sunken military craft.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of the Navy, in consultation with the Secretary of State, to apply the permitting system established by these provisions to any foreign sunken military craft located in United States waters, if requested by the flag state of that craft. It would also authorize in rem liability against a vessel involved in a violation of these provisions, and would authorize the Secretary concerned to request the Attorney General to seek other relief in certain cases. It would establish an eight-year statute of limitations for actions to enforce violations of these provisions or any permit

issued thereunder. It would also extend the prohibition on applying the law of finds to sunken military craft to foreign craft located in U.S. waters. Finally, it makes technical changes to the definitional section.

TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM

Overview

The House bill contained a title (title XV) that would provide new authorizations of appropriations of $25.0 billion for ongoing operations in Iraq and Afghanistan. The title also contains reporting requirements and general provisions.

The Senate amendment contained a provision (sec. 1006) that would authorize $25.0 billion for ongoing operations in Iraq and Afghanistan. The provision also contained reporting requirements.

The Senate recedes with an amendment that would create a title that provides new authorization of appropriations of $25.0 billion for ongoing operations in Iraq and Afghanistan. The title also contains reporting requirements and general provisions.

Summary table of authorizations

The following table summarizes authorizations included in the bill for ongoing operations in Iraq and Afghanistan for fiscal year 2005.

Title 15-Additional War-Related Appropriations
(Dollars in Thousands)

PROGRAM TITLE	Request[1]	House Authorized	Senate Authorized	Conference Agreement
PROCUREMENT				
Aircraft Procurement, Army		498,300		
Missile Procurement, Army		42,800		
Weapons and Tracked Combat Vehicles Procurement, Army		201,900		50,000
Ammunition Procurement, Army		78,750		110,000
Other Procurement, Army		1,567,410		755,000
National Guard and Reserve Equipment, Army		50,000		50,000
Subtotal, Procurement, Army		**2,439,160**		**965,000**
Ammunition Procurement, Marine Corps		38,402		30,000
Other Procurement, Marine Corps		98,190		150,000
Subtotal, Procurement, Navy and Marine Corps		**136,592**		**180,000**
Aircraft Procurement, Air Force		99,000		
Subtotal, Procurement, Air Force		**99,000**		
Procurement, Defense-wide		720,000		50,000
Subtotal, Procurement, Defense-wide		**720,000**		**50,000**
Total Procurement		**3,394,752**		**1,195,000**
OPERATIONS AND MAINTENANCE				
Operation and Maintenance, Army	[14,000,000]	9,607,113	14,500,000	13,550,000
Operation and Maintenance, Navy	[1,000,000]	256,500	1,000,000	367,000
Operation and Maintenance, Marine Corps	[2,000,000]	2,398,735	2,000,000	1,665,000

Title 15-Additional War-Related Appropriations
(Dollars in Thousands)

PROGRAM TITLE	Request[1]	House Authorized	Senate Authorized	Conference Agreement
Operation and Maintenance, Air Force	[1,000,000]	1,635,000	1,000,000	419,000
Operation and Maintenance, Defense-wide	[2,000,000]	2,327,900	2,000,000	404,000
Total Operations and Maintenance		**16,225,248**	**20,500,000**	**16,405,000**
OTHER PROGRAMS				
Defense Working Capital Funds (Fuel price increase) /a				1,478,000
Defense Health Program		75,000		780,000
Total Other Programs		**75,000**		**2,258,000**
MILITARY PERSONNEL				
Total Military Personnel		**5,305,000**	**2,000,000**	**1,250,000**
Iraq Freedom Fund	25,000,000		2,500,000	3,892,000
Classified Programs /a,c				[1,800,000]
Transfer Authority /a		[2,500,000]		[1,500,000]
Total	**25,000,000**	**25,000,000**	**25,000,000**	**25,000,000**

1/ President's Request amounts for O&M are notional allocations - the full $25 billion was requested as a contingent emergency reserve fund.
a/ Values in brackets are non-additive
b/ Values in italics were originally in base SASC Authorization Bill
c/ Of the funds available in the Iraq Freedom Fund and only for classified activities

Title XV-Additional War-Related Appropriations

(Dollars in Thousands)

PROGRAM TITLE	Request[1]	House Authorized	Senate Authorized	Conference Agreement
PROCUREMENT				
Aircraft Procurement, Army				
Aviation combat loss replacement		498,300		
Total Aircraft Procurement, Army		**498,300**		
Missile Procurement, Army				
Javelin, modularity		42,800		
Total Missile Procurement, Army		**42,800**		
Weapons and Tracked Combat Vehicles Procurement, Army				
XM-8 assault weapon, modularity /b		25,900	*13,000*	10,000
XM-8 - additional LRIP after fielding to BCTs /a,b			*[13,000]*	
Rapid fielding initiative /b		166,600	*25,900*	40,000
Rapid fielding initiative (Additional M249 SAWs) /a,b			*[8,400]*	
Rapid fielding initiative (Additional SAW items) /a,b			*[7,800]*	
Rapid fielding initiative (mags, sights, wpn pks) /a,b			*[9,700]*	
Weapons and Tracked Vehicles Procurement, modularity		9,400		
Total WTCV , Army		**201,900**		**50,000**
Ammunition Procurement, Army				
Incremental wartime costs				31,250
Small arms ammunition, modularity		78,750		78,750
Total Ammunition Procurement, Army		**78,750**		**110,000**

Title XV-Additional War-Related Appropriations

(Dollars in Thousands)

PROGRAM TITLE	Request[1]	House Authorized	Senate Authorized	Conference Agreement
Other Procurement, Army				
Incremental wartime costs				18,000
Shadow TUAV, force protection		125,200		
M1114 Up-Armor HMMWV, force protection / Armored HMMWVs /b		704,700	*315,000*	572,000
Up-armored HMWWV production /a,b			*[315,000]*	
Vehicle bolt-on armor and emerging requirements /b		332,400	*610,000*	100,000
Up-armored HMMWVs or armor kits for trucks /a,b			*[610,000]*	
Rapid Fielding Initiative /b		130,800	*14,000*	65,000
Rapid fielding initiative (MBITR) /a,b			*[14,000]*	
Other Procurement, modularity		249,200		
Trucks combat loss replacement		25,110		
Total Other Procurement, Army		**1,567,410**		**755,000**
National Guard and Reserve Equipment, Army				
Equipment for deployment to OIF/OEF		50,000		50,000
Total for NGRE, Army		**50,000**		**50,000**
Total, Procurement, Army		**2,439,160**		**965,000**
Ammunition Procurement, Marine Corps				
Incremental wartime costs				
Unfunded requirements		38,402		30,000
Total Ammunition Procurement, Marine Corps		**38,402**		**30,000**

Title XV-Additional War-Related Appropriations

(Dollars in Thousands)

PROGRAM TITLE	Request[1]	House Authorized	Senate Authorized	Conference Agreement
Other Procurement, Marine Corps				
Shadow TUAV		46,680		
Silver Fox UAV		6,110		
Unfunded requirements		45,400		
Bolt-on Armor Kits / Vehicle hardening				150,000
Total Other Procurement, Marine Corps		**98,190**		**150,000**
Total, Procurement, Navy and Marine Corps		**136,592**		**180,000**
Aircraft Procurement, Air Force				
Predator A, force protection		99,000		
Total Aircraft Procurement, Air Force		**99,000**		
Total, Procurement, Air Force		**99,000**		
Procurement, Defense-wide				
SOCOM unfunded requirements		60,000		50,000
Other programs		660,000		
Total Procurement, Defense-wide		**720,000**		**50,000**
Total Procurement		**3,394,752**		**1,195,000**

Title XV-Additional War-Related Appropriations

(Dollars in Thousands)

PROGRAM TITLE	Request[1]	House Authorized	Senate Authorized	Conference Agreement
OPERATIONS AND MAINTENANCE				
Operation and Maintenance, Army				
Incremental wartime costs		8,505,763	14,500,000	12,088,750
Costs associated with active end strength increase		260,000		390,000
Depot maintenance		205,250		205,250
Rapid fielding initiative /b		219,700	*262,000*	500,000
Rapid fielding initiative for the Army /a,b			*[262,000]*	
Interceptor body armor /b		295,000	*295,000*	295,000
Interceptor body armor for the Army /a,b			*[295,000]*	
Interceptor body armor deltoid & auxiliary protection		90,000		39,600
Modularity (OPTEMPO)		31,400		31,400
Total Operations and Maintenance, Army /a	**[14,000,000]**	**9,607,113**	**14,500,000**	**13,550,000**
Operation and Maintenance, Navy				
Incremental wartime costs		180,500	1,000,000	242,300
Depot maintenance		76,000		66,000
Ship depot maintenance /b			*58,700*	58,700
CVN 73, SSN708, SSN 709 /a,b			*[58,700]*	
Total Operations and Maintenance, Navy /a	**[1,000,000]**	**256,500**	**1,000,000**	**367,000**
Operation and Maintenance, Marine Corps				
Incremental wartime costs		2,301,860	2,000,000	1,529,000
Marine Corps active end strength increase (3,000 personnel)		30,000		15,000
Depot maintenance		26,875		26,875
Initial issue		40,000		40,000

Title XV-Additional War-Related Appropriations

(Dollars in Thousands)

PROGRAM TITLE	Request[1]	House Authorized	Senate Authorized	Conference Agreement
Interceptor body armor /b			*16,600*	54,125
Interceptor body armor for the Marine Corps /a,b			*[14,400]*	
Interceptor body armor for the Marine Corps Reserve /a,b			*[2,200]*	
Total Operations and Maintenance, Marine Corps /a	**[2,000,000]**	**2,398,735**	**2,000,000**	**1,665,000**
Operation and Maintenance, Air Force				
Incremental wartime costs		1,515,000	1,000,000	275,000
Depot maintenance		76,000		
Interceptor body armor		44,000		144,000
Total Operations and Maintenance, Air Force /a	**[1,000,000]**	**1,635,000**	**1,000,000**	**419,000**
Operation and Maintenance, Defense-wide				
Incremental wartime costs		663,900	2,000,000	335,000
Army active end strength increase		44,000		66,000
Marine Corps active end strength increase (3,000 personnel)		5,000		3,000
Technical Support Working Group		75,000		
Other Programs		1,540,000		
Total Operations and Maintenance, Defense-wide /a	**[2,000,000]**	**2,327,900**	**2,000,000**	**404,000**
Total Operations and Maintenance		**16,225,248**	**20,500,000**	**16,405,000**
OTHER PROGRAMS				
Defense Working Capital Funds (Fuel price increase) /a				**1,478,000**

Title XV-Additional War-Related Appropriations

(Dollars in Thousands)

PROGRAM TITLE	Request[1]	House Authorized	Senate Authorized	Conference Agreement
Defense Health Program				
Army active end strength increase		59,000		89,000
Marine Corps active end strength increase (3,000 personnel)		16,000		8,000
Increased Medical Costs for TRICARE including Ready Reserve				683,000
Total Defense Health Program		**75,000**		**780,000**
Total Other Programs		**75,000**		**2,258,000**
MILITARY PERSONNEL				
Incremental wartime costs		4,400,000	2,000,000	182,500
Army active end strength increase		605,000		908,000
Marine Corps active end strength increase (3,000 personnel)		159,000		80,000
Marine Corps additional manpower costs				
Extension of imminent danger pay		86,000		24,500
Extension of family separation allowance		55,000		55,000
Total Military Personnel		**5,305,000**	**2,000,000**	**1,250,000**
Iraq Freedom Fund	25,000,000		2,500,000	3,892,000
Classified Programs /a,c				[1,800,000]
Transfer Authority /a		[2,500,000]		[1,500,000]
Total	**25,000,000**	**25,000,000**	**25,000,000**	**25,000,000**

1/ President's Request amounts for O&M are notional allocations - the full $25 billion was requested as a contingent emergency reserve fund.

a/ Values in brackets are non-additive

b/ Values in italics were originally in base SASC Authorization Bill

c/ Of the funds available in the Iraq Freedom Fund and only for classified activities

LEGISLATIVE PROVISIONS ADOPTED

Purpose (sec. 1501)

The House bill contained a provision (sec. 1501) that would establish a title as an authorization of appropriations for the Department of Defense for fiscal year 2005, in addition to amounts otherwise authorized in this Act, to provide funds for additional costs due to Operation Iraqi Freedom and Operation Enduring Freedom.

The Senate amendment contained a similar provision (sec. 1006) that would authorize a contingent emergency reserve fund for ongoing operations in Iraq and Afghanistan.

The Senate recedes with an amendment that would establish this title to provide additional funds for ongoing operations in Iraq and Afghanistan.

Army Procurement (sec. 1502)

The House bill contained a provision (sec. 1511) that would authorize an additional $2,439.2 million for fiscal year 2005 in Procurement, Army.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $965.0 million for fiscal year 2005 in Procurement, Army. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Navy and Marine Corps Procurement (sec. 1503)

The House bill contained a provision (sec. 1512) that would authorize an additional $136.6 million for fiscal year 2005 in Procurement, Navy and Marine Corps.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $180.0 million for fiscal year 2005 in Procurement, Navy and Marine Corps. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Defense-wide activities procurement (sec. 1504)

The House bill contained a provision (sec. 1514) that would authorize an additional $720.0 million for fiscal year 2005 in Procurement, Defense-wide.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $50.0 million for fiscal year 2005 in Procurement, Defense-wide. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Operation and maintenance (sec. 1505)

The House bill contained a provision (sec. 1515) that would authorize an additional $16,225.2 million for fiscal year 2005 operation and maintenance programs.

The Senate amendment contained a similar provision (sec. 1006) that would authorize an additional $20,500.0 million for operation and maintenance programs within a contingent emergency response fund.

The Senate recedes with an amendment that would authorize $16,405.0 million for fiscal year 2005 for operation and maintenance programs. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Defense working capital funds (sec. 1506)

The Senate amendment contained a provision (sec. 1006) that would authorize $2,500.0 million within a contingent emergency response fund transfer account to be available for the costs of ongoing military operations in Iraq and Afghanistan.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize $1,478.0 million for the Defense Working Capital Fund Program.

Iraq Freedom Fund (sec. 1507)

The Senate amendment contained a provision (sec. 1006) that would authorize $2,500.0 million within a contingent emergency response fund transfer account to be available for the costs of ongoing military operations in Iraq and Afghanistan.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize a $3,892.0 million for the Iraq Freedom Fund to remain available for transfer until September 30, 2006, of which $1,800.0 million shall be available for classified programs.

Defense health program (sec. 1508)

The House bill contained a provision (sec. 1516) that would authorize an additional $75.0 million for fiscal year 2005 Defense Health Program activities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize $780.0 million for fiscal year 2005 for Defense Health Program activities. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Military personnel (sec. 1509)

The House bill contained a provision (sec. 1517) that would authorize an additional $5,305.0 million for fiscal year 2005 military personnel accounts.

The Senate amendment contained a similar provision (sec. 1006) that would authorize an additional $2,000.0 million for fiscal year 2005 military personnel accounts within a contingent emergency response fund.

The Senate recedes with an amendment that would authorize $1,250.0 million for fiscal year 2005 military personnel accounts. Unless noted explicitly in statement of managers, all changes are made without prejudice.

Treatment as additional authorizations (sec. 1510)

The House bill contained a provision (sec. 1518) that would provide that the $25.0 billion authorized for emergency contingency operations related to Operation Iraqi Freedom and Operation Enduring Freedom are in addition to the amounts otherwise authorized in this Act.

The Senate amendment contained a similar provision (sec. 1006).

The Senate recedes.

Transfer authority (sec. 1511)

The House bill contained a provision (sec. 1519) that would provide fiscal year 2005 transfer authority of $2.5 billion to the Department of Defense for the authorizations contained in title XV of their bill.

The Senate amendment contained a similar provision (sec. 1006).

The Senate recedes with an amendment that would provide fiscal year 2005 transfer authority of $1.5 billion to the Department for the authorizations contained in this title.

LEGISLATIVE PROVISIONS NOT ADOPTED

Procurement, Air Force

The House bill contained a provision (sec. 1513) that would authorize an additional $99.0 million for fiscal year 2005 in Procurement, Air Force.

The Senate amendment contained no similar provision.

The House recedes.

Designation of Emergency Authorization

The House bill contained a provision (sec. 1520) that would authorize $25.0 billion for fiscal year 2005 to support emergency contingency operations related to the global war on terrorism.

The Senate amendment contained no similar provision.

The House recedes.

Three-year increase in active Army strength levels

The House bill contained provisions (sec. 1531 and 1532) that would increase the active Army and Marine Corps end strength authorized for fiscal year 2005 by 10,000 and 3,000 respectively above the authorization in section 401 of the National Defense Authorization Act for Fiscal Year 2004. These provisions would also authorize corresponding active-duty Army and Marine Corps end strengths for fiscal years 2006 and 2007 and prescribe corresponding minimum end strengths under section 691(b) of title 10, United States Code.

The Senate amendment contained a provision (sec. 402) that would authorize a temporary increase in the Army's active-duty end strength of up to 30,000 during fiscal years 2005 through 2009. The provision would require that if the Secretary of Defense plans to increase the Army active-duty end strength above the levels authorized for fiscal year 2004, then the budget for the Department for such fiscal years as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army in excess of 482,400.

The House recedes with an amendment that would authorize a temporary increase in the Marine Corps' active-duty end strength of up to 9,000 over 175,000, the level set forth in section 401 of the National Defense Authorization Act for Fiscal Year 2004 during fiscal years 2005 through 2009. The amendment would also require that if the Secretary of Defense plans to increase the Army or Marine Corps active-duty end strength for a fiscal year, then the budget for the Department for such fiscal years as submitted to Congress shall specify the amounts necessary for funding the active duty end strength of the Army or Marine Corps in excess of 482,400 and 175,000 respectively.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Overview

The administration originally requested authorization of appropriations in fiscal year 2005 for military construction and housing programs totaling $9,450,475,000. The administration's amended budget for authorization of appropriations totaled $9,480,475,000, after adding certain military construction projects for the Army National Guard totaling $30.0 million.

The House bill would authorize appropriations totaling $9,930.5 million for military construction and family housing programs.

The Senate amendment would authorize appropriations totaling $9,822.9 million for military construction and family housing programs.

The conferees recommend authorization of appropriations of $9,930.1 million for the military construction and family housing accounts of the Department of Defense for fiscal year 2005. The authorization of appropriations includes the use of $130.0 million from prior-year rescissions. The conference agreement is consistent with a budget authority level of $10,003.0 million for military construction and family housing programs.

The following tables provide the project-level authorizations for the military construction funding authorized in Division B of this Act and summarize that funding by account. The tables also note as ''Budget Amend'' the projects contained in a fiscal year 2005 amended budget request submitted by the administration on March 5, 2004.

NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2005

(Dollars in Thousands)

Military Construction	Authorization Request	House Authorized	Senate Authorized	Conference Change	Conference Agreement
Military Construction, Army	1,771,285	1,866,209	1,942,885	197,700	1,968,985
Military Construction, Navy	1,060,455	1,077,862	1,000,105	(4,170)	1,056,285
Military Construction, Air Force	663,964	798,624	782,469	189,911	853,875
Military Construction, Defense-Wide	699,437	708,937	682,337	(23,900)	675,537
Chemical Demilitarization Construction	81,886	81,886	81,886	0	81,886
NATO Security Investment Program	165,800	165,800	165,800	(5,000)	160,800
Foreign Currency Fluctuation				(63,000)	(63,000)
BRAC IV	246,116	246,116	246,116	0	246,116
Military Construction, Army National Guard	295,657	393,225	361,072	138,706	434,363
Military Construction, Air National Guard	127,368	184,620	214,418	106,150	233,518
Military Construction, Army Reserve	87,070	116,955	63,047	3,240	90,310
Military Construction, Naval and Marine Corps Reserve	25,285	30,955	25,285	22,900	48,185
Military Construction, Air Force Reserve	84,556	107,520	99,206	38,200	122,756
Total Military Construction	**5,308,879**	**5,778,709**	**5,664,626**	**600,737**	**5,909,616**
Family Housing					
Family Housing Construction, Army	636,099	636,099	636,099	0	636,099
Family Housing Support, Army	928,907	926,507	928,907	(2,400)	926,507
Family Housing Construction, Navy	139,107	139,107	139,107	0	139,107
Family Housing Support, Navy	704,504	696,304	704,504	(8,200)	696,304
Family Housing Construction, Air Force	846,959	846,959	846,959	0	846,959
Family Housing Support, Air Force	863,896	854,666	856,114	(10,512)	853,384
Family Housing Construction, Defense-Wide	49	49	49	0	49
Family Housing Support, Defense-Wide	49,575	49,575	49,575	0	49,575
Family Housing Improvement Fund	2,500	2,500	2,500	0	2,500
Total Family Housing	**4,171,596**	**4,151,766**	**4,163,814**	**(21,112)**	**4,150,484**
Total Military Construction and Family Housing	**9,480,475**	**9,930,475**	**9,828,440**	**579,625**	**10,060,100**
Prior Year Rescissions				**(130,000)**	**(130,000)**
Total Authorization of Appropriations	**9,480,475**	**9,930,475**	**9,828,440**	**449,625**	**9,930,100**

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Alabama	Army	Anniston AD	Powertrain Component Rebuilding Facility	23,690	23,690	23,690		23,690
Alabama	Army	Ft Rucker	Aircraft Maintenance Hangar		-	16,500	16,000	16,000
Alabama	MDA	Huntsville	MDA Center, Von Braun Complex, Phase 2	19,560	19,560	19,560		19,560
Alabama	Army National Guard	Centreville	Add/Alter Readiness Center (ADRS)	5,537	5,537	5,537		5,537
Alabama	Army National Guard	Clanton	Add/Alter Readiness Center (ADRS)	3,649	3,649	3,649		3,649
Alabama	Army National Guard	Oneonta	Add/Alter Readiness Center (ADRS)	4,527	4,527	4,527		4,527
Alabama	Army National Guard	Haleyville	Joint Armed Forces Reserve Center		13,849	-	13,849	13,849
Alaska	Army	Ft Richardson	Barracks Complex	7,600	7,600	7,600		7,600
Alaska	Army	Ft Richardson	Digital Multipurpose Training Range	13,600	13,600	13,600		13,600
Alaska	Army	Ft Richardson	Sniper Field Fire Range	3,100	3,100	3,100		3,100
Alaska	Army	Ft Wainwright	Barracks Complex - Lorraine Road	39,815	39,815	39,815		39,815
Alaska	Army	Ft Wainwright	Barracks Complex Renewal-Santiago Road	30,912	30,912	30,912		30,912
Alaska	Army	Ft Wainwright	Combined Arms Collective Training Facility	21,732	21,732	21,732		21,732
Alaska	Air Force	Elmendorf AFB	C-17 Flight Simulator Facility	7,700	7,700	7,700		7,700
Alaska	Air Force	Elmendorf AFB	C-17 Support Utilities	6,400	6,400	6,400		6,400
Alaska	Air Force	Elmendorf AFB	Fitness Center	11,957	11,957	11,957		11,957
Alaska	Air Force	Elmendorf AFB	Large Aircraft Maintenance Hangar	-	-	28,000	26,000	26,000
Alaska	TMA	Ft Wainwright	Hospital Replacement, Phase 6	-	-	-		-
Arizona	Army	Ft Huachuca	Army Global Information Center		-	18,000	18,000	18,000
Arizona	Navy	MCAS Yuma	Bachelor Enlisted Quarters	18,740	18,740	18,740		18,740
Arizona	Navy	MCAS Yuma	Station Ordnance Area	7,930	7,930	7,930		7,930
Arizona	Air Force	Davis-Monthan AFB	Airfield Obstruction-Hazardous Cargo Pad	4,243	4,243	4,243		4,243
Arizona	Air Force	Davis-Monthan AFB	CSAR C-130 Squadron Operations	5,786	5,786	5,786		5,786
Arizona	Air Force	Davis-Monthan AFB	EC-130 Squadron Operations Facility		7,000	-	7,000	7,000
Arizona	Air Force	Luke AFB	Replace Litchfield Rd Underpass & Entry		7,900	-	7,900	7,900
Arizona	Air Force	Luke AFB	Construct Dormitory (120 Rm)	10,000	10,000	10,000		10,000
Arizona	Army National Guard	Camp Navajo	Qualification Training Range	3,000	3,000	3,000		3,000
Arkansas	Air Force	Little Rock AFB	C-130J ADAL Simulator Facility	5,031	5,031	5,031		5,031
Arkansas	Air Force	Little Rock AFB	Child Development Center		3,900	-	3,900	3,900
Arkansas	Army National Guard	Camp Robinson	Army Aviation Support Facility	33,020	33,020	33,020		33,020
Arkansas	Army National Guard	Ft Chaffee	Ammunition Supply Point	13,798	13,798	13,798		13,798
Arkansas	Air National Guard	Ft Smith	Vehicle Maintenance & Aerospace Complex		-	6,000	6,000	6,000
California	Army	Ft Irwin	CIDC Field Operations Building	2,600	2,600	2,600		2,600
California	Army	Ft Irwin	Command and Control Facility	21,000	21,000	21,000		21,000

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
California	Army	Ft Irwin	Land Acquisition, Phase 2	14,500	14,500	14,500		14,500
California	Army	Sierra Army Depot	Extend Runway		-	13,600	12,600	12,600
California	Navy	MAGTFTC Twentynine Palms	Operational Training Center		15,700	-	15,700	15,700
California	Navy	MCB Camp Pendleton	Bachelor Enlisted Quarters,	19,975	19,975	19,975		19,975
California	Navy	MCB Camp Pendleton	Close Combat Battle Course	6,940	6,940	6,940		6,940
California	Navy	MCAS Camp Pendleton	Consolidated Operations Center	4,910	4,910	4,910		4,910
California	Navy	MCB Camp Pendleton	Tertiary Sewage Treatment Plant, Increment 2	25,690	25,690	25,690		25,690
California	Navy	MCAS Camp Pendleton	Weight Handling Shop	6,630	6,630	6,630		6,630
California	Navy	MLB Barstow	Blasting Facility		4,930	-	4,930	4,930
California	Navy	NAF El Centro	Hangar Recapitalization, West Apron, Incr 1	33,331	33,331	33,331		33,331
California	Navy	NAS North Island	Base Main Gate and Entrance Street		10,180	-	10,180	10,180
California	Navy	NSWC Division Corona	Warfare Assessment Laboratory Addition		9,850	-	9,850	9,850
California	Navy	Recruit Depot, San Diego	Replace General Warehouse		-	8,110	8,110	8,110
California	Air Force	Beale AFB	Add to Age Facility, Global Hawk	1,866	1,866	1,866		1,866
California	Air Force	Beale AFB	Upgrade Dock 2, Global Hawk	8,320	8,320	8,320		8,320
California	Air Force	Edwards AFB	Addition/Renovate JSF Complex, Phase 2	9,965	9,965	9,965		9,965
California	Air Force	Travis AFB	Add C-17 Engine Storage Facility	2,400	2,400	2,400		2,400
California	Air Force	Travis AFB	C-17 Utilities/Road	12,844	12,844	12,844		12,844
California	Air Force	Travis AFB	Security Forces Armory/Combat Arms Campus		3,650	-	3,650	3,650
California	DLA	Travis AFB	Replace Hydrant Fuel System	15,100	15,100	15,100		15,100
California	Spec Ops	Corona	SOF MOUT Training Complex	13,600	13,600	13,600		13,600
California	Spec Ops	Niland****	SOF Ground Mobility Support Building	1,000	1,000	1,000		1,000
California	TMA	DLI (Presidio)	Dental Clinic		6,700	-	6,700	6,700
California	Army National Guard	Camp Parks	Readiness Center (ADRS)	11,318	11,318	11,318		11,318
California	Air National Guard	Fresno-Yosemite	Medical Training & Security Forces Complex		-	4,700		-
California	Air Force Reserve	March ARB	Alter C-17 Hangar Tower	2,089	2,089	2,089		2,089
California	Air Force Reserve	March ARB	C-17 Maintenance Hangar, Phase 2	7,400	7,400	7,400		7,400
Colorado	Army	Ft Carson	Arrival Departure Air Control Group - Ph 1a		12,400	12,400	12,400	12,400
Colorado	Army	Ft Carson	Barracks Complex - Hospital Area	14,108	14,108	14,108		14,108
Colorado	Army	Ft Carson	Digital Multipurpose Training Range	33,000	33,000	33,000		33,000
Colorado	Army	Ft Carson	Multipurpose Machine Gun Range		-	3,650		-
Colorado	Air Force	Buckley AFB	Chapel Center	6,147	6,147	6,147		6,147
Colorado	Air Force	Buckley AFB	Child Development Center	6,100	6,100	6,100		6,100
Colorado	Army National Guard	Denver	Army Aviation Support Facility	34,000	34,000	34,000		34,000

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Colorado	Army National Guard	Ft Carson	Automated Qualification/Training Range	3,205	3,205	3,205		3,205
Colorado	Army Reserve	Aurora	Add/Alter Military Equipment Parking	1,758	1,758	1,758		1,758
Colorado	Chem DeMil	Pueblo AD	Ammunitions Demilitarization Facility, Ph 5	44,792	44,792	44,792		44,792
Colorado	TMA	Buckley AFB	Add/Alter Aeromedical Clinic	2,100	2,100	2,100		2,100
Connecticut	Navy	NSB New London	Gates 3 and 5 Security Improvements		4,420	4,420	4,420	4,420
Connecticut	Navy	NSB New London	MK-10 Submarine Escape Trainer	17,100	17,100	17,100		17,100
Connecticut	Navy	NSB New London	Pier 6 Replacement	28,782	28,782	28,782		28,782
Connecticut	Army National Guard	Southington	Add/Alter Readiness Center		4,087	-	4,087	4,087
Delaware	Air Force	Dover AFB	Control Tower		-	9,500	9,500	9,500
Distr Columbia	Navy	Naval Observatory	Atomic Clock Vault	3,239	3,239	3,239		3,239
Distr Columbia	DIA	Bolling AFB	Upgrade HVAC to DIAC	6,000	6,000	6,000		6,000
Florida	Army	Camp Rudder	Revitalize Ranger Barracks 6012		-	-	1,850	1,850
Florida	Navy	Eglin AFB	Base Road Construction	2,060	2,060	2,060		2,060
Florida	Navy	NS Mayport	Airfield Control Tower	6,200	6,200	6,200		6,200
Florida	Air Force	Patrick AFB	Security Forces Operations Facility		-	8,800	8,800	8,800
Florida	Air Force	Tyndall AFB	1 AF Headquarters / AFFOR Center Ph 1		10,200	-	10,200	10,200
Florida	Air Force	Tyndall AFB	Addition F-22 Operations Facility	1,548	1,548	-	(1,548)	-
Florida	Air Force	Tyndall AFB	F-22 Squadron Ops/Aircraft Maint Unit/Hangar	17,414	17,414	-	(10,000)	7,414
Florida	Spec Ops	Hurlburt Field	SOF Operations Training Facility		2,500	-	2,500	2,500
Florida	TMA	Jacksonville	Add/Alter Hospital	28,438	28,438	28,438		28,438
Florida	Army National Guard	Camp Blanding	Regional Training Institute, Phase 1		12,000	-	12,000	12,000
Florida	Air National Guard	Jacksonville Int Airport	F-15 Corrosion Control Facility		4,000	-	4,000	4,000
Florida	Navy Reserve	Jacksonville	New Reserve Training Center	9,300	9,300	9,300		9,300
Florida	Air Force Reserve	Homestead ARB	Visitor's Quarters, Ph 1		6,570	-		-
Georgia	Army	Ft Benning	Barracks Complex - Kelly Hill/Main Post	49,565	49,565	49,565		49,565
Georgia	Army	Ft Benning	Hazardous Cargo Loading Apron	3,850	3,850	3,850		3,850
Georgia	Army	Ft Benning	Physical Fitness Training Center	18,362	18,362	18,362		18,362
Georgia	Army	Ft Benning	Revitalize Ranger Barracks 6012***		1,850	-		-
Georgia	Army	Ft Gillem	Recruiting Brigade Operations Building	5,800	5,800	5,800		5,800
Georgia	Army	Ft McPherson	Child Development Center	4,900	4,900	4,900		4,900
Georgia	Army	Ft Stewart/Hunter AAF	Aircraft Maintenance Hanger (SOF)	21,100	21,100	21,100		21,100
Georgia	Army	Ft Stewart/Hunter AAF	Barracks Complex-5th & 16th St, Phase 2	32,950	32,950	32,950		32,950
Georgia	Army	Ft Stewart/Hunter AAF	Chapel	9,500	9,500	9,500		9,500
Georgia	Army	Ft Stewart/Hunter AAF	Command and Control Facility	24,695	24,695	24,695		24,695

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Georgia	Army	Ft Stewart/Hunter AAF	Tactical Equipment Complex	10,200	10,200	10,200		10,200
Georgia	Navy	SWFLANT Kings Bay	Enclave Fencing and Parking	16,000	16,000	16,000		16,000
Georgia	Air Force	Moody AFB	Consolidated Base Support Center		9,600	9,600	9,600	9,600
Georgia	Air Force	Robins AFB	Aircraft Ramp	15,000	15,000	15,000		15,000
Georgia	Air Force	Robins AFB	Fire/Crash Rescue Station		6,570	-	6,900	6,900
Georgia	Spec Ops	Ft Stewart/Hunter AAF	SOF Battalion Operations Complex	17,600	17,600	17,600		17,600
Georgia	TMA	Ft Benning	Consolidated Health Clinic	7,100	7,100	7,100		7,100
Georgia	Army National Guard	Savannah	Army Aviation Support Facility	16,554	16,554	16,554		16,554
Georgia	Air Force Reserve	Dobbins ARB	Upgrade Maintenance Bays		10,000	-	10,000	10,000
Hawaii	Army	Helemano Mil. Res.	Drum Road Upgrade, Phase 1	27,000	27,000	27,000		27,000
Hawaii	Army	Helemano Mil. Res.	Tank Trails - Helemano	7,300	7,300	7,300		7,300
Hawaii	Army	Hickam AFB	Hot Cargo Pad Expansion	11,200	11,200	11,200		11,200
Hawaii	Army	Pohakuloa	West PTA Modifications	30,000	30,000	30,000		30,000
Hawaii	Army	Pohakuloa	Access Road (Saddle Road)		-	10,000	8,000	8,000
Hawaii	Army	Schofield Barracks	Barracks Complex Renewal - Quad E, Ph 2	36,000	36,000	36,000		36,000
Hawaii	Army	Schofield Barracks	Barracks Complex Renewal-Capron Ave, Ph 3	48,000	48,000	48,000		48,000
Hawaii	Army	Schofield Barracks	Battle Area Live Fire Complex	32,000	32,000	32,000		32,000
Hawaii	Army	Schofield Barracks	Combined Arms Collective Training Facility	32,542	32,542	32,542		32,542
Hawaii	Army	Schofield Barracks	Fire Station	4,800	4,800	4,800		4,800
Hawaii	Army	Schofield Barracks	Qualification Training Range	4,950	4,950	4,950		4,950
Hawaii	Army	Schofield Barracks	Tactical Vehicle Wash Facility	3,500	3,500	3,500		3,500
Hawaii	Army	Schofield Barracks	Vehicle Maintenance Facility, Phase 1	49,000	49,000	49,000		49,000
Hawaii	Army	Wheeler AAF	Deployment Facility	24,000	24,000	24,000		24,000
Hawaii	Navy	NAVSHIPYD Pearl Harbor	Drydock 4 Shorepower Improvements		5,100	-	5,100	5,100
Hawaii	Air Force	Hickam AFB	Alter C-17 Maintenance/Supply Areas	9,000	9,000	9,000		9,000
Hawaii	Air Force	Hickam AFB	C-17 Clear Water Rinse	4,300	4,300	4,300		4,300
Hawaii	Air Force	Hickam AFB	C-17 Maintenance Shop Facility	8,200	8,200	8,200		8,200
Hawaii	Air Force	Hickam AFB	C-17 Munitions Storage	1,950	1,950	1,950		1,950
Hawaii	Air Force	Hickam AFB	C-17 Support Utilities, Phase 2	2,450	2,450	2,450		2,450
Hawaii	Air Force	Hickam AFB	Upgrade Electrical Distribution System, Ph 2		-	8,500	5,000	5,000
Hawaii	Air Force	Maui Site	AEOS Primary Mirror Coating Facility		-	7,500	7,500	7,500
Hawaii	DLA	NS Pearl Harbor	Multi-Product Interface Tank	3,500	3,500	3,500		3,500
Idaho	Air National Guard	Gowen Field	ADAL Base Supply Complex		-	3,500	3,500	3,500
Illinois	Navy	NSTC Great Lakes	Battle Stations Training Facility, Increment 2	58,200	58,200	58,200		58,200

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Illinois	Navy	NSTC Great Lakes	RTC Barracks	38,851	38,851	38,851		38,851
Illinois	Navy	NSTC Great Lakes	RTC Barracks	35,920	35,920	35,920		35,920
Illinois	Army National Guard	Galesburg	Readiness Center (ADRS) Phase 2		4,400	-	4,400	4,400
Illinois	Army National Guard	Galesburg	Readiness Center		-	4,000		-
Illinois	Army National Guard	Springfield	Total Army School System	13,596	13,596	13,596		13,596
Indiana	Navy	NSWC Crane	COTS Product Assurance & Tech Mgmt Facility		10,580	-	12,600	12,600
Indiana	Army National Guard	Remington	Add/Alter Readiness Center (ADRS)	1,458	1,458	1,458		1,458
Indiana	Army National Guard	Gary	Armed Forces Reserve Center		-	9,380	9,380	9,380
Iowa	Army National Guard	Camp Dodge	Company Grade BOQ		3,485	3,485	3,485	3,485
Kansas	Army	Ft Leavenworth	Lewis & Clark Instructional Facility, Phase 2	44,000	44,000	44,000		44,000
Kansas	Army	Ft Riley	AFS Technical Maintenance Facility		-	15,500	15,500	15,500
Kansas	Army	Ft Riley	Barracks Complex Renewal	41,000	41,000	41,000		41,000
Kansas	Army	Ft Riley	Communications Center	3,050	3,050	3,050		3,050
Kansas	Army National Guard	Topeka	Add/Alter Readiness Center (ADRS)	3,086	3,086	3,086		3,086
Kansas	Air National Guard	Forbes Field	Replace Operations and Training Complex		9,800	-	9,800	9,800
Kansas	Army Reserve	ARC Hays	Army Reserve Center/Organization Maint Spt	7,451	7,451	7,451		7,451
Kansas	Army Reserve	New Century	AR Ctr / OMS / AMSA / Unheated Storage		8,723	-	8,723	8,723
Kentucky	Army	Ft Campbell	Airfield Vehicle Support Facility		-	2,400		-
Kentucky	Army	Ft Campbell	Barracks Complex - 42nd St/Indiana Ave, Ph 1	30,000	30,000	30,000		30,000
Kentucky	Army	Ft Campbell	Command and Control Facility	33,000	33,000	33,000		33,000
Kentucky	Army	Ft Campbell	Shoot House	1,600	1,600	1,600		1,600
Kentucky	Army	Ft Knox	Construct Urban Assault Course		-	1,900	1,900	1,900
Kentucky	Army	Ft Knox	Shoot House		1,850	1,850	1,850	1,850
Kentucky	Army	Ft Knox	Trainee Barracks Basic Training Cplx 1, Ph 1	50,000	50,000	50,000		50,000
Kentucky	Spec Ops	Ft Campbell	Aquatic Training Facility, SOAR		-	3,500	3,500	3,500
Kentucky	Chem DeMil	Blue Grass AD	Ammunition Demilitarization Facility, Phase 5	37,094	37,094	37,094		37,094
Louisiana	Army	Ft Polk	Ammunition Supply Point Upgrade	7,500	7,500	7,500		7,500
Louisiana	Army	Ft Polk	Fixed Wing Aircraft Parking Apron	25,000	25,000	25,000		25,000
Louisiana	Army	Ft Polk	Hazard Cargo Loading Apron	14,503	14,503	14,503		14,503
Louisiana	Army	Ft Polk	Pallet Processing Facility	8,800	8,800	8,800		8,800
Louisiana	Army	Ft Polk	Passenger Processing Facility	11,700	11,700	11,700		11,700
Louisiana	Army	Ft Polk	Urban Assault Course	3,450	3,450	3,450		3,450
Louisiana	Navy	JRB NAS New Orleans	Child Development Center		3,450	-		-
Louisiana	Navy	JRB NAS New Orleans	Indoor Small Arms Range		2,580	-		-

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Louisiana	Air Force	Barksdale AFB	Dormitory (168 Rm)	13,800	13,800	13,800		13,800
Louisiana	Army National Guard	Camp Beauregard	Add/Alter Army Aviation Support Facility	15,738	15,738	15,738		15,738
Louisiana	Navy Reserve	NAS JRB New Orleans	Child Development Center		-	-	3,450	3,450
Louisiana	Navy Reserve	NAS JRB New Orleans	Indoor Small Arms Range		-	-	2,580	2,580
Louisiana	Air Force Reserve	Barksdale AFB	Operations Facility, 93rd Squadron		-	5,300	4,800	4,800
Maine	Navy	NAS Brunswick	Replace Weapons Magazine		-	4,690	6,220	6,220
Maine	Navy	Portsmouth NS	Acoustic Test and Calibration Facility		-	7,860		-
Maryland	Army	Aberdeen PG	Chemical and Bio Sample Reception Facility		-	13,000	13,000	13,000
Maryland	Army	Ft Detrick	Remote Truck Inspection Station		4,000	-	4,000	4,000
Maryland	Navy	NSWC Indian Head	AGILE Chemical Facility	13,900	13,900	13,900		13,900
Maryland	Navy	NSWC Indian Head	Joint Aircrew Escape Component Center		9,100	-	9,100	9,100
Maryland	Air Force	Andrews AFB	ASA-Alter Aircraft Support Facilities	5,000	5,000	5,000		5,000
Maryland	Air Force	Andrews AFB	ASA-Fighter Aircraft Alert Complex	11,000	11,000	11,000		11,000
Maryland	Air Force	Andrews AFB	ASA-Munitions Storage Igloo	1,100	1,100	1,100		1,100
Maryland	NSA	Ft Meade	Critical Communication Path	3,450	3,450	3,450		3,450
Maryland	NSA	Ft Meade	NSA Deep Wells	8,140	8,140	8,140		8,140
Maryland	NSA	Ft Meade	Reconfigured Chilled Water, Phase 2	3,417	3,417	3,417		3,417
Maryland	Army Reserve	Ft Meade	Army Reserve Ctr/OMS/Unheat Storage, Ph 2	14,642	14,642	14,642		14,642
Massachusetts	Air National Guard	Otis ANG Base	Eliminate Airfield Obstructions	4,000	4,000	4,000		4,000
Massachusetts	Air National Guard	Otis ANG Base	Replace Control Tower		7,000	-	7,000	7,000
Massachusetts	Air Force Reserve	Westover ARB	Base Operations Facility		-	4,400	4,400	4,400
Michigan	Army National Guard	Grand Ledge	Army Aviation Support Facility	27,600	27,600	27,600		27,600
Michigan	Air National Guard	Alpena	Squadron Operations Training Facility		-	8,500		-
Michigan	Air National Guard	Kellogg Field	Fire Crash Rescue Station		-	5,100		-
Michigan	Air National Guard	Selfridge ANG Base	Joint Security Forces Facility		-	9,700	9,700	9,700
Michigan	Air National Guard	Selfridge ANG Base	Visitors Center and ID Complex		4,000	-	4,000	4,000
Michigan	Air National Guard	W.K. Kellogg	Fire Crash/Rescue Station		5,100	-	5,100	5,100
Minnesota	Air National Guard	Duluth IAP (ANG)	ASA - Alert Crew Quarters	3,000	3,000	3,000		3,000
Minnesota	Air National Guard	Duluth IAP (ANG)	ASA- Arm, Dearm Apron and Taxiway	4,000	4,000	4,000		4,000
Minnesota	Air National Guard	Duluth IAP (ANG)	ASA- Relocate Base Entrance Road	3,500	3,500	3,500		3,500
Minnesota	Air National Guard	Minneapolis St Paul ARS	Add/Alter Joint Use Physical Fitness Center		4,400	-		-
Minnesota	Air Force Reserve	Minneapolis St Paul ARS	Add/Alter Joint Use Physical Fitness Center		-	-	4,400	4,400
Minnesota	Air Force Reserve	Minneapolis St Paul ARS	Joint Security Forces Building		-	4,950	4,950	4,950
Mississippi	Navy	Gulfport	Vehicle Maintenance Facility		-	4,350		-

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Mississippi	Air Force	Columbus AFB	Fire Crash Rescue Station		7,700	7,700	7,700	7,700
Mississippi	Army National Guard	Camp Shelby	MOUT Collective Training Facility (Small)		5,300	-	5,300	5,300
Mississippi	Army National Guard	Camp Shelby	Wastewater Treatment Facility				2,700	2,700
Mississippi	Army National Guard	Gulfport	Organizational Maintenance Shop		-	4,650	4,650	4,650
Mississippi	Spec Ops	Stennis Space Center	Combatant Craft Operations Facility		-	6,000		-
Mississippi	Navy Reserve	Gulfport	Vehicle Maintenance Facility				4,350	4,350
Missouri	Army	Ft Leonard Wood	Countermine Training Complex, Phase 1		-	10,400	10,400	10,400
Missouri	Army	Ft Leonard Wood	Mine Detection Dog Kennel		3,700	-	3,700	3,700
Missouri	Army	Ft Leonard Wood	Construct Range	2,750	2,750	2,750		2,750
Missouri	Army	Ft Leonard Wood	WMD Respond Training Facility	15,000	15,000	15,000		15,000
Missouri	Air Force	Whiteman AFB	Child Development Center		7,600	-	7,600	7,600
Montana	Air Force	Malmstrom AFB	Construct Corrosion Control/AGE Facility		-	5,600	5,600	5,600
Montana	Army National Guard	Dillon	Readiness Center		-	4,786	4,786	4,786
Montana	Army National Guard	Havre	Add/Alter Readiness Center (ADRS)	2,398	2,398	2,398		2,398
Montana	Army National Guard	Helena	Add/Alter Army Aviation Support Facility, Ph 1	7,600	7,600	7,600		7,600
Nebraska	Air Force	Offutt AFB	Replace Control Tower		-	6,721	6,221	6,221
Nebraska	Army National Guard	Hastings	Modified Record Fire Range	1,487	1,487	1,487		1,487
Nevada	Navy	NAS Fallon	High Explosives Magazine		4,980	4,980	4,980	4,980
Nevada	Army National Guard	Henderson	Readiness Center		-	12,853	12,853	12,853
New Hampshire	Air National Guard	Pease Intml Port ANGB	Upgrade Aircraft Parking Apron Phase 2		4,900	-	4,900	4,900
New Hampshire	Air National Guard	Pease ANGB	Repair Aircraft Parking Ramp		-	4,900		-
New Jersey	Army	Picatinny Arsenal	Pyrotechnics Facility		9,900	-	9,900	9,900
New Jersey	Navy	LANTORDCOM DET Earle	General Purpose Berthing Pier, Increment 2	49,200	49,200	49,200		49,200
New Jersey	Air National Guard	Atlantic City IAP (ANG)	ASA - Replace Alert Complex	10,400	10,400	10,400		10,400
New Jersey	Air National Guard	Atlantic City IAP (ANG)	Replace Alert 2 Shelters		2,300	-	2,300	2,300
New Jersey	Army Reserve	Ft Dix	Controlled Humidity Storage, Ph 1		9,502	-	9,502	9,502
New Mexico	Army	White Sands Missile Range	Electromagnetic Vulnerability Assessment	33,000	33,000	33,000		33,000
New Mexico	Air Force	Cannon AFB	Dining Facility		-	9,500	9,500	9,500
New Mexico	Air Force	Kirtland AFB	Corrosion Control Facility		9,200	-	9,200	9,200
New York	Army	Ft Drum	Airfield Arrival/Departure Facility	4,950	4,950	4,950		4,950
New York	Army	Ft Drum	Barracks Complex-Wheeler Sack AAF, Ph 2	48,000	48,000	48,000		48,000
New York	Army	Ft Drum	Defensive Live Fire Range		3,000	3,000	3,000	3,000
New York	Army	Ft Drum	Upgrade Educational Transitional Facilities		5,700	-	5,700	5,700
New York	Army	Ft Hamilton	Military Police Station	7,600	7,600	7,600		7,600

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New York	Army	Hancock Field	Military Entrance Processing Station		6,000	-	6,000	6,000
New York	Army	MEPS Buffalo	Military Entrance Processing Station	6,200	6,200	6,200		6,200
New York	Army	USMA West Point	Library & Learning Center, Phase 1	34,500	34,500	34,500		34,500
New York	Army National Guard	Utica	Addition Readiness Center (ADRS)	5,704	5,704	5,704		5,704
New York	Army National Guard	Auburn	Addition Readiness Center (ADRS)	4,406	4,406	4,406		4,406
New York	Army National Guard	Auburn	Organizational Maintenance Shop (ADRS)	2,472	2,472	2,472		2,472
New York	Army National Guard	Kingston	Organizational Maintenance Shop (ADRS)	3,827	3,827	3,827		3,827
New York	Army National Guard	Ft Drum	Readiness Center (ADRS)	6,489	6,489	6,489		6,489
New York	Air National Guard	Hancock Field	Replace Mobility Processing Center		2,300	-	2,300	2,300
New York	Air Force Reserve	Niagara ARS	Fire & Crash Rescue Station		7,800	-	7,800	7,800
North Carolina	Army	Ft Bragg	Air Traffic Control Tower	2,500	2,500	2,500		2,500
North Carolina	Army	Ft Bragg	Barracks Complex - Armistead St. Ph 2		10,000	-	10,000	10,000
North Carolina	Army	Ft Bragg	Barracks Complex - Donovan Street, Phase 5	15,500	15,500	15,500		15,500
North Carolina	Army	Ft Bragg	Barracks Complex Renewal Blackjack St, Ph 1	49,000	49,000	49,000		49,000
North Carolina	Army	Ft Bragg	Barracks Complex - Bastogene Dr, Phase 2	48,000	48,000	48,000		48,000
North Carolina	Army	Ft Bragg	Shoot House	1,650	1,650	1,650		1,650
North Carolina	Army	Ft Bragg	Shoot House	2,037	2,037	2,037		2,037
North Carolina	Navy	MCAS New River	Aircraft Maintenance Training Facility	12,090	12,090	12,090		12,090
North Carolina	Navy	MCAS New River	Bachelor Enlisted Quarters	20,780	20,780	20,780		20,780
North Carolina	Navy	MCAS New River	Simulator Building Addition	2,270	2,270	2,270		2,270
North Carolina	Navy	MCB Camp Lejeune	Armory, Camp Geiger	4,010	4,010	4,010		4,010
North Carolina	Navy	MCB Camp Lejeune	Combat Training Pool	2,410	2,410	2,410		2,410
North Carolina	Navy	MCB Camp Lejeune	Explosive Ordnance Disposal Ops Facility		4,610	-	4,610	4,610
North Carolina	Navy	MCB Camp Lejeune	Reserve Training Center		-	7,000		-
North Carolina	Navy	Washington County	Outlying Landing Field (OLF) Facilities, Incr 2	33,900	-	33,900	(18,900)	15,000
North Carolina	Navy	Washington County	Outlying Landing Field Land Acquisition, Incr 1	61,750	-	61,750	(46,750)	15,000
North Carolina	Air Force	Pope AFB	Combat Control School Expansion	12,950	12,950	12,950		12,950
North Carolina	Air Force	Pope AFB	Indoor Firing Range Combat Controlled School	2,200	2,200	2,200		2,200
North Carolina	DLA	MCAS Cherry Point	Replace Hydrant Fuel System	22,700	22,700	22,700		22,700
North Carolina	Spec Ops	Ft Bragg	Kennedy Hall Renovation	11,988	11,988	11,988		11,988
North Carolina	Spec Ops	Ft Bragg	SOF Company Operations Building	4,600	4,600	4,600		4,600
North Carolina	Spec Ops	Ft Bragg	SOF Company Operations Complex	12,000	12,000	12,000		12,000
North Carolina	Spec Ops	Ft Bragg	SOF Company Operations Facility	4,500	4,500	4,500		4,500
North Carolina	Spec Ops	Ft Bragg	SOF Isolation Unit Training Facility	8,300	8,300	8,300		8,300

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North Carolina	Spec Ops	Ft Bragg	SOF Resistance Training Facility	1,500	1,500	1,500		1,500
North Carolina	Army National Guard	Burlington	Add/Alter Readiness Center (ADRS)	1,360	1,360	1,360		1,360
North Carolina	Army National Guard	Windsor	Organizational Maintenance Shop (ADRS)	2,409	2,409	2,409		2,409
North Carolina	Army National Guard	Ft Bragg	Regional Training Institute, Phase 3	6,319	6,319	6,319		6,319
North Carolina	Army National Guard	Lenoir	Organizational Maintenance Shop		-	3,000		-
North Carolina	Navy Reserve	NRC Asheville	Reserve Center	3,492	3,492	3,492		3,492
North Carolina	Navy Reserve	Wilmington	Reserve Training Center		-	-	7,000	7,000
North Carolina	Air Force Reserve	Seymour Johnson AFB	Reserve Security Forces Operations	2,300	2,300	2,300		2,300
North Dakota	Air Force	Minot AFB	Add/Alter Dock 1 Hangar		-	9,900	8,900	8,900
Ohio	Air Force	Wright-Patterson AFB	Replace Steam Lines/Tunnels, Area B, Ph 1A		9,200	9,200	9,200	9,200
Ohio	Air Force	Wright-Patterson AFB	Special Tactical Unit Detachment Facility		-	-		704
Ohio	DLA	Columbus	Replace Physical Fitness Facility	5,500	5,500	-	(5,500)	-
Ohio	Army National Guard	Columbus	Combined Spt Maintenance Shop Phase 1		9,980	-	9,980	9,980
Ohio	Army National Guard	Columbus	Organizational Maintenance Shop (ADRS) add/alt	2,225	2,225	2,225		2,225
Ohio	Air National Guard	Toledo Express Airport	Replace Logistics Complex		6,900	-	6,900	6,900
Ohio	Air Force Reserve	Wright-Patterson AFB	C-5 Airfield Pavements, Phase 1	4,300	4,300	4,300		4,300
Ohio	Air Force Reserve	Wright-Patterson AFB	C-5 Multi-Purpose Hangar	16,821	16,821	16,821		16,821
Oklahoma	Army	Ft Sill	CIDC Field Operations Building		3,400	-	3,400	3,400
Oklahoma	Army	Ft Sill	Consolidated Maintenance Complex, Phase 3	13,100	13,100	13,100		13,100
Oklahoma	Army	Ft Sill	Vehicle Maintenance Facility	14,400	14,400	14,400		14,400
Oklahoma	Air Force	Altus AFB	Base Civil Engineering Complex, Phase 2		-	10,500	7,000	7,000
Oklahoma	Air Force	Tinker AFB	Add to Integration Support Facility		-	8,000	8,000	8,000
Oklahoma	DLA	Tinker AFB	Add/Alter Hydrant Fuel System	5,400	5,400	5,400		5,400
Oklahoma	Army National Guard	Camp Gruber Training Ctr	Multi-purpose Machine Gun Range		3,201	-	3,201	3,201
Oregon	Army National Guard	AFRC Eugene	Armed Forces Reserve Center, Phase 2	12,635	12,635	12,635		12,635
Oregon	Army National Guard	Salem	Army Aviation Support Facility		4,917	-	4,917	4,917
Oregon	Air Force Reserve	Portland IAP	Add/Alter Bldg 315 For PJ Squadron Operations	1,640	1,640	1,640		1,640
Oregon	Air Force Reserve	Portland IAP	Consolidated Training, Phase 2	3,800	3,800	3,800		3,800
Oregon	Air Force Reserve	Portland IAP	Maintenance Hangar & Pavements	12,400	12,400	12,400		12,400
Pennsylvania	Army	Letterkenny Depot	Upgrade Igloos, Phase 1		-	11,400	5,400	5,400
Pennsylvania	DLA	DDSP New Cumberland	Consolidated Maintenance Facility	22,300	22,300	22,300		22,300
Pennsylvania	Army National Guard	Ft Indiantown Gap	Unit Equipment Training Site		20,387	-	20,387	20,387
Pennsylvania	Army Reserve	Ft Indiantown Gap	Army Reserve Center/Org Maint Support	13,156	13,156	13,156		13,156
Pennsylvania	Navy Reserve	NAS Willow Grove	Fitness Center	7,700	7,700	7,700		7,700

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Rhode Island	Navy	NAS Newport	Add/Alter Naval Justice School		-	3,590		-
Rhode Island	Navy	NAS Newport	Construct Fuel Oil Storage System		-	5,490	5,490	5,490
South Carolina	Navy	MCAS Beaufort	Aircraft Fire and Rescue Facility		5,480	-	5,480	5,480
South Carolina	Navy	NWS Charleston	Consolidated Electronic Integration Spt Fac		-	18,140	12,209	12,209
South Carolina	Air Force	Shaw AFB	Base Library		3,700	-	3,700	3,700
South Carolina	Air Force	Shaw AFB	Sewer Outfall Line to Wateree River	3,300	3,300	3,300		3,300
South Carolina	TMA	MCRD Parris Island	Replace Medical/Dental Clinic	25,000	25,000	25,000		25,000
South Dakota	Air Force	Ellsworth AFB	Base Operations Center		-	11,800	9,867	9,867
South Dakota	Army National Guard	Mobridge	Readiness Center	2,944	2,944	2,944		2,944
South Dakota	Air National Guard	Joe Foss Field	Squadron Operations Facility		-	7,000	7,000	7,000
Tennessee	Air Force	Arnold AFB	Add/Alter Wingo Inn Visiting Quarters		2,500	-	2,500	2,500
Tennessee	Air Force	Arnold AFB	Upgrade Jet Engine Induction Sys, Phase 5	22,000	22,000	22,000		22,000
Tennessee	Army National Guard	Nashville	Readiness Center, Phase 1		-	9,142	9,142	9,142
Tennessee	Army National Guard	Smyrna	Joint Forces Reserve Center		-	13,589	13,589	13,589
Tennessee	Air National Guard	Memphis IAP	C-5 Aircraft Apron & Hydrant Refuel Station	15,500	15,500	15,500		15,500
Tennessee	Air National Guard	Memphis IAP	C-5 Corrosion Control Hangar	26,000	26,000	26,000		26,000
Texas	Army	Camp Bullis	Vehicle Maintenance Facility		5,300	-		-
Texas	Army	Ft Bliss	CIDC Field Operations Building		-	3,600		-
Texas	Army	Ft Sam Houston	Construct General Instruction Building		-	11,400	11,400	11,400
Texas	Army	Ft Bliss	Missile Defense Instruction Facility	16,500	16,500	16,500		16,500
Texas	Army	Ft Bliss	Tac Equip Shop-AAMDC		2,900	-	2,900	2,900
Texas	Army	Ft Hood	Barracks Complex	49,888	49,888	49,888		49,888
Texas	Army	Ft Hood	Command & Control Facility Ph 2		7,100	-	7,100	7,100
Texas	Army	Ft Hood	Digital Multipurpose Range	28,200	28,200	28,200		28,200
Texas	Army	Ft Hood	Training Area Tank Trails		3,700	-		-
Texas	Air Force	Dyess AFB	Refueling Vehicle Maintenance Shop		3,300	-	3,300	3,300
Texas	Air Force	Dyess AFB	Construct Fire/Crash Rescue Station		-	11,000	11,000	11,000
Texas	Air Force	Lackland AFB	Security Forces Training Expansion	2,596	2,596	2,596		2,596
Texas	Air Force	Laughlin AFB	T-1 Squadron Operations Facility		6,900	-	6,900	6,900
Texas	Air Force	Sheppard AFB	F-22 Technical Training Facility	21,284	21,284	21,284		21,284
Texas	Air Force	Sheppard AFB	Student Dormitory (300 Rm)	29,000	29,000	29,000		29,000
Texas	DLA	NAS Kingsville	Replace Jet Fuel Storage Tank	3,900	3,900	3,900		3,900
Texas	Army Reserve	Corpus Christi Storage Cplx	Controlled Humidity Storage Ph 1		9,038	-	9,038	9,038
Texas	Navy Reserve	NAS JRB Fort Worth	Combined Reserve Training Admin Building		5,520	-	5,520	5,520

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Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Texas	Air Force Reserve	Lackland AFB	Add/Alter C-5 Aircraft Generation Facility	1,200	1,200	1,200		1,200
Texas	Air Force Reserve	Lackland AFB	C-5 Training Schoolhouse Complex	20,000	20,000	20,000		20,000
Texas	Air Force Reserve	Lackland AFB	C-5 Training Load Assembly Facility	1,850	1,850	1,850		1,850
Texas	Air Force Reserve	NAS JRB Fort Worth	Aircraft Parts Store		1,850	-	1,850	1,850
Utah	Air Force	Hill AFB	729th ACS Operations / Maintenance Facility		4,900	-	4,900	4,900
Utah	Air Force	Hill AFB	Fitness Center	13,113	13,113	13,113		13,113
Utah	Air Force	Hill AFB	ICBM Propellant Analysis Complex		-	7,700	7,700	7,700
Utah	Army Reserve	ARC Ogden	Add/Alter Army Reserve Center	7,932	7,932	7,932		7,932
Vermont	Air National Guard	Burlington	Composite Deployment Training Facility		-	6,000	6,000	6,000
Virginia	Army	Ft A.P. Hill	MOUT Facility, Ph 1		-	10,800	6,800	6,800
Virginia	Army	Ft A.P. Hill	Shoot House	3,975	3,975	3,975		3,975
Virginia	Army	Ft Lee	Fire and Emergency Services Center Ph 3		4,250	-	4,250	4,250
Virginia	Army	Ft Myer	Barracks Complex-Sheridan Ave, Phase 1	49,526	49,526	49,526		49,526
Virginia	Navy	Camp Elmore USMC Det	Command Operations Facility	13,500	13,500	13,500		13,500
Virginia	Navy	MCAF Quantico	Green Side Hangar Complex	21,180	21,180	21,180		21,180
Virginia	Navy	MCAF Quantico	White Side Complex		-	-		18,560
Virginia	Navy	MCCDC Quantico	Armory (The Basic School)	4,580	4,580	4,580		4,580
Virginia	Navy	MCCDC Quantico	Bachelor Enlisted Quarters	15,090	15,090	15,090		15,090
Virginia	Navy	MCCDC Quantico	Heritage Center Road Improvements	950	-	950		950
Virginia	Navy	MCCDC Quantico	HQ and Service BN / TBS		4,470	-	4,470	4,470
Virginia	Navy	NAB Little Creek	Gate 5 Security Improvements	2,850	2,850	2,850		2,850
Virginia	Navy	NAB Little Creek	Police & Security Ops Facility		6,700	-	6,370	6,370
Virginia	Navy	NAS Oceana	Post 2 Security Improvements	2,770	2,770	2,770		2,770
Virginia	Navy	NS Norfolk	Gate 5 Security Improvements	4,330	4,330	4,330		4,330
Virginia	Navy	NS Norfolk	Pier 11 Replacement, Increment 2	40,000	40,000	40,000		40,000
Virginia	Navy	LANTORDCOM Yorktown	Ordnance Handling Vehicle Maint Shop	9,870	9,870	9,870		9,870
Virginia	Navy	Quantico	Basic School Headquarters		-	4,470		-
Virginia	DLA	Def Dist Depot Richmond	Conference Center	3,600	3,600	3,600		3,600
Virginia	DLA	Def Dist Depot Richmond	Security Enhancements	6,500	6,500	6,500		6,500
Virginia	DLA	DFSP NAS Oceana	Bulk Fuel Storage Tank	3,589	3,589	3,589		3,589
Virginia	Spec Ops	FCTC Dam Neck	Addition SOF Operational Trainer Support Facility	4,300	4,300	4,300		4,300
Virginia	Spec Ops	FCTC Dam Neck	SOF High Explosives Magazine	1,400	1,400	1,400		1,400
Virginia	Spec Ops	Ft A.P. Hill	SOF Ground Mobility Support Building	1,500	1,500	1,500		1,500
Virginia	Spec Ops	NAB Little Creek	Boat Support Facility	10,500	10,500	10,500		10,500

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Virginia	Spec Ops	NAB Little Creek	SEAL Team Operations Facility		9,000	9,000	9,000	9,000
Virginia	Spec Ops	NAB Little Creek	SOF Combat Skills Compound	12,700	12,700	12,700		12,700
Virginia	Spec Ops	NAB Little Creek	SOF Ground Mobility Maintenance Facility	1,000	1,000	1,000		1,000
Virginia	Army National Guard	Ft Pickett	Infantry Platoon Battle Course (SBCT)	5,170	5,170	5,170		5,170
Virginia	Army National Guard	Ft Pickett	MOUT Assault Course (SBCT)	1,409	1,409	1,409		1,409
Virginia	Navy Reserve	NMCRC Norfolk	Vehicle Maintenance Facility	3,290	3,290	3,290		3,290
Virginia	TMA	Ft Belvoir	Hospital Replacement, Phase I	43,000	43,000	43,000		43,000
Virginia	TMA	Langley AFB	Add/Alter Hospital	50,800	50,800	50,800		50,800
Washington	Army	Ft Lewis	Barracks Complex-41st Div Dr/B St, Phase 2	48,000	48,000	48,000		48,000
Washington	Army	Ft Lewis	Construct Chapel, North Fort		-	9,200	8,200	8,200
Washington	Navy	NAS Whidbey Island	Hazardous Materials Storehouse		1,990	-	1,990	1,990
Washington	Navy	NS Bremerton	Bachelor Enlisted Quarters-Homeport Ashore	34,125	34,125	34,125		34,125
Washington	Navy	NSY Puget Sound	CVN Maintenance Complex	20,305	20,305	20,305		20,305
Washington	Navy	NSY Puget Sound	Ocean Engineering Support Facility		3,150	-		-
Washington	Navy	SWFPAC Bangor	Limited Area Production & Storage Complex	35,770	35,770	35,770		35,770
Washington	Navy	NSWCCD DET, Bangor	Lab Consolidation, Phase 1		-		6,970	6,970
Washington	Army National Guard	Camp Murray	Alter Readiness Center (ADRS)	1,400	1,400	1,400		1,400
Washington	Army Reserve	Vancouver	Land Acquisition	2,500	2,500	-	(2,500)	-
West Virginia	Air National Guard	Martinsburg ANG	C-5 Maintenance Hangar and Shops	36,000	36,000	36,000		36,000
West Virginia	Air National Guard	Martinsburg ANG	Construct C-5 Apron/Fuel Hydr Sys, Ph 2		-	17,000	13,000	13,000
West Virginia	Air National Guard	Martinsburg ANG	Flight Simulator Facility (C-5)		-	4,150	4,150	4,150
West Virginia	Air National Guard	Yeager	Fire Crash Rescue Station		-	6,000	6,000	6,000
Wisconsin	Air National Guard	Truax Field	ASA - Munitions Maint & Storage Complex	5,900	5,900	5,900		5,900
Wisconsin	Air National Guard	Volk Field	Replace Joint Squadron Ops Facility		-	4,500	4,500	4,500
Wisconsin	Army Reserve	Ft McCoy	Infantry Platoon Battle Course	2,712	2,712	2,712		2,712
Wisconsin	Army Reserve	Ft McCoy	Squad Defense Range	1,248	1,248	1,248		1,248
Wyoming	Air Force	F.E. Warren AFB	Upgrade Storm Water Drainage System Ph 1		5,500	5,500	5,500	5,500
Bahamas	Navy	NUWC Andros Island	Bachelor Quarters	20,750	20,750	-	(20,750)	-
Diego Garcia	Navy	NAVSUPPFAC Diego Garcia	Solid Waste Management Center	17,500	17,500	17,500		17,500
Diego Garcia	TMA	Diego Garcia	Dental Clinic Replacement	3,800	3,800	3,800		3,800
Germany	Army	Grafenwoehr	Barracks Complex	28,500	28,500	28,500		28,500
Germany	Army	Grafenwoehr	Barracks Complex - Brigade	34,000	34,000	34,000		34,000
Germany	Army	Grafenwoehr	Brigade Support Complex	14,700	14,700	14,700		14,700

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Germany	Air Force	Ramstein AB	Small Diameter Bomb Facilities	1,200	1,200	1,200		1,200
Germany	Air Force	Ramstein AB	USAFE Theater Aerospace Operations Spt Ctr	24,204	24,204	24,204		24,204
Germany	DODEA	Grafenwoehr	New Elementary/Middle School	36,247	36,247	36,247		36,247
Germany	DODEA	Vilseck	High School Renovation/Addition	9,011	9,011	9,011		9,011
Germany	TMA	Grafenwoehr	Add/Alter Dispensary/Dental Clinic	13,000	13,000	13,000		13,000
Greenland	Air Force	Thule AB	Dormitory (72 Rm)	19,800	19,800	19,800		19,800
Guam	Navy	NPWC Guam	FENA Water Treatment Plant Upgrade	20,700	20,700	20,700		20,700
Guam	Navy	COMNAVMARIANAS Guam	Kilo Wharf Improvements	12,500	12,500	12,500		12,500
Guam	Air Force	Andersen AFB	War Reserve Storage Facility	19,593	19,593	19,593		19,593
Guam	Spec Ops	NS Guam	SOF Ground Mobility Support Building	2,200	2,200	2,200		2,200
Guam	DODEA	NS Guam	High School Replacement	26,964	26,964	26,964		26,964
Italy	Army	Livorno	Warehouse Operations Facility	26,000	26,000	26,000		26,000
Italy	Navy	NAS Sigonella	Access Improvements	7,430	7,430	7,430		7,430
Italy	Navy	NAS Sigonella	Base Operations Support Facility, Phase 2	15,120	15,120	15,120		15,120
Italy	Air Force	Aviano AB	Add/Alt Weapons Load/Maint Training Facility	2,300	2,300	2,300		2,300
Italy	Air Force	Aviano AB	Expand North Ramp, Phase 2	1,626	1,626	1,626		1,626
Italy	Air Force	Aviano AB	Flight Simulator	2,834	2,834	2,834		2,834
Japan	Air Force	Misawa AB	Expand Strategic Airlift Ramp	6,700	6,700	-	(6,700)	-
Japan	DLA	Misawa AB	Hydrant Fuel System	19,900	19,900	-	(19,900)	-
Korea	Army	Camp Humphreys	Sanitary Sewer System	12,000	12,000	12,000		12,000
Korea	Air Force	Kunsan AB	Dorm (144 Rm)	18,550	18,550	18,550		18,550
Korea	Air Force	Kunsan AB	Dorm (144 Rm)	18,550	18,550	18,550		18,550
Korea	Air Force	Osan AB	Dormitory (156 Rm)	18,600	18,600	18,600		18,600
Portugal	Air Force	Lajes Field	Add/Alter Fitness Center, Phase 2	5,689	5,689	5,689		5,689
Portugal	DLA	DFSP Lajes Field	Replace Hydrant Fuel System	19,113	19,113	19,113		19,113
Puerto Rico	Army Reserve	ARC Aguadilla	Army Reserve Center	21,523	21,523	-	(21,523)	-
Spain	Navy	NS Rota	Consolidate Command Ops & Support Facility	32,700	32,700	-	(11,000)	21,700
Spain	Air Force	NS Rota	Aircraft Parking Apron, Phase 2	14,153	14,153	-	(9,828)	4,325
United Kingdom	Air Force	RAF Lakenheath	4-Bay Mission Training Center	5,500	5,500	5,500		5,500
United Kingdom	Spec Ops	RAF Mildenhall	SOF Operations/Intelligence Facility	10,200	10,200	-	(10,200)	-
Worldwide	Air Force	Classified Location	Classified	28,090	28,090	28,090		28,090
Worldwide	Air Force	Classified Location	Special Tactical Unit Det Facility*	704	704	704		-
Worldwide	Spec Ops	Classified Location	SOF Building Addition	2,600	2,600	2,600		2,600

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Worldwide	Spec Ops	Classified Location	SOF Information Operations Facility Addition	4,800	4,800	4,800		4,800
Unspecified	Navy	Unspecified Worldwide	White Side Complex**	18,560	18,560	18,560		-
Unspecified	Navy	Unspecified Worldwide	Presidential Helicopter Program Support Fac	80,000	80,000	-	(40,000)	40,000
Unspecified	Air Force	Unspecified Worldwide	Predator B Beddown	26,121	26,121	26,121		26,121
Unspecified	Spec Ops	Unspecified Worldwide	Training Facility	2,900	2,900	2,900		2,900
Unspecified	Army	Unspecified Worldwide	Unspecified Minor Construction	20,000	20,000	20,000		20,000
Unspecified	Army	Unspecified Worldwide	Planning and Design	130,335	140,209	133,335		130,335
Unspecified	Army	Unspecified Worldwide	Host Nation Support	21,000	21,000	21,000		21,000
Unspecified	Navy	Unspecified Worldwide	Unspecified Minor Construction	12,000	12,000	12,000		12,000
Unspecified	Navy	Unspecified Worldwide	Planning and Design	87,067	93,804	87,067		87,067
Unspecified	Air Force	Unspecified Worldwide	Unspecified Minor Construction	13,000	13,000	13,000		13,000
Unspecified	Air Force	Unspecified Worldwide	Planning and Design	140,786	166,126	124,085	(16,701)	124,085
Unspecified	Spec Ops	Unspecified Worldwide	Unspecified Minor Construction	2,710	2,710	2,710		2,710
Unspecified	Spec Ops	Unspecified Worldwide	Planning and Design	10,566	11,866	10,566		10,566
Unspecified	MDA	Unspecified Worldwide	Unspecified Minor Construction	2,769	2,769	2,769		2,769
Unspecified	Army National Guard	Unspecified Worldwide	Planning and Design	30,845	44,107	31,375		30,845
Unspecified	Army National Guard	Unspecified Worldwide	Unspecified Minor Construction	4,472	7,172	4,472		4,472
Unspecified	Air National Guard	Unspecified Worldwide	Unspecified Minor Construction	5,500	5,500	5,500		5,500
Unspecified	Air National Guard	Unspecified Worldwide	Planning and Design	11,764	18,316	11,764		11,764
Unspecified	Air National Guard	Unspecified Worldwide	Planning and Design	1,804	1,804	1,804		1,804
Unspecified	Army Reserve	Unspecified Worldwide	Unspecified Minor Construction	2,923	2,923	2,923		2,923
Unspecified	Army Reserve	Unspecified Worldwide	Planning and Design	11,225	13,847	11,225		11,225
Unspecified	Navy Reserve	Unspecified Worldwide	Planning and Design	1,503	1,653	1,503		1,503
Unspecified	Air Force Reserve	Unspecified Worldwide	Planning and Design	5,493	8,807	5,493		5,493
Unspecified	Air Force Reserve	Unspecified Worldwide	Unspecified Minor Construction	5,263	5,263	5,263		5,263
Unspecified	Air Force Reserve	Unspecified Worldwide	General Reduction		(6,570)	-		-
Unspecified	DFAS	Unspecified Worldwide	Unspecified Minor Construction	1,497	1,497	1,497		1,497
Unspecified	TJS	Unspecified Worldwide	Unspecified Minor Construction	7,214	7,214	7,214		7,214
Unspecified	Other	Unspecified Worldwide	Unspecified Minor Construction	3,000	3,000	3,000		3,000
Unspecified	Other	Unspecified Worldwide	Planning and Design	22,216	22,216	22,216		22,216
Unspecified	DODEA	Unspecified Worldwide	Unspecified Minor Construction	746	746	746		746
Unspecified	TMA	Unspecified Worldwide	Unspecified Minor Construction	3,002	3,002	3,002		3,002
Unspecified	TMA	Unspecified Worldwide	Planning and Design	29,400	29,400	29,400		29,400

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Unspecified	Other	Unspecified Worldwide	Energy Conservation Improvement Program	60,000	50,000	60,000	(10,000)	50,000
Unspecified	Other	Unspecified Worldwide	Contingency Construction	10,000	10,000	10,000		10,000
Unspecified	Other	Unspecified Worldwide	NATO Security Investment Program	165,800	165,800	165,800	(5,000)	160,800
Unspecified	BRAC IV	BRAC IV	Base Realignment & Closure	246,116	246,116	246,116		246,116
Unspecified	Army	Unspecified Worldwide	Reduction (prior year savings)				(5,550)	(5,550)
Unspecified	Navy	Unspecified Worldwide	Reduction (prior year savings)				(5,549)	(5,549)
Unspecified	Air Force	Unspecified Worldwide	Reduction (prior year savings)				(5,550)	(5,550)
Alaska	Army	Ft Richardson	Family Housing Replacement Construction	42,000	42,000	42,000		42,000
Alaska	Army	Ft Wainwright	Family Housing New Construction	41,000	41,000	41,000		41,000
Alaska	Army	Ft Wainwright	Family Housing Replacement Construction	37,000	37,000	37,000		37,000
Alaska	Army	Ft Wainwright	Family Housing Replacement Construction	46,000	46,000	46,000		46,000
Arizona	Army	Ft Huachuca	Family Housing Replacement Construction	41,000	41,000	41,000		41,000
Arizona	Army	Yuma PG	Family Housing Replacement Construction	14,900	14,900	14,900		14,900
Arizona	Air Force	Davis-Monthan AFB	Replace Family Housing, Phase 6	48,500	48,500	48,500		48,500
California	Air Force	Edwards AFB	Replace Family Housing	41,202	41,202	41,202		41,202
California	Air Force	Vandenberg AFB	Replace Family Housing, Phase 8	30,906	30,906	30,906		30,906
Florida	Air Force	MacDill AFB	Construct Housing Maintenance Facility	1,250	1,250	1,250		1,250
Florida	Air Force	MacDill AFB	Replace Family Housing, Phase 6	21,723	21,723	21,723		21,723
Idaho	Air Force	Mountain Home AFB	Replace Family Housing, Phase 6	39,333	39,333	39,333		39,333
Kansas	Army	Ft Riley	Family Housing Replacement Construction	33,000	33,000	33,000		33,000
Mississippi	Air Force	Columbus AFB	Family Housing Management Facility	711	711	711		711
Missouri	Air Force	Whiteman AFB	Replace Family Housing, Phase 6	37,087	37,087	37,087		37,087
Montana	Air Force	Malmstrom AFB	Replace Family Housing	29,910	29,910	29,910		29,910
New Mexico	Army	White Sands Missile Range	Family Housing Replacement Construction	31,000	31,000	31,000		31,000
North Carolina	Navy	MCAS Cherry Point	Replace SLOCUM Village, Phase 3	27,002	27,002	27,002		27,002
North Carolina	Air Force	Seymour Johnson AFB	Replace Family Housing, Phase 8	32,693	32,693	32,693		32,693
North Dakota	Air Force	Grand Forks AFB	Replace Family Housing, Phase H	26,169	26,169	26,169		26,169
North Dakota	Air Force	Minot AFB	Replace Family Housing, Phase 11	37,087	37,087	37,087		37,087
Oklahoma	Army	Ft Sill	Family Housing Replacement Construction	47,000	47,000	47,000		47,000
South Carolina	Air Force	Charleston AFB	Construct Huntley Park Fire Station	1,976	1,976	1,976		1,976
South Dakota	Air Force	Ellsworth AFB	Replace Family Housing, Phase 4	21,482	21,482	21,482		21,482
Texas	Air Force	Dyess AFB	Replace Family Housing, Phase 5	28,664	28,664	28,664		28,664
Texas	Air Force	Goodfellow AFB	Construct Military Family Housing, Phase 1	20,604	20,604	20,604		20,604

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Virginia	Army	Ft Lee	Family Housing Replacement Construction	46,000	46,000	46,000		46,000
Virginia	Army	Ft Monroe	Family Housing Replacement Construction	16,000	16,000	16,000		16,000
Germany	Air Force	Ramstein AB	Replace Family Housing	57,691	57,691	57,691		57,691
Italy	Air Force	Aviano AB	Replace Housing Office	2,542	2,542	2,542		2,542
Korea	Air Force	Osan AB	Construct Family Housing, Phase 3	46,834	46,834	46,834		46,834
United Kingdom	Air Force	RAF Lakenheath	Replace Family Housing	43,976	43,976	43,976		43,976
Unspecified	Army	Unspecified Worldwide	Services Account	36,174	36,174	36,174		36,174
Unspecified	Army	Unspecified Worldwide	Maintenance of Real Property	402,060	399,660	402,060	(2,400)	399,660
Unspecified	Army	Unspecified Worldwide	Construction Improvements	211,990	211,990	211,990		211,990
Unspecified	Army	Unspecified Worldwide	Furnishings Account	37,411	37,411	37,411		37,411
Unspecified	Army	Unspecified Worldwide	Management Account	74,895	74,895	74,895		74,895
Unspecified	Army	Unspecified Worldwide	Privatization Support	26,644	26,644	26,644		26,644
Unspecified	Army	Unspecified Worldwide	Utilities Account	132,356	132,356	132,356		132,356
Unspecified	Army	Unspecified Worldwide	Miscellaneous Account	1,333	1,333	1,333		1,333
Unspecified	Army	Unspecified Worldwide	Leasing Account	218,033	218,033	218,033		218,033
Unspecified	Army	Unspecified Worldwide	Interest Payments	1	1	1		1
Unspecified	Army	Unspecified Worldwide	Planning and Design	29,209	29,209	29,209		29,209
Unspecified	Navy	Unspecified Worldwide	Utilities Account	137,226	137,226	137,226		137,226
Unspecified	Navy	Unspecified Worldwide	Services Account	57,691	57,691	57,691		57,691
Unspecified	Navy	Unspecified Worldwide	Leasing Account	136,883	136,883	136,883		136,883
Unspecified	Navy	Unspecified Worldwide	Miscellaneous Account	654	654	654		654
Unspecified	Navy	Unspecified Worldwide	Management Account	81,859	81,859	81,859		81,859
Unspecified	Navy	Unspecified Worldwide	Furnishings Account	20,756	20,756	20,756		20,756
Unspecified	Navy	Unspecified Worldwide	Privatization Support	16,991	16,991	16,991		16,991
Unspecified	Navy	Unspecified Worldwide	Interest Payments	61	61	61		61
Unspecified	Navy	Unspecified Worldwide	Construction Improvements	112,105	112,105	112,105		112,105
Unspecified	Navy	Unspecified Worldwide	Maintenance of Real Property	252,383	244,183	252,383	(8,200)	244,183
Unspecified	Air Force	Unspecified Worldwide	Interest Payments	38	38	38		38
Unspecified	Air Force	Unspecified Worldwide	Leasing Account	119,908	119,908	119,908		119,908
Unspecified	Air Force	Unspecified Worldwide	Planning and Design	38,266	38,266	38,266		38,266
Unspecified	Air Force	Unspecified Worldwide	Furnishings Account	44,459	41,959	44,459	(2,500)	41,959
Unspecified	Air Force	Unspecified Worldwide	Services Account	26,070	26,070	26,070		26,070
Unspecified	Air Force	Unspecified Worldwide	Miscellaneous Account	2,396	2,396	2,396		2,396

Military Construction Authorizations for FY2005
(Dollars in Thousands)

Location	Service/Agency/ Program	Installation	Project Title	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Unspecified	Air Force	Unspecified Worldwide	Privatization Support	39,104	39,104	39,104		39,104
Unspecified	Air Force	Unspecified Worldwide	Maintenance of Real Property	435,782	435,552	435,782	(230)	435,552
Unspecified	Air Force	Unspecified Worldwide	Utilities Account	125,459	125,459	125,459		125,459
Unspecified	Air Force	Unspecified Worldwide	Construction Improvements	238,353	238,353	238,353		238,353
Unspecified	Air Force	Unspecified Worldwide	Management Account	70,680	64,180	62,898	(7,782)	62,898
Unspecified	DLA	Unspecified Worldwide	Maintenance of Real Property	397	397	397		397
Unspecified	DLA	Unspecified Worldwide	Management Account	293	293	293		293
Unspecified	DLA	Unspecified Worldwide	Services Account	76	76	76		76
Unspecified	DLA	Unspecified Worldwide	Furnishings Account	36	36	36		36
Unspecified	DLA	Unspecified Worldwide	Utilities Account	419	419	419		419
Unspecified	NSA	Unspecified Worldwide	Leasing Account	11,257	11,257	11,257		11,257
Unspecified	NSA	Unspecified Worldwide	Miscellaneous Account	53	53	53		53
Unspecified	NSA	Unspecified Worldwide	Utilities Account	471	471	471		471
Unspecified	NSA	Unspecified Worldwide	Management Account	13	13	13		13
Unspecified	NSA	Unspecified Worldwide	Maintenance of Real Property	1,939	1,939	1,939		1,939
Unspecified	NSA	Unspecified Worldwide	Services Account	381	381	381		381
Unspecified	NSA	Unspecified Worldwide	Furnishings Account	116	116	116		116
Unspecified	NSA	Unspecified Worldwide	Construction Improvements	49	49	49		49
Unspecified	DIA	Unspecified Worldwide	Leasing Account	30,199	30,199	30,199		30,199
Unspecified	DIA	Unspecified Worldwide	Furnishings Account	3,925	3,925	3,925		3,925
Unspecified	Other	Unspecified Worldwide	Family Housing Improvement Fund	2,500	2,500	2,500		2,500
			Rescission:				**(130,000)**	**(130,000)**
			Foreign Currency Fluctuation				**(63,000)**	**(63,000)**
			Total Authorization of Appropriations	**9,480,475**	**9,930,475**	**9,828,440**	**449,625**	**9,930,100**

*Location Declassified - See Wright-Patterson AFB, Ohio
**DOD Requested Installation Change - See MCAF Quantico, Virginia
***DOD Requested Installation Clarification - See Camp Rudder, Florida
****DOD Requested Installation Change - Original Installation was NAS North Island, California

Short title (sec. 2001)

The House bill contained a provision (sec. 2001) that would cite Division B of this Act as the Military Construction Authorization Act for Fiscal Year 2005.

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

TITLE XXI—ARMY

Overview

The House bill would authorize appropriations for the Army of $1,866.2 million for military construction and $1,562.6 million for family housing for fiscal year 2005.

The Senate amendment would authorize appropriations for the Army of $1,942.9 million for military construction and $1,565.0 million for family housing for fiscal year 2005.

The conferees recommend authorization of appropriation for the Army of $1,969.0 million for military construction and $1,562.6 million for family housing for fiscal year 2005.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize Army military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2101).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled ''Military Construction Authorization for FY2005'' provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2102)

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2102).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled ''Military Construction Authorization for FY2005'' provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2103)

The House bill contained a provision (sec. 2103) that would authorize improvements to existing units of Army family housing in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2103).

The conference agreement includes this provision.

Authorization of appropriations, Army (sec. 2104)

The House bill contained a provision (sec. 2104) that would authorize specific appropriations for each line item contained in the Army's military construction budget in fiscal year 2005. This provision would also provide an overall limit on the amount the Army is authorized to spend on military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2104).

The conference agreement includes this provision.

Modification of authority to carry out certain fiscal year 2004 project (sec. 2105)

The House bill contained a provision (sec. 2105) that would amend section 2101 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136) to increase project authorizations for Fort Stewart, Georgia and Fort Drum, New York.

The Senate amendment contained a similar provision (sec. 2105).

The Senate recedes.

Modification of authority to carry out certain fiscal year 2003 projects (sec. 2106)

The House bill contained a provision (sec. 2106) that would amend section 2101 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314) as further amended by section 2105(a)(2) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136) to adjust a project authorization for Fort Sill, Oklahoma.

The Senate amendment contained a similar provision (sec. 2106).

The Senate recedes.

TITLE XXII—NAVY

Overview

The House bill would authorize appropriations for the Navy of $1,077.9 million for military construction and $835.4 million for family housing for fiscal year 2005.

The Senate amendment would authorize appropriations for the Navy of $100.1 million for military construction and $843.6 million for family housing for fiscal year 2005.

The conferees recommend authorization of appropriations for the Navy of $1,056.3 million for military construction and $835.4 million for family housing for fiscal year 2005.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize Navy military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2201).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled ''Military Construction Authorization for FY2005'' provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2202)

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled ''Military Construction Authorizations for FY2005'' provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2203)

The House bill contained a provision (sec. 2203) that would authorize improvements to existing units of Navy family housing in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

Authorization of appropriations, Navy (sec. 2204)

The House bill contained a provision (sec. 2204) that would authorize specific appropriations for each line item contained in the Navy's military construction budget in fiscal year 2005. This provision would also provide an overall limit on the amount the Navy is authorized to spend on military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2204).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification of authority to carry out a certain fiscal year 2004 project

The Senate amendment contained a provision (sec. 2205) that would amend section 2201 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136) to increase a project authorization amount at Various Locations, CONUS.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXIII—AIR FORCE

Overview

The House bill would authorize appropriations for the Air Force of $789.6 million for military construction and $1,701.9 million for family housing for fiscal year 2005.

The Senate amendment would authorize appropriations for the Air Force of $782.5 million for military construction and $1,703.1 million for family housing for fiscal year 2005.

The conferees recommend authorization of appropriation for the Air Force of $853.9 million for military construction and $1,700.3 million for family housing for fiscal year 2005.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Air Force construction and land acquisition projects (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize Air Force military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2301).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of Division B of this conference report entitled ''Military Construction Authorization for FY2005'' provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2302)

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2302).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled ''Military Construction Authorization for FY2005'' provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2303)

The House bill contained a provision (sec. 2303) that would authorize improvements to existing units of Air Force family housing in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2303).

The conference agreement includes this provision.

Authorization of appropriations, Air Force (sec. 2304)

The House bill contained a provision (sec. 2304) that would authorize specific appropriations for each line item contained in the Air Force's military construction budget in fiscal year 2005. This provision would also provide an overall limit on the amount the Air Force is authorized to spend on military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2304).

The conference agreement includes this provision.

TITLE XXIV—DEFENSE AGENCIES

Overview

The House bill would authorize appropriations for the defense agencies of $790.8 million for military construction and $49.6 million for family housing for fiscal year 2005.

The Senate amendment would authorize appropriations for the defense family housing for fiscal year 2005.

The conferees recommend authorization of appropriations for the defense agencies of $675.5 million for military construction and $49.6 million for family housing for fiscal year 2005.

LEGISLATIVE PROVISIONS ADOPTED

Authorized defense agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) that would authorize defense agencies military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2401).

The conference agreement includes this provision.

The amounts authorized are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table at the beginning of division B of this conference report entitled ''Military Construction Authorization for FY2005'' provides the binding list of specific construction projects authorized at each location.

Improvements to military family housing units (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize improvements to existing units of the defense agencies' family housing in fiscal year 2005.

The Senate amendment contained an identical provision (sec. 2402).

The conference agreement includes this provision.

Energy conservation projects (sec. 2403)

The House bill contained a provision (sec. 2403) that would authorize the Secretary of Defense to carry out energy conservation projects.

The Senate amendment contained a similar provision (sec. 2403).

The conference agreement includes this provision.

Authorization of appropriations, defense agencies (sec. 2404)

The House bill contained a provision (sec. 2404) that would authorize specific appropriations for each line item contained in the defense agencies' military construction budget in fiscal year 2005. This provision would also provide an overall limit on the amount the defense agencies are authorized to spend on military construction projects in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2404).

The conference agreement includes this provision.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

LEGISLATIVE PROVISIONS ADOPTED

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment program in an amount equal to the sum of the amount specifically authorized elsewhere in this conference report, and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize appropriations of $165.8 million for the U.S. contribution to the North Atlantic Treaty Organization Security Investment program.

The Senate amendment contained an identical provision (sec. 2502).

The conference agreement reduces the authorization of appropriations by $5.0 million.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Overview

The House bill would authorize appropriations of $839.8 million for military construction and land acquisition for fiscal year 2005 for the Guard and Reserve components.

The Senate amendment would authorize appropriations of $768.7 million for military construction and land acquisition for fiscal year 2005 for the Guard and Reserve components.

The conferees recommend authorization of appropriations of $929.2 million for military construction and land acquisition for fiscal year 2005 for the Guard and Reserve components. This authorization would be distributed as follows:

Army National Guard	$434.4
Air National Guard	233.5
Army Reserve	90.3
Naval and Marine Corps Reserve	48.2
Air Force Reserve	122.8
Total	929.2

LEGISLATIVE PROVISIONS ADOPTED

Authorized Guard and Reserve construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize appropriations for military construction for the Guard and Reserve by service component in fiscal year 2005.

The Senate amendment contained a similar provision (sec. 2601).

The conference agreement includes this provision.

A State list of projects contained in the table at the beginning of division B of this conference report entitled ''Military Construction Authorization for FY2005'' provides the binding list of specific construction projects authorized at each location.

ITEM OF SPECIAL INTEREST

Change in title of military construction project previously authorized

The conferees agree to make a technical clarification to the table, entitled ''Military Construction Authorization for FY2004,'' contained within division B of the statement of managers accompanying the National Defense Authorization Act for Fiscal Year 2004 (Conf. Rept. 108–354) by changing the title for a project authorized for the Air National Guard at the Memphis International Airport, Tennessee from ''C–5 Upgrade Shops'' to ''C–5 Site Improvements and Utilities''.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

LEGISLATIVE PROVISIONS ADOPTED

Expiration of authorizations and amounts required to be specified by law (sec. 2701)

The House bill contained a provision (sec. 2701) that would provide that authorizations for military construction projects, repair of real property, land acquisition, family housing projects and facilities, contributions to the North Atlantic Treaty Organization investment program, and Guard and Reserve projects will expire on October 1, 2007, or the date of enactment of an act authorizing funds for military construction for fiscal year 2008, whichever is later. This requirement would not apply to funds obligated prior to the expiration date.

The Senate amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2002 projects (sec. 2702)

The House bill contained a provision (sec. 2702) that would provide for the extension of certain fiscal year 2002 military construction project authorizations until October 1, 2005, or the date of enactment of an act authorizing funds for military construction for fiscal year 2006, whichever is later.

The Senate amendment contained a similar provision (sec. 2702).

The Senate recedes with an amendment that would amend the list of fiscal year 2002 military construction project authorizations to be extended.

Extension and renewal of authorizations of certain fiscal year 2001 projects (sec. 2703)

The House bill contained a provision (sec. 2703) that would provide for the extension of certain fiscal year 2001 military construction project authorizations until October 1, 2005 or the date of enactment of an act authorizing funds for military construction for fiscal year 2006, whichever is later.

The Senate amendment contained a similar provision (sec. 2703).

The conference agreement includes this provision.

LEGISLATIVE PROVISIONS NOT ADOPTED

Effective date

The House bill contained a provision (sec. 2704) that would provide that titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this Act shall take effect on October 1, 2004, or the date of enactment of this Act, whichever is later.

The Senate amendment contained an identical provision (sec. 2704).

Because the conference report was not adopted prior to October 1, 2004, this provision is no longer required and was not included in the conference agreement.

TITLE XXVIII—GENERAL PROVISIONS

ITEMS OF SPECIAL INTEREST

Acceleration of environmental clean-up activities related to public lands, West Wendover, Nevada

Section 2843 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314) authorized the Secretary of the Interior and the Secretary of the Air Force to convey certain parcels of real property totaling 14,000 acres at Wendover Air Force Base Auxiliary Field, Nevada to the City of West Wendover, Nevada and Tooele County, Utah. The purpose of the conveyance is to protect and benefit the local community by establishing aircraft accident prevention zones and developing 3,000 acres for an industrial park.

In order for the Secretary of the Interior to carry out the conveyance, the Secretary of the Air Force must identify the extent of environmental contamination on the lands and the measures to ensure the protection of the public. Currently, the Air Force has planned, based on a risk assessment and available funding, for a preliminary environmental assessment in 2006 and, if needed, subsequent environmental actions for these lands in 2011.

Establishing aircraft accident prevention zones are critical to mitigating the risk of loss of life for local residents in the vicinity of airports. The industrial park planned by the local community is vital to the economic development and the growth of commercial investment in the areas surrounding Wendover airport. Delays in the conveyance of the lands are having a detrimental impact on the safety of residents and the vitality of the local economy.

Therefore, the conferees direct the Secretary of the Air Force to give appropriate consideration to the completion of environmental remediation activities for lands at Wendover Air Force Base Auxiliary Field, Nevada so that the lands may be transferred to the Bureau of Land Management as quickly as possible.

Consideration of proposal for leased facilities supporting Headquarters, United States Southern Command, Miami, Florida

The conferees are aware of a proposal from the State of Florida to construct a building for Southern Command occupancy once the current lease expires in 2008. The conferees urge the Secretary of Defense to consider the State's proposal and update the congressional defense committees on the status of this proposal by February 1, 2005.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Military Construction Program and Military Family Housing Changes

Modification of approval and notice requirements for facility repair projects (sec. 2801)

The Senate amendment contained a provision (sec. 2802) that would amend section 2811(b) of title 10, United States Code, by raising the threshold of the cost of a construction project requiring approval in advance by a service secretary from $5.0 million to $7.5 million.

The House bill contained a provision (sec. 2803) that would amend section 2811(d) of title 10, United States Code, to lower the threshold at which congressional notification is required for facility repairs using operation and maintenance funds from $10.0 million to $7.5 million.

The House recedes with an amendment that would include in the conference agreement both amendments to section 2811 of title 10, United States Code.

Reporting requirements regarding military family housing requirements for general officers and flag officers (sec. 2802)

The House bill contained a provision (sec. 2804) that would require the Department of Defense to conduct an analysis of general and flag officer housing requirements in the national capital region by March 30, 2005. This section would also require the Department to report to Congress, by March 30, 2005, on its inventory of general and flag officer housing, including annual expenditures of each house for operations, utilities, and maintenance and repair over the past five years. Finally, this section would require the Department to provide, as part of its annual budget justification documents, by March 30 of each year a detailed list of each general and flag officer quarters for which operations, utilities, and maintenance and repair costs, in sum, are anticipated to exceed $20,000 in the coming year.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department to provide, as part of its annual budget justification documents, a list of general and flag officer quarters for which operations, maintenance and repair costs are anticipated to exceed $35,000 in the budget year. The amendment would also add a reporting requirement for each dwelling unit where operations, maintenance and repair actions would exceed an annual cost of $35,000, not included in the annual President's budget request, but required for environmental remediation or to protect the safety or security of the occupants.

In annual cost calculations, the conferees define ''operations activities'' to include the prorated share of costs for management of family housing, services, and furnishings. Utilities, leases, and costs related to historical preservation should not be included in the analysis of the $35,000 threshold, but should be included in all reports.

Congressional notification of deviations from authorized cost variations for military construction projects and military family housing projects (sec. 2803)

The House bill contained a provision (sec. 2805) that would amend section 2853(c)(3) of title 10, United States Code, to shorten the notice and wait period for significant project cost increases or scope decreases from 21 days to 14 days, if notification is provided in an electronic format to Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

Assessment of vulnerability of military installations to terrorist attack and annual report on military construction requirements related to antiterrorism and force protection (sec. 2804)

The House bill contained a provision (sec. 2802) that would require the Secretary of Defense to establish guidance on appropriate levels of antiterrorism and force protection requirements for facilities construction and perimeter defenses, and to certify that all major Department of Defense installations have been assessed for vulnerabilities to terrorist attack since September 11, 2001. This section also would require the Department to provide an annual list of unfunded antiterrorism and force-protection military construction requirements.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Repeal of limitations on use of alternative authority for acquisition and improvement of military housing (sec. 2805)

The House bill contained a provision (sec. 2806) that would amend section 2883 of title 10, United States Code, to repeal the limitation on budget authority for contracts and investments in military housing privatization projects, effective October 1, 2005.

The Senate amendment contained a provision (sec. 2804) that would amend section 2874 of title 10, United States Code, and would repeal sections 2876, 2877, and 2882 of title 10, United States Code.

The Senate recedes with an amendment that would repeal the limitation on budgetary authority for contracts and investments for the acquisition or construction of military family housing and military unaccompanied housing. These limitations would be repealed as of the date of enactment of this Act. The amendment would also repeal section 2885 of title 10, United State Code.

Additional reporting requirements relating to alternative authority for acquisition and improvement of military housing (sec. 2806)

The Senate amendment contained a provision (sec. 2803) that would amend section 2884 of title 10, United States Code, to add additional requirements for reports provided by the Secretary of Defense to congressional defense committees.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Temporary authority to accelerate design efforts for military construction projects carried out using design-build selection procedures (sec. 2807)

The House bill contained a provision (sec. 2807) that would establish a demonstration program to allow the Department of Defense to enter into a design-build construction contract using design funds made available under sections 2807 and 18233 of title 10, United States Code, prior to the authorization of the project. This section would permit the Department to enter into 36 contracts through September 30, 2008, and would require a report to Congress on the value of the program by March 1, 2007.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the demonstration program to 18 projects that are included in the annual President's budget request to Congress.

The conferees intend that in the case of a design-build project carried out under this authority for which construction funds are not subsequently authorized and appropriated by Congress, the design completed at the time of the government's termination for convenience would become the property of the United States Government.

Notification thresholds and requirements for expenditures or contributions for acquisition of facilities for Reserve components (sec. 2808)

The Senate amendment contained a provision (sec. 2812) that would amend sections 18231, 18232, 18233, and 18233a of title 10, United States Code, to modify and enhance definitions and authorities available to the Secretary of Defense, and to provide for the acquisition of facilities and land interests necessary for the proper development, training, operation, and maintenance of the Reserve components of the Armed Forces.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the modifications to notification thresholds and requirements contained in section 18233a of title 10, United States Code. The conferees note that additional modifications to section 18233 of title 10, United States Code, contained in the Senate amendment have been addressed in another conference provision (sec. 2809).

Authority to exchange Reserve component facilities to acquire replacement facilities (sec. 2809)

The House bill contained a provision (sec. 2808) that would amend section 18233 of title 10, United States Code, to provide the Secretary of Defense the authority to receive facilities, cash, or a combination of facilities and cash for existing Reserve component facilities.

The Senate amendment contained a provision (sec. 2813) that would authorize the Secretary of Defense to carry out projects to assess the feasibility and advisability of obtaining new facilities for the Reserve components through the exchange or sale of existing facilities of such components.

The Senate recedes with an amendment that would amend chapter 1803 of title 10,

United States Code, to clarify the authority of the secretary of a military department to acquire facilities through exchanges of equal value facilities with a State, local government, local authority, or private entity, and would provide temporary authority to the secretary concerned to include cash equalization payments in the terms of the exchange.

The amendment would establish requirements for the terms of the agreement and would require the secretary of a military department to certify to the congressional defense committees, prior to carrying out an agreement, that certain conditions have been satisfied before an agreement is signed.

The amendment would also provide temporary authority to the secretary of a military department to make or accept cash payments as a part of an exchange agreement for facilities. The cash payments would be deposited in a special account and available to the Secretary concerned to be used in agreements to equalize the equitable exchange of facilities, or to cover costs related to operations, maintenance, and improvements to facilities acquired using an exchange agreement. The amendment would limit the use of the temporary authority, establish an expiration date, and require the Secretary of Defense to submit a report to the congressional defense committees on the usefulness of the temporary authority.

The conferees acknowledge that ambiguous definitions in chapter 1803, United States Code, have been interpreted by the military departments to authorize these exchange agreements. While the conferees recognize the benefit to the Department of Defense of certain transactions that would exchange sub-optimized land or deteriorated facilities for new facilities for the Reserve components, these unique agreements must be carried out with oversight from Congress.

It is the intent of the conferees that the use of this authority will satisfy, to the maximum extent possible, military construction requirements included in the Future Years Defense Plan for each Reserve component. The conferees expect that the exchange agreements will not result in additional military construction or operations and maintenance requirements imposed upon the Reserve component and that impact on current readiness and missions will be minimized during the exchange. The conferees expect that the Reserve components will consider the feasibility of addressing joint facility and land requirements within the land exchange agreements. The conferees expect the interests of the government will be protected by the use of competitive procedures, to the maximum extent practicable, in order to obtain a realistic value for the facilities to be exchanged.

The conferees expect that the military departments will use the temporary authority to use equalizing cash payments as a condition to facilitate the exchange of facilities in order to expedite agreements to replace or improve deficient Reserve facilities, and not as an opportunity to maximize the accumulation of cash proceeds. The conferees expect the military departments to be able to provide Congress with audit information to account for cash receipts and expenditures in order to retain oversight on the use of funds.

One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States (sec. 2810)

The House bill contained a provision (sec. 2809) that would extend for one year the authority provided by section 2808 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), to permit the Secretary of Defense to utilize operation and maintenance funds to construct facilities necessary for temporary operational requirements related to a declaration of war, national emergency, or contingency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would make the extension of the authority contingent upon receipt by Congress of all required reports contained in the original provision.

The conferees direct the Department of Defense to determine whether they require permanent authority to utilize operation and maintenance funds to construct facilities in lieu of continuing a temporary extension.

Consideration of combination of military medical treatment facilities and health care facilities of Department of Veterans Affairs (sec. 2811)

The House bill contained a provision (sec. 2810) that would direct the Secretary of Defense and the Secretary of Veterans Affairs to certify that each project to construct medical treatment facilities, included in the annual President's budget request to Congress, had been evaluated for the feasibility of carrying out a project for a combined medical facility.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the certification requirement, but continue to require the Secretary of Defense and the Secretary of Veterans Affairs, when proposing construction of a medical facility, to consult on the feasibility of accomplishing a joint project.

Subtitle B—Real Property and Facilities Administration

Reorganization of existing administrative provisions relating to real property transactions (sec. 2821)

The Senate amendment contained a provision (sec. 2811) that would amend sections 2661 and 2679 of title 10, United States Code, to consolidate and clarify authorities available for real property administration. This provision would also repeal sections 2666, 2670, and 2673 of title 10, United States Code, that would be superceded as a result of the consolidations.

The House bill contained a similar provision (sec. 2812).

The House recedes with an amendment that would also repeal section 2664 of title 10, United States Code.

Development of Heritage Center for the National Museum of the United States Army (sec. 2822)

The Senate amendment contained a provision (sec. 2843) that would authorize the Secretary of the Army to enter into an agreement with the Army Historical Foundation for the design, construction, and operation of a facility, or group of facilities, at Fort Belvoir, Virginia for the National Museum of the United States Army.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the extent of lease payments to be received by the Secretary.

Elimination of reversionary interests clouding United States title to property used as Navy homeports (sec. 2823)

The House bill contained a provision (sec. 2817) that would authorize the Secretary of the Navy to enter into agreements with holders of reversionary interests at Navy homeports to secure permanent title to the properties for the Navy. In exchange, the Navy may provide in-kind consideration, including modification of existing agreements that require payment to the Navy for real property improvements.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Base Closure and Realignment

Establishment of specific deadline for submission of revisions to force-structure plan and infrastructure inventory (sec. 2831)

The House bill contained a provision (sec. 2822) that would amend section 2912(a)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended) to establish March 15 of the base closure round year as the final deadline for revision of the force structure plan or infrastructure inventory.

The Senate amendment contained no similar amendment.

The Senate recedes.

Specification of final selection criteria for 2005 base closure round (sec. 2832)

The House bill contained a provision (sec. 2823) that would amend and codify the criteria that will be used by the Secretary of Defense in making recommendations for the closure or realignment of military installations inside the United States during the next base closure round.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would codify, with an amendment, the final selection criteria published by the Secretary in the Federal Register (Volume 69, Number 29) on February 12, 2004. The conferees expect that the Secretary shall adhere, to the maximum extent possible, to responses in the analysis of comments to the draft selection criteria, as published in the Federal Register on February 12, 2004, including the incorporation of elements of military value, such as research, development, test, evaluation, maintenance, and repair facilities for weapon systems; and the interaction with a highly skilled local work force and local industrial and academic institutions.

Repeal of authority of Secretary of Defense to recommend that installations be placed in inactive status (sec. 2833)

The Senate amendment contained a provision (sec. 2814) that would repeal subsection (c) of section 2914 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended).

The House bill contained no similar amendment.

The House recedes.

Voting requirements for Defense Base Closure and Realignment Commission to add to or otherwise expand closure and realignment recommendations made by Secretary of Defense (sec. 2834)

The House bill contained a provision (sec. 2824) that would amend section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended) to require a unanimous vote of the base closure commission to recommend closure, realignment, or expanded realignment of an installation not recommended for closure or realignment by the Secretary of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 2914(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended) to require the consent of at least seven commissioners to recommend closure, realignment, or expanded realignment of an installation not recommended for closure or realignment by the Secretary.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Land conveyance, Sunflower Army Ammunition Plant, Kansas (sec. 2841)

The Senate amendment contained a provision (sec. 2833) that would authorize the Secretary of the Army, in consultation with the Administrator of General Services, to convey, with consideration, to an entity selected by the Board of Commissioners of Johnson County, Kansas a parcel of property consisting of approximately 9,065 acres for the purpose of facilitating economic development and revitalization of the property.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the authorization for consideration to be received by the Secretary.

The conferees expect the Secretary of the Army to work with local, state, and federal environmental agencies to develop an agreement in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C. 9601 et seq.), that will lead to an accelerated cleanup and enhanced early transfer of the property. Nothing in this section shall waive any obligation of the Secretary under section 120(h) of CERCLA.

Land exchange, Fort Campbell, Kentucky and Tennessee (sec. 2842)

The conferees agree to a provision that would authorize the Secretary of the Army to convey to Bi-County Solid Waste Management System, a local government agency, a parcel of real property consisting of approximately 358 acres located at Fort Campbell in Montgomery County, Tennessee for the purpose of permitting Bi-County to expand a landfill. In exchange, the Secretary would receive a parcel of property consisting of approximately 670 acres located adjacent to Fort Campbell in Trigg County, Kentucky and Stewart County, Tennessee.

Land conveyance, Louisiana Army Ammunition Plant, Doyline, Louisiana (sec. 2843)

The Senate amendment contained a provision (sec. 2835) that would authorize the Secretary of the Army to convey, with consideration, to the State of Louisiana a parcel of property including any improvements thereon, consisting of approximately 14,949 acres located at the Louisiana Army Ammunition Plant, Doyline, Louisiana.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees encourage the Secretary to work with local, state, and federal environmental agencies to develop a condition of the land conveyance agreement that eventually transfers to the State the responsibility for monitoring, sampling, or reporting requirements that are associated with the environmental restoration activities of the Louisiana Army Ammunition Plant, while maintaining the government's compliance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Land conveyance, Fort Leonard Wood, Missouri (sec. 2844)

The conferees agree to a provision that would authorize the Secretary of the Army to convey, without consideration, to the State of Missouri a parcel of real property consisting of approximately 227.7 acres located at Fort Leonard Wood, Missouri for the purpose of permitting the State to establish a cemetery for veterans of the Armed Forces.

Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio (sec. 2845)

The Senate amendment contained a provision (sec. 2821) that would authorize the Secretary of the Army to transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property consisting of approximately 20 acres at the Defense Supply Center, Columbus, Ohio, for the sole purpose of constructing a new outpatient clinic for veterans' medical services.

The House bill contained a similar provision (sec. 2831)

The House recedes with a technical amendment.

Jurisdiction and utilization of former public domain lands, Umatilla Chemical Depot, Oregon (sec. 2846)

The Senate amendment contained a provision (sec. 2842) that would transfer jurisdiction to the Secretary of the Army of various parcels of property, consisting of approximately 8,300 acres located at Umatilla Army Depot, Oregon, that are withdrawn from the public domain. The Secretary would combine the transferred real property with other land interests at the Depot for purposes of management and disposal under title II of the Defense Authorization Amendment and Base Closure and Realignment Act of 1988 (Public Law 100–526) and other applicable law.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Modification of authority for land conveyance, equipment and storage yard, Charleston, South Carolina (sec. 2847)

The Senate amendment contained a provision (sec. 2836) that would amend section 563(h) of the Water Resources Development Act of 1999 (Public Law 106–53) to amend the authorized use of proceeds received as consideration by the Secretary of the Army for a parcel of property conveyed to the City of Charleston, South Carolina.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Fort Hood, Texas (sec.2848)

The House bill contained a provision (sec. 2832) that would authorize the Secretary of the Army to convey approximately 662 acres at Fort Hood, Texas, to the Texas A&M University system of the State of Texas for the purpose of establishing the Texas A&M University, Central Texas. In exchange, the Army would receive fair market value in cash or in-kind consideration for the property.

The Senate amendment contained no similar amendment.

The Senate recedes.

The conferees anticipate that the terms and conditions for any consideration other than cash provided by the Texas A&M University system for the land received will directly enhance the educational opportunities for military personnel and their families at Fort Hood, Texas. The conferees encourage the parties to explore the possibility of providing consideration in the form of reduced tuition rates for military personnel.

Land conveyance, local training area for Browning Army Reserve Center, Utah (sec. 2849)

The Senate amendment contained a provision (sec. 2822) that would authorize the Secretary of the Army to convey, without consideration, to the State of Utah a parcel of real property consisting of approximately 10 acres located at the Browning Army Reserve Center, Utah for the purpose of constructing a nursing care facility for veterans.

The House bill contained no similar provision.

The House recedes with an amendment that would add a reversionary interest, if the Secretary of the Army determines that the property is not being used for the purpose expressed in the legislation.

Land conveyance, Army Reserve Center, Hampton, Virginia (sec. 2850)

The Senate amendment contained a provision (sec. 2824) that would authorize the Secretary of the Army to convey, without consideration, to the Hampton City School Board, Hampton, Virginia, a parcel of real property consisting of approximately 29.8 acres, known as the Butler Farm United States Army Reserve Center, for public education purposes.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Army National Guard Facility, Seattle, Washington (sec. 2851)

The Senate amendment contained a provision (sec. 2825) that would authorize the Secretary of the Army to convey, without consideration, to the State of Washington a parcel of real property consisting of approximately 9.8 acres in Seattle, Washington and comprising a portion of a National Guard Facility, Pier 91, for the purpose of permitting the State to convey the facility unencumbered for economic redevelopment purposes.

The House bill contained a similar provision (sec. 2833).

The House recedes with a technical amendment.

Modification of land exchange and consolidation, Fort Lewis, Washington (sec. 2852)

The House bill contained a provision (sec. 2834) that would amend the section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107) to increase the acreage authorized to be conveyed and to clarify the treatment of easements.

The Senate amendment contained no similar provision.

The Senate recedes.

PART II—NAVY CONVEYANCES

Land exchange, former Richmond Naval Air Station, Florida (sec. 2861)

The conferees agree to a provision that would authorize the Secretary of the Army to convey to the University of Miami, Miami, Florida, a parcel of real property and easements consisting of approximately 14 acres at the former Richmond Naval Air Station, Miami, Florida for the purpose of expansion of university facilities. In exchange, the Secretary would be authorized to receive a parcel of real property consisting of approximately 12 acres, and related easements and construction to provide security and access to the parcel.

Land conveyance, Honolulu, Hawaii (sec. 2862)

The Senate amendment included a provision (sec. 2827) that would authorize the Secretary of the Navy to convey to the City and County of Honolulu, Hawaii, a parcel of real property consisting of approximately 5.16 acres for the purpose of continuing fire protection and training for civilian and military personnel.

The House bill contained no similar provision.

The House recedes.

Land conveyance, Navy property, former Fort Sheridan, Illinois (sec. 2863)

The House bill contained a provision (sec. 2842) that would authorize the Secretary of the Navy to convey, without consideration, a parcel of environmentally-sensitive property to a nonprofit land conservation organization, for the purpose of ensuring permanent protection of the lands.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Land exchange, Naval Air Station, Patuxent River, Maryland (sec. 2864)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Navy to convey approximately 5 acres of real property at Naval Air Station, Patuxent River, Maryland, to the state of Maryland. In exchange, the Navy shall receive approximately 5 acres of property of an equal value to the conveyance.

The Senate amendment contained a similar provision (sec. 2831).

The House recedes with a technical amendment.

Modification of land acquisition authority, Perquimans County, North Carolina (sec. 2865)

The conferees agree to a provision that would amend section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107) to increase the amount of acreage that the Secretary of the Navy is authorized to acquire.

Land conveyance, Naval Weapons Station, Charleston, South Carolina (sec. 2866)

The Senate amendment contained a provision (sec. 2834) that would authorize the Secretary of the Navy to convey, with fair market value consideration, to the Berkeley County Sanitation Authority, South Carolina, a parcel of property consisting of not more than 38 acres at the Naval Weapons Station, Charleston, South Carolina, for the purpose of allowing the Authority to expand an existing sewage treatment plant.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, Navy YMCA building, Portsmouth, Virginia (sec. 2867)

The Senate amendment contained a provision (sec. 2828) that would authorize the Secretary of the Navy to convey, without consideration, to the City of Portsmouth, Virginia, a parcel of real property consisting of approximately ½ acre, known as the Navy YMCA building, for economic revitalization purposes.

The House bill contained no similar provision.

The House recedes with a technical amendment that would require the city to provide consideration equal to the costs related to the environmental remediation in exchange for the property.

PART III—AIR FORCE CONVEYANCES

Land exchange, Maxwell Air Force Base, Alabama (sec. 2871)

The House bill contained a provision (sec. 2851) that would authorize the Secretary of the Air Force to convey approximately 28 acres comprising the Maxwell Heights Housing site at Maxwell Air Force Base, Alabama, to the city of Montgomery, Alabama. In exchange, the Air Force shall receive approximately 35 acres of land contiguous to Maxwell Air Force Base.

The Senate amendment contained a similar provision (sec. 2830).

The Senate recedes with an amendment that would state the use of the land to be received by the Air Force, and would permit the Air Force to seek reimbursement for the costs of the exchange.

Land conveyance, March Air Force Base, California (sec. 2872)

The Senate amendment contained a provision (sec. 2832) that would authorize the Secretary of the Air Force to convey, with consideration, to the March Joint Powers Authority a parcel of property consisting of approximately 15 acres located in Riverside County, California and containing the former Defense Reutilization and Marketing Office facility for March Air Force Base. The purpose of the conveyance would be for economic development and revitalization.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Land conveyance, former Griffiss Air Force Base, New York (sec. 2873)

The Senate amendment contained a provision (sec. 2829) that would authorize the Secretary of the Air Force to convey, at fair market value, to the Oneida County Industrial Development Agency, New York, a parcel of property at the former Griffiss Air Force Base, New York, consisting of 9.369 acres, including four buildings, for economic development purposes.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

PART IV—OTHER CONVEYANCES

Land exchange, Arlington County, Virginia (sec. 2881)

The Senate amendment contained provision (sec. 2823) that would authorize the Secretary of Defense to exchange a parcel of real property consisting of not more than 4.5 acres at the Navy Annex property, Virginia to Arlington County, Virginia for a parcel of approximately equal acreage known as the Southgate Road right-of-way between Arlington National Cemetery and the Navy Annex property.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the location of the land to be conveyed and would provide conditions to the Secretary for the land conveyance.

Subtitle E—Other Matters

One-year resumption of Department of Defense Laboratory Revitalization Demonstration Program (sec. 2891)

The Senate amendment contained a provision (sec. 2841) that would authorize the Secretary of Defense to carry out a follow-on program for the revitalization of laboratories operated by the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that establishes an authorization expiration date of September 30, 2005.

Designation of Airmen Leadership School at Luke Air Force Base, Arizona, in honor of John J. Rhodes, a former minority leader of the House of Representatives (sec. 2892)

The House bill contained a provision (sec. 2816) that would designate the Airmen Leadership School at Luke Air Force Base, Arizona, as the John J. Rhodes Airmen Leadership School in honor of the former minority leader of the House of Representatives, Congressman John J. Rhodes.

The Senate amendment contained no similar provision.

The Senate recedes.

Settlement of claim of Oakland Base Reuse Authority and Redevelopment Agency (sec. 2893)

The Senate amendment contained a provision (sec. 2844) that would authorize the Secretary of the Navy to pay $2.1 million to the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California, as settlement from a court case.

The House bill contained no similar amendment.

The House recedes with amendment that would clarify the release of claims against the United States.

Report on establishment of mobilization station at Camp Ripley National Guard Training Center, Little Falls, Minnesota (sec. 2894)

The Senate amendment contained a provision (sec. 1023) that would direct the Secretary of Defense to carry out a study on the feasibility of the use of Camp Ripley National Guard Training Center, Little Falls, Minnesota, as a mobilization center for Reserve components ordered to active duty.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on feasibility of establishment of veterans memorial at Marine Corps Air Station, El Toro, California (sec. 2895)

The House bill contained a provision (sec. 2818) that would require the Secretary of the Navy, within 30 days of enactment of this Act, to report to Congress on whether the anticipated future uses of the former Marine Corps Air Station, El Toro, California, by the City of Irvine, California, would permit the establishment of a veterans memorial at the former installation.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Sense of Congress regarding effect of military housing policies and force structure basing changes on local education agencies (sec. 2896)

The Senate amendment contained a provision (sec. 353) that would express the sense of the Senate that the Department of Defense should support the construction of schools in housing privatization agreements that severely impact school populations.

The House bill contained no similar provision.

The conferees agree to express the sense of Congress that the Department of Defense should consider the effects that the analyses used to determine military housing requirements, changes in force structure due to transformation, and overseas basing realignments will have on the number of school-aged military dependents and the need for additional educational facilities to serve such dependents. In many cases, local school districts do not have the resources or flexibility to respond quickly to changes in requirements, resulting in budget shortfalls and the use of inadequate, temporary facilities affecting the quality of education. The Department should address such effects by closely coordinating changes in requirements with local education agencies. The Department should also consider using existing authority under subchapter IV of chapter 169 of title 10, United States Code, to include the construction of educational facilities in military housing privatization initiatives.

Sense of Congress and study regarding memorial honoring non-United States citizens killed in the line of duty while serving in the United States Armed Forces (sec. 2897)

The House bill contained a provision (sec. 1081) that would require the Secretary of the Army to place in Arlington National Cemetery a memorial marker honoring the service and sacrifice of noncitizens killed in the line of duty while serving in the Armed Forces of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of the Congress that a memorial marker or monument honoring the service and sacrifice of noncitizen

service members killed in the line of duty should be designed and placed in an appropriate location. The amendment would require the Secretary of the Army, in consultation with the Secretary of Veterans Affairs and the American Battle Monuments Commission, to conduct a study examining the feasibility of placing such a memorial marker in the Arlington National Cemetery, or some other suitable location. It would require the Secretary of the Army to submit a report on this study and any recommendations by April 1, 2005.

LEGISLATIVE PROVISIONS NOT ADOPTED

Increase in thresholds for unspecified minor military construction projects

The Senate amendment contained a provision (sec. 2801) that would amend section 2805(a)(1) of title 10, United States Code, by raising the threshold of the cost of a construction project authorized by this section from $1.5 million to $2.5 million. This provision would also raise the threshold of the cost of a construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening from $3.0 million to $4.0 million.

The House bill contained no similar provision.

The Senate recedes.

Increase in certain thresholds for carrying out unspecified minor military construction projects

The House bill contained a provision (sec. 2801) that would amend section 2805(b) of title 10, United States Code, to increase from $750,000 to $1.0 million the threshold at which service secretaries must approve the use of operation and maintenance funds for unspecified minor construction projects. This section would also amend section 2805(c) to establish a single limit of $1.5 million at which operation and maintenance funds may be used for unspecified minor construction projects.

The Senate amendment contained no similar amendment.

The House recedes.

Increase in certain thresholds for reporting real property transactions

The House bill contained a provision (sec. 2811) that would amend section 2662 of title 10, United States Code, to increase from $750,000 to $1.5 million the thresholds at which the military services must report to Congress real property transactions. This section would also change the threshold amounts in annual reporting requirements for minor real property transactions.

The Senate amendment contained no similar provision.

The House recedes.

Treatment of money rentals from golf course at Rock Island Arsenal, Illinois

The House bill contained a provision (sec. 2813) that would amend section 2667 of title 10, United States Code, to allow 50 percent of lease receipts from the Rock Island Arsenal Golf Club, a community club that leases and operates the arsenal's golf course for the general public and local military personnel, to be placed into the Rock Island Arsenal morale, welfare, and recreation fund.

The Senate amendment contained no similar position.

The House recedes.

Number of contracts authorized department-wide under demonstration program on reduction in long-term facility maintenance costs

The House bill contained a provision (sec. 2814) that would amend section 2814 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107), to adjust the number of contracts permitted under the building commissioning program.

The Senate amendment contained no similar provision.

The House recedes.

Repeal of Commission on Review of Overseas Military Facility Structure of the United States

The House bill contained a provision (sec. 2815) that would repeal section 128 of the Military Construction Appropriations Act, 2004 (Public Law 108–132), which established the Commission on the Review of Overseas Military Facility Structure of the United States.

The Senate amendment contained no similar provision.

The House recedes.

Two-year postponement of 2005 base closure and realignment round and submission of reports regarding future infrastructure requirements for the Armed Forces

The House bill contained a provision (sec. 2821) that would amend current base realignment and closure law to postpone the 2005 base closure and realignment round until 2007, pending receipt of several reports on significant infrastructure issues.

The Senate amendment contained no similar amendment.

The House recedes.

Adherence to certain authorities on preservation of military depot capabilities during any subsequent round of base closures and realignments

The House bill contained a provision (sec. 2825) that would amend the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510, as amended) to require that base closure and realignment actions comply with provisions of title 10, United States Code, that address government-owned, government-operated depot-level maintenance, repair, and logistics capabilities within the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

The conferees acknowledge that section 2464 of title 10, United States Code, requires the Department of Defense to maintain government-owned and operated logistics capabilities to include work force and facilities, to ensure a ready and controlled source of technical competence and resources necessary to support an effective and timely response to a mobilization, a national defense contingency situation, and other emergency requirements. Section 2466 of the same title requires that no more than 50 percent of each military department's annual funding for depot level maintenance and repair activities be performed in the private sector. While these sections are intended to preserve a certain level of depot and logistics capabilities in the Department, these sections also authorize the Secretary of Defense to waive these provisions for reasons of national security.

The conferees believe that military base realignment and closure actions undertaken by the Department under authority provided in the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510), as amended by the National Defense Authorization Act for 2002 (division B of Public Law 107–107), must be consistent with the provisions in title 10, United States Code, pertaining to the preservation of depot logistics capabilities.

Therefore, the conferees direct the Secretary of Defense to ensure that the recommendations submitted to the Commission, pursuant to the Base Closure and Realignment Act, adhere to sections 2464 and 2466 of title 10, United States Code. The conferees further direct the Secretary to ensure that the same recommendations will not result in the requirement to perpetually waive the provisions of sections 2464 and 2466 of title 10, United States Code.

Transfer of jurisdiction, Nebraska Avenue Naval Complex, District of Columbia

The House bill contained a provision (sec. 2841) that would transfer jurisdiction of the Nebraska Avenue Naval Complex in Washington, D.C., from the Navy to the Administrator of General Services for the purpose of accommodating the Department of Homeland Security.

The Senate amendment contained a similar provision (sec. 2826).

The authority for the Secretary of the Navy to transfer jurisdiction of the Nebraska Avenue Naval Complex to the Administrator of General Services for use by the Department of Homeland Security was provided by Congress in Public Law 108–268, signed on July 2, 2004. Therefore, this provision is not adopted by the conferees.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Overview

Title XXXI authorizes appropriations for atomic energy defense activities of the Department of Energy (DOE) for fiscal year 2005, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; defense nuclear nonproliferation; naval nuclear propulsion; environmental restoration and waste management; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95–91). The title would authorize appropriations in four categories: National Nuclear Security Administration (NNSA); defense environmental management; other defense activities; and defense nuclear waste disposal.

The budget request for atomic energy defense activities at DOE totaled $16.8 billion, a $483.2 million increase above the fiscal year 2004 level. Of the total amount requested, $9.0 billion would be for NNSA, of which $6.6 billion would be for weapons activities; $1.3 billion would be for defense nuclear nonproliferation activities; $797.9 million would be for naval reactors; $333.7 million would be for the Office of the Administrator; $7.0 billion would be for defense environmental management, of which $6.0 billion would be for defense site acceleration completion and $982.5 million would be for defense environmental services; $663.6 million would be for other defense activities; and $131.0 million would be for defense nuclear waste disposal.

The conferees agree to authorize $16.8 billion for atomic energy defense activities at DOE, an increase of $483.2 million above the fiscal year 2004 level. The conferees agree to authorize $9.1 billion for the NNSA, an increase of $33.6 million above the budget

request. Of the amounts authorized for the NNSA, $6.6 billion would be for weapons activities, an increase of $23.6 million; $1.3 billion would be for defense nuclear nonproliferation activities; $797.9 million would be for naval reactors; and $343.7 million would be for the Office of the Administrator, an increase of $10.0 million above the budget request. The conferees agree to authorize $7.0 billion for defense environmental management, an increase of $4.0 million above the budget request. Of the amounts authorized for defense environmental management, $6.0 billion would be for defense site acceleration completion and $986.5 million for defense environmental services. The conferees agree to authorize $636.0 million for other defense activities, a decrease of $27.6 million below the budget request. The conferees agree to authorize $120.0 million for defense nuclear waste disposal, a decrease of $11.0 million below the budget request.

The following table summarizes the budget request and the authorizations:

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Atomic Energy Defense Activities (053)					
National Nuclear Security Administration:					
Weapons activities	6,568,453	6,577,953	6,674,898	23,600	6,592,053
Defense nuclear nonproliferation	1,348,647	1,338,147	1,348,647		1,348,647
Naval reactors	797,900	797,900	797,900		797,900
Office of the administrator	333,700	333,700	343,700	10,000	343,700
Total, National Nuclear Security Administration	**9,048,700**	**9,047,700**	**9,165,145**	**33,600**	**9,082,300**
Environmental and other defense activities:					
Defense site acceleration completion	5,970,837	5,926,837	5,971,932		5,970,837
Defense environmental services	982,470	986,470	982,470	4,000	986,470
Other defense activities	663,636	657,636	568,096	-27,600	636,036
Defense nuclear waste disposal	131,000	131,000	108,000	-11,000	120,000
Total, Environmental & other defense activities	**7,747,943**	**7,701,943**	**7,630,498**	**-34,600**	**7,713,343**
Total, Department of Energy	**16,796,643**	**16,749,643**	**16,795,643**	**-1,000**	**16,795,643**
Defense Nuclear Facilites Safety Board	20,268	21,268	21,268	1,000	21,268
Formerly Utilized Sites Remedial Action Program - Corps of Engineers	[140,000]				[140,000]
Total, Atomic Energy Defense Activities (053)	**16,816,911**	**16,770,911**	**16,816,911**		**16,816,911**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Weapons Activities					
Directed stockpile work (DSW)					
B61 life extension program	117,927	117,927	117,927		117,927
W76 life extension program	213,111	213,111	213,111		213,111
W80 life extension program	146,400	146,400	146,400		146,400
B61 stockpile systems	91,256	91,256	91,256		91,256
W62 stockpile systems	18,401	18,401	18,401		18,401
W76 stockpile systems	137,527	137,527	137,527		137,527
W78 stockpile systems	44,313	44,313	44,313		44,313
W80 stockpile systems	49,507	49,507	49,507		49,507
B83 stockpile systems	44,995	44,995	44,995		44,995
W84 stockpile systems	6,119	6,119	6,119		6,119
W87 stockpile systems	94,884	94,884	94,884		94,884
W88 stockpile systems	49,093	49,093	49,093		49,093
Retired warheads stockpile systems	65,258	65,258	65,258		65,258
Stockpile services research & development certification and safety	157,986	157,986	157,986		157,986
Stockpile services management, technology and production	133,101	133,101	133,101		133,101
Stockpile services advanced concepts	9,000	9,000	9,000		9,000
Stockpile services robust nuclear earth penetrator	27,557	27,557	27,557		27,557
Reduction for individual warhead life extension programs		-39,000		-21,500	-21,500
Total, Directed stockpile work	**1,406,435**	**1,367,435**	**1,406,435**	**-21,500**	**1,384,935**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Campaigns					
Science campaigns					
Primary assesment technology	81,473	81,473	81,473		81,473
Dynamic materials properties	91,521	91,521	91,521		91,521
Advanced radiography	62,371	62,371	62,371		62,371
Secondary assessment technologies	65,597	65,597	65,597		65,597
Program decrease		-19,500		-19,500	-19,500
Total, Science campaigns	**300,962**	**281,462**	**300,962**	**-19,500**	**281,462**
Engineering campaign					
Operations and maintenace					
Enhanced surety	38,121	38,121	38,121		38,121
Weapons system engineering assessment technology	27,270	27,270	27,270		27,270
Nuclear survivability	24,460	24,460	24,460		24,460
Enhanced surveillance	99,879	99,879	99,879		99,879
Microsystems and engineering sciences (MESA) other project costs (OPC)	4,600	4,600	4,600		4,600
Application (MESA) construction	48,654	68,654	48,654	10,000	58,654
Program increase		[20,000]		[10,000]	
Total, Engineering campaign	**242,984**	**262,984**	**242,984**	**10,000**	**252,984**
Inertial confinement fusion ignition and high yield campaign					
Ignition	76,437	76,437	76,437		76,437
Support of stockpile program	38,987	38,987	38,987		38,987

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
NIF diagnostics, cryogenics and experiment support	44,023	44,023	44,023		44,023
Pulsed power inertial confinement fusion	10,080	10,080	10,080		10,080
Univeristy grants/other support	7,776	7,776	7,776		7,776
Facility operations and target production	63,056	63,056	63,056		63,056
Inertial fusion technology					
NIF demonstration program	113,700	113,700	113,700		113,700
High-energy petawatt laser development	7,975	7,975	7,975		7,975
NIF other project costs (OPC)					
NIF construction	130,000	130,000	130,000		130,000
Total, Inertial confinement fusion ignition and high yield campaign	**492,034**	**492,034**	**492,034**		**492,034**
Advanced simulation and computing campaign					
Advanced application development	150,793	150,793	150,793		150,793
Verification and walidation	49,780	49,780	49,780		49,780
Materials and physics modeling	72,062	72,062	72,062		72,062
Problem solving environment (PSE)	45,072	45,072	45,072		45,072
Distance computing (DisCom)	17,068	17,068	17,068		17,068
Pathforward	18,000	18,000	18,000		18,000
Visual interactive environment for weapons simulation (VIEWS)	61,635	61,635	61,635		61,635
Physical infrastructure & platforms	140,000	140,000	140,000		140,000
Computational systems	64,081	64,081	64,081		64,081
Simulation support	59,413	59,413	59,413		59,413
Advanced architecture	3,000	3,000	3,000		3,000

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
University partnerships	47,980	47,980	47,980		47,980
ASCI integration	9,148	9,148	9,148		9,148
Subtotal, Advanced simulation and computing	**738,032**		**738,032**		**738,032**
Construction projects	3,228	3,228	3,228		3,228
Reduction for cost growth		-20,000		-10,000	-10,000
Total, Advanced simulation and computing campaign	**741,260**	**721,260**	**741,260**	**-10,000**	**731,260**
Pit manufacturing and certification campaign					
W88 pit manufacturing	132,005	132,005	132,005		132,005
W88 pit certification	101,470	101,470	101,470		101,470
Pit manufacturing capability	20,992	20,992	20,992		20,992
Modern pit facility	29,800	29,800	29,800		29,800
Pit campaign support activities at NTS	52,206	52,206	52,206		52,206
Total, Pit manufacturing and certification campaign	**336,473**	**336,473**	**336,473**		**336,473**
Readiness Campaign					
Stockpile readiness	45,812	45,812	45,812		45,812
High explosives and weapon operations	34,220	34,220	34,220		34,220
Non-nuclear readiness	35,457	35,457	35,457		35,457
Tritium readiness	58,850	58,850	58,850		58,850
Tritium readiness construction	21,000	21,000	21,000		21,000
Advanced design & production technologies	84,788	84,788	84,788		84,788
Total, Readiness campaign	**280,127**	**280,127**	**280,127**		**280,127**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Readiness in technical base and facilities (RTBF)					
Operations of facilities					
Kansas City Plant	101,775	106,775	122,375	12,600	114,375
Program increase		[5,000]	[20,600]	[12,600]	
LLNL	54,765	62,765	54,765	6,000	60,765
Program increase		[8,000]		[6,000]	
LANL	318,913	318,913	318,913		318,913
Nevada Test Site	70,180	70,180	70,180		70,180
Pantex Plant	97,741	116,741	116,841	19,000	116,741
Program increase		[19,000]	[19,100]	[19,000]	
Sandia National Laboratories	150,710	168,710	150,710	9,000	159,710
Program increase		[18,000]		[9,000]	
Savannah River Site	95,173	95,173	95,173		95,173
Y-12 National Security Complex	98,194	116,194	98,194	9,000	107,194
Program increase		[18,000]		[9,000]	
Institutional site support	30,106	30,106	30,106		30,106
Operation of facilities, RTBF			11,745		
Program readiness	106,204	106,204	106,204		106,204
Special projects	20,534	20,534	20,534		20,534
Material recycle and recovery	86,965	86,965	86,965		86,965
Containers	17,910	17,910	17,910		17,910
Storage	18,982	18,982	18,982		18,982
Total, operations & maintenance	**1,268,152**	**1,336,152**	**1,319,597**	**55,600**	**1,323,752**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Construction:					
05-D-140 Project engineering design various locations	11,600	11,600	11,600		11,600
05-D-401 Building 12-64 production bays upgrades Pantex Plant, Amarillo, TX	25,100	25,100	25,100		25,100
05-D-402 Berylium capability (BEC) project, Y-12 National Security Complex, Oakridge, TN	3,627	3,627	3,627		3,627
04-D-103 Project engineering and design, (PED) various locations	1,500	1,500	1,500		1,500
04-D-125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	24,000	24,000	24,000		24,000
04-D-126 Building 12-44 production cellsupgrade, Pantex plant, Amarillo, TX	2,600	2,600	2,600		2,600
04-D-128 TA-18 mission relocation project, Los Alamos National Laboratory, Los Alamos, NM					
03-D-102 LANL Admininistration Building (LANL)	37,348	37,348	37,348		37,348
03-D-103 Project engineering and design (PED) various locations	15,275	15,275	15,275		15,275
03-D-123 Special nuclear materials component requalification facility, Pantex plant, Amarillo, TX	4,602	4,602	4,602		4,602
02-D-103 Project engineering and design, various locations	5,250	5,250	5,250		5,250
02-D-105 Engineering technology complex upgrade (ETCU), LLNL, Livermore, CA	5,400	5,400	5,400		5,400

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
01-D-103 Project engineering and design (PED) various locations	6,000	6,000	6,000		6,000
01-D-124 HEU materials facility, Y-12 plant, Oak Ridge, TN	64,000	64,000	64,000		64,000
Total, Construction	**206,302**	**206,302**	**206,302**		**206,302**
Total, Readiness in technical base and facilities	**1,474,454**	**1,542,454**	**1,525,899**	**55,600**	**1,530,054**
Secure transportation asset					
Operations and equipment	143,873	143,873	143,873		143,873
Program direction	57,427	57,427	57,427		57,427
Subtotal, Secure transportation asset	**201,300**	**201,300**	**201,300**		**201,300**
Use of prior year balances					
Total, Secure transportation asset	**201,300**	**201,300**	**201,300**		**201,300**
Nuclear weapons incident response					
Emergency response	93,119	93,119	93,119		93,119
Emergency management	6,090	6,090	6,090		6,090
Total, nuclear weapons incident response	**99,209**	**99,209**	**99,209**		**99,209**
Facilities and infrastructure recapitalization program					
Operation and maintenance	291,543	291,543	311,543		291,543
Program increase			[20,000]		

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Construction:					
05-D-160 Facilities and infrastructure recapitalization program (FIRP), project engineering and design (PED), various locations	8,700	8,700	8,700		8,700
05-D-601Compressed air upgrades project (CAUP), Y-12, National security complex, Oakridge, TN	4,400	4,400	4,400		4,400
05-D-602 Power grid infrastructure upgrade (PGIU), Los Alamos National Laboratory, Los Alamos, NM	10,000	10,000	10,000		10,000
05-D-603 New master substation (NMSU) SNL	600	600	600		600
04-D-203 Facilities and infrastructure recapitalization program (FIRP), project engineering design (PED), various locations	981	981	981		981
Total, Construction	**24,681**	**24,681**	**24,681**		**24,681**
Total, Facilities and infrastructure recapitalization program	**316,224**	**316,224**	**336,224**		**316,224**
Safeguards and security					
Operations and maintenace					
Physical security	589,491	589,491	589,491		589,491
Cyber Security	80,500	80,500	80,500		80,500
Design basis threat requirements			10,000		
Operation and maintenance, Y-12			25,000	9,000	9,000
Total, operations and maintanence	**669,991**	**669,991**	**704,991**	**9,000**	**678,991**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Construction:					
05-D-170 Project engineering and design, various locations	17,000	17,000	17,000		17,000
05-D-701 Security perimeter project, Los Alamos, National Laboratory, Los Alamos, NM	20,000	20,000	20,000		20,000
Total, construction	**37,000**	**37,000**	**37,000**		**37,000**
Total, Safeguards and security	**706,991**	**706,991**	**741,991**	**9,000**	**715,991**
Subtotal, Weapons Activities	**6,598,453**	**6,607,953**	**6,704,898**	**23,600**	**6,622,053**
Adjustments					
Use of prior year balances					
Less security charge for reimbursable work	-30,000	-30,000	-30,000		-30,000
Total, Adjustments	**-30,000**	**-30,000**	**-30,000**		**-30,000**
Total, Weapons Activities	**6,568,453**	**6,577,953**	**6,674,898**	**23,600**	**6,592,053**
Defense Nuclear Nonproliferation					
Nonproliferation and verification R&D					
Operation and maintenance	220,000	220,000	245,000	25,000	245,000
Program increase			[25,000]	[25,000]	
Nonproliferation and international security	124,000	124,000	124,000		124,000
Nonproliferation programs with Russia					
International nuclear materials protection and cooperation	238,000	227,500	238,000		238,000
Program decrease		[-10,500]			

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Russian transition initiatives	41,000	41,000	41,000		41,000
HEU transparency implementation	20,950	20,950	20,950		20,950
Elimination of weapons-grade plutonium production program	50,097	50,097	50,097		50,097
Fissile materials disposition					
U S surplus materials disposition	184,700	184,700	184,700		184,700
Russian surplus materials disposition	64,000	64,000	64,000		64,000
Total, Fissile materials disposition	**248,700**	**248,700**	**248,700**		
Construction:					
99-D-141 Pit disassembly and conversion facility, Savannah River, SC	32,300	32,300	32,300		32,300
99-D-143 Mixed oxide fuel fabrication facility, Savannah River, SC	368,000	368,000	368,000		368,000
Total, Construction	**400,300**	**400,300**	**400,300**		**400,300**
Reduction due to delay in program			-25,000	-25,000	-25,000
Total, Fissile materials disposition	**649,000**	**649,000**	**624,000**	**-25,000**	**624,000**
Total, Nonproliferation programs with Russia	**999,047**	**988,547**	**974,047**	**-25,000**	**974,047**
Offsight source recovery project	5,600	5,600	5,600		5,600
Subtotal, Defense Nuclear Nonproliferation	**1,348,647**	**1,338,147**	**1,348,647**		**1,348,647**
Adjustments:					
Use of prior year balances					
Total, Adjustments					
Total, Defense Nuclear Nonproliferation	**1,348,647**	**1,338,147**	**1,348,647**		**1,348,647**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Naval Reactors					
Naval reactors development					
Operation and maintenance	761,211	761,211	761,211		761,211
Construction:					
05-N-900 Materials development facility building, Schenectady, NY	6,200	6,200	6,200		6,200
90-N-102 Expended core facility dry cell project, Naval Reactors Facility, ID	989	989	989		989
Total, Construction	**7,189**	**7,189**	**7,189**		**7,189**
Total, Naval reactors development	**768,400**	**768,400**	**768,400**		**768,400**
Program direction	29,500	29,500	29,500		29,500
Subtotal, Naval Reactors	**797,900**	**797,900**	**797,900**		**797,900**
Total, Naval Reactors	**797,900**	**797,900**	**797,900**		**797,900**
Office Of The Administrator					
Office of the Administrator	333,700	333,700	333,700		333,700
Pajarito Plateau Homesteaders			10,000	10,000	10,000
Total, Office of the Administrator	**333,700**	**333,700**	**343,700**	**10,000**	**343,700**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Defense Site Acceleration Completion *(Defense Facilities Closure Projects)*					
2006 Accelerated completions					
Operation and maintenance	1,251,799	1,251,799	1,252,894		1,251,799
Program increase			[1,095]		
2012 Accelerated Completions					
Operation and maintenance	1,437,001	1,437,001	1,437,001		1,437,001
Construction:					
04-D-414 Project engineering and design, various locations	3,000	3,000	3,000		3,000
04-D-423 3013 container surveillance capability in 235-F, SR	20,640	20,640	20,640		20,640
01-D-416 Waste treatment and immobilization plant, RL	690,000	690,000	690,000		690,000
Total, Construction	**713,640**	**713,640**	**713,640**		**713,640**
Total, 2012 Accelerated Completions	**2,150,641**	**2,150,641**	**2,150,641**		**2,150,641**
2035 Accelerated Completions					
Operation and maintenance	1,849,512	1,849,512	1,849,512		1,849,512
Construction:					
04-D-408 Glass waste storage building #2, SR	43,827	43,827	43,827		43,827
Total, Construction	**43,827**	**43,827**	**43,827**		**43,827**
Total, 2035 Accelerated Completions	**1,893,339**	**1,893,339**	**1,893,339**		**1,893,339**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Safeguards and security	265,059	265,059	265,059		265,059
High level waste (WIR) legislative proposal					
Operation and maintenance	249,442	249,442	249,442		249,442
Construction					
05-D-401 Salt waste processing facility, Savannah River	52,000	52,000	52,000		52,000
04-D-414 04-02 PED: Sodium bearing waste treatment, Idaho	24,900	24,900	24,900		24,900
03-D-414 PED: salt waste processing facility alternative, Savannah River	23,658	23,658	23,658		23,658
Total, Construction	**100,558**	**100,558**	**100,558**		**100,558**
Program decrease		-100,000			
Program increase (H. Amdt)		50,000			
Total, High level waste legislative proposal	**350,000**	**300,000**	**350,000**		**350,000**
Technology development and deployment	60,142	66,142	60,142		60,142
Hammer		[6,000]			
Hammer (non-additive)				[6,000]	
Subtotal, Defense Site Acceleration Completion	**5,970,980**	**5,926,980**	**5,972,075**		**5,970,980**
Use of prior year balances					
Less security charge for reimbursable work	-143	-143	-143		-143
Total, Defense Site Acceleration Completion	**5,970,837**	**5,926,837**	**5,971,932**		**5,970,837**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Defense Environmental Services					
Community and regulatory support	60,547	60,547	60,547		60,547
Federal contribution to the uranium enrichment	463,000	467,000	463,000	4,000	467,000
Non-closure environmental activities		[4,000]		[4,000]	
Operation and maintenance	187,864	187,864	187,864		187,864
Spent nuclear fuel management					
Program direction	271,059	271,059	271,059		271,059
Subtotal, Defense Environmental Services	**982,470**	**986,470**	**982,470**	**4,000**	**986,470**
Use of prior year balances					
Total, Defense Environmental Services	**982,470**	**986,470**	**982,470**	**4,000**	**986,470**
Other Defense Activities					
Energy security and assurance					
Energy security	6,100	6,100		-6,100	
Program decrease			[-6,100]	[-6,100]	
Program direction	4,500	4,500		-4,500	
Program decrease			[-4,500]	[-4,500]	
Total, Energy security and assurance	**10,600**	**10,600**		**-10,600**	
Office of Security					
Nuclear safeguards and security	143,197	143,197	143,197		143,197
Security investigations	53,554	53,554	53,554		53,554
International nuclear analysis			1,500	1,500	1,500
Program direction	58,350	58,350	58,350		58,350
Total, Office of Security	**255,101**	**255,101**	**256,601**	**1,500**	**256,601**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Independent oversight and performance assurance	24,669	24,669	24,669		24,669
Civilian radioactive waste management					
Spent nuclear fuel management	21,190	21,190	21,190		21,190
Program direction	1,060	1,060	1,060		1,060
Total, Civilian radioactive waste management	**22,250**	**22,250**	**22,250**		**22,250**
Environment, safety & health					
Environment, safety and health (defense)	99,105	99,105	99,105		99,105
Program direction	20,414	20,414	20,414		20,414
Total, Environment, safety and health	**119,519**	**119,519**	**119,519**		**119,519**
Office of Legacy Management					
Legacy management	19,194	19,194	19,694	500	19,694
Program increase			[500]	[500]	
Worker and community transition	2,500		6,000	500	3,000
Program increase			[3,500]	[500]	
Program decrease		[-2,500]			
Program direction	13,201	13,201	13,201		13,201
Total, Office of Legacy Management	**34,895**	**32,395**	**38,895**	**1,000**	**35,895**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Nuclear energy					
Infrastructure	20,886	22,386	20,886	1,500	22,386
Lynchburg repackaging		[1,500]		[1,500]	
Idaho sitewide safeguards and security	58,103	58,103	58,103		58,103
Total, Infrastructure	**78,989**	**80,489**	**78,989**	**1,500**	**80,489**
Program direction	33,858	33,858	33,858		33,858
Total, Nuclear energy	**112,847**	**114,347**	**112,847**	**1,500**	**114,347**
Defense related administrative support	92,440	92,440		-21,000	71,440
Program decrease			[-92,440]	[-21,000]	
Office of hearings and appeals	4,318	4,318	4,318		4,318
Office of Future Liabilities					
Future Liabilities	5,000			-5,000	
Program decrease		[-5,000]	[-5,000]	[-5,000]	
Office of engineering and construction management			7,000	5,000	5,000
Subtotal, Other defense activities	**681,639**	**675,639**	**586,099**	**-27,600**	**654,039**

Department of Energy National Security Programs
(Dollars in Thousands)

	FY2005 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Adjustments:					
Use of prior year balances	-15,000	-15,000	-15,000		-15,000
Less security charge for reimbursable work (SO)					
Less security charge for reimbursable work (NE)	-3,003	-3,003	-3,003		-3,003
Total, Adjustments	**-18,003**	**-18,003**	**-18,003**		**-18,003**
Total, Other Defense Activities	**663,636**	**657,636**	**568,096**	**-27,600**	**636,036**
Defense Nuclear Waste Disposal					
Defense nuclear waste disposal	131,000	131,000	108,000	-11,000	120,000
Program decrease			[-23,000]	[-11,000]	
Total, Department of Energy	**16,796,643**	**16,749,643**	**16,795,643**	**-1,000**	**16,795,643**
Defense Nuclear Facilites Safety Board	20,268	21,268	21,268	1,000	21,268
Formerly Utilized Sites Remedial Action Program - Corps of Engineers	[140,000]				[140,000]
Program increase		[1,000]	[1,000]	[1,000]	
Total, Atomic Energy Defense Activities (053)	**16,816,911**	**16,770,911**	**16,816,911**		**16,816,911**

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—National Security Programs Authorizations

National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $9.0 billion for the National Nuclear Security Administration (NNSA), including funds for weapons activities, defense nuclear nonproliferation programs, naval reactor programs, and the Office of the Administrator.

The Senate amendment contained a similar provision that would authorize $9.2 billion (sec. 3101).

The conferees agree to include a provision that would authorize $9.1 billion for NNSA.

The budget request included $1.4 billion for directed stockpile work. The conferees agree to authorize $1.4 billion for directed stockpile work, a decrease of $21.5 million to be taken out of individual warhead life extension programs. The conferees note that this is a $44.6 million increase over the amount appropriated for directed stockpile work in fiscal year 2004.

The budget request included $301.0 million in science campaigns. The conferees agree to authorize $281.5 million for science campaigns, a decrease of $19.5 million. The conferees note that the reduction is without prejudice and should be taken from carry over due to the shutdown at the national laboratories in July and August.

The budget request included $243.0 million for the engineering campaign. The conferees agree to authorize $253.0 million for the engineering campaign, an increase of $10.0 million, to support the microsystems and engineering sciences applications (MESA) construction project.

The budget request included $741.3 million for the advanced simulation and computing (ASC) campaign. The conferees agree to authorize $731.3 million for the advanced simulation and computing campaign, a decrease of $10.0 million. The conferees note that the ASC campaign has experienced cost growth and schedule slippage.

The budget request included $1.5 billion for readiness in technical base and facilities. The conferees agree to authorize $1.5 billion, an increase of $55.6 million for readiness in technical base and facilities for replacement of aging equipment, correction of deferred maintenance, and disposition of legacy materials consistent with the National Nuclear Security Administration approved 10 year comprehensive plan as follows: $12.6 million at the Kansas City Plant in Missouri, $6.0 million for the Lawrence Livermore National Laboratory in California, $19.0 million for the Pantex Plant in Texas, $9.0 million for Sandia National Laboratory in New Mexico, and $9.0 million for the Y–12 National Security Complex in Tennessee.

The budget request included $707.0 for safeguards and security. The conferees agree to authorize $716.0 million for safeguards and security, a $9.0 million increase for security upgrades at the Y–12 National Security Complex in Tennessee.

The budget request included $1.3 billion for defense nuclear nonproliferation. The conferees agree to authorize $1.3 billion for defense nuclear nonproliferation, the amount of the budget request. The conferees further agree to a $25.0 million increase for nonproliferation and verification research and development, and a $25.0 million reduction for fissile materials disposition. The conferees note that continued delays in the commencement of construction activities under the fissile materials disposition program make it unlikely that the Department will be able to fully obligate the budget request for that program in fiscal year 2005. The conferees believe that the nonproliferation and verification research and development program is doing valuable work on proliferation detection and other technologies that would benefit from additional resources.

The budget request included $333.7 million for the Office of the Administrator. The conferees agree to authorize $343.7 million, an increase of $10.0 million to settle claims of Pajarito homesteaders. This account includes program direction funding for all elements of NNSA, with the exception of the Naval Reactors Program and the Secure Transportation Asset.

The conferees note that security lapses at the Los Alamos National Laboratory (LANL) concerning classified removable electronic media (CREM) this past year have been very disruptive to the nuclear weapons program. The conferees encourage the Administrator to become more involved in making sure these types of incidents are avoided in the future. The contractor has the primary day-to-day accountability for maintaining security of the laboratory, including the security of classified information. The contractor must ensure that a culture exists across the laboratory which maintains classified information in a very secure manner. However, the National Nuclear Security Administration also must be held accountable, and the Administrator must ensure the federal workforce is applying an appropriate level of oversight to avoid security lapses to the maximum extent possible.

Defense environmental management (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize $6.9 billion for the Department of Energy for defense environmental management (EM) activities for fiscal year 2005, including funds for defense site acceleration completion and defense environmental services.

The Senate amendment contained a similar provision (sec. 3102) that would authorize $7.0 billion for defense environmental activities.

The conferees agree to authorize $7.0 billion for defense environmental management, the amounts of the budget request, including $6.0 billion for defense site acceleration completion and $986.5 million for defense environmental services, an increase of $4.0 million. The conferees agree to authorize this $4.0 million increase in defense environmental services for newly generated waste requirements and ground water cleanup activities at the Lawrence Livermore National Laboratory in California (Project HQ–SW–0013Y).

Of the amounts authorized to be appropriated in the defense site acceleration completion program, $6.0 million may be available for the Hazardous Materials Management and Emergency Response (HAMMER) Training Center. While the conferees recognize that HAMMER is an important facility for the training of emergency response personnel, the conferees note that HAMMER may be more appropriately funded and managed by the Department of Homeland Security.

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize $657.6 million for the Department of Energy (DOE) for other defense activities for fiscal year 2005.

The Senate amendment contained a similar provision (sec. 3103) that would authorize $568.1 million for DOE for other defense activities.

The conferees agree to include a provision that would authorize $636.0 million, a reduction of $27.6 million below the budget request.

The budget request included $10.6 million for energy security and assurance. The conferees recommend no funds for these activities. The operational component for this office was transferred to the Department of Homeland Security in fiscal year 2003. The conferees do not support using Atomic Energy Act funds for nondefense activities.

The budget request included $255.1 million for the Office of Security. The conferees agree to authorize $256.6 million for the Office of Security, an increase of $1.5 million above the budget request for International Nuclear Analysis.

The budget request included $34.9 million for the Office of Legacy Management. The conferees agree to authorize $35.9 million for the Office of Legacy Management, an increase of $1.0 million above the budget request. The conferees direct $500,000 of this increase be added to the $2.5 million provided for worker and community transition, for a total authorization of $3.0 million. The remaining $500,000 shall be used for Local Stakeholder Organizations.

The budget request included $112.9 million for nuclear energy. The conferees agree to authorize $114.3 million for nuclear energy, an increase of $1.5 million over the budget request for the Lynchburg Technology Center in Virginia to inspect and repackage the spent nuclear fuel stored in aluminum canisters. The Senate amendment would authorize $1.1 million for these activities within defense site acceleration completion. The conferees note that these activities should be addressed by the Office of Nuclear Energy, the office with primary responsibility for these materials.

The budget request included $92.4 million for defense related administrative support (DRAS). The conferees recommend $71.4 million for DRAS, a reduction of $21.0 million below the budget request. The conferees are concerned that the activities conducted by DRAS are not defense activities, but instead support the general administrative responsibilities of the Department of Energy. There are many activities conducted by the defense funded programs at DOE which are paid for entirely by the defense programs that support the Department of Energy broadly. The conferees prefer not to use Atomic Energy Defense funds for nondefense activities. The conferees encourage the Department of Energy to restrict future budget requests for Atomic Energy Defense funds to defense activities.

The budget request included $5.0 million for the Office of Future Liabilities (FL). The conferees recommend no funds for these activities. The conferees are concerned that DOE is creating this new office to conduct essentially the same type of work being conducted by the Office of Environmental Management (EM). The conferees strongly encourage DOE to include this function in the EM program to avoid the cost and inefficiency of creating a new office.

Defense nuclear waste disposal (sec. 3104)

The House bill contained a provision (sec. 3104) that would authorize $131.0 million for defense nuclear waste disposal (DNWD).

The Senate amendment contained a similar provision (sec. 3104) that would authorize $108.0 million for DNWD.

The conferees agree to include a provision that would authorize $120.0 million, a reduction of $11.0 million below the budget request.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Report on requirements for Modern Pit Facility (sec. 3111)

The Senate amendment contained a provision (sec. 3111) that would prohibit the Secretary of Energy from obligating or expending more than half of the funds available for the Modern Pit Facility (MPF) until 30 days

after the Administrator of the National Nuclear Security Administrator (NNSA) submits a report to congressional defense committees setting forth the validated pit production requirements for the MPF, and one additional report on the stockpile required by the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137). The requirement shall be developed in consultation with the Department of Defense.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Administrator of the NNSA to submit a report to congressional defense committees setting forth the validated pit production requirements for the MPF not later than January 31, 2005 based on certain assumptions for pit lifetimes. In addition, the provision does not restrict the Secretary's authority to obligate and expend the funds available for the MPF pursuant to section 3101.

Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel (sec. 3112)

The House bill contained a provision (sec. 3111) that would extend the authority of the Secretary of Energy to appoint certain scientific, engineering, and technical personnel until September 30, 2006.

The Senate amendment contained an identical provision (sec. 3142).

The conference agreement includes this provision.

Limited authority to carry out new projects under Facilities and Infrastructure Recapitalization Program after project selection deadline (sec. 3113)

The House bill contained a provision (sec. 3112) that would amend section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to give the Administrator of the National Nuclear Security Administration (NNSA) greater flexibility in adding projects or updating priorities to projects within the Facilities and Infrastructure Recapitalization Program (FIRP).

The Senate amendment contained a similar provision (sec. 3113) that would amend section 3114 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to permit the Administrator of the NNSA to make no more than five modifications per fiscal year, and would limit each modification to a specific building, facility, or other improvement at an NNSA site. The provision would also prohibit any modifications until 60 days after the congressional defense committees receive both the report required in section 3114(c), setting forth the guidelines on the conduct of the readiness in technical base and facilities (RTBF) program, and a list of projects selected for inclusion in the FIRP program as required by section 3114(a). Nothing should delay the completion of the section 3114(c) report or the completion of the section 3114(a) project section required by the Act.

The House recedes.

Modification of milestone and report requirements for National Ignition Facility (sec. 3114)

The Senate amendment contained a provision (sec. 3114) that would modify and extend current reporting requirements for the National Ignition Facility (NIF), section 3137 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107), to review all program elements necessary for both achieving ignition and enabling NIF to be a fully functioning facility.

The House bill contained no similar provision.

The House recedes.

The conferees strongly support NIF and are encouraged by the recent progress in constructing NIF, and the initiation of experiments on NIF in support of the science-based stockpile stewardship program. The purpose of this provision is to ensure there is better internal and external oversight of the project by requiring milestones on construction, ignition, and the scientific experiments.

Modification of submittal date of annual plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile (sec. 3115)

The Senate amendment contained a provision (sec. 3115) that would change the due date of the annual reporting requirement for the stockpile stewardship program from March 15 to May 1.

The House bill contained no similar provision.

The House recedes.

The conferees believe that changing the due date for the report will allow the Department of Energy to submit a complete and timely report.

Defense site acceleration completion (sec. 3116)

The Senate amendment contained a provision (sec. 3116) that would authorize the Secretary of Energy to determine that, notwithstanding any other provision of law, high-level radioactive waste does not include radioactive material resulting from the reprocessing of spent nuclear fuel if (a) the radioactive material does not require permanent isolation in a deep geologic repository for spent fuel or highly radioactive waste pursuant to criteria promulgated by the Secretary in consultation with the Nuclear Regulatory Commission (NRC); (b) to the maximum extent practical, that the highly radioactive radionuclides were removed in accordance with NRC approved criteria; and (c) that materials from storage tanks are disposed of in a facility pursuant to a State-approved closure plan, or a State issued permit, authority for the approval or issuance of which is conferred on the State outside of this Act. This provision would apply to the material stored at the Savannah River Site in South Carolina.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary of Energy to determine, in consultation with the Nuclear Regulatory Commission (NRC), that notwithstanding the provisions of the Nuclear Waste Policy Act of 1982, the requirements of section 202 of the Energy Reorganization Act of 1974 and other laws that define classes of radioactive waste, the term ''high-level radioactive waste'' does not include radioactive waste resulting from the reprocessing of spent nuclear fuel if: (1) the waste does not require permanent isolation in a deep geologic repository for spent fuel or high-level radioactive waste, (2) the waste has had highly radioactive radionuclides removed to the maximum extent practical and (3) the waste either does not exceed concentration limits for Class C low-level waste as set out in section 61.55 of title 10, Code of Federal Regulations (CFR), and will be disposed of in compliance with the performance objectives set out in subpart C of part 61 of title 10, CFR, pursuant to a State-approved closure plan or State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this section or, if the waste does exceed concentration limits for Class C low-level waste, the waste will be disposed of in compliance with the performance objectives set out in subpart C of part 61 of title 10, CFR, pursuant to a State-approved closure plan or State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this section, and pursuant to plans developed by the Secretary in consultation with the NRC. Any modification to the performance objectives in subpart C of part 61 of title 10, CFR, shall apply to actions under this section.

Section 3116 applies to material stored at a Department of Energy site at which activities are regulated by a covered State pursuant to approved closure plans or permits issued by the State. For purposes of this section, covered states are the States of South Carolina and the State of Idaho.

The NRC shall, in coordination with the covered State, monitor the disposal actions taken by the Department of Energy (DOE). If the NRC considers any disposal actions by DOE to not be in compliance with the requirements set out in this section, the NRC shall inform DOE, the covered State, and the appropriate congressional committees. The Secretary of Energy shall reimburse the NRC for all expenses that the NRC incurs for performance under this section during fiscal year 2005. In subsequent fiscal years, the NRC shall include in the budget justification materials submitted to Congress the amounts required, not offset by revenues, for performance under subsections (a) and (b).

Section 3116, as passed by the Senate, applied ''notwithstanding any other provision of law.'' The conferees substitute this broad application with specific laws that are within the ambit of the ''notwithstanding'' clause; those laws that define classes of radioactive waste, including, but not limited to, the Nuclear Waste Policy Act, section 202 of the Energy Reorganization Act of 1974, section 2(10) of the Waste Isolation Pilot Plant Land Withdrawal Act and section 11dd. of the Atomic Energy Act of 1954, which cross-reference section 2(12) of the NWPA's definition of ''high-level waste,'' section 2(9) of the Low-Level Waste Policy Act which defines low-level radioactive waste with reference to high-level radioactive waste, and the authorities stemming from the Atomic Energy Act for establishing radiation protection standards for disposal of radioactive waste that were transferred to the EPA by Reorganization Plan No. 3 of 1970. Laws like the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96–510) and the Resource Conservation and Recover Act of 1976 (Public Law 94–580) which do not specify or establish disposal standards based on these kinds of classifications of radioactive waste, would be unaffected, as would general environmental laws such as National Environmental Policy Act, and laws regulating radioactive waste for purposes other than disposal.

The conferees note that nothing in section 3116 shall impair, alter, or modify the full implementation of any Federal Facility Agreement and Consent Order or other applicable consent decree for a Department of Energy site. In that connection, the conferees understand that pursuant to the settlement agreement entered into by the United States with the State of Idaho in the actions captioned *Public Service Co. of Colorado* v. *Batt*, Civil No. 91–0035–S-EJL, and *United States* v. *Batt*, Civil No. 91–0054–S-EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho dated October 17, 1995 that effectuates this settlement agreement, the Department of Energy has committed to complete solidification of the sodium-bearing waste retrieved from tanks in the Tank Farm Facility at the Idaho Nuclear Engineering and Technology Center at the Idaho National Engineering and Environmental Laboratory (INEEL) by December 31, 2012 and to treat this material so that it is ready to be moved

out of Idaho for disposal by a target date of 2035, regardless of any ultimate decision on the classification of this waste. The conferees urge the Department to accelerate the final out-of-state disposal of this waste. Furthermore, the conferees direct the Secretary of Energy to submit a report to the congressional defense committees by March 1, 2005 describing the Department's plans for the final disposal of the sodium bearing waste at INEEL. Section 3116 does not establish any precedent for and is not binding on the States of Washington, Oregon or any other state that is not a covered state for the management, storage, treatment, and disposition of radioactive and hazardous material.

The conferees note that the Defense Nuclear Facilities Safety Board (DNFSB) has statutory responsibilities associated with the Department's defense site acceleration completion activities. Although this provision establishes new responsibilities for the NRC, nothing in this section is intended to alter the existing statutory authority of the DNFSB in any area.

The conferees note that subsection (c) of this provision states that subsection (a) does not apply to any material transported from the state and subsection (e)(3) states that nothing in this section amends the definition of ''transuranic waste''. The conferees' intent is that nothing in this statute changes the disposal requirements for waste that will ultimately be disposed of at the Waste Isolation Pilot Plant. In addition, subsection (e)(5) states that nothing in this provision amends the West Valley Demonstration Project Act.

The conferees note that subsection (f) provides for judicial review of any determination or agency action by the Secretary of Energy under this section consistent with the Administrative Procedure Act's provisions for judicial review as set out in chapter 7 of title 5 of the United States Code. Failure by the Nuclear Regulatory Commission to perform its monitoring responsibilities under subsection (b) is also subject to judicial review in accordance with those provisions. The conferees intend that the Secretary of Energy's actions under section 3116 are fully subject to judicial review notwithstanding any action by the Nuclear Regulatory Commission.

The conferees note that section 3155 of the National Defense Authorization for Fiscal Year 2002 sets forth the obligations of the Department to manage and dispose of surplus plutonium shipped to the Savannah River Site. The authority granted to the Department under section 3116 to reclassify radioactive material does not extend to this plutonium nor does it relieve the Department of its obligations under Section 3155 of the 2002 Act. Subsection (e)(4) was included to clarify this limitation.

Treatment of waste material (sec. 3117)

The Senate amendment contained a provision (sec. 3120) that would authorize $350.0 million out of defense site acceleration completion and defense environmental services to be expended for activities at the Hanford Site in Washington, the Idaho National Engineering and Environmental Laboratory in Idaho, and the Savannah River Site in South Carolina for the safe management, treatment, storage, consolidation, and emptying and cleaning of tanks or tank farms used to store waste from reprocessing activities.

The House bill would authorize $300.0 million for defense site acceleration completion to address waste incidental to reprocessing.

The House recedes with an amendment that would authorize $350.0 million for defense site acceleration completion activities at the Idaho National Engineering and Environmental Laboratory in Idaho, the Savannah River Site in South Carolina, and the Hanford Site in Washington.

Local stakeholder organizations for 2006 closure sites (sec. 3118)

The Senate amendment contained a provision (sec. 3121) that would direct the Secretary of Energy to establish local stakeholder organizations (LSOs) to operate in consultation with local elected officials at Department of Energy Environmental Management 2006 closure sites. This would include the Rocky Flats Environmental Technology Site, the Fernald Environmental Management Project, and the Miamisburg Environmental Management Project Mound Site.

The House bill contained no similar provision.

The House recedes with an amendment that would strike the portion of the provision which stated that the Federal Advisory Committee Act (FACA) (5 U.S.C. App.) does not apply to LSOs.

The conferees note that as the community reuse organizations comply with FACA, LSOs will also have to comply with FACA. The conferees also encourage the LSOs to work with other community organizations and groups to allow a broad view to be considered.

Report to Congress on Advanced Nuclear Weapons Concepts Initiative (sec. 3119)

The Senate amendment contained a provision (sec. 3112) that would prohibit the Secretary of Energy from obligating or expending the funds available for advanced nuclear concepts initiative (ACI) until 30 days after the Administrator of the National Nuclear Security Administration submits a report on the planned activities for fiscal year 2005 under this initiative.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Administrator of the NNSA to submit a report setting forth the planned ACI activities in fiscal year 2005 by March 1, 2005. The Secretary may fully obligate or expend the funds available for ACI.

Subtitle C—Proliferation Matters

Modification of authority to use International Nuclear Materials Protection and Cooperation Program funds outside the former Soviet Union (sec. 3131)

The Senate amendment contained a provision (sec. 3131) that would amend section 3124 of the National Defense Authorization Act for Fiscal Year 2004, to remove the $50.0 million limitation on the authority to use International Nuclear Materials Protection and Cooperation Program funds for projects and activities outside of the former Soviet Union to meet emerging proliferation threats. The provision would also clarify that this authority applies only to projects or activities that have not previously been authorized by Congress.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide (sec. 3132)

The Senate amendment contained a provision (sec. 3132) that would express the sense of Congress that the security of high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment at vulnerable sites worldwide should be a top U.S. national security priority. The provision would also express the sense of Congress that the President may establish a Department of Energy Task Force on Nuclear Materials to carry out a program to undertake an accelerated, comprehensive worldwide effort to mitigate threats posed by high-risk, proliferation-attractive fissile materials, radiological materials, and related equipment located at sites potentially vulnerable to theft or diversion. The provision would include a list of specific activities that would be authorized under such a program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Silk Road Initiative (sec. 3133)

The House bill contained a provision (sec. 1421) that would authorize the Secretary of Energy to carry out a program known as the Silk Road Initiative to promote non-weapons-related employment opportunities for scientists, engineers, and technicians formerly engaged in activities to develop and produce weapons of mass destruction in nations of the former Soviet Union in the Caucasus and Central Asia. The provision would encourage the Secretary to begin a pilot program in the Republic of Georgia, and would authorize the Secretary to spend up to $10.0 million on the program from funds available for nonproliferation and international security for fiscal year 2005.

The Senate amendment contained no similar provision.

The Senate recedes with technical amendments.

The conferees note that a number of independent states of the former Soviet Union have been helpful to the United States in the war on terrorism. Such states are new and struggling democracies and would benefit considerably from assistance to create sustainable jobs for their underemployed or unemployed scientists, engineers, and technicians who were formerly engaged in activities to develop and produce weapons of mass destruction. The conferees further note that it is the policy of the United States to seek to establish and promote programs to prevent the proliferation of scientific and technical expertise to develop and produce weapons of mass destruction from states of the former Soviet Union to countries of proliferation concern; and to assist independent states of the former Soviet Union that have been helpful to the United States in the war on terrorism so as to promote the creation of jobs that foster economic stability and democracy.

Nuclear Nonproliferation Fellowships for scientists employed by United States and Russian Federation (sec. 3134)

The House bill contained a provision (sec. 1422) that would authorize the Administrator for Nuclear Security to carry out a program under which the Administrator would award international exchange fellowships in the nuclear nonproliferation sciences to scientists employed at the Kurchatov Institute of the Russian Federation and the Lawrence Livermore National Laboratory of the United States. The fellowships would be known as Teller-Kurchatov Nonproliferation Fellowships. The provision would authorize the Administrator to spend up to $10.0 million on the program from funds available for nonproliferation and international security in fiscal year 2005.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Administrator for Nuclear Security to carry out a program under which the Administrator would award international exchange fellowships in the nuclear nonproliferation sciences to scientists employed at nonproliferation research laboratories of the Russian Federation and the United States. The fellowships would be

known as Nuclear Nonproliferation Fellowships. The provision would authorize the Administrator to use funds available for nonproliferation and international security in fiscal year 2005 for this fellowship program.

Utilization of international contributions to the Elimination of Weapons Grade Plutonium Production Program (sec. 3135)

The conferees agree to include a provision that would provide the Secretary of Energy authority to accept international contributions to the Elimination of Weapons Grade Plutonium Production Program. The provision would permit the Secretary of Energy to: (1) enter into agreements, in consultation with the Secretary of State, with a person, foreign government, or international organization for this purpose; and (2) use such contributions without further authorization or appropriation. The provision would require the Secretary to notify the congressional defense committees: (1) of the receipt of any international contributions for this program within 30 days of their receipt; and (2) of the intended use of any funds received 30 days before they may be utilized. The provision would also require the Secretary to submit an annual report to the congressional defense committees on the receipt and utilization of amounts received pursuant to this authority for each fiscal year. The provision would require that any funds not used within five years be returned to the contributor. The authority provided by this provision would expire on December 31, 2011.

Subtitle D—Other Matters

Indemnification of Department of Energy contractors (sec. 3141)

The Senate amendment contained a provision (sec. 3141) that would amend section 170d(1)(A) of the Atomic Energy Act of 1954 to allow the Department of Energy to continue to enter into contracts for indemnification for an additional two years, through December 31, 2006.

The House bill contained no similar provision.

The House recedes.

Report on maintenance of retirement benefits for certain workers at 2006 closure sites after closure of sites (sec. 3142)

The Senate amendment contained a provision (sec. 3122) that would require the Assistant Secretary of Energy for Environmental Management to submit a report to the Secretary of Energy on maintenance of retirement benefits for workers at 2006 closure sites shortly before closure of those sites. The report would include the number of workers at the closure sites which would not receive retirement benefits if the site where they work is closed early; the cost to provide benefits to these workers; and the impact on collective bargaining agreements due to the workers' loss of benefits. The Secretary of Energy would be required to send the report to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the scope of the report.

The conferees direct the Department of Energy to use the contracts that were in effect on September 30, 2003 as the contracts for determining the target completion date.

Report on efforts of National Nuclear Security Administration to understand plutonium aging (sec. 3143)

The Senate amendment contained a provision (sec. 3123) that would require the Administrator of the National Nuclear Security Administration (NNSA) to enter into a contract with a Federally Funded Research and Development Center for a study to assess the efforts of the NNSA to understand the aging of plutonium used in nuclear weapons.

The House bill contained no similar provision.

The House recedes.

Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico (sec. 3144)

The Senate amendment contained a provision (sec. 3144) that would require the Secretary of Energy (DOE) to include in all the management and operating contracts for the Los Alamos National Laboratory (LANL), entered into after September 30, 2005, a provision that would require the contractor to provide $8.0 million per year for support for public secondary and elementary education to the Los Alamos Public School District. The House bill contained no similar provision.

The House recedes.

Review of Waste Isolation Pilot Plant, New Mexico, pursuant to competitive contract (sec. 3145)

The House bill contains a provision (sec. 3133) that would direct the Secretary of Energy to enter into a new contract for independent reviews of the design, construction, and operations of the Waste Isolation Pilot Plant in New Mexico (WIPP).

The Senate amendment contained a similar provision (sec. 3145) that would direct the Secretary of Energy to use competitive procedures in future contracts for independent reviews of the design, construction, and operations of WIPP.

The House recedes.

National Academy of Sciences study on management by Department of Energy of certain radioactive waste streams (sec. 3146)

The House bill contains a provision (sec. 3132) that would require the Secretary of Energy to enter into an agreement with the National Research Council of the National Academy of Sciences to complete a study of the plans of the Department of Energy (DOE) to manage certain waste streams that are not planned for disposal in a high-level repository. These streams are located at the Savannah River site, South Carolina, the Idaho National Engineering and Environmental Laboratory, Idaho, and the Hanford Reservation, Washington.

The provision would require the National Research Council to submit an interim report no later than six months after entering into the agreement with the Secretary and a final report no later than one year after entering such agreement.

The Senate amendment contained a similar provision (sec. 3117) that would authorize $750,000 for a similar study.

The Senate recedes with an amendment which would require the Secretary of Energy to enter into an arrangement with the National Research Council of the National Academy of Sciences (NAS) to carry out a study of the plans of the Department of Energy to manage waste, from reprocessed spent nuclear fuel, which exceeds the concentration limits for Class C low-level waste set out in section 61.55 of title 10, Code of Federal Regulations (CFR). The waste that is the subject of the study is stored in tanks at the Savannah River Site, in South Carolina, the Idaho National Engineering and Environmental Laboratory (INEEL), in Idaho, and the Hanford Reservation, in Washington, and it is waste which DOE does not plan to dispose of in a repository for spent nuclear fuel and high-level waste.

The conferees note that the study shall evaluate the state of the Department's understanding of the physical, chemical, and radiological characteristics of the waste. Additionally, the study should evaluate any actions, in addition to those contained in the Department's current plans, which should be considered to ensure the plan's compliance with the performance objectives of part 61 of title 10, Code of Federal Regulations. In addition, the study shall evaluate the adequacy of the Department's plans for monitoring disposal sites to verify compliance with the performance objectives in part 61 of title 10, Code of Federal Regulations, any existing technology alternatives to these plans, and any existing technology gaps.

The National Research Council may develop recommendations it considers appropriate and directly related to the subject matter of the study. The National Research Council shall submit the reports to the Secretary of Energy and the appropriate congressional committees. Of the amounts authorized for the Department of Energy, $1.5 million shall be available for carrying out this study.

Compensation of Pajarito Plateau, New Mexico, homesteaders for acquisition of lands for Manhattan Project in World War II (sec. 3147)

The Senate amendment contained a provision (sec. 3146) that would establish a fund to settle outstanding claims derived from the acquisition of land used in the Manhattan Project. The provision would authorize $10.0 million to settle claims for compensation by Pajarito Plateau homesteaders.

The House bill contained no similar provision.

The House recedes with an amendment that would require the United States District Court for the District of New Mexico to appoint a special master to identify class members, receive claims, resolve contests, and address such other matters the Court may order. The claims to be settled from the fund are the claims pending before the court as Civil Number 00–60. In addition, the provision would establish guidelines for settling claims using the fund. Following all determinations, the Special Master would be directed to award the allocated amounts from the fund after approval by the Court. The conferees intend this fund and the payments made from it constitute full and complete settlement of these claims.

Modification of requirements relating to conveyances and transfer of certain land at Los Alamos National Laboratory, New Mexico (sec. 3148)

The conferees agree to include a provision that would authorize the Department of Energy to transfer certain parcels of land at the Los Alamos National Laboratory in New Mexico to the Los Alamos County Public Schools in New Mexico. The conferees note the financial benefits realized through this land transfer will be used to facilitate economic development for the Los Alamos County Public Schools.

Subtitle E—Energy Employees Occupational Illness Compensation Program

Improvements to the Energy Employees Occupational Illness Compensation Program Act (sec. 3161–3170)

The Senate amendment contained a series of provisions (sec. 3151–3157) that would amend section 3621 of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) of 2000 (Public Law 106–398). The primary changes that the provisions would make to the EEOICPA program would transfer claims processing under Part D of EEOICPA from the Department of Energy (DOE) to the Department of Labor (DOL), direct DOL to compute compensation payments and require DOL to make such compensation payments to the employees.

The Senate amendment would allow covered DOE contractor employees to elect to proceed under State workers' compensation systems or choose to receive compensation under EEOICPA Part D.

The Senate amendment allowed covered DOE contractor employees who have been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a DOE facility under subtitle B of EEOICPA, to be treated as having contracted the occupational illness through exposure at DOE facilities for purposes of subtitle D. Employees not previously covered under subtitle B of EEOICPA would be determined to have contracted an illness through exposure at a DOE facility for purposes of subtitle D if (1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illnesses; and (2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a DOE facility. The Secretary of Labor would make such determinations. In making these determinations, the Secretary of Labor would be allowed to use physicians to assist in making such determinations.

The amount of workers' compensation to which covered DOE contractor employees or eligible survivors would be entitled would be determined under the appropriate State workers' compensation system. Covered DOE contractor employees determined to be eligible for compensation for an occupational illness or covered illness under these provisions would also be furnished medical benefits. Covered DOE contractor employees would also be able to seek review by the Secretary of Labor of determinations concerning eligibility and levels of compensation decided against the employees.

Attorney fees for assistance on a claim under this subtitle would be available for covered DOE contractor employees to the same extent that they are currently available under Subtitle B.

The Senate amendment would transfer administration of subtitle D of EEOICPA to the Secretary of Labor, and direct the Secretary to work with the Secretary of Energy to transfer all applicable records, files and other data from DOE to DOL.

The Senate amendment would also expand the coverage of individuals employed by atomic weapons employers (AWE) who were exposed to residual radiation after DOE related work at the AWE facility stopped. Additionally, the Director of the National Institute of Occupational Safety and Health (NIOSH) would update the 2000 report on residual contamination of AWE facilities.

The Senate amendment would establish in DOL a new Office of the Ombudsman to assist individuals in making claims under subtitle D of EEOICPA and direct the Secretary of Labor to prescribe regulations necessary to carry out these provisions. The provisions would also set forth a Sense of Congress that the Secretary of Energy should adopt a policy not to oppose any final positive determinations with respect to injured workers at DOE facilities and AWE facilities under a State workers' compensation adjudication system unless such determinations are frivolous. The Senate amendment would also set forth findings that DOL establish a resource center in western New York to provide assistance to energy employees making claims under Subtitle B of EEOICPA, and set forth the sense of the Senate that the Ombudsman should evaluate current assistance and recommend a site for a resource center.

The Senate amendment also included provisions that would designate under specified circumstances certain former nuclear weapons program workers as members of the Special Exposure Cohort (SEC) under section 3621 of EEOICPA. Funding for all programs created, modified or expanded under these provisions would be subject to appropriations.

The House bill contained no similar provision.

The House recedes with an amendment.

The conferees agree to repeal subtitle D of EEOICPA, establish a new compensation scheme and direct the Department of Labor (DOL) to administer the program. The new program would be established as subtitle E of EEOICPA.

Under the new subtitle E of EEOICPA, covered DOE contractor employees would be compensated based on any impairment from a covered illness resulting from exposure to a toxic substance at a DOE facility. The employee would receive additional compensation if the impairment resulted in significant wage losses. The primary goal of the conferees was to create a simple, fair and uniform workers compensation system and avoid chronic delays and inefficiencies that workers currently encounter.

Specifically, employees would receive $2,500 for every degree of impairment, resulting from a covered illness contracted by that employee through exposure to a toxic substance at a DOE facility. Additionally, the covered employee would be compensated for annual wage loss, defined as the average salary for the 36 months preceding the month the wage loss began, as follows: (1) $10,000 for each calendar year where the employee's annual wage exceeded 50 percent of the employee's average annual wage at the DOE facility but did not exceed 75 percent of their average annual wage; or $15,000 for each calendar year where the employee's annual wage did not exceed 50 percent of the employee's average annual wage at the DOE facility. The wage losses must result from the covered illness as determined by DOL.

The American Medical Association's Guides to the Evaluation of Permanent Impairment should be used in making these determinations. On the other hand, as the Guides state ''Impairment assessment is a necessary *first step* for determining disability.'' [Emphasis in original] The new compensation regime that would be established in subtitle E of EEOICPA establishes a two part award—one for impairment and one for work loss as a result of disability. As structured in subtitle E the two part award is a unique way to compensate employees for impairments as well as compensation based upon past and present earnings losses from disability. In some cases, particularly in cases involving illnesses to long exposure to toxic substances, there may be an illness for which the AMA Guides do not provide an impairment rating. As a result, each individual employee should be evaluated individually and the determination of impairment and work disability should be through a combination of the Guides and by physicians suitably trained and qualified. Because of the unique nature of the compensation under subtitle E, the conferees do not intend the use of the Guides in this context to establish a precedent for other federal compensation programs.

The conferees also include a provision that would provide three categories of compensation for survivors of a covered DOE contractor employee. Under category one, the survivor would receive $125,000, if the Secretary of Labor determines that the employee would have been entitled to compensation under part E of EEOICPA and it is at least as likely as not that exposure to a toxic substance at a DOE facility was a significant factor in aggravating, contributing to, or causing death. Under category two, the survivor would receive $150,000, if he or she meets the criteria under category one, and the Secretary of Labor also determines that there was an aggregate period of not less than 10 years, before the employee attained normal retirement age, during which, as a result of any covered illness contracted by the employee through exposure of a toxic substance at a DOE facility, the employee's annual wage did not exceed 50 percent of the average annual wage of the employee. Under category three, the survivor would receive $175,000, if he or she meets the criteria under category one, plus the Secretary of Labor also determines that there was an aggregate period of not less than 20 years, before the employee attained normal retirement age, during which, as a result of any covered illness contracted by the employee through exposure of a toxic substance at a DOE facility, the employee's annual wage did not exceed 50 percent of the average annual wage of the employee. The survivor would be entitled to receive the highest category for which the survivor qualifies. The maximum aggregate benefit available under subtitle E of EEOICPA is $250,000.

Radiation Exposure Compensation Act

The conferees also agree to make compensation under subtitle E applicable to certain uranium employees under section 5 of the Radiation Exposure Compensation Act (RECA) (42 U.S.C. 2210 note). Compensation for these employees would be determined on the same basis as it applies to a DOE contractor employee under section 3675 of subtitle E of EEOICPA.

Office of the Ombudsman

The conferees agree to include a provision similar to the Senate amendment to create an Office of the Ombudsman. The authority for the Office of the Ombudsman would expire three years after enactment. The conferees expect the Ombudsman to work with the Secretary of Labor to ensure the Ombudsman is technically proficient on subtitle E of EEOICPA to the maximum extent practicable before they begin conducting covered DOE contractor employee outreach. The conferees also expect the Ombudsman to make recommendations the Ombudsman considers appropriate for the improvement of the practices of DOL in administering subtitle E of EEOICPA. The conferees urge the Secretary to hire a director of the Office of the Ombudsman within 120 days of enactment.

Administrative Provisions

The conferees have included a series of provisions that deal with administrative and judicial review, physician services, medical benefits, attorneys fees, offsets, subrogation, exclusivity of remedy, treatment of payments, and administrative matters between DOL and DOE concerning records, files and other data.

Compensation under subtitle E would be offset by any benefits an individual receives for the same covered illness through a State workers' compensation system. The aggregate amount of compensation received on behalf of a covered employee under subtitle E, other than medical benefits, shall not exceed $250,000.

The conferees believe the benefits available under subtitle E of EEOICPA are a fair and equitable alternative to the complexities and uncertainties that employees and their survivors may face in State workers' compensation programs. If an election is made to proceed under subtitle E of EEOICPA, the covered DOE contractor employer and survivor will not be able to bring additional actions against the United States or the DOE contractor for covered illnesses. A covered DOE contractor employee or their survivor may choose to forego benefits under subtitle E of EEOICPA and instead seek compensation through a state workers compensation system, litigation or any other available compensation mechanisms.

The benefits paid under subtitle E and the administrative costs of subtitle E will be

treated for budget and accounting purposes as mandatory spending.

The Secretary is required to establish a process for administrative appeals. In developing this process, the conferees urge the Secretary to consider other administrative appeals processes for similar programs. Determining whether an illness was caused by exposure to toxic substances can be complex. Therefore, the conferees urge the Secretary to consider an appeal process whereby claimants have an opportunity to have an adverse determination reviewed by an independent physician or physician panel. The conferees note that the Secretary has the authority to hire physician panels, and urge the Secretary to hire physicians with experience and competency in diagnosing illnesses caused by exposure to toxic substances in exercising this authority.

The conferees note that included in the administrative provisions is a provision that would direct the Social Security Administration to make available to the Secretary of Labor earnings information necessary to carry out the requirements of subtitle E. The conferees expect that protections will be in place at DOL that will protect this information from unauthorized disclosure to the same extent the information was protected before being transferred to DOL.

The conferees urge the Secretary, in consultation and coordination with the Secretary of Energy, to notify all applicants of the changes in the management of this program. The conferees recommend that the Secretary, through or in coordination with the Office of the Ombudsman, explain program changes, provide guidance on changes in the processing of claims, and provide a toll free ''hotline'' which claimants can call for assistance.

Special Exposure Cohort

The conferees are concerned that the administrative process for designating additional special exposure cohorts (SEC) is too slow and should be accelerated. Covered DOE contractor employees from the 1940s, 50s, 60s, and 70s whose occupational illness was caused through exposure to toxic substances while working in DOE contractor facilities should receive compensation under subtitle B of EEOICPA. Unfortunately many of the records or other data has been lost or destroyed. As a result of these delays, the conferees have included several provisions that would make improvements to subtitle B of EEOICPA in an effort to accelerate the process for designating additional SECs. First, the Secretary of Energy is directed to ensure that members and staff of the NIOSH Advisory Board have an opportunity to apply for necessary security clearances. The Secretary of Energy should process these applications within 180 days after receiving a completed application. In addition, the Secretary of Energy is directed, in accordance with law, to provide the Advisory Board access to any information that the Board considers relevant to carry out its responsibilities under EEOICPA, including Restricted Data.

To ensure that applications to be a SEC member are processed promptly, new timelines have been included. Within 180 days of receipt of a petition for designation as members of a SEC, the Director of NIOSH must submit to the Advisory Board a recommendation on that petition, including all supporting documentation. During the 180 period when NIOSH is preparing the petition for review by the Advisory Board, NIOSH should identify all deficiencies in the petition within the first 30 days. When the President receives an affirmative recommendation from the Advisory Board to designate a class to the SEC, the President shall have a period of 30 days in which to accept or reject the recommendation and notify Congress. If the President does not send a determination notice within 30 days, and if there is an affirmative Board recommendation, the class recommended to be a SEC will automatically become a SEC, subject to a 30 day notification period in Congress.

In an effort to prevent further delays for petitions already filed, the Board would be directed to convene an emergency meeting if NIOSH completes the evaluation of a petition more than ten days before a regularly scheduled Board Meeting. This emergency authority shall expire on March 1, 2005. In addition, the President is directed to submit a report to Congress by March 15, 2005 providing a status update on all petitioners who filed by October 1, 2004. The report should include, for each petition, the estimated time to complete consideration of the petition and any anticipated actions or circumstances that could preclude the Board from acting upon that petition before the end of fiscal year 2005. The conferees expect NIOSH to respond promptly throughout the process to ensure the petition and all supporting documentation is filed and processed correctly.

The conferees are concerned that auditors hired to conduct an audit of NIOSH and the Advisory Board are having a difficult time getting information and maintaining an appropriate degree of independence. The conferees expect NIOSH to work to ensure these issues are addressed in future audits.

Pursuant to a recommendation of the Comptroller General, in the September, 2004 Report (GAO–04958), to the extent the Secretary of Labor determines it useful and practicable, the Secretary of Labor shall direct the Director of NIOSH to prepare site profiles for a DOE facility based on records, files and other data provided by the Secretary of Energy.

The conferees urge the Director of NIOSH to consult with DOE contract workers and their representatives in developing these site profiles, and to update site profiles as information becomes available. The conferees have also included a provision that would direct the Secretary of Health and Human Services to submit to Congress a report setting forth the time frames for completing the site profiles.

Residual Radiation Exposure

The conferees include the provisions from the Senate amendment that expand coverage under subtitle B to include workers exposed to residual radiation contamination. In addition, the provision would add a definition of the term radiation dose applicable to employees exposed to residual radiation.

The conferees have also agreed to include a provision that would direct the director of NIOSH to update the 2003 residual radiation report.

LEGISLATIVE PROVISIONS NOT ADOPTED

Annual report on expenditures for safeguards and security

The Senate amendment contained a provision (sec. 3118) that would require the Secretary of Energy to submit an annual report describing the activities and costs of the safeguards and security program at the defense nuclear facilities across the Department of Energy (DOE). The Senate was concerned that the DOE was considering a change in budgeting for safeguards and security that would include these costs as part of the cost of each DOE program. The Senate was concerned that such an approach to budgeting, particularly during the two-year effort to comply with the new design basis threat, would mask the cost of these important requirements.

The House bill contained no similar provision.

The Senate recedes.

The conferees are satisfied that the DOE will continue to include sufficient transparency in their budget request for safeguards and security in fiscal year 2006.

Authority to consolidate counterintelligence offices of Department of Energy and National Nuclear Security Administration within the National Nuclear Security Administration

The Senate amendment contained a provision (sec. 3119) that would authorize the Secretary of Energy to consolidate the counterintelligence offices of the Department of Energy (DOE) and the National Nuclear Security Administration (NNSA) within NNSA.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the NNSA was originally set up as a semi-autonomous agency, in large part, to ensure that there would be adequate focus and priority placed on counterintelligence activities. The conferees urge the counterintelligence offices at DOE and NNSA to work together to ensure security of both DOE and NNSA programs and facilities.

Transfers and reprogrammings of National Nuclear Security Administration funds

The House bill contains a provision (sec. 3131) that would direct the Administrator of the National Nuclear Security Administration (NNSA) to specifically submit notifications and requests for reprogramming directly to the congressional defense committees, with the only role of the Department of Energy (DOE) being for the Chief Financial Officer (CFO) to certify whether funds covered by the notice or request are available.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe that there is a present need for better coordination between the Administrator of the NNSA and the CFO of DOE regarding budgetary actions.

The National Defense Authorization Act for Fiscal Year 2000 established the National Nuclear Security Administration (50 U.S.C. 2401, otherwise known as the ''NNSA Act''). In passing this Act, Congress created the National Nuclear Security Administration as a semi-autonomous agency within the DOE. The mission of the NNSA is to enhance the national security through the military application of nuclear energy, to reduce global danger from weapons of mass destruction, and to promote international nuclear safety. The cornerstone of this Act is to provide significant autonomy to the NNSA.

Among the various functions assigned in the Act, the NNSA Administrator has authority over, and is responsible for, all programs and activities of the NNSA, including budget formulation, guidance and execution, and other financial matters (50 U.S.C. 2402). The NNSA Act also provides for separate treatment of NNSA's budget request in the President's budget (50 U.S.C. 2451) and for the Administrator to establish procedures for planning, programming, budgeting, and financial activities (50 U.S.C. 2452). Congress' intent was to provide autonomy for the NNSA in numerous functions, including all those functions associated with budget formulation and execution.

The conferees are deeply concerned that the overall management of the NNSA budget process may not be carried out in accordance with the full intent of the NNSA Act and that current processes have caused unnecessary delays in budget actions. Accordingly, the Secretary of Energy and the Administrator are directed, within 60 days of enactment of this Act, to develop a process that streamlines all NNSA-related budgetary actions including, but not limited to reprogramming requests to Congress, and that

is in full compliance with the NNSA Act. This process should establish realistic deadlines for DOE and NNSA to complete budget-related actions, such as reprogrammings. The Secretary and the Administrator shall submit a report to the congressional defense committees by March 1, 2005 outlining the deadlines for budget-related actions that were established. Commencing on March 1, 2006, and annually thereafter on March 1, the Secretary and the Administrator shall submit a report to the congressional defense committees assessing the Department's and National Nuclear Security Administration's performance in meeting these deadlines, and if applicable, the reasons for failing to meet the established deadlines.

Additional amount for defense site acceleration completion

The House bill contained a provision (sec. 3134) that would authorize $50.0 million for defense site acceleration completion.

The Senate amendment contained no similar provision.

The House recedes.

Improvements to Energy Employees Occupational Illness Compensation Program

The House bill contained a provision (sec. 3135) that would amend section 3661 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 785) by requiring the Secretary of Health and Human Services to select individuals to serve as panel members based on experience and competency in diagnosing occupational illness.

The Senate amendment contained a similar provision (sec. 3143) that would amend section 3661 of the National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), part D of the Energy Employees Occupational Illness Program Act (EEOICPA). The provision would eliminate the following three restrictions: (1) the pay cap on physicians serving on part D physicians panels; (2) the requirement that the part D physicians work only on a temporary or intermittent basis; and (3) the requirement for agreements between DOE and States.

The conferees agree not to adopt either provision.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS ADOPTED

Defense Nuclear Facilities Safety Board (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $21.3 million for the Defense Nuclear Facilities Safety Board for fiscal year 2005, an increase of $1.0 million to fund cost-of-living pay increases for permanent staff and to hire outside consultants as needed for technical oversight of new Department of Energy projects.

The Senate amendment contained an identical provision (sec. 3201).

The conference agreement includes this provision.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

LEGISLATIVE PROVISIONS ADOPTED

Authorized Uses of National Defense Stockpile Funds (sec. 3301)

The House bill contained a provision (sec. 3301) that would authorize $59.7 million from the National Defense Stockpile Transaction Fund for the operation and maintenance of the National Defense Stockpile for fiscal year 2005. The provision would also permit the use of additional funds for extraordinary or emergency conditions 45 days after a notification to the Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

Revision of earlier authority to dispose of certain materials in National Defense Stockpile (sec. 3302)

The Senate amendment included a provision (sec. 3302) relative to revenue requirements for certain previously authorized disposals from the National Defense Stockpile to establish a new requirement of $870.0 million by the end of fiscal year 2014.

The House bill included a similar provision (sec. 3303) that would set revenue requirements for those same disposals of at least $785.0 million by the end of fiscal year 2005 and $870.0 million by the end of fiscal year 2009.

The Senate recedes.

Disposal of ferromanganese (sec. 3303)

The House bill contained a provision (sec. 3302) that would amend section 3306 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107), to authorize the Secretary of Defense to dispose of 100,000 short tons of high carbon ferromanganese of the highest grade during fiscal year 2005.

The Senate amendment contained a similar provision (sec. 3301) that would authorize the Secretary to dispose of up to 50,000 tons of high carbon ferromanganese during fiscal year 2005. The provision would also authorize the disposal of an additional 50,000 tons of high carbon ferromanganese during fiscal year 2005, at 25,000 ton increments, subject to the Secretary, in consultation with the Secretary of Commerce, providing certifications to the congressional defense committees 30 days before the release of each increment.

The House recedes with an amendment that would authorize the Secretary of Defense to dispose of up to 50,000 tons of high carbon ferromanganese during fiscal year 2005. The provision would also authorize the disposal of an additional 50,000 tons of high carbon ferromanganese during fiscal year 2005, at 25,000 ton increments, subject to the Secretary of Defense certifying to the Committees on Armed Services of the Senate and the House of Representatives not later than 30 days before commencement of disposal of a 25,000 ton increment the following: the disposal of ferromanganese is in the interest of national defense; the disposal of ferromanganese under such paragraph will not cause undue disruption to the usual markets of ferromanganese producers or processors of the United States; and the disposal of ferromanganese is consistent with the requirements of the National Defense Stockpile under the Strategic and Critical Material Stock Piling Act (50 U.S.C. et seq.).

Prohibition on storage of mercury at certain facilities (sec. 3304)

The Senate amendment contained a provision (sec. 3303) that would prohibit the Secretary of Defense from storing mercury from the National Defense Stockpile at any facility that is not owned or leased by the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary from storing mercury from the National Defense Stockpile at any facility that is not owned or leased by the United States in fiscal year 2005.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize $20.0 million for the operation and maintenance of the Naval Petroleum and Oil Shale Reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE XXXV—MARITIME ADMINISTRATION

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations for Maritime Administration (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize funds to be appropriated for the Maritime Administration for expenses necessary for operations and training activities, for administrative activities under the loan guarantee program, and for ship disposal.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority to provide war risk insurance for Merchant Marine vessels (sec. 3502)

The House bill contained a provision (sec. 3502) that would amend Section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1294) to extend the authority to provide war risk insurance for Merchant Marine vessels from June 30, 2005 to December 31, 2010. The provision would also amend section 1208(a) of the same Act (46 U.S.C. App. 1288), allowing the Secretary of Transportation to request the Secretary of the Treasury to invest such portion of the fund that is not, in the judgement of the Secretary of Transportation, required to meet the current needs of the fund.

The Senate amendment contained a similar provision (sec. 1066), which would have extended the authority to provide war risk insurance to December 31, 2008, and would have allowed similar investments of a portion of the fund.

The Senate recedes.

Modification of priority afforded applications for national defense tank vessel construction assistance (sec. 3503)

The Senate amendment contained a provision (sec. 2901) that would amend section 3542(d)(2) of the Maritime Security Act of 2003 (title XXXV of Public Law 108–136). The amendment would require the Secretary of Transportation to give priority consideration to a proposal for national defense tank vessels if they had been accepted for participation in the Shipboard Technology Evaluation Program (STEP) as outlined in Navigation and Vessel Inspection Circular 01–04, issued by the Commandant of the U.S. Coast Guard on January 2, 2004.

The House bill contained no similar provision.

The House recedes with an amendment that would allow the Secretary of Transportation to give priority to subsidy proposals received after fiscal year 2005 if the vessels, which are to be constructed, have been selected to participate in the STEP.

TITLE XXXVI—ASSISTANCE TO FIREFIGHTERS

LEGISLATIVE PROVISIONS ADOPTED

Assistance to Firefighters (secs. 3601–3603)

The Senate amendment contained several provisions (sec. 3501–3513) that would reauthorize the Department of Homeland Security's Assistance to Firefighters Grant Program for fiscal years 2005 through 2010. The provision would also authorize the Secretary of Homeland Security, in consultation with the U.S. Fire Administrator, to administer the grant program; expand eligibility for the Assistance to Firefighters Grant Program to volunteer emergency medical service (EMS) organizations; reduce the matching requirements for jurisdictions with populations less than 20,000; set caps on assistance to jurisdictions based on population; and authorize $900.0 million for the program in fiscal year 2005; $950.0 million for fiscal year 2006; and $1.0 billion for each of fiscal years 2007 through 2010.

The House bill contained no similar provision.

The House recedes with an amendment that would place the Director of the Federal Emergency Management Agency, acting through the U.S. Fire Administrator, in charge of administration of the program. Further, the amendment would create a funding floor for grants to EMS organizations, but set a funding ceiling for EMS organizations that are not affiliated with fire departments. The amendment would include reduced matching requirements for jurisdictions with populations less than 50,000, and modify the caps on assistance to jurisdictions based on population. The amendment would authorize $900.0 million for fiscal year 2005; $950.0 million for fiscal year 2006; and $1.0 billion for each of fiscal years 2007 through 2009.

The conferees are concerned about the number of firefighters suffering fatal heart attacks each year while on duty. The conferees direct the director to work to reduce the number of on-duty firefighter fatalities by promoting life-saving policies, training, and equipment, including Automated External Defibrillator devices. As a part of this effort, the director is encouraged to examine the feasibility of prioritizing life-saving training and equipment in grant evaluation criteria.

From the Committee on Armed Services, for consideration of the HOuse bill and the Senate amendment, and modifications committed to conference:

DUNCAN HUNTER,
CURT WELDON,
JOEL HEFLEY,
JIM SAXTON,
JOHN M. MCHUGH,
TERRY EVERETT,
ROSCOE G. BARTLETT,
HOWARD P. ''BUCK'' MCKEON,
MAC THORNBERRY,
JOHN N. HOSTETTLER,
JIM RYUN,
JIM GIBBONS,
ROBIN HAYES,
KEN CALVERT,
ROB SIMMONS,
IKE SKELTON,
JOHN M. SPRATT, JR.
SOLOMON P. ORTIZ,
LANE EVANS,
NEIL ABERCROMBIE,
MARTIN T. MEEHAN,
SILVESTRE REYES,
VIC SNYDER,
JIM TURNER,
ADAM SMITH,
LORETTA SANCHEZ,
BARON P. HILL,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

PETE HOEKSTRA,
RAY LAHOOD,
JANE HARMAN,

From the Committee on Agriculture, for consideration of sec. 1076 of the Senate amendment, and modifications committed to conference:

BOB GOODLATTE,
MAX BURNS,
CHARLES W. STENHOLM,

From the Committee on Education and the Workforce, for consideration of secs. 590, 595, 596, 904, and 3135 of the House bill, and secs. 351, 352, 532, 533, 707, 868, 1079, 3143, and 3151–3157 of the Senate amendment, and modifications committed to conference:

SAM JOHNSON,
TIMOTHY H. BISHOP,

From the Committee on Government Reform, for consideration of secs. 801, 806, 807, 825, 1061, 1101–1104, 2833, 2842, and 2843 of the House bill, and secs. 801, 805, 832, 851, 852, 869, 870, 1034, 1059B, 1091, 1101, 1103–1107, 1110, 2823, 2824, 2833, and 3121 of the Senate amendment, and modifications committed to conference:

TOM DAVIS,

From the Committee on House Administration, for consideration of secs. 572 and 1065 of the Senate amendment, and modifications committed to conference:

ROBERT W. NEY,
VERNON J. EHLERS,
JOHN B. LARSON,

From the Committee on International Relations, for consideration of secs. 811, 1013, 1031, 1212, 1215, Title XIII, secs. 1401–1405, 1411, 1412, 1421, and 1422 of the House bill, and secs. 1014, 1051–1053, 1058, 1059A, 1059B, 1070, Title XII, secs. 3131 and 3132 of the Senate amendment, and modifications committed to conference:

HENRY J. HYDE,
JAMES A. LEACH,

From the Committee on the Judiciary, for consideration of secs. 551, 573, 616, 652, 825, 1075, 1078, 1105, 2833, 2842, and 2843 of the House bill, and secs. 620, 842, 1063, 1068, 1074, 1080–1082, 1101, 1106, 1107, 2821, 2823, 2824, 3143, 3146, 3151–3157, 3401–3410 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER, Jr.,
LAMAR S. SMITH,

From the Committee on Resources, for consideration of secs. 601 and 2834 of the House bill, and sec. 1076 of the Senate amendment, and modifications committed to conference:

GREG WALDEN,
JAY INSLEE,

From the Committee on Science, for consideration of sec. 596 of the House bill and secs. 1034, 1092, and Title XXXV of the Senate amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
NICK SMITH,
BART GORDON,

From the Committee on Small Business, for consideration of secs. 807 and 3601 of the House bill, and secs. 805, 822, 823, 912, and 1083 of the Senate amendment, and modifications committed to conference:

DONALD A. MANZULLO,
SUE W. KELLY,

From the Committee on Transportation and Infrastructure, for consideration of secs. 555, 558, 596, 601, 905, 1051, 1063, 1072, and 3502 of the House bill, and sec. 321, 323, 325, 717, 1066, 1076, 1091, 2828, 2833–2836, and Title XXXV of the Senate amendment, and modifications committed to conference:

DON YOUNG,
JOHN J. DUNCAN, Jr.,
MICHAEL E. CAPUANO,

From the Committee on Veterans' Affairs, for consideration of secs. 2810 and 2831 of the House bill, and secs. 642, 2821, and 2823 of the Senate amendment, and modifications committed to conference:

CHRISTOPHER H. SMITH,

From the Committee on Ways and Means, for consideration of sec. 585 of the House bill, and sec. 653 of the Senate amendment, and modifications committed to conference:

E. CLAY SHAW, Jr.,
DAVE CAMP,

Managers on the Part of the House.

JOHN W. WARNER,
JOHN MCCAIN,
PAT ROBERTS,
WAYNE ALLARD,
JEFF SESSIONS,
SUSAN M. COLLINS,
JOHN ENSIGN,
JAMES M. TALENT,
SAXBY CHAMBLISS,
LINDSEY O. GRAHAM,
ELIZABETH DOLE,
JOHN CORNYN,
CARL LEVIN,
EDWARD M. KENNEDY,
ROBERT C. BYRD,
JOSEPH LIEBERMAN,
JACK REED,
DANIEL K. AKAKA,
BILL NELSON,
BEN NELSON,
MARK DAYTON,
EVAN BAYH,
HILLARY RODHAM CLINTON,
MARK PRYOR,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 1047, MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2004

Mr. THOMAS submitted the following conference report and statement on the bill (H.R. 1047) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–771)

[To accompany H.R. 1047]

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1047), to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective House as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 2004''.

Sec. 1. Short title; table of contents.

TITLE I—TARIFF PROVISIONS

Sec. 1101. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1111. Bitolylene diisocyanate (TODI).
Sec. 1112. 2-methylimidazole.
Sec. 1113. Hydroxylamine free base.
Sec. 1114. Prenol.
Sec. 1115. 1-methylimadazole.
Sec. 1116. Formamide.
Sec. 1117. Michler's ethyl ketone.
Sec. 1118. Vinyl imidazole.
Sec. 1119. Disperse blue 27.
Sec. 1120. Acid black 244.
Sec. 1121. Reactive orange 132.
Sec. 1122. Mixtures of acid red 337, acid red 266, and acid red 361.
Sec. 1123. Vat red 13.
Sec. 1124. 5-methylpyridine-2,3-dicarboxylic acid.
Sec. 1125. 5-methylpyridine-2,3-dicarboxylic acid diethylester.
Sec. 1126. 5-ethylpyridine dicarboxylic acid.
Sec. 1127. (e)-o(2,5-dimethylphenoxy methyl)-2-methoxy-imino-n-methylphenylacetamide.
Sec. 1128. 2-chloro-n-(4'chlorobiphenyl-2-yl) nicotinamide.

Sec. 1129. Vinclozolin.
Sec. 1130. Dazomet.
Sec. 1131. Pyraclostrobin.
Sec. 1132. 1,3-benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt.
Sec. 1133. Saccharose.
Sec. 1134. (2-benzothiazolythio) butanedioic acid.
Sec. 1135. 60–70 percent amine salt of 2-benzothiazolythio succinic acid in solvent.
Sec. 1136. 4-methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).
Sec. 1137. Mixtures of rimsulfuron, nicosulfuron, and application adjuvants.
Sec. 1138. Mixtures of thifensulfuron methyl, tribenuron methyl and application adjuvants.
Sec. 1139. Mixtures of thifensulfuron methyl and application adjuvants.
Sec. 1140. Mixtures of tribenuron methyl and application adjuvants.
Sec. 1141. Mixtures of rimsulfuron, thifensulfuron methyl and application adjuvants.
Sec. 1142. Vat black 25.
Sec. 1143. Cyclohexanepropanoic acid, 2-propenyl ester.
Sec. 1144. Neoheliopan hydro (2-phenylbenzimidazole-5-sulfonic acid).
Sec. 1145. Sodium methylate powder (na methylate powder).
Sec. 1146. Globanone (cyclohexadec-8-en-1-one).
Sec. 1147. Methyl acetophenone-para (melilot).
Sec. 1148. Majantol (2,2-dimethyl-3-(3-methylphenyl)propanol).
Sec. 1149. Neoheliopan MA (menthyl anthranilate).
Sec. 1150. Allyl isosulfocyanate.
Sec. 1151. Frescolat.
Sec. 1152. Thymol (alpha-cymophenol).
Sec. 1153. Benzyl carbazate.
Sec. 1154. Esfenvalerate technical.
Sec. 1155. Avaunt and steward.
Sec. 1156. Helium.
Sec. 1157. Ethyl pyruvate.
Sec. 1158. Deltamethrin.
Sec. 1159. Asulam sodium salt.
Sec. 1160. Tralomethrin.
Sec. 1161. N-phenyl-n′-(1,2,3-thiadiazol-5-yl)-urea.
Sec. 1162. Benzenepropanoic acid, alpha-2-dichloro-5-{4 (difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1h-1,2,4-triazol-1-ylγ-4-fluoro-ethyl ester.
Sec. 1163. (z)-(1rs, 3rs)-3-(2-chloro-3,3,3 triflouro-1-propenyl)-2,2-dimethyl-cyclopropane carboxylic acid.
Sec. 1164. 2-chlorobenzyl chloride.
Sec. 1165. (s)-alpha-hydroxy-3-phenoxybenzeneacetonitrile.
Sec. 1166. 4-pentenoic acid, 3,3-dimethyl-, methyl ester.
Sec. 1167. Terrazole.
Sec. 1168. 2-mercaptoethanol.
Sec. 1169. Bifenazate.
Sec. 1170. A certain polymer.
Sec. 1171. Para ethylphenol.
Sec. 1172. Ezetimibe.
Sec. 1173. P-cresidinesulfonic acid.
Sec. 1174. 2,4 disulfobenzaldehyde.
Sec. 1175. M-hydroxybenzaldehyde.
Sec. 1176. N-ethyl-n-(3-sulfobenzyl)aniline, benzenesulfonic acid, 3[(ethylphenylamino)methyl].
Sec. 1177. Acrylic fiber tow.
Sec. 1178. oxides.
Sec. 1179. Hexanedioic acid, polymer with 1,3-benzenedimethanamine.
Sec. 1180. N1-[(6-chloro-3-pyridyl)methyl]-n2-cyano-n1-methylacetamidine.
Sec. 1181. Aluminum tris (o-ethyl phosphonate).
Sec. 1182. Mixture of disperse blue 77 and disperse blue 56.
Sec. 1183. Acid black 194.
Sec. 1184. Mixture of 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-and disperse blue 77.
Sec. 1185. Copper phthalocyanine substituted with 15 or 16 groups which comprise 8-15 thioaryl and 1-8 arylamino groups.
Sec. 1186. Bags for certain toys.
Sec. 1187. Certain children's products.
Sec. 1188. Certain optical instruments used in children's products.
Sec. 1189. Cases for certain children's products.
Sec. 1190. 2,4-dichloroaniline.
Sec. 1191. Ethoprop.
Sec. 1192. Foramsulfuron.
Sec. 1193. Certain epoxy molding compounds.
Sec. 1194. Dimethyldicyane.
Sec. 1195. Triacetone diamine.
Sec. 1196. Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate.
Sec. 1197. Certain power weaving textile machinery.
Sec. 1198. Certain filament yarns.
Sec. 1199. Certain other filament yarns.
Sec. 1200. Certain ink-jet textile printing machinery.
Sec. 1201. Certain other textile printing machinery.
Sec. 1203. D-mannose.
Sec. 1204. Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl)-ethenyl]-1H-indazol-6-yl)thio]-.
Sec. 1205. 1(2h)-quinolinecarboxylic acid, 4-[[[3,5-bis-(trifluoromethyl)phenyl] methyl](methoxycarbonyl)amino]-2-ethyl- 3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2R,4S)-(9CI).
Sec. 1206. Disulfide,bis(3,5-dichlorophenyl)(9C1).
Sec. 1207. Pyridine, 4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H-midazol-1-yl] methyl]-ethanedioate (1:2).
Sec. 1208. Paclobutrazole technical.
Sec. 1209. Paclobutrazole 2SC.
Sec. 1210. Methidathion technical.
Sec. 1211. Vanguard 75 WDG.
Sec. 1212. Wakil XL.
Sec. 1213. Mucochloric acid.
Sec. 1214. Azoxystrobin technical.
Sec. 1215. Flumetralin technical.
Sec. 1216. Cyprodinil technical.
Sec. 1217. Mixtures of lambda-cyhalothrin.
Sec. 1218. Primisulfuron methyl.
Sec. 1219. 1,2-cyclohexanedione.
Sec. 1220. Difenoconazole.
Sec. 1221. Certain refracting and reflecting telescopes.
Sec. 1222. Phenylisocyanate.
Sec. 1223. Bayowet FT-248.
Sec. 1224. P-phenylphenol.
Sec. 1225. Certain rubber riding boots.
Sec. 1226. Chemical RH water-based.
Sec. 1227. Chemical NR ethanol-based.
Sec. 1228. Tantalum capacitor ink.
Sec. 1229. Certain sawing machines.
Sec. 1230. Certain sector mold press manufacturing equipment.
Sec. 1231. Certain manufacturing equipment used for molding.
Sec. 1232. Certain extruders.
Sec. 1233. Certain shearing machines.
Sec. 1234. Thermal release plastic film.
Sec. 1235. Certain silver paints and pastes.
Sec. 1236. Polymer masking material for aluminum capacitors (upicoat).
Sec. 1237. OBPA.
Sec. 1238. Macroporous ion-exchange resin.
Sec. 1239. Copper 8-quinolinolate.
Sec. 1240. Ion-exchange resin.
Sec. 1241. Ion-exchange resin crosslinked with ethenylbenzene, aminophosponic acid.
Sec. 1242. Ion-exchange resin crosslinked with divinylbenzene, sulphonic acid.
Sec. 1243. 3-[(4 amino-3-methoxyphenyl) azo]-benzene sulfonic acid.
Sec. 1244. 2-methyl-5-nitrobenzenesulfonic acid.
Sec. 1245. 2-amino-6-nitro-phenol-4-sulfonic acid.
Sec. 1246. 2-amino-5-sulfobenzoic acid.
Sec. 1247. 2,5 bis [(1,3 dioxobutyl) amino] benzene sulfonic acid.
Sec. 1248. P-aminoazobenzene 4 sulfonic acid, monosodium salt.
Sec. 1249. P-aminoazobenzene 4 sulfonic acid.
Sec. 1250. 3-[(4 amino-3-methoxyphenyl) azo]-benzene sulfonic acid, monosodium salt.
Sec. 1251. ET-743 (ecteinascidin).
Sec. 1252. 2,7-naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox′-, sodium salt.
Sec. 1253. 1,5-naphthalenedisulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl] amino]-6-fluoro-1,3,5-triazin-2-yl]amino]phenyl]azo]-, disodium salt.
Sec. 1254. 7,7′-[1,3-propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt.
Sec. 1255. Cuprate(3-), [2-[[[[3-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-.kappa.o)-5-sulfophenyl]azo-.kappa.n2]phenylmethyl]azo-.kappa.n1]-4-sulfobenzoato(5-)-.kappa.o], trisodium.
Sec. 1256. 1,5-naphthalenedisulfonic acid, 2-[[8-[[4-[[3-[[[2-(ethenylsulfonyl) ethyl]amino]carbonyl]phenyl] amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt.
Sec. 1257. PTFMBA.
Sec. 1258. Benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl)amino]carbonyl]-, methyl ester.
Sec. 1259. Imidacloprid pesticides.
Sec. 1260. Beta-cyfluthrin.
Sec. 1261. Imidacloprid technical.
Sec. 1262. bayleton technical.
Sec. 1263. Propoxur technical.
Sec. 1264. MKH 6561 isocyanate.
Sec. 1265. Propoxy methyl triazolone.
Sec. 1266. Nemacur VL.
Sec. 1267. Methoxy methyl triazolone.
Sec. 1268. Levafix golden yellow E-G.
Sec. 1269. Levafix blue CA/remazol blue CA.
Sec. 1270. Remazol yellow RR gran.
Sec. 1271. Indanthren blue CLF.
Sec. 1272. Indanthren yellow F3GC.
Sec. 1273. Acetyl chloride.
Sec. 1274. 4-methoxy-phenacychloride.
Sec. 1275. 3-methoxy-thiophenol.
Sec. 1276. Levafix brilliant red E-6BA.
Sec. 1277. Remazol BR. Blue BB 133 percent.
Sec. 1278. Fast navy salt RA.
Sec. 1279. Levafix royal blue E-FR.
Sec. 1280. P-chloroaniline.
Sec. 1281. Esters and sodium esters of parahydroxybenzoic acid.
Sec. 1282. Santolink EP 560.
Sec. 1283. Phenodur VPW 1942.
Sec. 1284. Phenodur PR 612.
Sec. 1285. Phenodur PR 263.
Sec. 1286. Macrynal SM 510 and 516.
Sec. 1287. Alftalat AN 725.
Sec. 1288. RWJ 241947.
Sec. 1289. RWJ 394718.

Sec. 1290. RWJ 394720.
Sec. 1291. 3,4-DCBN.
Sec. 1292. Cyhalofop.
Sec. 1293. Asulam.
Sec. 1294. Florasulam.
Sec. 1295. Propanil.
Sec. 1296. Halofenozide.
Sec. 1297. Ortho-phthalaldehyde.
Sec. 1298. Trans 1,3-dichloropentene.
Sec. 1299. Methacrylamide.
Sec. 1300. Cation exchange resin.
Sec. 1301. Gallery.
Sec. 1302. Necks used in cathode ray tubes.
Sec. 1303. Polytetramethylene ether glycol.
Sec. 1304. Leaf alcohol.
Sec. 1305. Combed cashmere and camel hair yarn.
Sec. 1306. Certain carded cashmere yarn.
Sec. 1307. Sulfur black 1.
Sec. 1308. Reduced vat blue 43.
Sec. 1309. Fluorobenzene.
Sec. 1310. Certain rayon filament yarn.
Sec. 1311. Certain tire cord fabric.
Sec. 1312. Direct black 184.
Sec. 1313. Black 263 stage.
Sec. 1314. Magenta 364.
Sec. 1315. Thiamethoxam technical.
Sec. 1316. Cyan 485 stage.
Sec. 1317. Direct blue 307.
Sec. 1318. Direct violet 107.
Sec. 1319. Fast black 286 stage.
Sec. 1320. Mixtures of fluazinam.
Sec. 1321. Prodiamine technical.
Sec. 1322. Carbon dioxide cartridges.
Sec. 1323. 12-hydroxyoctadecanoic acid, reaction product with N,N-dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized.
Sec. 1324. 40 percent polymer acid salt/polymer amide, 60 percent butyl acetate.
Sec. 1325. 12-hydroxyoctadecanoic acid, reaction product with N,N-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene.
Sec. 1326. Polymer acid salt/polymer amide.
Sec. 1327. 50 percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100.
Sec. 1328. 1-octadecanaminium, N,N-di-methyl-N-octadecyl-, (SP-4-2)-[29H,31H-phtha- locyanine-2- sulfonato(3-)-.kappa.n29,.kappa.n30,. Kappa.n31,.kappa.n32]cuprate(1-).
Sec. 1329. Chromate(1-)-bis{1-{(5-chloro–2-hydroxyphenyl)azoγ–2-napthal enolato(2-)γ-,hydrogen.
Sec. 1330. Bronate advanced.
Sec. 1331. N-cyclohexylthiophthalimide.
Sec. 1332. Certain high-performance loudspeakers.
Sec. 1333. Bio-set injection RCC.
Sec. 1334. Penta amino aceto nitrate cobalt III (coflake 2).
Sec. 1335. Oxasulfuron technical.
Sec. 1336. Certain manufacturing equipment.
Sec. 1337. 4-aminobenzamide.
Sec. 1338. FOE hydroxy.
Sec. 1339. Magenta 364 liquid feed.
Sec. 1340. Tetrakis.
Sec. 1341. Palmitic acid.
Sec. 1342. Phytol.
Sec. 1343. Chloridazon.
Sec. 1344. Disperse orange 30, disperse blue 79:1, disperse red 167:1, disperse yellow 64, disperse red 60, disperse blue 60, disperse blue 77, disperse yellow 42, disperse red 86, and disperse red 86:1.
Sec. 1345. Disperse blue 321.
Sec. 1346. Direct black 175.
Sec. 1347. Disperse red 73 and disperse blue 56.
Sec. 1348. Acid black 132.
Sec. 1349. Acid black 132 and acid black 172.
Sec. 1350. Acid black 107.
Sec. 1351. Acid yellow 219, acid orange 152, acid red 278, acid orange 116, acid orange 156, and acid blue 113.
Sec. 1352. Europium oxides.
Sec. 1353. Luganil brown NGT powder.
Sec. 1354. Thiophanate-methyl.
Sec. 1355. Mixtures of thiophanate-methyl and application adjuvants.
Sec. 1356. Hydrated hydroxypropyl methylcellulose.
Sec. 1357. C 12–18 alkenes, polymers with 4-methyl-1-pentene.
Sec. 1358. Certain 12-volt batteries.
Sec. 1359. Certain prepared or preserved artichokes.
Sec. 1360. Certain other prepared or preserved artichokes.
Sec. 1361. Ethylene/tetrafluoroethylene copolymer (ETFE).
Sec. 1362. Acetamiprid.
Sec. 1363. Certain manufacturing equipment.
Sec. 1364. Triticonazole.
Sec. 1365. Certain textile machinery.
Sec. 1366. 3-sulfinobenzoic acid.
Sec. 1367. Polydimethylsiloxane.
Sec. 1368. Baysilone fluid.
Sec. 1369. Ethanediamide, N- (2-ethoxyphenyl)-N′- (4-isodecylphenyl)-.
Sec. 1370. 1-acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethyl-piperidine.
Sec. 1371. Aryl phosphonite.
Sec. 1372. Mono octyl malionate.
Sec. 1373. 9-trioxaundecanedioic acid.
Sec. 1374. Crotonic acid.
Sec. 1375. 1,3-benzenedicarboxamide, N, N′-bis-(2,2,6,6-tetramethyl-4-piperidinyl)-.
Sec. 1376. 3-dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione.
Sec. 1377. Oxalic anilide.
Sec. 1378. N-methyl diisopropanolamine.
Sec. 1379. 50 percent homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50 percent polyricinoleic acid.
Sec. 1380. Black CPW stage.
Sec. 1381. Fast black 287 NA paste.
Sec. 1382. Fast black 287 NA liquid feed.
Sec. 1383. Fast yellow 2 stage.
Sec. 1384. Cyan 1 stage.
Sec. 1385. Yellow 1 stage.
Sec. 1386. Yellow 746 stage.
Sec. 1387. Black SCR stage.
Sec. 1388. Magenta 3B-OA stage.
Sec. 1389. Yellow 577 stage.
Sec. 1390. Cyan 485/4 stage.
Sec. 1391. Low expansion laboratory glass.
Sec. 1392. Stoppers, lids, and other closures.
Sec. 1393. Triflusulfuron methyl formulated product.
Sec. 1394. Agrumex (o-t-butyl cyclohexanol).
Sec. 1395. Trimethyl cyclo hexanol (1-methyl-3,3-dimethylcyclohexanol-5).
Sec. 1396. Myclobutanil.
Sec. 1397. Methyl cinnamate (methyl-3-phenylpropenoate).
Sec. 1398. Acetanisole (anisyl methyl ketone).
Sec. 1399. Alkylketone.
Sec. 1400. Iprodione 3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide.
Sec. 1401. Dichlorobenzidine dihydrochloride.
Sec. 1402. Kresoxim-methyl.
Sec. 1403. MKH 6562 isocyanate.
Sec. 1404. Certain rayon filament yarn.
Sec. 1405. Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl.
Sec. 1406. Chloro-8-quinoline carboxylic acid.
Sec. 1407. 3-(1-methylethyl)-1h-2,1,3-benzothiadiazin-4(3h)-one 2,2 dioxide, sodium salt.
Sec. 1408. 3,3′,4-4′-biphenyltetracarboxylic dianhydride, oda, odpa, pmda, and 1,3-bis(4-aminophenoxy)benzene.
Sec. 1409. Oryzalin.
Sec. 1410. Tebufenozide.
Sec. 1411. Endosulfan.
Sec. 1412. Ethofumesate.
Sec. 1413. Night vision monoculars.
Sec. 1414. Solvent yellow 163.
Sec. 1415. Railway car body shells for EMU's.
Sec. 1416. Certain educational devices.
Sec. 1417. Railway electric multiple unit (EMU) gallery commuter coaches of stainless steel.
Sec. 1418. Snowboard boots.
Sec. 1419. Hand-held radio scanners.
Sec. 1420. Mobile and base radio scanners that are combined with a clock.
Sec. 1421. Mobile and base radio scanners that are not combined with a clock.
Sec. 1422. Certain fine animal hair of kashmir (cashmere) goats not processed.
Sec. 1423. Certain fine animal hair of kashmir (cashmere) goats.
Sec. 1424. Certain r-core transformers.
Sec. 1425. Decorative plates.
Sec. 1426. Bispyribac sodium.
Sec. 1427. Fenpropathrin.
Sec. 1428. Pyriproxyfen.
Sec. 1429. Uniconazole-P.
Sec. 1430. Flumioxazin.
Sec. 1431. Night vision monoculars.
Sec. 1432. 2,4-xylidine.
Sec. 1433. R118118 salt.
Sec. 1434. NMSBA.
Sec. 1435. Certain satellite radio broadcasting apparatus.
Sec. 1436. Acephate.
Sec. 1437. Magnesium aluminum hydroxide carbonate hydrate.
Sec. 1438. Certain footwear.
Sec. 1439. Pigment Red 176.
Sec. 1440. Pigment Yellow 214.
Sec. 1441. Pigment Yellow 180.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1451. Extension of certain existing duty suspensions.
Sec. 1452. Pigment Yellow 154.
Sec. 1453. Pigment Yellow 175.
Sec. 1454. Pigment Red 208.
Sec. 1455. Pigment Red 187.
Sec. 1456. Pigment Red 185.
Sec. 1457. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1501. Certain tramway cars.
Sec. 1502. Liberty Bell replica.
Sec. 1503. Certain entries of cotton gloves.
Sec. 1504. Certain entries of posters.
Sec. 1505. Certain entries of posters entered in 1999 and 2000.
Sec. 1506. Certain entries of 13–inch televisions.
Sec. 1507. Neoprene synchronous timing belts.
Sec. 1508. Certain entries of roller chain.
Sec. 1509. Drawback claim relating to juices entered in April 1993.
Sec. 1510. Drawback claim relating to juices entered in March 1994.
Sec. 1511. Certain entries prematurely liquidated in error.
Sec. 1512. Certain posters entered during 2000 and 2001.
Sec. 1513. Certain other entries.
Sec. 1514. Certain railway passenger coaches.
Sec. 1515. Certain entries of vanadium carbides and vanadium carbonitride.
Sec. 1516. Steel wire rope entries.
Sec. 1517. Certain tomato sauce preparation entered between April 10, 1989, and August 20, 1993.
Sec. 1518. Certain tomato sauce preparation entered between April 5, 1991, and May 9, 1992.
Sec. 1519. Certain tomato sauce preparation entered between May 9, 1992, and September 18, 1993.
Sec. 1520. Certain tomato sauce preparation entered between September 18, 1993, and July 25, 1994.
Sec. 1521. Certain tomato sauce preparation entered between November 22, 1989, and March 7, 1990.

Sec. 1522. Certain tomato sauce preparation entered between March 14, 1990, and September 29, 1990.
Sec. 1523. Certain tomato sauce preparation entered between October 6, 1990, and November 1, 1990.
Sec. 1524. Certain tomato sauce preparation entered between November 3, 1990, and December 15, 1990.
Sec. 1525. Certain tomato sauce preparation entered between December 28, 1990, and February 9, 1991.
Sec. 1526. Certain tomato sauce preparation entered between February 14, 1991, and April 24, 1991.
Sec. 1527. Certain tomato sauce preparation entered between April 26, 1991, and June 16, 1991.
Sec. 1528. Certain tomato sauce preparation entered between October 7, 1991, and November 24, 1991.
Sec. 1529. Certain tomato sauce preparation entered between November 30, 1991, and November 26, 1992.
Sec. 1530. Certain tomato sauce preparation entered between December 9, 1992, and May 9, 1993.
Sec. 1531. Certain tomato sauce preparation entered between May 14, 1993, and October 23, 1993.
Sec. 1532. Certain tomato sauce preparation entered between May 16, 1990, and April 20, 1996.
Sec. 1533. Certain tomato sauce preparation entered between August 28, 1991, and July 8, 1996.
Sec. 1534. Certain tomato sauce preparation entered between April 4, 1995, and July 22, 1996.
Sec. 1535. Certain tomato sauce preparation entered between October 11, 1994, and May 16, 1995.
Sec. 1536. Certain tomato sauce preparation entered between June 17, 1991, and October 3, 1991.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 1551. Hair clippers.
Sec. 1552. Tractor body parts.
Sec. 1553. Flexible magnets and composite goods containing flexible magnets.
Sec. 1554. Vessel repair duties.
Sec. 1555. Duty-free treatment for hand-knotted or hand-woven carpets.
Sec. 1556. Duty drawback for certain articles.
Sec. 1557. Unused merchandise drawback.
Sec. 1558. Treatment of certain footwear under Caribbean Basin Economic Recovery Act.
Sec. 1559. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1560. Authority for the establishment of integrated border inspection areas at the United States-Canada border.
Sec. 1561. Designation of foreign law enforcement officers.
Sec. 1562. Amendments to United States insular possession program.
Sec. 1563. Modification of provisions relating to drawback claims.

Subtitle C—Effective Date

Sec. 1571. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Subtitle A—Miscellaneous Provisions

Sec. 2001. Termination of application of title IV of the Trade Act of 1974 to Armenia.
Sec. 2002. Modification to cellar treatment of natural wine.
Sec. 2003. Articles eligible for preferential treatment under the Andean Trade Preference Act.
Sec. 2004. Technical amendments.
Sec. 2005. Extension of normal trade relations to Laos.
Sec. 2006. Repeal of antidumping provision of Revenue Act of 1916.

Subtitle B—Technical Amendments Relating to Entry and Protest

Sec. 2101. Entry of merchandise.
Sec. 2102. Limitation on liquidations.
Sec. 2103. Protests.
Sec. 2104. Review of protests.
Sec. 2105. Refunds and errors.
Sec. 2106. Definitions and miscellaneous provisions.
Sec. 2107. Voluntary reliquidations.
Sec. 2108. Effective date.

Subtitle C—Protection of Intellectual Property Rights

Sec. 2201. USTR determinations in TRIPS Agreement investigations.

TITLE III—IRAQI CULTURAL ANTIQUITIES

Sec. 3001. Short title.
Sec. 3002. Emergency implementation of import restrictions.
Sec. 3003. Termination of authority.

TITLE IV—WOOL TRUST FUND

Sec. 4001. Short title.
Sec. 4002. Extension and modification of duty suspension on wool products, wool research fund, wool duty refunds.

TITLE V—REFERENCE TO CUSTOMS SERVICE

Sec. 5001. Reference to Customs Service.

TITLE I—TARIFF PROVISIONS

SEC. 1101. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—(1) Subchapter II of chapter 99 is amended by striking the following headings:

9902.29.09	09902.30.64	09902.33.06
9902.29.11	09902.30.65	09902.33.07
9902.29.12	09902.30.91	09902.33.08
9902.29.15	09902.30.92	09902.33.09
9902.29.18	09902.31.12	09902.33.10
9902.29.19	09902.31.21	09902.33.11
9902.29.20	09902.32.01	09902.33.12
9902.29.21	09902.32.08	09902.33.16
9902.29.24	09902.32.11	09902.33.19
9902.29.28	09902.32.13	09902.33.66
9902.29.29	09902.32.29	09902.33.90
9902.29.32	09902.32.31	09902.34.02
9902.29.36	09902.32.33	09902.38.08
9902.29.43	09902.32.34	09902.38.11
9902.29.44	09902.32.35	09902.38.12
9902.29.45	09902.32.36	09902.38.25
9902.29.50	09902.32.37	09902.38.26
9902.29.51	09902.32.38	09902.38.28
9902.29.52	09902.32.39	09902.39.04
9902.29.53	09902.32.40	09902.39.12
9902.29.54	09902.32.41	09902.61.00
9902.29.57	09902.32.42	09902.64.05
9902.29.60	09902.32.43	09902.84.10
9902.29.65	09902.32.45	09902.84.12
9902.29.66	09902.32.51	09902.84.20
9902.29.67	09902.32.54	09902.84.43
9902.29.72	09902.32.56	09902.84.46
9902.29.74	09902.32.70	09902.84.77
9902.29.95	09902.32.94	09902.84.79
9902.30.04	09902.32.95	09902.84.87
9902.30.17	09902.33.01	09902.85.21
9902.30.18	09902.33.02	09902.98.03
9902.30.19	09902.33.03	09902.98.04
9902.30.58	09902.33.04	09902.98.05
9902.30.63	09902.33.05	09902.98.08

(2) Subchapter II of chapter 99 is amended by striking heading 9902.29.35 (relating to Gamma acid).

Subtitle A—Temporary Duty Suspensions and Reductions

Chapter 1—New Duty Suspensions and Reductions

SEC. 1111. BITOLYLENE DIISOCYANATE (TODI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.01	Bitolylene diisocyanate (TODI) (CAS No. 91–97–4) (provided for in subheading 2929.10.20)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1112. 2-METHYLIMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.02	2-Methylimidazole (CAS No. 693–98–1) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1113. HYDROXYLAMINE FREE BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.03	Hydroxylamine (CAS No. 7803–49–8) (provided for in subheading 2825.10.00)	0.6%	No change	No change	On or before 12/31/2006	".

SEC. 1114. PRENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.04	3-Methyl-2-buten-1-ol (CAS No. 556–82–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1115. 1-METHYLIMADAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.05	1-Methylimidazole (CAS No. 616–47–7) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1116. FORMAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.06	Formamide (CAS No. 75–12–7) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1117. MICHLER'S ETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.07	4,4′-Bis-(diethylamino)-benzophenone (CAS No. 90–93–7) (provided for in subheading 2922.39.45)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1118. VINYL IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.08	1-Ethenyl-1H-imidazole (CAS No. 1072–63–5) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1119. DISPERSE BLUE 27.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.09	Disperse blue 27 (9,10-anthracenedione, 1,8-dihydroxy-4-[[4-(2-hydroxyethyl)phenyl]amino]-5-nitro-) (CAS No. 15791–78–3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1120. ACID BLACK 244.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.10	Acid black 244 (chromate(2-), [3-(hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N2]-1-naphthalenesulfonato(3-)] [1-[[2-(hydroxy-.kappa.O)-5-[4-methoxyphenyl)-azo]phenyl]azo-.kappa.N2]-2-naphthalene-sulfonato(2-)-.kappa.O]-, disodium) (CAS No. 30785–74–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1121. REACTIVE ORANGE 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.11	Reactive orange 132 (benzenesulfonic acid, 2,2′-[(1-methyl-1,2-ethanediyl)-bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)- amino]-4,1-phenylene]azo]]bis[5-[(4-sulfophenyl)azo]-, sodium salt) (CAS No. 149850–31–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1122. MIXTURES OF ACID RED 337, ACID RED 266, AND ACID RED 361.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.12	Mixtures of acid red 337 (2-naphthalenesulfonic acid, 6-amino-5-[[2-[(cyclohexylmethylamino)-sulfonyl]phenyl]azo]-4-hydroxy-, monosodium salt) (CAS No. 32846–21–2), acid red 266 (2-naphthalenesulfonic acid, 6-amino-5-[[4-chloro-2-(trifluoromethyl)phenyl]azo]-4-hydroxy-, monosodium salt) (CAS No. 57741–47–6), and acid red 361 (2-naphthalenesulfonic acid, 6-amino-4-hydroxy-5-[[2-(trifluoromethyl)phenyl]azo]-, monosodium salt) (CAS No. 67786–14–5) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1123. VAT RED 13.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.13	Vat red 13 ([3,3′-bianthra[1,9-cd]pyrazole]-6,6′(1H,1′H)-dione, 1,1′-diethyl-) (CAS No. 4203–77–4) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1124. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.14	5-Methylpyridine-2,3-dicarboxylic acid (CAS No. 53636–65–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1125. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID DIETHYLESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.15	5-Methylpyridine-2,3-dicarboxylic acid, diethyl ester (CAS No. 112110–16–4) (provided for in subheading 2933.39.61)	1.8%	No change	No change	On or before 12/31/2006	’’.

SEC. 1126. 5-ETHYLPYRIDINE DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.16	5-Ethylpyridine-2,3-dicarboxylic acid (CAS No. 102268–15–5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1127. (E)-O(2,5-DIMETHYLPHENOXY METHYL)-2-METHOXY-IMINO-N-METHYLPHENYLACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.17	(E)-O-(2,5-Dimethylphenoxy- methyl)-2-methoxyimino-N-methylphenylacet-amide (dimoxystrobin) (CAS No. 145451–07–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1128. 2-CHLORO-N-(4'CHLOROBIPHENYL-2-YL) NICOTINAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.18	2-Chloro-N-(4'-chloro-[1,1'-biphenyl]-2-yl)- nicotinamide (nicobifen) (CAS No. 188425–85–6) (provided for in subheading 2933.39.21)	4.4%	No change	No change	On or before 12/31/2006	".

SEC. 1129. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.19	3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (vinclozolin) (CAS No. 50471–44–8) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1130. DAZOMET.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.20	Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione (CAS No. 533–74–4) (dazomet) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1131. PYRACLOSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.21	Methyl N-(2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]-phenyl) N-methoxy-carbanose (pyra- clostrobin) (CAS No. 175013–18–0) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1132. 1,3-BENZENEDICARBOXYLIC ACID, 5-SULFO-1,3-DIMETHYL ESTER SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.22	1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester, sodium salt (CAS No. 3965–55–7) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1133. SACCHAROSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.23	Saccharose to be used other than in food for human consumption and not for nu-tritional purposes (provided for in subheading 1701.99.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1134. (2-BENZOTHIAZOLYTHIO) BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:heading:

"	9902.01.25	(Benzothiazol-2-ylthio)succinic acid (CAS No. 95154–01–1) (provided for in sub-heading 2934.20.40)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1135. 60–70 PERCENT AMINE SALT OF 2-BENZO-THIAZOLYTHIO SUCCINIC ACID IN SOLVENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.26	(Benzothiazol-2-ylthio)succinic acid (60–70 percent) in solvent (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1136. 4-METHYL-G-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.27	4-Methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 2934.99.39)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1137. MIXTURES OF RIMSULFURON, NICOSULFURON, AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.28	Mixtures of rimsulfuron (N-[[(4,6-dimethoxypyrimidin-2-yl)- amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931–48–0), nicosulfuron (2-(((((4,6-dimethoxypyrimidin-2-yl)- amino)carbonyl)-amino)sulfonyl)-N,N-di-methyl-3-pyridinecarboxamide (CAS No. 111991–09–4), and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1138. MIXTURES OF THIFENSULFURON METHYL, TRIBENURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.29	Mixtures of thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)- amino]carbonyl]- amino]sulfonyl]- 2-thiophenecar- boxylate (CAS No. 79277–27–3), tribenuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)- methylamino]-carbonyl]- amino]sulfonyl]- benzoate) (CAS No. 101200–48–0) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1139. MIXTURES OF THIFENSULFURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.30	Mixtures of thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)- amino]carbonyl]- amino]sulfonyl]-2-thiophenecarboxylate) (CAS No. 79277–27–3) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1140. MIXTURES OF TRIBENURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.31*	*Mixtures of tribenuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)methylamino]- carbonyl]amino]- sulfonyl]-benzoate) (CAS No. 101200–48–0) and application adjuvants (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1141. MIXTURES OF RIMSULFURON, THIFENSULFURON METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.32*	*Mixtures of rimsulfuron (N-[(4,6-dimethoxypyrimidin-2-yl)- aminocarbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide) (CAS No. 122931–48–0); thifensulfuron methyl (methyl 3-[[[[(4-methoxy-6-methyl-1,3,5- triazin-2-yl)- amino]carbonyl]-amino]sulfonyl]-2-thiophenecarboxylate) (CAS No. 79277–27–3); and application adjuvants (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1142. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.33*	*Anthra[2,1,9-mna]naphth[2,3-h]acridine-5,10,15(16H)-trione, 3-[(9,10-dihydro-9,10-dioxo-1-anthracenyl)- amino]- (Vat black 25) (CAS No. 4395–53–3) (provided for in subheading 3204.15.80)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1143. CYCLOHEXANEPROPANOIC ACID, 2-PROPENYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.34*	*Cyclohexanepro-panoic acid, 2-propenyl ester (CAS No. 2705–87–5) (provided for in subheading 2916.20.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1144. NEOHELIOPAN HYDRO (2-PHENYLBENZIMIDAZOLE-5-SULFONIC ACID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.35*	*2-Phenylbenzimidazole-5-sulfonic acid) (CAS No. 27503–81–7) (provided for in sub-heading 2933.99.79)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1145. SODIUM METHYLATE POWDER (NA METHYLATE POWDER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.36*	*Methanol, sodium salt (CAS No. 124–41–4) (provided for in subheading 2905.19.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1146. GLOBANONE (CYCLOHEXADEC-8-EN-1-ONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.37*	*Cyclohexadec-8-en-1-one (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1147. METHYL ACETOPHENONE-PARA (MELILOT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.38*	*p-Methyl acetophenone (CAS No. 122–00–9) (provided for in subheading 2914.39.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1148. MAJANTOL (2,2-DIMETHYL-3-(3-METHYLPHENYL)PROPANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.39*	*2,2-Dimethyl-3-(3-methylphenyl)-propanol (CAS No. 103694–68–4) (provided for in subheading 2906.29.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1149. NEOHELIOPAN MA (MENTHYL ANTHRANILATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.40*	*Menthyl anthranilate (CAS No. 134–09–8) (provided for in subheading 2922.49.37)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1150. ALLYL ISOSULFOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.41*	*Allyl isothiocyanate (CAS No. 57–06–7) (provided for in subheading 2930.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1151. FRESCOLAT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.42*	*5-Methyl-2-(1-methylethyl)-cyclohexyl-2-hydroxypropanoate (lactic acid, menthyl ester) (Frescolat) (CAS No. 59259–38–0) (provided for in subheading 2918.11.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1152. THYMOL (ALPHA-CYMOPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.43*	*Thymol (CAS No. 89–83–8) (provided for in subheading 2907.19.40)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1153. BENZYL CARBAZATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.01.44	Benzyl carbazate (Hydrazine- carboxylic acid, phenylmethyl ester (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1154. ESFENVALERATE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.01.45	(S)-Cyano(3-phenoxyphenyl)-methyl (S)-4-chloro-α-(1-methylethyl-benzeneacetate (Esfenvalerate) (CAS No. 66230–04–4) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1155. AVAUNT AND STEWARD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.46	Mixtures of indoxacarb ((S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl)[4-(trifluoromethoxy)-phenyl]amino]car-bonyl]indeno- [1,2-e][1,3,4]- oxadiazine-4a-(3H)carboxylate) (CAS No. 173584–44–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1156. HELIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.47	Helium (provided for in subheading 2804.29.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1157. ETHYL PYRUVATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.48	Ethyl pyruvate (CAS No. 617–35–6) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1158. DELTAMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"		(S)-α-Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclo-propanecarboxylate (Deltamethrin) (CAS No. 52918–63–5) in bulk or unmixed in forms or packings for retail sale (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1159. ASULAM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.50	Mixtures of methyl sulfanilycarbamate, sodium salt (Asulam sodium salt) (CAS No. 2302–17–2) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1160. TRALOMETHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.52	Tralomethrin (1R,3S)3[(1′RS)- (1′,2′,2′,2′-tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)-alpha-cyano-3-phenoxybenzyl ester (CAS No. 66841–25–6) in bulk or in forms or packages for retail sale (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1161. N-PHENYL-N′-(1,2,3-THIADIAZOL-5-YL)-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.53	N-Phenyl-N′-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or pack-ages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.99.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1162. BENZENEPROPANOIC ACID, ALPHA-2- DICHLORO-5-{4 (DIFLUOROMETHYL)- 4,5-DIHYDRO-3-METHYL-5-OXO-1H-1,2,4-TRIAZOL-1-YL}-4-FLUORO-ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.54	alpha-2- Dichloro-5-[4- (difluoromethyl)- 4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl]-4-fluorobenzenepropanoic acid, ethyl ester (carfentazone-ethyl) (CAS No. 128639–02–1) (provided for in subheading 2933.99.22)	4.9%	No change	No change	On or before 12/31/2006	".

SEC. 1163. (Z)-(1RS, 3RS)-3-(2-CHLORO-3,3,3 TRIFLOURO-1-PROPENYL)-2,2-DIMETHYL-CYCLOPROPANE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.55	(Z)-(1RS,3RS)-3-(2-Chloro-3,3,3-trifluro-1-pro- penyl)-2,2-dimethyl-cyclopropanecarboxylic acid (CAS No. 68127–59–3) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1164. 2-CHLOROBENZYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.56	2-Chlorobenzyl chloride (CAS No. 611–19–8) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1165. (S)-ALPHA-HYDROXY-3-PHENOXYBENZENEACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.57	(S)-alpha-Hydroxy-3-phenoxybenzeneacetonitrile (CAS No. 61826–76–4) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1166. 4-PENTENOIC ACID, 3,3-DIMETHYL-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.58	4-Pentenoic acid, 3,3-dimethyl-, methyl ester (CAS No. 63721–05–1) (provided for in subheading 2916.19.50)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1167. TERRAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.59	Etridiazole [5-ethoxy-3- (trichloromethyl)-1,2,4-thiadiazole] (CAS No. 2593–15–9) (provided for in subheading 2934.99.90) and any mixtures (preparations) containing Etridiazole as the active ingredient (provided for in subheading 3808.20.50)	Free	Free	No change	On or before 12/31/2006	’’.

SEC. 1168. 2-MERCAPTOETHANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.60	2-Mercaptoethanol (CAS No. 60–24–2) (provided for in subheading 2930.90.90)	Free	Free	No change	On or before 12/31/2006	’’.

SEC. 1169. BIFENAZATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.61	Bifenazate (Hydrazinecarb- oxylic acid, 2-(4-methoxy-[1,1- biphenyl]-3-yl)-1-methylethyl ester (CAS No. 149877–41–8) (provided for in subheading 2928.00.25)	Free	Free	No change	On or before 12/31/2006	’’.

SEC. 1170. A CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.62	Fluoropolymers containing 95 percent or more by weight of the monomer units tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1171. PARA ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.63	p-Ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1172. EZETIMIBE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.64	2-Azetidinone, 1-(4-fluorophenyl)-3-[(3S)-3-(4-fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-, (3R,4S)-(Ezetimibe) (CAS No. 163222–33–1) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1173. P-CRESIDINESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.65	p-Cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzene- sulfonic acid) (CAS No. 6471–78–9) (provided for in subheading 2922.29.80)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1174. 2,4 DISULFOBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.66	2,4- Disulfobenzaldehyde (CAS No. 88–39–1) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1175. M-HYDROXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.67	m-Hydroxybenzal- dehyde (CAS No. 100–83–4) (provided for in subheading 2912.49.25)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1176. N-ETHYL-N-(3-SULFOBENZYL)ANILINE, BENZENESULFONIC ACID, 3[(ETHYLPHENYLAMINO)METHYL].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.68	N-Ethyl-N-(3-sulfobenzyl)aniline (benzenesulfonic acid, 3-[(ethyl- phenylamino)-methyl]-) (CAS No. 101–11–1) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1177. ACRYLIC FIBER TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.69	Acrylic fiber tow (polyacrylonitrile tow) consisting of 6 sub-bundles crimped together, each containing 45,000 filaments (plus or minus 0.06) and 2–8 percent water, such acrylic fiber containing by weight a minimum of 92 percent acrylonitrile, not more than 0.1 percent zinc and average filament denier of either 1.48 decitex (plus or minus 0.08) or 1.32 decitex (plus or minus 0.089) (provided for in subheading 5501.30.00)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1178. YTTRIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.21	Yttrium oxides having a purity of at least 99.9 percent (CAS No. 1314–36–9) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1179. HEXANEDIOIC ACID, POLYMER WITH 1,3-BENZENEDIMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.71	Hexanedioic acid, polymer with 1,3-benzene-dimethanamine (CAS No. 25718–70–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1180. N1-[(6-CHLORO-3-PYRIDYL)METHYL]-N2-CYANO-N1-METHYLACETAMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.72	(E)-N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (Acetamiprid) (CAS No. 135410–20–7) whether or not mixed with application adjuvants (provided for in subheading 2933.39.27 or 3808.10.25)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1181. ALUMINUM TRIS (O-ETHYL PHOSPHONATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.73	Aluminum tris- (O-ethylphosphon- ate) (CAS No. 39148–24–8) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1182. MIXTURE OF DISPERSE BLUE 77 AND DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.74	Mixtures of disperse blue 77 (9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-) (CAS No. 20241–76–3) and disperse blue 56 (9,10-anthracenedione, 1,5-diaminochloro-4,8-dihydroxy-) (CAS No. 12217–79–7) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1183. ACID BLACK 194.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.75	Acid black 194 (chromate(3-), bis[3-(hydroxy-.kappa.O)-4-[[2-(hydroxy.kappa.O)-1- naphthalenyl]azo- .kappa. N1]-7-nitro-1- naphthalenesulfonato(3-)]-, trisodium) (CAS No. 57693–14–8) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1184. MIXTURE OF 9,10-ANTHRACENEDIONE, 1,5-DIHYDROXY-4-NITRO-8-(PHENYLAMINO)-AND DISPERSE BLUE 77.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.76	Mixtures of 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)- (CAS No. 3065–87–0) and 9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)- (Disperse blue 77) (CAS No. 20241–76–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1185. COPPER PHTHALOCYANINE SUBSTITUTED WITH 15 OR 16 GROUPS WHICH COMPRISE 8-15 THIOARYL AND 1-8 ARYLAMINO GROUPS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.77	A copper phthalocyanine substituted with 15 or 16 groups which comprise 8-15 thioaryl and 1-8 arylamino groups (provided for in subheading 3204.19.40)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1186. BAGS FOR CERTAIN TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.78	Bags (provided for in subheading 4202.92.45) for transporting, storing, or protecting goods of headings 9502–9504, inclusive, imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2006	".

SEC. 1187. CERTAIN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.79	Image projectors (provided for in subheading 9008.30.00) capable of projecting images from circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter	Free	No change	No change	On or before 12/31/2006	".

SEC. 1188. CERTAIN OPTICAL INSTRUMENTS USED IN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.80	Optical instruments (provided for in subheading 9013.80.90) designed for the viewing of circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter	Free	No change	No change	On or before 12/31/2006	".

SEC. 1189. CASES FOR CERTAIN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.81	Cases or containers (provided for in subheading 4202.92.90) specially shaped or fitted for circular mounts for sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter	Free	No change	No change	On or before 12/31/2006	".

SEC. 1190. 2,4-DICHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.82	2,4-Dichloroaniline (CAS No. 554–00–7) (provided for in subheading 2921.42.18)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1191. ETHOPROP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.83	O-Ethyl S,S-dipropyl- phosphorodithioate (Ethoprop) (CAS No. 13194–48–4) (provided for in subheading 2930.90.44)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1192. FORAMSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.84	Mixtures of benzamide, 2-[[[[(4,6-dimethoxy-2-pyrimidinyl)- amino]carbonyl]-amino]sulfonyl]-4-(formylamino)- N,N-methyl- (foramsulfuron) (CAS No. 173159–57–4) and application adjuvants (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2006	’’.

SEC. 1193. CERTAIN EPOXY MOLDING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.85	Epoxy molding compounds, of a kind used for encapsulating integrated circuits (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1194. DIMETHYLDICYANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.86	Dimethyldicyane (2,2′-dimethyl-4,4′-methylenebis- (cyclohexylamine)) (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	Free	No change	On or before 12/31/2006	’’.

SEC. 1195. TRIACETONE DIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.87	2,2,6,6-Tetra-methyl-4-pip-eridinamine (Triacetone diamine) (CAS No. 36768–62–4) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2006	’’.

SEC. 1196. TRIETHYLENE GLYCOL BIS[3-(3-TERT-BUTYL-4-HYDROXY-5-METHYLPHENYL) PROPIONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

‘‘	9902.01.88	Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propionate] (CAS No. 36443–68–2) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1197. CERTAIN POWER WEAVING TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.89	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.21.50)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1198. CERTAIN FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.90	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, with a twist of 100 to 300 turns/m, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.51.00)	Free	Free	No change	On or before 12/31/2006	’’.

SEC. 1199. CERTAIN OTHER FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.91	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, untwisted, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.41.90)	Free	Free	No change	On or before 12/31/2006	’’.

SEC. 1200. CERTAIN INK-JET TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.92	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1201. CERTAIN OTHER TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.93	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1203. D-MANNOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

‘‘	9902.01.94	D-Mannose (CAS No. 3458–28–4) (provided for in subheading 2940.00.60)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1204. BENZAMIDE, N-METHYL-2-[[3-[(1E)-2-(2-PYRIDINYL)-ETHENYL]-1H-INDAZOL-6-YL)THIO]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.95	Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl)-ethenyl]-1H-indazol-6-yl)thio]-(CAS No. 319460–85–0) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1205. 1(2H)-QUINOLINECARBOXYLIC ACID, 4-[[[3,5-BIS-(TRIFLUOROMETHYL)PHENYL] METHYL] (METHOXYCARBONYL) AMINO]-2-ETHYL- 3,4-DIHYDRO-6-(TRIFLUOROMETHYL)-, ETHYL ESTER, (2R,4S)-(9CI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.96*	*1(2H)-Quinolinecarboxylic acid, 4-[[[3,5-bis-(trifluoromethyl)- phenyl]methyl]-(methoxycarbonyl)amino]-2-ethyl-3,4-dihydro-6-(trifluoromethyl)- ethyl ester, (2R,4S)- (CAS No. 262352–17–0) (provided for in subheading 2933.49.26)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1206. DISULFIDE,BIS(3,5-DICHLOROPHENYL)(9C1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.97*	*Bis(3,5-dichlorophenyl) disulfide (CAS No. 137897–99–5) (provided for in subheading 2930.90.29)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1207. PYRIDINE, 4-[[4-(1-METHYLETHYL)-2-[(PHENYLMETHOXY)METHYL]-1H- MIDAZOL-1-YL] METHYL]- ETHANEDIOATE (1:2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.98*	*Pyridine, 4-[[4-(1-methylethyl)-2-[(phenylmethoxy)- methyl]-1H-imidazol-1-yl]-methyl]-ethanedioate (1:2) (CAS No. 280129–82–0) (provided for in subheading 2933.39.61)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1208. PACLOBUTRAZOLE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.01.99*	*(RS,3RS)-1-(4-Chlorophenyl)-4,4-dimethyl-2-(1H-1,2,4-triazol-1-yl)pentan-3-ol (paclobutrazol) (CAS No. 76738–62–0) (provided for in subheading 2933.99.22)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1209. PACLOBUTRAZOLE 2SC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.01*	*Mixtures of (RS,3RS)-1-(4-chlorophenyl)-4,4-dimethyl-2-(lH-1,2,4-triazol-1-yl)pentan-3-ol (paclobutrazol) (CAS No. 76738–62–0) and application adjuvants (provided for in subheading 3808.30.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1210. METHIDATHION TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.02*	*S-[(5-Methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl)methyl] O,O-dimethyl phosphorodithioate (CAS No. 950–37–8) (provided for in subheading 2934.99.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1211. VANGUARD 75 WDG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.03*	*Mixtures of 2-pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl- (cyprodinil) (CAS No. 121552–61–2) and application adjuvants (provided for in subheading 3808.20.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1212. WAKIL XL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.04*	*Mixtures of (R)-2-[(2,6-dimethylphenyl-methoxy)acetyl-amino]propionic acid, methyl ester (mefenoxam) (CAS No. 70630–17–0), 4-(2,2-difluoro-1,3-benzodioxol-4-yl)-1H-pyrrole-3-carbonitrile (fludioxonil) (CAS No. 131341–86–1), and 2-cyano-2-methoxyimino-N-(ethylcarbam-oyl)acetamide (cymoxanil) (CAS No. 57966–95–7) with application adjuvants (the foregoing mixtures provided for in subheading 3808.20.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1213. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.05*	*2-Butenoic acid, 2,3-dichloro-4-oxo- (mucochloric acid) (CAS No. 87–56–9) (provided for in subheading 2918.30.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1214. AZOXYSTROBIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.06*	*Benzeneacetic acid, (E)-2-[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]-alpha-(methoxymethyl- ene)-, methyl ester (pyroxystrobin) (CAS No. 131860–33–8) (provided for in subheading 2933.59.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1215. FLUMETRALIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.07*	*2-Chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)-phenyl]-N-ethyl-6-fluorobenzene-methanamine (flumetralin) (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1216. CYPRODINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.08*	*2-Pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl- (cyprodinil) (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1217. MIXTURES OF LAMBDA-CYHALOTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.09	Mixtures of cyhalothrin (cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-, cyano(3-phenoxyphenyl)-methyl ester, [1.alpha. (S*),3.alpha. (Z)]-(.+-.)-) (CAS No. 91465–08–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1218. PRIMISULFURON METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.10	Benzoic acid, 2-[[[[[4,6-bis- (difluoromethoxy)-2-pyrimidinyl]- amino]carbonyl]-amino]sulfonyl]-, methyl ester (primisulfuron methyl) (CAS No. 86209–51–0) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1219. 1,2-CYCLOHEXANEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.11	1,2- Cyclohexanedione (CAS No. 765–87–7) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1220. DIFENOCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.12	1H-1,2,4-Triazole, 1-[[2-[2-chloro-4-(4-chlorophenoxy)-phenyl]-4-methyl-1,3-dioxolan-2-yl]methyl]- (difenoconazole) (CAS No. 119446–68–3) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1221. CERTAIN REFRACTING AND REFLECTING TELESCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.13	Refracting telescopes with 50 mm or smaller lenses and reflecting telescopes with 76 mm or smaller lenses (provided for in subheading 9005.80.40)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1222. PHENYLISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.14	Phenylisocyanate (CAS No. 103–71–9) (provided for in subheading 2929.10.80)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1223. BAYOWET FT-248.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.15	Tetraethylammonium perfluoroctane- sulfonate (CAS No. 56773–42–3) (provided for in subheading 2923.90.00)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1224. P-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.16	p-Phenylphenol (CAS No. 92–69–3) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1225. CERTAIN RUBBER RIDING BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.17	Horseback riding boots with soles and uppers of rubber, such boots extending above the ankle and below the knee, specifically designed for horseback riding, and having a spur rest on the heel counter (provided for in subheading 6401.92)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1226. CHEMICAL RH WATER-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.18	Chemical RH water-based (iron toluene sulfonate) (comprising 75 percent water, 25 percent p-toluenesulfonic acid (CAS No. 6192–52–5) and 5 percent ferric oxide (CAS No. 1309–37–1)) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1227. CHEMICAL NR ETHANOL-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.19	Chemical NR ethanol-based (iron toluene sulfonate) (comprising 60 percent ethanol (CAS No. 63–17–5), 33 percent p-toluenesulfonic acid (CAS No. 6192–52–5), and 7 percent ferric oxide (CAS No. 1309–37–1)) (provided for in subheading 2912.12.00 or 3824.90.28)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1228. TANTALUM CAPACITOR INK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.20	Tantalum capacitor ink: graphite ink P7300 of 85 percent butyl acetate, 8 percent graphite, and the remaining balance of non-hazardous resins; and graphite paste P5900 of 92-96 percent water, 1-3 percent graphite (CAS No. 7782–42–5), 0.5-2 percent ammonia (CAS No. 7664–41–7), and less than 1 percent acrylic resin (CAS No. 9003–32–1) (provided for in subheading 3207.30.00)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1229. CERTAIN SAWING MACHINES.

Subchapter II of chapter 99 is amended by striking heading 9902.84.91 and inserting the following:

"	9902.84.91	Sawing machines certified for use in production of radial tires, designed for off-the-highway use, and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or 8466.92.50) –	Free	No change	No change	On or before 12/31/2006	".

SEC. 1230. CERTAIN SECTOR MOLD PRESS MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by striking heading 9902.84.89 and inserting the following:

"	9902.84.89	Sector mold press machines to be used in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1231. CERTAIN MANUFACTURING EQUIPMENT USED FOR MOLDING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.88	Machinery for molding, or otherwise forming uncured, unvulcanized rubber to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1232. CERTAIN EXTRUDERS.

Subchapter II of chapter 99 is amended by striking heading 9902.84.85 and inserting the following:

"	9902.84.85	Extruders to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1233. CERTAIN SHEARING MACHINES.

Subchapter II of chapter 99 is amended by striking heading 9902.84.81 and inserting the following:

"	9902.84.81	Shearing machines used to cut metallic tissue certified for use in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1234. THERMAL RELEASE PLASTIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.26	Thermal release plastic film (with a substrate of polyolefin-based PET/conductive acrylic polymer, release liner of polyethylene terephthalate PET/polysiloxane, pressure sensitive adhesive of acrylic ester-based copolymer, and core of acrylonitrile-butadiene-styrene copolymer) (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1235. CERTAIN SILVER PAINTS AND PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.27	Mixtures comprising 42 to 52 percent by weight of silver metal, 7.5 to 15 percent by weight of epoxy resin, and solvent (butyl 2-ethoxyethanol acetate); mixtures comprising 53 percent by weight of silver metal, 7 percent by weight of viton resin, and solvent (isoamyl acetate); and paste adhesive preparations comprising 62 percent by weight of silver metal, 8.4 percent by weight of viton resin, and solvent (composed of 1 part butyl 2-ethoxyethanol acetate and 9 parts isoamyl acetate); (all the foregoing provided for in subheading 7115.90.40)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1236. POLYMER MASKING MATERIAL FOR ALUMINUM CAPACITORS (UPICOAT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.28	Dispersions (60 percent) of polymide resins in 2,2′-oxydiethanol, dimethyl ether (provided for in subheading 3911.90.35 or 3911.90.90)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1237. OBPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.29	10, 10′- Oxybisphenoxarsine (CAS No. 58–36–6) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1238. MACROPOROUS ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.30	Macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized (CAS No. 113834–91–6) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1239. COPPER 8-QUINOLINOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.31	Copper 8-quinolinolate (oxine-copper) (CAS No. 10380–28–6) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1240. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.32*	*Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, iminodiacetic acid, sodium form (CAS No. 244203–30–3) (provided for in subheading 3914.00.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1241. ION-EXCHANGE RESIN CROSSLINKED WITH ETHENYLBENZENE, AMINOPHOSPONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.33*	*Ion-exchange resin comprising a copolymer of styrene crosslinked with ethenylbenzene, aminophosphonic acid, sodium form (CAS No. 125935–42–4) (provided for in subheading 3914.00.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1242. ION-EXCHANGE RESIN CROSSLINKED WITH DIVINYLBENZENE, SULPHONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.34*	*Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, sulfonic acid, sodium form (CAS No. 63182–08–1) (provided for in subheading 3914.00.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1243. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.35*	*3-[(Amino-3-methoxyphenyl)-azo]-benzenesulfonic acid (CAS No. 138–28–3) (provided for in subheading 2927.00.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1244. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.36*	*2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1245. 2-AMINO-6-NITRO-PHENOL-4-SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.37*	*2-Amino-6-nitro- phenol-4-sulfonic acid (CAS No. 96–93–5) (provided for in subheading 2922.29.60)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1246. 2-AMINO-5-SULFOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.38*	*2-Amino-5- sulfobenzoic acid (CAS No. 3577–63–7) (provided for in subheading 2922.49.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1247. 2,5 BIS [(1,3 DIOXOBUTYL) AMINO] BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.39*	*2,5-Bis[(1,3- dioxobutyl)- amino]benzene- sulfonic acid (CAS No. 70185–87–4) (provided for in subheading 2924.29.71)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1248. P-AMINOAZOBENZENE 4 SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.40*	*4-[(4-Amino- phenyl)azo]- benezenesulfonic acid, monosodium salt (CAS No. 2491–71–6) (provided for in subheading 2927.00.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1249. P-AMINOAZOBENZENE 4 SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.41*	*4-[(4-Amino- phenyl)azo]- benzenesulfonic acid (CAS No. 104–23–4) (provided for in subheading 2927.00.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1250. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.42*	*3-[(4-Amino-3- methoxyphenyl)- azo]benzenesul- fonic acid, monosodium salt (CAS No. 6300–07–8) (provided for in subheading 2927.00.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1251. ET-743 (ECTEINASCIDIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.43*	*[6R-(6a,6ab,7b, 13b,14b,16a, 20R*)]-5- Acetyloxy-3′,4′, 6,6a,7,13,14,16-octahydro-6′,8,14-trihydroxy-7′,9-dimethoxy- 4,10,23-trimethylspiro[6, 16-b][3]benzazocine-20,1′(2H)-isoquinolin-19-one (ecteinascidin) (CAS No. 114899–77–3) (provided for in subheading 2934.99.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1252. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6-[[2-[[4-FLUORO-6-[[5-HYDROXY-6-[(4-METHOXY-2-SULFOPHENYL)AZO]-7-SULFO-2-NAPHTHALENYL]AMINO]-1,3,5-TRIAZIN-2-YL] AMINO]-1-METHYLETHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-3-[[4-(ETHENYLSULFONYL)PHENYL]AZO]-4-HYDROX′-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.44	2,7-Naphthalene- disulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]-amino]-1,3,5-triazin-2-yl]- amino]-1-methylethyl]-amino]-1,3,5-triazin-2-yl]-amino]-3-[[4-(ethenylsulfonyl)-phenyl]azo]-4-hydroxy, sodium salt (CAS No. 168113–78-8) (provided for in sub-heading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1253. 1,5-NAPHTHALENEDISULFONIC ACID, 3-[[2-(ACETYLAMINO)-4-[[4-[[2-[2- (ETHENYLSULFONYL)ETHOXY] ETHYL] AMINO]-6-FLUORO-1,3,5- TRIAZIN-2-YL]AMINO]PHENYL]AZO]-, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.45	1,5-Naphthalenedi- sulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)- ethoxy]-ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]- amino]- phenyl]azo]-, disodium salt (CAS No. 98635–31–5) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1254. 7,7′-[1,3-PROPANEDIYLBIS[IMINO(6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL)IMINO[2-[(AMINOCARBONYL)AMINO]-4,1-PHENYLENE]AZO]]BIS-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.46	7,7′-[1,3-Propanediylbis- [imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)-amino]-4,1-phenylene]azo]]bis-, sodium salt (CAS No. 143683–24–3) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1255. CUPRATE(3-), [2-[[[[3-[[4-[[2-[2- (ETHENYLSULFONYL)ETHOXY] ETHYL]AMINO]-6-FLUORO-1,3,5-TRIAZIN-2-YL] AMINO]-2-(HYDROXY-.KAPPA.O)-5-SULFOPHENYL]AZO-.KAPPA.N2]PHENYLMETHYL]AZO- .KAPPA.N1]-4-SULFOBENZOATO(5-)-.KAPPA.O], TRISODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.47	Cuprate(3-), [2-[[[[3-[[4-[[2-[2- (ethenylsulfonyl)- ethoxy]-ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]-amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2]- phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O], trisodium (CAS No. 106404–06–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1256. 1,5-NAPHTHALENEDISULFONIC ACID, 2-[[8-[[4-[[3-[[[2-(ETHENYLSULFONYL) ETHYL]AMINO]CARBONYL]PHENYL] AMINO]-6-FLUORO-1,3,5-TRIAZIN-2-YL]AMINO]-1-HYDROXY-3,6-DISULFO-2- NAPHTHALENYL]AZO]-, TETRASODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.48	1,5-Naphthalenedi- sulfonic acid, 2-[[8-[[4-[[3-[[[2- (ethenylsulfonyl)- ethyl]-amino]carbonyl]- phenyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6-disulfo-2-naphthalenyl]-azo]-, tetrasodium salt (CAS No. 116912-36-8) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1257. PTFMBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.49	p-(Trifluoro-methyl)benzaldehyde (CAS No. 455–19–6) (provided for in subheading 2913.00.40)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1258. BENZOIC ACID, 2-AMINO-4-[[(2,5-DICHLOROPHENYL)AMINO] CARBONYL]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.51	Benzoic acid, 2-amino-4-[[(2,5- dichlorophenyl)- amino]carbonyl]-, methyl ester (CAS No. 59673–82–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1259. IMIDACLOPRID PESTICIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.52	Mixtures of imidacloprid (1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidini- mine) (CAS No. 138261–41–3) with application adjuvants (provided for in subheading 3808.10.25)	5.7%	No change	No change	On or before 12/31/2006	".

SEC. 1260. BETA-CYFLUTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.54	beta-Cyfluthrin (CAS No. 68359–37–5) (provided for in subheading 2926.90.30)	4.3%	No change	No change	On or before 12/31/2006	".

SEC. 1261. IMIDACLOPRID TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.55	Imidacloprid (1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidini- mine) (CAS No. 138261–41–3) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1262. BAYLETON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.56	Triadimefon (1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)-2-buta-none) (CAS No. 43121–43–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1263. PROPOXUR TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.57	Propoxur (2-(1-methylethoxy)-phenol methyl-carbamate) (CAS No. 114–26–1) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1264. MKH 6561 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.58	A mixture of 30 percent 2-(carbomethoxy)- benzenesulfonyl isocyanate (CAS No. 13330–20–7) and 70 percent xylenes (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1265. PROPOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.59	A mixture of 20 percent propoxy- methyltriazolone (3H-1,2,4-triazol-3-one, 2,4-dihydro-4-methyl-5-propoxy-) (CAS No. 1330–20–7) and triazolone (3H-1,2,4-triazol-3-one, 2,4- dihydro-4-methyl-5-propoxy-) (CAS No. 1330–2–7) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1266. NEMACUR VL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.60	Fenamiphos (ethyl 4-(methylthio)-m-tolyl- isospropylphos- phoramidate) (CAS No. 22224–92–6) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1267. METHOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.61	2,4-Dihydro-5-methoxy-4-methyl-3H-1,2,4-triazol-3-one (CAS No. 135302–13–5) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1268. LEVAFIX GOLDEN YELLOW E-G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.62	Reactive yellow 27 (1H-Pyrazole-3-carboxylic acid, 4-[[4-[[(2,3-dichloro-6-quinoxalinyl)carbonyl]amino]-2- sulfophenyl]- azo]-4,5- dihydro-5-oxo-1- (4-sulfophenyl)-, trisodium salt) (CAS No. 75199–00–7) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1269. LEVAFIX BLUE CA/REMAZOL BLUE CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.63	Cuprate(4-), [2-[[3-[[sub-stituted]-1,3,5-triazin-2-yl]amino]-2-hy-droxy-5-sulfophenyl]- (substituted)azo], sodium salt (CAS No. 156830–72–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1270. REMAZOL YELLOW RR GRAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.64	Benzenesulfonic- acid, 2-amino-4- (cyanoamino)-6-[(3-sulfo- phenyl)amino]- 1,3,5-triazin-2-yl]amino]-5-[[4-[[2-(sulfoxy)- ethyl]sulfonyl]- phenyl]azo]-, lithium/sodium salt (CAS No. 189574–45–6) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1271. INDANTHREN BLUE CLF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.65	Vat blue 66 (9,10-Anthra- cenedione, 1,1′-[(6-phenyl-1,3,5- triazine-2,4-diyl)diimino]- bis[3-acetyl-4- amino-) (CAS No. 32220–82–9) (provided for in subheading 3204.15.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1272. INDANTHREN YELLOW F3GC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.66	Vat yellow 33 ([1,1′-Biphenyl]- 4-carboxamide, 4′,4‴-azobis[N- (9,10-dihydro- 9,10-dioxo-1- anthracenyl)-) (CAS No. 12227–50–8) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1273. ACETYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.67	Acetyl chloride (CAS No. 75–36–5) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1274. 4-METHOXY-PHENACYCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.68	4-Methoxyphena- cyl chloride (CAS No. 2196–99–8) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1275. 3-METHOXY-THIOPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.69	3-Methoxy-thiophenol (CAS No. 15570–12–4) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1276. LEVAFIX BRILLIANT RED E-6BA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.70*	*Reactive red 159 (2,7-naphthalenedisulfonic acid, 5-(benzoylamino)- 3-[[5-[[(5-chloro-2,6-difluoro-4-pyrimidinyl)- amino]methyl]- 1-sulfo-2- naphthalenyl]- azo]-4-hydroxy-, lithium sodium salt) (CAS No. 83400–12–8) (provided for in sub-heading 3204.16.20)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1277. REMAZOL BR. BLUE BB 133 PERCENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.71*	*Reactive blue 220 (cuprate(4-), [4,5-dihydro-4- [[8-hydroxy-7- [[2-hydroxy-5-methoxy-4-[[2- (sulfoxy)ethyl]- sulfonyl]- phenyl]azo]-6- sulfo-2-naphthal-enyl]azo]-5-oxo- 1-(4-sulfophenyl)-1H-pyrazole-3- carboxylato(6-)]-, sodium) (CAS No. 90341–71–2) (provided for in subheading 3204.16.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1278. FAST NAVY SALT RA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.72*	*Benzenediazonium, 4-[(2,6- dichloro-4- nitrophenyl)azo]- 2,5-dimethoxy-, (T-4)-tetra- chlorozincate(2-) (2:1) (CAS No. 63224–47–5) (provided for in subheading 2927.00.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1279. LEVAFIX ROYAL BLUE E-FR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.73*	*Reactive blue 224 (ethanol, 2,2′-[[6,13-dichloro-3,10- bis[[2-sulfoxy)- ethyl]amino]-triphenodioxaz-inediyl]bis(sul- fonyl)]bis-, bis(hydrogen sulfate) ester, potassium sodium salt (CAS No. 108692–09–7) (provided for in subheading 3204.16.30)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1280. P-CHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.74*	*p-Chloroaniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1281. ESTERS AND SODIUM ESTERS OF PARAHYDROXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.75*	*Methyl 4-hydroxybenzoate (CAS No. 99–76–3); propyl 4-hydroxybenzoate (CAS No. 94–13–3); ethyl 4-hydroxybenzoate (CAS No. 120–47–8); butyl 4-hydroxy-benzoate (CAS No. 94–26–8); benzyl 4-hydroxybenzoate (CAS No. 94–18–8); methyl 4-hydroxybenzoate, sodium salt (CAS No. 5026–62–0); propyl 4-hydroxybenzoate, sodium salt (CAS No. 35285–69–9); ethyl 4-hydroxybenzoate, sodium salt (CAS No. 35285–68–8); and butyl 4-hydroxybenzoate, sodium salt (CAS No. 36457–20–2) (all the foregoing provided for in subheading 2918.29.65 or 2918.29.75)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1282. SANTOLINK EP 560.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.76*	*Phenol-formaldehyde polymer, butylated (CAS No. 96446–41–2) (provided for in subheading 3909.40.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1283. PHENODUR VPW 1942.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.77*	*Phenol, 4,4′-(1-methylethyl-idene)bis-, polymer with (chloromethyl)oxirane and phenol polymer with form-aldehyde modified with chloroacetic acid (provided for in subheading 3909.40.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1284. PHENODUR PR 612.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.78*	*Formaldehyde, polymer with 2-methylphenol, butylated (CAS No. 118685–25–9) (provided for in subheading 3909.40.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1285. PHENODUR PR 263.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.79*	*Phenol, polymer with formaldehyde (CAS No. 126191–57–9) and urea, polymer with formaldehyde (CAS No. 68002–18–6) dissolved in a mixture of isobutanol and n-butanol (provided for in subheading 3909.40.00)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1286. MACRYNAL SM 510 AND 516.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	*9902.02.80*	*Neodecanoic acid, oxiranylmethyl ester, polymer with ethenylbenzene, 2-hy-droxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-propenoic acid (CAS No. 98613–27–5) (provided for in subheading 3906.90.50)*	*Free*	*No change*	*No change*	*On or before 12/31/2006*	’’.

SEC. 1287. ALFTALAT AN 725.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.81	1,3-Benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid and 2,2-dimethyl-1,3-propanediol (CAS No. 25214–38–4) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1288. RWJ 241947.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.82	(+)-5-[[6-[(2-Fluorophenyl)- methoxy]-2- naphthalenyl]-methyl]-2,4-thiazolidinedione (CAS No. 161600–01–7) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1289. RWJ 394718.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.83	1-Propanone, 3-(5-benzofuranyl)-1-[2-hydroxy-6-[[6-O-(methoxycarbonyl-beta-D-glucopyranosyl]-oxy]-4-methylphenyl- (CAS No. 209746–59–8) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1290. RWJ 394720.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.84	3-(5-Benzofuranyl)-1-[2-β-D-glucopyranosyloxy- 6-hydroxy-4-methylphenyl]-1-propanone (CAS No. 209746–56–5) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1291. 3,4-DCBN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.85	3,4-Dichlorobenzonitrile (CAS No. 6574–99–8) (provided for in subheading 2926.90.12)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1292. CYHALOFOP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.86	Propanoic acid, 2-[4-(cyano-2-fluorophenoxy)-phenoxy]butyl ester(2R) (CAS No. 122008–85–9) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1293. ASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.87	Methyl sulf-anilylcarbamate, sodium salt (asulam sodium salt) (CAS No. 2302–17–2) imported in bulk form (provided for in subheading 2935.00.75), or imported in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1294. FLORASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.88	Mixtures of florasulam ([1,2,4]- triazolo[1,5-c]- pyrimidine-2-sulfonamide, N-(2,6-difluorophenyl)-8-fluoro-5-methoxy-) (CAS No. 145701–23–1) and application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1295. PROPANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.89	Propanamide, N-(3,4-dichlorophenyl)- (CAS No. 709–98–8) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1296. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.90	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl)- hydrazide (halofenozide) (CAS No. 112226–61–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1297. ORTHO-PHTHALALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.92	1,2-Benzenedicarboxaldehyde (CAS No. 643–79–8) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1298. TRANS 1,3-DICHLOROPENTENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.93	Mixed cis and trans isomers of 1,3-dichloro-propene (CAS No. 10061–02–6) (provided for in subheading 2903.29.00)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1299. METHACRYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.94	Methacrylamide (CAS No. 79–39–0) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2006	”.

SEC. 1300. CATION EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.95	2-Propenoic acid, polymer with diethenylbenzene (CAS No. 9052–45–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1301. GALLERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.96	N-[3-(1-Ethyl-1-methylpropyl)-5-isoxazolyl]-2,6-dimethoxybenzamide (isoxaben) (CAS No. 82558–50–7) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1302. NECKS USED IN CATHODE RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.97	Necks of a kind used in cathode ray tubes (provided for in subheading 7011.20.80)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1303. POLYTETRAMETHYLENE ETHER GLYCOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.02.98	Polytetramethylene ether glycol (tetrahydro-3-methylfuran, polymer with tetrahydrofuran) (CAS No. 38640–26–5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1304. LEAF ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.02.99	cis-3-Hexen-1-ol (CAS No. 928–96–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1305. COMBED CASHMERE AND CAMEL HAIR YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.01	Yarn of combed cashmere or yarn of camel hair (provided for in subheading 5108.20.60)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1306. CERTAIN CARDED CASHMERE YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.02	Yarn of carded cashmere of 6 run or finer (equivalent to 19.35 metric yarn system) (provided for in subheading 5108.10.60)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1307. SULFUR BLACK 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.03	Sulfur black 1 (CAS No. 1326–82–5) (provided for in subheading 3204.19.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1308. REDUCED VAT BLUE 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.04	Reduced vat blue 43 (CAS No. 85737–02–6) (provided for in subheading 3204.15.40)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1309. FLUOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.05	Fluorobenzene (CAS No. 462–06–6) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1310. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.06	High tenacity multiple (folded) or cabled yarn of viscose rayon (provided for in subheading 5403.10.60)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1311. CERTAIN TIRE CORD FABRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.07	Tire cord fabric of high tenacity yarn of viscose rayon (provided for in subheading 5902.90.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1312. DIRECT BLACK 184.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.08	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1313. BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.09	5-[4-(7-Amino-1-hydroxy-3-sulfo-naphthalen-2-ylazo)-2,5-bis(2-hydroxyethoxy)-phenylazo]isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1314. MAGENTA 364.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.10	5-[4-(4,5-Dimethyl-2-sulfo-phenylamino)-6-hydroxy-[1,3,5]triazin-2-ylamino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naph- thalene-2,7-disulfonic acid, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1315. THIAMETHOXAM TECHNICAL.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.11	Thiamethoxam (3-[(2-chloro-5-thiazolyl)methyl)- tetrahydro-5-methyl-N-nitro-1,3,5-oxadiazin-4-imine) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90)	2.6%	No change	No change	On or before 12/31/2004	''

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a), is amended—

(A) by striking ''2.6%'' and inserting ''2.54%''; and

(B) by striking ''On or before 12/31/2004'' and inserting ''On or before 12/31/2005''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

(c) CALENDAR YEAR 2006.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a) and amended by this section, is further amended—

(A) by striking ''2.54%'' and inserting ''3.2%''; and

(B) by striking ''On or before 12/31/2005'' and inserting ''On or before 12/31/2006''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2006.

SEC. 1316. CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.12	2-[(Hydroxyethyl- sulfamoyl)-sulfophthalo- cyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1317. DIRECT BLUE 307.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.14	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1318. DIRECT VIOLET 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.16	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1319. FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.17	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2- naphthalenyl)-azo]-6-sulfo-1-naphthalenyl]-azo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1320. MIXTURES OF FLUAZINAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.18	Mixtures of fluazinam (3-chloro-N-(3-chloro-2,6- dinitro-4-(trifluoromethyl)-phenyl-5-(trifluoromethyl)-2-pyridinamine) (CAS No. 79622–59–6) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1321. PRODIAMINE TECHNICAL.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.19	Prodiamine (2,6-dinitro-N1,N1-dipropyl-4-(trifluoromethyl)-1,3-benzene-diamine (CAS No. 29091–21–2) (provided for in subheading 2921.59.80)	0.53%	No change	No change	On or before 12/31/2004	''

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.03.19, as added by subsection (a), is amended—

(A) by striking ''0.53%'' and inserting ''Free''; and

(B) by striking ''On or before 12/31/2004'' and inserting ''On or before 12/31/2006''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1322. CARBON DIOXIDE CARTRIDGES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.20	Carbon dioxide in threaded 12-, 16-, and 25-gram non-refillable cartridges (provided for in subheading 2811.21.00)	Free	Free	No change	On or before 12/31/2006	''

SEC. 1323. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL, 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.21	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl- 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1324. 40 PERCENT POLYMER ACID SALT/POLYMER AMIDE, 60 PERCENT BUTYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.03.22	2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester, 40 percent solution in N-butyl acetate (provided for in subheading 3208.90.00)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1325. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL- 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED, 60 PERCENT SOLUTION IN TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.23	12-Hydroxyoctadecanoic acid, reaction product with N,N-dimethyl- 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2), 60 percent solution in toluene (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1326. POLYMER ACID SALT/POLYMER AMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.24	2-Oxepanone, polymer with aziridine and tetrahydro-2H-pyran-2-one, dodecanoate ester (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1327. 50 PERCENT AMINE NEUTRALIZED PHOSPHATED POLYESTER POLYMER, 50 PERCENT SOLVESSO 100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.25	50 percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100 (CAS Nos. P–99–1218, 64742–95–6, 95–63–6, 108–67–8, 98–82–8, and 1330–20–7) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1328. 1-OCTADECANAMINIUM, N,N-DI-METHYL-N-OCTADECYL-, (SP-4-2)-[29H,31H-PHTHA- LOCYANINE-2- SULFONATO(3-)-.KAPPA.N29,.KAPPA.N30,.KAPPA.N31,.KAPPA.N32]CUPRATE(1-).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.26	1-Octa- decanaminium, N,N-dimethyl-N-octadecyl-, (Sp-4-2)-[29H,31H-phthalocyanine-2-sulfonato(3-)-.kappa.N29, .kappa.N30, .kappa.N31, .kappa.N32] cuprate(1-) (CAS No. 70750-63-9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1329. CHROMATE(1-)-BIS{1-{(5-CHLORO–2-HYDROXYPHENYL)AZO}–2-NAPTHAL ENOLATO(2-)}-,HYDROGEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.27	Chromate(1-)-bis[1-[(5-chloro-2-hydroxy-phenyl)azo]-2-naphthalenolato- (2-)]-, hydrogen (CAS No. 31714–55–3) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1330. BRONATE ADVANCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.29	Mixtures of bromoxynil octanoate (3,5-dibromo-4-hydroxybenzo-nitrile octanoate (CAS No. 1689–99–2) with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1331. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.30	N-Cyclohexylthiophthalimide (CAS No. 17796–82–6) (provided for in subheading 2930.90.24)	3%	No change	No change	On or before 12/31/2006	".

SEC. 1332. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by striking heading 9902.85.20 and inserting the following:

"	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2006	".

SEC. 1333. BIO-SET INJECTION RCC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.33	Polymeric apparatus, comprising a removable cap, an injection port attached to an air vent filter and a fixed needle of plastics and a base for attaching the whole to a vial with a 13 mm or 20 mm flange, of a kind used for transferring diluent from a prefilled syringe (without needle) to a vial containing a powdered or lyophilized medicament and, after mixing, transferring the medicament back to the syringe for subsequent administration to the patient (provided for in subheading 3923.50.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1334. PENTA AMINO ACETO NITRATE COBALT III (COFLAKE 2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.34	Mixtures of (acetato)pent-ammine cobalt dinitrate (CAS No. 14854–63–8) with a polymeric or paraffinic carrier (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1335. OXASULFURON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.35	Benzoic acid, 2-[[[[(4,6-dimethyl-2-pyrimidinyl)- amino]carbonyl]-amino]sulfonyl]-, 3-oxetanyl ester (CAS No. 144651–06–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1336. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by striking heading 9902.84.83 and inserting the following:

"	9902.84.83	Machine tools for working wire of iron or steel, certified for use in production of radial tires designed for off-the-highway use and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1337. 4-AMINOBENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.37	4-Aminobenzamide (CAS No. 2835–68–9) (provided for in subheading 2924.29.76) ...	Free	No change	No change	On or before 12/31/2006	".

SEC. 1338. FOE HYDROXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.38	N-(4-Fluorophenyl)-2-hydroxy-N-(1-methylethyl)-acetamide (CAS No. 54041–17–7) (provided for in subheading 2924.29.71)	5.2%	No change	No change	On or before 12/31/2006	".

SEC. 1339. MAGENTA 364 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.39	5-[4-(4,5-Dimethyl-2-sulfo- phenylamino)-6-hydroxy-[1,3,5]triazin-2-ylamino]-4-hydroxy-3-(1-sulfonaphthalen-2-ylazo)naph- thalene-2,7-disulfonic acid, sodium ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1340. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.40	Tetrakis ((2,4-di-tert-butylphenyl)-4,4-biphenylene diphosphonite) (CAS No. 38613–77–3) (provided for in subheading 2835.29.50)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1341. PALMITIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.41	Palmitic acid, with a purity of 90 percent or more (CAS No. 57–10–3) (provided for in subheading 2915.70.00)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1342. PHYTOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.42	3,7,11,15-Tetramethylhexadec-2-en-1-ol (CAS No. 7541–49–3) (provided for in sub-heading 2905.22.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1343. CHLORIDAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.43	Chloridazon (5-Amino-4-chloro-2- phenyl-3(2H)-pyridazinone) (CAS No. 1698–60–8) put up in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1344. DISPERSE ORANGE 30, DISPERSE BLUE 79:1, DISPERSE RED 167:1, DISPERSE YELLOW 64, DISPERSE RED 60, DISPERSE BLUE 60, DISPERSE BLUE 77, DISPERSE YELLOW 42, DISPERSE RED 86, AND DISPERSE RED 86:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.45	Propanenitrile, 3-[[2-(acetyloxy)- ethyl]-[4-[(2,6-dichloro-4-nitro- phenyl)azo]-phenyl]amino]- (disperse orange 30) (CAS No. 5261–31–4) (provided for in sub-heading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.46	Acetamide, N-[5-[bis[2-(acetyloxy)- ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)-azo]-4-methoxyphenyl]- (disperse blue 79:1) (CAS No. 3618–72–2) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.47	Acetamide, N-[5-[bis[2-(acetyloxy)- ethyl]amino]-2-[(2-chloro-4-nitrophenyl)-azo]phenyl]- (disperse red 167:1) (CAS No. 1533–78–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.48	1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2-quinol-inyl)- (disperse yellow 64) (CAS No. 10319–14–9) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.49	9,10-Anthra- cenedione, 1-amino-4-hydroxy-2-phenoxy- (disperse red 60) (CAS No. 17418–58–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.50	1H-Naphth[2,3-f]isoindole-1,3,5,10(2H)-tetrone, 4,11-diamino-2-(3-methoxypropyl)-(disperse blue 60) (CAS No. 12217–80–0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.51	9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)- (disperse blue 77) (CAS No. 20241–76–3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.52	Benzenesulfonamide, 3-nitro-N-phenyl-4-(phenylamino)- (disperse yellow 42) (CAS No. 5124–25–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.53	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)-4-methyl- (disperse red 86) (CAS No. 81–68–5) (provided for in sub-heading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	
"	9902.03.54	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)- (disperse red 86:1) (CAS No. 69563–51–5) (provided for in sub-heading 3204.11.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1345. DISPERSE BLUE 321.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.55	1-Naphthalenamine, 4-[(2-bromo-4,6- dinitrophenyl)- azo]-N-(3-meth- oxypropyl)-(disperse blue 321) (CAS No. 70660–55–8) (provided for in subheading 3204.11.35) ...	Free	No change	No change	On or before 12/31/2006	".

SEC. 1346. DIRECT BLACK 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.56	Cuprate(4-), [m-[5-[(4,5-dihydro-3-methyl-5-oxo- 1-phenyl-1H-pyrazol-4-yl)azo]-3-[[4′-[[3,6-disulfo-2-hydroxy.kappa.O-1-naphthal- enyl]azo-.kappa.N1]-3,3′-di(hydroxy-.kappa.O)[1,1′-biphenyl]-4-yl]azo-.kappa.N1]-4-(hydroxy-.kappa.O)-2,7-naphtha- lenedisulf-onato(8-)]]di-, tetrasodium (direct black 175) (CAS No. 66256–76–6) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1347. DISPERSE RED 73 AND DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.03.57	Benzonitrile, 2-[[4-[(2-cyanoethyl)- ethylamino]- phenyl]azo]-5-nitro- (disperse red 73) (CAS No. 16889–10–4) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2006	’’.
‘‘	9902.03.58	9,10-Anthra- cenedione, 1,5-diaminochloro-4,8-dihydroxy- (disperse blue 56) (CAS No. 12217–79–7) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1348. ACID BLACK 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.59	[3-(Hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N1]-1-naphthal-enesulfonato (3-)]-[1-[[2-(hydroxy-.kappa.O)-5-[(2-methoxyphenyl]-azophenyl]-azo-.kappa.N1]-2-naphthalenolato (2-).kappa.O]-, disodium (acid black 132) (CAS No. 27425–58–7) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1349. ACID BLACK 132 AND ACID BLACK 172.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.03.36	[3-(Hydroxy- kO)-4- [[2-(hydroxy- .kappa.O)-1-naphthalenyl]azo-.kappa.N1]-1-naphthal-enesulfonato (3)]-[1-[[2-(hydroxy-.kappa.O)-5-[(2-methoxyphenyl)-azo]phenyl]-azo-kappa.N1]-2-naphthalenolato (2-)-.kappa.O]-, disodium (acid black 132) (CAS No. 57693–14–8) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2006	’’.
‘‘	9902.03.60	Chromate(3-), bis[3-(hydroxy- .kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N1]-7-nitro-1-naphthal-enesulfonato(3-)]-, trisodium (acid black 172) (CAS No. 57693–14–8) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1350. ACID BLACK 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.61	Chromate(2-), [1-[[2-(hydroxy-.kappa.O)-3,5-dinitro- phenyl]azo-.kappa.N1]-2-naphthal- enolato(2-)-.kappa.O][3-(hydroxy.kappa.O)-4-[[2 (hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N1]-7- nitro-1-naphthalenesulfonato(3-)]-, sodium hydrogen (acid black 107) (CAS No. 12218–96–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1351. ACID YELLOW 219, ACID ORANGE 152, ACID RED 278, ACID ORANGE 116, ACID ORANGE 156, AND ACID BLUE 113.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.62	Benzenesulfonic acid, 3-[[3-methoxy-4-[(4-methoxyphenyl)- azo]phenyl]azo]-, sodium salt (acid yellow 219) (CAS No. 71819–57–3) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2006	’’.
‘‘	9902.03.63	Benzenesulfonic acid, 3-[[4-[[4-(2-hydroxybut-oxy)phenyl]azo]-5-methoxy-2-methyl- phenyl]azo]-, monolithium salt (acid orange 152) (CAS No. 71838–37–4) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2006	’’.
‘‘	9902.03.64	Chromate(1-), bis[3-[4-[[5-chloro-2-(hydroxy.kappa.O)- phenyl]azo-.kappa.N1]-4,5-dihydro-3-methyl-5-(oxo-.kappa.O)-1H-pyrazol-1-yl]benzenesul- fonamidato(2-)]-, sodium (acid red 278) (CAS No. 71819–56–2) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2006	’’.
‘‘	9902.03.65	Benzenesulfonic acid, 3-[[4-[(2-ethoxy-5-methylphenyl)- azo]-1-naphthal-enyl]azo]-, sodium salt (acid orange 116) (CAS No. 12220–10–9) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2006	’’.
‘‘	9902.03.66	Benzenesulfonic acid, 4-[[5-meth- oxy-4-[(4-methoxy- phenyl)azo]-2-methyl-phenyl]azo]-, sodium salt (acid orange 156) (CAS No. 68555–86–2) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2006	’’.
‘‘	9902.03.67	1-Naphthalene- sulfonic acid, 8-(phenylamino)-5-[[4-[(3- sulfophenyl)- azo]-1- naphthalenyl]-azo]-, disodium salt (acid blue 113) (CAS No. 3351–05–1) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1352. EUROPIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.22	Europium oxides having a purity of at least 99.99 percent (CAS No. 1308–96–7) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1353. LUGANIL BROWN NGT POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.76	Acid brown 290 (CAS No. 12234–74–1) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1354. THIOPHANATE-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.77	4,4′-o-Phenylenebis-(3-thioallophanic acid), dimethyl ester (thiophanate-methyl) (CAS No. 23564–05–8) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1355. MIXTURES OF THIOPHANATE-METHYL AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.03.79	Mixtures of 4,4′-o-Phenylenebis-(3-thioallophanic acid), dimethyl ester (Thiophanate-methyl) (CAS No. 23564–05–8) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1356. HYDRATED HYDROXYPROPYL METHYLCELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.80	2-Hydroxypropyl methyl cellulose (CAS No. 9004–65–3)(provided for in subheading 3912.39.00)	0.4%	No change	No change	On or before 12/31/2006	".

SEC. 1357. C 12–18 ALKENES, POLYMERS WITH 4-METHYL-1-PENTENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.86	C 12–18 alkenes, polymers with 4-methyl-1-pentene (CAS No. 68413–03–6) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1358. CERTAIN 12-VOLT BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.87	12V Lead-acid storage batteries, of a kind used for the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1359. CERTAIN PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.89	Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.90.80)	13.8%	No change	No change	On or before 12/31/2006	".

SEC. 1360. CERTAIN OTHER PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.90	Artichokes, prepared or preserved by vinegar or acetic acid (provided for in subheading 2001.90.25)	7.5%	No change	No change	On or before 12/31/2006	".

SEC. 1361. ETHYLENE/TETRAFLUOROETHYLENE COPOLYMER (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.91	Ethylene-tetra- fluoroethylene copolymers (ETFE) (provided for in subheading 3904.69.50)	4.9%	No change	No change	On or before 12/31/2006	".

SEC. 1362. ACETAMIPRID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.92	N1-[(6-Chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (CAS No. 135410–20–7) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1363. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.84.94	Extruders, screw type, suitable for processing polyester thermoplastics in a cast film production line (provided for in subheading 8477.20.00)	Free	No change	No change	On or before 12/31/2006	
	9902.84.95	Casting machinery suitable for processing polyester thermoplastics into a sheet in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2006	
	9902.84.96	Transverse direction orientation tenter machinery, suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2006	
	9902.84.97	Winder machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2006	
	9902.84.98	Slitting machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1364. TRITICONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.99	E-5-(4-Chlorobenzylidene)-2,2-dimethyl-1-(1H-1,2,4-triazol-1-ylmethyl)cyclopentanol. (CAS No.131983–72–7) (provided for in subheading 2933.99.12)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1365. CERTAIN TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.88	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.30.50)	2.7%	No change	No change	On or before 12/31/2006	".

SEC. 1366. 3-SULFINOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.01	3-Sulfinobenzoic acid (CAS No. 15451–00–0) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1367. POLYDIMETHYLSILOXANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.02	Polydimethylsiloxane (CAS No. 63148–62–9) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1368. BAYSILONE FLUID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.03	An alkyl modified polydimethylsiloxane (CAS No. 102782–93–4) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1369. ETHANEDIAMIDE, N- (2-ETHOXYPHENYL)-N'- (4-ISODECYLPHENYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.05	Preparations based on ethanediamide, N-(2-ethoxyphenyl)-N'-(4-isodecylphenyl)- (CAS No. 82493–14–9) (provided for in subheading 3812.30.60)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1370. 1-ACETYL-4-(3-DODECYL-2, 5-DIOXO-1-PYRROLIDINYL)-2,2,6,6-TETRAMETHYL-PIPERIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.06	1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine (CAS No. 106917–31–1) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1371. ARYL PHOSPHONITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.07	Reaction products of phosphorus trichloride with 1,1'-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol (CAS No. 119345–01–6) (provided for in subheading 3812.30.60)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1372. MONO OCTYL MALIONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.08	mono-2-Ethylhexyl maleate (CAS No. 7423–42–9) (provided for in subheading 2917.19.20)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1373. 3,6,9-TRIOXAUNDECANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.09	3,6,9-Trioxaundecanedioic acid (CAS No. 13887–98–4) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1374. CROTONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.10	(E)-2-Butenoic acid (Crotonic acid) (CAS No. 107–93–7) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1375. 1,3-BENZENEDICARBOXAMIDE, N, N'-BIS-(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.11	1,3-Benzenedicarboxamide, N,N'-bis-(2,2,6,6-tetramethyl-4-piperidinyl)- (CAS No. 42774–15–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1376. 3-DODECYL-1-(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-2,5-PYRROLIDINEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.12	3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione (CAS No. 79720–19–7) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1377. OXALIC ANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.13	Ethanediamide, N-(2-ethoxyphenyl)-N'-(2-ethylphenyl)- (CAS No. 23949–66–8) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1378. N-METHYL DIISOPROPANOLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.14	1,1'-(Methylamino)dipropan-2-ol (CAS No. 4402–30–6) (provided for in subheading 2922.19.95)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1379. 50 PERCENT HOMOPOLYMER, 3-(DIMETHYLAMINO) PROPYL AMIDE, DIMETHYL SULFATE-QUATERNIZED 50 PERCENT POLYRICINOLEIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.15	Mixture (1:1) of polyricinoleic acid homopolymer, 3-(dimethylamino) propylamide, dimethyl sulfate, quaternized and polyricinoleic acid (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1380. BLACK CPW STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.16	2,7-Naphthalenedisulfonic acid, 4-amino-3-[[4-[[-4-[(2- or 4-amino-4 or 2-hydroxyphenyl)azo]phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo), trisodium salt) (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1381. FAST BLACK 287 NA PASTE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.17	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt, in paste form (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1382. FAST BLACK 287 NA LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.18	1,3-Benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt, in liquid form (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1383. FAST YELLOW 2 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.19	1,3-Benzenedicarboxylic acid, 5,5′- [[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt (direct yellow 173) (provided for in either subheading 3204.14.30 or 3215.19.00.)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1384. CYAN 1 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.21	Copper [29H,31H-phthalo- cyaninato(2-)-N29,N30,N31,N32]-, aminosulfonylsulfo derivatives, tetramethylammonium salts (provided for in subheading 3204.14.30) ..	Free	No change	No change	On or before 12/31/2006	".

SEC. 1385. YELLOW 1 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.24	1,5-Naphthalenedisulfonic acid, 3,3′- [[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt (CAS No. 50925–42–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1386. YELLOW 746 STAGE.

Subchapter II of chapter 99 of is amended by inserting in numerical sequence the following new heading:

"	9902.04.26	1,3-Bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′-dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1387. BLACK SCR STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.27	2,7-Naphthalenedi- sulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxyphenyl)-azo]- phenyl]amino]-3-sulfophenyl]- azo]-5-hydroxy-6-(phenylazo)-, trisodium salt (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1388. MAGENTA 3B-OA STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.28	2-[[4-Chloro-6-[[8-hydroxy-3,6-disulfonate-7-[(1-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]amino]-1,3,5-triazin-2-yl]amino]-5-sulfobenzoic acid, sodium/lithium salts (CAS No. 12237–00–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1389. YELLOW 577 STAGE.

(a) Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.29	5-[4-[4-[4-(4,8-Disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-1,3,5-triazin-2-ylamino]- phenylazo-[isophthalic acid, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1390. CYAN 485/4 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.30	Copper, [29H,31H-phthalo-cyaninato(2-)-xN29,xN30,xN31,xN32]-aminosulfonyl-[(2-hydroxyethyl)amino]-sulfonylsulfo derivatives, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1391. LOW EXPANSION LABORATORY GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.32	Laboratory, hygienic, or pharmaceutical glassware, whether or not graduated or calibrated, of low expansion borosilicate glass or alumino-borosilicate glass, having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300°C (provided for in subheadings 7017.20.00 and 7020.00.60).	Free	No change	No change	On or before 12/31/2006	".

SEC. 1392. STOPPERS, LIDS, AND OTHER CLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.33	Stoppers, lids, and other closures of low expansion borosilicate glass or alumino-borosilicate glass, having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300°C, produced by automatic machine (provided for in subheading 7010.20.20) or produced by hand (provided for in subheading 7010.20.30).	Free	No change	No change	On or before 12/31/2006	".

SEC. 1393. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

(a) CALENDAR YEARS 2004 AND 2005.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.01	Mixtures of methyl 2-[[[[[4-(dimethylamino)- 6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]-amino]carbonyl]- amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) and application adjuvants (provided for in subheading 3808.30.15)	1%	No change	No change	On or before 12/31/2005	".

(b) CALENDAR YEAR 2006.—

(1) IN GENERAL.—Heading 9902.05.01, as added by subsection (a), is amended—

(A) by striking "1%" and inserting "Free"; and

(B) by striking "On or before 12/31/2005" and inserting "On or before 12/31/2007".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2006.

SEC. 1394. AGRUMEX (O-T-BUTYL CYCLOHEXANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.02	o-tert-Butyl-cyclohexanol (CAS No. 13491–79–7) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1395. TRIMETHYL CYCLO HEXANOL (1-METHYL-3,3-DIMETHYLCYCLOHEXANOL-5).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.03	3,3,5-Trimethyl-cyclohexan-1-ol (CAS No. 116–02–9) (provided for in subheading 2906.19.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1396. MYCLOBUTANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.91	alpha-Butyl-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propanenitrile (myclobutanil) (CAS No. 88671–89–0) (provided for in subheading 2933.99.06)	1.9%	No change	No change	On or before 12/31/2006	".

SEC. 1397. METHYL CINNAMATE (METHYL-3-PHENYLPROPENOATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.04	Methyl cinnamate (methyl-3-phenylpropenoate) (CAS No. 103–26–4) (provided for in subheading 2916.39.20)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1398. ACETANISOLE (ANISYL METHYL KETONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.05	p-Acetanisole (CAS No. 100–06–1) (provided for in subheading 2914.50.30)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1399. ALKYLKETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.53	1-(4-Chlorophenyl)- 4,4-dimethyl-3-pentanone (CAS No. 66346–01–8) (provided for in subheading 2914.70.40)	3.5%	No change	No change	On or before 12/31/2006	".

SEC. 1400. IPRODIONE 3-(3-5, DICHOLOROPHENYL)-N-(1-METHYLETHYL)-2,4-DIOXO-1-IMIDAZOLIDINECARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.51	Iprodione (3-(3,5-dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide) (CAS No. 36734–19–7) (provided for in subheading 2933.21.00)	4.1%	No change	No change	On or before 12/31/2006	".

SEC. 1401. DICHLOROBENZIDINE DIHYDROCHLORIDE.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.28	3,3'-Dichlorobenzi-dine dihydrochloride (CAS No. 612–83–9) (provided for in subheading 2921.59.80)	6.3% + 0.2 cents/kg	No change	No change	On or before 12/31/2004	".

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.03.28, as added by subsection (a), is amended—

(A) by striking "6.3% + 0.2 cents/kg" and inserting "5.1%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1402. KRESOXIM-METHYL.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.78	Methyl (E)- methoxyimino- [alpha-(o-tolyloxy)-o-tolyl]- acetate (kresoxim methyl) (CAS No. 143390–89–0) (provided for in subheading 2925.20.60)	3.3%	No change	Free	On or before 12/31/2004	".

(b) CALENDAR YEARS 2005 AND 2006.—

(1) IN GENERAL.—Heading 9902.03.78, as added by subsection (a), is amended—

(A) by striking "3.3%" and inserting "2.4%"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2006".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1403. MKH 6562 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.06	2-(Trifluoro- methoxy)-benzenesulfonyl isocyanate (CAS No. 99722–81–3) (provided for in subheading 2930.90.29)	0.7%	No change	No change	On or before 12/31/2006	''

SEC. 1404. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.07	High tenacity single yarn of viscose rayon (provided for in subheading 5403.10.30) with a decitex equal to or greater than 1,000	Free	No change	No change	On or before 12/31/2006	''

SEC. 1405. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.08	Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	2.3%	No change	Free	On or before 12/31/2004	''

(b) CALENDAR YEARS 2005 AND 2006.—
(1) IN GENERAL.—Heading 9902.05.08, as added by subsection (a), is amended—
(A) by striking ''2.3%'' and inserting ''1.7%''; and
(B) by striking ''On or before 12/31/2004'' and inserting ''On or before 12/31/2006''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1406. 3,7-DICHLORO-8-QUINOLINE CARBOXYLIC ACID.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.09	3,7-Dichloro-8-quinolinecarb-oxylic acid (quinclorac) (CAS No. 84087–01–4) (provided for in subheading 2933.49.30)	3.9%	No change	Free	On or before 12/31/2004	''

(b) CALENDAR YEARS 2005 AND 2006.—
(1) IN GENERAL.—Heading 9902.05.09, as added by subsection (a), is amended—
(A) by striking ''3.9%'' and inserting ''3.3%''; and
(B) by striking ''On or before 12/31/2004'' and inserting ''On or before 12/31/2006''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1407. 3-(1-METHYLETHYL)-1H-2,1,3-BENZOTHIADIAZIN-4(3H)-ONE 2,2 DIOXIDE, SODIUM SALT.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.10	3-(1-Methyl- ethyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide, sodium salt (bentazon, sodium salt) (CAS No. 50723–80–3) (provided for in subheading 2934.99.15)	1.8%	No change	Free	On or before 12/31/2004	''

(b) CALENDAR YEARS 2005 AND 2006.—
(1) IN GENERAL.—Heading 9902.05.10, as added by subsection (a), is amended—
(A) by striking ''1.8%'' and inserting ''2.6%''; and
(B) by striking ''On or before 12/31/2004'' and inserting ''On or before 12/31/2006''.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1408. 3,3′,4-4′-BIPHENYLTETRACARBOXYLIC DIANHYDRIDE, ODA, ODPA, PMDA, AND 1,3-BIS(4-AMINOPHENOXY)BENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

''	9902.05.11	3,3′,4,4′-Biphenyltetracarboxylic dianhydride (CAS No. 2420–87–3) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2006	
''	9902.05.12	4,4′-Oxydianiline (CAS No. 101–80–4) (provided for in subheading 2922.29.80)	1.5%	No change	No change	On or before 12/31/2006	
''	9902.05.13	4,4′-Oxydiphthalic anhydride (CAS No. 1823–59–2) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2006	
''	9902.05.14	Pyromellitic dianhydride (CAS No. 89–32–7) (provided for in subheading 2917.39.70)	Free	No change	No change	On or before 12/31/2006	
''	9902.05.15	1,3-Bis(4-aminophenoxy)- benzene (CAS No. 2479–46–1) (provided for in subheading 2922.29.29 or 2922.29.60)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1409. ORYZALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.16	Oryzalin (benzenesulfonamide, 4-(dipropylamino)-3,5-dinitro-) (CAS No. 19044–88–3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1410. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.17	N-tert-Butyl-N′-(4-ethylbenzoyl)-3,5- dimethylbenzoylhydrazide (tebufenozide) (CAS No. 112410–23–8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2006	''

SEC. 1411. ENDOSULFAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.18	6,7,8,9,10,10-Hexachloro-1,5,5a,6,9,9a-hexahydro-6,9-methano-2,4,3-benzodioxathiepin-3-oxide (thiosulfan) (CAS No. 115–29–7) (provided for in subheading 2920.90.10)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1412. ETHOFUMESATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.19	2-Ethoxy-2,3-dihydro-3,3-di-methyl-5-benzofuranyl-methanesulfonate (ethofumesate) (CAS No. 26225–79–6) in bulk or mixed with application adjuvants (provided for in subheading 2932.99.08 or 3808.30.15)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1413. NIGHT VISION MONOCULARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.21	Hand-held night vision monoculars, other than those containing a micro-channel plate to amplify electrons or having a photocathode containing gallium arsenide (provided for in subheading 9005.80.60)	Free	Free	No change	On or before 12/31/2006	".

SEC. 1414. SOLVENT YELLOW 163.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.27	Solvent yellow 163 (CAS No. 13676–91–0) (provided for in subheading 3204.19.20)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1415. RAILWAY CAR BODY SHELLS FOR EMU'S.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

"	9902.86.09	Railway car body shells for electric multiple unit (EMU) commuter coaches of stainless steel, the foregoing which are designed for passenger coaches each having an aggregate passenger seating capacity up to 156 (including flip-up seating and wheelchair spaces) on two levels (provided for in subheading 8607.99.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1416. CERTAIN EDUCATIONAL DEVICES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.43	Educational devices (provided for in subheading 8543.89.96)	1.67%	No change	No change	On or before 12/31/2006	".

SEC. 1417. RAILWAY ELECTRIC MULTIPLE UNIT (EMU) GALLERY COMMUTER COACHES OF STAINLESS STEEL.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

"	9902.86.11	Railway electric multiple unit (EMU) commuter coaches of stainless steel; the foregoing consisting of two finished EMU gallery-type coaches manufactured to contract specifications each, having an aggregate seating capacity of up to 156 seats (including flip-up seats and wheelchair spaces) on two levels. (provided for in subheading 8603.10.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1418. SNOWBOARD BOOTS.

Subchapter II of chapter 99 is amended by striking heading 9902.64.04 and inserting the following:

"	9902.64.04	Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90)	4%	No change	No change	On or before 12/31/2006	".

SEC. 1419. HAND-HELD RADIO SCANNERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.23	Electrical radiobroadcast receivers, intended to be hand-held, valued over $40 each, the foregoing designed to receive and monitor publicly transmitted radio communications (provided for in subheading 8527.19.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1420. MOBILE AND BASE RADIO SCANNERS THAT ARE COMBINED WITH A CLOCK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.24	Electrical radiobroadcast receivers designed to receive and monitor publicly transmitted radio communications, valued at over $40 each, that are combined with a clock, and that are either mounted on a base or designed for use in an automobile or boat (provided for in subheading 8527.32.50)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1421. MOBILE AND BASE RADIO SCANNERS THAT ARE NOT COMBINED WITH A CLOCK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.25	Electrical radiobroadcast receivers designed to receive and monitor publicly transmitted radio communications, valued at over $40 each, that are not combined with a clock, and that are either mounted on a base or designed for use in an automobile or boat (provided for in subheading 8527.39.00)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1422. CERTAIN FINE ANIMAL HAIR OF KASHMIR (CASHMERE) GOATS NOT PROCESSED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.51.15	Fine animal hair of Kashmir (cashmere) goats; not processed in any manner beyond the degreased or carbonized condition (provided for in subheading 5102.11.10)	Free	No change	No change	On or before 12/31/2006	".

SEC. 1423. CERTAIN FINE ANIMAL HAIR OF KASHMIR (CASHMERE) GOATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.51.16	Fine animal hair of Kashmir (cashmere) goats (provided for in subheading 5102.11.90)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1424. CERTAIN R-CORE TRANSFORMERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.85.04	120 volt/60 Hz electrical transformers (the foregoing and parts thereof provided for in subheading 8504.31.40 or 8504.90.95), with dimensions not exceeding 88 mm by 88 mm by 72 mm but at least 82 mm by 69 mm by 43 mm and each containing a layered and uncut round core with two balanced bobbins, the foregoing rated as less than 40 VA but greater than 32.2 VA with a rating number of R25	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1425. DECORATIVE PLATES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.99	Decorative plates, whether or not with decorative rim or attached sculpture; decorative sculptures, each with plate or plaque attached; decorative plaques each not over 7.65 cm in thickness; architectural miniatures, whether or not put up in sets; all the foregoing of resin materials and containing agglomerated stone, put up for mail order retail sale, whether for wall or tabletop display and each weighing not over 1.36 kg together with their retail packaging (provided for in subheading 3926.40.00)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1426. BISPYRIBAC SODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.20	Sodium 2,6-bis[(4,6-dimethoxypyrimidin-2-yl)oxy]benzoate (Bispyribac-sodium) (CAS No. 125401–92–5) (provided for in subheading 2933.59.10)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1427. FENPROPATHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.22	α-Cyano-3-phenoxybenzyl 2,2,3,3-tetra- methylcycloprop- anecarboxylate (fenpropathrin) (CAS No. 39515–41–8) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1428. PYRIPROXYFEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.23	2-[1-Methyl-2-(4-phenoxyphenoxy)ethoxy]pyridine (Pyriproxyfen) (CAS No. 95737–68–1) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1429. UNICONAZOLE-P.

Subchapter II is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.24	(E)-(+)-(S)-1-(4-Chlorophenyl)-4,4-dimethyl-2-(1,2,4-triazol-1-yl)-pent-1-ene-3-ol (Uniconazole) (CAS No. 83657–22–1), mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1430. FLUMIOXAZIN.

Subchapter II is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.25	2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynl)-2H-1,4-benzoxazin-6-yl]-4,5,6,7-tetrahydro-1H-isoindole-1,3-(2H)-dione (Flumioxazin) (CAS No. 103361–09–7) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1431. NIGHT VISION MONOCULARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.26	Hand-held night vision monoculars, other than those containing a micro-channel plate to amplify electrons or having a photocathode containing gallium arsenide (provided for in subheading 9005.80.40)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1432. 2,4-XYLIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.28	2,4-Xylidine (CAS No. 95–68–1) (provided for in subheading 2921.49.10)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1433. R118118 SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.29	R118118 Salt - benzoic acid, 3-[2-chloro-4-(trifluoromethyl) phenoxy]-(CAS No. 63734–62–3) (provided in subheading 2918.90.20)	Free	No change	No change	On or before 12/31/2006	’’.

SEC. 1434. NMSBA.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.30	4-(Methylsulfonyl)-2-nitrobenzoic acid (CAS No. 110964–79–9) (provided for in subheading 2916.39.45)	0.28%	No change	No change	On or before 12/31/2004	’’.

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.29.82, as added by subsection (a), is amended—

(A) by striking ‘‘0.28%’’ and inserting ‘‘0.16%’’; and

(B) by striking ‘‘On or before 12/31/2004’’ and inserting ‘‘On or before 12/31/2005’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

(c) CALENDAR YEARS 2006 THROUGH 2008.—

(1) IN GENERAL.—Heading 9902.29.82, as added by subsection (a) and amended by subsection (b), is further amended—

(A) by striking ''0.16%'' and inserting ''1.1%''; and

(B) by striking ''On or before 12/31/2005'' and inserting ''On or before 12/31/2008''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2006.

SEC. 1435. CERTAIN SATELLITE RADIO BROADCASTING APPARATUS.

(a) CALENDAR YEAR 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.04.35	Reception apparatus for satellite radio broadcasting, other than satellite radio broadcast receivers described in subheading 8527.21.40 (provided in subheading 8527.90.95)	5.2%	No change	No change	On or before 12/31/2004	''.

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.04.35, as added by subsection (a), is amended—

(A) by striking ''5.2%'' and inserting ''5.4%''; and

(B) by striking ''On or before 12/31/2004'' and inserting ''On or before 12/31/2005''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

(c) CALENDAR YEAR 2006.—

(1) IN GENERAL.—Heading 9902.04.35, as added by subsection (a) and amended by this section, is further amended—

(A) by striking ''5.4%'' and inserting ''5.5%''; and

(B) by striking ''On or before 12/31/2005'' and inserting ''On or before 12/31/2006''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2006.

SEC. 1436. ACEPHATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

''	9902.05.31	O,S-Dimethyl acetylphosphoramidothioate (Acephate) (CAS No. 30560–19–1) (provided for in subheading 2930.90.44)	Free	No change	No change	On or before 12/31/2006	''.

SEC. 1437. MAGNESIUM ALUMINUM HYDROXIDE CARBONATE HYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

''	9902.05.32	Magnesium aluminum hydroxide carbonate hydrate (CAS No. 11097–59–9) (provided for in subheading 2842.90.00); magnesium aluminum hydroxide carbonate hydrate coated with an organic fatty acid (provided for in subheading 3812.30.90)	Free	No change	No change	On or before 12/31/2006	''.

SEC. 1438. CERTAIN FOOTWEAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

''	9902.05.35	Footwear consisting of an outer sole affixed to an incomplete or unfinished upper to which additional upper parts or material must be affixed to permit the footwear to be held to the foot, such footwear having a bottom of vulcanized rubber and produced by the hand-laid assembly process or hand made, the foregoing footwear of a type that is not designed to be worn over other footwear (provided for in subheadings 6401.99.30 and 6401.99.60	Free	Free	No change	On or before 12/31/2006	''.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1451. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting ''12/31/2006'':

(1) Heading 9902.30.90 (relating to 3-amino-2′-(sulfato-ethyl sulfonyl) ethyl benzamide).

(2) Heading 9902.32.91 (relating to MUB 738 INT).

(3) Heading 9902.30.31 (relating to 5-amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide).

(4) Heading 9902.29.46 (relating to 2-amino-5-nitrothiazole).

(5) Heading 9902.32.14 (relating to 2-methyl-4,6-bis[(octylthio) methyl]phenol).

(6) Heading 9902.32.30 (relating to 4-[[4,6-bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol).

(7) Heading 9902.32.16 (relating to calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate]).

(8) Heading 9902.38.69 (relating to nicosulfuron formulated product (''Accent'')).

(9) Heading 9902.33.63 (relating to DPX–E9260).

(10) Heading 9902.33.59 (relating to DPX–E6758).

(11) Heading 9902.33.61 (relating to carbamic acid (U-9069)).

(12) Heading 9902.29.35 (relating to 1N–N5297).

(13) Heading 9902.28.19 (relating to an ultraviolet dye).

(14) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(15) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(16) Heading 9902.29.37 (relating to certain sensitizing dyes).

(17) Heading 9902.85.42 (relating to certain cathode-ray tubes).

(18) Heading 9902.30.14 (relating to a fluorinated compound).

(19) Heading 9902.29.55 (relating to a certain light absorbing photo dye).

(20) Heading 9902.32.55 (relating to methyl thioglycolate).

(21) Heading 9902.29.62 (relating to chloro amino toluene).

(22) Headings 9902.28.08, 9902.28.09, and 9902.28.10 (relating to bromine-containing compounds).

(23) Heading 9902.32.62 (relating to filter blue green photo dye).

(24) Heading 9902.32.99 (relating to 5-[(3,5-dichlorophenyl)-thio]-4-(1-methylethyl-1)-(4-pyridin lmethyl)-1H-imidazole-2-methanol carbamate).

(25) Heading 9902.32.97 (relating to (2E,4S)-4-(((2R,5S)-2-((4-fluorophenyl)-methyl)-6-methyl-5-((5-methyl-3-isoxazolyl)-carbonyl y)amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester).

(26) Heading 9902.29.87 (relating to Baytron M).

(27) Heading 9902.39.15 (relating to Baytron P).

(28) Heading 9902.39.30 (relating to certain ion-exchange resins).

(29) Heading 9902.28.01 (relating to thionyl chloride).

(30) Heading 9902.32.12 (relating to DEMT).

(31) Heading 9902.29.03 (relating to p-hydroxybenzoic acid).

(32) Headings 9902.29.83 and 9902.38.10 (relating to iminodisuccinate).

(33) Heading 9902.38.14 (relating to mesamoll).

(34) Heading 9902.38.15 (relating to Baytron C-R).

(35) Heading 9902.29.25 (relating to ortho-phenylphenol (OPP)).

(36) Heading 9902.38.31 (relating to Vulkalent E/C).
(37) Heading 9902.31.14 (relating to desmedipham).
(38) Heading 9902.31.13 (relating to phenmedipham).
(39) Heading 9902.30.16 (relating to diclofop methyl).
(40) Heading 9902.33.40 (relating to R115777).
(41) Heading 9902.29.10 (relating to imazalil).
(42) Heading 9902.29.22 (relating to Norbloc 7966).
(43) Heading 9902.38.09 (relating to Fungaflor 500 EC).
(44) Heading 9902.32.73 (relating to Solvent Blue 124).
(45) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide).
(46) Heading 9902.32.72 (relating to Solvent Blue 104).
(47) Heading 9902.34.01 (relating to sodium petroleum sulfonate).
(48) Heading 9902.29.71 (relating to isobornyl acetate).
(49) Heading 9902.29.70 (relating to certain TAED chemicals).
(50) Heading 9902.29.58 (relating to diethyl phosphorochidothioate).
(51) Heading 9902.29.17 (relating to 2,6-dichloroaniline).
(52) Heading 9902.29.59 (relating to benfluralin).
(53) Heading 9902.29.26 (relating to 1,3-diethyl-2-imidazolidinone).
(54) Heading 9902.29.06 (relating to diphenyl sulfide).
(55) Heading 9902.32.93 (relating to methoxyfenozide).
(56) Heading 9902.32.89 (relating to triazamate).
(57) Heading 9902.29.80 (relating to propiconazole).
(58) Heading 9902.32.92 (relating to β-Bromo-β-nitrostyrene).
(59) Heading 9902.29.61 (relating to quinoline).
(60) Heading 9902.29.25 (relating to 2-phenylphenol).
(61) Heading 9902.29.08 (relating to 3-amino-5-mercapto-1,2,4-triazole).
(62) Heading 9902.29.16 (relating to 4,4-dimethoxy-2-butanone).
(63) Heading 9902.32.87 (relating to fenbuconazole).
(64) Heading 9902.32.90 (relating to diiodomethyl-p-tolylsulfone).
(65) Heading 9902.28.16 (relating to propiophenone).
(66) Heading 9902.28.17 (relating to meta-chlorobenzaldehyde).
(67) Heading 9902.28.15 (relating to 4-bromo-2-fluoroacetanilide).
(68) Heading 9902.32.82 (relating to 2,6, dichlorotoluene).
(69) Heading 9902.80.05 (relating to cobalt boron).
(70) Heading 9902.72.02 (relating to ferroboron).
(71) Heading 9902.32.85 (relating to 4,4′ difluorobenzophenone).
(72) Heading 9902.29.34 (relating to certain light absorbing photo dyes).
(73) Heading 9902.29.38 (relating to certain imaging chemicals).
(74) Heading 9902.28.18 (relating to 3,5-dibromo-4-hydoxybenzonitril).
(75) Heading 9902.29.64 (relating to cyclanilide technical).
(76) Heading 9902.29.98 (relating to fipronil technical).
(77) Heading 9902.38.04 (relating to 3,5-dibromo-4-hydoxybenzonitril ester and inerts).
(78) Heading 9902.29.23 (relating to P-nitro toluene-o-sulfonic acid).
(79) Heading 9902.28.20 (relating to ammonium bifluoride).
(80) Heading 9902.39.01 (relating to poly(vinyl chloride) (PVC) self-adhesive sheets.
(81) Heading 9902.32.49 (relating to 11-aminoundecanoic acid).
(82) Heading 9902.69.01 (relating to certain high-end ceramic cutlery).

(b) OTHER MODIFICATIONS.—

(1) CERTAIN CATHODE-RAY TUBES.—Heading 9902.85.41 is amended—

(A) by striking ''1%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(2) ETHALFLURALIN.—Heading 9902.30.49 is amended—

(A) by striking ''3.5%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(3) DMDS.—Heading 9902.33.92 is amended—

(A) by striking ''2933.59.80'' and inserting ''2933.59.95''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(4) CERTAIN POLYAMIDES.—Heading 9902.39.08 is amended—

(A) by striking ''forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS Nos. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)'' and inserting ''ORGASOL® polyamide powders (provided for in subheading 3908.10.00 or 3908.90.70)''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(5) BUTRALIN.—Heading 9902.38.00 is amended by striking ''3808.31.15'' and inserting ''3808.30.15''.

(6) PRO-JET CYAN 1 RO FEED; PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.—

(A) IN GENERAL.—Paragraph (2) in each of sections 1222(c) and 1223(c) of the Tariff Suspension and Trade Act of 2000 are amended by striking ''January 1, 2001'' and inserting ''January 1, 2002''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect as if such amendments had been enacted immediately after the enactment of the Tariff Suspension and Trade Act of 2000.

(7) 2-METHYL-4-CHLOROPHENOXYACETIC ACID.—Heading 9902.29.81 is amended—

(A) in the general rate of duty column, by striking ''2.6%'' and inserting ''1.8%''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(8) STARANE F.—Heading 9902.29.77 is amended—

(A) in the general rate of duty column, by striking ''Free'' and inserting ''1.5%''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(9) TRIFLURALIN.—Heading 9902.29.02 is amended—

(A) by striking ''3.3%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(10) CERTAIN REDESIGNATIONS.—(A) The second heading 9902.29.02 (as added by section 1144 of the Tariff Suspension and Trade Act of 2000) is amended by redesignating such heading as heading 9902.05.33 and placing such heading in numerical sequence.

(B) The second heading 9902.39.07 (as added by section 1248 of the Tariff Suspension and Trade Act of 2000) by redesignating such heading as heading 9902.05.34 and placing such heading in numerical sequence.

(11) CERTAIN RAILWAY CAR BODY SHELLS.—(A) Heading 9902.86.07 is amended—

(i) in the article description, by striking ''138'' and inserting ''up to 150''; and

(ii) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

(B) Heading 9902.86.08 is amended—

(i) in the article description, by striking ''148'' and inserting ''140''; and

(ii) in the effective period column, by striking the date contained therein and inserting ''12/31/2006''.

SEC. 1452. PIGMENT YELLOW 154.

Heading 9902.32.18 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2002'' and inserting ''12/31/2006''.

SEC. 1453. PIGMENT YELLOW 175.

Heading 9902.32.19 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2002'' and inserting ''12/31/2006''.

SEC. 1454. PIGMENT RED 208.

Heading 9902.32.27 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2002'' and inserting ''12/31/2006''.

SEC. 1455. PIGMENT RED 187.

Heading 9902.32.22 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2002'' and inserting ''12/31/2006''.

SEC. 1456. PIGMENT RED 185.

Heading 9902.32.26 of the Harmonized Tariff Schedule of the United States is amended by striking ''12/31/2002'' and inserting ''12/31/2006''.

SEC. 1457. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2004.

(b) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Bureau of Customs and Border Protection before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any good—

(1) that was made on or after January 1, 2004, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty or a lower rate of duty if an amendment made by this chapter applied to such entry or withdrawal,

shall be liquidated or reliquidated as if such amendment applied to such entry or withdrawal.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1501. CERTAIN TRAMWAY CARS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for a liquidation or reliquidation of the entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is the entry on July 5, 2002, of 2 tramway cars (provided for in subheading 8603.10.00) manufactured in Plzen, Czech Republic, for the use of the city of Portland, Oregon (Entry number 529–0032191–1).

SEC. 1502. LIBERTY BELL REPLICA.

The Secretary of the Treasury shall admit free of duty a replica of the Liberty Bell imported from the Whitechapel Bell Foundry of London, England, by the Liberty Memorial Association of Green Bay and Brown County, Wisconsin, for use by the city of Green Bay, Wisconsin and Brown County, Wisconsin.

SEC. 1503. CERTAIN ENTRIES OF COTTON GLOVES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 6116.92.64 or subheading 6116.92.74; and

(2) shall reliquidate such merchandise under subheading 6116.92.88 at the rate of duty then applicable under such subheading.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	***Date of entry***
0397329–2	*02/02/00*
0395844–2	*12/15/99*
0394509–2	*09/27/99*
0393293–4	*08/11/99*
0391942–8	*06/21/99*
0389842–4	*04/01/99*
0387094–4	*12/21/98*
0386845–0	*12/16/98*
0385488–0	*10/28/98*
0384053–3	*09/01/98*
0382090–7	*06/04/98*
0381125–5	*04/11/98*
0289673–4	*01/26/98*
0288778–2	*12/10/97*
0288085–2	*11/07/97*
0386624–0	*08/02/97*
0284468–4	*04/29/97*
0283060–0	*03/10/97*
0281394–5	*11/27/96*
0274823–2	*01/10/96*
0274523–8	*12/22/95*
0274113–8	*11/30/95*
0273038–8	*10/13/95*
0272524–8	*09/14/95*
0272128–8	*08/23/95*
0271540–5	*07/27/95*
0270995–2	*07/03/95*
0270695–8	*06/09/95*
0269959–1	*05/09/95*
0269276–0	*04/04/95*
0265832–4	*11/02/94*
0264841–6	*09/08/94*

SEC. 1504. CERTAIN ENTRIES OF POSTERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	***Date of entry***
F1126496605	*09/24/00*
F1117735656	*10/18/00*
90100999235	*02/14/01*
90101010321	*04/23/01*
90101001700	*02/28/01*
28100674408	*04/25/01*
28100671081	*04/09/01*
28100670398	*04/06/01*
F1126187352	*06/19/00*
F1126530833	*10/05/00*
28100678433	*05/18/01*
90100999235	*04/14/01*
90101001700	*02/28/01*

SEC. 1505. CERTAIN ENTRIES OF POSTERS ENTERED IN 1999 AND 2000.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall—

(1) not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (c) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry; and

(2) within 90 days after such liquidation or reliquidation—

(A) refund any excess duties paid with respect to such entries, including interest from the date of entry; or

(B) relieve the importer of record of any excess duties, penalties, or fines associated with the excess duties.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to any entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	***Date of entry***
582–0002495–7	*September 2, 1999*
582–00938479	*November 19, 1999*
582–8905213–4	*March 8, 1999*
582–2250697–3	*February 21, 2000*
582–0197509–0	*February 18, 2000*
582–1296965–2	*February 20, 2000*
582–0212609–9	*March 1, 2000*
582–0215607–0	*March 3, 2000*
582–0242091–4	*March 24, 2000*
582–0046610–9	*October 12, 1999*
582–0251198–5	*March 31, 2000*
582–0002495–7	*September 2, 1999*
528–0088559–7	*November 16, 1999*
582–0093847–9	*November 19, 1999*
582–0068164–0	*October 29, 1999*
582–0163876–3	*January 20, 2000*
582–0136646–4	*December 22, 1999*
582–0126598–9	*December 15, 1999*
582–0111417–9	*December 3, 1999*
445–2163068–9	*November 14, 1999*
445–2161190–3	*September 6, 1999*
445–2163176–0	*November 18, 1999*
445–2164563–8	*January 13, 2000*
445–2166869–7	*April 12, 2000*
445–2162118–3	*October 10, 1999*
U16–0101858–7	*May 2, 2000*
182–0167758–2	*November 1, 2000*
445–21574465	*April 8, 1999*
445–21576098	*April 19, 1999*
445–21570216	*March 22, 1999*
445–21612422	*September 7, 1999*
445–21622611	*October 17, 1999*
445–21637700	*December 12, 1999*
445–21687804	*June 22, 2000*
445–21596443	*July 6, 1999*
ma704011174	*February 21, 2001*
ma704011232	*February 20, 2001*
ma704014616	*March 13, 2001*
ma704025497	*May 11, 2001*
445–03667865	*June 23, 2000*
445–03668798	*June 28, 2000*

SEC. 1506. CERTAIN ENTRIES OF 13–INCH TELEVISIONS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under the following subheadings with respect to which there would have been no duty or a lesser duty if the amendments made by section 1003 of the Miscellaneous Trade and Technical Corrections Act of 1999 had applied to such entry or withdrawal:

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act, and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
110–17072538	11/03/98	09/17/99
110–17091314	11/23/98	10/08/99
110–17091322	11/23/98	10/08/99
110–17216804	12/31/98	11/12/99
110–20748215	04/20/99	03/03/00
110–20762802	04/28/99	03/10/00
110–20848544	05/12/99	03/31/00
110–20848569	05/18/99	03/31/00
110–20988456	06/22/99	05/04/00
110–20993563	06/22/99	05/15/00
110–20997705	06/22/99	05/05/00
110–63822017	06/09/97	05/05/00
110–63822041	06/09/97	
110–63822082	06/09/97	
110–68575370	07/11/97	05/22/98
110–68575610	07/11/97	05/22/98
110–15093163	10/05/98	08/20/99
110–15173551	11/02/98	09/17/99
110–17091132	11/07/98	09/24/99
110–17217265	12/05/98	10/15/99
110–20762364	04/12/99	02/18/00
110–63822025	06/09/97	
110–75485118	02/12/98	12/28/98
110–75492643	02/12/98	12/28/98
110–75793447	07/07/98	05/21/99
110–20993704	06/20/99	05/05/00
110–66600972	06/07/97	04/17/98
110–66603414	06/14/97	
110–66603448	06/07/97	04/17/98
110–66617810	06/21/97	05/01/98
110–66618099	06/23/97	05/08/98
110–68156429	07/12/97	05/22/98
110–68165818	07/19/97	05/29/98
110–68165826	07/19/97	05/29/98
110–68171576	07/26/97	06/05/98
110–68175767	08/02/97	06/12/98
110–68177029	08/02/97	06/12/98
110–68217833	08/16/97	06/26/98
110–68220167	08/16/97	07/06/98
110–68220183	08/19/97	07/06/98
110–68233418	08/24/97	07/10/98
110–68234424	08/25/97	07/10/98
110–70008550	09/20/97	07/31/98
110–70014707	09/20/97	07/31/98
110–70014723	09/20/97	07/31/98
110–70014731	09/30/97	07/31/98
110–70014756	09/20/97	07/31/98
110–70014798	09/20/97	07/31/98
110–70100464	10/11/97	08/21/98
110–70106651	10/19/97	09/04/98
110–70106669	10/19/97	09/04/98
110–70112584	10/25/97	09/04/98
110–70113970	10/25/97	09/04/98
110–70113996	10/25/97	09/04/98
110–70115199	10/25/97	09/04/98
110–70190978	11/08/97	09/18/98
110–70192990	11/08/97	09/18/98
110–70198906	11/15/97	09/25/98
110–70198914	11/15/97	09/25/98
110–70204233	11/29/97	10/09/98
110–70204266	11/22/97	10/02/98
110–75399046	12/19/97	10/30/98
110–75399103	01/04/98	11/20/98
110–75481455	01/24/98	12/04/98
110–75485563	01/24/98	12/04/98
110–75494953	02/07/98	12/18/98
110–04901383	07/11/97	05/22/98
110–33326985	07/07/97	05/22/98
110–63019333	07/11/97	05/22/98
110–63821993	06/07/97	04/17/98
110–66600378	06/20/97	05/01/98
110–66601004	06/20/97	05/01/98
110–66603380	06/20/97	05/01/98
110–66625441	07/07/97	05/22/98
110–66626951	07/07/97	05/22/98
110–68175825	08/04/97	06/19/98
110–68182938	08/11/97	06/26/98
110–68184140	08/11/97	06/26/98
110–68184918	08/11/97	06/26/98
110–68184926	08/11/97	06/26/98
110–68184934	08/11/97	06/26/98
110–68184942	08/11/97	06/26/98
110–68229994	09/08/97	07/24/98
110–68230000	09/08/97	07/24/98
110–68230232	09/03/97	07/17/98
110–70009715	09/22/97	08/07/98
110–70024698	10/07/98	08/21/98
110–70028764	10/13/97	08/28/98
110–70028772	10/13/97	08/28/98
110–70103625	10/30/98	09/11/98
110–70186810	11/13/97	09/25/98
110–70190937	11/26/97	10/09/98
110–70192362	11/19/97	10/02/98
110–70199151	11/26/97	10/09/98
110–70204555	12/04/97	10/16/98
110–70204563	12/04/97	10/16/98
110–70206360	12/06/97	10/23/98
110–75399079	01/07/98	11/20/98
110–75492627	02/11/98	12/28/98
110–75492635	02/11/98	12/28/98
110–14975204	09/15/98	07/30/99
110–20848643	05/19/99	05/31/00
110–20988472	06/20/99	05/05/00
110–20993589	06/20/99	05/05/00
110–75485126	02/11/98	12/28/98
110–75793405	07/16/98	05/28/99
110–75793611	08/04/98	06/18/99
110–75931278	08/16/98	07/02/99
110–75938893	08/16/98	07/23/99

SEC. 1507. NEOPRENE SYNCHRONOUS TIMING BELTS.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries described in subsection (c).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of the entries under subsection (a), with interest accrued from the date of entry, shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRIES.—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Date of liquidation
469/00133193	07/06/89	11/22/91
469/00136022	07/28/89	11/22/91
469/00143135	09/26/89	02/09/90
469/00148969	11/08/89	03/02/90
469/00152565	12/06/89	03/30/90
469/00154785	12/28/89	11/29/91
469/00159461	02/01/90	11/22/91
469/00161921	02/26/90	11/22/91
469/00170237	04/24/90	11/22/91
469/00173546	05/21/90	11/22/91
469/00176218	06/06/90	03/13/92
469/00137038	08/08/89	11/29/91
469/00152599	12/06/89	03/30/90
469/00152607	12/06/89	04/06/90
469/00159610	02/06/90	11/29/91
469/00169205	04/17/90	08/10/90

SEC. 1508. CERTAIN ENTRIES OF ROLLER CHAIN.

(a) LIQUIDATION OR RELIQUIDATION OF ENTRIES.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of enactment of this Act, liquidate or reliquidate the entries listed in subsection (b) without assessment of antidumping duties or interest and shall refund any antidumping duties or interest which were previously paid.

(b) AFFECTED ENTRIES.—The entries referred to in subsections (a) and (b) are the following:

Entry number	Date of entry	Port
12606577	05/04/89	Columbia-Snake River (Portland, Oregon)
12606593	05/08/89	Columbia-Snake River (Portland, Oregon)
12607492	05/30/89	Columbia-Snake River (Portland, Oregon)
12608680	06/09/89	Columbia-Snake River (Portland, Oregon)
00054863	07/28/89	Columbia-Snake River (Portland, Oregon)
00056181	08/21/89	Columbia-Snake River (Portland, Oregon)
00057973	09/25/89	Columbia-Snake River (Portland, Oregon)
25761120	11/20/89	Columbia-Snake River (Portland, Oregon)
25767150	03/12/90	Columbia-Snake River (Portland, Oregon)
25767762	03/22/90	Columbia-Snake River (Portland, Oregon)
85–4232312	04/09/85	Columbia-Snake River (Portland, Oregon)
85–4237582	07/18/85	Columbia-Snake River (Portland, Oregon)
85–4238086	07/25/85	Columbia-Snake River (Portland, Oregon)
85–4238976	08/19/85	Columbia-Snake River (Portland, Oregon)
85–4464818	09/11/85	Columbia-Snake River (Portland, Oregon)
85–4466722	09/27/85	Columbia-Snake River (Portland, Oregon)
86–4307787	10/30/85	Columbia-Snake River (Portland, Oregon)
86–4310389	11/21/85	Columbia-Snake River (Portland, Oregon)
86–4311715	12/31/85	Columbia-Snake River (Portland, Oregon)
86–4312109	01/10/86	Columbia-Snake River (Portland, Oregon)
86–4317078	02/28/86	Columbia-Snake River (Portland, Oregon)
86–4318349	03/17/86	Columbia-Snake River (Portland, Oregon)
85–4235937	06/15/85	Columbia-Snake River (Portland, Oregon)
36074057	09/12/96	Columbia-Snake River (Portland, Oregon)
36071137	05/08/96	Columbia-Snake River (Portland, Oregon)
36078074	03/26/97	Columbia-Snake River (Portland, Oregon)
85–4464177	08/26/85	Columbia-Snake River (Portland, Oregon)
36077688	03/11/97	Columbia-Snake River (Portland, Oregon)
36072788	07/18/96	Columbia-Snake River (Portland, Oregon)
36074990	11/06/96	Columbia-Snake River (Portland, Oregon)
81–4139170	06/30/81	Columbia-Snake River (Portland, Oregon)
81–4139992	07/23/81	Columbia-Snake River (Portland, Oregon)
81–4140868	08/06/81	Columbia-Snake River (Portland, Oregon)
81–4140871	08/07/81	Columbia-Snake River (Portland, Oregon)
81–4141469	08/28/81	Columbia-Snake River (Portland, Oregon)
81–4142219	09/23/81	Columbia-Snake River (Portland, Oregon)
82–4139364	11/03/81	Columbia-Snake River (Portland, Oregon)
82–4140939	12/02/81	Columbia-Snake River (Portland, Oregon)
82–4141598	12/15/81	Columbia-Snake River (Portland, Oregon)
82–4142571	01/14/82	Columbia-Snake River (Portland, Oregon)
82–4143499	03/02/82	Columbia-Snake River (Portland, Oregon)

Entry number	Date of entry	Port
82–4145390	04/01/82	Columbia-Snake River (Portland, Oregon)
82–4146179	04/22/82	Columbia-Snake River (Portland, Oregon)
82–4147932	06/02/82	Columbia-Snake River (Portland, Oregon)
82–4148601	06/22/82	Columbia-Snake River (Portland, Oregon)
82–4149626	07/29/82	Columbia-Snake River (Portland, Oregon)
82–4150291	08/10/82	Columbia-Snake River (Portland, Oregon)
82–4151203	09/14/82	Columbia-Snake River (Portland, Oregon)
83–4124149	10/07/82	Columbia-Snake River (Portland, Oregon)
83–4124547	10/14/82	Columbia-Snake River (Portland, Oregon)
83–4125342	11/08/82	Columbia-Snake River (Portland, Oregon)
83–4125407	11/15/82	Columbia-Snake River (Portland, Oregon)
83–4126011	12/08/82	Columbia-Snake River (Portland, Oregon)
83–4126448	12/21/82	Columbia-Snake River (Portland, Oregon)
83–4126927	12/29/82	Columbia-Snake River (Portland, Oregon)
83–4127191	01/10/83	Columbia-Snake River (Portland, Oregon)
83–4129050	02/28/83	Columbia-Snake River (Portland, Oregon)
83–4129678	03/17/83	Columbia-Snake River (Portland, Oregon)
83–4129937	03/30/83	Columbia-Snake River (Portland, Oregon)
83–4131491	04/29/83	Columbia-Snake River (Portland, Oregon)
83–4133460	06/15/83	Columbia-Snake River (Portland, Oregon)
84–4154743	11/29/83	Columbia-Snake River (Portland, Oregon)
84–4161972	04/18/84	Columbia-Snake River (Portland, Oregon)
84–4163543	05/22/84	Columbia-Snake River (Portland, Oregon)
84–4164568	06/13/84	Columbia-Snake River (Portland, Oregon)
84–4161972	06/18/84	Columbia-Snake River (Portland, Oregon)
84–4165758	07/06/84	Columbia-Snake River (Portland, Oregon)
84–4421214	07/30/84	Columbia-Snake River (Portland, Oregon)
84–4421366	08/06/84	Columbia-Snake River (Portland, Oregon)
84–4421418	08/22/84	Columbia-Snake River (Portland, Oregon)
84–4424389	09/21/84	Columbia-Snake River (Portland, Oregon)
85–4220094	10/03/84	Columbia-Snake River (Portland, Oregon)
85–4220816	10/11/84	Columbia-Snake River (Portland, Oregon)
85–4221527	10/25/84	Columbia-Snake River (Portland, Oregon)
85–4222199	11/07/84	Columbia-Snake River (Portland, Oregon)
85–4222856	11/15/84	Columbia-Snake River (Portland, Oregon)
85–4224126	12/10/84	Columbia-Snake River (Portland, Oregon)
85–4225413	01/15/85	Columbia-Snake River (Portland, Oregon)
85–4230071	02/28/85	Columbia-Snake River (Portland, Oregon)
85–4231070	03/18/85	Columbia-Snake River (Portland, Oregon)
85–4234828	05/21/85	Columbia-Snake River (Portland, Oregon)
85–4237524	07/15/85	Columbia-Snake River (Portland, Oregon)
12561053	05/13/87	Columbia-Snake River (Portland, Oregon)
12563349	06/20/87	Columbia-Snake River (Portland, Oregon)
12564826	07/19/87	Columbia-Snake River (Portland, Oregon)
12567126	08/20/87	Columbia-Snake River (Portland, Oregon)
12568835	09/18/87	Columbia-Snake River (Portland, Oregon)
12570963	10/21/87	Columbia-Snake River (Portland, Oregon)
12574346	12/15/87	Columbia-Snake River (Portland, Oregon)
12574619	12/23/87	Columbia-Snake River (Portland, Oregon)
12577752	02/03/88	Columbia-Snake River (Portland, Oregon)
25768422	04/09/90	Columbia-Snake River (Portland, Oregon)
25768752	04/16/90	Columbia-Snake River (Portland, Oregon)
25770750	05/15/90	Columbia-Snake River (Portland, Oregon)
25770758	05/22/90	Columbia-Snake River (Portland, Oregon)
25772333	06/26/90	Columbia-Snake River (Portland, Oregon)
25773828	07/25/90	Columbia-Snake River (Portland, Oregon)
20281783	08/22/90	Columbia-Snake River (Portland, Oregon)
20281809	08/24/90	Columbia-Snake River (Portland, Oregon)
20288762	10/08/90	Columbia-Snake River (Portland, Oregon)
20291360	11/01/90	Columbia-Snake River (Portland, Oregon)
20296245	11/29/90	Columbia-Snake River (Portland, Oregon)
20300369	01/04/91	Columbia-Snake River (Portland, Oregon)
20305772	02/19/91	Columbia-Snake River (Portland, Oregon)
83–4130751	04/18/83	Columbia-Snake River (Portland, Oregon)
83–4131365	05/04/83	Columbia-Snake River (Portland, Oregon)
83–4132649	06/02/83	Columbia-Snake River (Portland, Oregon)
83–4133486	06/23/83	Columbia-Snake River (Portland, Oregon)
83–4134935	07/27/83	Columbia-Snake River (Portland, Oregon)
83–4135617	08/15/83	Columbia-Snake River (Portland, Oregon)
83–4136056	08/30/83	Columbia-Snake River (Portland, Oregon)
83–4137178	09/23/83	Columbia-Snake River (Portland, Oregon)
84–4152253	10/12/83	Columbia-Snake River (Portland, Oregon)
84–4153689	11/04/83	Columbia-Snake River (Portland, Oregon)
84–4154662	11/29/83	Columbia-Snake River (Portland, Oregon)
84–4156110	12/29/83	Columbia-Snake River (Portland, Oregon)
84–4156709	01/13/84	Columbia-Snake River (Portland, Oregon)
84–4157245	01/25/84	Columbia-Snake River (Portland, Oregon)
84–4158419	02/13/84	Columbia-Snake River (Portland, Oregon)
84–4158956	02/27/84	Columbia-Snake River (Portland, Oregon)
84–4160672	03/29/84	Columbia-Snake River (Portland, Oregon)
85–4236596	06/28/85	Columbia-Snake River (Portland, Oregon)
12581978	04/06/88	Columbia-Snake River (Portland, Oregon)
12586944	06/22/88	Columbia-Snake River (Portland, Oregon)
12588411	07/14/88	Columbia-Snake River (Portland, Oregon)
12590052	08/10/88	Columbia-Snake River (Portland, Oregon)
12591464	08/31/88	Columbia-Snake River (Portland, Oregon)
12592843	09/21/88	Columbia-Snake River (Portland, Oregon)
12594153	10/06/88	Columbia-Snake River (Portland, Oregon)
12594526	10/12/88	Columbia-Snake River (Portland, Oregon)
12595051	10/21/88	Columbia-Snake River (Portland, Oregon)
12600166	01/11/89	Columbia-Snake River (Portland, Oregon)
12604259	03/25/89	Columbia-Snake River (Portland, Oregon)
85–4221705	10/29/84	Columbia-Snake River (Portland, Oregon)
85–4422876	05/25/85	Los Angeles, California
81–1328861		Honolulu, Hawaii
85–1340139	11/19/84	Honolulu, Hawaii
83–1310040	10/21/82	Honolulu, Hawaii
84–1326082	11/16/83	Honolulu, Hawaii

Entry number	Date of entry	Port
86–1129340	10/17/85	Honolulu, Hawaii
86–1135525	03/11/86	Honolulu, Hawaii
85–2326987	04/22/85	San Francisco, California
31585289	04/02/96	San Francisco, California
31594950	12/02/96	San Francisco, California
82–1627918	04/27/82	San Francisco, California
83–1668145	10/19/82	San Francisco, California
83–1671640	11/05/82	San Francisco, California
83–1689496	12/23/82	San Francisco, California
07202257	05/23/90	San Francisco, California
07204287	09/05/90	San Francisco, California
84–2390622	07/12/84	Seattle, Washington

SEC. 1509. DRAWBACK CLAIM RELATING TO JUICES ENTERED IN APRIL 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate the entry described in subsection (c) at the full amount claimed in such entry.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the reliquidation under subsection (a) shall be paid by the Customs Service within 90 days after such reliquidation.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is as follows:

Entry Number	Date of Entry	Date of Liquidation
032–0001141–3	04/28/93	06/25/99

SEC. 1510. DRAWBACK CLAIM RELATING TO JUICES ENTERED IN MARCH 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate the entry described in subsection (c) at the full amount claimed in such entry.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the reliquidation under subsection (a) shall be paid by the Customs Service within 90 days after such reliquidation.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is as follows:

Entry Number	Date of Entry	Date of Liquidation
032–0001138–9	03/30/94	06/25/99

SEC. 1511. CERTAIN ENTRIES PREMATURELY LIQUIDATED IN ERROR.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate those entries described in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce, and the final results of the administrative reviews, for entries made on or after December 1, 1993, and before April 1, 2001.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
669–26046013	02/09/94	07/12/96
112–62707166	02/12/94	05/14/99
669–26046716	03/05/94	07/12/96
669–26046997	03/16/94	07/12/96
669–26047094	03/22/94	07/12/96
669–26047508	04/03/94	07/12/96
225–41000430	04/11/94	07/29/94
669–26047862	04/19/94	07/12/96
669–26048027	04/22/94	07/12/96
669–26048050	04/22/94	07/12/96
669–26048068	04/22/94	07/12/96
669–26049199	06/05/94	07/12/96
051–01380045	06/14/94	06/21/96
225–21019541	07/02/94	Unknown
669–26050742	07/20/94	07/12/96
669–26051294	08/16/94	07/19/96
669–26051377	08/17/94	07/12/96
669–26051401	08/23/94	07/19/96
051–01378452	09/01/94	08/16/96
669–26051906	09/06/94	07/19/96
669–26052714	10/05/94	07/19/96
669–26054629	01/02/95	07/12/96
669–26054918	01/21/95	07/12/96
669–00985582	02/17/95	09/17/99
225–41030148	05/01/95	01/20/95
112–85106669	06/07/95	02/25/00
112–80968196	08/03/95	11/17/95
669–26059347	09/02/95	07/12/96
112–79650961	09/27/95	12/29/95
669–28017335	10/06/95	06/14/96
112–05038720	05/01/96	08/02/96
112–17629326	01/06/97	04/18/97
112–17629326	03/12/97	04/18/97
669–01225053	06/12/97	10/15/99
669–01223637	06/25/97	10/08/99
669–01225418	06/25/97	10/08/99
669–01225913	06/27/97	10/08/99
669–01227380	07/03/97	10/08/99
669–01232166	07/07/97	10/08/99
669–01230533	07/09/97	10/08/99
669–01236357	07/30/97	10/08/99
100–47966294	08/08/97	08/26/99
669–01241811	08/13/97	10/08/99
669–01245838	08/27/97	10/08/99
669–01247933	09/04/97	10/15/99
669–01251448	09/21/97	10/08/99
669–01254020	09/24/97	10/08/99
669–01256801	10/01/97	10/08/99
669–01259466	10/15/97	10/08/99
669–01260753	10/15/97	10/08/99
669–01261363	10/16/97	10/08/99
669–01262650	10/22/97	10/08/99
669–01263856	10/24/97	10/08/99
669–01267337	11/06/97	10/08/99
669–01269200	11/12/97	10/08/99
669–01271784	11/20/97	10/08/99
669–01271800	11/23/97	10/08/99
669–01272907	11/30/97	10/08/99
669–01273673	11/30/97	10/08/99
669–01274119	11/30/97	10/08/99
669–01276585	12/04/97	10/08/99
669–01278763	12/14/97	10/15/99
669–01283441	12/30/97	10/08/99
669–01296948	01/09/98	10/08/99
669–01292186	01/22/98	10/08/99
669–04201964	01/23/98	10/08/99
112–14206987	01/23/98	02/22/99
669–01295130	02/01/98	10/08/99
669–01296955	02/05/98	10/08/99
669–01297649	02/12/98	10/08/99
669–01298530	02/12/98	10/08/99
669–01302126	02/21/98	10/08/99
669–01302134	02/21/98	10/08/99
669–01302530	02/21/98	10/08/99
669–01303546	02/21/98	10/08/99
669–01304569	02/27/98	10/08/99
669–01305947	03/05/98	10/08/99
669–01306978	03/07/98	10/08/99
669–01306986	03/07/98	10/08/99
669–01307554	03/12/98	10/08/99
669–01312711	03/14/98	10/08/99
669–28050047	03/20/98	04/02/99
669–01312703	03/21/98	10/08/99
669–01318072	04/07/98	10/08/99
669–01324781	04/24/98	10/08/99
669–01325218	04/25/98	10/08/99
669–01327586	04/30/98	10/08/99
669–01330283	May–98	10/08/99
669–01332081	May–98	10/08/99
112–35098876	05/08/98	04/02/99
669–01332081	05/16/98	10/08/99
669–01335357	05/26/98	10/08/99
700–07050910	05/30/98	03/24/00
110–54366892	06/03/98	04/16/99
112–38590861	09/09/98	07/23/99
112–01742119	04/20/99	08/09/96
110–64694523	10/07/99	10/01/99

SEC. 1512. CERTAIN POSTERS ENTERED DURING 2000 AND 2001.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 of the Harmonized Tariff Schedule of the United States at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 of the Harmonized Tariff Schedule of the United States on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
F1126496605	09–24–00
F1117735656	10–18–00
90100999235	02–14–01
90101010321	04–23–01
90101001700	02–28–01
28100674408	04–25–01
28100671081	04–09–01
28100670398	04–06–01
F1126187352	06–19–00
F1126530833	10–05–00
28100678433	05–18–01
90100999235	04–14–01
90101001700	02–28–01

SEC. 1513. CERTAIN OTHER ENTRIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) by applying the column 1 general rate of duty of the Harmonized Tariff Schedule of the United States to each entry that is liquidated or reliquidated, regardless of whether the entry was made under the column 1 special rate of duty of such schedule.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only upon a request therefor is filed with the Customs Service.

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due to the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the ports of Laredo, Texas (designated as port of entry 2304), Hidalgo, Texas (designated as port of entry 2305), and Wilmington, Delaware (designated as port of entry 1103), are as follows:

Entry number	Port of Entry	Date of Entry
95300618568	2305	02/22/95
95300618576	2305	02/22/95
95300619236	2305	02/27/95
95300619277	2305	02/27/95
95300619806	2305	03/02/95
95300619871	2305	03/02/95
95300620142	2305	03/07/95

Entry number	Port of Entry	Date of Entry
95300620176	2305	03/03/95
95300620184	2305	03/03/95
95300620911	2305	03/07/95
95300635133	2305	04/07/95
95300635141	2305	04/07/95
95300635950	2305	04/12/95
95300635968	2305	04/12/95
95300636370	2305	04/14/95
95300636388	2305	04/14/95
95300640554	2305	05/09/95
95300640653	2305	05/10/95
95300656592	2304	11/05/95
95300657665	2304	11/29/95
95300657756	2304	12/02/95
95300658358	2304	12/16/95
95300658408	2304	12/17/95
95300658572	2304	12/19/95
95300658648	2304	12/22/95
95300658754	2304	12/22/95
95300658945	2304	12/27/95
95300659018	2304	12/28/95
95300659117	2304	12/29/95
95300659208	2304	01/02/96
95300659398	2304	01/05/96
95300659513	2304	01/08/96
95300659547	2304	01/09/96
95300659679	2304	01/11/96
95300659737	2304	01/14/96
95300659794	2304	01/13/96
95300659810	2304	01/14/96
95300659844	2304	01/15/96
95300659851	2304	01/15/96
95300659901	2304	01/16/96
95300659919	2304	01/16/96
95300659935	2304	01/17/96
95300660065	2304	01/18/96
95300660107	2304	01/19/96
95300660172	2304	01/22/96
95300660180	2304	01/22/96
95300660248	2304	01/22/96
95300660362	2304	01/23/96
95300660388	2304	01/24/96
95300660560	2304	01/25/96
95300660743	2304	01/27/96
95300660818	2304	01/29/96
95300660826	2304	01/29/96
95300704053	2305	05/16/95
95300704061	2305	05/16/95
95300704889	2305	05/22/95
95300704897	2305	05/22/95
95300705886	2305	05/31/95
95300705969	2305	05/30/95
95300706900	2305	06/09/95
95300706926	2305	06/09/95
95300752656	2305	02/02/96
95300752698	2305	02/04/96
95300752805	2305	02/05/96
95300752813	2305	02/05/96
95300752870	2305	02/06/96
95300752904	2305	02/06/96
95300753001	2305	02/07/96
95300753076	2305	02/09/96
R7410350736	1103	11/29/95
R7410350769	1103	11/29/95
R7410350801	1103	11/29/95
R7410350835	1103	11/29/95
T8500081575	2305	06/16/95
T8500081591	2305	06/16/95
T8500081716	2305	06/20/95
T8500081724	2305	06/20/95
T8500081815	2305	06/27/95
T8500081823	2305	06/28/95
T8500081922	2305	06/27/95
T8500081930	2305	06/27/95
T8500082052	2305	07/01/95
T8500082060	2305	07/01/95
T8500082326	2305	07/14/95
T8500082342	2305	07/14/95
T8500082458	2305	07/22/95
T8500082482	2305	07/22/95
T8500082508	2305	07/24/95
T8500082516	2305	07/24/95
T8500082581	2305	07/30/95
T8500082599	2305	07/30/95
T8500082656	2305	08/03/95
T8500082664	2305	08/03/95
T8500082748	2305	08/09/95
T8500082797	2305	08/10/95
T8500082839	2305	08/14/95
T8500082847	2305	08/14/95
T8500084462	2305	10/22/95

SEC. 1514. CERTAIN RAILWAY PASSENGER COACHES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for a liquidation or reliquidation of the entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is the entry on July 12, 2002, of railway passenger coaches (provided for in subheading 8605.00.00) (Entry number 2210888343–4).

SEC. 1515. CERTAIN ENTRIES OF VANADIUM CARBIDES AND VANADIUM CARBONITRIDE.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service, shall, not later than 180 days after receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of its entry or release from warehouse for consumption, was classified under subheading 2849.90.50 of the Harmonized Tariff Schedule of the United States, at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated at the Special rate of duty for such subheading 2849.90.50 on the date of entry without regard to the country of origin of such merchandise.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Baltimore, are as follows:

Entry date	Entry number	Estimated liquidation date
08/07/98	788–3827590–3	06/20/99
08/07/98	788–3827650–5	06/20/99
08/21/98	788–3830120–4	07/01/99
09/18/98	788–3838000–0	07/25/99
09/26/98	788–3842300–8	08/08/99
10/02/98	788–3842310–7	08/16/99
09/26/98	320–6	08/08/99
10/08/98	788–3844370–9	08/16/99
10/22/98	788–3850440–1	09/01/99
10/22/98	788–3850450–0	09/01/99
11/06/98	788–3853680–9	09/22/99
11/06/98	788–3853690–8	09/22/99
11/13/98	788–3853730–2	10/02/99
11/12/98	788–3855290–5	09/22/99
11/19/98	788–3855300–2	09/27/99
12/27/98	788–3868050–8	11/09/99
02/09/99	788–3877120–8	11/09/99
02/09/99	788–3877130–7	11/09/99
03/05/99	788–3883260–4	12/09/99
03/02/99	788–3883270–3	11/22/99
03/26/99	788–3888540–4	11/26/99
04/01/99	788–3888550–3	12/06/99
04/11/99	788–3889130–3	12/16/99
04/16/99	788–3896360–7	12/26/99
04/30/99	788–3897150–1	01/10/00
04/30/99	788–3897160–0	01/10/00
04/25/99	788–3897170–9	01/18/00
06/11/99	788–3913450–5	02/20/00
06/18/99	788–3915060–0	02/22/00
07/09/99	788–3921190–7	03/08/00
07/12/99	788–3923420–6	03/08/00
07/23/99	788–3925480–8	03/18/00
07/30/99	788–3929180–0	03/28/00
07/30/99	788–3929190–9	03/28/00
08/06/99	788–3929200–6	04/10/00
08/06/99	788–3929210–5	04/10/00
08/13/99	788–3931300–0	04/20/00
08/13/99	788–3931310–9	04/20/00
08/28/99	788–3936980–4	04/28/00
08/20/99	788–3936990–3	04/28/00
09/10/99	788–3938010–5	05/06/00
10/08/99	788–3948100–5	05/22/00
10/08/99	788–3948110–4	05/22/00
10/08/99	788–3948120–3	05/22/00
10/15/99	788–3951910–1	05/28/00
10/15/99	788–3951920–0	05/28/00
10/15/99	788–3951930–9	05/28/00
10/29/99	788–3957960–1	06/01/00
10/29/99	788–3957950–0	06/01/00
11/10/99	788–3959830–3	06/15/00
11/13/99	788–3961730–1	06/18/00
11/13/99	788–3961740–0	06/18/00
12/02/99	788–3966670–4	07/05/00
12/02/99	788–3966680–3	07/05/00
12/13/99	788–3971200–3	07/12/00
12/13/99	788–3971210–2	07/12/00

SEC. 1516. STEEL WIRE ROPE ENTRIES.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate the entries made at various ports, which are listed in subsection (c) in accordance with the final results of the administrative reviews covering the period from March 1, 1996, through February 29, 1997, undertaken by the International Trade Administration of the Department of Commerce with respect to such entries (Case Number A–580–811).

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a), with interest provided for by law on the liquidation or reliquidation of the entries, shall be paid by the Customs Service not later than 90 days after such liquidation or reliquidation.

(c) ENTRIES.—The entries referred to in subsection (a) are the following:

Entry Number	Entry Date
FB30161863–0	08/04/98
FB30162418–2	08/24/98
FB30163470–2	09/15/98
AK50021515–2	11/09/98
GL50600293–7	11/19/98
K800849688–8	09/18/98
AK50022148–1	01/25/99
AK50022311–5	02/08/99

SEC. 1517. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN APRIL 10, 1989, AND AUGUST 20, 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the

entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
084–0520091–9	04–10–89
084–0520094–3	04–10–89
084–052031–2	11–27–89
084–0520681–7	05–25–89
084–0520983–7	06–12–89
084–0520984–5	06–12–89
084–0521156–9	07–04–89
084–0521157–7	07–04–89
084–0521401–9	07–31–89
084–0521935–6	09–29–89
084–0521937–2	09–12–89
084–0521938–0	10–05–89
084–0522166–7	10–17–89
084–0522167–5	10–17–89
084–0522169–1	10–17–89
084–0522292–1	10–25–89
084–0522293–9	10–25–89
084–0522405–9	11–08–89
084–0522406–7	11–08–89
084–0522407–5	11–08–89
084–0522456–2	11–08–89
084–0522457–0	11–16–89
084–0522458–8	11–16–89
084–0522567–6	11–13–89
084–0522568–4	11–13–89
084–0522644–3	11–16–89
084–0523018–9	11–16–89
084–0523029–6	11–27–89
084–0523030–4	11–27–89
084–0523031–2	11–27–89
084–0522931–4	12–07–89
084–0522932–2	12–07–89
084–0522933–0	12–07–89
614–2718812–5	01–10–90
614–2718814–1	01–16–90
614–2119422–2	01–18–90
614–2718813–3	01–22–90
614–2718811–7	01–23–90
614–2719578–1	01–29–90
614–2719579–9	03–01–90
602–0147021–2	03–02–90
602–0147023–8	03–02–90
602–0147277–0	03–12–90
602–0147116–0	03–20–90
084–0524420–6	03–21–90
084–0524687–0	04–19–90
084–0524689–6	04–19–90
084–0524690–4	04–10–90
084–0528252–9	04–05–91
084–0521688–8	04–19–90
084–0532277–0	04–15–92
084–0532278–8	04–15–92
084–0532279–6	04–15–92
084–0532280–4	04–15–92
084–0532281–2	04–15–92
084–0528346–9	04–18–91
084–0537712–1	08–20–93
084–0537713–9	08–20–93
084–0537714–7	08–20–93

SEC. 1518. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN APRIL 5, 1991, AND MAY 9, 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
084–0528252–9	04–05–91
084–0528511–8	05–03–91
084–0528512–6	05–03–91
084–0528682–7	05–22–91
084–0528767–6	05–22–91
084–0528906–0	06–05–91
084–0529135–5	07–05–91
084–0529343–5	07–21–91
084–0529344–3	07–21–91
084–0529345–0	07–21–91
084–0529490–4	08–08–91
084–0529491–2	08–08–91
084–0529694–1	08–29–91
084–0529724–6	08–23–91
084–0529725–3	08–23–91
084–0529894–7	09–24–91
084–0529939–0	09–24–91
084–0529940–8	09–24–91
084–0530235–0	10–15–91
084–0530236–8	10–15–91
084–0530380–4	10–29–91
084–0530381–2	10–29–91
084–0530525–4	11–08–91
084–0530526–2	11–08–91
084–0530642–7	11–15–91
084–0530643–5	11–15–91
084–0531008–0	12–10–91
084–0531009–8	12–10–91
084–0531193–0	12–30–91
084–0531194–8	12–30–91
084–0531570–9	02–06–92
084–0531571–7	02–06–92
084–0531696–2	02–12–92
084–0531697–0	02–12–92
084–0531698–8	02–12–92
084–0531699–6	02–12–92
084–0531781–2	02–22–92
084–0531782–0	02–22–92
084–0531927–1	03–11–92
084–0531928–9	03–11–92
084–0531961–0	03–11–92
084–0531962–8	03–11–92
084–0532034–5	03–18–92
084–0532035–2	03–18–92
084–0532036–0	03–18–92
084–0532037–8	03–18–92
084–0532211–9	04–04–92
084–0532212–7	04–04–92
084–0532213–5	04–04–92
084–0532215–0	04–04–92
084–0537004–3	06–18–93
084–0537413–6	07–17–93
084–0537414–4	07–17–93
084–0532432–1	05–02–92
084–0532433–9	05–02–92
084–0532434–7	05–02–92
084–0532435–4	05–02–92
084–0532436–2	05–02–92
084–0532526–0	05–09–92

SEC. 1519. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN MAY 9, 1992, AND SEPTEMBER 18, 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
084–0532527–8	05–09–92
084–0532938–7	06–13–92
084–0532939–5	06–13–92
084–0533381–9	07–29–92
084–0533382–7	07–29–92
084–0533383–5	07–29–92
084–0533384–3	07–29–92
084–0533732–3	09–01–92
084–0533823–0	09–01–92
084–0533824–8	09–01–92
084–0534010–3	09–19–92
084–0534052–5	09–26–92
084–0534199–4	10–06–92
084–0534205–9	10–14–92
084–0534206–7	10–14–92
084–0534207–5	10–14–92
084–0534669–6	11–18–92
084–0534670–4	11–18–92
084–0534930–2	11–28–92
084–0535157–1	12–23–92
084–0535311–4	01–09–93
084–0535312–2	01–02–93
084–0535441–9	01–09–93
084–0535578–8	01–27–93
084–0535694–3	02–07–93
084–0535695–0	02–07–93
084–0535854–3	02–24–93
084–0535855–0	02–24–93
084–0535857–6	02–24–93
084–0535858–4	02–24–93
084–0535859–2	02–24–93
084–0536160–4	03–28–93
084–0536291–7	04–07–93
084–0536292–5	04–07–93
084–0536357–6	04–11–93
084–0536361–8	04–11–93
084–0536362–6	04–11–93
084–0536424–4	05–02–93
084–0536518–3	05–02–93
084–0536519–1	05–02–93
084–0536727–0	05–23–93
084–0536839–3	05–29–93
084–0536840–1	05–29–93
084–0536841–9	05–29–93
084–0536842–7	05–29–93
084–0537443–3	07–31–93
084–0537444–1	07–31–93
084–0538038–0	09–18–93
084–0538039–8	09–18–93
084–0538040–6	09–18–93

SEC. 1520. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN SEPTEMBER 18, 1993, AND JULY 25, 1994.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located and to confirm that the entry consists of tomato sauce preparations properly classifiable under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
084–0538041–4	09–18–93
084–0538311–1	10–17–93
084–0538312–9	10–17–93
084–0538314–5	10–17–93
084–0538345–9	10–23–93
084–0538346–7	10–23–93
084–0538347–5	10–23–93
084–0538628–8	11–06–93
084–0538797–1	11–27–93
084–0538798–9	11–27–93
084–0538800–3	12–05–93
084–0538801–1	11–27–93
084–0538818–5	12–05–93
084–0538979–5	12–11–93
084–0539185–8	01–02–94
084–0539310–2	01–16–94
084–0539554–5	02–06–94
084–0539555–2	02–06–94
084–0539556–0	02–06–94
084–0539557–8	02–06–94
084–0539599–0	02–11–94
084–0539600–6	02–11–94
084–0539664–2	02–22–94
084–0539665–9	02–22–94
084–0539666–7	02–22–94
084–0539791–3	03–06–94
084–0539793–9	03–06–94
084–0539794–7	03–06–94
084–0539876–2	03–13–94
084–0540033–7	03–27–94
084–0540034–5	03–28–94
084–0540142–6	04–11–94
084–0540143–4	04–11–94
084–0540144–2	04–11–94
084–0540145–9	04–11–94
084–0540224–2	04–17–94
084–0540368–7	05–01–94
084–0540369–5	05–01–94
084–0540370–3	05–01–94
084–0540372–9	05–01–94
084–0540737–3	06–05–94
084–0540966–8	06–26–94
084–0541257–1	07–25–94
084–0541258–9	07–25–94

SEC. 1521. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN NOVEMBER 22, 1989, AND MARCH 7, 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
01401–788–1003829–5	11/22/89
01401–788–1004108–3	02/01/90
01401–788–1004162–0	02/15/90
01401–788–1004246–1	03/07/90

SEC. 1522. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN MARCH 14, 1990, AND SEPTEMBER 29, 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
01401–788–1004263–6	3/14/90
01401–788–1004300–6	3/19/90
24601–237–0043486–5	9/04/90
24601–237–0043490–7	9/06/90
24601–237–0043489–9	9/06/90
24601–237–0043532–6	9/09/90
24601–237–0043533–4	9/09/90
24601–237–0043534–2	9/09/90
24601–237–0043535–9	9/09/90
24601–237–0043536–7	9/09/90
24601–237–0043537–5	9/09/90
24601–237–0043538–3	9/09/90
24601–237–0043539–1	9/09/90
24601–237–0043531–8	9/10/90
24601–237–0043557–3	9/13/90
24601–237–0043558–1	9/13/90
24601–237–0043559–9	9/13/90
24601–237–0043562–3	9/13/90
24601–237–0043563–1	9/13/90
24601–237–0043565–6	9/13/90
24601–237–0043566–4	9/13/90
24601–237–0043567–2	9/13/90
24601–237–0043564–9	9/13/90
24601–237–0043573–0	9/18/90
24601–237–0043581–3	9/18/90
24601–237–0043582–1	9/18/90
24601–237–0043583–9	9/18/90
24601–237–0043584–7	9/18/90
24601–237–0043585–4	9/18/90
24601–237–0043629–0	9/27/90
24601–237–0043630–8	9/27/90
24601–237–0043631–6	9/27/90
24601–237–0043632–4	9/27/90
24601–237–0043633–2	9/27/90
24601–237–0043634–0	9/27/90
24601–237–0043635–7	9/27/90
24601–237–0043636–5	9/27/90
24601–237–0043637–3	9/27/90
24601–237–0043638–1	9/29/90
24601–237–0043639–9	9/29/90
24601–237–0043640–7	9/29/90
24601–237–0043648–0	9/29/90
24601–237–0043641–5	9/29/90

SEC. 1523. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN OCTOBER 6, 1990, AND NOVEMBER 1, 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0043690–2	10/06/90
24601–237–0043691–0	10/06/90
24601–237–0043692–8	10/06/90
24601–237–0043693–6	10/06/90
24601–237–0043694–4	10/06/90
24601–237–0043695–1	10/06/90
24601–237–0043696–9	10/06/90
24601–237–0043698–5	10/06/90
72809–442–0321942–1	10/10/90
72809–442–0322201–1	10/12/90
24601–237–0043751–2	10/13/90
24601–237–0043756–1	10/13/90
24601–237–0043772–8	10/13/90
24601–237–0043754–6	10/13/90
24601–237–0043762–9	10/13/90
24601–237–0043755–3	10/13/90
24601–237–0043709–0	10/14/90
24601–237–0043710–8	10/14/90
24601–237–0043711–6	10/14/90
24601–237–0043712–4	10/14/90
24601–237–0043713–2	10/14/90
45201–815–0141984–0	10/18/90
24601–237–0043796–7	10/19/90
24601–237–0043798–3	10/19/90
24601–237–0043800–7	10/19/90
24601–237–0043801–5	10/19/90
24601–237–0043802–3	10/19/90
24601–237–0043797–5	10/19/90
24601–237–0043799–1	10/19/90
72704–442–1163101–3	10/22/90
24601–237–0043818–9	10/24/90
24601–237–0043834–6	10/25/90
24601–237–0043835–3	10/25/90
24601–237–0043836–1	10/25/90
24601–237–0043841–1	10/25/90
24601–237–0043842–9	10/25/90
24601–237–0043843–7	10/25/90
24601–237–0043838–7	10/25/90
24601–237–0043839–5	10/25/90
24601–237–0043837–9	10/25/90
24601–237–0043840–3	10/25/90
72704–442–1164274–7	11/01/90

SEC. 1524. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN NOVEMBER 3, 1990, AND DECEMBER 15, 1990.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry

described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0043907–0	11/03/90
24601–237–0043914–6	11/03/90
24601–237–0043916–1	11/03/90
24601–237–0043917–9	11/03/90
24601–237–0043918–7	11/03/90
24601–237–0043905–4	11/03/90
24601–237–0043906–2	11/03/90
24601–237–0043915–3	11/03/90
24601–237–0043950–0	11/11/90
24601–237–0043951–8	11/11/90
24601–237–0043957–5	11/11/90
24601–237–0043952–6	11/11/90
72704–442–1166912–0	11/11/90
72704–442–1166913–8	11/14/90
24601–237–0044003–7	11/17/90
24601–237–0044005–2	11/17/90
24601–237–0044007–8	11/17/90
24601–237–0044002–9	11/17/90
24601–237–0044006–0	11/17/90
24601–237–0043991–4	11/18/90
24601–237–0043993–0	11/18/90
24601–237–0043995–5	11/18/90
24601–237–0043994–8	11/18/90
72809–442–0322517–0	11/19/90
24601–237–0043992–2	11/27/90
24601–237–0044119–1	11/29/90
24601–237–0044145–6	12/02/90
24601–237–0044144–9	12/02/90
24601–237–0044146–4	12/02/90
24601–237–0044147–2	12/02/90
24601–237–0044170–4	12/04/90
24601–237–0044171–2	12/04/90
24601–237–0044172–0	12/04/90
24601–237–0044173–8	12/04/90
24601–237–0044169–6	12/04/90
24601–237–0044168–8	12/04/90
24601–237–0044221–5	12/08/90
24601–237–0044222–3	12/08/90
24601–237–0044223–1	12/08/90
24601–237–0044224–9	12/08/90
24601–237–0044220–7	12/08/90
24601–237–0044205–8	12/09/90
24601–237–0044207–4	12/09/90
24601–237–0044206–6	12/09/90
41703–815–0044549–9	12/13/90
24601–237–0044256–1	12/15/90
24601–237–0044260–3	12/15/90
24601–237–0044261–1	12/15/90
24601–237–0044262–9	12/15/90
24601–237–0044257–9	12/15/90

SEC. 1525. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN DECEMBER 28, 1990, AND FEBRUARY 9, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0044368–4	12/28/90
24601–237–0044367–6	12/28/90
24601–237–0044369–2	12/29/90
24601–237–0044370–0	12/29/90
24601–237–0044371–8	12/29/90
24601–237–0044372–6	12/29/90
24601–237–0044373–4	12/29/90
24601–237–0044374–2	12/29/90
24601–237–0044375–9	12/29/90
24601–237–0044366–8	12/29/90
24601–237–0044411–2	01/03/91
24601–237–0044412–0	01/03/91
24601–237–0044414–6	01/03/91
24601–237–0044415–3	01/03/91
24601–237–0044416–1	01/03/91
24601–237–0044417–9	01/03/91
24601–237–0044413–8	01/03/91
24601–237–0044410–4	01/03/91
72704–442–1173199–5	01/15/91
24601–237–0044513–5	01/18/91
24601–237–0044512–7	01/18/91
24601–237–0044514–3	01/19/91
24601–237–0044515–0	01/19/91
24601–237–0044518–4	01/19/91
24601–237–0044519–2	01/19/91
24601–237–0044524–2	01/19/91
24601–237–0044533–3	01/19/91
24601–237–0044523–4	01/19/91
24601–237–0044522–6	01/19/91
24601–237–0044516–8	01/19/91
24601–237–0044520–0	01/19/91
24601–237–0044521–8	01/19/91
24601–237–0044517–6	01/19/91
24601–237–0044525–9	01/19/91
24601–237–0044564–8	02/01/91
24601–237–0044665–3	02/08/91
24601–237–0044672–9	02/08/91
24601–237–0044673–7	02/08/91
24601–237–0044674–5	02/08/91
24601–237–0044677–8	02/08/91
24601–237–0044660–4	02/08/91
24601–237–0044682–8	02/08/91
24601–237–0044669–5	02/09/91
24601–237–0044676–0	02/09/91
24601–237–0044678–6	02/09/91
24601–237–0044681–0	02/09/91
24601–237–0044683–6	02/09/91
24601–237–0044668–7	02/09/91
24601–237–0044680–2	02/09/91

SEC. 1526. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN FEBRUARY 14, 1991, AND APRIL 24, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0044710–7	02/14/91
24601–237–0044715–6	02/14/91
24601–237–0044780–0	02/25/91
24601–237–0044775–0	02/25/91
24601–237–0044776–8	02/25/91
24601–237–0044778–4	02/25/91
24601–237–0044779–2	02/25/91
24601–237–0044777–6	02/25/91
24601–237–0044774–3	02/25/91
45201–815–1070377–0	02/27/91
72704–442–1177395–5	03/03/91
24601–237–0044818–8	03/08/91
24601–237–0044852–7	03/09/91
24601–237–0044853–5	03/09/91
24601–237–0044879–0	03/12/91
24601–237–0044880–8	03/12/91
72704–442–1178551–2	03/12/91
24601–237–0044892–3	03/12/91
24601–237–0044958–2	03/23/91
24601–237–0044993–9	03/23/91
24601–237–0044981–4	03/23/91
24601–237–0044982–2	03/23/91
24601–237–0044983–0	03/23/91
24601–237–0044957–4	03/23/91
24601–237–0044992–1	03/23/91
24601–237–0044959–0	03/23/91
24601–237–0045073–9	04/01/91
24601–237–0045095–2	04/03/91
24601–237–0045094–5	04/03/91
24601–237–0045108–3	04/06/91
24601–237–0045109–1	04/06/91
24601–237–0045111–7	04/06/91
24601–237–0045110–9	04/06/91
24601–237–0045107–5	04/06/91
45201–815–1070614–6	04/08/91
24601–237–0045176–0	04/16/91
24601–237–0045177–8	04/16/91
24601–237–0045175–2	04/16/91
24601–237–0045178–6	04/18/91
24601–237–0045181–0	04/18/91
24601–237–0045179–4	04/18/91
24601–237–0045180–2	04/18/91
24601–237–0045250–3	04/22/91
24601–237–0045252–9	04/22/91
24601–237–0045253–7	04/22/91
24601–237–0045255–2	04/22/91
24601–237–0045260–2	04/23/91
24601–237–0045285–9	04/24/91

SEC. 1527. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN APRIL 26, 1991, AND JUNE 16, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry

under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0045286–7	04/26/91
24601–237–0045340–2	05/02/91
24601–237–0045342–8	05/02/91
24601–237–0045344–4	05/02/91
24601–237–0045343–6	05/02/91
24601–237–0045345–1	05/02/91
24601–237–0045341–0	05/02/91
24601–237–0045305–5	05/02/91
24601–237–0045357–6	05/04/91
24601–237–0045358–4	05/04/91
24601–237–0045354–3	05/04/91
24601–237–0045356–8	05/04/91
24601–237–0045359–2	05/04/91
24601–237–0045353–5	05/04/91
24601–237–0045355–0	05/08/91
24601–237–0045352–7	05/09/91
24601–237–0045384–0	05/10/91
24601–237–0045385–7	05/10/91
72809–442–0326878–2	05/11/91
24601–237–0045462–4	05/18/91
24601–237–0045464–0	05/18/91
24601–237–0045465–7	05/18/91
24601–237–0045466–5	05/18/91
24601–237–0045467–3	05/18/91
24601–237–0045468–1	05/18/91
24601–237–0045469–9	05/18/91
24601–237–0045463–2	05/18/91
24601–237–0045459–0	05/22/91
24601–237–0045479–8	05/22/91
24601–237–0045480–6	05/22/91
24601–237–0045555–5	05/30/91
24601–237–0045556–3	05/30/91
24601–237–0045558–9	05/30/91
24601–237–0045559–7	05/30/91
24601–237–0045561–3	05/30/91
24601–237–0045557–1	05/30/91
24601–237–0045610–8	06/01/91
24601–237–0045611–6	06/01/91
24601–237–0045612–4	06/01/91
24601–237–0045613–2	06/01/91
24601–237–0045615–7	06/01/91
24601–237–0045616–5	06/01/91
24601–237–0045617–3	06/01/91
24601–237–0045618–1	06/01/91
24601–237–0045614–0	06/01/91
24601–237–0045562–1	06/04/91
24601–237–0045580–3	06/04/91
24601–237–0045581–1	06/04/91
24601–237–0045662–9	06/08/91
24601–237–0045675–1	06/08/91
45201–815–1071138–5	06/12/91
24601–237–0045703–1	06/15/91
24601–237–0045702–3	06/15/91
24601–237–0045704–9	06/15/91
24601–237–0045705–6	06/15/91
24601–237–0045701–5	06/15/91
24601–237–0045706–4	06/16/91
24601–237–0045732–0	06/16/91

SEC. 1528. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN OCTOBER 7, 1991, AND NOVEMBER 24, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
10901–551–2400823–0	10/07/91
10901–551–2400824–8	10/07/91
10901–551–2400825–5	10/07/91
10901–551–2400827–1	10/07/91
10901–551–2401490–7	10/07/91
33802–551–1986406–8	10/08/91
33802–551–1986407–6	10/08/91
10901–551–2400867–7	10/10/91
10901–551–2400871–9	10/10/91
10901–551–2400875–0	10/10/91
10901–551–2401642–3	10/10/91
10901–551–2400869–3	10/10/91
10901–551–2400872–7	10/10/91
10901–551–2400873–5	10/10/91
10901–551–2400870–1	10/10/91
10901–551–2400874–3	10/10/91
10901–551–2401609–2	10/10/91
10901–551–2401623–3	10/10/91
10901–551–2401639–9	10/10/91
10901–551–2401640–7	10/10/91
10901–551–2401641–5	10/10/91
10901–551–2400896–6	10/15/91
10901–551–2400915–4	10/15/91
24601–237–0046718–8	10/16/91
24601–237–0046719–6	10/16/91
24601–237–0046720–4	10/16/91
24601–237–0046722–0	10/16/91
24601–237–0046723–8	10/16/91
24601–237–0046724–6	10/16/91
24601–237–0046721–2	10/16/91
24601–237–0046752–7	10/18/91
24601–237–0046754–3	10/18/91
24601–237–0046755–0	10/18/91
24601–237–0046756–8	10/18/91
24601–237–0046757–6	10/18/91
24601–237–0046758–4	10/18/91
24601–237–0046759–2	10/18/91
24601–237–0046760–0	10/18/91
24601–237–0046775–8	10/22/91
24601–237–0046776–6	10/22/91
24601–237–0046745–1	10/22/91
10901–551–2400895–8	10/22/91
10901–551–2400958–4	10/22/91
10901–551–2400959–2	10/22/91
24601–237–0046791–5	10/23/91
24601–237–0046813–7	11/02/91
24601–237–0046814–5	11/02/91
24601–237–0046815–2	11/02/91
24601–237–0046817–8	11/02/91
24601–237–0046818–6	11/02/91
24601–237–0046819–4	11/02/91
24601–237–0046816–0	11/02/91
24601–237–0046860–8	11/04/91
24601–237–0046862–4	11/04/91
24601–237–0046922–6	11/11/91
24601–237–0046923–4	11/11/91
24601–237–0046924–2	11/11/91
24601–237–0046925–9	11/11/91
24601–237–0046960–6	11/16/91
24601–237–0046961–4	11/16/91
24601–237–0046962–2	11/16/91
24601–237–0046965–5	11/16/91
24601–237–0046966–3	11/16/91
24601–237–0046967–1	11/16/91
24601–237–0046968–9	11/16/91
24601–237–0046969–7	11/16/91
24601–237–0046970–5	11/16/91
41803–922–0022870–5	11/18/91
24601–237–0046964–8	11/19/91
24601–237–0047038–0	11/22/91
24601–237–0047039–8	11/22/91
24601–237–0047040–6	11/22/91
24601–237–0047013–3	11/24/91
24601–237–0047014–1	11/24/91
24601–237–0047015–8	11/24/91
24601–237–0047016–6	11/24/91
24601–237–0047017–4	11/24/91
24601–237–0047018–2	11/24/91
24601–237–0047020–8	11/24/91
24601–237–0047021–6	11/24/91
24601–237–0047022–4	11/24/91

SEC. 1529. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN NOVEMBER 30, 1991, AND NOVEMBER 26, 1992.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
24601–237–0047081–0	11/30/91
24601–237–0047083–6	11/30/91
24601–237–0047084–4	11/30/91
24601–237–0047085–1	11/30/91
24601–237–0047086–9	11/30/91
24601–237–0047087–7	11/30/91
24601–237–0047088–5	11/30/91
24601–237–0047089–3	11/30/91
24601–237–0047090–1	11/30/91
24601–237–0047091–9	11/30/91
24601–237–0047092–7	11/30/91
24601–237–0047093–5	11/30/91
24601–237–0047094–3	11/30/91
24601–237–0047095–0	11/30/91
24601–237–0047082–8	11/30/91
24601–237–0047131–3	12/04/91
24601–237–0047133–9	12/04/91
24601–237–0047135–4	12/04/91
24601–237–0047143–8	12/05/91
24601–237–0047142–0	12/06/91
24601–237–0047198–2	12/11/91
24601–237–0047200–6	12/11/91
24601–237–0047201–4	12/11/91
24601–237–0047202–2	12/11/91
24601–237–0047199–0	12/11/91
24601–237–0047209–7	12/13/91
24601–237–0047210–5	12/13/91
24601–237–0047211–3	12/13/91
24601–237–0047213–9	12/13/91
24601–237–0047215–4	12/13/91
24601–237–0047216–2	12/13/91
24601–237–0047217–0	12/13/91
24601–237–0047218–8	12/13/91
24601–237–0047219–6	12/13/91
24601–237–0047220–4	12/13/91
24601–237–0047221–2	12/13/91
24601–237–0047222–0	12/13/91
24601–237–0047224–6	12/13/91
24601–237–0047225–3	12/13/91
24601–237–0047226–1	12/13/91
24601–237–0047227–9	12/13/91
24601–237–0047228–7	12/13/91
24601–237–0047229–5	12/13/91
24601–237–0047214–7	12/13/91

24601–237–0047212–1	12/13/91
45201–57–0017369–2	12/26/91
24601–237–0047258–4	01/22/92
24601–237–0047259–2	01/22/92
24601–237–0047260–0	01/22/92
24601–237–0047261–8	01/22/92
24601–237–0047262–6	01/22/92
24601–237–0047263–4	01/22/92
24601–237–0047264–2	01/22/92
24601–237–0047265–9	01/22/92
24601–237–0047266–7	01/22/92
24601–237–0049136–0	08/14/92
24601–237–0049137–8	08/14/92
24601–237–0049226–9	08/22/92
24601–237–0049329–1	09/22/92
24601–237–0049330–9	09/22/92
24601–237–0049443–0	10/05/92
24601–938–0009748–2	10/26/92
24601–938–0009749–0	10/26/92
24601–938–0009750–8	10/26/92
24601–938–0009813–4	11/08/92
24601–938–0009815–9	11/08/92
24601–938–0009816–7	11/08/92
24601–938–0009838–1	11/14/92
24601–938–0009839–9	11/14/92
24601–938–0009868–8	11/21/92
24601–938–0009869–6	11/21/92
24601–938–0009870–4	11/21/92
24601–938–0009871–2	11/26/92
24601–938–0009872–0	11/26/92
24601–938–0009873–8	11/26/92
24601–938–0009874–6	11/26/92
24601–938–0009875–3	11/26/92

SEC. 1530. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN DECEMBER 9, 1992, AND MAY 9, 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	***Entry Date***
24601–938–0009935–5	12/09/92
24601–938–0009936–3	12/09/92
24601–938–0009937–1	12/09/92
24601–938–0009938–9	12/09/92
24601–938–0009939–7	12/09/92
24601–938–0009940–5	12/09/92
24601–938–0009989–2	12/20/92
24601–938–0009992–6	12/20/92
24601–938–0009995–9	12/20/92
24601–938–0009991–8	12/20/92
24601–938–0009993–4	12/20/92
24601–938–0009994–2	12/20/92
24601–938–0009990–0	12/20/92
24601–938–0010002–1	12/21/92
24601–938–0010003–9	12/21/92
24601–938–0010004–7	12/21/92
24601–938–0010005–4	12/21/92
24601–938–0010006–2	12/21/92
24601–938–0010007–0	12/21/92
24601–938–0010029–4	12/29/92
24601–938–0010030–2	12/29/92
24601–938–0010031–0	12/29/92
24601–938–0010098–9	01/22/93
24601–938–0010099–7	01/22/93
24601–938–0010100–3	01/22/93
24601–938–0010101–1	01/22/93
24601–938–0010102–9	01/22/93
24601–938–0010103–7	01/22/93
24601–938–0010105–2	01/24/93
24601–938–0010129–2	01/29/93
24601–938–0010130–0	01/29/93
24601–938–0010131–8	01/29/93
24601–938–0010132–6	01/29/93
24601–938–0010133–4	01/29/93
24601–938–0010134–2	01/29/93
24601–938–0010135–9	01/29/93
24601–938–0010136–7	01/29/93
24601–938–0010137–5	01/29/93
24601–938–0010138–3	01/29/93
24601–938–0010159–9	02/05/93
24601–938–0010160–7	02/05/93
24601–938–0010162–3	02/05/93
24601–938–0010163–1	02/05/93
24601–938–0010164–9	02/05/93
24601–938–0010165–6	02/05/93
24601–938–0010166–4	02/05/93
24601–938–0010167–2	02/05/93
24601–938–0010161–5	02/05/93
24601–938–0010179–7	02/06/93
24601–938–0010180–5	02/06/93
24601–938–0010181–3	02/06/93
24601–938–0010182–1	02/06/93
24601–938–0010183–9	02/06/93
24601–938–0010184–7	02/06/93
24601–938–0010185–4	02/06/93
24601–938–0010186–2	02/06/93
24601–938–0010235–7	02/22/93
24601–938–0010236–5	02/22/93
24601–938–0010237–3	02/22/93
24601–938–0010238–1	02/22/93
24601–938–0010252–2	02/24/93
24601–938–0010253–0	02/24/93
24601–938–0010254–8	02/24/93
24601–938–0010255–5	02/24/93
24601–938–0010256–3	02/24/93
24601–938–0010257–1	02/24/93
24601–938–0010258–9	02/24/93
24601–938–0010260–5	02/24/93
24601–938–0010261–3	02/24/93
24601–938–0010262–1	02/24/93
24601–938–0010259–7	02/24/93
24601–938–0010316–5	03/05/93
24601–938–0010318–1	03/05/93
24601–938–0010316–5	03/05/93
24601–938–0010317–3	03/05/93
24601–938–0010317–3	03/05/93
24601–938–0010332–2	03/13/93
24601–938–0010333–0	03/13/93
24601–938–0010334–8	03/13/93
24601–938–0010373–6	03/20/93
24601–938–0010374–4	03/20/93
24601–938–0010375–1	03/20/93
24601–938–0010376–9	03/20/93
24601–938–0010377–7	03/20/93
24601–938–0010378–5	03/20/93
24601–938–0010422–1	03/30/93
24601–938–0010450–2	04/02/93
24601–938–0010451–0	04/02/93
24601–938–0010452–8	04/02/93
24601–938–0010453–6	04/02/93
24601–938–0010454–4	04/02/93
24601–938–0010455–1	04/02/93
24601–938–0010517–8	04/17/93
24601–938–0010518–6	04/17/93
24601–938–0010519–4	04/17/93
24601–938–0010520–2	04/17/93
24601–938–0010549–1	04/24/93
24601–938–0010550–9	04/24/93
24601–938–0010619–2	05/09/93

SEC. 1531. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN MAY 14, 1993, AND OCTOBER 23, 1993.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	***Entry Date***
24601–938–0010645–7	05/14/93
24601–938–0010646–5	05/14/93
24601–938–0010647–3	05/14/93
24601–938–0010648–1	05/14/93
24601–938–0010649–9	05/14/93
24601–938–0010605–1	05/21/93
24601–938–0010604–4	05/24/93
24601–938–0010720–8	06/07/93
24601–938–0010735–6	06/11/93
24601–938–0010772–9	06/17/93
24601–938–0010800–8	06/25/93
24601–938–0010801–6	06/25/93
24601–938–0010802–4	06/25/93
45201–438–0919317–0	06/28/93
45201–438–0919412–9	09/05/93
24601–938–0011256–2	10/23/93

SEC. 1532. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN MAY 16, 1990, AND APRIL 20, 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	***Entry Date***
4601–237–0042701–8	05/16/90
4601–237–0042702–6	05/16/90
4601–237–0042730–7	05/17/90
4601–237–0042731–5	05/17/90
4601–237–0042863–6	06/01/90
4601–237–0042877–6	06/15/90

4601–237–0043039–2	06/20/90
4601–237–0043195–2	07/18/90
4601–237–0043253–9	07/27/90
4601–237–0045041–6	03/27/91
4601–237–0045288–3	04/30/91
4601–237–0045648–8	06/08/91
4601–237–0045814–6	06/29/91
4601–237–0045956–5	07/15/91
4601–241–3054400–0	10/22/92
4601–241–3063782–0	09/24/93
4601–241–3065196–1	11/10/93
4601–241–3066943–5	01/25/94
4601–241–3069703–0	04/20/94
4601–241–3073069–0	08/04/94
4601–241–3073130–0	08/05/94
4601–241–3073131–8	08/05/94
4601–241–3073478–3	08/17/94
4601–241–3074656–3	09/21/94
4601–241–3076657–9	11/21/94
4601–241–3076659–5	11/21/94
4601–241–3076660–3	11/21/94
4601–241–3076675–1	11/24/94
4601–241–3076736–1	11/25/94
4601–241–3078296–4	01/12/95
4601–241–3078297–2	01/12/95
0901–112–7829964–6	01/24/95
0901–112–7829965–3	01/25/95
0901–112–7831096–3	01/30/95
4601–241–3078964–7	02/07/95
4601–241–3079146–0	02/14/95
4601–241–3079621–2	03/04/95
4601–241–3080014–7	03/15/95
4601–241–3080151–7	03/23/95
4601–241–3080153–3	03/23/95
4601–241–3080310–9	03/23/95
4601–241–3080798–5	04/05/95
4601–241–3080937–9	04/07/95
4601–241–3080957–7	04/10/95
4601–241–3080963–5	04/10/95
4601–241–3080863–7	04/13/95
4601–241–3081214–2	04/18/95
4601–241–3081215–9	04/18/95
4601–241–3082436–0	05/30/95
4601–241–3082437–8	05/31/95
4601–241–3083317–1	06/27/95
4601–241–3083318–9	06/27/95
4601–241–3083320–5	06/27/95
4601–241–3083321–3	06/27/95
4601–241–3084427–7	07/29/95
4601–241–3084428–5	07/29/95
4601–241–3084429–3	07/29/95
4601–241–3084430–1	07/29/95
4601–241–3084431–9	07/29/95
4601–241–3084432–7	07/29/95
4601–241–3085734–5	09/08/95
4601–241–3085735–2	09/08/95
4601–241–3085736–0	09/08/95
4601–241–3085737–8	09/08/95
4601–241–3085738–6	09/08/95
4601–241–3085739–4	09/08/95
4601–241–3085740–2	09/08/95
4601–241–3086662–7	10/05/95
4601–241–3086663–5	10/05/95
4601–241–3087492–8	11/02/95
4601–241–3087499–3	11/02/95
4601–241–3087500–8	11/02/95
4601–241–3087501–6	11/02/95
4601–241–3088399–4	12/01/95
4601–241–3088400–0	12/01/95
4601–241–3088398–6	12/02/95
4601–241–3088770–6	12/15/95
4601–241–3088771–4	12/15/95
4601–241–3088772–2	12/15/95
4601–241–3088773–0	12/15/95
4601–241–1189193–3	12/29/95
4601–241–1189194–1	12/29/95
4601–241–1189195–8	12/29/95
4601–241–1190103–9	01/31/96
4601–241–1190242–5	02/17/96
4601–241–1190741–6	03/07/96
4601–241–1191920–5	04/20/96
4601–241–1191921–3	04/20/96
4601–241–1191922–1	04/20/96
4601–241–1191923–9	04/20/96

SEC. 1533. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN AUGUST 28, 1991, AND JULY 8, 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
4601–241–3043101–8	08/28/91
4601–237–0046898–8	11/12/91
4601–237–0046899–6	11/12/91
4601–237–0047037–2	11/22/91
4601–237–0047080–2	11/30/91
4601–241–3045837–5	12/03/91
4601–241–3046070–2	12/11/91
4601–241–3046234–4	12/18/91
4601–241–3046903–4	01/17/92
4601–241–1192827–1	05/30/96
4601–241–1192828–9	05/30/96
4601–241–1192829–7	05/30/96
4601–241–1192826–3	05/30/96
4601–241–1193242–2	06/11/96
4601–241–1193243–0	06/11/96
4601–241–1193244–8	06/11/96
4601–241–1193245–5	06/11/96
4601–241–1193246–3	06/11/96
4601–241–1193939–3	07/08/96
4601–241–1193940–1	07/08/96
4601–241–1193942–7	07/08/96
4601–241–1193943–5	07/08/96

SEC. 1534. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN APRIL 4, 1995, AND JULY 22, 1996.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
4601–076–0264618–9	04/04/95
5201–406–0209309–4	04/04/95
4601–076–0143541–0	04/07/95
4601–076–0143550–1	04/10/95
5201–406–0210067–5	04/13/95
4601–076–0143671–5	04/24/95
4601–076–0143667–3	04/25/95
4601–076–0143668–1	04/25/95
4601–076–0143669–9	04/25/95
4601–076–0143670–7	04/25/95
4601–076–0143688–9	04/26/95
4601–076–0143689–7	04/26/95
4601–076–0143737–4	05/01/95
4601–076–0143746–5	05/02/95
4601–076–0143747–3	05/02/95
4601–076–0143748–1	05/02/95
4601–076–0143751–5	05/02/95
4601–076–0143759–8	05/03/95
4601–076–0143791–1	05/08/95
4601–076–0143796–0	05/08/95
4601–076–0143815–8	05/10/95
4601–076–0143819–0	05/10/95
4601–076–0143821–6	05/10/95
4601–076–0143862–0	05/15/95
4601–076–0144059–2	06/06/95
4601–076–0144060–0	06/06/95
4601–076–0144061–8	06/06/95
4601–076–0143916–4	06/19/95
4601–076–0144194–7	06/21/95
4601–076–0144298–6	06/29/95
4601–076–0144366–1	07/07/95
4601–076–0144367–9	07/07/95
4601–076–0144612–8	07/31/95
4601–076–0144626–8	07/31/95
4601–076–0144628–4	07/31/95
4601–076–0144629–2	08/01/95
4601–076–0144681–3	08/04/95
3901–551–3493444–1	08/09/95
4601–076–0144968–4	09/06/95
4601–076–0144969–2	09/06/95
4601–076–0145018–7	09/11/95
4601–076–0145027–8	09/12/95
4601–076–0145023–7	09/13/95
4601–076–0145074–0	09/15/95
4601–076–0145075–7	09/15/95
5201–406–0215201–5	09/15/95
4601–076–0145113–6	09/21/95
4601–076–0145213–4	10/02/95
4601–076–0145215–9	10/03/95
4601–076–0145310–8	10/17/95
4601–076–0145336–3	10/19/95
4601–076–0145370–2	10/24/95
4601–076–0145403–1	10/27/95
4601–076–0145451–0	11/03/95
4601–076–0145487–4	11/07/95
4601–076–0145521–0	11/09/95
4601–076–0145612–7	11/21/95
4601–076–0145711–7	12/01/95
4601–076–0145734–9	12/06/95
4601–076–0145737–2	12/06/95
4601–076–0145763–8	12/07/95
4601–076–0145764–6	12/07/95
4601–076–0146032–7	01/10/96
4601–076–0146033–5	01/10/96
4601–076–0146217–4	02/05/96
4601–076–0146367–7	02/27/96
4601–076–0146464–2	03/11/96
4601–076–0146469–1	03/12/96
4601–076–0146520–1	03/20/96
4601–076–0146562–3	03/26/96
4601–076–0146612–6	04/04/96
4601–076–0146614–2	04/08/96
4601–076–0146683–7	04/15/96
4601–076–0146722–3	04/22/96
4601–076–0146766–0	04/25/96
4601–076–0147059–9	06/04/96
4601–076–0147248–8	07/01/96
4601–076–0147377–5	07/22/96

SEC. 1535. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN OCTOBER 11, 1994, AND MAY 16, 1995.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after

the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 or 2103.90.90 of the Harmonized Tariff Schedule of the United States, whichever is applicable, on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) with respect to an entry described in subsection (c) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
0712–112–6947293–9	10/11/94
0712–112–6947294–7	10/14/94
0712–112–6947295–4	10/14/94
0712–112–7277897–5	10/14/94
0712–112–7278028–6	10/14/94
0712–112–7279272–9	11/07/94
0712–112–7292558–4	11/22/94
0712–112–7292647–5	11/22/94
0712–112–7292648–3	11/28/94
0712–112–7293042–8	11/28/94
0712–112–7293140–0	12/06/94
0712–112–7293435–4	12/07/94
0712–112–7293436–2	12/07/94
0712–112–7293515–3	12/07/94
0712–112–7293619–3	12/07/94
0712–112–7293620–1	12/07/94
0712–112–7293521–1	12/13/94
0712–112–7294412–2	12/21/94
0712–112–7294142–5	12/22/94
0712–112–7294143–3	12/22/94
0712–112–7294144–1	12/22/94
0712–112–7295546–6	01/18/95
0712–112–7295994–8	01/27/95
0712–112–7295998–9	01/27/95
0712–112–7296581–2	01/27/95
0712–112–7296677–8	02/01/95
0712–112–7298503–4	03/06/95
0712–112–7324623–8	05/08/95
0712–112–7325069–3	05/16/95

SEC. 1536. CERTAIN TOMATO SAUCE PREPARATION ENTERED BETWEEN JUNE 17, 1991, AND OCTOBER 3, 1991.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 2002.10.00 of the Harmonized Tariff Schedule of the United States (relating to tomatoes, prepared or preserved) at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 2103.90.60 of the Harmonized Tariff Schedule of the United States (relating to tomato sauce preparation) on the date of entry. United States (relating to tomato sauce preparation) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number	Entry Date
72704–442–1186614–8	06/17/91
72704–442–1186615–5	06/17/91
24601–237–0045741–1	06/25/91
24601–237–0045787–4	06/25/91
24601–237–0045740–3	06/25/91
24601–237–0045791–6	06/29/91
24601–237–0045850–0	06/29/91
24601–237–0045852–6	06/29/91
24601–237–0045853–4	06/29/91
24601–237–0045855–9	06/29/91
24601–237–0045856–7	06/29/91
24601–237–0045857–5	06/29/91
24601–237–0045858–3	06/29/91
24601–237–0045851–8	07/01/91
24601–237–0045854–2	07/02/91
24601–237–0045888–0	07/05/91
24601–237–0045945–8	07/13/91
24601–237–0045955–7	07/13/91
24601–237–0045953–2	07/15/91
24601–237–0045954–0	07/15/91
24601–237–0045952–4	07/15/91
24601–237–0046033–2	07/27/91
24601–237–0046055–5	07/27/91
24601–237–0046056–3	07/27/91
24601–237–0046059–7	07/27/91
24601–237–0046061–3	07/27/91
24601–237–0046060–5	07/27/91
24601–237–0046058–9	07/27/91
24601–237–0046054–8	07/27/91
24601–237–0046057–1	07/27/91
24601–237–0046062–1	07/27/91
24601–237–0046196–7	08/10/91
24601–237–0046197–5	08/10/91
24601–237–0046198–3	08/12/91
24601–237–0046194–2	08/12/91
24601–237–0046195–9	08/12/91
24601–237–0046369–0	08/27/91
24601–237–0046420–1	09/07/91
24601–237–0046421–9	09/07/91
24601–237–0046423–5	09/07/91
24601–237–0046424–3	09/07/91
24601–237–0046425–0	09/07/91
24601–237–0046426–8	09/07/91
24601–237–0046427–6	09/07/91
24601–237–0046429–2	09/07/91
10901–551–2401127–5	09/19/91
10901–551–2401128–3	09/19/91
24601–237–0046467–2	09/21/91
10901–551–2401210–9	09/25/91
10901–551–2401400–6	09/30/91
10901–551–2400795–0	10/02/91
10901–551–2400796–8	10/02/91
10901–551–2400797–6	10/02/91
10901–551–2400800–8	10/02/91
10901–551–2400809–9	10/02/91
10901–551–2400810–7	10/02/91
10901–551–2400811–5	10/02/91
10901–551–2401366–9	10/02/91
10901–551–2401364–4	10/02/91
10901–551–1819256–0	10/03/91

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 1551. HAIR CLIPPERS.

(a) IN GENERAL.—Heading 8510 of chapter 85 is amended—

(1) by striking subheading 8510.20.00 and inserting the following, with the article description for subheading 8510.20 having the same degree of indentation as the article description for subheading 8510.10.00, and with the article descriptions for subheadings 8510.20.10 and 8510.20.90 having the same degree of indentation as the article description for subheading 8510.90.55:

"	8510.20	Hair clippers:				
	8510.20.10	Hair clippers to be used for agricultural or horticultural purposes	4%	Free (A, CA, E, IL, J, JO, MX)	45%	
	8510.20.90	Other	4%	Free (A, CA, E, IL, J, JO, MX)	45%	";

and

(2) by striking subheading 8510.90.30 and inserting the following subheadings and superior the same degree of indentation as the article description for subheading 8510.90.55:

"		Parts of hair clippers:				
	8510.90.30	Parts of hair clippers to be used for agricultural or horticultural purposes	4%	Free (A, CA, E, IL, J, JO, MX)	45%	
	8510.90.40	Other parts of hair clippers	4%	Free (A, CA, E, IL, J, JO, MX)	45%	".

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment, and

(2) would, but for the amendments made by subsection (a), apply to subheading 8510.20.00 or subheading 8510.90.30 of the Harmonized Tariff Schedule of the United States,

applies to the corresponding rate of duty set forth in subheading 8510.20.10, 8510.20.90, or 8510.90.40 of such Schedule (as added by subsection (a)).

SEC. 1552. TRACTOR BODY PARTS.

(a) CERTAIN TRACTOR PARTS.—Heading 8708 is amended by striking subheading 8708.29.20 and inserting the following subheadings and superior text thereto, with such superior text having the same degree of indentation as the article description for subheading 8708.29.15:

"		*Body stampings:*				
	8708.29.21	*For tractors suitable for agricultural use*	*Free*		*Free*	
	8708.29.25	*Other*	*2.5%*	*Free (A, B, CA, E, IL, J, JO, MX)*	*25%*	".

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment, and

(2) would, but for the amendment made by subsection (a), apply to subheading 8708.29.20 of the Harmonized Tariff Schedule of the United States,

applies to the corresponding rate of duty set forth in subheading 8708.29.25 of such Schedule (as added by subsection (a)).

SEC. 1553. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

Heading 8505 is amended—

(1) by striking subheading 8505.19.00 and inserting the following new subheadings, with the article description for subheadings 8505.19.10, 8505.19.20, and 8505.19.30 having the same degree of indentation as the article description for subheading 8505.11.00:

"	*8505.19.10*	*Flexible magnet*	*4.9%*	*Free (A, CA, E, IL, J, JO, MX)*	*45%*	
	8505.19.20	*Composite goods containing flexible magnet*	*4.9%*	*Free (A, CA, E, IL, J, JO, MX)*	*45%*	
	8505.19.30	*Other*	*4.9%*	*Free (A, CA, E, IL, J, MX)*	*45%*	".

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment, and

(2) would, but for the amendment made by subsection (a), apply to subheading 8505.19.00 of the Harmonized Tariff Schedule of the United States,

applies to the corresponding rate of duty set forth in subheadings 8505.19.10, 8505.19.20, and 8505.19.30 of such Schedule (as added by subsection (a)).

SEC. 1554. VESSEL REPAIR DUTIES.

(a) EXEMPTION.—Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—

(1) in paragraph (1), by striking the comma at the end and inserting a semicolon;

(2) in paragraph (2), by striking ", or" at the end and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(4) the cost of equipment, repair parts, and materials that are installed on a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas.

Declaration and entry shall not be required with respect to the installation, equipment, parts, and materials described in paragraph (4).".

(b) AMENDMENT TO HTS.—Subchapter XVIII of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by striking "U.S. Note" and inserting "U.S. Notes" and by adding after U.S. note 1 the following new note:

"2. Notwithstanding the provisions of subheadings 9818.00.03 through 9818.00.07, no duty shall apply to the cost of equipment, repair parts, and materials that are installed in a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas, and declaration and entry shall not be required with respect to such installation, equipment, parts, and materials.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to vessel equipment, repair parts, and materials installed on or after April 25, 2001.

SEC. 1555. DUTY-FREE TREATMENT FOR HAND-KNOTTED OR HAND-WOVEN CARPETS.

(a) AMENDMENT OF THE TRADE ACT OF 1974.—Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended by adding at the end the following new paragraph:

"(4) CERTAIN HAND-KNOTTED OR HAND-WOVEN CARPETS.—Notwithstanding paragraph (1)(A), the President may designate as an eligible article or articles under subsection (a) carpets or rugs which are hand-loomed, hand-woven, hand-hooked, hand-tufted, or hand-knotted, and classifiable under subheading 5701.10.16, 5701.10.40, 5701.90.10, 5701.90.20, 5702.10.90, 5702.42.20, 5702.49.10, 5702.51.20, 5702.91.30, 5702.92.00, 5702.99.10, 5703.10.00, 5703.20.10, or 5703.30.00 of the Harmonized Tariff Schedule of the United States.".

(b) CONFORMING AMENDMENT.—Section 503(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(b)(1)(A)) is amended by striking "Textile" and inserting "Except as provided in paragraph (4), textile".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any article entered, or withdrawn from warehouse for consumption, on or after the date on which the President makes a designation with respect to the article under section 503(b)(4) of the Trade Act of 1974, as added by subsection (a).

SEC. 1556. DUTY DRAWBACK FOR CERTAIN ARTICLES.

Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

"(y) ARTICLES SHIPPED TO THE UNITED STATES INSULAR POSSESSIONS.—Articles described in subsection (j)(1) shall be eligible for drawback under this section if duty was paid on the merchandise upon importation into the United States and the person claiming the drawback demonstrates that the merchandise has entered the customs territory of the United States Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.".

SEC. 1557. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1), by striking "because of its" and inserting "upon entry or"; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "because of its" and inserting "upon entry or"; and

(B) in the matter following subparagraph (C)(ii)(II)—

(i) by striking "then upon" and inserting "then, notwithstanding any other provision of law, upon"; and

(ii) by striking "shall be refunded as drawback" and inserting "shall be refunded as drawback under this subsection".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to any drawback claim filed on or after that date and to any drawback entry filed before that date if the liquidation of the entry is not final on that date.

SEC. 1558. TREATMENT OF CERTAIN FOOTWEAR UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended as follows:

(1) By amending paragraph (1)(B) to read as follows:

"(B) footwear provided for in any of subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.80, 6402.99.90, 6403.59.60, 6403.91.30, 6403.99.60, 6403.99.90, 6404.11.90, and 6404.19.20 of the HTS that was not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;".

(2) In paragraph (3)(A)—

(A) in clause (i), by striking "Subject to clause (ii)" and inserting "Subject to clauses (ii) and (iii)"; and

(B) by adding at the end the following:

"(iii) CERTAIN FOOTWEAR.—Notwithstanding paragraph (1)(B) and clause (i) of this subparagraph, footwear provided for in any of subheadings 6403.59.60, 6403.91.30, 6403.99.60, and 6403.99.90 of the HTS shall be eligible for the duty-free treatment provided for under this title if—

"(I) the article of footwear is the growth, product, or manufacture of a CBTPA beneficiary country; and

"(II) the article otherwise meets the requirements of subsection (a), except that in applying such subsection, 'CBTPA beneficiary country' shall be substituted for 'beneficiary country' each place it appears.".

SEC. 1559. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) IN GENERAL.—Section 1453(a) of the Tariff Suspension and Trade Act of 2000 is amended by striking "2-year period" and inserting "6-year period".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of November 9, 2002.

SEC. 1560. AUTHORITY FOR THE ESTABLISHMENT OF INTEGRATED BORDER INSPECTION AREAS AT THE UNITED STATES-CANADA BORDER.

(a) FINDINGS.—Congress makes the following findings:

(1) The increased security and safety concerns that developed in the aftermath of the terrorist attacks in the United States on September 11, 2001, need to be addressed.

(2) One concern that has come to light is the vulnerability of the international bridges and tunnels along the United States borders.

(3) It is necessary to ensure that potentially dangerous vehicles are inspected prior to crossing these bridges and tunnels; however, currently these vehicles are not inspected until after they have crossed into the United States.

(4) Establishing Integrated Border Inspection Areas (IBIAs) would address these concerns by inspecting vehicles before they gained access to the infrastructure of international bridges and tunnels joining the United States and Canada.

(b) CREATION OF INTEGRATED BORDER INSPECTION AREAS.—

(1) IN GENERAL.—The Commissioner of the Customs Service, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs), such as areas on either side of the United States-Canada border, in which United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian Customs officers can inspect vehicles entering Canada from the United States before they enter Canada. Such inspections may include, where appropriate, employment of reverse inspection techniques.

(2) ADDITIONAL REQUIREMENT.—The Commissioner of Customs, in consultation with the Administrator of the General Services Administration when appropriate, shall seek to carry out paragraph (1) in a manner that minimizes adverse impacts on the surrounding community.

(3) ELEMENTS OF THE PROGRAM.—Using the authority granted by this section and under section 629 of the Tariff Act of 1930, the Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency, shall seek to—

(A) locate Integrated Border Inspection Areas in areas with bridges or tunnels with high traffic volume, significant commercial activity, and that have experienced backups and delays since September 11, 2001;

(B) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce United States law;

(C) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border shall possess the same immunity that they would possess if they were stationed in the United States; and

(D) encourage appropriate officials of the United States to enter into an agreement with Canada permitting Canadian Customs officers stationed in any such IBIA on the United States side of the border to enjoy such immunities as permitted in Canada.

SEC. 1561. DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS.

(a) MISCELLANEOUS PROVISIONS.—Section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) is amended by inserting '', including foreign law enforcement officers,'' after ''or other person''.

(b) INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.—Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended—

(1) in subsection (a), by inserting '', or subsequent to their exit from,'' after ''prior to their arrival in'';

(2) in subsection (c)—

(A) by inserting ''or exportation'' after ''relating to the importation''; and

(B) by inserting ''or exit'' after ''port of entry'';

(3) by amending subsection (e) to read as follows:

''(e) STATIONING OF FOREIGN CUSTOMS AND AGRICULTURE INSPECTION OFFICERS IN THE UNITED STATES.—The Secretary of State, in coordination with the Secretary and the Secretary of Agriculture, may enter into agreements with any foreign country authorizing the stationing in the United States of customs and agriculture inspection officials of that country (if similar privileges are extended by that country to United States officials) for the purpose of insuring that persons and merchandise going directly to that country from the United States, or that have gone directly from that country to the United States, comply with the customs and other laws of that country governing the importation or exportation of merchandise. Any foreign customs or agriculture inspection official stationed in the United States under this subsection may exercise such functions, perform such duties, and enjoy such privileges and immunities as United States officials may be authorized to perform or are afforded in that foreign country by treaty, agreement, or law.''; and

(4) by adding at the end the following:

''(g) PRIVILEGES AND IMMUNITIES.—Any person designated to perform the duties of an officer of the Customs Service pursuant to section 401(i) of this Act shall be entitled to the same privileges and immunities as an officer of the Customs Service with respect to any actions taken by the designated person in the performance of such duties.''.

(c) CONFORMING AMENDMENT.—Section 127 of the Treasury Department Appropriations Act, 2003, is hereby repealed.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, take effect on the date of the enactment of this Act.

SEC. 1562. AMENDMENTS TO UNITED STATES INSULAR POSSESSION PROGRAM.

(a) PRODUCTION CERTIFICATES.—Additional U.S. Note 5(h) to chapter 91 is amended—

(1) by amending subparagraphs (i) and (ii) to read as follows:

''(i) In the case of each of calendar years 2003 through 2015, the Secretaries jointly, shall—

''(A) verify—

''(1) the wages paid by each producer to permanent residents of the insular possessions during the preceding calendar year (including the value of usual and customary health insurance, life insurance, and pension benefits); and

''(2) the total quantity and value of watches and watch movements produced in the insular possessions by that producer and imported free of duty into the customs territory of the United States; and

''(B) issue to each producer (not later than 60 days after the end of the preceding calendar year) a certificate for the applicable amount.

''(ii) For purposes of subparagraph (i), except as provided in subparagraphs (iii) and (iv), the term 'applicable amount' means an amount equal to the sum of—

''(A) 90 percent of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of the first 300,000 units; plus

''(B) the applicable graduated declining percentage (determined each year by the Secretaries) of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of units in excess of 300,000 but not in excess of 750,000; plus

''(C) the difference between the duties that would have been due on each producer's watches and watch movements (excluding digital watches and excluding units in excess of the 750,000 limitation of this subparagraph) imported into the customs territory of the United States free of duty during the preceding calendar year if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect on January 1, 2001, and the duties that would have been due on the watches and watch movements if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect for such preceding calendar year.''; and

(2) by amending subparagraph (v) to read as follows:

''(v) Any certificate issued under subparagraph (i) shall entitle the certificate holder to secure a refund of duties equal to the face value of the certificate on any articles that are imported into the customs territory of the United States by the certificate holder. Such refunds shall be made under regulations issued by the Treasury Department. Not more than 5 percent of such refunds may be retained as a reimbursement to the Customs Service for the administrative costs of making the refunds.''.

(b) JEWELRY.—Additional U.S. Note 3 to chapter 71 is amended—

(1) by redesignating paragraphs (b), (c), (d), and (e) as paragraphs (c), (d), (e), and (f), respectively;

(2) by inserting after paragraph (a) the following new paragraph:

''(b) Notwithstanding additional U.S. Note 5(h)(ii)(B) to chapter 91, articles of jewelry subject to this note shall be subject to a limitation of 10,000,000 units.''; and

(3) by striking paragraph (f), as so redesignated, and inserting the following:

''(f) Notwithstanding any other provision of law, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa by a jewelry manufacturer or jewelry assembler that commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa after August 9, 2001, shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule if such article is entered no later than 18 months after such jewelry manufacturer or jewelry assembler commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods imported into the customs territory of the United States on or after January 1, 2003.

SEC. 1563. MODIFICATION OF PROVISIONS RELATING TO DRAWBACK CLAIMS.

(a) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)) is amended to read as follows:

''(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—

''(1) CONDITIONS FOR DRAWBACK.—Upon the exportation or destruction under the supervision of the Customs Service of articles or merchandise—

''(A) upon which the duties have been paid,

''(B) which has been entered or withdrawn for consumption,

''(C) which is—

''(i) not conforming to sample or specifications, shipped without the consent of the consignee, or determined to be defective as of the time of importation, or

''(ii) ultimately sold at retail by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and for any reason returned to and accepted by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and

''(D) which, within 3 years after the date of importation or withdrawal, as applicable, has been exported or destroyed under the supervision of the Customs Service,

the full amount of the duties paid upon such merchandise, less 1 percent, shall be refunded as drawback.

''(2) DESIGNATION OF IMPORT ENTRIES.—For purposes of paragraph (1)(C)(ii), drawback may be claimed by designating an entry of merchandise that was imported within 1 year before the date of exportation or destruction of the merchandise described in paragraph (1) (A) and (B) under the supervision of the Customs Service. The merchandise designated for drawback must be identified in the import documentation with the same eight-digit classification number and specific product identifier (such as part number,

SKU, or product code) as the returned merchandise.

''(3) WHEN DRAWBACK CERTIFICATES NOT REQUIRED.—For purposes of this subsection, drawback certificates are not required if the drawback claimant and the importer are the same party, or if the drawback claimant is a drawback successor to the importer as defined in subsection (s)(3).''.

(b) TIME LIMITATION ON EXPORTATION OR DESTRUCTION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)), is amended—

(1) by striking ''No'' and inserting ''Unless otherwise provided for in this section, no''; and

(2) by inserting '', or destroyed under the supervision of the Customs Service,'' after ''exported''.

(c) USE OF DOMESTIC MERCHANDISE ACQUIRED IN EXCHANGE FOR IMPORTED MERCHANDISE OF SAME KIND AND QUALITY.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)), is amended—

(1) by striking ''(k)'' and inserting ''(k)(1)''; and

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

''(2) For purposes of subsections (a) and (b), the use of any domestic merchandise acquired in exchange for a drawback product of the same kind and quality shall be treated as the use of such drawback product if no certificate of delivery or certificate of manufacture and delivery pertaining to such drawback product is issued, other than that which documents the product's manufacture and delivery. As used in this paragraph, the term 'drawback product' means any domestically produced product, manufactured with imported merchandise or any other merchandise (whether imported or domestic) of the same kind and quality, that is subject to drawback.''.

(d) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)), is amended to read as follows:

''(q) PACKAGING MATERIAL.—

''(1) PACKAGING MATERIAL UNDER SUBSECTIONS (c) AND (j).—Packaging material, whether imported and duty paid, and claimed for drawback under either subsection (c) or (j)(1), or imported and duty paid, or substituted, and claimed for drawback under subsection (j)(2), shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material.

''(2) PACKAGING MATERIAL UNDER SUBSECTIONS (a) AND (b).—Packaging material that is manufactured or produced under subsection (a) or (b) shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material.

''(3) CONTENTS.—Packaging material described in paragraphs (1) and (2) shall be eligible for drawback whether or not they contain articles or merchandise, and whether or not any articles or merchandise they contain are eligible for drawback.

''(4) EMPLOYING PACKAGING MATERIAL FOR ITS INTENDED PURPOSE PRIOR TO EXPORTATION.—The use of any packaging material for its intended purpose prior to exportation shall not be treated as a use of such material prior to exportation for purposes of applying subsection (a), (b), or (c), or paragraph (1)(B) or (2)(C)(i) of subsection (j).''.

(e) LIMITATION ON LIQUIDATION.—Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) LIQUIDATION.—

''(1) ENTRIES FOR CONSUMPTION.—Unless an entry of merchandise for consumption is extended under subsection (b) of this section or suspended as required by statute or court order, except as provided in section 751(a)(3), an entry of merchandise for consumption not liquidated within 1 year from—

''(A) the date of entry of such merchandise,

''(B) the date of the final withdrawal of all such merchandise covered by a warehouse entry,

''(C) the date of withdrawal from warehouse of such merchandise for consumption if, pursuant to regulations issued under section 505(a), duties may be deposited after the filing of any entry or withdrawal from warehouse, or

''(D) if a reconciliation is filed, or should have been filed, the date of the filing under section 484 or the date the reconciliation should have been filed,

shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted at the time of entry by the importer of record. Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

''(2) ENTRIES OR CLAIMS FOR DRAWBACK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or (C), unless an entry or claim for drawback is extended under subsection (b) or suspended as required by statute or court order, an entry or claim for drawback not liquidated within 1 year from the date of entry or claim shall be deemed liquidated at the drawback amount asserted by the claimant at the time of entry or claim. Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

''(B) UNLIQUIDATED IMPORTS.—An entry or claim for drawback whose designated or identified import entries have not been liquidated and become final within the 1-year period described in subparagraph (A), or within the 1-year period described in subparagraph (C), shall be deemed liquidated upon the deposit of estimated duties on the unliquidated imported merchandise, and upon the filing with the Customs Service of a written request for the liquidation of the drawback entry or claim. Such a request must include a waiver of any right to payment or refund under other provisions of law. The Secretary of the Treasury shall prescribe any necessary regulations for the purpose of administering this subparagraph.

''(C) EXCEPTION.—An entry or claim for drawback filed before the date of the enactment of this paragraph, the liquidation of which is not final as of the date of the enactment of this paragraph, shall be deemed liquidated on the date that is 1 year after the date of the enactment of this paragraph at the drawback amount asserted by the claimant at the time of the entry or claim.

''(3) PAYMENTS OR REFUNDS.—Payment or refund of duties owed pursuant to paragraph (1) or (2) shall be made to the importer of record or drawback claimant, as the case may be, not later than 90 days after liquidation.

''(b) EXTENSION.—The Secretary of the Treasury may extend the period in which to liquidate an entry if—

''(1) the information needed for the proper appraisement or classification of the imported or withdrawn merchandise, or for determining the correct drawback amount, or for ensuring compliance with applicable law, is not available to the Customs Service; or

''(2) the importer of record or drawback claimant, as the case may be, requests such extension and shows good cause therefor.

The Secretary shall give notice of an extension under this subsection to the importer of record or drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant. Notice shall be in such form and manner (which may include electronic transmittal) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record, or the drawback amount asserted at the time of entry by the drawback claimant, at the expiration of 4 years from the applicable date specified in subsection (a).'';

(2) in subsection (c)—

(A) by inserting ''or drawback claimant, as the case may be,'' after ''to the importer of record''; and

(B) by inserting ''or drawback claimant'' after ''of such importer of record''; and

(3) in subsection (d), by striking the period at the end and inserting ''or (in the case of a drawback entry or claim) at the drawback amount asserted at the time of entry by the drawback claimant.''.

(f) PENALTIES FOR FALSE DRAWBACK CLAIMS.—Section 593A(h) of the Tariff Act of 1930 (19 U.S.C. 1593a(h)) is amended by striking ''subsection (g)'' and inserting ''subsections (c) and (g)''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), (d), and (f) shall take effect on the date of the enactment of this Act, and shall apply to—

(A) any drawback entry filed on and after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(2) SUBSECTION (e).—The amendments made by subsection (e) shall take effect on the date of the enactment of this Act, and shall apply to—

(A) any entry of merchandise for consumption or entry or claim for drawback filed on and after such date of enactment; and

(B) any entry or claim for drawback filed before such date of enactment if the liquidation of the entry or claim is not final on such date of enactment.

Subtitle C—Effective Date

SEC. 1571. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

Subtitle A—Miscellaneous Provisions

SEC. 2001. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ARMENIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Armenia has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974.

(2) Armenia acceded to the World Trade Organization on February 5, 2003.

(3) Since declaring its independence from the Soviet Union in 1991, Armenia has made considerable progress in enacting free-market reforms.

(4) Armenia has demonstrated a strong desire to build a friendly and cooperative relationship with the United States and has concluded many bilateral treaties and agreements with the United States.

(5) Total United States-Armenia bilateral trade for 2002 amounted to more than $134,200,000.

(b) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Armenia; and

(2) after making a determination under paragraph (1) with respect to Armenia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(c) TERMINATION OF APPLICATION OF TITLE IV.—On and after the effective date of the extension under subsection (b)(2) of nondiscriminatory treatment to the products of Armenia, title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 2002. MODIFICATION TO CELLAR TREATMENT OF NATURAL WINE.

(a) IN GENERAL.—Subsection (a) of section 5382 of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended to read as follows:

''(a) PROPER CELLAR TREATMENT.—

''(1) IN GENERAL.—Proper cellar treatment of natural wine constitutes—

''(A) subject to paragraph (2), those practices and procedures in the United States, whether historical or newly developed, of using various methods and materials to stabilize the wine, or the fruit juice from which it is made, so as to produce a finished product acceptable in good commercial practice in accordance with regulations prescribed by the Secretary; and

''(B) subject to paragraph (3), in the case of wine produced and imported subject to an international agreement or treaty, those practices and procedures acceptable to the United States under such agreement or treaty.

''(2) RECOGNITION OF CONTINUING TREATMENT.—For purposes of paragraph (1)(A), where a particular treatment has been used in customary commercial practice in the United States, it shall continue to be recognized as a proper cellar treatment in the absence of regulations prescribed by the Secretary finding such treatment not to be proper cellar treatment within the meaning of this subsection.

''(3) CERTIFICATION OF PRACTICES AND PROCEDURES FOR IMPORTED WINE.—

''(A) IN GENERAL.—In the case of imported wine produced after December 31, 2004, the Secretary shall accept the practices and procedures used to produce such wine, if, at the time of importation—

''(i) the Secretary has on file or is provided with a certification from the government of the producing country, accompanied by an affirmed laboratory analysis, that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A),

''(ii) the Secretary has on file or is provided with such certification, if any, as may be required by an international agreement or treaty under paragraph (1)(B), or

''(iii) in the case of an importer that owns or controls or that has an affiliate that owns or controls a winery operating under a basic permit issued by the Secretary, the importer certifies that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A).

''(B) AFFILIATE DEFINED.—For purposes of this paragraph, the term 'affiliate' has the meaning given such term by section 117(a)(4) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(4)) and includes a winery's parent or subsidiary or any other entity in which the winery's parent or subsidiary has an ownership interest.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2005.

SEC. 2003. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE ANDEAN TRADE PREFERENCE ACT.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to subsection (c)—

(1) with respect to any article described in section 204(b)(1)(D) of the Andean Trade Preference Act (as amended by section 3103(a)(2) of the Trade Act of 2002) for which the President proclaims duty free treatment pursuant to section 204(b)(1) of the Andean Trade Preference Act, the entry of any such article on or after August 6, 2002, and before the date on which the President so proclaims duty free treatment for such article shall be subject to the rate of duty applicable on August 5, 2002; and

(2) such entries shall be liquidated or reliquidated as if the reduced duty preferential treatment applied, and the Secretary of the Treasury shall refund any excess duties paid with respect to such entry.

(b) ENTRY.—As used in this subsection, the term ''entry'' includes a withdrawal from warehouse for consumption.

(c) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, and such request contains sufficient information to enable the Customs Service—

(1) to locate the entry; or

(2) to reconstruct the entry if it cannot be located.

SEC. 2004. TECHNICAL AMENDMENTS.

(a) TRADE ACT of 2002.—(1) Section 2(a)(4) of the Trade Act of 2002 is amended by striking ''and Other Provisions''.

(2) The table of contents of the Trade Act of 2002 is amended—

(A) in the item relating to section 342, by striking ''customs service'' and inserting ''Customs Service''; and

(B) by amending the item relating to section 3107 to read as follows:

''3107. Trade benefits under the Caribbean Basin Economic Recovery Act.''.

(3) The amendment made by section 111(b) of the Trade Act of 2002 shall be deemed never to have been enacted.

(4) Section 221(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(2)(A)) is amended by striking ''assistance, and appropriate'' and inserting ''assistance and appropriate''.

(5) Section 222(b) of the Trade Act of 1974 (19 U.S.C. 2272(b)) is amended—

(A) by striking the subsection heading and inserting the following: ''ADVERSELY AFFECTED SECONDARY WORKERS''; and

(B) in the matter preceding paragraph (1), by inserting ''pursuant to a petition filed under section 221'' after ''under this chapter''.

(6) Section 238(b)(1) of the Trade Act of 1974 is amended by striking ''Secretary,'' and inserting ''Secretary)''.

(7) Section 246 of the Trade Act of 1974 is amended—

(A) in subsection (a)(3)(B)(iii), by striking ''and'' after the semicolon;

(B) in subsection (a)(5), by striking ''section 238(a)(2)(B)'' and inserting ''paragraph (2)(B)''; and

(C) in subsection (b)(2), by striking ''provided that'' and inserting ''if''.

(8) The table of contents of the Trade Act of 1974 is amended by striking

''Sec. 246. Supplemental wage allowances demonstration projects.''.

(9) Section 296 of the Trade Act of 1974 is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''trade adjustment allowance'' and inserting ''adjustment assistance under this chapter''; and

(II) by striking ''such allowance'' and inserting ''such assistance''; and

(ii) in subparagraph (A), by striking ''subsection (a)'' and inserting ''this subsection''; and

(B) in subsection (b)(2), by striking ''paragraph (1) except'' and inserting ''paragraph (1), except''.

(10) Section 141(b) of the Trade Act of 2002 is amended by striking ''title'' and inserting ''subtitle''.

(11) Section 142 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)—

(i) by striking ''284(a)'' and ''2395(a)'' and inserting ''284'' and ''2395'', respectively; and

(ii) in subparagraph (A), by inserting ''in subsection (a),'' after ''(A)''; and

(B) in subsection (b), by striking '', as amended by subparagraph (A),''.

(12) Section 583(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1583(c)(1)) is amended by moving the matter preceding subparagraph (A) and subparagraphs (A) through (K) 2 ems to the right.

(13) Section 371(b) of the Trade Act of 2002 is amended by striking ''1330(e)(2)'' and inserting ''1330(e)''.

(14) Section 336 of the Trade Act of 2002 is amended to read as follows:

''SEC. 336. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

''(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) approximates the cost of services provided by the Customs Service relating to the fee so imposed.

''(b) REPORT.—Not later than 180 days after the date of the enactment of the Miscellaneous Trade and Technical Corrections Act of 2004, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing—

''(1) the results of the study conducted under subsection (a); and

''(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

Notwithstanding any other provision of law, the report or its contents may only be disclosed by the Comptroller General to the committees or Members of Congress and the Customs Service and shall not be disclosed to the public.''.

(15) Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by moving the paragraph 2 ems to the left.

(16) Section 2102(c) of the Trade Act of 2002 is amended—

(A) in paragraph (8), by striking ''this Act'' and inserting ''this title''; and

(B) in paragraph (12), by striking ''government engaged'' and inserting ''government is engaged''.

(17) Section 2103 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)(A), by striking ''June 1'' each place it appears and inserting ''July 1'';

(B) in subsection (b)(1)(C), by striking ''June 1'' each place it appears and inserting ''July 1'' and

(C) in subsection (c)—

(i) in paragraph (1)(B)(ii), by striking ''June 1'' and inserting ''July 1'';

(ii) in paragraph (2), by striking ''March 1'' and inserting ''April 1''; and

(iii) in paragraph (3), by striking ''May 1'' each place it appears and inserting ''June 1''.

(18) Section 2105(c) of the Trade Act of 2002 is amended by striking ''aand'' and inserting ''and''.

(19) Section 2113 of the Trade Act of 2002 is amended—

(A) in the first paragraph designated ''(2)'', by striking ''101(d)(12)'' and ''3511(d)(12)'' and inserting ''101(d)(13)'' and ''3511(d)(13)'', respectively; and

(B) in the second paragraph designated ''(2)''—

(i) by redesignating such paragraph as paragraph (3); and

(ii) by striking ''101(d)(13)'' and ''3511(d)(13)'' and inserting ''101(d)(12)'' and ''3511(d)(12)'', respectively.

(20) Section 4101(b)(1) of the Trade Act of 2002 is amended—

(A) in the matter preceding subparagraph (A), by striking ''entry—'' and inserting ''entry of any article—''; and

(B) in subparagraph (A), by striking ''of any article''.

(21) Section 151(a) of the Trade Act of 2002 is amended by striking ''and 141(b)'' and inserting '', 141(b), 201(d), and 202(e)''.

(22) Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986, as amended by section 202(b)(2)(B) of the Trade Act of 2002 (Public

Law 107–210; 116 Stat. 961), is amended by striking ''or (17)'' after ''any other person described in subsection (l)(16)'' each place it appears and inserting ''or (18)''.

(b) APPAREL ARTICLES UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—(1) Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended—

(A) in clause (i), by striking ''(including'' and inserting ''or both (including'';

(B) in clause (v), by striking '', from fabrics or yarn that is not formed in the United States or in one or more CBTPA beneficiary countries''; and

(C) in clause (vii)(IV), by striking ''(i) or (ii)'' and inserting ''(i), (ii), or (ix)''.

(2) Section 3107(a)(1)(B) of the Trade Act of 2002 is amended by striking ''(B) by adding at the end the following:'' and inserting ''(B) by amending the last two sentences to read as follows:''.

(c) TARIFF ACT OF 1930.—Section 505(a) of the Tariff Act of 1930 is amended—

(1) in the first sentence—

(A) by inserting ''referred to in this subsection'' after ''periodic payment''; and

(B) by striking ''10 working days'' and inserting ''12 working days''; and

(2) in the second sentence, by striking ''a participating'' and all that follows through the end of the sentence and inserting the following: ''the Secretary shall promulgate regulations, after testing the module, permitting a participating importer of record to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, no later than the 15 working days following the month in which the merchandise is entered or released, whichever comes first.''.

(d) ADDITIONAL TECHNICAL AMENDMENTS.—(1) The second and third U.S. notes 6 to subchapter XVII 14 of chapter 98 of the Harmonized Tariff Schedule of the United States (as added by sections 1433(b) and 1456(b) of the Tariff Suspension and Trade Act of 2000, respectively) are redesignated as U.S. notes 7 and 8 to subchapter XVII of such chapter 98, respectively.

(2) U.S. notes 4 and 12 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are hereby repealed.

(3) Section 421(b) of the Trade Act of 1974 (19 U.S.C. 2451(b)) is amended by striking ''subtitle'' each place it appears and inserting ''chapter''.

(4) Section 422(j) of the Trade Act of 1974 (19 U.S.C. 2451a(j)) is amended by striking ''(1)''.

(5) Section 337(a) of the Tariff Act of 1930 (19 U.S.C. 1337) is amended—

(A) in paragraph (1), by aligning the text of subparagraph (E) with the text of subparagraph (D); and

(B) in paragraph (2), by striking ''and (D)'' and inserting ''(D), and (E)''.

(6) Section 313(n)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1313(n)(1)(B)) is amended by adding a semicolon after ''Act''.

(7) Section 202(d)(1) of the United States-Chile Free Trade Agreement Implementation Act (19 U.S.C. 3805 note) is amended by striking ''subsection (a)(2)'' and inserting ''subsection (a)(1)(B)''.

(8)(A) Subheading 9804.00.70 of the Harmonized Tariff Schedule of the United States is amended in the article description column—

(i) by striking ''$1200'' and inserting ''$1600'';

(ii) by striking ''$400'' and inserting ''$800''; and

(iii) by striking ''or up to $600 of which have been acquired in one or more beneficiary countries''.

(B) Subheading 9804.00.72 of the Harmonized Tariff Schedule of the United States is amended in the article description column—

(i) by striking ''$600'' and inserting ''$800''; and

(ii) by striking ''not more than $400 of which shall have been acquired elsewhere than in beneficiary countries''.

(e) UNITED STATES VESSELS.—Section 204(b)(4)(B)(i) of the Andean Trade Preference Act is amended to read as follows:

''(i) UNITED STATES VESSEL.—A 'United States vessel' is—

''(I) a vessel that has a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code; or

''(II) in the case of a vessel without a fishery endorsement, a vessel that is documented under the laws of the United States and for which a license has been issued pursuant to section 9 of the South Pacific Tuna Act of 1988 (16 U.S.C. 973g).''.

(f) CUSTOMS USER FEES.—(1) Section 13031(b)(9)(A) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)) is amended by striking ''less than $2,000'' and inserting ''$2,000 or less''.

(2) Section 13031(b)(9)(A)(ii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(A)(ii)) is amended to read as follows:

''(ii) Notwithstanding subsection (e)(6) and subject to the provisions of subparagraph (B), in the case of an express consignment carrier facility or centralized hub facility—

''(I) $.66 per individual airway bill or bill of lading; and

''(II) if the merchandise is formally entered, the fee provided for in subsection (a)(9), if applicable.''.

(3) Section 13031(b)(9)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)(B)) is amended—

(A) by moving the margins for subparagraph (B) 4 ems to the left; and

(B) in clause (ii), by striking ''subparagraph (A)(ii)'' and inserting ''subparagraph (A)(ii) (I) or (II)''.

(4) Section 13031(f)(1)(B) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(1)(B)) is amended by moving the subparagraph 2 ems to the left.

(g) ENTRIES OF CERTAIN APPAREL ARTICLES PURSUANT TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Customs Service shall liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels entries of articles described in paragraph (4) made on or after October 1, 2000.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry described in paragraph (4) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(3) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under paragraph (1) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(4) ENTRIES.—The entries referred to in paragraph (1) are entries of apparel articles (other than socks provided for in heading 6115 of the Harmonized Tariff Schedule of the United States) that meet the requirements of section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (as amended by section 3107(a) of the Trade Act of 2002 and subsection (b) of this section).

(h) LABELING REQUIREMENTS.—

(1) IN GENERAL.—Section 4 of the Textile Fiber Products Identification Act (15 U.S.C. 70b) is amended by adding at the end the following new subsection:

''(k) MARKING OF CERTAIN SOCK PRODUCTS.—

''(1) Notwithstanding any other provision of law, socks provided for in subheading 6115.92.90, 6115.93.90, 6115.99.18, 6111.20.60, 6111.30.50, or 6111.90.50 of the Harmonized Tariff Schedule of the United States, as in effect on September 1, 2003, shall be marked as legibly, indelibly, and permanently as the nature of the article or package will permit in such a manner as to indicate to the ultimate consumer in the United States the English name of the country of origin of the article. The marking required by this subsection shall be on the front of the package, adjacent to the size designation of the product, and shall be set forth in such a manner as to be clearly legible, conspicuous, and readily accessible to the ultimate consumer.

''(2) EXCEPTIONS.—Any package that contains several different types of goods and includes socks classified under subheading 6115.92.90, 6115.93.90, 6115.99.18, 6111.20.60, 6111.30.50, or 6111.90.50 of the Harmonized Tariff Schedule of the United States, as in effect on September 1, 2003, shall not be subject to the requirements of paragraph (1).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 15 months after the date of enactment of this Act, and on and after the date that is 15 months after such date of enactment, any provision of part 303 of title 16, Code of Federal Regulations, that is inconsistent with such amendment shall not apply.

(i) EXTENSION OF INDUSTRY TRADE ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 135(f)(2) of the Trade Act of 1974 (19 U.S.C. 2155(f)(2)) is amended to read as follows:

''(2) to all other advisory committees which may be established under subsection (c) of this section, except that—

''(A) the meetings of advisory committees established under subsections (b) and (c) of this section shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or the President's designee that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives, or bargaining positions with respect to matters referred to in subsection (a) of this section, and that meetings may be called of such special task forces, plenary meetings of chairmen, or other such groups made up of members of the committees established under subsections (b) and (c) of this section; and

''(B) notwithstanding subsection (a)(2) of section 14 of the Federal Advisory Committee Act, any committee established under subsection (b) or (c) may, in the discretion of the President or the President's designee, terminate not later than the expiration of the 4-year period beginning on the date of their establishment.''.

(2) CONFORMING AMENDMENT.—Section 135(b)(1) of the Trade Act of 1974 (19 U.S.C. 2155(b)(1)) is amended by striking ''2 years'' and inserting ''4 years or until the committee is scheduled to expire''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on February 1, 2006.

(j) RETROACTIVITY FOR CERTAIN AGOA PROVISIONS.—

(1) IN GENERAL.—Section 8(d) of the AGOA Acceleration Act of 2004 (Public Law 108–274) is amended by striking ''section 112(b)'' and inserting ''section 112''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 8 of the AGOA Acceleration Act of 2004.

(B) REQUESTS FOR RETROACTIVE APPLICATION.—Section 8(b) of the AGOA Acceleration Act of 2004 shall be applied with respect to the amendment made by paragraph (1) by substituting ''90 days after the date of the enactment of the Miscellaneous Trade and Technical

Corrections Act of 2004'' for ''90 days after the date of the enactment of this Act''.

(k) MAURITIUS.—

(1) IN GENERAL.—Section 112(b)(3)(B) of the African Growth and Opportunity Act (19 U.S.C. 3271(b)(3)(B)) is amended by adding at the end the following new clause:

''(iv) SEPARATE LIMITATION FOR MAURITIUS.—For the 1-year period beginning October 1, 2004—

''(I) the term 'lesser developed beneficiary sub-Saharan African country' includes Mauritius; and

''(II) the applicable percentage with respect to Mauritius shall be 5 percent of the applicable percentage described in clause (ii)(II).''.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Bureau of Customs and Border Protection before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any good—

(A) that was made on or after October 1, 2004, and before the date of the enactment of this Act, and

(B) with respect to which there would have been no duty if the amendment made by this subsection applied to such entry or withdrawal,

shall be liquidated or reliquidated as if such amendment applied to such entry or withdrawal.

SEC. 2005. EXTENSION OF NORMAL TRADE RELATIONS TO LAOS.

(a) FINDINGS.—Congress finds that—

(1) the Lao People's Democratic Republic is pursuing a broad policy of adopting market-based reforms to enhance its economic competitiveness and achieve an attractive climate for investment;

(2) extension of normal trade relations treatment would assist the Lao People's Democratic Republic in developing its economy based on free market principles and becoming competitive in the global marketplace;

(3) establishing normal commercial relations on a reciprocal basis with the Lao People's Democratic Republic will promote United States exports to the rapidly growing southeast Asian region and expand opportunities for United States business and investment in the Lao People's Democratic Republic economy;

(4) United States and Laotian commercial interests would benefit from the bilateral trade agreement between the United States and the Lao People's Democratic Republic, signed in 2003, providing for market access and the protection of intellectual property rights;

(5) the Lao People's Democratic Republic has taken cooperative steps with the United States in the global war on terrorism, combating the trafficking of narcotics, and the accounting for American servicemen and civilians still missing from the Vietnam war; and

(6) expanding bilateral trade relations that include a commercial agreement may promote further progress by the Lao People's Democratic Republic on human rights, religious tolerance, democratic rule, and transparency, and assist that country in adopting regional and world trading rules and principles.

(b) EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PRODUCTS OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC.—

(1) Harmonized tariff schedule amendment.—General note 3(b) of the Harmonized Tariff Schedule of the United States is amended by striking ''Laos''.

(2) Effective date.—The amendment made by paragraph (1) applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the effective date of a notice published in the Federal Register by the United States Trade Representative that a trade agreement obligating reciprocal most-favored-nation treatment between the Lao People's Democratic Republic and the United States has entered into force.

SEC. 2006. REPEAL OF ANTIDUMPING PROVISION OF REVENUE ACT OF 1916.

(a) REPEAL.—Section 801 of the Act entitled ''An Act to increase the revenue, and for other purposes'', approved September 8, 1916 (15 U.S.C. 72), is repealed.

(b) EFFECT OF REPEAL.—The repeal made by subsection (a) shall not affect any action under section 801 of the Act referred to in subsection (a) that was commenced before the date of the enactment of this Act and is pending on such date.

Subtitle B—Technical Amendments Relating to Entry and Protest

SEC. 2101. ENTRY OF MERCHANDISE.

(a) IN GENERAL.—Subsection (a) of section 484 of the Tariff Act of 1930 (19 U.S.C. 1484) is amended—

(1) in paragraph (1)(B), by inserting after ''entry'' the following: '', or substitute 1 or more reconfigured entries on an import activity summary statement,''; and

(2) in paragraph (2)(A)—

(A) in the second sentence, by inserting after ''statements,'' the following: ''and permit the filing of reconfigured entries,''; and

(B) by adding at the end the following: ''Entries filed under paragraph (1)(A) shall not be liquidated if covered by an import activity summary statement, but instead each reconfigured entry in the import activity summary statement shall be subject to liquidation or reliquidation pursuant to section 500, 501, or 504.''.

(b) RECONCILIATION.—Subsection (b)(1) of such section is amended in the fourth sentence by striking ''15 months'' and inserting ''21 months''.

SEC. 2102. LIMITATION ON LIQUIDATIONS.

Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (3);

(B) in paragraph (4), by striking ''filed;'' and inserting ''filed, whichever is earlier; or''; and

(C) by inserting after paragraph (4) the following:

''(5) if a reconfigured entry is filed under an import activity summary statement, the date the import activity summary statement is filed or should have been filed, whichever is earlier;''; and

(2) by striking ''at the time of entry'' each place it appears.

SEC. 2103. PROTESTS.

Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''(relating to refunds and errors) of this Act'' and inserting ''(relating to refunds), any clerical error, mistake of fact, or other inadvertence, whether or not resulting from or contained in an electronic transmission, adverse to the importer, in any entry, liquidation, or reliquidation, and'';

(B) in paragraph (5), by inserting '', including the liquidation of an entry, pursuant to either section 500 or section 504'' after ''thereof''; and

(C) in paragraph (7), by striking ''(c) or''; and

(2) in subsection (c)—

(A) in paragraph (1), in the sixth sentence, by striking ''A protest may be amended,'' and inserting ''Unless a request for accelerated disposition is filed under section 515(b), a protest may be amended,''; and

(B) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''ninety days'' and inserting ''180 days'';

(ii) in subparagraph (A), by striking ''notice of'' and inserting ''date of''; and

(iii) in the second sentence, by striking ''90 days'' and inserting ''180 days''.

SEC. 2104. REVIEW OF PROTESTS.

Section 515(b) of the Tariff Act of 1930 (19 U.S.C. 1515(b)) is amended in the first sentence by striking ''after ninety days'' and inserting ''concurrent with or''.

SEC. 2105. REFUNDS AND ERRORS.

Section 520(c) of the Tariff Act of 1930 (19 U.S.C. 1520(c)) is repealed.

SEC. 2106. DEFINITIONS AND MISCELLANEOUS PROVISIONS.

Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

''(t) RECONFIGURED ENTRY.—The term 'reconfigured entry' means an entry filed on an import activity summary statement which substitutes for all or part of 1 or more entries filed under section 484(a)(1)(A) or filed on a reconciliation entry that aggregates the entry elements to be reconciled under section 484(b) for purposes of liquidation, reliquidation, or protest.''.

SEC. 2107. VOLUNTARY RELIQUIDATIONS.

Section 501 of the Tariff Act of 1930 (19 U.S.C. 1501) is amended in the first sentence by inserting ''or 504'' after ''section 500''.

SEC. 2108. EFFECTIVE DATE.

The amendments made by this subtitle shall apply to merchandise entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

Subtitle C—Protection of Intellectual Property Rights

SEC. 2201. USTR DETERMINATIONS IN TRIPS AGREEMENT INVESTIGATIONS.

(a) IN GENERAL.—Section 304(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2414(a)(2)(A)) is amended by inserting after ''agreement,'' the following: ''except an investigation initiated pursuant to section 302(b)(2)(A) involving rights under the Agreement on Trade-Related Aspects of Intellectual Property Rights (referred to in section 101(d)(15) of the Uruguay Round Agreements Act) or the GATT 1994 (as defined in section 2(1)(B) of that Act) relating to products subject to intellectual property protection,''.

(b) TIMEFRAME FOR TRIPS AGREEMENT DETERMINATIONS.—Section 304(a)(3)(A) of the Trade Act of 1974 is amended to read as follows:

''(3)(A) If an investigation is initiated under this chapter by reason of section 302(b)(2) and—

''(i) the Trade Representative considers that rights under the Agreement on Trade-Related Aspects of Intellectual Property Rights or the GATT 1994 relating to products subject to intellectual property protection are involved, the Trade Representative shall make the determination required under paragraph (1) not later than 30 days after the date on which the dispute settlement procedure is concluded; or

''(ii) the Trade Representative does not consider that a trade agreement, including the Agreement on Trade-Related Aspects of Intellectual Property Rights, is involved or does not make a determination described in subparagraph (B) with respect to such investigation, the Trade Representative shall make the determinations required under paragraph (1) with respect to such investigation not later than the date that is 6 months after the date on which such investigation is initiated.''.

(c) CONFORMING AMENDMENT.—Section 305(a)(2)(B) of the Trade Act of 1974 is amended by striking ''section 304(a)(3)(A)'' and inserting ''section 304(a)(3)(A)(ii)''.

TITLE III—IRAQI CULTURAL ANTIQUITIES

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Emergency Protection for Iraqi Cultural Antiquities Act of 2004''.

SEC. 3002. EMERGENCY IMPLEMENTATION OF IMPORT RESTRICTIONS.

(a) AUTHORITY.—The President may exercise the authority of the President under section 304 of the Convention on Cultural Property Implementation Act (19 U.S.C. 2603) with respect to

any archaeological or ethnological material of Iraq without regard to whether Iraq is a State Party under that Act, except that, in exercising such authority, subsection (c) of such section shall not apply.

(b) DEFINITION.—In this section, the term ''archaeological or ethnological material of Iraq'' means cultural property of Iraq and other items of archaeological, historical, cultural, rare scientific, or religious importance illegally removed from the Iraq National Museum, the National Library of Iraq, and other locations in Iraq, since the adoption of United Nations Security Council Resolution 661 of 1990.

SEC. 3003. TERMINATION OF AUTHORITY.

The authority of the President under section 3002(a) shall terminate on September 30, 2009.

TITLE IV—WOOL TRUST FUND

SEC. 4001. SHORT TITLE.

This title may be cited as the ''Wool Suit and Textile Trade Extension Act of 2004''.

SEC. 4002. EXTENSION AND MODIFICATION OF DUTY SUSPENSION ON WOOL PRODUCTS, WOOL RESEARCH FUND, WOOL DUTY REFUNDS.

(a) EXTENSION OF TEMPORARY DUTY REDUCTIONS.—

(1) HEADING 9902.51.11.—Heading 9902.51.11 of the Harmonized Tariff Schedule of the United States is amended—

(A) in the article description, by striking ''all the foregoing'' through the end and inserting ''(provided for in subheading 5112.11.60 or 5112.19.95)'';

(B) by striking ''2005'' and inserting ''2007''; and

(C) by striking ''17.5%'' and inserting ''10%''.

(2) HEADING 9902.51.12.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.51.12.

(3) HEADING 9902.51.13.—Heading 9902.51.13 of the Harmonized Tariff Schedule of the United States is amended by striking ''2005'' and inserting ''2007''.

(4) HEADING 9902.51.14.—Heading 9902.51.14 of the Harmonized Tariff Schedule of the United States is amended—

(A) in the article description, by inserting ''the foregoing'' after ''top,''; and

(B) by striking ''2005'' and inserting ''2007''.

(5) FABRICS OF COMBED WOOL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following:

''	9902.51.15	Fabrics of combed wool, containing 85 percent or more by weight of wool, with wool yarns of average fiber diameters of 18.5 micron or less, under the terms of U.S. note 16(b) to this subchapter (provided for in subheading 5112.11.30 or 5112.19.60)	Free	No change	No change	On or before 12/31/2006	
	9902.51.16	Fabrics of combed wool, containing 85 percent or more by weight of wool, with wool yarns of average fiber diameters of 18.5 micron or less, under the terms of U.S. note 17 to this subchapter (provided for in subheading 5112.11.30 or 5112.19.60)	Free	No change	No change	On or before 12/31/2006	''

(b) MODIFICATION OF LIMITATION ON QUANTITY OF IMPORTS.—

(1) NOTE 15.—U.S. Note 15 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking ''The aggregate'' and inserting:

''(a) The aggregate'';

(B) in subdivision (a), as redesignated by subparagraph (A)—

(i) by striking the comma after ''9902.51.11'';

(ii) by striking ''and'' after ''2002,''; and

(iii) by striking ''year 2003'' and all that follows through the end period and inserting the following: ''years 2003 and 2004, and 5,500,000 square meter equivalents in calendar year 2005 and each calendar year thereafter for the benefit of persons who cut and sew men's and boys' worsted wool suits and suit-like jackets and trousers in the United States, allocated as required by section 501(e) of the Trade and Development Act of 2000.''; and

(C) by adding at the end the following new division:

''(b) For purposes of heading 9902.51.11, all fabrics entered under such heading must be certified by the importer as suitable for use in making men's and boys' suits (as defined in U.S. note 13 to this subchapter), suit-type jackets, or trousers and must be imported for the benefit of persons who cut and sew such clothing in the United States.''.

(2) NOTE 16.—U.S. Note 16 to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking ''The aggregate'' and inserting ''(a) The aggregate'';

(B) in subdivision (a), as redesignated by subparagraph (A)—

(i) by striking ''9902.51.12,'' and inserting ''9902.51.15'';

(ii) by striking ''and'' after ''2002,''; and

(iii) by striking ''year 2003'' and all that follows through the end period and inserting the following: ''years 2003 and 2004, 5,000,000 square meter equivalents in calendar year 2005 and each calendar year thereafter, allocated as required by section 501(e) of the Trade and Development Act of 2000 for the benefit of persons who cut and sew such clothing in the United States.''; and

(C) by adding at the end the following new subdivision:

''(b) For purposes of heading 9902.51.15, all fabrics entered under such heading must be certified by the importer as suitable for use in making men's and boys' suits (as defined in U.S. note 13 to this subchapter), suit-type jackets, or trousers and must be imported for the benefit of persons who cut and sew such clothing in the United States.''.

(3) NOTE 17.—The U.S. Notes for subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new Note:

''17. (a) The aggregate quantity of worsted wool fabric entered under subheading 9902.51.16 shall be limited to 2,000,000 square meter equivalents in calendar year 2005 and each calendar year thereafter, allocated in accordance with section 501(e) of the Trade and Development Act of 2000 for the benefit of persons who weave worsted wool fabric suitable for use in men's and boys' suits.

''(b) For purposes of heading 9902.51.16, all fabrics entered under such heading must be certified by the importer as suitable for use in making men's and boys' suits (as defined in U.S. note 13 to this subchapter), suit-type jackets, or trousers and must be imported for the benefit of persons who weave in the United States worsted wool fabric suitable for use in such clothing.''.

(4) CONFORMING AMENDMENTS.—

(A) SUNSET STAGED REDUCTION REQUIREMENT.—Section 501(a)(2) of the Trade and Development Act of 2000 (Public Law 106–200; 114 Stat. 299) is amended by inserting before the period ''for goods entered, or withdrawn from warehouse for consumption, before January 1, 2005''.

(B) ALLOCATION OF TARIFF-RATE QUOTAS.—Subsection (e) of section 501 of the Trade and Development Act of 2000 (Public Law 106–200; 114 Stat. 200) is amended—

(i) by striking ''9902.51.12'' and inserting ''9902.51.15'';

(ii) by inserting ''for manufacturers of men's and boys' suits'' after ''implementing the limitation''; and

(iii) by inserting at the end the following new sentence: ''In implementing the limitation for manufacturers of worsted wool fabric with respect to the quantity of worsted wool fabrics under heading 9902.51.16 of the Harmonized Tariff Schedule of the United States, as required by U.S. Note 17 of subchapter II of chapter 99 of such Schedule, the Secretary of Commerce shall prescribe regulations to allocate fairly the quantity of worsted wool fabrics required under U.S. Note 17 of such Schedule to manufacturers who weave worsted wool fabric in the United States.''.

(C) SUNSET AUTHORITY TO MODIFY LIMITATION ON QUANTITY.—Section 504(b) of the Trade and Development Act of 2000 (Public Law 106–200; 114 Stat. 301) is repealed, effective January 1, 2005.

(c) EXTENSION OF DUTY REFUNDS AND WOOL RESEARCH TRUST FUND.—

(1) ESTABLISHMENT OF TRUST FUND.—There is hereby established within the Treasury of the United States a trust fund to be known as the Wool Apparel Manufacturers Trust Fund (in this subsection referred to as the ''Trust Fund''), consisting of such amounts as may be transferred to the Trust Fund under paragraph (2).

(2) TRANSFER OF AMOUNTS.—

(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund, out of the general fund of the Treasury of the United States, amounts determined by the Secretary of the Treasury to be equivalent to the amounts received in the general fund that are attributable to the duty received on articles classified under chapter 51 of the Harmonized Tariff Schedule of the United States, subject to the limitation in subparagraph (B).

(B) LIMITATION.—In any fiscal year, the Secretary shall not transfer more than the amount determined by the Secretary necessary for the Bureau of Customs and Border Protection to make payments authorized under paragraph (3) and the Secretary of Commerce to make grants under paragraph (6).

(3) AVAILABILITY OF AMOUNTS FROM TRUST FUND.—From amounts in the Trust Fund, the Bureau of Customs and Border Protection shall pay to each manufacturer that receives a payment during calendar year 2005 under section 505 of the Trade and Development Act of 2000 (Public Law 106–200; 114 Stat. 303), as amended by section 5101 of the Trade Act of 2002 (116 Stat. 1041), and that provides an affidavit, no later than March 1 of the year of the payment, that it remains a manufacturer in the United States as of January 1 of the year of the payment, 2 additional payments, each payment equal to the payment received for calendar year 2005 as follows:

(A) The first payment to be made after January 1, 2006, but on or before April 15, 2006.

(B) The second payment to be made after January 1, 2007, but on or before April 15, 2007.

(4) SUCCESSOR-IN-INTEREST.—Any manufacturer that becomes a successor-in-interest to a claimant of a payment under section 505 of the Trade and Development Act of 2000, as amended by section 5101 of the Trade Act of 2002, because of—

(A) an assignment of the claim,

(B) an assignment of the original claimant's right to manufacture under the same trade name, or

(C) a reorganization,

or otherwise, shall be eligible to claim the payment as if the successor manufacturer were the original claimant, without regard to section 3727 of title 31, United States Code. Such right to claim payment as a successor shall be effective as if the right were included in section 505 of the Trade and Development Act of 2000.

(5) EXTENSION OF WOOL RESEARCH, DEVELOPMENT, AND PROMOTION TRUST FUND.—Section 506(f) of the Trade and Development Act of 2000 (Public Law 106–200; 114 Stat. 303), as amended by section 5102(c)(2) of the Trade Act of 2002 (116 Stat. 1047), is amended by striking ''2006'' and inserting ''2008''.

(6) COMMERCE AUTHORITY TO PROMOTE DOMESTIC EMPLOYMENT.—

(A) GRANTS TO MANUFACTURERS OF WORSTED WOOL FABRICS.—The Secretary of Commerce shall provide to—

(i) persons who were, during calendar years 1999, 2000, and 2001, manufacturers of worsted wool fabric of the kind described in heading 9902.51.12 of the Harmonized Tariff Schedule of the United States (as in effect on the day before the date of the enactment of this Act), and

(ii) persons who were, during such calendar years, manufacturers of worsted wool fabric of the kind described in heading 9902.51.11 of the Harmonized Tariff Schedule of the United States,

grants in each of calendar years 2005 through 2007 in the amounts determined under subparagraph (B).

(B) AMOUNTS.—(i) The total amount of grants to manufacturers under subparagraph (A)(i) shall be $2,666,000 each calendar year, allocated among such manufacturers on the basis of the percentage of each manufacturer's production of the fabric described in heading 9902.51.12 of the Harmonized Tariff Schedule of the United States (as in effect on the day before the date of the enactment of this Act) for calendar years 1999, 2000, and 2001, compared to the production of such fabric by all such manufacturers who qualify under subparagraph (A)(i) for such grants.

(ii) The total amount of grants to manufacturers under subparagraph (A)(ii) shall be $2,666,000 each calendar year, allocated among such manufacturers on the basis of the percentage of each manufacturer's production of the fabric described in heading 9902.51.11 of the Harmonized Tariff Schedule of the United States for calendar years 1999, 2000, and 2001, compared to the production of such fabric by all manufacturers who qualify under subparagraph (A)(ii) for such grants.

(iii) Any grant awarded by the Secretary under this paragraph shall be final and not subject to appeal or protest.

(d) EFFECTIVE DATE FOR DUTY REDUCTION.—The amendment made by subsection (a)(1)(B) shall apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2005.

TITLE V—REFERENCE TO CUSTOMS SERVICE

SEC. 5001. REFERENCE TO CUSTOMS SERVICE.

Except as otherwise expressly provided, any reference in this Act to the ''United States Customs Service'' or the ''Customs Service'' shall be considered to be a reference to the ''Bureau of Customs and Border Protection'' of the Department of Homeland Security.

And the Senate agree to the same.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

WILLIAM THOMAS,
PHILIP M. CRANE,
E. CLAY SHAW, Jr.,
CHARLES B. RANGEL,
SANDER M. LEVIN,
Managers on the Part of the House.

CHUCK GRASSLEY,
BILL FRIST,
MAX BAUCUS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1047), to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 1—SHORT TITLE; TABLE OF CONTENTS

TITLE I—TARIFF PROVISIONS

SECTION 1101—REFERENCE; EXPIRED PROVISIONS

Present law

Subchapter II of Chapter 99 of the Harmonized Tariff Schedule of the United States provides rates of duty for certain items.

House bill

The House bill strikes certain subheadings in subchapter II of Chapter 99.

Senate amendment

The Senate amendment is the same as the House bill with minor technical changes.

Conference agreement

The conference agreement follows the House bill and the Senate amendment with minor technical changes.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SECTIONS 1111 THROUGH 1441

Present law

Imports of the goods described in sections 1111 through 1441 enter under the specified Harmonized Tariff Schedule subheading with the associated tariff rate.

House bill

The House bill provides for the suspension or reduction of duties of 306 products identified in section 1101 through 1406 of H.R. 1047.

Senate amendment

The Senate amendment struck all House provisions and substituted provisions that in most cases were identical or had only minor technical changes. There are exceptions as follows. The Senate amendment added additional duty suspensions at Sections 1399–1419 of the Senate amendment. The Senate amendment deleted House Section 1124 (Buctril) because of opposition from a domestic maker of the product. The Senate amendment inadvertently did not include House Sections 1176, 1338, 1403, and 1414.

Conference agreement

After consideration of the technical and policy differences between the two bills, Conferees agreed to the following:

The House recedes to the following Senate amendments: Sections 1109, 1111, 1144, 1145, 1148, 1161, 1166, 1205, 1215, 1223, 1124, 1231, 1245, 1290, 1312, 1317, 1322, 1324, 1336, 1340, 1341, 1343, 1363, 1365, 1376, 1381, 1386, 1399–1419. The Senate recedes to the following House provisions: Sections 1101–1108, 1110, 1112–1113, 1125–1144, 1147–1148, 1150–1161, 1163–1166, 1168–1206, 1208–1216, 1218–1224, 1227–1232, 1234–1246, 1248–1291, 1293–1313, 1315–1318, 1320–1323, 1325, 1327–1337, 1338–1342, 1345, 1347–1365, 1367, 1369–1371, 1372–1378, 1380–1383, 1385–1388, 1390–1401, and 1406. The provisions expire on December 31, 2006.

The House further recedes to the Senate in dropping Section 1124 (Buctril) of the House bill. Conferees agree to make technical changes to Section 1420 of the Senate amendment (Bags for certain toys). The Senate recedes to the House with respect to certain footwear with the exception that the duty is reduced to 0. Conferees further agree to include additional duty suspensions.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SECTIONS 1451 THROUGH 1456—EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS

Present law

Imports of the goods described in section 1451 through 1456 enter under the specified Harmonized Tariff Schedule subheading with the associated tariff rate.

House bill

The House bill extends the existing duty suspensions for products identified in Sections 1451 through 1456 until 12/31/2005.

Senate amendment

The Senate amendment made no changes to the House bill except for extending the existing duty suspensions for the products identified until 12/31/2006.

Conference agreement

The House recedes to the Senate. The conference agreement includes two additional extensions of duty suspensions for polyvinyl chloride and ceramic knives.

SECTION 1457—EFFECTIVE DATE

Present law

No provision.

House bill

Except as otherwise provided, the House bill makes the extension of duty suspensions provided in Sections 1451 through 1456 effective as of January 1, 2003.

Senate amendment

Except as otherwise provided, the Senate amendment makes the extension of duty suspensions provided in Sections 1451 through 1456 effective as of January 1, 2004.

Conference agreement

The House recedes to the Senate.

Subtitle B—Other Tariff Provisions

CHAPTER 1—LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Statement of Conferees regarding provisions to reliquidate certain entries: Conferees noted with great concern the large number of requests for reliquidation of imported entries. The standard for including reliquidations is clear government error. In this instance, some of the requests for reliquidation of imported products arose out of the fact that importers of like products were forgiven their debt in prior miscellaneous trade legislation. Conferees concluded that it was only fair to put all importers of like products on an equal footing. For this and other reasons conferees chose to be broadly inclusive in accepting reliquidation provisions in this conference report. In future legislation, however, conferees believe it is important that Congress authorize reliquidation of import

entries only when there is clear government error, and sponsors of such legislation should be mindful of whether there is equal treatment for all importers of like products. Conferees intend that the test for ''clear government error'' for future reliquidations be strictly construed. Conferees further do not view inclusion of any particular reliquidation in this conference report as precedent that similar request should be included in future legislation.

SECTION 1501—CERTAIN TRAMWAY CARS

Present law

Imports of the goods described in section 1501 were liquidated.

House bill

The House bill provides for the liquidation or reliquidation of certain tramway car entries as duty free.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

SECTION 1502—LIBERTY BELL REPLICA

Present law

Liberty Bell replicas are currently liquidated at a rate of 5.8% ad valorem.

House bill

The House bill provides for the liquidation or reliquidation of a replica of the Liberty Bell, imported from the Whitechapel Bell Foundry of London, England, as duty-free.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

SECTION 1503—CERTAIN ENTRIES OF COTTON GLOVES

Present law

Certain identified entries of cotton gloves entered during the period from September 8, 1994 to February 2, 2000 were liquidated.

House bill

The House bill provides for the liquidation or reliquidation of certain identified entries of cotton gloves entered during the period from September 8, 1994 to February 2, 2000.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

SECTION 1504—CERTAIN ENTRIES OF POSTERS

Present law

Certain identified entries of posters entered during the period from June 19, 2000 to May 18, 2001 were liquidated.

House bill

The House bill provides for the liquidation or reliquidation of certain identified entries of posters entered during the period from June 19, 2000 to May 18, 2001.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

SECTION 1505—CERTAIN ENTRIES OF POSTERS ENTERED IN 1999 AND 2000

Present law

Certain identified entries of posters entered in 1999 and 2001 entered during the period from March 8, 1999 to November 1, 2000, were liquidated.

House bill

The House bill provides for the liquidation or reliquidation of certain identified entries of posters entered during the period from March 8, 1999 to November 1, 2000.

Senate amendment

The Senate amendment is the same as the House bill with additional items.

Conference agreement

The House recedes to the Senate.

SECTION 1506—CERTAIN ENTRIES OF 13–INCH TELEVISIONS

Present law

Certain identified entries of 13–inch televisions entered during the period from April 17, 1999 to May 31, 2000 were liquidated.

House bill

The House bill provides for the liquidation or reliquidation of certain identified entries of 13–inch televisions entered during the period from April 17, 1999 to May 31, 2000.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

SECTION 1507—NEOPRENE SYNCHRONOUS TIMING BELTS

Present law

Certain identified entries of neoprene synchronous timing belts were liquidated during the period from July 6, 1989 to April 17, 1990.

House bill

The House bill provides for the liquidation or reliquidation of certain identified entries of neoprene synchronous timing belts entered during the period from July 6, 1989 to April 17, 1990.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SECTION 1508—CERTAIN ENTRIES OF ROLLER CHAIN

Present Law

Certain identified entries of roller chain subject to antidumping duties, entered during the period from June 30, 1981, to December 2, 1996, were liquidated.

House bill

No provision.

Senate amendment

The Senate amendment provides for the liquidation or reliquidation of certain identified entries of roller chain entered during the period from June 30, 1981 to December 2, 1996.

Conference agreement

The House recedes to the Senate.

SECTION 1509—JUICES ENTERED IN APRIL 1993

Present law

Section 313(j) of the Tariff Act of 1930 (19 U.S.C. section 1313(j)) allows exporters to claim drawback under certain circumstances.

House bill

No provision.

Senate amendment

The Senate amendment provides for the liquidation or reliquidation of certain identified drawback claims, of juices entered in April of 1993.

Conference agreement

The House recedes to the Senate.

SECTION 1510—JUICES ENTERED IN MARCH 1994

Present law

Section 313(j) of the Tariff Act of 1930 (19 U.S.C. section 1313(j)) allows exporters to claim drawback under certain circumstances.

House bill

No provision.

Senate amendment

The Senate amendment provides for the liquidation or reliquidation of certain identified drawback claims on entries of juices entered in March of 1994.

Conference agreement

The House recedes to the Senate.

SECTION 1511—CERTAIN ENTRIES PREMATURELY LIQUIDATED IN ERROR

Present Law

Certain identified entries of aramid fibers entered during the period from July 29, 1994 to March 24, 2000 were prematurely liquidated in error.

House bill

The House bill provides for the liquidation or reliquidation of certain entries of aramid fibers, which were entered under the incorrect duty rate and prematurely liquidated in error, during the period from September 8, 1994 to March 24, 2000.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

SECTION 1512—CERTAIN POSTERS ENTERED DURING 2000 AND 2001

Present law

Certain identified entries of posters entered during the period from September 24, 2000, to February 28, 2001, were liquidated.

House bill

No provision.

Senate amendment

The House bill provides for the liquidation or reliquidation of certain identified entries of posters entered during the period from September 24, 2000, to February 28, 2001.

Conference agreement

The House recedes to the Senate.

SECTION 1513—CERTAIN OTHER ENTRIES

Present law

Certain entries entered during the period from February 22, 1995, to February 9, 1996, were liquidated by U.S. Customs.

House bill

No provision.

Senate Amendment

This provision would provide for the reliquidation of certain entries and allow importers to claim drawback claims for the reexport of such goods.

Conference Agreement

The House recedes to the Senate.

SECTION 1514—CERTAIN RAILWAY PASSENGER COACHES

Present law

Certain identified entries of railway passenger coaches were liquidated.

House bill

No provision.

Senate amendment

The Senate amendment provides for the liquidation or reliquidation of certain identified entries of railway passenger coaches.

Conference agreement

The House recedes to the Senate.

SECTION 1515—CERTAIN VANADIUM CARBIDES

Present law

Certain identified entries of certain entries of vanadium carbides and vanadium

carbonitride entered during the period from June 20, 1999 to July 12, 2000, were liquidated.

House bill

No provision.

Senate amendment

The Senate amendment provides for the liquidation or reliquidation of certain identified entries of vanadium carbides and vanadium carbonitride entered during the period from June 20, 1999 to July 12, 2000.

Conference agreement

The House recedes to the Senate.

SECTION 1516—STEEL WIRE ROPE ENTRIES

Present law

Certain identified entries of steel wire rope entered during the period from August 4, 1998 to February 8, 1999 were liquidated.

House bill

No provision.

Senate amendment

The Senate amendment provides for the liquidation or reliquidation of certain identified entries of steel wire rope entered during the period from August 4, 1998 to February 8, 1999.

Conference agreement

The House recedes to the Senate.

SECTIONS 1517 THROUGH 1536—CERTAIN ENTRIES OF TOMATO SAUCE PREPARATION

Present law

Certain identified entries of tomato sauce preparation were liquidated.

House bill

No provision.

Senate amendment

The Senate amendment provides for the liquidation or reliquidation of certain identified entries of tomato sauce preparation.

Conference agreement

The House recedes to the Senate.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SECTIONS 1551 THROUGH 1559

Present law

See description of present law in Senate Report 108–28.

House bill

See description of provisions and reasons for change in Senate Report 108–28.

Senate amendment

The Senate amendment made no changes to the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

SECTION 1560—AUTHORITY FOR THE ESTABLISHMENT OF INTEGRATED BORDER INSPECTION AREAS AT THE UNITED STATES—CANADA BORDER

Present law

Section 127 of the Treasury Department Appropriations Act of 2003 (P.L. 108–7) contains this provision.

House bill

The House bill requires the Commissioner of Customs to seek to establish Integrated Border Inspection Areas on either side of the United States-Canada border in which U.S. Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian Customs officers can inspect vehicles entering Canada from the United States before they enter Canada.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SECTION 1561—DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS

Present law

Section 127 of the Treasury Department Appropriations Act of 2003 (P.L. 108–7) contains this provision.

House bill

The House bill amends Section 401(i) of the Tariff Act of 1930 to provide for inspections and pre-clearance in foreign countries and to authorize the Secretary of State to enter into agreements with foreign countries for the stationing of foreign customs and agriculture inspection officers in the United States.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SECTION 1562—AMENDMENTS TO THE UNITED STATES INSULAR POSSESSION PROGRAM

Present law

Additional U.S. Note 5 to HTS Chapter 91 provides for the duty-free entry of defined quantities of watches and watch movements produced in the U.S. insular possessions. This provision requires the Secretaries of Commerce and the Interior (the 'Secretaries') to allocate such duty exemptions among the insular possessions and issue appropriate licenses for such duty exemptions. Note 5 also requires the Secretaries to issue duty-refund certificates (known as Production Incentive Certificates, or PICs) to each insular possession watch and watch movement producer based on the producer's duty-free shipments and creditable wages during the previous calendar year. Additional U.S. Note 3 to Chapter 71, which was added to the HTS in 1999, provides that a producer of any article of jewelry that is provided for in heading 7113 and that is the product of the insular possessions is also eligible for PIC benefits provided for in Additional U.S. Note 5(h) to Chapter 91. In addition, Additional U.S. Note 3 to Chapter 71 provided that, for a two-year transition period, any article of jewelry provided for in heading 7113 that was assembled in the insular possessions would be treated as a product of the insular possessions for purposes of General Note 3(a)(iv), which provides duty-free treatment for insular possession products.

House bill

The House bill amends Additional U.S. Note 5(h) to HTS Chapter 91 to: (1) remove current restrictions on the use of Production Incentive Certificates by permitting the use of such certificates for refunds of duties on any articles imported into the United States; (2) extend the PIC program through 2015; and (3) increase the value of PICs to correspond to the loss of any comparative duty advantage for insular watches, contingent upon future eliminations or reductions in worldwide watch duties

The House bill further amends Additional U.S. Note 3 to HTS Chapter 71 of the Harmonized Tariff Schedule of the United States to: (1) add a separate 10,000,000–unit cap for jewelry to account for the fact that jewelry is generally produced at higher volumes than watches; and (2) provide a transition rule under which jewelry assembled by a new insular jewelry producer would receive duty-free treatment for 18 months after the producer's commencement of operations.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

SECTION 1563—MODIFICATION OF PROVISIONS RELATED TO DRAWBACK CLAIMS

Present law

See description of present law in Senate Report 108–28.

House bill

See description of provisions and reasons for change in Senate Report 108–28.

Senate amendment

The Senate amendment made no changes to the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

Subtitle C—Effective Date

SECTION 1571—EFFECTIVE DATE

Present law

No provision.

House bill

The House bill makes the amendments in this title applicable on or after the 15th day after the date of the enactment of the Act.

Senate amendment

The Senate amendment is the same as the House bill.

Conference agreement

The conference agreement follows the House bill and the Senate amendment.

TITLE II—OTHER TRADE PROVISIONS

Subtitle A—Miscellaneous Provisions

SECTION 2001—TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO ARMENIA

Present law

Armenia's NTR status is currently governed by Title IV of the Trade Act of 1974, as amended by the Customs and Trade Act of 1990 (title IV). Section 402 of title IV (also known as the Jackson-Vanik amendment) sets forth requirements relating to freedom of emigration, which must be met or waived by the President in order for the President to grant nondiscriminatory normal trade relations (NTR) status to a non-market economy country. Armenia, which was granted NTR in 1992, was found to be in full compliance with the Jackson-Vanik freedom of emigration requirements on June 3, 1997. NTR has continuously been renewed for Armenia, subject to semiannual review by the President. Armenia became a member of the World Trade Organization on February 5, 2003.

House bill

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement grants the President the authority to: (1) determine that Title IV of the Trade Act of 1974 should no longer apply to Armenia; and (2) proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Armenia.

SECTION 2002—MODIFICATION TO CELLAR TREATMENT OF NATURAL WINE

Present law

The United States allows the importation of wine produced in other countries without requiring either testing or certification in order to confirm that the wine has been produced in accordance with U.S. regulations. U.S. authorities simply require a certification that the wine has been produced in accordance with the regulations of the country of export, even though such foreign regulations may not be comparable to U.S. law. In contrast, a large number of U.S. trading partners require testing and laboratory analysis of U.S. wines imported for consumption

to determine whether the wine conforms to their particular winemaking regulations and practices. Such foreign regulations can constitute a non-tariff trade barrier for U.S. goods.

In an effort to facilitate trade in wine, in December 2001, the United States along with other signatories signed a plurilateral agreement establishing a Mutual Acceptance Agreement on Winemaking Practices (MAA), also known as the Wine Accord. The primary focus of the MAA is to eliminate testing of wine for reasons other than health or safety. It is the first multilateral agreement to embrace the concept of equivalency in the Technical Barriers to Trade Agreement of the WTO.

House bill

The House bill provision conforms to the requirements of the MAA and establishes procedures to assure that countries not party to the MAA meet minimum requirements.

Senate amendment

No provision.

Conference agreement

The Senate recedes to the House.

SECTION 2003—ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE ANDEAN TRADE PREFERENCE ACT

Present law

See description of present law in Senate Report 108–28.

House bill

See description of provisions and reasons for change in Senate Report 108–28.

Senate amendment

The Senate amendment made technical corrections to the House bill.

Conference agreement

The House recedes to the Senate.

SECTION 2004—TECHNICAL AMENDMENTS

Present law

No provision.

House bill

The House bill makes technical corrections to the Trade Act of 2002 (P.L. 107–210). The House bill also amends Section 112(b) of the African Growth and Opportunity Act (AGOA) (19 U.S.C. 3721(b)) and Section 213(b) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2703(b)) to permit the use of U.S. formed fabrics or U.S. formed components, whether cut to shape or knit to shape, using U.S. formed yarns, in garments that are otherwise produced from fabrics formed in the region. The House bill also amends Section 112(b) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)) to ensure that a garment entered under short supply is not disqualified because the fabric is made in sub-Saharan Africa.

Senate amendment

The Senate amendment is the same as the House bill with certain additional provisions, including a limitation on customs user fees, labeling requirements for certain sock products, and a provision to extend industry trade advisory committees.

Conference agreement

The conference agreement follows the Senate amendment except that conferees agreed to remove provisions related to the African Growth and Opportunity Act, which were included in the AGOA Acceleration Act of 2004 and became P.L. 108–274.

SECTION 2004 (j)—RETROACTIVITY FOR CERTAIN AGOA PROVISIONS

Present Law

Pursuant to subsection 8(d) of the African Growth and Opportunity Acceleration (AGOA) Act of 2004 (Pub. L. 108–274), the entries referred to in subsection 8(a) of the AGOA Act of 2004 are limited to entries of apparel articles that meet the requirements of subsection 112(b) of the Trade and Development Act of 2000 (Pub. L. 106–200) as amended by section 3108 of the Trade Act of 2002 (Pub. L. 107–210) and the AGOA Act of 2004.

House bill

No provision.

Senate Amendment

The Senate amendment clarifies subsection 8(d) of the AGOA Act of 2004 (Public Law 108–274) by adding the articles provided for in subsection 112(d)(3)(A) of the Trade and Development Act of 2000 (Pub. L. 106–200) as amended (collars and cuffs), to the entries referred to in subsection 8(a) of the AGOA Act of 2004. As a result, entries of collars and cuffs made on or after October 1, 2000 shall be liquidated or reliquidated as free of duty and free of any quantitative restriction or limitation, pursuant to subsection 8(a) of the AGOA Act of 2004.

Conference agreement

The House recedes to the Senate.

SECTIION 2005—EXTENSION OF NORMAL TRADE RELATIONS TO LAOS

Present law

''Laos'' is listed in General note 3(b) of the HTS among the countries whose products are denied Normal Trade Relations (NTR) tariff treatment.

House bill

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement amends General note 3(b) of the HTS by striking ''Laos.''

SECTION 2006—REPEAL OF ANTIDUMPING PROVISION OF REVENUE ACT OF 1916

Present law

See House Report 108–415 for an explanation of present law and need for repeal.

House bill

No provision.

Senate amendment

No provision.

Conference agreement

Conferees agreed to include a provision to repeal the antidumping provision of the Revenue Act of 1916. The basis for the legislative language is H.R. 1073 from the 108th Congress. This legislation is necessary in order to bring the United States into compliance with its World Trade Organization obligations.

Subtitle B—Technical Amendments Relating to Entry and Protest

SECTIONS 2101 THROUGH 2108

Present Law

In the past, importers paid duties on each entry as the entry was processed. Under the recently implemented periodic payment system, CBP allows participating importers to pay off duties on a monthly basis.

House bill

No provision.

Senate amendment

The Senate amendment includes technical amendments dealing with reconfigured entries. The reconfigured entry process would allow importers to separate individual shipments from a larger entry if there are disputes about the individual shipments.

Conference agreement

The House recedes to the Senate with minor technical modifications.

Subtitle C—Protection of Intellectual Property Rights

SECTION 2201—USTR DETERMINATIONS IN TRIPS AGREEMENT INVESTIGATIONS

Present law

Under current law, Section 301 of the Trade Act of 1974 (19 U.S.C. 2414), as amended, requires, when a country is designated a 'Priority Foreign Country' under the Special 301 provisions of Section 182 of the Trade Act of 1974 (19 U.S.C. 2414) for its failure to provide adequate and effective protection to U.S. intellectual property rights, and if the failure in question also violated a provision of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement in the World Trade Organization (WTO), the United States Trade Representative (USTR) to initiate a Section 301 investigation within 30 days of such designation. Under Section 304, the USTR is required to conclude the Section 301 investigation no later than 18 months after the investigation is initiated. Section 303(a)(2) requires the USTR to request consultations with the Priority Foreign Country and, if the issue is not resolved, to initiate WTO dispute settlement proceedings against the Priority Foreign Country within 150 days after consultations are commenced. Under this timetable, the USTR is required to make a Section 301 determination prior to the conclusion of the WTO dispute settlement process.

House bill

No provision.

Senate amendment

The Senate amendment conforms the timetable in Section 304 to the WTO dispute settlement timetable. It requires the USTR to make its Section 301 determination not later than 30 days after the WTO dispute settlement proceeding is concluded.

Conference agreement

The House recedes to the Senate.

TITLE III—IRAQI CULTURAL ANTIQUITIES

Present Law

No provision.

House bill

No provision.

Senate amendment

The Senate amendment provides that the President may exercise the authority of the President under section 304 of the Convention on Cultural Property Implementation Act (CCPIA) (19 U.S.C. 2603) until September 30, 2009, with respect to any archeological or ethnological material of Iraq and without regard to whether Iraq is a State Party under the CCPIA. In exercising such authority, subsection 304(c) of the CCPIA shall not apply.

Conference agreement

The House recedes to the Senate with certain technical changes.

TITLE IV—WOOL TRUST FUND

Present Law

Section 5101 of the Trade Act of 2002 (Pub. L. No. 107–210) sets out three special refund pools for importers of wool fabric, wool yarn, and wool fiber and top, and identifies all persons eligible for the refunds. This law simplifies the process for refunding to these eligible parties first established by section 505 of the Trade and Development Act of 2000. Section 5102 of the Trade Act of 2002 extends temporary duty reductions, first established by the Trade and Development Act of 2000, on fabrics of worsted wool from 2003 to 2005. Section 5101 also increases the limitation on the quantity of imports of eligible worsted wool fabrics. Section 5102 also extends the

payments made to manufacturers, first established by the Trade and Development Act of 2000, and extends the Wool Research Trust Fund through 2006.

House amendment

No provision.

Senate amendment

The Senate proposal would extend current programs, including the payments to manufacturers and the Wool Research Trust Fund by five years, while making further temporary reductions to duties on eligible products. The Senate proposal would also make grants to eligible manufacturers of worsted wool fabric. The programs are based on the funding structure established by the Trade and Development Act of 2000.

Conference agreement

The House recedes to the Senate proposal with changes so that all programs are extended by two years beyond the current date of expiration of the current programs.

TITLE V—REFERENCE TO CUSTOMS SERVICE

Present law

On November 25, 2002, the President signed into law legislation (P.L. 107- 296) creating a new Department of Homeland Security (DHS). This law transferred the U.S. Customs Service to the Department of Homeland Security under the authority of the Under Secretary for Border and Transportation Security.

House bill

No provision.

Senate amendment

No provision.

Conference agreement

The conference agreement provides that any reference in this Act to the ''United States Customs Service'' or the ''Customs Service'' shall be considered to be a reference to the ''Bureau of Customs and Border Protection'' of the Department of Homeland Security.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

WILLIAM M. THOMAS,
PHILIP M. CRANE,
E. CLAY SHAW, Jr.,
CHARLES B. RANGEL,
SANDER M. LEVIN,
Managers on the Part of the House.

CHARLES E. GRASSLEY,
BILL FRIST,
MAX BAUCUS,
Managers on the Part of the Senate.

Daily Digest

HIGHLIGHTS

The House passed H.R. 10, 9/11 Recommendations Implementation Act.

Senate

Chamber Action

Routine Proceedings, pages S10763–S10897

Measures Introduced: Twenty-six bills and two resolutions were introduced, as follows: S. 2943–2968, and S. Con. Res. 142–143.

Pages S10845–46

Measures Reported:

S. 2628, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel. (S. Rept. No. 108–392)

S. 2657, to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management. (S. Rept. No. 108–393)

S. 2815, to give a preference regarding States that require schools to allow students to self-administer medication to treat that student's asthma or anaphylaxis. (S. Rept. No. 108–394)

S. 1217, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls, with an amendment in the nature of a substitute. (S. Rept. No. 108–395)

S. 2645, to amend the Communications Act of 1934 to authorize appropriations for the Corporation for Public Broadcasting. (S. Rept. No. 108–396)

S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, with an amendment in the nature of a substitute. (S. Rept. No. 108–397) **Page S10845**

Measures Passed:

Livestock Mandatory Price Reporting Act Amendment: Senate passed S. 2965, to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting. **Page S10879**

Pancreatic Islet Cell Transplantation Act: Senate passed H.R. 3858, to amend the Public Health Service Act to increase the supply of pancreatic islet cells for research, and to provide for better coordination of Federal efforts and information on islet cell transplantation, clearing the measure for the President. **Page S10880**

Veterans Benefits: Senate passed S. 2486, to amend title 38, United States Code, to improve and extend housing, education, and other benefits under the laws administered by the Secretary of Veterans Affairs, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S10880–92**

Frist (for Specter) Amendment No. 4044, in the nature of a substitute. **Page S10892**

Intelligence Committee Reorganization: Senate continued consideration of S. Res. 445, to eliminate certain restrictions on service of a Senator on the Senate Select Committee on Intelligence, taking action on the following amendments proposed thereto:

Pages S10764–S10816

Pending:

McConnell/Reid/Frist/Daschle Amendment No. 3981, in the nature of a substitute.

Pages S10764–S10816

Bingaman (for Domenici) Amendment No. 4040 (to Amendment No. 3981), to transfer jurisdiction over organization and management of United States nuclear export policy to the Committee on Energy and Natural Resources. **Page S10764**

Nickles Amendment No. 4027 (to Amendment No. 3981), to vest sole jurisdiction over the Federal budget process in the Committee on the Budget.

Page S10781

Subsequently, the proposal of Amendment No. 4027 (listed above), was vitiated. **Page S10782**

Nickles Amendment No. 4041 (to Amendment No. 4027), to vest sole jurisdiction over the Federal budget process in the Committee on the Budget, and to give the Committee on the Budget joint jurisdiction with the Governmental Affairs Committee over the process of reviewing, holding hearings, and voting on persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget. **Page S10781**

Subsequently, the proposal of Amendment No. 4041 (listed above), was vitiated. **Page S10782**

During consideration of this measure today, Senate also took the following action:

By 88 yeas to 3 nays (Vote No. 204), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the McConnell/Reid/Frist/Daschle Amendment No. 3981 (listed above).

Page S10764

By 85 yeas to 4 nays (Vote No. 205), Senate agreed to the motion to instruct the Sergeant at Arms to request the attendance of absent Senators.

Page S10779

A unanimous-consent agreement was reached providing that at 11:15 a.m. on Saturday, October 9, 2004, Senate proceed to votes in relation to any pending amendments to Amendment No. 3981 (listed above); provided further, that it be in order prior to votes for Senators to offer a qualified amendment from the unanimous consent list of October 7, 2004; provided further, that following the disposition of those amendments, Senate proceed to a vote on the adoption of the pending Amendment No. 3981, to be followed by a vote on cloture on the resolution; provided further, that if cloture is invoked, Senate immediately proceed to a vote on adoption of the resolution, as amended. **Page S10816**

A unanimous-consent agreement was reached providing for further consideration of the resolution at 10 a.m., on Saturday, October 9, 2004. **Page S10892**

American Jobs Creation Act: Senate began consideration of the conference report to accompany H.R. 4520, to amend the Internal Revenue Code of 1986 to remove impediments in such Code and make our manufacturing, service, and high-technology businesses and workers more competitive and productive both at home and abroad. **Page S10764**

A motion was entered to close further debate on the conference report to accompany H.R. 4520, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur at 1 p.m., on Sunday, October 10, 2004.

Page S10764

A unanimous-consent agreement was reached providing that the vote on the motion to invoke cloture will occur at 1 p.m., on Sunday, October 10, 2004.

Page S10816

National Intelligence Reform Act: A unanimous-consent agreement was reached providing that, notwithstanding the October 6, 2004 passage of S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, Collins/Lieberman Amendment No. 3977, previously agreed to, was modified. **Pages S10879–80**

Agriculture Emergencies Resolution—Agreement: A unanimous-consent agreement was reached providing for the consideration of a resolution submitted by Senator Harkin, regarding the sense of the Senate and agriculture emergencies; provided further, that when the Senate completes action on S. Res., 445, Intelligence Committee Reorganization, Senate immediately proceed to a vote on the adoption of the resolution. **Page S10816**

Overtime Compensation/FDA and Tobacco Products Legislation—Agreement: A unanimous-consent agreement was reached providing that during Sunday, October 10, 2004 session, it be in order for the Senate to consider a bill regarding overtime compensation, and a bill regarding FDA and tobacco products; provided further, that both bills be read a third time and passed en bloc. **Page S10816**

Appointments:

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section 1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Majority Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individual to the United States-China Economic Security Review Commission:

The Honorable Fred D. Thompson of Tennessee for a term beginning January 1, 2005 and expiring December 31, 2006. **Page S10878**

United States-China Economic Security Review Commission: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–398, as amended by Public Law 108–7, in accordance with the qualifications specified under section

1238(b)(3)(E) of Public Law 106–398, and upon the recommendation of the Democratic Leader, in consultation with the chairmen of the Senate Committee on Armed Services and the Senate Committee on Finance, appointed the following individual to the United States-China Economic Security Review Commission:

Patrick A. Mulloy of Virginia for a term beginning January 1, 2005 and expiring December 31, 2006. **Page S10878**

Nominations Confirmed: Senate confirmed the following nominations:

31 Air Force nominations in the rank of general.

37 Army nominations in the rank of general.

4 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Navy.

Pages S10877–78, S10897

Nominations Received: Senate received the following nominations:

Carolyn L. Gallagher, of Texas, to be a Governor of the United States Postal Service for the remainder of the term expiring December 8, 2005.

Louis J. Giuliano, of New York, to be a Governor of the United States Postal Service for a term expiring December 8, 2009.

Routine lists in the Air Force. **Pages S10893–97**

Messages From the House: **Page S10838**

Measures Placed on Calendar: **Page S10838**

Measures Read First Time: **Page S10838**

Executive Communications: **Pages S10838–40**

Petitions and Memorials: **Pages S10840–45**

Additional Cosponsors: **Pages S10846–47**

Statements on Introduced Bills/Resolutions: **Pages S10847–65**

Additional Statements: **Pages S10835–37**

Amendments Submitted: **Pages S10865–77**

Authority for Committees to Meet: **Page S10877**

Quorum Calls: One quorum call was taken today. (Total—1) **Page S10779**

Record Votes: Two record votes were taken today. (Total—205) **Pages S10764, S10779**

Adjournment: Senate convened at 9 a.m., and adjourned at 8:03 p.m., until 10 a.m., on Saturday, October 9, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S10892.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Finance: Committee concluded a hearing to examine the nomination of Anna Escobedo Cabral, of Virginia, to be Treasurer of the United States, after the nominee, who was introduced by Senator Hatch, testified and answered questions in her own behalf.

House of Representatives

Chamber Action

Measures Introduced: 64 public bills, H.R. 5290–5352; and 16 resolutions, H.J. Res. 109–110; H. Con. Res. 514–517, and H. Res. 842–851, were introduced. **Pages H9047–50**

Additional Cosponsors: **Pages H9050–51**

Reports Filed: Reports were filed today as follows:

H. Res. 776, of inquiry requesting the President and directing the Secretary of Health and Human Services provide certain documents to the House of Representatives relating to estimates and analyses of the cost of the Medicare prescription drug legislation, adversely (H. Rept. 108–754, Pt. 2);

Conference report on H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2005 (H. Rept. 108–767);

H.R. 3826, to require the review of Government programs at least once every 5 years for purposes of evaluating their performance, amended (H. Rept. 108–768);

H. Res. 843, waiving points of order against the conference report to accompany H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces (H. Rept. 108–769);

H.R. 2699, to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety

warning notification requirements, amended (H. Rept. 108–770); and

Conference report on H.R. 1047, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws (H. Rept. 108–771).

H. Res. 846, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 108–772).

Pages H9047, H9187–H9627, H9627–83

Speaker: Read a letter from the Speaker wherein he appointed Representative Kirk to act as Speaker pro tempore for today. **Page H8861**

9/11 Recommendations Implementation Act: The House passed H.R. 10, to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, by a recorded vote of 282 ayes to 134 noes, Roll No. 523.

Pages H8863–H8978

Rejected the Maloney motion to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the bill back to the House forthwith with an amendment, by a recorded vote of 193 ayes to 223 noes, Roll No. 522.

Pages H8916–77

Agreed to the amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated October 4, 2004, and that the amendment be considered as an original bill for the purpose of amendment.

Agreed to consider certain amendments en bloc and limited time for debate on the en bloc amendments to 10 minutes. **Page H8874**

Agreed to:

Bonilla amendment (No. 6 printed in H. Rept. 108–751) that directs the Secretary of Homeland Security to increase Detention and Removal Operations bed space for FY06 and FY07 by 2,500 beds each year; **Pages H8869–71**

Capito amendment (No. 7 printed in H. Rept. 108–751) that revises, enhances, and consolidates two Federal criminal law statutes into one comprehensive statute in order to deter, and more effectively punish, terrorist acts against railroad carriers and mass transportation providers; **Pages H8871–73**

En bloc amendment consisting of amendments numbered 9, 16, 18, 20, and 22 printed in H. Rept. 108–751; **Pages H8875–80**

Foley amendment (No. 10 printed in H. Rept. 108–751) that amends the Immigration and Nationality Act to provide for the inadmissibility and removability of aliens who have committed, ordered, assisted, incited, or otherwise participated in acts of torture or extrajudicial killings abroad;

Pages H8880–82

Hostettler amendment (No. 13 printed in H. Rept. 108–751) that modifies certain sections of the bill; (agreed to extend the time for debate on the amendment) **Pages H8886–90**

Kirk amendment (No. 4 printed in H. Rept. 108–751) requires the President to submit a report to the congressional intelligence committees detailing how the Drug Enforcement Administration can be integrated into the intelligence community (by a recorded vote of 414 ayes with none voting ''no'', Roll No. 512); **Pages H8863–64, H8890–91**

Sessions amendment (No. 5 printed in H. Rept. 108–751) that establishes a ''zero tolerance'' policy towards unlawful importation, possession, or transfer of shoulder fired guided missiles, atomic weapons, dirty bombs, and variola virus by making their unauthorized possession a federal crime carrying stiff mandatory penalties (by a recorded vote of 385 ayes to 30 noes, Roll No. 513); **Pages H8865–69, H8891**

Carter amendment (No. 8 printed in H. Rept. 108–751) that amends the Federal criminal code to apply the death penalty or life imprisonment for a terrorist offense that results in the death of a person (by a recorded vote of 344 yeas to 72 nays, Roll No. 514); **Pages H8874–75, H8891–92**

Goodlatte amendment (No. 11 printed in H. Rept. 108–751) that creates a rebuttable presumption that no amount of bail or other conditions would assure the appearance in court of a defendant when he is charged with a terrorist offense and there is probable cause that the defendant committed certain terrorist attacks (by a recorded vote of 333 ayes to 84 noes, Roll No. 515); **Pages H8882–84, H8892–93**

Green amendment (No. 12 printed in H. Rept. 108–751) that strengthens immigration law in regard to the inadmissibility and deportability of alien terrorists and their supporters (by a recorded vote of 283 ayes to 132 noes, Roll No. 516);

Pages H8884–86, H8893–94

Bartlett amendment (No. 21 printed in H. Rept. 108–751) that directs the Director of Homeland Security to establish an independent panel to assess the homeland security needs of the National Capital Region; **Pages H8903–04**

Porter amendment (No. 23 printed in H. Rept. 108–751) that promotes the Special Assistant to the Secretary for the Private Sector to an Undersecretary of Homeland Security for the Private Sector and Tourism; **Pages H8904–07**

Ose amendment (No. 17 printed in H. Rept. 108–751) that expedites construction of two gaps in the 14 mile long barrier at the San Diego border (by

a recorded vote of 256 ayes to 160 noes, Roll No. 519); and **Pages H8898–H8901, H8908–09**

Weldon of Pennsylvania amendment (No. 19 printed in H. Rept. 108–751) that requires the Secretary of Homeland Security to establish a program that identifies and catalogs existing mutual agreements (by a recorded vote of 415 ayes with none voting ''no'', Roll No. 520). **Pages H8901–03, H8909**

Rejected:

Smith of New Jersey amendment (No. 14 printed in H. Rept. 108–751) that strikes a section of the bill that requires expedited removal of aliens that have been present for less than five years without a hearing or future review (agreed to by a recorded vote of 212 ayes to 203 noes, Roll No. 517) (a separate vote was demanded on the amendment and it failed by a recorded vote of 203 ayes to 210 noes, Roll No. 521); and **Pages H8894–96, H8907–08, H8915–16**

Smith of New Jersey amendment (No. 15 printed in H. Rept. 108–751) that strikes a section of the bill that diminishes asylum rights and refugee protections (by a recorded vote of 197 ayes to 219 noes, Roll No. 518). **Pages H8896–98, H8907–08**

Agreed that the Clerk be authorized to make technical and conforming changes to the bill in its enrollment. **Page H8978**

Agreed that the Committee on the Judiciary have until November 19, 2004 to file a supplemental report on the bill. **Page H8978**

H. Res. 827, the rule providing for consideration of the bill was agreed to yesterday, October 7.

Later, the House rejected the Gutierrez motion to instruct conferees on the Senate companion bill, S. 2845, by a yea-and-nay vote of 169 yeas to 229 nays, Roll No. 525. **Pages H8978–86, H8993**

Requesting the return of papers: Agreed to H. Res. 842, requesting the return of official papers on S. 1301. **Page H8894**

National Defense Authorization Act for Fiscal Year 2005—Conference Report: The House began consideration of the conference report to accompany H.R. 4200, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces. Further proceedings will continue on Saturday, October 9. **Pages H8995–H9007**

Agreed to H. Con. Res. 514, directing the Clerk of the House to make a technical correction in the enrollment of H.R. 4200. **Page H9007**

H. Res. 831, waiving a requirement of clause 6(a) of Rule XIII with respect to the same day consideration of certain resolutions reported by the Rules Committee, was agreed to by voice vote. **Pages H8986–88**

H. Res. 843, providing for consideration of the conference report, was agreed to by voice vote, after agreeing to order the previous question by a yea-and-nay vote of 225 yeas to 175 nays, Roll No. 524. **Pages H8988–93**

Privileged Resolution: The House agreed to table H. Res. 845, relating to a question of the privileges of the House, by a recorded vote of 210 ayes to 182 noes and 5 voting ''present'', Roll No. 526. **Pages H8993–94**

Military Construction Appropriations Act, 2005—Conference Report: The House agreed to H. Res. 832, waiving a requirement of clause 6(a) of Rule XIII with respect to the same day consideration of certain resolutions reported by the Rules Committee, was agreed to by voice vote. **Pages H9007–08**

Recess: The House recessed at 8:14 p.m. and reconvened at 10:42 p.m. **Page H9008**

Authorizing the Gateway Arch in St. Louis be illuminated by pink lights in honor of breast cancer awareness month: The House passed S. 2895, to authorize the Gateway Arch in St. Louis, Missouri, to be illuminated by pink lights in honor of breast cancer awareness month—clearing the measure for the President. **Page H9008**

Fort Donelson National Battlefield Expansion Act of 2004: The House passed S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862—clearing the measure for the President. **Pages H9008–09**

Reauthorizing the State Justice Institute: Agreed to the Senate amendment to H.R. 2714, to reauthorize the State Justice Institute—clearing the measure for the President. **Page H9009**

Prevention of Child Abduction Partnership Act: The House passed S. 2883, to amend the International Child Abduction Remedies Act to limit the tort liability of private entities or organizations that carry out responsibilities of United States Central Authority under that Act—clearing the measure for the President. **Pages H9009–10**

Anabolic Steroid Control Act of 2004: The House passed S. 2195, to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors—clearing the measure for the President. **Pages H9010–11**

Federal Regulatory Improvement Act of 2004: The House passed H.R. 4917, to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2005, 2006, and 2007. **Page H9011**

Family Farmer Bankruptcy Relief Act of 2004: The House passed S. 2864, to extend for eighteen months the period for which chapter 12 of title 11, United States Code, is reenacted—clearing the measure for the President. **Page H9011**

Improving Access to Assistive Technology for Individuals With Disabilities Act of 2004: The House agreed to the Senate amendment to H.R. 4278, to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities—clearing the measure for the President. **Pages H9011–20**

Improving Education Results for Children With Disabilities Act of 2003: The House disagreed to the Senate amendment to H.R. 1350, to reauthorize the Individuals with Disabilities Education Act, and agreed to a conference. **Page H9020**

Appointed as conferees: From the Education and the Workforce for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives Boehner, Castle, Ehlers, Keller, Wilson (SC), George Miller (CA), Woolsey, and Owens. **Page H9020**

From the Committee on Energy and Commerce, for consideration of sec. 101 and title V of the Senate amendment, and modifications committed to conference: Representatives Barton (TX), Bilirakis, and Dingell. **Page H9020**

From the Committee on the Judiciary, for consideration of sec. 205 of the House bill, and sec. 101 of the Senate amendment, and modifications committed to conference: Representatives Sensenbrenner, Smith (TX) and Conyers. **Page H9020**

Extending the liability indemnification regime for the commercial space transportation industry: The House passed H.R. 5245, to extend the liability indemnification regime for the commercial space transportation industry. **Page H9020**

National Earthquake Hazards Reduction Program Reauthorization Act of 2003: The House agreed to the Senate amendment to H.R. 2608, to reauthorize the National Earthquake Hazards Reduction Program—clearing the measure for the President. **Pages H9020–24**

Amending the securities laws to permit church pension plans to be invested in collective trusts: The House agreed to the Senate amendment to H.R. 1533, to amend the securities laws to permit church pension plans to be invested in collective trusts—clearing the measure for the President. **Page H9024**

Authorizing the President to award a gold medal to Rev. Dr. Martin Luther King, Jr. (posthumously) and Coretta Scott King: The House passed S. 1368, to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement—clearing the measure for the President. **Pages H9024–25**

Modifying and extending certain privatization requirements of the Communications Satellite Act of 1962: The House passed S. 2896, to modify and extend certain privatization requirements of the Communications Satellite Act of 1962—clearing the measure for the President. **Pages H9025–26**

Authorizing appropriations for the John F. Kennedy Center for the Performing Arts: The House passed H.R. 5294, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts. **Pages H9026–27**

Veterans' Compensation Cost-of-Living Adjustment Act of 2004: The House agreed to the Senate amendment to H.R. 4175, to increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans—clearing the measure for the President. **Page H9027**

Global Anti-Semitism Review Act of 2004: The House passed S. 2292, amended, to require a report on acts of anti-Semitism around the world. **Pages H9027–29**

Resolution of the Ethiopia-Eritrea Border Dispute Act of 2003: The House passed H.R. 2760, amended, to limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries. **Pages H9029–32**

Miscellaneous Trade and Technical Corrections Act of 2003: The House agreed to the conference report to accompany H.R. 1047, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws. **Pages H9032–33**

Providing for the establishment of supplemental dental and vision benefits for Federal employees, retirees, and dependents: The House passed H.R. 5295, to amend part III of title 5, United States Code, to provide for the establishment of programs under which supplemental dental and vision benefits are made available to Federal employees, retirees, and their dependents, to expand the contracting authority of the Office of Personnel Management.

Pages H9033–37

Recess: The House recessed at 11:07 p.m. and reconvened at 2:10 a.m. on Saturday, October 9.

Page H9037

Recess: The House recessed at 2:11 a.m. and reconvened at 9:36 a.m. on Saturday, October 9.

Page H9037

Quorum Calls—Votes: 13 yea-and-nay votes and two recorded votes developed during the proceedings of today. There were no quorum calls.

Pages H8890–91, H8891, H8892, H8892–93, H8893, H8907, H8907–08, H8908–09, H8909, H8915–16, H8976–77, H8977–78, H8992–93, H8993, H8994

Adjournment: The House met at 9 a.m. and adjourned at 2:11 a.m. on Saturday, October 9, stands in recess subject to the call of the chair.

Committee Meetings

FLU SHOT SHORTAGE

Committee on Government Reform: Held a hearing entitled ''The Nation's Flu Shot Shortage: How it Happened and Where We Go from Here.'' Testimony was heard from the following officials of the Department of Health and Human Services: Julie L. Gerberding, M.D., Director, Centers for Disease Control and Prevention; Anthony S. Fauci, M.D., Director, National Institute of Allergy and Infectious Diseases, NIH; and Lester M. Crawford, M.D., Acting Commissioner, FDA; Robert Stroube, M.D., Commissioner, Department of Health, State of Virginia; and public witnesses.

PEACEKEEPING IN AFRICA

Committee on International Relations: Subcommittee on Africa held a hearing on Peacekeeping in Africa: Challenges and Opportunities. Testimony was heard from James W. Swigert, Principal Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State; and public witnesses.

CONFERENCE REPORT—DEPARTMENT OF DEFENSE AUTHORIZATION ACT FISCAL YEAR 2005

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany H.R. 4200, Department of Defense Authorization Act Fiscal Year 2005, and against its consideration. The rule provides that the conference report shall be considered as read. Testimony was heard from Chairman Hunter and Representative Skelton.

SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE RULES COMMITTEE

Committee on Rules: Granted, by voice vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported on or before the legislative day of November 20, 2004, providing for consideration or disposition of any of the following measures: (1) A bill or joint resolution making continuing appropriations for the fiscal year 2005, an amendment thereto, or a conference report thereon; and (2) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 2005, an amendment thereto, or a conference report thereon.

Joint Meetings

EMPLOYMENT SITUATION

Joint Economic Committee: Committee concluded hearings to examine the employment-unemployment situation for September 2004, focusing on long-term interest rates, housing markets, the trade balance, and the impact of the four hurricanes in Florida during August and September, after receiving testimony from Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, Department of Labor.

COMMITTEE MEETINGS FOR SATURDAY, OCTOBER 9, 2004

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

10 a.m., Saturday, October 9

Senate Chamber

Program for Saturday: Senate will continue consideration of S. Res. 445, Intelligence Committee Reorganization Resolution. At 11:15 a.m., Senate will begin a series of votes on, or in relation to, any pending amendments to Amendment No. 3981; followed by a vote on adoption of the pending Amendment No. 3981, to be followed by a vote on the motion to invoke cloture on the resolution; and if cloture is invoked, Senate will proceed to a vote on adoption of the resolution, as amended. Also, Senate will consider a resolution submitted by Senator Harkin regarding the sense of the Senate and agriculture emergencies, with a vote on adoption of the Harkin resolution. Also, Senate may resume consideration of the conference report to accompany H.R. 4520, American Jobs Creation Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Saturday, October 9

House Chamber

Program for Saturday: Consideration of conference reports.

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