We cannot delay any longer. That is why I will introduce legislation to strengthen the Clean Water Act and other relevant laws regarding the cruise ship industry. Specifically, the legislation I am preparing is based on ideas and recommendations generated by the EPA, GAO, and interest groups. Here is what it would do:

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

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

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

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is what the pending business?

VOTE ON AMENDMENT NO. 849

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Dakota. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. I announce that the Senator from Idaho (Mr. CRAPO) and the Senator from Ohio (Mr. Voinovich) are necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. Lieberman) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 53, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—42

Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Burns
Campbell
Clinton
Cochran
Collins
Conrad
Daschle

NAYS—53

Akaka
Allard
Allen
Biden
Brownback
Byrd
Cantwell
Chafee
Chambliss
Coleman
Corzine
Craig
Dayton
DeWine

Crapo
Graham (FL)

Kerry
Lieberman

Voinovich

The amendment (No. 849) was rejected.

Mr. WARNER. I move to reconsider the vote.

The PRESIDING OFFICER. The only remaining amendments authorized are of the chairman. Mr. WARNER. Those amendments will not be forthcoming.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (H.R. 1588), as amended, was passed as follows:

(Notes: S. 1047 is Division A; S. 1048 is Division B; S. 1049 is Division C.)

Resolved, That the bill from the House of Representatives (H.R. 1588) entitled "An Act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

SEC. 2. ORGANIZATION 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 as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. 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.
Sec. 106. Chemical agents and munitions destruction, Defense.
Sec. 107. Defense health programs.
Sec. 108. Reduction in authorization.

Subtitle B—Army Programs

Sec. 111. CH–47 helicopter program.
Sec. 112. Rapid infusion pumps.

Subtitle C—Navy Programs

Sec. 112. Multiyear procurement authority for Navy programs.
Sec. 113. Pilot program for flexible funding of naval vessel conversions and overhauls.

Subtitle D—Air Force Programs

Sec. 131. Elimination of quantity limitations on multiyear procurement.
Sec. 132. B–1B Bomber aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 204. Defense health programs.
Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Prohibition on transfer of certain programs outside the Office of the Secretary of Defense.
Sec. 212. Objective force indirect fires program.
Sec. 213. Amount for Joint Engineering Data Management Information and Control System.
Sec. 214. Human tissue engineering.
Sec. 215. Non-thermal imaging systems.
Sec. 216. M agnetic levitation.
Sec. 217. Composite sail test articles.
Sec. 218. Portable Mobile Emergency Broadband Systems.
Sec. 219. Boron nitride technology.
Sec. 220. Modification of program element of short range air defense radar program of the Army.
Sec. 221. Amount for network centric operations.

Subtitle C—Ballistic Missile Defense

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

Subtitle D—Other Matters

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

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working funds.
Sec. 303. Armed Forces Retirement Home.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Emergency and morale communications programs.
Sec. 312. Commercial imagery industrial base.
Sec. 313. Information operations sustainment for land forces readiness of Army Reserve.
Sec. 314. Submittal of survey on perchlorate contamination at Department of Defense sites.

Subtitle C—Environmental Provisions

Sec. 321. General definitions applicable to facilities and operations.
Sec. 322. Military readiness and conservation of protected species.
Sec. 323. Arctic and Western Pacific Environmental Technology Cooperation Program.

Sec. 324. Participation in wetland mitigation banks in connection with military construction projects.
Sec. 325. Extension of authority to use environmental account funds for relocation of a contaminated facility.
Sec. 326. Applicability of certain procedural and administrative requirements to restoration advisory boards.
Sec. 327. Expansion of authorities on use of vessels stricken from the Naval Vessel Register for experimental purposes.
Sec. 328. Transfer of vessels stricken from the Naval Vessel Register for use as artificial reefs.
Sec. 329. Salvage facilities.
Sec. 330. Task force on resolution of conflict between military training and endangered species protection at Barry M. Goldwater Range, Arizona.
Sec. 331. Public health assessment of exposure to perchlorate.

Subtitle D—Reimbursement Authorities

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

Subtitle E—Defense Dependents Education

Sec. 351. Sale of Defense Information Systems Agency services to contractors performing the Navy-Marine Corps Intranet contract.
Sec. 352. Use of the Defense Modernization Account for life cycle cost reduction initiatives.
Sec. 353. Exemption of certain firefighting service contracts from prohibition on contracts with contractors failing to fulfill active duty service obligations.
Sec. 354. Technical amendment relating to termination of Sacramento Army Depot, Sacramento, California.
Sec. 355. Exception to competition requirement for workloads previously performed by depot-level activities.
Sec. 356. Support for transfers of decommissioned vessels and shipboard equipment.
Sec. 357. Aircraft for performance of aerial refueling mission.
Sec. 358. Contracting with employers of persons with disabilities.
Sec. 359. Repeal of calendar year limitations on use of commissary stores by certain Reserves and others.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Increased maximum percentage of general and flag officers on active duty authorized to be serving in grades above Brigadier General and Rear Admiral (lower half).
Sec. 403. Extension of certain authorities relating to military and civilian personnel.

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 2004 limitations on non-dual status technicians.

Subtitle C—Other Matters

Sec. 421. Revision of personnel strength authorization and accounting process.
Sec. 422. Exclusion of recalled retired members from certain strength limitations during period of war or national emergency.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.
Sec. 565. Certain travel and transportation allowances for dependents of members of the Armed Forces who have committed dependent abuse.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Increase in basic pay for fiscal year 2004.
Sec. 602. Revised annual pay adjustment process.
Sec. 603. Computation of basic pay rate for commissioned officers with prior enlisted or warrant officer service.
Sec. 604. Pilot program of monthly subsistence allowance for non-scholarship Senior ROTC members committing to continue ROTC participation as sophomores.
Sec. 605. Basic allowance for housing for each member without dependents when both spouses are on sea duty.
Sec. 606. Increased rate of family separation allowance.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of other bonus and special pay authorities.
Sec. 615. Special pay for reserve officers holding positions of unusual responsibility and of critical nature.
Sec. 616. Assignment incentive pay for service in Korea.
Sec. 617. Increased maximum amount of reenlistment bonus for active members.
Sec. 618. Payment of Selected Reserve reenlistment bonus to members of Selected Reserve who are mobilized.
Sec. 619. Increased rate of hostile fire and imminent danger special pay.
Sec. 620. Availability of hostile fire and imminent danger special pay for reserve component members on inactive duty.
Sec. 621. Expansion of overseas tour extension incentive program to officers.
Sec. 622. Eligibility of warrant officers for accession bonus for new officers in critical skills.
Sec. 623. Incentive bonus for conversion to military occupational specialty to ease personnel shortage.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Shipment of privately owned motor vehicle within continental United States.
Sec. 632. Payment or reimbursement of student baggage storage costs for dependent children of members stationed overseas.
Sec. 633. Contracts for full replacement value for loss or damage to personal property transported at Government expense.
Sec. 634. Transportation of dependents to presence of members of the Armed Forces who are retired for illness or injury incurred in active duty.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Special rule for computation of retired pay base for commanders of combatant commands.
Sec. 642. Survivor Benefit Plan annuities for surviving spouses of Reserves not eligible for retirement who die from a cause incurred or aggravated while on inactive-duty training.
Sec. 643. Increase in death gratuity payable with respect to deceased members of the Armed Forces.
Sec. 644. Full payment of both retired pay and compensation to disabled military retirees.

Subtitle E—Other Matters

Sec. 651. Retention of accumulated leave.
Sec. 652. GAO study.

Subtitle F—Naturalization and Family Protection for Military Members

Sec. 661. Short title.
Sec. 662. Requirements for naturalization through service in the Armed Forces of the United States.
Sec. 663. Naturalization benefits for members of the Ready Reserve.
Sec. 664. Extension of posthumous benefits to surviving spouses, children, and parents.
Sec. 665. Effective date.

TITLE VII—HEALTH CARE

Sec. 701. Medical and dental screening for members of Selected Reserve units on one-year extension for mobilization.
Sec. 702. TRICARE beneficiary counseling and assistance coordinators for Reserve component beneficiaries.
Sec. 703. Extension of authority to enter into personal services contracts for health care services to be performed at locations outside medical treatment facilities.
Sec. 704. Department of Defense Medicare-Eligible Retiree Health Care Fund valuations and contributions.
Sec. 705. Surveys on operation and viability of TRICARE standard.
Sec. 706. Elimination of limitation on covered beneficiaries' eligibility to receive health care services from former Public Health Service treatment facilities.
Sec. 707. Modification of structure and duties of Department of Veterans Affairs—Department of Defense Health Executive Committee.
Sec. 708. Eligibility of reserve officers for health care pending orders to active duty following commissioning.
Sec. 709. Reimbursement of covered beneficiaries for certain travel expenses relating to specialized dental care.

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

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary emergency procurement authority to facilitate defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack.
Sec. 802. Special temporary contract closeout authority.
Sec. 803. Defense acquisition program management for use of radio frequency spectrum.
Sec. 804. National Security Agency Modernization Program.
Sec. 805. Quality control in procurement of aviation critical safety items and parts.

Subtitle B—Procurement of Services

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

Sec. 812. Public-private competitions for the performance of Department of Defense functions.
Sec. 813. Authority to enter into personal services contracts.

Subtitle C—Major Defense Acquisition Programs

Sec. 821. Certain weapons-related prototype projects.
Sec. 822. Applicability of Clinger-Cohen Act policies and requirements to equipment integral to a weapon or weapon system.
Sec. 823. Applicability of requirement for reports on maturity of technology at initiation of major defense acquisition programs.

Subtitle D—Domestic Source Requirements

Sec. 831. Exceptions to Berry amendment for contingency operations and other urgent situations.
Sec. 832. Inapplicability of Berry amendment to procurements of waste and by-products of cotton and wool fiber for use in the production of propellants and explosives.
Sec. 833. Waiver authority for domestic source content requirements.
Sec. 834. Buy American exception for ball bearings and roller bearings used in foreign products.

Subtitle E—Defense Acquisition and Support Workforce

Sec. 841. Flexibility for management of the defense acquisition and support workforce.
Sec. 842. Limitation and reinvestment authority relating to reduction of the defense acquisition and support workforce.
Sec. 843. Clarification and revision of authority for demonstration project relating to certain acquisition personnel management policies and procedures.

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

Sec. 851. Application of indemnification authority to State and local government contractors.
Sec. 852. Federal support for enhancement of State and local anti-terrorism response capabilities.
Sec. 853. Definitions.

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

Sec. 861. Limited acquisition authority for Commander of United States Joint Forces Command.
Sec. 862. Operational test and evaluation.
Sec. 863. Multiyear task and delivery order contracts.
Sec. 864. Repeal of requirement for contractor assurances regarding the completeness, accuracy, and contractual sufficiency of technical data provided by the contractor.
Sec. 865. Reestablishment of authority for short-term leases of real or personal property across fiscal years.
Sec. 866. Consolidation of contract requirements.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department Officers and Agencies

Sec. 901. Clarification of responsibility of military departments to support combatant commands.
Sec. 902. Redesignation of National Imagery and Mapping Agency as National Geospatial-Intelligence Agency.
Sec. 2812. Transfer of land at Fort Campbell, Kentucky and Tennessee.

Sec. 2813. Land conveyance, Fort Knox, Kentucky.

Sec. 2814. Land conveyance, Air Force and Army Exchange Service property, Dallas, Texas.

Sec. 2815. Land conveyance, Naval and Marine Corps Reserve Center, Portland, Oregon.

Sec. 2816. Land conveyance, Fort Ritchie, Maryland.

Sec. 2827. Feasibility study of conveyance of property at the Army Corps Reserve Center, Portland, Oregon.

Sec. 2826. Land conveyance, Fort Ritchie, Maryland.

Subtitle D—Defense Nuclear Nonproliferation Protection, Control, and Accountability Programs

Sec. 2831. Authorization.

Sec. 2832. Appropriations for fiscal year 2004 for the Department of Energy national security programs.

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

Sec. 2833. Authorization.

Title XXXI—AND OTHER AUTHORIZATIONS

Subtitle A—National Security Programs

Sec. 3101. National Nuclear Security Administration.

Sec. 3102. Defense environmental management.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

Sec. 3105. Defense energy supply.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Repeal of prohibition on research and development of low-yield nuclear weapons.

Sec. 3132. Readiness posture for resumption by the United States of underground nuclear weapons tests.

Sec. 3133. Technical base and facilities maintenance and recapitalization activities.

Sec. 3134. Continuation of processing, treatment, and disposal of legacy nuclear materials.

Sec. 3135. Requirement for specific authorization of Congress for commencement of engineering development phase or subsequent phase of robust nuclear earth penetrator.

Subtitle C—Proliferation Matters

Sec. 3141. Expansion of international materials protection, control, and accountability authorities.

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

Sec. 3143. Report on reduction of excessive uncosted balances for defense nuclear nonproliferation activities.

Subtitle D—Other Matters

Sec. 3151. Modification of authorities on Department of Energy personnel security investigations.
to the exercise of any such other authority.

Paragraph 4. (a) ESTABLISHMENT.—The Secretary of the Navy may carry out a pilot program of flexible funding of conversions and overhauls of cruisers of the Navy for the following purposes:

(b) AUTHORITY.—Under the pilot program the Secretary of the Navy may, subject to subsection (d), transfer appropriated funds described in subsection (a) to the appropriation for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to fund any conversion or overhaul of a cruiser of the Navy that was initially funded with the appropriation to which transferred.

(c) FUNDS AVAILABLE FOR TRANSFER.—The appropriations available for transfer under this section are the appropriations to the Navy for any fiscal year after fiscal year 2003 and before fiscal year 2013 for the following purposes:

(1) For procurement, as follows:

(A) For shipbuilding and conversion.
(B) For weapons procurement.
(C) For other procurement.
(D) For operation and maintenance.

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

(A) Each account from which the funds are to be transferred.
(B) Each account to which the funds are to be transferred.
(C) Each account from which the funds are to be transferred.
(D) Each program, project, or activity from which the funds are to be transferred.

(2) DISCUSSION.—The transfer of funds under this section shall be credited to and merged with other funds that transferred.

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

(A) The purpose of the transfer.
(B) The amounts to be transferred.

(2) Each account from which the funds are to be transferred.

(e) MERGER OF FUNDS.—Each account to which the funds are to be transferred.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to transfer funds under this section is in addition to any other authority provided by law to transfer appropriated funds and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) FINAL REPORT.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary’s evaluation of the effect of the authority provided under this section.

(h) TERMINATION OF PROGRAM.—No transfer may be made under this section after September 30, 2012.

Subtitle D—Air Force Programs

Section 131. ELIMINATION OF QUANTITY LIMITATIONS ON MULTIPLE ProcUREMENT AUTHORITY FOR C-130J AIRCRAFT

Section 131(a) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-134; 116 Stat. 2475) is amended by striking “up to 40 C-130J aircraft in the CC-130J configuration and up to 24 C-130J aircraft in the KC-130J configuration” and inserting “C-130J aircraft in the CC-130J and KC-130J configurations”.

Sec. 132. B-1B BOMBER AIRCRAFT.

(a) AMOUNT FOR AIRCRAFT.—(1) Of the amount authorized to be appropriated under section 103(1), $20,300,000 may be available to reconstitute the fleet of B-1B bomber aircraft through modifications of 23 B-1B bomber aircraft to be available in fiscal year 2003 that extend the service life of such aircraft and maintain or, as necessary, improve the capabilities of such aircraft for mission performance.

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

(c) The Secretary of the Air Force shall submit to the congressional defense committees a report that specifies the amounts necessary to be included in the future-years defense program to reconstitute the B-1B bomber aircraft fleet of the Air Force.

(d) LIMITATIONS.—(1) A transfer may not be made under this section to fund any conversion or overhaul of a cruiser of the Navy that was initially funded with the appropriation to which transferred.

(2) The notification shall include the following matters:

(A) The purpose of the transfer.

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

(2) The total amount authorized to be appropriated under section 103(1) is hereby increased by $20,300,000, with the amount of the reduction to be allocated to Special Operations Forces operational enhancements.

TITHE 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 Department of Defense for research, development, test, and evaluation as follows:

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

(2) For the Navy, $14,590,784,000.

(3) For the Air Force, $20,382,407,000.

(4) For Defense-wide activities, $19,135,679,000.

(b) ADJUSTMENT.—(1) The purpose of the transfer.

(2) The amounts to be transferred.

(c) Each account from which the funds are to be transferred.

(d) Each program, project, or activity from which the funds are to be transferred.

(e) Discussion of the implications of the transfer for the total cost of the cruiser conversion or overhaul program for which the transfer is to be made.

(f) Amount of Funds.—Amounts transferred to an appropriation with respect to the conversion or overhaul of a cruiser under this section shall be credited to and merged with other funds in the account to which transferred and shall be available for the conversion or overhaul of such cruiser for the same period as the appropriation with which merged.

(g) Relationship to Other Transfer Authority.—The authority to transfer funds under this section is in addition to any other authority provided by law to transfer appropriated funds and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(h) Final Report.—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary’s evaluation of the efficacy of the authority provided under this section.

(i) Termination of Program.—No transfer may be made under this section after September 30, 2012.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. PROHIBITION ON TRANSFER OF CERTAIN PROGRAMS OUTSIDE THE OFFICE OF THE SECRETARY OF DEFENSE.

The Secretary of Defense may not designate any official outside the Office of the Secretary of Defense to exercise authority for programming or budgeting for any of the following programs:

(1) Explosive demilitarization technology (program element 060310408Z).

(2) High energy laser research initiative (program element 060728982Z).

(3) Lightech laser research (program element 060829082Z).

(4) High energy laser advanced development (program element 060392408Z).

(5) University research initiative (program element 060010308Z).

Sec. 212. OBJECTIVE FORCE INDIRECT FIRES PROGRAM.

(a) DISTINCT PROGRAM ELEMENT.—The Secretary of Defense shall ensure that, no later than October 1, 2003, the Objective Force Indirect Fires Program is begun, programmed, and budgeted for as a distinct program element and that funds available for such program are being administered consistent with the budgetary status of the program as a distinct program element.

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

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

Sec. 213. AMOUNT FOR JOINT ENGINEERING DATA MANAGEMENT INFORMATION AND CONTROL SYSTEM.

(a) NAVY RT&ED.—The amount authorized to be appropriated under section 201(2) is hereby increased by $2,500,000, such amount may be available for the Joint Engineering Data Management Information and Control System (JEDMICS).

(b) NAVY PROCUREMENT.—The amount authorized to be appropriated under section 201(4) is hereby reduced by $2,500,000, to be derived from the amount provided for the Joint Engineering Data Management Information and Control System (JEDMICS).

Sec. 214. HUMAN TISSUE ENGINEERING.

(a) AMOUNT.—Of the amount authorized to be appropriated under section 201(1), $1,700,000 may be available in the amount authorized to be appropriated under section 201(2) is hereby increased by $2,100,000, with the amount of the reduction to be allocated to Special Operations Forces operational enhancements.

(b) AMOUNT FOR JOINT ENGINEERING DATA MANAGEMENT INFORMATION AND CONTROL SYSTEM.

(1) NAVY RT&ED.—The amount authorized to be appropriated under section 201(2) is hereby increased by $2,500,000, such amount may be available for the Joint Engineering Data Management Information and Control System (JEDMICS).

(2) NAVY PROCUREMENT.—The amount authorized to be appropriated under section 201(4) is hereby reduced by $2,500,000, to be derived from the amount provided for the Joint Engineering Data Management Information and Control System (JEDMICS).

(c) OFFSETS.—Of the amount authorized to be appropriated under section 201(4) for Operations and Maintenance, Air Force is hereby reduced by $1,700,000.

Sec. 215. NON- THERMAL IMAGING SYSTEMS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Power Projection Applied Research (PE 0602144W), $2,000,000 may be available for research and development of non-thermal imaging systems. The total amount authorized to be appropriated under section 201(2) is hereby increased by $2,000,000.

(b) OFFSETS.—The amount authorized to be appropriated by section 201(4) for Operations and Maintenance, Air Force is hereby reduced by $1,000,000 for special operations forces rotary wing upgrades.

Sec. 216. MAGNETIC LLEVATION.

(a) INCREASE IN AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000, with the amount of the increase to be allocated to Major Test and Evaluation Investment (PE 0604759F).
SEC. 221. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.

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

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

Section 223 of title 10, United States Code is amended—
1. (i) by striking subsection (b);
2. (ii) by redesignating subsections (a) and (b) as subsections (a) and (b), respectively; and
3. (iii) by striking “and” and inserting “and” in subsection (a).

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

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

"§223a. Ballistic missile defense programs: procurement

(a) BUDGET JUSTIFICATION MATERIALS.—(1) In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 801(b) of title 31, United States Code), the Secretary of Defense shall specify, for each ballistic missile defense system element, the following information:

(i) A description of the program element, for which the Missile Defense Agency was engaged in planning for production and initial fielding; the following information:

(II) The production rate capabilities of the production factories used.

(iii) The potential date of availability of the element for initial fielding.

(iii) The expected cost of the initial production and fielding planned for the element.

(iv) The estimated date on which the administration of the acquisition of the element is to be transferred to the Secretary of a military department.

(2) The performance criteria prescribed for a block under paragraph (1) shall include one or more criteria that specifically describe, in relation to that block, the intended effectiveness against foreign missile defense systems, including a description of countermeasures, for which the system is being designed as a defense.

(b) OPERATIONAL TEST PLANS.—The Director of Operational Test and Evaluation, in consultation with the Director of the Missile Defense Agency, shall analyze the test plans for each ballistic missile defense system element approved for operation, testing, or deployment. The test plans shall include an estimate of when successful performance of the element in accordance with each performance criterion is to be achieved.

(c) EXECUTIVE OFFICER.—The annual report of the Director of Operational Test and Evaluation required under section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2431 note) shall include the following:

1. The test plans established under subsection (b); and
2. An assessment of the progress being made toward verifying through operational testing the performance of the element of the ballistic missile defense system program as measured by the performance criteria prescribed for the program under subsection (b).

SEC. 224. RENEWAL OF AUTHORITY TO ASSIST LOCAL COMMUNITIES IMPACTED BY BALISTIC MISSILE DEFENSE SYSTEM TEST BED.

Section 235(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 10 U.S.C. 2651 note) is amended—

1. (i) by inserting “; and” after “for fiscal year 2003;” and
2. (ii) by inserting “or” after “for fiscal year 2004;” and
3. (iii) by inserting “and” after “and” in paragraph (1).

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

(a) Subject to the amendment of section 225a of title 10, United States Code, as added by subsection (a), shall be an interim assessment submitted to the Committees on Armed Services of the Senate and the House of Representatives not later than 90 days after the date of the amendment of such section.

SEC. 226. PROHIBITION ON USE OF FUNDS FOR MISSILE DEFENSE SYSTEMS.

No funds authorized to be appropriated by this Act for research, development, test, and evaluation, defense-wide, and available for Ballistic Missile Defense System Interceptors (PE 0608886C) may be obligated or expended to design, develop, or deploy hit-to-kill interceptors or other weapons for placement in space unless specifically authorized by Congress.

SEC. 227. MODIFICATION OF SECURITY PLAN FOR BALISTIC MISSILE DEFENSE SYSTEM INTERCEPTORS.

No funds authorized to be appropriated by this Act for research, development, test, and evaluation, defense-wide, and available for Ballistic Missile Defense System Interceptors (PE 0608886C) may be obligated or expended to design, develop, or deploy hit-to-kill interceptors or other weapons for placement in space unless specifically authorized by Congress.

SEC. 228. MODIFICATION OF SECURITY PLAN FOR NUCLEAR ARMED INTERCEPTORS.

No funds authorized to be appropriated by this Act for research, development, test, and evaluation, defense-wide, and available for Ballistic Missile Defense System Interceptors (PE 0608886C) may be obligated or expended to design, develop, or deploy nuclear armed interceptors in a missile defense system.
The Director shall carry out a Global Research Watch program.

The goals of the program are as follows:

(A) To monitor and analyze the basic and applied research in areas of military interest, including allies and competitors.

(B) To provide standards for comparison and comparison of research activities of other nations.

(C) To assist Congress and Department of Defense officials in making investment decisions for research in technical areas where the United States may not be the global leader.

(D) To identify areas where significant opportunities exist for cooperative research.

(E) To coordinate and promote the international cooperative research and analysis activities of the department.

(F) To establish and maintain an electronic database on international research capabilities, comparative assessments of capabilities, cooperative research opportunities, and ongoing cooperative programs.

The program shall be focused on research and technologies with a technical maturity level equivalent to Department of Defense basic and applied research programs.

The Director shall coordinate the program with the international cooperation and analysis activities of the department and the Defense Agencies.

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

The purposes of the Global Research Watch program shall be:

1. Subchapter II of chapter 8 of title 10, United States Code, is amended by inserting after section 201 the following new section:

2. The Defense Advanced Research Projects Agency: biennial strategic plan

(a) REQUIREMENT FOR PLAN.—(1) Every other year, and in time for submission to Congress under subsection (b), the Director of the Defense Advanced Research Projects Agency shall prepare a strategic plan for the activities of the agency.

(2) The strategic plan shall include the following matters:

(A) The long-term strategic goals of the agency.

(B) Identification of the research programs that support:

(i) Achievement of the strategic goals; and

(ii) Exploitation of opportunities that hold the potential for yielding significant military benefits.

(C) The connection of agency activities and programs to activities and missions of the armed forces.

(D) A Technology transition strategy for agency programs.

(E) An assessment of agency policies on the management, organization, and personnel of the agency.

(3) The members appointed under subparagraph (B) and (C) of paragraph (2) shall be appointed for a term of two years. The members may be reappointed, except that every two years the Secretary of Defense shall appoint a replacement for at least one of the members appointed under such subparagraph (B) and a replacement for at least one of the members appointed under such subparagraph (C). Any vacancy in the membership of the panel shall be filled in the same manner as the original appointment.

(4) The panel shall meet at the call of the Chairman of the Senate Committee on Armed Services.

(5) The panel shall provide the Director of the Defense Advanced Research Projects Agency with the following support:

(A) Objective assessment of the progress and status of technology transition strategies for agency programs.

(B) Development and recommendations for technology transition strategies.

(C) An assessment of agency policies on the management, organization, and personnel of the agency, together with recommended modifications of such policies that could improve the mission performance of the agency.

(D) Final approval of the biennial strategic plan.

(6) Members of the panel who are not officers or employees of the United States shall serve without pay for their work on the panel, and their services as members may be accepted without regard to section 1342 of title 31. However, such members shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under chapter 61 of title 567 of chapter 57 of title 5 of the United States, while away from their homes or regular places of business in the performance of services for the panel.

(7) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

(b) Initial appointments to review panel.—The Secretary of Defense shall appoint the panel under subsection (c) of section 202 of title 10, United States Code, as amended by this subsection, not later than 60 days after the date of the enactment of this Act.
(E) develop, to the extent practicable and in consultation with other Federal entities and private industry, cooperative research and development efforts.

(2) The Secretary shall carry out the program of research and development through the Director of Defense Research and Engineering, in full coordination with the Secretaries of the military departments, the Acting Chairman of the Joint Chiefs of Staff, the heads of any joint or dual-use organizations, and the heads of other appropriate elements of the Department of Defense.

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

SEC. 236. AMOUNT FOR COLLABORATIVE INFORMATION WARFARE NETWORK.

(a) AVAILABILITY OF FUNDS.—(1) Of the amount authorized to be appropriated by section 201(2), for research and development, Navy, $6,000,000 may be available for the Collaborative Information Warfare Network. (2) The total amount authorized to be appropriated under section 201(2) is hereby increased by $8,000,000.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force, the amount is hereby reduced by $8,000,000.

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

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

TITLE III—OPERATION AND MAINTENANCE FUNDING

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

(1) For the Army, $29,668,000,000.
(2) For the Navy, $28,051,390,000.
(3) For the Marine Corps, $3,416,356,000.
(4) For the Air Force, $26,975,231,000.
(5) For Defense-wide activities, $15,739,047,000.
(6) For the Army Reserve, $1,952,009,000.
(7) For the Naval Reserve, $1,170,421,000.
(8) For the Air National Guard, $24,477,331,000.
(9) For the Air National Guard, $2,178,688,000.
(10) For the Army National Guard, $360,049,000.
(11) For the Army National Guard, $4,405,646,000.
(12) For the Air Force Reserve, $396,018,000.
(13) For the Navy, $252,619,000.
(14) For the Air Force Reserve, $236,038,000.
(15) For the Navy Reserve, $236,038,000.
(16) For the Navy Reserve, $256,153,000.
(17) For Environmental Restoration, $396,018,000.
(18) For Environmental Restoration, Defense-wide, $24,081,000.
(19) For Environmental Restoration, Formerly Used Defense Sites, $380,049,000.
(20) For Overseas Humanitarian, Disaster, and Civic Aid programs, $59,000,000.
(21) For Drug Interdiction and Counter-drug Activities, Defense-wide, $817,000,000.
(22) For Defense Health Program, $14,862,900,000.
(23) For Cooperative Threat Reduction programs, $450,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

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

(1) For the Defense Working Capital Funds, $1,661,301,000.
(2) For the National Defense Sealift Fund, $1,062,762,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2004 from the Armed Forces Retirement Home Trust Fund the sum of $4,402,633,000 for the Armed Forces Retirement Home, including the Armed Forces Retirement Home—Washington and the Armed Forces Retirement Home—Gulfport.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. EMERGENCY AND MORALE COMMUNICATIONS PROGRAMS.

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

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

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

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

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

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

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

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

SEC. 312. COMMERCIAL IMAGERY INDUSTRIAL BASE.

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

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

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

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

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

(B) The extent to which the United States policy and activities under subsection (a) are contributing to the overall countering of such threats.

(3) The report shall be submitted to the Senate and to the House of Representatives not later than 90 calendar days after the date of the enactment of this Act.

SEC. 312. ARCTIC AND WESTERN PACIFIC ENVIRONMENTAL TECHNOLOGY COOPERATION PROGRAM.

(a) In General.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 23500. Arctic and Western Pacific Environmental Technology Cooperation Program

(1) "Arctic and Western Pacific Environmental Technology Cooperation Program" means a program of environmental activities administered by the Department of Defense to address the unique environmental impacts arising from military activities conducted in the Arctic and Western Pacific regions.

(2) The program shall be known as the "Arctic and Western Pacific Environmental Technology Cooperation Program".

(b) Program Activities.—(1) Except as provided in paragraph (3), activities under the program may be available for projects under subsection (a) only in those regions where the Secretary of Defense determines, and the Committee on Environment and Public Works of the Senate; and

(c) Availability of Funds.—The term "program" includes activities provided for in subsection (3), activities under the program in any fiscal year may be available for projects under the program other than projects on radiological matters.

(d) Annual Report.—(1) Not later than March 1, 2004, and each year thereafter, the Secretary of Defense shall submit to Congress a report on activities under the program.

(2) The report on the program for any fiscal year under paragraph (1) shall include the following:

(A) A description of the activities carried out during the preceding fiscal year, including a separate description of each project under the program.

(B) A statement of the amounts obligated and expended for the program during that fiscal year, set forth in aggregate and by project.

(C) A statement of the life cycle costs of each project, including the life cycle costs of such project as of the end of that fiscal year and an estimate of the total life cycle costs of such project upon completion of such project.

(D) A statement of the participants in the activities carried out under the program during that fiscal year, including a description of the activities of the Department of Defense and the military departments or agencies of other countries.
SEC. 324. PARTICIPATION IN WETLAND MITIGATION BANKS IN CONNECTION WITH MILITARY CONSTRUCTION PROJECTS.

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

"§3249. Participation in wetland mitigation banks

"(a) AUTHORITY TO PARTICIPATE.—In the case of a military construction project that results, or may result, in the destruction of or impacts to wetland mitigation banks concerned, the Secretary may make one or more payments to a wetland mitigation banking program or consolidated user site (also referred to as an 'in-lieu-fee' program) meeting the requirements of section 7306b of title 10, United States Code, for the use of the vessel by the Navy in sink exercises and as a target.

(b) INCLUSION OF CERTAIN PURPOSES IN USE FOR EXPERIMENTAL PURPOSES.—For purposes of this section, the term 'use for experimental purposes' includes the use of the vessel by the Navy in sink exercises and as a target.'"
June 4, 2003

(3) MATTERS TO BE INCLUDED IN REVIEW.—In carrying out the review under this subsection, the Secretary shall require the Federal entity conducting the review to assess—

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

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

(4) REPORT ON REVIEW.—The Secretary shall require the Federal entity conducting the review to submit to the Secretary a report on the review not later than June 1, 2005.

Subtitle D—Reimbursement Authorities

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

(a) Reimbursement.—Funds authorized to be available from other funds for overseas humanitarian, Disaster, and Civil Aid programs shall be available for transfer to reserve component military personnel accounts in reimbursements of such accounts for the pay and allowances paid to reserve component personnel under the United States Special Operations Command for performance of such personnel in connection with training and other activities related to the clearing of landmines for humanitarian purposes.

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

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

(a) In General.—Chapter 18 of title 10, United States Code, is amended by inserting after the item relating to section 18005 the following new section:

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

(a) Reimbursement Requirement.—The Secretary of Defense may transfer to reserve component personnel the amount necessary to reimburse for costs charged to such personnel for intelligence support provided in support of military activities, including military activities that are performed under any activity or program within the National Foreign Intelligence Program, the Joint Military Intelligence Program, or the Tactical Intelligence Program Related to Combatant Commands.

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

(c) Sources of Reimbursement.—Funds available for operation and maintenance for the Army, Navy, Air Force, or Marine Corps, for a certain fiscal year, and accounts in the Defense Reserve Forces with the Secretary of Defense shall be available for transfer under this section to military personnel accounts and operation and maintenance accounts of the reserve component.

(d) Distribution to Units.—Amounts reimbursed to an account for duty performed by reserve component personnel shall be distributed to the lowest unit level or other organization of such personnel that administers and is accountable for the appropriated funds charged the costs that are being reimbursed.

SEC. 343. REIMBURSEMENT RATE FOR SERVICES PROVIDED TO THE DEPARTMENT OF STATE.

(a) Authority.—Subsection (a) of section 2642 of title 10, United States Code, is amended—

(1) by striking "(a) Authority" and all that follows through "Defense" and inserting the following:

"(a) Authority.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense as follows:

(1) Military airlift services provided; and

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

"(2) Military airlift services provided to the Department of State for the transportation of armored motor vehicles to a foreign country to meet unfulfilled requirements of the Department of State for armored motor vehicles in such foreign country.

(b) Conforming and Clerical Amendments.—(1) The heading for such section is amended to read "2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State."

(2) The item relating to such section in the table of sections at the beginning of chapter 157 of title 10, United States Code, is amended—

"2642. Reimbursement rate for airlift services provided to Central Intelligence Agency or Department of State."

(c) Costs of Goods and Services Provided to Department of State.—For any fee charged to the Department of Defense by the Department of State during any year for the maintenance, upgrade, or construction of United States diplomatic facilities, the Secretary of Defense may remit to the Department of State only that portion, if any, of the total amount of the fee charged for such year that exceeds the total amount of the costs incurred by the Department of Defense for the goods and services to the Department of State during such year.
SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPEND- ENTS OF MEMBERS OF THE ARMED FORCES IN DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES. 

(a) Continuation of Department of Defense Program for Fiscal Year 2004.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) Notification.—Not later than June 30, 2004, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2004 of—

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

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

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Section 484; 20 U.S.C. 7703 note).

SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDANTS OF MEMBERS OF THE ARMED FORCES IN DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) Continuation of Department of Defense Program for Fiscal Year 2004.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) Notification.—Not later than June 30, 2004, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2004 of—

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

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

SEC. 352. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Flood D. Spence National Defense Authorization for Fiscal Year 2003 (as enacted into law by Public Law 106-336; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(d) Regulations.—Subsection (h) of such section is amended—

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

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

"(2) The regulations prescribed under paragraph (1) shall, at a minimum, provide for—

(A) the submission of proposals by the Secretaries concerned or heads of Defense Agencies or other elements of the Department of Defense to the Comptroller for the use of Defense Modernization Account funds for purposes set forth in subsection (d); and

(B) the use of a competitive process for the evaluation of such proposals and the selection of projects, programs, and activities to be funded out of the Defense Modernization Account from among those proposed for such funding; and

"(C) the calculation of—

"(1) the savings to be derived from projects described in subsection (d)(1) that are to be funded out of the Defense Modernization Account; and

"(2) the amounts to be reimbursed to the Defense Modernization Account out of such savings pursuant to subsection (cl)(B)(iii)."

SEC. 361. USE OF THE DEFENSE MODERNIZATION ACCOUNT FOR LIFE CYCLE COST REDUCTION PROJECTS.

(a) Funds Available for Defense Modernization Account.—Section 2216 of title 10, United States Code is amended—

(1) by redesigning subsection (c) as subsection (b); and

(2) by redesigning subsection (d) as subsection (e).

(b) Funds Available for Account.—The Defense Modernization Account shall consist of—

(1) funds available for Defense Modernization Account purposes; and

(2) funds available for the purpose of reimbursing the Navy-Marine Corps Intranet contract for any cash payments received by the Secretary for the services.

(c) Navy-Marine Corps Intranet Contract Defined.—In this section, the term "Navy-Marine Corps Intranet contract" has the meaning given such term in section 841 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703 note).

SEC. 362. USE OF THE DEFENSE MODERNIZATION ACCOUNT FOR LIFE CYCLE COST REDUCTION PROJECTS.

(a) Funds Available for Defense Modernization Account.—Section 2216 of title 10, United States Code is amended—

(1) by redesigning subsection (c) as subsection (b); and

(2) by redesigning subsection (d) as subsection (e).

(b) Funds Available for Account.—The Defense Modernization Account shall consist of—

(1) funds available for Defense Modernization Account purposes; and

(2) funds available for the purpose of reimbursing the Navy-Marine Corps Intranet contract for any cash payments received by the Secretary for the services.

(c) Navy-Marine Corps Intranet Contract Defined.—In this section, the term "Navy-Marine Corps Intranet contract" has the meaning given such term in section 841 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703 note).

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(1) by redesigning subsection (c) as subsection (b); and

(2) by redesigning subsection (d) as subsection (e).

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(1) funds available for Defense Modernization Account purposes; and

(2) funds available for the purpose of reimbursing the Navy-Marine Corps Intranet contract for any cash payments received by the Secretary for the services.

(c) Navy-Marine Corps Intranet Contract Defined.—In this section, the term "Navy-Marine Corps Intranet contract" has the meaning given such term in section 841 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703 note).

SEC. 364. USE OF THE DEFENSE MODERNIZATION ACCOUNT FOR LIFE CYCLE COST REDUCTION PROJECTS.

(a) Funds Available for Defense Modernization Account.—Section 2216 of title 10, United States Code is amended—

(1) by redesigning subsection (c) as subsection (b); and

(2) by redesigning subsection (d) as subsection (e).

(b) Funds Available for Account.—The Defense Modernization Account shall consist of—

(1) funds available for Defense Modernization Account purposes; and

(2) funds available for the purpose of reimbursing the Navy-Marine Corps Intranet contract for any cash payments received by the Secretary for the services.

(c) Navy-Marine Corps Intranet Contract Defined.—In this section, the term "Navy-Marine Corps Intranet contract" has the meaning given such term in section 841 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703 note).
SEC. 366. SUPPORT FOR TRANSFERS OF DECOMMISSIONED VESSELS AND SHIPBOARD EQUIPMENT.—
(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§7316. Support for transfers of decommissioned vessels and shipboard equipment.—
"(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of the Navy may provide an entity described in subsection (b) with assistance in support of a transfer of a vessel or shipboard equipment described in such subsection that is being executed under section 2572, 7306, 7307, or 7545 of this title, or under any other authority.

"(b) COVERED VESSELS AND EQUIPMENT.—The authority under this section applies—

"(1) in the case of a decommissioned vessel that—

"(A) is owned and maintained by the Navy, is located at a Navy facility, and is not in active use; and

"(B) is being transferred to an entity designated by the Secretary of the Navy or by law to receive transfer of the vessel; and

"(2) in the case of any shipboard equipment that—

"(A) is on a vessel described in paragraph (1)(A); and

"(B) is being transferred to an entity designated by the Secretary of the Navy or by law to receive transfer of the equipment.

"(c) REIMBURSEMENT.—The Secretary may require a recipient of assistance under subsection (a) to reimburse the Navy for amounts expended by the Navy in providing the assistance.

"(d) DEPOSIT OF FUNDS RECEIVED.—Funds received in a fiscal year under subsection (c) shall be credited to the appropriation available for contracts for the operation or maintenance of ships.

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

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

"(A) aerospace end items or components; or

"(B) information technology products or services.

"(3) The items, components, products, or services authorized to be procured under paragraph (2) include—

"(A) computer numerically-controlled machining and metal fabrication;

"(B) computer application development, testing, and support in document management, microfilming, and imaging; and

"(C) any other items, components, products, or services described in paragraph (2) that are not described in subparagraph (A) or (B).

"(4) In this subsection:

"(A) The term "eligible contractor" means a business entity operated on a for-profit or non-profit basis.

"(B) The term "severely disabled individual" means an individual who—

"(i) employs severely disabled individuals at a rate that averages not less than 33 percent of its total workforce over a period prescribed by the Secretary;

"(ii) hires each severely disabled individual in its workforce generally on the basis of 40 hours per week;

"(iv) pays no less than the minimum wage prescribed pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 206) to the employees who are severely disabled individuals;

"(v) provides for its employees health insurance and a retirement plan or other benefit plan comparable to those provided for employees by business entities of similar size in its industrial sector or geographic region; and

"(vi) has a written policy to acquire a security clearance as necessary.

"(e) The term "severely disabled individual" means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) who has a severe physical or mental impairment that seriously limits one or more functional capacities.

SEC. 367. AIRCRAFT FOR PERFORMANCE OF AERIAL REFUELING MISSION.—
(a) RESTRICTION ON RETIREMENT OF KC-135E AIRCRAFT.—The Secretary of the Air Force shall ensure that the KC-135E aircraft of the Air Force that are retired in fiscal year 2004, if any, does not exceed 12 such aircraft.

(b) REQUIRED ANALYSIS.—Not later than March 1 of each of fiscal years 2005 and 2006, the Secretary of the Air Force shall submit to the congressional defense committees an analysis of alternatives for meeting the aerial refueling requirements that the Air Force has the mission to meet. The Secretary shall provide for the analysis to be performed by a federally funded research and development center or another entity independent of the Department of Defense.

SEC. 368. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.—
(a) IN GENERAL.—The Randolph-Sheppard Act does not apply to any contract described in subsection (b) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(b) JAVITS-WAGNER-O'DAY CONTRACTS.—Subsection (a) applies to any contract for the operation of a Department of Defense facility described in subsection (c) that was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 49) and is in effect on such date.

(c) FUNDING.—The Department of Defense facilities referred to in subsection (b) are as follows:

(1) A military troop dining facility.

(2) A military mess hall.

(3) Any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

(4) Employment of Persons with Disabilities:—

(1) The Secretary may carry out demonstration projects for the purpose of providing opportunities for participation by severely disabled individuals in the industries of manufacturing and information technology.

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

(3) The items, components, products, or services described in paragraph (2) that are not described in subparagraph (A) or (B).

(4) In this subsection:

(5) The term "eligible contractor" means a business entity operated on a for-profit or non-profit basis.

(6) The term "severely disabled individual" means an individual who—

(7) employs severely disabled individuals at a rate that averages not less than 33 percent of its total workforce over a period prescribed by the Secretary;

(iii) hires each severely disabled individual in its workforce generally on the basis of 40 hours per week;

(iv) pays no less than the minimum wage prescribed pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 206) to the employees who are severely disabled individuals;

(v) provides for its employees health insurance and a retirement plan or other benefit plan comparable to those provided for employees by business entities of similar size in its industrial sector or geographic region; and

(vi) has a written policy to acquire a security clearance as necessary.

(7) The term "severely disabled individual" means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) who has a severe physical or mental impairment that seriously limits one or more functional capacities.

SEC. 369. FEDERAL CONTRACT YEAR LIMITATIONS ON USE OF COMMISSARY STORES BY CERTAIN RESERVES AND OTHERS.—
(a) MEMBERS OF THE READY RESERVE.—Section 1063(a) of title 10, United States Code, is amended by striking the period at the end of the first sentence and all that follows and inserting "in that calendar year:"

(b) OTHER PERSONS.—Section 1064 of such title is amended by striking "for 24 days each calendar year:"

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.
(a) IN GENERAL.—The Armed Forces are authorized strengths for selected reserve components as of September 30, 2004, as follows:

(1) The Army, 480,000.

(2) The Navy, 373,800.

(3) The Marine Corps, 175,000.


SEC. 402. INCREASED MAXIMUM PERCENTAGE OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY AUTHORIZED TO BE SERVING GRADES ABOVE BRIGA-
DIER GENERAL AND REAR ADMIRAL (LOWER HALF).
Section 525(a) of title 10, United States Code, is amended by striking "50 percent" both places it appears and inserting "55 percent".

SEC. 403. EXTENSION OF CERTAIN AUTHORITIES RELATING TO MANAGE-
MENT OF NUMBERS OF GENERAL AND FLAG OFFICERS IN CERTAIN GRADES.
(a) SENIOR JOINT OFFICERS—Section 604(c) of title 10, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2005".

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RE-
SERVE.—
(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2004, as follows:

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

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 85,900.

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

(5) The Air National Guard of the United States, 107,030.

(6) The Air Force Reserve, 75,800.

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

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

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such reserve component as of the end of the fiscal year prior to the end of the fiscal year in which such units or individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be 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, as of 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, 25,599.

(2) The Army Reserve, 14,374.

(3) The Marine Corps, 14,384.

(4) The Air Force Reserve, 12,621.

(5) The Air National Guard of the United States, 12,191.

Subtitle C—Military Personnel Authorizations

SEC. 413. MILITARY PERSONNEL AUTHORIZATIONS.
SEC. 410. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) on active duty as of fiscal year 2004 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,699.
(2) For the Army National Guard of the United States, 1,600.
(3) For the Air Force Reserve, 9,991.
(4) For the Air National Guard of the United States, 22,806.

SEC. 411. FISCAL YEAR 2004 LIMITATIONS ON NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217 of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2004, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.
(B) For the Air National Guard of the United States, 24,589.
(2) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2004, may not exceed 893.
(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2004, may not exceed 90.

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

Subtitle C—Other Matters, Relating to Personnel Strengths

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

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

‘‘(a) Congress shall authorize personnel strength levels for each fiscal year for each of the following:

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

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

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

(1) by striking ‘‘end strength’’ both places it appears and inserting ‘‘strength’’;
(2) by striking ‘‘subparagraph (i)’’ and inserting ‘‘subparagraph (a)(1)’’ in the first sentence and inserting ‘‘subparagraph (a)(1)’’.

(d) STRENGTH LIMITATIONS FOR OFFICERS TO FULFILL ACTIVE DUTY SERVICE OBLIGATIONS FOLLOWING FAILURE OF SELECTION FOR PROMOTION.—

(1) In general.—Subsection (a) of section 632 of title 10, United States Code, is amended—

(A) by striking ‘‘or’’ at the end of paragraph (2);
(B) by striking the period at the end of paragraph (2) and inserting ‘‘; and’’;
(C) by adding at the end the following new paragraph:

‘‘(3) The Secretary of Defense, in the case of officers who, as of the date of discharge determined for the officer under paragraph (1), has not completed an active-duty service obligation incurred by the officer under section 688 of this title during any period of war or national emergency and the one-year period beginning on the date of the termination of the war or national emergency, as the case may be, may—

‘‘(A) authorize the Secretary of the Army to extend, as a condition of an extension of the active-duty service obligation incurred by the officer under section 688 of this title, an additional period for active duty as a reserve person as if the officer had completed such active duty; and
‘‘(B) authorize the Secretary of the Army to authorize the Secretary of the Army, in the case of officers who, as of the date of discharge determined for the officer under paragraph (1), has not completed an active-duty service obligation incurred by the officer under section 688 of this title, to extend, as a condition of such extension, an additional period for active duty as a reserve person as if the officer had completed such active duty.’’.

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

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

‘‘(d) From the end of fiscal year 2003 until the end of fiscal year 2005, the strength limitations prescribed under section 12301 of title 10, United States Code, shall not apply to any officer who is recalled to active duty after September 11, 2001, who is to serve on active duty during any period of war or national emergency, as such term is defined under section 12302 of this title, in the United States Armed Forces to serve in support of military operations, including training of reserve military personnel, defense of the home territory, homeland defense, and military operations in support of civil authorities, if such recall is authorized by the President or the Secretary of Defense.’’.

(b) STRENGTH LIMITATIONS FOR OFFICERS IN PAY GRADES O-4 THROUGH O-6.—Section 523(b) of such title is amended by inserting, after the following new paragraph:

‘‘(B) Officers ordered to active duty under section 688 of this title during any period of war declared by Congress or any period of national emergency declared by Congress or the President in which members of a reserve component are serving on active duty pursuant to an order to active duty under section 12301 of this title, for so long as the members ordered to active duty under such section 688 continue to serve on active duty during the period of the war or national emergency, as the case may be—

‘‘(1) To serve in support of military operations, including training of other reserve military personnel, because of the war or national emergency, as the case may be; and
‘‘(2) To serve in support of other military operations other than military operations in support of civil authorities because of the war or national emergency, as the case may be.’’.

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

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

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

Subtitle B—Reserve Component Personnel Policy

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

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

SEC. 512. STREAMLINED PROCESS FOR CONTINUING OFFICERS ON THE READY RESERVE ROSTER.

(a) CONTINUATION.—Section 1401 of title 10, United States Code, is amended—

(1) by striking ‘‘(2)’’ and inserting ‘‘(1)’’;
(2) by striking ‘‘a period of not less than two years’’ and inserting ‘‘a period of not less than one year’’; and
(3) by striking ‘‘in writing’’ and inserting ‘‘by any means’’.

The amendment made by subsection (a) shall apply to appointments of the Chief of the Veterinary Corps of the Army that are made on or after the date of the enactment of this Act.
SECTION 653. NATIONAL GUARD OFFICERS ON ACTIVE DUTY IN COMMAND OF NATIONAL GUARD UNITS.

(a) Continuation in State Status.—Subsection (a) of section 325 of title 32, United States Code, is amended—

(1) by striking ‘‘Each’’ and inserting ‘‘Relief required. —’’;

(2) by inserting ‘‘Except as provided in paragraph (2), each;’’ and

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

‘‘(2) An officer of the Army National Guard of the United States or the Air National Guard of the United States is not relieved from duty in the National Guard of his State or Territory, or the United States is not relieved from duty in the National Guard of the State or Territory of Puerto Rico or the District of Columbia, under paragraph (1) while serving on active duty in command of a National Guard unit if declared by the Secretary concerned that such service in both duty statuses, and ‘‘(b) the Governor of his State or Territory or Puerto Rico, or the Commanding General of the District of Columbia National Guard, as the case may be, consents to such service in both duty statuses. ‘‘(b) Format Amendment.—Subsection (b) of such section is amended by inserting ‘‘Return to State Status. —’’ after ‘‘(b)’’.

Subtitle C—Reception of Retirement Authorities

SECTION 521. PERMANENT AUTHORITY TO REDUCE THREE-YEAR-TIME-IN-RANK REQUIREMENT FOR RETIREMENT IN GRADE FOR OFFICERS IN GRADES ABOVE MAJOR AND LIEUTENANT COMMANDER.

Section 1370(a)(2)(A) of title 10, United States Code, is amended—

(1) by striking the words ‘‘the Secretary’’; and

(2) by deleting the period at the end and inserting ‘‘beginning on October 1, 2002, and ending on December 31, 2003’’ and inserting ‘‘after September 30, 2002’’. Subtitle D—Education and Training

SECTION 531. INCREASED FLEXIBILITY FOR MANAGEMENT OF MID-LEVEL EDUCATION AND POST-EDUCATION ASSIGNMENTS.

(a) Repeal of Post-Education Joint Duty Assignments Requirement.—Subsection (d) of section 663 of title 10, United States Code, is repealed.

(b) Repeal of Minimum Duration Requirement for Principal Course of Instruction at the Joint Forces Staff College.—Subsection (e) of such section is repealed.

SECTION 532. EXPANDED NATIONAL 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 paragraph (1), by striking ‘‘by a selection board convened under section 14101(b) of this title and inserting ‘‘under regulations prescribed by the Secretary’’;

(2) in paragraph (6), by striking ‘‘as a result of the convening of a selection board under section 14101(b) of this title’’;

(3) by redesigning subsections (b) and (c); and

(4) by redesigning subsection (d) as subsection (b).

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 14101 of such title is amended—

(1) by striking paragraph (1); and

(2) by redesigning paragraphs (2) and (3) as paragraphs (a) and (b), respectively.

(c) Financial Assistance Program for Service in Troop Program Units.—Section 2107a(c) of such title is amended to read as follows:

‘‘(c)(1) The Secretary of the Army may provide financial assistance to a student appointed as a cadet by the Secretary under subsection (a).’’

‘‘(2) The total amount of the financial assistance provided for a student for an academic year under clause (ii) of subparagraph (A) may not exceed the total amount of the financial assistance that would otherwise have been provided for the student for that academic year under clause (i) of such subparagraph.

‘‘(3) The Secretary may provide for the payment of all expenses in the Secretary’s department of administration for the financial assistance program under this section, including the payment of expenses described in paragraph (3).’’.

(b) Financial Assistance Program for Service in Troop Program Units.—Section 2107a(c) of such title is amended to read as follows:

‘‘(c)(1) The Secretary of the Army may provide financial assistance to a student appointed as a cadet by the Secretary under subsection (a).

‘‘(2) The financial assistance provided for a student under clause (i) of such subparagraph shall be the payment of one of the two sets of expenses selected by the Secretary concerned, as follows:

(i) Tuition, fees, books, and laboratory expenses.

(ii) Expenses for room and board and any other necessary expenses imposed by the student’s educational institution for the academic year in which the student is enrolled, which may include any of the expenses described in clause (i).

‘‘(3) The financial assistance provided for a student under clause (i) of such subparagraph may include any of the expenses described in paragraph (3).’’.

(d) FAIRPAYMENT OF COSTS FOR PARTICIPANTS IN INFORMATION SECURITY SCHOLARSHIP PROGRAM.

SEC. 535. ACTIONS TO ADDRESS SEXUAL MISCONDUCT AT THE SERVICE ACADEMIES.

(a) Policy on Sexual Misconduct.—(1) The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall, under guidance prescribed by the Secretary of Defense, direct the Superintendent of the United States Military Academy, the Superintendent of the United States Naval Academy, and the Superintendent of the United States Air Force Academy, respectively, to prescribe a policy on sexual misconduct applicable to the personnel of the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy, respectively.

(b) Procedures for Disciplinary Action in Cases of Sexual Misconduct.—(1) The policy on sexual misconduct prescribed for an academy shall specify the following:—

(A) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve academy personnel.

(B) Procedures that a cadet or midshipman, as the case may be, should follow in the event of an occurrence of sexual misconduct, including—

(i) a specification of the person or persons to whom the alleged offense should be reported;

(ii) a specification of any other person whom the victim should contact; and

(iii) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(C) Procedures for disciplinary action in cases of alleged criminal sexual assault involving academy personnel.

(D) Any other sanctions authorized to be imposed in a substantiated case of misconduct involving academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(E) Required training on the policy for all academy personnel, including the specific training required for personnel who process allegations of sexual misconduct involving academy personnel.

(f) ANNUAL ASSESSMENT.—(1) The Secretary of Defense, through the Secretaries of the military departments, shall direct each Superintendent to conduct at the academy under the jurisdiction of the Superintendent in each academy program year to determine the effectiveness of the academy’s policies, training,
and procedures on sexual misconduct to prevent criminal sexual misconduct involving academy personnel.

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

(A) to measure—

(i) the incidence of such program year, of sexual misconduct events, on or off the academy reservation, that have been reported to official of the academy; and

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

(B) assess the perceptions of academy personnel on—

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

(ii) the enforcement of such policies.

(c) The incidence of sexual misconduct involving academy personnel in such program year, and any other issues relating to sexual misconduct involving academy personnel.

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

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

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

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

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

(D) In the report for the 2005 and subsequent academy program years, the results of the annual survey conducted in such program year under subsection (b).

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

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

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

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

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

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

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

"(i) Funding.—(1) Amounts for the payment of incentives under paragraphs (1) and (2) of subsection (e) shall be derived from amounts available to the Secretary of the military department concerned for the payment of pay, allowances and other expenses of the members of the armed forces constituted by section 510(e) (1) of title 10, United States Code, as amended by section 1274 of the National Defense Authorization Act for Fiscal Year 2008 and the Department of Defense Appropriation Acts for Fiscal Years 2008 and 2009.

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

(b) CONFORMING AMENDMENTS.—Section 2006(b) of such title is amended—

(1) in paragraph (1), by inserting "paragraphs (3) and (4) of section 510(e) and" after "Department of Defense benefits under";

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

"(E) The present value of future benefits payable from the Fund for educational assistance under paragraphs (3) and (4) of section 510(e) of this title to persons who during such period become entitled to such assistance."

Title E—Military Justice

SEC. 531. EXTENDED LIMITATION PERIOD FOR PROSECUTION OF CHILD ABUSE CASES IN COURTS-MARTIAL.

Section 843(b) of title 10, United States Code (article 43 of the Uniform Code of Military Justice) is amended—

(1) in paragraph (1), by redesignating paragraph (2) as paragraph (3); and

(2) in paragraph (3), by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) A person charged with having committed a child abuse offense against a child is liable to be tried by court-martial if the sworn charges and specifications are received before the child reaches the age of 25 years by an officer exercising summary court-martial jurisdiction with respect to that person.

(B) In subparagraph (A), the term ‘child abuse offense’ means an act that involves sexual or physical abuse of a person under 16 years of age and constitutes any of the following offenses:

(i) Rape or carnal knowledge in violation of section 925 of this title (article 120).

(ii) Maiming in violation of section 924 of this title (article 133).

(iii) Sodomy in violation of section 925 of this title (article 125).

(iv) Indecent assault, assault with intent to commit murder, voluntary manslaughter, rape, or sodomy, or indecent acts or liberties with a child in violation of section 934 of this title (article 134).

(v) Aggravated assault or assault committed by a battery in violation of section 928 of this title (article 128).

(vi) Aggravated assault, assault with intent to commit murder, voluntary manslaughter, rape, or sodomy, or indecent acts or liberties with a child in violation of section 934 of this title (article 134).

SEC. 532. CLARIFICATION OF BLOOD ALCOHOL CONTENT LIMIT FOR THE OFFENSE UNLAWFUL PROSECUTION OF CHILD ABUSE OR VIOLENT CRIMES.

Section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice) is amended—

(1) in subsection (a), by striking "is in excess of" and inserting "is equal to or exceeds";

and

(2) in subsection (b), by striking paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) In the case of the operation or control of a vehicle, aircraft, or vessel in the United States, such

"(i) the blood alcohol content limit under the law of the State in which the conduct occurred,
under this section while serving in a duty position designated as exempt for the purpose of this subsection by the Secretary concerned with the approval of the Under Secretary of Defense for Personnel and Readiness.

"(2) A designation of a duty position as exempt under paragraph (1) does not terminate the eligibility for the high-tempo allowance under this section for a member serving in the duty position at the time the designation is made.

"(h) PAYMENT FROM OPERATION AND MAINTENANCE FUNDS.—The monthly allowance payable to a member under this section shall be paid from appropriations available for operation and maintenance for the armed force in which the member serves.

"(4) Such section is further amended—

(A) in subsections (d) and (e), by striking "high-tempo allowance" and inserting "high-tempo allowance"; and

(B) in subsection (f)—

(i) by striking "per diem" and inserting "allowance"; and

(ii) by striking "day on which" and inserting "month during which".

"(5) A) The heading of such section is amended to read as follows—

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

"(B) The item relating to such section in the table of sections at the beginning of chapter 7 of title 10, United States Code, is amended to read as follows—

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

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

"(5) For each of the armed forces, the description shall include the following:

(A) A list of the military skills designated as critical military skills for the purposes of this section;

(B) The eligibility requirements for entering the Armed Forces under the program.

(c) A detailed discussion of the other features of the program.

(2) Whenever the list of critical military skills is revised, the Secretary shall promptly submit the revised list to the committees referred to in paragraph (1).

(3) The Secretary shall submit a final report on the program to the committees referred to in paragraph (1) within 30 days after the date on which the direct entry program commences under subsection (f). The report shall include the Secretary’s assessment of the effectiveness of the direct entry program for recruiting persons with critical military skills for the Armed Forces.

(f) PERIOD OF PROGRAM.—The direct entry program under this section shall commence on October 1, 2003, and shall terminate on September 30, 2005.

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

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

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

(2) transmit the policy to the Committees on Armed Forces of the Senate and the House of Representatives.

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

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

(a) STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.—Section 102 of title 37, United States Code, as amended by section 106 of the Uniformed and Overseas Citizens Absentee Voting Act of 1970 (42 U.S.C. 1973ff–6), is amended—

(1) in paragraph (1), that are submitted with respect to elections for Federal office; and

(2) by inserting after paragraph (1) the following new paragraphs:

"(7) permit each recently separated uniformed services voter means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

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

(B) is no longer such a voter; and

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

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

"(10) ‘uniformed services voter’ means—

(A) a member of a uniformed service in active service;

(B) a member of the merchant marine; and

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

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

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

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

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

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

(ii) any other safety plan and counseling have been provided to the spouse or such dependent;

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

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

(C) A request described in this subparagraph is a request by the spouse of a member, or by the parent of a dependent child in the case of a dependent child of a member, or an order of a court of competent jurisdiction, gives possession of the effects or vehicle to
(E) In this paragraph, the term ‘dependent-abuse offense’ means an offense described in section 109A(c) of title 10.

Title VI—Compensation and Other Personnel Benefits

Subtitle A—Pay and Allowances

Section 601. Increase in Basic Pay for Fiscal Year 2004

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

(b) Increase in Basic Pay—Effective on January 1, 2004, the rates of monthly basic pay for members of the uniformed services within each pay grade as follows:

**COMMISSIONED OFFICERS**

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
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</thead>
<tbody>
<tr>
<td>O-10</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<td>0.00</td>
<td>0.00</td>
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<td>4,793.40</td>
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<th>Over 12</th>
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<td>3,609.50</td>
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**1** Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

**2** Subject to the preceding footnote, the rate of basic pay for an officer in this grade while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code) is $14,634.20, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

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

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

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<td>5,044.80</td>
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<td>O-1E</td>
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<tr>
<th>Pay Grade</th>
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**WARRANT OFFICERS**

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SEC. 602. REVISED ANNUAL PAY ADJUSTMENT PROCESS.

(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Subsection (a) of section 1009 of title 37, United States Code, is amended to read as follows:

"(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Effective on January 1 of each year, the rates of basic pay for members of the uniformed services under section 203a of this title shall be increased under this section.".

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

(c) PERCENTAGE OF ADJUSTMENT.—Subsection (c) of such section is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

"(f) DEFINITIONS.—In this section:

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

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

SEC. 603. COMPUTATION OF BASIC PAY RATE FOR COMMISSIONED OFFICERS WITH MORE THAN 20 YEARS SERVICE OR WARRANT OFFICER SERVICE.

Section 203d(2) of title 37, United States Code, is amended—
(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. 604. PILOT PROGRAM OF MONTHLY SUBSISTENCE ALLOWANCE FOR NON-SCHOLARSHIP SENIOR ROTC MEMBERS COMMITTING TO CONTINUE ROTC PARTICIPATION AS SOPHOMORES.

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

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

(2) The allowance under this subsection, a member must

(B) enlist in an armed force under the jurisdiction of the Secretary of the military department concerned, or his designee, to serve for the period required by the program;

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

(E) successfully complete the first year of a four-year senior Reserve Officers' Training Corps course;

(F) be appointed under section 2107 of title 10; and

(H) execute a certificate of loyalty in such form as the Secretary of Defense prescribes or take a loyalty oath as prescribed by the Secretary.

(3) The first month for which a monthly subsistence allowance is payable to a member under this subsection shall be a month designated by the Secretary of the military department concerned that begins after the member satisfies the conditions of paragraphs (B) through (E) of paragraph (2) and is entitled to payment of the subsistence allowance shall continue for as long as the member continues to meet the conditions in such paragraph and the member's contract (as defined under subsection (a)) is not modified or terminated, and agreement entered into as described in such paragraph. In no event, however, may a member receive the monthly subsistence allowance for more than 20 months.

(4) In this subsection, the term 'program' means the Senior Reserve Officers' Training Corps of an armed force.

(b) The subsistence allowance may be paid under this subsection with respect to a contract that is entered into as described in paragraph (2)(C) of subsection (a) of section 209 of title 37, United States Code (as added by subsection (a)), shall take effect on January 1, 2004.

SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR EACH MEMBER WHO IS A MEMBER WITHOUT DEPENDENTS WHO IS A WIDOW, WIDOWER, OR SPOUSE WHO IS ON SEA DUTY.

(a) ENTITLEMENT.—Section 403(c)(12)(C) of title 37, United States Code, is amended—

(1) in the first sentence, by striking "are jointly entitled to one basic allowance for housing" and inserting "are each entitled to a basic allowance for housing"; and

(2) by striking "The amount of the allowance" and all that follows and inserting "The amount of the allowance payable to a member under the preceding sentence shall be based on the without dependents rate for the pay grade of the member.

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

SEC. 606. INCREASED RATE OF FAMILY SEPARATION ALLOWANCE FOR MEMBERS OF THE MILITARY DETERMINED TO BE IN CRITICAL aliens.

(a) RATE.—Paragraph (1) of section 2104 of title 10, United States Code, is amended by striking "$100" and inserting "$150".

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

Subtitle B—Bonuses and Special and Other Pay Provisions

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

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308(h)(1) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

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

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

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

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308(h)(1) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

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

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

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 302(a)(1) of title 10, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 37, United States Code, is amended by striking "January 1, 2004" and inserting "December 31, 2004".

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302(a)(1)(i) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302(a)(1)(i) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

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

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

(a) AVIATION OFFICER RETENTION BONUS.—Section 302(a) of title 37, United States Code, is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) NUCLEAR CAREER ACCESION BONUS.—Section 302(c) of such title is amended by striking "December 31, 2003" and inserting "December 31, 2004".

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

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

(1) in subsection (a), by inserting "under section 209 of this title, or in the compensation under section 206 of this title," after "is entitled to the basic pay";

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

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

"(b) In the case of an officer who is a member of a reserve component, special pay under subsection (a) shall be paid at the rate of 1% of the monthly base pay for each day of the performance of duties described in that subsection."

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

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

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

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

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

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

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

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

"(b) RATES.—The monthly rate of incentive pay payable to a member under this section is $100.

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

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

[(e) TERMINATION OF AUTHORITY.—Special pay authorized under this section shall be paid under this section for months beginning after December 31, 2003.]

The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 307a the following new item:

３０７ｂ. Special pay: Korea service incentive pay.

[(b) EFFECTIVE DATE.—Section 307(b) of title 37, United States Code, is amended by striking ‘‘$50,000’’ and inserting ‘‘$70,000’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003, and shall apply with respect to reenlistments and extensions of enlistments that take effect on or after that date.

SEC. 617. INCREASED MAXIMUM AMOUNT OF RE-ENLISTMENT BONUS FOR ACTIVE DUTY.

(a) MAXIMUM AMOUNT.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking ‘‘$50,000’’ and inserting ‘‘$70,000’’.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003, and shall apply with respect to reenlistments and extensions of enlistments that take effect on or after that date.

SEC. 618. PAYMENT OF SELECTED RESERVE RE-ENLISTMENT BONUS TO MEMBERS OF SELECTED RESERVE WHO ARE NOT IN THE SELECTIVE RESERVE.

Section 308b of title 37, United States Code, is amended—

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

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

‘‘(d) PREFERENCE FOR MEMBERS OF THE SELECTED RESERVE.—In the case of a member entitled to a bonus under this section, who is called to active duty, any amount of such bonus that is payable to the member during the period of active duty of the member shall be paid to the member during that period of active duty without regard to the fact that the member is serving on active duty pursuant to such call or order to active duty.’’

SEC. 619. INCREASED RATE OF Hostile FIRE AND IMMINENT DANGER SPECIAL PAY.

(a) RATE.—Section 310(a) of title 37, United States Code, is amended by striking ‘‘$150’’ and inserting ‘‘$225’’.

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

SEC. 620. AVAILABILITY OF HOSTILE FIRE AND IMMINENT DANGER SPECIAL PAY FOR RESERVE COMPONENT MEMBERS ON ACTIVE 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 subsection:

‘‘(a) ELIGIBILITY AND SPECIAL PAY AMOUNT.—Under regulations prescribed by the Secretary of Defense, a qualified 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 204 or 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 the case of the period the member was on duty in the area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines; or

(C) was killed, wounded, or hospitalized due to 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 harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime condition.

‘‘(b) CONTINUATION DURING HOSPITALIZATION.—A member covered by subsection (a)(2)(C) who is hospitalized for the treatment of the injury or illness giving rise to the special pay under this section for not more than three additional months during which the member is so hospitalized.

‘‘(c) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (c), as redesignated by subsection (a), by striking ‘‘Determination of Special Pay and Administration’’ and inserting ‘‘Determination of Fact’’; and

(2) in subsection (d), as redesignated by subsection (a), by inserting ‘‘before ‘‘Any’’.’’

SEC. 621. EXPANSION OF OVERSEAS TOUR EXTENSION INCENTIVE PROGRAM TO OFFICERS.

(a) SPECIAL PAY OR BONUS FOR EXTENDING OVERSEAS TOUR OF DUTY.—(1) Subsections (a) and (b) of section 314 of title 37, United States Code, are redesignated as subsections (a)(1) and (a)(2), respectively;

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

‘‘§ 314. Special pay or bonus: qualified members extending duty at designated locations overseas.

(B) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

‘‘§ 314. Special pay or bonus: qualified members extending duty at designated locations overseas.

(b) REST AND RECUPERATIVE ABSENCE IN LIEU OF PAY OR BONUS.—(1) Subsection (a) of section 705 of title 10, United States Code, is amended by striking ‘‘an enlisted member’’ and inserting ‘‘a member’’.

(2) A discharge in bankruptcy under title 11 of such title is amended as follows:

‘‘§ 705. Rest and recuperative absence; qualified members extending duty at designated locations overseas.

(b) Rest and recuperative absence; qualified members extending duty at designated locations overseas.

SEC. 622. ELIGIBILITY OF WARRANT OFFICERS FOR ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.

(a) ELIGIBILITY.—Section 324 of title 37, United States Code, is amended in subsections (a) and (b) by striking ‘‘an appointment after ‘commission’’.

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

SEC. 623. INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

‘‘§ 326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.

(a) INCENTIVE BONUS AUTHORIZED.—The Secretary of Defense may pay an incentive bonus under this section to an eligible member of the armed forces who executes a written agreement to convert to, and serve for a period of not less than four years in, a military occupational specialty for which there is a shortage of trained and qualified personnel.

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

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

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

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

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

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

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

SEC. 624. RELATIONSHIP TO PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

SEC. 625. REPAYMENT OF BONUS.—(1) A member who receives a bonus for conversion to a military occupational specialty under this section and who, voluntarily or because of misconduct, fails to serve in such military occupational specialty for the period specified in the agreement shall refund to the United States an amount that bears the same ratio to the bonus amount paid as the number of months during such period bears to the total period agreed to be served.

(2) An obligation to reimburse the United States imposed under paragraph (1) is, for all purposes, a debt owed to the United States.

(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of the agreement for which a bonus was paid under this section shall not discharge the person signing such agreement from the debt arising under paragraph (1). (4) Under regulations prescribed pursuant to subsection (f), the Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

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

SEC. 626. TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2006.

SEC. 627. CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

‘‘326. Incentive bonus: conversion to military occupational specialty to ease personnel shortage.’’

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF PRIVATELY OWNED MOTOR VEHICLE WITHIN CONTINENTAL UNITED STATES.

(a) AUTHORITY TO PURCHASE CONTRACT FOR TRANSPORTATION OF MOTOR VEHICLE.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (i); and

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

‘‘(h) In the case of a member’s change of permanent residence described in subparagraph (A) or (B) of subsection (i), the Secretary concerned may authorize the member to arrange for the shipment of the motor vehicle in lieu of transportation as authorized by the Secretary of the United States under this section. The Secretary concerned may pay the member a monetary allowance in lieu of transportation, as established by regulation, for the member or a family member. The member shall be responsible for any transportation costs in excess of such allowance.’’
(b) Allowance for Self-Procurement of Transportation of Motor Vehicle. —Section 406(b)(1)(B) of title 37, United States Code, is amended by adding at the end the following new subsection: "(2) Under provisions prescribed under paragraph (1), transportation described in subsection (c) may be provided for not more than two family members of a member otherwise eligible for reimbursement for an illness or injury described in that paragraph if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of the family member would be in the best interests of the family member.

(c) Deceased Members of Armed Forces. —Section 406(b)(1)(B) of title 37, United States Code, is amended in the first sentence by inserting "in lieu of transportation, as established under section 404(d)(1) of this title.".

SEC. 632. PAYMENT OR REIMBURSEMENT OF STORAGE, SHIPMENT, AND HANDLING COSTS FOR DEPENDENT CHILDREN OF MEMBERS STATIONED OVERSEAS.

Section 4236a of title 10, United States Code, is amended in the first sentence by inserting "in lieu of transportation, as established under section 404(d)(1) of this title.".

SEC. 633. CONTRACTS FOR FULL REPLACEMENT VALUE FOR LOSS OR DAMAGE TO PERSONAL PROPERTY TRANSPORTED AT GOVERNMENT EXPENSE.

(a) Authority. —Chapter 157 of title 10, United States Code, is amended by inserting after section 1571 the following new section:

"§2636a. Loss or damage to personal property transported at Government expense; full replacement value; deduction from amounts due carriers

(1) PROCUREMENT OF COVERAGE. —The Secretary of Defense may include in a contract for the transportation of baggage and household effects for members of the armed forces at Government expense a clause that requires the carrier under the contract to pay the full replacement value for loss or damage to the baggage or household effects transported under the contract.

(2) DEDUCTION UPON FAILURE OF CARRIER TO SETTLE. —In the case of a loss or damage of baggage or household effects transported under a contract that includes a clause described in subsection (a), the amount equal to the full replacement value for the baggage or household effects may be deducted from the amount owed by the United States to the carrier under the contract upon a failure of the carrier to settle a claim for such loss or total damage within a reasonable time. The amount so deducted shall be remitted to the claimant, not later than a reasonable time for settlement.

The regulations shall include policies and procedures for validating and evaluating claims, validating proper claimants, and determining reasonable time for settlement.

"(e) TRANSPORTATION DEFINED. —In this section, the terms ‘transportation’ and ‘transport’, with respect to baggage or household effects, includes packing, crating, drayage, temporary storage, and unloading of the baggage or household effects.

(2) Notwithstanding the provisions of subsection (a) or (f), the Secretary of Defense shall prescribe regulations for administering this section. The regulations shall include policies and procedures for validating and evaluating claims, validating proper claimants, and determining reasonable time for settlement.

(3) TRANSPORTATION AS DEFINED. —In this section, the terms ‘transportation’ and ‘transport’, with respect to baggage or household effects, includes packing, crating, drayage, temporary storage, and unloading of the baggage or household effects.

(b) Payment or Reimbursement of Storage, Shipment, and Handling Costs. —The table of sections of chapter 157 of title 10, United States Code, is amended by adding at the end the following new item:

"406 the following new item:

"406(b)(1)(B) of title 37, United States Code, is amended by adding at the end the following new paragraph (2):

"(2) Under provisions prescribed under paragraph (1), transportation described in subsection (c) may be provided for not more than two family members of a member otherwise eligible for reimbursement for an illness or injury described in that paragraph if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of the family member would be in the best interests of the family member.

(c) Amendment. —Section 1408(f)(1) of title 10, United States Code, is amended by redesigning paragraph (2) as paragraph (3);

(2) by redesigning paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The amount described in paragraph (1) shall be remitted to the claimant, not later than a reasonable time for settlement.

The limitations on amounts of claims that may be submitted for entitlement amounts that places a premium on the commercial insurability of members of the Armed Forces that are identified in the plan established by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths occurring on or after that date.

SEC. 641. SPECIAL RULE FOR COMPUTATION OF REIMBURSEMENT PAY BILLS FOR COMMANDERS OF COMBATANT COMMANDS.

(a) Treatment Equivalent to Chiefs of Staff or Commanders of Combatant Commands. —Section 1408(f)(1) of title 10, United States Code, is amended by inserting "as a commander of a unified or specified combatant command (as defined in section 161(c) of this title)," after "Chief of Service.

(b) Conforming Amendment. —The heading for such subsection is amended by inserting "COMMANDERS OF COMBATANT COMMANDS," after "CHIEFS OF SERVICE.

(c) Effective Date and Applicability. —The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to officers who first become entitled to retire pay under title 10, United States Code, on or after such date.

SEC. 642. SURVIVOR BENEFIT PLAN ANNUITY FOR SURVIVING SPOUSES OR DESEASED MEMBERS INCURRED OR AGGRAVATED WHILE ON INACTIVE-DUTY TRAINING.

(a) Surviving Spouse Annuity. —Paragraph (1) of section 1408(f)(1) of title 10, United States Code, is amended to read as follows:

"(1) SURVIVING SPOUSE ANNUITY. —The Secretary shall pay an annuity under this subchapter to the surviving spouse of:

(A) a person who is eligible to provide a service- connected annuity and who dies—

(i) before being notified under section 12731(d) of title 10, United States Code, of the years of service required for eligibility for service-connected retired pay; or

(ii) during the 90-day period beginning on the date of the declaration of war or the date of the national emergency declared under section 12731(d) of this title that he has completed the years of service required for eligibility for service-connected retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan; or

(B) a member of a reserve component not described in subparagraph (A) who dies in the line of duty during inactive-duty training.

(b) Conforming Amendment. —The heading for subsection (f) is amended by adding "(B)(g)" after "(E)

(c) Effective Date. —The amendments made by this section shall take effect as of September 10, 2001, and shall apply with respect to performance of inactive-duty training (as defined in section 101(d)(1) of title 10, United States Code) on or after that date.

SEC. 643. INCREASE IN DEATH GRATUITY PAYMENT. —Section 1408(h)(1) of title 10, United States Code, is amended by striking "$6,000" and inserting "$12,000.

(b) Effective Date. —The amendment made by this section shall take effect as of September 10, 2001, and shall apply with respect to deaths occurring on or after that date.

(c) Death Benefits Study. —(1) It is the sense of Congress that—

(A) the sacrifices made by the members of the Armed Forces are significant and are worthy of the nation’s highest gratitude by the Government of the United States, especially in cases of sacrifice through loss of life, in tragic events such as September 11, 2001, and subsequent worldwide combat operations in the Global War on Terrorism and in Operations Iraqi Freedom have highlighted the significant disparity between the financial benefits for survivors of deceased members of the Armed Forces and the financial benefits for survivors of civilian victims of terrorism;

(B) the death benefits system composed of the death gratuity paid by the Department of Defense to survivors of members of the Armed Forces, the Servicemembers’ Group Life Insurance (SGLI) program, and other benefits for survivors of deceased members has evolved over time, but there are increasing indications that the evolution of such benefits has failed to keep pace with the expansion of indemnity and compensation available to segments of United States society outside the Armed Forces, a failure that is especially apparent in a comparison of the benefits for survivors of deceased members with the compensation provided to families of civilian victims of terrorism; and

(D) while Servicemembers’ Group Life Insurance (SGLI) provides an assured source of life insurance for members of the Armed Forces that benefit the survivors of members upon death, the SGLI program requires the members to pay for that life insurance coverage and does not provide an assured minimum benefit.

(2) The Secretary of Defense shall carry out a study of the totality of all current and projected death benefits for survivors of deceased members of the Armed Forces to determine the adequacy of such benefits. In carrying out the study, the Secretary shall—

(A) compare the Federal Government death benefits for survivors of deceased members of the Armed Forces with commercial and other private sector death benefits plans for segments of United States society outside the Armed Forces, and also with the benefits available under Public Law 107-37 (115 Stat. 219) (commonly known as the ‘‘Public Safety Officer Benefits Bill’’);

(B) assess the personnel policy effects that would result from a required death benefit to provide a stratified schedule of entitlement amounts that places a premium on deaths resulting from participation in combat or acts of terrorism;

(C) assess the adequacy of the current system of Survivor Benefit Plan annuities and benefits for survivors resulting from deaths occurring on or before that date; and

(D) examine the commercial insurability of members of the Armed Forces in high risk military occupational specialties; and

(E) assess the personnel policy effects that would result from a required death benefit to provide a stratified schedule of entitlement amounts that places a premium on deaths resulting from participation in combat or acts of terrorism.

(3) The Secretary of Defense shall submit a report on the results of the study under paragraph (2) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following:

(A) The assessments, analyses, and conclusions resulting from the study.

(B) Proposed legislation to address the deficiencies in the system of Federal Government death benefits for survivors of deceased members of the Armed Forces that are identified in the course of the study.

(C) An estimate of the costs of the system of death benefits provided for in the proposed legislation.

(D) The Comptroller General shall conduct a study to identify the death benefits that are
payable under Federal, State, and local laws for employees of the Federal Government, State governments, and local governments. Not later than November 1, 2003, the Comptroller General shall submit to the President a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 644. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREEES. (a) RESTORATION OF FULL RETIRED PAY BENEFITS.—Section 1414 of title 10, United States Code, is amended by striking the subsections referred to in this section and inserting the following:

“1414. Members eligible for retired pay who have service-connected disabilities; payment of retired pay and veterans’ disability compensation.

(b) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—Except as provided in subsection (b), a member or former member of the uniformed service who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans’ disability compensation is entitled to be paid both without regard to sections 3504 and 3505 of title 38.

(c) EXCEPTION.—Subsection (a) does not apply to a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1413a, if the amount of the member’s retired pay under chapter 61 exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member’s service in the uniformed services on the day before the date the member retired under chapter 61 of this title.

(d) DEFINITIONS.—In this section:

(1) The term ‘members’ includes, in addition to those members described in paragraph (2), members of the reserve components of the Armed Forces, including members of the Selective Reserve, ready to be called to duty in support of a contingency operation, or to other duty designated for the purpose of this section; and

(2) Paragraph (1) applies to a member who—

(i) serves on active duty for a continuous period of at least 120 days in an area in which the member performed a special duty under section 310a of title 37; or

(ii) is assigned to a deployable ship, to a mobile unit, to duty in support of a contingency operation, or to other duty designated for the purpose of this section; and

(b) SAVINGS PROVISIONS.—In effect under section (f) of section 701 of title 10, United States Code, on the day before the date of the enactment of this Act shall remain in effect until revised or superseded by regulations prescribed to implement the authority under the amendment made by subsection (a).

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

SEC. 651. RETENTION OF ACCUMULATED LEAVE.

SEC. 652. GAO STUDY.

SEC. 653. NATURALIZATION FOR MEMBERS OF THE SELECTED RESERVE OF THE READY RESERVE.

SEC. 654. EXTENSION OF Posthumous BENEFITS TO SURVIVING SPOUSES, CHILDREN, AND PARENTS.

SEC. 655. RETENTION OF ACCUMULATED LEAVE.
the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) PARENTS.—
(A) IN GENERAL.—In the case of an alien who was the parent of a citizen of the United States at the time of the citizen’s death, if the citizen served honorably in an active duty status in the military, air, or naval forces of the United States and died as a result of injury or disease incurred in or aggravated by combat, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), to be an alien described in this paragraph if the alien—

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

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

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), but only if the parent files a petition within 2 years after such date. For purposes of such Act, such petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

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

(C) EXCEPTION.—Notwithstanding section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), for purposes of this paragraph, a citizen serving honorably in an active duty status in the military, air, or naval forces of the United States shall not be eligible for deferred action, advance parole, and work authorization.

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

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

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

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), but only if the parent files a petition within 2 years after such date. For purposes of such Act, such petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

The screening and care authorized under paragraph (1) shall include screening and care under TRICARE, pursuant to eligibility under paragraph (3), and continuation of care benefits under paragraph (4).

(2) A member eligible under subparagraph (A) may enroll for either of the following types of coverage—

(i) Self alone coverage.

(ii) Self and family coverage.

(C) AN ENROLLEE.—An enrollment under paragraph (1) shall not be transferred to another member.

(1) GENERAL.—Notwithstanding subsections (a) and (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), any alien who was the parent of a surviving spouse described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(B), may have such application adjudicated as if such death had not occurred.

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

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

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

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), but only if the parent files a petition within 2 years after such date. For purposes of such Act, such petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(2) ADJUSTMENT OF STATUS.—An alien is described in this paragraph if the alien—

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

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

(C) was granted posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), but only if the parent files a petition within 2 years after such date. For purposes of such Act, such petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(3) TREATMENT AS IMMEDIATE RELATIVES.—(A) IN GENERAL.—In the case of a surviving spouse, a parent, or child of an alien described in paragraph (2), who is included in a petition for classification as a family-sponsored immigrant under section 204(a)(2)(I) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien, shall be considered (if the spouse or child has not been admitted or approved for lawful permanent residence, an alien described relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i))). Such spouse or child shall be eligible for deferred action, advance parole, and work authorization.

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

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

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

SEC. 665. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect as if enacted on September 11, 2001.

TITLE IV—HEALTH CARE

SEC. 701. MEDICAL AND DENTAL SCREENING FOR MEMBERS OF SELECTED RESERVE UNITS ALERTED FOR MOBILIZATION.

Section 1074a of title 10, United States Code, is amended by adding at the end the following new subsection:

(1) AT any time after the Secretary concerned notifies members of the Ready Reserve that the members are to be called or ordered to active duty, the administering Secretaries may provide for each such member any medical and dental screening and care necessary to ensure that the member meets the applicable medical and dental standards for deployment.

(2) The screening and care authorized under paragraph (1) shall include screening and care under TRICARE, pursuant to eligibility under paragraph (3), and continuation of care benefits under paragraph (4).

(3) (A) Members of the Selected Reserve of the Ready Reserve and members of the Individual Ready Reserve described in section 10344(b) of this title shall not be subject to subparagraph (1).

(B) A member eligible under subparagraph (A) may enroll for either of the following types of coverage—

(i) Self alone coverage.

(ii) Self and family coverage.

(4) (A) The screening and care authorized under paragraph (3) shall be offered to members assigned to the TRICARE program under this paragraph shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as

June 4, 2003

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S7321
apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(H) The Secretary shall prescribe regulations for the administration of this paragraph.

(4) Paragraph (1) of subparagraph (B) of section 1161(a)(4) of title 38, United States Code, is amended—

(a) by striking subparagraph (B) and inserting in its place a new paragraph:

"(B) A member of a reserve component is eligible for benefits under qualified health benefits plan coverage under paragraph (1) or (2) of subsection (a) as the member is called or ordered to active duty under a provision of law referred to in section 1129(a)(1) of title 10, United States Code, during a period of the coverage for which so called or ordered.

(b) by redesignating subparagraph (B) as subparagraph (C).

(5) Paragraph (1) of subparagraph (B) of section 1145(a)(1) of title 10, United States Code, is amended—

(a) by striking "the applicable premium payable under subparagraph (A)" and inserting "the applicable premium payable under subparagraph (A) under a provision of law referred to in section 1129(a)(1) of title 10, United States Code, during a period of the coverage for which so called or ordered"; and

(b) by redesignating subparagraph (B) as subparagraph (C).

(6) The Secretary of Defense may determine a single amount dollar amount under subparagraph (A) or (B) of paragraph (1) for each or any of the participating uniformed services separate from other participating uniformed services if the Secretary determines that a more accurate and appropriate actuarial valuation under such subparagraph would be achieved by doing so.

(b) Associated Calculations of Payments Into the Fund.—Section 1116 of such title is amended—

(1) in subsection (a), by striking "the amount that" in the matter preceding paragraph (1) and inserting "the amount that, subject to subsection (b),";

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

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

"(c) If an actuarial valuation referred to in paragraph (1) or (2) of subsection (a) has been calculated in a single level dollar amount for a participating uniformed service separately from the other participating uniformed services under section 1115(c)(6) of this title, the administering Secretary for the department in which such uniformed service is operated shall calculate the amount under such paragraph separately for such uniformed service. If the administering Secretary is not the Secretary of Defense, the amount referred to in the preceding sentence is the amount of the TRICARE program that would be achieved by determining, for each uniformed service, the amount of the program that meets the actuarial basis set in the preceding sentence. (Other than members of the Ready Reserve who are to be called or ordered to active duty, all members of the Ready Reserve are eligible for screening and care under this section.)".

SEC. 702. TRICARE BENEFICIARY COUNSELING AND ASSISTANCE COORDINATORS FOR COMPONENT BENEFICIARIES.

Section 1095e(a)(1) of title 10, United States Code, is amended—

(1) by striking and inserting at the end of subparagraph (A); and

(2) by redesignating subparagraph (B) as subparagraph (C).

(3) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) designates for each of the TRICARE program regions at least one person (other than a person designated under subparagraph (A)) to serve full-time as a beneficiary counseling and assistance coordinator solely for members of the reserve components and their dependents who are beneficiaries under the TRICARE program; and"

SEC. 703. EXTENSION OF AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS FOR HEALTH CARE SERVICES TO BE PERFORMED AT LOCAL HOSPITALS AND MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2003," and inserting "December 31, 2008."

SEC. 704. DEPARTMENT OF DEFENSE MEDICARE ELIGIBLE RETIREE HEALTH CARE FUND VALUATIONS AND CONTRIBUTIONS.

(a) Separately Periodic Actuarial Valuation for Single Uniformed Service.—Section 1116(a)(2) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(2) The official designated under paragraph (1) shall have the following duties:
(A) To educate health care providers about TRICARE Standard.

(b) To encourage health care providers to accept patients under TRICARE Standard.

(c) To ensure that TRICARE beneficiaries have the information necessary to locate TRICARE Standard providers readily.

(d) To recommend adjustments in TRICARE Standard provider payment rates and that the official considers necessary to ensure adequate availability of TRICARE Standard providers for TRICARE Standard beneficiaries.

(e) As the Comptroller General shall, on an ongoing basis, review—

(A) the processes, procedures, and analysis used by the Department of Defense to determine the adequacy of health care providers accepting TRICARE Standard beneficiaries as patients under TRICARE Standard in each TRICARE market area;

(B) the actions taken by the Department of Defense to ensure ready access of TRICARE Standard beneficiaries to health care under TRICARE Standard in each TRICARE market area.

(2)(A) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a semiannual report under paragraph (1). The first semiannual report shall be submitted not later than June 30, 2004.

(B) The semiannual report under subparagraph (A) shall include the following:

(i) An analysis of the adequacy of the surveys conducted under subsection (a).

(ii) The adequacy of existing statutory authority to address inadequate levels of participation by health care providers in TRICARE Standard.

(iii) A certification of policy-based obstacles to achieving adequacy of availability of TRICARE Standard health care in the TRICARE Standard market areas.

(iv) An assessment of the adequacy of Department of Defense education programs to inform health care providers about TRICARE Standard.

(v) An assessment of the adequacy of Department of Defense initiatives to encourage health care providers to accept patients under TRICARE Standard.

(vi) An assessment of the adequacy of information to TRICARE Standard beneficiaries to facilitate access by such beneficiaries to health care under TRICARE Standard.

(vii) Any need for adjustment of health care provider payment rates to attract participation of health care providers accepting TRICARE Standard beneficiaries as patients under TRICARE Standard in each TRICARE market area.

(2)(C) The two Departments shall supply staff and resources to the Committee in order to provide such administrative support and services for the Committee as are necessary for the efficient operation of the Committee.

(3)(A) The Committee shall recommend to the Secretaries strategic direction for the joint coordination and sharing of efforts between and within the two Departments under this section, and shall oversee implementation of such coordination and efforts.

(B) In order to enable the Committee to make recommendations under paragraph (4) in its annual report under paragraph (6), the Committee shall—

(i) Review existing policies, procedures, and practices relating to the coordination and sharing of health care resources and other resources between the two Departments;

(ii) Identify changes in policies, procedures, and practices that, in the judgment of the Committee, would promote mutually beneficial coordination, use, or exchange of use services and health care resources and other resources of the two Departments in order to achieve the goal of improving the quality, efficiency, and effectiveness of the delivery of benefits and services to veterans, members of the Armed Forces, military retirees, and their families through an enhanced partnership between the two Departments.

(iii) Identify and assess further opportunities for coordination and collaboration between the two Departments that, in the judgment of the Committee, would not adversely affect the range and quality of services that, or the established priorities for benefits provided by either Department.

(D) review the plans of both agencies for the acquisition of additional health care resources and other resources, especially new facilities and major equipment and technology, in order to assess the potential effect of such plans on further opportunities for coordination and sharing of such resources; and

(E) review the implementation of activities designed to promote the coordination and sharing of health care resources and other resources between the two Departments.

(4)(A) The Committee shall submit to the Secretaries, and to Congress, each year a report containing such recommendations as the Committee considers appropriate, including recommendations in light of activities under paragraph (3).

(b) CONFORMING AMENDMENT.—Subsection (c)(1) of such section is amended by striking ‘‘section (c)(2)’’ and inserting ‘‘section (c)(4)’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003, as if included in the amendments to section 711 of title 38, United States Code, made by section 721 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 25890, to which the amendments made by this section relate.

(d) INTEGRATED HEALTH CARE PRACTICES.—

(1) The Secretary of Defense and the Secretary of Veterans Affairs may, acting through the Department of Veterans Affairs-Division of Defense Joint Executive Committee, conduct a program to develop and evaluate integrated health care services for members of the Armed Forces and veterans.

(2) Amounts authorized to be appropriated by section 2012(b) for the Defense Health Program may be available for the program under paragraph (1).

SEC. 708. ELIGIBILITY OF RESERVE OFFICERS FOR CERTAIN TRAVEL EXPENSES INCURRED FOR CERTAIN TRAVEL ORDERS TO ACTIVE DUTY FOLLOWING COMMISSIONING.

Section 707(a) of title 10, United States Code, is amended—

(1) by inserting ‘‘(1)’’ after ‘‘(a)’’;

(2) by striking ‘‘who is on active duty’’ and inserting ‘‘described in paragraph (2)’’; and

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

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

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

‘‘(B) a member of a reserve component of a uniformed service who has been commissioned as an officer if—

(i) the member has requested orders to active duty; or

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

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

SEC. 709. REIMBURSEMENT OF COVERED BENEFICIARIES FOR CERTAIN TRAVEL EXPENSES INCURRED FOR CERTIFIED DENTAL CARE.

Section 707 of title 10, United States Code, is amended—

(1) by inserting ‘‘(a) IN GENERAL.—’’ before ‘‘(in any case);’’ and

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

‘‘(ii) SPECIALTY CARE PROVIDERS.—For purposes of subsection (a), the term ‘specialty care provider’ includes a dental specialist (including an endodontist, periodontist, or pediatric dentist).’’.

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

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY EMERGENCY PROCUREMENT AUTHORITY TO FACILITATE DEFENSE AGAINST OR RECOVERY FROM TERRORISM OR NUCLEAR, BIOLOGICAL, CHEMICAL, OR RADIOLOGICAL ATTACK.


(b) EXPANDED SCOPE.—Section 836(a) is further amended—

(1) in paragraph (1), by striking ‘‘the defense against terrorism or nuclear, biological, chemical, or radiological attack’’ and inserting ‘‘defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack’’; and

(2) in paragraph (2), by striking ‘‘the defense against terrorism or nuclear, biological, chemical, or radiological attack’’ and inserting ‘‘defense against or recovery from terrorism or nuclear, biological, chemical, or radiological attack’’.

(c) CONFORMING AMENDMENT.—The heading for such section is amended to read as follows:
SEC. 802. TEMPORARY CONTRACT CLOSEOUT AUTHORITY.

(a) AUTHORITY.—The Secretary of Defense may settle any financial account for a contract entered into by the Secretary or the Secretary of a military department before October 1, 1996, that is administratively complete if the financial account has an unreconciled balance, either positive or negative, that is less than $100,000.

(b) FINALITY OF DECISION.—A settlement under this section shall be final and conclusive upon the accounting officers of the United States.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the administration of the authority under this section.

(d) TERMINATION OF AUTHORITY.—A financial account may not be settled under this section after September 30, 2006.

SEC. 803. DEFENSE ACQUISITION PROGRAM MANAGEMENT FOR USE OF RADIO FREQUENCY SPECTRUM.

(a) REVISION OF DEPARTMENT OF DEFENSE DIRECTIVE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall revise and reissue Department of Defense Directive 4600.1, relating to management and use of the radio frequency spectrum, last issued on June 24, 1987, to update the procedures applicable to Department of Defense management and use of the radio frequency spectrum.

(b) ACQUISITION PROGRAM REQUIREMENTS.—The Secretary of Defense shall—

(1) require that each military department or Defense Agency carrying out a program for the acquisition of a system that is to use the radio frequency spectrum consult with the official or board designated under subsection (c) on the usage of the spectrum by the system as early as practicable during the concept exploration and technology development phases of the acquisition program;

(2) prohibit the program from proceeding into system development and demonstration, or otherwise obtaining production or procuring any unit of the system, until—

(A) evaluation of the proposed radio frequency spectrum usage by the system is completed in accordance with requirements prescribed by the Secretary; and

(B) the Secretary approves or board reviews and approves the proposed usage of the spectrum by the system; and

(3) prescribe a procedure for waiving the prohibition imposed under paragraph (2) in any case in which it is determined necessary to do so in the national security interests of the United States.

(c) DESIGNATION OF OFFICIAL OR BOARD.—The Secretary of Defense shall designate an appropriate official or board of the Department of Defense to perform the functions described for the official or board in subsection (b).

SEC. 804. NATIONAL SECURITY AGENCY MODERNIZATION PROGRAM.

(a) RESPONSIBILITIES UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall—

(1) direct the acquisition of the National Security Agency Modernization Program; and

(2) designate the projects under such program as major acquisition programs.

(b) PROJECTS COMPRISING PROGRAM.—The National Security Agency Modernization Program includes the following projects of the National Security Agency:

(1) The Trailblazer project.

(2) The Groundbreaker project.

SEC. 805. QUALITY CONTROL IN PROCUREMENT OF AVIATION CRITICAL SAFETY ITEMS AND RELATED SERVICES.

(a) QUALITY CONTROL POLICY.—The Secretary of Defense shall prescribe a quality control policy for the procurement of aviation critical safety items and related services to include an effective system that meets either of the dollar threshold requirements set forth in paragraph (1) or (2) of subsection (a) of section 2302d of title 10, United States Code (as adjusted under subsection (c) of such section).

(b) OFTEN SPOKEN—In this section, the term ‘‘aviation critical safety item’’ means a part, an assembly, installation equipment, or overhaul of such items.

(c) DEFINITIONS.—In this section, the term ‘‘aviation critical safety item’’ and ‘‘design control activity’’ have the meanings given such terms in section 2319(g) of title 10, United States Code, as amended by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A–218; 10 U.S.C. 2302 note) is amended by striking ‘‘$5,000,000’’ and inserting ‘‘$10,000,000’’.

SEC. 811. EXPANSION AND EXTENSION OF INCLUSION OF USE OF PERFORMANCE-BASED CONTRACTS IN PROCUREMENT.

(a) INCREASED MAXIMUM AMOUNT OF PROCUREMENT ELIGIBLE FOR COMMERCIAL ITEMS TREATMENT.—Paragraph (1)(a) of section 821(b) of title 10, United States Code, is amended by striking ‘‘$10,000,000’’ and inserting ‘‘$100,000,000’’.

(b) AUTHORITY.—The Secretary of Defense may carry out a pilot program for use of a best value selection of sources for performance of information technology services for the Department of Defense.

(c) DESCRIPTION.—In this section, the term ‘‘information technology services’’ means the services provided by information technology services vendors.

(d) CONTRACTING OFFICER.—The contracting officer under this section may designate the contract officer responsible for the performance of the information technology services under this section.

SEC. 812. PUBLIC-PRIVATE COMPETITIONS FOR THE PURPOSE OF THE DEPARTMENT OF DEFENSE.

(a) PILOT PROGRAM FOR BEST VALUE SOURCE SELECTION FOR THE PERFORMANCE OF INFORMATION TECHNOLOGY SERVICES.—

(1) AUTHORITY.—The Secretary of Defense shall establish a competition for the performance of information technology services for the purpose of determining the best value to the Government over the life of the contract, including in the examination the following:

(i) The cost to the Government, estimated by the Secretary of Defense (based on offers received), for performance of the function by the private sector;

(ii) The estimated cost to the Government of Department of Defense civilian employees performing the function;

(iii) Benefits in addition to price that warrant the use of a particular source at a cost higher than that of performance by Department of Defense civilian employees;

(iv) Cost savings that result from use of a particular source over performance by Department of Defense civilian employees.

(2) PROCEDURES.—The Secretary of Defense shall develop and implement a process for the competition of information technology services for the purpose of determining the best value to the Government over the life of the contract, including in the examination the following:

(i) The cost to the Government, estimated by the Secretary of Defense (based on offers received), for performance of the function by the private sector;

(ii) The estimated cost to the Government of Department of Defense civilian employees performing the function;

(iii) Benefits in addition to price that warrant the use of a particular source at a cost higher than that of performance by Department of Defense civilian employees;

(iv) Cost savings that result from use of a particular source over performance by Department of Defense civilian employees.
In addition to the cost referred to in clause (i), an estimate of all other costs and expenditures that the Government would incur because of the award of such a contract.

(1) The authority to conduct a pilot program under section 812 may extend for 2 years from the date of the pilot program under paragraph (3), except that the Secretary may extend such authority, in his discretion, for an additional year if the Secretary of the Department determines that it is necessary to carry out such competition in a timely manner.

(2) The Secretary must consult with the Comptroller General of the United States prior to the issuance of a solicitation for a contract for the procurement of services described in section 13109 of title 5 that are necessary to carry out a mission of that element without regard to the limitations in such section of the amount that the element determines in writing that the services to be procured are unique and that it would not be practicable to obtain such services by other means.

(3) [Applicability]—Subsection (a) applies to—

(A) any element of the Department of Defense with which the Comptroller General is in correspondence under section 13107 of title 5 or section 13109 of title 5;

(B) the United States Special Operations Command; and

(C) the United States Air Force, the United States Army, the United States Navy, the United States Marine Corps, the United States Space Force, the Coast Guard, and the National Security Agency.

(4) The service of the Department of Defense referred to in subsection (a) shall include the Comptroller General of the United States.

(5) The Secretary of the Department may review the administration of any pilot program and any other conclusions resulting from the review.

SEC. 813. AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.

(a) Authority—The head of an element of the Department of Defense referred to in subsection (a) may enter into a contract for the procurement of services described in section 13109 of title 5 that are necessary to carry out a mission of that element without regard to the limitations in such section of the amount that the element determines in writing that the services to be procured are unique and that it would not be practicable to obtain such services by other means.

(b) [Applicability]—Subsection (a) applies to—

(A) any element of the Department of Defense with which the Comptroller General is in correspondence under section 13107 of title 5 or section 13109 of title 5;

(B) the United States Special Operations Command; and

(C) the United States Air Force, the United States Army, the United States Navy, the United States Marine Corps, the United States Space Force, the Coast Guard, and the National Security Agency.

(2) The policies and procedures established by the Secretary of the Department shall be composed of the following officials:

(A) Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall be the chairman.

(B) The acquisition executive for each of the military departments.

(C) Chief Information Officer of the Department of Defense.

(3) [Responsibilities of Board]—The Board shall be responsible for ensuring that—

(A) the acquisition of information technology equipment determined by the Secretary of Defense as being an integral part of a weapon or a weapon system is conducted in a manner that is consistent with the capital planning, investment control, performance and results-based management processes required under sections 13102, 13103, 13112, and 13114 of title 10, to the extent that such processes requirements are applicable to the acquisition of such equipment;

(B) [Issues of spectrum availability, interoperability, and information security are appropriately addressed in the development of weapons and weapon systems]; and

(C) the case of information technology equipment that is to be incorporated into a weapon or a weapon system under a major defense acquisition program, the information technology equipment is incorporated in a manner that is consistent with—

(A) the planned approach to applying certain provisions of law to major defense acquisition programs following the acquisition process that the Secretary of Defense reported to Congress under section 802 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314, 114 Stat. 3002); and

(B) the acquisition policies that apply to spiral development programs under section 803 of title 10 of such Act (114 Stat. 3003; 10 U.S.C. 2430 note); and

(C) the software acquisition programs of the military department or Defense Agency concerned under section 804 of such Act (114 Stat. 3004; 10 U.S.C. 2430 note).

(4) [Inapplicability of Other Laws]—The provisions of this section do not apply to information technology equipment that is determined by the Secretary of Defense as being an integral part of a weapon or a weapon system:

(A) [Section 13125 of title 10];

(B) [The policies and procedures established under section 13116 of title 10];

(C) [Subsections (d) and (e) of section 101 of the Lloyd D. Shanks National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654a–211), and the requirements and prohibitions that are imposed by section 102 of Department of Defense Directive 5000.1 pursuant to subsections (b) and (c) of such section].

SEC. 822. APPLICATION OF CLINGER-COHEN ACT POLICIES AND REQUIREMENTS TO EQUIPMENT INTEGRAL TO A WEAPON OR WEAPON SYSTEM.

(a) In General.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2223 the following:

(b) [Acquisition of equipment integral to a weapon or weapon system]—The policies and procedures under section 2223a of title 10, United States Code, shall apply to the acquisition of information technology equipment determined by the Secretary of Defense as being an integral part of a weapon or a weapon system.

"(b) CONFORMING AMENDMENT.—Section 2223 of such title is amended by adding at the end the following new section:

"2223a. Acquisition of equipment integral to a weapon or a weapon system: (a) EQUIMENT INTEGRAL TO A WEAPON OR WEAPON SYSTEM.—In the case of information technology equipment determined by the Secretary of Defense to be an integral part of a weapon or a weapon system, the responsibilities under this section shall be performed by the board of senior acquisition officials established pursuant to section 2223a of this title.

"(b) COVERED EQUIPMENT.—For purposes of this section: (1) A domestic source requirement is any requirement under law that the Department of Defense satisfies its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2508(1) of this title).

"(2) A domestic content requirement is any requirement under law that the Department of Defense satisfies its requirements for an item partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

"(c) AUTHORITY.—The authority of the Secretary to waive the application of a domestic source or content requirement under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

"(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

"(2) such country does not discriminate against defense items produced in the United States to a degree that discriminates against defense items produced in that country.

"(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology andLogistics.

"(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

"(f) LAW subject to has the meaning given such term in section 2508(1) of this title.

"SEC. 833. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.—(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new sections:

"§2539c. Waiver of domestic source or content requirement under law that the Department of Defense satisfies its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured—

"(1) in a foreign country that has a Declaration of Principles with the United States;

"(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

"(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

"(b) COVERED REQUIREMENTS.—For purposes of this section:

"(1) In paragraph (1), by inserting "in support of combat operations"; and

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

"(3) Procurements for which the use of procedures other than competitive procedures has been approved on the basis of section 2304(c)(2) of this title, relating to unusual and compelling urgency of need:"

"SEC. 834. INAPPLICABILITY OF BERRY AMENDMENT PROCUREMENTS OF WASTE AND BYPRODUCTS OF COTTON AND WOOL FIBER FOR USE IN THE PRODUCTION OF PROPELLANTS AND EXPLOSIVES.—Section 2533a(f) of title 10, United States Code, is amended—

"(1) by striking "(f) EXCEPTION" and all that follows through "the procurement of" and inserting the following:

"(f) EXCEPTION FOR CERTAIN OTHER COMMODITIES AND ITEMS.—Subsection (a) does not preclude the procurement of the following:

"(1) "(1)" as added by paragraph (1); and

"(2) by capitalizing the initial letter of the word following "(1)".
(4) Section 1732(d) of such title is amended—
   (A) in paragraph (1)—
      (i) in the first sentence, by striking "the acquisition career program board of a military department" and inserting "The Secretary of Defense"
      (ii) in the second sentence, by striking "their" and inserting "the"; and
      (iii) in the fourth sentence, by striking "the" and inserting "such";
   (B) in paragraph (2), by striking "The" and inserting "the";
   (C) in paragraph (3), by striking the second sentence and inserting the following:
      "(2) In subsection (a), by striking paragraph (2), and inserting the following:
         "(2) Program manager."
   (D) in subsection (b), by striking paragraph (2), and inserting the following:
      "(2) Program executive officer."
   (E) in subsection (c), by striking paragraph (2), and inserting the following:
      "(2) Program executive officer."
   (F) in subsection (d), by striking paragraph (3), and inserting the following:
      "(3) Program executive officer."
discretionary authority under Public Law 85-804 (50 U.S.C. 1431 et seq.) so as to provide under such law for indemnification of contractors and subcontractors in procurements by States or units of local government for anti-terrorism technology or anti-terrorism services for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism.

(b) LIMITATIONS.—Any authority that is delegated by the President under subsection (a) to the head of a Federal agency to provide for the indemnification of contractors and subcontractors under Public Law 85-804 (50 U.S.C. 1431 et seq.) for procurements by States or units of local government may be exercised only—

(1) with respect to a procurement by a State or unit of local government that—

(A) is made under a contract awarded pursuant to section 852; and

(B) is in writing, for the provision of indemnification by the President or the official designated by the President under section 852(a); and

(2) with respect to—

(A) amounts of losses or damages not fully covered by private liability insurance and State or local government-provided indemnification; and

(B) liabilities of a contractor or subcontractor not arising out of willful misconduct or lack of good faith on the part of the contractor or subcontractor.

SEC. 852. FEDERAL SUPPORT FOR ENHANCEMENT OF STATE AND LOCAL ANTI-TERRORISM CAPABILITIES.

(a) PROCUREMENTS OF ANTI-TERRORISM TECHNOLOGIES AND SERVICES BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL CONTRACTS.—

(1) ESTABLISHMENT OF PROGRAM.—The President shall designate an officer or employee of the United States—

(A) to establish and administer the program under this section; and

(B) to procure on behalf of States or units of local government, for the purpose of preventing, detecting, identifying, otherwise deterring, or recovering from acts of terrorism, any of the following:

(i) Anti-terrorism technologies or anti-terrorism services.

(2) AUTHORITY.—Under the program established under paragraph (1), the designated Federal procurement official shall—

(A) directly procure listed technologies or services on behalf of States or units of local government, or authorize States or units of local government to procure such technologies or services through a designated Federal procurement official.

(B) establish, and the designated official may use, a listing of technologies or services, together with the information and conditions necessary for the use of such technologies or services, that may be required to provide the share required under subparagraph (A), and such funds shall be deemed to be non-Federal funds for such purpose.

(c) REQUIRED PROCEDURES.—

(1) CONTRACT OR GRANT.—The procedures required by subsection (b)(2) shall be implemented in accordance with procedures established under section 852(b).

(2) WAMER.—The designated Federal procurement official may waive the requirement for a non-Federal contribution described in subparagraph (B) in the case of any eligible entity:

(i) in the case of a SAFER grant, an eligible entity shall submit an application for the grant to the designated Federal procurement official.

(ii) A detailed plan for implementing the strategy that reflects consultation with community groups, consultation with appropriate private and public entities, and consideration of any master plan that applies to the eligible entity.

(iii) An assessment of the ability of the eligible entity to increase the force of firefighters in the fire service without Federal assistance.

(iv) An assessment of the levels of community support for increasing that force, including financial, in-kind contributions, and any other available community resources.

(v) Specific plans for obtaining necessary support and continued funding for the firefighter positions proposed to be added to the fire service with SAFER grant funds.

(vi) An assurance that the eligible entity will, to the extent practicable, seek to recruit and employ (or accept the voluntary services of) firefighters who are members of racial and ethnic minority groups or women.

(vii) Any additional information that the designated Federal procurement official considers appropriate.

(d) SPECIAL RULE FOR SMALL COMMUNITIES.—The designated Federal procurement official may authorize an eligible entity responsible for a population of less than 50,000 to submit an application without information required under subparagraph (B), and may otherwise make special provisions to facilitate the expedited submission, processing, and approval of an application by such an entity.

(e) PREFERENTIAL CONSIDERATION.—The designated Federal procurement official may give preferential consideration, to the extent feasible, to an application submitted by an eligible entity that proposes to contribute a non-Federal share higher than the share required under paragraph (4)(A).
(E) Assistance with applications.—The designated Federal procurement official is authorized to provide technical assistance to an eligible entity for the purpose of assisting with the preparation of an application for a SAFER grant.

(6) Special rules on use of funds.—(A) Supplement not supplant.—The proceeds of a SAFER grant may not be used to fund the pay and benefits of full-time firefighters if the total annual amount of the pay and benefits for that firefighter exceeds $100,000. The designated Federal procurement official may waive the prohibition in the proceeding sentence in any particular case.

(7) Performance evaluation.—(A) Requirement for information.—The designated Federal procurement official shall evaluate, each year, whether an entity receiving SAFER grant funds in such year is substantially complying with the terms and conditions of the grant.

(B) Access to documents.—(A) Audits by designated Federal procurement officer.—The designated Federal procurement official may require an entity that has received a SAFER grant to provide access to audit, examination, or inspection by the Federal procurement official to any pertinent books, documents, papers, or records of an eligible entity that receives a SAFER grant.

(B) Audits by the comptroller general.—Subparagraph (A) shall apply with respect to audits and examinations conducted by the comptroller general of the United States or by an authorized representative of the comptroller general.

(C) Termination of SAFER grant authorization.—(A) In general.—The authority to award a SAFER grant shall terminate at the end of September 30, 2010.

(B) If no Congress.—Not later than two years after the date of the enactment of this Act, the designated Federal procurement official shall submit to Congress a report on the SAFER grant program under this subsection (A) that shall include a determination of the effectiveness of the program for achieving its purpose, and may include any recommendations that the designated Federal procurement official has for increasing the forces of firefighters in fire services.

(10) Definitions.—In this subsection:

(A) Eligible entity.—The term "eligible entity" means—

(i) a State;

(ii) a subdivision of a State;

(iii) a tribal organization;

(iv) any other public entity that the designated Federal procurement official determines appropriate for eligibility under this section; and

(v) a multijurisdictional or regional consortium of the entities described in clauses (i) through (iv).

(B) Firefighter.—The term "firefighter" means an employee or volunteer member of a fire service, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who—

(i) is trained in fire suppression and has the legal authority and responsibility to engage in fire suppression;

(ii) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

(C) Fire service.—The term "fire service" includes an organization described in section 45(5) of the Federal Fire Prevention and Control Act of 1974 that is under the jurisdiction of a tribal organization.

(D) Master plan.—The term "master plan" has the meaning given the term "master plan" in the section 10.01 of the Federal Fire Prevention and Control Act of 1974.

(E) SAFER grant.—The term "SAFER grant" means a grant of financial assistance under this subsection.

(F) Tribal organization.—The term "tribal organization" has the meaning given the term "tribal organization" in the section 164 of title 10, United States Code, as amended by section 139(h) of title 10, United States Code.

(G) Unit of local government.—(1) The term "unit of local government" means any city, county, township, borough, parish, village, or other general purpose political subdivision of a State; an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior; or any agency of the District of Columbia Government or the United States Government performing law enforcement functions in and for the District of Columbia or the Trust Territory of the Pacific Islands.

Title I—General Provisions

Subtitle A—Compliance with Terms and Conditions

Section 101.—Compliance with terms and conditions.

Section 102.—Compliance with requirements of the Surety Program.

Section 103.—Compliance with requirements of other Federal programs.

Subtitle B—Reconciliation

Section 104.—Reconciliation of Federal funding of the grant.

Section 105.—Reconciliation of non-Federal funding of the grant.

Title II—Funding

Title III—Termination of SAFER Grant Authorization

Title IV—Reports

Subtitle A—Report to Congress

Subtitle B—Report to the Federal Emergency Management Agency

Subtitle C—Report to the Secretary of the Interior

Subtitle D—Report to the Federal Emergency Management Agency

Subtitle E—Report to the Federal Emergency Management Agency

Subtitle F—Compliance with Terms and Conditions

Subtitle G—General Contracting Authorities, Procedures, and Limits, and Other Matters

Section 861.—Limited acquisition authority for commander of United States joint forces command.

Section 862.—Operational test and evaluation.

Section 863.—Definitions.

Section 864.—Procedures, and Limitations, and Other Matters.
SEC. 863. MULTIYEAR TASK AND DELIVERY ORDER CONTRACTS.

(a) REPEAL OF APPLICABILITY OF EXISTING AUTHORITY AND REGULATIONS.—Section 2306c of title 10, United States Code, is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(b) MULTIYEAR CONTRACTING AUTHORITY.—Section 230a of such title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

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

"§ 230a. Definitions.—In this section:

"(1) The term ‘long-term task order contract’ means any contract entered into by the head of a military department, defense agency, or Department of Defense Field Activity under this section, for services or supplies for which the contract period as extended exceed eight years.

"(2) The term ‘short-term task order contract’ means any contract entered into by the head of a military department, defense agency, or Department of Defense Field Activity under this section, for services or supplies for which the contract period as extended does not exceed eight years.

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SEC. 864. REPEAL OF REQUIREMENT FOR CONTRACT ASSURANCES REGARDING THE COMPLETENESS, ACCURACY, AND CONTRACTUAL SUFICCIENCY OF TECHNICAL DATA PROVIDED BY THE CONTRACTOR.

Section 2320(b) of title 10, United States Code, is amended—

(1) by inserting paragraph (7); and

(2) by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

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SEC. 865. REESTABLISHMENT OF AUTHORITY FOR SHORT-TERM LEASES OF REAL OR PERSONAL PROPERTY ACROSS FISCAL YEARS.

(a) REESTABLISHMENT OF AUTHORITY.—Subsection (a) of section 2410a of title 10, United States Code, is amended—

(1) by inserting ‘‘(1)’’ before ‘‘The Secretary of Defense’’;

(2) by striking ‘‘for procurement of severable services;’’ and inserting ‘‘for a purpose described in paragraph (2);’’; and

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

"(2) The purpose of a contract described in this paragraph is as follows:

"(A) The prosecution of a single battle.

"(B) The prosecution of a single phase of a continuing effort.

"(C) The prosecution of a single activity.

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

"§ 2410a. Contracts for periods crossing fiscal years; severable service contracts; leases of real or personal property.

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2410a and inserting the following new item:

"2410a. Contracts for periods crossing fiscal years; severable service contracts; leases of real or personal property.

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SEC. 866. CONSOLIDATION OF CONTRACT REQUIREMENTS.

(a) AMENDMENT TO TITLE 10.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2381 the following new section:

"§ 2382. Consolidation of contract requirements; policy and restrictions

"(a) POLICY.—The Secretary of Defense shall require the Secretary of each military department, the head of each Defense Agency, and the head of each Department of Defense Field Activity to ensure that the decisions made by that official regarding consolidation of contract requirements, agency, or field activity, as the case may be, are made with a view to providing small business concerns with appropriate opportunities to participate in Department of Defense procurements as prime contractors and appropriate opportunities to participate in such procurements as subcontractors.

(b) IMPLEMENTATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—(1) An official of a military department, Defense Agency, or Department of Defense Field Activity may not enter into an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive concerned first—

"(A) conducts market research;

"(B) identifies contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(C) determines that the consolidation is necessary and justified and that the purpose of a contract described in this paragraph (1) if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under subparagraph (B) of that paragraph.

However, savings in administrative or personnel costs alone do not constitute, for such purposes, sufficient justification for a consolidation of contract requirements in a procurement unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

(3) Benefits considered for the purposes of paragraphs (1) and (2) may include cost and, regardless of whether quantifiable in dollar amounts—

"(A) quality;

"(B) acquisition cycle;

"(C) terms and conditions; and

"(D) other.

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

"TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department Officers and Agencies

SEC. 901. Clarification of Responsibility of Military Departments to Support Combatant Commands.

Sections 3013(c)(4), 5013(c)(4), and 8013(3)(c)(4) of title 10, United States Code, are amended by striking ‘‘(to the maximum extent practicable)’’.


(a) REDesignation.—The National Imagery and Mapping Agency (NIMA) is hereby redesignated as the National Geospatial-Intelligence Agency (NGA).

(b) CONFORMING AMENDMENTS.—(1) Title 10, United States Code, is amended by striking ‘‘National Imagery and Mapping Agency’’ each place it appears in the penalized place it appears in section 461(b) of such title and inserting ‘‘National Geospatial-Intelligence Agency’’.

(2) Section 4531(b) of such title is amended by striking ‘‘NIMA’’ each place it appears and inserting ‘‘NGA’’.

(C) Subsection (b)(3) of section 424 of such title is amended by striking ‘‘National Imagery and Mapping Agency’’ and inserting ‘‘National Geospatial-Intelligence Agency’’. (ii) The heading for such section is amended to read as follows:


(F) The table of sections at the beginning of chapter 1 of section 21 of such title is
amended in the item relating to section 424 by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(e) Section 425 of title 10, United States Code, is amended to read as follows:

"...".

(f) The heading for chapter 22 of such title is amended to read as follows:

"CHAPTER 22. NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY."

(iii) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part I of such subtitle, are each amended by striking the item relating to chapter 22 and inserting the following new item:

"22. National Geospatial-Intelligence Agency."

SEC. 903. STANDARDS OF CONDUCT FOR MEMBERS OF THE DEFENSE POLICY BOARD AND THE DEFENSE SCIENCE BOARD.

(a) Standards Required.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate standards of conduct for members of the Defense Policy Board and the Defense Science Board. Such standards shall ensure that they are consistent with the standards of conduct for members of the Board of Directors of the Department of Defense.

(b) Issues to Be Addressed.—The standards of conduct promulgated pursuant to subsection (a) shall address, at a minimum, the following:

(D) The Secretary shall submit a report on the space science and technology strategy, the space career fields and plans, when implemented, are likely to be for developing the necessary cadre of personnel who are expert in space systems development and space systems operations.

(b) Not later than June 15, 2004, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings and assessment under paragraph (1) to the committees on Armed Services of the Senate and the House of Representatives.

(c) General Accounting Office Review.—(1) The Comptroller General shall review the strategy on space career fields of the military departments as integrated to the maximum extent practicable.

(b) Report.—Not later than February 1, 2004, the Secretary shall submit a report on the space science and technology strategy, the space career fields and plans, when implemented, are likely to be for developing the necessary cadre of personnel who are expert in space systems development and space systems operations.
SEC. 913. POLICY REGARDING ASSURED ACCESS TO SPACE FOR UNITED STATES NATIONAL SECURITY PAYLOADS.

(a) POLICY—The policy of the United States for the President to undertake actions appropriate to ensure, to the maximum extent practicable, that the United States has the capability to launch and insert United States national security payloads into space whenever such payloads are needed in space.

(b) INCLUDED ACTIONS.—The actions referred to in subsection (a) shall include, at a minimum, providing resources and policy guidance to sustain—

(1) the availability of at least two space launchers capable of delivering into space all payloads designated as national security payloads by the Secretary of Defense and the Director of National Intelligence; and

(2) a robust space launch infrastructure and industrial base.

(c) COORDINATION.—The Secretary of Defense shall, at a maximum extent practicable, pursue the attainment of the capabilities described in subsection (a) in coordination with the Administrator of the National Space and Aeronautics Administration.

SEC. 914. PILOT PROGRAM TO PROVIDE SPACE SURVEILLANCE NETWORK SERVICES TO STATES OUTSIDE THE UNITED STATES GOVERNMENT.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a pilot program to provide eligible States with the Federal Government with satellite tracking services using assets owned or controlled by the Department of Defense.

(b) ELIGIBLE ENTITIES.—The Secretary shall prescribe the requirements for eligibility to obtain services under the pilot program. The requirements shall, at a minimum, provide eligibility for entities:

(1) the governments of States;

(2) the governments of political subdivisions of States;

(3) United States commercial entities.

(4) the governments of foreign countries;

(5) United States commercial entities.

(c) SALE OF SERVICES.—Services under the pilot program may be provided by sale, except in the case of services provided to a government described in paragraph (1) or (2) of subsection (b).

(d) CONTRACTOR INTERMEDIARIES.—Services under the pilot program may be provided either directly to an eligible entity or through a contractor of the United States or a contractor of an eligible entity.

(e) SATELLITE DATA AND RELATED ANALYSES.—The services provided under the pilot program may include satellite tracking data or any ancillary data derived from it, determined, that is, in the national security interests of the United States for the services to include such data or analysis, respectively.

(f) REIMBURSEMENT OF COSTS.—The Secretary may require an entity purchasing services under the pilot program to reimburse the Department of Defense for the costs incurred by the Department in providing the service.

(g) CREDITING TO CHARGED ACCOUNT.—(1) The proceeds of a sale of services under the pilot program, together with any amounts reimbursed under subsection (f) in connection with the sale, shall be credited to the appropriation for the fiscal year in which collected that is or corresponds to the appropriation charged the costs of such services.

(2) Amounts credited to an appropriation under paragraph (1) shall be merged with other sums in the appropriation and shall be available for the same purposes as the sums with which merged.

(h) NONTRANSFERABILITY AGREEMENT.—The Secretary shall require a recipient of services under the pilot program to enter into an agreement not to transfer any data or technical information, including any analysis of satellite tracking data, to any other entity without the expressed approval of the Secretary.

(i) PROHIBITION CONCERNING INTELLIGENCE ASSETS OR DATA.—Services and information concerning or derived from, United States intelligence assets or data may not be provided under the pilot program.

(j) DEFINITIONS.—In this section:

(1) the term "United States commercial entity" means an entity that is involved in commercial services and is organized under laws of a foreign country.

(2) the term "commercial entity" means an entity that is involved in commerce and is organized under laws of a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or American Samoa.

(3) CONSTRUCTION.—The term "space launch vehicle or family of space launch vehicles capable of delivering into space all payloads designated as national security payloads by the Secretary of Defense and the Director of National Intelligence" means an entity that is involved in commerce and is organized under laws of a foreign country.

(k) DURATION OF PILOT PROGRAM.—The pilot program under this section shall be conducted for three years beginning on a date designated by the Secretary of Defense, but not later than 180 days after the date of the enactment of this Act.

SEC. 915. CONTENT OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) REVISED CONTENT.—Paragraph (1) of section 228(d) of title 10, United States Code, is amended—

(1) by striking subparagraph (C);

(2) in subparagraph (E), by striking "any progress made toward" and inserting "Progress and challenges in";

(3) by striking subparagraph (F), and inserting the following:

(1) Progress and challenges in protecting GPS from jamming, disruption, and interference;

(2) by redesigning subparagraphs (D), (E), and (F), as subparagraphs (C), (D), and (E), respectively; and

(3) by striking after subparagraph (E), as so redesignated, the following new subparagraph (F):

"(F) Progress and challenges in developing the enhanced Global Positioning System required by section 218(b) of Public Law 105-261 (112 Stat. 2511; 10 U.S.C. 2281 note)."

(b) CONFORMING AMENDMENT.—Paragraph (2) of such section 228(d) is amended by inserting "(C)," after "under subparagraphs".

Subtitle C—Other Matters

SEC. 921. COMBATANT COMMAND INITIATIVE FUND.

(a) REDESIGNATION OF CINC INITIATIVE FUND.—(1) The CINC Initiative Fund administered under section 166a of title 10, United States Code, is redesignated as the "Combatant Commander Initiative Fund".

(2) Section 166a of title 10, United States Code, is amended—

(A) by striking the heading for subsection (a) and inserting "COMBATANT COMMANDER INITIATIVE FUND"; and

(B) by striking "CINC Initiative Fund" in subsections (a) and (b) and inserting "Combatant Commander Initiative Fund".

(3) Any reference to the CINC Initiative Fund in any other provision of law or in any regulation, document, or record of the United States shall be construed to be a reference to the Combatant Commander Initiative Fund.

(b) AUTHORIZED ACTIVITIES.—Subsection (b) of section 166a of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(10) Joint warfighting capabilities.".

(c) INCREASED MAXIMUM AMOUNTS AUTHORIZED FOR USE.—Subsection (e)(1) of such section is amended—

(1) in subparagraph (A), by striking "$7,000,000" and inserting "$15,000,000";

(2) in subparagraph (B), by striking "$1,000,000" and inserting "$2,000,000"; and

(3) in subparagraph (C), by striking "$2,000,000" and inserting "$10,000,000".

SEC. 922. AUTHORITY FOR THE MARINE CORPS UNIVERSITY TO AWARD THE DEGREE OF MASTER OF OPERATIONAL STUDIES.

Section 7102(b) of title 10, United States Code, is amended—

(1) by striking "MARINE CORPS WAR COLLEGE" and inserting "AWARDING OF DEGREES.-(1)"; and

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

"(2) Upon the recommendation of the Director and faculty of the Command and Staff College of the Marine Corps University, the President of the Marine Corps University may confer the degree of master of operational studies upon graduates of the School of Advanced Warfighting of the Command and Staff College who fulfill the requirements for that degree.

SEC. 923. REPORT ON CHANGING ROLES OF UNITED STATES SPECIAL OPERATIONS COMMAND.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the changing roles of the United States Special Operations Command.

(b) CONTENT OF REPORT.—(1) The report shall specifically discuss in detail the following matters:

(A) The expanded role of the United States Special Operations Command in the global war on terrorism.

(B) The reorganization of the United States Special Operations Command, as a supporting combatant command, for planning, executing operations, and conducting direct action missions.

(C) The role of the United States Special Operations Command as a supporting combatant command.

(2) The report shall also include, in addition to the matters discussed pursuant to paragraph (1), a discussion of the following matters:

(A) The military strategy to employ the United States Special Operations Command to fight the war on terrorism and how that strategy contributes to the overall national security strategy with regard to the global war on terrorism.

(B) The decisionmaking procedures for authorizing, planning, and conducting direct action missions, including procedures for consultation with Congress.

(C) The procedures for the commander of the United States Special Operations Command to use to coordinate with commanders of other combatant commands, especially geographic commands.

(D) Future organization plans and resource requirements for conducting the global counterterrorism mission.

(E) The impact of the changing role of the United States Special Operations Command on other special operations missions, including foreign internal defense, psychological operations, counterinsurgency, counterterrorism, counterdrug activities, and humanitarian activities.

(F) FORMS OF REPORT.—The report shall be submitted in unclassified form and, as necessary, in classified form.

SEC. 924. INTEGRATION OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE ACTIVITIES.

(a) FINDINGS.—Congress makes the following findings:
(1) As part of transformation efforts within the Department of Defense, each of the Armed Forces is developing intelligence, surveillance, and reconnaissance capabilities that best support an effective and responsive military capability, leadership of the military department concerned.

(2) Concurrently, intelligence agencies of the Department of Defense outside the military departments are developing transformation roadmaps to best support the future decisionmaking and war fighting needs of their principal customers, but not always closely coordinating those efforts with the intelligence, surveillance, and reconnaissance development efforts of the military departments.

(3) Each Section of each military department has been designated as the integrator of intelligence, surveillance, and reconnaissance capabilities and developmental activities for each of the Armed Forces can routinely interact with each other and with senior representatives of Department of Defense intelligence agencies, as well as with other members of the intelligence community, to ensure effort and to preclude unnecessary duplication of effort.

(4) The current funding structure of a National Intelligence Program, Joint Intelligence and Related Activities Program (TIAA), and Intelligence, Surveillance, and Reconnaissance Integration Program (MRIP) may not be the best approach for development of an intelligence, surveillance, and reconnaissance structure that is integrated to meet the national security requirements of the United States in the 21st century.

(5) The position of Under Secretary of Defense for Intelligence was established in 2002 by Public Law 107-314 in order to facilitate resolution of the current problems arising in achieving an integrated intelligence, surveillance, and reconnaissance structure in the Department of Defense to meet such 21st century requirements.

(b) Goal.—It shall be a goal of the Department of Defense to fully coordinate and integrate the intelligence, surveillance, and reconnaissance capabilities and developmental activities of the military departments, intelligence agencies of the Department of Defense, and relevant combatant commands as those departments, commands, and agencies transform their intelligence, surveillance, and reconnaissance systems to meet current and future needs.

(c) Requirement.—(1) The Under Secretary of Defense for Intelligence shall establish an Intelligence, Surveillance, and Reconnaissance Integration Council to provide a permanent forum for the discussion and arbitration of issues relating to the integration of intelligence, surveillance, and reconnaissance capabilities.

(2) The Council shall be composed of the senior intelligence officers of the Armed Forces and the undersecretary of defense for intelligence, the director of operations of the joint staff, and the director of the intelligence agencies of the Department of Defense.

(3) The Under Secretary of Defense for Intelligence shall invite the participation of the Director of Central Intelligence or his representative in the Council.

(4) ISAR INTEGRATION ROADMAP.—The Under Secretary of Defense for Intelligence, in consultation with the Intelligence, Surveillance, and Reconnaissance Integration Council and the Director of Central Intelligence, shall develop a comprehensive Defense Intelligence, Surveillance, and Reconnaissance Integration Roadmap. The Roadmap shall develop and integrate the Department of Defense intelligence, surveillance, and reconnaissance capabilities for 15 years.

(a) Report.—(1) Not later than September 30, 2004, the Under Secretary of Defense for Intelligence shall submit to the committees of Congress specified in paragraph (2) a report on the Defense Intelligence, Surveillance, and Reconnaissance Integration Roadmap developed under subsection (d). The report shall include the following:

(A) The fundamental goals established in the roadmap.

(B) An overview of the intelligence, surveillance, and reconnaissance integration activities of the military departments and the intelligence agencies of the Department of Defense.

(C) An investment strategy for achieving—
   (i) an integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities and developmental activities of needed tactical and operational efforts; and
   (ii) efficient investment in new intelligence, surveillance, and reconnaissance capabilities.

(D) A discussion of intelligence gathered and analyzed by the Department of Defense can enhance the role of the Department of Defense in fulfilling its homeland security responsibilities.

(E) A discussion of how counterintelligence activities of the Armed Forces and the Department of Defense can better integrate.

(F) Recommendations on how annual funding authorizations and appropriations can be optimized to structure the development of a fully integrated Department of Defense intelligence, surveillance, and reconnaissance architecture.

(2) The committees of Congress referred to in paragraph (1) are as follows:

(A) The Committee on Armed Services, the Committee on Intelligence, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 925. ESTABLISHMENT OF THE NATIONAL GUARD OF THE NORTHERN MARIANA ISLANDS.

(a) ESTABLISHMENT.—The Secretary of Defense may cooperate with the Governor of the Northern Mariana Islands to establish the National Guard of the Northern Mariana Islands, and may integrate into the Army National Guard of the United States and the Air National Guard of the United States the members of the National Guard of the Northern Mariana Islands who are granted Federal recognition under title 32, United States Code.

(b) AMENDMENTS TO TITLE 32.—(1) Section 101 of title 32, United States Code, is amended—

(A) in subsection (a), by inserting “Puerto Rico,” each place it appears.

(B) in paragraphs (19), (22), and (23), by striking the last sentence.

(C) in subsection (b), by striking “Puerto Rico,”

(2) Section 1001 of title 32, United States Code, is amended—

(A) in subsection (a), by inserting “Puerto Rico, Northern Mariana Islands,” after “Puerto Rico,”

(B) in subsection (c), by striking “’’ or Northern Mariana Islands,” after “Puerto Rico,”

(3) Section 1002 of title 32, United States Code, is amended—

(A) in subsection (a), by striking “Puerto Rico,”

(B) in subsection (b), by inserting “Northern Mariana Islands,”

(4) Section 1003 of title 32, United States Code, is amended—

(A) in subsection (a), by striking “Puerto Rico,”

(B) in subsection (b), by inserting “Northern Mariana Islands,”

(C) in subsection (c), by striking “Puerto Rico,”

(D) in subsection (d), by inserting “Northern Mariana Islands,”

(E) in subsection (e), by inserting “Puerto Rico,”

(5) Section 1004 of title 32, United States Code, is amended—

(A) in subsection (a), by striking “Puerto Rico,”

(B) in subsection (b), by inserting “Northern Mariana Islands,”

(C) in subsection (c), by striking “Puerto Rico,”

(D) in subsection (d), by inserting “Northern Mariana Islands,”

(E) in subsection (e), by inserting “Puerto Rico.”

(6) Section 1005 of title 32, United States Code, is amended—

(A) in subsection (a), by striking “Puerto Rico,”

(B) in subsection (b), by inserting “Northern Mariana Islands,”

(C) in subsection (c), by striking “Puerto Rico,” and inserting “Northern Mariana Islands,”

(7) Section 1006 of title 32, United States Code, is amended—

(A) in subsection (a), by striking “Puerto Rico,”

(B) in subsection (b), by inserting “Northern Mariana Islands,”

(C) in subsection (c), by striking “Puerto Rico,”

(D) in subsection (d), by inserting “Northern Mariana Islands,”

(E) in section 1021 of title 32, United States Code, the term “Puerto Rico” shall be considered to include a reference to the Commonwealth of the Northern Mariana Islands or to the Governor of the Northern Mariana Islands, respectively.

TITLE V.—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary...
of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2003 in such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—
(1) may only be used to provide authority for items of lesser priority than the items from which authority is transferred; and
(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) Creditworthiness.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. UNITED STATES CONTRIBUTION TO NORTH ATLANTIC TREATY ORGANIZATION BUDGETS IN FISCAL YEAR 2004.

(a) FISCAL YEAR 2004 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2004 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:
(1) The amounts of unexpended balances, as of the end of fiscal year 2003, of funds appropriated for fiscal years before fiscal year 2004 for payments for those budgets.
(2) The amount specified in subsection (c)(1).
(3) The amount specified in subsection (c)(2).
(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized by this section shall be made available to NATO for the common-funded budgets of NATO as follows:
(1) Of the amount provided in section 201(1), $833,000,000 for the Civil Budget.
(2) Of the amount provided in section 301(1), $207,125,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:
(1) COMMON-FUNDED BUDGETS OF NATO.—The term ‘‘common-funded budgets of NATO’’ means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).
(2) 1998 BASELINE LIMITATION.—The term ‘‘fiscal year 1998 baseline limitation’’ means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth for the fiscal year 1998 in section 2501(b)(3) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85).

SEC. 1003. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2004.

(a) DOD AND DOE AUTHORIZATIONS.—Amounts authorized to be appropriated to the Department of Defense and the Department of Energy for fiscal year 2003 in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) are hereby adjusted, with respect to any such authorized amount, by subtracting such amounts, if any, pursuant to such authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I of Public Law 108-11.

(b) REPORT ON FISCAL YEAR 2003 TRANSFERS.—Not later than 30 days after the end of fiscal year 2003, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the transfers of funds pursuant to this section to the Department of Defense that such action is necessary in the national interest, the Secretary considers necessary to effectively take disciplinary action against and penalize Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

SEC. 1004. DEFENSE TRAVEL CARD DEFINED.—In this section, the term ‘‘Defense travel card’’ has the meaning given such term in section 278a(a)(1) of title 10, United States Code.

Subtitle C—Reports

SEC. 1021. ELIMINATION AND REVISION OF VARIOUS REPORTING REQUIREMENTS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) PROVISIONS OF TITLE 10.—Title 10, United States Code, is amended as follows:
(1) Section 126 is amended by striking subsection (d).
(2) Section 347 is amended—
(A) in subsection (b), by striking subparagraph (A); and
(B) in subsection (c)—
(i) by striking ‘‘and’’ at the end of paragraph (2); and
(ii) by striking the period at the end of paragraph (3) and inserting ‘‘; and’’;
(iii) by adding at the end the following new paragraph:
[(4) A description of each corporation, partnership, and other legal entity that was established during such fiscal year.]
(3) Section 320 is amended—
(A) in subsection (b), by striking subparagraph (B); and
(B) in subsection (c)—
(i) by striking ‘‘and’’ at the end of paragraph (2); and
(ii) by inserting after paragraph (2) the following new paragraph:
[(3) A description of each corporation, partnership, and other legal entity that was established during such fiscal year.]
(4) Section 896 is amended by striking subsection (e).
(5) Section 1060 is amended by striking subsection (d).
(6) Section 2212 is amended by striking subsections (d) and (e).
(7) Section 2224 is amended by striking subsection (e).
(8) Section 2255 is amended by striking paragraph (2); and
(B) by striking ‘‘(b) EXCEPTION.—’’ and inserting ‘‘(b) EXCEPTION.—’’;
(C) in redesignating subparagraphs (A) and (B) of paragraphs (3) and (5), respectively; and
(D) by redesigning clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.
(9) Section 2323 is amended by striking paragraphs (3) and (4).
(10) Section 2350a is amended by striking subsection (f).

OTHER REPORTS

SEC. 1011. MANDATORY DISBURSEMENT OF TRAVEL ALLOWANCES DIRECTLY TO TRAVEL CARD CREDITORS.

SEC. 1012. DETERMINATIONS OF CREDITWORTHINESS FOR ISSUANCE OF DEFENSE TRAVEL CARD.

SEC. 1013. DISCIPLINARY ACTIONS AND ASSESSMENT PENALTIES FOR MISUSE OF DEFENSE TRAVEL CARDS.

(a) REQUIREMENT FOR GUIDANCE.—The Secretary of Defense shall prescribe guidelines and procedures for making determinations regarding the taking of disciplinary action, including assessment of penalties, against Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

(b) ACTIONS COVERED.—The disciplinary actions and penalties covered by the guidance and procedures prescribed under subsection (a) may include the following:
(1) Civil actions for false claims under sections 3729 through 3731 of title 31, United States Code.
(2) Administrative remedies for false claims and statements provided under chapter 38 of title 31, United States Code.
(3) In the case of civilian personnel, adverse personnel actions under chapter 70 of title 5, United States Code, and any other disciplinary actions available under law for employees of the United States.
(4) In the case of members of the Armed Forces, disciplinary actions and penalties under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

SEC. 1014. REPORT.—Not later than February 1, 2004, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the new policies and procedures prescribed under section (a). The report shall include the following:
(1) The guidelines and penalties.
(2) A discussion of the implementation of the guidelines and penalties.
(3) A discussion of any additional administrative action, or any recommended legislation, that the Secretary considers necessary to effectively take disciplinary action against and penalize Department of Defense personnel for improper, fraudulent, or abusive use of Defense travel cards by such personnel.

SEC. 1020. PROVISION OF MEALS AND REFRESHMENTS.—

(a) In general.—The Defense travel card is a co-issued MasterCard with a dollar limit on spending for meals and refreshments.

(b) Reporting requirements.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section for fiscal years 2004 through 2005.

SEC. 1015. DEFENSE TRAVEL CARD CONTRACTORS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section for fiscal years 2004 through 2005.

SEC. 1016. TRAVEL CARD CREDITORS.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section for fiscal years 2004 through 2005.
Section 2350(d) is amended—
(A) by striking paragraphs (1) and (2) and inserting the following new paragraph:

"(1) Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the administration of such authorities under this section. The report for a fiscal year shall include the following information:

(A) Each prime contract that the Secretary required to be awarded to a particular prime contractor during such fiscal year, and each subcontract that the Secretary required to be awarded to a particular subcontractor during such fiscal year, and whether such awards were made in accordance with a cooperative agreement, together with the reasons that the Secretary exercised authority to designate a particular contractor or subcontractor, as the case may be.

(B) Each exercise of the waiver authority under subsection (c) during such fiscal year, including the particular provision or provisions of law that were waived; and

(C) by redesigning paragraph (3) as paragraph (4)."

Section 2371(h) is amended by adding at the end the following new paragraph:

"(3) No report is required under this section for fiscal years after fiscal year 2006."

Section 2515(d) is amended—
(A) by striking subsection (b); and

(B) in subsection (c), in the third sentence, by striking "Congressional Record."

Section 2541d is amended—
(A) by striking subsection (b); and

(B) in the third sentence, by striking "in para-".

Section 2688(e) is amended to read as follows:

"(e) QUARTERLY REPORT.—(1) Not later than 30 days after the end of each quarter of a fiscal year, the Secretary shall submit to the Congress a report on the congression- defense committees a report on the conve- and all that fol- and inserting "to Congress notification of the loss"; and

(ii) by striking "and" and inserting "loss;";

(iii) by striking paragraph (2); and

(B) by striking subsection (b).

Section 2680 is amended by striking subsection (c)."
Congressional Record — Senate
June 4, 2003

Section 1005. Study of beryllium industrial base

(a) Requirement for study.—The Secretary of Defense shall conduct a study of the adequacy of the industrial base of the United States to meet defense requirements of the United States for beryllium.

(b) Report.—Not later than January 30, 2004, the Secretary shall submit a report on the results of the study to Congress. The report shall contain, at a minimum, the following information:

(1) A discussion of the issues identified with respect to the long-term supply of beryllium.

(2) An assessment of the need, if any, for modernization of the primary sources of production of beryllium.

(3) A discussion of the advisability of, and concepts for, meeting the future defense requirements of the United States for beryllium and maintaining a stable domestic industrial base of sources of beryllium through—

(A) cooperative arrangements commonly referred to as public-private partnerships;

(B) the administration of the National Defense Stockpile under the Strategic and Critical Materials Stock Piling Act; and

(C) any other means that the Secretary identifies as feasible.

Subtitle D—Other Matters

Section 1001. Blue forces tracking initiative

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

(1) For military commanders, a principal purpose of technology is to enable the commanders of friendly forces to gain a clear understanding of the positions of the enemy forces theater of operations has not been developed.

(2) Situational awareness of blue forces has been improved since the 1991 Persian Gulf War, but blue forces tracking remains a complex problem characterized by information that is incomplete, not fully accurate, or untimely.

(3) Casualties in recent warfare have declined, but casualties associated with friendly fire incidents have remained relatively constant.

(4) Casualties in recent warfare have declined, but casualties associated with friendly fire incidents have remained relatively constant.

(5) Despite significant investment, a coordinate tracking of the blue forces throughout a United States or coalition forces theater of operations has not been developed.

(b) Goal.—It shall be a goal of the Department of Defense to fully coordinate the various efforts of the Joint Staff, the commanders of the
commitment, and the military departments to develop an effective blue forces tracking system.

(c) Joint Blue Forces Tracking Experiment. (1) The Secretary of Defense, through the Commander of the United States Joint Forces Command, shall carry out a joint experiment in fiscal year 2004 to demonstrate and evaluate available joint blue forces tracking technologies.

(2) The objectives of the experiment are as follows:

(A) To explore various options for tracking United States and other friendly forces during combat operations.

(B) To determine an optimal, achievable, and ungradable solution for the development, acquisition, and fielding of a system for tracking all United States military forces that is coordinated and interoperable and also accommodates the participation of military forces of allied nations with United States forces in combat operations.

(2) Report. Not later than 60 days after the conclusion of the experiment under subsection (c), but not later than December 1, 2004, the Secretary shall submit to the congressional defense committees a report on the results of the experiment.

(3) Authorization. (A) The government of a State or of a political subdivision of a State, or of a foreign country, or of an international organization, including a foundation or charitable organization, which is organized or operates under the laws of a foreign country.

(B) Any source in the private sector of the United States or a foreign country.

(4) Conforming Amendments. (A) The definitions in section 105C-1(a)(1) as existing and in effect before the date of the enactment of this section, are amended to read as follows:

(iii) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the Senate.

(iii) The Intelligence Oversight Board.

(iv) The Office of General Counsel of NSA.


(vi) The Office of the Director of NSA.

(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 is enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004, and which specifically cites and repeals or modifies such provisions.

(F)(i) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that NSA has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

(i) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations is filed with, or produced for, the court by NSA, such information shall be examined ex parte, in camera by the court.

(ii) The court shall determine, to the fullest extent practicable, the issues of fact based on sworn written submission.

(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files of the National Security Agency:

(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information pursuant to the provisions of section 552 or 552a of title 5, United States Code;

(a) Consoliated Current Provisions on Protection of Operational Files. (The provisions of section 2195 of title 10, United States Code, as existing before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004, and which specifically cites and repeals or modifies such provisions.

(2) The prohibition against releasing exempted or disseminated from exempted operational files to the Department of Justice.

(ii) The Department of Justice.
files in order to make the demonstration required under clause (i), unless the complainant disputes NSA’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

(2) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure that requests for admissions may be made pursuant to rules 26 and 36.

(3) If the court finds under this paragraph that NSA has improperly withheld requested records because of a failure to comply with any provision of this subsection, the court shall order NSA to search and review the appropriate exempted file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this subsection.

(4) If at any time following the filing of a complaint pursuant to this paragraph NSA agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such exemption.

(b) D ecennial Review of Exempted Operational Files.—(1) Not less than once every 10 years, the Director of the National Security Agency and the Director of Central Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from a category of exempted files or portions thereof. The Director of Central Intelligence must approve any determination to remove such exemptions.

(2) The review required by paragraph (1) shall be conducted without consideration of the historical value or other public interest in the subject matter of a particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

(3) A complainant that alleges that NSA has improperly withheld records because of a failure to comply with this subsection may seek judicial review in the district court of the United States in the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court shall be limited to determining the following:

(A) Whether NSA has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the most recent review.

(B) Whether NSA, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.

(c) C leri cal A mendments. — (1) Section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)) is amended by striking “For purposes of this title” and inserting “In this section and section 702.”

(2) Section 702(c) of such Act (50 U.S.C. 432(c)) is amended by striking “enactment of this title” and inserting “October 15, 1984.”

(3) (A) The title heading for title VII of such Act is amended to read as follows: ‘‘T I T L E VII— P R O T E C T I O N O F O P E R A T I O N A L F I L E S ’’. (B) The section heading for section 701 of such Act is amended to read as follows: ‘‘P R O T E C T I O N O F O P E R A T I O N A L F I L E S O F T H E C E N T R A L I N T E L L I G E N C E A G E N C Y ’’. (C) The section heading for section 702 of such Act is amended to read as follows: ‘‘P R O T E C T I O N O F O P E R A T I O N A L F I L E S O F T H E C E N T R A L I N T E L L I G E N C E A G E N C Y ’’.

(d) Clerical A mendments. — The table of contents for the National Security Act of 1947 is amended by inserting the following:

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<th>Clause</th>
<th>Title</th>
<th>Paragraph</th>
<th>Numbers</th>
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<td>105C</td>
<td>by striking</td>
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<td>105C and 105D; and</td>
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<td>105D</td>
<td>(2) by striking</td>
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<td>title VII and inserting</td>
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<td>(c) in</td>
<td>‘‘Central Intelligence’’</td>
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<td>inserting ‘‘Director of Central Intelligence’’ in each place it appears and inserting ‘‘Director’’</td>
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(e) National Security Education Program to Director of Central Intelligence. — (a) In General.—Section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1902(b)) is amended— (1) in paragraph (1)— (A) by striking ‘‘(1)’’; and (B) by striking the second sentence; and (2) by striking paragraph (2).

(b) Awards to Attend Foreign Language Center. — Section 802(h) of such Act (50 U.S.C. 1902(h)) is amended by inserting ‘‘Defense’’ after ‘‘Secretary’’ each place it appears.

(c) National Security Education Board. — (1) Section 803 of such Act (50 U.S.C. 1903) is amended— (A) in subsection (a), by striking ‘‘Secretary of Defense’’ and inserting ‘‘Secretary’’; (B) in subsection (b)— (i) in paragraph (1), by striking ‘‘Secretary of Defense’’ and inserting ‘‘Director’’; (ii) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and (iii) by inserting after paragraph (1), as so amended, the following new paragraph (2): ‘‘(2) The Secretary of Defense,’’; (C) in subsection (c), by striking ‘‘Secretary’’ each place it appears and inserting ‘‘Director’’.

(d) Repeal of Satisfied Requirements. — (1) The transfer to the Director of Central Intelligence of the possession of the National Security Agency of the assets described in subsection (b)(8) of section 333 of title V of such Act is hereby repealed.

(e) Matters Relating to National Flagship Language Initiative. — (1) The Boren National Security Education Act of 1991 is amended by striking ‘‘Secretary’’ each place it appears and inserting ‘‘Director’’.

(f) Transfer of Administration of National Security Education Program to Director of Central Intelligence. — (1) The transfer to the Director of Central Intelligence of the administration of the National Security Education Program to Director of Central Intelligence.

(g) Matters Relating to the NSA to search and review the appropriate

(h) Matters Relating to National Flagship Language Initiative. — (1) Effective as if included therein as enacted by section 333(b) of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2396), section 802(i)(1) of the David L. Boren National Security Education Act of 1991 is amended by striking ‘‘Secretary’’ each place it appears and inserting ‘‘Director’’.

(j) Effect of Transfer of Administration on Service Agreements. — (1) The transfer to the Director of Central Intelligence of the administration of the National Security Education Program to Director of Central Intelligence.

(2) Effective as if included therein as enacted by section 333(b) of the Intelligence Authorization Act for Fiscal Year 2003 (116 Stat. 2397), section 802(a) of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1902(b)) before the date of the enactment of this Act that is in force as of that date, except that the Director shall administer such service agreement in lieu of the Secretary of Defense.

(2) Notwithstanding any other provision of law, the Director of Central Intelligence may, for purposes of the implementation of any service agreement referred to in paragraph (1), adopt regulations for the implementation of such service agreement. The regulations referred to in paragraph (1) that were prescribed by the Secretary of Defense under the David L. Boren National Security Education Act of 1991 before the date of the enactment of this Act.

(k) Technical Amendment. — (1) Paragraph (2) of section 805 of such Act (50 U.S.C. 1905) is amended by inserting ‘‘Secretary’’ each place it appears and inserting ‘‘Director’’.

(2) Paragraph (2) of such Act (50 U.S.C. 1906b) is amended by inserting ‘‘Secretary’’ each place it appears and inserting ‘‘Director’’.

(l) Technical Amendment. — Paragraph (5) of section 806 of such Act, as redesignated by subsection (g)(1) of this section, is further amended by striking ‘‘a agency’’ and inserting ‘‘an agency’’.


(b) Content. — The report shall, at a minimum, include the following matters: (1) An assessment of the potential for using unmanned aerial vehicles for monitoring activities in remote areas along the northern and southern borders of the United States.

(2) An assessment of the potential for using unmanned aerial vehicles for the performance of homeland security missions.

(3) An assessment of the potential for using unmanned aerial vehicles for monitoring the safety and integrity of critical infrastructure within the territory of the United States, including the following: (A) Oil and gas pipelines. (B) Dams. (C) Hydroelectric power plants. (D) Nuclear power plants. (E) Drinking water utilities. (F) Long-distance power transmission lines. (G) An assessment of the potential for using unmanned aerial vehicles for monitoring the transportation of hazardous cargo. (H) A discussion of the safety issues involved in — (A) The use of unmanned aerial vehicles by agencies other than the Department of Defense;
(b) The operation of unmanned aerial vehicles over populated areas of the United States.

(6) A discussion of—
(A) the effects on privacy and civil liberties that could arise from the monitoring uses of unmanned aerial vehicles operated over the territory of the United States; and
(B) any restrictions on the domestic use of unmanned aerial vehicles that should be imposed, or any other actions that should be taken, to prevent any adverse effect of such use of unmanned aerial vehicles on privacy or civil liberties.

(7) A discussion of what, if any, legislation and organizational changes may be necessary to accommodate the unmanned aerial vehicles of the Department of Defense in support of the performance of homeland security missions, including any amendment of section 1385 of title 18, United States Code (generally referred to as the "Posse Comitatus Act").

(8) An evaluation of the capabilities of manufacturers of unmanned aerial vehicles to produce such vehicles at higher rates if necessary to meet any increased requirements for homeland security and homeland defense missions.

(c) REFERRAL TO COMMITTEES.—The report under subsection (a) shall be referred—
(1) upon receipt in the Senate, to the Committee on Armed Services of the Senate; and
(2) upon receipt in the House of Representatives, to the Committee on Armed Services of the House of Representatives.

SEC. 1038. CONVEYANCE OF SURPLUS T-37 AIRCRAFT TO POSSE COMITATUS AIR FORCE AVIATION HERITAGE FOUNDATION, INCORPORATED.

(a) AUTHORITY.—The Secretary of the Air Force may convey, without consideration, to the Air Force Aviation Heritage Foundation, Incorporated, of Georgia (in this section referred to as "the Foundation")—
(1) a T-37 aircraft to any other party without the prior approval of the Secretary, if the aircraft comply with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and
(2) The Foundation shall include the conditions under paragraph (1) in the instrument of conveyance of the T-37 aircraft.

(b) CONDITION OF AIRCRAFT.—The conveyance of a T-37 aircraft under this section shall be at no cost to the United States.

(c) ADDITIONAL TERMS AND CONDITIONS.—The conveyance of ownership of a T-37 aircraft to the Foundation shall be at no cost to the United States, and the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

SEC. 1039. SENSE OF SENATE ON REWARD FOR INFORMATION LEADING TO RESOLUTION OF STATUS OF MEMBERS OF THE ARMED FORCES WHO REMAIN MISSING IN ACTION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense estimates that there are more than 10,000 members of the Armed Forces and others who as a result of activities during the Vietnam War were placed in a missing status or a prisoner of war status, or who were determined to have been killed in action although the body was not recovered, and who remain unaccounted for.

(2) One member of the Armed Forces, Navy Captain Michael Scott Speicher, remains missing in action from the first Persian Gulf War, and there have been credible reports of him being seen alive in Iraq in the years since his plane was shot down on January 16, 1991.

(3) The United States should always pursue every lead and leave no stone unturned to completely account for the fate of its missing members of the Armed Forces.

(4) The Secretary of Defense has the authority to disburse funds as a reward to individuals who provide information leading to the conclusive resolution of cases of missing members of the Armed Forces.

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

(1) the Secretary of Defense should use the authority available to the Secretary to disburse funds rewarding individuals who provide information leading to the conclusive resolution of the status of any missing member of the Armed Forces;

(2) the Secretary of Defense and the Secretary of the Navy should continue funding the Advanced Shipbuilding Enterprise of the National Shipbuilding Research Program that has yielded new processes and techniques to reduce the cost of designing, building, and repairing ships.

SEC. 1041. AIR FARES FOR MEMBERS OF ARMED FORCES ON ACTIVE DUTY.

It is the sense of the Senate that each United States air carrier should—

(1) make every effort to allow active duty members of the armed forces to purchase tickets, on a space-available basis, for the lowest fares offered for the flights desired, without regard to advance purchase requirements and other restrictions, fees, or penalties;

(2) offer flexible terms that allow members of the armed forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, or penalties; and

(3) agree to public testimony submitted by Members of the Senate and House of Representatives as to the success of their efforts.

SEC. 1042. SENSE OF SENATE ON DEPLOYMENT OF AIRBORNE CHEMICAL AGENT MONITORING SYSTEMS AT CHEMICAL STOCKPILE DISPOSAL SITES IN THE UNITED STATES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Millions of assembled chemical weapons are stockpiled at chemical agent disposal facilities and depot sites across the United States. Airborne chemical agent monitoring systems at these sites are insufficient or outdated compared to newer and advanced technologies on the market.

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

(1) the Secretary of the Army should develop and deploy a program to upgrade the airborne chemical agent monitoring systems at all chemical stockpile disposal sites across the United States in order to achieve the broadest possible protection of the general public, personnel involved in the chemical demilitarization program, and the environment.

SEC. 1043. FEDERAL INVESTMENT FOR STATE PROGRAMS UNDER THE NATIONAL GUARD CHALLENGE PROGRAM.

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

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

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

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

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

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

(b) STUDY.—(1) The Secretary of Defense shall carry out a study to evaluate (A) the adequacy of the requirement under section 509(d) of title 32, United States Code, for the United States to fund 60 percent of the costs of operating a State program of the National Guard Challenge Program and the State to fund 40 percent of such costs, and (B) the value of the Challenge program to the Department of Defense.

(2) In carrying out the study under paragraph (1), the Secretary should identify potential alternatives to the structure provided for the National Guard Challenge Program under section 509(d) of title 32, United States Code.
States Code, such as a range of Federal-State matching ratios, that would provide flexibility in the management of the program to better respond to temporary fiscal conditions.

(3) The Secretary shall include the results of the study, including findings, conclusions, and recommendations, in the next annual report to Congress under section 509(k) of title 32, United States Code, submitted after the date of the enactment of this Act.

(c) Amount for Federal Assistance.—(1) The amount authorized to be appropriated under section 301(10) is hereby reduced by $3,000,000.

(2) Of the total amount authorized to be appropriated under section 301(10), $68,216,000 shall be available for the National Guard Challenge Program under section 509 of title 32, United States Code.

(3) The total amount authorized to be appropriated under section 301(4) is hereby reduced by $3,000,000.

SEC. 1104. SENSE OF SENATE ON RECONSIDERATION OF DECISION TO TERMINATE BORDERTECTION OPERATIONS AND COUNTER-DRUG MISSION.

(a) Findings.—The Senate makes the following findings:

(1) The counter-drug inspection mission of the National Guard is highly important to preventing the infiltration of illegal narcotics across United States borders.

(2) Members of the National Guard in vehicle inspections at United States borders have made invaluable contributions to the identification and seizure of illegal narcotics being smuggled across United States borders.

(3) The support provided by the National Guard to the Customs Service and the Border Patrol has greatly enhanced the capability of the Customs Service and the Border Patrol to perform counter-terrorism surveillance and other border protection duties.

(b) Sense of Senate.—It is the sense of the Senate that the Secretary of Defense should reconsider the decision of the Department of Defense to terminate the border inspection and seaport inspection duties of the National Guard as part of the drug interdiction and counter-drug mission of the National Guard.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

SEC. 1101. AUTHORITY TO EMPLOY CIVILIAN FACILITIES PERSONNEL AT THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

Section 1592 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(16) The Western Hemisphere Institute for Security Cooperation.".

SEC. 1102. PAY AUTHORITY FOR CRITICAL POSITIONS.

(a) Authority.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

"81590c. Pay authority for critical positions

"Authority Generally.—(1) When the Secretary of Defense seeks a grant of authority under section 5377 of title 5 for critical pay for one or more positions within the Department of Defense, the Director of the Office of Management and Budget may fix the rate of basic pay, notwithstanding sections 5377(d)(2) and 5307 of title 5, for the duration of the grant of authority under such section 5377.

(2) Paragraph (1) does not apply to any employee whose designation is an administrative, technical, or professional position.

(3) Such authority may be granted to one or more employees within the Department of Defense.

(4) Such authority may be transferred to the Office of the Secretary of Defense.

(5) The Secretary of Defense shall determine the amount of total annual compensation payable at the salary rate in accordance with section 104 of title 3.

(6) Such authority may be exercised without regard to section 104 of title 3.

(7) Such authority may be exercised with respect to a position only if the employee is designated as a critical administrative, technical, or professional position.

(8) Such authority may not be exercised with respect to a position unless the person designated as a critical administrative, technical, or professional position needs to carry out the functions of the Department of Defense, subject to paragraph (2).

(9) The authority under paragraph (1) may be exercised with respect to a position only if—

(A) the position—

(i) requires expertise of an extremely high level in an administrative, technical, or professional field; and

(ii) is critical to the successful accomplishment of an important mission by the Department of Defense;

(B) the exercise of the authority is necessary to recruit or retain a person exceptionally well qualified for the position;

(C) all positions covered by the exercise of the authority do not exceed 40 at any one time;

(D) in the case of a position designated as a critical administrative, technical, or professional position by an official other than the Secretary of Defense, the designation is approved by the Secretary of Defense in accordance with section 104 of title 3; and

(E) the term of appointment to the position is limited to not more than four years;

(F) the appointee to the position was not a Department of Defense employee before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004;

(G) the total amount authorized to be appropriated under section 104 of title 3 for critical pay for the position does not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3; and

(H) the position is excluded from collective bargaining units.

(3) The authority under this subsection may be exercised with regard to—

(A) the provisions of title 5 governing appointments in the competitive service or the Senior Executive Service;

(B) chapters 51 and 53 of title 5, relating to classification and pay rates;

(C) the exercise of the authority does not exceed the rate determined under section 104 of title 3; and

(D) the authority under this subsection may not be exercised after the date that is 10 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004.

(5) For so long as a person continues to serve without a break in service in a position to which appointed under this subsection, the expiration of authority under this subsection does not terminate the appointment to the position before the end of the term for which appointed under this subsection, or affect the compensation fixed for the person's service in that position under this subsection during such term of appointment.

(6) Subchapter II of chapter 75 of title 5 does not apply to an employee during a term of service in a critical administrative, technical, or professional position to which the employee is appointed under this subsection.

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

"1599c. Pay authority for critical positions".

SEC. 1103. EXTENSION, EXPANSION, AND REVIVAL OF AUTHORITY FOR EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.


(b) Increased Limitation on Number of Appointments.—Subsection (b)(1)(A) of such section is amended by striking "40" and inserting "50".

(c) Commensurate Extension of Requirement for Annual Report.—Subsection (g) of such section is amended by striking "2006" and inserting "2009".

SEC. 1104. TRANSFER OF PERSONNEL INVES- TIGATIVE FUNCTIONS AND RELATED PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) Transfer of Functions.—(1) With the concurrence of the Director of Personnel Management, the Secretary of Defense may transfer to the Office of Personnel Management the personnel security investigations functions that, as of the date of the enactment of this Act, are performed by the Defense Security Service of the Department of Defense.

(b) Director of Personnel Management May Accept a Transfer of Functions under Paragraph (1).—The Director of the Office of Personnel Management may accept a transfer of functions under paragraph (1).

(c) Any Transfer of a Function under this Section is a Transfer of Function within the Meaning of Section 3050 of Title 5, United States Code.

(b) Transfer of Personnel.—(1) If the Director of the Office of Personnel Management accepts a transfer of functions under subsection (a), the Secretary of Defense shall also transfer to the Office of Personnel Management, and the Director shall accept—

(A) the Defense Security Service employees who perform those functions immediately before the transfer of functions; and

(B) the Defense Security Service employees who, as of such time, are first-level supervisors of employees transferred under subparagraph (A).

(2) The Secretary may also transfer to the Office of Personnel Management any Defense Security Service employees (including higher level supervisors) who provide support services for the performance of the functions transferred under subsection (a) or (for the personnel (including supervisors) transferred under paragraph (1) if the Director—

(A) determines that the transfer of such additional employees and the positions of such employees to the Office of Personnel Management is necessary in the interest of effective performance of the transferred functions; and

(B) accepts the transfer of the additional employees.

(3) In the case of an employee transferred to the Office of Personnel Management under paragraph (1) or (2), whether a full-time or part-time employee—

(A) subsections (b) and (c) of section 5362 of title 5, United States Code (relating to the maximum grade for retention, shall apply to the employee, except that—

(i) the grade retention period shall be the one-year period beginning on the date of the transfer; and

(ii) paragraphs (1), (2), and (3) of such section (c) shall not apply to the employee; and

(B) the employee may not be separated, other than pursuant to chapter 75 of title 5, United States Code, during such one-year period.

(4) If after more than one year but not later than one year after a transfer of functions to the Office of Personnel Management under subsection (a), the Secretary of Defense shall reevaluate whether the functions performed by personnel of the Defense Security Service at the time of the transfer and make a written determination regarding whether each such function is inherently governmental or is otherwise inappropriate for performance by contractor personnel.

(2) A function performed by Defense Security Service employees as of the date of the enactment of this Act that is not transferred to the Office of Personnel Management under paragraph (1) and that the Director conducts a public-private competition regarding the performance of that
function in accordance with the requirements of the Office of Management and Budget Circular A-76.

**TITLE XII—MATTERS RELATING TO OTHER FOREIGN FORCES AND OTHER FOREIGN NATIONALS**

SEC. 1201. AUTHORITY TO USE FUNDS FOR PAYMENT OF COSTS OF ATTENDANCE OF FOREIGN VISITORS UNDER REGIONAL DEFENSE COUNTERTERRORISM FELLOWSHIP PROGRAM

(a) AUTHORITY TO USE FUNDS.—(1) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"Sec. 1051a. Bilateral or regional cooperation programs: availability of funds for recognition superior noncombat achievements or performance.

"(a) In General.—Chapter 53 of title 10, United States Code, is amended by inserting the following new section:

"§1051a. Bilateral or regional cooperation programs: availability of funds for recognition superior noncombat achievements or performance.

"(a) In General.—The Secretary of Defense may expend amounts available to the Department of Defense or the military departments for operation and maintenance for the purpose of recognizing superior noncombat achievements or performance of members of friendly foreign forces, or other foreign nationals that significantly enhance or support the national security strategy of the United States.

"(b) Covered Achievements or Performance.—The achievements or performance that may be recognized under subsection (a) include achievements or performance that—

"(1) play a crucial role in shaping the international security environment in a manner that protects and promotes the interests of the United States;

"(2) support or enhance the United States presence overseas or support or enhance United States peacetime engagement activities such as defense cooperation initiatives, security assistance training and programs, or training and exercises with the armed forces of the United States;

"(3) help deter aggression and coercion, build coalitions, or promote regional stability; or

"(4) serve as models for appropriate conduct for military forces in emerging democracies.

"(c) Limitation on Value of Mementos.—The value of any mementos procured under subsection (a) may not exceed the minimal value in effect under section 7342a(5) of title 10.

"(d) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 1051 the following new item:

"1051a. Bilateral or regional cooperation programs: availability of funds for recognition superior noncombat achievements or performance."

SEC. 1202. AVAILABILITY OF FUNDS TO RECOGNIZE SUPERIOR NONCOMBAT ACHIEVEMENTS OR PERFORMANCE.

Section 3342(b) of title 31, United States Code, is amended—

"(1) by striking "or" at the end of paragraph (6);

"(2) by striking the period at the end of paragraph (7) and inserting "or"; and

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

"(8) a member of the armed forces of a foreign nation who is participating in a combined operation, combined exercise, or combined humanitarian operation that is carried out with armed forces of the United States pursuant to an alliance or coalition of the foreign nation with the United States if—

"(A) the senior commander of the armed forces of the United States participating in the operation, exercise, or mission has authorized the action under paragraph (1) or (2) of subsection (a); and

"(B) the government of the foreign nation has guaranteed payment for any deficiency resulting from such action; and

"(C) in the case of an action on a negotiable instrument, the negotiable instrument is drawn on a financial institution located in the United States or on a foreign branch of such an institution.

"(e) Limitation On Value Of Mementos.—The value of any mementos procured under subsection (a) may not exceed the minimal value in effect under section 7342a(5) of title 10.

"(f) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 1051 the following new item:

"1051a. Bilateral or regional cooperation programs: availability of funds for recognition superior noncombat achievements or performance."

SEC. 1203. COMMISSION ON THE EXPORT LICENSING OF SATELLITE LAUNCHES.

(a) Direct Costs of Monitoring Foreign Launches of Satellites.—Section 1514(a)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 22 U.S.C. 2778 note) is amended by striking "The costs of such monitoring services" in the second sentence and inserting the following:

"The Department of Defense costs that are directly related to monitoring the launch, including transportation and per diem costs;

"(g) GAO Study.—(1) The Comptroller General shall conduct a study of the Department of Defense costs of monitoring launches of satellites in a foreign country under section 1514 of Public Law 105-261.

"(2) Not later than April 1, 2004, the Comptroller General shall submit a report on the study to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 1205. ANNUAL REPORT ON THE NATO PRAGUE CAPABILITIES COMMITMENT AND THE NATO RESPONSE FORCE.

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

"(1) at the end of paragraph (7) and inserting "or"; and

"(2) by striking the period at the end of paragraph (7) and inserting "or"; and

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

"(8) a member of the armed forces of a foreign nation who is participating in a combined operation, combined exercise, or combined humanitarian operation that is carried out with armed forces of the United States pursuant to an alliance or coalition of the foreign nation with the United States if—

"(A) the senior commander of the armed forces of the United States participating in the operation, exercise, or mission has authorized the action under paragraph (1) or (2) of subsection (a); and

"(B) the government of the foreign nation has guaranteed payment for any deficiency resulting from such action; and

"(C) in the case of an action on a negotiable instrument, the negotiable instrument is drawn on a financial institution located in the United States or on a foreign branch of such an institution.

"(e) Limitation On Value Of Mementos.—The value of any mementos procured under subsection (a) may not exceed the minimal value in effect under section 7342a(5) of title 10.

"(f) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 1051 the following new item:

"1051a. Bilateral or regional cooperation programs: availability of funds for recognition superior noncombat achievements or performance."

SEC. 1202. AVAILABILITY OF FUNDS TO RECOGNIZE SUPERIOR NONCOMBAT ACHIEVEMENTS OR PERFORMANCE.

Section 3342(b) of title 31, United States Code, is amended—

"(1) by striking "or" at the end of paragraph (6);

"(2) by striking the period at the end of paragraph (7) and inserting "or"; and

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

"(8) a member of the armed forces of a foreign nation who is participating in a combined operation, combined exercise, or combined humanitarian operation that is carried out with armed forces of the United States pursuant to an alliance or coalition of the foreign nation with the United States if—

"(A) the senior commander of the armed forces of the United States participating in the operation, exercise, or mission has authorized the action under paragraph (1) or (2) of subsection (a); and

"(B) the government of the foreign nation has guaranteed payment for any deficiency resulting from such action; and

"(C) in the case of an action on a negotiable instrument, the negotiable instrument is drawn on a financial institution located in the United States or on a foreign branch of such an institution.

"(e) Limitation On Value Of Mementos.—The value of any mementos procured under subsection (a) may not exceed the minimal value in effect under section 7342a(5) of title 10.

"(f) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by inserting after the item relating to section 1051 the following new item:

"1051a. Bilateral or regional cooperation programs: availability of funds for recognition superior noncombat achievements or performance."

SEC. 1203. COMMISSION ON THE EXPORT LICENSING OF SATELLITE LAUNCHES.

(a) Direct Costs of Monitoring Foreign Launches of Satellites.—Section 1514(a)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 22 U.S.C. 2778 note) is amended by striking "The costs of such monitoring services" in the second sentence and inserting the following:

"The Department of Defense costs that are directly related to monitoring the launch, including transportation and per diem costs;"
for focusing and promoting improvements in NATO’s military capabilities. It is expected to have initial operational capability by October 2004, and full operational capability by October 2006.

(b) ANNUAL REPORT.—(1) Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and the Armed Services subcommittees of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report, to be prepared in consultation with the Secretary of State, on implementation of the Prague Capabilities Commitment and development of the NATO Response Force by the member nations of NATO. The report shall include the following:

(A) a description of the actions taken by NATO as a whole and by each member nation of NATO other than the United States to further the Prague Capabilities Commitment, including any actions taken to improve capability shortfalls in the areas identified for improvement;

(B) a description of the actions taken by NATO as a whole and by each member nation of NATO, including the United States, to create the NATO Response Force.

(C) a description of the relationship between NATO’s efforts to improve capabilities through the Prague Capabilities Commitment and those of the European Union to enhance European capabilities in the context of the European Capabilities Action Plan, including the extent to which they are mutually reinforcing;

(D) a discussion of NATO decisionmaking in the implementation of the Prague Capabilities Commitment and the development of the NATO Response Force, including—

(i) an assessment of whether the Prague Capabilities Commitment and the NATO Response Force are the sole jurisdiction of the Defense Planning Committee, the North Atlantic Council, or the Military Committee;

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

(iii) a description of the extent to which any member that does not participate in the integrated military structure of NATO contributes to each of the component committees of NATO, including any and all committees relevant to the Prague Capabilities Commitment and the NATO Response Force;

(iv) a description and assessment of the impediments, if any, that would preclude or limit NATO from conducting deliberations and making decisions on NATO matters in accordance with the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

(v) a description of the extent to which any member that does not participate in the integrated military structure of NATO contributes to the implementation of decisions and actions taken by the Defense Planning Committee, the North Atlantic Council, or the Military Committee in deliberations and decisions of NATO on resource policy, contribution ceilings, infrastructure, force structure, modernization, threat assessments, training, exercises, deployments, and other issues related to the Prague Capabilities Commitment or the NATO Response Force;

(vi) a description and assessment of the impediments, if any, that would preclude or limit NATO from conducting deliberations and making decisions on matters such as the Prague Capabilities Commitment and the NATO Response Force being made in bodies other than the Defense Planning Committee;

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

(viii) if a report under this subparagraph is a report submitted under section 1130(a), the information submitted in such report under any of clauses (i) through (vi) may consist solely of an update of any information previously submitted under the applicable clause in a preceding report under this subparagraph.

(2) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

SEC. 1207. EXPANSION AND EXTENSION OF AUTHORITY; GENERAL FUNDING AUTHORITY; SUPPORT FOR COUNTER-DRUG ACTIVITIES.


(1) in subsection (a)—

(A) by inserting after "subsection (f)," the following: "during fiscal years 1998 through 2006 in the case of the foreign governments named in paragraphs (1) and (2) of subsection (b), and fiscal years 2004 through 2006 in the case of the foreign governments named in paragraphs (3) through (9) of subsection (b);" and

(B) by striking "either or both" and inserting "any;" and

(2) in subsection (b)—

(A) by inserting after "subsection (f)," the following: "fiscal years 1998 through 2002;" and

(B) by striking "fiscal years 1998 through 2006;"

(b) ADDITIONAL GOVERNMENTS ELIGIBLE TO RECEIVE SUPPORT.—Subsection (b) of such section 1033 is further amended by adding at the end the following new paragraphs:

"(1) The Government of Mongolia.

(2) The Government of Tajikistan.

(3) The Government of Turkmenistan.

(4) The Government of Uzbekistan."

(c) TYPES OF SUPPORT.—Subsection (c) of such section 1033 is amended—

(1) in paragraph (2), by striking "riverine;" and

(2) in paragraph (3), by inserting "or upgrade" after "maintenance and repair.;"

(d) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Subsection (e)(2) of such section 1033, as amended by such section 1021, is further amended by striking "$20,000,000 during any of the fiscal years 1999 through 2006;" and inserting in lieu thereof "$20,000,000 during any of the fiscal years 1999 through 2004; or $40,000,000 during any of fiscal years 2004 through 2006;"

(e) COUNTER-DRUG PLAN.—(1) In the case of any foreign country not named in paragraph (2) of such section 1033, the Commander of the United States Central Command shall develop and submit to the President a counter-drug plan identified in section 1009 for the country for fiscal year 2004 and for each fiscal year thereafter.

(2) Subsection (f)(2)(A) of such section 1033 is amended by striking "riverine;" and inserting in lieu thereof "riverine, or riverine and maritime;" and striking paragraph (3)."
section 301(22) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $57,600,000.
(2) For strategic nuclear arms elimination in Ukraine, $3,900,000.
(3) For nuclear weapons transportation security in Russia, $23,200,000.
(4) For weapons storage security in Russia, $48,000,000.
(5) For weapons of mass destruction proliferation prevention activities in the states of the former Soviet Union, $39,400,000.
(6) For chemical weapons destruction in Russia, $200,300,000.
(7) For biological weapons proliferation prevention activities in the former Soviet Union, $54,200,000.
(8) For defense and military contacts, $11,000,000.
(9) For activities designated as Other Assessments/Support, $13,100,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2004 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (9) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2004 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2004 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.
(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and
(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose listed in paragraphs (1) through (9) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

SEC. 1308. ANNUAL CERTIFICATIONS ON USE OF FACILITIES BEING CONSTRUCTED FOR COOPERATIVE THREAT REDUCTION PROJECTS OR ACTIVITIES.

(a) CERTIFICATION ON USE OF FACILITIES BEING CONSTRUCTED.—Not later than the first Monday of February each year, the Secretary of Defense shall submit to the congressional defense committees a certification for each facility for a Cooperative Threat Reduction project or activity for which construction occurred during the preceding fiscal year that remain available for obligation, expenditure, or use.
(1) Whether or not such facility will be used for its intended purpose by the country in which the facility is constructed.
(2) Whether or not the country remains committed to the use of such facility for its intended purpose.

(b) APPLICABILITY.—Subsection (a) shall apply to—
(1) any facility the construction of which commences on or after the date of enactment of this Act; and
(2) any facility the construction of which is ongoing as of that date.

SEC. 1309. AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE former SOVIET UNION.

(a) AUTHORITY.—The President may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the President determines that such project or activity will—
(1) assist the United States in the resolution of a critical emerging proliferation threat; or
(2) permit the United States to take advantage of opportunities to achieve long-standing non-proliferation goals.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to obligate and expend funds for a project or activity includes authority to provide equipment, goods, and services for the project or activity utilizing such funds, but does not include authority to provide cash directly to the project or activity.

(c) LIMITATION.—The amount that may be obligated in a fiscal year under the authority in subsection (a) may not exceed $50,000,000.

(d) ADDITIONAL LIMITATIONS AND REQUIREMENTS.—Except as otherwise provided in subsections (a) and (b), the exercise of the authority in subsection (a) shall be subject to any requirement or limitation under another provision of law as follows:
(1) Any requirement for prior notice or other reports to Congress on the use of Cooperative Threat Reduction funds or on Cooperative Threat Reduction projects or activities.
(2) Any limitation on the obligation or expenditure of Cooperative Threat Reduction funds.

SEC. 1306. ONE-YEAR EXTENSION OF INAPPLICABILITY OF CERTAIN CONDITIONS ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

Section 8144 of Public Law 107-248 (116 Stat. 1571) is amended—
(1) in subsection (a), by striking “2003” and inserting “2003 and 2004”; and
(2) in subsection (b), by striking “September 30, 2003” and inserting “September 30, 2004”.

DIVISION B—military construction AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2004”.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Redstone Arsenal</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>$10,700,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Wainwright</td>
<td>$138,800,000</td>
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<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>$100,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Leavenworth</td>
<td>$115,000,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Riley</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$13,500,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Aberdeen Proving Ground</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Meade</td>
<td>$9,600,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Drum</td>
<td>$125,500,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$3,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$43,800,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Myer</td>
<td>$5,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$3,900,000</td>
</tr>
</tbody>
</table>

Total: $1,055,500,000
the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

### Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td>$15,500,000</td>
</tr>
<tr>
<td></td>
<td>Livorno</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>$105,000,000</td>
</tr>
<tr>
<td>Kwajalein Atoll</td>
<td>Kwajalein Atoll</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$151,900,000</td>
</tr>
</tbody>
</table>

### Army: Family Housing

<table>
<thead>
<tr>
<th>State</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>72 Units</td>
<td>$16,700,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Knox</td>
<td>178 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>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$220,673,000</td>
</tr>
</tbody>
</table>

(b) **PLANNING AND DESIGN.—** Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts set forth in the following table:

### Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Aviano Air Base</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Livorno</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kwajalein Atoll</td>
<td>Kwajalein Atoll</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE:** The table in section 2102(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2682) is amended—

(1) by striking the item relating to Area Support Group, Bamburg, Germany;
(2) by striking the item relating to Coleman Barracks, Germany;
(3) by striking the item relating to Darmstadt, Germany;
(4) by striking the item relating to Mannheim, Germany;
(5) by striking the item relating to Schweinfurt, Germany; and
(6) by striking the amount identified as the total in the amount column and inserting "$288,066,000".

(b) **FAMILY HOUSING OUTSIDE THE UNITED STATES.—** The table in section 2102(a) of that Act (116 Stat. 2683) is amended—

(1) by striking the item relating to Yongsan, Korea; and
(2) by striking the amount identified as the total in the amount column and inserting
“$23,852,000”.

(c) IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.—Section 2103 of that Act (116 Stat. 2683) is amended by striking “$239,751,000” and inserting “$190,551,000”.

(d) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (116 Stat. 2683) is amended—
(1) in the matter preceding paragraph (1), by striking “$3,104,176,000” and inserting “$2,985,826,000”;
(2) in paragraph (2), by striking “$354,116,000” and inserting “$288,966,000”; and
(3) in paragraph (6)(A), by striking “$282,356,000” and inserting “$230,056,000”.

SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(1) in the item relating to Fort Richardson, Alaska, by striking “$115,000,000” in the amount column and inserting “$117,000,000”; and
(2) by striking the amount identified as the total in the amount column and inserting “$1,364,750,000”.

(b) CONFORMING AMENDMENT.—Section 2104(b)(4) of that Act (116 Stat. 2684) is amended by striking “$13,600,000” and inserting “$13,200,000”.

SEC. 2107. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2002 PROJECT.

(1) in the item relating to Camp Humphreys, Korea, by striking “$36,000,000” in the amount column and inserting “$310,800,000”; and
(2) by striking the item relating to K 16 Airfield, Korea.

(c) CONFORMING AMENDMENT.—Section 2104(b)(1) of that Act (116 Stat. 2684) is amended by striking “$13,200,000” and inserting “$13,200,000”.

SEC. 2010. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2001 PROJECT.

(1) in the item relating to Pahakou Training Facility, Hawaii, by striking “$32,000,000” in the amount column and inserting “$42,000,000”; and
(2) by striking the amount identified as the total in the amount column and inserting “$636,374,000”.

(b) CONFORMING AMENDMENT.—Section 2104(b)(7) of the Military Construction Authorization Act for Fiscal Year 2001 (114 Stat. 1654A-392) is amended by striking “$20,000,000” and inserting “$30,000,000”.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$223,230,000</td>
</tr>
<tr>
<td>California</td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$73,580,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Lemoore</td>
<td>$34,510,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>$4,740,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, North Island</td>
<td>$49,240,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, China Lake</td>
<td>$12,890,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Point Mugu, San Nicholas Island</td>
<td>$9,150,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Facility, San Clemente Island</td>
<td>$18,940,000</td>
</tr>
<tr>
<td></td>
<td>Naval Postgraduate School, Monterey</td>
<td>$35,550,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$42,710,000</td>
</tr>
<tr>
<td></td>
<td>Marine Air Ground Task Force Training Center, Twentynine Palms</td>
<td>$28,390,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>New London</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Barracks</td>
<td>$1,550,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Naval Air Station, Jacksonville</td>
<td>$3,190,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Whiting Field, Milton</td>
<td>$4,830,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Surface Warfare Center, Coastal Systems Station, Panama City</td>
<td>$9,550,000</td>
</tr>
<tr>
<td></td>
<td>Blount Island (Jacksonville)</td>
<td>$115,711,000</td>
</tr>
<tr>
<td>Georgia</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>$33,790,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Lualualei</td>
<td>$6,320,000</td>
</tr>
<tr>
<td></td>
<td>Naval Shipyard, Pearl Harbor</td>
<td>$7,010,000</td>
</tr>
<tr>
<td></td>
<td>Naval Training Center, Great Lakes</td>
<td>$137,120,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Patuxent River</td>
<td>$24,370,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Indian Head</td>
<td>$14,850,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Meridian</td>
<td>$4,570,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Fallon</td>
<td>$4,700,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Warfare Center, Lakehurst</td>
<td>$20,681,000</td>
</tr>
<tr>
<td></td>
<td>Naval Weapons Station, Earle</td>
<td>$123,720,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$1,270,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$6,240,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$29,450,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Philadelphia Foundry</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Naval Station, Newport</td>
<td>$18,690,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Naval Undersea Warfare Center, Newport</td>
<td>$10,890,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Naval Air Station, Keyport</td>
<td>$239,751,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Naval Air Station, Cherry Point</td>
<td>$1,270,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$6,240,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$29,450,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Philadelphia Foundry</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Naval Station, Newport</td>
<td>$18,690,000</td>
</tr>
<tr>
<td></td>
<td>Naval Undersea Warfare Center, Newport</td>
<td>$10,890,000</td>
</tr>
</tbody>
</table>
SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

$(a)$ IN GENERAL.—Funds are hereby authorized to be appropriated to the Secretary of the Navy (i) 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>Texas</td>
<td>Naval Station, Ingleside</td>
<td>$7,070,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Henderson Hall, Arlington</td>
<td>$1,970,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Marine Corps Combat Development Command, Quantico</td>
<td>$18,120,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Amphibious Base, Little Creek</td>
<td>$3,810,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Station, Norfolk</td>
<td>$182,240,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Space Command Center, Dahlgren</td>
<td>$24,020,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Sigonella</td>
<td>$34,070,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Joint Maritime Facility, St. Mawgan</td>
<td>$7,070,000</td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Station, Norfolk</td>
<td>$20,446,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Norfolk Naval Shipyard, Portsmouth</td>
<td>$17,770,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Indian Island</td>
<td>$2,240,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, Bangor</td>
<td>$33,820,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strategic Weapons Facility Pacific, Bangor</td>
<td>$6,530,000</td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Station, Bremerton</td>
<td>$18,190,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Pensacola</td>
<td>$34,070,000</td>
<td></td>
</tr>
<tr>
<td>Various Locations</td>
<td>Naval Station, Great Lakes</td>
<td>$39,020,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Station, Gulfport</td>
<td>$17,770,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Station, Bremerton</td>
<td>$33,820,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strategic Weapons Facility Pacific, Bangor</td>
<td>$6,530,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Various Locations, CONUS</td>
<td>$56,360,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$1,287,482,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

<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>Italy</td>
<td>Naval Support Activity, La Maddalena</td>
<td>$39,020,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Naval Air Station, Sigonella</td>
<td>$34,070,000</td>
</tr>
<tr>
<td></td>
<td>Joint Maritime Facility, St. Mawgan</td>
<td>$7,070,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$98,190,000</td>
</tr>
</tbody>
</table>

SEC. 2202. 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>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Air Station, Lemoore</td>
<td>187 Units</td>
<td>$41,585,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Pensacola</td>
<td>25 Units</td>
<td>$3,197,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Naval Air Station, Lemoore</td>
<td>25 Units</td>
<td>$3,197,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>519 Units</td>
<td>$67,781,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>339 Units</td>
<td>$42,803,000</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$155,366,000</td>
<td></td>
</tr>
</tbody>
</table>

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may 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>State or Country</th>
<th>Installation or location</th>
<th>Purpose</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Naval Station, Norfolk</td>
<td>$20,446,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Norfolk Naval Shipyard, Portsmouth</td>
<td>$17,770,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Indian Island</td>
<td>$2,240,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, Bangor</td>
<td>$33,820,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Strategic Weapons Facility Pacific, Bangor</td>
<td>$6,530,000</td>
<td></td>
</tr>
<tr>
<td>Various Locations</td>
<td>Naval Station, Bremerton</td>
<td>$18,190,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Pensacola</td>
<td>$34,070,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Joint Maritime Facility, St. Mawgan</td>
<td>$7,070,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$1,287,482,000</td>
<td></td>
</tr>
</tbody>
</table>

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 $2,179,919,000, as follows:

(1) For military construction projects outside the United States authorized by section 2201(b), $96,190,000.
(2) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,334,000.
(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $65,612,000.
(4) For support of military family housing functions, $194,193,000.
(5) For military family housing functions at a location to be determined.
(6) For construction of a battle station training facility, Naval Training Center, Great Lakes, Illinois; $96,980,000.
(7) $36,750,000 (the balance of the amount authorized under section 2001(b) for replacement of pier 11, Naval Station, Norfolk, Virginia); $28,750,000 (the balance of the amount authorized under section 2201(a) for the construction of a battle station training facility, Naval Training Center, Great Lakes, Illinois).
(8) $33,820,000 (the balance of the amount authorized under section 2201(b) for replacement of a general purpose berthing pier, Naval Weapons Station, Earle, New Jersey).
(9) $56,360,000 (the balance of the amount authorized under section 2201(a) for replacement of pier 11, Naval Station, Norfolk, Virginia); and $65,360,000 (the balance of the amount authorized under section 2201(a) for the construction of an outlying landing field and facilities at a location to be determined).
(b) CONFORMING AMENDMENTS.—Section 2304(a) of that Act (116 Stat. 2668) is amended—
(1) by striking “$2,576,381,000” and inserting “$2,561,461,000”; and
(2) by striking “$148,250,000” and inserting “$133,330,000”;

(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

**Country** | **Installation or location** | **Amount**
---|---|---
Germany | Ramstein Air Base | $35,616,000
Italy | Spangdahlem Air Base | $5,411,000
Korea | Aviano Air Base | $14,025,000
| Kunsan Air Base | $7,059,000
| Osan Air Base | $16,638,000
Portugal | Lajes Field, Azores | $4,086,000
United Kingdom | Royal Air Force, Lakenheath | $42,487,000
| Royal Air Force, Mildenhall | $10,558,000
| Wake Island | $24,000,000

**Total** | $159,880,000

---

(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

| Location | Installation or location | Amount |
---|---|---|
| Unspecified Worldwide | Classified Location | $28,981,000

**Total** | $28,981,000

---

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 $2,505,373,000, as follows:

1. For military construction projects inside the United States authorized by section 2301(a), $760,332,000.

2. For military construction projects outside the United States authorized by section 2301(b), $159,880,000.

3. For unspecified worldwide locations authorized by section 2301(c), $28,981,000.

(b) **For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $12,000,000.**

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $74,345,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $657,065,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $812,770,000.

3. **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 variations authorized by law, the total cost of all projects carried out under section 2301 of this...
Act may not exceed the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).  

SEC. 2305. MODIFICATION OF FISCAL YEAR 2003 AUTHORITY RELATING TO IMPROVEMENT OF MILITARY FAMILY HOUSING UNITS. 

(a) MODIFICATION.—Section 2303 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-31; 116 Stat. 2693) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,633,738,000" and inserting "$2,614,391,000"; and

(2) in paragraph (6)(A), by striking "$689,824,000" and inserting "$670,477,000".

(b) CONFORMING AMENDMENTS.—Section 2304(a) of that Act (116 Stat. 2693) is amended—

(1) in the matter preceding paragraph (1), by striking "$226,068,000" and inserting "$206,721,000".

Defense Agencies: Inside 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>Marine Corps Base, Camp Lejeune, North Carolina ..........................................................</td>
<td>$15,259,000</td>
</tr>
<tr>
<td>Defense Logistics Agency</td>
<td>Defense Distribution Depot, New Cumberland, Pennsylvania ....................................................</td>
<td>$27,000,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Air Force Base, Florida .................................................................................................</td>
<td>$4,800,000</td>
</tr>
<tr>
<td></td>
<td>Eielson Air Force Base, Alaska ..................................................................................................</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>Hickam Air Force Base, Hawaii ....................................................................................................</td>
<td>$14,100,000</td>
</tr>
<tr>
<td></td>
<td>Hurlbut Field, Florida ................................................................................................................</td>
<td>$3,500,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base, Virginia ...............................................................................................</td>
<td>$13,000,000</td>
</tr>
<tr>
<td></td>
<td>Langley Air Force Base, Texas ....................................................................................................</td>
<td>$4,688,000</td>
</tr>
<tr>
<td></td>
<td>McChord Air Force Base, Washington ..........................................................................................</td>
<td>$8,100,000</td>
</tr>
<tr>
<td></td>
<td>Nellis Air Force Base, Nevada ....................................................................................................</td>
<td>$12,800,000</td>
</tr>
<tr>
<td></td>
<td>Offutt Air Force Base, Nebraska .................................................................................................</td>
<td>$13,400,000</td>
</tr>
<tr>
<td>National Security Agency</td>
<td>Fort Meade, Maryland ..................................................................................................................</td>
<td>$1,842,000</td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>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>
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</tr>
<tr>
<td></td>
<td>Harrisburg International Airport, Pennsylvania ........................................................................</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Hurlbut Field, Florida ..................................................................................................................</td>
<td>$6,000,000</td>
</tr>
<tr>
<td></td>
<td>Little Creek, Virginia ..................................................................................................................</td>
<td>$9,000,000</td>
</tr>
<tr>
<td></td>
<td>MacDill Air Force Base, Florida ..................................................................................................</td>
<td>$25,500,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Anacostia, District of Columbia ..........................................................................</td>
<td>$15,714,000</td>
</tr>
<tr>
<td></td>
<td>Naval Submarine Base, New London, Connecticut .......................................................................</td>
<td>$6,400,000</td>
</tr>
<tr>
<td></td>
<td>United States Air Force Academy, Colorado ...............................................................................</td>
<td>$21,500,000</td>
</tr>
<tr>
<td></td>
<td>Walter Reed Medical Center, District of Columbia ...................................................................</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Washington Headquarters Services</td>
<td>Arlington, Virginia ...................................................................................................................</td>
<td>$38,068,000</td>
</tr>
<tr>
<td></td>
<td>Total ...........................................................................................................................................</td>
<td>$331,170,000</td>
</tr>
</tbody>
</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 Agency</td>
<td>Grafenwoehr, Germany ............................................................................................................</td>
<td>$36,247,000</td>
</tr>
<tr>
<td></td>
<td>Heidelberg, Germany ...............................................................................................................</td>
<td>$3,086,000</td>
</tr>
<tr>
<td></td>
<td>Sigonella, Italy .......................................................................................................................</td>
<td>$30,243,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza, Italy ...........................................................................................................................</td>
<td>$16,374,000</td>
</tr>
<tr>
<td></td>
<td>Vilseck, Germany .......................................................................................................................</td>
<td>$1,773,000</td>
</tr>
<tr>
<td>Special Operations Command</td>
<td>Stuttgart, Germany ...............................................................................................................</td>
<td>13,400,000</td>
</tr>
<tr>
<td>Tri-Care Management Activity</td>
<td>Andersen Air Force Base, Guam ...............................................................................................</td>
<td>24,900,000</td>
</tr>
<tr>
<td></td>
<td>Grafenwoehr, Germany ...............................................................................................................</td>
<td>12,585,000</td>
</tr>
<tr>
<td></td>
<td>Total ...........................................................................................................................................</td>
<td>136,599,000</td>
</tr>
</tbody>
</table>

SEC. 2402. FAMILY HOUSING. 

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may acquire real property and carry out military construction projects with respect to the construction or improvement of military family housing units in an amount not to exceed $206,721,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS. 

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $670,477,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS. 

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may acquire real property and carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $331,170,000.
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, land acquisition, and military family housing functions of the Department of Defense (other than Appalachian and other regional agencies) in the total amount of $1,154,402,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $331,120,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $102,703,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,153,000.

(4) For contingency construction projects of the Secretary of Defense under section 2604 of title 10, United States Code, $8,960,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $59,894,000.

(6) For energy conservation projects authorized by section 2404, $69,500,000.

(7) For base closure and realignment activities as authorized under title X of Public Law 101–100; 10 U.S.C. 2687 note), $370,427,000.

(8) For military family housing functions:

(A) For planning, design, and improvement of military family housing and facilities, $350,000.

(B) For support of military family housing (including services described in section 2833 of title 10, United States Code, $49,440,000.

(C) For credit to the Department of Defense Housing Improvement Fund established by section 2898(a)(1) of title 10, United States Code, $300,000.


(13) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2653 of title 10, United States Code, and any other cost variations authorized under this heading, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of—

(1) the total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a);

(2) $16,265,000 (the balance of the amount authorized under section 2401(b) for the renovation and construction of an elementary and high school, Naval Station Sigonella, Italy); and

(3) $17,631,000 (the balance of the amount authorized under section 2401(b) for the construction of an elementary and middle school, Grafenwoehr, Germany).

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECT.

The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695) is amended in the matter relating to Department of Defense Dependent Schools by striking "Seoul, Korea" in the installation or location column and inserting "Camp Humphreys, Korea".

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2003 PROJECTS.

(a) Modification.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2695) is amended—

(1) in the matter preceding paragraph (1), by striking (A) in the installation or location column and inserting "Camp Humphreys, Korea"; and

(2) by striking the item relating to Spangdahlem Air Base, Germany, and (b) by striking the amount identified as the total in the amount column and inserting "$205,586,000".

(b) Conforming Amendments.—Section 2404(a) of that Act (116 Stat. 2696) is amended—

(1) in the matter preceding paragraph (1), by striking, $1,434,795,000 and inserting "$1,455,798,000";

(2) in paragraph (2), by striking "$206,583,000" and inserting "$205,586,000".

TITLE XVIII—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2003, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $169,300,000.

TITLE XXVI—GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2003, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $276,779,000; and

(B) for the Army Reserve, $74,478,000.

(2) For the Department of the Navy—

(A) for the Naval and Marine Corps Reserve, $34,132,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $20,530,000; and

(B) for the Air Force Reserve, $53,912,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED 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 appropriated funds have been obligated before 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.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2001 PROJECTS.

(a) Extension of Certain Projects.—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), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2201, 2401, or 2601 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.

(b) Tables.—The tables referred to in subsection (a) are as follows:
### 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—Family Housing (1 Unit) ..........</td>
<td>$250,000</td>
</tr>
</tbody>
</table>

### Navy: Extension of 2001 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia</td>
<td>Gas Turbine Test Facility  ..........</td>
<td>$10,680,000</td>
</tr>
</tbody>
</table>

### Defense Agencies: Extension of 2001 Project Authorizations

<table>
<thead>
<tr>
<th>State or country</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defense Education Activity</td>
<td>Seoul, Korea</td>
<td>Elementary School Full Day Kindergarten Classroom Addition  ..........</td>
<td>$2,317,000</td>
</tr>
<tr>
<td></td>
<td>Taegu, Korea</td>
<td>Elementary/High School Full Day Kindergarten Classroom Addition  ..........</td>
<td>$762,000</td>
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</tbody>
</table>

### Army National Guard: Extension of 2001 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Papago Park</td>
<td>Add/Alter Readiness Center ..........</td>
<td>$2,265,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Mansfield</td>
<td>Readiness Center  ......</td>
<td>$3,100,000</td>
</tr>
</tbody>
</table>

### Air Force: Extension of 2000 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or location</th>
<th>Project</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. 2821. TRANSFER OF LAND AT FORT CAMPBELL, KENTUCKY AND TENNESSEE.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the State of Tennessee, all right, title, and interest of the United States in and to a parcel of real property (right-of-way), including improvements thereon, located at Fort Campbell, Kentucky and Tennessee, for the purpose of realigning and upgrading United States Highway 79 from a 2-lane highway to a 4-lane highway.

(b) Consideration.—

(1) Payment.—As consideration for the conveyance of the right-of-way parcel to be conveyed by subsection (a), the Secretary shall pay from any source (including Federal funds made available to the State from the Highway Trust Fund) all of the Secretary’s costs associated with the conveyance under subsection (a).

(2) Description of Property.—The conveyance shall be to the same conditions and limitations, as the real property to be conveyed under subsection (a).

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

(d) Reimbursement for Costs of Conveyance.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Corporation accept the real property conveyed under subsection (a).

(2) That the Corporation bear all costs related to the use and redevelopment of the real property.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as are appropriate to protect the interests of the United States.

SEC. 2822. LAND CONVEYANCE, FORT KNOX, KENTUCKY.

(a) Conveyance Authorized.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Kentucky (in this section referred to as the “Department”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 93 acres at Fort Knox, Kentucky, for the purpose of permitting the Department to establish and operate a State-run cemetery for veterans of the Armed Forces.

(b) Reimbursement for Costs of Conveyance.—(1) The Department shall reimburse the Secretary for any costs incurred by the Secretary in making the conveyance authorized by subsection (a), including costs related to environmental documentation and other administrative costs. This paragraph only applies to costs associated with the environmental remediation of the real property to be conveyed under such subsection.

(2) Any reimbursements received under paragraph (1) for costs described in that paragraph shall be deposited into the accounts from which the costs were paid, and amounts so deposited shall be merged with amounts in such accounts and available for the same purposes, and subject to the same conditions and limitations, as the amounts in such accounts with which merged.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as are appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALABAMA, GEORGIA.

(a) Conveyance Authorized.—The Secretary of the Navy may convey through negotiated sale to the Prefered Development Group Corpora-

(b) Consideration.—As consideration for the conveyance authorized by subsection (a) the Corporation shall pay from any source the costs described in paragraph (1) for costs described in that paragraph.

(c) Description of Property.—The conveyance shall be to the same conditions and limitations, as the real property to be conveyed under subsection (a).

(d) Reimbursement for Costs of Conveyance.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Corporation accept the real property conveyed under subsection (a).

(2) That the Corporation bear all costs related to the use and redevelopment of the real property.

(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as are appropriate to protect the interests of the United States.

SEC. 2824. EXEMPTION FROM SCREENING AND USE REQUIREMENTS UNDER MCKINNEY-VENTO HOMELESS ASSISTANCE ACT OF 1987.

(a) Exemption Authorized.—The Secretary of the Department of Defense may convey, without consideration, to the Department of Veterans Affairs of the Commonwealth of Massachusetts (in this section referred to as the “Department”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 10.44 acres located at Boyett Village Turner Field and Mcdonalds property on 510; 10 U.S.C. 2687 note).
SEC. 2824. LAND CONVEYANCE, AIR FORCE AND ARMY EXCHANGE SERVICE PROPERTY, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the Army and Air Force Exchange Service to convey through negotiated sale all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 7.5 acres located at 1515 Roundtable Drive in Dallas, Texas.

(b) CONDITION OF CONVEYANCE.—As consideration for the conveyance authorized by subsection (a), the purchaser shall pay the United States a single payment equal to the fair market value of the real property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) DEPOSIT OF AMOUNTS.—Section 574 of title 40, United States Code, shall apply to the consideration received under subsection (a) and the proceeds shall be returned to the Army and Air Force Exchange Service.

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

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND EXCHANGE, NAVAL AND MARINE CORPS RESERVE CENTER, PORTLAND, OREGON.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the United Parcel Service, Inc. (in this section referred to as ‘‘UPS’’), any or all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 14 acres in Portland, Oregon, and comprising the Naval and Marine Corps Reserve Center, to facilitate the design, construct, and convey such replacement facilities on the property conveyed under this section as the Secretary considers appropriate to protect the interests of the United States.

(b) PROPERTY RECEIVED IN EXCHANGE.—(1) As consideration for the conveyance authorized under subsection (a), UPS shall—

(A) convey to the United States a parcel of real property determined to be suitable by the Secretary; and

(B) design, construct, and convey such replacement facilities on the property conveyed under this section (A) as the Secretary considers appropriate.

(2) The value of the real property and replacement facilities received by the Secretary under this subsection shall be at least equal to the fair market value of the real property conveyed under subsection (a), as determined by the Secretary.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require UPS to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, relocation expenses incurred under subsection (b), and other administrative costs related to the conveyance. If amounts are collected from UPS in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred, to carry out the conveyance, the Secretary shall refund the excess amount to UPS.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance authorized by subsection (a). The Secretary may offset the condemnation charges paid by UPS against amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as other condemnation charges paid by UPS.

(d) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the parcel of real property, including any improvements thereon, consists of approximately 7.5 acres located at 1515 Roundtable Drive in Dallas, Texas.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary.

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

SEC. 2826. LAND CONVEYANCE, FORT RitchIE, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army shall convey, without consideration, to the Corporation, a public instrumentality of the State of Maryland (in this section referred to as the ‘‘Corporation’’), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at Fort Ritchie, Cascade, Maryland, consisting of approximately 33 acres, that is currently being leased by the Corporation by the Institute for Economic Development of the State of Maryland (in this section referred to as the ‘‘Institute’’), for the purpose of enabling the Corporation to sell the property to the Institute for the economic development of Fort Ritchie.

(b) EXEMPTION FROM FEDERAL SCREENING REQUIREMENT.—The conveyance authorized by subsection (a) shall be exempt from the requirement to screen the property concerned for further Federal use pursuant to section 2696 of title 10, United States Code.

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

(d) CONDITION OF CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Secretary determines that the parcel of real property, including improvements thereon, consists of approximately 13,665 acres are under license to the Military Department of the State of Louisiana and 1,284 acres are used by the Army joint Munitions Command.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under section 2696 of title 10, United States Code.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under section 2696 of title 10, United States Code.

SEC. 2827. FEASIBILITY STUDY OF CONVEYANCE OF LOUISIANA ARMY AMMUNITION PLANT, DOWLINE, LOUISIANA.

(a) STUDY REQUIRED.—(1) The Secretary of the Army shall conduct a feasibility study of the Louisiana Army Ammunition Plant as a means for determining in connection with the utilization and development of the Plant and similar parcels of real property.

(2) In conducting the study, the Secretary shall consider—

(A) the feasibility and advisability of entering into negotiations with the State of Louisiana or the Louisiana National Guard for the conveyance of the Plant;

(B) the extent to which the plan could—

(i) facilitate the execution by the Department of Defense of its national security mission; and

(ii) facilitate the continued use of the Plant by the Louisiana National Guard and the execution by the Louisiana National Guard of its national security mission;

(C) evidence presented by the State of Louisiana of the means by which the conveyance of the Plant could benefit current and potential private sector and governmental tenants of the Plant and facilitate the contribution of such tenants to economic development in Northwestern Louisiana in particular;

(D) the amount and type of consideration that is appropriate for the conveyance of the Plant; and

(E) the evidence presented by the State of Louisiana of the extent to which the conveyance of the Plant to a public-private partnership will contribute to economic growth in the State of Louisiana and in Northwestern Louisiana in particular;

(F) the value of any mineral rights in the lands of the Plant; and

(G) any other matters in light of the study that the Secretary considers appropriate.

Subtitle D—Review of Overseas Military Facility Structure

SEC. 2841. SHORT TITLE.

This subtitle may be cited as the ‘‘Overseas Military Facility and Range Structure Review Act of 2003’’.

SEC. 2842. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the Commission on the Review of Overseas Military Facility and Range Structure of the United States (in this subtitle referred to as the ‘‘Commission’’).

(b) MEMBERSHIP.—(1) The Commission shall be composed of 9 members of whom—

(A) one shall be appointed by the Secretary of Defense;

(B) two shall be appointed by the Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate and the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(C) two shall be appointed by the Majority Leader of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House and the Ranking Member of the Committee on Defense of the House of Representatives; and

(D) two shall be appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(c) TERM OF MEMBERS.—Members of the Commission shall serve for a term of 2 years.

(d) DUTIES.—The Commission shall—

(1) review the Overseas Military Facility and Range Structure under review by the Secretary of Defense, the Overseas Facilities Review Board, and the Overseas Facilities Review Committee; and

(2) determine which locations are required for national security purposes and which could be closed.

SEC. 2843. AMENDMENTS TO FEDERAL LAW.

(a) AUTHORITY.—The Secretary of Defense may authorize the conveyance of any federal facility to a state, local government, or any other entity, subject to the same conditions and limitations, as determined pursuant to an appraisal of the facility. The conveyance authorized by subsection (a) is exempt from the requirement to screen the property concerned for further Federal use pursuant to section 2696 of title 10, United States Code.

(b) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the conveyance of a federal facility to a state, local government, or any other entity, subject to the same conditions and limitations, as determined pursuant to an appraisal of the facility. The conveyance authorized by subsection (a) is exempt from the requirement to screen the property concerned for further Federal use pursuant to section 2696 of title 10, United States Code.

(c) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the conveyance of a federal facility to a state, local government, or any other entity, subject to the same conditions and limitations, as determined pursuant to an appraisal of the facility. The conveyance authorized by subsection (a) is exempt from the requirement to screen the property concerned for further Federal use pursuant to section 2696 of title 10, United States Code.

(d) CONVEYANCE AUTHORIZED.—The Secretary of Defense may authorize the conveyance of a federal facility to a state, local government, or any other entity, subject to the same conditions and limitations, as determined pursuant to an appraisal of the facility. The conveyance authorized by subsection (a) is exempt from the requirement to screen the property concerned for further Federal use pursuant to section 2696 of title 10, United States Code.
(2) Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(3) Appointments of the members of the Commission shall not be later than 45 days after the date of the enactment of this Act.

(4) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) Meetings.—The Commission shall meet at the call of the Chairman.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairman and Vice Chairman.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 2842. DUTIES OF COMMISSION.

(a) Study.—The Commission shall conduct a thorough study of matters relating to the military facility and range structure of the United States overseas.

(b) Matters to be Studied.—In conducting the study, the Commission shall—

(1) assess the number of military personnel of the United States required to be based outside the United States;

(2) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of the United States overseas for all permanent stations and deployed locations, if required, for such facilities and ranges;

(3) assess the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(4) assess whether or not the current military basing and training range structure of the United States overseas is adequate to meet the current and future mission of the Department of Defense, including contingency, mobilization, and future force requirements;

(5) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or the establishment of new military facilities of the United States overseas, to meet the requirements of the Department of Defense to provide for the national security of the United States; and

(6) consider or assess any other issue relating to military facilities and ranges of the United States overseas that the Commission considers appropriate.

(c) Report.—(1) Not later than August 30, 2004, the Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative action as it considers appropriate.

(2) In addition to the matters specified in paragraph (1), the report shall also include a proposal for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.

SEC. 2844. POWERS OF COMMISSION.

(a) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) Information from Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Administrative Support Services.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this subtitle.

(d) Pay for Employees.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) Expenditures.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 2845. COMMISSION PERSONNEL MATTERS.

(a) Appointments.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this subtitle.

(b) Travel.—(1) Members of the Commission shall receive, in addition to their compensation, reimbursement for travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, for employees of agencies under subchapter I of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

(2) Members and staff of the Commission may receive transportation on aircraft of the Military Airlift Command to and from the United States, and overseas, for purposes of performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(c) Staff.—(1) The Chairman of the Commission may appoint an executive director of the Commission to assist the Commission in carrying out its duties.

(2) The Commission may employ a staff to assist the Commission in carrying out its duties.

(d) Security Clearances.—The employment of an executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(e) Procurement of Temporary and Intermitent Services.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of such title.

SEC. 2846. SECURITY.

(a) Security Clearances.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this subtitle.

(b) In General.—The Secretary of Defense shall assume responsibility for the handling and processing of all security clearances pursuant to the national security of the United States that is received, considered, or used by the Commission under this subtitle.

SEC. 2847. TERMINATION OF COMMISSION.

The Commission shall terminate 45 days after the date on which the Commission submits its report under section 2843(c).

SEC. 2848. FUNDING.

(a) In General.—Of the amount authorized to be appropriated by section 3015 for the Department of Defense for operation and maintenance, Defense-wide, $3,000,000 shall be available to the Commission to carry out this subtitle.

(b) Availability.—The amount authorized to be appropriated by subsection (a) shall remain available, without fiscal year limitation, until September 30, 2004.

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 AUTHORIZATIONS

(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 $8,933,847,000, to be allocated as follows:

(1) For weapons activities, $6,457,272,000.

(2) For defense nuclear nonproliferation activities, $1,340,195,000.

(3) For nuclear reactors, $788,400,000.

(4) For the Office of the Administrator for Nuclear Security Operations, $347,980,000.

(b) Authorization of New Plant Projects.—From funds referred to in subsection (a) that are available for carrying out plant projects for the nuclear nonproliferation security complex, the Department of Energy may carry out new plant projects for weapons activities, as follows:

(1) Project 04-D-101, test capabilities revitalization phase I, Sandia National Laboratories, Albuquerque, New Mexico, $36,450,000.

(2) Project 04-D-102, exterior communications infrastructure modernization, Sandia National Laboratories, Albuquerque, New Mexico, $2,000,000.

(3) Project 04-D-103, project engineering and design, various locations, $2,000,000.

(c) Authorization for Advanced Research and Development.—Funds are hereby authorized to be appropriated—

(1) Project 04-D-125, chemistry and metallurgy research (CMR) facility replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,500,000.

(2) Project 04-D-126, building 12-44 production cells upgrade, Pantex Plant, Amarillo, Texas, $8,780,000.

(3) Project 04-D-127, cleaning and loading modifications (CALM), Savannah River Site, Aiken, South Carolina, $2,750,000.

(4) Project 04-D-128, TA-18 mission relocation project, Los Alamos National Laboratory, Los Alamos, New Mexico, $8,920,000.

(5) Project 04-D-129, defense nuclear nonproliferation security complex (DNNSC) facility replacement building, Los Alamos National Laboratory, Los Alamos, New Mexico, $50,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT AUTHORIZATIONS

(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 $6,809,814,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,814,635,000.
(2) For defense environmental services in carrying out programs for restoration and waste management activities necessary for national security programs, $99,179,000.

SEC. 3132. READINESS POSTURE FOR RESUMPTION BY THE UNITED STATES OF UNDERGROUND NUCLEAR WEAPONS TESTS.
(a) 18-MONTH READINESS POSTURE REQUIREMENTS.
(1) Commencing not later than October 1, 2006, the Secretary of Energy shall achieve, and thereafter maintain, a readiness posture of 18 months to carry out the United States' treaties of underground nuclear tests, subject to subsection (b).
(b) ALTERNATIVE READINESS POSTURE.—If as a result of the review conducted by the Secretary for purposes of the report required by section 3142(c) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–134; 114 Stat. 2733) the Secretary, in consultation with the Administrator for Nuclear Security, determines that the optimal, advisable, and preferred readiness posture for the United States to achieve its commitment to nonproliferation objectives and other national security priorities includes a readiness posture of less than 18 months, the Secretary may, and is encouraged to, achieve and maintain a readiness posture of less than 18 months, subject to the following:
(1) The report under paragraph (1) shall set forth:
(A) an identification by the Secretary of Energy in the form of an unclassified report, but may include a classified annex if necessary, of the findings and conclusions of the Secretary of Energy in support of the reduced readiness posture; and
(B) a description of the scope of maintenance activities under the program, including recrui
ting maintenance, construction of facilities, recapitalization of facilities, and decontamination and decommissioning of facilities.
(2) The guidelines on the Readiness in Technical Base and Facilities program shall ensure that the maintenance posture required under paragraph (2)(C) are carried out in a timely and efficient manner designed to avoid maintenance backlogs.
(d) OPERATIONS OF FACILITIES PROGRAM.—The Administrator shall provide for the administration of the Operations of Facilities Program of the National Nuclear Security Administration as a program subordinated to the requirements in the Technical Base and Facilities Program of any other programs that the Operations of Facilities Program is intended to support.
SEC. 3141. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.

(a) EXPANSION TO ADDITIONAL COUNTRIES.—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting Program to carry out nuclear nonproliferation threat reduction activities and projects outside the states of the former Soviet Union.

(b) NOTICE TO CONGRESS OF USE OF FUNDS.—Not later than 15 days before the Secretary obligates funds for the International Materials Protection, Control, and Accounting Program for a project or activity in or with respect to a country outside the United States, pursuant to the authority in subsection (a), the Secretary shall submit to the congressional defense committees a notice on the obligation of such funds for the project or activity that shall specify—

(1) the project or activity, and forms of assistance, for which the Secretary proposes to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement (if any) of any United States department or agency (other than the Department of Energy), or the private sector, in the project, activity, or assistance for which the Secretary proposes to obligate such funds.

SEC. 3142. SEMIANNUAL FINANCIAL REPORTS ON NUCLEAR MATERIALS NONPROLIFERATION PROGRAM.

(a) SEMIANNUAL REPORTS REQUIRED.—Not later than April 30 and October 30 each year, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the financial status during the half fiscal year ending at the end of the preceding month of all Department of Energy defense nuclear nonproliferation programs for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls—

(1) the aggregate amount appropriated for such fiscal year for such half fiscal year;

(2) of the aggregate amount appropriated for such fiscal year for such half fiscal year—

(A) the amounts obligated for such program as of the end of the fiscal year;

(B) the amounts committed for such program as of the end of the half fiscal year;

(C) the amounts disbursed for such program as of the end of the fiscal year; and

(D) the amounts that remain available for obligation for such program as of the end of the half fiscal year.

(b) CONTENTS.—Each report on a half fiscal year under subsection (a) shall set forth for each Department of Energy defense nuclear nonproliferation program for which funds were authorized to be appropriated for the fiscal year in which such half fiscal year falls—

(1) the aggregate amount appropriated for such fiscal year for each such half fiscal year—

(A) the amounts obligated for such program as of the end of the fiscal year;

(B) the amounts committed for such program as of the end of the half fiscal year;

(C) the amounts disbursed for such program as of the end of the fiscal year; and

(D) the amounts that remain available for obligation for such program as of the end of the half fiscal year.

(c) APPLICABILITY.—This section shall apply with respect to fiscal years after fiscal year 2003.

SEC. 3143. REPORT ON REDUCTION OF EXCESS UNCONTAINED STOCKPILE OF DEEPLY BURIED TARGET WEAPONS DEVELOPMENT PROGRAM.

(a) CONTINGENT REQUIREMENT FOR REPORT.—If as of September 30, 2004, the aggregate amount obligated but not expended for defense nuclear nonproliferation activities from amounts authorized to be appropriated for such activities in fiscal year 2004 exceeds an amount equal to 20 percent of the aggregate amount so obligated for such activities, the Administrator for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed and comprehensive plan—

(1) including the percentage of total number of claims received with respect to such facility that have been denied, including the percentage of total number of claims received with respect to such facility that have been denied.

(b) SUBMITTAL DATE.—If required to be submitted under this section, the report shall be submitted to the congressional defense committees on or before November 30, 2004.

SEC. 3144. MODIFICATION OF AUTHORITY ON DEPARTMENT OF ENERGY PERSONNEL SECURITY INVESTIGATIONS.

(a) IN GENERAL.—Subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking paragraph (2) and inserting the following:

"(2) In the case of any program designated by the Secretary of Energy as sensitive, the Secretary may require any investigation required under this subsection relating to an individual employed in that program be made by the Federal Bureau of Investigation.".

(b) CONFORMING AMENDMENT.—Subsection f. of such section—

(B) the amounts committed for such program as of the end of the half fiscal year; and

(c) identification of who is carrying out one or more dose reconstructions in described in paragraph (1) who is carrying out one or more dose reconstructions in a timely, accurate, and complete manner.

(b) For each facility with respect to which the Institute is carrying out one or more dose reconstructions described in paragraph (1), the Secretary shall submit to Congress a report on the denial of claims for compensation described in paragraph (1) who is carrying out one or more dose reconstructions in a timely, accurate, and complete manner.

SEC. 3152. RESPONSIBILITIES OF ENVIRONMENTAL MANAGEMENT PROGRAM AND NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF ENERGY FOR ENVIRONMENTAL CLEANUP, DECOMMISSIONING, AND WASTE MANAGEMENT.

(a) DELINEATION OF RESPONSIBILITIES.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for fiscal year 2006—

(1) update any information or criteria described in the report submitted under subsection (a); and

(2) explicitly identify those specific positions or a conventional earth penetrator, but the Deeply Buried Target Weapons Development Program to conventional hard and deep buried target weapon development programs.

(b) PLAN.—The Secretary of Energy and the Secretary of Defense shall develop, submit to Congress three months after the date of enactment of this Act, and implement, a plan to coordinate the Robust Nuclear Earth Penetrator feasibility study at the Department of Energy
with the ongoing conventional and deeply buried weapons development programs at the Department of Defense. This plan shall ensure that over the course of the feasibility study for the Los Alamos National Laboratory, the ongoing results of the work of the Department of Energy, with application to the Department of Defense programs, is shared with and integrated into the Department of Defense programs.

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

**SEC. 3161. CONSOLIDATION AND ASSEMBLY OF ONGOING AND GENERAL PROVISIONS ON DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

(a) PURPOSE.—(1) IN GENERAL.—The purpose of this section is to assemble together, without substantive modifying the substantive effect of such provision, all ongoing and general provisions of law on Department of Energy national security programs that remain in force in order to consolidate and organize such provisions of law into a single Act intended to comprise general provisions of law on such programs.

(b) DATE OF TRANSFER.—The transfer of a provision of law by this section shall not be construed as amending, altering, or otherwise modifying the substantive effect of such provision.

(c) TREATMENT OF SATISFIED REQUIREMENTS.—Any requirement in a provision of law transferred under this section that has been fully satisfied by the terms of such provision of law as of the date of transfer under this section shall be treated as so fully satisfied, and shall not be treated as being revived solely by reason of transfer under this section.

(d) CLASSIFICATION.—The provisions of the Atomic Energy Act of 1954, as classified by this section, shall be classified to the United States Code as a new chapter entitled "Energy Defense Act, as amended by this section." The provisions of the Energy Research and Development Act of 1974, as classified by this section, shall be classified to the United States Code as a new chapter entitled "Energy Research and Development Act, as amended by this section.

**Division D—Atomic Energy Defense Provisions.**

(c) SHORT TITLE; DEFINITION.—(1) SHORT TITLE.—Section 3601 of the Atomic Energy Act of 1954, as added by Public Law 107-296, 2002, is redesignated as section 3601; and (2) DEFINITION.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) is amended by adding at the end the following new division heading:

"DIVISION D—ATOMIC ENERGY DEFENSE PROVISIONS."

(c) SHORT TITLE; DEFINITION.—(1) SHORT TITLE.—Section 3601 of the Atomic Energy Act of 1954, as added by Public Law 107-314, as redesignated under this section, is—(A) transferred to the end of the Bob Stump National Defense Authorization Act for Fiscal Year 2003; and (B) redesignated as section 3601.

**Division E—Bob Stump National Defense Authorization Act for Fiscal Year 2003.**

(a) PURPOSE.—The purpose of this section is to—(A) transferred to title XLI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by paragraph (1); (B) inserted after the title heading for such title, as so added; and (C) inserted after the heading for subtitle A of such title, as so added.

**Title XLII—National Nuclear Propulsion Program.**

**Section 4101. Naval Nuclear Propulsion Program.**

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by paragraph (1); (B) inserted after the title heading for such title, as so added; and (C) inserted after the heading for subtitle A of such title, as so added.

**Title XLII—National Nuclear Propulsion Program.**

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by paragraph (1); (B) inserted after the title heading for such title, as so added; and (C) inserted after the heading for subtitle A of such title, as so added.

**Section 4102. Definition.**

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by paragraph (2); and (B) inserted after section 4101, as added by paragraph (2); and (C) inserted after section 4102, as added by paragraph (2); and (D) inserted in subsection (d)(2), by striking "120 days after the date of the enactment of this Act," and inserting "January 21, 1999."
(A) transferred to title XLII of division D of such Act, as amended by this subsection; 
(B) redesignated as section 4309; and 
(C) inserted after section 4308, as added by paragraph (1). 

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) inserted after section 4309, as added by paragraph (10); and 
(C) amended— 
(i) by inserting before the text the following new title heading: 
"SEC. 4310. LIMITATION ON UNDERGROUND NUCLEAR WEAPONS TESTS.", and 
(ii) by striking "(f)". 

(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) redesignated as section 4211; 
(C) inserted after section 4210, as added by paragraph (11); and 
(D) amended in subsection (b) by striking "the date of the enactment of this Act," and inserting "November 30, 1993," and 
(E) redesignated as section 4212; 
(F) inserted after section 4211, as added by paragraph (12); and 
(G) redesignated as section 4231; 
(H) inserted after the heading for subtitle B of such title XLII, as added by paragraph (16); and 
(I) redesignated as section 4232; 
(J) inserted after section 4231, as added by paragraph (17); and 
(K) redesignated as section 4233; 
(L) inserted after section 4232, as added by paragraph (18); and 
(M) redesignated as section 4234; and 
(N) inserted after section 4233, as added by paragraph (19). 

(12) PROHIBITION ON UNDERGROUND NUCLEAR WEAPONS TESTS.—Subsection (f) of section 507 of the Energy and Water Development Appropriations Act, 1993 (Public Law 102-337; 106 Stat. 1345) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) redesignated as section 4309; and 
(C) inserted after the heading for such title, as so added; and 
(D) redesignated as section 4302; 
(E) inserted after section 4301, as added by paragraph (2); and 
(F) amended in subsection (b) by striking "this title" and inserting "the National Defense Authorization Act for Fiscal Year 2003 (Public Law 106-106)". 

(13) TESTING OF NUCLEAR WEAPONS.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1346) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) redesignated as section 4212; 
(C) inserted after section 4211, as added by paragraph (12); and 
(D) amended— 
(i) in subsection (a), by inserting "of the National Defense Authorization Act for Fiscal Year 1994" after "section 3103(a)(2)"; and 
(ii) in subsection (b), by striking "this Act," and inserting "the National Defense Authorization Act for Fiscal Year 1994," and 
(iii) in subsection (c), by redesignating subsections (a) through (f) as (b) through (f) respectively, and amending subsection (f) to read "(f) WMD BALLISTIC MISSILE DEFENSE INTERDICTOR SYSTEM." 

(14) MANUFACTURING INFRASTRUCTURE FOR STOCKPILE.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-201; 110 Stat. 2542) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2543) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-106; 113 Stat. 927) is— 
(B) redesignated as section 4305; and 
(C) inserted after section 4304, as added by paragraph (3). 

(15) REPORTS ON CRITICAL DIFFICULTIES AT LABORATORIES AND PLANTS.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2542) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-106; 113 Stat. 927) is— 
(B) redesignated as section 4305; and 
(C) inserted after section 4304, as added by paragraph (3). 

(16) SUBTITLE HEADING ON TRITIUM.—Title XLIII of 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 subtitle: 
"SUBTITLE B.—Tritium.

(17) TRITIUM PRODUCTION PROGRAM.—Section 3133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 618) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) redesignated as section 4231; 
(C) inserted after the heading for subtitle B of such title XLII, as added by paragraph (16); and 
(D) amended— 
(i) by striking "the date of the enactment of this Act" each place it appears and inserting "February 10, 1996"; and 
(ii) in subsection (b), by inserting "of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106)" after "section 3101." 

(18) TRITIUM RECYCLING.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 620) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) redesignated as section 4232; 
(C) inserted after section 4231, as added by paragraph (17); and 
(D) redesignated as section 4233; 
(E) inserted after section 4232, as added by paragraph (18); and 
(F) redesignated as section 4234; and 
(G) inserted after section 4233, as added by paragraph (19). 

(19) TRITIUM PRODUCTION.—Subsections (c) and (d) of section 3133 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2543) are— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) inserted after section 4232, as added by paragraph (18); and 
(C) amended— 
(i) by inserting before the text the following new section heading: 
"SEC. 4323. TRITIUM PRODUCTION.; and 
(ii) redesigning such subsections as subsections (a) and (b), respectively; and 
(iii) in subsection (a), as so redesignated, by inserting "of Energy" after "The Secretary". 

(20) MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.—Section 3134 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2543) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) redesignated as section 4232; 
(C) inserted after section 4231, as added by paragraph (17); and 
(D) inserted in subsection (b) by striking "of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201)" after "section 3101." 

(21) PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-106; 113 Stat. 927) is— 
(A) transferred to title XLII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection; 
(B) redesignated as section 4235; and 
(C) inserted after section 4234, as added by paragraph (20). 

(f) PROLIFERATION MATTERS.—
(A) transferred to title XLI of division D of such Act, as amended by this subsection; 
(B) redesignated as section 4306; and 
(C) inserted after section 4405, as added by paragraph (4).

(6) ACCELERATED SCHEDULE FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT. —Section 3156 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-104; 110 Stat. 624) 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: 

(7) DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM. —Section 3141 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1679) 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 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 101-510; 104 Stat. 1833) 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 4407; 
(C) inserted after section 4406, as added by paragraph (7); 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 (e) of section 3160 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 107 Stat. 3095) 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) inserted after section 4407, as added by paragraph (8); and 
(C) amended—

(i) by inserting before the text the following new section heading:

"SEC. 4408. PUBLIC PARTICIPATION IN PLANNING FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT AT DEFENSE NUCLEAR FACILITIES."

(ii) by striking "(e) PUBLIC PARTICIPATION IN PLANNING,—" and

(iii) by striking "(1) SUBTITLE HEADING ON CLOSURE OF FACILITIES—Title XLV 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 subsection:

"Subtitle B—Closure of Facilities."

(11) PROJECTS TO ACCELERATE CLOSURE ACTIVITIES AT DEFENSE NUCLEAR FACILITIES. —Section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2836) 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 4421; 
(C) inserted after the heading for subtitle B of such title, as added by paragraph (10); and 
(D) amended in subsection (i), by striking “the expiration of the 15-year period beginning on the date of the enactment of this Act” and inserting “September 23, 2011.”

(12) 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. 1683) 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 4422; 
(C) inserted after section 4421, as added by paragraph (11); and 
(D) amended in the section heading by adding a period at the end.

(13) SUBTITLE HEADING ON PRIVATIZATION.—Title XLIV 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—Privatization."

(14) DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS. —Section 3132 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034) 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 4433; 
(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)(i), and (d), by inserting “of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85 after “section 3102”); and 

(ii) in subsections (c)(1)(B)(ii) and (f), by striking “the date of enactment of this Act” and inserting “November 1997.”

(h) SAFEGUARDS AND SECURITY 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 XLV—SAFEGUARDS AND SECURITY MATTERS."

"Subtitle A—Safeguards and Security."

(2) PROHIBITION ON INTERNATIONAL INSPECTIONS OF FACILITIES WITHOUT PROTECTION OF RESTRICTED DATA.—Section 3154 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-104; 110 Stat. 624) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as added by paragraph (1); 
(B) redesignated as section 4501; 
(C) inserted after the heading for subtitle A of such title, as so added; and 

(D) amended—

(i) by striking “(1) The” and inserting “The”; and 

(ii) by striking “(2) For purposes of paragraph (1),” and inserting “(c) RESTRICTED DATA DEFINED.—In this section,”

(r) RESTRICTIONS ON ACCESS TO LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.—Section 3146 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-55; 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 4502; 
(C) inserted after section 4501, as added by paragraph (2); and 

(D) amended—

(i) in subsection (b)(2)—

(1) in the matter preceding subparagraph (A), by striking “30 days after the date of the enactment of this Act” and inserting “on November 4, 1999.”; and

(2) in paragraph (1), by striking “the” and inserting “such Act”;

(3) in paragraph (2), by striking “the” and inserting “such Act.”

(3) IN GENERAL.—The National Nuclear Security Administration may designate up to five foreign visitors as “qualified foreign visitors” for the purpose of conducting international inspections of facilities without protection of restricted data. A qualified foreign visitor may designate up to four other foreign visitors as “substitute foreign visitors.” The National Nuclear Security Administration may designate a substitute foreign visitor as a qualified foreign visitor. A qualified foreign visitor shall notify the President at least 30 days before the date of the international inspection of a facility that the qualified foreign visitor intends to conduct. The President shall grant the request of the qualified foreign visitor unless the President determines that the request is not in the national interest. The President shall rescind a request made under this subsection if the President determines that the national interest so requires. The President may rescind the revocation of a request made under this subsection if the President determines that the national interest so requires. The President shall notify the Congress of any request made under this subsection.

(4) QUALIFIED FOREIGN VISITORS.—Qualified foreign visitors shall be designated in accordance with section 3154 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-55; 113 Stat. 935).
(II) in subparagraph (A), by striking “The date that is 90 days after the date of the enactment of this Act” and inserting “January 3, 2000”;

(III) in subsection (d)(3), by striking “the date of the enactment of this Act,” and inserting “October 5, 1999,”; and

(III) in subsection (g), by adding at the end the following:

“(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 1946 (42 U.S.C. 2154).

(BACKGROUND INVESTIGATIONS ON CERTAIN PERSONNEL.—Section 3143 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 934) is—

(A) transferred to title XLV of the Bob Stump National Defense Authorization Act for Fiscal Year 2003; as amended by this subsection; and

(B) redesignated as section 4503;

(C) designated after section 4503, as added by paragraph (3); and

(D) amended—

(i) in subsection (b), by striking “the date of the enactment of this Act” and inserting “October 5, 1999,”; and

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

“(c) Definitions.—In this section, the terms ‘national laboratory’ and ‘Restricted Data’ have the meanings given such terms in section 4520(a).”

(COUNTERINTELLIGENCE POLYGRAPH PROGRAM.—Section 3152 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1376) is—

(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 4504;

(3) inserted after section 4502, as added by paragraph (3); and

(4) amended—

(i) in subsection (b), by striking “180 days after the date of the enactment of this Act,” and inserting “April 5, 2000,”;

(5) NOTICE OF SECURITY AND COUNTERINTELLIGENCE FAILURES.—Section 3150 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 939) is—

(A) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4504a; and

(C) inserted after section 4504a, as added by paragraph (5)(B).

(7) ANNUAL REPORT ON SECURITY FUNCTIONS AT NUCLEAR WEAPONS FACILITIES.—Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-105; 111 Stat. 409) 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 4506;

(C) inserted after section 4505, as added by paragraph (6); and

(D) amended—

(i) in subsection (b) by inserting ‘‘of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-105; 111 Stat. 2048; 42 U.S.C. 7251 note) after ‘section 3161.’’;


(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 4507;

(C) inserted after section 4506, as added by paragraph (7); and

(D) amended—

(i) by striking ‘‘subsection (a) of that Act’’ and inserting ‘‘subsection (b)(1) of that Act’’;

(ii) in subsection (c), by striking ‘‘subsection (b)(1) of that Act’’ and inserting ‘‘subsection (b)(1) of this Act’’; and

(iii) in subsection (d), by striking ‘‘subsection (b)(1) of that Act’’ and inserting ‘‘subsection (d)(1) of this Act’’;

(E) transferred to title XLV of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 1999 (Public Law 106-48; 113 Stat. 398); and

(F) redesignated as section 4522, as added by paragraph (12); and

(G) redesignated as section 4522, 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”;

(iii) in subsection (f)(2), by striking “The Secretary” and inserting “Commencement with invalid”; and

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

“(c) Definitions.—In this section, the term ‘national laboratory’ has the meaning given that term in section 4520(g)(3).”

(9) REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORIES.—Section 3153 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 113 Stat. 940) 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 4508;

(C) inserted after section 4507, as added by paragraph (8); and

(D) amended—

(i) by striking “subsection (b) of this Act” and inserting “subsection (b) of that Act”;

(ii) by striking “subsection (c) of this Act” and inserting “subsection (c) of that Act”;

(iii) by striking “section 3161(a) of that Act” and inserting “subsection (a) of such section”;

(iv) in subsection (d), by striking “section 3161(d) of that Act” and inserting “subsection (d) of this Act”; and

(PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.—Section 3145 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 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; and

(C) inserted, after section 4523, as added by paragraph (13); and

(15) IDENTIFICATION IN BUDGETS OF AMOUNT FOR DECLASSIFICATION ACTIVITIES.—Section 3173 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-165; 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 4525;

(C) inserted after section 4524, 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.”;

(16) SUBTITLE 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, is further amended by adding at the end the following new subtitle heading:

“Subtitle C—Emergency Response.”

RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.—Section 3158 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 626) 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 added by paragraph (16).

(1) PERSONNEL MATTERS

(i) in subsection (a), by striking “in this subsection referred to as the ‘Secretary’”;
(ii) by adding at the end the following new subsection:

(1) DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY DEFENSE.—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 1946 (42 U.S.C. 2134(a))) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading plant at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program; or

(2) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary; or

(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 Pinnellass Plant, Florida; and the Pantex facility, Texas); or

(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 no longer 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; and

(C) was operated for national security purposes.

(2) AUTHORITY TO PROVIDE CERTIFICATE OF COMMENDATION TO EMPLOYEES.—Section 3195 of the 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 4602; and

(C) inserted after section 4601, as added by paragraph (2); and

(D) amended in subsection (n) by striking “60 days after the date of the enactment of this Act,” and inserting “December 5, 1999.”

(3) WHISTLEBLOWER PROTECTION PROGRAM.—Section 3164 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–56; 113 Stat. 946) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4602; and

(C) inserted after section 4601, as added by paragraph (2); and

(D) amended in subsection (n) by striking “60 days after the date of the enactment of this Act,” and inserting “December 5, 1999.”

(4) ENSURE EMPLOYEES FOR WORKERS AT CLOSURE PROJECT FACILITIES.—Section 3136 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–458) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4603; and

(C) inserted after section 4602, as added by paragraph (3); and

(D) amended—

(i) in subsections (c) and (i)(i)(A), by striking “section 3134 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)” and inserting “section 4421”; and

(ii) after subsection (g), by striking “section 3134(h) of the National Defense Authorization Act for Fiscal Year 1997” and inserting “section 4421(h).


(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4604; and

(C) inserted after section 4603, as added by paragraph (4); and

(D) amended—

(i) in subsection (a), by striking “hereinafter in this subsection referred to as the ‘Secretary’”;

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

(1) DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITY DEFENSE.—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 1946 (42 U.S.C. 2134(a))) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading plant at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound Laboratory, Ohio), but the term does not include any facility that does not conduct atomic energy defense activities and does not include any facility or activity covered by Executive Order Number 12344, dated February 1, 1982, pertaining to the naval nuclear propulsion program; or

(2) a nuclear waste storage or disposal facility that is under the control or jurisdiction of the Secretary; or

(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 Lawrence Livermore, Los Alamos, and Sandia National Laboratories); or

(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 no longer 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; and

(C) was operated for national security purposes.

(6) AUTHORITY TO PROVIDE CERTIFICATE OF COMMENDATION TO EMPLOYEES.—Section 3195 of the 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).

(7) SUBTITLE HEADING ON TRAINING AND EDUCATION.—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.”

(8) EXECUTIVE MANAGEMENT TRAINING.—Section 3142 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–199; 104 Stat. 1328) is—

(A) transferred to title XLVI of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

(B) redesignated as section 4606; and

(C) inserted after section 4605, as added by paragraph (7).

(9) STIPEND SCHOLARSHIP PROGRAM.—Section 3131 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3085) 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 4607; and

(C) inserted after section 4606, as added by paragraph (8).
(ii) in subsection (c), by striking “180 days after the date of the enactment of this Act,” and inserting “April 23, 1993;” and
(iii) by adding at the end the following new subsection:
“(d) Definitions.—In this section:
“(2) The term ‘Department of Energy employee’ means any employee of the Department of Energy employed at a Department of Energy facility, including any employee of a contractor of subcontractor of the Department of Energy employed at such a facility.’.”

JUDICIAL 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—JUDICIAL AND FINANCIAL MANAGEMENT MATTERS


(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; 116 Stat. 3276) are—

(A) transferred to title XLVII of division D of such Act, as added by paragraph (1);
(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—
(i) in section 4702, as so redesignated, by striking “sections 3629 and 3630” and inserting “sections 4702 and 4711”;
(ii) in section 4706a(3)(B), as so redesignated, by striking “section 3626” and inserting “section 4706a”; and
(iii) in section 4707, as so redesignated, by striking “section 3625(b)(2)” and inserting “section 4706(b)(2)”;
(iv) in section 4710c, as so redesignated, by striking “section 3621” and inserting “section 4702”; and
(v) in section 4713c, as so redesignated, by striking “section 4702” and inserting “section 4702c”;
(vi) in section 4712, as so redesignated, by striking “section 4702” and inserting “section 4702c”;
(vii) in section 4712, as so redesignated, by striking “section 4702” and inserting “section 4702c”; and
(viii) in section 4712, as so redesignated, by striking “section 4702” and inserting “section 4702c”.

(3) SUBTITLE HEADING ON PENALTIES.—Title XLVII of 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 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) amended—
(i) in subsection 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 added by paragraph (3); and
(D) amended in the section heading by adding a period at the end.
(5) RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT.—Section 211 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 97-96; 94 Stat. 2303) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) inserted after section 4721, as added by paragraph (4); and
(C) amended—
(i) by striking the section heading and inserting the following new section heading:

“SEC. 4722. RESTRICTION ON USE OF FUNDS TO PAY PENALTIES UNDER CLEAN AIR ACT

(ii) by striking SEC. 211; and
(iii) by striking “this or any other Act” and inserting “the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (Public Law 97-96) or any other Act”.
(6) SUBTITLE HEADING ON OTHER MATTERS.—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 C—Other Matters

(7) SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS.—Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (Public Law 96-509; 92 Stat. 2779) is—

(A) transferred to title XLVII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) inserted after the heading for subtitle C of such title, as added by paragraph (6); and
(C) amended—
(i) by striking the section heading and inserting the following new section heading:

“SEC. 4731. SINGLE REQUEST FOR AUTHORIZATION OF APPROPRIATIONS FOR COMMON DEFENSE AND SECURITY PROGRAMS

(ii) by striking “SEC. 208;”.
(k) ADMINISTRATIVE MATTERS.—(1) HEADINGS.—Division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this section, is further amended by adding at the end the following new headings:

“TITLE XLVIII—ADMINISTRATIVE MATTERS

Subtitle A—Contracts

(2) COSTS NOT ALLOWED UNDER CERTAIN CONTRACTS.—Section 4801 of the Department of Energy National Nuclear Security Administration Act of 1996 (Public Law 104-204; 106 Stat. 2831) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4811;
(C) inserted after the heading for subtitle B of such title, as added by paragraph (5); and
(D) amended in the section heading by adding a period at the end.
(3) LIMITATIONS ON USE OF FUNDS FOR LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Section 3137 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-130; 111 Stat. 2383) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4812;
(C) inserted after section 4811, as added by paragraph (5); and
(D) amended—
(i) in the section heading, by striking “of the enactment of this Act,” and inserting “of the enactment of this Act” and inserting “November 5, 1997;”.
(ii) in subsection (a), by striking “the date of the enactment of this Act” and inserting “November 5, 1997”;
(iii) in subsection (b), by striking “6 months” and inserting “9 months”;
(iv) in subsection (d), by striking “90 days” and inserting “180 days”.
(4) CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING FROM ATOMIC WEAPONS TEST PROGRAM.—Section 3141 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 2373) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4803;
(C) inserted after section 4802, as added by paragraph (3); and
(D) amended in the section heading by adding a period at the end.
(5) LIMITATIONS ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT ACTIVITIES.—Section 3136 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2038) is—

(A) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4804;
(C) inserted after section 4802, as added by paragraph (2); and
(D) amended in the section heading by adding a period at the end;
(ii) transferred to title XLVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(iii) redesignated as section 4812A;
(iv) amended in subsection (a) by inserting "of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 106-281)" after "section 3101.";
(v) by striking paragraphs (7); and
(vi) in paragraph (8), by striking "six months after the date of the enactment of this Act," and inserting "May 5, 1991," and
(vii) by striking paragraph (9).

(3) A RESUBMISSION PROJECT.—

(A) transferred to title XCVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4902;
(C) inserted after section 4903, as added by paragraph (3); and
(D) amended—
(i) in the section heading, by adding a period at the end;
(ii) in subsection (a), by striking "this title" and inserting "title XCVIII of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 106-281);"
(iii) in subsection (b), by striking "six months after the date of the enactment of this Act," and inserting "May 5, 1991;"
(iv) in paragraph (2), by striking "six months after the date of the enactment of this Act," and inserting "May 5, 1992;"
(v) in paragraph (3), by striking "six months after the date of the enactment of this Act," and inserting "May 5, 1992;"


(A) transferred to title XCVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4903;
(C) inserted after section 4902, as added by paragraph (3); and
(D) amended—
(i) by striking before the text the following new section heading:

"SEC. 4904. RIVER PROTECTION PROJECT."

(ii) by striking "(a) REDESIGNATION OF PROJECT.—";

(iii) by striking "(a) transfereed to title XCVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) transferred to section 3141 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-281; 114 Stat. 1654A–464) is—
(A) transferred to title XCVIII of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4903;
(C) inserted after section 4902, as added by paragraph (3); and
(D) amended—
(i) by striking "six months after the date of the enactment of this Act," and inserting "May 5, 1991;"
(ii) in paragraph (2), by striking "six months after the date of the enactment of this Act," and inserting "May 5, 1992;"
(iii) by striking paragraph (9).
Act for Fiscal Year 2003, as amended by this subsection;
(B) redesignated as section 4911; and
(C) inserted after the heading for subtitle B of such Act, as added by paragraph (7).

(9) **Multi-year Plan for Cleanup.—**Subsection (e) of section 3142 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2838) is—
(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) inserted after section 4912, as added by subparagraph (D); and
(iii) amended—
(C) inserted after section 4912, as added by subparagraph (D); and
(iii) amended—
(i) by inserting before the text the following new section heading: **"SEC. 4912. MULTI-YEAR PLAN FOR CLEANUP.—"**

and
(ii) by striking **"(a) Continuation—"**.

(10) **Continuation of Processing, Treatment, and Disposal of Legacy Nuclear Materials.—**
(A) **FISCAL YEAR 2000.—**Subsection (a) of section 3137 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2000 (as enacted into law by Public Law 106-398; 114 Stat. 16534–460) is—
(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) inserted after section 4912, as added by paragraph (9); and
(iii) amended—
(i) by inserting before the text the following new section heading: **"SEC. 4913. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.—"**

and
(ii) by striking **"(a) Continuation—"**.

(B) **FISCAL YEAR 2000.—**Section 3132 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 924) is—
(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;
(ii) redesignated as section 4913A; and
(iii) inserted after section 4913, as added by subparagraph (A).

(C) **FISCAL YEAR 1999.—**Section 3135 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2248) is—
(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

and
(ii) redesignated as section 4913B; and
(iii) inserted after section 4913A, as added by subparagraph (B).

(D) **FISCAL YEAR 1998.—**Subsection (b) of section 3136 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2603) is—
(i) transferred to title XLIX of division D of the Bob Stump National Defense Authorization Act for Fiscal Year 2003, as amended by this subsection;

and
(ii) redesignated as section 4913C, as added by subparagraph (C); and
(iii) amended—
(i) by inserting before the text the following new section heading: **"SEC. 4913C. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSAL OF LEGACY NUCLEAR MATERIALS.—"**

and
(ii) by striking **"(b) Requirement for Continuing Operations at Savannah River Site.—"**.
The Senate receives a message with respect to any of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference. It is appropriate, with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees, and that the foregoing occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. I thank the Chair. Further, I ask unanimous consent that S. 1050, as previously passed by the Senate, be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

**ENERGY POLICY ACT OF 2003—**

**Resumed**

The PRESIDING OFFICER. The clerk will report the pending business. The legislative clerk read as follows:

**Pending:**

Domenici-Bingaman Amendment No. 840, to reauthorize Low-Income Home Energy Assistance Program (LIHEAP), weatherization assistance programs, and the energy programs of the Department of Agriculture. Domenici (for Gregg) Amendment No. 841 to Amendment No. 840, to express the sense of the Senate regarding the reauthorization of the Low-income Home Energy Assistance Act of 1981.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent amendment No. 840 be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 850

Mr. DOMENICI. On behalf of the majority leader and minority leader and other Senators listed, I send to the desk the amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] for Mr. Frist, for himself, Mr. Daschle, Mr. Inhofe, Mr. Dorgan, Mr. Lugar, Mr. Johnson, Mr. Grassley, Mr. Harkin, Mr. Hagel, Mr. Durbin, Mr. Voinovich, Mr. Nelson of Iowa, Mr. Talent, Mr. Dayton, Mr. Coleman, Mr. Edwards, Mr. Crapo, Mr. Conrad, Mr. DeWine, Mr. Baucus, Mr. Bunning, and Mr. Bond, proposes an amendment numbered 850.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is printed in the Congressional Record under “Text of Amendments.”

Mr. DOMENICI. Mr. President, for the benefit of the Senate, we are now back on the Energy bill. The pending business is the ethanol amendment. We did dispose of two amendments yesterday. I am hopeful we will not have to redo them, however there is going to be another amendment, at least one, perhaps two, on the ethanol amendment. But in the meantime, the distinguished Republican whip has requested that he be permitted to speak for 5 minutes as in morning business.

I make that request in his behalf. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I ask the Chair get order in the Senate so he can be heard. The PRESIDING OFFICER. The Senate will be in order.

The Senator from Kentucky. The remarks of Mr. McCollum, Mr. McCain, and Mrs. Feinstein, pertaining to the introduction of S. 1192 are located in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”

Mr. BROWNBACK. Mr. President, I rise today in support of the ethanol amendment No. 850 that has been offered by our distinguished majority leader, Senator Frist. This is a bipartisan amendment which has been crafted in a way that leadership on both sides of the aisle and proves to be a compromise bill that will triple the amount of domestically produced ethanol used in America. President Bush was right when he said 2 years ago that we are long overdue in implementing a comprehensive policy for our Nation. If he were to say the same thing today, he would still be right. We need a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America’s security.

I believe that increasing our use of alternative and renewable fuels such as ethanol and biodiesel is a key element in our effort to constructing that much needed stability. It is a clean burning, homegrown renewable fuel that we can rely on for generations to come. Ethanol is a step towards good stewardship of our environment. Expanding the use of ethanol will also protect our environment by reducing auto emissions, which will mean cleaner air and improved public health. It just so happens that as we are looking out for our environment we are not only going to benefit in the arena of environmental friendliness but as the same time boost our economy.

Consumers will benefit from more efficient use of their vehicles at a lower cost. Adding 10 percent ethanol to a gallon of regular gas would reduce the retail price to consumers by almost 7 cents per gallon according to the Energy Information Administration.

By continuing each year to increase the volume of ethanol in a gallon of gasoline, we can concurrently decrease the volume of crude oil needed for it. Current research, in 2003 as result of the war with Iraq and international tensions. We must protect ourselves and be secure with our independence during these trying times and possible terrorism. It is no secret that we currently import over 58 percent of the oil we use. This dependence is not getting better. The Energy Information Administration estimates that our dependence on imported oil could grow to over 80 percent by 2020. We are dependent on foreign oil, that the demand for renewable fuels such as ethanol and biodiesel is on the rise. Although our troops were successful in the liberation of Iraq, our greatest enemy is our dependency on foreign oil sources to meet our energy needs.

The production and marketing of ethanol is very important to the economy of my state and the nation. The Energy Information Administration has proven that tripling the use nationally of renewable fuels over the next decade will increase U.S. GDP by $156 billion by 2012, reduce our National deficit by $250 billion by 2012, save taxpayers $2 billion annually in reduced government subsidies due to the creation of new markets for corn, and create more than 214,000 new jobs.

The benefits for the farm economy are more pronounced. An increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State. Currently, ethanol production provides 193,000 jobs and $4.5 billion to net farm income nationwide. Passage of this amendment will increase net farm income by nearly $6 billion annually. Passage of this amendment will create $5.3 billion of new investment in renewalel fuels production. Kansas is loudly voicing their support of this legislation. Phasing out MTBE on a National basis will be good for our fuel suppliers. Refiners are under tremendous strain having to make several different gasoline blends to meet various state clean air requirements. The MTBE phaseout provisions in this package will ensure that refiners will have less stress on their system.

This entire Nation’s is in need of this environmentally friendly, sustainable fuel as we carry on in our efforts to be good stewards of our environment. Ethanol will boost our energy independence and become an aid to national security while we as a country find ourselves continuing the battle against terrorism. I cannot proclaim enough, the greatness of the positive impacts this fuel contains. Leaders here in our body have discovered it. The language of this bill has strong bipartisan support and is the result of negotiations between the Renewable Fuels Association, National Corn Growers Association, Farm Bureau Federation, American Petroleum Institute, North American Community Air Use Management, NESCAUM, and the American Lung Association.

Americans can rest more sound and secure as we further develop the use of our homegrown fuel, ethanol. Mr. DOMENICI. Mr. President, I know there are many Senators who have plenty to do besides being concerned about this Energy bill on the