

Calendar No. 593

108TH CONGRESS
2D SESSION

S. 2559

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2004

Mr. STEVENS, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2005, for military func-
6 tions administered by the Department of Defense, and for
7 other purposes, namely:

1 TITLE I

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Army on active duty, (except members of reserve compo-
10 nents provided for elsewhere), cadets, and aviation cadets;
11 and for payments pursuant to section 156 of Public Law
12 97–377, as amended (42 U.S.C. 402 note), and to the De-
13 partment of Defense Military Retirement Fund,
14 \$29,457,797,000.

15 MILITARY PERSONNEL, NAVY

16 For pay, allowances, individual clothing, subsistence,
17 interest on deposits, gratuities, permanent change of sta-
18 tion travel (including all expenses thereof for organiza-
19 tional movements), and expenses of temporary duty travel
20 between permanent duty stations, for members of the
21 Navy on active duty (except members of the Reserve pro-
22 vided for elsewhere), midshipmen, and aviation cadets; and
23 for payments pursuant to section 156 of Public Law 97–
24 377, as amended (42 U.S.C. 402 note), and to the Depart-

1 ment of Defense Military Retirement Fund,
2 \$24,330,171,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$9,567,768,000.

14 MILITARY PERSONNEL, AIR FORCE

15 For pay, allowances, individual clothing, subsistence,
16 interest on deposits, gratuities, permanent change of sta-
17 tion travel (including all expenses thereof for organiza-
18 tional movements), and expenses of temporary duty travel
19 between permanent duty stations, for members of the Air
20 Force on active duty (except members of reserve compo-
21 nents provided for elsewhere), cadets, and aviation cadets;
22 and for payments pursuant to section 156 of Public Law
23 97-377, as amended (42 U.S.C. 402 note), and to the De-
24 partment of Defense Military Retirement Fund,
25 \$24,165,011,000.

1 RESERVE PERSONNEL, ARMY

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Army Re-
4 serve on active duty under sections 10211, 10302, and
5 3038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and for members
11 of the Reserve Officers' Training Corps, and expenses au-
12 thorized by section 16131 of title 10, United States Code;
13 and for payments to the Department of Defense Military
14 Retirement Fund, \$3,675,390,000.

15 RESERVE PERSONNEL, NAVY

16 For pay, allowances, clothing, subsistence, gratuities,
17 travel, and related expenses for personnel of the Navy Re-
18 serve on active duty under section 10211 of title 10,
19 United States Code, or while serving on active duty under
20 section 12301(d) of title 10, United States Code, in con-
21 nection with performing duty specified in section 12310(a)
22 of title 10, United States Code, or while undergoing re-
23 serve training, or while performing drills or equivalent
24 duty, and for members of the Reserve Officers' Training
25 Corps, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$2,132,432,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$624,973,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
 2 drills or equivalent duty or other duty, and for members
 3 of the Air Reserve Officers' Training Corps, and expenses
 4 authorized by section 16131 of title 10, United States
 5 Code; and for payments to the Department of Defense
 6 Military Retirement Fund, \$1,458,650,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
 9 travel, and related expenses for personnel of the Army Na-
 10 tional Guard while on duty under section 10211, 10302,
 11 or 12402 of title 10 or section 708 of title 32, United
 12 States Code, or while serving on duty under section
 13 12301(d) of title 10 or section 502(f) of title 32, United
 14 States Code, in connection with performing duty specified
 15 in section 12310(a) of title 10, United States Code, or
 16 while undergoing training, or while performing drills or
 17 equivalent duty or other duty, and expenses authorized by
 18 section 16131 of title 10, United States Code; and for pay-
 19 ments to the Department of Defense Military Retirement
 20 Fund, \$5,913,329,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
 23 travel, and related expenses for personnel of the Air Na-
 24 tional Guard on duty under section 10211, 10305, or
 25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
 2 title 10 or section 502(f) of title 32, United States Code,
 3 in connection with performing duty specified in section
 4 12310(a) of title 10, United States Code, or while under-
 5 going training, or while performing drills or equivalent
 6 duty or other duty, and expenses authorized by section
 7 16131 of title 10, United States Code; and for payments
 8 to the Department of Defense Military Retirement Fund,
 9 \$2,543,892,000.

10

TITLE II

11

OPERATION AND MAINTENANCE

12

OPERATION AND MAINTENANCE, ARMY

13

14 For expenses, not otherwise provided for, necessary
 15 for the operation and maintenance of the Army, as author-
 16 ized by law, \$25,705,109,000, to remain available for obli-
 17 gation until September 30, 2006: *Provided*, That not more
 18 than \$11,000,000 may be used for emergency and extraor-
 19 dinary expenses authorized under section 127 of title 10,
 20 United States Code: *Provided further*, That
 21 \$5,096,000,000 may not be obligated before September
 22 30, 2005.

22

OPERATION AND MAINTENANCE, NAVY

23

24 For expenses, not otherwise provided for, necessary
 25 for the operation and maintenance of the Navy and Ma-
 26 rine Corps, as authorized by law, \$29,591,679,000, to re-

1 main available for obligation until September 30, 2006:
2 *Provided*, That not more than \$4,000,000 may be used
3 for emergency and extraordinary expenses authorized
4 under section 127 of title 10, United States Code: *Pro-*
5 *vided further*, That \$5,918,336,000 may not be obligated
6 before September 30, 2005.

7 OPERATION AND MAINTENANCE, MARINE CORPS

8 For expenses, not otherwise provided for, necessary
9 for the operation and maintenance of the Marine Corps,
10 as authorized by law, \$3,617,473,000: *Provided*, That not
11 more than \$1,000,000 may be used for emergency and ex-
12 traordinary expenses authorized under section 127 of title
13 10, United States Code.

14 OPERATION AND MAINTENANCE, AIR FORCE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance of the Air Force, as
17 authorized by law, \$28,282,160,000, to remain available
18 for obligation until September 30, 2006: *Provided*, That
19 not more than \$7,000,000 may be used for emergency and
20 extraordinary expenses authorized under section 127 of
21 title 10, United States Code: *Provided further*, That
22 \$5,474,432,000 may not be obligated before September
23 30, 2005.

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1 *Provided further*, That \$4,000,000, to remain available
2 until expended, is available only for expenses relating to
3 certain classified activities, and may be transferred as nec-
4 essary by the Secretary to operation and maintenance ap-
5 propriations or research, development, test and evaluation
6 appropriations, to be merged with and to be available for
7 the same time period as the appropriations to which trans-
8 ferred: *Provided further*, That any ceiling on the invest-
9 ment item unit cost of items that may be purchased with
10 operation and maintenance funds shall not apply to the
11 funds described in the preceding proviso: *Provided further*,
12 That the transfer authority provided under this heading
13 is in addition to any other transfer authority provided else-
14 where in this Act: *Provided further*, That \$3,510,463,000
15 may not be obligated before September 30, 2004.

16 OPERATION AND MAINTENANCE, ARMY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Army Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications, \$1,979,038,000.

9 OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$188,696,000.

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,200,790,000.

18 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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1 things, hire of passenger motor vehicles; supplies, mate-
 2 rials, and equipment, as authorized by law for the Air Na-
 3 tional Guard; and expenses incident to the maintenance
 4 and use of supplies, materials, and equipment, including
 5 such as may be furnished from stocks under the control
 6 of agencies of the Department of Defense; travel expenses
 7 (other than mileage) on the same basis as authorized by
 8 law for Air National Guard personnel on active Federal
 9 duty, for Air National Guard commanders while inspecting
 10 units in compliance with National Guard Bureau regula-
 11 tions when specifically authorized by the Chief, National
 12 Guard Bureau, \$4,454,238,000.

13 OVERSEAS CONTINGENCY OPERATIONS TRANSFER

14 ACCOUNT

15 (INCLUDING TRANSFER OF FUNDS)

16 For expenses directly relating to Overseas Contin-
 17 gency Operations by United States military forces,
 18 \$30,000,000, to remain available until expended: *Pro-*
 19 *vided*, That the Secretary of Defense may transfer these
 20 funds only to military personnel accounts; operation and
 21 maintenance accounts within this title; the Defense Health
 22 Program appropriation; procurement accounts; research,
 23 development, test and evaluation accounts; and to working
 24 capital funds: *Provided further*, That the funds transferred
 25 shall be merged with and shall be available for the same

1 purposes and for the same time period, as the appropria-
 2 tion to which transferred: *Provided further*, That upon a
 3 determination that all or part of the funds transferred
 4 from this appropriation are not necessary for the purposes
 5 provided herein, such amounts may be transferred back
 6 to this appropriation: *Provided further*, That the transfer
 7 authority provided in this paragraph is in addition to any
 8 other transfer authority contained elsewhere in this Act.

9 UNITED STATES COURT OF APPEALS FOR THE ARMED
 10 FORCES

11 For salaries and expenses necessary for the United
 12 States Court of Appeals for the Armed Forces,
 13 \$10,825,000: *Provided*, That not more than \$5,000 may
 14 be used for emergency and extraordinary expenses author-
 15 ized under section 127 of title 10, United States Code.

16 ENVIRONMENTAL RESTORATION, ARMY
 17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Army, \$566,948,000, to
 19 remain available until transferred: *Provided*, That the Sec-
 20 retary of the Army shall, upon determining that such
 21 funds are required for environmental restoration, reduc-
 22 tion and recycling of hazardous waste, removal of unsafe
 23 buildings and debris of the Department of the Army, or
 24 for similar purposes, transfer the funds made available by
 25 this appropriation to other appropriations made available

1 to the Department of the Army, to be merged with and
 2 to be available for the same purposes and for the same
 3 time period as the appropriations to which transferred:
 4 *Provided further*, That upon a determination that all or
 5 part of the funds transferred from this appropriation are
 6 not necessary for the purposes provided herein, such
 7 amounts may be transferred back to this appropriation.

8 ENVIRONMENTAL RESTORATION, NAVY

9 (INCLUDING TRANSFER OF FUNDS)

10 For the Department of the Navy, \$447,820,000, to
 11 remain available until transferred: *Provided*, That the Sec-
 12 retary of the Navy shall, upon determining that such
 13 funds are required for environmental restoration, reduc-
 14 tion and recycling of hazardous waste, removal of unsafe
 15 buildings and debris of the Department of the Navy, or
 16 for similar purposes, transfer the funds made available by
 17 this appropriation to other appropriations made available
 18 to the Department of the Navy, to be merged with and
 19 to be available for the same purposes and for the same
 20 time period as the appropriations to which transferred:
 21 *Provided further*, That upon a determination that all or
 22 part of the funds transferred from this appropriation are
 23 not necessary for the purposes provided herein, such
 24 amounts may be transferred back to this appropriation.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$397,368,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation.

19 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of Defense, \$23,684,000, to re-
22 main available until transferred: *Provided*, That the Sec-
23 retary of Defense shall, upon determining that such funds
24 are required for environmental restoration, reduction and
25 recycling of hazardous waste, removal of unsafe buildings

1 and debris of the Department of Defense, or for similar
 2 purposes, transfer the funds made available by this appro-
 3 priation to other appropriations made available to the De-
 4 partment of Defense, to be merged with and to be avail-
 5 able for the same purposes and for the same time period
 6 as the appropriations to which transferred: *Provided fur-*
 7 *ther*, That upon a determination that all or part of the
 8 funds transferred from this appropriation are not nec-
 9 essary for the purposes provided herein, such amounts
 10 may be transferred back to this appropriation.

11 ENVIRONMENTAL RESTORATION, FORMERLY USED

12 DEFENSE SITES

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Army, \$276,516,000, to
 15 remain available until transferred: *Provided*, That the Sec-
 16 retary of the Army shall, upon determining that such
 17 funds are required for environmental restoration, reduc-
 18 tion and recycling of hazardous waste, removal of unsafe
 19 buildings and debris at sites formerly used by the Depart-
 20 ment of Defense, transfer the funds made available by this
 21 appropriation to other appropriations made available to
 22 the Department of the Army, to be merged with and to
 23 be available for the same purposes and for the same time
 24 period as the appropriations to which transferred: *Pro-*
 25 *vided further*, That upon a determination that all or part

1 of the funds transferred from this appropriation are not
2 necessary for the purposes provided herein, such amounts
3 may be transferred back to this appropriation.

4 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

5 For expenses relating to the Overseas Humanitarian,
6 Disaster, and Civic Aid programs of the Department of
7 Defense (consisting of the programs provided under sec-
8 tions 401, 402, 404, 2557, and 2561 of title 10, United
9 States Code), \$59,000,000, to remain available until Sep-
10 tember 30, 2006.

11 FORMER SOVIET UNION THREAT REDUCTION

12 For assistance to the republics of the former Soviet
13 Union, including assistance provided by contract or by
14 grants, for facilitating the elimination and the safe and
15 secure transportation and storage of nuclear, chemical and
16 other weapons; for establishing programs to prevent the
17 proliferation of weapons, weapons components, and weap-
18 on-related technology and expertise; for programs relating
19 to the training and support of defense and military per-
20 sonnel for demilitarization and protection of weapons,
21 weapons components and weapons technology and exper-
22 tise, and for defense and military contacts, \$409,200,000,
23 to remain available until September 30, 2007: *Provided,*
24 That of the amounts provided under this heading,
25 \$15,000,000 shall be available only to support the disman-

1 tling and disposal of nuclear submarines, submarine reac-
 2 tor components, and security enhancements for transport
 3 and storage of nuclear warheads in the Russian Far East.

4 TITLE III

5 PROCUREMENT

6 AIRCRAFT PROCUREMENT, ARMY

7 For construction, procurement, production, modifica-
 8 tion, and modernization of aircraft, equipment, including
 9 ordnance, ground handling equipment, spare parts, and
 10 accessories therefor; specialized equipment and training
 11 devices; expansion of public and private plants, including
 12 the land necessary therefor, for the foregoing purposes,
 13 and such lands and interests therein, may be acquired,
 14 and construction prosecuted thereon prior to approval of
 15 title; and procurement and installation of equipment, ap-
 16 pliances, and machine tools in public and private plants;
 17 reserve plant and Government and contractor-owned
 18 equipment layaway; and other expenses necessary for the
 19 foregoing purposes, \$2,653,241,000, to remain available
 20 for obligation until September 30, 2007.

21 MISSILE PROCUREMENT, ARMY

22 For construction, procurement, production, modifica-
 23 tion, and modernization of missiles, equipment, including
 24 ordnance, ground handling equipment, spare parts, and
 25 accessories therefor; specialized equipment and training

1 devices; expansion of public and private plants, including
2 the land necessary therefor, for the foregoing purposes,
3 and such lands and interests therein, may be acquired,
4 and construction prosecuted thereon prior to approval of
5 title; and procurement and installation of equipment, ap-
6 pliances, and machine tools in public and private plants;
7 reserve plant and Government and contractor-owned
8 equipment layaway; and other expenses necessary for the
9 foregoing purposes, \$1,378,321,000, to remain available
10 for obligation until September 30, 2007.

11 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
12 VEHICLES, ARMY

13 For construction, procurement, production, and
14 modification of weapons and tracked combat vehicles,
15 equipment, including ordnance, spare parts, and acces-
16 sories therefor; specialized equipment and training devices;
17 expansion of public and private plants, including the land
18 necessary therefor, for the foregoing purposes, and such
19 lands and interests therein, may be acquired, and con-
20 struction prosecuted thereon prior to approval of title; and
21 procurement and installation of equipment, appliances,
22 and machine tools in public and private plants; reserve
23 plant and Government and contractor-owned equipment
24 layaway; and other expenses necessary for the foregoing

1 purposes, \$1,698,695,000, to remain available for obliga-
2 tion until September 30, 2007.

3 PROCUREMENT OF AMMUNITION, ARMY

4 For construction, procurement, production, and
5 modification of ammunition, and accessories therefor; spe-
6 cialized equipment and training devices; expansion of pub-
7 lic and private plants, including ammunition facilities au-
8 thorized by section 2854 of title 10, United States Code,
9 and the land necessary therefor, for the foregoing pur-
10 poses, and such lands and interests therein, may be ac-
11 quired, and construction prosecuted thereon prior to ap-
12 proval of title; and procurement and installation of equip-
13 ment, appliances, and machine tools in public and private
14 plants; reserve plant and Government and contractor-
15 owned equipment layaway; and other expenses necessary
16 for the foregoing purposes, \$1,606,502,000, to remain
17 available for obligation until September 30, 2007.

18 OTHER PROCUREMENT, ARMY

19 For construction, procurement, production, and
20 modification of vehicles, including tactical, support, and
21 non-tracked combat vehicles; the purchase of passenger
22 motor vehicles for replacement only; and the purchase of
23 1 vehicle required for physical security of personnel, not-
24 withstanding price limitations applicable to passenger ve-
25 hicles but not to exceed \$200,000 per vehicle; communica-

1 tions and electronic equipment; other support equipment;
2 spare parts, ordnance, and accessories therefor; specialized
3 equipment and training devices; expansion of public and
4 private plants, including the land necessary therefor, for
5 the foregoing purposes, and such lands and interests
6 therein, may be acquired, and construction prosecuted
7 thereon prior to approval of title; and procurement and
8 installation of equipment, appliances, and machine tools
9 in public and private plants; reserve plant and Govern-
10 ment and contractor-owned equipment layaway; and other
11 expenses necessary for the foregoing purposes,
12 \$4,685,846,000, to remain available for obligation until
13 September 30, 2007.

14 AIRCRAFT PROCUREMENT, NAVY

15 For construction, procurement, production, modifica-
16 tion, and modernization of aircraft, equipment, including
17 ordnance, spare parts, and accessories therefor; specialized
18 equipment; expansion of public and private plants, includ-
19 ing the land necessary therefor, and such lands and inter-
20 ests therein, may be acquired, and construction prosecuted
21 thereon prior to approval of title; and procurement and
22 installation of equipment, appliances, and machine tools
23 in public and private plants; reserve plant and Govern-
24 ment and contractor-owned equipment layaway,

1 \$8,899,367,000, to remain available for obligation until
2 September 30, 2007.

3 WEAPONS PROCUREMENT, NAVY

4 For construction, procurement, production, modifica-
5 tion, and modernization of missiles, torpedoes, other weap-
6 ons, and related support equipment including spare parts,
7 and accessories therefor; expansion of public and private
8 plants, including the land necessary therefor, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; and
11 procurement and installation of equipment, appliances,
12 and machine tools in public and private plants; reserve
13 plant and Government and contractor-owned equipment
14 layaway, \$2,222,620,000, to remain available for obliga-
15 tion until September 30, 2007.

16 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
17 CORPS

18 For construction, procurement, production, and
19 modification of ammunition, and accessories therefor; spe-
20 cialized equipment and training devices; expansion of pub-
21 lic and private plants, including ammunition facilities au-
22 thorized by section 2854 of title 10, United States Code,
23 and the land necessary therefor, for the foregoing pur-
24 poses, and such lands and interests therein, may be ac-
25 quired, and construction prosecuted thereon prior to ap-

1 proval of title; and procurement and installation of equip-
 2 ment, appliances, and machine tools in public and private
 3 plants; reserve plant and Government and contractor-
 4 owned equipment layaway; and other expenses necessary
 5 for the foregoing purposes, \$881,140,000, to remain avail-
 6 able for obligation until September 30, 2007.

7 SHIPBUILDING AND CONVERSION, NAVY

8 For expenses necessary for the construction, acquisi-
 9 tion, or conversion of vessels as authorized by law, includ-
 10 ing armor and armament thereof, plant equipment, appli-
 11 ances, and machine tools and installation thereof in public
 12 and private plants; reserve plant and Government and con-
 13 tractor-owned equipment layaway; procurement of critical,
 14 long leadtime components and designs for vessels to be
 15 constructed or converted in the future; and expansion of
 16 public and private plants, including land necessary there-
 17 for, and such lands and interests therein, may be acquired,
 18 and construction prosecuted thereon prior to approval of
 19 title, as follows:

20 Carrier Replacement Program (AP),
 21 \$485,184,000;
 22 NSSN, \$1,581,143,000;
 23 NSSN (AP), \$871,864,000;
 24 SSGN, \$469,226,000;
 25 SSGN (AP), \$48,000,000;

1 CVN Refuelings (AP), \$223,061,000;
 2 SSN Submarine Refuelings (AP), \$19,368,000;
 3 SSBN Submarine Refuelings, \$262,229,000;
 4 SSBN Submarine Refuelings (AP),
 5 \$72,171,000;
 6 DDG-51 Destroyer, \$3,444,950,000;
 7 DD(X) (AP), \$320,516,000;
 8 LPD-17, \$966,559,000;
 9 LHD-8, \$236,018,000;
 10 LHA-R (AP), \$175,000,000;
 11 LCU (X), \$25,048,000;
 12 LCAC Landing Craft Air Cushion,
 13 \$90,490,000;
 14 Prior year shipbuilding costs, \$484,390,000;
 15 Service Craft, \$32,099,000; and
 16 For outfitting, post delivery, conversions, and
 17 first destination transportation, \$349,327,000.
 18 In all: \$10,171,643,000, to remain available for obli-
 19 gation until September 30, 2009: *Provided*, That addi-
 20 tional obligations may be incurred after September 30,
 21 2009, for engineering services, tests, evaluations, and
 22 other such budgeted work that must be performed in the
 23 final stage of ship construction: *Provided further*, That
 24 none of the funds provided under this heading for the con-
 25 struction or conversion of any naval vessel to be con-

1 structed in shipyards in the United States shall be ex-
2 pended in foreign facilities for the construction of major
3 components of such vessel: *Provided further*, That none of
4 the funds provided under this heading shall be used for
5 the construction of any naval vessel in foreign shipyards.

6 OTHER PROCUREMENT, NAVY

7 For procurement, production, and modernization of
8 support equipment and materials not otherwise provided
9 for, Navy ordnance (except ordnance for new aircraft, new
10 ships, and ships authorized for conversion); the purchase
11 of passenger motor vehicles for replacement only, and the
12 purchase of 9 vehicles required for physical security of
13 personnel, notwithstanding price limitations applicable to
14 passenger vehicles but not to exceed \$200,000 per vehicle;
15 expansion of public and private plants, including the land
16 necessary therefor, and such lands and interests therein,
17 may be acquired, and construction prosecuted thereon
18 prior to approval of title; and procurement and installation
19 of equipment, appliances, and machine tools in public and
20 private plants; reserve plant and Government and con-
21 tractor-owned equipment layaway, \$4,797,025,000, to re-
22 main available for obligation until September 30, 2007.

23 PROCUREMENT, MARINE CORPS

24 For expenses necessary for the procurement, manu-
25 facture, and modification of missiles, armament, military

1 equipment, spare parts, and accessories therefor; plant
 2 equipment, appliances, and machine tools, and installation
 3 thereof in public and private plants; reserve plant and
 4 Government and contractor-owned equipment layaway; ve-
 5 hicles for the Marine Corps, including the purchase of pas-
 6 senger motor vehicles for replacement only; and expansion
 7 of public and private plants, including land necessary
 8 therefor, and such lands and interests therein, may be ac-
 9 quired, and construction prosecuted thereon prior to ap-
 10 proval of title, \$1,266,803,000, to remain available for ob-
 11 ligation until September 30, 2007.

12 AIRCRAFT PROCUREMENT, AIR FORCE

13 For construction, procurement, and modification of
 14 aircraft and equipment, including armor and armament,
 15 specialized ground handling equipment, and training de-
 16 vices, spare parts, and accessories therefor; specialized
 17 equipment; expansion of public and private plants, Gov-
 18 ernment-owned equipment and installation thereof in such
 19 plants, erection of structures, and acquisition of land, for
 20 the foregoing purposes, and such lands and interests
 21 therein, may be acquired, and construction prosecuted
 22 thereon prior to approval of title; reserve plant and Gov-
 23 ernment and contractor-owned equipment layaway; and
 24 other expenses necessary for the foregoing purposes in-
 25 cluding rents and transportation of things,

1 \$13,547,524,000, to remain available for obligation until
2 September 30, 2007.

3 MISSILE PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 missiles, spacecraft, rockets, and related equipment, in-
6 cluding spare parts and accessories therefor, ground han-
7 dling equipment, and training devices; expansion of public
8 and private plants, Government-owned equipment and in-
9 stallation thereof in such plants, erection of structures,
10 and acquisition of land, for the foregoing purposes, and
11 such lands and interests therein, may be acquired, and
12 construction prosecuted thereon prior to approval of title;
13 reserve plant and Government and contractor-owned
14 equipment layaway; and other expenses necessary for the
15 foregoing purposes including rents and transportation of
16 things, \$4,609,213,000, to remain available for obligation
17 until September 30, 2007.

18 PROCUREMENT OF AMMUNITION, AIR FORCE

19 For construction, procurement, production, and
20 modification of ammunition, and accessories therefor; spe-
21 cialized equipment and training devices; expansion of pub-
22 lic and private plants, including ammunition facilities au-
23 thorized by section 2854 of title 10, United States Code,
24 and the land necessary therefor, for the foregoing pur-
25 poses, and such lands and interests therein, may be ac-

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title; and procurement and installation of equip-
3 ment, appliances, and machine tools in public and private
4 plants; reserve plant and Government and contractor-
5 owned equipment layaway; and other expenses necessary
6 for the foregoing purposes, \$1,353,859,000, to remain
7 available for obligation until September 30, 2007.

8 OTHER PROCUREMENT, AIR FORCE

9 For procurement and modification of equipment (in-
10 cluding ground guidance and electronic control equipment,
11 and ground electronic and communication equipment),
12 and supplies, materials, and spare parts therefor, not oth-
13 erwise provided for; the purchase of passenger motor vehi-
14 cles for replacement only, and the purchase of 1 vehicle
15 required for physical security of personnel, notwith-
16 standing price limitations applicable to passenger vehicles
17 but not to exceed \$200,000 per vehicle; lease of passenger
18 motor vehicles; and expansion of public and private plants,
19 Government-owned equipment and installation thereof in
20 such plants, erection of structures, and acquisition of land,
21 for the foregoing purposes, and such lands and interests
22 therein, may be acquired, and construction prosecuted
23 thereon, prior to approval of title; reserve plant and Gov-
24 ernment and contractor-owned equipment layaway,

1 \$13,284,897,000, to remain available for obligation until
 2 September 30, 2007.

3 PROCUREMENT, DEFENSE-WIDE

4 For expenses of activities and agencies of the Depart-
 5 ment of Defense (other than the military departments)
 6 necessary for procurement, production, and modification
 7 of equipment, supplies, materials, and spare parts there-
 8 for, not otherwise provided for; the purchase of passenger
 9 motor vehicles for replacement only; expansion of public
 10 and private plants, equipment, and installation thereof in
 11 such plants, erection of structures, and acquisition of land
 12 for the foregoing purposes, and such lands and interests
 13 therein, may be acquired, and construction prosecuted
 14 thereon prior to approval of title; reserve plant and Gov-
 15 ernment and contractor-owned equipment layaway,
 16 \$2,867,303,000, to remain available for obligation until
 17 September 30, 2007.

18 NATIONAL GUARD AND RESERVE EQUIPMENT

19 For procurement of aircraft, missiles, tracked combat
 20 vehicles, ammunition, other weapons, and other procure-
 21 ment for the reserve components of the Armed Forces,
 22 \$500,000,000, to remain available for obligation until Sep-
 23 tember 30, 2007: *Provided*, That the Chiefs of the Reserve
 24 and National Guard components shall, not later than 30
 25 days after the enactment of this Act, individually submit

1 to the congressional defense committees the modernization
 2 priority assessment for their respective Reserve or Na-
 3 tional Guard component.

4 DEFENSE PRODUCTION ACT PURCHASES

5 For activities by the Department of Defense pursuant
 6 to sections 108, 301, 302, and 303 of the Defense Produc-
 7 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
 8 2093), \$42,515,000, to remain available until expended.

9 TITLE IV

10 RESEARCH, DEVELOPMENT, TEST AND

11 EVALUATION

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

13 ARMY

14 For expenses necessary for basic and applied sci-
 15 entific research, development, test and evaluation, includ-
 16 ing maintenance, rehabilitation, lease, and operation of fa-
 17 cilities and equipment, \$10,308,804,000, to remain avail-
 18 able for obligation until September 30, 2006.

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

20 NAVY

21 For expenses necessary for basic and applied sci-
 22 entific research, development, test and evaluation, includ-
 23 ing maintenance, rehabilitation, lease, and operation of fa-
 24 cilities and equipment, \$16,748,035,000, to remain avail-
 25 able for obligation until September 30, 2006: *Provided,*

1 That funds appropriated in this paragraph which are
 2 available for the V-22 may be used to meet unique oper-
 3 ational requirements of the Special Operations Forces:
 4 *Provided further*, That funds appropriated in this para-
 5 graph shall be available for the Cobra Judy program.

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 7 AIR FORCE

8 For expenses necessary for basic and applied sci-
 9 entific research, development, test and evaluation, includ-
 10 ing maintenance, rehabilitation, lease, and operation of fa-
 11 cilities and equipment, \$21,002,308,000, to remain avail-
 12 able for obligation until September 30, 2006.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
 14 DEFENSE-WIDE

15 For expenses of activities and agencies of the Depart-
 16 ment of Defense (other than the military departments),
 17 necessary for basic and applied scientific research, devel-
 18 opment, test and evaluation; advanced research projects
 19 as may be designated and determined by the Secretary
 20 of Defense, pursuant to law; maintenance, rehabilitation,
 21 lease, and operation of facilities and equipment,
 22 \$20,404,563,000, to remain available for obligation until
 23 September 30, 2006.

1 OPERATIONAL TEST AND EVALUATION, DEFENSE

2 For expenses, not otherwise provided for, necessary
3 for the independent activities of the Director, Operational
4 Test and Evaluation, in the direction and supervision of
5 operational test and evaluation, including initial oper-
6 ational test and evaluation which is conducted prior to,
7 and in support of, production decisions; joint operational
8 testing and evaluation; and administrative expenses in
9 connection therewith, \$305,135,000, to remain available
10 for obligation until September 30, 2006.

11 TITLE V

12 REVOLVING AND MANAGEMENT FUNDS

13 DEFENSE WORKING CAPITAL FUNDS

14 For the Defense Working Capital Funds,
15 \$1,685,886,000.

16 NATIONAL DEFENSE SEALIFT FUND

17 For National Defense Sealift Fund programs,
18 projects, and activities, and for expenses of the National
19 Defense Reserve Fleet, as established by section 11 of the
20 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
21 and for the necessary expenses to maintain and preserve
22 a U.S.-flag merchant fleet to serve the national security
23 needs of the United States, \$441,936,000, to remain avail-
24 able until expended: *Provided*, That none of the funds pro-
25 vided in this paragraph shall be used to award a new con-

1 tract that provides for the acquisition of any of the fol-
 2 lowing major components unless such components are
 3 manufactured in the United States: auxiliary equipment,
 4 including pumps, for all shipboard services; propulsion
 5 system components (that is; engines, reduction gears, and
 6 propellers); shipboard cranes; and spreaders for shipboard
 7 cranes: *Provided further*, That the exercise of an option
 8 in a contract awarded through the obligation of previously
 9 appropriated funds shall not be considered to be the award
 10 of a new contract: *Provided further*, That the Secretary
 11 of the military department responsible for such procure-
 12 ment may waive the restrictions in the first proviso on
 13 a case-by-case basis by certifying in writing to the Com-
 14 mittees on Appropriations of the House of Representatives
 15 and the Senate that adequate domestic supplies are not
 16 available to meet Department of Defense requirements on
 17 a timely basis and that such an acquisition must be made
 18 in order to acquire capability for national security pur-
 19 poses.

20 TITLE VI

21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

22 DEFENSE HEALTH PROGRAM

23 For expenses, not otherwise provided for, for medical
 24 and health care programs of the Department of Defense,
 25 as authorized by law, \$18,064,811,000, of which

1 \$17,299,369,000 shall be for Operation and maintenance,
2 of which not to exceed 2 percent shall remain available
3 until September 30, 2006, and of which up to
4 \$8,953,494,000 may be available for contracts entered
5 into under the TRICARE program; of which
6 \$366,235,000, to remain available for obligation until Sep-
7 tember 30, 2007, shall be for Procurement; and of which
8 \$399,207,000, to remain available for obligation until Sep-
9 tember 30, 2006, shall be for Research, development, test
10 and evaluation.

11 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
12 ARMY

13 For expenses, not otherwise provided for, necessary
14 for the destruction of the United States stockpile of lethal
15 chemical agents and munitions in accordance with the pro-
16 visions of section 1412 of the Department of Defense Au-
17 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
18 struction of other chemical warfare materials that are not
19 in the chemical weapon stockpile, \$1,373,990,000, of
20 which \$1,088,801,000 shall be for Operation and mainte-
21 nance; \$78,980,000 shall be for Procurement to remain
22 available until September 30, 2007; \$206,209,000 shall be
23 for Research, development, test and evaluation to remain
24 available until September 30, 2006; and no less than
25 \$137,404,000 may be for the Chemical Stockpile Emer-

1 gency Preparedness Program, of which \$44,631,000 shall
 2 be for activities on military installations and \$92,773,000
 3 shall be to assist State and local governments.

4 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
 5 DEFENSE

6 (INCLUDING TRANSFER OF FUNDS)

7 For drug interdiction and counter-drug activities of
 8 the Department of Defense, for transfer to appropriations
 9 available to the Department of Defense for military per-
 10 sonnel of the reserve components serving under the provi-
 11 sions of title 10 and title 32, United States Code; for Op-
 12 eration and maintenance; for Procurement; and for Re-
 13 search, development, test and evaluation, \$908,797,000:
 14 *Provided*, That the funds appropriated under this heading
 15 shall be available for obligation for the same time period
 16 and for the same purpose as the appropriation to which
 17 transferred: *Provided further*, That upon a determination
 18 that all or part of the funds transferred from this appro-
 19 priation are not necessary for the purposes provided here-
 20 in, such amounts may be transferred back to this appro-
 21 priation: *Provided further*, That the transfer authority pro-
 22 vided under this heading is in addition to any other trans-
 23 fer authority contained elsewhere in this Act.

1 OFFICE OF THE INSPECTOR GENERAL

2 For expenses and activities of the Office of the In-
3 specter General in carrying out the provisions of the In-
4 specter General Act of 1978, as amended, \$244,562,000,
5 of which \$242,362,000 shall be for Operation and mainte-
6 nance, of which not more than \$700,000 may be used for
7 emergency and extraordinary expenses authorized under
8 section 127 of title 10, United States Code; and of which
9 \$2,100,000, to remain available until September 30, 2007,
10 shall be for Procurement; and of which \$100,000, to re-
11 main available until September 30, 2006, shall be for Re-
12 search, development, test and evaluation.

13 TITLE VII

14 RELATED AGENCIES

15 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

16 DISABILITY SYSTEM FUND

17 For payment to the Central Intelligence Agency Re-
18 tirement and Disability System Fund, to maintain the
19 proper funding level for continuing the operation of the
20 Central Intelligence Agency Retirement and Disability
21 System, \$239,400,000.

22 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses of the Intelligence Commu-
25 nity Management Account, \$319,355,000, of which

1 \$26,953,000 for the Advanced Research and Development
2 Committee shall remain available until September 30,
3 2006: *Provided*, That of the funds appropriated under this
4 heading, \$34,911,000 shall be transferred to the Depart-
5 ment of Justice for the National Drug Intelligence Center
6 to support the Department of Defense's counter-drug in-
7 telligence responsibilities, and of the said amount,
8 \$1,500,000 for Procurement shall remain available until
9 September 30, 2007 and \$1,000,000 for Research, devel-
10 opment, test and evaluation shall remain available until
11 September 30, 2006: *Provided further*, That the National
12 Drug Intelligence Center shall maintain the personnel and
13 technical resources to provide timely support to law en-
14 forcement authorities and the intelligence community by
15 conducting document and computer exploitation of mate-
16 rials collected in Federal, State, and local law enforcement
17 activity associated with counter-drug, counter-terrorism,
18 and national security investigations and operations.

19 NATIONAL SECURITY EDUCATION TRUST FUND

20 For the purposes of title VIII of Public Law 102–
21 183, \$8,000,000, to be derived from the National Security
22 Education Trust Fund, to remain available until ex-
23 pended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

11 (TRANSFER OF FUNDS)

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1 requested has been denied by the Congress: *Provided further*,
 2 That the Secretary of Defense shall notify the Congress
 3 promptly of all transfers made pursuant to this authority
 4 or any other authority in this Act: *Provided further*, That
 5 no part of the funds in this Act shall be available to pre-
 6 pare or present a request to the Committees on Appropria-
 7 tions for reprogramming of funds, unless for higher pri-
 8 ority items, based on unforeseen military requirements,
 9 than those for which originally appropriated and in no
 10 case where the item for which reprogramming is requested
 11 has been denied by the Congress: *Provided further*, That
 12 a request for multiple reprogrammings of funds using au-
 13 thority provided in this section must be made prior to
 14 June 30, 2005.

15 (TRANSFER OF FUNDS)

16 SEC. 8006. During the current fiscal year, cash bal-
 17 ances in working capital funds of the Department of De-
 18 fense established pursuant to section 2208 of title 10,
 19 United States Code, may be maintained in only such
 20 amounts as are necessary at any time for cash disburse-
 21 ments to be made from such funds: *Provided*, That trans-
 22 fers may be made between such funds: *Provided further*,
 23 That transfers may be made between working capital
 24 funds and the “Foreign Currency Fluctuations, Defense”
 25 appropriation and the “Operation and Maintenance” ap-
 26 propriation accounts in such amounts as may be deter-

1 mined by the Secretary of Defense, with the approval of
2 the Office of Management and Budget, except that such
3 transfers may not be made unless the Secretary of Defense
4 has notified the Congress of the proposed transfer. Except
5 in amounts equal to the amounts appropriated to working
6 capital funds in this Act, no obligations may be made
7 against a working capital fund to procure or increase the
8 value of war reserve material inventory, unless the Sec-
9 retary of Defense has notified the Congress prior to any
10 such obligation.

11 SEC. 8007. Funds appropriated by this Act may not
12 be used to initiate a special access program without prior
13 notification 30 calendar days in session in advance to the
14 congressional defense committees.

15 SEC. 8008. None of the funds provided in this Act
16 shall be available to initiate: (1) a multiyear contract that
17 employs economic order quantity procurement in excess of
18 \$20,000,000 in any 1 year of the contract or that includes
19 an unfunded contingent liability in excess of \$20,000,000;
20 or (2) a contract for advance procurement leading to a
21 multiyear contract that employs economic order quantity
22 procurement in excess of \$20,000,000 in any 1 year, un-
23 less the congressional defense committees have been noti-
24 fied at least 30 days in advance of the proposed contract
25 award: *Provided*, That no part of any appropriation con-

1 tained in this Act shall be available to initiate a multiyear
 2 contract for which the economic order quantity advance
 3 procurement is not funded at least to the limits of the
 4 Government's liability: *Provided further*, That no part of
 5 any appropriation contained in this Act shall be available
 6 to initiate multiyear procurement contracts for any sys-
 7 tems or component thereof if the value of the multiyear
 8 contract would exceed \$500,000,000 unless specifically
 9 provided in this Act: *Provided further*, That no multiyear
 10 procurement contract can be terminated without 10-day
 11 prior notification to the congressional defense committees:
 12 *Provided further*, That the execution of multiyear author-
 13 ity shall require the use of a present value analysis to de-
 14 termine lowest cost compared to an annual procurement.

15 Funds appropriated in title III of this Act may be
 16 used for multiyear procurement contracts as follows:

17 155 mm Lightweight Towed Howitzer.

18 SEC. 8009. Within the funds appropriated for the op-
 19 eration and maintenance of the Armed Forces, funds are
 20 hereby appropriated pursuant to section 401 of title 10,
 21 United States Code, for humanitarian and civic assistance
 22 costs under chapter 20 of title 10, United States Code.
 23 Such funds may also be obligated for humanitarian and
 24 civic assistance costs incidental to authorized operations
 25 and pursuant to authority granted in section 401 of chap-

1 ter 20 of title 10, United States Code, and these obliga-
2 tions shall be reported as required by section 401(d) of
3 title 10, United States Code: *Provided*, That funds avail-
4 able for operation and maintenance shall be available for
5 providing humanitarian and similar assistance by using
6 Civic Action Teams in the Trust Territories of the Pacific
7 Islands and freely associated states of Micronesia, pursu-
8 ant to the Compact of Free Association as authorized by
9 Public Law 99–239: *Provided further*, That upon a deter-
10 mination by the Secretary of the Army that such action
11 is beneficial for graduate medical education programs con-
12 ducted at Army medical facilities located in Hawaii, the
13 Secretary of the Army may authorize the provision of med-
14 ical services at such facilities and transportation to such
15 facilities, on a nonreimbursable basis, for civilian patients
16 from American Samoa, the Commonwealth of the North-
17 ern Mariana Islands, the Marshall Islands, the Federated
18 States of Micronesia, Palau, and Guam.

19 SEC. 8010. (a) During fiscal year 2005, the civilian
20 personnel of the Department of Defense may not be man-
21 aged on the basis of any end-strength, and the manage-
22 ment of such personnel during that fiscal year shall not
23 be subject to any constraint or limitation (known as an
24 end-strength) on the number of such personnel who may
25 be employed on the last day of such fiscal year.

1 (b) The fiscal year 2006 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 2006
4 Department of Defense budget request shall be prepared
5 and submitted to the Congress as if subsections (a) and
6 (b) of this provision were effective with regard to fiscal
7 year 2006.

8 (c) Nothing in this section shall be construed to apply
9 to military (civilian) technicians.

10 SEC. 8011. None of the funds appropriated in this
11 or any other Act may be used to initiate a new installation
12 overseas without 30-day advance notification to the Com-
13 mittees on Appropriations.

14 SEC. 8012. None of the funds made available by this
15 Act shall be used in any way, directly or indirectly, to in-
16 fluence congressional action on any legislation or appro-
17 priation matters pending before the Congress.

18 SEC. 8013. None of the funds appropriated by this
19 Act shall be available for the basic pay and allowances of
20 any member of the Army participating as a full-time stu-
21 dent and receiving benefits paid by the Secretary of Vet-
22 erans Affairs from the Department of Defense Education
23 Benefits Fund when time spent as a full-time student is
24 credited toward completion of a service commitment: *Pro-*
25 *vided*, That this subsection shall not apply to those mem-

bers who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function; and

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

1 (B) \$10,000,000.

2 (b) EXCEPTIONS.—(1) The Department of Defense,
3 without regard to subsection (a) of this section or sub-
4 sections (a), (b), or (c) of section 2461 of title 10, United
5 States Code, and notwithstanding any administrative reg-
6 ulation, requirement, or policy to the contrary shall have
7 full authority to enter into a contract for the performance
8 of any commercial or industrial type function of the De-
9 partment of Defense that—

10 (A) is included on the procurement list estab-
11 lished pursuant to section 2 of the Javits-Wagner-
12 O'Day Act (41 U.S.C. 47);

13 (B) is planned to be converted to performance
14 by a qualified nonprofit agency for the blind or by
15 a qualified nonprofit agency for other severely handi-
16 capped individuals in accordance with that Act; or

17 (C) is planned to be converted to performance
18 by a qualified firm under at least 51 percent owner-
19 ship by an Indian tribe, as defined in section 4(e)
20 of the Indian Self-Determination and Education As-
21 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-
22 waiian Organization, as defined in section 8(a)(15)
23 of the Small Business Act (15 U.S.C. 637(a)(15)).

1 (2) This section shall not apply to depot contracts
2 or contracts for depot maintenance as provided in sections
3 2469 and 2474 of title 10, United States Code.

4 (c) TREATMENT OF CONVERSION.—The conversion
5 of any activity or function of the Department of Defense
6 under the authority provided by this section shall be cred-
7 ited toward any competitive or outsourcing goal, target,
8 or measurement that may be established by statute, regu-
9 lation, or policy and is deemed to be awarded under the
10 authority of, and in compliance with, subsection (h) of sec-
11 tion 2304 of title 10, United States Code, for the competi-
12 tion or outsourcing of commercial activities.

13 (TRANSFER OF FUNDS)

14 SEC. 8015. Funds appropriated in title III of this Act
15 for the Department of Defense Pilot Mentor-Protege Pro-
16 gram may be transferred to any other appropriation con-
17 tained in this Act solely for the purpose of implementing
18 a Mentor-Protege Program developmental assistance
19 agreement pursuant to section 831 of the National De-
20 fense Authorization Act for Fiscal Year 1991 (Public Law
21 101–510; 10 U.S.C. 2301 note), as amended, under the
22 authority of this provision or any other transfer authority
23 contained in this Act.

24 SEC. 8016. None of the funds in this Act may be
25 available for the purchase by the Department of Defense
26 (and its departments and agencies) of welded shipboard

1 anchor and mooring chain 4 inches in diameter and under
2 unless the anchor and mooring chain are manufactured
3 in the United States from components which are substan-
4 tially manufactured in the United States: *Provided*, That
5 for the purpose of this section manufactured will include
6 cutting, heat treating, quality control, testing of chain and
7 welding (including the forging and shot blasting process):
8 *Provided further*, That for the purpose of this section sub-
9 stantially all of the components of anchor and mooring
10 chain shall be considered to be produced or manufactured
11 in the United States if the aggregate cost of the compo-
12 nents produced or manufactured in the United States ex-
13 ceeds the aggregate cost of the components produced or
14 manufactured outside the United States: *Provided further*,
15 That when adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis, the Secretary of the service responsible for the pro-
18 curement may waive this restriction on a case-by-case
19 basis by certifying in writing to the Committees on Appro-
20 priations that such an acquisition must be made in order
21 to acquire capability for national security purposes.

22 SEC. 8017. None of the funds appropriated by this
23 Act available for the Civilian Health and Medical Program
24 of the Uniformed Services (CHAMPUS) or TRICARE
25 shall be available for the reimbursement of any health care

1 provider for inpatient mental health service for care re-
2 ceived when a patient is referred to a provider of inpatient
3 mental health care or residential treatment care by a med-
4 ical or health care professional having an economic inter-
5 est in the facility to which the patient is referred: *Pro-*
6 *vided*, That this limitation does not apply in the case of
7 inpatient mental health services provided under the pro-
8 gram for persons with disabilities under subsection (d) of
9 section 1079 of title 10, United States Code, provided as
10 partial hospital care, or provided pursuant to a waiver au-
11 thorized by the Secretary of Defense because of medical
12 or psychological circumstances of the patient that are con-
13 firmed by a health professional who is not a Federal em-
14 ployee after a review, pursuant to rules prescribed by the
15 Secretary, which takes into account the appropriate level
16 of care for the patient, the intensity of services required
17 by the patient, and the availability of that care.

18 SEC. 8018. Notwithstanding any other provision of
19 law, during the current fiscal year, the Secretary of De-
20 fense may, by executive agreement, establish with host na-
21 tion governments in NATO member states a separate ac-
22 count into which such residual value amounts negotiated
23 in the return of United States military installations in
24 NATO member states may be deposited, in the currency
25 of the host nation, in lieu of direct monetary transfers to

1 the United States Treasury: *Provided*, That such credits
2 may be utilized only for the construction of facilities to
3 support United States military forces in that host nation,
4 or such real property maintenance and base operating
5 costs that are currently executed through monetary trans-
6 fers to such host nations: *Provided further*, That the De-
7 partment of Defense's budget submission for fiscal year
8 2006 shall identify such sums anticipated in residual value
9 settlements, and identify such construction, real property
10 maintenance or base operating costs that shall be funded
11 by the host nation through such credits: *Provided further*,
12 That all military construction projects to be executed from
13 such accounts must be previously approved in a prior Act
14 of Congress: *Provided further*, That each such executive
15 agreement with a NATO member host nation shall be re-
16 ported to the congressional defense committees, the Com-
17 mittee on International Relations of the House of Rep-
18 resentatives and the Committee on Foreign Relations of
19 the Senate 30 days prior to the conclusion and endorse-
20 ment of any such agreement established under this provi-
21 sion.

22 SEC. 8019. None of the funds available to the De-
23 partment of Defense may be used to demilitarize or dis-
24 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
25 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

1 SEC. 8020. No more than \$500,000 of the funds ap-
2 propriated or made available in this Act shall be used dur-
3 ing a single fiscal year for any single relocation of an orga-
4 nization, unit, activity or function of the Department of
5 Defense into or within the National Capital Region: *Pro-*
6 *vided*, That the Secretary of Defense may waive this re-
7 striction on a case-by-case basis by certifying in writing
8 to the congressional defense committees that such a relo-
9 cation is required in the best interest of the Government.

10 SEC. 8021. In addition to the funds provided else-
11 where in this Act, \$8,000,000 is appropriated only for in-
12 centive payments authorized by Section 504 of the Indian
13 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
14 a prime contractor or a subcontractor at any tier that
15 makes a subcontract award to any subcontractor or sup-
16 plier as defined in 25 U.S.C. 1544 or a small business
17 owned and controlled by an individual or individuals de-
18 fined under 25 U.S.C. 4221(9) shall be considered a con-
19 tractor for the purposes of being allowed additional com-
20 pensation under section 504 of the Indian Financing Act
21 of 1974 (25 U.S.C. 1544) whenever the prime contract
22 or subcontract amount is over \$500,000 and involves the
23 expenditure of funds appropriated by an Act making Ap-
24 propriations for the Department of Defense with respect
25 to any fiscal year: *Provided further*, That notwithstanding

1 41 U.S.C. 430, this section shall be applicable to any De-
2 partment of Defense acquisition of supplies or services, in-
3 cluding any contract and any subcontract at any tier for
4 acquisition of commercial items produced or manufac-
5 tured, in whole or in part by any subcontractor or supplier
6 defined in 25 U.S.C. 1544 or a small business owned and
7 controlled by an individual or individuals defined under
8 25 U.S.C. 4221(9): *Provided further*, That businesses cer-
9 tified as 8(a) by the Small Business Administration pursu-
10 ant to section 8(a)(15) of Public Law 85–536, as amend-
11 ed, shall have the same status as other program partici-
12 pants under section 602 of Public Law 100–656, 102
13 Stat. 3825 (Business Opportunity Development Reform
14 Act of 1988) for purposes of contracting with agencies of
15 the Department of Defense.

16 SEC. 8022. None of the funds appropriated by this
17 Act shall be available to perform any cost study pursuant
18 to the provisions of OMB Circular A–76 if the study being
19 performed exceeds a period of 24 months after initiation
20 of such study with respect to a single function activity or
21 30 months after initiation of such study for a multi-func-
22 tion activity.

23 SEC. 8023. Funds appropriated by this Act for the
24 American Forces Information Service shall not be used for

1 any national or international political or psychological ac-
2 tivities.

3 SEC. 8024. Notwithstanding any other provision of
4 law or regulation, the Secretary of Defense may adjust
5 wage rates for civilian employees hired for certain health
6 care occupations as authorized for the Secretary of Vet-
7 erans Affairs by section 7455 of title 38, United States
8 Code.

9 SEC. 8025. In addition to the amounts appropriated
10 or otherwise made available in this Act, \$33,000,000 is
11 hereby appropriated to the Department of Defense: *Pro-*
12 *vided*, That the Secretary of Defense shall make grants
13 in the amount of \$10,000,000 to the Military Aviation
14 Museum of the Pacific; \$10,000,000 to the Wings of Lib-
15 erty Military Museum at Fort Campbell; \$3,000,000 to
16 the United Services Organization; \$5,000,000 to the Ga-
17 lena IDEA Distance Learning Program; \$2,000,000 to
18 the National Museum of Cavalry and Armor at Fort Knox;
19 and \$3,000,000 to the Wing Luke Asian Museum.

20 SEC. 8026. In addition to amounts provided else-
21 where in this Act, \$2,500,000 is hereby appropriated for
22 “Operation and Maintenance, Air Force” for acquisition
23 by the United States Air Force of Native Allotment F-
24 14589: *Provided*, That in consideration of its unauthorized
25 use and contamination of Native Allotment F-14589, con-

1 sisting of 159.7 acres, at Oliktok Point, Alaska, the
 2 United States Air Force shall acquire Native Allotment
 3 F-14589 by payment of \$2,500,000 to the current owners
 4 of the Native Allotment.

5 SEC. 8027. During the current fiscal year, the De-
 6 partment of Defense is authorized to incur obligations of
 7 not to exceed \$350,000,000 for purposes specified in sec-
 8 tion 2350j(c) of title 10, United States Code, in anticipa-
 9 tion of receipt of contributions, only from the Government
 10 of Kuwait, under that section: *Provided*, That upon re-
 11 ceipt, such contributions from the Government of Kuwait
 12 shall be credited to the appropriations or fund which in-
 13 curred such obligations.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8028. (a) Of the funds made available in this
 16 Act, not less than \$24,971,000 shall be available for the
 17 Civil Air Patrol Corporation, of which—

18 (1) \$21,588,000 shall be available from “Oper-
 19 ation and Maintenance, Air Force” to support Civil
 20 Air Patrol Corporation operation and maintenance,
 21 readiness, counterdrug activities, and drug demand
 22 reduction activities involving youth programs;

23 (2) \$2,581,000 shall be available from “Aircraft
 24 Procurement, Air Force”; and

25 (3) \$802,000 shall be available from “Other
 26 Procurement, Air Force” for vehicle procurement.

1 (b) The Secretary of the Air Force should waive reim-
2 bursement for any funds used by the Civil Air Patrol for
3 counter-drug activities in support of Federal, State, and
4 local government agencies.

5 SEC. 8029. (a) None of the funds appropriated in this
6 Act are available to establish a new Department of De-
7 fense (department) federally funded research and develop-
8 ment center (FFRDC), either as a new entity, or as a
9 separate entity administrated by an organization man-
10 aging another FFRDC, or as a nonprofit membership cor-
11 poration consisting of a consortium of other FFRDCs and
12 other non-profit entities.

13 (b) No member of a Board of Directors, Trustees,
14 Overseers, Advisory Group, Special Issues Panel, Visiting
15 Committee, or any similar entity of a defense FFRDC,
16 and no paid consultant to any defense FFRDC, except
17 when acting in a technical advisory capacity, may be com-
18 pensated for his or her services as a member of such enti-
19 ty, or as a paid consultant by more than one FFRDC in
20 a fiscal year: *Provided*, That a member of any such entity
21 referred to previously in this subsection shall be allowed
22 travel expenses and per diem as authorized under the Fed-
23 eral Joint Travel Regulations, when engaged in the per-
24 formance of membership duties.

1 (c) Notwithstanding any other provision of law, none
2 of the funds available to the department from any source
3 during fiscal year 2005 may be used by a defense FFRDC,
4 through a fee or other payment mechanism, for construc-
5 tion of new buildings, for payment of cost sharing for
6 projects funded by Government grants, for absorption of
7 contract overruns, or for certain charitable contributions,
8 not to include employee participation in community service
9 and/or development.

10 (d) Notwithstanding any other provision of law, of
11 the funds available to the department during fiscal year
12 2005, not more than 6,321 staff years of technical effort
13 (staff years) may be funded for defense FFRDCs: *Pro-*
14 *vided*, That of the specific amount referred to previously
15 in this subsection, not more than 1,050 staff years may
16 be funded for the defense studies and analysis FFRDCs.

17 (e) The Secretary of Defense shall, with the submis-
18 sion of the department's fiscal year 2006 budget request,
19 submit a report presenting the specific amounts of staff
20 years of technical effort to be allocated for each defense
21 FFRDC during that fiscal year.

22 (f) Notwithstanding any other provision of this Act,
23 the total amount appropriated in this Act for FFRDCs
24 is hereby reduced by \$74,200,000.

1 SEC. 8030. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of the enact-
21 ment of this Act.

22 SEC. 8031. For the purposes of this Act, the term
23 “congressional defense committees” means the Armed
24 Services Committee of the House of Representatives, the
25 Armed Services Committee of the Senate, the Sub-

1 committee on Defense of the Committee on Appropriations
2 of the Senate, and the Subcommittee on Defense of the
3 Committee on Appropriations of the House of Representa-
4 tives.

5 SEC. 8032. During the current fiscal year, the De-
6 partment of Defense may acquire the modification, depot
7 maintenance and repair of aircraft, vehicles and vessels
8 as well as the production of components and other De-
9 fense-related articles, through competition between De-
10 partment of Defense depot maintenance activities and pri-
11 vate firms: *Provided*, That the Senior Acquisition Execu-
12 tive of the military department or Defense Agency con-
13 cerned, with power of delegation, shall certify that success-
14 ful bids include comparable estimates of all direct and in-
15 direct costs for both public and private bids: *Provided fur-*
16 *ther*, That Office of Management and Budget Circular A-
17 76 shall not apply to competitions conducted under this
18 section.

19 SEC. 8033. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary's blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to the Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 2005. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

19 (c) For purposes of this section, the term "Buy
20 American Act" means title III of the Act entitled "An Act
21 making appropriations for the Treasury and Post Office
22 Departments for the fiscal year ending June 30, 1934,
23 and for other purposes", approved March 3, 1933 (41
24 U.S.C. 10a et seq.).

1 SEC. 8034. Appropriations contained in this Act that
2 remain available at the end of the current fiscal year as
3 a result of energy cost savings realized by the Department
4 of Defense shall remain available for obligation for the
5 next fiscal year to the extent, and for the purposes, pro-
6 vided in section 2865 of title 10, United States Code.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8035. Amounts deposited during the current fis-
9 cal year to the special account established under 40 U.S.C.
10 572(b)(5)(A) and to the special account established under
11 10 U.S.C. 2667(d)(1) are appropriated and shall be avail-
12 able until transferred by the Secretary of Defense to cur-
13 rent applicable appropriations or funds of the Department
14 of Defense under the terms and conditions specified by
15 40 U.S.C. 572(b)(5)(B) and 10 U.S.C. 2667(d)(1)(B), to
16 be merged with and to be available for the same time pe-
17 riod and the same purposes as the appropriation to which
18 transferred.

19 SEC. 8036. None of the funds appropriated in this
20 Act shall be used to study, demonstrate, or implement any
21 plans privatizing, divesting or transferring of any Civil
22 Works missions, functions, or responsibilities for the
23 United States Army Corps of Engineers to other govern-
24 ment agencies without specific direction in a subsequent
25 Act of Congress.

1 SEC. 8037. Notwithstanding any other provision of
2 law, funds available for “Drug Interdiction and Counter-
3 Drug Activities, Defense” may be obligated for the Young
4 Marines program.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8038. During the current fiscal year, amounts
7 contained in the Department of Defense Overseas Military
8 Facility Investment Recovery Account established by sec-
9 tion 2921(c)(1) of the National Defense Authorization Act
10 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
11 be available until expended for the payments specified by
12 section 2921(c)(2) of that Act.

13 SEC. 8039. (a) IN GENERAL.—Notwithstanding any
14 other provision of law, the Secretary of the Air Force may
15 convey at no cost to the Air Force, without consideration,
16 to Indian tribes located in the States of North Dakota,
17 South Dakota, Montana, and Minnesota relocatable mili-
18 tary housing units located at Grand Forks Air Force Base
19 and Minot Air Force Base that are excess to the needs
20 of the Air Force.

21 (b) PROCESSING OF REQUESTS.—The Secretary of
22 the Air Force shall convey, at no cost to the Air Force,
23 military housing units under subsection (a) in accordance
24 with the request for such units that are submitted to the
25 Secretary by the Operation Walking Shield Program on

1 behalf of Indian tribes located in the States of North Da-
2 kota, South Dakota, Montana, and Minnesota.

3 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—

4 The Operation Walking Shield program shall resolve any
5 conflicts among requests of Indian tribes for housing units
6 under subsection (a) before submitting requests to the
7 Secretary of the Air Force under subsection (b).

8 (d) INDIAN TRIBE DEFINED.—In this section, the
9 term “Indian tribe” means any recognized Indian tribe in-
10 cluded on the current list published by the Secretary of
11 the Interior under section 104 of the Federally Recognized
12 Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat.
13 4792; 25 U.S.C. 479a–1).

14 SEC. 8040. During the current fiscal year, appropria-
15 tions which are available to the Department of Defense
16 for operation and maintenance may be used to purchase
17 items having an investment item unit cost of not more
18 than \$250,000.

19 SEC. 8041. (a) During the current fiscal year, none
20 of the appropriations or funds available to the Department
21 of Defense Working Capital Funds shall be used for the
22 purchase of an investment item for the purpose of acquir-
23 ing a new inventory item for sale or anticipated sale dur-
24 ing the current fiscal year or a subsequent fiscal year to
25 customers of the Department of Defense Working Capital

1 Funds if such an item would not have been chargeable
2 to the Department of Defense Business Operations Fund
3 during fiscal year 1994 and if the purchase of such an
4 investment item would be chargeable during the current
5 fiscal year to appropriations made to the Department of
6 Defense for procurement.

7 (b) The fiscal year 2006 budget request for the De-
8 partment of Defense as well as all justification material
9 and other documentation supporting the fiscal year 2006
10 Department of Defense budget shall be prepared and sub-
11 mitted to the Congress on the basis that any equipment
12 which was classified as an end item and funded in a pro-
13 curement appropriation contained in this Act shall be
14 budgeted for in a proposed fiscal year 2006 procurement
15 appropriation and not in the supply management business
16 area or any other area or category of the Department of
17 Defense Working Capital Funds.

18 SEC. 8042. None of the funds appropriated by this
19 Act for programs of the Central Intelligence Agency shall
20 remain available for obligation beyond the current fiscal
21 year, except for funds appropriated for the Reserve for
22 Contingencies, which shall remain available until Sep-
23 tember 30, 2006: *Provided*, That funds appropriated,
24 transferred, or otherwise credited to the Central Intel-
25 ligence Agency Central Services Working Capital Fund

1 during this or any prior or subsequent fiscal year shall
2 remain available until expended: *Provided further*, That
3 any funds appropriated or transferred to the Central Intel-
4 ligence Agency for advanced research and development ac-
5 quisition, for agent operations, and for covert action pro-
6 grams authorized by the President under section 503 of
7 the National Security Act of 1947, as amended, shall re-
8 main available until September 30, 2006.

9 SEC. 8043. Notwithstanding any other provision of
10 law, funds made available in this Act for the Defense In-
11 telligence Agency may be used for the design, develop-
12 ment, and deployment of General Defense Intelligence
13 Program intelligence communications and intelligence in-
14 formation systems for the Services, the Unified and Speci-
15 fied Commands, and the component commands.

16 SEC. 8044. Of the funds appropriated to the Depart-
17 ment of Defense under the heading “Operation and Main-
18 tenance, Defense-Wide”, not less than \$10,000,000 shall
19 be made available only for the mitigation of environmental
20 impacts, including training and technical assistance to
21 tribes, related administrative support, the gathering of in-
22 formation, documenting of environmental damage, and de-
23 veloping a system for prioritization of mitigation and cost
24 to complete estimates for mitigation, on Indian lands re-
25 sulting from Department of Defense activities.

1 SEC. 8045. (a) None of the funds appropriated in this
2 Act may be expended by an entity of the Department of
3 Defense unless the entity, in expending the funds, com-
4 plies with the Buy American Act. For purposes of this
5 subsection, the term “Buy American Act” means title III
6 of the Act entitled “An Act making appropriations for the
7 Treasury and Post Office Departments for the fiscal year
8 ending June 30, 1934, and for other purposes”, approved
9 March 3, 1933 (41 U.S.C. 10a et seq.).

10 (b) If the Secretary of Defense determines that a per-
11 son has been convicted of intentionally affixing a label
12 bearing a “Made in America” inscription to any product
13 sold in or shipped to the United States that is not made
14 in America, the Secretary shall determine, in accordance
15 with section 2410f of title 10, United States Code, wheth-
16 er the person should be debarred from contracting with
17 the Department of Defense.

18 (c) In the case of any equipment or products pur-
19 chased with appropriations provided under this Act, it is
20 the sense of the Congress that any entity of the Depart-
21 ment of Defense, in expending the appropriation, purchase
22 only American-made equipment and products, provided
23 that American-made equipment and products are cost-
24 competitive, quality-competitive, and available in a timely
25 fashion.

1 SEC. 8046. None of the funds appropriated by this
2 Act shall be available for a contract for studies, analysis,
3 or consulting services entered into without competition on
4 the basis of an unsolicited proposal unless the head of the
5 activity responsible for the procurement determines—

6 (1) as a result of thorough technical evaluation,
7 only one source is found fully qualified to perform
8 the proposed work;

9 (2) the purpose of the contract is to explore an
10 unsolicited proposal which offers significant sci-
11 entific or technological promise, represents the prod-
12 uct of original thinking, and was submitted in con-
13 fidence by one source; or

14 (3) the purpose of the contract is to take ad-
15 vantage of unique and significant industrial accom-
16 plishment by a specific concern, or to insure that a
17 new product or idea of a specific concern is given fi-
18 nancial support:

19 *Provided*, That this limitation shall not apply to contracts
20 in an amount of less than \$25,000, contracts related to
21 improvements of equipment that is in development or pro-
22 duction, or contracts as to which a civilian official of the
23 Department of Defense, who has been confirmed by the
24 Senate, determines that the award of such contract is in
25 the interest of the national defense.

1 SEC. 8047. (a) Except as provided in subsection (b)
2 and (c), none of the funds made available by this Act may
3 be used—

4 (1) to establish a field operating agency; or

5 (2) to pay the basic pay of a member of the
6 Armed Forces or civilian employee of the depart-
7 ment who is transferred or reassigned from a head-
8 quarters activity if the member or employee's place
9 of duty remains at the location of that headquarters.

10 (b) The Secretary of Defense or Secretary of a mili-
11 tary department may waive the limitations in subsection
12 (a), on a case-by-case basis, if the Secretary determines,
13 and certifies to the Committees on Appropriations of the
14 House of Representatives and Senate that the granting
15 of the waiver will reduce the personnel requirements or
16 the financial requirements of the department.

17 (c) This section does not apply to field operating
18 agencies funded within the National Foreign Intelligence
19 Program.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8048. (a) Upon a determination by the Sec-
22 retary of the Navy that the vessel USNS Capable (T-
23 AGOS 16) is no longer needed by the Navy, the Secretary
24 shall transfer such vessel to the National Oceanic and At-
25 mospheric Administration as an exploration and research
26 ship.

1 (b) Upon a transfer of the vessel USNS Capable (T-
 2 AGOS 16) under subsection (a), the Secretary of the Navy
 3 shall transfer to the Secretary of Commerce \$18,000,000
 4 out of funds appropriated by title IV under the heading
 5 “Research, Development, Test and Evaluation, Navy”.
 6 The amount so transferred shall be available to the Na-
 7 tional Oceanographic and Atmospheric Administration for
 8 the conversion of the vessel for use as an exploration and
 9 research ship.

10 (RESCISSIONS)

11 SEC. 8049. Of the funds appropriated in Department
 12 of Defense Appropriations Acts, the following funds are
 13 hereby rescinded from the following accounts and pro-
 14 grams in the specified amounts:

15 “Shipbuilding and Conversion, Navy, 2002/
 16 2006”, \$20,444,000;

17 “Weapons Procurement, Navy, 2004/2006”,
 18 \$15,157,000;

19 “Other Procurement, Navy, 2004/2006”,
 20 \$54,338,000;

21 “Procurement, Defense-Wide, 2004/2006”,
 22 \$23,571,000;

23 “Research, Development, Test and Evaluation,
 24 Army, 2004/2005”, \$25,000,000; and

25 “Research, Development, Test and Evaluation,
 26 Defense-Wide, 2004/2005”, \$10,100,000.

1 SEC. 8050. None of the funds available in this Act
2 may be used to reduce the authorized positions for mili-
3 tary (civilian) technicians of the Army National Guard,
4 the Air National Guard, Army Reserve and Air Force Re-
5 serve for the purpose of applying any administratively im-
6 posed civilian personnel ceiling, freeze, or reduction on
7 military (civilian) technicians, unless such reductions are
8 a direct result of a reduction in military force structure.

9 SEC. 8051. None of the funds appropriated or other-
10 wise made available in this Act may be obligated or ex-
11 pended for assistance to the Democratic People's Republic
12 of North Korea unless specifically appropriated for that
13 purpose.

14 SEC. 8052. During the current fiscal year, funds ap-
15 propriated in this Act are available to compensate mem-
16 bers of the National Guard for duty performed pursuant
17 to a plan submitted by a Governor of a State and approved
18 by the Secretary of Defense under section 112 of title 32,
19 United States Code: *Provided*, That during the perform-
20 ance of such duty, the members of the National Guard
21 shall be under State command and control: *Provided fur-*
22 *ther*, That such duty shall be treated as full-time National
23 Guard duty for purposes of sections 12602(a)(2) and
24 (b)(2) of title 10, United States Code.

1 SEC. 8053. Funds appropriated in this Act for oper-
2 ation and maintenance of the Military Departments, Com-
3 batant Commands and Defense Agencies shall be available
4 for reimbursement of pay, allowances and other expenses
5 which would otherwise be incurred against appropriations
6 for the National Guard and Reserve when members of the
7 National Guard and Reserve provide intelligence or coun-
8 terintelligence support to Combatant Commands, Defense
9 Agencies and Joint Intelligence Activities, including the
10 activities and programs included within the National For-
11 eign Intelligence Program (NFIP), the Joint Military In-
12 telligence Program (JMIP), and the Tactical Intelligence
13 and Related Activities (TIARA) aggregate: *Provided*, That
14 nothing in this section authorizes deviation from estab-
15 lished Reserve and National Guard personnel and training
16 procedures.

17 SEC. 8054. During the current fiscal year, none of
18 the funds appropriated in this Act may be used to reduce
19 the civilian medical and medical support personnel as-
20 signed to military treatment facilities below the September
21 30, 2003 level: *Provided*, That the Service Surgeons Gen-
22 eral may waive this section by certifying to the congres-
23 sional defense committees that the beneficiary population
24 is declining in some catchment areas and civilian strength

1 reductions may be consistent with responsible resource
2 stewardship and capitation-based budgeting.

3 SEC. 8055. (a) LIMITATION ON PENTAGON RENOVA-
4 TION COSTS.—Not later than the date each year on which
5 the President submits to Congress the budget under sec-
6 tion 1105 of title 31, United States Code, the Secretary
7 of Defense shall submit to Congress a certification that
8 the total cost for the planning, design, construction, and
9 installation of equipment for the renovation of wedges 2
10 through 5 of the Pentagon Reservation, cumulatively, will
11 not exceed four times the total cost for the planning, de-
12 sign, construction, and installation of equipment for the
13 renovation of wedge 1.

14 (b) ANNUAL ADJUSTMENT.—For purposes of apply-
15 ing the limitation in subsection (a), the Secretary shall
16 adjust the cost for the renovation of wedge 1 by any in-
17 crease or decrease in costs attributable to economic infla-
18 tion, based on the most recent economic assumptions
19 issued by the Office of Management and Budget for use
20 in preparation of the budget of the United States under
21 section 1104 of title 31, United States Code.

22 (c) EXCLUSION OF CERTAIN COSTS.—For purposes
23 of calculating the limitation in subsection (a), the total
24 cost for wedges 2 through 5 shall not include—

1 (1) any repair or reconstruction cost incurred
2 as a result of the terrorist attack on the Pentagon
3 that occurred on September 11, 2001;

4 (2) any increase in costs for wedges 2 through
5 5 attributable to compliance with new requirements
6 of Federal, State, or local laws; and

7 (3) any increase in costs attributable to addi-
8 tional security requirements that the Secretary of
9 Defense considers essential to provide a safe and se-
10 cure working environment.

11 (d) CERTIFICATION COST REPORTS.—As part of the
12 annual certification under subsection (a), the Secretary
13 shall report the projected cost (as of the time of the certifi-
14 cation) for—

15 (1) the renovation of each wedge, including the
16 amount adjusted or otherwise excluded for such
17 wedge under the authority of paragraphs (2) and (3)
18 of subsection (c) for the period covered by the cer-
19 tification; and

20 (2) the repair and reconstruction of wedges 1
21 and 2 in response to the terrorist attack on the Pen-
22 tagon that occurred on September 11, 2001.

23 (e) DURATION OF CERTIFICATION REQUIREMENT.—
24 The requirement to make an annual certification under
25 subsection (a) shall apply until the Secretary certifies to

1 Congress that the renovation of the Pentagon Reservation
2 is completed.

3 SEC. 8056. Notwithstanding any other provision of
4 law, that not more than 35 percent of funds provided in
5 this Act for environmental remediation may be obligated
6 under indefinite delivery/indefinite quantity contracts with
7 a total contract value of \$130,000,000 or higher.

8 SEC. 8057. (a) None of the funds available to the
9 Department of Defense for any fiscal year for drug inter-
10 diction or counter-drug activities may be transferred to
11 any other department or agency of the United States ex-
12 cept as specifically provided in an appropriations law.

13 (b) None of the funds available to the Central Intel-
14 ligence Agency for any fiscal year for drug interdiction
15 and counter-drug activities may be transferred to any
16 other department or agency of the United States except
17 as specifically provided in an appropriations law.

18 (TRANSFER OF FUNDS)

19 SEC. 8058. Appropriations available in this Act under
20 the heading “Operation and Maintenance, Defense-Wide”
21 for increasing energy and water efficiency in Federal
22 buildings may, during their period of availability, be trans-
23 ferred to other appropriations or funds of the Department
24 of Defense for projects related to increasing energy and
25 water efficiency, to be merged with and to be available

1 for the same general purposes, and for the same time pe-
2 riod, as the appropriation or fund to which transferred.

3 SEC. 8059. None of the funds appropriated by this
4 Act may be used for the procurement of ball and roller
5 bearings other than those produced by a domestic source
6 and of domestic origin: *Provided*, That the Secretary of
7 the military department responsible for such procurement
8 may waive this restriction on a case-by-case basis by certi-
9 fying in writing to the Committees on Appropriations of
10 the House of Representatives and the Senate, that ade-
11 quate domestic supplies are not available to meet Depart-
12 ment of Defense requirements on a timely basis and that
13 such an acquisition must be made in order to acquire ca-
14 pability for national security purposes: *Provided further*,
15 That this restriction shall not apply to the purchase of
16 “commercial items”, as defined by section 4(12) of the
17 Office of Federal Procurement Policy Act, except that the
18 restriction shall apply to ball or roller bearings purchased
19 as end items.

20 SEC. 8060. Notwithstanding any other provision of
21 law, funds available to the Department of Defense shall
22 be made available to provide transportation of medical
23 supplies and equipment, on a nonreimbursable basis, to
24 American Samoa, and funds available to the Department
25 of Defense shall be made available to provide transpor-

1 tation of medical supplies and equipment, on a non-
2 reimbursable basis, to the Indian Health Service when it
3 is in conjunction with a civil-military project.

4 SEC. 8061. None of the funds in this Act may be
5 used to purchase any supercomputer which is not manu-
6 factured in the United States, unless the Secretary of De-
7 fense certifies to the congressional defense committees
8 that such an acquisition must be made in order to acquire
9 capability for national security purposes that is not avail-
10 able from United States manufacturers.

11 SEC. 8062. (a) The total amount appropriated or oth-
12 erwise made available in titles II, III and IV of this Act
13 is hereby reduced by \$835,000,000 to reflect savings from
14 revised economic assumptions.

15 (b) The Secretary of Defense shall allocate this re-
16 duction proportionally to each budget activity, activity
17 group, subactivity group, and each program, project, and
18 activity within each applicable appropriation account.

19 SEC. 8063. Notwithstanding any other provision of
20 law, each contract awarded by the Department of Defense
21 during the current fiscal year for construction or service
22 performed in whole or in part in a State (as defined in
23 section 381(d) of title 10, United States Code) which is
24 not contiguous with another State and has an unemploy-
25 ment rate in excess of the national average rate of unem-

1 ployment as determined by the Secretary of Labor, shall
2 include a provision requiring the contractor to employ, for
3 the purpose of performing that portion of the contract in
4 such State that is not contiguous with another State, indi-
5 viduals who are residents of such State and who, in the
6 case of any craft or trade, possess or would be able to
7 acquire promptly the necessary skills: *Provided*, That the
8 Secretary of Defense may waive the requirements of this
9 section, on a case-by-case basis, in the interest of national
10 security.

11 SEC. 8064. None of the funds made available in this
12 or any other Act may be used to pay the salary of any
13 officer or employee of the Department of Defense who ap-
14 proves or implements the transfer of administrative re-
15 sponsibilities or budgetary resources of any program,
16 project, or activity financed by this Act to the jurisdiction
17 of another Federal agency not financed by this Act with-
18 out the express authorization of Congress: *Provided*, That
19 this limitation shall not apply to transfers of funds ex-
20 pressly provided for in Defense Appropriations Acts, or
21 provisions of Acts providing supplemental appropriations
22 for the Department of Defense.

23 SEC. 8065. (a) LIMITATION ON TRANSFER OF DE-
24 FENSE ARTICLES AND SERVICES.—Notwithstanding any
25 other provision of law, none of the funds available to the

1 Department of Defense for the current fiscal year may be
 2 obligated or expended to transfer to another nation or an
 3 international organization any defense articles or services
 4 (other than intelligence services) for use in the activities
 5 described in subsection (b) unless the congressional de-
 6 fense committees, the Committee on International Rela-
 7 tions of the House of Representatives, and the Committee
 8 on Foreign Relations of the Senate are notified 15 days
 9 in advance of such transfer.

10 (b) COVERED ACTIVITIES.—This section applies to—

11 (1) any international peacekeeping or peace-en-
 12 forcement operation under the authority of chapter
 13 VI or chapter VII of the United Nations Charter
 14 under the authority of a United Nations Security
 15 Council resolution; and

16 (2) any other international peacekeeping, peace-
 17 enforcement, or humanitarian assistance operation.

18 (c) REQUIRED NOTICE.—A notice under subsection

19 (a) shall include the following:

20 (1) A description of the equipment, supplies, or
 21 services to be transferred.

22 (2) A statement of the value of the equipment,
 23 supplies, or services to be transferred.

24 (3) In the case of a proposed transfer of equip-
 25 ment or supplies—

1 (A) a statement of whether the inventory
2 requirements of all elements of the Armed
3 Forces (including the reserve components) for
4 the type of equipment or supplies to be trans-
5 ferred have been met; and

6 (B) a statement of whether the items pro-
7 posed to be transferred will have to be replaced
8 and, if so, how the President proposes to pro-
9 vide funds for such replacement.

10 SEC. 8066. To the extent authorized by subchapter
11 VI of chapter 148 of title 10, United States Code, the
12 Secretary of Defense may issue loan guarantees in support
13 of United States defense exports not otherwise provided
14 for: *Provided*, That the total contingent liability of the
15 United States for guarantees issued under the authority
16 of this section may not exceed \$15,000,000,000: *Provided*
17 *further*, That the exposure fees charged and collected by
18 the Secretary for each guarantee shall be paid by the
19 country involved and shall not be financed as part of a
20 loan guaranteed by the United States: *Provided further*,
21 That the Secretary shall provide quarterly reports to the
22 Committees on Appropriations, Armed Services, and For-
23 eign Relations of the Senate and the Committees on Ap-
24 propriations, Armed Services, and International Relations
25 in the House of Representatives on the implementation of

1 this program: *Provided further*, That amounts charged for
2 administrative fees and deposited to the special account
3 provided for under section 2540c(d) of title 10, shall be
4 available for paying the costs of administrative expenses
5 of the Department of Defense that are attributable to the
6 loan guarantee program under subchapter VI of chapter
7 148 of title 10, United States Code.

8 SEC. 8067. None of the funds available to the De-
9 partment of Defense under this Act shall be obligated or
10 expended to pay a contractor under a contract with the
11 Department of Defense for costs of any amount paid by
12 the contractor to an employee when—

13 (1) such costs are for a bonus or otherwise in
14 excess of the normal salary paid by the contractor
15 to the employee; and

16 (2) such bonus is part of restructuring costs as-
17 sociated with a business combination.

18 SEC. 8068. Notwithstanding any other provision of
19 law, none of the funds provided in this Act may be used
20 to pay any fee charged by the Department of State for
21 the purpose of constructing new United States diplomatic
22 facilities.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8069. During the current fiscal year, no more
25 than \$30,000,000 of appropriations made in this Act
26 under the heading “Operation and Maintenance, Defense-

1 Wide” may be transferred to appropriations available for
2 the pay of military personnel, to be merged with, and to
3 be available for the same time period as the appropriations
4 to which transferred, to be used in support of such per-
5 sonnel in connection with support and services for eligible
6 organizations and activities outside the Department of De-
7 fense pursuant to section 2012 of title 10, United States
8 Code.

9 SEC. 8070. During the current fiscal year, in the case
10 of an appropriation account of the Department of Defense
11 for which the period of availability for obligation has ex-
12 pired or which has closed under the provisions of section
13 1552 of title 31, United States Code, and which has a
14 negative unliquidated or unexpended balance, an obliga-
15 tion or an adjustment of an obligation may be charged
16 to any current appropriation account for the same purpose
17 as the expired or closed account if—

18 (1) the obligation would have been properly
19 chargeable (except as to amount) to the expired or
20 closed account before the end of the period of avail-
21 ability or closing of that account;

22 (2) the obligation is not otherwise properly
23 chargeable to any current appropriation account of
24 the Department of Defense; and

1 (3) in the case of an expired account, the obli-
2 gation is not chargeable to a current appropriation
3 of the Department of Defense under the provisions
4 of section 1405(b)(8) of the National Defense Au-
5 thorization Act for Fiscal Year 1991, Public Law
6 101-510, as amended (31 U.S.C. 1551 note): *Pro-*
7 *vided*, That in the case of an expired account, if sub-
8 sequent review or investigation discloses that there
9 was not in fact a negative unliquidated or unex-
10 pended balance in the account, any charge to a cur-
11 rent account under the authority of this section shall
12 be reversed and recorded against the expired ac-
13 count: *Provided further*, That the total amount
14 charged to a current appropriation under this sec-
15 tion may not exceed an amount equal to 1 percent
16 of the total appropriation for that account.

17 SEC. 8071. Funds appropriated in title II of this Act
18 and for the Defense Health Program in title VI of this
19 Act for supervision and administration costs for facilities
20 maintenance and repair, minor construction, or design
21 projects, or any planning studies, environmental assess-
22 ments, or similar activities related to installation support
23 functions, may be obligated at the time the reimbursable
24 order is accepted by the performing activity: *Provided*,

1 That for the purpose of this section, supervision and ad-
2 ministration costs includes all in-house Government cost.

3 SEC. 8072. (a) Notwithstanding any other provision
4 of law, the Chief of the National Guard Bureau may per-
5 mit the use of equipment of the National Guard Distance
6 Learning Project by any person or entity on a space-avail-
7 able, reimbursable basis. The Chief of the National Guard
8 Bureau shall establish the amount of reimbursement for
9 such use on a case-by-case basis.

10 (b) Amounts collected under subsection (a) shall be
11 credited to funds available for the National Guard Dis-
12 tance Learning Project and be available to defray the costs
13 associated with the use of equipment of the project under
14 that subsection. Such funds shall be available for such
15 purposes without fiscal year limitation.

16 SEC. 8073. Using funds available by this Act or any
17 other Act, the Secretary of the Air Force, pursuant to a
18 determination under section 2690 of title 10, United
19 States Code, may implement cost-effective agreements for
20 required heating facility modernization in the
21 Kaiserslautern Military Community in the Federal Repub-
22 lic of Germany: *Provided*, That in the City of
23 Kaiserslautern such agreements will include the use of
24 United States anthracite as the base load energy for mu-
25 nicipal district heat to the United States Defense installa-

1 tions: *Provided further*, That at Landstuhl Army Regional
2 Medical Center and Ramstein Air Base, furnished heat
3 may be obtained from private, regional or municipal serv-
4 ices, if provisions are included for the consideration of
5 United States coal as an energy source.

6 SEC. 8074. None of the funds appropriated in title
7 IV of this Act may be used to procure end-items for deliv-
8 ery to military forces for operational training, operational
9 use or inventory requirements: *Provided*, That this restric-
10 tion does not apply to end-items used in development,
11 prototyping, and test activities preceding and leading to
12 acceptance for operational use: *Provided further*, That this
13 restriction does not apply to programs funded within the
14 National Foreign Intelligence Program: *Provided further*,
15 That the Secretary of Defense may waive this restriction
16 on a case-by-case basis by certifying in writing to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate that it is in the national security
19 interest to do so.

20 SEC. 8075. None of the funds made available in this
21 Act may be used to approve or license the sale of the F-
22 22 advanced tactical fighter to any foreign government.

23 SEC. 8076. (a) The Secretary of Defense may, on a
24 case-by-case basis, waive with respect to a foreign country
25 each limitation on the procurement of defense items from

1 foreign sources provided in law if the Secretary determines
2 that the application of the limitation with respect to that
3 country would invalidate cooperative programs entered
4 into between the Department of Defense and the foreign
5 country, or would invalidate reciprocal trade agreements
6 for the procurement of defense items entered into under
7 section 2531 of title 10, United States Code, and the
8 country does not discriminate against the same or similar
9 defense items produced in the United States for that coun-
10 try.

11 (b) Subsection (a) applies with respect to—

12 (1) contracts and subcontracts entered into on
13 or after the date of the enactment of this Act; and

14 (2) options for the procurement of items that
15 are exercised after such date under contracts that
16 are entered into before such date if the option prices
17 are adjusted for any reason other than the applica-
18 tion of a waiver granted under subsection (a).

19 (c) Subsection (a) does not apply to a limitation re-
20 garding construction of public vessels, ball and roller bear-
21 ings, food, and clothing or textile materials as defined by
22 section 11 (chapters 50–65) of the Harmonized Tariff
23 Schedule and products classified under headings 4010,
24 4202, 4203, 6401 through 6406, 6505, 7019, 7218

1 through 7229, 7304.41 through 7304.49, 7306.40, 7502
2 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

3 SEC. 8077. (a) PROHIBITION.—None of the funds
4 made available by this Act may be used to support any
5 training program involving a unit of the security forces
6 of a foreign country if the Secretary of Defense has re-
7 ceived credible information from the Department of State
8 that the unit has committed a gross violation of human
9 rights, unless all necessary corrective steps have been
10 taken.

11 (b) MONITORING.—The Secretary of Defense, in con-
12 sultation with the Secretary of State, shall ensure that
13 prior to a decision to conduct any training program re-
14 ferred to in subsection (a), full consideration is given to
15 all credible information available to the Department of
16 State relating to human rights violations by foreign secu-
17 rity forces.

18 (c) WAIVER.—The Secretary of Defense, after con-
19 sultation with the Secretary of State, may waive the prohi-
20 bition in subsection (a) if he determines that such waiver
21 is required by extraordinary circumstances.

22 (d) REPORT.—Not more than 15 days after the exer-
23 cise of any waiver under subsection (c), the Secretary of
24 Defense shall submit a report to the congressional defense
25 committees describing the extraordinary circumstances,

1 the purpose and duration of the training program, the
2 United States forces and the foreign security forces in-
3 volved in the training program, and the information relat-
4 ing to human rights violations that necessitates the waiv-
5 er.

6 SEC. 8078. (a) The Secretary of Defense, in coordi-
7 nation with the Secretary of Health and Human Services,
8 may carry out a program to distribute surplus dental and
9 medical equipment of the Department of Defense, at no
10 cost to the Department of Defense, to Indian Health Serv-
11 ice facilities and to federally-qualified health centers (with-
12 in the meaning of section 1905(l)(2)(B) of the Social Se-
13 curity Act (42 U.S.C. 1396d(l)(2)(B))).

14 (b) In carrying out this provision, the Secretary of
15 Defense shall give the Indian Health Service a property
16 disposal priority equal to the priority given to the Depart-
17 ment of Defense and its twelve special screening programs
18 in distribution of surplus dental and medical supplies and
19 equipment.

20 SEC. 8079. None of the funds appropriated or made
21 available in this Act to the Department of the Navy shall
22 be used to develop, lease or procure the T-AKE class of
23 ships unless the main propulsion diesel engines and
24 propulsors are manufactured in the United States by a
25 domestically operated entity: *Provided*, That the Secretary

1 of Defense may waive this restriction on a case-by-case
2 basis by certifying in writing to the Committees on Appro-
3 priations of the House of Representatives and the Senate
4 that adequate domestic supplies are not available to meet
5 Department of Defense requirements on a timely basis
6 and that such an acquisition must be made in order to
7 acquire capability for national security purposes or there
8 exists a significant cost or quality difference.

9 SEC. 8080. None of the funds appropriated or other-
10 wise made available by this or other Department of De-
11 fense Appropriations Acts may be obligated or expended
12 for the purpose of performing repairs or maintenance to
13 military family housing units of the Department of De-
14 fense, including areas in such military family housing
15 units that may be used for the purpose of conducting offi-
16 cial Department of Defense business.

17 SEC. 8081. Notwithstanding any other provision of
18 law, funds appropriated in this Act under the heading
19 “Research, Development, Test and Evaluation, Defense-
20 Wide” for any advanced concept technology demonstration
21 project may only be obligated 30 days after a report, in-
22 cluding a description of the project, the planned acquisi-
23 tion and transition strategy and its estimated annual and
24 total cost, has been provided in writing to the congres-
25 sional defense committees: *Provided*, That the Secretary

1 of Defense may waive this restriction on a case-by-case
2 basis by certifying to the congressional defense committees
3 that it is in the national interest to do so.

4 SEC. 8082. The Secretary of Defense shall provide
5 a classified quarterly report, beginning 30 days after en-
6 actment, to the House and Senate Appropriations Com-
7 mittees, Subcommittees on Defense on certain matters as
8 directed in the classified annex accompanying this Act.

9 SEC. 8083. The amount appropriated in title II for
10 “Operation and Maintenance, Air Force” is hereby re-
11 duced by \$300,000,000 to reflect cash balance and rate
12 stabilization adjustments in the Department of Defense
13 Transportation Working Capital Fund.

14 SEC. 8084. (a) REGISTERING FINANCIAL MANAGE-
15 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
16 CHIEF INFORMATION OFFICER.—None of the funds ap-
17 propriated in this Act may be used for a mission critical
18 or mission essential financial management information
19 technology system (including a system funded by the de-
20 fense working capital fund) that is not registered with the
21 Chief Information Officer of the Department of Defense.
22 A system shall be considered to be registered with that
23 officer upon the furnishing to that officer of notice of the
24 system, together with such information concerning the
25 system as the Secretary of Defense may prescribe. A fi-

1 nancial management information technology system shall
2 be considered a mission critical or mission essential infor-
3 mation technology system as defined by the Under Sec-
4 retary of Defense (Comptroller).

5 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-
6 NANCIAL MANAGEMENT MODERNIZATION PLAN.—

7 (1) During the current fiscal year, a financial
8 management automated information system, a mixed
9 information system supporting financial and non-fi-
10 nancial systems, or a system improvement of more
11 than \$1,000,000 may not receive Milestone A ap-
12 proval, Milestone B approval, or full rate production,
13 or their equivalent, within the Department of De-
14 fense until the Under Secretary of Defense (Comp-
15 troller) certifies, with respect to that milestone, that
16 the system is being developed and managed in ac-
17 cordance with the Department's Financial Manage-
18 ment Modernization Plan. The Under Secretary of
19 Defense (Comptroller) may require additional certifi-
20 cations, as appropriate, with respect to any such sys-
21 tem.

22 (2) The Chief Information Officer shall provide
23 the congressional defense committees timely notifica-
24 tion of certifications under paragraph (1).

1 (c) CERTIFICATIONS AS TO COMPLIANCE WITH
2 CLINGER-COHEN ACT.—

3 (1) During the current fiscal year, a major
4 automated information system may not receive Mile-
5 stone A approval, Milestone B approval, or full rate
6 production approval, or their equivalent, within the
7 Department of Defense until the Chief Information
8 Officer certifies, with respect to that milestone, that
9 the system is being developed in accordance with the
10 Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.).
11 The Chief Information Officer may require addi-
12 tional certifications, as appropriate, with respect to
13 any such system.

14 (2) The Chief Information Officer shall provide
15 the congressional defense committees timely notifica-
16 tion of certifications under paragraph (1). Each
17 such notification shall include, at a minimum, the
18 funding baseline and milestone schedule for each
19 system covered by such a certification and confirma-
20 tion that the following steps have been taken with
21 respect to the system:

22 (A) Business process reengineering.

23 (B) An analysis of alternatives.

24 (C) An economic analysis that includes a
25 calculation of the return on investment.

1 (D) Performance measures.

2 (E) An information assurance strategy
3 consistent with the Department's Global Infor-
4 mation Grid.

5 (d) DEFINITIONS.—For purposes of this section:

6 (1) The term “Chief Information Officer”
7 means the senior official of the Department of De-
8 fense designated by the Secretary of Defense pursu-
9 ant to section 3506 of title 44, United States Code.
10 (2) The term “information technology system”
11 has the meaning given the term “information tech-
12 nology” in section 5002 of the Clinger-Cohen Act of
13 1996 (40 U.S.C. 1401).

14 SEC. 8085. During the current fiscal year, none of
15 the funds available to the Department of Defense may be
16 used to provide support to another department or agency
17 of the United States if such department or agency is more
18 than 90 days in arrears in making payment to the Depart-
19 ment of Defense for goods or services previously provided
20 to such department or agency on a reimbursable basis:
21 *Provided*, That this restriction shall not apply if the de-
22 partment is authorized by law to provide support to such
23 department or agency on a nonreimbursable basis, and is
24 providing the requested support pursuant to such author-
25 ity: *Provided further*, That the Secretary of Defense may

1 waive this restriction on a case-by-case basis by certifying
2 in writing to the Committees on Appropriations of the
3 House of Representatives and the Senate that it is in the
4 national security interest to do so.

5 SEC. 8086. None of the funds provided in this Act
6 may be used to transfer to any nongovernmental entity
7 ammunition held by the Department of Defense that has
8 a center-fire cartridge and a United States military no-
9 menclature designation of “armor penetrator”, “armor
10 piercing (AP)”, “armor piercing incendiary (API)”, or
11 “armor-piercing incendiary-tracer (API-T)”, except to an
12 entity performing demilitarization services for the Depart-
13 ment of Defense under a contract that requires the entity
14 to demonstrate to the satisfaction of the Department of
15 Defense that armor piercing projectiles are either: (1) ren-
16 dered incapable of reuse by the demilitarization process;
17 or (2) used to manufacture ammunition pursuant to a con-
18 tract with the Department of Defense or the manufacture
19 of ammunition for export pursuant to a License for Per-
20 manent Export of Unclassified Military Articles issued by
21 the Department of State.

22 SEC. 8087. Notwithstanding any other provision of
23 law, the Chief of the National Guard Bureau, or his des-
24 ignee, may waive payment of all or part of the consider-
25 ation that otherwise would be required under 10 U.S.C.

1 2667, in the case of a lease of personal property for a
2 period not in excess of 1 year to any organization specified
3 in 32 U.S.C. 508(d), or any other youth, social, or fra-
4 ternal non-profit organization as may be approved by the
5 Chief of the National Guard Bureau, or his designee, on
6 a case-by-case basis.

7 SEC. 8088. None of the funds appropriated by this
8 Act shall be used for the support of any nonappropriated
9 funds activity of the Department of Defense that procures
10 malt beverages and wine with nonappropriated funds for
11 resale (including such alcoholic beverages sold by the
12 drink) on a military installation located in the United
13 States unless such malt beverages and wine are procured
14 within that State, or in the case of the District of Colum-
15 bia, within the District of Columbia, in which the military
16 installation is located: *Provided*, That in a case in which
17 the military installation is located in more than one State,
18 purchases may be made in any State in which the installa-
19 tion is located: *Provided further*, That such local procure-
20 ment requirements for malt beverages and wine shall
21 apply to all alcoholic beverages only for military installa-
22 tions in States which are not contiguous with another
23 State: *Provided further*, That alcoholic beverages other
24 than wine and malt beverages, in contiguous States and

1 the District of Columbia shall be procured from the most
2 competitive source, price and other factors considered.

3 SEC. 8089. Up to \$3,000,000 of the funds appro-
4 priated under the heading “Operation and Maintenance,
5 Navy” in this Act for the Pacific Missile Range Facility
6 may be made available to contract for the repair, mainte-
7 nance, and operation of adjacent off-base water, drainage,
8 and flood control systems, electrical upgrade to support
9 additional missions critical to base operations, and support
10 for a range footprint expansion to further guard against
11 encroachment.

12 SEC. 8090. Funds available to the Department of De-
13 fense for the Global Positioning System during the current
14 fiscal year may be used to fund civil requirements associ-
15 ated with the satellite and ground control segments of
16 such system’s modernization program.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8091. (a) Of the amounts appropriated in this
19 Act under the heading, “Research, Development, Test and
20 Evaluation, Defense-Wide”, \$60,000,000 shall remain
21 available until expended: *Provided*, That notwithstanding
22 any other provision of law, the Secretary of Defense is
23 authorized to transfer such funds to other activities of the
24 Federal Government.

25 (b) Of the amounts appropriated in this Act under
26 the heading, “Operation and Maintenance, Army”,

1 \$210,000,000 shall remain available until expended: *Pro-*
2 *vided*, That notwithstanding any other provision of law,
3 the Secretary of Defense is authorized to transfer such
4 funds to other activities of the Federal Government: *Pro-*
5 *vided further*, That the Secretary of Defense is authorized
6 to enter into and carry out contracts for the acquisition
7 of real property, construction, personal services, and oper-
8 ations related to projects described in further detail in the
9 Classified Annex accompanying the Department of De-
10 fense Appropriations Act, 2005, consistent with the terms
11 and conditions set forth therein: *Provided further*, That
12 contracts entered into under the authority of this section
13 may provide for such indemnification as the Secretary de-
14 termines to be necessary: *Provided further*, That projects
15 authorized by this section shall comply with applicable
16 Federal, State, and local law to the maximum extent con-
17 sistent with the national security, as determined by the
18 Secretary of Defense.

19 SEC. 8092. Section 8106 of the Department of De-
20 fense Appropriations Act, 1997 (titles I through VIII of
21 the matter under subsection 101(b) of Public Law 104–
22 208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall con-
23 tinue in effect to apply to disbursements that are made
24 by the Department of Defense in fiscal year 2005.

1 SEC. 8093. (a) Of the amounts appropriated in this
2 Act under the heading “Research, Development, Test and
3 Evaluation, Navy”, \$107,678,000 shall be available for
4 the construction of the first prototype vessel under the
5 Littoral Combat Ship program.

6 (b) None of the funds provided in this Act may be
7 obligated to prepare a fiscal year 2006 budget request for
8 a third vessel under the Littoral Combat Ship program
9 in fiscal year 2006: *Provided*, That funds for the second
10 vessel shall be for a second source supplier: *Provided fur-*
11 *ther*, That all subsequent ships shall be purchased with
12 “Shipbuilding and Conversion, Navy” funds beginning in
13 fiscal year 2007.

14 SEC. 8094. The total amount appropriated or other-
15 wise made available in this Act is hereby reduced by
16 \$500,000,000 to limit excessive growth in the procure-
17 ment of advisory and assistance services, to be distributed
18 as follows:

19 “Operation and Maintenance, Army”,
20 \$25,000,000;

21 “Operation and Maintenance, Defense-Wide”,
22 \$225,000,000;

23 “Research, Development, Test and Evaluation,
24 Army”, \$50,000,000; and

1 “Research, Development, Test and Evaluation,
2 Defense-Wide”, \$200,000,000.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8095. Of the amounts appropriated in this Act
5 under the heading “Research, Development, Test and
6 Evaluation, Defense-Wide”, \$167,400,000 shall be made
7 available for the Arrow missile defense program: *Provided*,
8 That of this amount, \$80,000,000 shall be available for
9 the purpose of producing Arrow missile components in the
10 United States and Arrow missile components and missiles
11 in Israel to meet Israel’s defense requirements, consistent
12 with each nation’s laws, regulations and procedures: *Pro-*
13 *vided further*, That funds made available under this provi-
14 sion for production of missiles and missile components
15 may be transferred to appropriations available for the pro-
16 curement of weapons and equipment, to be merged with
17 and to be available for the same time period and the same
18 purposes as the appropriation to which transferred: *Pro-*
19 *vided further*, That the transfer authority provided under
20 this provision is in addition to any other transfer authority
21 contained in this Act.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8096. In addition to amounts provided else-
24 where in this Act, \$40,000,000 is hereby appropriated for
25 “Aircraft Procurement, Navy”: *Provided*, That these
26 funds shall be available only for transfer to the Coast

1 Guard for mission essential equipment for Coast Guard
 2 HC-130J aircraft.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8097. Of the amounts appropriated in this Act
 5 under the heading “Shipbuilding and Conversion, Navy”,
 6 \$484,390,000 shall be available until September 30, 2005,
 7 to fund prior year shipbuilding cost increases: *Provided*,
 8 That upon enactment of this Act, the Secretary of the
 9 Navy shall transfer such funds to the following appropria-
 10 tions in the amounts specified: *Provided further*, That the
 11 amounts transferred shall be merged with and be available
 12 for the same purposes as the appropriations to which
 13 transferred:

14 To:

15 Under the heading, “Shipbuilding and
 16 Conversion, Navy, 1996/2005”:

17 LPD-17 Amphibious Transport Dock
 18 Ship Program, \$55,000,000.

19 Under the heading, “Shipbuilding and
 20 Conversion, Navy, 1999/2005”:

21 New SSN, \$10,000,000;

22 LPD-17 Amphibious Transport Dock
 23 Ship Program, \$38,100,000.

24 Under the heading, “Shipbuilding and
 25 Conversion, Navy, 2000/2005”:

1 DDG-51 Destroyer Program,
2 \$44,963,000;

3 LPD-17 Amphibious Transport Dock
4 Ship Program, \$171,681,000.

5 Under the heading, “Shipbuilding and
6 Conversion, Navy, 2001/2005”:

7 DDG-51 Destroyer Program,
8 \$83,316,000;

9 New SSN, \$67,330,000.

10 Under the heading, “Shipbuilding and
11 Conversion, Navy, 2002/2005”:

12 LCAC SLEP, \$2,100,000.

13 Under the heading, “Shipbuilding and
14 Conversion, Navy, 2003/2005”:

15 LCAC SLEP, \$11,900,000.

16 SEC. 8098. None of the funds available to the De-
17 partment of Defense may be obligated to implement any
18 action which alters the command responsibility or perma-
19 nent assignment of forces until 270 days after such plan
20 has been provided to the congressional defense commit-
21 tees.

22 SEC. 8099. Notwithstanding any other provision of
23 law or regulation, the Secretary of Defense may exercise
24 the provisions of 38 U.S.C. 7403(g) for occupations listed
25 in 38 U.S.C. 7403(a)(2) as well as the following:

1 Pharmacists, Audiologists, and Dental Hygien-
2 ists.

3 (A) The requirements of 38 U.S.C.
4 7403(g)(1)(A) shall apply.

5 (B) The limitations of 38 U.S.C.
6 7403(g)(1)(B) shall not apply.

7 SEC. 8100. Funds appropriated in Titles I through
8 VIII of this Act, or made available by the transfer of funds
9 in this Act, for intelligence activities are deemed to be spe-
10 cifically authorized by the Congress for purposes of section
11 504 of the National Security Act of 1947 (50 U.S.C. 414)
12 during fiscal year 2005 until the enactment of the Intel-
13 ligence Authorization Act for Fiscal Year 2005: *Provided*,
14 That funds included in Title IX of this Act, for intelligence
15 activities are deemed to be specifically authorized by the
16 Congress for purposes of section 504 of the National Secu-
17 rity Act of 1947 (50 U.S.C. 414).

18 SEC. 8101. In addition to funds made available else-
19 where in this Act, \$5,500,000 is hereby appropriated and
20 shall remain available until expended to provide assist-
21 ance, by grant or otherwise (such as, but not limited to,
22 the provision of funds for repairs, maintenance, construc-
23 tion, and/or for the purchase of information technology,
24 text books, teaching resources), to public schools that have
25 unusually high concentrations of special needs military de-

pendents enrolled: *Provided*, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: *Provided further*, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): *Provided further*, That up to \$2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: *Provided further*, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept

1 and expend non-Federal funds in combination with these
2 Federal funds to provide assistance for the authorized
3 purpose, if the non-Federal entity requests such assistance
4 and the non-Federal funds are provided on a reimbursable
5 basis.

6 SEC. 8102. None of the funds in this Act may be
7 used to initiate a new start program without 30 days prior
8 written notification to the Office of Secretary of Defense
9 and the congressional defense committees.

10 SEC. 8103. (a) The total amount appropriated or oth-
11 erwise made available in this Act is hereby reduced by
12 \$808,100,000 to reflect excessive unobligated balances, to
13 be distributed as follows:

14 “Operation and Maintenance, Army”,
15 \$160,800,000;

16 “Operation and Maintenance, Navy”,
17 \$171,900,000;

18 “Operation and Maintenance, Marine Corps”,
19 \$15,700,000;

20 “Operation and Maintenance, Air Force”,
21 \$142,400,000; and

22 “Operation and Maintenance, Defense-Wide”,
23 \$317,300,000.

24 (b) The Secretary of Defense shall allocate this re-
25 duction proportionally to each budget activity, activity

1 group, subactivity group, and each program, project, and
2 activity within each applicable appropriation account.

3 SEC. 8104. FINANCING AND FIELDING OF KEY ARMY
4 CAPABILITIES. The Department of Defense and the De-
5 partment of the Army shall make future budgetary and
6 programming plans to fully finance the Non-Line of Sight
7 (NLOS) Future Force cannon and resupply vehicle pro-
8 gram in order to field this system in the 2008 timeframe.
9 As an interim capability to enhance Army lethality, surviv-
10 ability, and mobility for light and medium forces before
11 complete fielding of the Future Force, the Army shall en-
12 sure that budgetary and programmatic plans will provide
13 for no fewer than six Stryker Brigade Combat Teams to
14 be fielded between 2003 and 2008.

15 SEC. 8105. Of the funds made available in this Act,
16 not less than \$87,900,000 shall be available to maintain
17 an attrition reserve force of 18 B-52 aircraft, of which
18 \$3,700,000 shall be available from “Military Personnel,
19 Air Force”, \$55,300,000 shall be available from “Oper-
20 ation and Maintenance, Air Force”, and \$28,900,000
21 shall be available from “Aircraft Procurement, Air Force”:
22 *Provided*, That the Secretary of the Air Force shall main-
23 tain a total force of 94 B-52 aircraft, including 18 attri-
24 tion reserve aircraft, during fiscal year 2005: *Provided fur-*
25 *ther*, That the Secretary of Defense shall include in the

1 Air Force budget request for fiscal year 2006 amounts
2 sufficient to maintain a B-52 force totaling 94 aircraft.

3 SEC. 8106. Of the funds made available under the
4 heading “Operation and Maintenance, Air Force”,
5 \$9,000,000 shall be available to realign railroad track on
6 Elmendorf Air Force Base and Fort Richardson: *Provided*,
7 That of the funds made available under the heading “Op-
8 eration and Maintenance, Air Force”, \$14,000,000 shall
9 be available for engineering and environment studies nec-
10 essary to extend the railroad to Stryker Brigade Combat
11 Team training areas north of Fort Wainwright, Alaska:
12 *Provided further*, That the Secretary of the Air Force is
13 authorized, using funds available under the heading “Op-
14 eration and Maintenance, Air Force”, to complete a
15 phased repair project, which repairs may include upgrades
16 and additions, to the infrastructure of the operational
17 ranges managed by the Air Force in Alaska. The total cost
18 of such phased projects shall not exceed \$32,000,000.

19 (TRANSFER OF FUNDS)

20 SEC. 8107. Of the amounts appropriated in Public
21 Law 107-206 under the heading “Defense Emergency Re-
22 sponse Fund”, an amount up to the fair market value of
23 the leasehold interest in adjacent properties necessary for
24 the force protection requirements of Tooele Army Depot,
25 Utah, may be made available to resolve any property dis-
26 putes associated with Tooele Army Depot, Utah, and to

1 acquire such leasehold interest as required: *Provided*, That
2 none of these funds may be used to acquire fee title to
3 the properties.

4 SEC. 8108. None of the funds appropriated in this
5 Act under the heading “Overseas Contingency Operations
6 Transfer Account” may be transferred or obligated for
7 Department of Defense expenses not directly related to the
8 conduct of overseas contingencies: *Provided*, That the Sec-
9 retary of Defense shall submit a report no later than 30
10 days after the end of each fiscal quarter to the Committees
11 on Appropriations of the Senate and House of Representa-
12 tives that details any transfer of funds from the “Overseas
13 Contingency Operations Transfer Account”: *Provided fur-*
14 *ther*, That the report shall explain any transfer for the
15 maintenance of real property, pay of civilian personnel,
16 base operations support, and weapon, vehicle or equipment
17 maintenance.

18 SEC. 8109. For purposes of section 1553(b) of title
19 31, United States Code, any subdivision of appropriations
20 made in this Act under the heading “Shipbuilding and
21 Conversion, Navy” shall be considered to be for the same
22 purpose as any subdivision under the heading “Ship-
23 building and Conversion, Navy” appropriations in any
24 prior fiscal year, and the 1 percent limitation shall apply
25 to the total amount of the appropriation.

1 SEC. 8110. The budget of the President for fiscal
2 year 2006 submitted to the Congress pursuant to section
3 1105 of title 31, United States Code shall include separate
4 budget justification documents for costs of United States
5 Armed Forces' participation in contingency operations for
6 the Military Personnel accounts, the Operation and Main-
7 tenance accounts, and the Procurement accounts: *Pro-*
8 *vided*, That these documents shall include a description
9 of the funding requested for each contingency operation,
10 for each military service, to include all Active and Reserve
11 components, and for each appropriations account: *Pro-*
12 *vided further*, That these documents shall include esti-
13 mated costs for each element of expense or object class,
14 a reconciliation of increases and decreases for each contin-
15 gency operation, and programmatic data including, but
16 not limited to, troop strength for each Active and Reserve
17 component, and estimates of the major weapons systems
18 deployed in support of each contingency: *Provided further*,
19 That these documents shall include budget exhibits OP-
20 5 and OP-32 (as defined in the Department of Defense
21 Financial Management Regulation) for all contingency op-
22 erations for the budget year and the two preceding fiscal
23 years.

24 SEC. 8111. None of the funds in this Act may be
25 used for research, development, test, evaluation, procure-

1 ment or deployment of nuclear armed interceptors of a
2 missile defense system.

3 SEC. 8112. Notwithstanding any other provision of
4 law, section 2533a(f) of title 10, United States Code, shall
5 not apply to any fish, shellfish, or seafood product. This
6 section applies to contracts and subcontracts for the pro-
7 curement of commercial items notwithstanding section 34
8 of the Office of Federal Procurement Policy Act (41
9 U.S.C. 430).

10 SEC. 8113. Of the amounts provided in title II of this
11 Act under the heading, “Operation and Maintenance, De-
12 fense-Wide”, \$20,000,000 is available for the Regional
13 Defense Counter-terrorism Fellowship Program, to fund
14 the education and training of foreign military officers,
15 ministry of defense civilians, and other foreign security of-
16 ficials, to include United States military officers and civil-
17 ian officials whose participation directly contributes to the
18 education and training of these foreign students.

19 SEC. 8114. None of the funds appropriated or made
20 available in this Act shall be used to reduce or disestablish
21 the operation of the 53rd Weather Reconnaissance Squad-
22 ron of the Air Force Reserve, if such action would reduce
23 the WC-130 Weather Reconnaissance mission below the
24 levels funded in this Act: *Provided*, That the Air Force
25 shall allow the 53rd Weather Reconnaissance Squadron to

1 perform other missions in support of national defense re-
2 quirements during the non-hurricane season.

3 SEC. 8115. (a) Notwithstanding any other provision
4 of law, none of the funds appropriated or otherwise made
5 available in this or any other Act may be obligated for
6 the Terrorism Information Awareness Program: *Provided*,
7 That this limitation shall not apply to the program hereby
8 authorized for Processing, analysis, and collaboration tools
9 for counterterrorism foreign intelligence, as described in
10 the Classified Annex accompanying the Department of De-
11 fense Appropriations Act, 2005, for which funds are ex-
12 pressly provided in the National Foreign Intelligence Pro-
13 gram for counterterrorism foreign intelligence purposes.

14 (b) None of the funds provided for Processing, anal-
15 ysis, and collaboration tools for counterterrorism foreign
16 intelligence shall be available for deployment or implemen-
17 tation except for:

18 (1) lawful military operations of the United
19 States conducted outside the United States; or

20 (2) lawful foreign intelligence activities con-
21 ducted wholly overseas, or wholly against non-United
22 States citizens.

23 (c) In this section, the term “Terrorism Information
24 Awareness Program” means the program known either as
25 Terrorism Information Awareness or Total Information

1 Awareness, or any successor program, funded by the De-
 2 fense Advanced Research Projects Agency, or any other
 3 Department or element of the Federal Government, in-
 4 cluding the individual components of such Program devel-
 5 oped by the Defense Advanced Research Projects Agency.

6 SEC. 8116. (a) The total amount appropriated or oth-
 7 erwise made available in title II of this Act is hereby re-
 8 duced by \$97,331,000 to limit excessive growth in the
 9 travel and transportation of persons.

10 (b) The Secretary of Defense shall allocate this re-
 11 duction proportionally to each budget activity, activity
 12 group, subactivity group, and each program, project, and
 13 activity within each applicable appropriation account.

14 SEC. 8117. (a) Notwithstanding any other provision
 15 of this Act, amounts otherwise provided by this Act in title
 16 I for the following accounts and activities are reduced by
 17 the following amounts:

18 “Military Personnel, Army”, \$2,386,000,000;
 19 “Military Personnel, Navy”, \$2,386,000,000;
 20 “Military Personnel, Air Force”,
 21 \$2,386,000,000;
 22 in all: \$7,158,000,000.

23 (b) In addition to amounts appropriated elsewhere in
 24 this Act there are hereby appropriated the following
 25 amounts for the following accounts:

1 “Military Personnel, Army”, \$2,386,000,000;
2 “Military Personnel, Navy”, \$2,386,000,000;
3 “Military Personnel, Air Force”,
4 \$2,386,000,000;
5 in all: \$7,158,000,000: *Provided*, That the entire amount
6 is designated by the Congress as an emergency require-
7 ment pursuant to section 502 of H. Con. Res. 95, the con-
8 current resolution on the budget for fiscal year 2004: *Pro-*
9 *vided further*, That the entire amount shall be available
10 only to the extent that an official budget request for
11 \$7,158,000,000, that includes designation of the entire
12 amount of the request as an emergency requirement as
13 defined in H. Con. Res. 95, the concurrent resolution on
14 the budget for fiscal year 2004, is transmitted by the
15 President to the Congress.

16 SEC. 8118. Up to \$3,000,000 of the funds appro-
17 priated under the heading, “Operation and Maintenance,
18 Navy” in this Act may be made available to contract for
19 the installation, repair, maintenance, and operation of on-
20 base and adjacent off-base drainage and flood control sys-
21 tems critical to base operations and the public health and
22 safety of community residents in the vicinity of the Naval
23 Magazine Lualualei.

24 SEC. 8119. The Secretary of the Navy may settle,
25 or compromise, and pay any and all admiralty claims

1 under 10 U.S.C. 7622 arising out of the collision involving
 2 the U.S.S. GREENEVILLE and the EHIME MARU, in
 3 any amount and without regard to the monetary limita-
 4 tions in subsections (a) and (b) of that section: *Provided*,
 5 That such payments shall be made from funds available
 6 to the Department of the Navy for operation and mainte-
 7 nance.

8 SEC. 8120. From funds provided under the heading
 9 “Operation and Maintenance, Navy”, the Secretary of the
 10 Navy may make a grant in the amount of \$3,000,000 to
 11 the Chicago Public Schools for establishment of a Naval
 12 Military Academy High School, Chicago, Illinois, in part-
 13 nership with the Great Lakes Naval Training Center.

14 TITLE IX

15 CONTINGENT EMERGENCY RESERVE FUND

16 IRAQ FREEDOM FUND

17 (INCLUDING TRANSFER OF FUNDS)

18 For “Iraq Freedom Fund”, \$25,000,000,000, avail-
 19 able upon enactment, and to remain available for transfer
 20 until September 30, 2006, only to support operations in
 21 Iraq or Afghanistan: *Provided*, That the entire amount is
 22 designated by the Congress as an emergency requirement
 23 pursuant to section 502 of H. Con. Res. 95, the concur-
 24 rent resolution on the budget for fiscal year 2004: *Pro-*
 25 *vided further*, That the funds made available under this

1 heading shall be available only to the extent that an offi-
2 cial budget request for all or part of the funds is trans-
3 mitted by the President to the Congress and includes des-
4 ignation of the amount of that request as an emergency
5 and essential to support activities and agencies in Iraq or
6 Afghanistan: *Provided further*, That amounts provided
7 under this heading shall be available for transfer for the
8 following activities:

9 Not less than \$14,000,000,000 for “Operation
10 and Maintenance, Army”;

11 Not less than \$500,000,000 for “Operation and
12 Maintenance, Navy”;

13 Not less than \$2,200,000,000 for “Operation
14 and Maintenance, Marine Corps”;

15 Not less than \$200,000,000 for “Operation and
16 Maintenance, Air Force”;

17 Not less than \$695,400,000 for “Operation and
18 Maintenance, Defense-Wide”;

19 Not less than \$1,750,000,000 for procurement
20 accounts for the purposes of improving Army force
21 protection, accelerating Army modularity, and pro-
22 curing essential Army equipment and munitions;

23 Not less than \$554,000,000 for procurement
24 accounts for the purposes of improving Marine

1 Corps force protection, and procuring essential Navy
2 and Marine Corps equipment and munitions;

3 Not less than \$746,000,000 for “Defense
4 Health Program”, to include contracts entered into
5 under the TRICARE program, notwithstanding re-
6 strictions contained elsewhere in this Act;

7 \$1,250,000,000 only for classified programs de-
8 scribed in further detail in the classified annex ac-
9 companying this Act;

10 Not less than \$100,000,000 for “Operation and
11 Maintenance, Army” for the purposes of securing
12 and destroying conventional munitions in Iraq;

13 Not less than \$504,600,000 for military per-
14 sonnel accounts;

15 Up to \$740,000,000 for “Defense Working
16 Capital Funds” for increased fuel costs;

17 Up to \$100,000,000 for “National Guard and
18 Reserve Equipment”;

19 Up to \$100,000,000 for the Department of
20 Homeland Security, “United States Coast Guard,
21 Operating Expenses”:

22 *Provided further*, That in addition to the transfers author-
23 ized in the preceding proviso, the Secretary of Defense
24 may transfer the funds provided herein to appropriations
25 for military personnel; operation and maintenance; “Over-

1 seas Humanitarian, Disaster Assistance, and Civic Aid”;
 2 procurement; research, development, test and evaluation;
 3 “Defense Working Capital Funds”; and “Defense Health
 4 Program”: *Provided further*, That the funds transferred
 5 under this heading shall be merged with and shall be avail-
 6 able for the same purposes and for the same time period,
 7 as the appropriation to which transferred: *Provided fur-*
 8 *ther*, That the transfer authority provided in this para-
 9 graph is in addition to any other transfer authority avail-
 10 able to the Department of Defense: *Provided further*, That
 11 upon a determination that all or part of the funds trans-
 12 ferred from this appropriation are not necessary for the
 13 purposes provided herein, such amounts may be trans-
 14 ferred back to this appropriation: *Provided further*, That
 15 the Secretary of Defense shall, not fewer than 5 days prior
 16 to making transfers from this appropriation, notify the
 17 congressional defense committees in writing of the details
 18 of any such transfer: *Provided further*, That the Secretary
 19 of Defense shall submit a report no later than 30 days
 20 after the end of each fiscal quarter to the congressional
 21 defense committees summarizing the details of the trans-
 22 fer of funds from this appropriation.

23 GENERAL PROVISIONS, TITLE IX

24 SEC. 9001. During the current fiscal year, funds
 25 available to the Department of Defense for operation and

1 maintenance may be used, notwithstanding any other pro-
2 vision of law, to provide supplies, services, transportation,
3 including airlift and sealift, and other logistical support
4 to coalition forces supporting military and stability oper-
5 ations in Iraq and Afghanistan: *Provided*, That the Sec-
6 retary of Defense shall provide quarterly reports to the
7 congressional defense committees regarding support pro-
8 vided under this section.

9 SEC. 9002. Notwithstanding any other provision of
10 law, from funds made available in this Act to the Depart-
11 ment of Defense under the heading “Operation and Main-
12 tenance, Defense-Wide”, not to exceed \$250,000,000 may
13 be used by the Secretary of Defense, with the concurrence
14 of the Secretary of State, to provide assistance only to the
15 New Iraqi Army and the Afghan National Army to en-
16 hance their capability to combat terrorism and to support
17 U.S. military operations in Iraq and Afghanistan: *Pro-*
18 *vided*, That such assistance may include the provision of
19 equipment, supplies, services, training and funding: *Pro-*
20 *vided further*, That the authority to provide assistance
21 under this section is in addition to any other authority
22 to provide assistance to foreign nations: *Provided further*,
23 That the Secretary of Defense shall notify the congres-
24 sional defense committees not less than 15 days before
25 providing assistance under the authority of this section.

1 SEC. 9003. During the current fiscal year, from
2 funds made available in this Act to the Department of De-
3 fense for operation and maintenance, not to exceed
4 \$300,000,000 may be used, notwithstanding any other
5 provision of law, to fund the Commander's Emergency Re-
6 sponse Program, established by the Administrator of the
7 Coalition Provisional Authority for the purpose of enabling
8 military commanders in Iraq to respond to urgent humani-
9 tarian relief and reconstruction requirements within their
10 areas of responsibility by carrying out programs that will
11 immediately assist the Iraqi people, and to fund a similar
12 program to assist the people of Afghanistan: *Provided*,
13 That the Secretary of Defense shall provide quarterly re-
14 ports to the congressional defense committees regarding
15 the source of funds and the allocation and use of funds
16 made available pursuant to the authority provided in this
17 section.

18 SEC. 9004. Section 202(b) of the Afghanistan Free-
19 dom Support Act of 2002 (Public Law 107–327, as
20 amended by section 2206 of Public Law 108–106) is
21 amended by striking “\$450,000,000” and inserting in lieu
22 of thereof “\$550,000,000”.

23 SEC. 9005. None of the funds provided in this title
24 may be used to finance programs or activities denied by
25 Congress in fiscal years 2004 and 2005 appropriations to

1 the Department of Defense or to initiate a procurement
2 or research, development, test and evaluation new start
3 program without 30 days prior written notification to the
4 congressional defense committees.

5 This Act may be cited as the “Department of Defense
6 Appropriations Act, 2005”.

Calendar No. 593

108TH CONGRESS
2D Session

S. 2559

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and for other purposes.

JUNE 22, 2004

Read twice and placed on the calendar