Whereas, in 1953, President Dwight D. Eisenhower christened the new Ford Research and Engineering Center, which was a milestone in the company's dedication to automotive research and houses some of the most modern facilities for automotive research;

Whereas Ford's innovation continued through the introduction of the Ford Taurus, which was the named 1996 Motor Trend Car of the Year, and which resulted in future aerodynamic design trends throughout the industry;

Whereas this innovation continued through the 1990s with the debut in 1993 of the Ford Mondeo, European Car of the Year, the redesign of the Ford Mustang, and the introduction in 1990 of the Ford Explorer, which defined the sports utility vehicle (SUV) segment and remains the best selling SUV in the world;

Whereas, as the 21st century begins, Ford continues its marvelous record for fine products with the best-selling car in the world, the Ford Focus, and the best-selling truck in the world, the Ford F-Serie;

Whereas the Ford Motor Company is the world's second largest automaker, and includes Lincoln, Mercury, Aston Martin, Jaguar, Land Rover, Volvo, and Mazda automotive brands, as well as other diversified subsidiaries in finance and other domestic and international business areas;

Whereas, on October 30, 2001, William Clay Ford, Jr., the great-grandson of Henry Ford, became Chairman and Chief Executive Officer of the Ford Motor Company, and as such is concentrating on the fundamentals that have powered the Ford Motor Company to greatness over the last century and made it a world-class auto and truck manufacturer, and that will continue to carry the company through the 21st century to develop even better products and innovations: Now, therefore, be it

Mr. UPTON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be agreed to. The Speaker pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Speaker pro tempore. The amendment to the preamble offered by Mr. UPTON was agreed to.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members have permission to revise and extend their remarks on H. Res. 100, the resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have permission to file a supplemental report on the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. SWEENEY. Pursuant to House Resolution 245 and rule XVIII, the Chair declares the resolution of the Whole House on the State of the Union for the consideration of the bill, H.R. 1588.

The Chair designates the gentleman from Texas (Mr. Bonilla) as chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. Sweeney) to assume the chair temporarily.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2004, and for other purposes, with Mr. Sweeney (Chairman pro tempore) in the chair.

The Clerk read the title of the bill. The Chair recognizes Mr. Upton.

Mr. UPTON. Mr. Chairman, we need a number of what I would call so-called enablers to continue to fight today's wars and also prepare for tomorrow's wars. We need airlifts. You have to have the ability to move that air bridge and move across that air bridge either from the United States to a military operation around the world, or to move from foreign-based troops, troops in Germany or other places, move them into the battlefields and not only move troops in but move equipment in and provide that bridge of tankers to be able to move strike aircraft in, long-range strike aircraft or other precision munitions, can hit those targets, whether it is an al Qaeda cave in Afghanistan or a leadership bunker in
I want to also say I am very grateful to our subcommittee chairman, the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Colorado (Mr. HEFLEY), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New York (Mr. McHugh), the gentleman from Alabama (Mr. EVERTT), and the gentleman from Maryland (Mr. BARTLETT), and also all of their ranking members on their subcommittees for the hard work they have put in. Mr. Chairman, I yield presenting our subcommittee reports momentarily.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield my myself such time as I may consume.

Mr. Chairman, I rise in support of this Armed Services bill. I would like to first pay tribute to our chairman, the gentleman from California (Mr. HUNTER), if I may, for his sincerity, for his hard work, and for his determination in taking care of the troops and making sure that they have the right equipment that they need to succeed on the battlefield.

We are so very, very proud of the young men and young women and the victory that they have brought about in the fields of battle in Iraq for several reasons. There is this right back to the work we have done on the Committee on Armed Services through the years.

The first is the high caliber of young men and young women that we have. They are dedicated and highly trained. The operation and maintenance dollars we have given towards training has paid off. Secondly, the equipment that they have had. When you speak of the M-1, A-1 tanks, the Bradley fighting vehicles or the B-2 bombers or whatever, their equipment has been the very best available.

Number three is the ammunition they have had, the precise ammunition, the targeted ammunition they have. Whether you are speaking about a red dot on the target through a rifle at 300 meters or a JDAM bomb being dropped from a B-2 bomber at 40,000 feet that goes through a window of choice, all of that has contributed.

On top of that, it was interesting to note that the gentleman in charge of all of the British troops, Air Marshall Brian Burage, gave tribute to the plans that the American war colleges through this whole effort in Iraq. He said that the plans that were fulfilled in the Iraqi campaign will be studied in war colleges for decades to come.

The last reason we did so well and as a result of a lot of work in the Committee on Armed Services going back a number of years was the jointness that was apparently seamless between each of the services. All of that came about as a result of the work that we did on the Committee on Armed Services.

This bill, Mr. Chairman, is a good bill. As the chairman has noted, it does a lot of good things for the troops: the 41 percent average pay raise, the family housing, the medical care, all of this combined together does a great deal. The research and development that grows into future systems. The procurement of the weapons systems and ammunition that we provide for and authorize is so very important. The O&M, Operation and Maintenance, which allows not just keeping the lights on but allows for extensive training, whether it be at Fort Irwin or whether it be on a ship or on an airplane.

All of this is so very important to the uniformed services. We are very proud of them, every one of them. We salute them on their recent victory.

We are, as you know, compelled to remind ourselves sadly that we are in a war against terrorism and there will be great burden on the military forces as we proceed with this war against those terrorists of which we have learned so much.

But I must say, Mr. Chairman, that there are provisions in this bill that I wish that the Committee on Rules had allowed full and fair debate thereon. We still have one more rule to go, so I hope that the Committee on Rules will allow some of these amendments to be made in order, such as the one involving Civil Service. I think it is very important that we have a full and fair debate on that. Cooperative threat reduction should be a very important issue that we should debate here, among others. The base closing issue should be one that we should at least have a debate on in this forum.

So with that exception, hoping that the Committee on Rules can reverse itself and help us have a more complete debate probably tomorrow as a result of the second rule that will be forthcoming from the Committee on Rules, I certainly hope we can continue that insistence.

Overall, this is a good bill. Whether it is a young sailor on a ship or whether it is a general directing an operation, all of them fare well as a result of the work, and hard work by this committee.

Again, let me thank Chairman HUNTER for his sincerity through all of this.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON), the vice chairman of the committee, who is chairman of the Subcommittee on Tactical Air and Land Forces.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON. Mr. Chairman, this bill is about America's patriots. This bill is about America's heroes. From Kabul to Baghdad, from Riyadh to Grazynny, our sons and
daughters are in harm’s way doing a fantastic job, and we applaud them with this legislation.

But this bill is also about two other patriots. This bill is about the gentleman from California (Mr. HUNTER), and the gentleman from Missouri (Mr. SKELTON), two great Americans, Mr. Chairman, who brought us together; two great Americans who worked us for 30 hours over 2 days in the most extensive markup that I have been involved in in 17 years in this body. And while there were some issues that were very tightly split, in the end only two Members out of 60 dissented.

And as we have done in the past, we will work our will and our way today to come up with a bill that we can be proud of.

But I want to pay tribute, especially to DUNCAN HUNTER and IKE SKELTON for their leadership. They are both great Americans. They both served their country in military combat. They both understand as much as anyone else in this body what this bill is all about. It is an honor and a privilege for me to serve with both of them. And I knew my colleagues on the Committee on Armed Services and in this body understand and appreciated the leadership of both of these outstanding individuals.

So this bill is about their leadership in helping us mold a bill that will provide the support of our patriots in this subcommittee, the Subcommittee on Tactical Air and Land Forces, we increased funding, with the help of our two patriotic leaders, by almost $2 billion. And I wonder do we put that money? We put $600 million of it into additional authorization for M1 tanks and Bradley Fighting Vehicles, because they did so well in the recent battles in Iraq. We put $200 million of extra money into munitions, which is critical for our capabilities for the future.

On the F-22 program, we kept the authorized amount at the level requested by the Air Force and DOD; but we performed the appropriate role of oversight, and we said to the contractors in the Air Force, you are not making enough progress on the software for this vital aircraft; and until you do, we are going to fence a portion of this money. Because as stewards for the taxpayers, we must make sure that the money we spend is, in fact, spent in the most cost-effective way possible.

Mr. Chairman, we also put $1.7 billion in the legislation for the Future Combat System transformation of our Army, and we provided multiyear procurement for the E-2C and the F-18, as well as the C-130.

Mr. Chairman, this bill will not be perfect for each one of us individually; but collectively, as we come together as 60 Members of the committee and 435 Members of the House, it is a bill that we all can support, a bill that would do what needs to be done to support those brave patriots who are today serving our Nation.

In addition, on some of the more contentious issues involving cooperative threat reduction and involving nuclear policy, the chairman and the ranking member have worked with us to craft some important additions in this bill. We, in fact, include in the bill the requirement of establishing a Strategic Nuclear Commission to look at what our tumbling will be over the next 20 years in a bipartisan approach.

We have included language to find compromises on the way that we assist the former Soviet states in taking apart their weapons of mass destruction.

So, Mr. Chairman, I have no problem in supporting this legislation. There will be some amendments that will be offered that will be helping to perfect it even more. And in closing, besides thanking our two patriots, I want to thank my good friend and colleague, the gentleman from Hawaii (Mr. ABERCROMBIE). He is the ranking member of our subcommittee. He is an outstanding American. He has been involved in every element of this portion of our bill. He is a quiet man, who never speaks his mind; but all of us love him because, in the end, we know that he means well by those soldiers, sailors, Marines, and corpsmen who this bill is written to support.

Mr. Chairman, I thank our colleagues and urge a ‘yes’ vote on the bill and again thank our two leaders for their great work.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), the ranking member on the Subcommittee on Projection Forces.

Mr. TAYLOR of Mississippi. Mr. Chairman, I regret that my Republican colleague, the gentleman from Maryland (Mr. BARTLETT), is not here, so I hope I do not steal his thunder. From the Subcommittee on Projection Forces, we have done a number of things for our industrial base; but, more importantly, we have done a lot of good things for the men and women who serve our country. It is unconscionable to send them out to sea in old ships, old helicopters, and old planes. So we do take some steps to address those needs with this bill.

I regret that we really do not do enough. We are now down to a fleet of about 300 ships. And at the rate we are going, we are on our way to a fleet of 60 ships, or about 30 years. We are now down to keeping them for about 20, and we are only putting 7 in the budget. So quick math tells you if you are going to build 7 ships a year, and only keep them for 20 years, you are down to a 140-ship fleet.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON) request unanimous consent to control the time on behalf of Chairman HUNTER?

Mr. SAXTON. I do, Mr. Chairman.

The CHAIRMAN. Without objection, the gentleman from New Jersey (Mr. SAXTON) is recognized.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLY). This year, for the first time in a new subcommittee, the chairman and the committee members decided to combine the Subcommittee on Readiness and the Subcommittee on Military Construction as part of the new configuration. The gentleman from Colorado (Mr. HEFLY) has a committee report on this new subcommittee.

Mr. HEFLY. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in strong support of H.R. 1586, the National Defense Authorization Act for fiscal year 2004.

We have all witnessed our military success in Afghanistan and Iraq and in the rest of the world. These successes are a tribute to the quality of our
servicemembers as well as to the importance of realistic and frequent military training. The act contains three environmental provisions that will ensure the military’s continued ability to train in realistic scenarios without neglecting the military’s commitment to being responsible environmental stewards. The act amends the Endangered Species Act, the Marine Mammal Protection Act, and reauthorizes the Sikes Act. I will speak to these environmental provisions as we go on during the course of the next few days if those subjects come up, but I think these are very important provisions.

H.R. 1588 also recognizes that the military services will face real challenges as personnel and equipment return home from the war. The level of effort necessary to resurge this equipment at our maintenance depots will be extraordinarily. So the act recognizes this and adds funding to the key readiness depot accounts in order to take care of this problem. This act recommends an additional $680 million for active and reserve depot maintenance, an unprecedented but vital funding increase.

I am disappointed the military services have allowed funding to slip to an unacceptably low level during these times, and I hope the military services take advantage of the circumstances that have allowed the committee to add such a large increase and urge the Department to avoid getting itself into this situation in the future where such large increases from Congress are necessary.

This act also provides an additional $100 million for maintenance-related repair parts or flying hour spares to support readiness missions. This act also takes the unprecedented step of funding every unfunded requirement identified by the commandant of the United States Marine Corps.

In the readiness issues, I would like to address the Military Construction and Base Realignment and Closure, the BRAC, process. Once again, the Department’s budget request for military construction and family housing fell far short of meeting the services’ needs. To address some of the greatest readiness and quality-of-life shortfalls, H.R. 1588 includes $9.8 billion in military construction and family housing, which is a real increase to the President’s budget of more than $400 million.

H.R. 1588 also includes a number of commonsense improvements to existing base closure laws. First, H.R. 1588 establishes a force structure floor, U.S. forces at a level already under severe strain, and this provision would prevent further cuts that could further damage military readiness.

Second, the bill requires that the 2005 BRAC round result in a basing plan that is capable of supporting the base force, capable of supporting the deployment of forces that was crafted immediately following the Cold War. In creating the basing plan, DOD would be required to assume a worst-case scenario in which no U.S. forces could be permanently stationed outside the United States. The act uses the force base, a slightly larger force than we have today, as the force baseline because it represents the level to which we might reasonably expect the Secretary of Defense to surge to meet a future crisis or to change or a change in threats facing our Nation.

Finally, H.R. 1588 requires the Secretary of Defense to establish an “early access floor” that are critical to our national defense. This list would include at least one-half of all U.S. installations and would spare many communities the worry and cost associated with the BRAC process by allowing their early removal from the list of facilities that the BRAC Commission may consider for closure. In other words, there are some bases that absolutely the Defense Department cannot do without. They know it. They know what these bases are. They know they are not going to be on the closure. For pity sake, get them off the list and spare these communities. And this amendment would do that.

H.R. 1588 will make real improvements in U.S. military readiness and ensure the continued strength of U.S. Armed Forces for years to come, and I urge my colleagues to join me in supporting this act.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), the ranking member of the Subcommittee on Terrorism, Unconventional Threats and Capabilities.

Mr. MEEHAN. Mr. Chairman, I thank the ranking member, the gentleman from Missouri (Mr. SKELTON), for yielding the time.

Mr. Chairman, I rise to speak on the Department of Defense authorization bill, and let me first of all say that I have been concerned projections and amendment aims to rewrite the Endangered Species Act and the Marine Mammal Protection Act, two critical environmental laws.

As the ranking member of the Subcommittee on Terrorism, Unconventional Threats and Capabilities, I believe the committee’s work, the legislative product before us, is on the whole a solid proposal. A time when our Nation’s military is being called to make personal sacrifices, this bill in my estimation represents a step in the right direction, for I have seen firsthand an example of this personal sacrifice in traveling around the world to Afghanistan and other places.

I recognize the importance of providing a truly bipartisan authorization package in order to maintain a second-to-none military. Towards this end, the Subcommittee on Terrorism, Unconventional Threats and Capabilities authorized increased spending on DARPA, chemical and biological defense measures, and at the Special Operations Command. I applaud the gentleman from New Jersey (Mr. SAXTON) for his leadership for the ultimate approval of these issues.

That said, I would like to address a few less-than-impressive measures contained in the portion of the bill that pertains to the Subcommittee on Terrorism, Unconventional Threats and Capabilities. For starters, this bill reduces funding for information technology or IT programs by as much as $2 billion to fund in some cases initiatives perhaps more suited for the conflict of yesterday rather than those of tomorrow.

I am particularly concerned about the nature of the proposed cut to the Navy-Marine Corps Internet. In my mind, the depth and breadth of the IT cuts represents a stunning recommendation, given that our military’s complete transition into the information age is well under way.

Mr. Chairman, I sincerely hope that as this legislation moves forward that this work can be a conference committee, because, as of today, I believe this bill is a flawed bill, and I hope that we are open to operating, as we move further, in working with the conference committee to correct these flaws.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. Last week, the Committee on Armed Services approved this bill by a vote of 38-2, continuing the committee’s tradition of bipartisanship in addressing the defense needs of this Nation. The bill contains several initiatives that will reform the National Defense Authorization Act for Fiscal Year 2004. Sometime during the course of the next few days, and I hope that we are open to operating, as we move further, in working with the conference committee to correct these flaws.

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Terrorism, Unconventional Threats and Capabilities. As many in this body know, I worked for many years toward the establishment of such a sub-committee, and I thank the gentleman from California (Mr. HUNTER) for his wisdom in bringing this idea to fruition.

I believe our subcommittee has already proven its worth, and we plan to do much more in the weeks and months to come.

The subcommittee's ranking member, the gentleman from Massachusetts (Mr. MEEHAN), and I have worked hard together to explore a multitude of ways to provide the Department of Defense with the capability to defeat and defend against terrorists at home as well as abroad.

I will be the first to acknowledge that we are off to a good start, but we have a long, long way to go before we are satisfied that we on this committee and in the Congress have done all we can to combat this great scourge of terrorism. There are many areas to address and so many good ideas abound that in some ways it is difficult to know where to concentrate our efforts. However, several enduring themes have appeared since the establishment of our subcommittee, all of which are addressed in some measure in this bill.

For example, we learned that the best way to fight terrorism is to keep terrorists as far from our shores as possible. I believe the Special Operations Command is our best weapon for this mission. This bill bolsters the bill's capabilities in several areas.

I just say this about the Special Operations Command. The defense of our country in the new war on terrorism is a many-fold type of defense, but for the purposes of this conversation, let me just separate it into two parts. The area of homeland and security is important to that end, this Congress and our government have established a new Department on Homeland Security. It is important. It works here within and close to the borders of the United States to put in place defensive measures as well as measures that will help us react properly should a terrorist attack occur.

The second part, and perhaps at least from my point of view an equally important part of the task, is the offensive capabilities that are offered to us through the Special Operations Command. In both Afghanistan and Iraq, an immense part of the effort went largely unnoticed by the American public. We embedded reporters, hundreds of troops, within the ranks of our troops, and each day on television we could watch as we progressed in the desert.

A lady back home said, why did the American Department of Defense decide to put the Special Operations Command on television? I said, ma'am, because we did not. You did not see what they did. But suffice it to say in this conversation, they were an extremely effective force that did a great deal. They are made up of Navy SEALs, Army Rangers, Green Berets. There is an Air Force unit located at its permanent base here in Herbert Field in Texas, and we are standing up new Marine units to act in concert with the Special Forces group.

This year we believe that they are so important that we are increasing the funding allotted for Special Forces by 33 percent, from about $4.3 billion to about $6 billion. This is important, and we recognize the job they have done. I will not go on to describe their methods of operation and the kinds of things that they do because it would in some ways perhaps inhibit their capabilities, but suffice it to say they are extremely important to today's war on terrorism.

In addition to the groups that I listed, there are some folks that do some other special kinds of jobs that are also in the Special Forces. Civil operations, for example, during a fight, is it important to try to bring along the people, the population within whom our Special Forces are working? Of course it is, we have civil operations units to do that. We also have communicators that need to know not just who are part of the Special Forces, and they do a wonderful job in communicating messages to the people in the theater of operation.

Last week I had an opportunity to go to Walter Reed Hospital and visit some of our wounded soldiers. There were some special operators who had been wounded as well. They are great people, and to the person when I asked them what it is that they would wish most about their future, they said I would like to get out of this bed and go back to my unit. They are great people, and my hat is off to them for the great job they do under the leadership that we have provided them.

There are also emerging issues involving the role of the National Guard. We are working on these questions with the new Assistant Secretary of Defense for Homeland Defense and will involve the Department of Homeland Security and the National Guard in the resolution of these matters.

There is need for more and better and cheaper chemical and biological detectors and countermeasures of various sorts. To meet this need, we have established a chemical and biological initiative fund to alluring, promising ideas to compete for funding.

Mr. Chairman, I could go on for a long time and talk about the activities of the subcommittee and the things that we oversee. The gentleman from Massachusetts (Mr. MEEHAN) mentioned information technology which is critical. We are trying to get our arms around that.

I strongly encourage all Members to support H.R. 1588. This is an excellent bill that should receive the overwhelming support of this body.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. ORTIZ), the ranking member of the Subcommittee on Readiness.

Mr. ORTIZ asked and was given permission to revise and extend his remarks.

Mr. ORTIZ. Mr. Chairman, I rise in support of H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004. I want to specifically address the provisions of the act relating to military readiness.

First, I thank my colleagues on the subcommittee and the full committee for the manner in which they participated in the business of the subcommittee this session.

I also want to express my appreciation to the gentleman from Colorado (Mr. HESFLEY) for his leadership and expressed in support of the full committee portion of the fiscal year 2004 National Defense Authorization Act. We were on an accelerated pace this session, and there were many issues that we were unable to address.

Additionally, this authorization act is based on a peacetime bill request from the administration that did not address many of the known reconstitution or post-conflict requirements. Our dedicated military and civilian personnel continue to do their part in protecting the security of this great Nation. We are obligated to do our part. Mr. Chairman, while I am concerned that this act does not provide all that I would like to see in the direct readiness accounts, I am more distressed over the process.

First, there were issues that should have been addressed in the Subcommittee on Readiness that were presented during this full committee mark. I speak especially about the environmental provisions and the civilian personnel provisions that were inserted in the chairman's mark. Most troubling to me are the broad changes dismembering the safeguarding of our civilian personnel system. Many of the changes are based on the homeland security model has not been implemented yet. This bill would extend these experimental rollbacks to the more than 700,000 Department of Defense civilian employees who performed tremendously during Operation Enduring Freedom and Operation Iraqi Freedom, a performance that we acknowledge.

I have no doubt that additional changes are needed to the civilian personnel management system, but that does not include wholesale removal of safeguards that ensure access and fair treatment for those dedicated civilian personnel who, like their military colleagues, also serve.

Second, for the first time in my long tenure here in the House and on the Committee on Armed Services, I am concerned about the partisan nature of the committee and its deliberations that mark. We have debated many contentious issues in the past, and I see no reason why I should believe that the future will be different.
but I trust that in the future we will remember that the legislative process is a consultative process in which compromise among the parties is key to crafting some policy that would have a lasting effect and that it can only take place when each side respects the other's views. The respect and bipartisanship is the norm.

Mr. Chairman, I support this act and will vote for it. On balance, it is not a bad start. It contains a lot of things that I am convinced are needed to permit the Department of Defense to perform its national security mission, but I do not want us to forget that significant work still needs to be done. I urge Members to support this bill.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. EVERETT), chairman of the Subcommittee on Strategic Forces.

(Mr. EVERETT asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Mr. Chairman, the bill reported out by the committee supports the administration’s objectives while making significant improvements to the budget request. The recent conflict in Iraq dramatically demonstrated the need for weapons systems that are capable of sustaining and life extension of our surveillance activities. The committee’s recommendation also funds at the budget request several programs of special interest. Specifically, this includes the robust nuclear Earth orbit advanced concepts initiative, and the enhanced test readiness program. The report also contains a provision that would repeal the prohibition on low yield nuclear weapons research. These actions will allow the department to more effectively and better respond to new and future military requirements.

To quickly shift gears to an issue close to my heart, I am pleased to say that the committee was able to include an additional $347 million for Army aviation training to fully fund the Army’s Flight School XXI program. Flight School XXI incorporates a new training syllabus derived from lessons learned from Kosovo’s Task Force Arrow. The bill was signed into law after a long and arduous battle. To address this dilemma, Flight School XXI provides students with more flying hours in their “go to war” aircraft and calls for greater utilization of modern, state-of-the-art training simulators. Improved pilot and aircrew training is needed, and I firmly believe that Flight School XXI will better prepare Army aviators for real-world flying situations.

I would also like to pay tribute to my ranking member, the gentleman from Texas (Mr. REYES), for the great work he has done on these complex issues and to both the majority and the minority staffs for their hard work and hard work they put in on the issues before the subcommittee.

Mr. Chairman, the committee’s recommendation addresses administration objectives, Defense Department unfunded requirements, and Member priorities. I urge all Members to support this important legislation.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. REYES), the ranking member of the Subcommittee on Strategic Forces. Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time. I am proud to be here to rise in strong support of the National Defense Authorization Act. In doing so, I would like to thank the gentleman from California (Mr. CALVERT), whose congressional district includes Camp Pendleton. Mr. EVERETT, chairman of the Subcommittee on Strategic Forces, and both staffs for their hard work and the great work they have done in order to report out of our subcommittee to the committee on issues that at times can be very contentious for all of us.

While I am concerned that this bill contains a few very dangerous provisions, especially related to civil service reform, I am pleased to say that this bill makes strides to help our men and women in uniform. This bill allows for an average pay raise of 4.1 percent for all personnel, reduces out-of-pocket expenses for housing, and eases the financial burdens when reservists are mobilized.

Mr. Chairman, I had the privilege of accompanying Chairman DAVID HOBSON and four other Members of Congress on a recent trip to the Middle East where we received briefings in Kuwait and Bahrain and Baghdad. I notice in the gallery we have got represented here members of all of our armed services who are watching with great interest the things that we do and the things that we say about this defense authorization bill here. I would like to share with you and with them in particular some of the comments that I heard from our men and women in uniform on that recent trip two weekends ago.

They were particularly proud of the job that they had done in winning this war in record time, with minimum losses; but they were not happy because they were not involved in the transition from war fighters to peacekeepers. That is one of the areas where I think we have a lot of work to do. Mr. Chairman, in terms of making sure that we are mindful of the role that our men and women in uniform play in terms of training them, not just fought and won a war to the role of peacekeeper. Several times they made mention to me that they were happy to be involved in combat for this country, but they felt that their role as peacekeepers should be suited to somebody else. They mentioned the United Nations and other alternatives. They felt that being warriors they were not suited to become traffic cops immediately after a conflict. They did not have an interest in being city guards or maintainers of infrastructure or any of those kinds of things. Frankly, those are the kinds of issues that I hope as members of this committee and Members of Congress, we do a better job at dealing with.

In conclusion, Mr. Chairman, these are the same men and women in uniform that later on in this authorization we are going to be talking about an amendment that would conceivably put them on the border as peacekeepers or law enforcement personnel. I hope that every Member of Congress remembers that these men and women have done us proud. Let us do them proud by keeping them focused on their role.

Mr. CALVERT. Mr. Chairman, I rise in strong support of H.R. 1588. As we have done in our recent successes with our fine troops, sailors, Marines, and airmen, they have done a fantastic job. The reason they have done such a great job, Mr. Chairman, is because their success is dependent upon training.

The CHAIRMAN. The Chair would remind Members to refrain from referencing occupants of the gallery.
The motto is “train as you fight.” I want to congratulate all of our people at all our military bases of the fine job that they do at managing those bases in spite of difficulties of increasing bureaucratic restrictions and provide such training. In spite of that, they have done as good a job as they can. Not only have they succeeded in providing that training, but they have done a wonderful job in conserving our natural heritage.

In my own home State of California, Camp Pendleton, I cannot think of an area that has done a better job in preserving the heritage of Southern California. You can go down Highway 5 and look upon Camp Pendleton, a part of California that you do not see today. As a matter of fact, they have done such a fine job, the old motto goes, the other motto, “no good deed goes unpunished,” that many people try to restrict our bases in training the way they fight. Right now on the many miles of beach front along Camp Pendleton, I believe it is close to 40 miles, only 500 yards can be used for training along that beach front. We have to make way for there are foxholes there. We have to put these young Marines in buses and ship them to another location. They cannot train as they fight. We want to do just some modest modifications in this legislation which would allow our military, as I said, to train as they fight.

This is the right thing to do, Mr. Chairman. This is a good bill. This is going to provide the kind of training that those young men and women deserve. I urge everyone to support this legislation.

Mr. SKELETON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), a member of the Committee on Armed Services.

Mr. EVANS. Mr. Chairman, this legislation is vital to continuing our military readiness to further the war on terrorism and provide for the defense of our homeland. This bill also gives our troops the training and the commanders the training necessary for the 21st century warfighting. Further, this legislation strengthens our Armed Forces, which so aptly demonstrated their effectiveness and survivability in Iraq.

I was pleased to hear the previous speaker talk about Camp Pendleton. I am a former Marine. Camp Pendleton is important to the Marine Corps, and it is a key base that we have had for many, many years. I believe that even a modest increase in funding can help it immensely.

I urge my colleagues to support these efforts to help our Nation remain strong and free. I salute Chairman HUNTER for calling this hearing, the gentleman from Missouri (Mr. SKELTON) and their staffs for their hard work on this legislation.

Mr. BARTLETT of Maryland. Mr. Chairman, I ask unanimous consent to manage the time of the chairman of the Committee on Armed Services.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?
Democrats and Republicans, can be proud of.

The gentleman from California (Mr. Hunter) in his opening statement talked about the professionalism of our military and how well they performed in Iraq. I will echo that praise, and he also said it is now our turn. But it is also our turn to work together, Americans all, on this product; and that has not occurred. I also hope after the conclusion of this bill that we will do a very good job of providing oversight and accountability in Iraq and Afghanistan because we must succeed in the peace in those two countries.

Mr. S kelton. Mr. Chairman, may I inquire about the time remaining on each side, please.

The Chairman. The gentleman from Missouri (Mr. Skelton) has 40 minutes remaining. The gentleman from Maryland (Mr. Bartlett) has 27 minutes remaining.

Mr. Bartlett of Maryland. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before proceeding, as chairman of the Subcommittee on Projection Forces, I believe it appropriate to first recognize the magnificent service rendered the Nation by the men and women serving in our Armed Forces all around the world. We have called upon them and continue to call upon them to be ready to make the ultimate sacrifice for our Nation. They continue to meet every challenge with true dedication and commitment. We thank all of them for their service, and we thank all Americans for their steadfast support of our servicemen and women.

History has taught us that we achieve peace through strength. It is not easy to quickly grasp and apply the lessons from the ongoing war on terrorism and Operation Iraqi Freedom. The National Defense Authorization Act for Fiscal Year 2004 takes important steps to make our country more secure. It does so by strengthening our military’s ability to project the force our Nation requires at almost a moment’s notice anywhere in the world by sea and by air.

I am pleased to report that the National Defense Authorization Act for Fiscal Year 2004 increases the requested authorization for Department of Defense programs within the jurisdiction of the Subcommittee on Projection Forces by $1.8 billion to nearly $30 billion. Nearly $400 million of the additional authorization is for programs on the military service chiefs’ unfunded requirements list.

Authorizations are included for the administration’s request of one Virginia class submarine, three DDG–51 destroyers, one LPD–17 amphibious assault ship, and two cargo and ammunition ships.

We have also taken several initiatives to begin to address shortfalls in important requirements of the Department of Defense. All of these programs are viewed as critical enablers in conducting operations of the type we have just concluded in Iraq. These programs include one additional C–17 aircraft for $182 million; an additional $20 million to sustain a force structure of 83 B–1’s, 23 aircraft above the level planned; an additional $20 million to procure another F/A–18 Super Hornet; two C–17 aircraft above the level planned; an additional $376 million for Tomahawk missiles to increase our production capacity and procure missiles to meet the long-term inventory goal of the Navy; an additional $170 million for the Affordable Weapon, a relatively low-cost cruise missile; and an additional $100 million bomber R&D initiative for the next generation, follow-on stealth, deep strike bomber.

In addition, the recommended mark includes several important legislative proposals: first, a multiyear procurement authorization for Tomahawk missiles and Virginia class submarines; second, a limitation on C–5A aircraft retirement until a reliability and reengineering program completes testing and the results of which are reported to Congress; third, an electromagnetic gun initiative; fourth, a requirement that the Center for Naval Analysis initiate several independent studies on potential future fleet architectures for the Navy; and, fifth, a transfer of authorization to advance procurement for LPD–17 should Congress enact appropriations for Tomahawk missiles for 2003.

In conclusion, I would like to thank all of the members of the Subcommittee on Projection Forces and in particular the gentleman from Mississippi (Mr. Taylor), my very good friend. Every member of the subcommittee was diligent in their commitment and support to achieve the mission of strengthening our military. I would also like to thank the gentleman from Virginia (Chairman Hunter) for his leadership and the gentleman from Missouri (Mr. Skelton), our ranking member. I thank them both. I would particularly like to thank the staff and particularly the staff director, Doug Roach. When one is a Member, one appreciates the staff. When one is a chairman, one really appreciates the staff. I thank them very much.

The National Defense Authorization Act for Fiscal Year 2004 is the product of a strong and cooperative bipartisan effort. I urge all of my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. Skelton. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. Larson), who is not only a member of the Committee on Armed Services but is the ranking member of the Committee on House Administration.

Mr. Larson of Connecticut. Mr. Chairman, I thank the gentleman from Missouri (Mr. Skelton) for yielding me this time.

I applaud the efforts of the gentleman from Missouri, who has distinguished himself on this committee, along with the gentleman from California (Chairman Hunter), who has risen, however, with strong reservation, as was already noted earlier today, about the environmental concerns, an issue with the Spratt amendment on cooperative threat reduction. Only recently in the United States Senate, the documentary on avoiding Armageddon, and clearly we need that amendment to make sure that we are able to address this crucial and vital national security interest.

But my main objection stems from denying more than 750,000 workers their collective bargaining rights under civil service. The other body saw fit not to provide that in their proposal. I hope that through the rule or through discussion we are going to be able to alleviate that in our proposal as the deliberations go on. The gentlewoman from California (Ms. Pelosi), our leader, has often said, our troops deserve a bill that is worthy of their sacrifice. It is my sincere hope that through the continued efforts of these two fine gentlemen, the gentleman from Missouri (Mr. Skelton) and the gentleman from California (Mr. Hunter), that allows us to be in a position in a bipartisan manner to support this bill.

Mr. Bartlett of Maryland. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. Gilchrest), my colleague and very good friend, who is not on our committee but has a very important contribution to make to this debate.

Mr. Gilchrest. Mr. Chairman, I rise in strong support of H.R. 1588 and urge my colleagues to vote for it. I also rise, if I may, in support of all the young men and women who are serving in our Armed Forces. I also want to say that the gentleman from California (Chairman Hunter); the gentleman from Missouri (Mr. Skelton), ranking member; the gentleman from New Jersey (Mr. Saxton); and certainly the gentleman from Maryland (Mr. Bartlett) have brought a fine bill to the House floor.

I want to speak briefly to the environmental provisions in the bill here this afternoon. Some slightly unknown provision, called the Sikes Act, has been in effect since 1960 and has provided a means for our military to conserve fish and wildlife with the fish and wildlife agencies on 25 million acres of military land across this country; and for the most part they have done quite well, in some circumstances a magnificent job. It has been on this floor today alleged that we are going to change or degrade or reduce the effectiveness of the Endangered Species Act. This is not true. This is a provision that authorizes military facilities with cooperation of the Fish and Wildlife Service, with National Marine Fishery Service, and the fish and game agencies.
of the States to create what is called a Natural Resource Management plan, and what that Natural Resource Management plan does, it can or it may replace ESA's critical habitat designation. This Integrated Natural Resource Management plans is actually more effective than the critical habitat as described in the Endangered Species Act because it is a holistic approach, it is an ecosystem approach to those problems which threaten an endangered species. It also integrates what the military does with off-site private ownership.

This is an integrated approach. It is an approach that can be extremely effective and the criteria on which these integrated Natural Resource Management plans are based are very specific criteria to ensure the protection and recovery of species. So this legislation improves the Endangered Species Act.

It has also been said that it is going to reduce the effectiveness of the Marine Mammal Protection Act under certain circumstances. This also is not true, and I understand the disagreement as to the language when one deals with what is harassing a marine mammal. What we have done across the board is to hold many hearings with the Department of Defense, with Fish and Wildlife, with the National Marine Fishery Service, with university scientists from as far afield as Hawaii, where we visited to look at marine mammals; Woodshole in Massachusetts; visited again to look at the problems with marine mammals.

When we implemented the change of the definition, we had two things in mind: the effectiveness of military training, which is critical; and enhanced protection for marine mammals and an understanding of how we as human beings coordinate our activities with the world's oceans. We took into consideration noise. We took into consideration fish, invertebrates, activities in sonar. So in places in this legislation we are improving the process of understanding human activity in the ocean by protecting marine mammals and improving the quality of training for our military. So we have improved ESA. We have improved the Marine Mammal Protection Act. We have improved the Sikes Act provision which protects conservation on 25 million acres of land, and we have improved America's ability to train young people that go into harm's way. And I urge support on H.R. 1588.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a member of the Committee on Armed Services.

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me this time.

As a member of the House Committee on Armed Services, I am very pleased to speak in support of this bill before us. I wish to thank the gentleman from California (Chairman HUNTER) and the gentleman from Missouri (Mr. SKELTON), ranking member, for their outstanding leadership in crafting a bill that will provide for our military and the men and women who serve in it the resources they need to keep America strong in the 21st century.

I am pleased with the provisions of the legislation, particularly that demonstrate Congress's commitment to the role of submarines as an essential part of a strong naval fleet. The authorizations contained in the procurement for the Virginia class submarine will encourage more rapid and cost-effective production of this important system and give the United States Navy new capabilities to respond to future threats.

We have an amendment that we are hoping the Committee on Rules will allow us to offer. This amendment would establish a DOD Civilian Employee Bill of Rights so that we could make it clear that we are in favor of flexibility in management in the Pentagon, that we are in favor of pay for performance, but we are also in favor of basic civil rights for our DOD employees.

This amendment, for example, makes it clear in plain English, which the text of the bill does not do, that employees at the Pentagon and DOD should be free from favoritism and discrimination. We have an amendment that we are in favor of the veterans' preference. If veterans do not get preference as Pentagon employees, where on Earth can they get it?

We require the Pentagon to bargain in good faith. That language is nowhere in this bill. We preserve such things as hazardous duty and overtime pay for these workers. Why are these protections explicitly taken out of the language that is in this bill? We preserve the right to collective bargaining, a fundamental American right.

So, Mr. Chairman, it is important that House Members pay attention, and hopefully the Committee on Rules will allow our amendment to be made in order so this can be a fairer bill.
Mr. TURNER of Ohio. Mr. Chairman, this bill is an important bill because it provides an opportunity for true reform of the Department of Defense in its effort to go into the new century. Certainly we have tremendous successes through the Department of Defense and our civilian employees and our men and women in uniform. But the opportunity to always achieve more and to have greater efficiencies is there before us.

What we see in this bill in the area of the civil service is not something that is unknown or is speculative. It is based upon demonstration projects throughout the country, where civil service employees who have participated in it have found greater satisfaction, greater pay based on performance, greater retention of those employees who are contributing, a greater feeling that their work actually makes a difference with respect to their success and certainly the overall success of the Department of Defense.

There have been many things that have been said over the past debate concerning this that are just absolutely not true. There have been allegations that collective bargaining is not preserved in the bill, but in fact the bill specifically references collective bargaining, and on page 1118, lines 14 to 15 of the bill before the Committee on Armed Services specifically set out language requiring collective bargaining. Similarly, the civil rights provisions are specifically provided in the bill, both by reference and by specific statement.

The allegations of nepotism are specifically not true. Section 902(b)(3)(A) and (B) and also the incorporation of 5 USC 2302(b)(7) specifically prohibit nepotism.

Within the area of political patronage allegations, the bill specifically says that all employees are barred against any actions based upon political affiliation. This is language in the bill.

What is interesting as we listen to the debate, as we listen to people that make allegations that say this bill is egregious in its impact to employees of the Department of Defense, their allegations really go to the extent that they would shock your conscience, if they were true.

But they are not true, because, in fact, in the committee 58 to 2 was the vote in the Committee on Armed Services, and the gentleman from Tennessee voted for the bill that includes all of these provisions.

Certainly, if all of these things were true, the gentleman from Tennessee and others would have found it in their conscience to try to defend them. But the reality is they are specifically included in the bill.

Veteran preferences are specifically identified and referenced in 5 U.S.C. 2302(b)(11). The Department of Defense has done a great job in making certain our veterans have access to the Department of Defense as part of the workforce.

The McHugh amendment in this provides for a grievance protection system in the civil service system. In short, the bill provides the opportunity for the Department of Defense to look to the future, while protecting the rights of civil servants and actually giving them opportunities in known demonstration projects for greater achievement.

Mr. SKELTON. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Chairman, the gentleman, my friend from Ohio, realizes that this bill is being rammed through Congress with an absolute minimum of discussion. The protections that the gentleman makes an effort to reference, such as collective bargaining, is not collective bargaining as the Nation understands it but collective bargaining as defined in that chapter in that bill, which really gives no definition. Ask folks who know about collective bargaining, and the gentleman will find that real collective bargaining rights are not in the bill.

Mr. SKELTON. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Chairman, I have been working 23 years on civil service. I was very pleased to hear the observations of the gentleman, who has had 5 months experience here dealing with this issue. I agree with the gentleman from Tennessee. The only reason to rush this to judgment is because they are unwilling to debate it fully and to have it open for amendment fully. If they had the courage of the gentleman from Ohio’s admission understanding it but collective bargaining as this fully considered and debated. That is not the case though, I tell my friend.

Mr. Chairman, I hope we have an amendment. I hope we are able to discuss it fully, at which time we will be able to discuss his thoughts, as the gentleman indicated, which gives some rhetorical tip of the hat to those protections. But they ultimately will be in the discretion of the Secretary and the management at the Pentagon, not of the Congress or the President.

I would hope that the gentleman would review more closely his assertions and that perhaps we could discuss them at greater length at some time in the future.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Guam (Mr. BORDALLO), a member of the Committee on Armed Services.

Ms. BORDALLO. Mr. Chairman, as a member of the Committee on Armed Services, I rise in support of the bill before us.

Let me briefly highlight three provisions of which I am very proud. First, the legislation increases the number of students to a military academy that a Delegate may have.

Second, the act authorizes a new 5-year pilot program for invasive species eradication on military installations in Guam.

Third, the legislation includes two military construction projects for Guam in fiscal year 2004. It authorizes $1.7 million for the construction of the Victor Wharf Fender System for our nuclear submarines, and it authorizes $25 million for the construction of a new medical and dental clinic at Anderson Air Force Base.

Much could be said, Mr. Chairman, as to the procedures by whichious aspects of this legislation have appeared, such as the civil service provisions, but, nonetheless I am pleased that we have taken action to strengthen the defense of our Nation through this piece of legislation.

I would like to thank the gentleman from California (Chairman HUNTER) and the ranking member, the gentleman from Missouri (Mr. SKELTON), for managing this challenging process.

Mr. BARTLETT of Maryland. Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), not only a member of the Committee on Armed Services but the ranking member on the Committee on the Budget.

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, we are going through what is basically a pro forma debate here, because this bill is off limits to serious debate. When you cannot offer an amendment, if you are only shadow-boxing about the provisions of the bill, if you are not really putting in the well the issue itself and letting the House work its will on the bill, and that is the situation we have here.

We are seeing procedural devices employed by virtue of the rule which keep us from having substantive consideration for the most contentious parts of this bill.

This bill runs rough-shod over two major environmental laws. No recourse. This bill dis-establishes the civil service as we have known it for almost 100 years. Virtually no recourse on the floor. This bill takes a provision that the President of the United States requested for funding a very important project under the Nuclear Non-Proliferation Act, Cooperative Threat Reduction, in Shchuch’ye, Russia, where some 75 percent of the deadly chemical weapons in the arsenal of the former Soviet Union are stored in makeshift buildings with porous roofs under woeful conditions that, in my opinion, are security risks.

We have finally gotten everything together so we can move forward with a facility here. The funding is requested on the floor. This bill takes a provision that the President of the United States requested for funding a very important project under the Nuclear Non-Proliferation Act, Cooperative Threat Reduction, in Shchuch’ye, Russia, where some 75 percent of the deadly chemical weapons in the arsenal of the former Soviet Union are stored in makeshift buildings with porous roofs under woeful conditions that, in my opinion, are security risks.

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President’s request, hamstringing everything that is carefully laid in place, so we cannot begin. We cannot use the money that the President has requested.

This bill takes $28 million out of that project and puts it in offensive arms elimination, which is fully funded. It then fences another $100 million until they can show us that every permit needed over the lifetime of the project is procured, which is an impossible hurdle to clear.

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So that is what is at stake here. That project, in my opinion, is not as important as the substantive decision to disestablish the civil service, but it is important. It sets a model for how cooperative threat reduction will proceed in Russia. It is the single most important thing we are doing in that realm in terms of ridding that country of chemical weapons which could one day show up in our subways, on our streets, used by terrorists and rogue states against us.

But we will not be able to have a free, full, and fair debate about that because the rule that now prevails prevents us from doing that.

What I would say, Mr. Chairman, as one last plea, is that we need a rule that will allow us to work the will of the House on this highly important bill. This bill will impact defense spending $400 billion, makes major allocations within our budget. That is a $110 billion increase over the last 3 years.

On a matter of this gravity, of this importance, we need to have full and free and fair debate here in the well of the House. This should be America’s forum, a crucible where we work out important issues like this. The rule they have adopted diminishes the stature of the House of Representatives.

Mr. Chairman, the rule governing today’s debate on the fiscal year 2004 defense authorization act, we are told, is just part one of two. I hope that in part two we are allowed to debate an amendment I offered, together with ADAM SCHIFF, on behalf of scores of Members supportive of the President’s request for Cooperative Threat Reduction.

When I testified at the Rules Committee yesterday, I filed and sought consideration of only one amendment, which I offered with Representative SCHIFF, who has been active on these issues. I can describe our amendment in 10 seconds: it seeks to restore the President’s request for the fiscal year 2004 program. Let me elaborate.

The President’s request for the Department of Defense Cooperative Threat Reduction (CTR) program from fiscal year 2004 totaled $450.8 million, and the Armed Services Committee authorized that amount. But don’t be fooled: the committee bill makes substantial changes to the President’s request for CTR.

First, the committee bill transfers $28.8 million from chemical weapons destruction activities in Russia—work at the Shchuch’ye facility—to offensive arms elimination. The cut of nearly $30 million from the Shchuch’ye project will slow construction of this critically needed facility and postpone the day we begin to destroy chemical weapons there. My amendment restores these funds to Shchuch’ye leaving funds for both strategic offensive arms elimination and Shchuch’ye at the requested level.

Shchuch’ye represents a wake up call as to urgency of the problem and makes affordable chemical weapons. In a building that is little more than a fortified barn, chemical munitions are lined up like wine bottles.

Shchuch’ye is home to a majority of Russia’s weaponized stocks of nerve gas and sarin. While some have already been degraded by the CTR program, the munitions at Shchuch’ye remain portable, and the security almost certainly penetrable. None of us that visited left without believing the United States should accelerate the destruction of these munitions, and I was pleased to see the President recommended exactly this course in his fiscal year 2004 request.

At Shchuch’ye, the United States has complete access to a critical WMD storage site, where some of the deadliest and most portable chemical munitions in the world are warehoused with no security and, and the Russians are saying, come on, we’ll work with you to build a facility to destroy the weapons. The bottom line is this: the chemical weapons stored at Shchuch’ye represent a critical threat to U.S. security, and a cut to the President’s request for this project is both unwise and unwarranted.

My amendment also strikes several new restrictions imposed on the CTR program by the committee bill, found in sections 1303 through 1307.

In section 1303, the Chairmans’ mark creates an impossible hurdle for the work at Shchuch’ye or any other CTR project, by requiring that all permits ever needed over the lifespan of a CTR project be presented to Congress before more than 35 percent of the cost of the project can be obligated. There is literally no way for a planner or program manager to reliably envision each and every permit that might ever be needed to complete that project. Yet the committee mark says funding for any project, new or incomplete, stops at 35 percent of total cost until every permit is not only identified, but obtained. Our amendment restores the President’s request by striking section 1303 and replacing it with a common sense proposal.

I agree with Chairman HUNTER that the Department of Defense needs to do a better job planning for the uncertainties that come with doing business in Russia. DOD testified on March 4 to the Armed Services Committee that they have taken specific measures to address the issue. Assistant Secretary J.D. Crouch told the committee DOD is “instituted a program of semi-annual executive reviews with Russia to re-validate project plans, assumptions, and schedules on a regular basis,” and noted that OSD has asked the DOD inspector general to review how CTR is organized, more broadly. The first phase of the IG reviews is already complete.

That said, I understand that Congress needs visibility into potential problems, like the one at Votkinsk, and I have a proposal that will give us just that. My amendment would require annual notice to Congress of all permits “exempted to be required” for completion of a project, and an annual status report on DOD efforts to obtain them. To ensure we get this information annually, with the budget submission, only 35 percent of funds for CTR projects would be available each year until DOD submits the report. This information will enable Congress to make wise decisions about specific CTR programs, without granting important work to a halt, and is in keeping with the administration’s request to Congress.

Section 1304 of the Chairmans’ mark, as a new restriction: it requires on-site managers at any Department of Energy nonproliferation project in the former Soviet Union. The administration opposes the requirement, and has noted that the cost, both in dollars and in diplomatic capital, is a nonstarter and prohibitive. In fact, DOE has noted that it already has strong oversight of its program activities in place, which includes frequent visits to sites, stringent contract access and work-performance requirements, and close cooperation with the U.S. Embassy and DOE Moscow Embassy Office.

Section 1305 of the bill is not a fence, but it would undo an important administration request that the DOD be allowed to spend up to $50 million in prior year obligations balances on U.S. destruction outside the FSU, if such work becomes necessary. The committee bill mandates that if any such work is to be done, it be done by the State Department, with funds transferred from DOD to State. This is misguided policy, at odds with both the administration’s request and last year to create such authority. Our amendment strikes section 1305 and restores the President’s request.

Another fence can be found in section 1306, which establishes new requirements for any new or incomplete biological weapons sites. The administration did not request oversight at this point, and new restrictions will likely only slow progress.

Finally, section 1307(b) fences $100 million of the President’s request for chemical weapons destruction at Shchuch’ye—that is, of what’s left after the $29 million cut in the base bill—until Russia, or some other nation, puts up one-third of the total cost of the project. But our agreements with Russia for construction at Shchuch’ye require no such percentage-based funding split. Our agreement specifies a functional division of labor: Russia builds the infrastructure needed to manufacture a city next to nowhere in the Urals; we construct the chemical weapons destruction facility.

According to DOD, Russia is meeting its financial obligation at Shchuch’ye, and further, is contributing a significant resources elsewhere to destroy other chemical munitions, including blister agents no housed at Shchuch’ye. The Congress already gets regular updates on funding and international contracts to Shchuch’ye. Any new administration testified earlier this year before this committee that it does not need new oversight measures. Now, with Russia on board and the administration asking to accelerate work at the facility, is not the time to add new and unwarranted hurdles.

Let me just conclude by saying again, the intent of our amendment is simply to uphold the administration’s request. In terms of policy and funding, that is what the amendment does, with the modest exception the accountability provision I mentioned, which should be nothing more than a tool to enhance its already vigorous oversight of these programs. This amendment should win bipartisan support, and I hope rule No. 2 for this defense bill.
Mr. COOPER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. RYAN), a member of the Committee on Armed Services. (Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman from Missouri for yielding to me, and I thank the gentleman for his fine leadership, especially on the “Buy American” provision that are in this bill that we have strengthened, and also the gentleman from Illinois (Chairman Manzullo) from the Committee on Small Business, and the gentleman from Ohio (Mr. Hoobson), as well, the gentleman from Missouri (Mr. S KELTON), for all their help strengthening the “Buy American” provision.

This is really not a Democrat or Republican thing; this is a shift from the United States Constitution to the executive branch to make major decisions.

We just won a war in less than 100 days. This is the thanks we give these people. We want flexibility. We understand the new global order and we want to help. We should pass a bill of rights, which the gentleman from Tennessee (Mr. COOPER) has been pushing. We should pass it, not because we are going to protect the Constitution, not because it is a Democratic thing, but because these ladies and gentlemen in the Department of Defense deserve it.

Mr. S KELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT), a member of the Committee on Financial Services.

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me, and I am glad to be here. I want to certainly extend my commendations to the Committee on Armed Services. This is a very important bill, and I rise to support this measure wholeheartedly and very strongly.

In my district of Georgia, I represent Fort McPherson and I also represent Fort Gilliam, two very critical bases. This bill, H.R. 1588, goes a long measure to strengthen, and also the gentleman from Ohio (Mr. BARTLETT) from the Committee on Armed Services. This is a very important bill, and I rise to support this measure wholeheartedly and very strongly.

Mr. RYAN of Ohio. Mr. Chairman, I thank the distinguished gentleman from Missouri for yielding to me. I thank him for his hard work on this bill, which I find for the most part unexceptional.

My amendment essentially from the Committee on Government Reform preserving certain appeal rights for Department of Defense employees. It is the first time we have separated out any civilian employees in this way in 100 years. We have taken OPM out of it, even though they are the only organization with expertise in civil service.

Of course, there are some stated collective bargaining and civil service rights here, but they are all waivable. They are either waived or waivable. We have some decided to reform the personnel system for DOD before we reform military DOD itself. It mars this bill. I hope somehow we are able to fix it.

Mr. S KELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT), a member of the Committee on Financial Services.

Mr. SCOTT of Georgia. Mr. Chairman, I thank the gentleman for yielding time to me, and I am glad to be here. I want to certainly extend my commendations to the Committee on Armed Services. This is a very important bill, and I rise to support this measure wholeheartedly and very strongly.

In my district of Georgia, I represent Fort McPherson and I also represent Fort Gilliam, two very critical bases. This bill, H.R. 1588, goes a long measure to strengthen, and also the ability to have an appeals process. The McHugh amendment provides for an appeals process so grievances and disputes can be heard. The bill protects employees’ rights, at the same time providing the flexibility we need as we move into the next century.

Mr. RYAN of Ohio. Mr. Chairman, I thank my colleague for yielding time to me.
As we have heard, tucked into this bill, Mr. Chairman, which is so important to our national defense, is a provision that I believe could have long-term negative consequences for our military readiness and effectiveness. It is a provision that will rewrite the rules for 700,000 civil service employees in the Department of Defense.

Mr. Chairman, in our committee, the Committee on Government Reform, when the representatives from the Department of Defense came to testify, they made it clear that our military success in Iraq was the result of a team effort, a team effort between the military and between the civil servants within the Department of Defense that provided them the support. It was a true partnership.

Yet, just a few weeks after our military success in Iraq, the Pentagon launched what can only be described as a sneak, surprise attack on the rights of those civil servants within the Department of Defense. It is very clear that just a few weeks after this body passed legislation endorsing the good work of public employees, that we would take this action that treats them so unfairly.

Mr. Chairman, there has been an amendment proposed that would strip these provisions or change these provisions in the bill. It should be a bipartisan amendment, it should be a non-partisan amendment, because otherwise this bill does give the Secretary of Defense, not just this Secretary but any Secretary of Defense, Republican or Democrat down the road, the unchecked authority to rewrite the rules for civil servants within the Department of Defense, the rules with respect to hiring, firing, pay, bonuses.

It will greatly damage our security if we open the Department of Defense to party politics. We want a personnel system that is based on merit, not based on political favoritism. We want, for example, our procurement officers to be looking out for the public interest, to be looking out for our national interests, not the interests of the most politically connected contractors.

I strongly support pay for performance, but it should be merit-based performance, not a political loyalty test. Last December we saw the big bonuses going to those who were political appointees within the administration. On merit, that is a different story.

I think this bill, which is so important to our national security, should not contain this one provision that I think will damage our national security interests in the long run.

Mr. SHELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MEEK), a member of the Committee on Armed Services.

Mr. MEEK of Florida. Mr. Chairman, I think the gentleman for yielding time to me.

Mr. Chairman, I think it is important for us to remember that this Committee on Armed Services bill is a needed bill and something that this country and our troops need. But at the same time, as it relates to those individuals that we hold up most, those civilian employees that are in the Department of Defense, some 700,000-plus employees, they are getting ready to be a part and parcel of a political patronage situation.

We had an opportunity in the committee and we have an opportunity, or hopefully we will have an opportunity on this floor if we can get an amendment which I wanted to make directing the Secretary of Defense to consult with legal counsel in making sure that we have strong rules against political favors, political pay increases, or whatever the case may be.

I will tell the Members of this Congress throughout all of our districts throughout this country, we do not want people at the Supervisor of Elections Office changing their party affiliation based on the administration that is serving.

Mr. Chairman, in our committee, the Committee on Rules that they put in order merit, not based on political favoritism. We want people at the Supervisor of Elections Office changing their party affiliation based on the administration that is serving.

If we appreciate and care about these employees, the politicalization of the government, of the Department of Defense, is not the place for it to happen. This is a very serious, serious issue; and I want to make sure that the Members of this House are on full alert that it is very important that we not allow individuals to have to, because they were a part of some campaign, that they are now a part of the Department of Defense. We want the best employees there possible; and I think it is very, very important that Members give strong consideration to this.

Please allow the Democrats on this side to be able to put forth amendments that are going to make this bill better. If this career service employment bill was so great, if this reform was so great, why can it not be a stand-alone bill? Why can it not be a stand-alone bill without putting it in the Department of Defense? Please let us not have to put donkeys and elephants on the canteens on our military bases.

Mr. SHELTON. Mr. Chairman, how much time do I have remaining?

Mr. SKELTON. The gentleman from Missouri (Mr. SKELTON) has 21 1/2 minutes remaining, the gentleman from Maryland (Mr. BARTLETT) has 13 minutes remaining;

Mr. SHELTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we are not going to be debating star wars, the missile defense program, out here on the House floor.

Now I made a request to the Committee on Rules that they put in order an amendment which I wanted to make which said that the missile defense system cannot be deployed until it is proven beyond a doubt by this old defense test that you have got to fly before you buy. And that applies to every other weapons system, but it is not going to apply to missile defense. They want to deploy it even before they have proven that it works.

Now the interesting thing is that it is a kind of a fantastical concept, but the Missile Defense Agency has actually put together, I am going to show you, a Missile Defense Agency coloring book which they pass out to schools so they can help kids to understand how this system, which they do not want to test before it flies, will work. They actually have crayons that go with it. I am not kidding you. But unfortunately it says “Made in China” on the crayons, which means we should color this part red in the book for the Red Chinese that we are going to deploy the missile system to protect ourselves against.

Then you reach the next part of the little coloring book, Ronald Reagan, who we can color red, white and blue, a great patriot who really believed in this system. He always did. But unfortunately it has yet to be proven to work. So that is red, white and blue.

Next we have the ground-based midcourse defense. Unfortunately, the incoming missile has to yell “yoo-hoo” and find us. We have strong rules against political favoritism, political pay increases, or whatever the case may be.

None of this will be debated on the House floor, although they have taken the time to give us the missile defense coloring book so we can all play out here on the floor rather than debate the national defense of our country.

Mr. SKELTON. Mr. Chairman, I yield 1 minute 40 seconds to the gentleman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished ranking member for yielding me time, and I would like to add my appreciations for the gentleman from Missouri (Mr. SKELTON) for his continued commitment to this process and the chairman of the committee for his continued commitment and the collaborative efforts that they have made together.

I would like to rise to cite that there are very important aspects of this bill, Mr. Chairman, that I support. It is noteworthy that Fort Hood in Texas sent more troops to the war in Iraq than any other division, particularly World War I, World War II. So we have a stake in the outcome of this war in Iraq. So the order of business would be to thank our troops for their service and to acknowledge as we go home this weekend that we will be honoring the dead and celebrating and mourning with their families for the great and ultimate sacrifice that they gave. That is why this bill is so important to be accurate and to be inclusive.

I would have hoped that the gentleman from Tennessee’s (Mr. COOPER)
amendment could have been included. That was responsive to many concerns of many of my constituents.

I also believe it is important to note, as I believe General Franks was very clear in his words to some of us who visited him in Qatar, that we understand Americans stand side by side in their support for the troops, but it is important that we now begin to focus in an inclusive way on the aftermath, peace in Iraq, and we have not done that. And there is not much, as I understand this legislation, that deals with that question. So we have to focus on that, how the military and Ambassador Bremer work together.

Finally, Mr. Chairman, I think it is extremely important that we focus on the question of making sure that there is transparency in the contracts for rebuilding Iraq, more opportunities for women-owned business, more opportunities for small businesses, more opportunity for minority businesses. It is extremely important.

I hope that we will have the opportunity to debate these amendments because I have small business persons in my office today wondering why they have not been exposed to the opportunities of helping America, helping our troops and helping to rebuild Iraq by the American people. Let us open the doors of opportunity. Let everybody work for the betterment of this nation.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member of the Subcommittee on Tactical Air and Land Forces.

Mr. ABERCROMBIE. Mr. Chairman, aloha. I delighted to see you today.

Mr. Chairman, as the ranking Democrat on the Subcommittee on Tactical Air and Land Force, I have the distinct pleasure of working with my good friend, the gentleman from Pennsylvania (Mr. WELDON). I do not believe I see him on the floor at the moment. I have the pleasure of working with my good friend, the gentleman from Pennsylvania (Mr. WELDON). I do not believe I see him on the floor at the moment.

I also believe it is important to note, as I believe General Franks was very clear in his words to some of us who visited him in Qatar, that we understand Americans stand side by side in their support for the troops, but it is important that we now begin to focus in an inclusive way on the aftermath, peace in Iraq, and we have not done that. And there is not much, as I understand this legislation, that deals with that question. So we have to focus on that, how the military and Ambassador Bremer work together.

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Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member of the Subcommittee on Tactical Air and Land Forces.

Mr. ABERCROMBIE. Mr. Chairman, aloha. I delighted to see you today.

Mr. Chairman, as the ranking Democrat on the Subcommittee on Tactical Air and Land Force, I have the distinct pleasure of working with my good friend, the gentleman from Pennsylvania (Mr. WELDON). I do not believe I see him on the floor at the moment. I see other good friends from the committee.

I wanted to express my personal appreciation to the gentleman from Pennsylvania (Mr. WELDON). His impeachment with the details of the numerous programs under our subcommittee purview is one of the major reasons we are considering a defense authorization that correctly addresses the hardware needs of the military.

Our Subcommittee held many in-depth, rigorous oversight hearings on a variety of programs, and I think our adherence to a sound process in this arena has served our committee, the Congress, and the Department of Defense very well.

While we dealt with significant programs in all services, this bill explicitly recognizes the importance of a strong Army. The Army has had an uphill fight inside the Pentagon the last few years, and from the recent war shows how capable they really are.

I am especially pleased that our bill does no harm to the future Stryker Brigades and that the committee was able to come to an agreement about fencing off funding for the remaining brigades. We have struck a blow in a couple of cases for better program management. I am glad to see that the F–22 cut its cost. We fenced further in its cost. They are producing it and work the way it is promised.

The Army's future combat system may be a good thing. It is hard to tell because its budget structure makes it hard to evaluate. We changed that structure so that everybody can see whether the future combat system will work.

We are working on some very advanced systems in all the services. I believe we have struck the right balance between future forces and our legacy systems. In funding modernization of our heavy forces, this bill ensures that we do not sacrifice the real combat capability today for the promise of capability in the future.

I would like to conclude and I would be remiss, Mr. Chairman, if I did not acknowledge the hard work and long hours put in by our committee staff on all levels.

Mr. Chairman, I would like to close by again thanking the gentleman from Pennsylvania (Mr. ABERCROMBIE) and all the members of the various subcommittees with whom I have had the pleasure of working on this bill.

Mr. BARTLETT of Maryland. Mr. Chairman, I yield such time as he may require.

Mr. GINGREY of Georgia, for the manner in which he has led our committee, the subcommittee chairmen, especially Mr. GINGREY.

Mr. Chairman, I would like to conclude and I would be remiss, Mr. Chairman, if I did not acknowledge the hard work and long hours put in by our committee staff on all levels.

Mr. Chairman, I would like to close by again thanking the gentleman from Pennsylvania (Mr. ABERCROMBIE), the gentleman from Maryland (Mr. BARTLETT), for yielding me time.

Mr. Chairman, I yield today in strong support of H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004, and I urge my colleagues to support the bill as well.

I represent Columbus, Georgia, and Fort Benning, the home of the infantry as well as NAS Atlanta and Dobbins Air Reserve Base in my home, Marietta, Georgia, of Cobb County.

Mr. Chairman, as a first-term member of the House Committee on Armed Services, I am extremely proud of this legislation for many reasons; and I sincerely appreciate the gentleman from Georgia (Mr. GINGREY), a valued member of our Committee on Armed Services.

Mr. GINGREY asked and was given permission to revise and extend his remarks.

Mr. GINGREY. Mr. Chairman, I thank the subcommittee chairman, the gentleman from Maryland (Mr. BARTLETT), for yielding me time.

Mr. Chairman, I rise today in strong support of H.R. 1588, the National Defense Authorization Act for Fiscal Year 2004, and I urge my colleagues to support the bill as well.

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Chairman, I yield such time as he may the Subcommittee on Total Force.

Mr. BARTLETT from Maryland (Mr. BARTLETT) has 10 amount of time remaining.

Chairman, may I inquire as to the everybody in this area, but they ulti-

tions that, after all, not only protect

solve problems, not eliminating simple

clean up after themselves, and they

they protect the environment, they

right orders, they can accomplish any-

when we give our fighting men and

would just simply gut environmental

readiness. This bill ignores them. It

Interstate 5, and we have areas that are

power plant that is located right here,

ment like recently-passed legislation

in it that deals with military encroach-

Clemente. Does this bill have anything

Vista, from Fallbrook, from San

encroachment from Oceanside, from

us at all.

short-circuited activity like this, exag-

gerating the problems, is not helping

us at all.

The real threats to military readi-

ness are here on this map; and the en-

croachment from Oceanside, from

Chairman, in closing, that none of

those in vital portions of the

members, those in vital portions of the

access to the commissaries and ex-


These are issues that affect military

readiness. This bill ignores them. It

would just simply gut environmental

protection.

My experience, Mr. Chairman, is that

when we give our fighting men and

women the right resources and the

orders, they can accomplish any-

thing. And we should be directing that

they protect the environment, they

clean up after themselves, and they

solve problems, not eliminating simple

commonsense environmental protec-
tions that, after all, not only protect

everybody in this area, but they ulti-

mately protect the fighting men and

women, their families, and the overall

Earth that we inhabit.

Mr. BARTLETT of Maryland. Mr.

Chairman, may I inquire as to the

amount of time remaining.

The CHAIRMAN. The gentleman

from Maryland (Mr. BARTLETT) has

10 minutes remaining and the gentleman

from Missouri (Mr. SKELTON) has

12% minutes remaining.

Mr. SKELTON of Maryland. Mr.

Chairman, I yield such time as he may

cumose to the gentleman from New

York (Mr. MCHUGH), the chairman of

the Subcommittee on Total Force.

Mr. MCHUGH. Mr. Chairman, I thank

the gentleman, my colleague on the

Committee on Armed Services, for

yielding me this time.

Mr. Chairman this is the 11th year in

which I have had the great honor of

serving on this very important committee. And as happens

every year, we obviously come to the

floor with some disagreements, some

perhaps that cause a great deal of con-

flict amongst the various Members. But one

thing that has been most heartening to me with respect to this committee has

been the strong commitment on both

sides of the aisle, both when my friends

on the Democratic side and in the major-

ity and now when the Republicans

are in the majority, shared by both

parties, and that is our interest, our

primary commitment to the good, the

welfare of the individuals throughout

the various branches of the United

States military, who, as has been seen

so directly, particularly in recent

months and years, fought the hard

fight of freedom wherever the chal-

lenges arose.

As someone who has had the distinct

honor now for 3 years to serve first as

the chairman of the Subcommittee on

Personnel and now the Subcommittee on

Total Force, I can say without eq-

uivalence that this bill is not just a

good bill; it is absolutely essential to

the continued welfare, to the continued

interest of those brave men and women

in uniform who wear the patch of the

United States military. Because this is

a bill that not only addresses the

emerging lessons learned from the

global war on terrorism and with the

war in Iraq, but also it reflects the

longstanding committee concerns about the inadequacy of military man-
power and the damaging effect of ex-

cessive operating personnel and opera-
tions tempo.

This bill reflects not just the Com-

mittee on Armed Services' belief in the

need to be proactive in military per-

sonnel and policy changes, but also, I

think, the belief of the entire United

States population; and it acts to sus-

tain the commitment and the profes-

sionalism of the men and women of

America's magnificent all-volunteer

army. And it is an absolutely, vitally,

important, the families that support them and all of

us.

I would also say, Mr. Chairman, this

bill contains legislative and funding

initiatives that enhance the ability of

the National Guard and Reserves to

play their important role, to continue

their integration as a vital irreplace-

able part of the new total force that is

the United States military.

I would tell you, Mr. Chairman, just

highlight a couple of the initiatives that are contained in this legislation,

many of which have been referenced by

my colleagues on both sides of the aisle that are contained in the total force

portion of this very important legisla-

tion.

Active end strength increases of 6,240

above the requested levels, with the

$291 million necessary to support those

increases.

We provide for growth in reserve

component full-time support strength.

Military pay raises that average 4.1

percent, continuing this Congress's,

the strong commitment as they make

recognition of the understanding that we need to do better by these brave

men and women in terms of what we

pay them.

Reserve component pay and per-

sion policy enhancements that re-

spond to the needs of the National

Guard and Reserve personnel training

in that total force.

Continuation of war-time pays that

were approved in fiscal year 2003 for

members engaged in both Operation

Enduring Freedom and Operation Iraqi

Freedom.

We have taken steps to open up the

access to the commissaries and ex-

change benefits to better define and

provide those benefits and to also make them available on a more regular

basis to reserve component members,

those in vital portions of the total
force concept.

And we have provided a menu of

health care improvements for the en-

tire Department of Defense.

This is a vitally important bill at one of

the most critical junctures in our

Nation's history. And I should say, Mr.

Chairman, in closing, that none of

those great outcomes is achieved in a

vacuum. I want to pay particular words

of appreciation to the ranking member

on the subcommittee which I have

the honor of chairing, the gentleman

from Arkansas (Mr. SNYDER), who has

done just a great job in both leading and

providing invaluable support and in-

sight into our activities, and to all of

the committee's staff on both sides of

the aisle for their absolutely unwaver-

ing commitment to this initiative.

This bill, at the end of the day, in

spite of our disagreements as they may

exist, needs to be supported. We need

to continue our commitment to our

great men and women in uniform who

are protecting our freedoms each and
ever day.

Mr. SKELTON. Mr. Chairman, I yield

2 minutes to the distinguished gentle-

man from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman,

I thank the gentleman for yielding me

this time, and I also want to agree with

all of those who have extolled many of

the virtues of this legislation; who have talked about the need for it to be

efficient and effective; who have talked

about making sure that we protect all

of our military personnel and be in a

position to protect our interests.

But I must confess that I do not be-

lieve in throwing out the baby with the

bath water. When we talk about get-

ting rid of the personnel system, when

we talk about taking away the rights

of the right to unionize, when we talk

about taking away the rights of indi-

viduals to appeal, when we talk about

individuals not having the right to dis-

cuss their grievances, then I think that
is going a bit far. I agree there is a tremendous need for flexibility, and I believe there ought to be those moved out of civilian positions who are part of the military; but I do not believe that all of the years of developing work-thoughts ought to be taken away in one fell swoop.

Quite frankly, Mr. Chairman, I do not even understand why those provisions are in the legislation. They simply are not needed, they are of no value, and I disagree with that part of it. If we cannot guarantee the rights of people who work, then what are we fighting for when we talk about protecting the rights of all the rest? I disagree with that portion of the legislation.

Mr. HUNTER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. Mr. Chairman, our friends on the other side of the aisle continue to tell horror stories of what this bill, if enacted, would do with respect to civil service and the employees in the Department of Defense. I think we all know that we honor our employees at the Department of Defense as just like the men and women in uniform who gave us the success in Iraq and in Afghanistan, they too make the difference in our success. They give us the tools, the weapons, the technology, the expertise that allows us to be successful on the battlefield and to have a strong national defense.

Certainly, if the horrors our friends on the other side of the aisle were true, then we should vote this bill down. They say the horrors are that this will result in political patronage; that civil rights will be taken away; that there will be no rights for collective bargaining. Surely if those things were the outcome of this bill, I would vote against it myself. So one would expect that if one of their other sides of the aisle voted against it too. But they did not. In fact, the gentleman from Florida, who told us of the horrors of the possibilities of political patronage, voted for this bill. The gentleman from Tennessee, who spoke about there being no civil rights or collective bargaining for employees of the Department of Defense, voted for this bill.

This bill comes to this floor out of the Committee on Armed Services with bipartisan support and a vote of 21\(\frac{1}{2}\) minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to speak to the amendment that is going to come up in just a moment, if I may. I appreciate the gentleman incorporating into that amendment an amendment I had that we could not do in committee because of a jurisdictional problem. It is an amendment to take care of two environmental relief points that the Department of Defense needs. I think they are well thought out.

The amendment as it came to us in committee from the Committee on Resources broadened this. I want to narrow it back down to just deal with the Department of Defense. Here is what the bill does.

In section 317 of H.R. 1588 last year, which amends the Endangered Species Act, it provides that the Secretary of Interior will not make future designations of critical habitats on military lands or threaten an endangered species where the installation has negotiated a mutually agreed upon, integrated natural resources management plan between the State Fish and Wildlife Service and the National Fish and Wildlife Service.

This is something that was in the bill last year, passed this House overwhelmingly on a bipartisan basis, passed the committee overwhelmingly on a bipartisan basis and ran into some difficulty over in the Senate. We want to renege on this and narrow it down from what is actually in the bill. So the gentleman’s en bloc amendment will do that, and it will be a tremendous help to the Department of Defense in their readiness activities when preparing to train as they prepare to fight wars.

The second amendment in the amendment to the Department of Defense requested an adaptation of a new definition of harassment for the Marine Mammal Protection Act. Generally, you cannot take marine mammals. We are not out to kill marine mammals, but the term “harassment” has been interpreted in court cases in a ridiculous manner. This changes the definition of harassment so we do not have, if a sea lion is sleeping on a buoy and a Navy ship goes down the channel and the sea lion wakes and looks at the boat, that can be defined as harassment under the present law.

What we are talking about making is major life changes. We do not want marine whales to beach themselves and this kind of thing, of course. This narrows that down.

Mr. Chairman, this amendment carefully defines the situation. It is a rifle shot dealing with the problems that the Department of Defense think it will help tremendously in our preparation of our young men and women for fighting wars.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman for yielding me this time.

I commend the chairman of this committee and his staff and the members for their work in putting together this very important bill. As a strong supporter of the B-1 bomber program, I appreciate the committee’s recognition
of the excellence of B–1 in combat and their importance in operations in the Korean Peninsula by directing the Air Force to restore the 23 aircraft set to be retired. I hope it is the full intent of this committee that, should these 23 planes be restored to the fleet, that these bombers will be given adequate manpower and maintenance with additional funding to ensure that these costs will not come out of the operations and maintenance funds of the existing 60 bombers.

Mr. Chairman, I also commend the gentleman from California for his attention in this bill to the national defense needs of our Nation, and I also applaud his efforts to hold the Base Realignment and Closure round in 2005 accountable to our emerging national defense needs.

This bill stipulates that the required forthwith for the armed services meet prescribed levels and that the Air Force would include in its force structure not less than 96 combat-coded bomber aircraft in active service. I hope it is the intent of this committee in the future that the 23 B–2s that would be restored to the fleet under this bill will be incorporated into the parameters of the Air Force bomber structure and taken into consideration for purposes of the base realignment process.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the gentleman from California (Chairman HUNTER).

The gentleman will recall in this Chamber the very arduous series of debates that we had on what was then known as the Stealth bomber, now known as the B–2 bomber; and with the gentleman’s leadership, some additional funds were put into this bill for research and development regarding a new wave of bombers. Would the gentleman be inclined to share that thought with us, please?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. Mr. Chairman, I yield the gentleman from California.

Mr. HUNTER. Mr. Chairman, the gentleman from Missouri (Mr. SKELTON) has been a champion of the idea of utilizing Stealth bombers and Stealth aircraft and coupling them with precision munitions and being able to give enormous leverage to American air power.

If we look at our array of deep-strike platforms, we have the 21 B–2s that are based in the gentleman’s district, which are extremely valuable assets. We have a few, over 60 now, B–1 bombers, now that 23 are being retrieved or taken out of the force; and we are retrieving a number of those 23 bombers, bringing those back to the force. They worked very effectively in Iraq. And the balance of our 130 or so B–52s, that is the current B–52s, that is the new variant of the B–2 that does not have some of the Cold War components but nonetheless would be excellent for conventional missions, and that would be somewhat less in terms of cost than the B–1s that were built for strategic delivery.

So it could be a manned system, it could be an unmanned system, but the point is we better start now because it is going to be years before we have new platforms for deep strike. At the same time, we plussed up the purchases of precision munitions, those joint direct attack munitions that are used to eliminate the need for literally thousands of bombs, hundreds of bombs to one in terms of the B–1s. And instead of carpet bombing a bridge to knock it out, you hit that one strut and bring that entire bridge down.

The gentleman is talking about our two most important systems, that is the two joint deep-strike platforms with deep ranges, with good precision munitions. When those two leveraged systems are coupled together, the United States has enormous capability, and I thank the gentleman for his efforts along these lines.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for his full explanation and a special compliment on his foresight in helping insert these dollars for that additional research and development.

I remember the early days of the then Stealth, now B–2 bomber, when so many had such serious questions about it. And I might say, in three conflicts now, the B–2 bomber has spoken well for America. I thank the gentleman for his help and leadership in that area.

Mr. HUNTER. Mr. Chairman, if the gentleman would continue to yield, I thank the gentleman for his work; and if I could just mention, the gentleman from Texas (Mr. STENHOLM) just spoke. One of his comments was to the effect that he knew that we were retrieving some of these B–1 bombers that the Air Force decided last year to shelve, and he hoped that the cost of maintaining those bombers would not be drawn from the spare parts accounts of the 60 or so bombers that we have right now.

Let me just say in response to the gentleman, who is a great friend of mine, the intent of the committee is to try to get a high mission-capable rate with our entire bomber force, all of the B–1s, and that means spending what it takes to keep those birds in the air, to give them the ability to deliver their platforms with deep ranges, with good protection to the crew. So we want to see higher maintenance dollars expended on the B–1s, and that is an important leverage force.

We saw the B–1s being extremely flexible in its pursuit of targets in the Iraq theater. That was appreciated by the committee. I did not get a chance to respond to the gentleman from Texas (Mr. STENHOLM), but I want to assure him that we are going to try to make sure that entire bomber force has a high mission-capable rate, both B–1s and B–2s. I think the gentleman knows that is so profound, and home bases in his district, B–1s, and of course those ancient B–52s.

I know the gentleman from Texas (Mr. SAM JOHNSON) talked about looking out his prison window in Hanoi in Operation Linebacker II and watching a B–52 explode in midair as it was hit by a Sand missile. Those planes were shot down over 40 years ago, and by the aircraft, anti-aircraft and Sand capability being delivered to North Vietnam by Russia. That means that we need to move along and develop this new technology as quickly as possible and get new birds in the air as quickly as possible. I know the gentleman from Missouri (Mr. SKELTON) and I share that goal.

Mr. SKELTON. Mr. Chairman, I thank the gentleman, and it appears in this bill regarding the additional research and development funding for future system or systems of advanced Stealth technologies, I think it is certainly on the right track.

Mr. OLIVEY. Mr. Chairman, I rise today to congratulate Chairman HUNTER and the Armed Services Committee on their work on the Defense authorization. This authorization better prepares the United States to face the new threats to our world.

I am pleased the committee has recognized that after playing a dominant role in Operation Iraqi Freedom, the Abrams battle tank proved that it will continue to play a central role in the defense of our Nation in the years to come. With the 129 Abrams System Enhancement Program upgrades the committee has provided, the armored cavalry regiment, the “eyes and ears” of the Army’s Counter Attack Corps, will join the 4th Infantry Division as the most advanced in the world.

As the Army begins transforming itself for future combat situations, heavy armor will continue to play an important role. We should take the lessons we learned in Iraq, and use those in the future. As the centerpiece of the Operation, the Abrams not only proved it’s mettle in the desert, it also dominated in urban areas. The tank provided cover for infantrymen and offered precision fire helicopters and planes were not able to. Acting as a battering ram, the Abrams is the safest vehicle in our arsenal, not having suffered one combat-related casualty.

Whether it be the Sherman tank in World War II or the Abrams in the gulf war and Operation Iraqi Freedom, tanks have been critical to military success. The Abrams tank has proven that the tank will continue to play a prominent role in the defense of America well into the 21st century.

Mrs. MALONEY. Mr. Chairman, traditionally, the Defense Authorization Act has been bipartisan. Unfortunately, this year the majority has added highly contentious provisions to the bill regarding civil services law, contracting, environmental exemptions, and nuclear weapons policy.
As we all know, there has been significant controversy over the process of awarding contracts in Iraq. I would like to highlight one provision in the Defense Authorization bill that adds much needed sunshine to the Iraq rebuilding effort (section 1456). I thank the Government Reform and Armed Services Committees for including this section.

In a markup of H.R. 1837, the Services Acquisition Reform Act of 2003, I offered this public disclosure language in the form of an amendment. It was unanimously accepted by the House Government Reform Committee. H.R. 1837 now goes to the House Armed Services and included in H.R. 1588, the National Defense Authorization Act for FY 2004.

In the House Armed Services Committee, the Iraqi sunshine amendment was also offered by Mr. SNYDER of Arkansas. I thank Mr. SNYDER for his hard work. The amendment was accepted and included in an en bloc amendment to H.R. 1588. The amendment, now section 1456, will ensure that agencies entering into a contract for the repair, maintenance, or construction of the infrastructure in Iraq with a full and open competition, publish details regarding the contract.

This section is very simple. It merely requires the government to publish details regarding these noncompetitive contractors.

It has been said that sunshine is the best disinfectant. This amendment has the right to know how billions of dollars will be spent in Iraq. As the people’s Representatives, we have a duty and responsibility to ensure that funding Congress has appropriated for the Iraqi reconstruction is spent in a fair and open manner. Given the serious nature of the problem, the least we could do is ensure that there is full disclosure to the American people.

In recent weeks, we have seen several press reports that United States Agency for International Development (USAID) and other Federal agencies have been awarding no-bid or invitation-only contracts to firms for the rebuilding of Iraq.

For instance, one firm secured a $2 million Iraq school contract through an invitation-only process. USAID awarded an invitation-only contract for $5 million in 2001 to rebuild Iraq’s infrastructure. A $50 million policing contract was awarded through a closed bidding process and so on.

I acknowledge that in some instances, non-competitive contract will be awarded. USAID and others have argued that because of the need to move quickly, they chose to use non-competitive procedure. The law clearly allows for these procedures. However, if a non-competitive process is used, the American people have a right to know that it is being used and the reasoning used. Section 1456 requires the Federal agencies to make these details public.

Section 1456 mirrors legislation offered in the Senate by Senators WYDEN, COLLINS, and CLINTON, S. 876, the “Sunshine in Iraq Reconstitution Contracting Act of 2003.” S. 876 is a bipartisan effort that seeks to require the government to publicly justify any closed bidding process used for Iraqi reconstruction work.

I thank Chairman DAVIS, Ranking Member WAXMAN, Chairman HUNTER, and Ranking Member SKELTON, and members of the Government Reform and Armed Services Committees, for their support of this straightforward, good-government provision.

I wholeheartedly support its inclusion in H.R. 1588. Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the chairman, the ranking member and both Republican and Democratic members of the Armed Service Subcommittee on Total Force and我也unuaneously supporting an amendment to increase the number of military academy appointments from American Samoa, Guam, and the Virgin Islands to the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy.

For my constituents, this means that American Samoa will be able to send two students to each service academy. Given that American Samoa has a population of over 57,000 people, a per capita income of less than $4,500 and almost 5,000 men and women serving in the U.S. armed services, I am pleased that we may be able to offer more students opportunities to attend one of our nation’s prestigious military academies.

Like other States and Territories, American Samoa has a long and proud tradition of supporting our military forces. In 1900, the traditional leaders of American Samoa ceded the island of Tutuila to the United States.

Tutuila’s harbor is the deepest in the South Pacific and the port village ofPago Pago was once a main port for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during WWII. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

American Samoa also has a per capita enlistment rate in the U.S. military which is as high as any State or U.S. Territory. Our sons and daughters have served in record numbers in every U.S. military engagement from WWII to present operations in our war against terrorists. We have stood by the United States in good times and bad and I believe it is only appropriate that this relationship should be acknowledged by increasing our number of military academy appointments.

Again, I want to thank Chairman JOHN MCHENRY of North Carolina. Mr. SNYDER of the Subcommittee on Total Force for supporting my request to increase the number of military academy appointments for American Samoa. I also want to thank my good friends, the chairman of the Committee on Armed Services, Congressman DUNCAN HUNTER, and Ranking Member Ike SKELTON, for their support.

On a personal note and as a Vietnam Veteran, I also want to thank the sons and daughters of this great Nation who are currently serving in the U.S. Armed Forces. As we consider the National Defense Authorization for Fiscal Year 2004, I am hopeful that we will remember the sacrifices they are making to protect our liberties and in so remembering I urge my colleagues to support this reauthorization.

Mr. SCHIFF. Mr. Chairman, I also want to thank the sons and daughters of this great Nation who are currently serving in the U.S. Armed Forces. As we consider the National Defense Authorization for Fiscal Year 2004, I am hopeful that we will remember the sacrifices they are making to protect our liberties and in so remembering I urge my colleagues to support this reauthorization.

Mr. SCHIFF. Mr. Chairman, I rise today to object to the sweeping, permanent exemptions from environmental laws at military bases included in this Defense authorization bill.

This set of provisions, the so-called “Range and Readiness Preservation Initiative,” would change critical provisions of the Clean Air Act, the Marine Mammal Protection Act, and the Endangered Species Act. These changes would require the Department of Defense to clean up its thousands of contaminated sites nationwide.

I am a staunch supporter of a strong military and a strong national defense. Yet the changes that have been included in this bill go well beyond any consideration of military preparedness, and so I object, and am advised.

Environmental laws already include provisions for exemptions in the event of a national security issue. The proposals are rendered even more questionable by the fact that the Defense Department has not yet found a compelling case to plead for such an exemption. EPA Administrator Christine Todd Whitman has testified before Congress that compliance with environmental regulations has never impeded military readiness.

Furthermore, these blanket exemptions for the Department of Defense from environmental statutes are inappropriate. I have grave concerns regarding the adverse environmental impact of this initiative. This legislation would relax current requirements protecting wildlife habitats on military installations, as well as requirements to clean up contaminated sites and control air emissions. The Department of Defense is our nation’s biggest polluter. I believe that, unless national security is directly affected, the Department of Defense should be required to comply with Federal environmental laws.

I call on my colleagues to strike these provisions.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. BERCUTER). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 1588

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2004.”

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

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

(1) DIVISION A—Department of Defense Authorizations.

(2) DIVISION B—Military Construction Authorizations.

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

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

Sec. 1. Short title; findings.
Sec. 1. Organization of Act into divisions; table of contents.
Sec. 1. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Subtitle B—Army Programs
Sec. 111. Stryker vehicle program.

Subtitle C—Navy Programs
Sec. 121. Multiyear procurement authority for F/A–18 aircraft program.
Sec. 122. Multiyear procurement authority for Tactical Tomahawk cruise missile program.
Sec. 123. Multiyear procurement authority for Virginia class submarine program.
Sec. 124. Multiyear procurement authority for E–2C aircraft program.
Sec. 125. L PD–17 class vessel.

Subtitle D—Air Force Programs
Sec. 131. Air Force air refueling transfer authority.
Sec. 132. Increase in number of aircraft authorized to be procured under multiyear procurement authority for Air Force C–130J aircraft program.
Sec. 133. Limitation on retiring C–5 aircraft.
Sec. 134. Limitation on obligation of funds for procurement of F/A–22 aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
Subtitle A—Authorization of Appropriations
Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations
Sec. 211. Collaborative program for development of electromagnetic gun technology.
Sec. 212. Authority to select civilian employee of Department of Defense as director of Department of Defense Test Resource Management Center.
Sec. 213. Development of the Joint Tactical Radio System.
Sec. 215. Army program to pursue technologies leading to the enhanced production of titanium by the United States.
Sec. 216. Extension of reporting requirement for RAH–66 Comanche aircraft program.
Sec. 217. Studies of fleet platform architectures for the Navy.

Subtitle C—Ballistic Missile Defense
Sec. 221. Enhanced flexibility for ballistic missile defense systems.

TITLE III—OPERATION AND MAINTENANCE
Subtitle A—Authorization of Appropriations
Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.

Subtitle B—Environmental Provisions
Sec. 312. Authorization for defense participation in wetland mitigation banks.
Sec. 313. Inclusion of environmental response requirements and services in Navy definitions of salvage facilities and salvage services.
Sec. 314. Clarification of Department of Defense response to environmental emergencies.
Sec. 315. Requirements for restoration advisory boards and exemption from Federal Advisory Committee Act.
Sec. 316. Report regarding impact of civilian community encroachment and certain legal requirements on military installations and ranges.
Sec. 317. Military readiness and conservation of protected species.

Sec. 318. Military readiness and marine mammal protection.
Sec. 319. Limitation on Department of Defense responsibility for civilian water consumption related to Fort Huachuca, Arizona.
Sec. 320. Construction of wetland crossings, Camp Shelby Combined Arms Maneuver Area, Camp Shelby, Mississippi.

Subtitle C—Workplace and Depot Issues
Sec. 321. Exclusion of certain expenditures from percentage limitation on contracting for performance of depot-level maintenance and repair workloads.
Sec. 322. High-performing organization business process reengineering pilot program.
Sec. 323. Delayed implementation of revised Office of Management and Budget Circular A–76 by Department of Defense pending report.
Sec. 324. Naval Aviation Depots multi-trades demonstration project.

Subtitle D—Information Technology
Sec. 331. Performance-based and results-based management requirements for Chief Information Officers of Department of Defense.

Subtitle E—Other Matters
Sec. 341. Cataloging and standardization for defense supply management.
Sec. 342. Space-available transportation for dependents of memongers assigned to overseas duty locations for continuous period in excess of one year.
Sec. 343. Preservation of Air Force Reserve weather reconnaissance mission.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS
Subtitle A—Active Forces
Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.

Subtitle B—Reserve Forces
Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2003 limitation on non-dual status technicians.
Sec. 415. Permanent limitations on number of non-dual status technicians.

Subtitle C—Authorization of Appropriations
Sec. 421. Military personnel program.
Sec. 422. Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY
Subtitle A—General and Flag Officer Matters
Sec. 501. Standardization of qualifications for appointment as service chief.

Subtitle B—Other Officer Personnel Policy Matters
Sec. 511. Repeal of prohibition on transfer between line of the Navy and Navy staff corps applicable to regular Navy officers in grades above lieutenant commander.
Sec. 512. Retention of health professions officers to fulfill active-duty service commitments following promotion nonselection.
Sec. 513. Increased flexibility for voluntary retirement for military officers.

Subtitle C—Reserve Matters
Sec. 521. Streamlined process for continuation of officers on the reserve active status list.
Sec. 522. Consideration of reserve officers for position vacancy promotions in time of war or national emergency.

Sec. 523. Simplification of determination of annual participation for purposes of Ready Reserve training requirements.
Sec. 524. Authority for delegation of required secretarial special finding for placement of certain retired members in Ready Reserve.
Sec. 525. Authority to provide expenses of Army and Air Staff personnel and National Guard Bureau personnel attending national conventions of certain military associations.

Subtitle D—Military Education and Training
Sec. 531. Authority for the Marine Corps University to award the degree of master of operations management.
Sec. 532. Expanded educational assistance authority for cadets and midshipmen receiving ROTC scholarships.
Sec. 533. Increase in allocation of scholarships under Army Reserve ROTC scholarship program to students at military junior colleges.
Sec. 534. Inclusion of accrued interest in amounts that may be repaid under Selected Reserve critical specialties education loan repayment program.
Sec. 535. Authority for noncommissioned officer and SNOC, senior ROTC, sophomores to voluntarily contract for an and receive subsistence allowance.
Sec. 536. Appointments to military service academies from nominees nominated by delegates from Guam, Virgin Islands, and American Samoa.
Sec. 537. Readmission to service academies of certain former cadets and midshipmen.
Sec. 538. Authorization for Naval Postgraduate School to provide instruction to enlisted members participating in certain programs.
Sec. 539. Defense task force on sexual harassment and violence at the military service academies.

Subtitle E—Administrative Matters
Sec. 541. Enhancements to high-temp personnel program.
Sec. 542. Enhanced retention of accumulated leave for high-deployment members.
Sec. 543. Standardization of time-in-service requirements for voluntary retirement of members of the Navy and Marine Corps with Army and Air Force requirements.
Sec. 544. Standardization of statutory authorizations for exemptions from requirements for access to secondary schools by military dependents.
Sec. 545. Procedures for consideration of applications for award of the Purple Heart medal to veterans held as prisoners of war before April 25, 1962.
Sec. 546. Authority for reserve and retired regular officers to hold State and local elected or non-elective, non-judicial standing call to active duty.
Sec. 547. Clarification of offense under the Uniform Code of Military Justice relating to drunken or reckless operation of a vessel, aircraft, or vessel.
Sec. 548. Public identification of casualties no sooner than 24 hours after notification of next-of-kin.

Subtitle F—Benefits
Sec. 551. Additional classes of individuals eligible to participate in the Federal long-term care insurance program.
Sec. 552. Authority to transport remains of retired and disabled veterans who die in military treatment facilities outside the United States.
Sec. 553. Eligibility for dependents of certain mobilized reservists stationed overseas to attend defense dependents schools overseas.

Subtitle G—Other Matters

Sec. 561. Extension of requirement for exemplary conduct by commanding officers and others in authority to include civilians in authority in Department of Defense.

Sec. 562. Recognition of military families.

Sec. 563. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 564. Permanent authority for support for certain chaplain-led military family support programs.

Sec. 565. Department of Defense-Department of Veterans Affairs Joint Executive Committee.

Sec. 566. Limitation on aviation force structure changes in the Department of the Navy.

Sec. 567. Impact-aid eligibility for heavily-impacted local educational agencies affected by privatization of military housing.

Sec. 568. Investigation into the 1991 death of Marine Corps Colonel James E. Sabow.

Subtitle H—Domestic Violence

Sec. 571. Travel and transportation for dependents relocating for reasons of personal safety.

Sec. 572. Commencement and duration of payment of transitional compensation.

Sec. 573. Flexibility in eligibility for transitional compensation.

Sec. 574. Types of administrative separations triggering coverage.

Sec. 575. Ongoing review group.

Sec. 576. Resources for Department of Defense implementation organization.

Sec. 577. Fatality reviews.

Sec. 578. Sense of Congress.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

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

Sec. 602. Computation of basic pay rate for commissioned officers with prior enlisted or warrant officer service.

Sec. 603. Special subsistence allowance authorities for members assigned to high-cost duty location or under other unique and unusual circumstances.

Subtitle B—Bonuses and Special and Incentive Pays

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

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

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

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

Sec. 615. Compensation of hazardous duty incentive pay for demolition duty and parachute jumping by members of reserve components entitled to compensation under section 206 of title 37.

Sec. 616. Availability of hostile fire and imminent danger pay for reserve components in inactive duty.

Sec. 617. Expansion of overseas tour extension incentive program to officers.
Sec. 909. Extension of certain authorities applicable to the Pentagon Reservation to include designated Pentagon continuity-of-government locations.
Sec. 910. Defense acquisition workforce reductions.
Sec. 911. Required force structure.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1003. Authority to transfer procurement funds for a major defense acquisition program for continued development on that program.
Sec. 1004. Restoration of authority to enter into 12-month leases at any time during the fiscal year.
Sec. 1005. Authority for retention of additional amounts realized from energy cost savings.
Sec. 1006. Repeal of requirement for two-year budget cycle for the Department of Defense.
Sec. 1007. Authority to provide reimbursement for use of personal cellular telephones when used for official government business.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Repeal of requirement regarding preservation of shipyard capability for naval surface combatants.
Sec. 1012. Enhancement of authority relating to use for experimental purposes of vessels stricken from Naval Vessel Register.
Sec. 1013. Authorization for transfer of vessels stricken from Naval Vessel Register for use as artificial reefs.
Sec. 1014. Pilot program for sealift ship construction.

Subtitle C—Reports

Sec. 1021. Repeal and modification of various reporting requirements applicable to the Department of Defense.
Sec. 1024. Report on development of mechanisms to better connect Department of Defense space capabilities to the war fighter.

Subtitle D—Biomedical Countermeasures

Sec. 1031. Research and development of defense biomedical countermeasures.
Sec. 1032. Procurement of defense biomedical countermeasures.

Subtitle E—Other Matters

Sec. 1041. Codification and revision of defense counterintelligence polygraph program authority.
Sec. 1042. Codification and revision of limitation on modification of major items of equipment scheduled for retirement or disposal.
Sec. 1043. Additional definitions for purposes of title 10, United States Code.
Sec. 1044. Inclusion of annual military construction authorization request in annual defense authorization request.
Sec. 1045. Technical and clerical amendments.
Sec. 1046. Authority to provide living quarters for certain students in cooperative and summer education programs of the National Security Agency.
Sec. 1047. Use of drug interdiction and counter-drug funds to support activities of the Government of Colombia.
Sec. 1048. Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1049. Use of National Driver Register for personnel security investigations and determinations.
Sec. 1050. Provision of operational files of the National Security Agency.
Sec. 1051. Assistance for study of feasibility of biennial international air trade show in the United States and for initial implementation.
Sec. 1052. Continuation of reasonable access to military installations for personal commercial publication.
Sec. 1053. Commission on Nuclear Strategy of the United States.
Sec. 1054. Extension of Counterproliferation Program Review Committee.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Department of Defense Civilian Personnel Generally

Sec. 1101. Modification of the overtime pay cap.
Sec. 1102. Military leave for mobilized Federal civilian employees.
Sec. 1103. Common occupational and health standards for differential payments as a consequence of exposure to asbestos.
Sec. 1104. Increase in student loan repayment authority.
Sec. 1105. Authorization for cabinet secretaries, secretaries of military departments and heads of executive agencies to be paid on a biweekly basis.
Sec. 1106. Senior executive service and performance incentives.
Sec. 1107. Design elements of pay-for-performance systems in demonstration projects.
Sec. 1108. Federal flexible benefits plan administrative costs.
Sec. 1109. Clarification to Hatch Act; limitation on disclosure of certain records.
Sec. 1110. Employee surveys.

Subtitle B—Department of Defense National Security Personnel System

Sec. 1111. Department of Defense national security personnel system.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Expansion of authority to provide administrative support and services and travel and subsistence expenses for certain foreign liaison officers.
Sec. 1202. Recognition of superior noncombat achievements or performance by members of friendly foreign forces and other foreign nationals.
Sec. 1203. Expansion of authority to waive charges for costs of attendance at George C. Marshall European Center for Security Studies.
Sec. 1204. Identification of goods and technologies critical for military superiority.
Sec. 1205. Report on acquisition by Iraq of advanced weapons.
Sec. 1206. Authority for check cashing and currency exchange services to be provided to foreign military members participating in certain activities with United States forces.
Sec. 1207. Requirements for transfer to foreign countries of certain specified types of aircraft.
Sec. 1208. Limitation on number of United States military personnel in Colombia.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Limitation on use of funds until certain permits obtained.
Sec. 1304. Limitation on use of funds for biological research in the former Soviet Union.
Sec. 1305. Authority and funds for non-proliferation and disarmament.
Sec. 1306. Requirements for on-site managers.
Sec. 1307. Provisions relating to funding for chemical weapons destruction facilities in Russia.

TITLE XIV—SERVICES ACQUISITION REFORM

Sec. 1401. Short title.
Sec. 1402. Executive agency defined.

Subtitle A—Acquisition Workforce and Training

Sec. 1411. Definition of acquisition.
Sec. 1412. Acquisition workforce training fund.
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Subtitle B—Adaptation of Business Acquisitions Practices

Part I—Adaptation of Business Management Practices

Sec. 1421. Chief Acquisition Officers.
Sec. 1422. Chief Acquisition Officers Council.
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Part II—Other Acquisition Improvements

Sec. 1426. Extension of authority to carry out franchise fund programs.
Sec. 1427. Agency acquisition protests.
Sec. 1428. Improvements in contracting for architectural and engineering services.

Subtitle C—Contract Incentives

Sec. 1431. Incentives for contract efficiency.

Subtitle D—Acquisitions of Commercial Items

Sec. 1441. Preference for performance-based contracting.
Sec. 1442. Authorization of additional commercial contract types.
Sec. 1443. Clarification of commercial services definition.
Sec. 1444. Designation of commercial business entities.

Subtitle E—Other Matters

Sec. 1451. Authority to enter into certain procurements related transactions and to carry out certain prototype projects.
Sec. 1452. Authority to make inflation adjustments.
Sec. 1453. Technical corrections related to duplicative amendments.
Sec. 1454. Prohibition on use of quotas.
Sec. 1455. Applicability of certain provisions to sole source contracts for goods and services treated as commercial items.
Sec. 1456. Public disclosure of noncompetitive contracting for the reconstruction of infrastructure in Iraq.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS


TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations.
Sec. 2105. Modification of authority to carry out certain fiscal year 2002 projects.
Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIX—AIR FORCE
Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.

TITLE XXX—DEFENSE AGENCIES
Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family housing.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy conservation projects.

TITLE XXXI—DEPARTMENT OF ENERGY
Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXXII—GUARD AND RESERVE FORCES FACILITIES
Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXXII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS
Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorization of certain fiscal year 2001 project.
Sec. 2703. Extension of authorizations of certain fiscal year 2000 projects.
Sec. 2704. Effective date.

TITLE XXXIII—GENERAL PROVISIONS
Subtitle A—Military Construction Program and Military Family Housing Changes
Sec. 2801. Increase in maximum amount of authorized annual emergency construction.
Sec. 2802. Authority to lease military family housing units in Italy.
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TITLE XXXV—DEFENSE STOCKPILE
Sec. 3301. Authorized uses of National Defense Stockpile funds.
Sec. 3302. Revisions to objectives for receipts for fiscal year 2000 disposals.

TITLE XXXVI—NAVAL PETROLEUM RESERVES
Sec. 3401. Authorization of appropriations.

TITLE XXXVII—MARITIME ADMINISTRATION
Subtitle A—General Provisions
Sec. 3501. Short title.
Sec. 3502. Definitions.
available for the Stryker vehicle program, not more than $655,000,000 may be obligated until—
(1) the Secretary of the Army has submitted to the Deputy Secretary of Defense the report specified in subsection (a) of section 101 for procurement for the Army for fiscal year 2004 that are available for the Stryker vehicle program, not more than $200,000,000, whichever is less. If after May 7, 2003, there is enacted an Act amending section 131(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2475) to authorize the Secretary of the Navy to transfer funds to the Secretary of the Air Force in order to retire certain KC–135 aircraft, such funds shall be available for obligations under this section (c).
(b) AUTHORIZATION OF APPROPRIATIONS.—Within the amount provided in section 103(l), there is authorized to be appropriated to the Air Force Air Refueling Transfer Account for fiscal years 2003 and 2004 the amount of $229,200,000.
(c) AUTHORIZED USE OF FUNDS.—Amounts in the Air Force Air Refueling Transfer Account may be used for any of the following purposes, as determined by the Secretary—
(2) Necessary expenses for fiscal year 2004 to prepare for purchase of tanker aircraft for the Air Force in accordance with the report referred to in subsection (a)(1) is the report required to be submitted by the Secretary of the Army to the congressional defense committees under subsection (c).

Subtitle D—Air Force Programs

SEC. 131. AIR FORCE AIR REFUELING TRANSFER ACCOUNT.

(a) TRANSFER ACCOUNT.—There is hereby established an account to be known as the Air Force Air Refueling Transfer Account. Amounts in such a transfer account may be used in accordance with subsection (c).
(b) AUTHORIZATION OF APPROPRIATIONS.—Within the amount provided in section 103(l), there is authorized to be appropriated to the Air Force Air Refueling Transfer Account for fiscal years 2003 and 2004 the amount of $259,200,000.
(c) OPERATIONAL TESTING.—An operational evaluation of such aircraft may be conducted during operational testing and evaluation of the aircraft, as so modified, of the performance of the aircraft with respect to reliability, maintainability, and availability and with respect to critical operational issues.

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR TACTICAL TOMAHAWK CRUISE MISSILE PROGRAM.

The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2004 program year, for procurement of Tomahawk cruise missiles. The total number of missiles procured through a multiyear contract under this section shall not exceed 234.

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR E–2C AIRCRAFT PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2004 program year, for procurement of four E–2C and four TE–2C aircraft.

(c) AUTHORIZED USE OF FUNDS.—Subject to subsections (e) and (f), the Secretary of the Navy may enter into a contract under this section for the use of funds available for the procurement of 16 engines for aircrew training (KC–135E) aircraft.

(f) L IMITATIONS.—(1) In obligating funds in accordance with subsection (a) the Secretary may not enter into a contract authorized by subsection (a) until—

(1) the Secretary submits to the congressional defense committees a certification that the Secretary has made each of the findings with respect to such contract specified in subsection (a) until—
(2) the Secretary certifies to the congressional defense committees that the equipment identified in the fiscal year 2004 budget request to be procured for the fourth Stryker brigade, if the Secretary of Defense determines that the production of Tomahawk cruise missiles for the Navy, then—

(1) the amount provided in section 102 for procurement of a new E–2C (or TE–2C) aircraft program for fiscal year 2003 that is authorized to be transferred to the Secretary of the Army for procurement of Tomahawk cruise missiles for the Army, then—
(2) a period of 30 days has elapsed after the date of the transmission of such certification.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR EMMA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract, beginning with the fiscal year 2004 program year, for procurement of ten Emma class submarines. The total number of Emma class submarines procured through a multiyear contract under this section shall not exceed 112.

(b) AUTHORIZATION OF APPROPRIATIONS.—Within the amount provided in section 103(l), there is authorized to be appropriated to the Navy for fiscal years 2003 and 2004 the amount of $229,200,000.
(c) Operational Assessment.—An operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment of the program to modify C-5A aircraft to the extent of the program to modify C-5A aircraft referred to in subsection (a)(1) regarding both overall suitability and deficiencies of the program to improve performance of the C-5A aircraft relative to requirements and performance of a PENNULM, maintainability, and availability of that aircraft as in effect on May 1, 2003.

SEC. 134. LIMITATION ON OBLIGATION OF FUNDS FOR PROCUREMENT OF FA-22 AIRCRAFT.

(a) Limitation.—Of the amount appropriated for fiscal year 2004 for procurement of FA-22 aircraft, none shall be obligated until the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees the Under Secretary's certification that—

(1) the four primary aircraft designated to participate in the dedicated initial operational test and evaluation program for the FA-22 aircraft have each been equipped with the version of the avionics software operational flight program that is designated as version 3.1.2 or a later version; and

(2) before the commencement of that dedicated initial operational test and evaluation program, those four aircraft (as so equipped) demonstrate, on average, an avionics software mean time between failure of at least 20 hours.

(b) Contingency Waiver Authority.—If the Under Secretary notifies the Secretary of Defense that the Under Secretary is unable to make the certification required in subsection (a), the Secretary may waive the limitation under that subsection. Upon making such a waiver—

(1) the Secretary of Defense shall notify the congressional defense committees of the waiver and of the reasons therefor; and

(2) a program described in subsection (a) may be obligated, by reason of such waiver, after the end of the 30-day period beginning on the date on which the Secretary's notification is received by those committees.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,332,382,000.
(2) For the Navy, $14,343,360,000.
(3) For the Department of the Air Force, $20,548,967,000.
(4) For Defense-wide activities, $18,461,046,000, of which $286,661,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) Fiscal Year 2004.—Of the amounts authorized to be appropriated by section 201, $10,893,077,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) Research Applied Research, and Advanced Technology Development Defined.—For purposes of this section, the term "basic research, applied research, and advanced technology development projects" means work in programs for defense research and development under Department of Defense category 6.1, 6.2, or 6.3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COLLABORATIVE PROGRAM FOR DEVELOPMENT OF ELECTROMAGNETIC GUN TECHNOLOGY.

(a) Program Defined.—The Secretary of Defense shall establish and carry out a collaborative program for evaluation and demonstration of advanced technologies and concepts for advanced gun systems that use electromagnetic propulsion for direct and indirect fire applications.

(b) Description of Program.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement entered into among the Secretary of Defense, the Secretary of the Navy, and the Director of the Defense Advanced Research Projects Agency. The program shall include the following:

(1) Identification of technical objectives, quantified technical barriers, and enabling technologies associated with development of the electromagnetic guns envisioned to meet the needs of each of the Armed Forces and, in so doing, identification of opportunities for development of components or subsystems common to those envisioned gun systems.

(2) Preparation of a time-based plan for development of electromagnetic gun systems for direct fire applications, indirect fire applications, or both, and an operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment for purposes of paragraph (2)(B) of subsection (a) is a threshold value at which the utility of the individual systems comprising the Future Combat Systems program becomes questionable.

(3) For each of the three projects requested under subsection (a), the Secretary shall establish and control the standards for operation of that system and (4) develop a single, unified concept of operations for all users of the Future Combat Systems program.

(b) Separate Program Elements.—For fiscal years beginning with 2004, the Secretary of Defense shall ensure that—

(1) each project under the Army's Future Combat Systems program, on the basis of a presidential decision (in the case of the Army and Marine Corps) and for indirect fire applications, or both, and an operational assessment for purposes of paragraph (2)(B) of subsection (a) is a threshold value at which the utility of the individual systems comprising the Future Combat Systems program becomes questionable.

(3) For each of the three projects requested under subsection (a), the Secretary shall establish and control the standards for operation of the Army's Future Combat Systems program, the Navy's Future Combat Systems program, and the Marine Corps' Future Combat Systems program.

(4) The Secretary shall develop an operational assessment for purposes of paragraph (2)(B) of subsection (a) that includes the programs currently planned by the Army and by the Navy and demonstrates how the enabling technologies common to such Army and Navy programs can contribute to the operational assessment under this section.

(5) Programs shall provide for the head of that office to be selected on a competitive basis from among officers of different grades.

(6) Programs shall provide for the head of the independent panel to be selected on a competitive basis from among officers of different grades.

(b) Consolidated Program Elements.—The Secretary shall provide that, subject to the authority, direction, and control of the Secretary, the head of the joint program office designated under subsection (a) shall—

(1) establish and control the performance specifications for the Joint Tactical Radio System;

(2) establish and control the standards for development of the software and equipment for that system;

(3) establish and control the standards for operation of that system; and

(4) develop a single, unified concept of operations for all users of the Future Combat Systems program.

(b) Separate Program Elements.—For fiscal years beginning with 2004, the Secretary of Defense shall ensure that—

(1) each project under the Army's Future Combat Systems program, the Navy's Future Combat Systems program, and the Marine Corps' Future Combat Systems program.

(2) IN THE REVIEW OF THE FUTURE COMBAT SYSTEMS PROGRAM CARRIED OUT BY THE INDEPENDENT PANEL AT THE DIRECTION OF THE SECRETARY OF DEFENSE, AND (B) THE MILITARY REVIEW OF THE FUTURE COMBAT SYSTEMS PROGRAM CARRIED OUT BY THE DEPARTMENT OF DEFENSE.
SEC. 215. ARMY PROGRAM TO PURSUE TECHNOLOGIES LEADING TO THE ENHANCED PRODUCTION OF TITANIUM USED IN THE UNITED STATES.

(a) Efforts Required.—The Secretary of Defense shall—
(1) identify promising technologies leading to the enhanced production of titanium by the United States; and
(2) select, on a competitive basis, the most viable technologies for research, development, and production.

(b) Executive Agent.—The Secretary of the Army shall serve as executive agent in carrying out subsection (a).

(c) Funding.—Of the funds authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army, for fiscal year 2004 and in each fiscal year thereafter, shall be available to carry out this section.

SEC. 216. EXTENSION OF REPORTING REQUIREMENT FOR RAIL-GUIDED COMANCHE AIRCRAFT PROGRAM.


SEC. 217. STUDIES OF FLEET PLATFORM ARCHITECTURES.

(a) Independent Studies.—(1) The Secretary of Defense shall provide for the performance of eight independent studies on alternative future fleet platform architectures for the Navy.

(2) The Secretary shall forward the results of each study to the congressional defense committees not later than March 1, 2004.

(b) Entities to Perform Studies.—The Secretary of Defense shall provide for the studies under subsection (a) to be performed by the following:

(1) One shall be performed by the Secretary of the Navy, using Department of the Navy personnel.

(2) Four shall be performed by qualified analytical organizations external to Department of Defense.

(3) Three shall be performed by defense firms, or teams of defense firms, in the private sector.

(c) Performance of Studies.—(1) The Secretary of Defense shall require each entity undertaking one of the studies under this section to—

(a) select under paragraphs (2) and (3) of subsection (b), independently from the other studies and, in the case of the entity selected under paragraph (2), and
(b) to ensure independent analysis.

(2) In performing a study under this section, the entity performing the study shall consider the following:


(B) Future potential threats to the United States and to United States naval forces.

(C) The traditional roles and missions of United States naval forces.

(D) Alternative roles and missions.

(E) The role of evolving technology on future naval forces.

(F) Opportunities for reduced manning and unmanned ships and vehicles in future naval forces.

(G) Each entity performing a study under this section, while cognizant of current overall fleet platform architecture, shall not allow the current features of fleet platform architecture to constrain the analysis for purposes of that study.

(a) Naval Studies.—Each study under this section shall present one or two possible overall fleet platform architectures. For each such architecture presented, the study shall include the following:

(1) The numbers, kinds, and sizes of vessels, the numbers and types of associated manned and unmanned vehicles, and the basic capabilities of each of those platforms.

(2) Other information needed to understand that architecture in basic form and the supporting analysis.

(b) Costs.—Within the amount provided in section 202(1), $1,600,000 is authorized, within Program Element 65154N, for the purposes of this section.

Subtitle C—Ballistic Missile Defense

SEC. 221. ENHANCED FLEXIBILITY FOR BALLISTIC MISSILE DEFENSE SYSTEMS.

(a) Flexibility for Specification of Program Elements.—Subsection (a) of section 233 of title 10, United States Code, is amended—

(1) by inserting ‘‘Secretary’’ after ‘‘General’’ in the subsection heading after ‘‘SPECIFIED’’;

(2) by striking ‘‘program elements governing functional areas as follows:’’ and inserting ‘‘such program elements as the President may specify:.’’; and

(3) by striking paragraphs (1) through (6).

(b) Conforming Amendments.—(1) Subsection (c) of such section is amended by striking ‘‘for each program element specified in subsection (a)’’ and inserting ‘‘for a fiscal year for any program element specified for that fiscal year pursuant to subsection (a)’’.

(2) Subsection (c)(3) of section 233 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107, 115 Stat. 1037; 10 U.S.C. 2431 note) is amended by striking ‘‘each functional area’’ and all that follows through ‘‘subsection (b),’’ and inserting ‘‘each then-current functional area to be performed as follows:’’.

(c) Amendments Relating to Changes in Acquisition Programs.—(1) Section 223 of title 10, United States Code, is amended by inserting ‘‘means the development phase whose’’ after ‘‘means the period in the course of an acquisition program during which that’’.

(2) Subsection (d)(1) of section 233 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107, 115 Stat. 1037; 10 U.S.C. 2431 note) is amended by striking ‘‘as added by subsection (b)(1)’’.

Title III—Operation and Maintenance

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2004 for the use of the Armed Forces and other activities and agencies of the Department of Defense; and for operating expenses, not otherwise provided for, of the Department of Defense Health Program.

Subtitle B—Environmental Provisions

SEC. 311. REALLOCATION AND MODIFICATION OF TITLE 1 OF SIKES ACT.

(a) Reauthorization.—Section 108 of the Sikes Act (16 U.S.C. 6701) is amended by striking ‘‘fiscal years 1998 through 2003’’ each place it appears and inserting ‘‘fiscal years 2004 through 2008’’.

(b) Sense of Congress Regarding Section 107.—(1) Congress finds the following:

(A) The Department of Defense maintains over 25,000,000 acres of valuable fish and wildlife habitat on approximately 400 military installations nationwide.

(B) These lands contain a wealth of plant and animal life, vital wetlands for migratory birds, and wildlife habitat and decreases its ability to support a diverse species.

(C) Comprehensive conservation plans, such as integrated natural resource management...
plans under the Sikes Act (16 U.S.C. 670 et seq.), can ensure that these ecosystem values can be protected and enhanced while allowing these lands to meet the needs of military operations.

(3) The determination of military necessity made under such a wetland mitigation banking program or consolidated user site may be treated as eligible project costs for military construction.

(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a wetland mitigation banking program or consolidated user site shall be in lieu of mitigating wetland impacts through the creation of a wetland on Federal property.

SEC. 313. INCLUSION OF ENVIRONMENTAL RESPONSE EQUIPMENT AND SERVICES IN WETLAND MITIGATION BANKS.

(a) SALVAGE FACILITIES.—Section 7361 of title 10, United States Code, is amended by adding at the end the following new section:

``(d) TRANSPORTATION OF HUMANITARIAN RELIEF SUPPLIES AND RESPONSE EQUIPMENT AND SERVICES TO ENVIRONMENTAL EMERGENCIES.—

(1) in subsection (a), by inserting ''or serious harm to the environment'' after ''loss of lives'';

(2) in subsection (b), by inserting ''or serious harm to the environment'' after ''human lives'';

(3) in subsection (c), by inserting ''or serious harm to the environment'' after ''loss of lives'';

(4) in subsection (d), by inserting ''or serious harm to the environment'' after ''human lives''.''

(b) CLERICAL AMENDMENT.—The table of sections, the term 'salvage facilities' includes equipment and gear utilized to prevent, abate, or minimize damage to the environment in connection with a marine salvage operation.''

(b) PROVISION OF DISASTER ASSISTANCE.—Section 363 of such title is amended—

(1) by inserting ''(f) AUTHORITY TO SETTLE CLAIM.—'' before ''The Secretary''; and

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

``(g) AUTHORITY TO SETTLE CLAIM.—In this section, the term 'salvage services' includes services performed under subsection (a), the term 'marine salvage operation' that are intended to prevent, abate, or minimize damage to the environment.''

SEC. 314. CLARIFICATION OF DEPARTMENT OF DEFENSE RESPONSE TO ENVIRONMENTAL EMERGENCIES.

(a) TRANSPORTATION OF HUMANITARIAN RELIEF SUPPLIES TO RESPOND TO ENVIRONMENTAL EMERGENCIES.—The authority of the Secretary of Defense to transport humanitarian relief supplies under this section includes the authority to transport supplies intended for use to respond to a marine salvage operation, or military operation, or disaster response, or emergency response, or any, of the following types of activities at military installations and operational ranges:

(1) Civilian community encroachment on those areas that are necessary to the ecosystem of the military installation and the introduction of which cause or may cause harm to military installations or the environment for such a buffer area may be due to a variety of factors, including air operations, ordnance operations, storage, disposal, or other support functions require, or in the future reasonably may require, safety or operational buffer areas. The requirement for such a buffer area is intended to protect the safety and operational buffer areas.

(b) CLERICAL AMENDMENT.—The table of sections, the term 'salvage facilities' includes equipment and gear utilized to prevent, abate, or minimize damage to the environment in connection with a marine salvage operation.''

(b) PROVISION OF DISASTER ASSISTANCE.—Section 363 of such title is amended—

(1) by inserting ''(g) AUTHORITY TO SETTLE CLAIM.—'' before ''The Secretary''; and

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

``(h) AUTHORITY TO SETTLE CLAIM.—In this section, the term 'salvage services' includes services performed under subsection (a), the term 'marine salvage operation' that are intended to prevent, abate, or minimize damage to the environment.''

(b) PROVISION OF DISASTER ASSISTANCE.—Section 363 of such title is amended—

(1) by inserting ''(g) AUTHORITY TO SETTLE CLAIM.—'' before ''The Secretary''; and

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

``(h) AUTHORITY TO SETTLE CLAIM.—In this section, the term 'salvage services' includes services performed under subsection (a), the term 'marine salvage operation' that are intended to prevent, abate, or minimize damage to the environment.''

SEC. 315. REQUIREMENTS FOR RESTORATION ADVISORY BOARDS AND EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

(a) MEMBERSHIP AND MEETING REQUIREMENTS FOR RESTORATION ADVISORY BOARDS.—The Secretary of Defense shall amend the regulations required by section 2705(d)(2) of title 10, United States Code, relating to the establishment, chairmanship, composition, and terms of restoration advisory boards to ensure that each restoration advisory board complies with the following requirements:

(1) Each restoration advisory board shall be fairly balanced in its membership in terms of the points of view represented and the functions to be performed.

(2) Unless a closed or partially closed meeting is determined to be proper in accordance with one or more of the exceptions listed in the section 552(b) of title 5, United States Code, each meeting of a restoration advisory board shall be—

(A) held at a reasonable time and in a manner or place reasonably accessible to the public, including individuals with disabilities; and

(B) open to the public.

(3) TIMELY NOTICE OF EACH MEETING OF A RESTORATION ADVISORY BOARD.—Each restoration advisory board shall be published in a local newspaper of general circulation and on the Internet.

(b) CLERICAL AMENDMENT.—The table of sections, the term 'salvage facilities' includes equipment and gear utilized to prevent, abate, or minimize damage to the environment.''

(b) PROVISION OF DISASTER ASSISTANCE.—Section 363 of such title is amended—

(1) by inserting ''(g) AUTHORITY TO SETTLE CLAIM.—'' before ''The Secretary''; and

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

``(h) AUTHORITY TO SETTLE CLAIM.—In this section, the term 'salvage services' includes services performed under subsection (a), the term 'marine salvage operation' that are intended to prevent, abate, or minimize damage to the environment.''

(b) PROVISION OF DISASTER ASSISTANCE.—Section 363 of such title is amended—

(1) by inserting ''(g) AUTHORITY TO SETTLE CLAIM.—'' before ''The Secretary''; and

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

``(h) AUTHORITY TO SETTLE CLAIM.—In this section, the term 'salvage services' includes services performed under subsection (a), the term 'marine salvage operation' that are intended to prevent, abate, or minimize damage to the environment.''

SEC. 316. REPORT REGARDING IMPACT OF CIVILIAN COMMUNITY ENCROACHMENT AND CERTAIN LEGAL REQUIREMENTS ON MILITARY INSTALLATIONS AND RANGES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the impact, if any, of any of the following types of activities at military installations and operational ranges:

(1) Civilian community encroachment on those military installations and ranges whose operational training activities, research, development, test, and evaluation activities, or other operations, test, and evaluation, maintenance, storage, disposal, or other support functions require, or in the future reasonably may require, safety or operational buffer areas. The requirement for such a buffer area is intended to protect the safety and operational buffer areas.

(b) CLERICAL AMENDMENT.—The table of sections, the term 'salvage facilities' includes equipment and gear utilized to prevent, abate, or minimize damage to the environment in connection with a marine salvage operation.''

(b) PROVISION OF DISASTER ASSISTANCE.—Section 363 of such title is amended—

(1) by inserting ''(g) AUTHORITY TO SETTLE CLAIM.—'' before ''The Secretary''; and

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

``(h) AUTHORITY TO SETTLE CLAIM.—In this section, the term 'salvage services' includes services performed under subsection (a), the term 'marine salvage operation' that are intended to prevent, abate, or minimize damage to the environment.''

SEC. 317. REPORT REGARDING IMPACT OF ENVIRONMENTAL IMPACTS OF MILITARY INSTALLATIONS AND RANGES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the impact, if any, of the following types of activities at military installations and operational ranges:

(1) Civilian community encroachment on those military installations and ranges whose operational training activities, research, development, test, and evaluation activities, or other operations, test, and evaluation, maintenance, storage, disposal, or other support functions require, or in the future reasonably may require, safety or operational buffer areas. The requirement for such a buffer area is intended to protect the safety and operational buffer areas.
(2) Compliance by the Department of Defense with State Implementation Plans for Air Quality under section 110 of the Clean Air Act (42 U.S.C. 7410).


(b) Matters To Be Included With Respect to Civilian Encroachment.—With respect to paragraph (1) of subsection (a), the study shall include the following:

(1) A list of all military installations described in subsection (a)(1) at which civilian community encroachment is occurring.

(2) A description and analysis of the types and degree of compliance problems encountered at each military installation included on the list.

(3) An analysis, including views and estimates of the Secretary of Defense, of the current and potential future impact of such civilian community encroachment on operational training activities, research, development, test, and evaluation activities, other significant operational, test and evaluation, maintenance, storage, disposal, or other support functions performed by military installations included on the list.

(4) An estimate of the costs associated with current and anticipated partnerships between the Department of Defense and non-Federal entities to prevent or reduce any such civilian community encroachment.

(5) Options and recommendations for possible legislative or budgetary changes necessary to mitigate current and anticipated future civilian community encroachment problems.

(c) Matters To Be Included With Respect to Specified Laws.—With respect to paragraphs (2) and (3) of subsection (a), the study shall include the following:

(1) A list of all military installations and other locations at which the Armed Forces are encountering problems related to compliance with the laws specified in such paragraphs.

(2) A description and analysis of the types and degree of compliance problems encountered.

(3) An analysis, including views and estimates of the Secretary of Defense, of the current and potential future impact of such compliance problems on the following functions performed at military installations:

(A) Operational training activities.

(B) Research, development, test, and evaluation activities.

(C) Other significant operational, test and evaluation, maintenance, storage, disposal, or other support functions performed by military installations.

(4) A description and explanation of the trends of such compliance problems, as well as consideration of potential future readiness problems resulting from such compliance problems.

(d) Report.—Not later than January 31, 2004, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the study conducted under subsection (a), including the specific matters required to be addressed by paragraphs (1) through (5) of subsection (b) and paragraphs (1) through (4) of subsection (c).

SEC. 317. MILITARY READINESS AND CONSERVATION OF PROTECTED SPECIES.

(a) Designation of Critical Habitat.—(1) The Secretary of Defense, after conferring with the Secretary of Commerce, the Secretary of the Interior, or both, as appropriate, may, by rule applicable to Department of Defense or its components from compliance with any requirement of this Act, if the Secretary determines that it is necessary for national defense.

(b) Limitation on Designation of Critical Habitat.—(1) The Secretary of Defense may not designate critical habitat within an area if the Secretary determines that such designation would seriously affect national defense.

(2) The Secretary of Defense shall not designate critical habitat within an area if the Secretary determines that such designation would seriously affect national defense.

(c) Matters To Be Included With Respect to Civilian Encroachment.—(1) The study shall include the following:

(A) An analysis, including views and estimates of the Secretary of Defense, of the current and anticipated partnerships between the Department of Defense and non-Federal entities to prevent or reduce any such civilian community encroachment.

(B) An estimate of the costs associated with current and anticipated partnerships between the Department of Defense and non-Federal entities to prevent or reduce any such civilian community encroachment.

(d) Report.—Not later than January 31, 2004, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the study conducted under subsection (a), including the specific matters required to be addressed by paragraphs (1) through (5) of subsection (b) and paragraphs (1) through (4) of subsection (c).

SEC. 318. MILITARY READINESS AND MARINE MAMMAL PROTECTION.

(a) Definition of Harassment.—(1) In section 1362 of the Endangered Species Act of 1973 (16 U.S.C. 1362), in the case of Fort Huachuca, the Army is not responsible for water consumption that occurs outside of Fort Huachuca and is beyond the direct authority and control of the Secretary of the Army. The Secretary of the Army is not responsible for water consumption that occurs outside of Fort Huachuca and is beyond the direct authority and control of the Secretary of the Army. The Secretary of the Army is not responsible for water consumption that occurs outside of Fort Huachuca and is beyond the direct authority and control of the Secretary of the Army.

(b) Exemption of Actions Necessary for National Defense.—(1) The Secretary of Defense, after conferring with the Secretary of Commerce, the Secretary of the Interior, or both, as appropriate, may, by rule applicable to Department of Defense or its components from compliance with any requirement of this Act, if the Secretary determines that it is necessary for national defense.

(2) An exemption granted under this subsection—

(A) is effectuated for a period specified by the Secretary of Defense; and

(B) is not effective for more than 2 years.

(3)(A) The Secretary of Defense may issue additional exemptions under this subsection for any action or category of actions, after conferring with the Secretary of Commerce, the Secretary of the Interior, or both as appropriate, and—

(i) making a new determination that the additional exemption is necessary for national defense;

(ii) After conferring with the Secretary of Commerce, the Secretary of the Interior, or both as appropriate, and—

(iii) making a new determination that the additional exemption is necessary for national defense;
SEC. 321. EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION ON CONTRACTING FOR PERFORMANCE OF DEPOT-LEVEL, MAIN-BAI PROGRAMS.

SEC. 322. PILOT PROGRAM ON BUSINESS PROCESS REENGINEERING.

(a) PILOT PROGRAM.—(1) The Secretary of Defense shall establish a pilot program under which the Secretary of each military department shall administer, or continue the implementation of, high-performance business process reengineering initiatives at military installations through the conduct of a Business Process Reengineering initiative.

(b) ELIGIBLE ORGANIZATIONS.—Two types of organizations are eligible for selection to participate in the pilot program:

(1) Organizations that have undergone or are currently engaged in a Business Process Reengineering initiative within the preceding five years, achieved major performance enhancements under the initiative, and will be able to sustain previous or achieve new performance goals through the continuation of its existing or completed Business Process Reengineering plan.

(2) Organizations that have not undergone or have not successfully completed a Business Process Reengineering initiative, but which propose to achieve, and reasonably could reach, enhanced performance goals through implementation of a Business Process Reengineering initiative.

(c) ADDITIONAL ELIGIBILITY REQUIREMENTS.—(1) To be eligible for selection to participate in the pilot program under subsection (b)(1), an organization described in such subsection must be able to demonstrate the completion of a total organizational assessment that resulted in enhanced performance measures at least comparable to those that might be achieved through competitive sourcing.

(2) To be eligible for selection to participate in the pilot program under subsection (b)(2), an organization described in such subsection must be able to identify—

(A) functions, processes, and measures to be studied under the Business Process Reengineering initiative;

(B) adequate resources for assignment to carry out the Business Process Reengineering initiative;

(C) labor-management agreements in place to ensure effective implementation of the Business Process Reengineering initiative.

(d) LIMITATIONS.—The pilot program shall be subject to the following limitations:

(1) Total participants is limited to 15 military installations, with some participants to be drawn from organizations described in subsection (b)(1) and some participants drawn from organizations described in subsection (b)(2).

(2) During the implementation period for the Business Process Reengineering initiative, but not to exceed one year, a participating organization shall not be subject to any Office of Management and Budget Circular A–76 competition or other public-private competition involving any function covered by the Business Process Reengineering plan.

(e) EFFECT OF SUCCESSFUL IMPLEMENTATION.—An organization designated as a high-performing organization as a result of successful implementation of a Business Process Reengineering initiative under the pilot program shall be exempt, during the five-year period following such participation, from any requirement of any Office of Management and Budget Circular A–76 competition or other public-private competition involving any function that was studied under the Business Process Reengineering initiative.

(f) REVIEWS AND REPORTS.—The Secretary of the military departments shall conduct annual performance reviews of the participating organizations through the use of recapture data of the departments. Reviews and reports shall evaluate organizational performance measures or functional performance measures and determine whether an organization has satisfied the criteria for purposes of continuing participation in the pilot program.

(g) PERFORMANCE MEASURES.—Performance measures should include the following, which shall be measured against organizational base-lines determined before participation in the pilot program:

(1) Costs, savings, and overall financial performance of the organization.

(2) Organic knowledge, skills, or expertise.

(3) Efficiency and effectiveness of key functions or processes.

(4) Efficiency and effectiveness of the overall organization.

(5) General customer satisfaction.

(h) DEFINITIONS.—In this section

(1) The term ‘‘business process reengineering’’ means an organization whose performance exceeds that of comparable providers, whether public or private.

(2) The term ‘‘business process reengineering’’ refers to an organization’s complete and thorough analysis and reengineering of mission and support functions and processes to achieve improvements in performance, including a fundamental reshaping of the way work is done to better support an organization’s mission and reduce costs.

SEC. 323. DELAYED IMPLEMENTATION OF REVISED OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A–76 BY DEPARTMENT OF DEFENSE PENDING REPORT.

(a) LIMITATION PENDING REPORT.—No studies or competitions may be conducted under the policies and procedures contained in any revisions to Office of Management and Budget Circular A–76, as in effect on or before May 1, 2003, for possible contracting out of work being performed, as of such date, by employees of the Department of Defense, until the end of the 45-day period beginning on the date on which the Secretary of Defense submits to Congress a report on the impacts and effects of the revisions.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall contain, at a minimum, specific information regarding the following:

(1) The extent to which the revisions will ensure that employees of the Department of Defense have the opportunity to compete to retain their jobs.

(2) The extent to which the revisions will provide appropriate opportunities for employees of the Department of Defense that are equivalent to those available to contractors.

(3) Identify safeguards in the revisions to ensure that appropriate opportunities for competition are fair, appropriate, and comply with requirements of full and open competition.

(4) The plans and strategies of the Department of Defense to ensure an appropriate phase-in period for the revisions, as recommended by the Commercial Activities Panel of the Government Accounting Office in its April 2002 report to Congress, to account for any legislative changes that may be required to ensure a smooth and efficient phase-in period.

(5) The plans and strategies of the Department of Defense to monitor the costs and quality of work contracted out or retained in-house as a result of a sourcing process conducted under the revised Office of Management and Budget Circular A–76.

SEC. 324. NAVAL AVIATION DEPOTS MULTI-TRADES DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—In accordance with section 4703 of title 5, United States Code, the Secretary of the Navy shall establish a demonstration project under which the Naval Aviation Depots are given the flexibility to promote by one grade level workers who are certified at the journey level as able to perform multiple trades.

(b) SELECTION REQUIREMENTS.—As a condition on eligibility for selection to participate in the demonstration project, a Naval Aviation Depot shall submit to the Secretary a business case that outlines and demonstrates that—

(1) that, on the basis of the results of analysis of work processes, demonstrate that process improvements would result from the trade combinations proposed to be implemented under the demonstration project; and

(2) that describes the resulting improvements in cost, quality, or schedule.

(c) PARTICIPATING WORKERS.—(1) Actual worker participation in the demonstration project shall be determined through competitive selection of a multi-trade worker, who must demonstrate the ability to work in multiple trades.

(2) Job descriptions and competency-based training plans must be established for those workers while in training under the demonstration project and once certified as a multi-trade worker.

(3) A certified multi-trade worker who receives a two-year promotion or promotion from one grade to another in the same trade must use each new skill during at least 25 percent of the worker’s workweek.

(d) FUNDING SOURCE.—Amounts appropriated for the construction and maintenance of the Naval Aviation Depots selected to participate in the demonstration project shall be used as the source of funds to carry out the demonstration project, excluding the source of funds for pay increases made under the project.

(e) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.

(f) REPORT.—Not later than January 15, 2007, the Secretary shall submit a report to Congress describing the results of the demonstration project.

(g) GAO EVALUATION.—The Secretary shall transmit a copy of the report to the Comptroller General of the United States.

(h) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.

(i) REPORT.—Not later than January 15, 2007, the Secretary shall submit a report to Congress describing the results of the demonstration project.

(j) GAO EVALUATION.—The Secretary shall transmit a copy of the report to the Comptroller General of the United States.

(k) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.

(l) REPORT.—Not later than January 15, 2007, the Secretary shall submit a report to Congress describing the results of the demonstration project.

(m) GAO EVALUATION.—The Secretary shall transmit a copy of the report to the Comptroller General of the United States.

(n) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.

(o) REPORT.—Not later than January 15, 2007, the Secretary shall submit a report to Congress describing the results of the demonstration project.

(p) GAO EVALUATION.—The Secretary shall transmit a copy of the report to the Comptroller General of the United States.

(q) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.

(r) REPORT.—Not later than January 15, 2007, the Secretary shall submit a report to Congress describing the results of the demonstration project.

(s) GAO EVALUATION.—The Secretary shall transmit a copy of the report to the Comptroller General of the United States.

(t) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.

(u) REPORT.—Not later than January 15, 2007, the Secretary shall submit a report to Congress describing the results of the demonstration project.

(v) GAO EVALUATION.—The Secretary shall transmit a copy of the report to the Comptroller General of the United States.

(w) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.

(x) REPORT.—Not later than January 15, 2007, the Secretary shall submit a report to Congress describing the results of the demonstration project.

(y) GAO EVALUATION.—The Secretary shall transmit a copy of the report to the Comptroller General of the United States.

(z) DURATION.—The demonstration project shall be conducted during fiscal years 2004 through 2006.
“(4) ensure that any analysis of the missions of the department is adequate and make recommendations, as appropriate, on the department’s mission-related processes, administrative processes, and investments in information technology to be used in support of those missions; and

“(5) ensure that information security policies, procedures, and programs are adequate.

(b) DEFENSE AGENCY RESPONSIBILITIES.—Section 2223 of title 10, United States Code, is further amended by inserting after subsection (c), as added by subsection (a), the following new subsection:

“§2223. Developing and maintaining the supply catalog and the standardization program.

“(a) The Secretary of Defense shall require the Director of each Defense Agency and Department of the Armed Forces to ensure that the responsibilities set forth in subsections (b) and (c) are discharged and that information offices of military departments are carried out within the Agency or Field Activity by any officer or employee acting as a chief information officer or carrying out duties similar to a chief information officer.”

Subtitle E—Other Matters

SEC. 341. CATALOGING AND STANDARDIZATION FOR DEFENSE SUPPLY MANAGEMENT.

(a) STANDARDIZATION METHODS.—Section 2451 of title 10, United States Code, is amended to read as follows:

“(a) SINGLE CATALOG SYSTEM.—The Secretary of Defense shall adopt, implement and maintain a single catalog system for standardizing supplies for the Department of Defense. The single catalog system shall be used for each supply the Department uses, buys, stocks, or distributes.

“(b) STANDARDIZATION REQUIREMENTS.—To the highest degree practicable, the Secretary of Defense shall—

“(1) adopt and use single commercial standards or voluntary standards, in consultation with industry advisory groups, in order to eliminate overlapping and duplicate specifications for supplies for the Department of Defense and to reduce the number of sizes and kind of supplies that are generally similar;

“(2) standardize the methods of packing, packaging, and preserving supplies; and

“(3) make efficient use of the services and facilities for inspecting, testing, and accepting supplies.

“(c) CONSULTATION AND COOPERATION.—The Secretary of Defense shall maintain liaison with industry advisory groups, in order to coordinate the development of the supply catalog and the standardization program with the best practices of industry and to obtain the fullest practicable cooperation for the consolidation of industry in developing the supply catalog and the standardization program.

“(d) EQUITY STANDARDIZATION WITH NATO MEMBERS.—Section 2457 of this title is amended by striking subsection (d).

“(e) CONFORMING REPEALS.—(1) Chapter 145 of such title is amended by striking sections 2452, 2453, and 2454.

“(2) The table of sections at the beginning of such chapter is amended by striking the items related to sections 2452, 2453, and 2454.

SEC. 342. SPACE-AVAILABLE TRANSPORTATION FOR DEFENDERS OF MEMBERS ASSIGNED TO OVERSEAS DUTY LOCATIONS FOR CONTINUOUS PERIOD IN EXCESS OF ONE YEAR.

(a) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

“§2468. Dependents of members assigned to overseas duty locations for continuous period in excess of one year: space-available transportation.

“(a) AUTHORITY.—The Secretary of Defense shall authorize travel on Government aircraft on a space-available basis for dependents of members on active duty assigned to duty at an overseas location as described in subsection (b) to the same extent as such travel is authorized for a dependent of a member assigned to that duty location in a permanent change of station status.

“(b) DUTY STATUS COVERED.—Duty at an overseas location described in this subsection is duty for a continuous period in excess of one year that is in a temporary duty status or that is in a permanent duty status without change of station.

“(c) TYPES OF TRANSPORTATION AUTHORIZED.—If authorized for other members at that duty location, travel provided under this section may include (1) travel between the overseas duty location and another overseas location and return, and (2) travel between the overseas duty location and another overseas location and return.

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

“§2468. Dependents of members assigned to overseas duty locations for a continuous period in excess of one year: space-available transportation.

SEC. 343. PRESERVATION OF AIR FORCE RESERVE WEATHER RECONNAISSANCE MISSION.

The Secretary of Defense shall not disestablish, discontinue, or transfer the weather reconnaissance mission of the Air Force Reserve unless the Secretary determines that another organization or entity can demonstrate that it has the capability to perform the same mission with the same capability as the Air Force Reserve.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Military Forces

SEC. 401. END STRENGTH FOR ACTIVE FORCES.

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

(1) The Army, 482,375.

(2) The Navy, 375,700.

(3) The Marine Corps, 175,000.


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

Effective October 1, 2003, section 691(b) of title 10, United States Code, is amended as follows:

“(a) The Army—Paragraph (b) is amended by striking ‘‘480,000’’ and inserting ‘‘482,375’’.

“(b) The Air Force. — Paragraph (4) is amended by striking ‘‘359,000’’ and inserting ‘‘361,268’’.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

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

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 85,900.

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

(5) The Air National Guard of the United States, 1,600.


(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by this section for any reserve component shall be proportionately reduced by—

“(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

“(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized strengths for other members at that duty location for September 30, 2004, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 25,386.

(2) The Army Reserve, 14,374.

(3) The Navy Reserve, 14,384.

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

(5) The Air National Guard of the United States, 12,140.

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

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2004 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 32, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 24,589.

(2) For the Army Reserve, 7,844.

(3) For the Air National Guard of the United States, 22,806.

(4) For the Air Force Reserve, 9,991.

SEC. 414. FISCAL YEAR 2004 LIMITATION ON NON-DUAL STATUS TECHNICIANS.

The number of non-dual status technicians of a reserve component of the Army or the Air Force as of September 30, 2004, may not exceed the following:

(1) For the Army Reserve, 910.

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

(3) For the Air Force Reserve, 90.

(4) For the Air National Guard of the United States, 250.

SEC. 415. PERMANENT LIMITATIONS ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

Section 10217(c) of title 10, United States Code, is amended by striking ‘‘and Air Force Reserve may not exceed 175’’ and inserting ‘‘may not exceed 95’’.

Subtitle C—Authorizations of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for the Defense Department and military personnel for the fiscal year 2004 a total of $593,888,511. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2004.

SEC. 422. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2004 from the Armed Forces Retirement Home Trust Fund the sum of $56,079,000 for the operation of the Armed Forces Retirement Home.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—General and Flag Officer Matters

SEC. 501. STANDARDIZATION OF QUALIFICATIONS FOR APPOINTMENT AS SERVICE CHIEF.

(a) CHIEF OF NAVAL OPERATIONS.—Section 503(a)(1) of title 10, United States Code, is amended by striking ""
amended by striking "from officers on the active-duty list in the line of the Navy who are eligible to command at sea and who hold the grade of rear admiral or above" and inserting "flag officers or rear admiral in the line of the Navy or in the grade of rear admiral in the line of the Marine Corps." (b) COMMANDANT OF THE MARINE CORPS.—Section 5043(a)(1) of title 10, United States Code, is amended by striking "from officers on the active-duty list or in the line of the Marine Corps not below the grade of colonel" and inserting "general officers of the Marine Corps." 

Subtitle B—Other Officer Personnel Policy Matters

SEC. 511. REPEAL OF PROHIBITION ON TRANSFER BETWEEN LINE OF THE NAVY AND NAVY STAFF CORPS APPLICABLE TO REGULAR NAVY OFFICERS IN GRADES ABOVE LIEUTENANT COMMANDER.

(a) REPEAL.—Section 5582 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 539 of such title is amended by striking the item relating to section 5582.

SEC. 512. RETENTION OF HEALTH PROFESSIONS OFFICERS TO FULLFILL ACTIVE-DUTY SERVICE OBLIGATION FOLLOWING PROMOTION NONSELECTION.

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

(1) in subsection (a), by striking "except as provided in paragraph (3) and in subsection (c), before "be discharged"; and

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

"(c)(1) If a health professions officer described in paragraph (2) is subject to discharge under subsection (a)(1) and, as of the date on which the officer is to be discharged under that paragraph, the officer has not completed a period of active duty service obligation that the officer incurred under laws specified in section 3861(a), 1361, 2123, 2603 of this title, the officer shall be retained on active duty until completion of such active duty service obligation, and then be discharged under that subsection, unless sooner retired or discharged under another provision of law.

"(2) The Secretary concerned may waive the applicability of paragraph (1) to any officer if the Secretary determines that completion of the active duty service obligation of that officer is not in the best interest of the service.

"(3) This subsection applies to a medical officer or dental officer appointed in a medical skill other than as a medical officer or dental officer (as defined in regulations prescribed by the Secretary of Defense).

(b) TECHNICAL AMENDMENTS.—Sections 630(2), 631(a)(3), and 632(a)(3) of this title are amended by striking "clause" and inserting "paragraph." (c) EFFECTIVE DATE.—The amendments made by subsection (a) shall not apply in the case of an officer who as of the date of the enactment of this Act is required to be discharged under section 632 of title 10, United States Code, by reason of having failed of selection for promotion to the next higher regular grade a second time.

SEC. 513. INCREASED FLEXIBILITY FOR VANGUARD RETIREMENT FOR MILITARY OFFICERS.

(a) IN GENERAL.—Section 1370 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "except as provided in paragraph (2)" and inserting "subject to paragraphs (2) and (3)"; and

(ii) by striking ", for not less than six months."

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by striking paragraph (2) and inserting the following:

"(2) In order to be eligible for voluntary retirement under this title in a grade below the grade of lieutenant colonel or commander, a commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period not less than two years.

"(3) In order to be eligible for voluntary retirement in a grade above major lieutenant commander and below brigadier general or rear admiral or naval rear admiral of the Navy, Army, Air Force, or Marine Corps covered by paragraph (1) must have served on active duty in that grade for not less than three years; except that the Secretary of Defense may authorize the Secretary of the military department concerned to reduce such period to a period not less than two years.

"(4) An officer in a grade above major general or rear admiral may be retired in the highest grade in which the officer served on active duty satisfactorily for not less than one year, upon approval by the Military Personnel Board of the military department concerned and concurrence by the Secretary of Defense. The function of the Secretary of Defense under the preceding sentence may only be delegated to a civilian official in the Office of the Secretary of Defense appointed by the President, by and with the advice and consent of the Senate.

"(5) By striking ", for not less than six months."; and

"(6) by striking subparagraph (B).

(b) CONFORMING AMENDMENTS.—Section 1406(i)(2) of such title is amended—

(1) in the paragraph heading, by striking "members in all that follows through "SATISFACTORY" and inserting "enlisted members reduced in grade";

(2) by striking "a member" and inserting "an enlisted member";

(3) by striking "1998—" and all that follows through "is reduced in" and inserting "1998, is reduced in";

(4) by striking ", or" and inserting a period; and

(5) by striking subparagraph (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the determination of the retired grade of members of the Armed Forces retiring on or after the date of the enactment of this Act.

Subtitle C—Reserved Component Matters

SEC. 521. STREAMLINED PROCESS FOR CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE STATUS LIST.

Sec. 5101 of title 10, United States Code, is amended—

(1) in section (a)(1), by striking "by selection board convened under section 14101(b) of this title" and inserting "under regulations prescribed by the Secretary of Defense";

(2) in paragraph (6), by striking "as a result of the convening of a selection board under section 14101(b) of this title" and inserting "under regulations prescribed by the Secretary of Defense";

(3) in paragraph (11), by striking "a member" and inserting "except as provided in subsection (e), a reserve officer";

(4) in subsection (e) of such section is amended to read as follows:

"(e) OFFICERS ORDERED TO ACTIVE DUTY IN TIME OF WAR OR NATIONAL EMERGENCY.—(1) A reserve officer who is not on active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion—

(A) by a promotion board convened under section 14101(a) of this title or a special selection board convened under section 14502 of this title; or

(B) in the case of an officer who has been ordered to or is serving on active duty in support of a contingency operation, by a vacancy promotion board convened under section 14101(a) of this title.

(2) An officer may not be considered for promotion under this subsection after the end of the two-year period beginning on the date on which the officer is ordered to active duty under the preceding sentence.

(3) An officer may not be considered for promotion under this subsection during a period

"MEMBERS'' and all that follows through "SAT-
when the operation of this section has been suspended by the President under the provisions of section 123 or 10213 of this title.

(4) Consideration of an officer for promotion under regulations prescribed by the Secretary of the military department concerned.

(b) Conforming Amendment.—Section 14315(a)(1) of title 10, United States Code, is amended by striking "as determined by the Secretary concerned, is available" and inserting "under regulations prescribed by the Secretary concerned, has been recommended.

SEC. 523. SIMPLIFICATION OF DETERMINATION OF ANNUAL PARTICIPATION FOR PURPOSES OF READY RESERVE TRAINING REQUIREMENTS.

Subsection (a) of section 10147 of title 10, United States Code, is amended to read as follows:

"(a)(1) Except as provided pursuant to paragraph (2), each person who is enlisted, inducted, or appointed in an armed force and who becomes a member of the Ready Reserve under any provision of law other than section 513 or 10145(b) of this title shall be required, while in the Ready Reserve, to participate in a combination of drill, training periods, and active duty equivalent to 38 days (exclusive of travel) during each year.

(2) The Secretary of Defense, and the Secretary of the military department concerned under the preceding sentence may not be delegated—

"(1) to a civilian officer or employee of the military department concerned below the level of the Assistant Secretary of the military department concerned; or

"(2) to a member of the armed forces below the level of the lieutenant general or vice admiral in the military department concerned.

The last sentence of section 10145(d) of title 10, United States Code, is amended as follows: The authority of the Secretary concerned under the preceding sentence may not be delegated—

"(1) to a civilian officer or employee of the military department concerned below the level of the Assistant Secretary of the military department concerned; or

"(2) to a member of the armed forces below the level of the lieutenant general or vice admiral in an armed force with responsibility for military personnel policy in that armed force.

SEC. 524. AUTHORITY FOR DELEGATION OF REQUIRED SECRETARIAL SPECIAL FINDING FOR PLACEMENT OF CERTIFIED MEMBERS IN READY RESERVE.

(a) AUTHORITY.—Section 107(a)(2) of title 32, United States Code, is amended—

(1) by striking "officers" and inserting "members";

(2) by striking "Army General Staff" and inserting "Army Staff"; and

(3) by striking "National Guard Association of the United States" and inserting "Enlisted Association of the National Guard of the United States National Guard Association of the United States."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2004.

Subtitle D—Military Education and Training

SEC. 531. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF OPERATIONAL STUDIES.

(a) AUTHORITY.—Section 7102 of title 10, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

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

"(c) COMMAND AND STAFF COLLEGE OF THE MARINE CORPS UNIVERSITY.—Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies under section 7102(c) of title 10, United States Code, to a military officer within the United States and to a civilian officer or employee of the armed forces who is not a member of the armed forces of the United States."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to operational studies under section 7102(c) of title 10, United States Code, to a military officer within the United States and to a civilian officer or employee of the armed forces who is not a member of the armed forces of the United States.

SEC. 532. EXPANDED EDUCATIONAL ASSISTANCE AUTHORITY FOR CADETS AND MIDSHIPMEN RECEIVING ROTC SCHOLARSHIPS.

(a) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE ON ACTIVE DUTY.—Section 2107(c) of title 10, United States Code, is amended—

(1) in the case of a cadet or midshipman eligible to receive financial assistance under paragraph (1) or (2), by adding at the end the following new paragraph:

"(4) The total amount of financial assistance, including the payment of room and board and other educational expenses, provided to a cadet or midshipman in an academic year under this subsection may not exceed an amount equal to the amount that could be provided as financial assistance for such cadet or midshipman under paragraph (1) or (2), or other amount determined by the Secretary concerned, without regard to whether room and board and other educational expenses for such cadet or midshipman are paid under paragraph (1), a contract and agreement under this section (a). The allowance may be paid to the member for a maximum of 20 months."

(b) AUTHORITY TO ACCEPT ENROLLMENT.—(1) Section 2107a of title 10, United States Code, is amended by inserting after section 2107 the following new section:

"§ 2107a. Students not eligible for advanced training: commitment to military service

(a) AUTHORITY FOR ALLOWANCE.—The allowance to confer the degree of master of operational studies prescribed by the Secretary concerned, has been recommended.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall not apply with respect to funds appropriated for a fiscal year before fiscal year 2004.

Subtitle E—Nonscholarship Reserve Officer Training Corps

SEC. 533. INCREASE IN ALLOCATION OF SCHOLARSHIPS UNDER ARMY RESERVE ROTC SCHOLARSHIP PROGRAM TO STUDENTS AT MILITARY JUNIOR COLLEGES.

Section 2108(a)(2) of title 10, United States Code, is amended by striking "10" each place it appears and inserting "17"

SEC. 534. INCLUSION OF ACCRUED INTEREST IN AMOUNTS THAT MAY BE REPAID UNDER THE FEDERAL PRIMARY Specialties Education Loan Repayment Program.

Section 16301 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end of the following text: "plus the interest that may accrue during the current year"; and

(2) in subsection (c), by adding at the end the following new sentence: "For the purposes of this section, any interest that has accrued on the loan for periods before the current year shall be considered as within the total loan amount that shall be repaid.

SEC. 535. AUTHORITY FOR NONSCHOLARSHIP SENIOR ROTC SOPHOMORES TO VOLUNTARILY CONTRACT FOR AND RECEIVE SCHOLARSHIP.

(a) AUTHORITY FOR ALLOCATION.—Section 209 of title 37, United States Code, is amended by redesigning subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) NONSCHOLARSHIP SENIOR ROTC MEMBERS WHOSE REQUIREMENTS ARE DETERMINED TO BE EXCEEDING THE PRIMARY SPECIALTIES EDUCATION LOAN REPAYMENT PROGRAM.

Section 16301 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end of the following text: "plus the interest that may accrue during the current year"; and

(2) in subsection (c), by adding at the end the following new sentence: "For the purposes of this section, any interest that has accrued on the loan for periods before the current year shall be considered as within the total loan amount that shall be repaid.

SEC. 533. INCREASE IN ALLOCATION OF SCHOLARSHIPS UNDER ARMY RESERVE ROTC SCHOLARSHIP PROGRAM TO STUDENTS AT MILITARY JUNIOR COLLEGES.

Section 2108(a)(2) of title 10, United States Code, is amended by striking "10" each place it appears and inserting "17"

SEC. 534. INCLUSION OF ACCRUED INTEREST IN AMOUNTS THAT MAY BE REPAID UNDER THE FEDERAL PRIMARY SPECIALTIES EDUCATION LOAN REPAYMENT PROGRAM.

Section 16301 of title 10, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end of the following text: "plus the interest that may accrue during the current year"; and

(2) in subsection (c), by adding at the end the following new sentence: "For the purposes of this section, any interest that has accrued on the loan for periods before the current year shall be considered as within the total loan amount that shall be repaid.

SEC. 535. AUTHORITY FOR NONSCHOLARSHIP SENIOR ROTC SOPHOMORES TO VOLUNTARILY CONTRACT FOR AND RECEIVE SCHOLARSHIP.

(a) AUTHORITY FOR ALLOCATION.—Section 209 of title 37, United States Code, is amended—

(1) in subsection (b), by inserting before the period at the end of the following text: "plus the interest that may accrue during the current year"; and

(2) in subsection (c), by adding at the end the following new sentence: "For the purposes of this section, any interest that has accrued on the loan for periods before the current year shall be considered as within the total loan amount that shall be repaid.

SEC. 533. INCREASE IN ALLOCATION OF SCHOLARSHIPS UNDER ARMY RESERVE ROTC SCHOLARSHIP PROGRAM TO STUDENTS AT MILITARY JUNIOR COLLEGES.

Section 2108(a)(2) of title 10, United States Code, is amended by striking "10" each place it appears and inserting "17"
SEC. 536. APPOINTMENTS TO MILITARY SERVICE ACADEMIES MADE BY DELEGATES FROM GUAM, VIRGIN ISLANDS, AND AMERICAN SAMOA.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a) of title 10, United States Code, is amended—

(1) in paragraphs (6) and (8), by striking "Two" and inserting "Three"; and

(2) in paragraph (9), by striking "One" and inserting "Two".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a) of such title is amended—

(1) in paragraphs (6) and (8), by striking "Two" and inserting "Three"; and

(2) in paragraph (9), by striking "One" and inserting "Two".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a) of such title is amended—

(1) in paragraphs (6) and (8), by striking "Two" and inserting "Three"; and

(2) in paragraph (9), by striking "One" and inserting "Two".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the selection of candidates for appointment to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy for classes entering those academies after the date of the enactment of this Act.

SEC. 537. READEMISSION TO SERVICE ACADEMIES OF CERTAIN FORMER CADETS AND MIDSHIPMEN.

(a) INSPECTOR GENERAL REPORT AS BASIS FOR READMISSION.—In the formal report by an Inspector General within the Department of Defense concerning the circumstances of the separation of a cadet or midshipman from one of the service academies, contained in a specific finding specified in paragraph (2), the Secretary of the military department concerned may use that report as the sole basis for readmission of the former cadet or midshipman to the respective service or service academy.

(b) FINDING SPECIFIED IN THIS PARAGRAPH.—A finding that substantiates that a former service academy cadet or midshipman, while attending the service academy—

(1) received administrative or punitive action or nonjudicial punishment as a result of retaliation;

(2) resigned in lieu of disciplinary, administrative, or other action that the formal report concludes constituted a threat of reprisal;

(3) otherwise suffered an injustice that contributed to the resignation of the cadet or midshipman;

(c) READMISSION.—In the case of a formal report by an Inspector General described in subsection (a), the Secretary concerned shall offer the former cadet or midshipman an opportunity for readmission to the service academy from which the former cadet or midshipman resigned, if the former cadet or midshipman is otherwise eligible for such readmission.

(d) APPLICATIONS FOR READMISSION.—A former cadet or midshipman described in a report referred to in subsection (a) may apply for readmission to the service academy on the basis of that report. This shall not be required to submit the request for readmission through a board for the correction of military records.

(e) CONSTRUCTION WITH OTHER REMEDIES.—This section does not preempt or supersede any other remedy that may be available to a former cadet or midshipman.

(f) SERVICE ACADEMIES.—In this section, the term "service academy" means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

SEC. 538. AUTHORIZATION FOR NAVAL POSTGRADUATE SCHOOL TO PROVIDE INSTRUCTION TO ENLISTED MEMBERS PARTICIPATING IN CERTAIN PROGRAMS.

(a) INSTRUCTION OF ENLISTED MEMBERS.—

(1) Subsection (a) of section 7045 of title 10, United States Code, is amended by striking paragraph (2) and inserting the following:

(2) The Secretary may permit enlisted members of the armed forces to receive instruction at the Naval Postgraduate School for the purpose of—

(A) executive level seminars; or

(B) the information security scholarship program under chapter 71 of such title.

(3) In addition to instruction authorized under paragraph (2), the Secretary may, on a space-available basis, permit an enlisted member of any of the armed forces to receive instruction at the Naval Postgraduate School if the member is assigned permanently to the staff of the Naval Postgraduate School or to a nearby command.

(b) REIMBURSEMENT.—Subsection (b) of such section is amended—

(1) by striking "The Department" and inserting "Two";

(2) by striking "officers" in the first sentence and inserting "members";

(3) by designating the second sentence as paragraph (2) and in that sentence—

(A) by inserting "under subsection (a)(3)" after "(2)"; and

(B) by inserting "on a space-available basis" after "instructor at the Postgraduate School;" and

(c) otherwise suffered an injustice that contributed to the resignation of the cadet or midshipman.

(d) READMISSION.—In the case of a formal report by an Inspector General described in subsection (a), the Secretary concerned shall offer the former cadet or midshipman an opportunity for readmission to the service academy from which the former cadet or midshipman resigned, if the former cadet or midshipman is otherwise eligible for such readmission.

(e) APPLICATIONS FOR READMISSION.—A former cadet or midshipman described in a report referred to in subsection (a) may apply for readmission to the service academy on the basis of that report. This shall not be required to submit the request for readmission through a board for the correction of military records.

(f) CONSTRUCTION WITH OTHER REMEDIES.—This section does not preempt or supersede any other remedy that may be available to a former cadet or midshipman.

(g) SERVICE ACADEMIES.—In this section, the term "service academy" means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Coast Guard Academy.

(5) The United States Merchant Marine Academy.

(6) The United States Military Institute of Technology and Public Affairs.

(7) The United States Coast Guard Academy.

(8) The United States Air Force Academy.

(9) The United States Naval Academy.

(b) R EIMBURSEMENT.—Subsection (b) of such section is amended—

(1) by striking "The Department" and inserting "Two";

(2) by striking "officers" in the first sentence and inserting "members";

(3) by designating the second sentence as paragraph (2) and in that sentence—

(A) by inserting "under subsection (a)(3)" after "(2)"; and

(B) by inserting "on a space-available basis" after "instructor at the Postgraduate School;" and

(c) otherwise suffered an injustice that contributed to the resignation of the cadet or midshipman.

(d) READMISSION.—In the case of a formal report by an Inspector General described in subsection (a), the Secretary concerned shall offer the former cadet or midshipman an opportunity for readmission to the service academy from which the former cadet or midshipman resigned, if the former cadet or midshipman is otherwise eligible for such readmission.

(e) APPLICATIONS FOR READMISSION.—A former cadet or midshipman described in a report referred to in subsection (a) may apply for readmission to the service academy on the basis of that report. This shall not be required to submit the request for readmission through a board for the correction of military records.

(f) CONSTRUCTION WITH OTHER REMEDIES.—This section does not preempt or supersede any other remedy that may be available to a former cadet or midshipman.

(g) SERVICE ACADEMIES.—In this section, the term "service academy" means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.

(4) The United States Military Institute of Technology and Public Affairs.

(5) The United States Coast Guard Academy.

(6) The United States Air Force Academy.

(7) The United States Naval Academy.

(8) The United States Coast Guard Academy.

(9) Curricula and training, including standard training programs for cadets at the United States Military Academy and midshipmen at the United States Naval Academy and for personnel assigned to those academies.

(10) Other issues identified by the task force relating to sexual harassment and violence at those academies.

(c) METHODOLOGY.—The task force shall consider the findings and recommendations of previous reviews and investigations of sexual harassment and violence conducted for those academies as one of the bases for its assessment.

(d) REPORT.—(1) The task force shall submit to the Secretary of Defense and the Secretaries of the Army and the Navy a report on the activities of the United States Military Academy and the United States Naval Academy to respond to sexual harassment and violence at those academies.

(2) The report shall include the following:

(A) Any barriers to implementation of improvements as a result of those efforts.

(B) Other areas of concern not previously addressed in prior reports.

(C) The findings and conclusions of the task force.

(D) Any recommendations for changes to policy and law as the task force considers appropriate, including whether cases of sexual assault at those academies should be included in the Department of Defense database known as the Defense Incident-Based Reporting System.

(3) Within 90 days of receipt of the report under paragraph (1) the Secretary of Defense shall submit the report, together with the Secretary's evaluation of the report, to the Committees on Armed Services of the Senate and House of Representatives.

(e) REPORT ON AIR FORCE ACADEMY.—Simultaneously with the submission of the report under subsection (d)(3), the Secretary of Defense, in coordination with the Secretary of the Air Force, shall submit to the committees specified in that subsection the Secretary's assessment of the effectiveness of corrective actions being taken at the United States Air Force Academy as a result of various investigations conducted at that Academy into matters involving sexual assault and harassment.

(f) COMPOSITION.—(1) The task force shall consist of no more than 12 persons appointed by the Secretary of Defense.

(2) Members shall be appointed from each of the Army, Navy, Air Force, and Marine Corps, and shall include a representative from the Department of Defense (military and civilian) and persons from outside the Department of Defense. Members appointed from outside the Department of Defense may be appointed from other Federal departments and agencies, from State and local agencies, or from the private sector.

(3) In appointing members to the task force, the Secretary may—

(A) consult with the Attorney General regarding a representative from the Office of Violence Against Women of the Department of Justice; and

(B) consult with the Secretary of Health and Human Services regarding a representative from the Women's Health office of the Department of Health and Human Services.

(4) Each member of the task force appointed from outside the Department of Defense shall be an individual who has demonstrated expertise in the area of sexual harassment and violence or shall be appointed from one of the following:

(A) A representative from the Office of Civil Rights in the Department of Education.

(B) A representative from the Center for Disease Control.
(C) A sexual assault policy and advocacy organization.

(E) A judicial policy organization.

(F) A national crime victim policy organization.

(5) The members of the task force shall be appointed not later than 90 days after the date of the enactment of this Act.

(g) Co-Chairs of the Task Force.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Army, and the other co-chair shall be designated by the Secretary of Defense, except that an Army member may be designated by the Secretary of the Army to serve without compensation from outside the Department of Defense by those members.

(h) Administrative Support.—(1) Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than reimbursement to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be appointed in accordance with, and subject to, section 4401 of title 5, United States Code.

(2) The Deputy Under Secretary of Defense for Personnel and Readiness, under the direction of the Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force. The Defense Health Agency, the United States Army Medical Command, the United States Army Reserve, the United States Army Cadet Corps, United States Naval Academy, the United States Marine Corps, the United States Air Force, the United States Coast Guard, the United States Armed Forces Reserve, and the National Guard of the United States shall provide the services necessary to support the performance of the task force's duties.

(3) The Deputy Under Secretary shall coordinate with the Secretary of the Army to provide visits of the task force to the United States Military Academy and with the Secretary of the Navy to provide visits of the task force to the United States Naval Academy.

(i) Termination.—The task force shall terminate 90 days after the date on which the report of the task force is transmitted to the Committees on Armed Services of the Senate and House of Representatives pursuant to subsection (d)(3).

Subtitle E—Administrative Matters

SEC. 541. ENHANCEMENTS TO HIGH-TEMPO PERSONNEL PROGRAM.

(a) Revisions to Deployment Limits and Authority To Authorize Exemptions.—Subsection (a) of section 991 of title 10, United States Code, is amended to read as follows:

"(b) Per Diem.—The Secretary of the Army, in the discretion of the Secretary, may specify and prescribe per diem rates for members of the Armed Forces who perform duties in a deployment zone or are assigned in support of a deployment zone, as determined by the Secretary, which rates may, at the discretion of the Secretary, be varied, increased, or decreased as the Secretary determines appropriate.

(c) Changes to Reporting Requirement.—Section 487(b)(5) of title 10, United States Code, is amended to read as follows:

"(5) The Secretary shall report to Congress the number of active duty personnel in each category specified in subsection (a) for which the Secretary has authorized a per diem rate and the amount of such per diem rate, and a description of the circumstances under which such per diem rate was authorized."

(d) Signing Authority.—Section 2822 of title 10, United States Code, is amended by adding "whenever the Secretary considers it necessary" after "or is not contrary to the interest of the United States".

(e) Transfer of Members of the Reserve.—Section 503(a) of title 10, United States Code, is amended by striking "within 60 days" and inserting "within 120 days".

(f) Enhanced Retention of Accumulated Leave for High-Deployment Members.—Subsection (b) of section 701(f) of title 10, United States Code, is amended to read as follows:

"(1)(A) The Secretary concerned, by regulation, may authorize a member of the Armed Forces to continue to receive payment of his or her pay in lieu of an annual leave balance that has been authorized to be accumulated by the member in excess of 60 days at the end of the fiscal year, to retain an accumulated total of 120 days leave.

(B) This subsection applies to a member who serves on active duty for a continuous period of at least 120 days.

(C) In an area in which the member is entitled to special pay under section 310(a) of title 37, or who is authorized to be paid by the Secretary of Defense an allowance under section 436 of title 37, the member shall be entitled to receive the special pay or allowance during the period in which the member is deployed and the period of the member's leave.

(D) The Secretary shall establish regulations for the administration of this subsection.

(E) The Secretary shall prescribe the conditions for the application of this subsection, and the Secretary shall provide for the promulgation of any such regulations.

(F) The regulations prescribed by the Secretary under this subsection shall be in accordance with the provisions of this section.

(g) Correction of Cross Reference.—Paragraph (6)(A)(i) of section 701(f) of title 10, United States Code, is amended by striking "14101" and inserting "14101" and "17801" of section 310(a)(1) of title 37, United States Code, is amended by striking "14101" and inserting "14101" and "17801" of title 37.
SEC. 545. PROCEDURES FOR CONSIDERATION OF APPLICATIONS FOR AWARD OF THE PURPLE HEART MEDAL TO VETERANS IN MOUNTAIN ClS AS PRISONERS OF WAR BEFORE APRIL 25, 1962.

Subsection (b) of section 521 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 309; 10 U.S.C. 1129 note) is amended to read as follows:

(b) STANDARDS AND PROCEDURES FOR AWARD.—In determining whether a former prisoner of war is eligible for the award of the Purple Heart under subsection (a), the Secretary concerned shall apply the following procedures:

(1) The Secretary concerned shall determine the time the requirement that children in the class of children described in subparagraph (B) shall be subject to the tuition requirements, as children in the class of children described in subparagraph (C).

(2) The class of children described in this subparagraph are children of members of reserve components of the Armed Forces who—

(i) are on active duty under an order to active duty under section 12301 or 12302 of title 10, United States Code;

(ii) were ordered to active duty from a location outside the United States (or in Alaska or Hawaii); and

(iii) are serving on active duty outside the United States or in Alaska or Hawaii in a tour of duty that (voluntarily or involuntarily) has been extended to a period in excess of one year.

(C) The class of children described in this subparagraph are children of members of reserve components of the Armed Forces who—

(i) are on active duty under section 12301 or 12302 of title 10, United States Code;

(ii) were ordered to active duty from a location inside the United States (other than in Alaska or Hawaii); and

(iii) are serving on active duty outside the United States or in Alaska or Hawaii.

Subtitle F—Benefits

SEC. 551. ADDITIONAL CLASSES OF INDIVIDUALS ELIGIBLE TO PARTICIPATE IN THE FEDERAL LONG-TERM CARE INSURANCE PROGRAM.

(a) CERTAIN EMPLOYEES OF THE DISTRICT OF COLUMBIA GOVERNMENT.—Section 9001(1) of title 5, United States Code, is amended by striking "2105(c)", and all that follows and inserting "2105(c)".

(b) FORMER FEDERAL EMPLOYEES WHO WOULD BE ELIGIBLE TO BEGIN RECEIVING AN ANNUITY UPON ATTAINING THE REQUIRED MINIMUM AGE.—Section 9001(2) of title 5, United States Code, is amended as follows:

(1) in subparagraph (A), by striking "and"; and

(2) by inserting "in any case in which a prisoner of war (A) was wounded, killed or injured, whose duty status becomes unknown, or who is otherwise considered to be a prisoner of war may submit such information.

(1) To a prisoner of war who has been transferred to the Retired Reserve and that the former prisoner of war is eligible for the award of the Purple Heart under section 312 of title 38, United States Code, is amended—

(a) in section 312(1), by striking "outside the United States or in Alaska or Hawaii"; and

(b) in section 312(2), by striking "outside the United States" and inserting "outside the United States or in Alaska or Hawaii.

Subtitle G—Other Matters

SEC. 561. EXTENSION OF REQUIREMENT FOR EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHERS IN AUTHORITY TO INCLUDE CIVILIANS IN AUTHORITY IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

"§992. Requirement of exemplary conduct: commanding officers and others in authority.

"All commanding officers and others in authority in the Department of Defense are required—

(i) to show in themselves a good example of virtue, honor, patriotism, and subordination;

(ii) to be vigilant in inspecting the conduct of all persons who are placed under their command or charge;

(iii) to guard against and to suppress all dissolute and immoral practices and to correct, according to applicable laws and regulations, all persons who are guilty of them; and

(iv) to take all necessary and proper measures, under the laws, regulations, and customs applicable to the armed forces, to promote and safeguard the morale, the physical well-being, and the general welfare of all under their command or charge.

(b) CONFORMING AMENDMENT.—Title 10, United States Code, is further amended as follows:

(1) Section 3583, 5947, and 8583 are repealed.
ACTIVITIES.—The Secretary of Defense shall—

other entities in carrying out not only the an-

lies; and

lies of both active and reserve component mili-

tary personnel; to give full and proper highlight to those fami-

lies of both active and reserve component mili-

American military family, including both fami-

appropriate ceremonies and activities, to cele-

culture.

will be required to do so for the foreseeable fu-

(4) Beginning in 1997, military family service and support centers have received materials from private, non-profit organizational sources which are designed to encourage and assist those centers in offering activities to cel-

brate the American military family during the Thanksgiving period each November.

(5) The Secretary of Defense shall— In view of the findings in subsection (a), Congress deter-

mines that it is appropriate that special meas-

ures be taken annually to recognize and honor the American military family.

(6) In 2002, the Secretary of Defense established the DoD Doula Program, thereby underlining the contributions and sacrifices of the American military family, including both fami-

lies of both active and reserve component mili-

itary personnel; (2) focus the celebration of the American mili-

dary family during a specific period of each year to give full and proper highlight to those families;

and (3) seek the assistance and support of appro-

priate civilian organizations, associations, and other entities in carrying out not only the an-

nual celebration of the American military fami-

ly, but also in sustaining longer-term efforts.

SEC. 562. RECOGNITION OF MILITARY FAMILIES.

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

(1) The families of both active and reserve component military personnel, through their sacrifices and their dedication to the Nation and its values, contribute immeasurably to the readi-

ness of the armed Forces.

SEC. 563. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES.

(a) Continuation of Department of Defense Program for Fiscal Year 2004.—Of the amount authorized to be appropriated pursuant to section 386(b) of the National Defense Authoriza-

tion Act for Fiscal Year 1993 (Public Law 102–


(b) The term ‘‘local educational agency’’ has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7731(9)).

SEC. 564. PERMANENT AUTHORITY FOR SUPPORT FOR CERTAIN CHAPLAIN-LED MILITARY FAMILY SUPPORT PROGRAMS.

(a) In General.—(1) Chapter 88 of title 10, United States Code, is amended by inserting at the end of subsection (a) the following new section:

§1789. Chaplain-led programs: authorized support

(1) AUTHORITY.—The Secretary of a military department shall provide services described in subsection (b) to support chaplain-led programs to assist members of the armed forces on active duty and their immediate family members, and members of reserve components in an active status and their immediate family mem-

bers, in building and maintaining a strong fami-

ly structure.

(b) AUTHORIZED SUPPORT SERVICES.—The support services referred to in subsection (a) are costs of transportation, food, lodging, child care, supplies, fees, and training materials for chaplains and other military members and their family members while participating in programs re-

ferred to in that subsection, including participa-

tion at retreats and conferences.

(c) IMMEDIATE FAMILY MEMBERS.—In this section, the term ‘‘immediate family members,’’ with respect to a member of the armed forces, means—

(1) the member’s spouse; and

(2) any child (as defined in section 1072(6) of this title) of the member who is described in sub-

paragraph (D) of section 1072(2) of this title.

(d) FUNDING.—The Secretary of a military department shall provide funding for programs referred to in subsection (b). In making such funding, the Secretary shall consider the need to ensure that the funding is adequate to support the programs described in subsection (b) for families with limited income.

SEC. 565. DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS JOINT EXECUTIVE COMMITTEE.

(a) Establishment of Joint Committee.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

§320. Department of Veterans Affairs-Department of Defense Joint Executive Committee

(b) The joint Executive Committee to be known as the Department of Veterans Affairs-Department of Defense Joint Executive Committee (hereinafter in this section referred to as the ‘‘Committee’’).

(1) The Committee is composed of—

(A) the Secretary of Defense; and

(B) the Secretary of Veterans Affairs;

and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

(b) Administrative Matters.—(1) The Dep-

uty Secretary of Veterans Affairs, and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

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uty Secretary of Veterans Affairs, and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

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uty Secretary of Veterans Affairs, and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.

(b) Administrative Matters.—(1) The Dep-

uty Secretary of Veterans Affairs, and such other officers and employees of the Department of Defense as the Secretary of Defense may designate.
(A) section 320 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2003; and

(B) the amendments made by subsections (b) and (c) shall take effect on October 1, 2003, immediately after the amendment made by section 722(a)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 108–136).

(2) If this Act is enacted on or after October 1, 2003, the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 566. LIMITATION ON AVIATION FORCE STRUCTURE CHANGES IN THE DEPARTMENT OF THE NAVY.

(a) LIMITATION.—The Secretary of the Navy shall ensure that no reductions are made in the active and reserve force structure of the Navy and Marine Corps for fixed- and rotary-wing aircraft until 90 days have elapsed after the date as of which both of the reports required by subsections (b) and (c) have been received by the committees named in those subsections.

(b) NAVAL AVIATION FORCE STRUCTURE PLAN.—The Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a detailed report on the changes to the active and reserve aviation force structure in the Department of the Navy that were planned for fiscal years 2004 through 2009. The report shall include the following:

(1) The numbers of aircraft and helicopter force structure planned for retirement.

(2) The amounts of planned budget authority to be saved, shown by year and by appropriation, compared to the May 1, 2003, force structure.

(3) An assessment by the Chief of Naval Operations comparing the future force structure plan with capabilities of the Department of the Navy’s aviation force structure on May 1, 2003.

(4) An assessment of the planned force structure to carry out the National Security Strategy of the United States, dated September 2002.


(c) ACTIVE AND RESERVE COMPONENT INTEGRATION PLAN.—The Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a concept of operations for increasing the integration and use of Naval Reserve surface, aviation, and other units and personnel with active component forces in carrying out operational missions across the peacetime and wartime spectrum of naval operations during the period of 2004 through 2009.

SEC. 567. IMPACT AID ELIGIBILITY FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES AFFECTED BY PRIVITIZATION OF MILITARY HOUSING UNITS.

Section 8003(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(H)) is amended by striking clauses (i) and (ii) and inserting the following:

"(i) Eligibility.—For any fiscal year beginning with fiscal year 2003, a heavily impacted local educational agency that received a basic support payment under paragraph (b)(2) for the prior fiscal year, but is ineligible for such payment for the fiscal year under subparagraph (B), (C), (D), or (E), as the case may be, by reason of the conversion of military housing units to private housing described in clause (iii), shall be deemed to be eligible for such payments for the fiscal year under subparagraph (B), (C), (D), or (E), as the case may be, for the period during which the housing units are undergoing such conversion."

"(ii) Support payments.—The amounts of such payments to a heavily impacted local educational agency for a fiscal year by reason of the application of clause (i), and calculated in accordance with subparagraph (D) or (E), as the case may be, shall be based on the number of children in average daily attendance in the schools of such agency for the fiscal year under the same provisions of subparagraph (D) or (E) under which the agency was paid during the prior fiscal year."

SEC. 568. INVESTIGATION INTO THE 1991 DEATH OF MARINE CORPS COLONEL JAMES E. SABOW.

(a) INVESTIGATION REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall commence a new investigation into the death of Colonel James S. Sabow, United States Marine Corps, who died on January 22, 1991, at the Marine Corps Air Station, El Toro, California.

(b) FOCUS OF INVESTIGATION.—The principal focus of the investigation under subsection (a) shall be to determine the cause of Colonel Sabow’s death, given the medical and forensic factors associated with that death.

(c) REVIEW BY OUTSIDE EXPERTS.—The Secretary of Defense shall provide that the evidence concerning the cause of Colonel Sabow’s death and the medical and forensic factors associated with his death shall be reviewed by medical and forensic experts outside the Department of Defense.

(d) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a written report on the findings of the investigation under subsection (a).

(e) FURTHER INVESTIGATIONS.—(1) The Secretary shall include in the report (1) the Secretary’s conclusions as a result of the investigation, including the Secretary’s conclusions regarding the cause of death of Colonel Sabow, and (2) the conclusions of the experts reviewing the matter under subsection (c).

Subtitle H—Domestic Violence

SEC. 571. TRAVEL AND TRANSPORTATION FOR DEPENDENTS RELOCATING FOR REASONS OF PERSONAL SAFETY.

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

"(4)(A) The Secretary concerned shall provide to the dependents of a member the travel and transportation allowances described in paragraphs (1) and (3) in a case in which—

"(i) a commander has substantiated that the member’s safety or the safety of another member or former member of the armed forces not covered by subsection (b) if the Secretary concerned determines that there are extenuating circumstances such that granting benefits under this section is consistent with the intent of this section.

"(B) In the case of allowances paid under subparagraph (A), any monetary allowances shall accrue to the dependents in lieu of the best course of action; and

"(C) Shipment of the dependent’s baggage and household effects, and of any motor vehicle, may not be provided until there is a property division established by written agreement with the member or by order of a court of competent jurisdiction.

SEC. 572. COMMENCEMENT AND DURATION OF TRANSITIONAL COMPENSATION.

(a) COMMENCEMENT.—Paragraph (3)(A) of section 1059 of title 10, United States Code, is amended by inserting "voluntarily or involuntarily," after "administratively separated.

(b) DURATION.—Paragraph (2) of such section is amended by striking "punishment applied to the organization within the Office of the Secretary of Defense with direct responsibility for oversight of implementation by the military departments of recommendations of the Task Force on Domestic Violence established pursuant to section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65). The purpose of the working group shall be to review and assess the progress of the Department of Defense in implementation of the recommendations of the Task Force on Domestic Violence, and the working group shall submit its report to the Secretary of Defense within 120 days of the date of the enactment of this Act.

(c) ADDITIONAL ELIGIBILITY.—The Secretary of Defense, in determining cases of conduct covered by subsection (b) if the Secretary concerned determines that there are extenuating circumstances such that granting benefits under this section is consistent with the intent of this section.

SEC. 573. FLEXIBILITY IN ELIGIBILITY FOR TRANSITIONAL COMPENSATION.

(a) AUTHORITY.—Section 1059 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) FLEXIBILITY.—The Secretary concerned, under regulations prescribed under subsection (k), may authorize eligibility for benefits under this section for a member or former member of the armed forces not covered by subsection (b) if the Secretary concerned determines that there are extenuating circumstances such that granting benefits under this section is consistent with the intent of this section.

(b) EFFECTIVE DATE.—The authority under subsection (m) of section 1059 of title 10, United States Code, as added by subsection (a), may only be exercised with respect to eligibility for benefits under this section by reason of conduct on or after the date of the enactment of this Act.

SEC. 574. TYPES OF ADMINISTRATIVE SEPARATIONS TRIGGERING COVERAGE.

Section 1059(b)(2)(B) of title 10, United States Code, is amended by inserting "voluntarily or involuntarily," after "administratively separated.

SEC. 575. ON-GOING REVIEW GROUP.

Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall convene a working group of not less than 12 members, composed in the same manner as the working group established pursuant to section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65). The purpose of the working group shall be to review and assess the progress of the Department of Defense in implementation of the recommendations of the Task Force on Domestic Violence, and the working group shall submit its report to the Secretary of Defense within 120 days of the date of the enactment of this Act.

SEC. 576. RESOURCES FOR DEPARTMENT OF DEFENSE IMPLEMENTATION ORGANIZATION.

The Secretary of Defense shall ensure that necessary resources, including personnel, facilities, and other administrative support, are provided to the organization within the Office of the Secretary of Defense with direct responsibility for oversight of implementation by the military departments of recommendations of the Task Force on Domestic Violence established pursuant to section 591 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65). The purpose of the working group shall be to review and assess the progress of the Department of Defense in implementation of the recommendations of the Task Force on Domestic Violence, and the working group shall submit its report to the Secretary of Defense within 120 days of the date of the enactment of this Act.
suspected to have resulted from domestic violence or child abuse against—
(1) a member of the Armed Forces;
(2) a current or former dependent of a member of the Armed Forces; or
(3) a current or former intimate partner who has a child in common or has shared a common domicile with a member of the Armed Forces.

(b) MATTERS TO BE INCLUDED.—The report of a fatality review under subsection (a) shall, at a minimum, include the following:
(1) An executive summary
(2) Data setting forth victim demographics, injuries, autopsy findings, homicide or suicide methods, weapons, police information, assailant demographics, and household and family information.
(3) Legal disposition.
(4) System intervention and failures within the Department of Defense.
(5) A discussion of significant findings.
(6) Recommendations for systemic changes within the Department of Defense.

SEC. 578. SENSE OF CONGRESS.
It is the sense of Congress that—
(1) the Secretary of Defense should adopt the strategic plan proposed by the Defense Task Force on Domestic Violence in its Third Year Report, as required by section 591(a) of the Department of Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65); and
(2) the Secretary of each military department should establish and support a Victim Advocate Protocol and provide for nondisclosure to ensure confidentiality for victims who come forward to receive advocacy, support, information, and resources, as recommended by the Defense Task Force on Domestic Violence.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS
Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2004.
(a) WAIVER OF SECTION 1099 ADJUSTMENT.—The adjustment to become effective during fiscal year 2004 required by section 1099 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY FOR MEMBERS OF ARMED FORCES.—Effective on January 1, 2004, the rates of monthly basic pay for members of the Armed Forces within each pay grade are as follows:

COMMISSIONED OFFICERS

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Years of service computed under section 205 of title 37, United States Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 or less</td>
</tr>
<tr>
<td>O–10</td>
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<td>O–1</td>
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Over 8 Over 10 Over 12 Over 14 Over 16

<table>
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<th>Pay Grade</th>
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<tr>
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<tr>
<td>O–1</td>
<td>$27,088.70</td>
</tr>
</tbody>
</table>

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

2Subject to the preceding footnote, the rate of basic pay for an officer in this grade while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, is $14,679.30, regardless of domicile with a member of the Armed Forces.

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

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Years of service computed under section 205 of title 37, United States Code</th>
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Over 16 Over 20 Over 22 Over 24 Over 26
### Warrant Officers

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<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
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<td>$3,537.00</td>
<td>$3,537.00</td>
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</table>

1. Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

### Enlisted Members

<table>
<thead>
<tr>
<th>Pay Grade</th>
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<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
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<tbody>
<tr>
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<td>$1,086.00</td>
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<td>$3,537.00</td>
<td>$3,537.00</td>
<td>$3,537.00</td>
</tr>
</tbody>
</table>

1. Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

2. Subject to the preceding footnote, the rate of basic pay for an enlisted member in this grade while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, is $6,090.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

3. In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,086.00.

4. In the case of members in pay grade E–1 who have served less than 4 months on active duty, the rate of basic pay is $1,086.00.
SEC. 602. COMPUTATION OF BASIC PAY RATE FOR COMMISSIONED OFFICERS WITH PRIOR ENLISTED OR WARRANT OFFICER SERVICE.

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

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

(2) by striking paragraph (B) and inserting the following paragraph:

"(B) Service as a warrant officer, as an enlisted member, or as a warrant officer and an enlisted member, for which at least 1,460 points have been credited to the officer for the purposes of section 12732(a)(2) of title 10."

SEC. 603. SPECIAL SUBSISTENCE ALLOWANCE AUTHORIZED FOR MEMBERS ASSIGNED TO HIGH-COST DUTY LOCATION OR UNDER OTHER UNIQUE AND UNSUAL CIRCUMSTANCES.

(a) In General.—Section 402 of title 37, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

"(f) Special Rule for High-Cost Duty Locations or Other Unique and Unusual Circumstances.—The Secretary of Defense may authorize a member of the armed forces who is assigned to duty in a high-cost duty location or under other unique and unusual circumstances, but is not entitled to the meals portion of the per diem in connection with that duty, to receive any or all of the following:

(1) A basic allowance for subsistence at the standard rate, regardless of the entitlement of the member for all meals or select meals during the duty day.

(2) A supplemental subsistence allowance at a rate higher than the basic allowance for subsistence rates in effect under this section, regardless of the entitlement of the member for all meals or select meals during the duty day.

(b) Retroactive and Prospective Application. —Subsection (f) of section 402 of title 37, United States Code, as added by subsection (a), shall apply with respect to members of the Armed Forces assigned to duty in a high-cost duty location or under other unique and unusual circumstances, as determined pursuant to regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of $150 for any month in which—

(1) the member was entitled to basic pay or compensation under section 206 of this title; and

(2) the member—

(A) was subject to hostile fire or explosion of hostile mines; or

(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was in the area, one or more members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(D) was on duty in a foreign area in which the member was subject to the threat of physical injury or death from a natural disaster, insurrection, civil war, terrorism, or wartime conditions.

(c) Continuation During Hospitalization. —A member covered by subsection (a)(2)(C) who is hospitalized for the treatment of the injury or wound may be paid special pay under this section for not more than three additional months following the month in which the member is so hospitalized.

(d) Clerical Amendments. —Such section is further amended—

(1) in subsection (c), as redesignated by subsection (a)(1), by inserting "LIMITATIONS AND ADMINISTRATION. —" before "(1); and

(2) in subsection (d), as redesignated by subsection (a)(1), by inserting "DETERMINATIONS OF FACT. —" before "Any".

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITY FOR RESERVE COMPONENT MEMBERS ON INACTIVITY DUTY.

(a) Expansion and Clarification of Current Law. —Section 310 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking subsection (a) and inserting the following new subsections:

"(A) Eligibility and Special Pay Amount.—Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of $150 for any month in which—

(1) the member was entitled to basic pay or compensation under section 206 of this title; and

(2) the member—

(A) was subject to hostile fire or explosion of hostile mines; or

(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was in the area, one or more members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(D) was on duty in a foreign area in which the member was subject to the threat of physical injury or death from a natural disaster, insurrection, civil war, terrorism, or wartime conditions.

"(B) Pay.—The item relating to such section in the item index, the table of sections at the beginning of chapter 4 of title 37, United States Code, is amended by adding at the end the following new paragraph:

"(D) was paid special pay under this section for not more than three additional months following the month in which the member is so hospitalized."

"(C) Certification.—The Secretary of Defense shall certify—

(1) that the member was entitled to basic pay or compensation under section 206 of this title; and

(2) that the member—

(A) was subject to hostile fire or explosion of hostile mines; or

(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was in the area, one or more members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(D) was on duty in a foreign area in which the member was subject to the threat of physical injury or death from a natural disaster, insurrection, civil war, terrorism, or wartime conditions.

"(D) Authorization.—The members referred to in subsection (a) and (b) of section 310 of title 37, United States Code, are authorized to receive special pay under this section.

"(E) Payment.—The Secretary of Defense shall pay special pay under this section to the members referred to in subsections (a) and (b) of section 310 of title 37, United States Code, upon certification made by the Secretary under subsection (c)(1) and (2) of such sections.

"(F) Payroll.—The Secretary of Defense shall transfer funds in an amount specified in subsection (c)(1) and (2) of section 310 of title 37, United States Code, to the payrolls of the members referred to in subsections (a) and (b) of such section on the date specified in such subsections.

"(G) Pay Date.—The Secretary of Defense shall pay special pay under this section on the date specified in subsection (c)(1) and (2) of section 310 of title 37, United States Code, even if the date is a nonpayday for any member to whom such special pay is payable.

"(H) Reporting.—The Secretary of Defense shall report to Congress on each special pay payment under this section.

"(I) Waiver.—(1) The Secretary of Defense may waive the provisions of this section in the case of—

(A) a member who is a warrant officer; and

(B) a member who is an enlisted member.

(2) The Secretary of Defense shall submit to Congress a report describing the circumstances under which this section is waived.

"(J) Effect. —The amendments made by subsection (a) shall take effect October 1, 2003.

"(K) Savings Provisions.—Section 310 of title 37, United States Code, as amended by this subsection—

(A) shall be considered to be in effect October 1, 2003, and not before that date; and

(B) shall not be considered to be in effect before October 1, 2003.

"(L) Transition. —The provisions of this section shall apply to periods of duty performed under this section before the date of the enactment of this Act, if the member was entitled to special pay under section 310 of title 37, United States Code, as amended by this Act, during such period.

"(M) Effective Date.—The amendments made by subsection (a) shall take effect October 1, 2003.
SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.

SEC. 621. INCENTIVE BONUS FOR AGREEMENT TO SERVE IN CRITICALLY SHORT MILITARY OCCUPATIONAL SPECIALTY.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

(2)(A) The heading of such section is amended to read—

(b) EFFECTIVE DATE.—Section 305b of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 2003.
immediately before taking authorized leave was performing duty at a location away from the member's home; (2) was receiving a per diem allowance under section 404(a)(4) of title 10, United States Code, to cover lodging and subsistence expenses incurred at the duty location because quarters of the United States were not available for assignment to that location; and (3) immediately after completing the authorized leave, returned to the duty location.

Amount of Reimbursement.—The amount of reimbursement provided to a member under subsection (a) may not exceed the lesser of—

(1) the actual daily cost of lodging incurred by the member at the duty location while the member was in an authorized leave status; and

(2) the lodging portion of the applicable daily per diem rate for such location.

D. RETROACTIVE APPLICATION.—This section applies with respect to members of the reserve components described in subsection (b) who, since September 11, 2001, were or are called or ordered to active duty for a period of more than 30 days and retired members described in such subsection who, since that date, were or are ordered to active duty under section 668(a) of title 10, United States Code.

Subtitle D—Retired Pay and Survivors Benefits

SEC. 641. FUNDING FOR SPECIAL COMPENSATION AUTHORIZATIONS FOR DEPARTMENT OF DEFENSE RETIREES.

(a) Source of Payments.—

(1) Section 1413(g) of title 10, United States Code, is amended—

(A) by inserting before "Payments under the following new sentence: "Payments under this section for a member of the Army, Navy, Air Force, or Marine Corps shall be paid from the Department of Defense Military Retirement Fund.''; and

(B) by inserting "for any other member" before "for any fiscal year.";

(2) Section 1431a(h) of this title is amended—

(A) by inserting before "Payments under the following new sentence: "Payments under this section for a member of the Army, Navy, Air Force, or Marine Corps shall be paid from the Department of Defense Military Retirement Fund.''; and

(B) by inserting "for any other member" before "for any fiscal year.";

(b) Payment of Increased Retirement Trust Fund Costs Due to Concurrent Receipt of Non-Federal Disability Compensation Payments.—

(1) Section 1463(a)(1) of this title is amended by inserting before the semicolon the following: "and

and section 1413, 1413a, or 1414 of this title paid to such members'."

(2) Section 1465(b) of such title is amended by adding at the end the following new paragraph:

"(3) At the same time that the Secretary of Defense makes the determination required by paragraph (1) for any fiscal year, the Secretary shall determine the amount of the Treasury contribution to be made to the Fund for the next fiscal year under section 1466(b)(2)(D) of this title. That amount shall be determined in the same manner as the determination under paragraph (1) of the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title, except that for purposes of this paragraph the Secretary, in making the calculations required by subparagraphs (A) and (B) of that paragraph, shall use the single level percentages determined under subsection (c)(4), rather than those percentages provided in subsection (c)(1).

(3) Section 1465(c) of such title is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting before the period at the end the following: ''; to be determined without regard to section 1413, 1413a, or 1414 of this title.'';

"1064. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster or national emergency.

SEC. 653. DEFENSE COMMISSARY SYSTEM AND EXCHANGE STORES SYSTEM.

(a) Existence of Systems.—Chapter 147 of title 10, United States Code, is amended by inserting before section 2482 the following new section:

"2481. Existence of defense commissary system and exchange stores system.

"(a) In General.—The Secretary of Defense shall operate a defense commissary system and an exchange stores system in the manner provided by this chapter and other provisions of law.

"(b) Separate Systems.—Except as authorized by section 2490a of this title, the defense commissary system and the exchange stores system shall be operated as separate systems of the Department of Defense.''.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2482 the following new item:

"2481. Existence of defense commissary system and exchange stores system.''.

SEC. 653. LIMITATIONS ON PRIVATE OPERATION OF DEFENSE COMMISSARY STORE FUNCTIONS.

Section 2482(a) of title 10, United States Code, is amended—

(1) by striking the first and second sentences and inserting the following: "(1) Under such regulations as the Secretary of Defense may ap-

prospective persons may operate selected com-

misarry stores functions, except that such func-

tions may not include functions relating to the

procurement of products to be sold in a com-

misarry system or functions relating to the overall

management of a commisarry system or the

management of a commisarry store.''; and

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

"(2) A change to private operation of a com-

misarry store function shall not take effect un-

til the Secretary of Defense submits written

notice of the proposed change to Congress and

a period of 90 days of continuous session of Cong-

ress expires following the date on which such

notice was received, determined as provided in

section 2486(d)(2) of this title.''.

SEC. 654. USE OF APPROPRIATED FUNDS TO OPERATE DEFENSE COMMISSARY SYSTEM.

(a) Requirement That Commissary Operating Expenses Be Paid From Appropriated Funds.—Section 2484 of title 10, United States Code, is amended—

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

(2) in subsection (b), by striking "may" in the first sentence and inserting "shall.''.

(b) Supplemental Funds for Commissary Operations.—Such section is further amended by adding at the end the following new subsection:

"(c) Supplemental Funds for Commissary Operations.—Amounts appropriated to cover the expenses of operating the Defense Commissary Agency and the defense commissary system may be supplemented with additional funds from manufacturers' coupon redemption fees, handling fees for tobacco products, and other amounts received as reimbursement for other support activities provided by commissary ac-

tivities.

"(3) Effective Date.—The amendments made by this section shall take effect on October 1, 2003."
SEC. 655. RECOVERY OF NONAPPROPRIATED FUND INSTRUMENTALITY AND COMMISSARY STORE INVESTMENTS IN REAL PROPERTY AT MILITARY INSTALLATIONS CLOSED OR REALIGNED.

(a) 1988 LAW.—Section 204(b)(7)(C)(i) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended in the second sentence in subsection (b) by inserting “The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts)” and inserting “‘Amounts in the account shall be available to the Secretary, without appropriation and until expended.’”.

(b) 1990 LAW.—Section 206(d)(3) of the Defense Base Closure and Realignment Act of 1990 (part A of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking “The Secretary may use amounts in the account (in such an aggregate amount as is provided in advance in appropriation Acts)” and inserting “‘Amounts in the account shall be available to the Secretary, without appropriation and until expended.’”.

SEC. 656. COMMISSARY SHELF-STOCKING PILOT PROGRAM.

(a) PILOT PROGRAM AUTHORITY.—Subject to subsection (c), the Secretary of Defense may conduct a shelf-stocking pilot program of shelf-stocking of three defense commissary stores operated by the Defense Commissary Agency shall be the sole responsibility of Federal employees of the Agency or employees contracted by the agency.

(b) IMPLEMENTATION PLAN.—(1) The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a plan for the conduct of the pilot program. The plan shall be submitted not later than six months after the date of the enactment of this Act.

(2) The plan shall include the following:

(A) The financial structure of the pilot program and expected costs.

(B) The Secretary’s request to the Office of Personnel Management to conduct the pilot program as a Federal civilian personnel demonstration project under chapter 47 of title 5, United States Code, or a plan to provide otherwise a sufficiently flexible Federal civilian workforce for the pilot program through another authority.

(C) Specification of the three sites for the conduct of the pilot program and the criteria used to select those sites.

(D) Proposed duration of the pilot program and the expected timing for providing to Congress the results of the pilot program and recommendations of the Secretary.

(E) Other observations and recommendations of the Secretary.

(c) IMPLEMENTATION.—The Secretary of Defense may not begin to conduct the pilot program until a period of 30 days has elapsed after the date of the submission of the plan for the pilot program under subsection (b).

SEC. 657. OTHER MATTERS.

SEC. 661. REPEAL OF CONGRESSIONAL NOTIFICATION REQUIREMENT FOR DESIGNATION OF CRITICAL MILITARY SKILLS.

Section 323(b) of title 37, United States Code, is amended—

(1) by striking “(1);” and

(2) by striking paragraph (2).

TITLED VII—HEALTH CARE PROVISIONS

SEC. 701. REVISION OF DEPARTMENT OF DEFENSE MEDICARE-ELIGIBLE RETIREMENT HEALTH CARE PROGRAM TO IMPROVE ACCURATE VALUATIONS.

Section 1115(c) of title 10, United States Code, is amended in the matter following the end of paragraph (1) the following: “In determining single level dollar amounts under subparagraphs (A) and (B) of this paragraph, the Secretary of Defense may determine a separate single level dollar amount under either or both subparagraphs for any participating uniformed service, if, in the judgment of the Secretary in coordination with respect to any contract under section 1086 of title 10, United States Code, would produce a more accurate and appropriate actuarial valuation for that uniformed service.”.

SEC. 702. TRANSFER OF CERTAIN MEMBERS FROM PHARMACY AND THERAPEUTICS COMMITTEE TO UNIFORMulary FACILITIES ADVISORY PANEL UNDER THE PHARMACY BENEFITS PROGRAM.

Section 1074g of title 10, United States Code, is amended—

(1) in subsection (b)(1) in the second sentence, by striking “‘facilities,’ and all that follows through and inserting “‘facilities and representatives of providers in facilities of the uniformed services.’”; and

(2) in subsection (c)(2), by striking “represent nongovernmental” and inserting the following: “represent—

(A) nongovernmental;”;

(B) by striking the period at the end and inserting a semicolon; and

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

(1) contractors responsible for the TRICARE retail pharmacy benefit;

(2) contractors responsible for the national mail-order pharmacy program; and

(3) TRICARE network providers.”.

SEC. 703. FUND INSTRUMENTALITY AND COMMISSARY STORE INVESTMENTS IN MILITARY INSTALLATIONS TO BE CLOSED OR REALIGNED.

Section 722 of the National Defense Authorization Act for Fiscal Year 1983 (Public Law 102–484; 10 U.S.C. 1073 note) is amended by striking subsections (a), (b), (c), and (d) and inserting the following new subsections:

(a) ESTABLISHMENT.—Not later than December 31, 2003, the Secretary of Defense shall establish a working group on the provision of military health care to persons who rely for health care on health care facilities located at military installations—

(1) inside the United States that are selected for closure or realignment in the 2005 round of realignments and closures authorized by sections 2912, 2913, and 2914 of the Defense Base Closure and Realignment Act of 1990 (part B of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) as added, as added by title I of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 155 Stat. 1342); or

(2) outside the United States that are selected for closure or realignment as a result of force posture changes.

(b) MEMBERSHIP.—The members of the working group shall include, at a minimum, the following:

(1) The Assistant Secretary of Defense for Health Affairs, or the designee of the Assistant Secretary.

(2) The Surgeon General of the Army, or the designee of that Surgeon General.

(3) The Surgeon General of the Navy, or the designee of that Surgeon General.

(4) The Surgeon General of the Air Force, or the designee of that Surgeon General.

(5) At least one independent member from each TRICARE region, but not to exceed a total of 12 members appointed under this paragraph, whose experience in matters within the responsibility of the working group qualify that person to represent persons authorized health care care under chapter 55 of title 10, United States Code.

(c) DUTIES.—(1) In developing the selection criteria and recommendations for the 2005 round of realignments and closures authorized by sections 2913 and 2914 of the Defense Base Closure and Realignment Act of 1990, the Secretary of Defense shall consult with the working group.

(2) The working group shall be available to provide assistance to the Defense Base Closure and Realignment Commission.
‘‘(3) In the case of each military installation referred to in paragraph (1) or (2) of subsection (a) whose closure or realignment will affect the accessibility to health care services for persons entitled to such services under chapter 55 of title 10, United States Code, the working group shall provide to the Secretary of Defense a plan for the provision of the health care services to such persons:

‘‘(d) SPECIAL CONSIDERATIONS.—In carrying out its duties under subsection (c), the working group—

(1) shall conduct meetings with persons entitled to health care services under chapter 55 of title 10, United States Code, or representatives of such persons;

(2) may use reliable sampling techniques;

(3) may visit the areas where closures or realignments of military installations will adversely affect the accessibility of health care for such persons and may conduct public meetings; and

(4) shall ensure that members of the uniformed services on active duty, members and former members of the uniformed services entitled to retired or retainer pay, and dependents and survivors of such members and retired personnel are afforded the opportunity to express their views.’’.

SEC. 706. ACCELERATION OF IMPLEMENTATION OF CHIROPRACTIC HEALTH CARE SERVICES FOR MILITARY PERSONNEL ON ACTIVE DUTY.

The Secretary of Defense shall accelerate the implementation of the plan required by section 702 of the fiscal year 2005 National Defense Authorization Act (Public Law 108–335) (relating to chiropractic health care services and benefits), with a goal of completing implementation of the plan by October 1, 2005.

SEC. 707. MEDICAL AND DENTAL SCREENING FOR MEMBERS OF SELECTED RESERVE UNITS ALERTED FOR MOBILIZATION.

Section 1074d of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(f)(1) The Department of Defense may provide medical and dental screening and care to members of the Selected Reserve who are assigned to a unit that has been alerted that the unit will be mobilized for active duty in support of an operational mission or contingency operation, during a national emergency, or in a time of war.

(2) The medical and dental screening and care that may be provided under this subsection is screening and care necessary to ensure that a member meets the medical and dental standards for required deployment.

(b) INTRODUCTION.—In this section, the term ‘‘personal services contract’’ means a contract entered into by an agency under section 3109 of title 5, United States Code, to procure personal services with respect to the Department of Defense.

(c) DEFINITION.—In this section, the term ‘‘personnel support’’ means any personal services contract entered into by an agency under section 3109 of title 5, United States Code, for the support of personnel of the Department of Defense.

SEC. 801. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) IN GENERAL.—Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended in subsection (b) by striking ‘‘September 30, 2004’’ and inserting ‘‘September 30, 2008’’.

SEC. 802. ELIMINATION OF CERTAIN SUB-CONTRACT NOTIFICATION REQUIREMENT FOR PERSONAL SERVICES.

(a) IN GENERAL.—Section 2306b of title 10, United States Code, is amended—

(1) by striking ‘‘(A)’’ and ‘‘(B)’’ and inserting ‘‘(i)’’;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(b) REPEALS.—(1) Subsection (g) of section 2306c of title 10, United States Code, is repealed.

(2) Subsection (c) of section 811 of the Fiscal Year 2003 National Defense Authorization Act (Public Law 107–314; 116 Stat. 2608) is repealed.

SEC. 803. ADDITIONAL AUTHORIZED RELATING TO OBTAINING PERSONAL SERVICES.

(a) IN GENERAL.—Section 129b of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking ‘‘in accordance with section 3109 of title 5’’;

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

‘‘(d) ADDITIONAL AUTHORITY.—(1) In addition to the authority provided under subsection (a), the Secretary of Defense may enter into personal services contracts with individuals, regardless of their nationality, outside of the United States.

(2) The contracting officer for a personal services contract shall be responsible for ensuring that a personal services contract is the appropriate vehicle for carrying out the purpose of the contract.’’.

(b) INTELLIGENCE COMPONENTS.—(1) Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

‘‘§ 426. Personal services contracts: authority and limitations

(a) PERSONAL SERVICES.—(1) The Secretary of Defense may, notwithstanding section 3109 of title 5, enter into personal services contracts in the United States if the personal services directly support the mission of a defense intelligence component or counter-intelligence organization.

(2) The contracting officer for a personal services contract shall be responsible for ensuring that a personal services contract is the appropriate vehicle for carrying out the purpose of the contract.

(b) DEFINITION.—In this section, the term ‘‘defense intelligence component’’ means a component of the Department of Defense that is an element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).’’.

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

‘‘426. Personal services contracts: authority and limitations.’’.

(c) SPECIAL OPERATIONS COMMAND.—Section 167 of title 10, United States Code, is amended by adding at the end the following new subsection:

‘‘(i) PERSONAL SERVICES CONTRACTS.—(1) The Secretary of Defense may, notwithstanding section 3109 of title 5, enter into personal services contracts in the United States if the personal services directly support the mission of the special operations command.

(2) The contracting officer for a personal services contract shall be responsible for ensuring that a personal services contract is the appropriate vehicle for carrying out the purpose of the contract.’’.

SEC. 805. EVALUATION OF PROMPT PAYMENT PROVISIONS.

(a) EVALUATION REQUIREMENT.—The Secretary of Defense shall evaluate provisions of law and regulation relating to the prompt payment of amounts due contractors under contracts with the Department of Defense.

(b) MATTERS COVERED.—In carrying out such evaluation, the Secretary shall focus in particular on the implementation of prompt payment provisions with respect to small businesses, including—

(1) an analysis of compliance by the Department of Defense with section 3109 of title 5, United States Code, and regulations applicable to the Department of Defense under that chapter, with respect to small business contractors;

(2) a determination of the number of Department of Defense contracts with small businesses that are not in compliance with prompt payment requirements; and

(3) a determination of the average length of time that elapses between performance of work by small business contractors under Department of Defense contracts and payment for such work.
Part I—Critical Items Identification and Domestic Production Capabilities Improvement Program

SEC. 811. ASSESSMENT OF UNITED STATES DEFENSE INDUSTRIAL BASE CAPABILITIES.

(a) ASSESSMENT PROGRAM.—The Secretary of Defense shall, with the Secretary of each military department, establish programs to assess the capabilities of the United States defense industrial base to produce military systems necessary to support national security requirements.

(b) DESIGNEE.—The Secretary of each military department shall designate a position to be responsible for carrying out the program under subsection (a) with respect to the military department concerned. The person designated to serve in such position shall do the following:

(1) Report to the Service Acquisition Executive of the military department concerned on defense industrial base matters affecting the acquisition and production of military systems.

(2) Provide information to assist the Secretary of Defense in carrying out the Secretary’s duties as a member of the National Technology and Industrial Base Council (as established under section 2502 of title 10, United States Code).

(3) Oversee the collection of data to assist the Secretary of Defense in carrying out subsection (c).

(4) Oversee the process for identifying and determining critical items to assist the Secretary of Defense in carrying out section 812.

(c) COLLECTION OF DATA.—The Secretary of Defense shall collect data in support of the program at a minimum, with respect to each procurement for a covered military system, the following information shall be collected:

(1) With respect to the contractor awarded the contract:

(A) An identification of the critical item or items included in the covered military system and whether the item is of a domestic or foreign source.

(B) Whether the contractor is a foreign contractor, and, if so—

(i) whether the contract was awarded on a sole source basis due to the unavailability of responsible vendors with United States production capabilities; or

(ii) whether the contract was awarded after receipt of a written certification from responsible vendors with United States production capabilities.

(C) Whether the contractor is a United States contractor, and, if the contractor plans to perform work under the contract outside the United States, an identification of the locations where the work (including research, development, and manufacturing) will be performed.

(2) With respect to the offerors submitting bids or proposals (other than the offeror awarded the contract):

(A) An identification of the critical item or items included in the covered military system and whether the item is of a domestic or foreign source.

(B) An identification of the domestic and foreign offerors and the locations where the work (including research, development, and manufacturing) was proposed to be performed under the contract.

(C) A statement of whether there were no offerors or whether there was only one offeror.

(d) CONFIDENTIALITY.—The Secretary of Defense shall make every effort to ensure that the information provided under this section from private sector entities remains confidential.

(e) ASSESSMENT.—The Secretary of Defense shall prepare an assessment of the data compiled under this section during every 2 years and shall submit the results of the assessment to the Committees on Armed Services of the Senate and the House of Representatives. The first such assessment shall cover the period of fiscal years 2002 and fiscal year 2003 and shall be submitted to the Committees no later than November 15, 2003.

SEC. 812. IDENTIFICATION OF CRITICAL ITEMS: MILITARY SYSTEM BREAKOUT LIST.

(a) IDENTIFICATION PROCESS.—The Secretary of Defense shall establish a process, with respect to each military system—

(1) the items and components within the military system;

(2) the items and components within the military system that are essential, in accordance with subsection (c); and

(3) the items and components within the military system that are critical, in accordance with subsection (d).

(b) MILITARY SYSTEM BREAKOUT LIST.—The Secretary of Defense shall produce a list, to be known as the “military system breakout list,” consisting of the items and components identified under the process established under subsection (a).

(1) ESSENTIAL ITEMS AND COMPONENTS.—For purposes of determining whether an item or component is essential, the Secretary shall include only an item or component that—

(A) is essential for the proper functioning and performance of the military system of which the item or component is a part; or

(B) involves a critical technology (as defined in section 2502(b)(25) of title 10, United States Code).

(2) CRITICAL ITEMS OR COMPONENTS.—(1) For purposes of determining whether an item or component is critical, the Secretary shall include only an item or component that—

(A) is essential, as determined under subsection (c); and

(B) with respect to which there is a high barrier to entry for the production of the item or component.

(2) Purposes of paragraphs (1)(A) and (B) is to determine the extent to which United States production capabilities and investment in research and development are necessary to reestablish United States production capabilities that are required for national security, and to ensure that the United States has the capability to meet surge and sustained production requirements during periods of heightened national defense requirements.

(c) CRITICAL ITEMS OR COMPONENTS.—(1) For purposes of determining whether an item or component is critical, the Secretary shall include only an item or component that—

(A) is essential, as determined under subsection (c); and

(B) with respect to which there is a high barrier to entry for the production of the item or component.

(2) Purposes of paragraphs (1)(A) and (B) is to determine the extent to which United States production capabilities and investment in research and development are necessary to reestablish United States production capabilities that are required for national security, and to ensure that the United States has the capability to meet surge and sustained production requirements during periods of heightened national defense requirements.

Commission shall include—

(1) the items and components within the military system covered by the process established under subsection (a).

(2) A list of items and components determined to be essential.

(3) A list of items and components determined to be critical.

(4) A list of the items and components determined to be critical.

(2) Purposes of paragraphs (1)(A) and (B) is to determine the extent to which United States production capabilities and investment in research and development are necessary to reestablish United States production capabilities that are required for national security, and to ensure that the United States has the capability to meet surge and sustained production requirements during periods of heightened national defense requirements.

SEC. 813. PROCUREMENT OF CERTAIN CRITICAL ITEMS FROM AMERICAN SOURCES.

(a) REQUIREMENT FOR PROCUREMENT OF CERTAIN CRITICAL ITEMS PRODUCED IN UNITED STATES.—With respect to items that meet the criteria set forth in subsection (b), the Secretary of Defense may procure such items only if the items are entirely produced in the United States.

(b) CRITERIA.—For purposes of subsection (a), an item meets the criteria of this subsection if—

(1) it is a critical item; and

(2) there are limited sources of production capability of the item in the United States.

(c) EXCEPTION.—Subsection (a) does not apply to a government contractor for a military system when the Secretary of Defense determines in writing that the Department of Defense’s need for the item is of such an unusual and compelling urgency that the United States could be seriously injured unless the Department is permitted to procure the item from sources outside the United States.

SEC. 814. PRODUCTION CAPABILITIES IMPROVEMENT FOR CERTAIN CRITICAL ITEMS USING DEFENSE INDUSTRIAL BASE CAPABILITIES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the Defense Industrial Base Capabilities Fund (hereafter in this section referred to as the ‘‘Fund’’).

(b) MONEYS IN FUND.—There shall be credited to the Fund amounts appropriated to it.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $100,000,000 for fiscal year 2004.

(d) USE OF FUND.—The Secretary of Defense is authorized to use all amounts in the Fund, subject to appropriation, for the purposes of establishing capabilities within the United States to produce critical items that meet any of the following criteria:

(1) The item is available only from foreign contractors.

(2) The item is available only from a limited number of United States sources.

(3) The item is from a source outside the United States.

(4) The funds are necessary to reestablish United States production of the item.

(e) LIMITATION ON USE OF FUND.—Before the obligation of any amounts in the Fund, the Secretary of Defense shall submit to Congress a report describing the Secretary’s plans for implementing the Fund established in subsection (a), including the priorities for the obligation of amounts in the Fund, the criteria for determining the recipients of such amounts, and the mechanisms through which such amounts may be provided to the recipients.

(f) AVAILABILITY OF FUNDS.—Amounts in the Fund shall remain available until expended.

(g) FUND MANAGER.—The Secretary of Defense shall designate a Fund manager. The duties of the Fund manager shall include—

(1) ensuring the visibility and accountability of transactions engaged in through the Fund; and

(2) reporting to Congress each year regarding activities of the Fund during the previous fiscal year.

Part II—Requirements Relating to Specific Items

SEC. 821. DOMESTIC SOURCE LIMITATION during the fiscal year.

(a) ADDITIONAL ITEMS.—Section 2534(a) of title 10, United States Code, is amended by adding at the end of the following new paragraphs:

"(6) Packaging in direct contact with meals.

(7) Microwave power tubes or traveling wave tubes.

(8) PAN carbon fiber.

(9) Aircraft tires.

(10) Ground vehicle tires.

(11) Tank track assemblies.

(12) Tank track components.

(13) Packaging in direct contact with meals within meals ready-to-eat listed in Federal Supply Class 8970.''

(b) AMENDMENT OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Paragraph (1) of section 2500 of title 10, United States Code, is amended—

(1) by striking all that follows after “States” to the end of the paragraph and inserting a period; and

(2) by striking ‘‘production, or maintenance’’ and inserting ‘‘production, and maintenance’’.

(c) AMENDMENT OF WAIVER AUTHORITY.—Section 2534(d) of title 10, United States Code, is amended—

(1) in the text before paragraph (1), by inserting ‘‘production, and maintenance’’ after ‘‘production’’; and

(2) by striking paragraphs (1), (2), (3), (6), (7), and (8);
SEC. 822. REQUIREMENTS RELATING TO BUYING COMMERCIAL ITEMS CONTAINING SPECIALTY METALS FROM AMERICAN SOURCES.

(a) SPECIALTY METALS AND OTHER INDUSTRIAL BASE PROTECTION MEASURES.—(1) Subsection (b) of section 2533a of title 10, United States Code, is amended—

(A) in paragraph (1)(B), by inserting before the semicolon the following: "and any specialty metal and components thereof"; and

(B) by redesignating paragraph (2), as so redesignated, the following new paragraph (1):

"(1) The Department of Defense’s need for the item is of such an unusual and compelling urgency that the United States would be seriously injured unless the Department is permitted to procure the item from sources outside the United States."

SEC. 823. ELIMINATION OF UNSOLVABLE DEFENSE ITEMS AND COMPONENTS.

(a) IDENTIFICATION OF CERTAIN COUNTRIES.—The Secretary of Defense shall identify foreign countries that, by law, policy, or regulation, restrict the provision or sale of military goods or services to the United States because of United States policy toward, or military operations in, Iraq since September 12, 2002.

(b) PROHIBITION ON PROCUREMENT OF CERTAIN ITEMS FROM IDENTIFIED COUNTRIES.—The Secretary of Defense may not procure any items or components contained in military systems if the item or any system, are manufactured in any foreign country identified under subsection (a).

(c) WAIVER AUTHORITY.—The Secretary of Defense may waive the limitation in subsection (b) if the Secretary determines in writing and notifies Congress that the Department of Defense’s need for the item is of such an unusual and compelling urgency that the United States would be seriously injured unless the Department is permitted to procure the item containing specialty metal from outside the United States.

(d) EFFECTIVE DATE.—Section 2533a of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date occurring four years after the date of the enactment of this Act.

SEC. 824. CONGRESSIONAL NOTIFICATION REQUIRED BEFORE EXERCISING EXCEPTION TO REQUIREMENT TO BUY SPECIALTY METALS FROM AMERICAN SOURCES.

Section 2533a(a) of title 10, United States Code, is amended by adding at the end the following new sentence: "The Secretary of Defense shall take such action as is necessary to ensure that such contracts are in compliance with subsection (b) not later than 24 months after such date.

SEC. 825. REPEAL OF AUTHORITY FOR FOREIGN PROCUREMENT OF PAR-A-RAMID FIBERS AND YARNS.


SEC. 826. REQUIREMENT FOR MAJOR DEFENSE ACQUISITION PROGRAMS TO USE MACHINE TOOLS ENTIRELY PRODUCED WITHIN THE UNITED STATES.

(a) IN GENERAL.—(1) Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new sections:

"§2436. Major defense acquisition programs: requirement for certain items to be entirely produced in United States.

"(a) The Secretary of Defense shall require that, for any procurement of a major defense acquisition program—

"(1) the contractor for the procurement shall use only machine tools entirely produced within the United States to carry out the contract; and

"(2) any subcontractor under the contract shall comply with paragraph (1) in the case of any contract in an amount that is $5,000,000 or greater.

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

"§2436. Major defense acquisition programs: requirement for certain items to be entirely produced in United States.

"(b) EFFECTIVE DATE.—Section 2436 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after the date occurring four years after the date of the enactment of this Act.

Part III—General Provisions

SEC. 831. DEFINITIONS.

In this subtitle:

(1) COVERED MILITARY SYSTEM.—The term "covered military system" means a military system that includes one or more critical items.

(2) MILITARY SYSTEM.—The term "military system" means a military system necessary to support national security requirements, as determined by the Secretary of Defense, and which costs more than $25,000. At a minimum, the term includes the following:

(A) Weapons listed in Federal Supply Group 10.

(B) Nuclear ordnance listed in Federal Supply Group 11.

(C) Fire control equipment listed in Federal Supply Group 12.

(D) Ammunition and explosives listed in Federal Supply Group 13.

(E) Guided missiles listed in Federal Supply Group 14.

(F) Aircraft and related components, accessories, and equipment listed in Federal Supply Groups 15, 16, and 17.

(G) Space vehicles listed in Federal Supply Group 18.

(H) Ships, small craft, pontoons, and floating docks listed in Federal Supply Groups 19, 20, and 21.

(I) Ship and marine equipment listed in Federal Supply Group 20.

(J) Tracked combat vehicles listed in Federal Supply Class 2350.

(K) Engines, turbines, and components listed in Federal Supply Group 28.

(3) CRITICAL ITEM.—The term "critical item" means an item or component determined to be critical by the Secretary of Defense under section 812.

(4) ITEM.—The term "item" means an end item.

(5) COMPONENT.—The term "component" means an article, material, or supply incorporated into an end item. The term includes subcomponents and subassemblies.

(6) FOREIGN CONTRACTOR.—The term "foreign contractor" means a contractor or subcontractor...
organized or existing under the laws of a country other than the United States.

(7) United States Contractor.—The term "United States contractor" means a contractor or subcontractor organized or existing under the laws of the United States.

(8) United States Production Capabilities.—The term "United States production capabilities" means, with respect to an item or component, facilities located in the United States to design, develop, or manufacture the item or component.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. CHANGE IN TITLE OF SECRETARY OF THE NAVY AND MARINE CORPS.

(a) Change in Title.—The position of the Secretary of the Navy is hereby redesignated as the Secretary of the Navy and Marine Corps.

(b) References.—Any reference to the Secretary of the Navy in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the Secretary of the Navy and Marine Corps.

SEC. 902. REDESIGNATION OF NATIONAL IMAGERY AND MAPPING AGENCY AS NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) Redesignation.—The National Imagery and Mapping Agency of the Department of Defense is hereby redesignated as the National Geospatial-Intelligence Agency.

(b) Definitions—Geospatial Intelligence Agency.

(1) The heading of chapter 22 is amended to read as follows:

"CHAPTER 22—NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY."

(2) Chapter 22 is amended—

(A) by striking "National Imagery and Mapping Agency" in subsections (d)(2)(C) and (c)(2)(C) and inserting "National Geospatial-Intelligence Agency";

(B) in the heading for subsection (d), by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency";

(C) in the heading for subsection (e), by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency";

(D) in sections 453(b), by striking "NIMA" in paragraphs (1) and (2) and inserting "NGA";

(E) by striking "National Imagery and Mapping Agency" in subsections (d)(2)(C) and (c)(2)(C) and inserting "National Geospatial-Intelligence Agency";

(F) by striking "National Geospatial-Intelligence Agency" in the item relating to chapter 22 of title A, and at the beginning of part I of subtitle A, and at the beginning of part I of title 10, United States Code, is amended, by adding at the end the following new paragraph:

"(5) The term 'geospatial intelligence' means the exploitation of the nonvisible aspects of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, intelligence, and geospatial information."

(C) Agency Missions.—(1) Section 422(a)(10) of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting "geospatial intelligence consisting of "after "provide"; and

(B) by section 436(a)(3) of the National Security Act of 1947 (50 U.S.C. 404a(a)) is amended by adding at the end the following new paragraph:

"(5) The term 'geospatial intelligence' means the exploitation of the nonvisible aspects of imagery and geospatial information to describe, assess, and visually depict physical features and geographically referenced activities on the earth. Geospatial intelligence consists of imagery, intelligence, and geospatial information."

(D) Conforming Amendments to National Security Act of 1947.—The National Security Act of 1947 (50 U.S.C. 401a) is amended by striking "National Imagery and Mapping Agency" in paragraph (4)(E) and inserting "National Geospatial-Intelligence Agency".

(2) Section 103 (50 U.S.C. 403–5) is amended by striking "National Imagery and Mapping Agency" in paragraphs (1) and (2) and inserting "National Geospatial-Intelligence Agency".


(1) Section 3 (50 U.S.C. 401a) is amended by striking "National Imagery and Mapping Agency" in paragraph (4)(E) and inserting "National Geospatial-Intelligence Agency".

(2) Section 105 (50 U.S.C. 403–5) is amended by striking "National Imagery and Mapping Agency" in subsections (b)(2) and (d) and inserting "National Geospatial-Intelligence Agency".

(3) Section 105A (50 U.S.C. 403–5a) is amended by striking "National Imagery and Mapping Agency" in subsections (b)(1) and (c) and inserting "National Geospatial-Intelligence Agency".

(4) Section 105C (50 U.S.C. 403–5c) is amended—

(A) by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency";

(B) by striking "NIMA" each place it appears and inserting "NGA"; and

(C) by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 106 (50 U.S.C. 403–6) is amended by striking "National Imagery and Mapping Agency" in subsections (a)(2)(C) and inserting "National Geospatial-Intelligence Agency".

(3) Section 110 (50 U.S.C. 404e) is amended—

(A) by striking "National Imagery and Mapping Agency" in subsections (a), (b), and (c) and inserting "National Geospatial-Intelligence Agency"; and

(B) by striking "National Imagery and Mapping Agency" in the section heading and inserting "National Geospatial-Intelligence Agency".

(4) The table of contents in the first section is amended—

(A) by striking the item relating to section 105C and inserting the following:

"Sec. 105C. Protection of operational files of National Geospatial-Intelligence Agency.";

and

(B) by striking the item relating to section 110 and inserting the following:

"Sec. 110. National mission of National Geospatial-Intelligence Agency.".

(F) Cross Reference Correction.—Section 442(d) of title 10, United States Code, is amended by striking "section 120(a) of the National Security Act of 1947" and inserting "section 120(a) of the National Security Act of 1947 (50 U.S.C. 404a(a))."

(G) References.—Any reference to the National Imagery and Mapping Agency in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the National Geospatial-Intelligence Agency.

SEC. 903. PILOT PROGRAM FOR PROVISION OF SPACE SURVEILLANCE NETWORK SERVICES TO NON-UNITED STATES GOVERNMENTS.

(a) In General.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 4277. Space surveillance network: pilot program for provision of space surveillance support to entities outside United States Government

(1) The Secretary of Defense may carry out a pilot program to determine the feasibility and desirability of providing space surveillance data support to non-United States Governmental entities, described in subsection (b), to entities outside United States Government.

(2) The Secretary of Defense shall, in providing such services to that entity in the national security interests of the United States.

(b) Space Surveillance Data Support.—Under such a pilot program, the Secretary may provide to a non-United States Governmental entity, subject to an agreement described in subsection (c), the following:

(1) Satellite tracking services from assets owned or controlled by the Department of Defense, but only if the Secretary determines, in the case of any such agreement, that providing such services to that entity in the national security interests of the United States.

(2) Space surveillance data, but only if the Secretary determines, in the case of any such agreement, that providing such data analysis to that entity in the national security interests of the United States.

(c) Required Agreement.—The Secretary may not provide space surveillance data support to a non-United States Governmental entity under the pilot program unless that entity enters into an agreement with the Secretary under which the entity—

(A) agrees to pay an amount that may be charged by the Secretary under subsection (f); and

(B) agrees not to transfer any data or technical information received under the agreement, including the analysis of tracking data, to any other entity without the Secretary's express approval.

(d) Requirements With Respect to Foreign Transactions.—(1) The Secretary may enter into an agreement under subsection (c) to provide space surveillance data support to a foreign government or other government entity, subject to an agreement described in subsection (c) without the concurrence of the Secretary of State.

(2) In the case of such an agreement that is entered into with a foreign government or other foreign entity, the Secretary of Defense may provide approval under subsection (c)(2) for a transfer of data or technical information only with the concurrence of the Secretary of State.

(e) Prohibition Concerning Provision of Intelligence Assets or Data.—Nothing in this section shall be considered to authorize the provision of services or information concerning, or derived from, United States intelligence assets or data.

(f) Charges.—As a condition of an agreement under subsection (c), the Secretary of Defense may require the non-United States Governmental entity entering into the agreement to pay to the Department of Defense—

(1) such amounts as the Secretary determines to be necessary to reimburse the Department of Defense for the costs to the Department of providing space surveillance data support under the agreement; and

(2) any other amount or fee that the Secretary may prescribe.

(g) Crediting of Funds Received.—Funds received pursuant to an agreement under this section shall be credited to the Department of Defense for the costs of the space surveillance data support described under the agreement.
the same purposes as the accounts originally charged to perform the services. Funds so credited shall merge with and become available for obligations for the same purposes as the accounts originally charged to perform the services.

Section 904. Clarification of Responsibility of Military Departments to Support Combatant Commands. Sections 3013(c)(4), 5013(c)(4), and 8013(c)(4) of title 10, United States Code, are each amended by striking ``(to the maximum extent practicable)''.

Section 905. Biennial Review of National Military Strategy by Chairman of the Joint Chiefs of Staff. (a) Biennial Review. Section 153 of title 10, United States Code, by adding at the end the following new subsection:

``(d) Biennial Review of National Military Strategy.—(1) Not later than February 15 of each even-numbered year, the Chairman shall submit to the Committees on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of a comprehensive examination of the national military strategy. Such examination shall be conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified commands.

(2) Each report on the examination of the national military strategy under paragraph (1) shall include the following:

(A) Description of a national military strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a) and the most recent Quadrennial Defense Review prescribed by the Secretary of Defense pursuant to section 118 of this title.

(B) A description of the strategic environment and the opportunities and challenges that affect United States national interests and United States national security.

(C) A description of the regional threats posed by terrorism, weapons of mass destruction, and asymmetric challenges to United States national security.

(D) Identification of the national military objectives and the criteria to the strategic environment, regional, and international threats.

(E) A description of the strategy, underlying concepts, and component elements that contribute to the achievement of United States national military objectives.

(F) A description of the capabilities and adequacy of United States forces (including both active and reserve components) to successfully execute the national military strategy.

(G) A description of the capabilities, adequacy, and interoperability of regional allies of the United States and or friendly nations to support United States forces in combat operations and other operations for extended periods of time.

(H) A description of the resources, basing requirements, and infrastructure needed to provide the capabilities necessary to be assured United States forces can successfully achieve national military objectives and to assess what additional resources and support might be required to sustain allies or friendly nation forces during combat operations.

(3) As part of the assessment under this subsection, the Chairman shall consult with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified commands, shall undertake an assessment of the nature and magnitude of the strategic and military risks associated with successfully executing the missions called for under the National Military Strategy.

(4) Before submitting a report under this subsection to the Committees on Armed Services of the Senate and House of Representatives, the Chairman shall provide the report to the Secretary of Defense. The Secretary’s assessment and comments thereon (if any) shall be included with the report. If the Chairman’s assessment in the report is that the risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report a report to those committees the Secretary’s plan for mitigating the risk.

(b) Conforming Amendment. Subsection (b)(1) of such section is amended by striking “each year” and inserting “of each odd-numbered year”.

Section 906. Authority for Acceptance by Asia-Pacific Center for Security Studies of Gifts and Donations from Nonforeign Sources. (a) Authority. Subsection (a) of section 2611 of title 10, United States Code, is amended—

(1) by striking “FOREIGN” in the subsection caption;

(2) by striking “foreign” in paragraph (1) after “Center”;

and (3) by adding at the end of paragraph (1) the following sentence: “Such gifts and donations may be accepted from any agency of the United States, any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any other private source in the United States or a foreign country.”;

(b) Conforming Amendments. Such section is further amended—

(1) by striking “foreign” in subsection (c); and

(2) in subsection (f)—

(A) by striking “FOREIGN” in the subsection caption;

(B) by striking “foreign” after “section,”; and

(C) by striking “from a foreign” and all that follows through “country.” and inserting a period.

(c) Clerical Amendments. The heading of each such section, and the item relating to such section in the table of provisions for the beginning of chapter 155 of such title, are each amended by striking the third word after the colon.


(1) by striking “Until October 1, 1997,” the and inserting “The”; and

(2) by striking the second sentence.

Section 908. Pilot Program for Improved Civilian Personnel Management. (a) Pilot Program. (1) The Secretary of Defense may carry out a pilot program using an automated workforce management system to demonstrate improved performance of civilian personnel management.

(2) Under the pilot program, the Secretary of Defense shall provide the Secretary of each military department with the authority for the following:

(A) To use an automated workforce management system for its civilian workforce to assess its potential to substantially reduce hiring cycle times, lower labor costs, increase efficiency, improve performance management, provide better management reporting, and enable it to make sustainable new personnel management flexibilities granted under the civilian personnel transformation program.

(B) To identify a regional civilian personnel center (or equivalent) in each military department for participation in the pilot program.

(C) To carry out the pilot program under each selected civilian personnel center for a period of two years beginning not later than March 1, 2004.

(b) Pilot Program Characteristics. The pilot program personnel management system shall have a minimum the following characteristics:

(1) It is in use by Federal government agencies outside the Department of Defense.

(2) It is able to be purchased on an annual subscription basis.

(3) It requires no capital investment, software license fees, transaction charges, or “per seat” or “concurrent user” restrictions.

(4) It is capable of automating the workforce management functions of job definition, position management, recruitment, staffing, and performance management using integrated vendor-supplied and supported data, expert system rules, and software functionality across those functions.

(5) It has a “native web” technical architecture and an Oracle database.

(6) It is hosted by the vendor so that the customer requires only Internet access and an Internet browser to use the system.

(7) It is capable of operating completely “server side” so that no software is required on the client system and no interactive elements are used.

(c) Implementation Plan. (1) The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan for the implementation of the pilot program. The plan shall be submitted not later than six months after the date of the enactment of this Act.

(2) The plan shall include the following:

(A) The Secretary’s request to the Office of Personnel Management to conduct the pilot program as a Federal civilian personnel demonstration project under chapter 47 of title 5, United States Code, or a plan to provide for the pilot program through another plan.

(B) The expected cost of the pilot program.

(C) Identification of the regional civilian personnel centers for participation in the pilot program and the criteria used in such selection.

(D) Expected timing for providing to Congress the results of the pilot program and recommendations of the Secretary.

(E) The Secretary may not begin to implement the pilot program until a period of 30 days has elapsed after the date of the provision.
submission of the plan for the pilot program under subsection (c).

SEC. 909. EXTENSION OF CERTAIN AUTHORITIES APPLICABLE TO THE PENTAGON RESERVE FORCES TO INCLUDE DESIGNATED PENTAGON CONTINGENCY-OF-GOVERNMENT LOCATIONS.

Section 261b of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) For purposes of subsections (b), (c), (d), and (e), the term ‘Pentagon Reservation’ and ‘National Capital Region’ shall be treated as including the lands and facilities at the Raven Complex and such other areas of land, locations, and physical facilities of the Department of Defense within 100 miles of the District of Columbia as the Secretary of Defense may deem necessary for the meet the needs of the Department of Defense directly relating to continuity of operations and continuity of government.

SEC. 910. DEFENSE ACQUISITION WORKFORCE REDUCTIONS.

(a) REVISED LIMITATION.—Subchapter V of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:


"(a) LIMITATION.—Effective October 1, 2008, the number of defense acquisition and support personnel in the Department of Defense may not exceed 75 percent of the baseline number.

"(b) PHASED REDUCTION.—The number of defense acquisition and support personnel in the Department of Defense—

"(1) as of October 1, 2004, may not exceed 95 percent of the baseline number;

"(2) as of October 1, 2005, may not exceed 90 percent of the baseline number;

"(3) as of October 1, 2006, may not exceed 85 percent of the baseline number;

"(4) as of October 1, 2007, may not exceed 80 percent of the baseline number.

"(c) BASELINE NUMBER.—In this section, the term ‘baseline number’ means the number of defense acquisition and support personnel in the Department of Defense as of October 1, 2003.

"(d) DEFENSE ACQUISITION AND SUPPORT PERSONNEL DEFINED.—In this section, the term ‘defense acquisition and support personnel’ means military and civilian personnel (other than civil service personnel) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction 5000.58 dated April 14, 1992), and any other organizations which the Secretary may determine to have a predominantly acquisition mission.

"(e) Table of Sections.—The table of sections at the beginning of this subchapter is amended by adding at the end the following new item:

"1765. Defense acquisition workforce: limitation…"
(a) Repeal.—Section 7296 of title 10, United States Code, is amended by striking subsection (a).

(b) Clerical Amendments.—Such section is further amended—

(1) by striking “(3)” any notification under paragraph (3)(A)” and inserting “(3) CONTENT OF NOTIFICATION.—Any notification under subsection (a)(1)(A)”;

(2) by redesignating subparagraphs (A), (B), and (C) of subsection (b) (as redesignated by paragraph (1)) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “paragraph (B)” in subsection (b)(3) (as redesignated by paragraphs (1) and (2)) and inserting “paragraph (2)”.

SEC. 1012. ENHANCEMENT OF AUTHORITY RELATING TO USE FOR EXPERIMENTAL PURPOSES OF VESSELS STRICKEN FROM NAVAL VESSEL REGISTER.

(a) Sale of Material and Equipment Stripped from Vessel.—Subsection (b)(1) of section 7306a of title 10, United States Code, is amended by adding at the end the following new sentence: “Material and equipment stripped from the vessel may be sold by a contractor or a designated sales agent on behalf of the Navy.”

(b) Use of Proceeds.—(1) Subsection (b)(2) of such section is amended by striking “scraping services,” and all that follows through and including “services needed for such stripping and for environmental remediation required for the use of the vessel for experimental purposes. Amounts received in excess of amounts needed for reimbursement of those costs shall be deposited into the account from which the stripping and environmental remediation expenses were incurred and shall be available for stripping and environmental remediation of other vessels to be used for experimental purposes.”.

(2) The amendment made by paragraph (1) shall not apply with respect to proceeds from the stripping of a vessel stripping contract entered into before the date of the enactment of this Act.

(c) Clarification of Covered Experimental Purposes.—Such section is further amended by adding at the end the following new subsection:

“(2) Each transfer of a vessel under subsection (a) shall require that—

(C) The Secretary considers appropriate.

(2) Use of Proceeds.—The Secretary of the Navy may transfer, by gift or otherwise, any vessel stripped from the Naval Vessel Register to any State, Commonwealth, or any possession of the United States, or any municipal corporation or political subdivision thereof used as an artificial reef as provided in subsection (b).

(2) Vessel to Be Used as Artificial Reef.—An agreement for the transfer of a vessel under subsection (a) shall require that—

(1) the transferee use, site, construct, monitor, and manage the vessel only as an artificial reef in accordance with the requirements of the National Oceanic and Atmospheric Administration.

(2) the transferee shall assume all of the responsibilities, duties, requirements, and restrictions that are substantially the same as those under section 2218 of title 10, United States Code; and

(3) the transferee shall be responsible for all applicable Federal, State, interstate, and local permits for sitting, constructing, monitoring, and managing a vessel as an artificial reef.

(c) Additional Terms.—The Secretary may require such additional terms in connection with a conveyance authorized by this section as the Secretary considers appropriate.

(d) Cost Sharing on Transfers.—The Secretary of the Navy may share with the recipient any of the costs associated with transferring a vessel under this section.

(e) Application for More Than One Vessel.—A State, Commonwealth, or possession of the United States, or any municipal corporation or political subdivision thereof may be eligible to apply for more than one vessel under this section.

(f) Definition.—In this section, the term ‘fishery resources’ has the meaning given such term in section 314 of the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1802(14)).

(g) Clarification of Coverage.—The term ‘qualified sealift ship’ means a high-speed, roll-on, roll-off vessel that is—

(A) militarily useful for additional medium to long-thrust sealift strategic sealift capacity;

(B) designed to carry at least 10,000 tons of cargo; and

(C) capable of operating commercially in the foreign commerce of the United States.

(h) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of the Navy to carry out this section $20,000,000.

Subtitle C—Reports

SEC. 1021. REPEAL AND MODIFICATION OF VARIOUS REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:
(1) Section 113 is amended by striking subsection (m).
(2) Section 117(e) is amended by striking "each month" and all that follows through "subsection (d)" and inserting "each quarter submit to the congressional defense committees a report in writing containing the results of the most recent joint readiness review under subsections (a) and (b)".
(3) Section 127(d) is amended to read as follows:

"(d) **ANNUAL REPORT.—**Not later than December 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on expenditures during the preceding fiscal year for subactivities (a) and (b)."

(4) Section 127a is amended—
(A) in subsection (a)—
(i) by striking paragraph (3); and
(ii) by redesignating paragraph (4) as paragraph (3); and
(B) by inserting subsection (d).
(5) Section 128 is amended by striking subsection (d).
(6) Section 129 is amended by striking subsection (f).
(7) Section 184 is amended by striking subsection (b).
(8) Section 226(a) is amended—
(A) by striking "December 15" and inserting "January 15"; and
(B) by striking "in the following year" in paragraph (1) and inserting "in that year".
(9) A new subsection is added—
(I) by inserting "monthly" and inserting "quarterly"; and
(II) by striking "and monthly" and inserting "and quarterly"; and
(III) by striking "month" and inserting "fiscal-year quarter"; and
(4) in subsection (c), by striking "month" each place it appears and inserting "quarter".
(10) A new subsection is added—
(B) The heading of such section is amended to read as follows:

"228. Quarterly reports on allocation of funds within operation and maintenance budget subactivities.

(ii) The item relating to section 228 in the table of sections at the beginning of chapter 9 is amended to read as follows:

"228. Quarterly reports on allocation of funds within operation and maintenance budget subactivities.".

(10) Section 401 is amended by striking subsection (d).
(11) Section 437 is amended—
(A) by striking the second sentence of subsection (b); and
(B) by striking subsection (c).
(12) A new subsection 484 is repealed.
(13) The table of sections at the beginning of such chapter is amended by striking the item relating to section 484.
(14) A new subsection 520c is amended—
(I) by striking subsection (b); and
(II) by inserting "PROVISION OF MEALS AND REFRESHMENTS";
and
(III) by striking the heading for such section and inserting the following:

"520c. Recruiting functions: provision of meals and refreshments."

(8) The item relating to such section in the table of sections at the beginning of chapter 31 is amended to read as follows:

"520c. Recruiting functions: provision of meals and refreshments."

(14) Section 983(e)(1) is amended by striking "and to Congress".
(15) Section 1060 is amended by striking subsection (d) and inserting "with a detailed description of the rationale supporting the determination"; and
(16) Section 1130 is amended—
(A) in subsection (a), by striking "the other determinations necessary to comply with subsection (c)" and inserting "respond with a detailed description of the rationale supporting the determination"; and
(B) by striking subsection (b).
(17) Section 1157 is amended by striking subsection (e).
(18) Section 3562 is amended—
(A) in subsection (a), by striking "the other determinations necessary to comply with subsection (b)" and inserting "respond with a detailed description of the rationale supporting the determination"; and
(B) by striking subsection (b).
(19) Section 2000 is amended by striking subsection (d).
(20) Section 2166 is amended—
(A) in subsection (e)(5), by inserting "in order to the Secretary of Defense"; and
(B) by striking subsection (j).
(21) Section 2080(j)(2) is amended by striking "and notifies Congress regarding the reasons for the waiver".
(22) Section 2216(a) is amended—
(A) by striking "QUARTERLY REPORTS.—(1) Not later than 15 days after the end of each calendar quarter and inserting "ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year"; and
(B) by striking "quarterly" in subparagraphs (A), (B), and (C) of paragraph (1) and inserting "fiscal year".
(23) Section 2224(e) is amended by inserting "through 2007" after "Each year".
(24) Section 2553(b)—
(A) by striking paragraph (2); and
(B) by striking "(1)" after "(2)" EXCEPTION.—.
(25) Section 2281 is amended by striking subsection (d).
(26) A new subsection 2282 is repealed.
(B) The table of sections at the beginning of chapter 136 is amended by striking the item relating to section 2282.
(27) Section 2282 is amended—
(A) in subsection (d)—
(i) by striking "Defense" and all that follows through "the extent" and inserting "Defense to the extent";
(ii) by striking "and" and inserting a period; and
(iii) by striking paragraph (2); and
(B) by striking subsection (i).
(28) Section 2272(c)(1) is amended—
(A) in subparagraph (A), by striking "the date on which such head of an agency submits to Congress a report on the contract" and inserting "if in the best interests of the Government";
(B) in subparagraph (B), by striking "A report" and inserting "paragraph (1)" and subparagraph (C). Such records; and
(C) by striking subparagraph (C).
(29) Section 2372 is amended—
(A) by striking subsection (f); and
(B) in subsection (g), by striking paragraph (3).
(30) Section 2350 is amended by striking subsections (e) and (g).
(31) Section 2367 is amended by striking subsection (d).
(32) Section 2371 is amended by striking subsection (h).
(33) Section 2374a is amended by striking subsection (e).
(34) Section 2410(c) is amended by striking the last sentence.
(35) Section 2410(c)(1) is amended—
(A) by striking "REPORtING REQUIREMENT.— Each year" and inserting "ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year"; and
(B) by inserting "at the end of such fiscal year" in paragraph (1) before the period; and
(C) by striking "during the year preceding the year in which the report is submitted" in paragraph (2) and inserting "under this section during that fiscal year";
(36) Section 2410(c)(2) is amended—
(A) by striking "under this section during that fiscal year" in paragraph (3) and inserting "under this section during that fiscal year"; and
(B) by striking "in such preceding year" in paragraph (4) and inserting "under this section during that fiscal year".
(37) Section 2453 is amended—
(A) in paragraph (4)—
(i) by inserting "in paragraphs (1) and (2), by striking ", or by at least 25 percent," and
(ii) by redesigning paragraph (3) as paragraph (2);
(iii) in paragraph (2), as so redesignated, by striking "or if a" in the first sentence and all that follows through "paragraph (2)"; and
(iv) by designating the last sentence of such paragraph as paragraph (3) and in that paragraph—
(I) by inserting under paragraph (2) "after The prohibition"; and
(II) by striking the "and all that follows through "subsection (d)" and inserting "the date on which Congress receives the selected Acquisition Report under paragraphs (1) with respect to that program."; and
(38) Section 2457 is amended by striking subsection (g).
(39) Section 2493 is amended by striking subsection (d).
(40) Section 2521 is amended by striking subsection (e).
(41) Section 2536 is amended—
(A) in subsection (b)—
(i) by striking "notify Congress" in the first sentence and inserting "maintain a record"; and
(ii) by striking the second sentence and inserting the following: "The records maintained under the preceding sentence with respect to a waiver shall include a justification in support of the decision to grant the waiver and shall be retrievable for any particular waiver or for waivers during any period of time."; and
(B) by adding at the end the following new subsection:

"(d) The Secretary of Defense shall maintain an account of actions relating to the award of contracts to a prime contractor. The Secretary of Defense shall include in such account the reasons for exercising the awards and the work expected to be performed.".
(42) Section 2541d is amended—
(A) by striking subsection (b); and
(B) in subsection (a), by striking "(a)" and all that follows through the preceding sentence with respect to a waiver.
(43) Section 2561 is amended by striking subsections (c), (d), and (f).
(44) Section 2563(c)(2) is amended by striking "and notifies Congress regarding the reasons for the waiver".
(45) Section 2645 is amended by striking subsections (d) and (g).
(46) Section 2667a(c)(2) is amended by striking "45 days" and inserting "14 days".
(47) Section 2676(d) is amended by striking "21 days" and inserting "14 days".
(48) Section 2680 is amended by striking subsection (e).
(49) Section 2696 is amended by striking subsections (c) and (d).
(50) Section 2703(c)(2) is amended—
(A) by striking paragraph (8); and
(B) by striking "unless the Secretary determines that" and inserting "unless the Secretary determines that"; and
(C) by redesigning clauses (i), (ii), and (iii) as paragraphs (A), (B), and (C), respectively, and realigning such subparagraphs (as so redesignated) two ems from the left margin.
(51) (A) Section 2723 is repealed.

(52) The table of sections at the beginning of chapter 161 is amended by striking the item relating to section 2723.

(53) Section 2808(b) is amended by striking "21-day period" and inserting "seven-day period".

(54) Section 2805(b) is amended—

(A) in paragraph (1), by striking "$750,000" and inserting "$3,000,000"; and

(B) by striking "not less than 21 days" and inserting "14 days".

(55) Section 2807 is amended—

(A) in subsection (b)—

(i) by striking "$500,000" and inserting "$1,000,000"; and

(ii) by striking "21 days" and inserting "14 days".

(56) Section 2807(f)(2) is amended by striking "21 calendar days" and inserting "14 days".

(57) Section 2812(c)(1)(B) is amended by striking "21 days" and inserting "14 days".

(58) Section 2813(c) is amended by striking "20–day period" and inserting "21–day period".

(59) Section 2825 is amended—

(A) by striking "21 days" in the last sentence of subsection (b)(1)(B) and inserting "14 days"; and

(B) by striking "21 days" in subsection (c)(1)(D) and inserting "14 days".

(60) Section 2826 is amended—

(A) by striking "(a) LOCAL COMPARABILITY.—"; and

(B) by striking subsection (b).

(61) Section 2827(b)(12) is amended by striking "21 days" and inserting "14 days".

(62) Section 2986(f)(2) is amended by striking "21 calendar days" and inserting "14 days".

(63) Section 2988(d) is amended by striking "21–day period" and inserting "14–day period".

(64) Section 2985(b) is amended by striking "21–day period" and inserting "seven–day period".

(65) Section 2854a(c)(2) is amended by striking "21 calendar days" and inserting "14 days".

(66) Section 2885 is amended—

(A) in subsection (e)—

(i) by striking "(1)" before "The Secretary"; and

(ii) by striking paragraph (2) and

(B) by striking paragraph (f).

(67) Section 2866(c) is amended—

(A) by striking "(1)" before "The Secretary"; and

(B) by striking paragraph (2).

(68) Section 2987(c) is amended by striking "21–day period" and inserting "14–day period".

(69) Section 2975(e) is amended by striking "30–day period" and inserting "14–day period".

(70) Section 2983(f) is amended by striking "30–day period" and inserting "14–day period".

(71) Section 2922(b) is amended—

(A) by striking paragraph (2); and

(B) by striking "(1)" after "(g)".

(72) Section 4342(h) is amended by striking "Secretary of the Army" and inserting "Superintendent of the Naval Academy".

(73) Section 4357(c) is amended by striking "21–day period" and inserting "14–day period".

(74) Section 2976 is amended by striking "30–day period" and inserting "14–day period".

(75) Section 6975(c) is amended by striking "Secretary of Defense" and inserting "Secretary of the Air Force".

(76) Section 7049(c) is amended—

(A) by striking "CERTIFICATION" in the subsection heading and inserting "DETERMINATION"; and

(B) by striking "and, and certifies to" and all that follows through "House of Representatives".

(77) Section 9342(h) is amended by striking "Secretary of the Air Force" and inserting "Superintendent of the Naval Academy".

(78) Section 9356(c) is amended by striking "the expiration of 30 days following".

(79) Section 12302—

(A) in subsection (b), by striking the last sentence; and

(B) by striking subsection (d).

(80) (A) Section 16137 is repealed.

(B) The table of sections at the beginning of chapter 1606 is amended by striking the item relating to section 16137.


(82) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991.—Part B of title XXIX of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2687 note) is amended as follows:

(1) Section 2921 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(2) Section 2868 (10 U.S.C. 2802 note) is amended by striking "the Secretary of Defense" and inserting "Not later than 30 days after the date on which a decision is made selecting the site or sites for temporary basing of a new weapon system, the Secretary of Defense shall submit to Congress".

(3) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 and 1993.—The National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190) is amended as follows:

(a) In section 734 (10 U.S.C. 1074 note) is amended by striking subsection (c).

(b) Section 2868 (10 U.S.C. 2802 note) is amended by striking paragraph (2).

(c) Section 2869 (10 U.S.C. 2803 note) is amended by striking subsection (b).
(9) The personnel management actions taken to support the forces in the theater of operations.
(10) The effectiveness of reserve component forces in supporting other phase of military operations.
(11) The role of the theater staff for providing joint planning and execution of theater activities in support of coalition forces.
(12) The decisionmaking process regarding activation of reserve component forces and deployment of those forces to the theater of operations.
(13) The post-activation training received by such forces.
(14) The integration of forces and equipment of reserve component forces into the active component forces.
(15) The use and performance of the reserve component forces in operations in the theater of operations.
(F) The use and performance of such forces at duty stations outside the theater of operations.
(11) The role of the law of armed conflict in the planning and execution of military operations by United States forces and the other coalition forces and the effects on operations of Iraqi compliance or noncompliance with the law of armed conflict, including a discussion regarding each of the following matters:
(A) Use of Iraqi civilians as human shields.
(B) Treatment of prisoners of war.
(C) Repatriation of prisoners of war.
(D) Use of rules and acts of perfidy.
(E) War crimes.
(F) Environmental terrorism.
(G) Conduct of neutral nations.
(12) The actions taken by the coalition forces in anticipation of, and in response to, Iraqi acts of environmental terrorism.
(13) The actions taken by the coalition forces in anticipation of possible Iraqi use of weapons of mass destruction.
(14) Evidence of Iraqi weapons of mass destruction and intelligence regarding such weapons.
(15) The contributions of United States and coalition intelligence and counterintelligence systems and personnel, including contributions regarding bomb damage assessments and particular including United States tactical intelligence and related activities (TIAR) programs and the Joint Military Intelligence Program (J-MIP).
(16) Command, control, communications, and operational security of the coalition forces as a whole and in particular the command, control, communications, and operational security of the United States forces.
(17) The rules of engagement for the coalition forces.
(18) The actions taken to reduce the casualties among coalition forces caused by the fire of such forces.
(19) The role of supporting combatant commands and Defense Agencies of the Department of Defense.
(20) The policies and procedures relating to the media, including the use of embedded media.
(21) The assignment of roles and missions to the United States forces and other coalition forces under subparagraph (A) for a procurement described in paragraph (1) for a procurement described in paragraph (1).
(22) The readiness, including doctrine and training, of the United States forces.
(23) The acquisition of foreign military technology from Iraq, and any compromise of military technology of the United States or other countries in the multinational coalition.
(24) The acquisition of foreign military technology from Iraq, and any compromise of military technology of the United States or other countries in the multinational coalition.
(25) The possession and use of equipment produced in the United States and other coalition nations.
(26) The military criteria used to determine when to progress from one phase of military operations to another phase of military operations.
(27) The role, if any, of the Status of Resources and Training System (SORTS) in determining which units would be employed during the operation.
(28) The role of the Coast Guard.
(29) The direct support of military operations, including an assessment of the total incremental expenditures made by the Department of Defense as a result of Operation Iraqi Freedom.
(c) CASUALTY STATISTICS.—The report (and the preliminary report, to the extent feasible) shall also contain:
(1) the numbers of military and civilian casualties sustained by coalition nations; and
(2) estimates of such casualties sustained by Iraq and by nations not directly participating in hostilities during Operation Iraqi Freedom.
(d) CLASSIFICATION OF REPORTS.—The Secretary of Defense shall submit both the report required by this section and the preliminary report, in a classified form and an unclassified form.

SEC. 1023. REPORT ON DEPARTMENT OF DEFENSE POST-CONFLICT ACTIVITIES IN IRAQ

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the activities of the Department of Defense in post-conflict Iraq.

(b) REPORT ELEMENTS.—The report shall discuss:
(1) the range of infrastructure reconstruction, civil administration, humanitarian assistance, intergovernmental, and political development activities being conducted by officials of the Department and by those civilians reporting to the Secretary of Defense and the missions undertaken in Iraq by United States military forces.
(2) In particular, the report shall include a discussion of the following:
(A) The evolution of the organizational structure of the civilian groups reporting to the Secretary, including the Office of Reconstruction and Humanitarian Assistance, on issues of Iraqi post-conflict administration and reconstruction and the factors influencing that evolution.
(B) The relationship of Department of Defense with other United States departments and agencies involved in post-conflict administration and reconstruction planning and execution in Iraq.
(C) The relationship of Department of Defense entities, including the Office of Reconstruction and Humanitarian Assistance, with intergovernmental and nongovernmental organizations contributing to the reconstruction and governance efforts.
(D) Progress made to the date of the report in:
(i) rebuilding Iraqi infrastructure;
(ii) providing for the humanitarian needs of the Iraqi people;
(iii) reconnecting the Iraqi governmental bureaucracy and its provision of services; and
(iv) developing mechanisms of fully transitioning Iraq to representative self-government.
(E) Progress made to the date of the report by Department of Defense civilians and military personnel in accounting for any Iraqi weapons of mass destruction and associated weapons capabilities.
(F) Progress made to the date of the report by Department of Defense civilians and military personnel in providing security in Iraq and in transferring security functions to a reconstituted Iraqi police force and military.
(G) The Secretary's assessment of the scope of the ongoing needed commitment of United States military forces and of the remaining tasks to be completed by Department of Defense civilian personnel in the governance and reconstruction areas, including an estimate of the total expenditures the Department of Defense expects to make for activities in post-conflict Iraq.

SEC. 1040. REPORT ON DEVELOPMENT OF MECHANISMS TO BETTER CONNECT DEPARTMENT OF DEFENSE SPACE CAPABILITIES WITH OTHER DEPARTMENT OF DEFENSE UIENTS.

Not later than March 15, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on development and implementation of systematic mechanisms to provide for integrating into activities of the United States Strategic Command planning and requirements for communication capabilities of that command with the war fighter.

Subtitle D—Procurement of Defense Biomedical Countermeasures

SEC. 1031. RESEARCH AND DEVELOPMENT OF DEFENSE BIOMEDICAL COUNTERMEASURES.

(a) IN GENERAL.—The Secretary of Defense (in this section referred to as the "Secretary") shall carry out a program to accelerate the research, development and procurement of biomedical countermeasures, including but not limited to therapies and vaccines, for the protection of the United States forces from attacks by biologic, chemical, radiological, or nuclear agents.

(b) INTERAGENCY COOPERATION.—(1) In carrying out the program under subsection (a), the Secretary may enter into interagency agreements and other collaborative undertakings with other Federal agencies. Under such agreements and undertakings, the participating agencies are authorized to provide funds and receive funds from other participating agencies.

(2) The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall ensure that the activities of the Department of Defense in carrying out the program are coordinated with, complemented to, and do not unnecessarily duplicate activities of the Department of Health and Human Services or the Department of Homeland Security.

(c) EXPEDITED PROCUREMENT AUTHORITY.—

(1) (A) For any procurement by the Secretary, of property or services for use (as determined by the Secretary) in planning, administering, or supporting biomedical countermeasures research or development, the amount specified in section 4111 of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)), and applicable pursuant to section 302a(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of sections 302a(b) (41 U.S.C. 252a(b)) and 303a(1)(A) (42 U.S.C. 253(g)(1)(A)) of the Federal Property and Administrative Services Act of 1949 and the regulations implementing those sections.

(2) The Secretary shall institute appropriate internal controls for use of the authority under this subsection (A), including requirements for documenting the justification for each use of such authority.

(2)(A) For a procurement described in paragraph (1), the amount in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000,000 in the administration, with respect to such procurement, of that section with respect to such procurement.

(2) The Secretary shall institute appropriate internal controls for each use of the authority under subparagraph (A) for a procurement greater than $2,500.

(d) FACILITIES AUTHORITY.—(1) The Secretary may acquire, lease, construct, improve, renovate, remodel, repair, maintain laboratories, other research facilities and equipment, and other real or personal property that the Secretary determines necessary for carrying out the program under this section. Authority under this paragraph is in addition to any other authority under law.

(2) The Secretary may exercise the authorities of paragraph (1) as paragraph (1) as paragraph (1) to support integrated biodefense operation activity under subsection (b).

(e) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—The authority provided by section 1091 of the United States Strategic Command space services contracts to carry out health care responsibilities in medical treatment facilities of the
Department of Defense shall also be available, subject to the same terms and conditions, for personal services contracts to carry out research and development activities under this section. The number of personnel whose personal services are obtained under this subsection may not exceed 30 at any time.

(f) STREAMLINED PERSONNEL AUTHORITY.—(1) Without regard to any provision of title 5, United States Code, governing appointments in the competitive service, and without regard to any provision of chapter 51, or subchapter III of chapter 43, of title 5, or the CSRA, or General Schedule pay rates, the Secretary may appoint professional and technical employees, not to exceed 30 such employees at any time, to perform duties in the Department of Defense to carry out research and development under the program under this section. The authority under this paragraph is in addition to any other authority under law.

(2) The Secretary may use the authority under paragraph (1) only upon a determination by the Secretary that use of such authority is necessary to accelerate the research and development under the program.

(3) The Secretary shall institute appropriate internal procedures for each of the authority under paragraph (1).

SEC. 1032. PROCUREMENT OF DEFENSE BIO-MEDICAL COUNTERMEASURES.

(a) DETERMINATION OF COUNTERMEASURES.—(1) The Secretary of Defense (in this section referred to as the "Secretary") is feasible.

(2) The Secretary, in accordance with paragraph (1), shall on an ongoing basis—

(A) assess current and emerging threats of use of biological, chemical, radiological, and nuclear agents; and

(B) identify, on the basis of such assessment, those agents that present a material risk of use against the Armed Forces.

(2A) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall on an ongoing basis—

(A) assess the potential consequences to the health of members of the Armed Forces of use against the Armed Forces of the agents identified under paragraph (1B); and

(B) identify, on the basis of such assessment, those agents for which countermeasures are necessary to protect the health of members of the Armed Forces.

(b) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall on an ongoing basis—

(A) assess the availability and appropriateness of specific countermeasures to address specific threats identified under subsection (a); and

(B) certify the Secretary's determination of countermeasures appropriate for procurement.

(c) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR PROCUREMENT.—(1) The Secretary, in accordance with paragraph (b)(1), shall on an ongoing basis identify specific countermeasures that the Secretary determines to be appropriate for procurement for the Department of Defense stockpile of biomedical countermeasures.

(2) The Secretary may not identify a specific countermeasure under paragraph (1) unless the Secretary determines that—

(A) the countermeasure is qualified; and

(B) it is reasonable to expect that producing and delivering, within 5 years, the quantity of that countermeasure required to meet the needs of the Department (as determined by the Secretary) is feasible.

(d) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—(1) The term "qualified countermeasure" means a biomedical countermeasure—

(A) that is approved under section 515 of the Public Health Service Act (42 U.S.C. 262), or

that is approved under section 515 or cleared under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e and 360f) for use as such a countermeasure to a biological, chemical, or radiological threat identified as a threat to the Armed Forces, or not later than 5 years after the date on which the Secretary identifies the product under subsection (c)(1), qualify for such approval or clearance.

(2) The term "biomedical countermeasure" means a drug (as defined in section 210(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)), device (as defined in section 210(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), or biological product (as defined in section 351(l) of the Public Health Service Act (42 U.S.C. 262(l))) that is—

(A) used to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent that may cause a military health emergency affecting the Armed Forces; or

(B) used to treat, identify, or prevent harm from a condition that may result in adverse health consequences, and may be caused by administering a drug or biological product that is used as described in subparagraph (A).

(e) SCOPE OF AUTHORIZATION.—(1) Of the amount authorized to be appropriated for the Department of Defense and available within the transfer authority established under section 4101 of this Act for fiscal year 2004 and each fiscal year thereafter, such sums are authorized as necessary for the costs incurred by the Secretary in the procurement of countermeasures under this section, subject to paragraph (2).

(2) Amounts authorized to be appropriated under paragraph (1) shall not be available to—

(A) costs for the purchase of vaccines under procurement contracts entered into before January 1, 2003;

(B) costs under new contracts, or costs of new obligations under contracts previously entered into, for procurement of a countermeasure after the date of a determination under subsection (c)(1) that such countermeasure does not have a significant commercial market other than as a biomedical countermeasure; or

(C) administrative costs.

(f) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—(1) The term "biomedical countermeasure" means a drug (as defined in section 210(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)), device (as defined in section 210(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))), or biological product (as defined in section 351(l) of the Public Health Service Act (42 U.S.C. 262(l))) that is—

(A) used to treat, identify, or prevent harm from any biological, chemical, radiological, or nuclear agent that may cause a military health emergency affecting the Armed Forces; or

(B) used to treat, identify, or prevent harm from a condition that may result in adverse health consequences, and may be caused by administering a drug or biological product that is used as described in subparagraph (A).

(g) SCOPE OF AUTHORIZATION.—(1) Of the amount authorized to be appropriated for the Department of Defense and available within the transfer authority established under section 4101 of this Act for fiscal year 2004 and each fiscal year thereafter, such sums are authorized as necessary for the costs incurred by the Secretary in the procurement of countermeasures under this section, subject to paragraph (2).

(2) Amounts authorized to be appropriated under paragraph (1) shall not be available to—

(A) costs for the purchase of vaccines under procurement contracts entered into before January 1, 2003;

(B) costs under new contracts, or costs of new obligations under contracts previously entered into, for procurement of a countermeasure after the date of a determination under subsection (c)(1) that such countermeasure does not have a significant commercial market other than as a biomedical countermeasure; or

(C) administrative costs.

(h) SCOPE OF AUTHORIZATION.—(1) The Secretary of Defense shall also be available, subject to the same terms and conditions, for personal services contracts to carry out research and development activities under this section. The number of personnel whose personal services are obtained under this subsection may not exceed 30 at any time.

(i) STREAMLINED PERSONNEL AUTHORITY.—(1) Without regard to any provision of title 5, United States Code, governing appointments in the competitive service, and without regard to any provision of chapter 51, or subchapter III of chapter 43, of title 5, or the CSRA, or General Schedule pay rates, the Secretary may appoint professional and technical employees, not to exceed 30 such employees at any time, to perform duties in the Department of Defense to carry out research and development under the program under this section. The authority under this paragraph is in addition to any other authority under law.

(2) The Secretary may use the authority under paragraph (1) only upon a determination by the Secretary that use of such authority is necessary to accelerate the research and development under the program.

(3) The Secretary shall institute appropriate internal procedures for each of the authority under paragraph (1).

SEC. 1033. AUTHORIZATION FOR USE OF MEDICAL PRODUCTS IN EMERGENCIES.

(a) USE OF MEDICAL PRODUCTS AUTHORIZED.—(1) During the period in which a declaration of emergency under subsection (b) is in effect, the Secretary of Defense, in accordance with this section, may authorize the use on members of the Armed Forces of a drug or device in emergency medical situations for use in an actual or potential military health emergency affecting the Armed Forces.

(b) DECLARATION OF EMERGENCY.—(1) A declaration of emergency referred to in subsection (a) is a determination by the Secretary of Defense that there exists a military emergency, or a significant potential for a military emergency, including a heightened risk to the Armed Forces from one or more agents, and such determination is made in accordance with section 4.4(a) of Executive Order 12958 (or any successor order) to detect, diagnose, treat, or prevent such disease or condition, or prevent such disease or condition; and

(c) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—The Secretary, in consultation with the Secretary of Health and Human Services, shall—

(1) establish criteria for issuance of an authorization for use of a biomedical countermeasure to a biological, chemical, radiological, or nuclear agent that may cause a military health emergency affecting the Armed Forces; or

(2) determine to be appropriate for procurement for the Department of Defense stockpile of biomedical countermeasures.

(d) SCOPE OF AUTHORIZATION.—(1) Of the amount authorized to be appropriated for the Department of Defense and available within the transfer authority established under section 4101 of this Act for fiscal year 2004 and each fiscal year thereafter, such sums are authorized as necessary for the costs incurred by the Secretary in the procurement of countermeasures under this section, subject to paragraph (2).

(2) Amounts authorized to be appropriated under paragraph (1) shall not be available to—

(A) costs for the purchase of vaccines under procurement contracts entered into before January 1, 2003;

(B) costs under new contracts, or costs of new obligations under contracts previously entered into, for procurement of a countermeasure after the date of a determination under subsection (c)(1) that such countermeasure does not have a significant commercial market other than as a biomedical countermeasure; or

(C) administrative costs.

SEC. 1041. CODIFICATION AND REVISION OF DEFENSE COUNTERINTELLIGENCE POLICY AND LAW.

(a) CODIFICATION.—(1) Chapter 21 of title 10, United States Code, is amended by inserting after section 425 the following new section:

"§426. Counterintelligence polygraph program.

"(a) AUTHORITY FOR PROGRAM.—The Secretary of Defense may carry out a program for the administration of counterintelligence polygraph examinations to persons described in subsection (b). The program shall be based on Department of Defense Directive 5210.48, dated December 24, 1984.

"(b) PERSONS COVERED.—Except as provided in paragraph (c), the following persons whose duties involve access to information that has been classified at the level of top secret or designated as "SIP" under the program under section 4.4(a) of Executive Order 12958 (or any successor Executive order) are subject to this section:

(1) Military and civilian personnel of the Department of Defense.

(2) Personnel of defense contractors.

(3) A person assigned or detailed to the Department of Defense.

(4) An applicant for a position in the Department of Defense.

"(c) EXCEPTIONS FROM COVERAGE FOR CERTAIN INTELLIGENCE AGENCIES AND FUNCTIONS.—This section does not apply to the following persons:
‘‘Tightens the prohibitions on failure to report certain [text not clearly visible] and financial information. This would be achieved by amending the Defense Federal Acquisition Regulation System (DFARS) to require contractors to report such information [text not clearly visible].’’

The Senate recognizes the importance of ensuring that contractors are transparent and accountable in their financial operations. This amendment would help reinforce the existing regulations aimed at maintaining financial integrity and ensuring accountability within the defense sector.

The Senate thanks the Committee on Armed Services for its work in addressing this issue and looks forward to continued discussions on this matter. As always, the Senate is committed to promoting sound fiscal practices and maintaining a strong, secure defense for the United States.
SEC. 1047. DISARMED-MAN INTERDIGNITION AND COUNTER-DUGR FUNDING TO SUPPORT ACTIVITIES OF THE GOVERNMENT.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—During fiscal years 2004 and 2005, the Secretary of Defense may use funds made available to the Department of Defense for drug interdiction and counter-drug activities to provide assistance to the Government of Colombia—

(1) to support a unified campaign against narcotics trafficking in Colombia; and

(2) to support a unified campaign against activities by designated terrorist organizations, such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC); and

(b) RELATION TO OTHER AUTHORITY ASSISTANCE.—The authority provided by subsection (a) is in addition to other provisions of law authorizing the provision of assistance to the Government of Colombia.

SEC. 1048. AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) AUTHORITY.—A joint task force of the Department of Defense that provides support to law enforcement agencies conducting counter-drug activities may also provide, consistent with all applicable laws and regulations, support to law enforcement agencies conducting counter-terrorism activities.

(b) CONDITIONS.—Any support provided under subsection (a) may only be provided in the geographic area of responsibility of the joint task force.

SEC. 1049. USE OF NATIONAL DRIVER REGISTER FOR PERSONNEL SECURITY INVESTIGATIONS AND DETERMINATIONS.

Section 3030(b) of title 49, United States Code, is amended—

(1) by redesigning paragraphs (9) through (13) as paragraphs (10) through (12), respectively; and

(2) by inserting after paragraph (8) the following new paragraph:

(14) An individual who is being investigated for—

(A) eligibility for access to a particular level of classified information for purposes of Executive Order 12968, or any successor Executive order; or

(B) Federal employment under authority of Executive Order 10450, or any successor Executive order, may request the chief driver licensing official of a State to provide information about the individual pursuant to subsection (a) of this section, to a Federal department or agency that is authorized to investigate the individual for the purpose of assisting in the determination of the eligibility of the individual for access to classified information or for Federal employment. A Federal department or agency that receives such information about an individual may use it in its individual personnel security investigation.

SEC. 1050. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL SECURITY AGENCY.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting at the end the following new section:

SEC. 19. EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National Security Agency, with the coordination of the Director of Central Intelligence, may exempt operational files from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

(2)(A) Subject to subparagraph (B), for the purposes of this section, the term 'operational files' means the files of the National Security Agency that document the means by which foreign intelligence or counterintelligence is collected through technical systems.

(B) Files that document disseminated intelligence are not operational files.

(3) Notwithstanding paragraph (1), exempted operational files shall continue to be subject to search and review for information concerning—

(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 of title 5 or section 552a of title 5, United States Code;

(B) any special activity the existence of which cannot be exempted from the provisions of section 552 of title 5, United States Code; or

(C) the specific subject matter of an investigation or any of the documents evidencing improper, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity.

(i) The Permanent Select Committee on Intelligence of the House of Representatives.

(ii) The Select Committee on Intelligence of the Senate.

(iii) The Intelligence Oversight Board.

(iv) The Department of Justice.

(v) The Office of General Counsel of the National Security Agency.

(vi) The Office of the Director of the National Security Agency.

(4)(A) Files that are not exempted under paragraph (1) which contain information derived or disseminated from exempted operational files shall be subject to search and review.

(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) shall not affect the exemption under paragraph (1) of the originating portion of information from search, review, publication, or disclosure.

(C) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

(D) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under paragraph (1) and which have been returned to exempted operational files for sole retention shall be subject to search and review.

(E) The provisions of paragraph (1) may not be superseded except by a provision of law which specifically cites and supersedes the provisions of section 552 of title 5, and which specifically cites and supersedes the provisions of this section, and which specifically cites and supersedes the provisions of this section.

(6)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that the National Security Agency has withheld records improperly, such person may request a review by the Director, if the request is for records that are operational files, of his determination that the specific subject matter of the request is not covered by paragraph (1).

(B) The Director shall be required to conduct a review in accordance with the criteria prescribed by the Office of the Director of Central Intelligence in a manner provided under subparagraph (A) as follows:

(1) The Director shall conduct a review of the determination described in subparagraph (A) to determine whether the determination is substantiated by the information and materials presented by the requester in support of the determination.

(2) The Director shall consult with the requesting person on the substance of the request, the nature of the information sought, and the manner in which the information was used by the National Security Agency.

(3) The Director shall notify the requesting person of the results of the review if the National Security Agency has not withheld the records.
(i) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations which is improperly withheld because of improper placement solely in exempted operational files, the complainant shall have standing with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

(ii) When a complainant alleges that a request for records is improperly withheld because of improper placement solely in exempted operational files, the National Security Agency shall meet its burden under section 552a(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsive records currently perform the functions set forth in paragraphs (1) and (2).

(iii) The court may not order the National Security Agency to review the content of any exempted operational file or files in order to make such initial implementation.

(iv) In proceedings under clauses (ii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure except that requests for admissible evidence shall be examined ex parte, in camera by the court's review shall be limited to determining the following:

(A) Whether the National Security Agency has complied with the requirement of paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

(B) Whether the National Security Agency, in fact, considered the criteria set forth in paragraph (2) in reviewing the content of any such an air show in the area of that community.

(2) The Secretary shall provide for the community to submit to the Secretary a report containing the results of the review.

(3) The Secretary shall make the demonstration required under subsection (d) to determine whether such exemption is consistent with the public interest in foreign relations and in the national security.

(H) ASSISTANCE FOR IMPLEMENTATION.—If the community conducting the study under subsection (a) determines that the establishment and operation of a biennial international air trade show in the area of that community.

(2) The Secretary shall provide assistance to the community for the initial expenses of implementing such an air show in the selected community.

(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided by the Secretary under subsection (a) shall be determined by the Secretary of Defense.

(1) may not exceed a total of $1,000,000, to be derived from sums available for operation and maintenance for the Air Force for fiscal year 2004 or later fiscal years;

(2) may not exceed one-half of the cost of the study and may not exceed one-half the cost of such initial implementation.

(4) SELECTION OF COMMUNITY.—The Secretary shall select a community for purposes of subsection (a) through the use of competitive procedures. In making such selection, the Secretary shall give due consideration to those communities that already sponsor an air show, have demonstrated a history of supporting air shows with local resources, and have a significant role in the aerospace community.

(5) SECURITY CLEARANCES.—All members of the Commission shall beuckles who are part of the Commission shall hold appropriate security clearances.

(6) DUTIES OF COMMISSION.—(1) REVIEW OF NUCLEAR STRATEGY.—The Commission shall consider all matters of policy, force structure, nuclear stockpile stewardship, estimated threats and priorities, and any other issue the Commission may consider necessary in order to assess and make recommendations about current United States nuclear strategy as envisioned in the National Security Strategy of the United States and the Nuclear Posture Review, as well as possible alternative future strategies.

(2) ASSESSMENT OF RANGE OF NUCLEAR STRATEGIES.—The Commission shall assess possible future nuclear strategies for the United States that could be pursued over the long term.

(3) RELATIONS WITH RUSSIA.—The Commission shall give special attention to assessing how the United States' goal of strengthening partnerships with Russia may be achieved in a manner that is not adversely affected by any of the possible nuclear strategies considered. The Commission shall also assess how relations with China, and the overall global security environment may be affected by any of those possible nuclear strategies.

(4) OTHER MATTERS TO BE INCLUDED.—For each of the possible nuclear strategies considered, the Commission shall include in its report under subsection (c)(1), at a minimum, the following:

(a) Discussion of the policy defining the deterrence and military-political objectives of the United States against potential adversaries.
(B) A discussion of the military requirements for United States forces, the force structure and capabilities necessary to meet those requirements, and how they relate to the achievement of the objectives identified under subparagraph (A).

(C) Appropriate quantitative and qualitative analysis, including force-on-force exchange modeling, to determine the effectiveness of the strategy under various scenario conditions, including scenarios of strategic and tactical surprise.

(D) An assessment of the role of missile defenses in the strategy, the dependence of the strategy on missile defense effectiveness, and the effect of missile defenses on the threat environment.

(E) An assessment of the implications of the proliferation of missiles and weapons of mass destruction, the proliferation of underground facilities and mobile launch platforms, and China’s modernization of strategic forces.

(F) An assessment of the implications of asymmetries between the United States and Russia, including doctrine, nonstrategic nuclear weapons, and active and passive defenses.

(G) An assessment of strategies or options for dealing with nuclear capable nations that may provide nuclear weapons to terrorist or transnational groups.

(H) An assessment of the contribution of non-proliferation efforts and programs to the overall security of the United States and how those strategies and programs may affect the overall requirements of future nuclear strategy.

(I) An assessment of the effect of the strategy on the nuclear programs of emerging nuclear weapons states, including North Korea, Iran, Pakistan, and India.

(5) RECOMMENDATIONS.—The Commission shall include in its report recommendations for any continuities or changes in nuclear strategy it believes should be taken to enhance the national security of the United States.

(6) COOPERATION FROM GOVERNMENT OFFICIALS.—(A) In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other United States Government official in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(B) The Secretary of Energy and the Secretary of Defense shall designate at least one officer or employee of the Department of Energy and the Department of Defense, respectively, to serve as a liaison officer between the department and the Commission. The Director of Central Intelligence may designate at least one officer or employee of the Central Intelligence Agency to serve as a liaison officer between that agency and the Commission.

(c) REPORTS.—

(1) COMMISSION REPORT.—The Commission shall submit to the Secretary of Defense and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Commission’s findings and conclusions not later than 18 months after the date of its first meeting.

(2) SECRETARY OF DEFENSE RESPONSE.—Not later than one year after the date on which the Commission submits its report under paragraph (1), the Secretary of Defense shall submit to Congress a report—

(A) commenting on the Commission’s findings and conclusions; and

(B) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and, with respect to each recommendation, the Secretary’s reasons for implementing, or not implementing, the recommendation.

(d) HEARINGS AND PROCEEDINGS.—

(1) Before the Commission may, for the purpose of carrying out the purposes of this section, hold hearings and take testimony.

(2) PROCEDURES.—The federally funded research and development center referred to in subsection (a)(1) shall be responsible for establishing appropriate procedures for the Commission.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency shall detail to the Commission, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense.

(f) TERMINATION OF COMMISSION.—The Commission shall submit, after the date of the submission of its report under subsection (c)(1), a final report to the Congress that includes an assessment of the implications of the strategy on missile defense effectiveness, and the effect of those strategies and programs to the transnational groups.

(g) IMPLEMENTATION.—

(1) FFDRC CONTRACT.—The Secretary of Defense shall enter into the contract required under subsection (a)(1) not later than 60 days after the date of the enactment of this Act.

(2) FIRST MEETING.—The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 1054. EXTENSION OF COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.


TITLE XI—DEPARTMENT OF DEFENSE

Subtitle A—Department of Defense Civilian Personnel Generally

SEC. 1101. MODIFICATION OF THE OVERTIME PAY CAP.

Section 554(a)(2) of title 5, United States Code, is amended—

(1) by inserting "the greater of" before "one and one-half"; and

(2) by inserting "or the hourly rate of basic pay of the employee" after "(law)" the second place it appears.

SEC. 1102. MILITARY LEAVE FOR MOBILIZED FEDERAL CIVILIAN EMPLOYEES.

(a) IN GENERAL.—Subsection (b) of section 6323 of title 5, United States Code, is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and at the end of clause (ii), as so redesignated, by inserting "or"; and

(B) by inserting "(A)" after "(2)"; and

(2) by inserting the following before the text beginning with "is entitled":

(B) performs full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10;".

(b) EFFECTIVE DATE.—The amendments made by this section apply to military service performed on or after the date of the enactment of this Act.

SEC. 1105. AUTHORIZATION FOR CABINET SECRETARIES, SECRETARIES OF MILITARY DEPARTMENTS, AND HEADS OF EXECUTIVE AGENCIES TO BE PAID ON A WEEKLY BASIS.

(a) AUTHORIZATION.—Section 5504 of title 5, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e); and

(2) by striking the last sentence of both subsections (a) and subsection (b), and inserting after subsection (b) the following:—

(1) The term 'employee' does not include—

(A) an employee on the Isthmus of Panama in the service of the Panama Canal Commission; or

(B) an employee or individual excluded from the definition of "employee" in section 554(1) of this title other than an employee or individual excluded by clauses (ii), (iii), and (iv) through (xviii) of such section.

(c) APPLICABILITY.—

(1) by inserting "the greater of" before "one and one-half"; and

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

(2) The Office of Personnel Management shall provide guidelines by regulation for exemptions to be made by the heads of agencies under subsection (c)(3). Such guidelines shall provide for such exemptions only under exceptional circumstances.

SEC. 1106. SENIOR EXECUTIVE SERVICE AND PERSONNEL.

(a) SENIOR EXECUTIVE PAY.—Chapter 53 of title 5, United States Code, is amended—

(1) in section 5304—

(A) in subsection (g)(2)—

(i) by striking subparagraphs (A) through (E) and inserting subparagraphs (A) through (J); and

(ii) by striking "(B)" and inserting "(A)"; and

(B) in subsection (h)(1)—

(i) by striking subparagraphs (B) and (C); and

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (B) through (D), respectively;
(iii) in clause (ii) by striking “or” or “at the end; (iv) in clause (iii) by striking the period and inserting a semicolon; and (v) by adding at the end the following new clause:—

“(iv) A Senior Executive Service position under section 3132; (v) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service under section 3131; or

(vi) a position in a system equivalent to the system as determined by the President’s Pay Agent designated under subsection (d);” and

(C) in subsection (h)(2)(B)—

(i) in clause (i)—

(I) by striking “paragraphs (A) through (E)” and inserting “paragraphs (A) through (C)”;

(ii) by striking “clause (i) or (ii)” and inserting “clause (i), (ii), (iii), (iv), (v), or (vi)”;

and (ii) in clause (i), by amending paragraph (1)(F)” and inserting paragraph “(1)(D)”; and

(ii) by striking “clause (i) or (ii)” and inserting “clause (i), (ii), (iii), (iv), (v), or (vi)”;

(v) in section 5382 to read as follows:

“§5382. Establishment of rates of pay for the Senior Executive Service

“(a) Subject to regulations prescribed by the Office of Personnel Management, there shall be established a range of rates of basic pay for the Senior Executive Service, and each senior executive shall be paid at one of the rates within the range, based on individual performance, contribution to the agency’s performance, or both, as determined under a rigorous performance management system. The lowest rate of the range shall be the highest rate, for any position under this system or an equivalent system as determined by the President’s Pay Agent designated under section 5306(e) or 5373.

(b) Notwithstanding the provisions of subsection (a), the applicable maximum shall be level II of the Executive Schedule for any agency that is a covered agency under section 5306(e) or 5373 for a performance appraisal system which, as designed and applied, makes meaningful distinctions based on relative performance.

(c) A successful increase in pay by reason of transfer from an agency with an applicable maximum rate of pay prescribed under subsection (b) to an agency with an applicable maximum rate of pay prescribed under subsection (a),”;

and

(3) in section 5383—

(A) in subsection (a) by striking “which of the rates established under section 5382 of this title” and inserting “which of the rates within a range established under section 5382”; and

(B) in subsection (c) by striking “for any pay adjustment in clause (i)” and inserting “as provided in regulations prescribed by the Office under section 5385”.

(b) POST-EMPLOYMENT RESTRICTIONS.—(1) Clause (ii) of section 207(c)(2)(A) of title 18, United States Code is amended by adding at the end the following new section:

“§7302. Post-employment notification

“(a) Not later than the effective date of the amendments made by sections 3 and 4 of the Federal Employees Pay for Performance Act of 2003, and 180 days after the date of enactment of that Act, whichever is later, the Office of Personnel Management shall, in consultation with the Attorney General and the Office of Governmental Ethics, promulgate regulations requiring that each Executive branch agency notify any employee who is designated under the provisions of section 207(c)(1) of title 18, as a result of the amendment to section 207(c)(2)(A)(ii) of that title by that Act.

(b) The regulations shall require that notice be given before, or as part of, the action that affects the employee’s coverage under section 207(c)(1) of title 18, by virtue of the provisions of section 207(c)(2)(A)(ii) of that title, and again when employment or service in the covered position is terminated.

(c) The table of sections for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7301 the following:

“§7302. Post-employment notification.”

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) The amendments made by this section shall take effect on the first day of the first pay period beginning on or after the first January 1 following the date of enactment of this section.

(2) The amendments made by subsection (a) may not result in a reduction in the rate of basic pay for any senior executive during the first year after the effective date of those amendments.

(3) For the purposes of subsection (c)(2), the rate of basic pay for a senior executive shall be deemed to be the rate of basic pay set for the senior executive under section 5338 of title 5, United States Code, plus applicable locality pay paid to that senior executive, as of the date of enactment of this Act.

SEC. 1107. DESIGN ELEMENTS OF PAY-FOR-PERFORMANCE SYSTEMS IN DEMONSTRATION PROJECTS.

A pay-for-performance plan may not be initiated under chapter 47 of title 5, United States Code, after the date of enactment of this Act, unless it incorporates the following elements:

(a) adherence to merit principles set forth in section 2301 of such title;

(b) a fair, credible, and transparent employee performance appraisal system;

(c) a link between elements of the pay-for-performance system, the employee performance appraisal system, and the agency’s strategic plan;

(d) means for ensuring employee involvement in the design and implementation of the system;

(e) adequate training and retraining for supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

(f) effective safeguards to ensure that the management of the system is fair and equitable and based on employee performance; and

(g) a means for ensuring that adequate agency resources are available for the design, implementation, and administration of the pay-for-performance system.

SEC. 1108. FEDERAL FLEXIBLE BENEFITS PLAN EMPLOYEES.—(a) In General.—Notwithstanding any other provision of law, an agency or other employing entity of the Government which provides or plans to provide a flexible spending account option for its employees shall not impose any fee with respect to any of its employees in order to defray the administrative costs associated therewith.

(b) Offset of Administrative Costs.—Each such agency or employing entity offers a flexible spending account option under a program established or administered by the Office of Personal Management shall periodically for which such Office, the amount necessary to offset the administrative costs of such program which are attributable to such agency or employing entity, shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Government Affairs of the Senate no later than March 31, 2004.

(c) Definitions.—In this section—

(1) the term “agency” means an agency or other employing entity designated by such Office, the amount necessary to offset the administrative costs associated with the Governmentwide program (referred to in subsection (b)) for fiscal year 2003, as well as the projected administrative costs of such program for each of the 5 fiscal years thereafter.

(2) At the end of each of the first 3 calendar years in which an agency or other employing entity offers a flexible spending account option under this section, such agency or employing entity shall submit to the Office of Personnel Management a report showing the total amount of administrative costs attributable to such account option, net of administrative fees paid under section (b).

SEC. 1109. clarification tO Hatch act; limitaTion on Disclosure of cerTain Records.—

(a) clarification to Hatch act.—No Federal employee or individual who voluntarily separates from the civil service (including by transferring to an international organization in the circumstances described in section 3502(a) of title 5, United States Code) shall be subject to enforcement of the provisions of section 7326 of such title (including any loss of rights under subsection (iv) of section 7326) except that this subsection shall not apply in the event that such employee or individual subsequently becomes reemployed in the civil service.

(b) limitation on disclosure of certain records.—Notwithstanding any other provision of law, rule, or regulation, nothing described in paragraph (2) or (3) of use “q” of the proposed revisions published in the Federal Register on July 12, 2001 (66 Fed. Reg. 36613) shall be considered to constitute a routine use of records maintained by the Office of Personnel Management.

(c) definitions.—For purposes of this section—

(1) the term “Federal employee or individual” means any employee or individual, as referred to in section 7326 of title 5, United States Code;

(2) the term “civil service” has the meaning given such term by section 2001 of title 5, United States Code;

(3) the term “international organization” has the meaning given such term by section 3581 of title 5, United States Code;

(4) the terms “routine use” and “record” have the respective meanings given such terms under section 552a(a) of title 5, United States Code.

SEC. 1110. Employer surveys.—(a) in General.—Each agency shall conduct an annual survey of its employees (including survey questions unique to the agency and questions described in paragraph (1)) to assess—

(1) leadership and management practices that contribute to agency performance; and

(2) employee satisfaction—(A) leadership policies and practices; (B) work environment; (C) recognition for professional accomplishment and personal contributions to achieving organizational mission;
(D) opportunity for professional development and growth; and
(E) opportunity to contribute to achieving organizational mission.

(b) General.—The Office of Personnel Management shall issue regulations prescribing survey questions that should appear on all agency surveys under subsection (a) in order to allow for comparisons across agencies.

(c) Availability of results.—The results of the agency surveys under subsection (a) shall be made available to the public and posted on the website of the agency, unless the head of such agency determines that doing so would jeopardize or negatively impact national security.

(d) Agency defined.—For purposes of this section, the term ‘agency’ means an Executive agency (as defined by section 105 of title 5, United States Code).

Subtitle B—Department of Defense National Security Personnel System

§ 9901. Definitions

***For purposes of this chapter—

(A) the term ‘Director’ means the Director of the Office of Personnel Management;

(B) the term ‘Secretary’ means the Secretary of Defense.

§ 9902. Establishment of human resources management system

(a) In General.—Notwithstanding any other provision of this part, the Secretary may, in regulations prescribed jointly with the Director, establish, and from time to time adjust, a human resources management system for any or all of the organizational or functional units of the Department of Defense. If the Secretary certifies that issuance or adjustment of a regulation, or the inclusion, exclusion, or modification of a particular provision therein, is essential to the establishment, and from time to time adjustment be issued jointly with the Director.

(b) System requirements.—Any system established under subsection (a) shall—

(1) be flexible;

(2) be contemporary;

(3) waive, modify, or otherwise affect—

(A) the public employment principles of merit and fitness set forth in section 2302, including the principles of hiring based on merit, fair treatment with regard to political affiliation or other nonmerit considerations, equal pay for equal work, and protection of employees against reprisal for whistleblowing;

(B) any provision of section 2302, relating to prohibited personnel practices;

(C) any provision of law referred to in section 2302(b)(1), (8), and (9); and

(ii) any provision of law implementing any provision of law referred to in section 2302(b)(1), (8), and (9) by—

(A) waiving, modifying, or otherwise affecting—

(i) the winnowing for equal employment opportunity through affirmative action; or

(ii) providing any right or remedy available to any employee or applicant for employment in the place of an employee or applicant;

(D) any other provision of this part (as described in subsection (c)); or

(E) any rule or regulation prescribed under any provision of law referred to in this paragraph;

(4) ensure that employees may organize, bargain collectively through representatives of their own choosing in decisions which affect them, subject to the provisions of this chapter and any exclusion from coverage or limitation on negotiability established pursuant to law;

(5) be subject to the provisions of this chapter and any exclusion from coverage or limitation on negotiability established pursuant to law;

(6) be subject to the provisions of this chapter and any exclusion from coverage or limitation on negotiability established pursuant to law;

(7) be subject to the provisions of this chapter and any exclusion from coverage or limitation on negotiability established pursuant to law;

(8) and (9) by—

(A) the public employment principles of merit and the principles of hiring based on merit, fair treatment with regard to political affiliation or other nonmerit considerations, equal pay for equal work, and protection of employees against reprisal for whistleblowing;

(B) a fair, credible, and transparent employee performance appraisal system;

(C) a link between the performance management system and the agency’s strategic plan;

(D) a means for ensuring employee involvement in the design and implementation of the system;

(E) adequate training and retraining for supervisors, managers, and employees in the implementation and operation of the performance management system;

(F) a process for ensuring ongoing performance feedback and dialogue between supervisors, managers, and employees throughout the appraisal period, and setting timetables for review;

(G) effective safeguards to ensure that the management of the performance management system is fair and equitable and based on employee performance; and

(H) a means for ensuring that adequate agency resources are allocated for the design, implementation, and administration of the performance management system.

(c) Other nonwaivable provisions.—The other provisions of this part referred to in subsection (b)(3)(D) are (to the extent not otherwise specified in this chapter)—

(1) subparts A, B, E, G, and H of this part; and

(2) chapters 41, 45, 47, 55 (except subchapter V thereof), 57, 59, 72, 73, and 79, and this chapter.

(d) Limitations relating to pay.—(1) Nothing in this section shall constitute authority to modify the pay of any employee who serves in an Executive Schedule position under subchapter V of this title.

(2) Except as provided for in paragraph (1), the total amount in a calendar year of all pay, and any exclusion from coverage or limitation on negotiability established pursuant to law.

(3) To the maximum extent practicable, the rates of compensation for civilian employees at the Department of Defense shall be adjusted at the same rate, and in the same proportion, as the rates of compensation for members of the uniformed services.

(e) Provisions to ensure collaboration with employee representatives.—(1) In order to ensure that the authority of this section is exercised in collaboration with, and in a manner that ensures the participation of, employee representatives in the planning, development, and implementation of any human resources management system or adjustments to such system, the Secretary and the Director shall provide for the following:

(A) The Secretary and the Director shall, with respect to any proposed system or adjustment—

(i) provide to the employee representatives representing any employees who might be affected a written description of the proposed system or adjustment (including the reasons why it is considered necessary);

(ii) give such representatives at least 30 calendar days (unless extraordinary circumstances require earlier action) to review and make recommendations with respect to the proposal; and

(iii) give any recommendations received from such representatives under section 2301 to the representatives as they determine advisable and shall, with respect to any parts of the proposal to which they have not accepted the recommendations—

(iv) notify Congress of those parts of the proposal, together with the recommendations of the employee representatives;

(v) meet and confer for not less than 30 calendar days with the employee representatives, in order to attempt to reach agreement on whether or how to proceed with those parts of the proposal; and

(vi) at the Secretary’s option, or if requested by a majority of the employee representatives participating, use the services of the Federal Mediation and Conciliation Service to conduct such meet and confer period to facilitate the process of attempting to reach agreement.

(2) The Secretary may, at the Secretary’s discretion, engage in any and all collaboration activities described in this subsection at an organizational level above the level of exclusive recognition.

(3) In the case of any employees who are not within a unit with respect to which a labor organization is recognized as the exclusive representative, the Secretary and the Director may develop procedures for representation by any appropriate organization which represents a substantial portion of those employees in any given capacity, in such other manner as may be appropriate, consistent with the purposes of this section.
PROVISIONS REGARDING NATIONAL LEVEL BARGAINING.—(1) Any human resources management system implemented or modified under this chapter may include employees of the Department of Defense or to restructure the workforce to meet mission objectives without reducing the number of personnel employed. This authority is in addition to, and notwithstanding, any other authorities established by law or regulation for such programs.

(2) For purposes of this section, the term 'employee' means an employee of the Department of Defense, serving under an appointment without regard to the provisions of chapter 33, or under an appointment without regard to the provisions of chapter 33, or under an appointment with a grant or renumerative compensation for services performed.

(b) The Secretary may require.

(c) The National Guard Bureau and the Army National Guard are not subject to the provisions of this section.

(d) Any bargaining completed pursuant to this subsection with a labor organization other than a national labor organization, such as the Department of Defense or its subcomponents, may be required to meet the requirements of this subsection.

(e) Any bargaining completed pursuant to this subsection, including collective bargaining agreements negotiated with the exclusive representative at the level of recognition, shall not create any obligation on the Secretary; and

(f) Any bargaining completed pursuant to this subsection, including collective bargaining agreements negotiated with the exclusive representative at the level of recognition, except as otherwise determined by the Secretary; and

(g) Any bargaining completed pursuant to this subsection, including collective bargaining agreements negotiated with the exclusive representative at the level of recognition, shall not create any obligation on the Secretary; and

(h) Any bargaining completed pursuant to this subsection, including collective bargaining agreements negotiated with the exclusive representative at the level of recognition, except as otherwise determined by the Secretary.

(i) (1) Any human resources management system implemented or modified under this chapter may include employees of the Department of Defense, serving under a grant or renumerative compensation for services performed.

(2) Any regulations establishing the appeals process required by paragraph (1), the Secretary may establish an appeals process that provides for an independent review panel, which shall be comprised of representatives from the Executive Branch, the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) The National Guard Bureau and the Army National Guard are not subject to the provisions of this section.

(4) Any bargaining completed pursuant to this subsection, including collective bargaining agreements negotiated with the exclusive representative at the level of recognition, shall not create any obligation on the Secretary; and

(5) Any bargaining completed pursuant to this subsection, including collective bargaining agreements negotiated with the exclusive representative at the level of recognition, shall not create any obligation on the Secretary; and

(6) Any bargaining completed pursuant to this subsection, including collective bargaining agreements negotiated with the exclusive representative at the level of recognition, shall not create any obligation on the Secretary.
§ 9905. Special pay and benefits for certain employees of the Department of Defense

(a) Authority.—The Secretary of Defense shall, in accordance with such provisions of law as the Secretary determines to be in support of activities outside the United States as determined by the Secretary to be in support of Department of Defense activities that involve employment under subsection (b), pay in accordance with this section for special pay and benefits for employees assigned to activities outside the United States if the Secretary determines that the provision of such special pay and benefits is necessary to retain such employees in the performance of their duties.

(b) Special pay and benefits.—The Secretary may pay to each employee to whom special pay and benefits are authorized under paragraph (a) special pay and benefits determined by the Secretary to be in support of activities outside the United States as determined by the Secretary to be in support of Department of Defense activities that involve employment under subsection (b).

§ 9906. Extension of appointment

(a) Authority.—The Secretary of Defense may extend an appointment of any individual for a period of not more than 1 year in any case to the extent that the Secretary determines that the provision of such extension is necessary to retain such employee in the performance of their duties.

(b) Special pay and benefits.—The Secretary may pay to each employee to whom an appointment is extended under paragraph (a) special pay and benefits determined by the Secretary to be in support of activities outside the United States as determined by the Secretary to be in support of Department of Defense activities that involve employment under subsection (b).

§ 9907. Termination of appointment

(a) Authority.—The Secretary of Defense may terminate an appointment of any individual for a period of not more than 1 year in any case to the extent that the Secretary determines that the provision of such termination is necessary to retain such employee in the performance of their duties.

(b) Special pay and benefits.—The Secretary may pay to each employee to whom an appointment is terminated under paragraph (a) special pay and benefits determined by the Secretary to be in support of activities outside the United States as determined by the Secretary to be in support of Department of Defense activities that involve employment under subsection (b).
drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data.

"(b) MATTERTOSTBEINCLUDEDONLIST.—TheSecretaryshallincludeontheplistthefollowing:

(1) Any technology or developing critical technology (including conventional weapons, weapons of mass destruction, and delivery systems) that could enhance a potential adversary's military capabilities or that is critical to the United States maintaining its military superiority and qualitative military advantage.

(2) Any dual-use good, material, or know-how that could enhance a potential adversary's military capabilities or that is critical to the United States maintaining its military superiority and qualitative military advantage, including those used to manufacture weapons of mass destruction and their associated delivery systems.

"(c) REQUIREMENTS.—TheSecretaryshallensurethat—

"(1) the list is subject to a systematic, ongoing assessment and analysis of dual-use technologies; and

"(2) the list is updated not less often than every two months.

"(d) AVAILABILITY.—The list shall be made available—

"(1) in unclassified form on the Department of Defense public website, in a usable form; and

"(2) in classified form to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representa-
tives.

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

"2508. Goods and technologies critical for mili-
tary superiority: list.''.

(b) DEADLINEFORESTABLISHMENT.—The list required by paragraph (1) of section 10. United States Code, as added by subsection (a), shall be established not later than 180 days after the enactment of this Act.

SEC. 1205. REPORT ON ACQUISITION BY IRAQ OF ADVANCED WEAPONS.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representa-
tives on the acquisition by Iraq of advanced conventional weapons.

(b) BRIEFING TO BE INCLUDED.—The report shall include the following:

(1) A description of how Iraq was able to obtain any materials, technology, and know-how for its nuclear, chemical, biological, ballistic missile, and unmanned aerial vehicle programs, and advanced conventional weapons programs, from 1979 through April 2003 from entities (including persons) outside of Iraq.

(2) An assessment of the degree to which United States, foreign, and multilateral export control regimes prevented acquisition by Iraq of weapons of mass destruction-related technology and materials and advanced conventional weapons and delivery systems since the commence-
ment of international inspections in Iraq.


(4) A description of how Iraq was able to evade International Atomic Energy Agency and United Nations inspections regarding chemical, nuclear, biological, and missile weapons and related materials and delivery systems.

(5) Identification and a catalogue of the enti-
ties and countries that transferred militarily useful contraband to Iraq between 1991 and the end of Operation Iraqi Freedom, and the nature of that contraband.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form with a classified annex, if necessary.

SEC. 1206. AUTHORITY FOR CHECK CASHING AND CURRENCY EXCHANGE SERVICES TO BE PROVIDED TO UNITED STATES MILITARY MEMBERS PARTICIPATING IN CERTAIN ACQUISITIONS WITH UNITED STATES FORCES.

(a) AUTHORITY.—Subsection (b) of section 3342 of title 31, United States Code, is amended by adding at the end the following paragraph:

"(B) A member of the military forces of an allied or coalition nation who is participating in a joint operation, joint exercise, humanitarian mission, or peacekeeping mission with the Armed Forces of the United States, but—

"(I) only if—

"(i) such disbursing official action for mem-
bers of the military forces of that nation is ap-
proved by the senior United States military com-
mander assigned to that operation or mission; and

"(ii) that nation has guaranteed payment for any deficiency resulting from such disbursing official action; and

"(B) in the case of negotiable instruments, only for a negotiable instrument drawn on a financial institution located in the United States or on a foreign branch of such an institution.''

(b) TECHNICAL AMENDMENTS.—That sub-
section is further amended—

(1) by striking "only for—" in the matter pre-
ceding paragraph (1) and inserting "only for the following:

(2) by striking "an" at the beginning of para-
graph (1) and inserting "an";

(3) by striking "personnel" in paragraphs (2) and (6) and inserting "personnel";

(4) by striking "a" at the beginning of para-
graphs (3), (4), (5), and (7) and inserting "a";

(5) by striking the semicolon at the end of paragraphs (1) through (5) and inserting a pe-
riod;

(6) by striking "or" at the end of paragraph (6) and inserting a period; and

(7) by striking "1752(1)" in paragraph (7) and inserting "1752(1)".

SEC. 1207. REQUIREMENTS FOR TRANSFER TO FOREIGN COUNTRIES OF CERTAIN SPECIFIED TYPES OF EXCESS AIR-
CRAFT.

(a) EXPANSION OF TRANSFER REQUIREMENT.—Section 2581 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "UH–1 Huey helicopter or AH–1 Cobra helicopter" and inserting "UH–1, AH–1, or AH–1W helicopter"

(2) in subsection (a)(3), by striking "UH–1 Huey helicopter or AH–1 Cobra helicopter" and inserting "UH–1, AH–1, or AH–1W helicopter";

(3) in paragraph (b), by striking "UH–1" and inserting "UH–1, AH–1, or AH–1W";

(4) by striking "a" at the beginning of paragraph (5) and inserting "a";

(5) by striking the semicolon at the end of paragraphs (5) and inserting a period;

(6) by striking "or" at the end of paragraph (6) and inserting a period; and

(7) by striking "1752(1)" in paragraph (7) and inserting "1752(1)".

SEC. 1208. LIMITATION ON NUMBER OF UNITED STATES MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITION.—None of the funds available to the Department of Defense for any fiscal year may be used to support or maintain more than 500 military personnel in the Republic of Colombia at any time.

(b) EXCLUSION OF CERTAIN MEMBERS.—For purposes of determining compliance with the limitation in subsection (a), the Secretary of De-
fense may exclude the following military per-
sonnel:

(1) A member of the Armed Forces in the Rep-
ublic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period of the rescue or retrieval of such a member may be so excluded from the limitation in subsection (a) until the end of Operation Iraqi Freedom.

(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps secu-
ritv contingent.

(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.

(4) Nonoperational transient military per-
sonnel.

(5) A member of the Armed Forces making a port call from a military vessel in Colombia.

(c) NATIONAL SECURITY WAIVER.—(1) The Sec-
retary of Defense may waive the limitation in subsection (a) if the Secretary determines that such waiver is in the national security interest of the United States.

(2) The Secretary shall notify the congress-
ional defense committees not later 15 days after the date of the exercise of the waiver authority.

TITLE XIII—COOPERATIVE THREAT RE-
DUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of the Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2004 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2004 Cooperative Threat Reduction funds" means funds appropriated pursuant to the authorization of appro-
priations in section 301 for Cooperative Threat Reduction programs.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $450,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2004 in section 301, $350,000,000 is for Cooperative Threat Reduction programs, the following amounts may be ob-
gaged for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $50,000,000.

(2) For strategic offensive arms elimination in Ukraine, $3,900,000.

(3) For nuclear weapons transportation security in Russia, $23,200,000.

(4) For nuclear weapons storage security in Russia, $48,000,000.

(5) Activity designated as Other Program Support, $13,100,000.

(6) For defense and military contacts, $11,100,000.

(7) For chemical weapons destruction in Russia, $171,500,000.

(8) For biological weapons proliferation pre-
vention in the former Soviet Union, $54,200,000.

(9) For activities designated as Other Program Support, $13,100,000.

(10) For defense and military contacts, $11,100,000.

(11) For chemical weapons destruction in Russia, $54,200,000.
funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of Cooperative Threat Reduction funds for a project for which the Secretary has determined that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2004 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(a) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(b) 15 days have elapsed following the date of the notification.

The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (1) through (8) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1303. LIMITATION ON USE OF FUNDS UNLESS CERTAIN PERMITS OBTAINED.

(a) LIMITATION ON USE OF FUNDS.—With respect to a new project or an incomplete project carried out by the Department of Defense under Cooperative Threat Reduction programs, not more than 35 percent of the total costs of the project may be obligated or expended from Cooperative Threat Reduction funds for any fiscal year until—

(1) the Secretary of Defense determines—

(a) in the case of a new project, the number and type of permits that may be required for the lifetime of the project in the proposed location or locations of the project; and

(b) in the case of an incomplete project, the number and type of permits that may be required for the remaining lifetime of the project; and

(2) the government of the state of the former Soviet Union in which the project is being or is proposed to be carried out obtains and transmits copies of all such permits to the Department of Defense.

(b) DEFINITIONS.—In this section, with respect to a project under Cooperative Threat Reduction programs,

(1) NEW PROJECT.—The term ‘‘new project’’ means a project for which no funds have been obligated or expended as of the date of the enactment of this Act.

(2) INCOMPLETE PROJECT.—The term ‘‘incomplete project’’ means a project for which funds have been obligated or expended before the date of the enactment of this Act and which is not completed by such date.

(3) PERMIT.—The term ‘‘permit’’ means any local or national permit for development, general environmental, local environmental, or other purposes that is required in the state of the former Soviet Union in which the project is being or is proposed to be carried out.

SEC. 1304. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL RESEARCH IN THE FORMER SOVIET UNION.

Of the funds authorized to be appropriated for biological research and development pursuant to title XV, none may be obligated or expended for cooperative biodefense research or biowarfare early warning and preparedness under a Cooperative Threat Reduction program at a site in a state of the former Soviet Union until the Secretary of Defense notifies Congress that—

(1) the Secretary has determined, through access to the site, that no biological weapons research prohibited by international law is being conducted at the site;

(2) the site has been assessed the vulnerability of the site to external or internal attempts to exploit or obtain dangerous pathogens illicitly; and

(3) the Secretary has begun to implement appropriate security measures at the site to reduce that vulnerability and to prevent the diversion of dangerous pathogens from legitimate research.

SEC. 1305. AUTHORITY AND FUNDS FOR NON-PROLIFERATION AND DISARMAMENT.

The Secretary of Defense is authorized to transfer $50,000,000 in prior year Cooperative Threat Reduction funds from the Department of Defense to the Department of State Non-Proliferation and Disarmament Fund for disarmament and nonproliferation purposes outside the territory of the former Soviet Union.

SEC. 1306. REQUIREMENT FOR ON-SITE MANAGER.

(a) ON-SITE MANAGER REQUIREMENT.—Before obligating any Cooperative Threat Reduction funds for a project referred to in subsection (c), the Secretary of Defense shall appoint a United States Federal Government employee as an on-site manager.

(b) PROJECTS COVERED.—Subsection (a) applies to a project—

(1) to be located in a state of the former Soviet Union;

(2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and

(3) with respect to which the total contribution by the Department of Defense is expected to exceed $25,000,000.

(c) DUTIES OF ON-SITE MANAGER.—The on-site manager appointed under subsection (a) shall—

(1) develop with representatives from governments of countries participating in the project a list of those steps or activities critical to achieving the project’s disarmament or nonproliferation goals;

(2) establish a schedule for completing those steps or activities;

(3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and

(4) suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Defense to resume United States participation.

(d) STEPS OR ACTIVITIES.—Steps or activities referred to in subsection (c)(1) are those activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

(1) Identification and acquisition of permits (as defined in section 1303(b));

(2) Verification that the items, substances, or capabilities to be dismantled, secured, or otherwise modified are available for dismantlement, securing, or modification;

(3) Timely provision of financial, personal, management, transportation, and other resources;

(4) NOTIFICATION TO CONGRESS.—In any case in which the Secretary of Defense directs an on-site manager to resume United States participation in a project under subsection (c)(1), the Secretary shall concurrently notify Congress of such direction.

(f) EFFECTIVE DATE.—This section shall take effect six months after the date of the enactment of this Act.

SEC. 1307. PROVISIONS RELATING TO FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

(a) INAPPROPRIATING FUNDS.—(1) The conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 22 U.S.C. 5952 note) shall not apply to the obligation and expenditure of funds available for obligation during fiscal year 2004 for the planning, design, construction, or operation of a chemical weapons destruction facility in Russia if the President submits to Congress a written certification that includes—

(1) a full and complete statement as to why waiving the conditions is important to the national security interests of the United States;

(2) a full and complete justification for exercising this waiver; and

(3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

(b) AVAILABILITY OF FUNDS.—(1) Except as provided in paragraph (2), of the funds that may be obligated for a chemical weapons destruction facility in Russia as specified in section 1302(a)(7), the Secretary of Defense may not obligate an amount greater than two times the amount obligated by Russia and any other state for the planning, design, construction, or operation of any chemical weapons destruction facility in Russia.

(2) Of the funds that may be obligated for a chemical weapons destruction facility in Russia as specified in section 1302(a)(7), $71,500,000 shall be available for obligation on and after October 1, 2003.

TITLE XIV—SERVICES ACQUISITION REFORM

SEC. 1401. SHORTHAND TITLE.

This title may be cited as the ‘‘Services Acquisition Reform Act of 2003.’’

SEC. 1402. EXECUTIVE AGENCY DEFINED.

In this title, the term ‘‘executive agency’’ has the meaning given that term in section 1401 of the National Security Act of 1947 (50 U.S.C. 403), unless specifically stated otherwise.

Subtitle A—Acquisition Workforce and Training

SEC. 1411. DEFINITION OF ACQUISITION.

Section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) is amended by adding at the end the following:

‘‘The term ‘acquisition’—

‘‘(A) means the process of acquiring, with appropriated funds, by contract for purchase or lease, property or services (including construction) that support the mission goals and objectives of an executive agency, from the point at which the requirements of the executive agency are established in consultation with the chief acquisition officer of the executive agency; and

‘‘(B) includes—

‘‘(i) the process of acquiring property or services that are already in existence, or that must be created, developed, demonstrated, and evaluated;

‘‘(ii) the description of requirements to satisfy agency needs;

‘‘(iii) solicitation and selection of sources;

‘‘(iv) award of contracts;

‘‘(v) contract performance;

‘‘(vi) contract financing;

‘‘(vii) management and measurement of contract performance through final delivery and payment; and

‘‘(viii) technical and management functions directly related to the process of fulfilling agency requirements by contract.’’

SEC. 1412. ACQUISITION WORKFORCE TRAINING FUND.

(a) PURPOSE.—The purposes of this section are to ensure that the Federal acquisition workforce—

(1) adapts to fundamental changes in the nature of Federal Governments; acquisition of property and services associated with the changing roles of the Federal Government; and
(2) acquires new skills and a new perspective to enable it to contribute effectively in the changing environment of the 21st century.

(b) Establishment of Fund.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end of subsection (h) the following new paragraph:

"(3) Workforce Training Fund.—(A) The Administrator of General Services shall establish an acquisition workforce training fund. The Administrator shall manage the fund through the Federal Acquisition Institute to support the training of the acquisition workforce of the executive agencies other than the Department of Defense. The Administrator shall appoint or designate a non-career employee as the Chief Acquisition Officer for Federal Procurement Policy in managing the fund.

"(B) There shall be credited to the acquisition workforce training fund 5 percent of the fees collected by executive agencies (other than the Department of Defense) under subsection (g) of section 1105(a) or section 2304(f) of title 41 United States Code.

"(C) The amounts credited to the fund shall be available until expended.

"(D) The Administrator for Federal Procurement Policy, in consultation with the Secretary of Defense, the Director of the Office of Personnel Management, and the Chief Acquisition Officers, shall ensure that funds generated from the fund are used for purposes of developing and implementing any acquisition workforce training program established for the Federal Government.

"(E) Funds generated from the fund shall be available for use by the Federal Government.

"(F) The amounts credited to the fund shall remain available until expended.

(c) Exception.—This section and the amendments made by this section shall not apply to the acquisition workforce of the Department of Defense.

SEC. 1412. Acquisition Workforce Recruitment Program.

(a) Authority to Carry Out Program.—For purposes of sections 3304, 3333, and 5753 of title 5, United States Code, the head of an executive agency of the United States (including the Secretary of Defense) may determine that certain Federal acquisition positions are "shortage category" positions in order to recruit and appoint directly to positions of employment in the department or agency highly qualified persons, such as any person who—

(1) has a bachelor's degree from an accredited institution of higher education;

(2) holds, from an accredited law school or an accredited institution of higher education—

(A) a law degree;

(B) a masters or equivalent degree in business administration, public administration, or systems engineering;

(3) has significant experience with commercial acquisition practices, terms, and conditions.

(b) Exercise of Authority.—In exercising the authority to carry out a personnel action under this section shall subject to policies prescribed by the Office of Personnel Management that govern direct recruiting of Government employees, the point of a preference eligible who satisfies the qualification requirements.

(c) Termination of Authority.—The head of a department or agency may not appoint a person to a position of employment under this section after September 30, 2007.

(d) Report.—Not later than March 31, 2007, the Administrator for Federal Procurement Policy shall submit to Congress a report on the implementation of this section. The report shall include—

(1) the head of the agency's assessment of the effectiveness of the authority provided in this section in attracting employees with unusually high qualifications to the acquisition workforce;

(2) any recommendations considered appropriate by the head of the agency on whether the authority to carry out the program should be extended.

SEC. 1414. Architectural and Engineering Acquisition Workforce.

(a) Authority to Carry Out Program.—The Administrator for Federal Procurement Policy, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Personnel Management, shall develop and implement a plan to ensure that the Federal Government maintains the necessary capability with respect to the acquisition of architectural and engineering services to—

(1) ensure that Federal Government employees have the expertise to determine agency requirements for such services;

(2) establish professional standards and accreditation programs (including accreditation plans);

(3) establish professional standards;

(4) develop standards of work; and

(5) award and administer contracts for such services.

Subtitle B—Adaptation of Business Practices

PART I—Adaptation of Business Management Practices

SEC. 1421. CHIEF ACQUISITION OFFICERS.

(a) Appointment of Chief Acquisition Officers.—(1) Section 16 of the Office of Federal Procurement Policy Act (41 U.S.C. 414) is amended to read as follows:

"Sec. 16. Chief Acquisition Officers.

"(1) Establishment of Agency Chief Acquisition Officers.—The head of each executive agency (other than the Department of Defense) shall appoint or designate a non-career employee as Chief Acquisition Officer for the agency, shall—

(1) have acquisition management as their principal duty; and

(2) advise and consult with the head of the executive agency on all matters related to acquisition management, including—

(i) the acquisition of services;

(ii) the issuance of contracts for such services;

(iii) the development of acquisition policies, procedures, and practices.

(b) Authority and Functions of Agency Chief Acquisition Officers.—The functions of each Chief Acquisition Officer shall include—

(1) establishing and implementing the acquisition management capability of the agency;

(2) ensuring the adequacy of such requirements for facilitating the achievement of the performance goals and objectives of the agency;

(3) preparing and maintaining the necessary capability with respect to the acquisition of architectural and engineering services to—

(i) ensure that Federal Government employees have the expertise to determine agency requirements for such services; and

(ii) establish professional standards and accreditation programs (including accreditation plans);

(iii) establish professional standards;

(iv) develop standards of work; and

(v) award and administer contracts for such services.

(3) References.—Any reference to a "senior procurement executive'' each place it appears and inserting "Chief Acquisition Officer'', or each place it appears and inserting "Chief Acquisition Officer''.
shall establish an advisory panel to review laws...
SEC. 1428. IMPROVEMENTS IN CONTRACTING FOR SERVICES DIRECTED—(1) In paragraph (2), by striking "$85,000" and inserting "$300,000"; and
(2) by adding at the end the following new paragraph:
"(4) The selection and competition requirements described in subsection (a) shall apply to any contract for architectural and engineering services (including surveying and mapping services) issued by an agency (as such term is defined in section 2302 of this title).

(b) ARCHITECTURAL AND ENGINEERING SERVICES.—Architectural and engineering services (as defined in section 1102 of title 40, United States Code) shall not be offered under multiple-award contracts entered into by the Administrator of General Services or under Governmentwide task and delivery-order contracts entered into under sections 2304a and 2304b of title 10, United States Code, or sections 303H and 303I of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 235h and 235i) unless such services:
(1) are performed under the direct supervision of a professional engineer licensed in a State; and
(2) are awarded in accordance with the selection procedures set forth in chapter 11 of title 40, United States Code.

SEC. 1429. AUTHORIZATION OF TELECOMMUTING FOR FEDERAL CONTRACTORS.

(a) AMENDMENT TO THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) by inserting by employees of Federal Government contractors in the performance of contracts entered into with executive agencies.

(b) CONTENT OF AMENDMENT.—The regulation issued pursuant to subsection (a) shall, at a minimum, provide that solicitations for the acquisition of property or services may not set forth any requirement or evaluation criteria that would—
(1) render an offeror ineligible to enter into a contract on the basis of the inclusion of a plan of the offeror to permit the offeror's employees to telecommute; or
(2) reduce the scoring of an offer on the basis of the inclusion of a plan of the offeror to permit the offeror's employees to telecommute, unless the contracting officer concerned first—
(A) determines that the requirements of the agency, including the security requirements of the agency, cannot be met if the telecommuting is permitted; and
(B) documents in writing the basis for that determination.

(c) GAO REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress—
(1) a report of—
(A) the conformance of the regulations with law; and
(B) the compliance by executive agencies with the regulations; and
(2) any recommendations that the Comptroller General considers appropriate.

(d) Authorization of Federal Contracting.—In the case of a protest of the same matter reported on by the Comptroller General under subsection (a), the contractor shall be entitled to recover costs and expenses of any suit or proceeding brought to determine the validity of the protest.
the Committees on Governmental Affairs and on Armed Services of the Senate and the Committees on Government Reform and on Armed Services of the House of Representatives a report on the competition for work or task orders awarded for items or services produced or provided by a commercial entity. The report shall include data on the use of such authority by both government and nongovernment agencies.

(d) COMPTROLLER GENERAL REVIEW.—The Comptroller General shall review the implementation of the amendments made by subsection (a) to evaluate the effectiveness of such implementation in increasing the availability of items and services to the Federal Government at fair and reasonable prices.

SEC. 3454. PROHIBITION ON USE OF QUOTAS.

(a) AUTHORIZATION REQUIRED.—The head of an executive agency may exercise authority under this subsection only if authorized by the Director of the Office of Management and Budget to do so.

(b) RELATIONSHIP TO AUTHORITY OF DEPARTMENT OF HOMELAND SECURITY.—The authority under this subsection shall not apply to the Secretary of Homeland Security while section 831 of the Homeland Security Act of 2002 (Public Law 107–73; 116 Stat. 2244) is in effect.

(c) REGULATIONS.—The Director of the Office of Management and Budget shall prescribe regulations to carry out this section.

SEC. 3455. AUTHORITY TO PRODUCE COUNTERFEIT

(a) IN GENERAL.—Notwithstanding the amendments made by subtitle D of this Act, no contract for the procurement of services or goods awarded on a sole source basis shall be exempt from:

(1) cost accounting standards promulgated pursuant to section 26 of the Federal Procurement Policy Act (41 U.S.C. 422; and


(b) LIMITATION.—This section shall not apply to any contract in an amount not greater than $15,000,000.

SEC. 3456. PUBLIC DISCLOSURE OF NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.

(a) DISCLOSURE REQUIRED.—The head of an executive agency may not establish, apply, or enforce any numerical goal, target, or quota for subjecting work performed by Federal employees or private contractors to public-private competition or conversions.

(b) LIMITATION.—This section shall not apply to any contract in an amount not greater than $15,000,000.

SEC. 3457. APPROPRIATION OF FUNDS TO SOLICIT PROPosals TO SOLE SOURCE CONTRACTS FOR GOODS AND SERVICES TREATED AS COMMERCIAL ITEMS.

(a) IN GENERAL.—Notwithstanding the amendments made by subtitle D of this Act, no contract for the procurement of services or goods awarded on a sole source basis shall be exempt from:

(1) cost accounting standards promulgated pursuant to section 26 of the Federal Procurement Policy Act (41 U.S.C. 422; and


(b) LIMITATION.—This section shall not apply to any contract in an amount not greater than $15,000,000.

SEC. 3458. PUBLIC DISCLOSURE OF NONCOMPETITIVE CONTRACTING FOR THE RECONSTRUCTION OF INFRASTRUCTURE IN IRAQ.

(a) DISCLOSURE REQUIRED.—The head of an executive agency may not establish, apply, or enforce any numerical goal, target, or quota for subjecting work performed by Federal employees or private contractors to public-private competition or conversions.

(b) LIMITATION.—This section shall not apply to any contract in an amount not greater than $15,000,000.
SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>$138,800,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$3,350,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$2,150,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$34,500,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Fort Stewart/Hunter Army Air Field</td>
<td>$138,550,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Leavenworth</td>
<td>$115,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Riley</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$72,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Soldier Systems Center, Natick</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$5,900,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Naval Air Engineering Center, Lakehurst</td>
<td>$2,250,000</td>
</tr>
<tr>
<td>New York</td>
<td>Picatinny Arsenal</td>
<td>$11,800,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$163,400,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Bliss</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Belvoir</td>
<td>$7,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$3,900,000</td>
</tr>
</tbody>
</table>

Total: $1,108,500,000

(b) OUTSIDE THE UNITED STATES.—Subject to subsection (c), using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Grafenwoehr</td>
<td>$76,000,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Hohenfels</td>
<td>$12,200,000</td>
</tr>
<tr>
<td></td>
<td>Vilseck</td>
<td>$31,000,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$28,500,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Livorno</td>
<td>$22,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Humphreys</td>
<td>$131,150,000</td>
</tr>
<tr>
<td></td>
<td>Kwajalein</td>
<td>$9,400,000</td>
</tr>
</tbody>
</table>

Total: $388,250,000

(c) CONDITION ON PROJECTS AUTHORIZATION.—The authority of the Secretary of the Army to proceed with the projects at Camp Humphreys, Korea, referred to in the table in subsection (b), and to obligate amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2) in connection with such project, is subject to the condition that the Secretary submit to the congressional defense committees written notice in advance that the United States and the Republic of Korea have entered into an agreement to ensure the availability and use of land sufficient for such projects.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Wainwright</td>
<td>140 Units</td>
<td>$64,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>220 Units</td>
<td>$41,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>62 Units</td>
<td>$16,700,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Knox</td>
<td>176 Units</td>
<td>$41,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>White Sands Missile Range</td>
<td>58 Units</td>
<td>$14,600,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>120 Units</td>
<td>$25,373,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Lee</td>
<td>90 Units</td>
<td>$18,000,000</td>
</tr>
</tbody>
</table>

Total: $220,673,000
SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $156,030,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $3,056,697,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $902,000,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $359,350,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $22,550,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,258,500,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing units, $409,191,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,043,026,000.

(c) For the construction of phase 3 of a barracks complex, D Street, at Fort Richardson, Alaska, authorized by section 2101(a)(1) of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1280), $48,000,000.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECTS.


(1) in the item relating to Fort Richardson, Alaska, by striking "$115,000,000" in the amount column and inserting "$117,000,000"; and

(2) by striking the amount identified as the total amount in the amount column and inserting "$1,364,750,000".

(b) CONFORMING AMENDMENT.—Section 2104(b)(2) of that Act (115 Stat. 1284) is amended by striking "$52,000,000" and inserting "$54,000,000".

SEC. 2101. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$22,230,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Air Ground Task Force Training Center, Twentynine Palms</td>
<td>$42,090,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>$7,640,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$73,580,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, San Clement</td>
<td>$18,940,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Lemoore</td>
<td>$34,510,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, North Island</td>
<td>$49,240,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, China Lake</td>
<td>$12,230,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Point Mugu, San Nicholas Island</td>
<td>$6,150,000</td>
</tr>
<tr>
<td></td>
<td>Naval Postgraduate School, Monterey</td>
<td>$42,560,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$49,710,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, New London</td>
<td>$3,120,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Barracks, Los Angeles</td>
<td>$1,550,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Blount Island (Jacksonville)</td>
<td>$115,710,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Jacksonville</td>
<td>$9,190,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Whiting Field, Milton</td>
<td>$4,830,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Naval Surface Warfare Center, Coastal Systems Station, Panama City</td>
<td>$9,550,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Strategic Weapons Facility Atlantic, Kings Bay</td>
<td>$11,510,000</td>
</tr>
<tr>
<td></td>
<td>Fleet and Industrial Supply Center, Pearl Harbor</td>
<td>$32,180,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Lualualei</td>
<td>$95,320,000</td>
</tr>
<tr>
<td></td>
<td>Naval Shipyard, Pearl Harbor</td>
<td>$7,010,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Naval Training Center, Great Lakes</td>
<td>$137,120,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Naval Surface Warfare Center, Crane</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Marine Corps Air Station, Patuxent River</td>
<td>$28,270,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Indian Head</td>
<td>$14,850,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Air Station, Meridian</td>
<td>$4,570,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Station, Pascagoula</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Naval Air Station, Fallon</td>
<td>$4,670,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Lakehurst</td>
<td>$20,681,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Weapons Station, Earle</td>
<td>$123,720,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$6,240,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$29,450,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, New Bern</td>
<td>$16,140,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Naval Undersea Warfare Center, Newport</td>
<td>$10,890,000</td>
</tr>
</tbody>
</table>
SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,288,917,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,005,882,000.
(2) For military construction projects outside the United States authorized by section 2201(b), $1,283,035,000.
(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $13,624,000.
(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $71,141,000.
(5) For military family housing functions:
   (A) For construction and acquisition, planning and design, and improvement of military family housing, $184,193,000.
   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $852,778,000.

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain</td>
<td>Naval Support Activity, Bahrain</td>
<td>$18,030,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Command, United States Naval Forces, Marianas</td>
<td>$1,700,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station, Sigonella</td>
<td>$48,749,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Naval Support Activity, La Maddalena</td>
<td>$39,020,000</td>
</tr>
<tr>
<td></td>
<td>Joint Maritime Facility, St. Mawgan</td>
<td>$7,070,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$114,569,000</td>
</tr>
</tbody>
</table>

SEC. 2201. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>State or Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Air Station, Lemoore</td>
<td>187 Units</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station, Pensacola</td>
<td>25 Units</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>339 Units</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>519 Units</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$157,366,000</td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $8,381,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $20,446,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,288,917,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $1,005,882,000.
(2) For military construction projects outside the United States authorized by section 2201(b), $1,283,035,000.
(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $13,624,000.
(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $71,141,000.
(5) For military family housing functions:
   (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $184,193,000.
   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $852,778,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).
(2) $25,690,000 (the balance of the amount authorized under section 2201(a) for construction of a tertiary sewage treatment facility, Marine Corps Base, Camp Pendleton, California).
(3) $58,190,000 (the balance of the amount authorized under section 2201(a) for construction of a battle station training facility, Naval Training Center, Great Lakes, Illinois).
(4) $96,980,000 (the balance of the amount authorized under section 2201(a) for construction of a general purpose berthing pier, Naval Weapons Station Earle, New Jersey).
(5) $310,170,000 (the balance of the amount authorized under section 2201(a) for construction of the Pier 11 replacement, Naval Station, Norfolk, Virginia).
(6) $28,750,000 (the balance of the amount authorized under section 2201(a) for construction of outlying landing field facilities, various locations in the continental United States).
(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

### Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>$33,261,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Elmendorf Air Force Base</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$10,062,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$22,750,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$7,019,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Bolling Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$27,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Robins Air Force Base</td>
<td>$37,164,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>$73,296,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>$5,445,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Columbus Air Force Base</td>
<td>$2,200,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Keesler Air Force Base</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Whiteman Air Force Base</td>
<td>$11,600,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$11,247,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Tulearos Radar Test Site</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>$3,190,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$21,100,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$1,167,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Charleston Air Force Base</td>
<td>$9,042,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Shaw Air Force Base</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$15,848,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$25,474,000</td>
</tr>
<tr>
<td>Washington</td>
<td>MChord Air Force Base</td>
<td>$19,000,000</td>
</tr>
</tbody>
</table>

Total $668,762,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

### Air Force: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$41,866,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Spangdahlem Air Base</td>
<td>$15,411,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kunsan Air Base</td>
<td>$7,059,000</td>
</tr>
<tr>
<td>Portugal</td>
<td>Osan Air Base</td>
<td>$16,688,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Lajes Field, Azores</td>
<td>$4,086,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force, Lakenheath</td>
<td>$42,487,000</td>
</tr>
<tr>
<td>Wake Island</td>
<td>Wake Island</td>
<td>$24,000,000</td>
</tr>
</tbody>
</table>

Total $169,392,000

(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

### Air Force: Unspecified Worldwide

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unspecified Worldwide</td>
<td>Classified Location</td>
<td>$29,501,000</td>
</tr>
</tbody>
</table>

Total $29,501,000

SEC. 2002. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations, for the purposes, and in the amounts set forth in the following table:

### Air Force: Family Housing

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Maxwell Air Force Base</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>$33,261,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Elmendorf Air Force Base</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$10,062,000</td>
</tr>
<tr>
<td>California</td>
<td>Beale Air Force Base</td>
<td>$22,750,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$7,019,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Bolling Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$27,200,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Robins Air Force Base</td>
<td>$37,164,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>$73,296,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>$5,445,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$1,900,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Columbus Air Force Base</td>
<td>$2,200,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Keesler Air Force Base</td>
<td>$2,900,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Whiteman Air Force Base</td>
<td>$11,600,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland Air Force Base</td>
<td>$11,247,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Tulearos Radar Test Site</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>$3,190,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright-Patterson Air Force Base</td>
<td>$21,100,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$1,167,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Charleston Air Force Base</td>
<td>$9,042,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Shaw Air Force Base</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$15,848,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$25,474,000</td>
</tr>
<tr>
<td>Washington</td>
<td>MChord Air Force Base</td>
<td>$19,000,000</td>
</tr>
</tbody>
</table>

Total $668,762,000
in the amounts, set forth in the following table:

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,477,609,000, as follows:

<table>
<thead>
<tr>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Marine Corps Base, Camp Lejeune, North Carolina</td>
<td>$15,259,000</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>Defense Distribution Depot, New Cumberland, Pennsylvania</td>
<td>$27,700,000</td>
</tr>
<tr>
<td></td>
<td>Egin Air Force Base, Florida</td>
<td>$4,800,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Air Force Base, Alaska</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Hickam Air Force Base, Hawaii</td>
<td>$14,100,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$4,100,000</td>
</tr>
<tr>
<td></td>
<td>Offutt Air Force Base, Nebraska</td>
<td>$13,400,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base, Virginia</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>Laughlin Air Force Base, Texas</td>
<td>$4,688,000</td>
</tr>
<tr>
<td></td>
<td>MC Chord Air Force Base, Washington</td>
<td>$8,100,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Kingsville, Texas</td>
<td>$9,200,000</td>
</tr>
<tr>
<td></td>
<td>Nellis Air Force Base, Nevada</td>
<td>$12,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade, Maryland</td>
<td>$1,942,000</td>
</tr>
<tr>
<td>National Security Agency</td>
<td>Dam Neck, Virginia</td>
<td>$15,261,000</td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>Fort Benning, Georgia</td>
<td>$2,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$36,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Campbell, Kentucky</td>
<td>$7,100,000</td>
</tr>
<tr>
<td></td>
<td>Harrisburg International Airport, Pennsylvania</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>MacDill, Air Force Base, Florida</td>
<td>$25,500,000</td>
</tr>
<tr>
<td></td>
<td>Montana</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>TRICARE Management Activity</td>
<td>Fort Bragg, North Carolina</td>
<td>$36,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Benning, Georgia</td>
<td>$2,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Campbell, Kentucky</td>
<td>$7,100,000</td>
</tr>
<tr>
<td></td>
<td>Harrisburg International Airport, Pennsylvania</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>MacDill, Air Force Base, Florida</td>
<td>$25,500,000</td>
</tr>
<tr>
<td></td>
<td>Montana</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>TRICARE Management Activity</td>
<td>Fort Hood, Texas</td>
<td>$9,400,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Anacostia, District of Columbia</td>
<td>$15,714,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, New London, Connecticut</td>
<td>$6,700,000</td>
</tr>
<tr>
<td></td>
<td>United States Air Force Academy, Colorado</td>
<td>$22,100,000</td>
</tr>
<tr>
<td></td>
<td>Walter Reed Medical Center, District of Columbia</td>
<td>$9,000,000</td>
</tr>
<tr>
<td></td>
<td>Washington Headquarters Services</td>
<td>Arlington, Virginia</td>
</tr>
</tbody>
</table>

Total | $345,770,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $33,488,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $227,979,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,477,609,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $660,282,000.
(2) For military construction projects outside the United States authorized by section 2301(b), $169,392,000.
(3) For military construction projects at unspecified worldwide locations authorized by section 2301(c), $28,981,000.
(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.
(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,421,000.
(6) For military housing functions:
   (A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $657,065,000.
   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $834,468,000.
   (b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Marine Corps Base, Camp Lejeune, North Carolina</td>
<td>$15,259,000</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>Defense Distribution Depot, New Cumberland, Pennsylvania</td>
<td>$27,700,000</td>
</tr>
<tr>
<td></td>
<td>Egin Air Force Base, Florida</td>
<td>$4,800,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Air Force Base, Florida</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Hickam Air Force Base, Hawaii</td>
<td>$14,100,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$4,100,000</td>
</tr>
<tr>
<td></td>
<td>Offutt Air Force Base, Nebraska</td>
<td>$13,400,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base, Virginia</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>Laughlin Air Force Base, Texas</td>
<td>$4,688,000</td>
</tr>
<tr>
<td></td>
<td>MC Chord Air Force Base, Washington</td>
<td>$8,100,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Kingsville, Texas</td>
<td>$9,200,000</td>
</tr>
<tr>
<td></td>
<td>Nellis Air Force Base, Nevada</td>
<td>$12,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade, Maryland</td>
<td>$1,942,000</td>
</tr>
<tr>
<td>National Security Agency</td>
<td>Dam Neck, Virginia</td>
<td>$15,261,000</td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>Fort Benning, Georgia</td>
<td>$2,100,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg, North Carolina</td>
<td>$36,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Campbell, Kentucky</td>
<td>$7,100,000</td>
</tr>
<tr>
<td></td>
<td>Harrisburg International Airport, Pennsylvania</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field, Florida</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>MacDill, Air Force Base, Florida</td>
<td>$25,500,000</td>
</tr>
<tr>
<td></td>
<td>Montana</td>
<td>$2,800,000</td>
</tr>
<tr>
<td>TRICARE Management Activity</td>
<td>Fort Hood, Texas</td>
<td>$9,400,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Anacostia, District of Columbia</td>
<td>$15,714,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, New London, Connecticut</td>
<td>$6,700,000</td>
</tr>
<tr>
<td></td>
<td>United States Air Force Academy, Colorado</td>
<td>$22,100,000</td>
</tr>
<tr>
<td></td>
<td>Walter Reed Medical Center, District of Columbia</td>
<td>$9,000,000</td>
</tr>
<tr>
<td></td>
<td>Washington Headquarters Services</td>
<td>Arlington, Virginia</td>
</tr>
</tbody>
</table>

Total | $345,770,000 |
(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

### Defense Agencies: Outside the United States

<table>
<thead>
<tr>
<th>Agency</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Grafenwoehr, Germany</td>
<td>$36,247,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg, Germany</td>
<td>$3,086,000</td>
</tr>
<tr>
<td></td>
<td>Vilseck, Germany</td>
<td>$1,773,000</td>
</tr>
<tr>
<td></td>
<td>Sigonella, Italy</td>
<td>$30,234,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza, Italy</td>
<td>$16,374,000</td>
</tr>
<tr>
<td></td>
<td>Camp Humphreys, Korea</td>
<td>$31,683,000</td>
</tr>
<tr>
<td></td>
<td>Stuttgart, Germany</td>
<td>$11,400,000</td>
</tr>
<tr>
<td></td>
<td>Anderson Air Force Base, Guam</td>
<td>$26,000,000</td>
</tr>
<tr>
<td></td>
<td>Grafenwoehr, Germany</td>
<td>$12,585,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$169,382,000</td>
</tr>
</tbody>
</table>

### SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1)(A), the Secretary of Defense may carry out energy conservation projects and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

### SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

### SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1)(A), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $59,500,000.

### SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for military construction projects and facilities, family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,223,066,000, as follows:

1. For construction projects inside the United States authorized by section 2403(a), $343,570,000.
2. For military construction projects outside the United States authorized by section 2403(b), $152,017,000.
3. For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,153,000.
4. For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $8,960,000.
5. For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $66,834,000.
6. For energy conservation projects authorized by section 2404, $69,500,000.
8. For military family housing functions:
   (A) For planning, design, and improvement of military family housing and facilities, $350,000.
   (B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,440,000.
   (C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2868(a)(1) of title 10, United States Code, $300,000.

(b) Limitation on Total Cost of Construction and Land Acquisition Projects.—Use amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense under section 2806 of title 10, United States Code, and any other costs necessary for construction of military construction projects and land acquisition facilities, and contributions therefor, under chapter 103 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

1. For the Department of the Army—
   (A) for the Army National Guard of the United States, $253,788,000; and
   (B) for the Army Reserve, $69,840,000.
2. For the Department of the Navy, for the Naval and Marine Corps Reserve, $45,762,000.
3. For the Department of the Air Force—
   (A) for the Air National Guard of the United States, $123,408,000; and
   (B) for the Air Force Reserve, $61,143,000.

### TITLE XXVII.—EXTENSION AND EXPANSION OF AUTHORIZATIONS

#### SEC. 2701. EXTENSION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

1. October 1, 2006; or
2. The date of the enactment of an Act authorizing funds for military construction for fiscal year 2007.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects, and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriations have been obligated before the later of—

1. October 1, 2006; or
2. The date of the enactment of an Act authorizing funds for fiscal year 2007 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program.

#### SEC. 2702. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2001 PROJECT.

(a) Extension of Certain Project.—Notwithstanding section 2701 of the Floyd D.
Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-407), the authorization set forth in the table in subsection (b), as provided in section 2102 of that Act, shall remain in effect until October 1, 2004, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2005, whichever is later.

Army Extension of 2001 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>New Construction—GFOQ</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2000 PROJECTS.


(b) Table.—The tables referred to in subsection (a) are as follows:


<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma</td>
<td>Tinker Air Force Base</td>
<td>Replace Family Housing (41 Units)</td>
<td>$6,000,000</td>
</tr>
</tbody>
</table>

Army National Guard: Extension of 2000 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Fort Pickett</td>
<td>Multi-purpose Range-Heavy</td>
<td>$13,500,000</td>
</tr>
</tbody>
</table>

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIV, XXV, and XXVI of this Act shall take effect on the later of—

(1) October 1, 2003; or
(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN MAXIMUM AMOUNT OF AUTHORIZED ANNUAL EMERGENCY CONSTRUCTION.

Section 2803(c)(1) of title 10, United States Code, is amended by striking "$30,000,000" and inserting "$45,000,000".

SEC. 2802. AUTHORITY TO LEASE MILITARY FAMILY HOUSING UNITS IN ITALY.

Section 2802(a)(2) of title 10, United States Code, is amended by striking "2,000 units" and inserting "2,800 units".

SEC. 2803. CHANGES TO ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) SPACE LIMITATIONS BY PAY GRADE.—Section 2888(b)(2) of title 10, United States Code, is amended by striking "unless the unit is located on a military installation".

(b) DEPARTMENT OF DEFENSE HOUSING FUND.—(1) Section 2883 of such title is amended by striking subsections (a), (b), and (c) and inserting the following new subsections (a) and (b):

"(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Department of Defense Housing Improvement Fund (in this section referred to as the 'Fund').

"(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

"(1) Amounts authorized for and appropriated to the Fund.

"(2) Subject to subsection (e), any amounts that the Secretary of Defense transfers, in such amounts as are provided for in appropriation Acts, to the Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing or military unaccompanied housing.

"(3) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing or military unaccompanied housing.

"(4) Income derived from any activities under this subchapter with respect to military family housing or military unaccompanied housing, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(5) Any amounts that the Secretary of Defense transfers, in such amounts as are provided for in appropriation Acts, to the Fund established under section 2883(a) of title 10, United States Code.

"(6) Funds transferred to the Department of Defense from any agency, department, or corporation of the United States under section 2871 (other than funds transferred to the Department of Defense under section 2871(6) of such title)."

(b) DEPARTMENT OF DEFENSE HOUSING IMPROVEMENT FUND.—(1) Section 2883(a) of such title is amended—

"(a) by redesignating subsections (d) through (g) as (c) through (f), respectively;

"(b) in subsection (c), as so redesignated—

"(i) in the subsection heading, by striking 'Funds' and inserting 'Fund';

"(ii) in paragraph (1)—

"(I) by striking subsection (e) and inserting the following new paragraph (e):

"(II) by striking 'Department of Defense Family Housing Improvement Fund' and inserting 'Department of Defense Housing Improvement Fund';

"(3) by striking subparagraph (A) and inserting the following new subparagraph (A):

"(4) by redesignating subsections (d) through (g) as (c) through (f), respectively;

"(b) in subsection (c), as so redesignated—

"(i) in the subsection heading, by striking 'Funds' and inserting 'Fund';

"(ii) in paragraph (1)—

"(I) by striking subsection (e) and inserting the following new paragraphs (e) and (f):

(c) FORMER AUTHORITY TO LEASE MILITARY FAMILY HOUSING UNITS IN ITALY.

(1) Section 2887 of such title is amended by striking the following new paragraphs:

"(A) by redesignating subsections (d) through (g) as (c) through (f), respectively;

"(b) in subsection (c), as so redesignated—

"(i) in the subsection heading, by striking 'Funds' and inserting 'Fund';

"(ii) in paragraph (1)—

"(A) by redesigning subsections (a), (b), and (c) and inserting the following new sub paragraphs (a) and (b):

"(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the Department of Defense Housing Improvement Fund (in this section referred to as the 'Fund').

"(b) CREDITS TO FUND.—There shall be credited to the Fund the following:

"(1) Amounts authorized for and appropriated to the Fund.

"(2) Subject to subsection (e), any amounts that the Secretary of Defense transfers, in such amounts as are provided for in appropriation Acts, to the Fund from amounts authorized and appropriated to the Department of Defense for the acquisition or construction of military family housing or military unaccompanied housing.

"(3) Proceeds from the conveyance or lease of property or facilities under section 2878 of this title for the purpose of carrying out activities under this subchapter with respect to military family housing or military unaccompanied housing.

"(4) Income derived from any activities under this subchapter with respect to military family housing or military unaccompanied housing, income and gains realized from investments under section 2875 of this title, and any return of capital invested as part of such investments.

"(5) Any amounts that the Secretary of Defense transfers, in such amounts as are provided for in appropriation Acts, to the Fund established under section 2883(a) of title 10, United States Code.

"(6) Funds transferred to the Department of Defense from any agency, department, or corporation of the United States under section 2871 (other than funds transferred to the Department of Defense under section 2871(6) of such title)."

SEC. 2804. ADDITIONAL MATERIAL FOR ANNUAL REPORT ON HOUSING PRIVATIZATION PROGRAM.

Section 2884(b) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting before the period at the end the following: ' , and such recommendations as the Secretary considers necessary for improving the extent and effectiveness of the use of such authorities in the future'; and

(2) by striking paragraph (3) and adding the following new paragraph (3):

"(3) A review of activities of the Secretary under this subchapter during such preceding fiscal year, shown for military family housing, military unaccompanied housing, military family housing and military unaccompanied housing, and ancillary supporting facilities.

"(4) If a contract for the acquisition or construction of military family housing, military unaccompanied housing, or dual military family housing and military unaccompanied housing.
entered into during the preceding fiscal year did not include the acquisition or construction of the types of ancillary supporting facilities specifically referred to in section 2871(1) of this title, and no such ancillary supporting facilities were included.

(5) A description of the Secretary's plans for housing privatization activities under this subchapter for each fiscal year following the fiscal year for which the budget is submitted, and (B) during the period covered by the then-current future-years defense plan under section 221 of this title.

SEC. 2865. AUTHORITY TO CONVEY PROPERTY AT MILITARY INSTALLATIONS CLOSED OR TO BE CLOSED IN EXCHANGE FOR MILITARY CONSTRUCTION ACTIVITIES.

(a) CONVEYANCE AUTHORIZED; CONSIDERATION.—The Secretary of Defense may enter into an agreement to convey real property, including any improvements thereon, located on a military installation that is closed or realigned under a base closure law to any person who agrees, in exchange for the real property—

(1) to carry out, or provide services in connection with, an authorized military construction project; or

(2) to transfer to the Secretary of Defense housing that is constructed or provided by the person at or near a military installation at which there is a shortage of suitable military family housing or military unaccompanied housing (or both).

(b) CONDITIONS CONCERNING CONVEYANCE AUTHORITY.—A conveyance of real property may be made under subsection (a) only if—

(1) the fair market value of the consideration to be received in exchange for the real property conveyed under subsection (a) is equal to or greater than the fair market value of the property, including any improvements thereon, as determined by the Secretary concerned; and

(2) in the event the fair market value of the consideration to be received is equal to at least 90 percent, but less than 100 percent, of the fair market value of the real property conveyed, including any improvements thereon, the recipient of the property agrees to pay to the Secretary of Defense an amount equal to the difference between the fair market value of the real property and the consideration to be received.

(c) USE OF AUTHORITY.—(1) To the maximum extent practicable, the Secretary of Defense shall use the authority provided by subsection (a) to exchange real property identified in any future-years defense plan for property or services having a total value of at least $200,000,000 each fiscal year for each of the military departments.

(3) The Secretary concerned shall utilize the authority provided in subsection (a) in lieu of obligating and expending funds appropriated for military construction and military housing projects for such military installation.

(d) DEPOSIT OF FUNDS.—The Secretary of Defense may deposit funds received under subsection (b)(2) in the Department of Defense Housing Improvement Fund established under section 2883(a) of this title.

(e) ANNUAL REPORT.—The Secretary of Defense shall, for each fiscal year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 a report detailing the extent to which the Secretary used the authority provided by subsection (a) to convey real property in exchange for military construction and maintenance and military services obtained in exchange for such authority for the future.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of real property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary of Defense.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Defense may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2866. CONGRESSIONAL NOTIFICATION AND REPORTING REQUIREMENTS REGARDING USE OF OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION.

(a) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding after section 2830 the following new section:

"§28310. Use of operation and maintenance funds for construction: notification and reporting requirements.

(1) The Secretary concerned shall submit to the appropriate committees of Congress advance written notice before appropriations available for operation and maintenance are obligated for construction described in paragraph (2) of this section that were not obligated not later than 14 days before the date on which appropriations available for operation and maintenance are first obligated for that construction activity contain the information required by subsection (c).

(2) Paragraph (1) applies with respect to any construction having an estimated total cost of more than $1,500,000, which is paid for in whole or in part using appropriations available for operation and maintenance.

(3) The construction is necessary to meet urgent military operational requirements of a temporary nature.

(4) The construction was not carried out at a military installation where the United States is reasonably expected to have a long-term interest or presence.

(5) The United States has no intention of using the construction after the operational requirement has been satisfied; and

(6) The level of construction is the minimum necessary to meet the temporary operational need.

(b) WAIVER AUTHORITY; CONGRESSIONAL NOTIFICATION.—(1) The Secretary concerned may grant, on a case-by-case basis, a waiver under subsection (a) if the Secretary determines that—

(A) the project is vital to the national security or to the protection of health, safety, or the quality of the environment; and

(B) the requirement for the construction is so urgent that deferral of the construction during the period specified in subsection (a)(1) would be inconsistent with national security or the protection of health, safety, or environmental quality, as the case may be.

(2) Not later than five days after the date on which a waiver is granted under paragraph (1), the Secretary concerned shall provide to the appropriate committees of Congress written notice containing the reasons for the waiver and the information required by subsection (c) with regard to the construction for which the waiver was granted.

(c) CONTENT OF NOTICE.—The notice provided under subsection (a) or (b) with regard to construction funded using appropriations available for operation and maintenance shall include the following:

(1) A description of the purpose for which the waiver is being granted.

(2) An estimate of the total amount to be obligated for the construction.

(3) The reasons appropriations available for operation and maintenance are being used.

(4) LIMITATIONS ON USE OF OPERATION AND MAINTENANCE FUNDS.—(1) The Secretary concerned shall not use appropriations available for operation and maintenance to carry out any construction having an estimated total cost of more than $5,000,000.

(2) The total cost of construction carried out by the Secretaries concerned that is not in whole or in part using appropriations available for operation and maintenance shall not exceed $200,000,000 in any fiscal year.

(5) QUARTERLY REPORT.—The Secretary concerned shall submit to the appropriate committees of Congress a quarterly report on the worldwide obligation and expenditure of appropriations available for operation and maintenance by the Secretary concerned for construction during the preceding quarter.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2830 the following new section:

"§2831. Use of operation and maintenance funds for construction: notification and reporting requirements and limitations."
SEC. 2807. INCREASE IN AUTHORIZED MAXIMUM LEASE TERM FOR FAMILY HOUSING AND OTHER FACILITIES IN CERTAIN FOREIGN COUNTRIES.

(a) LEASE OF MILITARY FAMILY HOUSING.—Section 2828d(d)(1) of title 10, United States Code, is amended by striking "ten years," and inserting "20 years," or "15 years in the case of leases in Korea.

(b) LEASES OF OTHER FACILITIES.—Section 2675 of such title is amended by inserting after "five years," the following: "or 15 years in the case of a lease in Korea.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. REAL PROPERTY TRANSACTIONS.

(a) AUTHORITY TO ACQUIRE LAND ACQUISITION COST THRESHOLD.—Section 2672 of title 10, United States Code, is amended by striking "$500,000" both places it appears and inserting "$1,500,000",

(b) PROMPT NOTIFICATION OF CERTAIN LAND ACQUISITIONS.—Section 2672a of such title is amended

(1) in subsection (a)(1), by striking "he or his designee" and inserting "the Secretary";

(2) in subsection (b), by striking the last sentence; and

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

"(c) Not later than 10 days after the determination is made under subsection (a)(1) that acquisition of land is needed in furtherance of the national defense, the Secretary of the military department making that determination shall provide to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notice containing a description of the property and interest to be acquired and the reasons for the acquisition.

(c) MODIFICATION OF RELATED NOTIFICATION REQUIREMENTS.—Section 2662 of such title is amended by

(1) in subsection (a)—

(A) by striking "30 days" and all that follows through "is submitted" and inserting "14 days after the beginning of the month with respect to which a single report containing the facts concerning such transaction and all other such proposed transactions for that month is submitted, not later than the first day of that month,"; and

(B) by striking "$500,000" each place it appears and inserting "$1,500,000";

(2) in subsection (b), by striking "more than" and all that follows through "$500,000" and inserting "more than $250,000 but not more than $1,500,000";

(3) in subsection (c),

(A) by striking "$500,000" and inserting "$1,000,000"; and

(B) by striking "thirty days" and inserting "14 days"; and

(4) in subsection (g)(3), by striking "30 days" and inserting "14 days"

(d) CLERICAL AMENDMENTS.—(1) In the heading of section 2672 of such title is amended to read as follows:

"§2672. Authority to acquire low-cost interests in land".

(2) The item relating to section 2672 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

"2672. Authority to acquire low-cost interests in land."

Subtitle C—Land Conveyances

SEC. 2821. TERMINATION OF LEASE AND CONVEYANCE OF ARMY RESERVE FACILITY, CONWAY, ARKANSAS.

(a) TERMINATION OF LEASE.—Upon the completion of the replacement facility authorized for the Army Reserve facility located in Conway, Arkansas, the Secretary of the Army may terminate the 99-year lease between the Secretary and the University of Central Arkansas for the property on which the old facility is located.

(b) CONVEYANCE OF PROPERTY.—As part of the termination of the lease under subsection (a), the Secretary shall, at such time as the Secretary determines, in conformance with the deed or other appropriate instrument effectuating the modification of the reversionary interest retained by the Secretary, convey the property described in the conveyance made pursuant to Public Law 91-347 to

SEC. 2822. ACTIONS TO QUIET TITLE, FALLIN WATERS SUBDIVISION, EGLIN AIR FORCE BASE, FLORIDA.

(a) AUTHORITY TO QUIET TITLE.—Notwithstanding the provisions of subsection (a) of section 2672 of such title, the Secretary of the Army may acquire upon determination of the Secretary to quiet title to lands referred to in paragraph (1) of such section, the Secretary may acquire the Vereen, or as the Secretary determines, the Vereen and other properties, all in the Fallin Waters Subdivision, the Vereen, or as the Vereen and other properties, all in the Fallin Waters Subdivision, the Vereen, or as the Vereen and other properties, all in the Fallin Waters Subdivision, the Vereen, or as the Vereen and other properties, all in the Fallin Waters Subdivision.

(b) AUTHORIZED ACTIONS.—In carrying out subsection (a), the Secretary may

(1) in subsection (a)—

(A) by inserting "or for other public purposes" in the second sentence of paragraphs (1) and (2) of subsection (a); and

(B) by striking "such purpose" and inserting "governmental activities written notice containing a description of the property and interest to be acquired and the reasons for the acquisition.";

(2) in subsection (b), by striking the last sentence; and

(3) by inserting after "considerations appropriate to protect the interests of the United States." the following:

"(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of such tracts of land shall be determined by a survey satisfactory to the Secretary.

(d) AUTHORIZED ACTIONS.—In carrying out subsection (a), the Secretary may

(1) by striking "shall pay in a single lump sum" and inserting "shall pay to the Secretary, in a single lump sum";

(2) by inserting "and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States." after "in the United States.

SEC. 2825. MODIFICATION OF LAND CONVEYANCE, EGLIN AIR FORCE BASE, FLORIDA.

(a) MODIFICATION.—Public Law 91-347 (84 Stat. 447) is amended by

(1) in the first section, by inserting "or for other public purposes" before the period at the end; and

(2) in section 3—

(A) by inserting "or for other public purposes" after "schools"; and

(B) by striking "such purpose" and inserting "such purpose and";

(b) ALTERATION OF LEGAL INSTRUMENT.—The Secretary of the Air Force shall cause the property described in the conveyance made pursuant to Public Law 91-347 to

SEC. 2824. LAND CONVEYANCE, FORT CAMPBELL, KENTUCKY AND TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may, by conveyance of the property, to the United States for the purpose of realigning and upgrading United States Highway 79 in the case of a lease in the State of Tennessee, for the purpose of a single report containing the facts concerning such transaction and all other such proposed transactions for that month is submitted, not later than the first day of that month,"; and

(b) AMENDMENT OF SUBSECTION.—(1) As consideration for conveyance of any land described in paragraph (1) of such section, the Secretary may convey, without consideration, to the United States in and to a parcel of real property in such State and the United States in and to a tract of land in the State of Tennessee, conveyed to

SEC. 2828. LAND CONVEYANCE, ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service to convey the property instrumentality of the United States, to convey, by sale, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, located at 1515 Round Table Drive in Dallas, Texas.

(b) CONSIDERATION.—As consideration for conveyance under subsection (a), the purchase price shall be equal to the fair market value of the parcel of real property conveyed, determined by the Secretary of the Army, as determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.
SEC. 2836. LAND CONVEYANCE, NAVAL RESERVE CENTER, ORANGE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Orange, Texas (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 2.5 acres at the Naval Reserve Center, Orange, Texas for the purpose of permitting the City to use the property for road construction, economic development, and other activities.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide to the United States the following:

(1) The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary in carrying out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance.

(2) The Secretary shall determine by a survey satisfactory to the Secretary to be conveyed under subsection (a) shall be the amount of the parcel of unimproved real property described in paragraph (1) and the reasonable cost to the Secretary incurred in the actual conveyance of such parcel.

(3) Payments received from the City as reimbursement under paragraph (2) shall be credited to the fund or account to which such costs are allocated.

(4) Payments received from the City as reimbursement under paragraph (2) shall be available for the same purposes, and other administrative costs related to the conveyance, as funds collected pursuant to section 2903(d)(5). If amounts are collected from the City in advance of the Secretary incurring the actual costs, the amount collected shall be available to make payments for such purposes and subject to the same conditions and limitations, as amounts in such fund or account.

SEC. 2841. REDesignATION OF Yuma TRAINING RANGE COMPLEX AS Bob STump TRAINING RANGE COMPLEX.

The military aviation training facility located in southwestern Arizona and southeastern California and known as the Yuma Training Range Complex shall be known and designated as the "Bob Stump Training Range Complex" and shall be included in the emergency supplemental appropriation for fiscal year 2000 (Public Law 106–113; 113 Stat. 1288).

Title D—Other Matters

SEC. 2842 MODIFICATION OF AUTHORITY TO CONDUCT A ROUND OF REALIGNMENTS AND CLOSURES OF MILITARY INSTALLATIONS IN 2005.


(1) by striking subparagraph (A) of paragraph (1) and inserting—

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

(2) by striking paragraph (2) and inserting—

"(2) Not later than April 1, 2005, the Secretary shall submit to the congressional defense committees, publish in the Federal Register, and send to the Commission the list required by paragraph (1). The list shall contain at least 50 percent of the total number of military installations located inside the United States as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004."

"(3) The Commission shall consider the list based on the final criteria developed under subsection (e). The Commission may modify this list in the manner provided 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 its report, later than April 30, 2005, 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 2903(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. If the President disapproves the report, the Commission shall be dissolved, and the process by which military installations may be selected for closure or realignment under this part in 2005 shall be terminated.

"(5) A military installation included on the exclusion list approved under this subsection may not be included on the closure and realignment list, in the manner provided under this section (or otherwise considered for closure or realignment as part of the base closure process in 2005)."

SEC. 2843 USE OF FORCE-STRUCTURE PLAN FOR THE ARMED FORCES IN PREPARATION OF SELECTED CRITERIA FOR BASE CLOSURE ROUND.

Section 2913(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–110; 10 U.S.C. 2687 note), as added by section 3002 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 107–107; 115 Stat. 1344), is amended by inserting at the end the following new paragraph:

"(b) USE OF FORCE-STRUCTURE PLAN.—In preparing the proposed and final criteria to be included in the Secretary's report under section 2914(a), the Secretary shall use the force-structure plan for the Armed Forces prepared under section 2912(a)."

SEC. 2844 REQUIREMENT FOR UNANIMOUS VOTE OF DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION TO RECOMMEND CLOSURE OF MILITARY INSTALLATIONS NOT INCLUDED IN LIST FOR CLOSURE BY SECRETARY OF DEFENSE.


(1) in paragraph (3), by striking "TO ADD" and inserting "TO CONSIDER ADDITIONS";

(2) by inserting before the period at the end of paragraph (3), after "the President under paragraph (3), the President"—

"(A) by inserting "AND UNANIMOUS VOTE" after "SITE VISIT";" and

"(B) by inserting before the period at the end of paragraph (3), after "the decision of the Commission to recommend the closure of the installation is unanimous"—"
DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS  

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  

Subtitle A—National Security Programs  

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.  
(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $8,822,075,000, to be allocated as follows:  
(1) For weapons activities, $6,393,000,000.  
(2) For defense nonproliferation activities, $1,312,695,000.  
(3) For naval reactors, $768,400,000.  
(4) For the Office of the Administrator for Nuclear Security, $347,980,000.  
(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for weapons activities, the following new plant projects:  
Project 04–D–101, test capabilities revitalization, National Nuclear Security Administration, Albuquerque, New Mexico, $36,450,000.  
Project 04–D–102, exterior communications infrastructure modernization, Sandia National Laboratories, Albuquerque, New Mexico, $20,000,000.  
Project 04–D–103, project engineering and design, various locations, $2,000,000.  
Project 04–D–104, national nuclear security sciences building, Los Alamos National Laboratory, Los Alamos, New Mexico, $38,000,000.  
Project 04–D–105, chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.  
Project 04–D–116, Building 12-44 production cells upgrade, Pantex plant, Amarillo, Texas, $8,780,000.  
Project 04–D–127, cleaning and loading modifications, Savannah River Site, Aiken, South Carolina, $2,750,000.  
Project 04–D–128, TA–18 Mission relocation project, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,820,000.  
Project 04–D–203, facilities and infrastructure recapitalization program, project engineering and design, various locations, $3,719,000.  

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.  
(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for environmental management activities in carrying out programs necessary for national security in the amount of $6,819,314,000, to be allocated as follows:  
(1) For defense site acceleration completion, $5,824,135,000.  
(2) For defense environmental services, $959,179,000.  
(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense site acceleration completion, the following new plant projects:  
Project 04–D–418, glass waste storage building #2, Savannah River Site, Aiken, South Carolina, $20,259,000.  
Project 04–D–414, project engineering and design, various locations, $23,500,000.  
Project 04–D–423, 3013 container surveillance capability in 235-F, Savannah River Site, Aiken, South Carolina, $1,134,000.  

SEC. 3103. OTHER DEFENSE ACTIVITIES.  
Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for other defense activities in carrying out programs necessary for national security in the amount of $497,331,000.  

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.  
Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for the N-reactor project and for the disposal of nuclear waste.  

SEC. 3105. ENERGY SUPPLY.  
Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2004 for environmental management activities in carrying out programs necessary for national security in the amount of $110,473,000.  

Subtitle B—Program Authorizations, Restrictions, and Limitations  

SEC. 3111. MODIFICATION OF PROHIBITION RELATING TO LOW-YIELD NUCLEAR WEAPONS.  
Section 3136 of the National Defense Authorization Act for Fiscal Year 1994 (42 U.S.C. 2121 note) is amended—  
(1) in the section heading, by striking "RESEARCH AND DEVELOPMENT" and inserting "DEVELOPMENT OF NEW PRODUCTION"; and  
(2) in subsection (a), by striking "conduct research and development which could lead to the production by the United States of" and inserting "develop or produce"; and  
(3) in subsection (b)—  
(A) by striking "conduct, or provide for the conduct of, research and development which could lead to the production by the United States of" and inserting "develop or produce, or provide for the development or production of,"; and  
(B) by striking "the date of enactment of this Act," and inserting "November 30, 1993,";  
(4) in subsection (c)—  
(A) by striking "RESEARCH AND" in the subsection heading;  
(B) by striking "research and" in the matter preceding paragraph (1); and  
(C) by inserting ", including assessment of low-yield nuclear weapons development by other nations that may pose a national security risk to the United States", before the period at the end of paragraph (3);  
(5) by redesigning subsection (d) as subsection (e); and  
(6) by inserting after subsection (c) the following new subsection (d):  
(d) EFFECT ON STUDY AND DESIGN WORK.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, concept definition studies, feasibility studies, or detailed engineering design work.  

SEC. 3112. TERMINATION OF REQUIREMENT FOR ANNUAL UPDATES OF LONG-TERM PLAN FOR NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.  
Section 3132 of the National Defense Authorization Act for Fiscal Year 2000 (42 U.S.C. 2121 note) is amended by adding at the end the following new subsection:  
(g) TERMINATION OF ANNUAL UPDATES.—Effective December 31, 2004, the requirements of subsections (c), (d), (e), and (f) shall terminate.  

SEC. 3113. EXTENSION TO ALL DOE FACILITIES OF AUTHORITY TO PROHIBIT DISSEMINATION OF CERTAIN UNCLASSIFIED INFORMATION.  
Subsection a of section 3148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended in paragraph (1)—  
(1) in the matter preceding subparagraph (A), by striking ", with respect to atomic energy defense programs,"; and  
(2) in subparagraph (A), by striking "production facilities or utilization facilities" and inserting "production facilities, nuclear waste storage facilities, or uranium enrichment facilities, or any other facilities at which activities relating to nuclear weapons or nuclear materials are carried out, that are under the control or jurisdiction of the Secretary of Energy"; and  

SEC. 3114. DEPARTMENT OF ENERGY PROJECT REVIEW GROUPS NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT BY REASON OF INCLUSION OF EMPLOYEES OF DEPARTMENT OF ENERGY MANAGEMENT AND OPERATING CONTRACTORS.  
An officer or employee of management and operating contractor of the Department of Energy, when serving as a member of a group reviewing or advising on matters related to any nuclear weapons activities, may be treated as an officer or employee of the Department for purposes of determining whether the group is an advisory committee within the meaning of section 3 of the Federal Advisory Committee Act (5 U.S.C. App.).  

SEC. 3115. AVAILABILITY OF FUNDS.  
Section 3620 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2706; 42 U.S.C. 7388b) is amended to read as follows:  
"SEC. 3628. AVAILABILITY OF FUNDS.  

(a) IN GENERAL.—Except as provided in subsection (b), amounts appropriated pursuant to a DOE national security authorization for a fiscal year—  
(1) shall remain available to be expended only in that fiscal year and the two succeeding fiscal years, in the case of amounts for the National Nuclear Security Administration; and  
(2) may, when so specified in an appropriations Act, remain available until expended in all other cases.  

(b) PROGRAM DIRECTION.—Amounts appropriated pursuant to a DOE national security authorization for a fiscal year—  
(1) may, when so specified in an appropriations Act, remain available until expended in all other cases; and  

SEC. 3116. LIMITATION ON OBLIGATION OF FUNDS FOR NUCLEAR TEST READINESS PROGRAM.  
Not more than 40 percent of the funds made available to the Secretary of Energy for fiscal year 2004 for the national security authorization for a fiscal year for the Department of Energy may be obligated until—  
(1) the Secretary of Energy submits to the Committees on Armed Services of the Senate and the House of Representatives the report required by section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2706), relating to plans for achieving enhanced readiness posture for resumption by the United States of underground nuclear weapons tests; and  

SEC. 3117. REQUIREMENT FOR ON-SITE MANAGER.  
(a) ON-SITE MANAGER REQUIREMENT.—Before obligating any defense nuclear nonproliferation funds for a project described in subsection (b), the Secretary of Energy shall appoint a United States Federal Government employee as an on-site manager.  

(b) PROJECTS COVERED.—Subsection (a) applies to a project—  
(1) to be located in a state of the former Soviet Union;  
(2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and  
(3) with respect to which the total contribution by the Department of Energy is expected to exceed $20,000,000.  

(c) DUTIES OF ON-SITE MANAGER.—The on-site manager appointed under subsection (a) shall—
(1) develop, in cooperation with representa-
tives from governments of countries partici-
pating in the project, a list of those steps or ac-
tivities critical to achieving the project’s disar-
ment or nonproliferation goals.
(2) establish a schedule for completing those
steps or activities;
(3) meet with all participants to seek assur-
ances that those steps or activities are being
completed on schedule; and
(4) suspend United States participation in a
project when a non-United States participant
fails to provide a scheduled step or activity on
time, unless directed by the Secretary of Energy
to resume United States participation.
(5) S T E P S O R A C T I V I T I E S .—Steps or activities
tended to comprise general provisions of law on
national security programs that
are—
(a) transferred to the end of the Bob Stump
Year 2003;
(b) redesignated as section 4001;
(c) inserted at the beginning of division D of the
Year 2003, as added by subsection (b); and
(d) amended by striking “title” and inserting
“division”.
In this section, the term “project” means any local or national permit for
management, transportation, and other re-
sources.
(f) P E R M I T D E F I N E D .—In this section, the term
“permit” means any local or national permit for
development, general construction, environ-
mental, land use, or other purposes that is re-
quired by law to be obtained prior to the
project in which the permit is being or is proposed to be
conducted.
(g) E F F E C T I V E D A T E .—This section shall take
effect six months after the date of the enactment
of this Act.
Subtitle C—Consolidation of National
Security Provisions
SEC. 3112. TRANSFER AND CONSOLI-
DAT I O N OF C E R TAIN DEFENSE
PROVISIONS ON DEPARTMENT OF ENERGY
NATIONAL SECURITY PROGRAMS.
(a) P U R P O S E .—
(1) I N G E N E R A L .—The purpose of this section is
as follows:
(2) C O N S T R U C T I O N O F T R A N S F E R S .—The trans-
fer of a provision of law by this section shall be 
construed as amending, altering, or otherwise
modifying the substantive effect of such provi-
(3) C O O R D I N A T I O N W I T H O T H E R A M E N D -
MENTS.—For purposes of applying amendments
made by provisions of this Act other than provi-
sions of this section, this section shall be treated as
having been enacted immediately after the
other provisions of this Act.
(4) T R E A T M E N T O F S A T I S F I E D R E Q U I R E M E N T S .—
Any requirement in a provision of law trans-
ferral made by this section (including a require-
ment that an amendment to the law be executed)
that has been fully satisfied in accordance with
the terms of such provision of law as of the date
of transfer of the other section shall be treated as
so fully satisfied, and shall not be treated as
being revived solely by reason of transfer under
this section.
(5) C O D I F I C A T I O N .—The provisions of the
Atomic Energy Defense Act, as amended by
this section, shall be classified to the United States
Code as a new chapter of title 50, United States
Code.
(b) D I V I S I O N H E A D I N G .—The Bob Stump Na-
tional Defense Authorization Act for Fiscal
Year 2003, as amended by this section, is
modified by adding at the end the following new division:
DIVISION D—ATOMIC ENERGY DEFENSE
PROVISIONS .—
(c) S H O R T T I T L E .—
(1) S H O R T T I T L E .—Section 3601 of the Atomic
Energy Defense Act (title XXXVI of Public Law
107-314; 116 Stat. 2756) is
(A) transferred to the end of the Bob Stump
Year 2003;
(b) redesignated as section 4001;
(c) inserted at the beginning of division D of the
Year 2003, as added by subsection (b); and
(d) amended by striking “title” and inserting
“division”.
(2) D I F F I N I T I O N .—Division D of the Bob Stump
Year 2003, as amended by this section, is
further amended by adding at the end the following new section:
SEC. 4002. D I F F I N I T I O N .
“In this division, the term ‘congressional de-

(continued on next page)
(7) Form of Certain Certifications Regarding Stockpile.—Section 3194 of theloyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–401) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4206; and
(C) inserted after section 4205, as added by paragraph (1) and

(8) Nuclear Test Ban Readiness Program.—Section 1436 of the National Defense Authorization Act, Fiscal Year 1969 (Public Law 100–456; 102 Stat. 4642) is—
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4207;
(C) inserted after section 4206, as added by paragraph (7); and
(D) amended in the section heading by adding a period at the end.

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4218; and
(C) inserted after section 4207, as added by paragraph (8).
(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4304; and
(C) inserted after section 4303, as added by paragraph (4).

(A) transferred to title XLIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4305; and
(C) inserted after section 4304, as added by paragraph (5).

(g) ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS.—

(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

"TITLE XLIV—ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT MATTERS"

"Subtitle A—Environmental Restoration and Waste Management".

(2) DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT ACCOUNT.—Section 3134 of the National Defense Authorization Act for Fiscal Years 1993 and 1994 (Public Law 103-190; 107 Stat. 1575) is—
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4402;
(C) inserted after section 4401, as added by paragraph (2); and
(D) amended—
   (i) in subsection (d), by striking "the date of enactment of this Act" and inserting "September 23, 1996"; and
   (ii) in subsection (h)(1), by striking "the date of the enactment of this Act" and inserting "September 23, 1996".

(3) FUTURE USE PLANS FOR ENVIRONMENTAL MANAGEMENT PROGRAM.—Section 3153 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2839) is—
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4402;
(C) inserted after section 4401, as added by paragraph (2); and
(D) amended—
   (i) in subsection (d), by striking "the date of enactment of this Act" and inserting "September 23, 1996";
   (ii) in subsection (h)(1), by striking "the date of the enactment of this Act" and inserting "September 23, 1996";

(4) INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.—Section 3172 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 948) is—
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4403; and
(C) inserted after section 4402, as added by paragraph (3).

(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4404; and
(C) inserted after section 4403, as added by paragraph (4).

(6) ACCELERATED SCHEDULE OF ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 2738) is—
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4405;
(C) inserted after section 4404, as added by paragraph (5); and
(D) amended in subsection (b)(2) by inserting before the period the following: ", the predecessor provision to section 4404 of this Act".

(7) DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034) is—
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4406;
(C) inserted after section 4405, as added by paragraph (6); and
(D) amended in the section heading by adding a period at the end.

(8) REPORT ON ENVIRONMENTAL RESTORATION EXPENDITURES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 103-190; 107 Stat. 1679) is—
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4407;
(C) inserted after section 4406, as added by paragraph (6); and
(D) amended in the section heading by adding a period at the end.

(9) PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.—Subsection (k) of—
   (1) Title XLVII of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3095) is—
   (A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
   (B) redesignated as section 4408;
   (C) inserted after section 4407, as added by paragraph (7); and
   (D) amended in the section heading by adding a period at the end.

(10) REPORTS IN CONNECTION WITH PERMANENT CLOSURE OF DEFENSE NUCLEAR FACILITIES.—Section 3156 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1663) is—
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4422; and
(C) inserted after section 4421, as added by paragraph (11); and
(D) amended in the section heading by adding a period at the end.

(11) CONGRESSIONAL RECORD.—HOUSE

(12) REPORTS IN CONNECTION WITH PERMANENT CLOSURE OF DEFENSE NUCLEAR FACILITIES.—
   (A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
   (B) redesignated as section 4431; and
   (C) inserted after the heading for subtitle C of such title, as added by paragraph (13); and
(D) amended—
   (i) in subsections (a), (c)(1)(B)(ii), and (d), by inserting "of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034)" after "after section 3102(i)"; and
   (ii) by striking "the date of enactment of this Act" and inserting "November 18, 1997".

(13) SUBTITLE HEADING ON PRIVATIZATION.—
   (A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
   (B) redesignated as section 4432; and
   (C) inserted after the heading for subtitle C of such title, as added by paragraph (13); and

(14) DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 105-85; 111 Stat. 2034) is—
(A) transferred to title XLIV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4433; and
(C) inserted after the heading for subtitle C of such title, as added by paragraph (13).
Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4502;
(C) inserted after section 4501, as added by paragraph (A); and
(D) amended—
(i) in subsection (b)(2), by striking "the date of the enactment of this Act" and inserting "October 5, 1999";
(ii) in subsection (c)(2); and
(iii) in subsection (d) by adding the following new paragraph:
(3) The term 'national laboratory' means any of the following:
(A) Lawrence Livermore National Laboratory, Livermore, California.
(B) Los Alamos National Laboratory, Los Alamos, New Mexico.
(C) Sandia National Laboratories, Albuquerque, New Mexico and Livermore, California.
(4) The term 'Restricted Data' has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).''.
(5) BACKGROUND INVESTIGATIONS ON CERTAIN PERSONNEL.—Section 3143 of the National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-65; 113 Stat. 940) is—
(A) transferred to title XLV of division D of the Enron Act for Fiscal Year 2000 (Public Law 106-105; 113 Stat. 774) and section 3193 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as added by Public Law 106-398; 114 Stat. 1654A–480), is—
(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4522;
(C) inserted after section 4521, as added by paragraph (11); and
(D) amended—
(i) in subsection (c)(1), by striking "the date of the enactment of this Act" and inserting "October 17, 1998";
(ii) in subsection (f)(1), by striking "the date of the enactment of this Act" and inserting "October 17, 1998"; and
(iii) in subsection (f)(2), by striking "The Secretary" and inserting "Commencing with inadvertent releases discovered on or after October 30, 2000, the Secretary";
(13) SUPPLEMENT TO PLAN FOR DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.—Section 3149 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 938) is—
(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4523;
(C) inserted after section 4522, as added by paragraph (12); and
(D) amended—
(ii) in subsection (b), by striking "October 5, 1999" and inserting "October 17, 1998"; and
(iii) in subsection (c), by striking "the date of the enactment of this Act" and inserting "October 17, 1998".
(14) PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.—Section 3145 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 935) is—
(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4524;
(C) inserted after section 4523, as added by paragraph (12); and
(C) inserted after section 4523, as added by paragraph (12);
(D) amended in subsection (b) by striking "the date of the enactment of this Act" and inserting "October 17, 1998";
(E) redesignated section 4525;
(F) inserted after section 4524, as added by paragraph (12); and
(G) inserted after section 4524, as added by paragraph (12).
(15) IDENTIFICATION IN BUDGETS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES.—Section 3173 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 949) is—
(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4526;
(C) inserted after section 4525, as added by paragraph (14); and
(D) amended in subsection (b) by striking "the date of the enactment of this Act" and inserting "October 5, 1999".

"Subtitle B—Classified Information"

(11) REVIEW OF CERTAIN DOCUMENTS BEFORE DECLASSIFICATION AND RELEASE.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 625) is—
(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4523;
(C) inserted after the heading for subtitle B of such title, as added by paragraph (10); and
(D) amended in subsection (b) by striking "the date of the enactment of this Act" and inserting "October 5, 1999".

"Subtitle C—Heading on Emergency Response"—Title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4527;
(C) inserted after section 4526, as added by paragraph (14); and
(D) amended in subsection (b) by striking "the date of the enactment of this Act" and inserting "October 5, 1999".

Congressional Record — House
H4838
May 21, 2003

General Information

Subtitle A—Covert Intelligence Polygraph Program

(1) TRANSFERRED TO TITLE XLV OF DIVISION D OF THE Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(2) redesignated as section 4501;
(3) inserted after section 4500, as added by paragraph (1); and
(4) amended in subsection (c) by striking "the term 'Restricted Data' have the meanings given such terms in section 4502(g)".

(5) COUNTERINTELLIGENCE POLYG...
TITLES VI TO XXXII—WORKER SAFETY

Subtitle C—Emergency Response

(17) Responsibility for Defense Programs and Emergency Response Program

Section 3158 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 262) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4541; and

(C) inserted after the heading for subtitle C of such title, as added by paragraph (16).

(1) Personnel Matters

(1) Subtitle C—Personnel Matters

(2) Authority for Appointment of Certain Scientific, Engineering, and Technical Personnel


(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1);

(B) redesignated as section 4601; and

(C) inserted after the heading for subtitle A of such title, as so added.

(2) Whistleblower Protection Program

—Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 94) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4602; and

(C) inserted after the heading for subtitle C of such title, as so added.

(3) Whistleblower Protection Program

—Section 3165 of the National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–480) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4603; and

(C) inserted after section 4602, as added by paragraph (3); and

(D) amended—

(i) in subsection (a), by striking "hereinafter in this subtitle referred to as the 'Secretary';" and

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

"(g) Department of Energy Defense Nuclear Facility Defined.—In this section, the term 'Department of Energy defense nuclear facility' means—

(1) a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2134)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the Savannah River Site in South Carolina; the Los Alamos National Laboratory; the Lawrence Livermore National Laboratory; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not have a contractual relationship covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program;

(2) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary;

(3) a testing and assembly facility that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the Nevada Test Site, Nevada; the Pinnellas Plant, Florida; and the Pantex facility, Texas);

(4) an atomic weapons research facility that is under the control or jurisdiction of the Secretary (including Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

(5) any facility described in paragraphs (1) through (4) that—

(A) is not in operation;

(B) was under the control or jurisdiction of the Department of Defense, the Atomic Energy Commission, or the Energy Research and Development Administration;

(C) was operated for national security purposes; and

(D) AUTHORITY TO PROVIDE CERTIFICATE OF COMPLIANCE TO EMPLOYEES.—Section 3105 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–481) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4605; and

(C) inserted after section 4604, as added by paragraph (5).

(5) Defense Nuclear Facility Workforce Restructuring Plan


(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4621; and

(C) inserted after the heading for subtitle B of such title, as added by paragraph (7); and

(D) amended in the section heading by adding a period at the end.

(9) Stockpile Stewardship Recruitment and Training Program

—Section 3131 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3065) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4622;

(C) inserted after section 4621, as added by paragraph (8); and

(D) amended—

(i) in subsection (a)(1), by striking 'section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 117 Stat. 1229)'; and

(ii) in subsection (b)(2), by inserting 'of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337)'' after 'section 3130(1)';

(10) Fellowship Program for Development of Skills Critical to Nuclear Weapons Complex


(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4623; and

(C) inserted after section 4622, as added by paragraph (9).

(11) SUBTITLE HEADING ON WORKER SAFETY

—Title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle heading:

"Subtitle C—Worker Safety

(12) Worker Protection at Nuclear Weapons Facilities


(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4641; and

(C) inserted after section 4642, as added by paragraph (11); and

(D) amended in subsection (e) by inserting 'of the National Defense Authorization Act for Fiscal Year 1992 and 1993 (Public Law 102–190)'' after 'section 3101(9)(A)'.

(13) Safety Oversight and Enforcement at Defense Nuclear Facilities

—Section 3163 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3065) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4642; and

(C) inserted after section 4641, as added by paragraph (12); and

(D) amended in subsection (b) by striking '90 days after the date of the enactment of this Act,' and inserting 'January 5, 1995.'.

(14) Program to Monitor Workers at Defense Nuclear Facilities Exposed to Hazardous or Radioactive Substances

—Section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
Act for Fiscal Year 2003, as amended by this subsection;  
(B) redesignated as section 4643;  
(C) inserted after section 4642, as added by paragraph (b); and  
(D) amended—  
(ii) in subsection (b)(6), by striking "1 year after the date of the enactment of this Act" and inserting "October 23, 1993";  
(iii) in subsection (c), by striking "180 days after the date of the enactment of this Act," and inserting "April 23, 1993"; and  
(iv) by adding at the end the following new subsection:  
"(c) DEFINITIONS.—In this section:  
(1) the term 'Department of Energy defense nuclear facility' has the meaning given that term in section 4644(g);  
(2) the term 'Department of Energy employee' means any employee of the Department of Energy employed at a Department of Energy defense nuclear facility, including any employee of a contractor of the Department of Energy employed at such a facility."

"(I) BUDGET AND FINANCIAL MANAGEMENT MATTERS.—  
(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:  
"TITLE XLVII—BUDGET AND FINANCIAL MANAGEMENT MATTERS.——  
"Subtitle A—Contracts.——  
"(I) BUDGET AND FINANCIAL MANAGEMENT PROVISIONS.——  
(2) RECURRING NATIONAL SECURITY AUTHORIZATION PROVISIONS.—Sections 3620 through 3631 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 114 Stat. 2756) are—  
(A) transferred to title XLVII of division D of such Act, as added by paragraph (3);  
(B) redesignated as sections 4701 through 4712, respectively;  
(C) inserted after the heading for subtitle A of such title, as so added; and  
(D) amended—  
(ii) in section 4702, as so redesignated, by striking "(sections 3629 and 3630)" and inserting "sections 4710 and 4711";  
(iii) in section 4706(a)(3)(B), as so redesignated, by striking "section 3626" and inserting "section 4707";  
(iv) in section 4707(c), as so redesignated, by striking "section 3625(b)(2)" and inserting "section 4706(b)(2)";  
(v) in section 4710(c), as so redesignated, by striking "section 4702" and inserting "section 4703";  
(vi) in section 4711(c), as so redesignated, by striking "section 4703" and inserting "section 4704"; and  
(vii) in section 4712, as so redesignated, by striking "section 4705" and inserting "section 4706";  
(3) SUBTITLE ON PENALTIES.—Title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle:  
"Subtitle B—Penalties.——  
(4) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER ENVIRONMENTAL LAWS.—Section 3132 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4063) is—  
(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;  
(B) redesignated as section 4721;  
(C) inserted after the heading for subtitle B of such title, as so added; and  
(D) amended in the section heading by adding a period at the end.
(B) LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2090), as amended by section 3107 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038), is—

(i) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(ii) redesignated as section 4832; and

(iii) inserted after section 4831, as added by paragraph (7); and

(iv) in the following new heading:

"Subtitle D—Other Matters.

SUBTITLE D—OTHER MATTERS.

(1) UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4812; and

(C) inserted after section 4812A, as added by paragraph (9).

(9) UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4812; and

(C) inserted after section 4812A, as added by paragraph (9).

(10) SUBTITLE HEADING ON FACILITIES MANAGEMENT.—Title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle:

"Subtitle C—Facilities Management.

SUBTITLE C—FACILITIES MANAGEMENT.

(1) REAL PROPERTY TRANSFER AT CERTAIN FACILITIES.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2046) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4831; and

(C) inserted after section 4830, as added by paragraph (10).

(12) ENGINEERING AND RESEARCH, DEVELOPMENT, AND DEMONSTRATION AT CERTAIN NUCLEAR WEAPONS PRODUCTION PLANTS.—Section 3156 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 1999 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–467) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4832; and

(C) inserted after section 4831, as added by paragraph (11).

(13) PILOT PROGRAM ON USE OF PROCEEDS OF DISPOSAL OR UTILIZATION OF CERTAIN ASSETS.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2038) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4833; and

(C) inserted after section 4832, as added by paragraph (12); and

(D) amended in subsection (d) by striking "sections 201(b)(3), 201(i), (j), (k), and (l) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483 and 484j));" and inserting "subchapter II of chapter 5 and section 549 of title 40, United States Code.

(14) SUBTITLE HEADING ON OTHER MATTERS.—Title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection, is further amended by adding at the end the following new subtitle:

"Subtitle D—Other Matters.

SUBTITLE D—OTHER MATTERS.

(1) UNIVERSITY-BASED RESEARCH COLLABORATION PROGRAM.—Section 3155 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2044) is—

(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) inserted after the heading for subtitle D of such title, as added by paragraph (14); and

(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4851. SEMIANNUAL REPORTS ON LOCAL IMPACT ASSISTANCE.

(1) TITLE.

(2) AMENDMENT.

399. insertions.

(3) TITLE XXXI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(4) TITLE XLIX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(5) TITLE L—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(6) TITLE XLIV—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(7) TITLE XXVI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(8) TITLE XXVII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(9) TITLE XXVIII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(10) TITLE XXIX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(11) TITLE XXX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(12) TITLE XXXI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(13) TITLE XXXII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(14) TITLE XXXIII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(15) TITLE XXXIV—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(16) TITLE XXXV—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(17) TITLE XXXVI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(18) TITLE XXXVII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(19) TITLE XXXVIII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(20) TITLE XXXIX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(21) TITLE XXX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(22) TITLE XXXI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(23) TITLE XXXII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(24) TITLE XXXIII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(25) TITLE XXXIV—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(26) TITLE XXXV—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(27) TITLE XXXVI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(28) TITLE XXXVII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(29) TITLE XXXVIII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(30) TITLE XXXIX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(31) TITLE XXX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(32) TITLE XXXI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(33) TITLE XXXII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(34) TITLE XXXIII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(35) TITLE XXXIV—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(36) TITLE XXXV—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(37) TITLE XXXVI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(38) TITLE XXXVII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(39) TITLE XXXVIII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(40) TITLE XXXIX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(41) TITLE XXX—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(42) TITLE XXXI—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(43) TITLE XXXII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(44) TITLE XXXIII—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.

(45) TITLE XXXIV—MATTERS RELATING TO PARTICULAR FACILITIES

C. insertions.
TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 2301. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2004, $19,559,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2004, the National Defense Stockpile Manager may obligate up to $69,701,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in any other Act.

SEC. 3302. REVISIONS TO OBJECTIVES FOR RECEIPTS FOR FISCAL YEAR 2000 DISPOSALS.

(a) In General.—Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 792; 50 U.S.C. note) is amended—

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

(2) by striking paragraph (3) and inserting the following new paragraphs:

"(3) $310,000,000 before the end of fiscal year 2000; and

(4) $200,000,000 before the end of fiscal year 2001;"

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2003, or the date of the enactment of this Act, whichever is later.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $16,500,000 for fiscal year 2004 for the purpose of carrying out activities under chapter 410 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

SEC. 3402. LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.

SEC. 3403. AUTHORIZATION OF APPROPRIATIONS.

SEC. 3404. LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.

SEC. 3405. AUTHORIZATION OF APPROPRIATIONS.

SEC. 3406. LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.

SEC. 3407. AUTHORIZATION OF APPROPRIATIONS.

SEC. 3408. LIMITATION ON USE OF FUNDS FOR DECOMMISSIONING F–CANYON FACILITY.
TITLE XXXV—MARITIME ADMINISTRATION
Subtitle A—General Provisions
SEC. 3501. SHORT TITLE.
This title may be cited as the "Maritime Security Act of 2003".

SEC. 3502. DEFINITIONS.
In this subtitle:
(1) BULK CARGO.—The term "bulk cargo" means cargo that is loaded and carried in bulk without a container or other packaging.
(2) CONTRACTOR.—The term "contractor" means an owner or operator of a vessel that enters into an agreement for the operation of the vessel with the Secretary under section 3512.
(3) FLEET.—The term "Fleet" means the Maritime Security Fleet established under section 3511.
(4) FOREIGN COMMERCE.—The term "foreign commerce"—
(A) subject to subparagraph (B), means commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and
(B) includes, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such manner as will permit the States-documented vessels to compete freely to contract with foreign-flag bulk carrying vessels in their operation or in competing for charters, subject to rules and regulations promulgated by the Secretary of Transportation pursuant to subtitle B or C.
(5) FORMER PARTICIPATING FLEET VESSEL.—The term "former participating fleet vessel" means—
(A) any vessel that—
(i) on October 1, 2005—
(I) meets the requirements of paragraph (1), (2), (3), or (4) of section 3511(c); and
(ii) will be less than 25 years of age, or less than 30 years of age in the case of a LASH vessel; and
(iii) on December 31, 2003, is covered by an operating agreement under subtitle B of title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1187 et seq.); and
(B) any vessel that—
(i) is a replacement for a vessel described in subparagraph (A);
(ii) is controlled by the person that controls such replaced vessel; and
(iii) is eligible to be included in the Fleet under section 3511(b);
(iv) is approved by the Secretary and the Secretary of Defense; and
(v) begins operation under an operating agreement under subtitle B by not later than the end of the 30-month period beginning on the date the operating agreement is entered into by the Secretary.
(6) LASH VESSEL.—The term "LASH vessel" means a lighter aboard ship vessel.

SEC. 3511. ESTABLISHMENT OF MARITIME SECURITY FLEET
(A) IN GENERAL.—The Secretary of Transportation shall establish a fleet of active, militarily useful, privately owned vessels to meet national defense and other security requirements and maintain a United States presence in international commercial shipping. The Fleet shall consist of vessels previously documented as vessels for which there are in effect operating agreements under this subtitle, and shall be known as the Maritime Security Fleet.
(B) VESSEL ELIGIBILITY.—A vessel eligible to be included in the Fleet if—
(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of section 3511(c); and
(2) the vessel—
(A) is self-propelled and is—
(i) a roll-on/roll-off vessel with a carrying capacity of at least 80,000 square feet or 500 twenty-foot equivalent units and which is 15 years of age or less on the date the vessel is included in the Fleet;
(ii) a tank vessel that is constructed in the United States after the date of the enactment of this subtitle;
(iii) a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet;
(iv) any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet; or
(B) in the case of a vessel described in paragraph (2)(B), enters into an agreement referred to in that paragraph.
(C) REQUIREMENTS REGARDING CITIZENSHIP OF OWNERS AND CHARTERERS.—
(I) VESSEL OWNED AND OPERATED BY SECTION 2 CITIZEN.—A vessel that—
(A) is constructed in the United States after the date of the enactment of this subtitle, the vessel will be—
(i) owned by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); and
(ii) chartered to a person—
(I) that is eligible to document the vessel under chapter 121 of title 46, United States Code;
(ii) is approved by the Secretary and the Secretary of Defense for purposes of this paragraph if, during the period of an operating agreement under this subtitle that applies to the vessel, the vessel will be—
(A) owned by a person that is eligible to document a vessel under chapter 121 of title 46, United States Code; and
(B) in the case of a vessel described in paragraph (2)(B), enters into an agreement referred to in that paragraph.
(D) REQUIREMENTS REGARDING CITIZENSHIP OF OWNERS AND CHARTERERS.—
(I) VESSEL OWNED AND OPERATED BY SECTION 2 CITIZEN.—A vessel that—
(A) is a United States-documented vessel; or
(B) is not a United States-documented vessel, but—
(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of title 46, United States Code, if it is included in the Fleet; and
(ii) at the time an operating agreement for the vessel is entered into under this subtitle, the vessel is eligible for documentation under chapter 121 of title 46, United States Code.
(E) REQUIREMENTS REGARDING CITIZENSHIP OF OWNERS AND CHARTERERS.—
(I) VESSEL OWNED AND OPERATED BY SECTION 2 CITIZEN.—A vessel that—
(A) is a United States-documented vessel; or
(B) is not a United States-documented vessel, but—
(i) the owner of the vessel meets the requirements of this paragraph if—
(I) that is eligible to document the vessel under chapter 121 of title 46, United States Code;
(ii) is approved by the Secretary and the Secretary of Defense for purposes of this paragraph if, during the period of an operating agreement under this subtitle that applies to the vessel, the vessel will be—
(A) owned by a person that is eligible to document a vessel under chapter 121 of title 46, United States Code; and
(B) in the case of a vessel described in paragraph (2)(B), enters into an agreement referred to in that paragraph.

SEC. 3512. AWARD OF OPERATING AGREEMENTS.
(A) IN GENERAL.—The Secretary shall require, as a condition of including any vessel in the Fleet, that the person that is the owner or charterer of the vessel for purposes of section 3511(c) enter into an operating agreement with the Secretary under this section.
(B) PROCEDURE FOR OPERATING AGREEMENTS.—
(1) ACCEPTANCE OF APPLICATIONS.—Beginning no later than 30 days after the effective date of this subtitle, the Secretary shall accept applications for enrollment of vessels in the Fleet.
(2) ACTION ON APPLICATIONS.—Within 90 days after receipt of an application for enrollment of a vessel in the Fleet, the Secretary shall enter into an operating agreement with the applicant or provide in writing the reason for denial of that application.

SEC. 3513.獎 MOON-TANK VESSELS.
(A) IN General.—First, for any tank vessel that—
(i) is constructed in the United States after the effective date of this subtitle;
(ii) is eligible to be included in the Fleet under section 3511(b); and
(iii) during the period of an operating agreement under this subtitle that applies to the vessel, the vessel will be—
(A) owned and operated by one or more persons that—
(i) are citizens of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); and
(ii) are appointed and subjected to removal only upon approval by the Secretary; and
(B) in the case of a vessel described in paragraph (2)(B), enters into an agreement referred to in that paragraph.
(B) FORMER PARTICIPATING VESSELS.—Second, to extent amounts are available after applying subparagraphs (A), for any formerly participating fleet vessel, except that the Secretary
shall not enter into operating agreements under this paragraph for more than 47 vessels.

(C) CERTAIN VESSELS OPERATED BY SECTION 2 CITIZENS.—Third, to the extent amounts are available after applying subparagraphs (A) and (B), for any other vessel that is eligible to be included in the Fleet under section 3511(b), and that, during the period of an operating agreement with respect to this subtitle that applies to the vessel, will be—

(i) owned and operated by one or more persons that are citizens of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); or

(ii) owned by a person that is eligible to operate a vessel under chapter 121 of title 46, United States Code, and operated by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802).

(D) OTHER ELIGIBLE VESSELS.—Fourth, to the extent amounts are available after applying subparagraphs (A), (B), and (C), for any other vessel that is eligible to be included in the Fleet under section 3511(b).

(2) REDUCTION IN NUMBER OF SLOTS FOR FUTURE VESSELS.—The number in paragraph (1)(B) shall be reduced by 1—

(A) for each former participating fleet vessel for which an application for enrollment in the Fleet is not received by the Secretary within the 90-day period beginning on the effective date of this subtitle; and

(B) for each former participating fleet vessel for which an application for enrollment in the Fleet received by the Secretary is not approved by the Secretary of Defense within the 90-day period beginning on the date of such receipt.

(3) DISCRETION WITHIN PRIORITY.—The Secretary—

(A) subject to subparagraph (B), may award operating agreements within each priority under paragraph (1) as the Secretary considers appropriate; and

(B) shall award operating agreement within a priority—

(i) in accordance with operational requirements specified by the Secretary of Defense; and

(ii) subject to the approval of the Secretary of Defense.

(4) TREATMENT OF TANK VESSEL TO BE REPLACED.—(A) For purposes of the application of paragraph (1)(A) with respect to the award of an operating agreement, the Secretary may treat an existing tank vessel that is eligible to be included in the Fleet under section 3511(b) as a vessel that is constructed in the United States after the effective date of this subtitle, if—

(i) a binding contract for construction in the United States of such an operating agreement vessel to be operated under the operating agreement is executed by not later than 9 months after the first date amounts are available to carry out this subtitle; and

(ii) the replacement vessel is eligible to be included in the Fleet under section 3511(b).

(B) No payment under this subtitle may be made for an existing tank vessel for which an operating agreement is awarded under this paragraph after the earlier of—

(i) the last day of the first fiscal year for which the amount is available after applying subparagraphs (A) and (B); or

(ii) the date of delivery of the replacement tank vessel.

(D) LIMITATION.—The Secretary may not award operating agreements under this subtitle that require payments under section 3515 for a fiscal year for which sufficient funds are not appropriated by the 60th day of that fiscal year.

SEC. 3513. EFFECTIVENESS OF OPERATING AGREEMENTS.

(a) EFFECTIVENESS, GENERALLY.—The Secretary shall enter into an operating agreement under this subtitle for fiscal year 2006. Except as provided in subsection (b), the agreement shall be effective only for 1 fiscal year, but shall be renewed upon the availability of appropriations, for each subsequent fiscal year through the end of fiscal year 2015.

(b) VESSELS UNDER CHARTER TO U.S.—Unless an earlier date is requested by the applicant, the effective date for an operating agreement with respect to a vessel that is, on the date of entry into charter to the United States Government, other than a charter pursuant to an Emergency Preparedness Agreement under section 3516, shall be the expiration date of the charter or charter-letting to the United States Government, other than a charter pursuant to an Emergency Preparedness Agreement under section 3516, that covers the vessel, or any earlier date the vessel is withdrawn from that charter.

(c) TERMINATION.—(1) IN GENERAL.—If the contractor with respect to an operating agreement fails to comply with the terms of the agreement—

(A) the Secretary shall terminate the operating agreement; and

(B) any budget authority obligated by the agreement shall be available to the Secretary to carry out this subtitle.

(2) EARLY TERMINATION.—An operating agreement under this subtitle shall terminate on a date specified by the contractor if the contractor notifies the Secretary, not by later than 60 days before the effective date of the termination, that the contractor intends to terminate the agreement.

(d) NONRENEWAL FOR LACK OF FUNDS.—(1) NOTIFICATION OF CONGRESS.—If, by the first day of a fiscal year, sufficient funds have not been appropriated under the authority provided by this subtitle for that fiscal year, then the Secretary shall notify the Congress that operating agreements authorized under this subtitle for which appropriate funds are not available will not be renewed for that fiscal year if sufficient funds are not appropriated by the 60th day of that fiscal year.

(2) RELEASE OF VESSELS FROM OBLIGATIONS.—If funds are not appropriated under the authority provided by this subtitle for any fiscal year by the 60th day of that fiscal year, the each vessel covered by an operating agreement under this subtitle for which funds are not available—

(A) is thereby released from any further obligations under the operating agreement; and

(B) the owner or operator of the vessel may transfer and register such vessel under a foreign registry that is acceptable to the Secretary of Transportation and the Secretary of Defense, notwithstanding section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808); and

(c) section 902 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1242) is applicable to such vessel after registration of the vessel under such a registry, then the vessel is available to be requisitioned by the Secretary for purposes of an Emergency Preparedness Agreement under section 902 of such Act.

SEC. 3514. OBLIGATIONS AND RIGHTS UNDER OPERATING AGREEMENTS.

(a) OPERATING AGREEMENT.—An operating agreement under this subtitle shall require that, during the period a vessel is operating under the agreement—

(1) the vessel—

(A) shall be operated exclusively in the foreign commerce or in mixed foreign commerce and domestic trade allowed under a registry endorsement issued pursuant to section 12105 of title 46, United States Code; and

(B) shall not otherwise be operated in the coastwise trade;

(2) the vessel shall be documented under chapter 121 of title 46, United States Code.

(b) ANNUAL PAYMENTS BY SECRETARY.—(1) IN GENERAL.—An operating agreement under this subtitle shall require, subject to the availability of appropriations, that the Secretary make a payment each fiscal year to the contractor in accordance with section 3515.

(2) OPERATING AGREEMENT IS OBLIGATION OF UNITED STATES GOVERNMENT.—An operating agreement under this subtitle constitutes a contractual obligation of the United States Government to pay the amounts provided for in the agreement to the extent of actual appropriations.

(c) DOCUMENTATION REQUIREMENT.—Each vessel covered by an operating agreement—

including an agreement terminated under section 3513(c)(2) shall remain documented under chapter 121 of title 46, United States Code, until the date the operating agreement would terminate according to its terms.

(d) NATIONAL SECURITY REQUIREMENTS.—(1) IN GENERAL.—A contractor with respect to an operating agreement (including an agreement entered into pursuant to an Emergency Preparedness Agreement covering a vessel covered by an operating agreement, or the contractor in accordance with the mutual consent of the Secretary of Transportation and the Secretary of Defense.

(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any person that is eligible to enter into that operating agreement under this subtitle, if the transfer is approved by the Secretary and the Secretary of Defense.

SEC. 3515. PAYMENTS.

(a) ANNUAL PAYMENT.—(1) IN GENERAL.—The Secretary, subject to the availability of appropriations and the other provisions of this section, shall pay to the contractor for an operating agreement, for each vessel that is covered by the operating agreement, an amount equal to—

(A) $2,600,000 for each of fiscal years 2006 and 2007, and

(B) not less than $4,150,000, for each fiscal year thereafter for which the agreement is in effect as the Secretary, with the concurrence of the Secretary of Defense, considers it necessary to meet the operational requirements of the Secretary of Defense.

(2) TIMING.—The amount shall be paid in equal monthly installments at the end of each month. The amount shall not be reduced except as provided by this section.

(b) CERTIFICATION REQUIRED FOR PAYMENT.—As a condition of receiving payment under this section for a fiscal year for which the agreement is in effect as the Secretary, with the concurrence of the Secretary of Defense, considers it necessary to meet the operational requirements of the Secretary of Defense.

(c) LIMITATIONS.—The Secretary of Transportation shall not make any payment under this subtitle for a vessel with respect to any days for which the vessel is—

(1) under a charter to the United States Government, other than a charter pursuant to an Emergency Preparedness Agreement covering a vessel covered by an operating agreement, or the contractor in accordance with the mutual consent of the Secretary of Transportation and the Secretary of Defense.

(2) not operated or maintained in accordance with an operating agreement under this subtitle; or

(3) more than—

(A) 25 years of age, except as provided in subparagraph (B) or (C); or

(B) 20 years of age, in the case of a tank vessel;

(C) 30 years of age, in the case of a LASH vessel.

(d) REDUCTIONS IN PAYMENTS.—With respect to payments under this subtitle for a vessel covered by an operating agreement, the Secretary—

(1) except as provided in paragraph (2), shall not reduce any payment for the operation of the vessel under an Emergency Preparedness Agreement covering a vessel covered by an operating agreement, or the contractor in accordance with the mutual consent of the Secretary of Transportation and the Secretary of Defense.

(2) may reduce the amount of the payment by the amount of the increase in the cost of operating the vessel due to a national security requirement imposed by the Secretary as a result of a national security emergency.
1241-L, section 901(a), 901(b), or 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(a), 1241(b), or 1241f), or any other cargo preference law of the United States.

(2) Payment for any day that the vessel is engaged in transporting more than 7,500 tons of civilian bulk preference cargoes pursuant to section 901(a), 901(b), or 901b of the Act, 1936 (46 App. U.S.C. 1241(a), 1241(b), or 1241f), that is cargo; and

(3) shall make a pro rata reduction in payment for each day less than 320 in a fiscal year that the vessel is not operated in accordance with section 3514(a)(1), with days during which the vessel is drydocked or undergoing survey, inspection, or repair considered to be days on which the vessel is operated.

SEC. 3516. NATIONAL SECURITY REQUIREMENTS.

(a) EMERGENCY PREPAREDNESS AGREEMENT REQUIRED.—The Secretary shall establish an Emergency Preparedness Program under this section that is approved by the Secretary of Defense. Under this program, the Secretary shall include in each operating agreement under this subtitle a requirement that the contractor enter into an Emergency Preparedness Agreement under this section with the Secretary. The Secretary and a contractor may agree to consultations among the Secretary and a contractor as promptly as practicable after the contractor has been approved by the Secretary of Defense.

(b) TERRITORY OF AGREEMENT.—(1) IN GENERAL.—An Emergency Preparedness Agreement shall require that, upon a request by the Secretary of Defense during time of war or national emergency, or whenever determined by the Secretary of Defense to be necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code), a contractor for a vessel covered by an operating agreement under this subtitle may operate the vessel as an emergency vessel under an operating agreement entered into with the Secretary of Defense.

(2) such replacement vessel or vessel capacity shall be eligible during the replacement period to transport preference cargoes subject to section 2631 of title 10, United States Code, the Act of March 26, 1934 (46 App. U.S.C. 1241–1), section 901(a), 901(b), or 901b of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(a), 1241(b), and 1241f) to the same extent as the eligibility of the vessel or vessel capacity replaced.

(c) DELIVERY AND LIABILITY OF U.S. FOR DAMAGES.—(1) IN GENERAL.—All commercial transportation resources operated under an Emergency Preparedness Agreement, or as otherwise provided by law, shall be liable for damages in all circumstances; and

(2) LIMITATION ON LIABILITY OF U.S.—Except as may be expressly agreed to in an Emergency Preparedness Agreement, or as otherwise provided by law, the Government shall not be liable for any damage to a contractor arising from activation of commercial transportation resources under an Emergency Preparedness Agreement.

SEC. 3517. REGULATORY RELIEF.

(a) OPERATION IN FOREIGN COMMERCE.—A contractor for a vessel included in an operating agreement under this subtitle may operate the vessel in the foreign commerce of the United States without restriction.

(b) OTHER RESTRICTIONS.—The restrictions of section 901(b)(1) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1241(b)(1)) concerning the building, rebuilding, or documentation of a vessel in a foreign country shall not apply to a vessel for any day the operator of that vessel is receiving payments for operation of that vessel under an operating agreement under this subtitle.

SEC. 3518. SPECIAL RULE REGARDING AGE OF FUTURE PARTICIPATING FLEET VESSELS.

Sections 3511(b)(3) and 3513(c)(3) shall not apply to a former participating fleet vessel described in section 3200(b)(1)(A) concerning the building, rebuilidng, or documentation of a vessel in a foreign country that will cease to be a vessel for any day the operator of that vessel is receiving payments for operation of that vessel under an operating agreement under this subtitle.

SEC. 3519. AUTHORIZATION OF APPROPRIATIONS.

The Secretary is authorized to appropriate for payments under section 3515, to remain available until expended, $156,000,000 for each of fiscal years 2006 and 2007, and such sums as may be necessary for each fiscal year thereafter through fiscal year 2015.

SEC. 3520. AMENDMENT TO SHIPPING ACT, 1916.

Section 9 of the Shipping Act, 1916 (46 App. U.S.C. 808) is amended by adding at the end the following:

“(e) Notwithstanding subsection (c)(2), the Merchant Marine Act, 1936, or any contract entered into under that Act, a vessel may be placed under a foreign registry, without approval of the Secretary, if—

“(1) the Secretary, with the concurrence of the Secretary of Defense, determines that at least one replacement vessel of like capability and of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of title 46, United States Code, by the owner of the vessel placed under a foreign registry, and

“(2) the replacement vessel is not more than 10 years of age on the date of that documentation; and

“(3) such vessel or capacity is eligible to be included in the Fleet under the Maritime Security Act of 2003 has expired.”.

SEC. 3521. REGULATIONS.

(a) REPEALS.—The following provisions are repealed:

(1) Subtitle B of title VI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1187 et seq.); and

(2) section 12012(g)(4) of title 46, United States Code, is amended by inserting “or section 3511(b) of the Maritime Security Act of 2003” after “Merchant Marine Act, 1936”.


SEC. 3522. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The provisions are repealed:


(b) CONFORMING AMENDMENT.—Section 12012(g)(4) of title 46, United States Code, is amended by inserting “or section 3511(b) of the Maritime Security Act of 2003” after “Merchant Marine Act, 1936”.

SEC. 3523. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this subtitle shall take effect October 1, 2002.

(b) REPEALS AND CONFORMING AMENDMENTS.—Section 3522 shall take effect October 1, 2005.

(c) REGULATIONS.—Section 3521 and this section shall take effect on the date of the enactment of this act.

Subtitle C—National Defense Tank Vessel Construction Assistance

SEC. 3531. NATIONAL DEFENSE TANK VESSEL CONSTRUCTION PROGRAM.

The Secretary of Transportation shall establish a program for the provision of financial assistance for the construction in the United States of a fleet of up to 5 privately owned product tank vessels—

(1) to be operated in commercial service in foreign commerce; and
(2) to be available for national defense purposes in time of war or national emergency pursuant to an Emergency Preparedness Plan approved by the Secretary of Defense pursuant to section 3516 of this subtitle, and may incorporate in the contract the requirements set forth in section 3516.

SEC. 3533. AWARD OF ASSISTANCE.

(a) CONTRACT REQUIREMENT.—A contract under this section shall require that, upon delivery of a vessel constructed with assistance under the contract, the vessel shall be documented under chapter 121 of title 46, United States Code with a registry endorsement only.

(b) RESTRICTION ON COASTWISE ENDORSEMENT.—A vessel constructed with assistance under this subtitle shall not be eligible for a coastwise endorsement.

(c) EMERGENCY PREPAREDNESS AGREEMENT.—

(1) IN GENERAL.—A contract under this section shall require that the person who will be the operator of a vessel constructed with assistance under the contract shall enter into an Emergency Preparedness Agreement for the vessel under section 3516.

(2) TREATMENT AS CONTRACTOR.—For purposes of the application of section 3516 to a vessel constructed with assistance under this subtitle, the term “contractor” as used in section 3516 means the person who will be the operator of a vessel constructed with assistance under this subtitle.

(d) PRIORITY.—The Secretary—

(1) shall give priority to consideration of proposals that provide the best value to the Government; and

(2) may give priority to consideration of proposals that provide the best value to the Government or any shipyard in the United States may meet the commercial and national security needs of the United States and to be built with assistance under this subtitle.

(e) QUALIFICATION.—Any citizen of the United States or any shipyard in the United States may submit a proposal to the Secretary of Transportation for purposes of constructing a product tank vessel with assistance under this subtitle.

(f) REQUIREMENT.—The Secretary, with the concurrence of the Secretary of Defense, may enter into an agreement with the submitter of a proposal for assistance under this subtitle if the Secretary determines that—

(1) the plans and specifications call for construction of a new product tank vessel of less than 60,000 deadweight tons and not greater than 35,000 deadweight tons; or

(2) the vessel in which the vessel will be constructed has the necessary capacity and expertise to successfully construct the proposed number of product tank vessels in a reasonable period of time as determined by the Secretary of Transportation, taking into consideration the recent prior commercial shipbuilding history of the proposed shipyard in delivering a vessel or series of vessels on time and in accordance with the contract price and specifications; and

(3) the person proposed to be the operator of the proposed vessel possesses the ability, experience, financial resources, and any other qualifications determined to be necessary by the Secretary for the operation and maintenance of the vessel.

(g) PRIORITY.—The Secretary—

(1) subject to paragraph (2), shall give priority consideration to a proposal submitted by a person that is a citizen of the United States under section 2 of the Shipping Act, 1916 (46 App. U.S.C. 802); and

(2) may give priority consideration to proposals that provide the best value to the Government, taking into consideration—

(A) the costs of vessel construction; and

(B) the commercial and national security needs of the United States.

SEC. 3534. PRIORITY FOR TITLE XI ASSISTANCE.

Section 1103 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273) is amended by adding at the end the following:

(ii) PRIORITY.—In guaranteeing and entering commitments to guarantee under this section, the Secretary shall give priority to guarantees and commitments for vessels that are otherwise eligible for a guarantee under this section and that are constructed with assistance under subtitle C of the Maritime Security Act of 2003."

SEC. 3535. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Commerce, for fiscal year 2004, to be available—

Subtitle D—Maritime Administration Authorization

SEC. 3541. AUTHORIZATION OF APPROPRIATIONS FOR MARITIME ADMINISTRATION FOR FISCAL YEAR 2004.

Funds are hereby authorized to be appropriated for fiscal year 2004, to be available without regard to any fiscal year limitation if so provided in appropriation acts for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $104,400,000, of which $13,000,000 is for capital improvements at the United States Merchant Marine Academy.

(2) For expenses under the loan guarantee program authorized by title X of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), $39,498,000, of which—

(A) $35,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,498,000 is for administrative expenses related to loan guarantee commitments under the program.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $20,000,000.

SEC. 3542. AUTHORITY TO CONVEY VESSEL USS HOIST (ARS–40).

(a) IN GENERAL.—Notwithstanding any other law, the Secretary of Transportation may convey to the Secretary of the Navy, or any shipyard in the United States, the vessel USS HOIST (ARS–40), to the Last Patrol Museum, located in Toledo, Ohio (a not-for-profit corporation, in this section referred to as the “recipient”), for use as a military museum, if—

(1) the recipient agrees to use the vessel as a nonprofit military museum;

(2) the vessel is not used for commercial transportation purposes;

(3) the recipient agrees to make the vessel available to the Government when the Secretary requires use of the vessel by the Government;

(4) the recipient agrees that the recipient no longer requires the vessel for use as a military museum; and

(5) the recipient will, at the discretion of the Secretary, convey the vessel to the Government in good condition except for ordinary wear and tear; or

(b) if the Board of Trustees of the recipient has decided to dissolve the recipient according to the laws of the State of New York, then—

(i) the recipient shall distribute the vessel, as an asset of the recipient, to a person that has been determined exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code, or to the Federal Government or a State or local government for a public purpose; and

(ii) the vessel shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the recipient is located, for such purposes as the court shall determine, or to such organizations as the court shall determine are organized exclusively for public purposes;

(6) for expenses under the loan guarantee program authorized by title X of the Merchant Marine Act, 1936 (46 App. U.S.C. 1273) is amended by adding at the end the following:

(i) DELIVERY OF VESSEL.—If a conveyance is made under this section, the Secretary shall deliver the vessel at the place where the vessel is located on the date of enactment of this Act, in as good condition as at the time the vessel was delivered to the Secretary of Transportation; or

(3) the recipient agrees to use the vessel as a military museum; and

(c) RETENTION OF VESSEL IN NDRF.—The Secretary may also convey any unneeded equipment from other vessels in the National Defense Reserve Fleet in order to restore the USs HOIST (ARS–40) to museum quality.

(d) DETERMINATION TO CONVEY.—

(1) IN GENERAL.—The Secretary shall retain the vessel in the National Defense Reserve Fleet if the Secretary determines that retention of the vessel in the fleet will pose an unacceptable risk to the marine environment.

(2) LIMITATION.—Paragraph (1) does not require the Secretary to retain the vessel in the National Defense Reserve Fleet if the Secretary determines that retention of the vessel in the fleet will pose an unacceptable risk to the marine environment.

(3) To the extent that the Secretary has expended, for military activities of the Department of Defense, for military construction, and for defense activities of the Department of the Treasury, any funds provided for such fiscal year for the Armed Forces, and for other purposes.”
H4492  CONGRESSIONAL RECORD — HOUSE  May 21, 2003

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except those printed in House Report 108–120 or those made in order by a subsequent order of the House.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 2 of the resolution, may be offered only by a Member designated in the report, shall be considered, read, debatable for the time fixed, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of Whole may recognize for consideration of any amendment out of the order printed, beyond that hour after the Chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider amendment No. 1 printed in House Report 108–120.

AMENDMENT NO. 1 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HUNTER:

Page 34, line 15, strike the first period. Page 90, line 17, insert open quotation marks before "subparagraph".

Page 99, line 7, strike the open quotation marks.

Page 125, line 5, strike "551" and insert "991".

Page 136, beginning on line 4, strike "chapter" and insert "subchapter".

Strike section 617(b)(2) (page 165, line 19, through the matter following line 6 on page 166) and insert: (2) Nothing in this subsection shall be construed to authorize the Secretary to acquire, lease, construct, improve, renovate, remodel, repair, operate, or maintain facilities having general utility.

Page 299, line 6, strike "after section 425" and insert "at the end of subchapter I (after the section added by section 805(b)(1) of this Act)".

Page 300, line 8, strike "426" and insert "427".

Page 301, line 20, after "at the end" insert "(after the item added by section 805(b)(2) of this Act)".

Page 301, in the matter after line 21, strike "426" and insert "427".

Page 303, beginning on line 11, strike "such subchapter" and insert "such subchapter I of such chapter".

In section 1045(a)(7), strike "750(d)" (page 310, line 16 and insert "730(d)".

In section 1045(e), strike "819" (page 311, line 25) and insert "819a".

In section 318, strike subsection (a) (page 59, lines 18 through 21) and redesignate subsequent subsections accordingly.

In section 318, strike subsection (a) (page 61, lines 3 through 18) and insert the following new subsection:

(a) D EFINITION OF HARASSMENT FOR MILI-
TARY READINESS ACTIVITIES.—Section 3(e) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361(18)) is amended by striking subparagraphs (B) and (C) and inserting the following new subparagraphs:

(B) In the case of a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note), the term ‘harassment’ means—

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild; or

(ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, foraging, nursing, breeding, calving, or sheltering to a point where such behavioral patterns are abandoned or significantly altered.

(C) The term ‘Level A harassment’ means harassment described in subparagraph (A)(i) or, in the case of a military readiness activity, harassment described in subparagraph (B)(i).

(D) The term ‘Level B harassment’ means harassment described in subparagraph (A)(ii) or, in the case of a military readiness activity, harassment described in subparagraph (B)(ii).

The CHAIRMAN pro tempore. Pursuant to House Resolution 245, the gentleman from California (Mr. RAHALL) and a Member opposed each will control 5 minutes.

Mr. RAHALL. Who controls the time in opposition?

The CHAIRMAN pro tempore. A Member in opposition to the amendment.

Does the gentleman claim that time?

Mr. RAHALL. I so claim that time, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from West Virginia (Mr. RA-
HALL) will be recognized in opposition.

The Chair recognizes the gentleman from West Virginia (Mr. RA-
HALL) or, in the case of a military readiness activity, in the nature of a substitute is in order except those printed in House Report 108–120 or those made in order by a subsequent order of the House.

Each amendment printed in the report shall be offered only in the order printed, except as specified in section 2 of the resolution, may be offered only by a Member designated in the report, shall be considered, read, debatable for the time fixed, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of Whole may recognize for consideration of any amendment out of the order printed, beyond that hour after the Chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

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(B) In the case of a military readiness activity (as defined in section 315(f) of Public Law 107–314; 16 U.S.C. 703 note), the term ‘harassment’ means—

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild; or

(ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, foraging, nursing, breeding, calving, or sheltering to a point where such behavioral patterns are abandoned or significantly altered.

(C) The term ‘Level A harassment’ means harassment described in subparagraph (A)(i) or, in the case of a military readiness activity, harassment described in subparagraph (B)(i).

(D) The term ‘Level B harassment’ means harassment described in subparagraph (A)(ii) or, in the case of a military readiness activity, harassment described in subparagraph (B)(ii).

The CHAIRMAN pro tempore. A Member in opposition to the amendment.

Does the gentleman claim that time?

Mr. RAHALL. I so claim that time, Mr. Chairman.

The CHAIRMAN pro tempore. A Member in opposition to the amendment.

Does the gentleman claim that time?

Mr. RAHALL. I so claim that time, Mr. Chairman.

The CHAIRMAN pro tempore. A Member in opposition to the amendment.
Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume, and I do rise in opposition to the Hunter amendment.

I think at this point in time there is some clarification needed as to the situation that is in. Many Members may well be confused.

First, this same amendment was filed by the gentleman from Colorado (Mr. HEFLEY) before the Committee on Rules, and for reasons only known on the other side of this aisle in their internal machinations, it is now in order under the gentleman from California's name. We have all of 10 minutes to debate what are truly far-reaching changes to environmental law under this rule.

In fact, the amendment does make one important improvement in the language originally reported by the Committee on Resources. It strikes extraneous language that would have gutted a key provision of the Endangered Species Act. In this one case, the administration did not even request or support the language. But make no mistake about it, the rest of the Hunter amendment leaves intact all the exemptions and changes sought by the DOD, and I think it is absolutely reasonable to strike extraneous language that would have gutted a key provision of the Endangered Species Act. In this one case, the administration did not even request or support the language that would have gutted this provision.

Simply put, the environmental exemptions which would be codified by the current amendment are overbroad and unjustified. As a May 15 article in the Chicago Tribune stated, the bill language now before us would grant the Department of Defense exemptions which would “apply to all military facilities, including golf courses, irrigated gardens and swimming pools.” For those of us who have spoken out against the military exemptions, this is unacceptable. The American people respect and support our military, but they do not do so by allowing the Pentagon to be held accountable or exempt from the laws which apply to all of us.

The gentleman from Michigan (Mr. DINGELL) and I proposed a substitute that would have addressed DOD concerns about future readiness activities in an environmentally responsible manner. That amendment was supported by many major environmental organizations. But because of the Republican rule that is now being jammed down their throats, we have no opportunity to consider the Rahall-Dingell amendment. It is only the Hunter amendment, take it or leave it, which forces us to vote to endorse the military exemptions to get rid of one extraneous ESA rider.

I urge Members to vote “no” on the Hunter amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

I would just say this. With respect to Marine Mammal, I think the gentleman from Colorado (Mr. HEFLEY) described it best. This is a commonsense amendment. I have not met a single environmentalist who does not agree with this. That says that if you have a seal sitting on a buoy and a Navy ship goes by, if the seal even looks up, he is, according to at least one biologist in the Department of Fish and Wildlife, potentially disturbed. If you potentially disturb a seal, you cannot undertake that particular military activity.

So I would just say to my colleague and to all my colleagues, most of this language is what we passed with a big vote last year on a bipartisan basis. It is absolutely reasonable. It has been walked by. I would just recommend, take “yes” for an answer.

Mr. Chairman, I reserve the balance of my time.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

I would just respond to the gentleman from California as we have responded numerous times today during this debate. There are exemptions in current law that the DOD can exercise whenever it finds conditions where national security warrants such exemptions to any environmental laws. To this date, in all reports that we have asked for, we have not seen where DOD has asked to utilize the current exemptions allowed under current law.

As we all know, our forces did a tremendous job in Iraq. We on this side of the aisle support our troops as strongly as those on the other side of the aisle. We support our troops as strongly as those on the other side of the aisle, and let us balance those two important goals with another goal which is keeping our men and women in uniform alive when they are in combat.

The CHAIRMAN pro tempore. The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 108-120.
**AMENDMENT NO. 2 OFFERED BY MR. GOODE**

Mr. GOODE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 2 offered by Mr. Goode:
At the end of title X (page 94, after line 23), insert the following new section:

**SEC. 374a. ASSIGNMENT OF MEMBERS TO ASSIST BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.**

(a) Assignment Authority of Secretary of Defense.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control.

(a) Assignment Authority.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

(1) the Bureau of Border Security of the Department of Homeland Security to prevent the entry of terrorists, drug traffickers, and illegal aliens into the United States; and—

(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

(b) Request for Assignment.—The assignment of members under subsection (a) may occur only if—

(1) the assignment is at the request of the Secretary of Homeland Security; and—

(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, and illegal aliens.

(c) Training Program Required.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program that provides general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

(d) Conditions of Use.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

(2) Nothing in this section shall be construed to—

(A) authorize a member assigned under subsection (a) to conduct a search, arrest, or other similar law enforcement activity or to make an arrest; and—

(B) supersede section 1385 of title 18 (popularly known as "Purse Comstocks Act").

(e) Establishment of Ongoing Joint Task Forces.—(1) The Secretary of Homeland Security may establish ongoing joint task forces of Homeland Security that determines the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

(f) Notification Requirements.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

(g) Reimbursement Requirement.—Section 373 of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(h) Termination of Authority.—No assignment may be made or continued under subsection (a) after September 30, 2005.

The CHAIRMAN pro tempore. Pursuant to House Resolution 245, the gentleman from Virginia (Mr. Goode) and the gentleman from Texas (Mr. Reyes) each 2 minutes which will Congressmen.

The Chair recognizes the gentleman from Virginia (Mr. Goode).

Mr. Goode. Mr. Chairman, I yield myself such time as I may consume.

This amendment is called the troops on the border amendment. This amendment would authorize the use of troops on the borders of the United States if the Secretary of Defense and the Secretary of Homeland Security, after consultation, felt it was needed for our national security, if it was needed to curtail illegal immigration, if it was needed to curtail the flow of illegal drugs into our country.

We saw just a few weeks ago the tragedy that occurred when 19 illegal immigrants died from suffocation, if we had troops on the border or this legislation if it had been passed and they were worried about troops being on our border, it would have been a message not to attempt something so dangerous. Having troops on our borders would save lives and would be an enhancement to our security and our safety.

Mr. Chairman, I reserve the balance of my time.

Mr. Reyes. Mr. Chairman, I yield myself such time as I may consume. I understand the gentleman from Virginia's concern. I understand also the need to increase enforcement along our borders to protect against terrorism and against drug trafficking.

Mr. Chairman, spend more than 26 years in Federal law enforcement on the border between the United States and Mexico. I was on the front line of our Nation's war on drugs and against terrorism. I know how difficult it is to secure our Nation's border, and I know the need for additional resources. However, I rise in opposition to this amendment because it is simply the wrong solution to our current problems along our border. This amendment would send our military personnel to our borders at a time when they are already stretched thin in Iraq, Afghanistan, the Philippines, and over 100 countries around the world.

We cannot and should not ask our military personnel to patrol our borders. We need them to do what is right for our country. I would therefore ask him now to join with me and find a way to place additional law enforcement personnel on the border, our border, not military personnel.

Mr. Chairman, I reserve the balance of my time.

Mr. Goode. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. Jones).

Mr. Jones of North Carolina. Mr. Chairman, may I make a parliamentary inquiry first?

The CHAIRMAN pro tempore. Mr. Bereuter.

The gentleman is recognized for a parliamentary inquiry.

Mr. Jones of North Carolina. Mr. Chairman, if I need 2 minutes, can I yield back 1 minute? I do not want to take away from the total time. I just need 1 minute.

The CHAIRMAN pro tempore. Yes. The gentleman may yield back 1 minute or whatever time remains.

Mr. Jones of North Carolina. Mr. Chairman, I rise in strong support of this amendment from the gentleman from Virginia, troops on the border. This amendment addresses a national security issue, and it also addresses an economic issue. To say good friends, and they are my good friends, on the other side, the American people want those who want to come to this country by the legal process to come, and they are welcome; but we must remember this country is at war. That war started on September 11 of 2001, and last year we had about 1 million people come to this country illegally, and I agree with the gentleman from Virginia (Mr. Goode).

And maybe the gentleman from Texas's idea is good that we could find a middle ground on this issue, but I will say this, that the people that I have a chance to talk to and to represent are saying to me, Mr. Chairman, and this government, this administration need to do a better job of protecting our borders; and it does not...
mattered if the borders are America and Canada or America and Mexico. We are talking about this Nation being at war, and we have to do a better job. And I think this amendment that has been proposed is an answer to a real problem; and if that is not enough to say yes to this amendment, then this amendment is good.

I will say in closing that I have read numerous polls in the last 3 years on this issue, and the American people have said, and said in loud numbers, meaning 80 percent, 85 percent, that we want our borders of this great Nation secured. So I compliment the gentleman from Virginia (Mr. GOODE), and I am going to support this amendment, and I am going to encourage my friends to support this amendment because the American people want our borders to be secure.

Mr. Chairman, I yield back the balance of my time. And, again, God bless America.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I take this opportunity to speak against this amendment. I thank the gentleman from Texas (Mr. REYES) for his commitment to our national defense and for his position of strengthening our law enforcement community. He comes from a great background and understands this issue better than anyone in this body.

Among all the reasons the gentleman from Texas (Mr. REYES) gives to oppose this amendment, the one I feel strongly about is the overstretching of our troops. I am convinced that we are stretching the young men and young women far past their capacity; and to put them on the border where we have border patrol agents who are doing an excellent job there I think is just gilding the lily and pushing it too far. We have American troops all over the world; and I see that some of them, frankly, are getting worn out. National Guard and Reserves are called up and this would only exacerbate a very difficult situation. The Northern Command expects to support the request from civil authorities, but our troops should not substitute for our police. And I thank the gentleman from Texas for yielding me this time.

Mr. GOODE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I rise in support of the gentleman from Virginia's amendment. As we stand here today, we are under this enhanced threat level of attack from terrorists, and it seems to me that this amendment and the provisions of this amendment are absolutely essential to give our Department of Defense and our Commander in Chief the option of using our military forces to secure our border if it becomes necessary. And while the Department of Defense may help other Federal agencies, this amendment simply reinforces the primary role of the armed services to protect the homeland.

The newest combat command, Northern Command, is involved in this very issue of supporting North Com's efforts to reinforce the Department of Homeland Security and to set training and policy ground rules is extremely helpful. The authority is only in effect for 1 year and sets a 2-year program. In other words, let us put this in place and see how it works. If it causes problems, we will know, and we will not renew it. But I do not see problems occurring, and I think it is a test that we ought to run.

The use of this authority will allow North Com to better integrate active forces and National Guard forces into homeland defense plans, a commonsense approach and one that I commend the gentleman from Virginia for bringing forward.

Mr. REYES. Mr. Chairman, can I inquire how much time we have remaining?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. REYES) has 7 minutes remaining, and the gentleman from Virginia (Mr. GOODE) has 6 minutes remaining.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ), who, like me, is an individual who enforced the laws along the border.

Mr. ORTIZ asked and was given permission to revise and extend his remarks.

Mr. ORTIZ. Mr. Chairman, this is an amendment that we have dealt with on a yearly basis, and on a yearly basis the Department of Defense tells us that they do not support this amendment. We have to be realistic. I was in law enforcement like my friend here. When one is in law enforcement, one is trained to do a certain mission, a certain skill. People who serve in the military, I think there was a group of very senior members who went to Iraq and some of the complaints of our troops there were we were not supposed to be police officers, we were trained to kill. And that is what they do.

So by putting troops on the border, this is not going to alleviate matters any. We need to put people who are trained to do a certain job, a certain skill to deal with people, and this is why we have the border patrol. If my colleagues feel by adding more border patrol officers on the border this is going to help, why not give them the proper tools to be trained effectively. We have a training center where we pay millions of dollars to operate to train them adequately. Why do we not do that? We have 120-or-some thousand troops in a 2-week exercise, just to see what we could do, what actually we could do to help improve border security by using the military. It was a fascinating experiment, and I hope the gentlemen who have raised the issue of training so often would pay close attention here because it was an experience that I think they should all observe.

The one hundred Marines on the border trying to control in this case about 100 miles of border. And they brought with them three UAVs, unmanned aerial vehicles, and two radar facilities. And in the use of these radar facilities and the UAVs, they were able to actually stop, while I was there, four people who were attempting to come across on all-terrain vehicles carrying 400 pounds of drugs; and a light plane was intercepted using those two radar stations. The interesting thing is that when I was talking to the commander of the Marine detachment who was there subsequent to this experience, he said, This was the best training we have ever had. This was the best training we have
ever had. He said we were operating in a realtime environment. There were real bad guys we were trying to stop coming across this border, and this is the roughest terrain we have ever operated in.

So when we are talking about the use of the military when we are talking about training exercises and how if we were actually to employ the military on the border that this would somehow or other detract from their own training activities, I would say it is just the opposite. The Marines talk to them about whether or not this was not what I have just described, the “best training activity” they have ever had.

I completely support those folks who have indicated a desire to put more resources into the border patrol. Absolutely, no problem at all as far as I am concerned. I would vote for it in a heartbeat. I would encourage all of my colleagues to do exactly the same thing. The reality is this, that even if tomorrow we doubled or tripled the amount of personnel resources that would devote to the border patrol, just the process of getting them trained online and ready to work would be so long and so cumbersome that frankly it seems to me that this alternative, the use of the military when necessary to augment, no one is suggesting and certainly my friend from Virginia is not suggesting that this be the place for the military forever, but they could augment the services of the border patrol. They could provide the technical capabilities, the unmanned vehicles, the radar stations and all the rest, as I say, that the military can bring with them and be benefited by in the process.

It seems like a very symbiotic relationship that we can actually use the military and the border patrol in conjunction with each other to accomplish the goal of a safe, secure border, a border that would in fact in reality, a secure border, have helped prevent the kind of horrible events that we have been witnessing recently.

The CHAIRMAN pro tempore. The Chair would advise that the gentleman from Texas (Mr. REYES) has 5 minutes remaining. The gentleman from Virginia (Mr. GOODE) has 1½ minutes remaining, and the gentleman from Texas (Mr. REYES) has the right to close.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I yield in opposition to the amendment. The Goode amendment is bad, and I will tell the Members that evaluation comes from those folks who represent the Texas and the California border. I represent all of the California-Mexico border. One of my crossings is the busiest border crossing in the entire world.

In the various border crossings in my district, a quarter of a million people per day cross the border legally. Ninety-five percent of the people who cross every day in my district cross legally. In the various border crossings in my district, all you folks from North Carolina and Virginia and Colorado and New Jersey, give us some technology. We need to pass this amendment today. We need to send a message to illegal aliens coming into this country that we are going to put troops on the border and stop it. And to those terrorists who are in Mexico, such as that reported by the Washington Times that al Qaeda is there, we need to send them a message: We are going to stop you at the border; you are not going to get in.

Let us put troops on the border and vote yes for this amendment.

Mr. REYES. Mr. Chairman, I yield myself the balance of my time.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing, let me clear the record. When the gentleman from Virginia (Mr. Goode) talks about the young man that fired off at the Marines, he did not know what he was firing at. They were operating in a covert and camouflaged situation, and he did not know what they were. So he did fire a shot at them. But the important thing there is one life lost in an ill-conceived policy is one too many.

When they talk about the authority that the President needs to be able to do that, he has that authority already in several different parts of our law. When he talks about the value of training for our military, I would remind my friends that the military in Baghdad pleaded with us and said, look, we trained for combat. We have won this war. Get us out of here. We are not cops, we are not infrastructure protectors, we are not policemen. Get us out of here. We trained for combat. That is their role.

Secondly, you do not want to subject border communities to marshal law.
You talk about sending a message? The message that you are sending is this, that we are thinking of our military as expendable. We are willing to send them to the border, where they may become legally liable should they shot another Ezequiel on the border. They are legally liable.

Secondly, they are trained for combat. You cannot expect our military to change hats, one for combat and one for civil law enforcement. We deserve better. We can do better. Let us give the resources to Federal agencies that are responsible for this kind of duty and not subject our military and abuse our military.

Mr. GOODE. Mr. Chairman, I rise in strong opposition to the Goode amendment.

The United States is battling the forces of international terrorism. This amendment hurts this battle by reallocating resources that already exist in our border patrols. The Department of Defense opposes this amendment.

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. Hunter) on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. Goode) will be postponed.

Sequence of Amendments in Committee of the Whole

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.

Amendment No. 1 Offered by Mr. HUNTER

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following:

Amendment No. 1 offered by Mr. HUNTER; and
Amendment No. 2 offered by Mr. GOODE.

The Chair will reduce to 5 minutes the time for the second electronic vote.
CONGRESSIONAL RECORD — HOUSE

Mr. OWENS and Mr. WALDEN of Oregon changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. GOODE

The CHAIRMAN pro tempore. The pending business is the record vote on the amendment offered by the gentleman from Virginia (Mr. Goode) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The CHAIRMAN pro tempore will direct the amendment.

The CHAIRMAN pro tempore. A record vote has been demanded.

A record vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The CHAIRMAN pro tempore. The vote was taken by electronic device, and there were—ayes 250, noes 179, not voting 5, as follows:

(Roll No. 206)

AYES—250

NOES—179

The CHAIRMAN pro tempore. A record vote has been demanded.

A record vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The CHAIRMAN pro tempore. The vote was taken by electronic device, and there were—ayes 250, noes 179, not voting 5, as follows:

[Roll No. 206]

AYES—250

NOES—179

The result of the vote was announced as above recorded.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

INFORMING MEMBERS OF PAGE RECEPTION

Mr. SHIMKUS asked and was given permission to speak out of order for 1 minute.

The CHAIRMAN pro tempore. The text of the amendment is as follows:

"Mr. SHIMKUS asked and was given permission to speak out of order for 1 minute."

The CHAIRMAN pro tempore. The amendment is now in order to consider amendment No. 3 printed in House Report 108–120.

AMENDMENT NO. 3 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The amendment is now in order to consider amendment No. 3 printed in House Report 108–120.

AMENDMENT NO. 3 OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

At the end of title VII (page 196, after line 12), add the following new section:

SEC. 708. LIMITING RESTRICTION OF USE OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS IN FACILITIES TO THE STATES

Section 1003(b) of title 10, United States Code, is amended by inserting "in the United States" after "Defense".

The CHAIRMAN pro tempore. Pursuant to House Resolution 245, the gentleman from California (Ms. LORETTA SANCHEZ) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield myself such time as I may consume.

Today I offer an amendment about freedom, safety and choice, Members of Congress who are not voting.
the Armed Services are entitled to a quality of life equal to that of the Nation they are pledged to defend. Whether you are pro-life or pro-choice, agree or disagree with the merits of reproductive freedom, the facts remain, the women and female dependents are entitled to the constitutional right to reproductive services. So why would we choose to place an overseas female soldier or military dependent into a subclass of citizenship?

Currently, servicewomen may fly back to the United States to obtain reproductive services but only after they have authorization from commanding officers and can find a space on a military transport. If your daughter, wife, sister or friend had to make a tough reproductive choice and were stationed overseas, do you believe that as adult women they should be required to disclose this information to their commanding officer? Would you want to put her on the plane alone? Our servicewomen and dependents deserve better.

My amendment allows military personnel and their dependents serving overseas to use their private funds to obtain safe, legal abortion services in overseas military hospitals. No Federal funds would be used. This amendment will only affect United States military facilities overseas, and my amendment will not violate local country laws. It does not compel any doctor who opposes abortion on principle to perform one. It will, however, open up reproductive services at bases in countries where abortion is legal.

Vote for the rights of our service-women and dependents abroad. Vote for the Sanchez amendment.

Madam Chairman, I reserve the balance of my time.

Mr. RYUN of Kansas. Madam Chairman, I claim time in opposition to the Sanchez amendment.

The CHAIRMAN pro tempore. The gentleman from Kansas (Mr. Ryun) is recognized for 15 minutes.

Mr. RYUN of Kansas. Madam Chairman, I yield myself such time as I may consume.

Under this amendment, abortions could be performed in military medical facilities outside of the United States for any reason. Self-funded abortions would no longer be limited to cases in which the life of the mother is in danger or in cases of rape or incest.

The gentlewoman from California (Ms. Loretta Sanchez) stated the reason for offering this amendment is that female servicemembers and dependents overseas are denied equal access to health care, effectively putting their lives and health in harm’s way, and that simply is wrong. In overseas countries where safe and legal abortions are not available, servicemembers and their dependents have the opportunity using space-available travel for returning to the United States or traveling to another overseas country for the purpose of obtaining an abortion.

Additionally, DoD doctors are still required to obey the abortion laws of the countries where they are providing services. Thus, if this amendment became law, they still could not perform abortions in these locations where abortion is restricted or is not permitted. Women who would be able, as they are now, to travel to a nearby country or back to the United States on a military flight or on a space-available basis.

Ask any military doctor if they joined up to perform abortions, and they will simply say they entered to save lives. Congress should not take a step towards putting these doctors in a position of taking the most innocent of human life. There is no demonstrated need to increase the number of abortion procedures at military installations. This amendment does not seek to address an operational requirement or ensure access to an entitlement. It is simply aimed at introducing this very contentious and divisive issue in the defense authorization fight, and I encourage my colleagues to oppose this amendment.

Madam Chairman, I reserve the balance of my time.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN) and the original sponsor of this bill way back when.

Ms. HARMAN. Madam Chairman, I thank my colleague for yielding me this time, and I commend her for her leadership on this very important issue.

Madam Chairman, as communities across the Nation begin to welcome home members of our Armed Forces who served in Afghanistan and Iraq, and to honor those who continue to serve in our ongoing war on terrorism, we are, at the same time, turning America’s brave servicewomen into second-class citizens. As service- women and female dependents deploy overseas, it is time to send the right message. As we protect our constitutional rights to life and liberty, we need to protect theirs.

Vote for the Sanchez-Harmanc-Delauro amendment.

Mr. RYUN of Kansas. Madam Chairman, I am pleased to yield 1 minute to the gentlewoman from Colorado (Mrs. Musgrave).

Mrs. MUSGRAVE. Madam Chairman, I rise in opposition to this amendment. We have had issues that come up which I call perennials. Year after year they come up and, fortunately, in my opinion, this one keeps failing every year. I am pleased that the House rejected this amendment in 2002, 2001, 2000, 1999, 1998, 1997, and 1996.

Whenever this amendment is brought up, the word “choice” is always brought into the conversation. I would urge my colleagues to respect the choices of the American taxpayers. The men and women who get up and go to work every day and pay their taxes in this country have spoken very clearly that they do not want their tax dollars used to provide abortions.

Military treatment centers, the very centers that are funded by these American taxpayers who get up and go to work every day and pay their taxes, should be used and dedicated for the healing and nurturing of human life, not taking the life of the most vulnerable of all human beings, the unborn child.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield 1 minute to the gentlewoman from California (Mrs. Tauscher), one of my colleagues on the Committee on Armed Services.

Mrs. TAUSCHER. Madam Chairman, I thank my colleague for yielding me this time, and I rise in support for the Sanchez amendment.

This amendment would provide equal access to women in the military who are serving overseas. Currently, women who have volunteered to serve our country and female military dependents are denied their legally guaranteed right to choose simply because they are stationed overseas. All military women, including those deployed overseas, should be able to depend on our military hospitals for all of their health care needs.

A repeal of the current ban on personally funded abortions would allow women access to the same range and
quality of reproductive health care available in the United States. Most importantly, the Sanchez amendment would allow our servicewomen privacy in making this important personal decision. Under current law, military women must either go off base or must ask the commander for time off to travel back to the United States.

Madam Chairman, I hope we can support this amendment and ensure that American women stationed overseas are afforded the same basic rights as women at home. I urge my colleagues to support this critical amendment.

Mr. RYUN of Kansas. Madam Chairman, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY).

(Mr. GINGREY asked and was given permission to revise and extend his remarks.)

Mr. GINGREY. Madam Chairman, I thank the gentleman for yielding me this time, and I rise today in strong opposition to this amendment.

Current law prevents military facilities located overseas from performing abortions. This amendment would reverse this ban and allow facilities tasked with saving and preserving the lives of our personnel to literally becoming abortion clinics.

Madam Chairman, I am sure that most of my colleagues are aware that the House has rejected this exact same amendment during committee and floor consideration of the defense authorization bill in each of the last 7 years. This body has acted wisely on this misguided amendment and for good reason.

I oppose this amendment not only as a member of the House Committee on Armed Services that is strongly committed to our national defense, but also as an OB-GYN physician of almost 30 years. In my career practicing medicine, I have delivered over 5,000 babies, and I remain steadfastly committed to pro-life principles.

Again, the primary mission of the military treatment center is to heal and protect human life, but this amendment seeks to overturn this mission and convert these facilities into providers of abortion instead.

Madam Chairman, I urge my colleagues to protect the sanctity of human life and oppose this Sanchez amendment.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. DAVIS), another member of the Committee on Armed Services.

Mrs. DAVIS of California. Madam Chairman, I rise in support of the Sanchez amendment.

As a mother and military spouse who lived overseas during the Vietnam War, my heart breaks when I read about the experiences of American military women who are left on their own to seek reproductive health services in a foreign country. As a member of the Committee on Armed Services, I am moved to change the law and offer these servicewomen safe medical care for services they are even willing to pay for.

One woman wrote to me the following after being turned away at her base: "The military expects nothing less from its service members, and I expect the best medical care in return. If this is how it will continue to be treated as a military service member by my country and its leaders, however, I want no part of it." I urge my colleagues to join me in supporting the Sanchez amendment.

Mr. RYUN of Kansas. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Madam Chairman, I thank the gentleman for yielding me this time. This is now the ninth time I have risen to speak against this amendment.

I practiced medicine in the Army for 6 years before I was elected to the House of Representatives, and I was in the Army when President Reagan initially made his executive order stating that we would no longer do abortions in military hospitals. We in the medical care community in the military were very pleased with this.

I have talked to a lot of nurses and a lot of doctors about this issue, and many of them are pro-life and they say they were very glad it was removed, but many others are actually pro-choice at heart, all the same thing to me. They say they are pro-choice, but I would never do an abortion. They say they are pro-choice, but I would never insist in an abortion. And they were all very, very happy to get this out of the military medical facilities.

This would be a step in the wrong direction. It would be bad for morale. And I wholeheartedly concur with the comments of my physician colleagues, the gentleman from Georgia (Mr. GINGREY).

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chairman, I rise today in strong support of the Sanchez amendment. Over the last few months, we have voiced our support for the troops many, many times. Tax relief, loan forgiveness, and resolutions in support of the troops are well and good. But I think it's time for Congress to demonstrate our real support for our troops than by finally giving women in our Armed Forces and the wives and daughters of the men in our military the ability to exercise their constitutional right to reproductive choice and reproductive health while being stationed abroad.

We routinely ask servicewomen to put their lives on the line in defense of our country and our country's ideals. That is why we must not require them to go off base or ask the commander for time off to seek constitutionally protected reproductive services. Please join me in supporting our troops by supporting the Sanchez amendment.

Mr. RYUN of Kansas. Madam Chairman, may I inquire how much time I have remaining?

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Kansas (Mr. RYUN) has 10 minutes remaining, the gentlewoman from California (Ms. LORETTA SANCHEZ) has 8 minutes remaining.

Mr. RYUN of Kansas. Madam Chairman, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Madam Chairman, I rise in opposition to this amendment.

Over the last 30 years, abortion on demand has left 42 million separate scars on the soul of America. Madam Chairman, every time one took place, a mother's heart was never quite the same, a nameless little baby died a tragic and lonely death, and all of the gifts that child might have brought to this world were lost forever.

Madam Chairman, there are many lying out in the field of Arlington today that died for a basic principle, and that is the basic principle that we are here for today, which is to compile amendments and laws that will protect the innocent from those that would desecrate their rights and their lives.

Madam Chairman, if we turn military clinics and hospitals into abortion clinics, we dishonor their memory; and we say to the world that we do not have the insight to find better ways to help mothers than killing their children for them.

Madam Chairman, I hope we will defeat this amendment.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Chairman, the gentleman from Kansas said not to worry, our servicewomen can exercise their full right of reproductive services that are legal here at home, because all they have to do is either get space available on an airplane or go to another country in the region where abortion is legal.

Well, what do you say to the courageous servicewomen in Iraq who might be pregnant who might not have known they were pregnant when they left? There is not even a plane available, that is not enough for them. If we are forcing them into a second trimester abortion, the health risks are much higher.

So where are they going to go? Saudi Arabia? Iran? This is disrespectful to fighting women all around the world.

The problem is even greater now when we have servicewomen in large numbers deployed all around the world in regions where abortion is not safe and legal. So I challenge my colleagues who are considering voting against this amendment to look into the eyes of these servicewomen and say to them that they can fight for me, they can die.
for me, but they cannot make their own reproductive health choices.

Mr. RYUN of Kansas. Madam Chairman, I yield such time as he may con-
sume to the gentleman from Pennsylvania.

Mr. PITTS. Madam Chairman, I rise in opposition to the Sanchez amend-
ment which would force military med-
cal facilities to provide abortions. In
recent months, we have witnessed the coura-
dge of our men and women of our Armed Forces, and they have risked their lives in the war on terror and the war in Iraq. They have risked their lives in order to preserve and extend the right to life and liberty at home and abroad.

U.S. military personnel aboard the USS Comfort and in other U.S. mili-
tary medical facilities have extended hope and healing to the wounded. How do we repay them? How do we thank them? How do we repay them for their sacrifice and selfless-
ness? The Sanchez amendment would rep-ay them by forcing military med-
ical personnel to be complicit in the taking of human life. It would divert precious medical resources such as staff, time, equipment and facilities away from the front lines of battle. The Sanchez amendment would pro-
mote bad medicine and the poor use of scarce taxpayer dollars.

Abortion is the most violent form of death known to mankind, death by de-
capitation, dismemberment, a horrible, horrific death. We should defeat the Sanchez amendment.

Ms. LORETTA SANCHEZ of Cali-
ifornia. Madam Chairman, I yield my-
self such time as I may consume.

Madam Chairman, I would remind Members there is a clause that doctors do not have to perform these services if they are opposed to them. We are not making medical personnel do some-
thing that they are opposed to or do not believe in.

Madam Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Madam Chairman, I yield the gentlewoman from California (Ms. LO-
nette SANCHEZ) the amendment she seeks to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Madam Chairman, I rise in opposition to this amendment. Our military’s primary responsibility is to defend American lives in every capac-
ity. American hospitals should not be turned into abortion clinics. This amendment would corrupt the mission of our military by using military hospitals, built also by pro-
life American taxpayers, for the pur-
fposes of performing abortions.

Many military doctors and nurses have already made it clear they will refuse to perform abortions. Therefore, those doctors who exercise their con-
science clause would force the military to go look for, search, hire, and transport civilian abortionists onto military bases and hospitals overseas. In the past, our military has not given its war fighters enough pay raises, and now we are forced to debate whether or not to use defense dollars to search for civil-
ial abortionists in foreign countries.

This amendment is a misguided at-
ttempt to insert the pro-abortion agen-
da into a piece of legislation that is in-
strumental to the defense of our Na-
ton. Reject this amendment to alter the purpose and obligations and tradi-
tions of our military hospitals. Reject this amendment and allow military doctors to save lives on the battlefield, rather than abort them in military hospitals.

Ms. LORETTA SANCHEZ of Cali-
ifornia. Madam Chairman, I yield my-
self such time as I may consume.

I would like to remind my colleagues that no public funds are used under this amendment. The individual who wishes to have an abortion would have to pay from her own funds.

Madam Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

(MRS. MALONEY asked and was given
permission to revise and extend her re-
marks.)

Mr. RENZI. Madam Chairman, I urge a “yes” vote for the Sanchez amend-
ment which will protect women’s health and rights overseas.

War has just ended in Iraq and Af-
ghanistan, yet we still have many serv-
icemen overseas who are risking their lives to protect our lives and our rights as U.S. citizens. One of those rights is a woman’s right to choose, but women are being effectively lose their constitutional right at U.S. military bases where they literally cannot even pay for this medical procedure with their own money.

A male member of the Armed Serv-
ces needing medical attention receives the best, but a female member needing a specific medical procedure must return to the United States, often at great expense, or go to a foreign hos-

dial which may be un sanctioned and dan-
gerous. This is absolutely wrong. After weve 200 multi-choice votes, this is yet another one.

Madam Chairman, I place in the RECORD a list of distinguished organi-
izations that have come out in support of protecting women’s rights overseas.

College of Obstetricians and Gynecologists; The American Association of University Women; National Women’s Law Center; American Medical Association; Physicians for Reproductive Choice and Health; The Bipartisan Pro-Choice Caucus; Planned Parenthood; and NARAL.

Mr. RYUN of Kansas. Madam Chairman, I yield such time as he may con-
sume to the gentleman from New Jer-
sy (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Chairman, I thank the gentleman for his outstanding leadership on this issue.

Madam Chairman, nine out of ten hospitals in the United States ada-

dantly refuse to abort unborn chil-
dren, and the trend is for hospitals to divest themselves of abortion.

It is outrageous that, as hospitals in our country repudiate abortion, the Sanchez amendment would force our overseas military hospitals into abor-
tion mills. With all due respect to the gentlewoman from California (Ms. Lo-
rette SANCHEZ), the amendment she offers will result in babies being bru-
tally torn apart by abortionists who will force pro-life Americans to facilitate and to subsidize the slaughter of innocent children.

We do not want any part of that car-

nage, and when President Clinton in the previous administration sought to impose this kind of activity upon our military not a single military doctor in our overseas hospitals wanted to be a part of it. They had to look outside the system because they were pro-life, and they wanted to nurture and care for,

provide maternal health care, prenatal health care, not the killing of those babies.

Madam Chairman, let us be clear. Abortion is violence against children. Some abortion methods dismember and rip apart the fragile bodies of children. Other methods chemically poison chil-
dren. Abortionists turn children’s bod-
ies into burned corpses, a direct result of the caustic effect of salt poisoning and other methods of chemical abor-

I would say to my colleagues, there is absolutely nothing benign or curing or nurtur- ing about abortion. It is vio-

lence. It is gruesome. And yet the apologists sanitize the awful deed with some misleading phrases. Abor-
tion methods are particularly ugly be-
cause, under the guise of choice, they turn baby girls and baby boys into dead baby girls and dead baby boys.

We have had enough loss of innocent life. Reject the Sanchez amendment.

Ms. LORETTA SANCHEZ of Cali-
ifornia. Madam Chairman, I yield 1
minute to the gentlewoman from Cali-
fornia (Ms. LEE).

Ms. LEE. Madam Chairman, I rise today in strong support of the Sanchez amendment to commend and thank the gentlewoman for her tireless fight for the rights of all women, in-
cluding women serving in our military.
It is absurd that we must come to the floor annually to fight to repeal this unfair and discriminatory policy of denying servicewomen and female military dependents from using their own money for abortions at overseas military hospitals. At a time when we are supporting the use of taxpayer dollars for abortions overseas serving in Iraq, Afghanistan, and elsewhere, this policy is extremely cruel.

We support our troops, yet we deny women serving in our Armed Forces access to reproductive health services. How patriotic is this? Military women should be able to depend on their base hospitals for all of their health care services. A repeal of the current law ban on privately funded abortions would allow women access to the same range and quality of medical care available in our own country. That is why I strongly urge my colleagues to support the Sanchez amendment.

Mr. RYUN of Kansas. Madam Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Chairman, I thank the gentleman for yielding me this time.

I oppose the Sanchez amendment. This is one of the nights in my life that I regret that I am not a woman. I am just another white, middle-aged Republican rising to speak on the issue of abortion. I do not speak tonight for millions of American women who cherish the right to life, who believe that abortion, as I do, is morally wrong and choose not to see their taxpayer dollars, directly or indirectly, subsidize or promote abortion at home or abroad.

It truly is what we are about tonight. For while I oppose abortion, and we have heard passionate eloquence on the pro-life message, I oppose the Sanchez amendment because it is morally wrong to force millions of American men and women who oppose abortion at home to finance it abroad. Now the amendment of the gentlewoman from California (Ms. LORETTA SANCHEZ) seems to acknowledge this sensitivity and the fact that surveys show the overwhelming majority of Americans, even if they support the right to an abortion, do not believe that taxpayer money should be used to fund it.

In fact, the gentlewoman from California (Ms. LORETTA SANCHEZ) just said, in correcting my colleague from Arizona, that no public funds will be used specifically for abortion, but what is obvious to anyone who would understand this process is that while perhaps the act is not funded by the taxpayer, the hospital is, the search for a physician is, the infrastructure where the act would be conducted is. Therefore, taxpayer dollars will indirectly fund abortion at military bases overseas.

This is in violation of a basic principle that you do not force millions of Americans who find the procedure of abortion morally wrong to pay for it with their tax dollars in a coercive manner.

If it is wrong to fund abortions directly with taxpayer dollars, it is wrong to do it indirectly as well. So I rise in opposition to the Sanchez amendment because we ought not to do indirectly what we would not be willing to do directly. Americans should choose instead whether America should continue, our military bases should continue, in the disposition of American taxpayer resources to choose life.

Ms. LORETTA SANCHEZ of California. Madam Chairman, I yield myself such time as I may consume.

It is quite obvious to me that my colleague just spoke has not recently received any type of a bill from a hospital, because if he would see that, he would understand that even right down to the last vitamin or pill that is administered in a hospital, you are charged when you are there. So the cost of this would be borne by the woman and her family.

Madam Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mrs. J. Johnson), a tireless fighter with respect to women’s reproductive issues.

Mrs. JOHNSON of Connecticut. I thank the gentlewoman for yielding me this time.

Madam Chairman, I rise in strong support of the Sanchez amendment. This is about whether we as a society can have an abortion or anyone in their family would have an abortion. This is not about that. There is no State in our entire Nation that bans the right of women in America to choose to have a termination of a pregnancy. Not one. It is a legal medical procedure that is available to women in America if they are stationed in America. The idea that we would deny our servicemen this right because they are stationed abroad. Have you ever walked through a Chinese hospital? I have. Do you want a wife or a daughter to have to be hospitalized to have a procedure in a hospital whose sanitary conditions are scandalous and whose people are poorly trained? That is wrong. Our servicemen and women should have access to the same legal bundle of medical procedures abroad as they have here. This is not a matter of taxpayer dollars. They have to pay for it. And it is costly. Your daughter gets date-raped by a young soldier. You want her in that military hospital, high quality, if she needs that pregnancy terminated. This is cruel, it is wrong, it is unequal; and it is not about abortion. I support the Sanchez amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume. Let me just respond a little bit to some of the comments that have just been made. If there is rape and incest, then there is a freedom matter, and we ought to support this amendment.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.
Mr. Chairman, if I could clarify the record just briefly, I am not suggesting, nor is anyone else, that they have to fly to Afghanistan, but they have the opportunity to return to this country on a space-available situation. I do not think our military installations turned into abortion clinics. I urge a strong "no" in opposition to the Sanchez amendment.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I close by reminding my colleagues that this is a bipartisan issue. We have Planned Parenthood, NARAL, the College of Ob-Gyn physicians who support this amendment. I would like to close finally with a voice from a woman who found herself in this situation while stationed in the Army in Germany. She says: "I chose to fly back to the States because I did not trust foreign doctors. It cost me over $900 for the trip. It would have been cheaper, but I went by military hop. Plus the $300 for the abortion, not counting the fact that I had to use my vacation time. Luckily my trip was approved in time for me to get back before I reached the end of my first trimester. I remember the time at the base hospital when I was unsure if I was going to have to fly to Germany and yet I had to use my leave time and my own funds to fly back to the U.S. for what is also a reproductive and military reason. Women in the military are denied their right to control their reproductive process while abroad, although men in the military enjoy the same rights abroad as they do in the States."

She says, "I believe it is time that the women of this country enjoy the same rights our male counterparts enjoy, for that is what I think I was fighting for when I was stationed there."

Support the Sanchez amendment.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. I want to thank my colleague LORETTA SANCHEZ for her fine work on this important issue.

Over 1,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful nation. These women work to protect the freedoms of our country. And yet, these women—for the past eight years—have been denied the very Constitutional rights they fight to protect.

My colleagues, this restriction is un-American, undemocratic, and would be unconstitutional on U.S. soil. How can this body deny constitutional liberties to the very women who till to preserve them? Mr. Chairman, as we work to promote and ensure democracy worldwide we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions, because no Federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are presently prohibited to be performed by a broad exemption. This amendment is about ensuring that all American women have the ability to exercise their Constitutional right to privacy and access safe and legal abortion services.

Mr. Chairman, as our Nation works to preserve our freedoms and democracy, now is not the time to put barriers in the path of our troops overseas. We know that the restriction on abortion does nothing to make abortion less necessary—it simply makes abortion more difficult and dangerous.

It is time to lift this ban, and ensure the fair treatment of our military personnel. I urge passage of the Sanchez amendment.

The CHAIRMAN pro tempore (Mr. Ose). The question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ). The amendment is as follows:

SEC. 2. FUNDING REDUCTIONS AND INCREASES.

(a) INCREASE.—The amount provided in section 201 for research, development, test, and evaluation is hereby increased by $21,000,000, of which—

(1) $5,000,000 shall be available for Program Element 0603910D, strategic capability modernization; and

(2) $15,000,000 shall be available for Program Element 0602602F, conventional weapons technology.

(b) REDUCTION.—The amount provided in section 301 for stockpile research and development is hereby reduced by $21,000,000, of which—

(1) $15,000,000 shall be derived from the feasibility and cost study of the Robust Nuclear Earth Penetrator; and

(2) $6,000,000 shall be derived from advanced concepts initiative activities.

The CHAIRMAN pro tempore. Pursuant to House Resolution 245, the gentleman from California (Mrs. TAUSCHER) and the gentleman from Alabama (Mr. EVERETT) each will control 10 minutes. The Chair recognizes the gentleman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am offering an amendment that addresses a dangerous nuclear policy provision in the defense bill. This amendment cuts $21 million for the robust nuclear Earth penetrator, known as the RNEP, and for new nuclear weapons and redirects that money towards improving our conventional capability to defeat hard and deeply buried targets. As we do this debate today, our military does not have a requirement for nuclear bunker busters. They do, however, need funds for several programs the Pentagon is pursuing to improve our ability to get at those hardened targets with conventional weapons.

My amendment would provide additional funding to these critical conventional initiatives without taking the United States down a dangerous road that seeks to find new uses for nuclear weapons and cross the line from strategic deterrent to offensive use. There are several reasons not to develop an RNEP. Here are just five:

First, it will create massive collateral damage; second, even the most powerful nuclear weapons cannot destroy bunkers at a certain depth; third, if a bunker is filled with chemical and biological agents, it is only common sense to keep them underground rather than blow them up and spread them all over the place in a mushroom cloud; fourth, an RNEP will cause massive casualties. Detonated in an urban area, it would kill tens of thousands of civilians. Last, developing nuclear bunker busters undermines decades of work by the United States to prevent non-nuclear states from getting nuclear weapons and encourage nuclear states to reduce their stockpiles.

Until we have exhausted all conventional means to defeat hardened targets and the military service produces a current requirement for an RNEP, it would be irresponsible for Congress to jump the gun and promote new uses for nuclear weapons. Let us learn from history. Nearly half a century ago, President Eisenhower rejected the Council of Advisers who wanted a new variety of nuclear weapons that they said would allow the United States to fight a winnable nuclear war. Eisenhower responded, "You can't have that kind of war. There just aren't enough bulldozers to scrape the bodies off the streets."

As we have seen in Afghanistan and Iraq, conventional weapons can do the job. Our proposal is no scientific, military, or strategic reason selected at this time and every reason not to. I urge my colleagues to support the Tauscher amendment.
Mr. Chairman, I reserve the balance of my time.

Mr. EVERETT. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. Wilson), a member of the committee.

Mrs. WILSON of New Mexico. Mr. Chairman, my colleague from California has made a strong argument for unilateral nuclear disarmament. But what she has not made is a good argument for stopping our robust nuclear Earth penetrator program. Nuclear weapons are useful because they are unusable. That is the nature of the nuclear deterrent. And the reason that we are pursuing these studies and why we should reject the Tauscher amendment is because deterrence is the center of what nuclear weapons are all about; it is not because we are changing the way we plan to fight wars. Nuclear weapons are horrible things. Warfare is a horrible thing. But we must maintain the nuclear deterrent so that we can avoid those horrific things.

We have been reducing our nuclear stockpile in this country over the last 10 years, and we will continue to. We signed the Moscow treaty which will bring nuclear weapons down to levels that we have not seen since the 1950s. We have stopped advanced development and research over the last 10 years and at the same time North Korea, Iran, Iraq, and Russia have continued their weapons development programs. Our unwillingness to research these weapons has not stopped anybody from developing them themselves.

Our potential enemies are burrowing in. They are putting their command and control centers, the people with their fingers on the trigger, in hard and deeply buried bunkers. For deterrence to work, we have to hold at risk those things which our potential enemies value and that means holding hard and deeply buried targets at risk. They are out of reach of conventional weapons. They are out of reach of conventional weapons. They are out of reach of conventional weapons. They are out of reach of conventional weapons.

The bunkers which the Republicans want to drop these nuclear bombs on are in the middle of Baghdad. They are in the middle of P’yongyang in North Korea. These bombs, these nuclear bombs, are bigger and more powerful than those dropped on Hiroshima. We are like those that would preach temperance from a barstool. We cannot tell the other countries in the world that nuclear weapons are unusable if we are at the same time saying that one can use them, that one can be successful and that one can win if one drops nuclear weapons in the middle of the most densely populated cities in the world.

We just brought Iraq to its knees in 3 weeks using conventional weapons. The signal the Republicans are sending is that nuclear weapons are usable and that they are usable in the middle of cities where bunkers are being built. And they are wrong and it is immoral for our country to be taking this step.

Mr. EVERETT. Mr. Chairman, how much time remains on this side?

The CHAIRMAN pro tempore (Mr. WELDON). The gentleman from South Carolina (Mr. SPRATT) was the cosponsor of that. The gentleman from South Carolina (Mr. SPRATT) told me in committee he would support that language, and I take him at his word.

This amendment says to take all the money from being able to do that research. One cannot do research without money. The proponents of this amendment say we can do this with conventional weapons. We are spending in this bill $279.6 million for conventional weapons in this area. We take away the only money left, which is 15 million; and we say to the scientists the carefully crafted amendment that we did last year in a bipartisan manner on the floor. It was not allowed; but we are not going to give them any money. We are not going to give them any money. We are going to take the money away. Cut me a break. Then say
that. Say you want to prohibit the research. Do not say you allow the research with the amendment that the gentleman from South Carolina (Mr. SPRATT) agreed to last year, which I think some of the Members at least supported. The lady from California did support that amendment. Did the gentleman support it last year?

Mrs. TAUSCHER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentlewoman from California.

Mrs. TAUSCHER. Mr. Chairman, if I would. But it was about the low-yield weapon (Mr. SKELTON) not about the RNEP.

Mr. WELDON of Pennsylvania. Not about the RNEP. Okay.

Mrs. TAUSCHER. So this is apples and oranges.

Mr. WELDON of Pennsylvania. Mr. Chairman, the point is the gentlewoman has tried to also find the middle ground. And I think not to allow this research by taking the money away is a mistake because, in fact, the Russian Ministry of Atomic Energy has announced publicly they are researching this area, and so have other entities, other countries. North Korea is doing a nuclear program. Therefore, I would strongly urge my colleagues to oppose this amendment and continue to support the bipartisan compromise last year reinforced by our actions in committee.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. SKELTON), the full committee ranking member.

Mr. SKELTON. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I might say, Mr. Chairman, this is an era of increased concern about weapons of mass destruction. This amendment includes a very prudent approach for enhancing our Nation's ability to hold at risk deeply buried targets. Additional investments in conventional research and conventional development are needed, particularly in the areas of improved targeting and improved planning. Smart fuses, guidance technology, that is what this amendment proposes.

Mr. Chairman, I have spoken with professionals in our scientific and national security communities, including B-2 bomber pilots, and I have learned one truth: the key to defeating hard deeply buried targets lies more in accuracy and penetration rather than the inherent explosive capability. That is why I think it is prudent to adopt this amendment, continue research on the conventional as opposed to the nuclear.

Mr. EVERETT. Mr. Chairman, I understand that this side has the right to close?

The CHAIRMAN pro tempore. The gentleman has the right to close.

Mrs. TAUSCHER. Mr. Chairman, if it is my amendment, why would the other side have the right to close?

The CHAIRMAN pro tempore. The manager of the bill is in opposition to the amendment and has the right to close.

Mr. EVERETT. How much time remains on each side?

The CHAIRMAN pro tempore. The gentleman from Alabama (Mr. EVERETT) has 3 minutes. The gentleman from California (Mrs. TAUSCHER) has 45 minutes.

Mr. EVERETT. Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the House approved a war on Iraq because proponents said they were building weapons of mass destruction. Now this same House is on the verge of approving money for the United States to forward new nuclear weapons. How can we look ourselves in the mirror? America should have more honor than that. Simply put, nuclear weapons do not mean greater security, and smaller nuclear weapons do not mean guaranteed safety. These are the delusions that will ultimately lead our country and our world into nuclear destruction. These are the ultimate weapons of mass destruction. The Cold War is over, but the world still balances on the edge of an atomic cliff. Vote for the Tauscher amendment. Make sure we do not fall over the edge.

Mr. EVERETT. Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in support of the Tauscher-Markey amendment. I thank the gentlewoman for her leadership. This Nation does not need to be leading the world in the development of new forms of nuclear weapons. We just do not need to do that. We need to be leading the way in nonproliferation. Nuclear weapons are not simply one more tool at the President's disposal. They are the foremost most fearsome and most destructive force ever invented, and the proliferation of these weapons of incredible power can make us less secure each and every day.

How do we support the elimination of weapons of mass destruction in foreign countries such as Iraq, yet continue to develop them in our own country? Something is really wrong with this picture. We all believe in national security. We all believe in a strong and effective national defense. But building nuclear weapons is not the answer. I urge the Members to support the Tauscher-Markey amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise in support of the Tauscher-Markey amendment. As the ranking member of the Subcommittee on Terrorism, Unconventional Threats and Capability, I know that the threat of weapons of mass destruction is real. In Iraq this country's military demonstrated that it can get the job done effectively against heavily defended bunkers and other targets without the use of nuclear weapons. As we negotiate and persuade other nations around the world to develop nuclear weapons, our credibility is damaged and undermined when we pursue new types of these weapons for our own arsenals. We should improve our conventional capability to defend hard and buried targets around the world as opposed to traveling down this dangerous path towards increased dependence on nuclear weapons. It does not make sense.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY), the co-sponsor of the bill.

Mr. MARKEY. Mr. Chairman, last October I voted for the Bush resolution on Iraq. The reason I did is the President said he wanted to stop Saddam Hussein from obtaining a nuclear weapon, that we were going to stop him and anyone else in the world from the capacity to develop nuclear weapons. The message the Republicans are sending to the world today is that nuclear weapons are usable. If the Russians send nuclear weapons to the United States, shoot them at us, every Trident submarine we have has up to 100 nuclear weapons on it. Russia will be destroyed in 1 day. But if we use one nuclear weapon in Baghdad, in Damascus, in P'yongyang, we will send a signal to dozens of countries in the world that nuclear weapons are usable, and that will destroy our moral and political credibility to end the spread of weapons. We also demonstrate our nuclear weapons on this planet. This is the most important vote we are going to have, and I urge an "aye" vote on the Tauscher amendment so that we fulfill the commitment of those who voted on the resolution to support a war with Iraq in order to stop the spread of nuclear weapons.

Mr. EVERETT. Mr. Chairman, I continue to reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I continue to reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we know that the scientific and military community have said consistently that there are three things needed to defeat deeply hardened and buried targets. They are intelligence, precision targeting and Special Operations forces. They never said
time to the gentleman from Texas. I
will give them time to systems with designers with actual away from the Advanced Concepts Ini-
tance of my time.

Mr. Commander, what has not been mentioned is this takes $6 million away from the Advanced Concepts Ini-
tiative, one of our few remaining weapon systems with designers with actual test experience left. Keeping this money in there will give them time to train a new generation of designers before they retire.

Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I yield me begin by making two points as completely clear as I can:

Number one, it is not a choice be-
tween attacking hardened targets with a conventional or a nuclear capability. There is nearly $300 million in this bill to explore conventional capabilities. The question is, should we explore other options as well? So it is false to say there is a choice.

Secondly, this bill does not authorize any kind of new nuclear weapon. That has to be for future Congresses and future administrations to consider. What this bill does is try to remove firewalls which prevent us from even exploring whether a different kind of nuclear weapon can help make us safer. Those who advance this amendment say we do not even want to think about it, do not even consider the possibilities.

It seems to me that if anyone is going to make the judgment, as the gen-
tlewoman from California said, it would be those who support this amendment, that say under no cir-
cumstances are we ever going to have any kind of nuclear deterrent, other than what we had during the Cold War. The challenge, Mr. Chairman, is that all we have now are nuclear weapons that were specifically designed to deal with Soviet Union targets, and there is a real question about whether a number of us in this world would take that kind of nuclear deterrent seri-
ously, whether we would ever use the kind of weapons the gentleman from Massachusetts was discussing on a much more limited, smaller kind of target.

The point is not, hopefully, that we would ever use them. The question is people know we would never use these big weapons, and, therefore, they do not take our credibility seriously. That makes the threat more dangerous.

It is an interesting line of argument to say that we make the world safer when we tie our hands behind our back, that the problem is with the United States, and that if we would just set a good example, the Saddam Hussein’s and the Kim Jong IIs and even the Putins would fall right in line, that the United States is the problem.

We have heard that line of argument before, but frankly, that history has proven it wrong time and time again. The problem is not American strength. The problem is not the United States having additional op-
tions. We are not the problem. Peace comes when the world is strong, and when America has additional options. This bill gives us the ability to at least start to explore those options, and this amendment should be rejected.

Mr. DICKS. Mr. Chairman, I rise in support of this amendment for two reasons. Convenience
tional precision guided munitions are a better technical solution than the Robust Nuclear Earth Penetrator for hardened and deeply bur-
ed targets, and because the fallout, both figu-
rate and literal, from the use of nuclear weapons will make the Robust Nuclear Earth Penetrator an expensive showpiece rather than a usable weapon. If we start this program it is more likely to be simply A BUST, rather than RO-BUST.

I’ve had the opportunity to visit this Spring with the 509th Bomb Wing at Whiteman Air Force Base. The 509th operates the 21 B–2 bombers that constitute the most advanced and effective weapons in the United States military arsenal. These were the pilots who were assigned the mission in Iraq to attack the very kinds of targets we are discussing today, hardened and deeply buried targets. I can tell you that the 509th today can attack, disable, and destroy, these targets. The 509th employs a penetrating version of the JDAM, as well as a 5000 lb. bunker buster. These weapons al-
ready beat the ground penetration capability of any nuclear weapon in our arsenal, and new capabilities will do even more. The B–2 will soon be able to employ the EGBU–28 bunker buster thanks to support in Congress to field this capability. Research of bi-
ary weapon systems and the use of con-
ventional highly energetic materials will yield even more effective approaches for conven-
tional alternatives.

Indeed, the Tauscher amendment would add funding to three program elements of the Air Force and OSD R&D budgets which are working on just these conventional ground penetration approaches. I believe these conven-
tional capabilities offer technical solutions not just equal to, but superior to those offered by even so-called “low-yield” nuclear ap-
proaches.

Vote for the Tauscher amendment and sup-
port the development of weapons our military can really use. The CHAIRMAN pro tempore (Mr. OSE). All time has expired.

The question is on the amendment offered by the gentlewoman from Cali-

The request was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. TAUSCHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. TAUSCHER) will be postponed.

It is now in order to consider Amendment No. 5 offered in House Report 108–120.

AMENDMENT NO. 5 OFFERED BY MR. HOEFFEL

Mr. HOEFFEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as fol-
lows:

Amendment No. 5 offered by Mr. HOEFFEL:

At the end of title X (page 333, after line 21), insert the following new section:

SEC. __. REPORT CONCERNING STRATEGIC NU-
CLEAR WEAPONS DISMANTLED PURSUANT TO THE TREATY BE-
TWEEN THE UNITED STATES OF AMERICA AND THE RUSSIAN FED-
ERATION ON STRATEGIC DEFENSIVE REDUCTIONS.

Not later than 60 days after the exchange of instruments of ratification of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions or 60 days after the date of the enactment of this Act, whichever occurs last, and on February 15 of each subsequent year, the President shall submit to Congress a report concerning any strategic nuclear warheads dismantled within the boundaries of the treaty during the preceding calendar year and any such warheads to be dismantled in that calendar year, pursuant to such treaty. During the one-year period beginning on the date of the exchange of instruments of ratification of such treaty, any such report shall not include information concerning any dismantling of warheads during the pre-
ceding calendar year.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOEFFEL) and a Member opposed each will be recog-
nized for 5 minutes.

Mr. EVERETT. Mr. Chairman, I claim the time in opposition to the amendment, but I will not oppose the amendment. We will accept the gentle-
man’s amendment.

The CHAIRMAN pro tempore. With-
out objection, the gentleman from Al-
abama (Mr. EVERETT) will be recognized for 5 minutes.

There was no objection.

The CHAIRMAN pro tempore. The gentle-
man from Pennsylvania (Mr. HOEFFEL) is recognized.

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer this amendment to require the President to make an annual report to Congress and to the American people on the number of nuclear warheads that are disman-
tled each year by either the Americans or by the Russians under the terms of the Moscow Treaty.

Mr. Chairman, one of the most press-

It is now in order to consider Amend-
ing issues we face is the question of nu-
clear nonproliferation. A year ago, Presi-
dents Bush and Putin signed the Moscow Treaty, the Treaty on Strate-
getic Offensive Reductions. It is a good treaty and is good for this country. It is only three pages long, however, quite a change from the 900-page START text of the prior negotiations.

It does not establish a timetable for implementation. It lacks verification. But the most striking change that I think we need to address is that there
is no requirement that the warheads that are reduced from the 5,000 or 6,000 that each side currently possesses down to 1,700 or 2,000, there is no requirement that those warheads be dismantled. They could be retired, put into a closet someplace and brought back on a moment’s notice.

I think it is in the best interests of this country that those warheads be dismantled and that the President make an annual report to the Congress on how many of those warheads are being dismantled, both by this country and by the other side, so that Congress can, through that mechanism, verify the progress and verify that the dismantlement is occurring.

Mr. Chairman, I reserve the balance of my time.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY), a leader in nonproliferation issues.

Mr. MARKEY. Mr. Chairman, I would like to use that 1 minute to complement the gentleman from Pennsylvania (Mr. HOEFFEL) for his amendment and the gentleman from Alabama (Mr. EVERETT), because we clearly have a meeting of the minds here that there should be an ongoing accounting of what is going on in the area of dismantlement of the weapons in the former Soviet Union.

The gentleman from Pennsylvania (Mr. HOEFFEL) I think has put his finger on a very real defect that exists in the current system. By ensuring that there are limits on our ability to dismantle and simply close by in turn thanking the gentleman from Alabama (Mr. EVERETT) and the majority side and simply close by in turn thanking the gentleman from Pennsylvania (Mr. HOEFFEL) and the majority side and majority staff for their cooperation on this amendment and for their cooperation on this issue. I am glad that there is bipartisan agreement, and I salute the gentleman from Alabama (Mr. EVERETT) and thank him for his cooperation.

Mr. Chairman, I yield back the balance of my time.

Mr. EVERETT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Pennsylvania (Mr. HOEFFEL) and simply close by in turn thanking the gentleman from Alabama (Mr. EVERETT) and the majority side and majority staff for their cooperation on this amendment and for their cooperation on this issue. I am glad that there is bipartisan agreement, and I salute the gentleman from Alabama (Mr. EVERETT) and thank him for his cooperation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just simply point out, as the gentleman from Pennsylvania (Mr. HOEFFEL) has pointed out, this does not require this actual dismantling to take place, only that they are removed from deployment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HOEFFEL).

The amendment was agreed to. The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 6 printed in House Report 108-120.

AMENDMENT NO. 6 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 6 offered by Mr. GOSS:

At the end of title XII (page 38A, after line 3), insert the following new section:

SEC. 3. REPORT ON ACTIONS THAT COULD BE TAKEN IN COUNTRIES THAT INITIATE CERTAIN LEGAL ACTIONS AGAINST UNITED STATES OF AMERICA PERSONNEL.

(a) FINDING.—Congress finds that actions for or on behalf of a foreign government that constitute attempts to commence legal proceedings against, or attempts to compel the appearance of or production of documents from, any current or former official or employee of the United States or member of the Armed Forces of the United States relating to the performance of official duties constitutes a threat to the ability of the United States to take necessary and timely military action.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that: (i) contains appropriate steps that could be taken by the Department of Defense (including restrictions on military travel and limitations on military support and exchange programs) to respond to any action by a foreign government described in subsection (a); (ii) describes any actions that are currently under way to respond to any action by a foreign government described in subsection (a).

The CHAIRMAN pro tempore. Pursuant House Resolution 246, the gentleman from Florida (Mr. Goss) and a Member opposed each will control 10 minutes.

The CHAIRMAN pro tempore. Does any Member seek the time in opposition?

Mr. SKELTON. Mr. Chairman, I claim the time in opposition. As far as I know, there is no opposition.

The CHAIRMAN pro tempore. Mr. GOS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are living in a world that we all know has been transformed very dramatically by the threat of rogue states, terrorist organizations, and Lord knows we are definitely aware of it.

There are new costs involved in everyday life and new concerns we must heed to keep Americans safe. This is the reality of life today.

One thing that must remain constant is our ability to ensure that our soldiers, our diplomats, our public officials, no matter whether they are in uniform or not, no matter where they are located, they must serve under the honorable and meaningful protection of the flag of the United States of America.

This protection is currently threatened by any country that allows U.S. citizens to be tried for alleged war crimes and alleged crimes against humanity. These cases, coming under the so-called concept of “universal jurisdiction,” are cases that are usually filed in support of radical anti-American causes. As such, they are for strict reasons that can create, unfortunately, serious obstacles for our officials to go about the conduct of their proper official business overseas.

From the perspective of our national security, the United States cannot afford to have our military commanders hindered while accomplishing the actions we ask of them necessary to ensure the safety of Americans. For example, our General Tommy Franks, of whom we are so proud, commander of our military forces in Iraq, has now a ridiculous lawsuit filed against him that alleges violations of international law.

Should the Belgium court system, where this case is filed, decide to try the case, General Franks being unable to travel to Brussels, the location of NATO headquarters, due to the threat of prosecution.

This amendment calls for a quick study by DOD to report to Congress on how such actions could be taken when any country provides for and encourages extra-legal actions against United States officials doing their proper business under some type of so-called “universal jurisdiction.”

Mr. GOSS. Mr. Chairman, I yield my time.

I now am going to quote from BBC news that says, “The action against General Franks is likely to be a test of recent revisions to the law in Brussels following high-profile cases brought against the Israeli Prime Minister Ariel Sharon and the former U.S. President George Bush.

The quote goes on to say that the plaintiff in the case, the lawyer who is running it, is a lawyer who is running a high-profile case brought against General Franks is likely to be a test of recent revisions to the law in Brussels following high-profile cases brought against the Israeli Prime Minister Ariel Sharon and the former U.S. President George Bush.

BBC goes on to say that the plaintiff in the case, the lawyer who is running for political office, I would point out, has told reporters, “General Franks is responsible as commander-in-chief for the way some of his men acted on the ground. For instance, the use of cluster bombs on civilian areas is a war crime.”

I think that everybody would agree with that, but there is no proof. It is an allegation, and, of course, it is an outrage, because General Franks did no such thing.

The quote goes on to say that the suit also names Marine Lt. Colonel
Brian McCoy, who is accused of categorizing the ambulances as legitimate targets because he suspected them of harboring gunfire, so said, I guess, AFP, in this case Agency French Press.

When we start taking a look at the notoriety that these allegations are bringing to our honorable men and women in uniform overseas, we can see that we are beginning to have a problem.

Going back further to how this happened, we look to some of the press, and I am now quoting from the Seattle Press Intelligencer: “In response to a global groundswell of demand discernible only to the Belgians, the Belgians awarded themselves the power to try anyone for war crimes committed anywhere.” That is what we are confronting. “Franks is charged with the bombing of civilians, indiscriminate shooting by U.S. troops, and the failure to stop looting. McCoy is charged with ordering troops to fire on ambulances.”

These are charges that are being waved about, as I say, in the press, both at home and internationally, without any kind of responsible person standing up and saying that this is hogwash and absurd; and it is time that happened. I think the best way to do it is this amendment.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I say to the gentleman from Florida, we have examined the amendment. I find no objection to it. As far as I know, there is no opposition to it.

Mr. GOSS. I thank the distinguished gentleman. I would certainly hope there is support for it.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, let me say that I am so glad that the distinguished chairman of the Permanent Select Committee on Intelligence has brought this amendment, because this goes to the very heart of the purpose of our operation in Iraq, the honor with which we conducted this operation, the integrity of our leadership, and what I would call perhaps a backbiting response from the international community, and, lastly, an appropriate response from the United States, which is suggested by the gentleman.

So I think that the gentleman’s amendment is right on point, and I will work with my partner, the gentleman from Missouri (Mr. SKELTON), to see to it that this amendment becomes law.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I am most thankful to the distinguished chairman of the committee for that statement. I would advise Members that I think this is an issue that most Members would like to be heard on, so while I am relatively certain we could win this vote tonight, I am going to ask for a recorded vote tomorrow when the appropriate moment comes.

Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GOSS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. GOSS) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 108-120.

AMENDMENT NO. 7 OFFERED BY MR. GOSS

Mr. GOSS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment No. 7 offered by Mr. GOSS:
At the end of title XII (page 384, after line 3), insert the following new section:

SEC. __. ASSESSMENT AND REPORT CONCERNING THE LOCATION OF NATO HEADQUARTERS.

(a) ASSESSMENT.—The Secretary of Defense shall conduct a full and complete assessment of costs to the United States associated with the location of the headquarters of the North Atlantic Treaty Organization (NATO) in Brussels, Belgium, and the costs and benefits of relocating that headquarters to a suitable location in another NATO member country, including those nations invited to join NATO at the Prague summit in 2002. The Secretary shall conduct such assessment in consultation with the Armed Services Committees.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the assessment under subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 245, the gentleman from Florida (Mr. Goss) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. Goss).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we all understand the geopolitical reality that has changed tremendously in the last couple of years. Ruthless dictatorships have come and gone, democratic nations have continued to thrive, and many challenges continue to confront us.

Many challenges have been met by the United States with the help of steadfast allies in coalitions and steadfast allies in NATO. As the global evolution continues, we are prudent to pose some topical questions, particularly as we are doing this defense authorization bill.

One of those topical questions should be, is NATO now headquartered in the correct place? Is it located in a centralized area both conducive and friendly to all members of NATO?

It is the responsibility of Congress to conduct necessary oversight in this matter. NATO is expanding its membership to include countries from Eastern and Central Europe. This, of course, is in addition to the inclusions of Poland, Hungary, and the Czech Republic a few years ago. I would say that Members of this body have been very instrumental in assisting the growth and enlargement of NATO to become an even more meaningful organization doing even more meaningful things today.

I think all of this reflects the burgeoning wave of democracy and freedom that is actually sweeping through that region. Those folks are looking to us for leadership and assistance in their defense, and NATO understands this trend. So the question arises, would a more centralized location of NATO headquarters enhance NATO’s effectiveness?

NATO’s mission is also adapting to the current geopolitical conditions. NATO is in fact a peacekeeper. Its capabilities are a great asset to us and to others, and a more centralized headquarters might indeed facilitate the shifting tasks that NATO is undertaking.

Let me be clear: NATO is a vital, integral component of our global security system. It must continue to function with strength and effectiveness in this century. I am a very big proponent of NATO. I am a member of the House NATO Parliamentarians Group. I have been many, many times to those meetings across the pond.

Our group is masterfully led by our colleague, the gentleman from Nebraska (Mr. BEREUTER). It is bipartisan. It is a wonderful reflection of the United States of America and the world, and our relations with our allies is important and, in fact, critical national security problems; and it is carried out brilliantly through the NATO parliamentarians organization, of which the gentleman from Nebraska (Mr. BEREUTER) is currently the president.

So this is not about NATO; it is about the best location for NATO under the circumstances of the time. This amendment simply calls for a study. Do the costs associated with the current location of NATO’s headquarters and the potential costs and benefits of relocating the headquarters to another location in Europe.

This study should reflect the geopolitical realities that exist today, including especially the need to economize on our military overhead and our military and administrative costs, and reduce those where possible, and, of course, get rid of as much red tape as is possible.

So there are a bunch of reasons to talk about centralizing NATO headquarters, with the encouragement of stability and democratic government
in Eastern Europe not the least among them.

There is also, of course, the matter of the "universal jurisdiction" law problem in Belgium that we have recently spoken about that has an unnecessarily chilling effect on our military hospitality. I am sorry to say that.

I note that even General Myers has gotten up, and I would quote from the Chicago Sun-Times: "General Richard Myers, chief of the U.S. General Staff, interviewed in the argument with Belgium, it has gotten to that level, "after American officials expressed fears that the Belgian war crimes laws would expose NATO officers to the risk of arrest." This is a serious problem, and, of course, totally unnecessary.

I think the question we should ask is whether a true leader or the President is going to bring up the gentleman has opened this debate and think would impress the President. The actions of that force, and it think he has asked a question that has

Mr. HUNTER. Mr. Chairman, will the gentleman yield? Mr. SAXTON. Mr. Chairman, I yield to the gentleman from California. Mr. HUNTER. Mr. Chairman, I appreciate the gentleman bringing this amendment up to the floor. I think this question is right on point: Are we getting the best bang for the buck from Brussels? Is that it for DOD to take a look at that? Remember, NATO was supposed to start in Paris. It did not fit in Paris, so it ended up in Brussels. Maybe it does not fit in Brussels today and it should end up some-where else. This is what this is about.

Mr. HUNTER. Mr. Chairman, will the gentleman yield? Mr. SAXTON. Mr. Chairman, I yield to the gentleman from Missouri.

Mr. HUNTER. Mr. Chairman, I appreciate the gentleman bringing this amendment up to the floor. I think this question is right on point: Are we getting the best bang for the buck in Brus- sels? We are getting something in Brussels, but it is not effective leadership. I think he has asked a question that has to be answered.

In fact, I have an amendment coming up here shortly that asks the President to evaluate our total footprint in Eu- rope with an eye towards perhaps re-placing that footprint.

I have been looking at some of the cost by line in the mutual hospitality of other nations. One of those new nations is a nation that helped the United States in Iraq, Poland. Poland has a cost of living that is much lower than that in Brussels, so presumably our people, uniformed and nonuniformed, who live there will be able to live bet-ter on military pay than they do in Brussels. It would not be bad, I think, for military folks to be in an environ-ment, which they would be in Poland, with an environment that has just stood side by side with us on a battlefield in the world.

There are no words as eloquent as ac-tions. The actions of that force, and it was not a big force, but it was about 200 special operators that participated in Iraq, impressed me greatly and I think would impress the President.

The other aspect of this, since the gentleman has opened this debate and this issue, is I am going to bring up the fact that distinguished leader that we have 72,400 American uniformed personnel in Germany. We did an entire hearing on this footprint. There is nobody on the other side of the Fulda Gap with a tank. In the old days, there were do-zens of divisions of Warsaw Pact mili-tary units on the other side of the Fulda Gap. That is why we had a heavy military presence in Germany. That presence is not there now.

So the question here, but not totally unlike the question the gen-tleman is asking, because whereas we might want to move out of Brussels for altogether different purposes than moving out of Germany, the recep-tivity of other nations at alternate sites is a major issue with both amend-ments.

Once again, we are putting some money in the bill for doing some pre-liminary military work, things like runways and things like that, in Po-land and Bulgaria and Romania, three of the nations from what Don Rumsfeld called, maybe with justification, the new Europe.

I want to thank the gentleman for his contribution. Let me tell the gen-tleman, I would certainly, and I want to hear what my ranking member has to say, because he is such an expert in these areas, but I think this is an ex-cellent amendment.

Mr. GOSS. I thank the distinguished gentleman.

Mr. SKELTON. Mr. Chairman, will the gentleman yield? Mr. GOSS. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think, frankly, this is a good amend-ment, for two reasons. The first is it calls for an assessment by the Secretary of Defense, in consultation with the Secretary of State, because this is a diplomatic as well as a military organization.

Secondly, it would be up to the North Atlantic Treaty Organization to make any final decision, but information such as cost that this amendment is aimed at I think is good information. So I find myself in agreement with it.

Mr. GOSS. Mr. Chairman, I want to thank both the Secretary of State and the very important Committee on Armed Services for their support and understand-ing of these amendments.

Mr. Chairman, I yield back the bal-ance of my time.

The CHAIRMAN pro tempore. The gentleman yields back the balance of his time.
military command, yet we require that our military attaché to Paris be of a higher rank than all of our attachés in NATO member countries. We thus provide France with a status not in line with its NATO responsibilities.

I find it entirely appropriate that the law consistent with the rest of the statutes regarding the qualifications for an attaché which should have been done some time ago, I think also sends a message to that country regarding recent activities insofar as expectations and friendship go. I must tell you how disappointed I am in that country regarding that. But, nevertheless, this does bring in line the law as it applies to all other attachés in all other countries, and I think it is an excellent amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I claim the time in opposition to this amendment.

Mr. Chairman, I yield myself such time as I may consume.

It truly makes the law consistent with the qualifications for an attaché which should have been done some time ago, I think also sends a message to that country regarding recent activities insofar as expectations and friendship go. I must tell you how disappointed I am in that country regarding that. But, nevertheless, this does bring in line the law as it applies to all other attachés in all other countries, and I think it is an excellent amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. HUNTER), the chairman of the full committee.

Mr. HUNTER. Mr. Chairman, I want to add my commendations to the gentleman from New Jersey (Mr. SAXTON), one of the absolute finest members of this great Committee on Armed Services and a guy who cares a lot about the fighting forces of the United States and also cares a lot about countries who stand with us in times of difficulty; and I think his amendment is right on point.

I understand this amendment has a message beyond the message of conforming with similar situations in other countries around the world. There is perhaps a message to Paris here. I think it is an appropriate one as I add my commendation to the gentleman and I strongly support this amendment.

Mr. SAXTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. SAXTON).

The question was taken; and the CHAIRMAN pro tempore announced that the ayes appeared to have it.

Mr. SAXTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. SAXTON) will be postponed.

It is now in order to consider amendment No. 9 printed in House Report 108-120.

AMENDMENT NO. 9 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HUNTER:
At the end of title XII (page 384, after line 3), insert the following new section:

SEC. __. SENSE OF CONGRESS ON REDEPLOYMENT OF UNITED STATES FORCES IN EUROPE

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

(1) In March 1999, in its initial round of expansion, the North Atlantic Treaty Organization (NATO) admitted Poland, the Czech Republic, and Hungary to the Alliance.

(2) At the Prague Summit on November 21–22, 2002, the NATO heads of state and government invited the countries of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the Alliance.

(3) The countries admitted in the initial round of expansion referred to in paragraph (1) and the seven new invitee nations referred to in paragraph (2) will in combination significantly alter the nature of the Alliance.

(4) During the first 50 years of the Alliance, NATO's military forces contributed to the security and stability of Western Europe, bringing peace and prosperity to the member nations.

(5) The expansion of NATO is an opportunity to assist the invitee nations in gaining the capabilities to ensure peace, prosperity, and democracy for themselves during the next 50 years of the Alliance.

(b) SENSE OF CONGRESS. — In light of the findings in subsection (a), it is the sense of Congress that—

(1) the expansion of the North Atlantic Treaty Organization Alliance and the evolution of the military mission of that Alliance requires a fundamental reevaluation of the current posture of United States forces stationed in Europe; and

(2) the President should—

(A) initiate a reevaluation referred to in paragraph (1); and

(B) in carrying out such a reevaluation, consider a military posture that takes maximum advantage of basing and training opportunities in the newly admitted and invitee states referred to in paragraphs (1) and (2), respectively, of subsection (a).

The CHAIRMAN pro tempore. Pursuant to House Resolution 245, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER) and Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to ask my colleagues to support this amendment.

As we stand here, the strategic landscape facing the United States is a lot different than it was just a couple of years ago. After September 11, 2001, we embarked on a global war on terrorism, and since that day we have engaged in two successful campaigns in Afghanistan and Iraq. In doing so, we removed one of the major contingencies that served as a basis for force planning during most of the 1990s.

In the wake of these events, it is clear that we need to evaluate our military posture. As a result of the 21st century.

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In the wake of these events, it is clear that we need to evaluate our military posture. As a result of the 21st century.
gentleman from Missouri (Mr. SKELTON), has some very eloquent and wise thoughts on this issue.

We have had a hearing on our foot-
print in Germany, the 72,400 uniformed personnel in Germany, about 55,000 of whom are Army personnel; and we have also looked at the fact that American personnel can live much less expen-
sively in places like Poland.

Mr. Chairman, from my own perspec-
tive, I will never forget that at a time when we had a dwindling list of allies who wanted to participate side by side with our young Americans who were laying their lives on the line in the Iraq war, President Bush sent a delega-
tion of some 200 special operators into that theater and served with us in bat-
tle. I think it would be very approp-
riate, in fact, this committee has seen fit to put some money for military expenditures, for some early prelimi-

ary work in Poland, Bulgaria and Ro-
mania; and I think that we should cer-
tainly look at this Europe, this new Europe that Secretary Rumsfield talks about. The changing circum-
stances that we have and the resultant changing strategic posture of the United States in Europe.

Mr. Chairman, I would offer this amendment forward to comments from the gentleman from Mis-
souri (Mr. SKELTON).

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I yield myself such
time as I may consume.

Mr. Chairman, I know of no oppo-
tion to the amendment. I personally endorse it and support it.

Times have changed. Situations have changed. I think one fact that is
very important is the fact that NATO is an ongoing, successful organization, and it has recently expanded, and we should take advantage of that expan-
sion and the friendship that is growing as a result of the new members of the North Atlantic Treaty Organization.

This amendment requires a reevalua-
tion of the current posture of American forces in Europe. It is designed only for the American forces, and it calls for a reevaluation.

I think there are a number of things we could and should consider. To begin with, I think it is important for us to remember that stationing troops in Germany is a very positive thing and that we should not rush to judgment just to move troops from Germany. But having said that, I think it is a good idea to take a look at the eastern coun-
tries. Poland, our chairman mentioned, the idea to take a look at the eastern coun-
tries, having said that, I think it is a good
time as I may consume.

I would encourage those with or
without speedways in their districts to join the caucus because it represents all of the fans across the world who come to our district who come to this coun-
try to enjoy this spectator sport and to try to resolve some of the impending issues of these speedways.

Mr. Speaker, I would like to insert the names of all of the members of the Speedway Caucus who have stepped forward and joined this unique opportu-
nity. They are as follows:

Rep. Sue Myrick (R-NC).
Rep. Robin Hayes (R-NC).
Rep. Mike McIntyre (D-NC).
Rep. Dan Burton (R-IN).
Rep. Lincoln Davis (D-TN).
Rep. Mike Oxley (R-OH).
Rep. Mike Pence (R-IN).
Rep. Dennis Cardoza (D-CA).
Rep. Chris Cooley (R-IN).
Rep. Fred Upton (R-MI).
Rep. Mac Collins (R-CA).
Rep. Ami Bera (D-CA).
Rep. Rob Simmons (R-CT).

SPECIAL ORDERS

The SPEAKER pro tempore. The Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members
will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentle-
man from South Dakota (Mr. JANKLOW) is recognized for 5 minutes.

Rep. Richard H. erosion to the request of the gentleman from California?

There was no objection.

VACATING ADOPTION OF SENATE CONCURRENT RESOLUTION 46, AMENDING SAID CONCURRENT RESOLUTION 46 AND ADOPTING CONCURRENT RESOLUTION AS SO AMENDED

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that the action of the House adopting Senate Concurrent Resolution 46 be vacated to the end that the House hereby amend the con-
current resolution by striking “Sec-

etary of the Senate” and inserting in lieu thereof “Clerk of the House” and adopt the concurrent resolution, as so amended.

The SPEAKER pro tempore (Mr. OSE). Is there objection to the request of the gentleman from California? There was no objection.

CONGRESSIONAL SPEEDWAY CAUCUS

(Ms. CARSON of Indiana asked and
was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, I rise to announce the formation of the Congressional Speedway Caucus. Races like the Indianapolis 500, the Daytona 500 and the Southern 500 have become American institutions.

Hundreds of companies and thou-
sands of individuals strive to make these spectacles of speed some of the most exciting events in the world. However, they are beginning to face challenges in the post-9/11 world. With some of the speedways in America hosting the largest spectator events in the country, they are already starting to express concern about homeland security needs and how they can better protect the hundreds of thousands of race fans who come to their raceways.

I have one of the greatest events, Mr. Speaker, in my district, the Indiana-
polis 500 Speedway Race, which is com-
ing up next Sunday. We have 32 Mem-
bers of Congress who have speedways
within their congressional districts.

I would like to insert the names of all of the members of the Speedway Caucus who have stepped forward and joined this unique oppor-
tunity. They are as follows:

Rep. Dennis Cardoza (D-CA).
Rep. Chris Cooley (R-IN).
Rep. Ami Bera (D-CA).
Rep. Rob Simmons (R-CT).

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Rep. Richard H.