

PROVIDING FOR CONSIDERATION OF H.R. 4200, NA-
TIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
YEAR 2005

MAY 19 (legislative day, MAY 18), 2004.—Referred to the House Calendar and
ordered to be printed

Ms. MYRICK, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 648]

The Committee on Rules, having had under consideration House Resolution 648, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4200, the National Defense Authorization Act for Fiscal Year 2005, under a structured rule. The rule provides two hours of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on Armed Services.

The rule makes in order only those amendments printed in this report and amendments en bloc described in section 3 of the resolution. The rule provides that amendments shall be considered only in the order specified in this report (except as specified in section 4 of the resolution), may be offered only by a Member designated in this report, shall be debatable for 10 minutes (unless otherwise specified in this report) equally divided and controlled by the proponent and an opponent, shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for

the purpose of further debate on any pending amendment), shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in this report and those amendments en bloc as described in section 3 of the resolution.

The rule authorizes the Chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in this report not earlier disposed of, which shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, and shall not be subject to amendment or demand for a division of the question in the House or in the Committee of the Whole. The rule provides that the original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The rule allows the Chairman of the Committee of the Whole to recognize for consideration of any amendment printed in this report out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Finally, the rule provides one motion to recommit with or without instructions.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 259

Date: May 19, 2004 (legislative day of May 18, 2004).

Measure: H.R. 4200—National Defense Authorization Act for Fiscal Year 2005.

Motion by: Mr. Frost.

Summary of motion: To make in order and grant the appropriate waivers for the amendment by Representative Cooper to authorize supplemental appropriations in the amount of \$67.7 billion to pay for the wars in Iraq and Afghanistan. Replaces language in the committee reported bill that authorizes \$25 billion, but preserves funding for force protection, additional troops, and unfunded requirements included in the bill as reported.

Results: Defeated 4 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 260

Date: May 19, 2004 (legislative day of May 18, 2004).

Measure: H.R. 4200—National Defense Authorization Act for Fiscal Year 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and grant the appropriate waivers for an amendment by Representative Loretta Sanchez repealing Article 120 of the Uniformed Code of Military Justice and replaces it with a sexual abuse statute patterned on 18 U.S.C. §§ 2241–2247.

Results: Defeated 4 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 261

Date: May 19, 2004 (legislative day of May 18, 2004).

Measure: H.R. 4200—National Defense Authorization Act for Fiscal Year 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Dicks establishing minimum standards in the treatment of detainees during imprisonment and interrogation. Applies to personnel of the Department of Defense and Central Intelligence Agency, and their contractors. Prohibits sexual humiliation, prolonged enforced nudity, prolonged hooding, animal violence, chronic prolonged sleep deprivation, simulated drowning, and practices that clearly violate Common Article 3 of the Geneva Conventions.

Results: Defeated 4 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 262

Date: May 19, 2004 (legislative day of May 18, 2004).

Measure: H.R. 4200—National Defense Authorization Act for Fiscal Year 2005.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Slaughter allowing individuals to apply for benefits under the Energy Employees Occupational Illness Compensation Act if they developed covered illnesses and worked at facilities that the National Institute of Occupational Safety and Health (NIOSH) has found the potential for significant residual contamination (NIOSH's November 2003 report). Requires NIOSH to update the residual contamination report in 2005, 2006, 2007 for sites where NIOSH has indicated it lacked sufficient information to reach conclusions.

Results: Defeated 4 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 263

Date: May 19, 2004 (legislative day of May 18, 2004).

Measure: H.R. 4200—National Defense Authorization Act for Fiscal Year 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and grant the appropriate waivers to the amendment by Representative Spratt providing \$414.4 million for targeted pay raises, reimbursement of life insurance premiums for service members that are in imminent danger, three Marine Corps' troop protection unfunded requirements, and improvements to the PAC-3 ballistic missile defense system. Offset by targeted cuts to four ballistic missile defense program elements, the Ground-based Midcourse Defense system, BMD Products, BMD Technology, and the BMD Systems Interceptor.

Results: Defeated 4 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 264

Date: May 19, 2004 (legislative day of May 18, 2004).

Measure: H.R. 4200—National Defense Authorization Act for Fiscal Year 2005.

Motion by: Mr. McGovern.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Matheson providing that the United States may not resume testing of nuclear weapons or any other nuclear explosive devices unless authorized by Congress.

Results: Defeated 4 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 265

Date: May 19, 2004 (legislative day of May 18, 2004).

Measure: H.R. 4200—National Defense Authorization Act for Fiscal Year 2005.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Waters providing that the Secretary of Defense shall take such steps as necessary to (1) require and encourage any member of the Armed Forces who sees, hears, or otherwise learns of anything that may be a violation of United States law, the Geneva Conventions, or Department of Defense interrogation policies and practices to report the matter to the member's superiors and (2) to provide that any such member who makes such a report does not suffer any adverse consequence, including any reduction in rank or pay, any loss of promotion authority, or any adverse duty assignment, by reason of making the report.

Results: Defeated 4 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay;

Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee record vote No. 266

Date: May 19, 2004 (legislative day of May 18, 2004).

Measure: H.R. 4200—National Defense Authorization Act for Fiscal Year 2005.

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Hoeffel expressing the sense of Congress that the mobilization of additional troops in Iraq is necessary and that the United States should seek further involvement from international coalitions in establishing security in Iraq. Urges the engagement of NATO and the Arab League for that purpose.

Results: Defeated 4 to 9.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Myrick—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

(Summaries of amendments derived from information provided by the sponsor.)

1. Goode: Authorizes the Secretary of Defense to assign members of the Army, Navy, Air Force, and Marine Corps, under certain circumstances and subject to certain conditions, to assist the Department of Homeland Security in the performance of border protection functions. (20 Minutes)

2. Davis, Susan (CA): Repeals the prohibition on servicewomen and female military dependents from using their own funds for abortions at overseas military hospitals. (20 Minutes)

3. Hunter: Expresses the sense of Congress concerning the abuse of persons in custody in Iraq. (20 Minutes)

4. Weldon, Curt (PA)/Murtha: Expresses the sense of Congress that the Secretary of Defense should assist the Iraqi government in destroying the Abu Gharib prison and replacing it with a modern detention facility. Includes findings on the history of Abu Gharib prison. (20 Minutes)

5. Meek: Moves mission-critical information from the commissioning authority up to the highest levels in short order when that information portends events or situations detrimental to our strategic plan. Requires that the Secretary give guidance to all Department of Defense personnel with authority to commission assessments, evaluations, or investigations on what types of information would be necessary to pass up the chain of command. The guidance would specifically target those items of such potentially volatile nature as to give even the layman a reason to raise a red flag. (20 Minutes)

6. Hastings, Alcee (FL): Expresses the sense of Congress that no funds available to any department or agency of the United States Government may be used to provide assistance for the reconstruction of Iraq unless the President certifies to Congress that the United States Government has entered into an agreement with the Iraqi Governing Council or a transitional government in Iraq under

which Iraq agrees that it will expend a significant portion of its revenues generated from oil production for reconstruction activities in Iraq. (20 Minutes)

7. Jones, Walter (NC): Adds the United States Coast Guard Academy and the United States Merchant Marine Academy to the list of institutions covered under section 556 of H.R. 4220 regarding prayer at military service academies. (20 Minutes)

8. Kennedy, Mark (MN): Eliminates the 2-year BRAC delay contained in H.R. 4200. Requires certain reports be submitted to Congress approximately six months before any potential vote to disapprove the recommendations of the BRAC Commission in order to review and hold hearings on the report. (20 Minutes)

9. Tauscher/Markey/Skelton/Dicks/Allen/Spratt: Transfers \$36,557,000 from the Department of Energy's Robust Nuclear Earth Penetrator and Advanced Concepts programs to increase both intelligence capabilities to get at hard and deeply buried targets and improve conventional bunker-busting capabilities. (20 Minutes)

10. Hunter: Provides that individuals that support programs of the "Employer Support of the Guard and the Reserve," as authorized by the Secretary of Defense, are to be considered federal employees for the purposes of protection under various federal laws, requires a report before the Secretary implements a new program for the transportation of household goods of members of the Armed Forces, and their dependents, increases the transfer authority contained in the FY 2004 Defense Authorization Act from \$2.5 billion to \$3.0 billion, increases funding, with offsets, for Patriot missile procurement, requires a report from the Secretary of Defense on amounts remitted and reimbursed under section 1007 of the FY 2004 Defense Authorization Act, makes the provision in Title 15 in HR 4200, as reported, effective upon enactment, and makes a technical cite correction. (10 Minutes)

11. Wamp: Makes following changes to Energy Employees Occupational Illness Compensation Program: (1) Eliminates pay cap for physicians and lets the market set the rate; (2) Eliminates restrictions on hiring authority, allowing Department of Energy to hire a federal or contractor employee; (3) Eliminates the requirement that an application can only go to Panel if a State agreement is in place, but still authorizes State agreements which Department of Energy will still use for data and information exchanges (10 Minutes)

12. Dicks: Clarifies provisions in the bill relating to tanker procurement. Recommends a deadline of March 1, 2005 for the Department of Defense to resolve contract negotiations on tankers. (10 Minutes)

13. Hastings, Doc (WA): Restores \$100 million to the Department of Energy's Defense Site Acceleration Completion account for a total of \$350 million (the President's budget request level) for "Waste Incidental to Reprocessing." Offsets with a reduction in Air Force Operation and Maintenance Account of \$100 million, to be derived from the transportation capital fund. (10 Minutes)

14. Slaughter/Capito/Solis/Brown-Waite: Requires the Secretary of Defense to develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces, based on the recommendations of the DoD Task Force on Care for Victims of Sexual Assaults

and on such other matters as the Secretary considers appropriate. Requires DoD to take related measures to address sexual assaults involving members of the Armed Forces, such as reporting on improvement of capability to respond to sexual assaults, application of the comprehensive policy to the military departments, modification of policies and procedures of military departments, annual assessment of policies and procedures, and annual reports. (10 Minutes)

15. Maloney: Directs the Secretary of Defense to eliminate the backlog in forensic evidence collection kits and to provide an adequate supply of forensic evidence collection kits at all domestic and overseas U.S. military installations, military academies, and theaters of operation. (10 Minutes)

16. Chabot: Requires that sureties would be treated in the same manner as financing institutions when contractors default. (10 Minutes)

17. Manzullo: Allows procurement officials within the Department of Defense to include the creation of jobs in the United States as an evaluation factor. (10 Minutes)

18. Davis, Danny (IL): Authorizes landscaping services and pest control for inclusion in the Comp Demonstration program. (10 Minutes)

19. Weldon, Curt (PA): Permits the firefighter's Federal Excess Property Program, administered by the U.S. Forest Service, to screen Department of Defense excess property at the same level of law enforcement, defense contractors, defense-related organizations, and humanitarian services for combating forest fires and other fire suppression purposes. (10 Minutes)

20. Brown, Henry (SC): Expands the Department of Defense Excess Personal Property Disposal Program to include health agencies. Provides that property transfer could only take place if the property in question was excess to the needs of DoD and suitable for use in providing fire and emergency services or responding to health or environmental emergencies. (10 Minutes)

21. Brown, Henry (SC): Requires the Secretary of Defense, when submitting a budget request for construction of a military medical treatment facility, to certify that the facility was evaluated, with the consultation of the Secretary of Veterans Affairs, for the feasibility of establishing a joint DoD-VA medical facility. Also requires the Secretary of Veterans Affairs, when proposing construction of a new or replacement medical facility, to certify that the facility was evaluated, with the consultation of the Secretary of Defense, for the feasibility of establishing a joint DoD-VA medical facility. (10 Minutes)

22. Johnson, Timothy (IL): Provides authority for removal of remains of certain persons interred in United States Military Cemeteries overseas. Provides that applications made to the Department of Defense may be approved only if the application presents sufficient evidence that at the time of the initial disposition decision, there was a misunderstanding or error related to that disposition decision that the Secretary finds warrants approval of the application. Provides that no costs associated with the removal and transportation of remains provided for may be paid by the United States. Provides a two-year time limit to submit an application from the date of enactment. (10 Minutes)

23. Baird: Requires the Secretary of Defense to study various aspects—including availability, accessibility, cost and effectiveness—of mental health services available to U.S. military personnel deployed to combat theaters. Requires Secretary of Defense to submit results of the study, including a section detailing changes that should be made and problems/obstacles that need to be addressed, within 90 days of enactment. (10 Minutes)

24. Hefley: Specifies that the Board of Visitors to the United States Air Force Academy shall be made up of the Chairman of the Committee on Armed Services of the U.S. Senate or his designee; 3 persons (2 Senators and 1 nonmember of the Senate) to be designated by the Vice President or the President Pro Tempore of the Senate; the Chairman of the Committee on Armed Services in the House or his designee; 4 persons (3 U.S. Representatives and 1 nonmember of the U.S. House) to be designated by the Speaker of the House; 6 persons designated by the President of the United States (2 of whom shall be U.S. Air Force Academy Graduates). Provides the Board Chairman the discretion to remove Board members for failing to attend two consecutive meetings without good cause or advanced notice. Recommends the Board meet at least four times annually. Requires the Secretary of the Air Force and the Superintendent to provide the Board necessary access to Academy grounds, the cadets, faculty, and staff to fulfill its duties. Requires the Board to submit a written report within 30 days of any meeting to the Secretary of Defense, Secretary of the Air Force, and both the House and Senate Committees on Armed Services. (10 Minutes)

25. Ryun, Jim (KS)/Bordallo: Requires the Secretary of Defense to initiate senior officer official educational and training programs with Taiwan. Specifies that the exchanges would focus on the defense of Taiwan against a potential submarine attack and potential missile attack, and would also include activities related to civil-military relations, including parliamentary relations. (10 Minutes)

26. Flake/Weldon (PA)/Boradallo/Simmons/Franks/Jones (NC)/Wilson (SC): Corrects an Army regulation that requires South Korea-based combat troops to be involved in 5 firefights in order to qualify for their combat recognition medals (the Combat Infantry Badge and the Combat Medical Badge). For troops everywhere else, the requirement is 1 firefight. Normalizes the rules without respect to where the troops are serving. (10 Minutes)

27. Shimkus: Allows the Secretary of the Army to establish a Combat Service Recognition Ribbon to recognize participation in combat by members of the Army, regardless of branch. Qualifications would be similar to that of the Navy Combat Action Ribbon, but would be made by the Secretary of the Army. Sets up a recognition ribbon for every member of the Army that is involved in combat that meets the criteria to receive the Combat Service Ribbon; currently only infantrymen and medics are eligible to receive a combat badge in the Army. (10 Minutes)

28. Smith, Adam (WA): Allows the Department of Defense, Nisqually Tribe, and Bonneville Power Administration to complete their agreement to move power lines currently crossing the Nisqually Indian Reservation to land on the Fort Lewis Army base. Provides that the Tribe will purchase 416 non-federal land holdings on the base and transfer those lands to the Defense Department,

while DoD will transfer 168 acres of land into trust to the Secretary of the Interior for the Nisqually Indian Tribe. (10 Minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOODE OF VIRGINIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title X, insert the following new section:

SEC. ____ . ASSIGNMENT OF MEMBERS TO ASSIST BUREAU OF BORDER SECURITY AND BUREAU OF CITIZENSHIP AND IMMIGRATION SERVICES OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

“§ 374a. Assignment of members to assist border patrol and control

“(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

“(1) the Bureau of Border Security of the Department of Homeland Security in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

“(2) the United States Customs Service of the Department of Homeland Security in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Secretary of Homeland Security; and

“(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Border Security or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

“(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

“(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

“(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2006.”.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (c) of section 374a of title 10, United States Code, as added by subsection (a), shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 20 MINUTES

Add at the end of title VII the following new section:

SEC. 723. LIMITING RESTRICTION OF USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES TO PERFORM ABORTIONS TO FACILITIES IN THE UNITED STATES.

Section 1093(b) of title 10, United States Code, is amended by inserting “in the United States” after “Defense”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle A of title XII (page 424, after line 12), insert the following new section:

SEC. ____ . SENSE OF CONGRESS CONCERNING THE ABUSE OF PERSONS IN CUSTODY IN IRAQ.

It is the sense of Congress that—

(1) the abuses inflicted upon detainees at the Abu Ghraib prison in Baghdad, Iraq, are offensive to the principles and val-

ues of the American people and the United States military, are incompatible with the professionalism, dedication, standards and training required of individuals who serve in the United States military, and contradict the policies, orders, and laws of the United States and the United States military and undermine the ability of the United States military to achieve its mission in Iraq.

(2) the vast majority of members of the Armed Forces have upheld the highest possible standards of professionalism and morality in the face of illegal tactics and terrorist attacks and attempts on their lives.

(3) the abuse of persons in United States custody in Iraq is appropriately condemned and deplored by the American people;

(4) the Armed Forces are moving swiftly and decisively to identify, try, and punish persons who were responsible or culpable for such abuse;

(5) the Secretary of the Army must continue to conduct a full and thorough investigation into any and all allegations of mistreatment or abuse of detainees in Iraq;

(6) the Secretary of the Army and appropriate military authorities must continue to undertake corrective action to address chain of command deficiencies and the systemic deficiencies identified in the incidents in question;

(7) the American principle and tradition of affording proper and humane treatment to persons under the custody of the United States Armed Forces must be reaffirmed;

(8) the alleged crimes of a handful of individuals should not detract from the commendable sacrifices of over 300,000 members of the United States Armed Forces who have served, or who are serving, in Operation Iraqi Freedom; and

(9) the United States expresses its continuing solidarity and support for its partnership with the Iraqi people in building a viable Iraqi government and a secure nation.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle A of title XII (page 424, after line 12), insert the following new section:

SEC. 12 ____ . SENSE OF CONGRESS ON DESTRUCTION OF ABU GHRAIB PRISON IN IRAQ.

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

(1) Under the regime of Saddam Hussein, the Abu Ghraib prison in Iraq was one of the world's most notorious prisons.

(2) Under that regime, as many as 50,000 men and women were jammed into the prison at one time in 12 feet by 12 feet cells.

(3) Under that regime, many people were tortured and executed in the Abu Ghraib prison.

(4) Recent activities have further highlighted the horrible memories that Abu Ghraib stands for.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of Defense should assist the Iraqi Government, with the

approval of that government, in destroying the Abu Ghraib prison and replacing it with a modern detention facility.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MEEK OF
FLORIDA, OF HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title IX (page 348, after the matter following line 21), insert the following new section:

**SEC. 9 . . . SECRETARY OF DEFENSE GUIDANCE ON IDENTIFICATION
AND INTERNAL TRANSMISSION OF CRITICAL INFORMATION.**

(a) **DEFENSE GUIDANCE.**—The Secretary of Defense shall establish criteria for determining the types of critical information required to be made known expeditiously to senior decision makers in the Department of Defense. The types of information specified should be matters of extraordinary significance and potential strategic impact and should be immediately necessary to facilitate timely information management in the high-level, decision-making process affecting successful mission accomplishment. The Secretary may from time to time modify the list to suit the current strategic situation, as necessary. The Secretary should provide to the Secretaries of the military departments, the commanders of deployed forces, and other elements of the Department of Defense guidance for the purposes of identifying those critical information requirements.

(b) **MATTERS TO BE INCLUDED.**—The guidance under subsection (a) shall include, at a minimum, requirement for identification of the following:

(1) Any incident that may require a military contingency based on the incident's nature, gravity, or potential for significant adverse consequences to United States citizens, military personnel, or assets, including an incident that provides opportunities for significant adverse publicity of a nature that could have a strategic impact.

(2) Any event, development, or situation that can be reasonably assumed to escalate into a significant adverse incident described in paragraph (1).

(3) Any deficiency or error in policy, standards, or training that can be reasonably assumed to foster significant adverse incidents described in paragraph (1).

(c) **POLICY FOR TRANSMISSION OF INFORMATION TO OSD.**—The Secretary of Defense shall establish a policy for the transmission from any element of the Department of Defense as expeditiously as possible to the Secretary of Defense and the Joint Chiefs of Staff of any report, assessment, or evaluation commissioned from any level within the Department of Defense that results in the identification of any of the items on the list required by subsection (a). As part of that policy, the Secretary should establish a timetable for transmission of any such report, assessment, or evaluation to the responsible major command upon receipt of the final document by the commissioning authority.

(d) **TIME FOR ISSUANCE OF GUIDANCE.**—The Secretary of Defense shall establish the list required by subsection (a) and issue the

guidance required by that subsection not later than 90 days after the date of the enactment of this Act.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of subtitle A of title XII (page 424, after line 12), insert the following new section:

SEC. ____ . SENSE OF CONGRESS REGARDING LIMITATION ON USE OF FUNDS FOR THE RECONSTRUCTION OF IRAQ.

It is the sense of Congress that—

No funds available to any department or agency of the United States Government may be used to provide assistance for the reconstruction of Iraq unless the President certifies to Congress that the United States Government has entered into an agreement with the Iraqi Governing Council or a transitional government in Iraq under which Iraq agrees that it will expend a significant portion of its revenues generated from oil production for reconstruction activities in Iraq.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JONES OF NORTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of section 556(b) (page 164, after line 17), insert the following new paragraphs:

- (4) The United States Coast Guard Academy.
- (5) The United States Merchant Marine Academy.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY OF MINNESOTA, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Strike section 2821 (page 514, beginning line 19) and insert the following new section:

SEC. 2821. PREPARATION OF REPORTS AS PART OF 2005 BASE CLOSURE ROUND REGARDING FUTURE INFRASTRUCTURE REQUIREMENTS FOR THE ARMED FORCES.

Section 2912 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 3001 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1342), is amended by adding at the end the following new subsection:

“(e) INFRASTRUCTURE-RELATED REPORTS.—

“(1) REQUIRED REPORTS.—The Secretary shall prepare the following reports related to infrastructure requirements for the Armed Forces:

“(A) A report containing the Integrated Global Presence and Basing Strategy of the Department of Defense, including the location of long-term overseas installations, installations to be used for rotational purposes, and forward operating locations, anticipated rotational plans and policies, and domestic and overseas infrastructure requirements associated with the strategy.

“(B) A report describing the anticipated infrastructure requirements associated with the probable end-strength levels and major military force units (including land force divisions, carrier and other major combatant vessels, air wings, and other comparable units) for each of the Armed Forces resulting from force transformation.

“(C) A report describing the anticipated infrastructure requirements related to expected changes in the active component versus reserve component personnel mix of the Armed Forces.

“(D) A report describing the anticipated infrastructure requirements associated with the so-called ‘10–30–30 objective’ of the Secretary to ensure that military forces are capable of deployment overseas within 10 days in sufficient strength to defeat an enemy within 30 days and be ready for redeployment within 30 days after the end of combat operations.

“(E) A report containing the results of a complete reassessment of the infrastructure necessary to support the force structure described in the force-structure plan prepared under paragraph (1) of subsection (a) and describing any resulting excess infrastructure and infrastructure capacity, which were previously required by paragraph (2) of such subsection. The reassessment shall be based on actual infrastructure, facility, and space requirements for the Armed Forces rather than a comparative study between 1989 and 2003.

“(F) A report describing the anticipated infrastructure requirements associated with the assessment prepared by the Secretary pursuant to section 2822 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1726), in which Congress required the Secretary to assess the probable threats to national security and determine the potential, prudent, surge requirements for the Armed Forces and military installations to meet those threats.

“(2) TIME FOR SUBMISSION OF REPORTS.—The Secretary shall submit the reports required by paragraph (1) to the congressional defense committees at the same time as the Secretary transmits the recommendations for the closure or realignment of military installations under section 2914(a).”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAUSCHER OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title II, insert the following new section:

SEC. 2 . . . ADDITIONAL AMOUNTS FOR ORDNANCE TECHNOLOGY AND FOR STRATEGIC CAPABILITY MODERNIZATION.

(a) AIR FORCE CONVENTIONAL MUNITIONS.—The amount in section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$25,000,000, of which—

(1) \$10,000,000 is to be available in program element 0602602F, Conventional Munitions, for ordnance technology applicable to defeat of weapons of mass destruction and hardened, deeply buried targets; and

(2) \$15,000,000 is to be available in program element 0603601F, Conventional Weapons Technology, for ordnance technology applicable to defeat of weapons of mass destruction and hardened, deeply buried targets.

(b) DEFENSE-WIDE STRATEGIC CAPABILITY MODERNIZATION.—The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby increased by \$11,557,000, to be available for program element 0603910D8Z, Strategic Capability Modernization.

(c) OFFSET.—The amount in section 3101(a)(1) for weapons activities is hereby reduced by \$36,557,000, of which—

(1) \$27,557,000 is to be derived from the Stockpile Services Robust Nuclear Earth Penetrator study; and

(2) \$9,000,000 is to be derived from the Stockpile Services Advanced Concepts program.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 409, after line 13), insert the following new section:

SEC. ____ . AUTHORITY TO ACCEPT CERTAIN VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(8) Voluntary services to support programs of a committee of the Employer Support of the Guard and Reserve as authorized by the Secretary of Defense.”; and

(2) in subsection (f)(1), by inserting “and (a)(8)” before the period at the end.

At the end of subtitle G of title X (page 385, after line 10), insert the following new section:

SEC. ____ . PHASED IMPLEMENTATION OF NEW PROGRAM FOR TRANSPORTING HOUSEHOLD GOODS OF MEMBERS OF THE ARMED FORCES.

The Secretary of Defense may not implement the new program for the transportation of household goods of members of the Armed Forces and their dependents beyond phase I of the program, which includes the testing of electronic bill processing at 14 sites, until the Secretary submits to Congress a report evaluating whether Phase I met its objectives and whether it is in the best interest of the Department of Defense and members of the Armed Forces to move forward to Phase II of the program.

In section 1001(b)(3) (page 350, line 5), strike “section 1522” and insert “section 1519”.

At the end of subtitle A of title X (page 358, after line 2), insert the following new sections:

SEC. ____ . FISCAL YEAR 2004 TRANSFER AUTHORITY.

Section 1001(a)(2) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1582) is amended by striking “\$2,500,000,000” and inserting “\$3,000,000,000”.

SEC. ____ . REPORT ON AMOUNTS REMITTED AND REIMBURSED DURING FISCAL YEAR 2004 UNDER SECTION 1007 OF PUBLIC LAW 108-136.

Not later than 30 days after the end of fiscal year 2004, the Secretary of Defense shall submit to the congressional defense committees a report on amounts remitted and reimbursed during fiscal year 2004 under section 1007 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1585; 10 U.S.C. 2241 note).

Page 393, line 17, insert “by striking” after “is amended”.

Page 456, line 20, insert after “title” the following: “are available upon the enactment of this Act and”.

At the end of title I (page 27, after line 10), insert the following new section:

SEC. 1 ____ . ADDITIONAL AMOUNT FOR PATRIOT MISSILE PROCUREMENT.

(a) **ADDITIONAL AMOUNTS.**—The amount in section 101 for Army procurement, missiles, is hereby increased by \$90,000,000, to be available for Patriot missiles.

(b) **OFFSETTING REDUCTIONS.**—(1) The amount in section 101 for Other Support Space Programs is hereby decreased by \$27,000,000, to be derived from Titan Space Boosters (SPACE).

(2) The amount in section 301(4) for operation and maintenance, Air Force, is hereby reduced by \$15,000,000, to be derived from the transportation working capital fund.

(3) The amount in section 201(4) for research, development, test, and evaluation, defense-wide, is hereby reduced by \$48,000,000, to be derived from the Ballistic Missile Defense System Interceptor program element (PE 63886C).

At the end of subtitle A of title II (page 28, after line 14), insert the following new section:

SEC. 2 ____ . PROGRAM INCREASES.

(a) **NANO-COMPOSITE HARD-COAT FOR AIRCRAFT CANOPIES.**—The amount provided in section 201(2) for research development, test and evaluation, Navy, is hereby increased by \$5,000,000, to be available for Nano-composite hard-coat for aircraft canopies in Program Element 0205633N.

(b) **COMMAND-AND-CONTROL SERVICE LEVEL MANAGEMENT.**—The amount provided in section 201(3) for research development, test and evaluation, Air Force, is hereby increased by \$5,000,000, to be available for command-and-control service level management in Program Element 0207443F for best-commercial practices and enterprise wide architectures for military command-and-control applications.

At the end of subtitle A of title III (page 43, after line 3), insert the following new section:

SEC. 3 ____ . REDUCTION IN AUTHORIZATION FOR AIR FORCE OPERATIONS AND MAINTENANCE.

The amount authorized to be appropriated in section 301(4) is hereby reduced by \$10,000,000, to be derived from the transportation working capital fund.

Strike section 215 (page 36, lines 1 through 9).

Strike section 2818 (page 514, lines 1 through 16) and insert the following new section:

SEC. 2818. REPORT ON FEASIBILITY OF VETERANS MEMORIAL AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report on whether the City of Irvine's anticipated future uses of the former MCAS El Toro property would permit the establishment and maintenance of a veterans memorial at no cost to the Federal Government.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WAMP OF TENNESSEE, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXI of the bill (page 556, after line 10), add the following new section:

SECTION 3134. IMPROVEMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) STATE AGREEMENTS.—Section 3661 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385o) is amended—

(1) in subsection (b) by striking “Pursuant to agreements under subsection (a), the” and inserting “The”;

(2) in subsection (c) by striking “provided in an agreement under subsection (a), and if”; and

(3) in subsection (e) by striking “If provided in an agreement under subsection (a)” and inserting “If a panel reports a determination under subsection (d)(5)”.

(b) SELECTION OF PANEL MEMBERS.—Section 3661 of that Act (42 U.S.C. 7385o) is further amended in subsection (d) by amending paragraph (2) to read as follows:

“(2) The Secretary of Health and Human Services shall select individuals to serve as panel members based on experience and competency in diagnosing occupational illnesses. For each individual so selected, the Secretary shall appoint that individual as a panel member or obtain by contract the services of that individual as a panel member.”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DICKS OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 117(b) insert “no later than March 1, 2005” after “program” (page 25, line 10).

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXI (page 556, after line 10), insert the following new section:

SEC. 31___. ADDITIONAL AMOUNT FOR DEFENSE SITE ACCELERATION COMPLETION.

(a) ADDITIONAL AMOUNT.—The amount in section 3102 is hereby increased by \$100,000,000, to be available under section 3102(1) for defense site acceleration completion.

(b) OFFSET.—The amount in section 301(4), operation and maintenance, Air Force, is hereby reduced by \$100,000,000, to be derived from the transportation capital fund.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SLAUGHTER OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 200, after line 24), insert the following new section:

SEC. 598. DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE POLICY ON PREVENTION AND RESPONSE TO SEXUAL ASSAULTS.—(1) Not later than January 1, 2005, the Secretary of Defense shall develop a comprehensive policy for the Department of Defense on the prevention of and response to sexual assaults involving members of the Armed Forces.

(2) The policy shall be based on the recommendations of the Department of Defense Task Force on Care for Victims of Sexual Assaults and on such other matters as the Secretary considers appropriate.

(b) ELEMENTS OF COMPREHENSIVE POLICY.—The policy developed under subsection (a) shall address the following matters:

- (1) Prevention measures.
- (2) Education and training on prevention and response.
- (3) Investigation of complaints by command and law enforcement personnel.
- (4) Medical treatment of victims.
- (5) Confidential reporting of incidents.
- (6) Victim advocacy and intervention.
- (7) Oversight by commanders of administrative and disciplinary actions in response to substantiated incidents of sexual assault.
- (8) Disposition of victims of sexual assault, including review by appropriate authority of administrative separation actions involving victims of sexual assault.
- (9) Disposition of members of the Armed Forces accused of sexual assault.
- (10) Liaison and collaboration with civilian agencies on the provision of services to victims of sexual assault.
- (11) Uniform collection of data on the incidence of sexual assaults and on disciplinary actions taken in substantiated cases of sexual assault.

(c) REPORT ON IMPROVEMENT OF CAPABILITY TO RESPOND TO SEXUAL ASSAULTS.—Not later than March 1, 2005, the Secretary of Defense shall submit to Congress a proposal for such legislation as the Secretary considers necessary to enhance the capability of the Department of Defense to address matters relating to sexual assaults involving members of the Armed Forces.

(d) APPLICATION OF COMPREHENSIVE POLICY TO MILITARY DEPARTMENTS.—The Secretary shall ensure that, to the maximum extent practicable, the policy developed under subsection (a) is implemented uniformly by the military departments.

(e) POLICIES AND PROCEDURES OF MILITARY DEPARTMENTS.—(1) Not later than March 1, 2005, the Secretaries of the military departments shall prescribe regulations, or modify current regulations, on the policies and procedures of the military departments on the prevention of and response to sexual assaults involving members of the Armed Forces in order—

(A) to conform such policies and procedures to the policy developed under subsection (a); and

(B) to ensure that such policies and procedures include the elements specified in paragraph (2).

(2) The elements specified in this paragraph are as follows:

(A) A program to promote awareness of the incidence of sexual assaults involving members of the Armed Forces.

(B) A program to provide victim advocacy and intervention for members of the Armed Force concerned who are victims of sexual assault, which program shall make available, at home stations and in deployed locations, trained advocates who are readily available to intervene on behalf of such victims.

(C) Procedures for members of the Armed Force concerned to follow in the case of an incident of sexual assault involving a member of such Armed Force, including—

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

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

(iii) procedures for the preservation of evidence; and

(iv) procedures for confidential reporting and for contacting victim advocates.

(D) Procedures for disciplinary action in cases of sexual assault by members of the Armed Force concerned.

(E) Other sanctions authorized to be imposed in substantiated cases of sexual assault, whether forcible or nonforcible, by members of the Armed Force concerned.

(F) Training on the policies and procedures for all members of the Armed Force concerned, including specific training for members of the Armed Force concerned who process allegations of sexual assault against members of such Armed Force.

(G) Any other matters that the Secretary of Defense considers appropriate.

(f) ANNUAL ASSESSMENT OF POLICIES AND PROCEDURES.—Not later than January 15, 2006, and each year thereafter, each Secretary of a military department shall conduct an assessment of the implementation during the preceding fiscal year of the policies and procedures of such department on the prevention of and response to sexual assaults involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures during such fiscal year in providing an appropriate response to such sexual assaults.

(g) ANNUAL REPORTS.—(1) Not later than April 1, 2005, and January 15 of each year thereafter, each Secretary of a military department shall submit to the Secretary of Defense a report on the sexual assaults involving members of the Armed Force concerned during the preceding year.

(2) Each report on an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual assaults against members of the Armed Force, and the number of sexual assaults by members of the Armed Force, that were reported to military officials during the year covered by such report, and the number of the cases so reported cases that were substantiated.

(B) A synopsis of and the disciplinary action taken in each substantiated case.

(C) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to incidents of sexual assault involving members of the Armed Force concerned.

(D) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Armed Forces concerned.

(3) Each report under paragraph (1) in 2006, 2007, and 2008 shall also include the assessment conducted by the Secretary concerned under subsection (f).

(4) The Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives each report submitted to the Secretary under this subsection, together with the comments of the Secretary on each such report. The Secretary shall transmit the report on 2004 not later than May 1, 2005, and shall transmit the report on any year after 2004 not later than March 15 of the year following such year.

(h) REQUIREMENT TO DEVELOP DEFINITION OF SEXUAL ASSAULT.—Prior to developing policies and programs on the prevention of and response to sexual assaults, the Department of Defense, in consultation with the Service Secretaries, shall develop a definition of sexual assault that is uniform for all the Armed Forces, including but not limited to rape, acquaintance rape, sexual assault, and other criminal offenses.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title III (page 43, after line 3), insert the following new section:

SEC. 3 . ELIMINATION OF BACKLOG IN PROCESSING FORENSIC EVIDENCE COLLECTION KITS AND ACQUISITION OF SUFFICIENT STOCKS OF SUCH KITS.

The Secretary of Defense shall take such steps as may be necessary to eliminate the current backlog in the processing of forensic evidence collection kits used by the Department of Defense, to shorten the time period between the use of such kits and their processing in the future, and to ensure an adequate supply of such kits for all domestic and overseas United States military installations, including the military service academies, and for units of the Armed Forces deployed in theaters of operation.

16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CHABOT OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII, insert the following new section:

SEC. 825. REQUIREMENT TO TREAT SURETIES IN SAME MANNER AS FINANCING INSTITUTIONS WHEN CONTRACTORS DEFAULT.

(a) AMENDMENT TO TITLE 31.—Section 3727(c) of title 31, United States Code, is amended by inserting “surety on a bond provided in connection with a contract or other” before “financing institution”.

(b) AMENDMENT TO REVISED STATUTES.—Section 3737(b) of the Revised Statutes (41 U.S.C. 15) is amended in the first sentence by inserting “surety on a bond provided in connection with a contract,” before “or other financing institution”.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MANZULLO OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII (page 337, after line 15), insert the following new section:

SEC. 825. PROVISIONS RELATING TO CREATION OF JOBS IN THE UNITED STATES BY DEFENSE CONTRACTORS.

(a) AUTHORITY TO EXCLUDE CERTAIN SOURCES ON BASIS OF CREATION OF JOBS IN UNITED STATES.—Section 2304(b)(1) of title 10, United States Code, is amended—

(1) by striking “or” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; or”; and

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

“(G) would create jobs in the United States.”.

(b) REQUIREMENT TO INCLUDE CREATION OF JOBS IN UNITED STATES AS EVALUATION FACTOR.—(1) Section 2305(a)(3)(A) of title 10, United States Code, is amended—

(A) by striking “and” at the end of clause (ii);

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause:

“(iii) shall include the creation of jobs in the United States as an evaluation factor that must be considered in the evaluation of proposals; and”.

(2) Section 2305(a)(3)(B) of such title is amended by striking “clause (iii)” and inserting “clause (iv)”.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DAVIS OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new title:

TITLE XXXVI—SMALL BUSINESS ADMINISTRATION

SEC. 3601. ADDITION OF LANDSCAPING AND PEST CONTROL SERVICES TO LIST OF DESIGNATED INDUSTRY GROUPS PARTICIPATING IN THE SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

- (1) in paragraph (3), by striking “and” at the end;
- (2) in paragraph (4), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following new paragraph:
“(5) landscaping and pest control services.”.

(b) LANDSCAPING AND PEST CONTROL SERVICES.—Section 717 of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

- (1) by redesignating subsection (e) as subsection (f), and
- (2) by inserting after subsection (d) the following new subsection:

“(e) LANDSCAPING AND PEST CONTROL SERVICES.—Landscaping and pest control services shall include contract awards assigned to North American Industrial Classification Code 561710 (relating to exterminating and pest control services) or 561730 (relating to landscaping services).”.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 409, after line 13), insert the following new section:

SEC. ____ . TRANSFER OF EXCESS DEPARTMENT OF DEFENSE PERSONAL PROPERTY SUITABLE FOR FIREFIGHTING USE TO SUPPORT FEDERAL EXCESS PERSONAL PROPERTY PROGRAM.

(a) IN GENERAL.—Section 2576b of title 10, United States Code, is amended—

- (1) in subsection (a)—
 - (A) by striking “Subject” and inserting “Notwithstanding any other provision of law and subject”; and
 - (B) by striking “a firefighting agency in a State” and inserting “the United States Forest Service”;
- (2) in subsections (b)(2) and (c), by striking “recipient firefighting agency” and inserting “Forest Service”; and
- (3) by striking subsection (d) and inserting the following new subsections:

“(d) PRIORITY FOR RURAL FIREFIGHTING AGENCIES.—(1) Subject to paragraph (2), the Secretary of Defense shall enter into an agreement with the Secretary of Agriculture to use the existing property disposal program of the Forest Service, known as the Federal Excess Personal Property Program, to facilitate the reutilization of Department of Defense personal property described in subsection (a) by firefighting agencies in rural areas.

“(2) An agreement under paragraph (1) shall not provide for the reutilization of Department of Defense aircraft by the Forest Service until the end of the one-year period beginning on the date on which the Secretary of Agriculture submits a report to the Committee on Agriculture and the Committee on Armed Services of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Armed Services of the Senate detailing measures taken by the Forest Service in response to National Transportation Safety Board Recommendations A-04-29 through A-04-33.

“(3) The transfer of Department of Defense personal property described in subsection (a) to the Forest Service for reutilization by firefighting agencies in rural areas shall be afforded a property disposal priority at least equal to the priority given the military departments and other entities within the Department of Defense.

“(e) DEFINITION OF STATE.—The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.”.

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

“§ 2576b. Excess personal property: reutilization to assist firefighting agencies”.

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

“2576b. Excess personal property: reutilization to assist firefighting agencies.”.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF SOUTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X, insert the following new section:

SEC. ____ . EXPANSION OF DEPARTMENT OF DEFENSE EXCESS PERSONAL PROPERTY DISPOSAL PROGRAM TO INCLUDE HEALTH AGENCIES.

(a) INCLUSION OF HEALTH AGENCIES.—Section 2576b of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) TRANSFER TO STATE HEALTH AGENCIES.—The Secretary of Defense may expand the program authorized by this section to include the transfer to State health agencies of personal property of the Department of Defense that the Secretary determines is—

- “(1) excess to the needs of the Department of Defense; and
- “(2) suitable for use in responding to health or environmental emergencies.”.

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

“§ 2576b. Excess personal property: reutilization to assist firefighting agencies and health agencies

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576b and inserting the following new item:

“2576b. Excess personal property: reutilization to assist firefighting agencies and health agencies.”.

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF SOUTH CAROLINA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title XXVIII, insert the following new section:

SEC. 28 ____ . CONSIDERATION OF COMBINATION OF MILITARY MEDICAL TREATMENT FACILITIES AND HEALTH CARE FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) DEPARTMENT OF DEFENSE CONSIDERATION OF JOINT CONSTRUCTION.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2816. Consideration of joint construction and use of military medical treatment facilities and health care facilities of the Department of Veterans Affairs

“In the case of the budget submitted under section 1105 of title 31 for any fiscal year, the Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the budget a certification that, in evaluating for inclusion in the budget for that fiscal year any military construction project for construction in the United States (or a territory or possession of the United States) of a new military medical treatment facility, the Secretary, after consulting with the Secretary of Veterans Affairs, evaluated the feasibility of carrying out the project so as to establish with the Department of Veterans Affairs a joint medical facility that—

“(1) could serve as a facility for health resources sharing between the Department of Defense and the Department of Veterans Affairs; and

“(2) would be no more costly to each Department to construct and operate than separate facilities for each Department.”.

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

“2816. Consideration of joint construction and use of military medical treatment facilities and health care facilities of the Department of Veterans Affairs.”.

(b) DEPARTMENT OF VETERANS AFFAIRS CONSIDERATION OF JOINT CONSTRUCTION.—Section 8104(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(9) In the case of a prospectus proposing the construction of a new or replacement medical facility, the Secretary’s certification that the Secretary, after consulting with the Secretary of Defense, evaluated the feasibility of carrying out the project so as to establish with the Department of Defense a joint medical facility that—

“(A) could serve as a facility for health resources sharing between the Department of Defense and the Department of Veterans Affairs; and

“(B) would be no more costly to each Department to construct and operate than separate facilities for each Department.”.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title V (page 200, after line 24), insert the following new section:

SEC. 598. AUTHORITY FOR REMOVAL OF REMAINS OF CERTAIN PERSONS INTERRED IN UNITED STATES MILITARY CEMETERIES OVERSEAS.

(a) **REMOVAL AND TRANSPORTATION OF REMAINS.**—Upon receipt from a qualifying survivor of an application with respect to a person interred in a United States overseas military cemetery, the Secretary of Defense may, upon approval of such application, provide for—

(1) the removal of the remains of that person from the cemetery in which interred; and

(2) transportation of such remains to a location in the United States selected by such qualifying survivor.

(b) **REQUIREMENT FOR APPROVAL OF APPLICATIONS.**—(1) An application under this section may be approved only if the application presents sufficient evidence that, at the time of the initial disposition decision (as defined in paragraph (2)), there was a misunderstanding or error related to that disposition decision that the Secretary finds warrants approval of the application.

(2) In paragraph (1), the term “initial disposition decision”, with respect to the remains of a person who died outside the United States and was interred in a United States overseas military cemetery, means a decision by a family member (or other designated person) as to the disposition (in accordance with laws and regulations in effect at the time) of the remains of the person with respect to whom the application is submitted, such decision being to have the remains interred in a United States overseas military cemetery (rather than to have those remains transported to the United States for interment or other disposition in the United States).

(c) **ABMC ASSISTANCE.**—The American Battle Monuments Commission shall provide the Secretary of Defense with such assistance as the Secretary may require in carrying out this section with respect to cemeteries under the jurisdiction of the Commission.

(d) **TIME FOR APPLICATION.**—An application under subsection (a) must be submitted to the Secretary of Defense not later than the end of the two-year period beginning on the date of the enactment of this Act.

(e) **NO EXPENDITURE OF FEDERAL FUNDS.**—No costs associated with the removal and transportation of remains provided for under subsection (a) may be paid by the United States.

(f) **DEFINITIONS.**—For purposes of this section:

(1) **UNITED STATES OVERSEAS MILITARY CEMETERY.**—The term “United States overseas military cemetery” means a cemetery located in a foreign country that is administered by the Secretary of a military department or the American Battle Monuments Commission.

(2) **QUALIFYING SURVIVORS.**—The term “qualifying survivor” means the following, in the order specified.

(A) The surviving spouse.

(B) All surviving children (including adoptive children), acting concurrently.

(C) A birth parent or, if both survive, both birth parents, acting concurrently.

23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BAIRD OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII (page 306, after line 13), insert the following new section:

SEC. 723. STUDY OF MENTAL HEALTH SERVICES.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study of mental health services available to members of the Armed Forces.

(b) **PERSONS COVERED.**—The study shall evaluate the availability and effectiveness of existing mental health treatment and screening resources—

(1) for members of the Armed Forces during a deployment to a combat theater;

(2) for members of the Armed Forces returning from a deployment to a combat theater, both—

(A) in the short-term, post-deployment period; and

(B) in the long-term, following the post-deployment period;

(3) for the families of members of the Armed Forces who have been deployed to a combat theater during the time of the deployment;

(4) for the families of members of the Armed Forces who have been deployed to a combat theater after the member has returned from the deployment; and

(5) for members of the Armed Forces and their families described in this subsection who are members of Reserve components.

(c) **ASSESSMENT OF OBSTACLES.**—The study shall provide an assessment of existing obstacles that prevent members of the Armed Forces and military families in need of mental health services from obtaining these services, including—

(1) the extent to which existing confidentiality regulations, or lack thereof, inhibit members of the Armed Forces from seeking mental health treatment;

(2) the implications that a decision to seek mental health services can have on a military career;

(3) the extent to which a social stigma exists within the Armed Forces that prevents members of the Armed Forces and military families from seeking mental health treatment within the Department of Defense and the individual Armed Forces;

(4) the extent to which logistical obstacles, particularly with respect to members of the Armed Forces and families residing in rural areas, deter members in need of mental health services from obtaining them; and

(5) the extent to which members of the Armed Forces and their families are prevented or hampered from obtaining mental health treatment due to the cost of such services.

(d) **IDENTIFICATION OF PROBLEMS UNIQUE TO RESERVES.**—The study shall identify potential problems in obtaining mental health treatment that are unique to members of Reserve components.

(e) **REPORT.**—The Secretary of Defense shall submit to Congress a report on the study conducted under this section not later than 90 days after the date of the enactment of this Act. The report

shall contain the results of the study and make specific recommendations—

(1) for improving the effectiveness and accessibility of mental health services provided by Department of Defense to the persons listed in subsection (b), including recommendations to ensure appropriate referrals and a seamless transition to the care of the Department of Veterans Affairs following separation from the Armed Forces;

(2) for removing or mitigating any obstacles identified under subsection (c); and

(3) for steps that can be taken by the Department of Defense or Congress to bring parity to mental health services available to members of Reserve components and members of the Armed Forces on active duty.

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEFLEY OF COLORADO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle F of title V, insert the following new section:

SEC. 560. BOARD OF VISITORS OF UNITED STATES AIR FORCE ACADEMY.

Section 9355 of title 10, United States Code, is amended to read as follows:

“§ 9355. Board of Visitors

“(a) A Board of Visitors to the Academy is constituted annually. The Board consists of the following members:

“(1) Six persons designated by the President.

“(2) Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives.

“(3) Three persons designated by the Vice President or the President pro tempore of the Senate, two of whom shall be members of the Senate and the third of whom may not be a member of the Senate.

“(4) The chairman of the Committee on Armed Services of the House of Representatives, or his designee.

“(5) The chairman of the Committee on Armed Services of the Senate, or his designee.

“(b)(1) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is designated. The President shall designate persons each year to succeed the members designated by the President whose terms expire that year.

“(2) At least two of the members designated by the President shall be graduates of the Academy.

“(c)(1) If a member of the Board dies or resigns or is terminated as a member of the board under paragraph (2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

“(2) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure

shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

“(d) The Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board. Board meetings should last at least one full day. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.

“(e)(1) The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

“(2) The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, consistent with applicable laws concerning disclosure of information, of all institutional problems.

“(3) The Board shall recommend appropriate action.

“(f) Within 30 days after any meeting of the Board, the Board shall submit a written report concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives with its views and recommendations pertaining to the Academy.

“(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

“(h) While performing duties as a member of the Board, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.”.

25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RYUN OF KANSAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 432, after line 16), insert the following new section:

SEC. 12 . MILITARY EDUCATIONAL EXCHANGES BETWEEN SENIOR OFFICERS AND OFFICIALS OF THE UNITED STATES AND TAIWAN.

(a) **DEFENSE EXCHANGES.**—The Secretary of Defense shall undertake a program of senior military officer and senior official exchanges with Taiwan designed to improve Taiwan’s defenses against the People’s Liberation Army of the People’s Republic of China.

(b) **EXCHANGES DESCRIBED.**—For the purposes of this section, the term “exchange” means an activity, exercise, event, or observation opportunity between Armed Forces personnel or Department of Defense officials of the United States and armed forces personnel and officials of Taiwan.

(c) **FOCUS OF EXCHANGES.**—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include exchanges focused on the following, especially as they relate to defending Taiwan against potential submarine attack and potential missile attack:

- (1) Threat analysis.
- (2) Military doctrine.
- (3) Force planning.
- (4) Logistical support.
- (5) Intelligence collection and analysis.
- (6) Operational tactics, techniques, and procedures.

(d) CIVIL-MILITARY AFFAIRS.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall include activities and exercises focused on civil-military relations, including parliamentary relations.

(e) LOCATION OF EXCHANGES.—The senior military officer and senior official exchanges undertaken pursuant to subsection (a) shall be conducted in both the United States and Taiwan.

(f) DEFINITIONS.—For purposes of this section:

(1) The term “senior military officer” means a general or flag officer of the Armed Forces on active duty.

(2) The term “senior official” means a civilian official of the Department of Defense at the level of Deputy Assistant Secretary of Defense or above.

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title V (page 174, after line 15), insert the following new section:

SEC. ____ . REQUIREMENTS FOR AWARD OF COMBAT INFANTRYMAN BADGE AND COMBAT MEDICAL BADGE WITH RESPECT TO SERVICE IN KOREA AFTER JULY 28, 1953.

(a) STANDARDIZATION OF REQUIREMENTS WITH OTHER GEOGRAPHIC AREAS.—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 3757. Korean defense service: Combat Infantryman Badge; Combat Medical Badge

“The Secretary of the Army shall provide that, with respect to service in the Republic of Korea after July 28, 1953, eligibility of a member of the Army for the Combat Infantryman Badge or the Combat Medical Badge shall be met under criteria and eligibility requirements that, as nearly as practicable, are identical to those applicable, at the time of such service in the Republic of Korea, to service elsewhere without regard to specific location or special circumstances. In particular, such eligibility shall be established—

“(1) without any requirement for service by the member in an area designated as a ‘hostile fire area’ (or by any similar designation) or that the member have been authorized hostile fire pay;

“(2) without any requirement for a minimum number of instances (in excess of one) in which the member was engaged with the enemy in active ground combat involving an exchange of small arms fire; and

“(3) without any requirement for personal recommendation or approval by commanders in the member’s chain of command other than is generally applicable for service at locations outside the Republic of Korea.”

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

“3757. Korean defense service: Combat Infantryman Badge; Combat Medical Badge.”.

(b) **APPLICABILITY TO SERVICE BEFORE DATE OF ENACTMENT.**—The Secretary of the Army shall establish procedures to provide for the implementation of section 3757 of title 10, United States Code, as added by subsection (a), with respect to service in the Republic of Korea during the period between July 28, 1953, and the date of the enactment of this Act. Such procedures shall include a requirement for submission of an application for award of a badge under that section with respect to service before the date of the enactment of this Act and the furnishing of such information as the Secretary may specify.

27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHIMKUS OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle G of title V, insert the following new section:

SEC. . ARMY COMBAT RECOGNITION RIBBON.

(a) **REQUIREMENT SIMILAR TO THAT FOR NAVY COMBAT ACTION RIBBON.**—(1) Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 3757. Combat recognition ribbon

“(a) **REQUIREMENT.**—The Secretary of the Army shall establish a combat recognition ribbon to recognize participation by members of the Army in combat. The Secretary shall award the combat recognition ribbon to each member of the Army who meets the criteria for that ribbon based upon service performed after August 1, 1990.

“(b) **CRITERIA FOR AWARD.**—The Secretary shall establish the criteria for award of the combat recognition ribbon. To the maximum extent practicable, the criteria for the award of such ribbon shall be based upon, and be similar to, the criteria for award of the Navy Combat Action Ribbon, including any special criteria for service during a particular period of time or in a specific location.

“(c) **LIMITATION.**—The combat recognition ribbon may not be awarded to a member of the Army with respect to the same period of service as service for which the member was awarded the Combat Infantryman Badge or the Combat Medic Badge.”.

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

“3757. Combat recognition ribbon.”.

(b) **IMPLEMENTATION FOR SERVICE BEFORE DATE OF ENACTMENT.**—The Secretary of the Army shall establish procedures to provide for the implementation of section 3757 of title 10, United States Code, as added by subsection (a), with respect to service during the period beginning on August 1, 1990, and ending on the date of the enactment of this Act. Such procedures shall include a requirement for submission of an application for award of a ribbon under that section with respect to service before the date of the enactment of this Act and the furnishing of such information as the

Secretary may specify. Such procedures shall be established not later than 180 days after the date of the enactment of this Act.

28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF WASHINGTON, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of part I of subtitle D of title XXVIII (page 535, after line 7), insert the following new section:

SEC. 28 . . . MODIFICATION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

(a) **PROPERTY TO BE TRANSFERRED TO SECRETARY OF THE INTERIOR IN TRUST.**—Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315) is amended—

(1) by striking “may convey to” and inserting “may transfer to the Secretary of the Interior, in trust for”; and

(2) by striking “Washington, in” and all that follows through the period and inserting “Washington. The Secretary of the Army may make the transfer under the preceding sentence, and the Secretary of the Interior may accept the property transferred in trust for the Nisqually Tribe under the preceding sentence, only in conjunction with the conveyance described in subsection (b)(2).”.

(b) **INCREASE IN ACREAGE TO BE TRANSFERRED.**—Such subsection is further amended by striking “138 acres” and inserting “168 acres”.

(c) **QUALIFICATION ON PROPERTY TO BE TRANSFERRED.**—Subsection (a)(2) of such section is amended—

(1) by striking “conveyance” and inserting “transfer”; and

(2) by striking “or the right of way described in subsection (c)” and inserting “located on the real property transferred under that paragraph”.

(d) **CONSIDERATION.**—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking “conveyance” and inserting “transfer”; and

(2) in paragraph (2), by striking “fee title over the acquired property to the Secretary” and inserting “to the United States fee title to the property acquired under paragraph (1), free from all liens, encumbrances or other interests other than those, if any, acceptable to the Secretary of the Army”.

(e) **TREATMENT OF EXISTING PERMIT RIGHTS; GRANT OF EASEMENT.**—Such section is further amended—

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

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

“(d) **TREATMENT OF EXISTING PERMIT RIGHTS; GRANT OF EASEMENT.**—(1) The transfer under subsection (a) recognizes and preserves to the Bonneville Power Administration, in perpetuity and without the right of revocation except as provided in paragraph (2), rights in existence at the time of the conveyance under the permit dated February 4, 1949, as amended January 4, 1952, between the Department of the Army and the Bonneville Power Administration with respect to any portion of the property transferred under subsection (a) upon which the Bonneville Power Administration re-

tains transmission facilities. The rights recognized and preserved include the right to upgrade those transmission facilities.

“(2) The permit rights recognized and preserved under paragraph (1) shall terminate only upon the Bonneville Power Administration’s relocation of the transmission facilities referred to in paragraph (1), and then only with respect to that portion of those transmission facilities that are relocated.

“(3) The Secretary of the Interior, as trustee for the Nisqually Tribe, shall grant to the Bonneville Power Administration, without consideration and subject to the same rights recognized and preserved in paragraph (1), such additional easements across the property transferred under subsection (a) as the Bonneville Power Administration considers necessary to accommodate the relocation or reconnection of Bonneville Power Administration transmission facilities from property owned by the Tribe and held by the Secretary of the Interior in trust for the Tribe.”

(f) CONFORMING AMENDMENTS.—(1) Subsection (c) of such section is amended by inserting “of the Army” after “Secretary”.

(2) Subsection (e) of such section (as redesignated by subsection (e)(1)) is amended—

(A) by striking “conveyed” and inserting “transferred”;

(B) by inserting “of the Army” after “Secretary”; and

(C) by striking “the recipient of the property being surveyed” and inserting “the Tribe, in the case of the transfer under subsection (a), and the Secretary of the Army, in the case of the acquisition under subsection (b)”.

(3) Subsection (f) of such section (as redesignated by subsection (e)(1)) is amended—

(A) by inserting “of the Army” after “Secretary” both place it appears; and

(B) by striking “conveyances under this section” and inserting “transfer under subsection (a) and conveyances under subsections (b)(2) and (c)”.