SA 743. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 744. Mr. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, supra; which was ordered to lie on the table.

SA 745. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 746. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 747. Mr. WYDEN (for himself, Ms. COLINS, Mrs. CLINTON, Mr. BYRD, Mr. LAUTENBERG, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 748. Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. CORNYN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 749. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 750. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 751. Mr. REED (for himself, Mr. LEVIN, and Mr. FEINGOLD) proposed an amendment to the bill S. 1050, supra.

SA 752. Mr. WARNER proposed an amendment to amendment SA 751 proposed by Mr. REED (for himself, Mr. LEVIN, and Mr. FEINGOLD) to the bill S. 1050, supra.

SA 753. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 754. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 755. Mr. VOINOVIČ submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

SA 756. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, supra; which was ordered to lie on the table.

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 5 and 6, insert the following:

SEC. 1019. ADVANCED SHIPBUILDING ENTERPRISE.

(2) The Advanced Shipbuilding Enterprise is an innovative program to encourage greater efficiency among shipyards in the defense industrial base.

(3) The leaders of the Nation’s shipbuilding industry have embraced the Advanced Shipbuilding Enterprise as a method of exploring and collaborating on innovation in shipbuilding and repairing ships, and that collectively benefits all manufacturers in the industry.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate strongly supports the innovative Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program that has yielded new processes and techniques to redesigning and repairing ships in the United States;

(2) the Senate is concerned that the future-years defense program submitted to Congress for fiscal year 2004 does not reflect any funding for the Advanced Shipbuilding Enterprise after fiscal year 2004; and

(3) the Secretary of Defense and the Secretary of the Navy should continue funding the Advanced Shipbuilding Enterprise at a sustaining level through the future-years defense program to support subsequent rounds of research that reduce the cost of designing, building, and repairing ships.

SA 701. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVIII, add the following:

Subtitle E—Other Matters

SEC. 2851. EFFECT OF CERTAIN FACILITIES ADMINISTRATION AND MILITARY HOUSING ACTIVITIES ON ALLOCATIONS OR ELIGIBILITY OF MILITARY INSTALLATIONS FOR POWER FROM FEDERAL POWER MARKETING AGENCIES.

Notwithstanding any other provision of law, a Federal power marketing agency may not terminate the eligibility of a military installation for power to a military installation, as a result of the exercise at the military installation of any authority as follows:

(1) The conveyance of a utility system of the military installation under section 2698 of title 10, United States Code.

(2) The acquisition or improvement of military housing for the military installation under the alternative authority for the acquisition and improvement of military housing under subsection chapter IV of chapter 169 of title 10, United States Code.

SA 702. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 212. GUARDFIST II FIRE SUPPORT TRAINING SYSTEM.

(a) AVAILABILITY OF FUNDS.—(1) of the amount authorized to be appropriated by section 211(1) for research, development, test, and evaluation for the Army, $791,000 shall be available for Non-System Training Devices—Combustible Armored Vehicle (NSTD-CAV) for the GUARDFIST II fire support training system.

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

(b) OFFSET.—Of the amount authorized to be appropriated by section 211(1) for research, development, test, and evaluation for the Army, the amount available for Next Generation Training and Simulation Systems—SY 360503BA (for the Instituted for Creative Technologies (ICT) is hereby reduced by $791,000.

SA 703. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, between lines 5 and 6, insert the following:

SEC. 270. PUBLIC-PRIVATE PARTNERSHIPS FOR GOVERNMENT-OWNED, GOVERNMENT-OPERATED ARSENALS, LOGISTICS BASES, AND WEAPON MANUFACTURING ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

Section 247(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “depot-level activity of the military departments and the Defense Agencies” and inserting “activity of the military departments and the Defense Agencies described in paragraph (4)”; and

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

“(4) The activities of the military departments and Defense Agencies that are to be designated under paragraph (1) are as follows:

(“(A) The depot-level activities.

(“(B) The following Government-owned, Government operated activities:

(“(i) Arsenals.

(“(ii) Logistics bases.

(“(iii) Weapon manufacturing activities.”.

SA 704. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2815. PREPARATION OF LIST OF MILITARY INSTALLATIONS EXCLUDED FROM CONSIDERATION IN 2005 BASE CLOSURE ROUND.

Section 2913 of the Defense Base Closure and Realignment Act of 1990 (part A of title 10, United States Code, 10 U.S.C. 2677 note) is amended by adding at the end the following new subsections:
the following new subsection:

''(d) The Navy, within the Department of the Navy, shall be so organized as to include—

(1) not less than 305 vessels in active service;

(2) not less than 12 aircraft carrier battle groups or their equivalents, not less than 12 amphibious ready groups or their equivalents, not less than 55 attack submarines, not less than 108 active surface combatant vessels, and not less than 8 reserve combatant vessels; and

(3) such other active and reserve naval combat, naval aviation, and service forces as may be required to support forces specified in paragraphs (1) and (2).''.

Mr. INHOFE submitted an amendment to the bill S. 1050, to authorize amendments to the Defense Base Closure and Realignment Act of 1990; based on the final criteria developed under section 2914(d) of such Act for Fiscal Year 2004.

The amendment was considered and agreed to.

SA 706. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title C of title IX, add the following:

SEC. 2815. MODIFICATION OF AUTHORITY TO CONSIDER MODIFICATION OF AUTHORITY TO CONSIDER MODIFICATIONS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.

Section 2912(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking subparagraph (A) of paragraph (1) and inserting the following:

''(A) A force-structure plan for the Armed Forces that—

(i) at a minimum, assumes the force structure under the 1991 Base Force force structure (as defined in paragraph (5) that is also known as the 'Cheney-Powell force structure' and

(ii) includes such consideration as the Secretary considers appropriate of an assessment by the Secretary of—

(I) the probable threats to the national security during the 20-year period beginning with fiscal year 2005;

(II) the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) needed to meet those threats; and

(III) the anticipated levels of funding that will be available for national defense purposes during such period.

(2) in paragraph (2)(A), by inserting before the period at the end the following: "; based upon an assumption that there are no installations outside the United States for the permanent basing of elements of the Armed Forces";

(3) in paragraph (4), by inserting after the first sentence the following new sentence: "Any such revision shall be consistent with this subsection."; and

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

''(5) BASE FORCE.—In this subsection, the term '1991 Base Force structure' means the force structure plan for the Armed Forces, known as the 'Base Force', that was adopted by the Secretary of Defense in November 1990 based upon recommendations of the Commission on forces of the Joint Chiefs of Staff and as incorporated in the President's budget for fiscal year 1992, as submitted to Congress in February 1991, and that assumed the following:

(A) For the Department of Defense, 1,600,000 members of the Armed Forces on active duty and 900,000 members in an active status in the reserve components, as of the end of the period at the end the following:

(B) For the Army, 12 active divisions, six National Guard divisions, and two cadre divisions or their equivalents.

(C) For the Navy, 12 aircraft carrier battle groups or their equivalents and 451 naval vessels, including 85 attack submarines.

(D) For the Marine Corps, three active and one Reserve divisions and three active and one Reserve air wings.

(E) For the Air Force, 15 active fighter wings and 11 National Guard fighter wings or their equivalents.

SEC. 2816. USE OF FORCE-STRUCTURE PLAN FOR ARMED FORCES IN PREPARATION FOR CONSIDERATION Of SELECTION CRITERIA FOR BASE CLOSURE ROUND.

Section 2913(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(5) USE OF FORCE-STRUCTURE PLAN.—In preparing the proposed and final criteria to be used by the Secretary in making recommendations under section 2914 for the closure or realignment of military installations inside the United States, the Secretary shall use the force-structure plan for the Armed Forces prepared under section 2912(a).''
‘(2) not less than 12 aircraft carrier battle groups or their equivalents, not less than 12 amphibious ready groups or their equivalents, not less than 55 attack submarines, not less than 12 active surface combatant vessels, and not less than 8 reserve combatant vessels; and

‘(3) such other active and reserve naval combatant vessels, air wings, and service forces as may be required to support forces specified in paragraphs (1) and (2).’.

(c) FORCE STRUCTURE PLAN.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘(g) Notwithstanding subsection (e), the Air Force shall be so organized as to include not less than—

‘(1) 46 active fighter squadrons or their equivalents;

‘(2) 38 National Guard and Reserve squadrons or their equivalents;

‘(3) 96 combat-coded bomber aircraft in active service; and

‘(4) such other squadrons, reserve groups, and supporting auxiliary and reserve units as may be required to support forces specified in paragraph (1) through (3).

At the end of subtitle B of title XXVIII, add the following:

SEC. 2815. MODIFICATION OF AUTHORITY TO CONDUCT A ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.

(a) REVISION TO FORCE STRUCTURE PLAN FOR 2005 ROUND.—Section 2912(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2903(d)) is amended by adding at the end the following new paragraphs:

‘(1) At a minimum, assumes the force structure under the 1991 Base Force structure paragraphs (i) and (j); is also known as the 'Cheney-Powell force structure'; and

‘(ii) includes such consideration as the Secretary considers appropriate of an assessment by the Secretary of—

‘(I) the probable threats to the national security during the 20-year period beginning with fiscal year 2005;

‘(II) the probable end-strength levels and major military force units (including land force, sea force, air force, and other major combatant vessels, air wings, and other comparable units) needed to meet those threats; and

‘(III) the anticipated levels of funding that will be available for national defense purposes during such period.’;

(2) in paragraph (2)(A), by inserting before the period at the end the following: ‘‘based upon an assumption that there are no installations available outside the United States for the permanent basing of elements of the Armed Forces’;

(3) in paragraph (4), by inserting after the first sentence the following new sentence: ‘‘Any such revision shall be consistent with the Army’.

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

‘(5) BASE FORCE.—In this subsection, the term ‘1991 Base Force structure’ means the force structure plan for the Armed Forces, known as the ‘Base Force’, that was adopted as the Department of Defense in November 1990 based upon recommendations of the Chairman of the Joint Chiefs of Staff and as incorporated in the President’s budget for fiscal year 1992, as submitted to Congress in February 1991, and that assumed the following force structure:

‘(A) For the Department of Defense, 1,600,000 members of the Armed Forces on active duty and 900,000 members in an active status in the reserve components.

‘(B) For the Army, 12 active divisions, six National Guard divisions, and two cadre divisions or their equivalents.

‘(C) For the Navy, 12 aircraft carrier battle groups or their equivalents, one aircraft carrier battlegroup or its equivalent, 31 naval vessels, including 85 attack submarines.

‘(D) For the Marine Corps, three active and one Reserve divisions and three active and one Reserve Marine element, 12 amphibious ready groups or their equivalents.

‘(E) For the Air Force, 15 active fighter wings and 11 National Guard fighter wings or their equivalents.’.

(b) PREPARATION OF LIST OF MILITARY INSTALLATIONS EXCLUDED FROM CONSIDERATION IN 2005 ROUND.—Section 2913 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2903(d)) is amended by adding at the end the following new subsection:

‘(b) LIST OF INSTALLATIONS EXCLUDED FROM CONSIDERATION.—Before preparing the list required by section 2914 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2903(d)) is amended by adding at the end the following new subsection:

‘(C) For the Navy, 12 aircraft carrier battlegroups or their equivalents, 31 naval vessels, including 85 attack submarines.

‘(D) For the Marine Corps, three active and one Reserve divisions and three active and one Reserve Marine element, 12 amphibious ready groups or their equivalents.

‘(E) For the Air Force, 15 active fighter wings and 11 National Guard fighter wings or their equivalents.’.

(c) MODIFICATION OF AUTHORITY TO CONDUCT A ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.—Section 2911 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2903(d)) is amended by adding at the end the following new subsection:

‘(f) MODIFICATION OF AUTHORITY TO CONDUCT A ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.—Section 2911(b) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2903(d)) is amended by adding at the end the following new subsection:

‘(1) 46 active fighter squadrons or their equivalents;

‘(2) 38 National Guard and Reserve squadrons or their equivalents;

‘(3) 96 combat-coded bomber aircraft in active service; and

‘(4) such other squadrons, reserve groups, and supporting auxiliary and reserve units as may be required to support forces specified in paragraph (1) through (3).

At the end of subtitle B of title XXVIII, add the following:

SEC. 2816. USE OF FORCE-STRUCTURE PLAN FOR INSTALLATIONS EXCLUDED FROM CONSIDERATION.

(a) REIMBURSEMENT.—Of the amount authorized to be appropriated under section 2501 of title 29, United States Code (42 U.S.C. 6205), there is appropriated for fiscal year 2005 for homeland security purposes: 

$1,710,000 shall be available in PE 0602787A–787 for the New York Metropolitan Transportation Authority the assistance described in paragraph (3), the assistance described in section 2903(d) and section 2914(d), if the Commission finds that the inclusion of a military installation on the list substantially violates the criteria. The Commission shall forward to the President, not later than April 30, 2004, a report containing its recommendations regarding the list, which must comply with the percentages specified in paragraph (2). The Comptroller General shall also comply with section 2904(d)(5) by that date.

(4) If the Commission submits a report to the President under paragraph (3), the President shall notify Congress, not later than May 10, 2005, regarding whether the President approves or disapproves the report.

(5) If the Commission submits a report to the President under paragraph (3), the Commission shall not be required to submit a report to the President under paragraph (4).

SEC. 1039. AUTHORITY TO PROVIDE HOMELAND SECURITY ASSISTANCE TO NEW YORK METROPOLITAN TRANSPORTATION AUTHORITY.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) The Secretary of the Army, acting through the United States Army Communications and Electronics Research Development Center of the Army Materiel Command, may provide to the New York Metropolitan Transportation Authority the assistance described in paragraph (2).

(2) The assistance that may be provided under this section is programmatic, technical, and acquisition assistance that utilizes the unique expertise of the Army in land-based command, control, communications, computers, intelligence, surveillance, and reconnaissance (C3ISR) technology in support of the homeland security efforts of the New York Metropolitan Transportation Authority.

(b) REQUIREMENT FOR REMUNERATION.—The Secretary may provide assistance under subsection (a) only to the extent that the
Authority reimburses the Secretary for the costs to the Army of providing such assistance.

(c) Use of Receipts.—The Secretary may retain amounts received under subsection (b) to reimburse the costs of the Army in providing assistance under subsection (a), and such funds shall be credited to appropriations for the Army as currently available for the same purposes.

(d) Termination of Authority.—The authority under this section expires on September 30, 2016.

SA 709. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 332. RANGE MANAGEMENT.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"3711. Range management."

"(a) LIMITATION ON AMMUNITION USE.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service among parents, teachers, and approved for operational testing under subsection (c).

"(b) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

"(c) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

"(d) CONSTRUCTION.—The authority under subsection (a) to carry out the program described in that subsection is in addition to any other authority under law to carry out programs intended to enhance the support of the American people for the military and military service.

"(e) FUNDING.—The amount authorized to be appropriated by section 230(b) for operation and maintenance, $12,900,000, is available for the program authorized by subsection (a).

SA 710. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1039. PROGRAM TO ENHANCE SUPPORT OF THE AMERICAN PEOPLE FOR THE MILITARY AND MILITARY SERVICE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

(b) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

(c) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

"(d) Construction.—The authority under subsection (a) to carry out the program described in that subsection is in addition to any other authority under law to carry out programs intended to enhance the support of the American people for the military and military service.

"(e) Funding.—The amount authorized to be appropriated by section 230(b) for operation and maintenance, $12,900,000, is available for the program authorized by subsection (a).

SA 711. Mr. REED (for himself, Mr. LEVIN, Mr. FEINGOLD, and Mrs. FINKELSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 233, and insert the following:

SEC. 223. OVERSIGHT OF PROCUREMENT, PERFORMANCE CRITERIA, AND OPERATIONAL TESTING.

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

"223a. Ballistic missile defense programs: procurement.

"(a) PROCUREMENT AUTHORIZED.—(1) The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

"(b) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

"(c) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to enhance the support of the American people for the military and military service.

"(d) Construction.—The authority under subsection (a) to carry out the program described in that subsection is in addition to any other authority under law to carry out programs intended to enhance the support of the American people for the military and military service.

"(e) Funding.—The amount authorized to be appropriated by section 230(b) for operation and maintenance, $12,900,000, is available for the program authorized by subsection (a).

"(f) Performance criteria prescribed under subsection (b)."
SEC. 1789. Support for families of deployed members.

(a) Access to services.—Chapter 88 of title 10, United States Code, is amended by adding at the end of subsection 1 the following new section:

"§ 1789. Support for families of deployed members.

"(a) Interservice family support network.—The Secretary of each military department, the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall enter into a cooperative agreement to provide an interservice family support network in the United States.

"(b) Access to family support services.—The interservice family support network shall be designed to ensure that:

"(1) the dependents of each member of the armed forces (including a member of a reserve component of the armed forces) deployed away from the member's permanent duty station or, in the case of a member of a reserve component, deployed away from the commuting area of the member's residence, have access to family support services at the military installation that is nearest to the dependents' residence, without regard to whether the installation is an installation of the same armed force as the member, and

"(2) the appropriate family support services personnel of each such installation assign to each member a support coordinator to assist dependents of members of the armed forces (including a member of a reserve component) deployed away from the member's permanent duty station or, in the case of a member of a reserve component, deployed away from the commuting area of the member's residence, to plan and implement a comprehensive plan of action for family support services.

(b) Exception for first assessment.—For the first assessment required under subsection (d) of section 223a of title 10, United States Code, the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) need not include such assessment; and

(c) Reserve component family support coordinators.—The cooperative agreement entered into under subsection (a) shall provide for the designation of family support coordinators to assist dependents of members of reserve components throughout the United States with the resolution of issues involving access to family support services from the interservice family support network.

"(2) The duty to provide services to the dependents of members of the reserve components shall be distributed among the family support coordinators based on the geographic distribution of the population of such dependents.

(d) Executive agent for network.—The Secretaries of the military departments and the Secretary of Homeland Security shall designate the Chief of the National Guard Bureau to serve as the executive agent for the administration of the interservice family support network established under the cooperative agreement entered into under subsection (a).

SEC. 565. Support services for families of deployed members.

(a) Access to services.—Chapter 88 of title 10, United States Code, is amended by adding at the end of subsection 1 the following new section:

"§ 1789. Support for families of deployed members.

"(a) Interservice family support network.—The Secretary of each military department, the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, shall enter into a cooperative agreement to provide an interservice family support network in the United States.

"(b) Access to family support services.—The interservice family support network shall be designed to ensure that:

"(1) the dependents of each member of the armed forces (including a member of a reserve component of the armed forces) deployed away from the member's permanent duty station or, in the case of a member of a reserve component, deployed away from the commuting area of the member's residence, have access to family support services at the military installation that is nearest to the dependents' residence, without regard to whether the installation is an installation of the same armed force as the member, and

"(2) the appropriate family support services personnel of each such installation assign to each member a support coordinator to assist dependents of members of the armed forces (including a member of a reserve component) deployed away from the member's permanent duty station or, in the case of a member of a reserve component, deployed away from the commuting area of the member's residence, to plan and implement a comprehensive plan of action for family support services.

(b) Exception for first assessment.—For the first assessment required under subsection (d) of section 223a of title 10, United States Code, the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2005 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) need not include such assessment; and

(c) Reserve component family support coordinators.—The cooperative agreement entered into under subsection (a) shall provide for the designation of family support coordinators to assist dependents of members of reserve components throughout the United States with the resolution of issues involving access to family support services from the interservice family support network.

"(2) The duty to provide services to the dependents of members of the reserve components shall be distributed among the family support coordinators based on the geographic distribution of the population of such dependents.

(d) Executive agent for network.—The Secretaries of the military departments and the Secretary of Homeland Security shall designate the Chief of the National Guard Bureau to serve as the executive agent for the administration of the interservice family support network established under the cooperative agreement entered into under subsection (a).

(b) Exception.—The term "eligible individual" means an individual who is a national of Iraq or a nation of the Greater Middle East Region (as determined by the Secretary in consultation with the Secretary of State).

(b) Exceptions.—An individual described in this subsection does not include a terrorist, a persecutor, a person who has been convicted of a serious criminal offense, or a person potentially presenting a threat to the security of the United States, as set forth in clauses (1) through (v) of section 2808(b)(2)(A) of the
Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)).

(3) MISSING STATUS.—The term “missing status,” with respect to Operation Desert Shield/Desert Storm, means the status of an individual as a result of Operation Desert Shield/Desert Storm if immediately before that status began the individual—

(A) was performing service in Kuwait, Iraq, or another nation of the Greater Middle East Region; or

(B) was performing service in the Greater Middle East Region, and the Secretary determines that the individual most likely was captured or killed where the United States, for promoting and supporting reuse of infrastructure for industrial or other economic development, and for other purposes; as follows:

(b) PROPENSITY CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) IDENTIFICATION OF COVERED PROPERTY.—This section applies specifically to the Louisiana Army Ammunition Plant (in this section referred to as the “Plant”) in Doyline, Louisiana, consisting of approximately 14,949 acres, of which 13,665 acres are under license to the Military Department of the State of Louisiana and 1,284 acres are used by the Army Joint Munitions Command.

(b) 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 the real property, including improvements thereon, that constitutes the Plant. The deed or other instrument of conveyance shall contain the conditions specified in subsections (d) and (e), that the United States and the State agree to such conditions, and specify that, if the State engages in a material breach of the conditions, title to the real property, including any improvements thereon, shall revert to the United States at the election of the Secretary.

(c) TRANSFER OF EQUIPMENT AND PERSONAL PROPERTY.—(1) As part of the conveyance (b), the Secretary may transfer, without consideration, to the State any Federal equipment and other items of Federal personal property that are in use or reserved for use at the Plant as of the date of the enactment of this Act and that are not transferred under paragraph (2), including cleanup equipment and personal property and retain the proceeds from such sales for environmental remediation of the property.

(2) CONDITIONS OF CONVEYANCE.—(1) The Secretary shall use the real property conveyed under subsection (a), and any equipment or other personal property conveyed under paragraph (1), for purposes of training and supporting the National Guard and military forces of the United States, for promoting and supporting reuse of infrastructure for industrial or other economic development, and for other purposes as the Secretary may authorize.

(2) The Secretary and the State shall negotiate the terms of the conveyance such that the conveyance may become a model of a public-private partnership. As such, the terms of the conveyance may include any or all of the following:

(A) Sharing in revenues from tenants located at the Plant as a result of the Armament Retooling and Manufacturing Support program and from the divestment and sale of the equipment.

(B) The State shall honor and continue all real estate, water, and mineral rights, and other economic development, and for other purposes; as follows:

SEC. 2923. PROPERTY CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) IDENTIFICATION OF COVERED PROPERTY.—This section applies specifically to the Louisiana Army Ammunition Plant (in this section referred to as the “Plant”) in Doyline, Louisiana, consisting of approximately 14,949 acres, of which 13,665 acres are under license to the Military Department of the State of Louisiana and 1,284 acres are used by the Army Joint Munitions Command.

(b) 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 the real property, including improvements thereon, that constitutes the Plant. The deed or other instrument of conveyance shall contain the conditions specified in subsections (d) and (e), that the United States and the State agree to such conditions, and specify that, if the State engages in a material breach of the conditions, title to the real property, including any improvements thereon, shall revert to the United States at the election of the Secretary.

(c) TRANSFER OF EQUIPMENT AND PERSONAL PROPERTY.—(1) As part of the conveyance (b), the Secretary may transfer, without consideration, to the State any Federal equipment and other items of Federal personal property that are in use or reserved for use at the Plant as of the date of the enactment of this Act and that are not transferred under paragraph (2), including cleanup equipment and personal property and retain the proceeds from such sales for environmental remediation of the property.

(2) CONDITIONS OF CONVEYANCE.—(1) The Secretary shall use the real property conveyed under subsection (a), and any equipment or other personal property conveyed under paragraph (1), for purposes of training and supporting the National Guard and military forces of the United States, for promoting and supporting reuse of infrastructure for industrial or other economic development, and for other purposes as the Secretary may authorize.

(2) The Secretary and the State shall negotiate the terms of the conveyance such that the conveyance may become a model of a public-private partnership. As such, the terms of the conveyance may include any or all of the following:

(A) Sharing in revenues from tenants located at the Plant as a result of the Armament Retooling and Manufacturing Support program and from the divestment and sale of the equipment.

(B) The State shall honor and continue all real estate, water, and mineral rights, and other economic development, and for other purposes; as follows:

(1) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(2) ADJUSTMENT TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 1039. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended—

(1) by striking paragraphs (1), (2), and (3); and

(2) by redesignating paragraph (4) as paragraph (1); and

(3) in paragraph (1), as so redesignated, by striking the period at the end and inserting “; and”; and

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

(2) for fiscal year 2004 (notwithstanding paragraph (1), 65 percent of the costs of operating the State program during that year.

(b) AMOUNT FOR FEDERAL ASSISTANCE.—(1) The amount authorized to be appropriated under section 301(1), $71,200,000 shall be available for the National Guard
SA 718. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1039. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

(a) MAXIMUM FEDERAL SHARE.—Section 509(d) of title 32, United States Code, is amended by inserting at the end of paragraph (2), (3), (4), and (5), and inserting the following:

"(1) for fiscal year 2004 and each fiscal year after fiscal year 2006, 65 percent of the costs of operating the State program during that year; and

"(2) for each of fiscal years 2005 and 2006, 70 percent of the costs of operating the State program during that year.

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

SA 719. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following:

SEC. 1039. DESIGNATION OF AMERICA'S NATIONAL WORLD WAR II MUSEUM.

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

(1) The National D-Day Museum, operated in New Orleans, Louisiana by an educational foundation, has been established with the vision "to celebrate the American Spirit".

(2) The National D-Day Museum is the only museum in the United States that exists for the exclusive purpose of interpreting the American experience during World War II (1939–1945) on both the battlefront and the home front, and in doing so, covers all of the branches of the Armed Forces and the Merchant Marine.

(3) The National D-Day Museum was founded by the preeminent American historian, Stephen E. Ambrose, as a result of a conversation between President Dwight D. Eisenhower and the then Governor of Louisiana, Frances贡布林, in 1963, when the President and former Supreme Commander, Allied Expeditionary Forces in Europe, credited Andrew Higgins, the chief executive officer of Higgins Industries in New Orleans, as the "man who won the war for us" because the 12,000 landing craft designed by Higgins Industries played a critical role in the successful invasion of World War II and carried American soldiers into every theatre of the war.

(4) The National D-Day Museum, since its grand opening on June 6, 2000, the 56th anniversary of the D-Day Invasion of Normandy, has attracted nearly 1,000,000 visitors from around the world, a large percentage of whom have been Americans from across the country.

(5) American World War II veterans, called the "greatest generation" of the Nation, are dying at the rapid rate of more than 1,200 veterans each day, creating an urgent need to preserve the stories, artifacts, and personal histories of this generation.

(6) The United States has a need to preserve forever the knowledge and history of the Nation's achievements in the 20th century and to portray that history to citizens, visitors, and school children for centuries to come.

(7) Congress recognizes the need to preserve this knowledge and history, appropriated funds in 1992 to authorize the design and construction of The National D-Day Museum in New Orleans to commemorate the epic 1944 Normandy invasion, and subsequently appropriated additional funds in 1996, 2000, 2001, and 2002, to help expand the exhibits in the D-Day invasions in the Pacific Theatre of Operations and the other campaigns of World War II.

(8) The State of Louisiana and thousands of donors and foundations across the country have contributed millions of dollars to help build this national institution.

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

(10) The World War II Memorial now under construction on the National Mall in Washington, the District of Columbia, will always be the memorial in our Nation where people come to remember America's sacrifices in World War II, while The National D-Day Museum will always be the museum of the American experience in the World War II years (1939–1945), where people come to learn about Americans' experiences during that critical period, as well as a place where the history of our Nation's monumental struggle against worldwide aggression would-be oppressors is preserved so that future generations can understand the role the United States played in the preservation and advancement of an all-important freedom in the middle of the 20th century.

(11) The National D-Day Museum seeks to educate a vast audience through its collection of artifacts, photographs, letters, documents, and first-hand personal accounts of the participants in the war and on the home front during one of history's darkest hours.

(12) The National D-Day Museum is devoted to the combat experience of United States soldiers at the Theatre of War in World War II and to the heroic efforts of the men and women on the home front who worked tirelessly to support the troops and the war effort.

(13) The National D-Day Museum continues to add to and maintain the largest personal history collections in the United States of the men and women who fought in World War II and who served on the home front.

(14) No other museum describes as well the volunteer spirit that arose throughout the United States and united the country during the World War II years.

(15) The National D-Day Museum is engaged as an expanded institution to include the Center for the Study of the American Spirit, an advanced format theatre, and a new United States pavilion.

(16) The mobile "We're All in This Together" exhibit will describe the role every State, commonwealth, and territory played in World War II, and the computer database and software of The National D-Day Museum's educational program will be made available to the teachers and school children of every State, commonwealth, and territory.

(17) The National D-Day Museum is an official Smithsonian affiliate institution with a formal agreement for Smithsonian artifacts for future exhibitions.

(18) The National D-Day Museum is as its official partner in a Patriotic Alliance signed on October 16, 2002, by both museums.


(20) Congress made available $4,200,000 in fiscal year 2002 and $3,000,000 in fiscal year 2003 in Department of Defense appropriations Acts for the purpose of planning the expansion of The National D-Day Museum to tell the untold stories from the campaigns of World War II, and to design new exhibits on the war on land, at sea, and in the air, the Cold War, juniper, and the invasion of Alaska's Aleutian Islands, the roles of women and African-Americans in World War II, and other relevant subjects.

(21) For all of these reasons, it is appropriate to designate The National D-Day Museum as "America's National World War II Museum".

(b) PURPOSE.—The purposes of this section are, through the designation of The National D-Day Museum as "America's National World War II Museum", to express the United States Government's support for:

(1) the continuing preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the museum;

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

(3) the operation of a premier facility for the public display of artifacts, photographs, letters, documents, and personal histories from the World War II years (1939–1945);

(4) the further expansion of the current European and Pacific campaign exhibits in the museum, including the Center for the Study of the American Spirit for education; and

(5) ensuring the understanding by all future generations of the magnitude of the American contribution to the Allied victory in World War II, the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(c) DESIGNATION.—"AMERICA'S NATIONAL WORLD WAR II MUSEUM".—"The National D-Day Museum, New Orleans, Louisiana, is designated as "America's National World War II Museum".

SA 720. Mr. KENNEDY (for himself and Mr. BROWNACK) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1039. AMERICA'S NATIONAL WORLD WAR II MUSEUM — The National D-Day Museum, New Orleans, Louisiana, is designated as America's National World War II Museum.
At the end of title VI, add the following:

Subtitle F—Naturalization and Family Protection for Military Members

SEC. 661. SHORT TITLE.

This subtitle may be cited as the “Naturalization and Family Protection for Military Members Act of 2003.”

SEC. 662. REQUIREMENTS FOR NATURALIZATION

RELATING TO NATURALIZATION WITHIN THE ARMED FORCES OF THE UNITED STATES.

(a) REDUCTION OF PERIOD FOR REQUIRED SERVICE.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by striking “three years” and inserting “two years”.

(b) LIMITATION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(1) section 322(b)—

(A) in paragraph (3)—

(i) by striking “honorable. The” and inserting “honorable (the);” and

(ii) by striking “discharge,” and inserting “discharge;” and

(B) by adding at the end the following:

“(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case the fee required to be paid to the State shall be charged or collected.”; and

(2) in section 322(b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “and”;

(C) by adding at the end the following:

“(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition relating to naturalization or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.”.

(c) NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense may accept, consider, and act on any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) relating to naturalization of members of the Armed Forces available through United States embassies, consulates, and as practicable, United States military sovereign.

(d) TECHNICAL AND CONFORMING AMENDMENT.—Section 322(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1440(b)(5)) is amended by striking “Attorney General” and inserting “Secretary of Homeland Security”.

SEC. 663. NATURALIZATION BENEFITS FOR MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440(a)) is amended by inserting “as a member of the Selected Reserve of the Ready Reserve or” after “has served honorably”.

SEC. 664. EXTENSION OF POSTHUMOUS BENEFITS TO SURVIVING SPOUSES, CHILDREN, AND PARENTS.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen’s death and was not legally separated from the citizen at the time of the citizen’s death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien (and each child of the alien) shall be considered a spouse described in section 201(b)(2)(A)(i) of such Act, to remain an immediate relative after the date of the citizen’s death, but only if the alien files a petition under section 329A of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(i), an alien granted status under section 204(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)) of such Act is considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen’s death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien (and each child of the alien) shall be considered, for purposes of any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected.”.

(c) SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENTS.

(2) SELF-PETITIONS.—Any spouse or child of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 204(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A)(i)), for purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) PARENTS.—

(A) IN GENERAL.—In the case of an alien who was the parent of the United States at the time of the citizen’s death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by that service, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), to remain an immediate relative after the date of the citizen’s death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(d) PARENTS OF LAWFUL PERMANENT RESIDENT ALIENS.

(1) SELF-PETITIONS.—Any parent of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) with the Secretary of Homeland Security, but only if the parent files a petition within 2 years after such date. Such spouse or child shall be eligible for deferred action, work authorization.

(2) PARENTS.—An alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) with the Secretary of Homeland Security, but only if the parent files a petition within 2 years after such date. Such spouse or child shall be eligible for deferred action, work authorization.

(3) SELF-PETITIONS.—Any parent of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant may file a petition with the Secretary of Homeland Security for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) with the Secretary of Homeland Security, but only if the parent files a petition within 2 years after such date. Such spouse or child shall be eligible for deferred action, work authorization.

(4) PARENTS OF LAWFUL PERMANENT RESIDENT ALIENS.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(b) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, CHILDREN, AND PARENTS.

(1) IN GENERAL.—Notwithstanding subsections (a) and (c) of the Immigration and Nationality Act (8 U.S.C. 1255), any alien who was the spouse, child, or parent of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(B), may have such application adjudicated as if such death had not occurred.

(2) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) served honorably in an active duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by that service; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

(3) SPOUSES AND CHILDREN OF LAWFUL PERMANENT RESIDENT ALIENS.—

(a) IN GENERAL.—A spouse or child of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 204(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(A)(i)), for purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).
be eligible for deferred action, advance parole, and work authorization.

(2) ALIEN DESCRIBED.—An alien is described in this paragraph if the alien—

(A) is lawfully present in a permanent duty status in the military, air, or naval forces of the United States;

(B) died as a result of injury or disease incurred in or aggravated by that service; and

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

(e) ADJUSTMENT OF STATUS.—Notwithstanding subsections (a) and (c) of section 215 of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(f) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in paragraphs (4), (6), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(g) BENEFITS TO SURVIVORS; TECHNICAL AMENDMENT.—Section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1) is amended—

(1) by striking subsection (e); and

(2) by striking “Attorney General” each place that term appears and inserting “Secretary of Homeland Security.”

(h) TECHNICAL AND CONFORMING AMENDMENTS.—Section 319(d) of the Immigration and Nationality Act (8 U.S.C. 1430(d)) is amended—

(1) by inserting “child, or parent” after “surviving spouse”; and

(2) by inserting “parent, or child” after “whose citizen spouse”; and

(3) by striking “who was living” and inserting “who, in the case of a surviving spouse, was living.”
SA 729. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

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

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

(b) AVAILABLE FOR INFORMATION OPERATIONS SUSTAINMENT.—(1) Of the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve, as increased by subsection (a), $3,000,000 shall be available for Information Operations (Account #19640) for Land Forces Readiness—Information Operations Sustainment.

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

(c) EFFECTIVE DATE.—Section 301 of the Act includes the effects of this amendment.

SA 730. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

SEC. 383. INCLUSION OF MATERIALS AND COMPONENTS OF CLOTHING UNDER "BERRY AMENDMENT".

Section 233(a)(1)(B) of title 10, United States Code, is amended by inserting before the semicolon the following: "including the materials and components thereof".

SA 731. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VI, add the following:

SEC. 624. SPECIAL PAY FOR SERVICE AS MEMBER OF WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAM.

(a) IN GENERAL.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 350a the following new section: "§350b. Special pay: service as member of Weapons of Mass Destruction Civil Support Team.

(1) AVAILABILITY OF SPECIAL PAY.—The Secretary of a military department may pay special pay under this section to a member of the armed forces under the jurisdiction of that Secretary who is entitled to basic pay under section 204 and is assigned by orders to duty as a member of a Weapons of Mass Destruction Civil Support Team.

(2) MONTHLY RATE.—Special pay payable under subsection (a) shall be paid at a rate equal to $150 a month.

(b) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned and to the extent provided for in appropriation Acts, when a member of a reserve component of the armed forces is entitled to compensation under section 206 of this title, the member is authorized to receive special pay under this section when the member performs duty under section 204 and is assigned by orders to duty as a member of a Weapons of Mass Destruction Civil Support Team.

(c) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING ACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned and to the extent provided for in appropriation Acts, when a member of a reserve component of the armed forces is entitled to compensation under section 206 of this title, the member is authorized to receive special pay under this section when the member performs duty under section 204 and is assigned by orders to duty as a member of a Weapons of Mass Destruction Civil Support Team.

SEC. 313. INFORMATION OPERATIONS SUSTAINMENT.—(1) Of the amount appropriated by section 201(3) for research, and for defense 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; which was ordered to lie on the table; as follows:

In section 313, add at the end the following:

(c) REPORT.—Not later than March 31, 2004, the National Academy of Sciences shall submit to Congress a report containing the determination of the National Academy of Sciences whether or not the repeal of the prohibition on research and development of low-yield nuclear weapons in section 3136 of the National Defense Authorization Act for Fiscal Year 1994 constitutes a requirement for the testing of low-yield nuclear weapons.

SA 734. Mr. LAUTENBERG submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 701. PROHIBITION ON USE OF SYMBOLS OF UNITED STATES ARMED FORCES ON FIREARMS.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

(1) DEFINITIONS.—In this subsection—

(A) the term "armed forces of the United States" means the Army, Navy, Air Force, Marine Corps, and Coast Guard; and

(B) the term "civilians firearm" means any firearm that is available to the public, but does not include any firearm owned and controlled by the armed forces of the United States.

(2) UNLAWFUL ACTS.—It shall be unlawful for anyone to knowingly manufacture, sell, or transfer a civilian firearm that—

(A) bears any symbol, seal, emblem, insignia, name, or likeness of the armed forces of the United States, or any subdivision thereof; or

(B) can reasonably be mistaken for a firearm described under subparagraph (A).

SA 735. Mr. NELSON of Florida (for himself, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title G of title V, add the following:
SEC. 565. MODIFICATION OF COMMENCEMENT AND TERMINATION OF TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR ABUSE

(a) COMMISSION.—Paragraph (1)(A) of section 1059(e) of title 10, United States Code, is amended by striking “shall commence” and all that follows and inserting “shall commence—

(i) as of the date the court-martial sentence is adjudged if the sentence, as adjudged, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; or

(ii) if a pretrial agreement provides for a disapproval or suspension of the dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances, as of the date of the approval of the court-martial sentence by the person acting under section 968(c) of this title (article 60(c) of the Uniform Code of Military Justice) if the sentence, as approved, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; and

(b) TERMINATION.—Paragraph (3)(A) of such section is amended by striking “and each such punishment” and all that follows through “or mitigated” and inserting “and the conviction is disapproved by the person so acting, reapplicable to the member under the sentence

cle 60(c) of the Uniform Code of Military Justice) if

the conviction is disapproved by the person

under section 860(c) of this title (article 60(c)

of the Uniform Code of Military Justice) if

the conviction is disapproved by the person

acting under section 968(c) of this title (article

60(c) of the Uniform Code of Military Justice)

if the sentence, as approved, includes a dismis-

sal, dishonorable discharge, bad conduct dis-

charge, or forfeiture of all pay and allow-

ances, as of the date of the approval of the

court-martial sentence by the person acting

under section 968(c) of this title (article 60(c)

of the Uniform Code of Military Justice)

if the sentence, as approved, includes a dismis-

sal, dishonorable discharge, bad conduct dis-

charge, or forfeiture of all pay and allow-

ances; and

SA 737. Mr. NELSON of Florida (for himself, Mr. KENNEDY, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

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

Section 1038 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(iv) A determination described in this sub-

paragraph (1) or (3) to the spouse or such depend-

ent is in lieu of providing such benefit to the

member.

(b) A determination described in this sub-

paragraph is a determination by the com-

manding officer of a member that—

“(i) the member has committed a depend-

ent-abuse offense against the spouse or a de-

pendent of the member;

“(ii) the member is at risk; and

“(iii) the member is at risk for relocation.

(c) The Secretary concerned may provide any

allowance described in paragraph (1) or (3) to the spouse or such dependent, the Secretary may provide any

benefit authorized for a member under para-

graph (1) or (3) to the spouse or such depend-

ent in lieu of providing such benefit to the

member.

(d) If the Secretary concerned makes a
determination described in subparagraph (b)

with respect to the spouse or a dependent of a member described in that subparagraph and a request described in subparagraph (c) (i) has been by the behoof of such dependent, the Secretary may provide any

benefit authorized for a member under para-

graph (1) or (3) to the spouse or such depend-

ent in lieu of providing such benefit to the

member.

 SEC. 1039. REPEAL OF MTOPS REQUIREMENT FOR COMPUTER EXPORT CONTROLS.

(a) REPEAL.—Subtitle B of title XII of, and section 3157 of, the National Defense Au-

thorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) are repealed.

(b) CONSULTATION REQUIRED.—Before im-

plementing any regulations relating to an

export administration system for high-per-

formance computers, the President shall consult with the following congressional committees:

(1) The Select Committee on Homeland Security, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) REPORT.—Not later than 30 days after implementing any regulations described in subsection (b), the President shall submit to Congress a report that—

(1) identifies the functions of the Sec-

retary of Commerce, Secretary of Defense, Secretary of Energy, Secretary of State, Secretary of Homeland Security, and any other relevant national security or intel-

ligence agencies under the export adminis-

tration system embraced by those regula-

tions; and

(2) explains how the export administra-

tion system will effectively advance the na-

tional security objectives of the United States.

SA 739. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe person-

nel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

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

Section 1038 of title 10, United States Code, is amended—

(1) by inserting “(a) In general.—” before “In any case”; and

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

“(b) SPECIALTY CARE PROVIDERS.—For purposes of subsection (a), the term ‘specialty care provider’ includes a dental specialist (including an oral surgeon, orthodontist, prosthodontist, periodontist, endodontist, or pediatric dentist).”.

SA 740. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe person-

nel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place in title VII, insert the following:

SEC. 615. ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 1076a(a) of title 10, United States Code, is amended—

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

(2) by striking "who is on active duty" and inserting "in paragraph (2)"; and

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

(2) Members of the uniformed services referred to in paragraph (1) are as follows:

(A) A member of a uniformed service on active duty;

(B) A member of a reserve component of a uniformed service who has been commissioned as an officer of such service;

(i) the member has requested orders to active duty for the member’s initial period of active duty following the commissioner of the member’s commission;

(ii) the request for orders has been approved; and

(iii) the orders are to be issued but have not been issued; and

(iv) the member does not have health care insurance and is not covered by any other health benefits plan.

SA 741. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2815. ENERGY SAVINGS AT MILITARY INSTALLATIONS.

(a) USE OF AMOUNTS REALIZED FROM ENERGY COST SAVINGS.—(1) Paragraph (2) of subsection (b) of section 2865 of title 10, United States Code, is amended by striking "shall be used at the military installation at which the amount concerned was realized for one or more purposes at the installation, as determined by the commander of the installation in a manner consistent with applicable law and regulations, for energy conservation measures, and for unspecified minor construction projects at the installation." and inserting "shall be used at the military installation at which the amount concerned was realized for one or more purposes at the installation, as determined by the commander of the installation in a manner consistent with applicable law and regulations, for energy conservation measures, and for unspecified minor construction projects at the installation.

(2) The amendment made by paragraph (1) shall take effect on October 1, 2003, and shall apply with respect to fiscal years that begin after that date.

(b) ENERGY SAVINGS PERFORMANCE CONTRACTS.—That section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

(f) ENERGY SAVINGS PERFORMANCE CONTRACTS.—The Secretary of Defense shall require the use of energy savings performance contracts at each installation of the Department of Defense commencing not later than September 30, 2004.

(2) The Secretary shall carry out the requirement under paragraph (1) at an installation through energy savings performance contracts indefinite delivery indefinite quantity contracts that are in force at the installation.

(3) For purposes of carrying out the requirement under paragraph (1), the Secretary shall carry out the requirement by promising or signing on energy savings performance contracts indefinite delivery indefinite quantity contracts that are otherwise applicable to installations of the Department.

(4) For purposes of carrying out the requirement under paragraph (1) with respect to installations of the Air Force, the Secretary of the Air Force shall:

(A) permit the use of any indefinite delivery indefinite quantity contracts for energy savings performance contracts at such installations; and

(B) terminate any limitation on the use of indefinite delivery indefinite quantity contracts for energy savings performance contracts that would otherwise impede the use of indefinite delivery indefinite quantity contracts for energy savings performance contracts at such installations.

SA 742. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table:

At the end of subtitle B of title XXVII, add the following:

SEC. 1074. MILITARY INSTALLATIONS.

(a) LEAVE OF ABSENCE REQUIRED.—Whenever a student who is an affected individual is unable to complete a period of instruction or to receive academic credit because he or she is or shall be enrolled for active duty or active service, the institution of higher education in which the student is enrolled shall:

(1) grant the student a military leave of absence from the institution while such student is serving on active duty or active service, and for one year after the conclusion of such duty or service, in accordance with subsection (b); and

(2) provide the student with a refund or credit in accordance with subsection (c).

(b) CONSEQUENCES OF LEAVE OF ABSENCE.—A student who is an affected individual and who is on a military leave of absence from an institution of higher education shall be entitled to receive a refund of amounts drawn for purposes of section 484B unless the student requests a refund during a period of enrollment.

(c) REFUNDS.—An institution of higher education shall refund tuition or fees paid prior to the commencement of the active duty or active service of an affected individual. If a student taking a military leave of absence for active duty or active service requests a refund during a period of enrollment, the institution of higher education shall refund, to the extent permitted by law, the portion of $8,000,000 paid for the period of enrollment.

(d) LEAVE OF ABSENCE NOT TREATED AS WITHDRAWAL.—Notwithstanding the 180-day limitation in section 484B(e)(7) on a military leave of absence under this section shall not be treated as having withdrawn for purposes of section 484B unless the leave of absence for active duty or active service fails to retire the student from the military leave of absence (as determined under subsection (a) of this section).
SA 745. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

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

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

(1) in accordance with subsection (c), develop a strategy for the Department of Defense for the management of the electromagnetic spectrum to improve bandwidth; and

(2) in accordance with subsection (d), coordinate with civilian departments and agencies of the Federal Government in the development of a national strategy for the management of the electromagnetic spectrum for high-bandwidth wireless communications.

(b) PURPOSE OF ACTIVITIES.—The purpose of activities required by subsection (a) is to assist in the coordinated development of a national strategy for the management of the electromagnetic spectrum for high-bandwidth wireless communications.

(c) DEPARTMENT OF DEFENSE STRATEGY FOR SPECTRUM MANAGEMENT.—(1) Not later than September 1, 2004, the Assistant Secretary shall develop a strategy for the Department of Defense for the management of the electromagnetic spectrum in order to ensure the development and use of spectrum-efficient technologies to facilitate the availability of adequate spectrum for both network-centric warfare and civilian needs. The strategy shall include adequate timelines, milestones, plans for implementation, and proposals for program funding.

(2) In developing the strategy, the Assistant Secretary shall take into account the results of the research and development program carried out under section 234.

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

(d) NATIONAL STRATEGY FOR SPECTRUM MANAGEMENT.—The Assistant Secretary shall coordinate with other departments and agencies of the Federal Government in the development of a national strategy for the electromagnetic spectrum to improve bandwidth; and for high-bandwidth wireless communications.

(e) ASSISTANT SECRETARY DEFINED.—In this section, the term "Assistant Secretary" means the Assistant Secretary of the Department of Defense.

SA 746. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 111. CH-47 HELICOPTER PROGRAM.

(a) REQUIREMENT FOR STUDY.—The Secretary of the Army shall study the feasibility and the costs and benefits of providing for the participation of a second source in the production of CH-47 helicopters, transmissions incorporated into CH-47 helicopters being procured by the Army.

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

SA 747. Mr. WYDEN (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. BYRD, Mr. LAUTENBERG, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1650, to authorize appropriations for fiscal year 2002 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; which was ordered to lie on the table; as follows:

On page 273, between lines 20 and 21, insert the following:

REPORTING REQUIREMENT RELATING TO NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.—(1) If a contract for the maintenance, rehabilitation, construction, or repair of infrastructure in Iraq is entered into under the oversight and direction of the Secretary of Defense or the Office of Reconstruction and Humanitarian Assistance in the Office of the Secretary of Defense without full and open competition, the Secretary shall publish in the Federal Register on a daily and otherwise make available to the public, not later than 30 days after the date on which the contract is entered into, the following information:

(i) The amount of the contract.

(ii) A brief description of the scope of the contract.

A discussion of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, together with a list of the potential contractors that were issued solicitations for the offers.

(iv) The justification and approval documents on which was based the determination to use noncompetitive procedures that provide for full and open competition.

(B) Subparagraph (A) does not apply to a contract entered into one year after the date of enactment of this act.

(2) The head of an executive agency may—

(i) withhold from publication and disclosure under paragraph (1) any document that is classified for restricted access in accordance with an Executive order in the interest of national defense or foreign policy and

(ii) redact any part so classified that is in a document not so classified before publication and disclosure of the document under paragraph (1).

(B) In any case in which the head of an executive agency withholds information under subparagraph (A), the head of such executive agency shall make available an unredacted version of the document containing that information to the chairman and ranking member of each of the following committees of Congress:

(i) The Committee on Governmental Affairs of the Senate and the Committee on Governmental Reform of the House of Representatives.

(ii) The Committees on Appropriations of the Senate and the House of Representatives.

(iii) Each committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information relates.

(3) This subsection shall apply to contracts entered into on or after October 1, 2002, except that, in the case of any contract entered into before the date of the enactment of this Act, paragraph (1) shall be applied as if the contract had been entered into on the date of the enactment of this Act.
United States Government information under any other provision of law.

(5) In this subsection, the terms “executive agency” and “full and open competition have been determined in accordance with section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 748. Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. BINGAMAN, Mrs. HUTCHISON, Mr. CORNYN, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

SEC. 1039. PROHIBITION ON TERMINATION OF RESEARCH AND SEAPORT INSPECTION COUNTER-DRUG DUTIES OF THE NAVAL GUARD.

The Secretary of Defense may not terminate border inspection duties or seaport inspection duties as part of the drug interdiction and counter-drug mission of the National Guard, including support for the cargo inspection activities of the Department of Homeland Security pursuant to that mission.

SA 749. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense; for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 310, between lines 9 and 10, insert the following:

(D) A discussion of NATO decisionmaking on the implementation of the Prague Capabilities Commitment and the NATO Response Force, the role of the Defense Planning Committee, the North Atlantic Council, or the Military Committee;

(i) a description of the circumstances which led to the defense, military, security, and nuclear decisions of NATO on matters such as the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

(ii) a description of the extent to which France contributes to each of the component commands, including any and all committees relevant to the Prague Capabilities Commitment and the NATO Response Force;

(iv) a description of the extent to which France participates in meetings of the Defense Planning Committee as an observer, including the justification for such participation, if any, and an assessment whether such participation is in the interest of NATO in improving the Prague Capabilities Commitment or the NATO Response Force likely in the Defense Planning Committee; and

(vii) the recommendations of the Secretary of Defense on streamlining defense, military, security, and nuclear decisionmaking within NATO relating to the Prague Capabilities Commitment, and NATO Response Force, and other matters, including an assessment of the feasibility and advisability of the greater utilization of the Defense Planning Committee for such purposes.

SA 750. Mr. DORGAN submitted an amendment intended to be proposed by her to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense; for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

SEC. 3135. PROHIBITION ON USE OF FUNDS FOR NUCLEAR EARTH PENETRATOR WEAPON.

(a) IN GENERAL.—Effective as of the date of the enactment of this Act, no funds authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2004 by this Act or any other Act may be obligated or expended for development, testing, or engineering on a nuclear earth penetrator weapon.

(b) PROHIBITION ON USE OF FISCAL YEAR 2004 FUNDS FOR FeASIBILITY STUDY.—No funds authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2004 by this Act or any other Act may be obligated or expended for a feasibility study on a nuclear earth penetrator weapon.

SA 751. Mr. REED (for himself, Mr. LEVIN, and Mr. FEINGOLD) proposed an amendment to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3131 and insert the following new section:

SEC. 3131. MODIFICATION OF SCOPE OF PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.

(a) MODIFICATION.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1996; 42 U.S.C. 2121 note) is amended by striking “research and development” each place it appears and inserting “development engineering”.

(b) CONFORMING AMENDMENTS.—(1) The caption for subsection (c) of that section is amended by striking “RESEARCH AND DEVELOPMENT” and inserting “DEVELOPMENT ENGINEERING”.

The heading for that section is amended by striking “RESEARCH AND DEVELOPMENT” and inserting “DEVELOPMENT ENGINEERING”.

SA 752. Mr. WARNER proposed an amendment to amendment SA 751 proposed by Mr. REED (for himself, Mr. LEVIN, and Mr. FEINGOLD) to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3131. REPEAL OF PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.


(b) CONSTRUCTION.—Nothing in the repeal made by subsection (a) shall be construed as authorizing the testing, acquisition, or deployment of a low-yield nuclear weapon, or any component phase, of a low-yield nuclear weapon unless specifically authorized by Congress.

SA 753. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, between lines 14 and 15, insert the following new section:

SEC. 1039. REWARD FOR INFORMATION LEADING TO THE RESOLUTION OF THE FATE OF AN AMERICAN POW/MIA OF THE FIRST PERSIAN GULF WAR.

(a) REWARD AUTHORIZED.—The Secretary of Defense is authorized to pay a gratuity or gratuities to an individual or individuals determined by the Secretary to have assisted in determining the whereabouts or status of an American POW/MIA of the First Persian Gulf War.

(b) AGGREGATE AMOUNT OF REWARDS.—The total amount of gratuities paid by the Secretary under subsection (a) may not exceed $1,000,000.

(c) LIMITATION.—The Secretary of Defense may not pay a gratuity under paragraph (a) to a terrorist, a persecutor, a persecuter of an American POW/MIA of the First Persian Gulf War.

(d) DEFINITIONS.—In this section:

(1) AMERICAN POW/MIA OF THE FIRST PERSIAN GULF WAR.—(A) As used in this section, the term “American POW/MIA of the First Persian Gulf War” means an American POW/MIA of the First Persian Gulf War.
MIA of the First Persian Gulf War" means an individual—

(i) who is a member of a uniformed service (within the meaning of section 101(3) of title 10, United States Code) in a missing status (as defined in section 551(2) of such title and this subsection) as a result of Operation Desert Shield/Desert Storm or

(ii) an employee (as defined in section 5561(2) of title 5, United States Code) in a missing status (as defined in section 5561(5) of such title) as a result of Operation Desert Shield/Desert Storm.

(B) EXCLUSION.—Such term does not include an individual with respect to whom it is officially determined under section 552(c) of title 37, United States Code, that such individual is officially absent from such individual's post of duty without authority.

(2) THE TERM "MISSING STATUS".—(A) The term "missing status", with respect to Operation Desert Shield/Desert Storm means the status of an individual as a result of Operation Desert Shield/Desert Storm if immediately before that status began the individual—

(A) was performing service in Kuwait, Iraq, or another nation of the greater Middle East region;

(B) was performing service in the greater Middle East region in direct support of military operations in Kuwait or Iraq.

(c) ENVIRONMENT.—The Secretary to complete the deployment of the chemical agent monitoring system as of the date required by this Act.

(d) PROVISIONS.—If the Secretary has not completed the deployment of the chemical agent monitoring system referred to in subsection (a) not later than 90 days after the date of the enactment of this Act,

(1) the Secretary shall complete the deployment of the chemical agent monitoring system referred to in paragraph (1) of such title not later than 90 days after the date of the enactment of this Act.

(2) The Secretary shall complete the deployment of the chemical agent monitoring system as of the date required by paragraph (1), the Secretary shall submit to Congress a report setting forth—

(A) an explanation why the chemical agent monitoring system has not been completely deployed as of that date;

(B) the actions proposed to be taken by the Secretary to complete the deployment of the chemical agent monitoring system; and

(C) a schedule for the actions referred to in subparagraph (B), including the anticipated date of the completion of the deployment of the chemical agent monitoring system.

SA 755. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1050, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 141. CHEMICAL AGENT MONITORING SYSTEM AT BLUEGRASS ARMY DEPOT, KENTUCKY.

(a) IN GENERAL.—Of the amount authorized to be appropriated by section 301(c)(5) for operations and maintenance activities under titles II and III of the Defense appropriation act, not less than $1,000,000 shall be available to the Secretary of the Army for the deployment of a chemical agent monitoring system at Bluegrass Army Depot, Kentucky, to supplement the current chemical agent monitoring and detection systems at the Depot for the chemical demilitarization program at the Depot.

(b) PURPOSE.—The purpose of the deployment of the chemical agent monitoring system referred to in section (a) is to achieve the broadest possible protection of the public and personnel involved in the chemical demilitarization program at Bluegrass Army Depot and of the environment in the vicinity of the Depot.

(c) SYSTEM ELEMENTS.—(1) The chemical agent monitoring system deployed under subsection (a) shall be the most efficient and advanced chemical agent monitoring system available, combining elements of the systems as follows:

(A) Open-Path Fourier Transform Infra-red Spectrometer perimeter monitoring systems.

(B) Continuous Agent Stack Monitoring Systems.

(C) Multi-Metals Contaminant Emissions Monitoring System.

(2) The chemical agent monitoring system may employ elements of systems other than systems referred to in paragraph (1) if the Secretary determines that the employment of such elements provides monitoring and detection of chemical agents equivalent to the monitoring and detection of chemical agents provided by the systems referred to in that paragraph.

(d) DEADLINE FOR DEPLOYMENT.—(1) Except as provided in paragraph (2), the Secretary shall complete the deployment of the chemical agent monitoring system referred to in subsection (a) not later than 90 days after the date of the enactment of this Act.

(2) If the Secretary has not completed the deployment of the chemical agent monitoring system as of the date required by paragraph (1), the Secretary shall submit to Congress a report setting forth—

(A) an explanation why the chemical agent monitoring system has not been completely deployed as of that date;

(B) the actions proposed to be taken by the Secretary to complete the deployment of the chemical agent monitoring system; and

(C) a schedule for the actions referred to in subparagraph (B), including the anticipated date of the completion of the deployment of the chemical agent monitoring system.

SEC. 142. CHEMICAL AGENT MONITORING SYSTEM AT WHITE RIVER DEPOT, KENTUCKY.

(a) IN GENERAL.—Of the amount authorized to be appropriated by section 301(c)(5) for operations and maintenance activities under titles II and III of the Defense appropriation act, not less than $1,000,000 shall be available to the Secretary of the Army for the deployment of a chemical agent monitoring system at White River Depot, Kentucky, to supplement the current chemical agent monitoring and detection systems at the Depot for the chemical demilitarization program at the Depot.

(b) PURPOSE.—The purpose of the deployment of the chemical agent monitoring system referred to in subsection (a) is to achieve the broadest possible protection of the public and personnel involved in the chemical demilitarization program at White River Depot and of the environment in the vicinity of the Depot.

(c) SYSTEM ELEMENTS.—(1) The chemical agent monitoring system deployed under subsection (a) shall be the most efficient and advanced chemical agent monitoring system available, combining elements of the systems as follows:

(A) Open-Path Fourier Transform Infrared Spectrometer perimeter monitoring systems.

(B) Continuous Agent Stack Monitoring Systems.

(C) Multi-Metals Contaminant Emissions Monitoring System.

(2) The chemical agent monitoring system may employ elements of systems other than systems referred to in paragraph (1) if the Secretary determines that the employment of such elements provides monitoring and detection of chemical agents equivalent to the monitoring and detection of chemical agents provided by the systems referred to in that paragraph.

SEC. 143. CHEMICAL AGENT MONITORING SYSTEM AT форевер DEPOT, KENTUCKY.

(a) IN GENERAL.—Of the amount authorized to be appropriated by section 301(c)(5) for operations and maintenance activities under titles II and III of the Defense appropriation act, not less than $1,000,000 shall be available to the Secretary of the Army for the deployment of a chemical agent monitoring system at Fort Evergreen Depot, Kentucky, to supplement the current chemical agent monitoring and detection systems at the Depot for the chemical demilitarization program at the Depot.

(b) PURPOSE.—The purpose of the deployment of the chemical agent monitoring system referred to in subsection (a) is to achieve the broadest possible protection of the public and personnel involved in the chemical demilitarization program at Fort Evergreen Depot and of the environment in the vicinity of the Depot.

(c) SYSTEM ELEMENTS.—(1) The chemical agent monitoring system deployed under subsection (a) shall be the most efficient and advanced chemical agent monitoring system available, combining elements of the systems as follows:

(A) Open-Path Fourier Transform Infra-red Spectrometer perimeter monitoring systems.

(B) Continuous Agent Stack Monitoring Systems.

(C) Multi-Metals Contaminant Emissions Monitoring System.

(2) The chemical agent monitoring system may employ elements of systems other than systems referred to in paragraph (1) if the Secretary determines that the employment of such elements provides monitoring and detection of chemical agents equivalent to the monitoring and detection of chemical agents provided by the systems referred to in that paragraph.
§ 9803. Workforce authorities

(a) The workforce authorities under this subchapter are the following:

(1) The authority to pay recruitment, re-designation, and relocation bonuses under section 9804.

(2) The authority to pay retention bonuses under section 9805.

(3) The authority to make term appointment and to take related personnel actions under section 9806.

(4) The authority to fix rates of basic pay for critical positions under section 9807.

(5) The authority to extend intergovernmental personnel assignment under section 9808.

(b) Not later than 60 days before implementing any such modifications, the Administration shall provide to all employees the written notice of such modifications in which the Administration considers appropriate.

(d)(1)(A) The Administrator may submit any modifications to the workforce plan to the office of Personnel Management. Modifications to the workforce plan may not be implemented without the approval of the Office of Personnel Management.

(d)(1)(B) The Administrator shall prepare a written notice of any modification which the Administrator considers appropriate.

(g) Whenever the Administration submits its plan under subsection (a) or (d) to the Office of Personnel Management, the Administrator shall—

(1) provide to each employee representative representing any employees who might be affected by such plan a copy of the proposed plan (or modification);

(2) give each representative 30 calendar days unless extraordinary circumstances require earlier action to review and make recommendations with respect to the proposed plan (or modification); and

(3) give any recommendations received from any such representatives under paragraph (2) full and fair consideration in deciding whether or how to proceed with respect to the proposed plan (or modification).

(h) Not later than 6 years after date of enactment of this subchapter, the Administration shall at the same time submit a copy of such plan to the appropriate committees of Congress.

(i) No authority under this subchapter made available under this subchapter may be exercised in a manner inconsistent with the workforce plan.

(j) Whenever the Administration submits its plan under section 9802(b) to the Office of Personnel Management, the Administrator shall—

(1) provide to each employee representative any employees who might be affected by such plan (or modification) a copy of the proposed plan (or modification);

(2) give each representative 30 calendar days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposed plan (or modification); and

(3) give any recommendations received from any such representatives under paragraph (2) full and fair consideration in deciding whether or how to proceed with respect to the proposed plan (or modification).

§ 9804. Recruitment, re-designation, and relocation bonuses

(a) Notwithstanding section 5753, the Administrator may pay a bonus to an individual, in accordance with the workforce plan and subject to the limitations in this section if—

(1) the Administrator determines that the Administration would be likely, in the absence of a bonus, to encounter difficulty in filling a position; and

(2) the individual—

(A) is newly appointed as an employee of the Federal Government;

(B) is currently employed by the Federal Government and is newly appointed to another position in the same geographic area; or

(C) is currently employed by the Federal Government and is required to relocate to a different geographic area to accept a position with the Administration.

(b) If the position is described as addressing a critical need in the workforce plan under section 9820(b)(2)(A), the amount of a bonus may not exceed—

(1) 50 percent of the employee’s annual rate of basic pay (including comparability payments under sections 5304 and 5304a) as of the beginning of the service period multiplied by the service period specified under subsection (d)(1)(B)(i); or

(2) 100 percent of the employee’s annual rate of basic pay (including comparability payments under sections 5304 and 5304a) as of the beginning of the service period.

(c) If the position is not described as addressing a critical need in the workforce plan under section 9820(b)(2)(A), the amount of a bonus may not exceed—

(1) 25 percent of the employee’s annual rate of basic pay (including comparability payments under sections 5304 and 5304a) as of the beginning of the service period multiplied by the service period specified under subsection (d)(1)(B)(i); or

(2) 100 percent of the employee’s annual rate of basic pay (including comparability payments under sections 5304 and 5304a) as of the beginning of the service period.

(d)(1)(A) Payment of a bonus under this section shall be contingent upon the employee entering into a service agreement with the Administration.

(d)(1)(B) At a minimum, the service agreement shall include—

(1) the required service period;

(2) the method of payment, including a payment schedule, which may include lump-sum payment, installment payments, or any combination thereof;

(3) the amount of the bonus and the basis for calculating the amount; and

(4) the conditions under which the agreement may be terminated.

(e) Notwithstanding paragraph (1), a service agreement is not required if the Administration pays a bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee, with the portion of the bonus deferred. In this case, the Administration shall inform the employee in writing of any decision to change the retention bonus payments. The employee shall be expressly informed to accrue entitlement to the retention bonus through the end of the pay period in which such written notice is provided.

(f) The amount of a bonus under this section may not be considered to be part of the basic pay of an employee.

§ 9805. Retention bonuses

(a) Notwithstanding section 5754, the Administrator may pay a bonus to an employee, in accordance with the workforce plan and subject to the limitations in this section, if the Administrator determines that—

(1) the unusually high or unique qualifications of the employee or a special need of the Administration for the employee’s services makes it essential to retain the employee; and

(2) the employee would be likely to leave in the absence of a retention bonus.

(b) If the position is described as addressing a critical need in the workforce plan under section 9820(b)(2)(A), the amount of a bonus may not exceed 50 percent of the employee’s annual rate of basic pay (including comparability payments under sections 5304 and 5304a).

(c) If the position is not described as addressing a critical need in the workforce plan under section 9820(b)(2)(A), the amount of a bonus may not exceed 25 percent of the employee’s annual rate of basic pay (including comparability payments under sections 5304 and 5304a).

(d)(1)(A) Payment of a bonus under this section shall be contingent upon the employee entering into a service agreement with the Administration.

(d)(1)(B) At a minimum, the service agreement shall include—

(1) the required service period;

(2) the method of payment, including a payment schedule, which may include lump-sum payment, installment payments, or any combination thereof;

(3) the amount of the bonus and the basis for calculating the amount; and

(4) the conditions under which the agreement may be terminated.

(2) The employee’s service period shall be expressed as the number equal to the full years and twelfth parts thereof, rounding the fractional part of a month to the nearest twelfth part of a year. The service period may not be less than 6 months and may not exceed 4 years.

(3) Notwithstanding paragraph (1), a service agreement is not required if the Administration pays a bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee, with the portion of the bonus deferred. In this case, the Administration shall inform the employee in writing of any decision to change the retention bonus payments. The employee shall be expressly informed to accrue entitlement to the retention bonus through the end of the pay period in which such written notice is provided.

(4) A bonus under this section may not be considered to be part of the basic pay of an employee.

§ 9806. Recruitment and re-designation

(1) the required service period;

(2) the method of payment, including a payment schedule, which may include lump-sum payment, installment payments, or a combination thereof;

(3) the amount of the bonus and the basis for calculating the amount; and

(4) the conditions under which the agreement may be terminated upon service period has been completed, and the effect of the termination.

(2) The employee’s service period shall be expressed as the number equal to the full years and twelfth parts thereof, rounding the fractional part of a month to the nearest twelfth part of a year. The service period may not be less than 6 months and may not exceed 4 years.

(3) Notwithstanding paragraph (1), a service agreement is not required if the Administration pays a bonus in biweekly installments and sets the installment payment at the full bonus percentage rate established for the employee, with the portion of the bonus deferred. In this case, the Administration shall inform the employee in writing of any decision to change the retention bonus payments. The employee shall be expressly informed to accrue entitlement to the retention bonus through the end of the pay period in which such written notice is provided.

(4) A bonus under this section may not be considered to be part of the basic pay of an employee.
§ 9806. Term appointments

(a) The Administrator may authorize term appointments within the Administration authorized under chapter 33, for a period of not less than 1 year and not more than 6 years.

(b) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Administrator may convert an employee serving under a term appointment to a permanent appointment in the competitive service within the Administration without further competitive examination if—

(1) such individual was appointed under open, competitive examination under subchapter I of chapter 33 to the term position;

(2) the announcement for the term appointment from which the conversion is made stated that there was potential for subsequent conversion to a career-conditional or career appointment;

(3) the employee has completed at least 2 years of current continuous service under a term appointment in the competitive service;

(4) the employee’s performance under such term appointment was at least fully successful or equivalent; and

(5) determination to which such employee is being converted under this section is in the same occupational series, is in the same geographic location, and provides no greater promotion potential than the term position for which the competitive examination was conducted.

(c) Notwithstanding chapter 33 or any other provision of law relating to the examination, certification, and appointment of individuals in the competitive service, the Administrator may convert an employee serving under a term appointment to a permanent appointment in the competitive service within the Administration through internal competitive promotion procedures if the conditions under paragraphs (1) through (4) of subsection (b) are met.

(d) An employee converted under this section becomes a career-conditional employee, unless the Administrator otherwise completes the service requirements for career tenure.

(e) An employee converted to career or career-conditional employment under this section acquires competitive status upon conversion.

§ 9807. Pay authority for critical positions

(a) In this section, the term ‘position’ means—

(1) a position to which chapter 51 applies, including a position in the Senior Executive Service;

(2) a position under the Executive Schedule under sections 5312 through 5317;

(3) a position established under section 3109; or

(4) a senior-level position to which section 3537(a)(1) applies.

(b) Authority under this section—

(1) may be exercised only with respect to a position that—

(A) is described as addressing a critical need in the workforce plan under section 9802(b)(2)(A); and

(B) requires expertise of an extremely high level in a scientific, technical, professional, or administrative field;

(2) is subject to subsection (a)(5) and, except as otherwise necessary to recruit or retain an individual exceptionally well qualified for the position, and

(3) may be exercised only in retaining employees of the Administration or in appointing individuals who were not employees of another Federal agency as defined under section 5102(a)(1).

(c)(1) Notwithstanding section 5377, the Administrator may fix the rate of basic pay for a position in the Administration in accordance with this section. The Administrator may not delegate this authority.

(2) The number of positions with pay fixed under this section may not exceed 10 at any time.

(d)(1) The rate of basic pay fixed under this section may not be less than the rate of basic pay (including any comparability payments) which would otherwise be payable for the position involved if this section had never been enacted.

(2) The assignment of basic pay fixed under this section may not exceed the per annum rate of salary payable under section 104 of title 3.

(e) Notwithstanding any provision of section 5307, in the case of an employee who, during any calendar year, is receiving pay at a rate fixed under this section, no allowance, differential, bonus, award, or similar cash payment may be paid to such employee if, or to the extent that, when added to basic pay paid or payable to such employee (for service performed in an employee’s position or in an employee in the executive branch or as an employee outside the executive branch to whom chapter 51 applies), such payment would cause the aggregate amount of salary which, as of the end of such calendar year, is payable under section 104 of title 3.

§ 9809. Enhanced demonstration project authority

(a) For purposes of applying the third sentence of section 3372(a) (relating to the authority of the head of a Federal agency to extend the period of an employee’s assignment to or from a State or local government, institution of higher education, or other organization), the Administrator may, with the concurrence of the employee and the government or organization concerned, take any action which would be allowable if such sentence had been amended by striking ‘two’ and inserting ‘five’.

(b) Any individual who is assigned to the Administration under section 3372 may not directly manage Federal employees.

§ 9800. Enhanced demonstration project authority

(a) When conducting a demonstration project at the Administration, section 4709(g)(1)(A) may be applied by substituting ‘such numbers of individuals as determined by the Administrator’ for ‘not more than 5,000 individuals’.

(b) The Administration may enter into an agreement with another Federal agency as defined under section 9802(b)(2)(A) to effectuate this section.

(c) The assignment of employees to private sector organizations under this section may be made with or without reimbursement by the private sector organization for the travel and transportation expenses to or from the place of assignment, subject to the same terms and conditions as apply with respect to an employee of a State or local government under section 3375, and for the pay, or a part thereof, of the employee during assignment. Any reimburments shall be credited to the appropriation of the Administration used for paying the travel and transportation expenses or pay.

(d) The Federal Tort Claims Act (28 U.S.C. 2671 et seq.) and any other Federal tort liability statute apply to an employee of the Administration who is assigned to a private sector organization under this section. The supervision of the duties of an employee of the Administration who is so assigned to a private sector organization may be governed by an agreement between the Administration and the organization.
"(d)(1) An employee of a private sector organization assigned to the Administration under this section is deemed, during the period of the assignment, to be on detail to the Administration.

"(2) An employee of a private sector organization assigned to the Administration under this section—

"(A) may continue to receive pay and benefits from the private sector organization from which he is assigned;

"(B) is deemed, notwithstanding paragraph (1), to be an employee of the Administration for the purposes of—

"(i) chapter 73;

"(ii) sections 201, 203, 205, 207, 208, 209, 606, 606, 607, 643, 654, 1905, and 1913 of title 18;

"(iii) sections 1343, 1344, and 1349(b) of title 31;

"(iv) the Federal Tort Claims Act (28 U.S.C. 2671 et seq.) and any other Federal tort liability statute;

"(v) the Ethics in Government Act of 1978 (5 U.S.C. app.); and

"(vi) section 1943 of the Internal Revenue Code of 1986;

"(C) may not have access to any trade secrets or other nonpublic information which is of commercial value to the private sector organization from which he is assigned; and

"(D) is subject to such regulations as the President may prescribe.

The supervised of an employee of a private sector organization assigned to the Administration under this section may be governed by agreement between the Administration and the private sector organization concerned. An assignment may be made with or without reimbursement by the Administration for the pay, or a part thereof, of the employee during the period of assignment, or in exchange of the private sector organization to employee benefit systems.

"(3) An employee of a private sector organization assigned to the Administration under this section who suffers disability or dies as a result of personal injury sustained while performing duties during the assignment shall be treated, for the purpose of subchapter I of chapter 81, as an employee as defined by section 8101 who had sustained the injury or death. Determination of eligibility under an agreement for which the premium is wholly paid by the private sector organization, or other benefit of any kind on account of the same injury or death, the amount of which payment or benefit shall be credited against any compensation otherwise payable under subchapter I of chapter 81.

"(4) A private sector organization may not charge the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to the Administration under this section for the period of the assignment.

"(e)(1) The Administration shall, not later than February 28 of each year, prepare and submit to the appropriate committees of Congress a report summarizing the operation of this section during the preceding year.

"(2) Each report shall include, with respect to the period to which such report relates—

"(A) the total number of individuals assigned to, and the total number of individuals assigned from, the Administration during such period;

"(B) a description of each assignment included under subparagraph (A), including—

"(i) the name of the assigned individual, as well as the private sector organization, to or from which the individual was assigned, and the duties and responsibilities and the pay grade or level associated with each; and

"(iii) the duration and objectives of the individual’s assignment; and

"(C) such other information as the Administration considers appropriate.

"(3) A copy of each report submitted under paragraph (1)—

"(A) shall be published in the Federal Register; and

"(B) shall be made publicly available on the Internet.

"(f)(1) The Administrator, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

"(g) Not later than 4 years after the date of the enactment of this section, the General Accounting Office shall prepare and submit to the appropriate committees of Congress a report on the operation of this section. Such report shall include—

"(1) an evaluation of the effectiveness of the program established by this section; and

"(2) a recommendation as to whether such program should be continued (with or without modification) or allowed to lapse.

§ 9052. Science and technology scholarship program

"(a)(1) The Administrator shall establish a National Aeronautics and Space Administration Science and Technology Scholarship Program (the Program) for individuals that is designed to recruit and prepare students for careers in the Administration.

"(2) Individuals selected to receive scholarships under this section through a competitive process primarily on the basis of academic merit, with consideration given to financial need and the goal of promoting the participation of individuals identified in section 33 or 34 of the Science and Engineering EQUAL Opportunities Act.

"(3) To carry out the Program the Administrator shall enter into contractual agreements with individuals selected under paragraph (2) under which the individuals agree to serve as full-time employees of the Administration, for the period described in subsection (f)(1), in positions needed by the private sector organization to employee benefit systems.

"(b) In order to be eligible to participate in the Program, an individual—

"(1) be enrolled or accepted for enrollment as a full-time student at an institution of higher education in an academic field or discipline described in the list made available under subsection (d);

"(2) be a United States citizen; and

"(3) at the time of the initial scholarship award, not be an employee (as defined in section 2010a).

"(c) An individual seeking a scholarship under this section shall submit an application to the Administrator at such time, in such manner, and containing such information, agreements, or assurances as the Administrator may require.

"(d) The award shall not be an employee (as defined in section 2010a).

"(e)(1) The Administrator may provide a scholarship under the Program for an academic year to an individual applying for the scholarship who has submitted to the Administrator, as part of the application required under subsection (c), a proposed academic program leading to a degree in a program or field of study on the list made available under subsection (d).

"(2) An individual may not receive a scholarship under the Program for the period of an academic year unless the Administrator grants a waiver.

"(3) The dollar amount of a scholarship under this section for an academic year shall be determined under regulations issued by the Administrator, but shall in no case exceed the cost of attendance.

"(4) A scholarship provided under this section may be expended for tuition, fees, and other authorized expenses as established by the Administrator.

"(5) The Administrator may enter into a contractual agreement with an institution of higher education under which the amounts provided for a scholarship under this section for tuition, fees, and other authorized expenses are paid directly to the institution with respect to which the scholarship is provided.

"(6) The Administrator shall—

"(A) except as provided in subparagraph (B), obligated service under paragraph (1) shall begin not later than 60 days after the individual obtains the educational degree for which the scholarship was provided;

"(B) The Administrator may defer the obligation of an individual to provide a period of service under paragraph (1) if the Administrator determines that such a deferral is appropriate to ensure that the terms and conditions under which a service obligation may be deferred through regulation.

"(7) Scholarship recipients who fail to maintain a high level of academic standing, as defined by the Administrator by regulation, who are dismissed from their education by the institution for disciplinary reasons, or who voluntarily terminate academic training before graduation from the educational program for which the scholarship was provided, shall be in breach of their contractual agreement and, in lieu of any service obligation arising under such agreement, shall be liable to the United States for repayment within 1 year after the date of default of all scholarship funds paid to them and to the institution of higher education on their behalf under the agreement, except as otherwise provided by the Administrator pursuant to subsection (f)(2)(B), shall be in breach of their contractual agreement. When recipients breach their agreements for the reasons stated in the preceding sentence, the recipient shall be liable to the United States for an amount equal to—

"(A) the total amount of scholarships received by such individual under this section; plus

"(B) the interest on the amounts of such awards which would be payable if at the time the awards were received they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States, multiplied by 3.

"(8)(A) Any obligation of an individual incurred under the Program (or a contractual agreement) of more than $5,000 shall not be deductible under subsection (a) unless the payment shall be canceled upon the death of the individual.

"(B) The Administrator shall by regulation provide for the partial or full suspension of any obligation of service or payment incurred by an individual under the
(i) For purposes of this section—

(1) a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position; or

(2) a cumulative graduate point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position.

(iii) (B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position; and

(iv) with respect to a research position at the GS–12 level, the individual—

(A) received an institution authorized to grant graduate degrees, a graduate degree in a field of study for which possession of that degree meets the qualification standards at this grade level as prescribed by the Office of Personnel Management for the position to which the individual is being appointed; and

(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position.

(2) is being appointed; and

(3) the term ‘Program’ means the National Aeronautics and Space Administration Science and Technology Scholarship Program established under this section.

(c) The Administrator shall submit to the appropriate committees of Congress, not later than 90 days after that individual’s last period of Federal employment, other than—

(1) the term ‘career service’ means any period of service performed by an employee for purposes of section 6303; and

(2) the term ‘career or career-conditional appointment’ means a position in the Administration designated under section 3132; and

(3) the term ‘limited term appointment’ means an individual who, immediately before entering the career reserved position, was serving under a Senior Executive Service position in the Administration in a position paid under section 3373 or 3383, or for an employee in an equivalent position in which the position is a career reserved position, was serving under a career-conditional appointment; or

(4) the term ‘limited term appointment’ means an individual appointed to a Senior Executive Service position under section 3304(b); and

(5) the term ‘career reserved position’ means a position that—

(A) is being appointed; and

(B) is covered by the Group Coverage Qualification Standard for Professional and Scientific Positions; and

(C) requires education and training in the principles, concepts, and theories of the occupation and the related field of work, and skills required to perform the work successfully is acquired typically and primarily through graduate study.

(C) The Administrator may appoint, without regard to the provisions of sections 3309(b) and 3318 through 3318, candidates directly to General Schedule professional positions in the Administration for which public notices have been given if—

(1) with respect to a position at the GS–7 level, the individual—

(A) received, from an accredited institution and immediately followed the provi- sions which are filled by an appointee as determined by the Administrator.

(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale and in graduate coursework in the field of study required for the position.

(2) with respect to a position at the GS–9 level, the individual—

(A) received, from an accredited institution and immediately followed the provi- sions which are filled by an appointee as determined by the Administrator.

(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale and in graduate coursework in the field of study required for the position.

(3) with respect to a position at the GS–11 level, the individual—

(A) received, from an accredited institution and immediately followed the provi- sions which are filled by an appointee as determined by the Administrator.

(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale and in graduate coursework in the field of study required for the position.

(4) with respect to a position at the GS–12 level, the individual—

(A) received, from an accredited institution and immediately followed the provi- sions which are filled by an appointee as determined by the Administrator.

(B) achieved a cumulative grade point average of 3.5 or higher on a 4.0 scale in graduate coursework in the field of study required for the position.
sections to set pay under chapter 53.

year in the position for which the pay deter-
mination 5334.

pay for such purposes as pay set under sec-
tion, before setting pay under this section.

position will exceed that in the former posi-
tion, based on the superior qualifications of
an employee as defined under section 3111.

means an employee as defined under section
2105 who is employed by the Administration.

awards to limited term appointees in the Ad-
mistration, except that the appointee may
serve a term of 4 years or less; and

Senior Executive Service position in the Ad-
mnistration, except that the duties of which are
continuing; and

period of—

individual to any Senior Executive Service po-

(b) D ISCLOSURE OF CONFIDENTIAL INFORMA-
tion—Subparagraph (A) of section 3111(d), by
inserting “or section 9832” after “chapter 37”.

Mr. CAMPBELL. Mr. President, I
would like to announce that the Com-
mittee on Indian Affairs will meet on
Wednesday, May 22, 2003 at 10 a.m. in
room 485 of the Russell Senate Office
Building to conduct an oversight hear-
ing on Reorganization of the Bureau of
Indian Affairs.

COMMITTEE ON INDIAN AFFAIRS
Mr. CAMPBELL. Mr. President, I
would like to announce that the Com-
mittee on Indian Affairs will meet on
Thursday, May 22, 2003 at 10 a.m. in
room 485 of the Russell Senate Office
Building to conduct an oversight hear-
ing on the Status of Telecommuni-
cations in Indian Country.

Those wishing additional information
may contact the Indian Affairs Com-
mittee at 224-2251.

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AUTHORITY FOR COMMITTEES TO
MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN
AFFAIRS
Mr. WARNER. Mr. President, I ask
unanimous consent that the Com-
mittee on Banking, Housing, and
Urban Affairs be authorized to meet
during the session of the Senate on
May 20, 2003, at 2:00 P.M. to conduct an
oversight hearing on “overview of the
federal programs targeted to assisted
families”; to be held in room 501, Dir-
ector of the Committee, with the Com-
mittee on Banking, Housing, and
Urban Affairs, for the purpose of hear-
ing testimony from the persons
presented by the re-authorization of
the existing preemption provisions.”

The committee will also vote on the
nominations of Dr. Nicholas Gregory
Mankiw, of Massachusetts, to be a
member of the Council of Economic
Advisors, executive office of the presi-
dent; Mr. Steven B. NeSmith, of Penn-
sylvania, to be assistant secretary for
provisions for fiscal year 2004 for
military activities of the Department of
Defense, for military construction, and
for defense activities of the Depart-
ment of Energy, to prescribe per-
sonnel strengths for such fiscal year
for the Armed Forces for other purposes;
which was ordered to lie on the table; as follows:

at the end of subtitle B of title II, add the fol-
lowing:

SEC. 213. GUARDFIST II FIRE SUPPORT TRAINING
SYSTEM.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by
section 2101(1) for research, test, and
evaluation for the Army, $791,000 shall
be available for Non-System Training De-
velopment (NSTD) for the GuardFIST
II fire support training system.

(b) OFFSET.—Of the amount authorized to be
appropriated by section 2101(1) for re-
search, development, test, and evaluation
for the Army, the amount available for Next
Generation Training and Simulation Sys-
tems (PE 060715F) for the GUARDFIST
II fire support training system.

Those wishing additional information
may contact the Indian Affairs Com-
mittee at 224-2251.

COMMITTEE ON INDIAN AFFAIRS
Mr. CAMPBELL. Mr. President, I
would like to announce that the Com-
mittee on Indian Affairs will meet on
Wednesday, May 21, 2003 at 10 a.m. in
room 485 of the Russell Senate Office
Building to conduct an oversight hear-
ing on “overview of the federal
programs targeted to assisted
families”; to be held in room 501, Dir-
ector of the Committee, with the Com-
mittee on Banking, Housing, and
Urban Affairs, for the purpose of hear-
ing testimony from the persons
presented by the re-authorization of
the existing preemption provisions.”

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Advisors, executive office of the presi-
dent; Mr. Steven B. NeSmith, of Penn-
sylvania, to be assistant secretary for
provisions for fiscal year 2004 for
military activities of the Department of
Defense, for military construction, and
for defense activities of the Depart-
ment of Energy, to prescribe per-
sonnel strengths for such fiscal year
for the Armed Forces for other purposes;
which was ordered to lie on the table; as follows:

at the end of subtitle B of title II, add the fol-
lowing:

SEC. 213. GUARDFIST II FIRE SUPPORT TRAINING
SYSTEM.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by
section 2101(1) for research, test, and
evaluation for the Army, $791,000 shall
be available for Non-System Training De-
velopment (NSTD) for the GuardFIST
II fire support training system.

(b) OFFSET.—Of the amount authorized to be
appropriated by section 2101(1) for re-
search, development, test, and evaluation
for the Army, the amount available for Next
Generation Training and Simulation Sys-
tems (PE 060715F) for the GUARDFIST
II fire support training system.

Those wishing additional information
may contact the Indian Affairs Com-
mittee at 224-2251.