

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ronald W. Reagan  
3 National Defense Authorization Act for Fiscal Year  
4 2005”.

5 **SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF**  
6 **CONTENTS.**

7 (a) DIVISIONS.—This Act is organized into three divi-  
8 sions as follows:

9 (1) Division A—Department of Defense Au-  
10 thorizations.

11 (2) Division B—Military Construction Author-  
12 izations.

13 (3) Division C—Department of Energy Na-  
14 tional Security Authorizations and Other Authoriza-  
15 tions.

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE**  
**AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

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- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.

**Subtitle B—Army Programs**



- Sec. 111. Multiyear procurement authority for the light weight 155–millimeter howitzer program.
- Sec. 112. Light utility helicopter program.

### **Subtitle C—Navy Programs**

- Sec. 121. DDG–51 modernization program.
- Sec. 122. Repeal of authority for pilot program for flexible funding of cruiser conversions and overhauls.
- Sec. 123. LHA(R) amphibious assault ship program.

### **Subtitle D—Air Force Programs**

- Sec. 131. Prohibition of retirement of KC–135E aircraft.
- Sec. 132. Prohibition of retirement of F–117 aircraft.
- Sec. 133. Aerial refueling aircraft acquisition program.

### **Subtitle E—Other Matters**

- Sec. 141. Development of deployable systems to include consideration of force protection in asymmetric threat environments.
- Sec. 142. Allocation of equipment authorized by this title to units deployed, or to be deployed, to Operation Iraqi Freedom or Operation Enduring Freedom.
- Sec. 143. Report on options for acquisition of precision-guided munitions.

## **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

### **Subtitle A—Authorization of Appropriations**

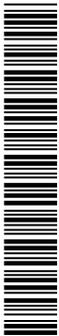
- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for defense science and technology.

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- Sec. 211. Future Combat Systems program strategy.
- Sec. 212. Collaborative program for research and development of vacuum electronics technologies.
- Sec. 213. Annual Comptroller General report on Joint Strike Fighter program.
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- Sec. 231. Fielding of ballistic missile defense capabilities.
- Sec. 232. Integration of Patriot Advanced Capability-3 and Medium Extended Air Defense System into ballistic missile defense system.
- Sec. 233. Comptroller General assessments of ballistic missile defense programs.
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- Sec. 242. Sense of Congress regarding funding of the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy.

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- Sec. 311. Satisfaction of Superfund audit requirements by Inspector General of the Department of Defense.
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- Sec. 313. Increase in authorized amount of environmental remediation, Front Royal, Virginia.
- Sec. 314. Small boat harbor, Unalaska, Alaska.
- Sec. 315. Report regarding encroachment issues affecting Utah Test and Training Range, Utah.
- Sec. 316. Comptroller General study and report on alternative technologies to decontaminate groundwater at Department of Defense installations.
- Sec. 317. Comptroller General study and report on drinking water contamination and related health effects at Camp Lejeune, North Carolina.
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- Sec. 324. Temporary authority for contractor performance of security-guard functions.
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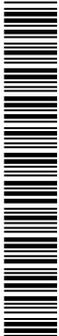
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- Sec. 502. Repeal of requirement that Deputy Chiefs and Assistant Chiefs of Naval Operations be selected from officers in the line of the Navy.
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- Sec. 528. Sense of Congress on guidance concerning treatment of employer-provided compensation and other benefits voluntarily provided to employees who are activated Reservists.

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- Sec. 663. Receipt of pay by reservists from civilian employers while on active duty in connection with a contingency operation.
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- Sec. 665. Survey and analysis of effect of extended and frequent mobilization of reservists for active duty service on reservist income.
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- Sec. 1092. Actions to prevent the abuse of detainees.
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- Sec. 1094. Findings and sense of Congress concerning Army Specialist Joseph Darby.

#### **TITLE XI—CIVILIAN PERSONNEL MATTERS**

- Sec. 1101. Payment of Federal employee health benefit premiums for mobilized Federal employees.
- Sec. 1102. Foreign language proficiency pay.
- Sec. 1103. Pay and performance appraisal parity for civilian intelligence personnel.
- Sec. 1104. Pay parity for senior executives in defense nonappropriated fund instrumentalities.
- Sec. 1105. Science, mathematics, and research for transformation (SMART) defense scholarship pilot program.
- Sec. 1106. Report on how to recruit and retain individuals with foreign language skills.
- Sec. 1107. Plan on implementation and utilization of flexible personnel management authorities in Department of Defense laboratories.

#### **TITLE XII—MATTERS RELATING TO OTHER NATIONS**

##### **Subtitle A—Matters Relating to Iraq, Afghanistan, and Global War on Terrorism**

- Sec. 1201. Commanders' Emergency Response Program.
- Sec. 1202. Assistance to Iraq and Afghanistan military and security forces.
- Sec. 1203. Redesignation and modification of authorities relating to Inspector General of the Coalition Provisional Authority.
- Sec. 1204. Presidential report on strategy for stabilization of Iraq.
- Sec. 1205. Guidance on contractors supporting deployed forces in Iraq.
- Sec. 1206. Report on contractors supporting deployed forces and reconstruction efforts in Iraq.
- Sec. 1207. United Nations Oil-for-Food Program.
- Sec. 1208. Support of military operations to combat terrorism.

##### **Subtitle B—Counterproliferation Matters**

- Sec. 1211. Defense international counterproliferation programs.
- Sec. 1212. Policy and sense of Congress on nonproliferation of ballistic missiles.
- Sec. 1213. Sense of Congress on the global partnership against the spread of weapons of mass destruction.
- Sec. 1214. Report on collaborative measures to reduce the risks of a launch of Russian nuclear weapons.

##### **Subtitle C—Other Matters**

- Sec. 1221. Authority for humanitarian assistance for the detection and clearance of landmines extended to include other explosive remnants of war.
- Sec. 1222. Expansion of entities of the People's Republic of China subject to certain presidential authorities when operating in the United States.
- Sec. 1223. Assignment of NATO naval personnel to submarine safety programs.



- Sec. 1224. Availability of Warsaw Initiative Funds for new NATO members.
- Sec. 1225. Bilateral exchanges and trade in defense articles and defense services between the United States and the United Kingdom and Australia.
- Sec. 1226. Study on missile defense cooperation.

### **TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION**

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia.
- Sec. 1304. Inclusion of descriptive summaries in annual Cooperative Threat Reduction reports and budget justification materials.

### **TITLE XIV—SUNKEN MILITARY CRAFT**

- Sec. 1401. Preservation of title to sunken military craft and associated contents.
- Sec. 1402. Prohibitions.
- Sec. 1403. Permits.
- Sec. 1404. Penalties.
- Sec. 1405. Liability for damages.
- Sec. 1406. Relationship to other laws.
- Sec. 1407. Encouragement of agreements with foreign countries.
- Sec. 1408. Definitions.

### **TITLE XV—AUTHORIZATION FOR INCREASED COSTS DUE TO OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM**

- Sec. 1501. Purpose.
- Sec. 1502. Army procurement.
- Sec. 1503. Navy and Marine Corps procurement.
- Sec. 1504. Defense-wide activities procurement.
- Sec. 1505. Operation and maintenance.
- Sec. 1506. Defense working capital funds.
- Sec. 1507. Iraq Freedom Fund.
- Sec. 1508. Defense health program.
- Sec. 1509. Military personnel.
- Sec. 1510. Treatment as additional authorizations.
- Sec. 1511. Transfer authority.

## **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

- Sec. 2001. Short title.

### **TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.



Sec. 2105. Modification of authority to carry out certain fiscal year 2004 projects.

Sec. 2106. Modification of authority to carry out certain fiscal year 2003 project.

#### **TITLE XXII—NAVY**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

#### **TITLE XXIII—AIR FORCE**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

#### **TITLE XXIV—DEFENSE AGENCIES**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Improvements to military family housing units.

Sec. 2403. Energy conservation projects.

Sec. 2404. Authorization of appropriations, Defense Agencies.

#### **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

#### **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

#### **TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 2002 projects.

Sec. 2703. Extension and renewal of authorizations of certain fiscal year 2001 projects.

#### **TITLE XXVIII—GENERAL PROVISIONS**

##### **Subtitle A—Military Construction Program and Military Family Housing Changes**

Sec. 2801. Modification of approval and notice requirements for facility repair projects.

Sec. 2802. Reporting requirements regarding military family housing requirements for general officers and flag officers.

Sec. 2803. Congressional notification of deviations from authorized cost variations for military construction projects and military family housing projects.



- Sec. 2804. Assessment of vulnerability of military installations to terrorist attack and annual report on military construction requirements related to antiterrorism and force protection.
- Sec. 2805. Repeal of limitations on use of alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Additional reporting requirements relating to alternative authority for acquisition and improvement of military housing.
- Sec. 2807. Temporary authority to accelerate design efforts for military construction projects carried out using design-build selection procedures.
- Sec. 2808. Notification thresholds and requirements for expenditures or contributions for acquisition of facilities for reserve components.
- Sec. 2809. Authority to exchange reserve component facilities to acquire replacement facilities.
- Sec. 2810. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2811. Consideration of combination of military medical treatment facilities and health care facilities of Department of Veterans Affairs.

#### **Subtitle B—Real Property and Facilities Administration**

- Sec. 2821. Reorganization of existing administrative provisions relating to real property transactions.
- Sec. 2822. Development of Heritage Center for the National Museum of the United States Army.
- Sec. 2823. Elimination of reversionary interests clouding United States title to property used as Navy homeports.

#### **Subtitle C—Base Closure and Realignment**

- Sec. 2831. Establishment of specific deadline for submission of revisions to force-structure plan and infrastructure inventory.
- Sec. 2832. Specification of final selection criteria for 2005 base closure round.
- Sec. 2833. Repeal of authority of Secretary of Defense to recommend that installations be placed in inactive status.
- Sec. 2834. Voting requirements for Defense Base Closure and Realignment Commission to add to or otherwise expand closure and realignment recommendations made by Secretary of Defense.

#### **Subtitle D—Land Conveyances**

##### **PART I—ARMY CONVEYANCES**

- Sec. 2841. Land conveyance, Sunflower Army Ammunition Plant, Kansas.
- Sec. 2842. Land exchange, Fort Campbell, Kentucky and Tennessee.
- Sec. 2843. Land conveyance, Louisiana Army Ammunition Plant, Doyline, Louisiana.
- Sec. 2844. Land conveyance, Fort Leonard Wood, Missouri.
- Sec. 2845. Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio.
- Sec. 2846. Jurisdiction and utilization of former public domain lands, Umatilla Chemical Depot, Oregon.
- Sec. 2847. Modification of authority for land conveyance, equipment and storage yard, Charleston, South Carolina.
- Sec. 2848. Land conveyance, Fort Hood, Texas.



- Sec. 2849. Land conveyance, local training area for Browning Army Reserve Center, Utah.
- Sec. 2850. Land conveyance, Army Reserve Center, Hampton, Virginia.
- Sec. 2851. Land conveyance, Army National Guard Facility, Seattle, Washington.
- Sec. 2852. Modification of land exchange and consolidation, Fort Lewis, Washington.

#### PART II—NAVY CONVEYANCES

- Sec. 2861. Land exchange, former Richmond Naval Air Station, Florida.
- Sec. 2862. Land conveyance, Honolulu, Hawaii.
- Sec. 2863. Land conveyance, Navy property, former Fort Sheridan, Illinois.
- Sec. 2864. Land exchange, Naval Air Station, Patuxent River, Maryland.
- Sec. 2865. Modification of land acquisition authority, Perquimans County, North Carolina.
- Sec. 2866. Land conveyance, Naval Weapons Station, Charleston, South Carolina.
- Sec. 2867. Land conveyance, Navy YMCA building, Portsmouth, Virginia.

#### PART III—AIR FORCE CONVEYANCES

- Sec. 2871. Land exchange, Maxwell Air Force Base, Alabama.
- Sec. 2872. Land conveyance, March Air Force Base, California.
- Sec. 2873. Land conveyance, former Griffiss Air Force Base, New York.

#### PART IV—OTHER CONVEYANCES

- Sec. 2881. Land exchange, Arlington County, Virginia.

#### **Subtitle E—Other Matters**

- Sec. 2891. One-year resumption of Department of Defense Laboratory Revitalization Demonstration Program.
- Sec. 2892. Designation of Airmen Leadership School at Luke Air Force Base, Arizona, in honor of John J. Rhodes, a former minority leader of the House of Representatives.
- Sec. 2893. Settlement of claim of Oakland Base Reuse Authority and Redevelopment Agency.
- Sec. 2894. Report on establishment of mobilization station at Camp Ripley National Guard Training Center, Little Falls, Minnesota.
- Sec. 2895. Report on feasibility of establishment of veterans memorial at Marine Corps Air Station, El Toro, California.
- Sec. 2896. Sense of Congress regarding effect of military housing policies and force structure and basing changes on local educational agencies.
- Sec. 2897. Sense of Congress and study regarding memorial honoring non-United States citizens killed in the line of duty while serving in the United States Armed Forces.



**DIVISION C—DEPARTMENT OF ENERGY  
NATIONAL SECURITY AUTHORIZA-  
TIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL  
SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.

**Subtitle B—Program Authorizations, Restrictions, and  
Limitations**

- Sec. 3111. Report on requirements for Modern Pit Facility.
- Sec. 3112. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3113. Limited authority to carry out new projects under Facilities and Infrastructure Recapitalization Program after project selection deadline.
- Sec. 3114. Modification of milestone and report requirements for National Ignition Facility.
- Sec. 3115. Modification of submittal date of annual plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
- Sec. 3116. Defense site acceleration completion.
- Sec. 3117. Treatment of waste material.
- Sec. 3118. Local stakeholder organizations for 2006 closure sites.
- Sec. 3119. Report to Congress on Advanced Nuclear Weapons Concepts Initiative.

**Subtitle C—Proliferation Matters**

- Sec. 3131. Modification of authority to use International Nuclear Materials Protection and Cooperation Program funds outside the former Soviet Union.
- Sec. 3132. Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3133. Silk Road Initiative.
- Sec. 3134. Nuclear nonproliferation fellowships for scientists employed by United States and Russian Federation.
- Sec. 3135. Utilization of international contributions to the elimination of weapons grade plutonium production program.

**Subtitle D—Other Matters**

- Sec. 3141. Indemnification of Department of Energy contractors.
- Sec. 3142. Report on maintenance of retirement benefits for certain workers at 2006 closure sites after closure of sites.
- Sec. 3143. Report on efforts of National Nuclear Security Administration to understand plutonium aging.



- Sec. 3144. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
- Sec. 3145. Review of Waste Isolation Pilot Plant, New Mexico, pursuant to competitive contract.
- Sec. 3146. National Academy of Sciences study on management by Department of Energy of certain radioactive waste streams.
- Sec. 3147. Compensation of Pajarito Plateau, New Mexico, homesteaders for acquisition of lands for Manhattan Project in World War II.
- Sec. 3148. Modification of requirements relating to conveyances and transfer of certain land at Los Alamos National Laboratory, New Mexico.

**Subtitle E—Energy Employees Occupational Illness  
Compensation Program**

- Sec. 3161. Contractor employee compensation.
- Sec. 3162. Conforming amendments.
- Sec. 3163. Technical amendments.
- Sec. 3164. Transfer of funds for fiscal year 2005.
- Sec. 3165. Use of Energy Employees Occupational Illness Compensation Fund for certain payments to covered uranium employees.
- Sec. 3166. Improvements to Subtitle B of Energy Employees Occupational Illness Compensation Program Act of 2000.
- Sec. 3167. Emergency Special Exposure Cohort meeting and report.
- Sec. 3168. Coverage of individuals employed at atomic weapons employer facilities during periods of residual contamination.
- Sec. 3169. Update of report on residual contamination of facilities.
- Sec. 3170. Sense of Congress on resource center for energy employees under Energy Employee Occupational Illness Compensation Program in western New York and western Pennsylvania region.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY  
BOARD**

- Sec. 3201. Authorization.

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

- Sec. 3301. Authorized uses of National Defense Stockpile funds.
- Sec. 3302. Revision of earlier authority to dispose of certain materials in National Defense Stockpile.
- Sec. 3303. Disposal of ferromanganese.
- Sec. 3304. Prohibition on storage of mercury at certain facilities.

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

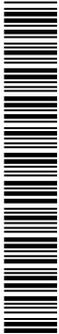
- Sec. 3401. Authorization of appropriations.

**TITLE XXXV—MARITIME ADMINISTRATION**

- Sec. 3501. Authorization of appropriations for Maritime Administration.
- Sec. 3502. Extension of authority to provide war risk insurance for merchant marine vessels.
- Sec. 3503. Modification of priority afforded applications for national defense tank vessel construction assistance.

**TITLE XXXVI—ASSISTANCE TO FIREFIGHTERS**

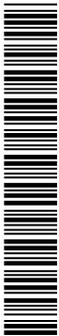
- Sec. 3601. Short title.



Sec. 3602. Amendments to Federal Fire Prevention and Control Act of 1974.  
Sec. 3603. Report on assistance to firefighters.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 For purposes of this Act, the term “congressional de-  
3 fense committees” has the meaning given that term in sec-  
4 tion 101(a)(16) of title 10, United States Code.



1     **DIVISION A—DEPARTMENT OF**  
2     **DEFENSE AUTHORIZATIONS**  
3     **TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

- Sec. 101. Army.  
Sec. 102. Navy and Marine Corps.  
Sec. 103. Air Force.  
Sec. 104. Defense-wide activities.

**Subtitle B—Army Programs**

- Sec. 111. Multiyear procurement authority for the light weight 155-millimeter  
          howitzer program.  
Sec. 112. Light utility helicopter program.

**Subtitle C—Navy Programs**

- Sec. 121. DDG-51 modernization program.  
Sec. 122. Repeal of authority for pilot program for flexible funding of cruiser  
          conversions and overhauls.  
Sec. 123. LHA(R) amphibious assault ship program.

**Subtitle D—Air Force Programs**

- Sec. 131. Prohibition of retirement of KC-135E aircraft.  
Sec. 132. Prohibition of retirement of F-117 aircraft.  
Sec. 133. Aerial refueling aircraft acquisition program.

**Subtitle E—Other Matters**

- Sec. 141. Development of deployable systems to include consideration of force  
          protection in asymmetric threat environments.  
Sec. 142. Allocation of equipment authorized by this title to units deployed,  
          or to be deployed, to Operation Iraqi Freedom or Operation  
          Enduring Freedom.  
Sec. 143. Report on options for acquisition of precision-guided munitions.

4     **Subtitle A—Authorization of**  
5     **Appropriations**

6     **SEC. 101. ARMY.**

7         Funds are hereby authorized to be appropriated for  
8     fiscal year 2005 for procurement for the Army as follows:

- 9             (1) For aircraft, \$2,611,540,000.  
10            (2) For missiles, \$1,307,000,000.



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1 (3) For weapons and tracked combat vehicles,  
2 \$1,702,695,000.

3 (4) For ammunition, \$1,545,702,000.

4 (5) For other procurement, \$4,345,246,000.

5 **SEC. 102. NAVY AND MARINE CORPS.**

6 (a) NAVY.—Funds are hereby authorized to be appro-  
7 priated for fiscal year 2005 for procurement for the Navy  
8 as follows:

9 (1) For aircraft, \$8,814,442,000.

10 (2) For weapons, including missiles and tor-  
11 pedoes, \$2,067,520,000.

12 (3) For shipbuilding and conversion,  
13 \$10,116,827,000.

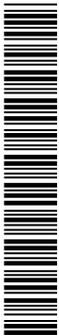
14 (4) For other procurement, \$4,633,886,000.

15 (b) MARINE CORPS.—Funds are hereby authorized to  
16 be appropriated for fiscal year 2005 for procurement for  
17 the Marine Corps in the amount of \$1,268,453,000.

18 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
19 are hereby authorized to be appropriated for fiscal year  
20 2005 for procurement of ammunition for the Navy and  
21 the Marine Corps in the amount of \$878,140,000.

22 **SEC. 103. AIR FORCE.**

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2005 for procurement for the Air Force as fol-  
25 lows:



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- 1 (1) For aircraft, \$13,228,124,000.
- 2 (2) For ammunition, \$1,318,959,000.
- 3 (3) For missiles, \$4,548,513,000.
- 4 (4) For other procurement, \$12,949,327,000.

5 **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2005 for Defense-wide procurement in the  
8 amount of \$2,846,583,000.

9 **Subtitle B—Army Programs**

10 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**

11 **LIGHT WEIGHT 155-MILLIMETER HOWITZER**

12 **PROGRAM.**

13 The Secretary of the Army and the Secretary of the  
14 Navy may, in accordance with section 2306b of title 10,  
15 United States Code, jointly enter into a multiyear con-  
16 tract, beginning with the fiscal year 2005 program year,  
17 for procurement of the light weight 155-millimeter how-  
18 itzer.

19 **SEC. 112. LIGHT UTILITY HELICOPTER PROGRAM.**

20 (a) **LIMITATION.**—None of the funds authorized to  
21 be appropriated under section 101(1) for the procurement  
22 of light utility helicopters may be obligated or expended  
23 until 30 days after the date on which the Secretary of  
24 the Army submits to the congressional defense committees  
25 a report that contains—



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1 (1) the Secretary's certification that all re-  
2 quired documentation for the acquisition of light  
3 utility helicopters has been completed and approved;  
4 and

5 (2) an Army aviation modernization plan de-  
6 scribed in subsection (b).

7 (b) ARMY AVIATION MODERNIZATION PLAN.—The  
8 Army aviation modernization plan referred to in sub-  
9 section (a)(2) is an updated modernization plan for Army  
10 aviation that contains, at a minimum, the following:

11 (1) The analysis on which the plan is based.

12 (2) A discussion of the Secretary's decision to  
13 terminate the Comanche helicopter program and to  
14 restructure the aviation force of the Army.

15 (3) The actions taken or to be taken to accel-  
16 erate the procurement and development of aircraft  
17 survivability equipment for Army aircraft, together  
18 with a detailed list of aircraft survivability equip-  
19 ment that specifies such equipment by platform and  
20 by the related programmatic funding for procure-  
21 ment.

22 (4) A discussion of the conversion of Apache  
23 helicopters to block III configuration, including (A)  
24 the rationale for converting only 501 Apache heli-  
25 copters to that configuration, and (B) the costs as-



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1       sociated with a conversion of all Apache helicopters  
2       to the block III configuration.

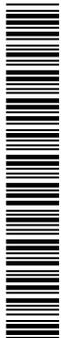
3           (5) A discussion of the procurement of light  
4       armed reconnaissance helicopters, including (A) the  
5       rationale for the requirement for light armed recon-  
6       naissance helicopters, and (B) a discussion of the  
7       costs associated with upgrading the light armed re-  
8       connaissance helicopter to meet Army requirements.

9           (6) The rationale for the Army's requirement  
10      for light utility helicopters, together with a summary  
11      and copy of the analysis of the alternative means for  
12      meeting such requirement that the Secretary consid-  
13      ered in the determination to procure light utility hel-  
14      icopters, including, at a minimum, the analysis of  
15      the alternative of using light armed reconnaissance  
16      helicopters and UH-60 Black Hawk helicopters in-  
17      stead of light utility helicopters to meet such re-  
18      quirement.

19          (7) The rationale for the procurement of cargo  
20      fixed-wing aircraft.

21          (8) The rationale for the initiation of a joint  
22      multi-role helicopter program.

23          (9) A description of the operational employment  
24      of the Army's restructured aviation force.



1           **Subtitle C—Navy Programs**

2   **SEC. 121. DDG-51 MODERNIZATION PROGRAM.**

3           (a) ACCELERATION OF MODERNIZATION PRO-  
4 GRAM.—The Secretary of the Navy shall accelerate the  
5 program for in-service modernization of the DDG-51 class  
6 of destroyers (in this section referred to as the “mod-  
7 ernization program”).

8           (b) REPORT.—Not later than March 31, 2005, the  
9 Secretary of the Navy shall submit to the congressional  
10 defense committees a report on the steps taken as of that  
11 date to carry out subsection (a). The report shall—

12                 (1) describe the elements of the modernization  
13 program; and

14                 (2) specify those elements of the modernization  
15 program that are expected to contribute to the goal  
16 of reducing the crew size of the DDG-51 class of de-  
17 stroyers by one-third and explain the basis for those  
18 expectations.

19   **SEC. 122. REPEAL OF AUTHORITY FOR PILOT PROGRAM**

20                         **FOR FLEXIBLE FUNDING OF CRUISER CON-**  
21                         **VERSIONS AND OVERHAULS.**

22           Section 126 of the National Defense Authorization  
23 Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat.  
24 1410; 10 U.S.C. 7291 note) is repealed.



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1 **SEC. 123. LHA(R) AMPHIBIOUS ASSAULT SHIP PROGRAM.**

2 (a) AUTHORIZATION OF SHIP.—The Secretary of the  
3 Navy is authorized to procure the first amphibious assault  
4 ship of the LHA(R) class, subject to the availability of  
5 appropriations for that purpose.

6 (b) AUTHORIZED AMOUNT.—Of the amount author-  
7 ized to be appropriated under section 102(a)(3) for fiscal  
8 year 2005, \$150,000,000 shall be available for the ad-  
9 vance procurement and advance construction of compo-  
10 nents for the first amphibious assault ship of the LHA(R)  
11 class. The Secretary of the Navy may enter into a contract  
12 or contracts with the shipbuilder and other entities for the  
13 advance procurement and advance construction of those  
14 components.

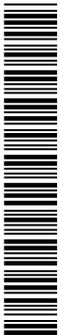
15 **Subtitle D—Air Force Programs**

16 **SEC. 131. PROHIBITION OF RETIREMENT OF**  
17 **KC-135E AIRCRAFT.**

18 The Secretary of the Air Force may not retire any  
19 KC-135E aircraft of the Air Force in fiscal year 2005.

20 **SEC. 132. PROHIBITION OF RETIREMENT OF**  
21 **F-117 AIRCRAFT.**

22 No F-117 aircraft in use by the Air Force during  
23 fiscal year 2004 may be retired during fiscal year 2005.



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1 **SEC. 133. AERIAL REFUELING AIRCRAFT ACQUISITION PRO-**  
2 **GRAM.**

3 (a) TERMINATION OF LEASING AUTHORITY.—Sub-  
4 section (a) of section 135 of the National Defense Author-  
5 ization Act for Fiscal Year 2004 (Public Law 108–136;  
6 117 Stat. 1413; 10 U.S.C. 2401a note) is amended by  
7 striking “may lease no more than 20 tanker aircraft” and  
8 inserting “shall lease no tanker aircraft”.

9 (b) MULTIYEAR PROCUREMENT AUTHORITY.—Sub-  
10 section (b) of such section is amended—

11 (1) in paragraph (1)—

12 (A) by striking “Beginning with the fiscal  
13 year 2004 program year, the Secretary” and in-  
14 serting “The Secretary”; and

15 (B) by striking “necessary to meet” and  
16 all that follows through “is insufficient”;

17 (2) in paragraph (2), by striking “80” and in-  
18 serting “100”; and

19 (3) by striking paragraph (4).

20 (c) STUDY.—Subsection (c)(1) of such section is  
21 amended by striking “leased under the multiyear aircraft  
22 lease pilot program or” in subparagraphs (A) and (B).

23 (d) RELATIONSHIP TO PREVIOUS LAW.—Such sec-  
24 tion is further amended by adding at the end the following  
25 new subsection:



1 “(f) RELATIONSHIP TO PREVIOUS LAW.—The  
2 multiyear procurement authority in subsection (b) may  
3 not be executed under section 8159 of the Department of  
4 Defense Appropriations Act, 2002 (division A of Public  
5 Law 107–117).”.

## 6 **Subtitle E—Other Matters**

### 7 **SEC. 141. DEVELOPMENT OF DEPLOYABLE SYSTEMS TO IN-** 8 **CLUDE CONSIDERATION OF FORCE PROTEC-** 9 **TION IN ASYMMETRIC THREAT ENVIRON-** 10 **MENTS.**

11 (a) REQUIREMENT FOR SYSTEMS DEVELOPMENT.—  
12 The Secretary of Defense shall require that the Depart-  
13 ment of Defense regulations, directives, and guidance gov-  
14 erning the acquisition of covered systems be revised to re-  
15 quire that—

16 (1) an assessment of warfighter survivability  
17 and of system suitability against asymmetric threats  
18 shall be performed as part of the development of  
19 system requirements for any such system; and

20 (2) requirements for key performance param-  
21 eters for force protection and survivability shall be  
22 included as part of the documentation of system re-  
23 quirements for any such system.

24 (b) COVERED SYSTEMS.—In this section, the term  
25 “covered system” means any of the following systems that



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1 is expected to be deployed in an asymmetric threat envi-  
2 ronment:

3 (1) Any manned system.

4 (2) Any equipment intended to enhance per-  
5 sonnel survivability.

6 (c) INAPPLICABILITY OF DEVELOPMENT REQUIRE-  
7 MENT TO SYSTEMS ALREADY THROUGH DEVELOP-  
8 MENT.—The revisions pursuant subsection (a) to Depart-  
9 ment of Defense regulations, directives, and guidance shall  
10 not apply to a system that entered low-rate initial produc-  
11 tion before the date of the enactment of this Act.

12 (d) DEADLINE FOR POLICY REVISIONS.—The revi-  
13 sions required by subsection (a) to Department of Defense  
14 regulations, directives, and guidance shall be made not  
15 later than 120 days after the date of the enactment of  
16 this Act.

17 **SEC. 142. ALLOCATION OF EQUIPMENT AUTHORIZED BY**  
18 **THIS TITLE TO UNITS DEPLOYED, OR TO BE**  
19 **DEPLOYED, TO OPERATION IRAQI FREEDOM**  
20 **OR OPERATION ENDURING FREEDOM.**

21 In allocating equipment acquired using funds author-  
22 ized to be appropriated by this title to operational units  
23 deployed, or scheduled to be deployed, to Operation Iraqi  
24 Freedom or Operation Enduring Freedom, the Secretary  
25 of Defense shall ensure that the allocation is made without



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1 regard to the status of the units as active, Guard, or re-  
2 serve component units.

3 **SEC. 143. REPORT ON OPTIONS FOR ACQUISITION OF PRE-**  
4 **CISION-GUIDED MUNITIONS.**

5 (a) REQUIREMENT FOR REPORT.—Not later than  
6 March 1, 2005, the Secretary of Defense shall submit to  
7 the congressional defense committees a report on options  
8 for the acquisition of precision-guided munitions.

9 (b) CONTENT OF REPORT.—The report shall include  
10 the following:

11 (1) A list of the precision-guided munitions in  
12 the inventory of the Department of Defense.

13 (2) For each such munition—

14 (A) the inventory level as of the most re-  
15 cent date that it is feasible to specify when the  
16 report is prepared;

17 (B) the inventory objective that is nec-  
18 essary to execute the current National Military  
19 Strategy prescribed by the Chairman of the  
20 Joint Chiefs of Staff;

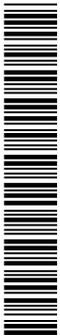
21 (C) the year in which that inventory objec-  
22 tive would be expected to be achieved—

23 (i) if the munition were procured at  
24 the minimum sustained production rate;



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1                   (ii) if the munition were procured at  
2                   the most economic production rate; and  
3                   (iii) if the munition were procured at  
4                   the maximum production rate; and  
5                   (D) the procurement cost for each muni-  
6                   tion (in constant fiscal year 2004 dollars) at  
7                   each of the production rates specified in sub-  
8                   paragraph (C) for each year in the future-years  
9                   defense program.



1 **TITLE II—RESEARCH, DEVELOP-**  
2 **MENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for defense science and technology.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

- Sec. 211. Future Combat Systems program strategy.
- Sec. 212. Collaborative program for research and development of vacuum electronics technologies.
- Sec. 213. Annual Comptroller General report on Joint Strike Fighter program.
- Sec. 214. Amounts for United States Joint Forces Command to be derived only from Defense-wide amounts.
- Sec. 215. Global Positioning System III satellite.
- Sec. 216. Initiation of concept demonstration of Global Hawk high altitude endurance unmanned aerial vehicle.
- Sec. 217. Joint Unmanned Combat Air Systems program.

**Subtitle C—Missile Defense Programs**

- Sec. 231. Fielding of ballistic missile defense capabilities.
- Sec. 232. Integration of Patriot Advanced Capability-3 and Medium Extended Air Defense System into ballistic missile defense system.
- Sec. 233. Comptroller General assessments of ballistic missile defense programs.
- Sec. 234. Baselines and operational test and evaluation for ballistic missile defense system.

**Subtitle D—Other Matters**

- Sec. 241. Annual report on submarine technology insertion.
- Sec. 242. Sense of Congress regarding funding of the Advanced Shipbuilding Enterprise under the National Shipbuilding Research Program of the Navy.

3 **Subtitle A—Authorization of**  
4 **Appropriations**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2005 for the use of the Department of Defense  
8 for research, development, test, and evaluation as follows:

- 9 (1) For the Army, \$9,307,248,000.



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1 (2) For the Navy, \$16,200,591,000.

2 (3) For the Air Force, \$20,432,933,000.

3 (4) For Defense-wide activities,  
4 \$20,556,986,000, of which \$304,135,000 is author-  
5 ized for the Director of Operational Test and Eval-  
6 uation.

7 **SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECH-**  
8 **NOLOGY.**

9 (a) FISCAL YEAR 2005.—Of the amounts authorized  
10 to be appropriated by section 201, \$11,191,600,000 shall  
11 be available for the Defense Science and Technology Pro-  
12 gram, including basic research, applied research, and ad-  
13 vanced technology development projects.

14 (b) BASIC RESEARCH, APPLIED RESEARCH, AND AD-  
15 VANCED TECHNOLOGY DEVELOPMENT DEFINED.—For  
16 purposes of this section, the term “basic research, applied  
17 research, and advanced technology development” means  
18 work funded in program elements for defense research and  
19 development under Department of Defense category 6.1,  
20 6.2, or 6.3.



1 **Subtitle B—Program Requirements, Restrictions, and Limitations**  
2  
3

4 **SEC. 211. FUTURE COMBAT SYSTEMS PROGRAM STRATEGY.**

5 (a) PROGRAM STRATEGY REQUIRED.—The Secretary  
6 of the Army shall establish and implement a program  
7 strategy for the Future Combat Systems acquisition pro-  
8 gram of the Army. The purpose of the program strategy  
9 shall be to provide an effective, affordable, producible, and  
10 supportable military capability with a realistic schedule  
11 and a robust cost estimate.

12 (b) ELEMENTS OF PROGRAM STRATEGY.—The pro-  
13 gram strategy shall—

14 (1) require the release, at the design readiness  
15 review, of not less than 90 percent of engineering  
16 drawings for the building of prototypes;

17 (2) require, before facilitating production or  
18 contracting for items with long lead times, that an  
19 acceptable demonstration be carried out of the per-  
20 formance of the information network, including the  
21 performance of the Joint Tactical Radio System and  
22 the Warfighter Information Network-Tactical; and

23 (3) require, before the initial production deci-  
24 sion, that an acceptable demonstration be carried  
25 out of the collective capability of each system to



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1 meet system-of-systems requirements when inte-  
2 grated with the information network.

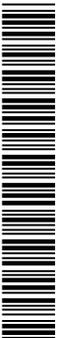
3 (c) REQUIRED SUBMISSIONS TO CONGRESS.—Before  
4 convening the Milestone B update for the Future Combat  
5 Systems acquisition program required by the Future Com-  
6 bat Systems acquisition decision memorandum, the Under  
7 Secretary of Defense for Acquisition, Technology, and Lo-  
8 gistics shall submit to Congress each of the following docu-  
9 ments:

10 (1) The cost estimate of the Army with respect  
11 to the Future Combat Systems program.

12 (2) A report, prepared by an independent panel,  
13 on the maturity levels of the critical technologies  
14 with respect to the program, including an assess-  
15 ment of those technologies that are likely to require  
16 a decision to use an alternative approach.

17 (3) A report, prepared by the chief information  
18 officer of the Army, describing—

19 (A) the status of the development and inte-  
20 gration of the network and the command, con-  
21 trol, computers, communications, intelligence,  
22 surveillance, and reconnaissance components;  
23 and



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1 (B) the progress made toward meeting the  
2 requirements for network-centric capabilities as  
3 set forth by such officer.

4 (4) A report identifying the key performance  
5 parameters with respect to the program, with all ob-  
6 jectives and thresholds quantified, together with the  
7 supporting analytical rationale.

8 (d) INDEPENDENT COST ESTIMATE.—The Under  
9 Secretary of Defense for Acquisition, Technology, and Lo-  
10 gistics shall submit to Congress not later than March 1,  
11 2005, an independent cost estimate, prepared by the cost  
12 analysis improvement group of the Office of the Secretary  
13 of Defense, with respect to the Future Combat Systems  
14 program.

15 (e) LIMITATION ON FUNDING.—(1) Except as pro-  
16 vided in paragraph (2), the Secretary of the Army may  
17 not obligate, from amounts made available for fiscal year  
18 2005, more than \$2,200,000,000 for the Future Combat  
19 Systems acquisition program.

20 (2) The limitation in paragraph (1) shall not apply  
21 after the Secretary of the Army submits to Congress—

22 (A) the Secretary's certification that the Sec-  
23 retary has established and implemented the program  
24 strategy required by subsection (a); and



1 (B) each of the documents specified in sub-  
2 section (c).

3 **SEC. 212. COLLABORATIVE PROGRAM FOR RESEARCH AND**  
4 **DEVELOPMENT OF VACUUM ELECTRONICS**  
5 **TECHNOLOGIES.**

6 (a) PROGRAM REQUIRED.—The Secretary of Defense  
7 shall establish a program for research and development  
8 in advanced vacuum electronics to meet the requirements  
9 of Department of Defense systems.

10 (b) DESCRIPTION OF PROGRAM.—The program  
11 under subsection (a) shall be carried out collaboratively  
12 by the Director of Defense Research and Engineering, the  
13 Secretary of the Navy, the Secretary of the Air Force, the  
14 Secretary of the Army, and other appropriate elements of  
15 the Department of Defense. The program shall include the  
16 following activities:

17 (1) Activities needed for development and matu-  
18 ration of advanced vacuum electronics technologies  
19 needed to meet the requirements of the Department  
20 of Defense.

21 (2) Identification of legacy and developmental  
22 Department of Defense systems which may make  
23 use of advanced vacuum electronics under the pro-  
24 gram.



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1 (c) REPORT.—Not later than January 31, 2005, the  
2 Director of Defense Research and Engineering shall sub-  
3 mit to the congressional defense committees a report on  
4 the implementation of the program under subsection (a).  
5 The report shall include the following:

6 (1) Identification of the organization to have  
7 lead responsibility for carrying out the program.

8 (2) Assessment of the role of investing in vacu-  
9 um electronics technologies as part of the overall  
10 strategy of the Department of Defense for investing  
11 in electronics technologies to meet the requirements  
12 of the Department.

13 (3) The management plan and schedule for the  
14 program and any agreements relating to that plan.

15 (4) Identification of the funding required for  
16 fiscal year 2006 and for the future-years defense  
17 program to carry out the program.

18 (5) A list of program capability goals and objec-  
19 tives.

20 (6) An outline of the role of basic and applied  
21 research in support of the development and matura-  
22 tion of advanced vacuum electronics technologies  
23 needed to meet the requirements of the Department  
24 of Defense.



1           (7) Assessment of global capabilities in vacuum  
2           electronics technologies and the effect of those capa-  
3           bilities on the national security and economic com-  
4           petitiveness of the United States.

5 **SEC. 213. ANNUAL COMPTROLLER GENERAL REPORT ON**  
6 **JOINT STRIKE FIGHTER PROGRAM.**

7           (a) ANNUAL GAO REVIEW.—The Comptroller Gen-  
8           eral shall conduct an annual review of the Joint Strike  
9           Fighter aircraft program and shall, not later than March  
10          15 of each year, submit to the congressional defense com-  
11          mittees a report on the results of the most recent review.  
12          With each such report, the Comptroller General shall sub-  
13          mit a certification as to whether the Comptroller General  
14          has had access to sufficient information to enable the  
15          Comptroller General to make informed judgments on the  
16          matters covered by the report.

17          (b) MATTERS TO BE INCLUDED.—Each report on the  
18          Joint Strike Fighter aircraft program under subsection  
19          (a) shall include the following with respect to system devel-  
20          opment and demonstration under the program:

21                  (1) The extent to which such system develop-  
22                  ment and demonstration is meeting established  
23                  goals, including the goals established for perform-  
24                  ance, cost, and schedule.

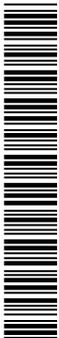


1           (2) The plan for such system development and  
2           demonstration (leading to production) for the fiscal  
3           year that begins in the year in which the report is  
4           submitted.

5           (3) The Comptroller General's conclusion re-  
6           garding whether such system development and dem-  
7           onstration (leading to production) is likely to be  
8           completed at a total cost not in excess of the amount  
9           specified (or to be specified) for such purpose in the  
10          Selected Acquisition report for the Joint Strike  
11          Fighter aircraft program under section 2432 of title  
12          10, United States Code, for the first quarter of the  
13          fiscal year during which the report of the Comp-  
14          troller General is submitted.

15          (c) REQUIREMENT TO SUPPORT ANNUAL GAO RE-  
16          VIEW.—The Secretary of Defense and the prime con-  
17          tractor for the Joint Strike Fighter aircraft program shall  
18          provide to the Comptroller General such information on  
19          that program as the Comptroller General considers nec-  
20          essary to carry out the responsibilities of the Comptroller  
21          General under this section, including such information as  
22          is necessary for the purposes of subsection (b)(3).

23          (d) TERMINATION.—No report is required under this  
24          section after the report that, under subsection (a), is re-  
25          quired to be submitted not later than March 15, 2009.



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1 **SEC. 214. AMOUNTS FOR UNITED STATES JOINT FORCES**  
2 **COMMAND TO BE DERIVED ONLY FROM DE-**  
3 **FENSE-WIDE AMOUNTS.**

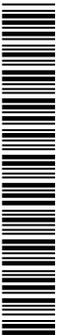
4 (a) IN GENERAL.—Chapter 9 of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7 **“§ 232. United States Joint Forces Command:**  
8 **amounts for research, development, test,**  
9 **and evaluation to be derived only from**  
10 **Defense-wide amounts**

11 “(a) REQUIREMENT.—Amounts for research, devel-  
12 opment, test, and evaluation for the United States Joint  
13 Forces Command shall be derived only from amounts  
14 made available to the Department of Defense for Defense-  
15 wide research, development, test, and evaluation.

16 “(b) SEPARATE DISPLAY IN BUDGET.—Any amount  
17 in the budget submitted to Congress under section 1105  
18 of title 31 for any fiscal year for research, development,  
19 test, and evaluation for the United States Joint Forces  
20 Command shall be set forth under the account of the De-  
21 partment of Defense for Defense-wide research, develop-  
22 ment, test, and evaluation.”.

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



“232. United States Joint Forces Command: amounts for research, development, test, and evaluation to be derived only from Defense-wide amounts.”.

1 (c) APPLICABILITY.—Section 232 of title 10, United  
2 States Code (as added by subsection (a)) applies to fiscal  
3 years beginning with fiscal year 2007.

4 **SEC. 215. GLOBAL POSITIONING SYSTEM III SATELLITE.**

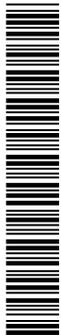
5 Not more than 80 percent of the amount authorized  
6 to be appropriated by section 201(4) and available for the  
7 purpose of research, development, test, and evaluation on  
8 the Global Positioning System III satellite may be obli-  
9 gated or expended for that purpose until the Secretary of  
10 Defense—

11 (1) completes an analysis of alternatives for the  
12 satellite and ground architectures, satellite tech-  
13 nologies, and tactics, techniques, and procedures for  
14 the next generation global positioning system (GPS);  
15 and

16 (2) submits to the congressional defense com-  
17 mittees a report on the results of the analysis, in-  
18 cluding an assessment of the results of the analysis.

19 **SEC. 216. INITIATION OF CONCEPT DEMONSTRATION OF**  
20 **GLOBAL HAWK HIGH ALTITUDE ENDURANCE**  
21 **UNMANNED AERIAL VEHICLE.**

22 Section 221(c) of the Floyd D. Spence National De-  
23 fense Authorization Act for Fiscal Year 2001 (as enacted  
24 into law by Public Law 106-398; 114 Stat. 1654A-40)



1 is amended by striking “March 1, 2001” and inserting  
2 “March 1, 2005”.

3 **SEC. 217. JOINT UNMANNED COMBAT AIR SYSTEMS PRO-**  
4 **GRAM.**

5 (a) EXECUTIVE COMMITTEE.—(1) The Secretary of  
6 Defense shall, subject to subsection (b), establish an execu-  
7 tive committee and require that executive committee to  
8 provide guidance and recommendations for the manage-  
9 ment of the Joint Unmanned Combat Air Systems pro-  
10 gram to the Director of the Defense Advanced Research  
11 Projects Agency and the personnel who are managing the  
12 program for such agency.

13 (2) The executive committee established under para-  
14 graph (1) shall be composed of the following members:

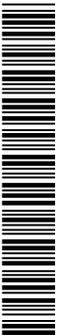
15 (A) The Under Secretary of Defense for Acqui-  
16 sition, Technology, and Logistics, who shall chair  
17 the executive committee.

18 (B) The Assistant Secretary of the Navy for  
19 Research, Development, and Acquisition.

20 (C) The Assistant Secretary of the Air Force  
21 for Acquisition.

22 (D) The Deputy Chief of Naval Operations for  
23 Warfare Requirements and Programs.

24 (E) The Deputy Chief of Staff of the Air Force  
25 for Air and Space Operations.



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1 (F) Any additional personnel of the Department  
2 of Defense whom the Secretary determines appro-  
3 priate for membership on the executive committee.

4 (b) APPLICABILITY ONLY TO DARPA-MANAGED  
5 PROGRAM.—The requirements of subsection (a) apply  
6 with respect to the Joint Unmanned Combat Air Systems  
7 program only while the program is managed by the De-  
8 fense Advanced Research Projects Agency.

9 **Subtitle C—Missile Defense**  
10 **Programs**

11 **SEC. 231. FIELDING OF BALLISTIC MISSILE DEFENSE CAPA-**  
12 **BILITIES.**

13 (a) AUTHORITY.—Funds described in subsection (b)  
14 may, upon approval by the Secretary of Defense, be used  
15 for the development and fielding of ballistic missile defense  
16 capabilities.

17 (b) COVERED FUNDS.—Subsection (a) applies to  
18 funds appropriated for fiscal year 2005 or fiscal year 2006  
19 for research, development, test, and evaluation for the  
20 Missile Defense Agency.

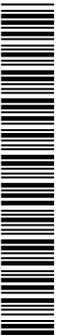


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1 **SEC. 232. INTEGRATION OF PATRIOT ADVANCED CAPA-**  
2 **BILITY-3 AND MEDIUM EXTENDED AIR DE-**  
3 **FENSE SYSTEM INTO BALLISTIC MISSILE DE-**  
4 **FENSE SYSTEM.**

5 (a) RELATIONSHIP TO BALLISTIC MISSILE DEFENSE  
6 SYSTEM.—The combined program of the Department of  
7 the Army known as the Patriot Advanced Capability-3/Me-  
8 dium Extended Air Defense System air and missile de-  
9 fense program (hereinafter in this section referred to as  
10 the “PAC-3/MEADS program”) is an element of the Bal-  
11 listic Missile Defense System.

12 (b) MANAGEMENT OF CONFIGURATION CHANGES.—  
13 The Director of the Missile Defense Agency, in consulta-  
14 tion with the Secretary of the Army (acting through the  
15 Assistant Secretary of the Army for Acquisition, Logistics  
16 and Technology) shall ensure that any configuration  
17 change for the PAC-3/MEADS program is subject to the  
18 configuration control board processes of the Missile De-  
19 fense Agency so as to ensure integration of the PAC-3/  
20 MEADS element with appropriate elements of the Bal-  
21 listic Missile Defense System.



22 (c) REQUIRED PROCEDURES.—(1) Except as other-  
23 wise directed by the Secretary of Defense, the Secretary  
24 of the Army (acting through the Assistant Secretary of  
25 the Army for Acquisition, Logistics and Technology) may  
26 make a significant change to the baseline technical speci-

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1 fications or the baseline schedule for the PAC-3/MEADS  
2 program only with the concurrence of the Director of the  
3 Missile Defense Agency.

4 (2) With respect to a proposal by the Secretary of  
5 the Army to make a significant change to the procurement  
6 quantity (including any quantity in any future block pro-  
7 curement) that, as of the date of such proposal, is planned  
8 for the PAC-3/MEADS program, the Secretary of De-  
9 fense shall establish—

10 (A) procedures for a determination of the effect  
11 of such change on Ballistic Missile Defense System  
12 capabilities and on the cost of the PAC-3/MEADS  
13 program; and

14 (B) procedures for review of the proposed  
15 change by all relevant commands and agencies of the  
16 Department of Defense, including determination of  
17 the concurrence or nonconcurrence of each such  
18 command and agency with respect to such proposed  
19 change.

20 (d) REPORT.—Not later than February 1, 2005, the  
21 Secretary of Defense shall submit to the congressional de-  
22 fense committees a report describing the procedures devel-  
23 oped pursuant to subsection (c)(2).

24 (e) DEFINITIONS.—For purpose of this section:



1           (1) The term “significant change” means, with  
2           respect to the PAC-3/MEADS program, a change  
3           that would substantially alter the role or contribu-  
4           tion of that program in the Ballistic Missile Defense  
5           System.

6           (2) The term “baseline technical specifications”  
7           means, with respect to the PAC-3/MEADS pro-  
8           gram, those technical specifications for that program  
9           that have been approved by the configuration control  
10          board of the Missile Defense Agency and are in ef-  
11          fect as of the date of the review.

12          (3) The term “baseline schedule” means, with  
13          respect to the PAC-3/MEADS program, the devel-  
14          opment and production schedule for the PAC-3/  
15          MEADS program in effect at the time of a review  
16          of such program conducted pursuant to subsection  
17          (b) or (c)(2)(B).

18   **SEC. 233. COMPTROLLER GENERAL ASSESSMENTS OF BAL-**  
19                           **LISTIC MISSILE DEFENSE PROGRAMS.**

20          Section 232(g) of the National Defense Authorization  
21   Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amend-  
22   ed to read as follows:

23          “(g) COMPTROLLER GENERAL ASSESSMENT.—(1) At  
24   the conclusion of each of fiscal years 2002 through 2006,  
25   the Comptroller General of the United States shall carry



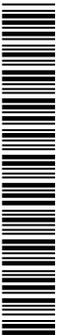
1 out an assessment of the extent to which the Missile De-  
2 fense Agency achieved the goals established under sub-  
3 section (c) for that fiscal year for each ballistic missile  
4 defense program of the Department of Defense.

5 “(2) Not later than February 15 of each of 2003  
6 through 2007, the Comptroller General shall submit to the  
7 congressional defense committees a report on the Comp-  
8 troller General’s assessment under paragraph (1) with re-  
9 spect to the preceding fiscal year.”.

10 **SEC. 234. BASELINES AND OPERATIONAL TEST AND EVAL-**  
11 **UATION FOR BALLISTIC MISSILE DEFENSE**  
12 **SYSTEM.**

13 (a) TESTING CRITERIA.—Not later than February 1,  
14 2005, the Secretary of Defense, in consultation with the  
15 Director of Operational Test and Evaluation, shall pre-  
16 scribe appropriate criteria for operationally realistic test-  
17 ing of fieldable prototypes developed under the ballistic  
18 missile defense spiral development program. The Sec-  
19 retary shall submit a copy of the prescribed criteria to the  
20 congressional defense committees.

21 (b) USE OF CRITERIA.—(1) The Secretary of Defense  
22 shall ensure that, not later than October 1, 2005, a test  
23 of the ballistic missile defense system is conducted con-  
24 sistent with the criteria prescribed under subsection (a).



1           (2) The Secretary of Defense shall ensure that each  
2 block configuration of the ballistic missile defense system  
3 is tested consistent with the criteria prescribed under sub-  
4 section (a).

5           (c) RELATIONSHIP TO OTHER LAW.—Nothing in this  
6 section shall be construed to exempt any spiral develop-  
7 ment program of the Department of Defense, after com-  
8 pletion of the spiral development, from the applicability  
9 of any provision of chapter 144 of title 10, United States  
10 Code, or section 139, 181, 2366, 2399, or 2400 of such  
11 title in accordance with the terms and conditions of such  
12 provision.

13           (d) EVALUATION.—(1) The Director of Operational  
14 Test and Evaluation shall evaluate the results of each test  
15 conducted under subsection (a) as soon as practicable  
16 after the completion of such test.

17           (2) The Director shall submit to the Secretary of De-  
18 fense and the congressional defense committees a report  
19 on the evaluation of each test conducted under subsection  
20 (a) upon completion of the evaluation of such test under  
21 paragraph (1).

22           (e) COST, SCHEDULE, AND PERFORMANCE BASE-  
23 LINES.—(1) The Director of the Missile Defense Agency  
24 shall establish cost, schedule, and performance baselines  
25 for each block configuration of the Ballistic Missile De-



1 fense System being fielded. The cost baseline for a block  
2 configuration shall include full life cycle costs for the block  
3 configuration.

4 (2) The Director shall include the baselines estab-  
5 lished under paragraph (1) in the first Selected Acquisi-  
6 tion Report for the Ballistic Missile Defense System that  
7 is submitted to Congress under section 2432 of title 10,  
8 United States Code, after the establishment of such base-  
9 lines.

10 (3) The Director shall also include in the Selected  
11 Acquisition Report submitted to Congress under para-  
12 graph (2) the significant assumptions used in determining  
13 the performance baseline under paragraph (1), including  
14 any assumptions regarding threat missile countermeasures  
15 and decoys.

16 (f) VARIATIONS AGAINST BASELINES.—In the event  
17 the cost, schedule, or performance of any block configura-  
18 tion of the Ballistic Missile Defense System varies signifi-  
19 cantly (as determined by the Director of the Ballistic Mis-  
20 sile Defense Agency) from the applicable baseline estab-  
21 lished under subsection (d), the Director shall include such  
22 variation, and the reasons for such variation, in the Se-  
23 lected Acquisition Report submitted to Congress under  
24 section 2432 of title 10, United States Code.



1 (g) MODIFICATIONS OF BASELINES.—In the event  
2 the Director of the Missile Defense Agency elects to under-  
3 take any modification of a baseline established under sub-  
4 section (d), the Director shall submit to the congressional  
5 defense committees a report setting forth the reasons for  
6 such modification.

## 7 **Subtitle D—Other Matters**

### 8 **SEC. 241. ANNUAL REPORT ON SUBMARINE TECHNOLOGY** 9 **INSERTION.**

10 (a) REPORT REQUIRED.—(1) For each of fiscal years  
11 2006, 2007, 2008, and 2009, the Secretary of Defense  
12 shall submit to the congressional defense committees a re-  
13 port on the submarine technologies that are available or  
14 potentially available for insertion in submarines of the  
15 Navy to reduce the production and operating costs of the  
16 submarines while maintaining or improving the effective-  
17 ness of the submarines.

18 (2) The annual report for a fiscal year under para-  
19 graph (1) shall be submitted at the same time that the  
20 President submits to Congress the budget for that fiscal  
21 year under section 1105(a) of title 31, United States  
22 Code.

23 (b) CONTENT.—The report on submarine tech-  
24 nologies under subsection (a) shall include, for each class  
25 of submarines of the Navy, the following matters:



2-21

1 (1) A list of the technologies that have been  
2 demonstrated, together with—

3 (A) a plan for the insertion of any such  
4 technologies that have been determined appro-  
5 priate for such submarines; and

6 (B) the estimated cost of such technology  
7 insertions.

8 (2) A list of the technologies that have not been  
9 demonstrated, together with a plan for the dem-  
10 onstration of any such technologies that have the po-  
11 tential for being appropriate for such submarines.

12 **SEC. 242. SENSE OF CONGRESS REGARDING FUNDING OF**  
13 **THE ADVANCED SHIPBUILDING ENTERPRISE**  
14 **UNDER THE NATIONAL SHIPBUILDING RE-**  
15 **SEARCH PROGRAM OF THE NAVY.**

16 (a) FINDINGS.—Congress makes the following find-  
17 ings:

18 (1) The budget for fiscal year 2005, as sub-  
19 mitted to Congress by the President, provides  
20 \$10,300,000 for the Advanced Shipbuilding Enter-  
21 prise under the National Shipbuilding Research Pro-  
22 gram of the Navy.

23 (2) The Advanced Shipbuilding Enterprise is an  
24 innovative program to encourage greater efficiency  
25 in the national technology and industrial base.



2-22

1           (3) The leaders of the United States ship-  
2           building industry have embraced the Advanced Ship-  
3           building Enterprise as a method for exploring and  
4           collaborating on innovation in shipbuilding and ship  
5           repair that collectively benefits all components of the  
6           industry.

7           (b) SENSE OF CONGRESS.—It is the sense of  
8 Congress—

9           (1) that Congress—

10           (A) strongly supports the innovative Ad-  
11           vanced Shipbuilding Enterprise under the Na-  
12           tional Shipbuilding Research Program as an en-  
13           terprise between the Navy and industry that  
14           has yielded new processes and techniques that  
15           reduce the cost of building and repairing ships  
16           in the United States; and

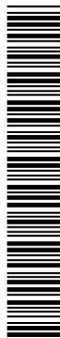
17           (B) is concerned that the future-years de-  
18           fense program of the Department of Defense  
19           that was submitted to Congress for fiscal year  
20           2005 does not reflect any funding for the Ad-  
21           vanced Shipbuilding Enterprise after fiscal year  
22           2005; and

23           (2) that the Secretary of Defense should con-  
24           tinue to provide in the future-years defense program  
25           for funding the Advanced Shipbuilding Enterprise at



2-23

1 a sustaining level in order to support additional re-  
2 search to further reduce the cost of designing, build-  
3 ing, and repairing ships.





1           **TITLE III—OPERATION AND**  
2                           **MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

- Sec. 301. Operation and maintenance funding.  
Sec. 302. Working capital funds.  
Sec. 303. Other Department of Defense programs.

**Subtitle B—Environmental Provisions**

- Sec. 311. Satisfaction of Superfund audit requirements by Inspector General of the Department of Defense.  
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.  
Sec. 313. Increase in authorized amount of environmental remediation, Front Royal, Virginia.  
Sec. 314. Small boat harbor, Unalaska, Alaska.  
Sec. 315. Report regarding encroachment issues affecting Utah Test and Training Range, Utah.  
Sec. 316. Comptroller General study and report on alternative technologies to decontaminate groundwater at Department of Defense installations.  
Sec. 317. Comptroller General study and report on drinking water contamination and related health effects at Camp Lejeune, North Carolina.  
Sec. 318. Sense of Congress regarding perchlorate contamination of ground and surface water from Department of Defense activities.

**Subtitle C—Workplace and Depot Issues**

- Sec. 321. Simplification of annual reporting requirements concerning funds expended for depot maintenance and repair workloads.  
Sec. 322. Repeal of annual reporting requirement concerning management of depot employees.  
Sec. 323. Extension of special treatment for certain expenditures incurred in operation of Centers of Industrial and Technical Excellence.  
Sec. 324. Temporary authority for contractor performance of security-guard functions.  
Sec. 325. Pilot program for purchase of certain municipal services for Army installations.  
Sec. 326. Bid protests by Federal employees in actions under Office of Management and Budget Circular A-76.  
Sec. 327. Limitations on conversion of work performed by Department of Defense civilian employees to contractor performance.  
Sec. 328. Competitive sourcing reporting requirement.

**Subtitle D—Information Technology**

- Sec. 331. Preparation of Department of Defense plan for transition to Internet Protocol version 6.



3-2

Sec. 332. Defense business enterprise architecture, system accountability, and conditions for obligation of funds for defense business system modernization.

Sec. 333. Report on maturity and effectiveness of the Global Information Grid Bandwidth Expansion (GIG-BE).

#### **Subtitle E—Extensions of Program Authorities**

Sec. 341. Two-year extension of Department of Defense telecommunications benefit.

Sec. 342. Extension of Arsenal Support Program Initiative.

Sec. 343. Two-year extension of warranty claims recovery pilot program.

#### **Subtitle F—Other Matters**

Sec. 351. Reimbursement for certain protective, safety, or health equipment purchased by or for members of the Armed Forces deployed in contingency operations.

Sec. 352. Limitation on preparation or implementation of Mid-Range Financial Improvement Plan pending report.

Sec. 353. Pilot program to authorize Army working-capital funded facilities to engage in cooperative activities with non-Army entities.

Sec. 354. Transfer of excess Department of Defense personal property to assist firefighting agencies.

## **1 Subtitle A—Authorization of 2 Appropriations**

### **3 SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

4 Funds are hereby authorized to be appropriated for  
5 fiscal year 2005 for the use of the Armed Forces and other  
6 activities and agencies of the Department of Defense for  
7 expenses, not otherwise provided for, for operation and  
8 maintenance, in amounts as follows:

9 (1) For the Army, \$26,098,411,000.

10 (2) For the Navy, \$29,682,590,000.

11 (3) For the Marine Corps, \$3,648,115,000.

12 (4) For the Air Force, \$28,298,660,000.

13 (5) For Defense-wide activities,

14 \$17,325,276,000.



3-3

1 (6) For the Army Reserve, \$2,008,128,000.

2 (7) For the Naval Reserve, \$1,240,038,000.

3 (8) For the Marine Corps Reserve,  
4 \$188,696,000

5 (9) For the Air Force Reserve, \$2,239,790,000

6 (10) For the Army National Guard,  
7 \$4,452,786,000.

8 (11) For the Air National Guard,  
9 \$4,503,338,000.

10 (12) For the United States Court of Appeals  
11 for the Armed Forces, \$10,825,000.

12 (13) For Environmental Restoration, Army,  
13 \$400,948,000.

14 (14) For Environmental Restoration, Navy,  
15 \$266,820,000.

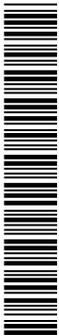
16 (15) For Environmental Restoration, Air Force,  
17 \$397,368,000.

18 (16) For Environmental Restoration, Defense-  
19 wide, \$23,684,000

20 (17) For Environmental Restoration, Formerly  
21 Used Defense Sites, \$256,516,000.

22 (18) For Overseas Humanitarian, Disaster, and  
23 Civic Aid programs, \$59,000,000.

24 (19) For Cooperative Threat Reduction pro-  
25 grams, \$409,200,000.



1           (20) For the Overseas Contingency Operations  
2           Transfer Fund, \$10,000,000.

3 **SEC. 302. WORKING CAPITAL FUNDS.**

4           Funds are hereby authorized to be appropriated for  
5 fiscal year 2005 for the use of the Armed Forces and other  
6 activities and agencies of the Department of Defense for  
7 providing capital for working capital and revolving funds  
8 in amounts as follows:

9           (1) For the Defense Working Capital Funds,  
10          \$451,886,000.

11          (2) For the National Defense Sealift Fund,  
12          \$1,269,252,000.

13          (3) For the Defense Working Capital Fund,  
14          Defense Commissary, \$1,175,000,000.

15 **SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

16          (a) DEFENSE HEALTH PROGRAM.—Funds are here-  
17 by authorized to be appropriated for the Department of  
18 Defense for fiscal year 2005 for expenses, not otherwise  
19 provided for, for the Defense Health Program, in the  
20 amount of \$17,657,386,000, of which—

21          (1) \$17,219,844,000 is for Operation and  
22          Maintenance;

23          (2) \$72,907,000 is for Research, Development,  
24          Test, and Evaluation; and

25          (3) \$364,635,000 is for Procurement.



1 (b) CHEMICAL AGENTS AND MUNITIONS DESTRUC-  
2 TION, DEFENSE.—(1) Funds are hereby authorized to be  
3 appropriated for the Department of Defense for fiscal year  
4 2005 for expenses, not otherwise provided for, for Chem-  
5 ical Agents and Munitions Destruction, Defense, in the  
6 amount of \$1,371,990,000, of which—

7 (A) \$1,088,801,000 is for Operation and Main-  
8 tenance;

9 (B) \$204,209,000 is for Research, Develop-  
10 ment, Test, and Evaluation; and

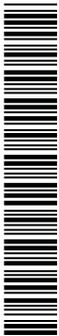
11 (C) \$78,980,000 is for Procurement.

12 (2) Amounts authorized to be appropriated under  
13 paragraph (1) are authorized for—

14 (A) the destruction of lethal chemical agents  
15 and munitions in accordance with section 1412 of  
16 the Department of Defense Authorization Act, 1986  
17 (50 U.S.C. 1521); and

18 (B) the destruction of chemical warfare mate-  
19 rial of the United States that is not covered by sec-  
20 tion 1412 of such Act.

21 (c) DRUG INTERDICTION AND COUNTER-DRUG AC-  
22 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized  
23 to be appropriated for the Department of Defense for fis-  
24 cal year 2005 for expenses, not otherwise provided for, for



1 Drug Interdiction and Counter-Drug Activities, Defense-  
2 wide, in the amount of \$852,947,000.

3 (d) DEFENSE INSPECTOR GENERAL.—Funds are  
4 hereby authorized to be appropriated for the Department  
5 of Defense for fiscal year 2005 for expenses, not otherwise  
6 provided for, for the Office of the Inspector General of  
7 the Department of Defense, in the amount of  
8 \$204,562,000, of which—

9 (1) \$202,362,000 is for Operation and Mainte-  
10 nance;

11 (2) \$2,100,000 is for Procurement; and

12 (3) \$100,000 is for Research, Development,  
13 Test, and Evaluation.

## 14 **Subtitle B—Environmental** 15 **Provisions**

### 16 **SEC. 311. SATISFACTION OF SUPERFUND AUDIT REQUIRE-** 17 **MENTS BY INSPECTOR GENERAL OF THE DE-** 18 **PARTMENT OF DEFENSE.**

19 (a) SATISFACTION OF REQUIREMENTS.—The Inspec-  
20 tor General of the Department of Defense shall be deemed  
21 to be in compliance with the requirements of section  
22 111(k) of Comprehensive Environmental Response, Com-  
23 pensation, and Liability Act of 1980 (42 U.S.C. 9611(k))  
24 if the Inspector General conducts periodic audits of the  
25 payments, obligations, reimbursements, and other uses of



1 the Hazardous Substance Superfund by the Department  
2 of Defense, even if such audits do not occur on an annual  
3 basis.

4 (b) REPORTS TO CONGRESS ON AUDITS.—The In-  
5 spector General shall submit to Congress a report on each  
6 audit conducted by the Inspector General as described in  
7 subsection (a).

8 **SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**  
9 **TION AGENCY FOR CERTAIN COSTS IN CON-**  
10 **NECTION WITH MOSES LAKE WELLFIELD**  
11 **SUPERFUND SITE, MOSES LAKE, WASH-**  
12 **INGTON.**

13 (a) AUTHORITY TO REIMBURSE.—(1) Using funds  
14 described in subsection (b), the Secretary of Defense may  
15 transfer not more than \$524,926.54 to the Moses Lake  
16 Wellfield Superfund Site 10-6J Special Account.

17 (2) The payment under paragraph (1) is to reimburse  
18 the Environmental Protection Agency for its costs, includ-  
19 ing interest, incurred in overseeing a remedial investiga-  
20 tion/feasibility study performed by the Department of the  
21 Army under the Defense Environmental Restoration Pro-  
22 gram at the former Larson Air Force Base, Moses Lake  
23 Superfund Site, Moses Lake, Washington.

24 (3) The reimbursement described in paragraph (2) is  
25 provided for in the interagency agreement entered into by



1 the Department of the Army and the Environmental Pro-  
2 tection Agency for the Moses Lake Wellfield Superfund  
3 Site in March 1999.

4 (b) SOURCE OF FUNDS.—Any payment under sub-  
5 section (a) shall be made using funds authorized to be ap-  
6 propriated by section 301(17) for operation and mainte-  
7 nance for Environmental Restoration, Formerly Used De-  
8 fense Sites.

9 (c) USE OF FUNDS.—The Environmental Protection  
10 Agency shall use the amount transferred under subsection  
11 (a) to pay costs incurred by the Agency at the Moses Lake  
12 Wellfield Superfund Site.

13 **SEC. 313. INCREASE IN AUTHORIZED AMOUNT OF ENVIRON-**  
14 **MENTAL REMEDIATION, FRONT ROYAL, VIR-**  
15 **GINIA.**

16 Section 591(a)(2) of the Water Resources Develop-  
17 ment Act of 1999 (Public Law 106-53; 113 Stat. 378)  
18 is amended by striking “\$12,000,000” and inserting  
19 “\$22,000,000”.

20 **SEC. 314. SMALL BOAT HARBOR, UNALASKA, ALASKA.**

21 The Secretary of the Army shall carry out the small  
22 boat harbor project in Unalaska, Alaska, at a total esti-  
23 mated cost of \$23,200,000, with an estimated Federal  
24 cost of \$11,500,000 and an estimated non-Federal cost  
25 of \$11,700,000, substantially in accordance with the



1 plans, and subject to the conditions, recommended in a  
2 final report of the Chief of Engineers if a favorable final  
3 report of the Chief for the project is completed not later  
4 than December 31, 2004.

5 **SEC. 315. REPORT REGARDING ENCROACHMENT ISSUES**  
6 **AFFECTING UTAH TEST AND TRAINING**  
7 **RANGE, UTAH.**

8 (a) **REPORT REQUIRED.**—The Secretary of the Air  
9 Force shall prepare a report that outlines current and an-  
10 ticipated encroachments on the use and utility of the spe-  
11 cial use airspace of the Utah Test and Training Range  
12 in the State of Utah, including encroachments brought  
13 about through actions of other Federal agencies. The Sec-  
14 retary shall include in the report such recommendations  
15 as the Secretary considers appropriate regarding any leg-  
16 islative initiatives necessary to address encroachment  
17 problems identified by the Secretary in the report.

18 (b) **SUBMISSION OF REPORT.**—Not later than one  
19 year after the date of the enactment of this Act, the Sec-  
20 retary shall submit the report to the Committee on Armed  
21 Services of the House of Representatives and the Com-  
22 mittee on Armed Services of the Senate. It is the sense  
23 of Congress that the recommendations contained in the  
24 report should be carefully considered for future legislative  
25 action.



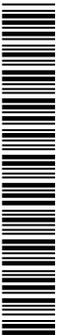
1 (c) PROHIBITION ON GROUND MILITARY OPER-  
2 ATIONS.—Nothing in this section shall be construed to  
3 permit a military operation to be conducted on the ground  
4 in a covered wilderness study area in the Utah Test and  
5 Training Range.

6 (d) COMMUNICATIONS AND TRACKING SYSTEMS.—  
7 Nothing in this section shall be construed to prevent any  
8 required maintenance of existing communications, instru-  
9 mentation, or electronic tracking systems (or the infra-  
10 structure supporting such systems) necessary for effective  
11 testing and training to meet military requirements in the  
12 Utah Test and Training Range.

13 **SEC. 316. COMPTROLLER GENERAL STUDY AND REPORT ON**  
14 **ALTERNATIVE TECHNOLOGIES TO DECON-**  
15 **TAMINATE GROUNDWATER AT DEPARTMENT**  
16 **OF DEFENSE INSTALLATIONS.**

17 (a) COMPTROLLER GENERAL STUDY.—The Comp-  
18 troller General shall conduct a study to determine whether  
19 cost-effective technologies are available to the Department  
20 of Defense for the cleanup of groundwater contamination  
21 at Department installations in lieu of traditional methods,  
22 such as pump and treat, used to respond to groundwater  
23 contamination.

24 (b) ELEMENTS OF STUDY.—In conducting the study  
25 under subsection (a), the Comptroller General shall—



1 (1) identify current technologies being used or  
2 field tested by the Department of Defense to treat  
3 groundwater at Department installations;

4 (2) identify cost-effective technologies for the  
5 cleanup of groundwater contamination that—

6 (A) are being researched, are under devel-  
7 opment by commercial vendors, or are available  
8 commercially and being used outside the De-  
9 partment; and

10 (B) have potential for use by the Depart-  
11 ment to address groundwater contamination;

12 (3) evaluate the potential benefits and limita-  
13 tions of using the technologies identified under para-  
14 graphs (1) and (2); and

15 (4) consider the barriers, such as cost, capa-  
16 bility, or legal restrictions, to using the technologies  
17 identified under paragraph (2).

18 (c) REPORT REQUIRED.—Not later than April 1,  
19 2005, the Comptroller General shall submit to the Com-  
20 mittee on Armed Services of the Senate and the Com-  
21 mittee on Armed Services of the House of Representatives  
22 a report containing the results of the study, including in-  
23 formation regarding the matters specified in subsection  
24 (b) and any recommendations, including recommendations



1 for administrative or legislative action, that the Comp-  
2 troller General considers appropriate.

3 **SEC. 317. COMPTROLLER GENERAL STUDY AND REPORT ON**  
4 **DRINKING WATER CONTAMINATION AND RE-**  
5 **LATED HEALTH EFFECTS AT CAMP LEJEUNE,**  
6 **NORTH CAROLINA.**

7 (a) STUDY.—The Comptroller General shall conduct  
8 a study on drinking water contamination and related  
9 health effects at Camp Lejeune, North Carolina. The  
10 study shall consist of the following:

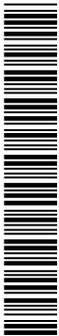
11 (1) A study of the history of drinking water  
12 contamination at Camp Lejeune to determine, to the  
13 extent practical—

14 (A) what contamination has been found in  
15 the drinking water;

16 (B) the source of such contamination and  
17 when it may have begun; and

18 (C) what actions have been taken to ad-  
19 dress such contamination.

20 (2) An assessment of the study on the possible  
21 health effects associated with the drinking of con-  
22 taminated drinking water at Camp Lejeune as pro-  
23 posed by the Agency for Toxic Substances and Dis-  
24 ease Registry of the Department of Health and



1 Human Services, including whether the proposed  
2 study—

3 (A) will address the appropriate at-risk  
4 populations;

5 (B) will encompass an appropriate time-  
6 frame;

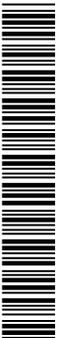
7 (C) will consider all relevant health effects;  
8 and

9 (D) can be completed on an expedited  
10 basis without compromising its quality.

11 (b) AUTHORITY TO USE EXPERTS.—The Comp-  
12 troller General may use experts in conducting the study  
13 required by subsection (a). Any such experts shall be inde-  
14 pendent, highly qualified, and knowledgeable in the mat-  
15 ters covered by the study.

16 (c) PARTICIPATION BY OTHER INTERESTED PAR-  
17 TIES.—In conducting the study required by subsection (a),  
18 the Comptroller General shall ensure that interested par-  
19 ties, including individuals who lived or worked at Camp  
20 Lejeune during the period when the drinking water may  
21 have been contaminated, have the opportunity to submit  
22 information and views on the matters covered by the  
23 study.

24 (d) CONSTRUCTION WITH ATSDR STUDY.—The re-  
25 quirement under subsection (a)(2) that the Comptroller



1 General conduct an assessment of the study proposed by  
2 the Agency for Toxic Substances and Disease Registry,  
3 as described in such subsection, may not be construed as  
4 a basis for the delay of that study. The assessment is in-  
5 tended to provide an independent review of the appro-  
6 priateness and credibility of the study proposed by the  
7 Agency and to identify possible improvements in the plan  
8 or implementation of the study proposed by the Agency.

9 (e) REPORT.—(1) Not later than one year after the  
10 date of the enactment of this Act, the Comptroller General  
11 shall submit to the congressional defense committees a re-  
12 port on the study required by subsection (a), including  
13 such recommendations as the Comptroller General con-  
14 siderers appropriate for further study or for legislative or  
15 other action.

16 (2) Recommendations under paragraph (1) may in-  
17 clude recommendations for modifications or additions to  
18 the study proposed by the Agency for Toxic Substances  
19 and Disease Registry, as described in subsection (a)(2),  
20 in order to improve the study.



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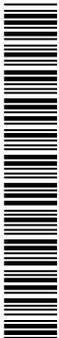
1 **SEC. 318. SENSE OF CONGRESS REGARDING PERCHLORATE**  
2 **CONTAMINATION OF GROUND AND SURFACE**  
3 **WATER FROM DEPARTMENT OF DEFENSE AC-**  
4 **TIVITIES.**

5 It is the sense of Congress that the Secretary of De-  
6 fense should—

7 (1) develop a plan for the remediation of per-  
8 chlorate contamination resulting from the activities  
9 of the Department of Defense to ensure that the De-  
10 partment is prepared to respond quickly and appro-  
11 priately once the United States establishes a drink-  
12 ing water standard for perchlorate;

13 (2) continue remediation activities for per-  
14 chlorate contamination at those sites where per-  
15 chlorate contamination poses an imminent and sub-  
16 stantial endangerment to public health and welfare  
17 and where the Department is undertaking site-spe-  
18 cific remedial action as of the date of the enactment  
19 of this Act;

20 (3) develop a plan for the remediation of per-  
21 chlorate contamination resulting from the activities  
22 of the Department of Defense in cases in which, not-  
23 withstanding the lack of a drinking water standard  
24 for perchlorate, such contamination is present in  
25 ground or surface water at levels that the Secretary



1 of Defense determines pose a hazard to human  
2 health; and

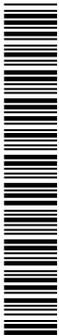
3 (4) continue the process of evaluating and  
4 prioritizing perchlorate contamination sites without  
5 waiting for the establishment of the Federal drink-  
6 ing water standard for perchlorate.

## 7 **Subtitle C—Workplace and Depot** 8 **Issues**

### 9 **SEC. 321. SIMPLIFICATION OF ANNUAL REPORTING RE-** 10 **QUIREMENTS CONCERNING FUNDS EX-** 11 **PENDED FOR DEPOT MAINTENANCE AND RE-** 12 **PAIR WORKLOADS.**

13 Subsection (d) of section 2466 of title 10, United  
14 States Code, is amended to read as follows:

15 “(d) ANNUAL REPORT AND REVIEW.—(1) Not later  
16 than April 1 of each year, the Secretary of Defense shall  
17 submit to Congress a report identifying, for each of the  
18 armed forces (other than the Coast Guard) and each De-  
19 fense Agency, the percentage of the funds referred to in  
20 subsection (a) that was expended during the preceding fis-  
21 cal year, and are projected to be expended during the cur-  
22 rent fiscal year and the ensuing fiscal year, for perform-  
23 ance of depot-level maintenance and repair workloads by  
24 the public and private sectors.



1 “(2) Not later than 90 days after the date on which  
2 the Secretary submits a report under paragraph (1), the  
3 Comptroller General shall submit to Congress the Com-  
4 ptroller General’s views on whether—

5 “(A) the Department of Defense complied with  
6 the requirements of subsection (a) during the pre-  
7 ceding fiscal year covered by the report; and

8 “(B) the expenditure projections for the current  
9 fiscal year and the ensuing fiscal year are reason-  
10 able.”.

11 **SEC. 322. REPEAL OF ANNUAL REPORTING REQUIREMENT**  
12 **CONCERNING MANAGEMENT OF DEPOT EM-**  
13 **PLOYEES.**

14 (a) REPEAL.—Section 2472 of title 10, United States  
15 Code, is amended—

16 (1) by striking “(a) PROHIBITION ON MANAGE-  
17 MENT BY END STRENGTH.—”; and

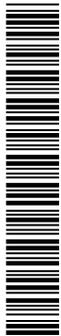
18 (2) by striking subsection (b).

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

21 **“§ 2472. Prohibition on management of depot employ-**  
22 **ees by end strength”.**

23 (2) The table of sections at the beginning of chapter  
24 146 of such title is amended by striking the item relating  
25 to section 2472 and inserting the following new item:

“2472. Prohibition on management of depot employees by end strength.”.



1 **SEC. 323. EXTENSION OF SPECIAL TREATMENT FOR CER-**  
2 **TAIN EXPENDITURES INCURRED IN OPER-**  
3 **ATION OF CENTERS OF INDUSTRIAL AND**  
4 **TECHNICAL EXCELLENCE.**

5 Section 2474(f)(1) of title 10, United States Code,  
6 is amended by striking “through 2006” and inserting  
7 “through 2009”.

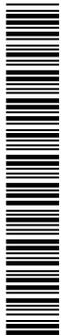
8 **SEC. 324. TEMPORARY AUTHORITY FOR CONTRACTOR PER-**  
9 **FORMANCE OF SECURITY-GUARD FUNC-**  
10 **TIONS.**

11 (a) **CONDITIONAL EXTENSION OF AUTHORITY.—**  
12 Subsection (c) of section 332 of the Bob Stump National  
13 Defense Authorization Act for Fiscal Year 2003 (Public  
14 Law 107-314; 116 Stat. 2513) is amended—

15 (1) by inserting “(1)” after “AUTHORITY.—”;  
16 and

17 (2) by striking “at the end of the three-year pe-  
18 riod” and all that follows through the period at the  
19 end of the subsection and inserting the following:  
20 “at the end of September 30, 2006, except that such  
21 authority shall not be in effect after December 1,  
22 2005, if the Secretary fails to submit to Congress  
23 the plan required by subsection (d)(4), until the date  
24 on which the Secretary submits the plan.

25 “(2) No security-guard functions may be performed  
26 under any contract entered into using the authority pro-



1 vided under this section during any period in which the  
2 authority for contractor performance of security-guard  
3 functions under this section is not in effect under para-  
4 graph (1). The term of any contract entered into using  
5 such authority may not extend beyond September 30,  
6 2006.”.

7 (b) REAFFIRMATION AND REVISION OF REPORTING  
8 REQUIREMENT.—Subsection (d) of such section is amend-  
9 ed to read as follows:

10 “(d) REPORT AND PLAN REQUIRED.—Not later than  
11 December 1, 2005, the Secretary of Defense shall submit  
12 to the congressional defense committees a report that—

13 “(1) identifies each contract for the perform-  
14 ance of security-guard functions entered into on or  
15 before September 30, 2004, pursuant to the author-  
16 ity provided by subsection (a), including information  
17 regarding—

18 “(A) each installation at which such secu-  
19 rity-guard functions are performed or are to be  
20 performed;

21 “(B) the period and amount of such con-  
22 tract;

23 “(C) the number of security guards em-  
24 ployed or to be employed under such contract;



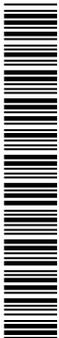
1           “(D) whether the contract was awarded  
2           pursuant to full and open competition; and

3           “(E) the actions taken or to be taken with-  
4           in the Department of Defense to ensure that  
5           the conditions applicable under paragraph (1)  
6           of subsection (a) or determined under para-  
7           graph (2) of such subsection are satisfied;

8           “(2) identifies, for each military installation at  
9           which such authority was used or is expected to be  
10          used, any requirements for the performance of secu-  
11          rity-guard functions described in subsection (a) that  
12          are expected to continue after the date on which  
13          such authority expires;

14          “(3) identifies any limitation or constraint on  
15          the end strength of the civilian workforce of the De-  
16          partment of Defense that makes it difficult to meet  
17          requirements identified under paragraph (2) by hir-  
18          ing personnel as civilian employees of the Depart-  
19          ment of Defense; and

20          “(4) includes a plan for meeting such require-  
21          ments, in a manner consistent with applicable law,  
22          on a long-term basis.”.



1 **SEC. 325. PILOT PROGRAM FOR PURCHASE OF CERTAIN**  
2 **MUNICIPAL SERVICES FOR ARMY INSTALLA-**  
3 **TIONS.**

4 (a) PILOT PROGRAM AUTHORIZED.—The Secretary  
5 of Army may carry out a pilot program to procure one  
6 or more of the municipal services specified in subsection  
7 (b) for an Army installation from a county or municipality  
8 in which the installation is located for the purpose of eval-  
9 uating the efficacy of procuring such services rather than  
10 providing them directly.

11 (b) SERVICES AUTHORIZED FOR PROCUREMENT.—  
12 Only the following services may be procured for a military  
13 installation participating in the pilot program:

- 14 (1) Refuse collection.
- 15 (2) Refuse disposal.
- 16 (3) Library services.
- 17 (4) Recreation services.
- 18 (5) Facility maintenance and repair.
- 19 (6) Utilities.

20 (c) PARTICIPATING INSTALLATIONS.—Not more than  
21 two Army installations may be selected to participate in  
22 the pilot program, and only installations located in the  
23 United States are eligible for selection.

24 (d) CONGRESSIONAL NOTIFICATION.—The Secretary  
25 may not enter into a contract under the pilot program for  
26 the procurement of municipal services until the Secretary

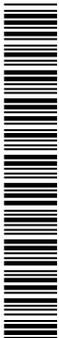


1 notifies the congressional defense committees of the pro-  
2 posed contract and a period of 14 days elapses from the  
3 date the notification is received by the committees.

4 (e) IMPLEMENTATION REPORT.—(1) Not later than  
5 February 1, 2007, the Secretary shall submit to the con-  
6 gressional defense committees and the Comptroller Gen-  
7 eral a report describing the implementation of the pilot  
8 program, evaluating the efficacy of procuring municipal  
9 services for participating installations from local counties  
10 or municipalities, and containing any recommendations  
11 that the Secretary considers appropriate regarding expan-  
12 sion or alteration of the program.

13 (2) The Comptroller General shall submit to the con-  
14 gressional defense committees an assessment of the find-  
15 ings and recommendations contained in the report sub-  
16 mitted under paragraph (1).

17 (f) TERMINATION OF PILOT PROGRAM.—The pilot  
18 program shall terminate on September 30, 2010. Any con-  
19 tract entered into under the pilot program shall terminate  
20 not later than that date.



1 **SEC. 326. BID PROTESTS BY FEDERAL EMPLOYEES IN AC-**  
2 **TIONS UNDER OFFICE OF MANAGEMENT AND**  
3 **BUDGET CIRCULAR A-76.**

4 (a) TREATMENT OF AGENCY TENDER OFFICIAL AS  
5 INTERESTED PARTY.—Section 3551(2) of title 31, United  
6 States Code, is amended—

7 (1) by inserting “(A)” after “(2)”; and

8 (2) by adding at the end the following new sub-  
9 paragraph:

10 “(B) The term includes the official responsible  
11 for submitting the Federal agency tender in a pub-  
12 lic-private competition conducted under Office of  
13 Management and Budget Circular A-76 regarding  
14 an activity or function of a Federal agency per-  
15 formed by more than 65 full-time equivalent employ-  
16 ees of the Federal agency.”.

17 (b) FILING OF PROTEST ON BEHALF OF FEDERAL  
18 EMPLOYEES.—Section 3552 of such title is amended—

19 (1) by inserting “(a)” before “A protest”; and

20 (2) by adding at the end the following new sub-  
21 section:

22 “(b)(1) In the case of an agency tender official who  
23 is an interested party under section 3551(2)(B) of this  
24 title, the official may file a protest in connection with the  
25 public-private competition for which the official is an in-  
26 terested party. At the request of a majority of the employ-



1 ees of the Federal agency who are engaged in the perform-  
2 ance of the activity or function subject to such public-pri-  
3 vate competition, the official shall file a protest in connec-  
4 tion with such public-private competition unless the offi-  
5 cial determines that there is no reasonable basis for the  
6 protest.

7 “(2) The determination of an agency tender official  
8 under paragraph (1) whether or not to file a protest is  
9 not subject to administrative or judicial review. An agency  
10 tender official shall provide written notification to Con-  
11 gress whenever the official makes a determination under  
12 paragraph (1) that there is no reasonable basis for a pro-  
13 test.”.

14 (c) INTERVENTION IN PROTEST.—Section 3553 of  
15 such title is amended by adding at the end the following  
16 new subsection:

17 “(g) If an interested party files a protest in connec-  
18 tion with a public-private competition described in section  
19 3551(2)(B) of this title, a person representing a majority  
20 of the employees of the Federal agency who are engaged  
21 in the performance of the activity or function subject to  
22 the public-private competition may intervene in protest.”.

23 (d) APPLICABILITY.—The amendments made by this  
24 section shall apply to protests filed under subchapter V  
25 of chapter 35 of title 31, United States Code, that relate



1 to studies initiated under Office of Management and  
2 Budget Circular A-76 on or after the end of the 90-day  
3 period beginning on the date of the enactment of this Act.

4 (e) RULE OF CONSTRUCTION.—The amendments  
5 made by this section shall not be construed to authorize  
6 the use of a protest under subchapter V of chapter 35  
7 of title 31, United States Code, with regard to a decision  
8 made by an agency tender official.

9 **SEC. 327. LIMITATIONS ON CONVERSION OF WORK PER-**  
10 **FORMED BY DEPARTMENT OF DEFENSE CI-**  
11 **VILIAN EMPLOYEES TO CONTRACTOR PER-**  
12 **FORMANCE.**

13 (a) REQUIRED COST-SAVINGS THRESHOLD FOR CON-  
14 VERSION.—If a public-private competition conducted  
15 under the Office of Management and Budget Circular A-  
16 76 dated May 29, 2003 (68 Fed. Reg. 32134), regarding  
17 an activity or function performed by civilian employees of  
18 the Department of Defense is required to include a formal  
19 comparison of the cost of civilian employee performance  
20 of the activity or function with the cost of contractor per-  
21 formance, the Secretary of Defense shall maintain the con-  
22 tinued performance of the activity or function by civilian  
23 employees unless the competitive sourcing official deter-  
24 mines that, over all performance periods stated in the so-  
25 licitation of offers for performance of the activity or func-



1 tion, the cost of performance of the activity or function  
2 by a contractor would be less costly to the Department  
3 of Defense by an amount that equals or exceeds the lesser  
4 of the following:

5 (1) \$10,000,000.

6 (2) 10 percent of the most efficient organiza-  
7 tion's personnel-related costs for performance of the  
8 activity or function by civilian employees.

9 (b) PROHIBITION ON MODIFICATION OF FUNCTIONS  
10 TO PERMIT STREAMLINED A-76 STUDY.—The Secretary  
11 of Defense shall ensure that no organization, function, or  
12 activity of the Department of Defense is consolidated, re-  
13 structured, reengineered, or otherwise modified in any way  
14 for the purpose of exempting any public-private competi-  
15 tion conducted under the Office of Management and  
16 Budget Circular A-76 dated May 29, 2003 (68 Fed. Reg.  
17 32134), regarding a commercial or industrial type func-  
18 tion of the Department of Defense from the requirement  
19 to formally compare, in accordance with such Circular, the  
20 cost of civilian employee performance of the function with  
21 the cost of contractor performance.

22 (c) EXCEPTION.—Subsection (a) does not apply in  
23 the case of a public-private competition conducted as part  
24 of the best-value source selection pilot program authorized  
25 by section 336 of the National Defense Authorization Act



1 for Fiscal Year 2004 (Public Law 108-136; 10 U.S.C.  
2 2461 note).

3 **SEC. 328. COMPETITIVE SOURCING REPORTING REQUIRE-**  
4 **MENT.**

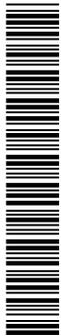
5 Not later than February 1, 2005, the Inspector Gen-  
6 eral of the Department of Defense shall submit to Con-  
7 gress a report addressing whether the Department of  
8 Defense—

9 (1) employs a sufficient number of adequately  
10 trained civilian employees—

11 (A) to conduct satisfactorily, taking into  
12 account equity, efficiency and expeditiousness,  
13 all of the public-private competitions that are  
14 scheduled to be undertaken by the Department  
15 of Defense during the next fiscal year (includ-  
16 ing a sufficient number of employees to formu-  
17 late satisfactorily the performance work state-  
18 ments and most efficient organization plans for  
19 the purposes of such competitions); and

20 (B) to administer any resulting contracts;  
21 and

22 (2) has implemented a comprehensive and reli-  
23 able system to track and assess the cost and quality  
24 of the performance of functions of the Department  
25 of Defense by service contractors.



1                   **Subtitle D—Information**  
2                   **Technology**

3 **SEC. 331. PREPARATION OF DEPARTMENT OF DEFENSE**  
4                   **PLAN FOR TRANSITION TO INTERNET PRO-**  
5                   **TOCOL VERSION 6.**

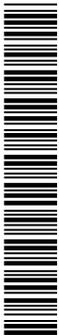
6           (a) **TRANSITION PLAN REQUIRED.**—The Secretary of  
7 Defense shall prepare a plan detailing the Department of  
8 Defense strategy to provide for the transition of the De-  
9 partment’s information technology systems to Internet  
10 Protocol version 6 from the present use of Internet Pro-  
11 tocol version 4 and other network protocols. In preparing  
12 the transition plan, the Secretary shall compare private  
13 industry plans for the transition to Internet Protocol ver-  
14 sion 6.

15           (b) **ELEMENTS OF PLAN.**—The transition plan re-  
16 quired by subsection (a) shall include the following:

17               (1) An outline of the networking and security  
18 system equipment that will need to be replaced in  
19 the transition, including the timing and costs of such  
20 replacement.

21               (2) An assessment of how the current and new  
22 networks and security systems will be managed.

23               (3) An assessment of the potential impact of  
24 the transition, including an overall cost estimate for  
25 the transition and an estimate of the costs to be in-



1 curred by each of the military departments and the  
2 Defense Agencies.

3 (4) Any measures proposed to alleviate any ad-  
4 verse effects of the transition.

5 (c) TESTING AND EVALUATION FOR INTERNET PRO-  
6 TOCOL.—To determine whether a change to the use of  
7 Internet Protocol version 6 will support Department of  
8 Defense requirements, the Secretary of Defense shall pro-  
9 vide for rigorous, real-world, end-to-end testing of Internet  
10 Protocol version 6, as proposed for use by the Depart-  
11 ment, to evaluate the following:

12 (1) The ability of Internet Protocol version 6,  
13 with its “best effort” quality of service, to satisfac-  
14 tory support the Department’s multiple applications  
15 and other information technology systems, including  
16 the use of Internet Protocol version 6 over band-  
17 width-constrained tactical circuits.

18 (2) The ability of the Department’s networks  
19 using Internet Protocol version 6 to respond to, and  
20 perform under, heavy loading of the core networks.

21 (d) REPORTS ON PLAN AND TEST RESULTS.—(1)  
22 Not later than March 31, 2005, the Secretary of Defense  
23 shall submit to the congressional defense committees a re-  
24 port containing the transition plan prepared under sub-  
25 section (a).



1           (2) Not later than September 30, 2005, the Director  
2 of Operational Test and Evaluation shall submit to the  
3 congressional defense committees a report containing an  
4 update on the continuing test program and any test re-  
5 sults.

6 **SEC. 332. DEFENSE BUSINESS ENTERPRISE ARCHITEC-**  
7                   **TURE, SYSTEM ACCOUNTABILITY, AND CON-**  
8                   **DITIONS FOR OBLIGATION OF FUNDS FOR**  
9                   **DEFENSE BUSINESS SYSTEM MODERNIZA-**  
10                  **TION.**

11           (a) IN GENERAL.—(1) Chapter 131 of title 10,  
12 United States Code, is amended by inserting before sec-  
13 tion 2223 the following new section:

14 **“§ 2222. Defense business systems: architecture, ac-**  
15                   **countability, and modernization**

16           “(a) CONDITIONS FOR OBLIGATION OF FUNDS FOR  
17 DEFENSE BUSINESS SYSTEM MODERNIZATION.—Effec-  
18 tive October 1, 2005, funds appropriated to the Depart-  
19 ment of Defense may not be obligated for a defense busi-  
20 ness system modernization that will have a total cost in  
21 excess of \$1,000,000 unless—

22                   “(1) the approval authority designated for the  
23 defense business system certifies to the Defense  
24 Business Systems Management Committee estab-



1 lished by section 186 of this title that the defense  
2 business system modernization—

3 “(A) is in compliance with the enterprise  
4 architecture developed under subsection (c);

5 “(B) is necessary to achieve a critical na-  
6 tional security capability or address a critical  
7 requirement in an area such as safety or secu-  
8 rity; or

9 “(C) is necessary to prevent a significant  
10 adverse effect on a project that is needed to  
11 achieve an essential capability, taking into con-  
12 sideration the alternative solutions for pre-  
13 venting such adverse effect; and

14 “(2) the certification by the approval authority  
15 is approved by the Defense Business Systems Man-  
16 agement Committee.

17 “(b) OBLIGATION OF FUNDS IN VIOLATION OF RE-  
18 QUIREMENTS.—The obligation of Department of Defense  
19 funds for a business system modernization in excess of the  
20 amount specified in subsection (a) that has not been cer-  
21 tified and approved in accordance with such subsection is  
22 a violation of section 1341(a)(1)(A) of title 31.

23 “(c) ENTERPRISE ARCHITECTURE FOR DEFENSE  
24 BUSINESS SYSTEMS.—Not later than September 30,  
25 2005, the Secretary of Defense, acting through the De-



1 fense Business Systems Management Committee, shall  
2 develop—

3           “(1) an enterprise architecture to cover all de-  
4 fense business systems, and the functions and activi-  
5 ties supported by defense business systems, which  
6 shall be sufficiently defined to effectively guide, con-  
7 strain, and permit implementation of interoperable  
8 defense business system solutions and consistent  
9 with the policies and procedures established by the  
10 Director of the Office of Management and Budget,  
11 and

12           “(2) a transition plan for implementing the en-  
13 terprise architecture for defense business systems.

14           “(d) COMPOSITION OF ENTERPRISE ARCHITEC-  
15 TURE.—The defense business enterprise architecture de-  
16 veloped under subsection (c)(1) shall include the following:

17           “(1) An information infrastructure that, at a  
18 minimum, would enable the Department of Defense  
19 to—

20           “(A) comply with all Federal accounting,  
21 financial management, and reporting require-  
22 ments;

23           “(B) routinely produce timely, accurate,  
24 and reliable financial information for manage-  
25 ment purposes;



1           “(C) integrate budget, accounting, and  
2           program information and systems; and

3           “(D) provide for the systematic measure-  
4           ment of performance, including the ability to  
5           produce timely, relevant, and reliable cost infor-  
6           mation.

7           “(2) Policies, procedures, data standards, and  
8           system interface requirements that are to apply uni-  
9           formly throughout the Department of Defense.

10          “(e) COMPOSITION OF TRANSITION PLAN.—(1) The  
11          transition plan developed under subsection (c)(2) shall in-  
12          clude the following:

13           “(A) The acquisition strategy for new systems  
14           that are expected to be needed to complete the de-  
15           fense business enterprise architecture.

16           “(B) A listing of the defense business systems  
17           as of December 2, 2002 (known as ‘legacy systems’),  
18           that will not be part of the objective defense busi-  
19           ness enterprise architecture, together with the sched-  
20           ule for terminating those legacy systems that pro-  
21           vides for reducing the use of those legacy systems in  
22           phases.

23           “(C) A listing of the legacy systems (referred to  
24           in subparagraph (B)) that will be a part of the ob-  
25           jective defense business system, together with a



1 strategy for making the modifications to those sys-  
2 tems that will be needed to ensure that such systems  
3 comply with the defense business enterprise architec-  
4 ture.

5 “(2) Each of the strategies under paragraph (1) shall  
6 include specific time-phased milestones, performance  
7 metrics, and a statement of the financial and nonfinancial  
8 resource needs.

9 “(f) APPROVAL AUTHORITIES AND ACCOUNTABILITY  
10 FOR DEFENSE BUSINESS SYSTEMS.—The Secretary of  
11 Defense shall delegate responsibility for review, approval,  
12 and oversight of the planning, design, acquisition, deploy-  
13 ment, operation, maintenance, and modernization of de-  
14 fense business systems as follows:

15 “(1) The Under Secretary of Defense for Ac-  
16 quisition, Technology and Logistics shall be respon-  
17 sible and accountable for any defense business sys-  
18 tem the primary purpose of which is to support ac-  
19 quisition activities, logistics activities, or installa-  
20 tions and environment activities of the Department  
21 of Defense.

22 “(2) The Under Secretary of Defense (Comp-  
23 troller) shall be responsible and accountable for any  
24 defense business system the primary purpose of  
25 which is to support financial management activities



1 or strategic planning and budgeting activities of the  
2 Department of Defense.

3 “(3) The Under Secretary of Defense for Per-  
4 sonnel and Readiness shall be responsible and ac-  
5 countable for any defense business system the pri-  
6 mary purpose of which is to support human resource  
7 management activities of the Department of De-  
8 fense.

9 “(4) The Assistant Secretary of Defense for  
10 Networks and Information Integration and the Chief  
11 Information Officer of the Department of Defense  
12 shall be responsible and accountable for any defense  
13 business system the primary purpose of which is to  
14 support information technology infrastructure or in-  
15 formation assurance activities of the Department of  
16 Defense.

17 “(5) The Deputy Secretary of Defense or an  
18 Under Secretary of Defense, as designated by the  
19 Secretary of Defense, shall be responsible for any  
20 defense business system the primary purpose of  
21 which is to support any activity of the Department  
22 of Defense not covered by paragraphs (1) through  
23 (4).

24 “(g) DEFENSE BUSINESS SYSTEM INVESTMENT RE-  
25 VIEW.—(1) The Secretary of Defense shall require each



1 approval authority designated under subsection (f) to es-  
2 tablish, not later than March 15, 2005, an investment re-  
3 view process, consistent with section 11312 of title 40, to  
4 review the planning, design, acquisition, development, de-  
5 ployment, operation, maintenance, modernization, and  
6 project cost benefits and risks of all defense business sys-  
7 tems for which the approval authority is responsible. The  
8 investment review process so established shall specifically  
9 address the responsibilities of approval authorities under  
10 subsection (a).

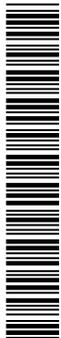
11 “(2) The review of defense business systems under  
12 the investment review process shall include the following:

13 “(A) Review and approval by an investment re-  
14 view board of each defense business system as an in-  
15 vestment before the obligation of funds on the sys-  
16 tem.

17 “(B) Periodic review, but not less than annu-  
18 ally, of every defense business system investment.

19 “(C) Representation on each investment review  
20 board by appropriate officials from among the armed  
21 forces, combatant commands, the Joint Chiefs of  
22 Staff, and Defense Agencies.

23 “(D) Use of threshold criteria to ensure an ap-  
24 propriate level of review within the Department of  
25 Defense of, and accountability for, defense business



1 system investments depending on scope, complexity,  
2 and cost.

3 “(E) Use of procedures for making certifi-  
4 cations in accordance with the requirements of sub-  
5 section (a).

6 “(F) Use of procedures for ensuring consistency  
7 with the guidance issued by the Secretary of Defense  
8 and the Defense Business Systems Management  
9 Committee, as required by section 186(c) of this  
10 title, and incorporation of common decision criteria,  
11 including standards, requirements, and priorities  
12 that result in the integration of defense business sys-  
13 tems.

14 “(h) BUDGET INFORMATION.—In the materials that  
15 the Secretary submits to Congress in support of the budg-  
16 et submitted to Congress under section 1105 of title 31  
17 for fiscal year 2006 and fiscal years thereafter, the Sec-  
18 retary of Defense shall include the following information:

19 “(1) Identification of each defense business sys-  
20 tem for which funding is proposed in that budget.

21 “(2) Identification of all funds, by appropria-  
22 tion, proposed in that budget for each such system,  
23 including—

24 “(A) funds for current services (to operate  
25 and maintain the system); and



1           “(B) funds for business systems mod-  
2           ernization, identified for each specific appro-  
3           priation.

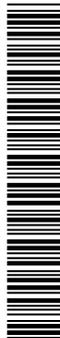
4           “(3) For each such system, identification of the  
5           official to whom authority for such system is dele-  
6           gated under subsection (f).

7           “(4) For each such system, a description of  
8           each certification made under subsection (d) with re-  
9           gard to such system.

10          “(i) CONGRESSIONAL REPORTS.—Not later than  
11          March 15 of each year from 2005 through 2009, the Sec-  
12          retary of Defense shall submit to the congressional defense  
13          committees a report on Department of Defense compliance  
14          with the requirements of this section. The first report shall  
15          define plans and commitments for meeting the require-  
16          ments of subsection (a), including specific milestones and  
17          performance measures. Subsequent reports shall—

18                 “(1) describe actions taken and planned for  
19                 meeting the requirements of subsection (a),  
20                 including—

21                         “(A) specific milestones and actual per-  
22                         formance against specified performance meas-  
23                         ures, and any revision of such milestones and  
24                         performance measures; and



1           “(B) specific actions on the defense busi-  
2           ness system modernizations submitted for cer-  
3           tification under such subsection;

4           “(2) identify the number of defense business  
5           system modernizations so certified;

6           “(3) identify any defense business system mod-  
7           ernization with an obligation in excess of \$1,000,000  
8           during the preceding fiscal year that was not cer-  
9           tified under subsection (a), and the reasons for the  
10          waiver; and

11          “(4) discuss specific improvements in business  
12          operations and cost savings resulting from successful  
13          defense business systems modernization efforts.

14          “(j) DEFINITIONS.—In this section:

15                 “(1) The term ‘approval authority’, with respect  
16                 to a defense business system, means the Department  
17                 of Defense official responsible for the defense busi-  
18                 ness system, as designated by subsection (f).

19                 “(2) The term ‘defense business system’ means  
20                 an information system, other than a national secu-  
21                 rity system, operated by, for, or on behalf of the De-  
22                 partment of Defense, including financial systems,  
23                 mixed systems, financial data feeder systems, and  
24                 information technology and information assurance  
25                 infrastructure, used to support business activities,



1 such as acquisition, financial management, logistics,  
2 strategic planning and budgeting, installations and  
3 environment, and human resource management.

4 “(3) The term ‘defense business system mod-  
5 ernization’ means—

6 “(A) the acquisition or development of a  
7 new defense business system; or

8 “(B) any significant modification or en-  
9 hancement of an existing defense business sys-  
10 tem (other than necessary to maintain current  
11 services).

12 “(4) The term ‘enterprise architecture’ has the  
13 meaning given that term in section 3601(4) of title  
14 44.

15 “(5) The terms ‘information system’ and ‘infor-  
16 mation technology’ have the meanings given those  
17 terms in section 11101 of title 40.

18 “(6) The term ‘national security system’ has  
19 the meaning given that term in section 2315 of this  
20 title.”.

21 (2) The table of sections at the beginning of such  
22 chapter is amended by inserting before the item relating  
23 to section 2223 the following new item:

“2222. Defense business systems: architecture, accountability, and moderniza-  
tion.”.



1 (b) DEFENSE BUSINESS SYSTEM MANAGEMENT  
2 COMMITTEE.—(1) Chapter 7 of such title is amended by  
3 adding at the end the following new section:

4 **“§ 186. Defense Business System Management Com-**  
5 **mittee**

6 “(a) ESTABLISHMENT.—The Secretary of Defense  
7 shall establish a Defense Business Systems Management  
8 Committee, to be composed of the following persons:

9 “(1) The Deputy Secretary of Defense.

10 “(2) The Under Secretary of Defense for Ac-  
11 quisition, Logistics, and Technology.

12 “(3) The Under Secretary of Defense for Per-  
13 sonnel and Readiness.

14 “(4) The Under Secretary of Defense (Comp-  
15 troller).

16 “(5) The Assistant Secretary of Defense for  
17 Networks and Information Integration.

18 “(6) The Secretaries of the military depart-  
19 ments and the heads of the Defense Agencies.

20 “(7) Such additional personnel of the Depart-  
21 ment of Defense (including personnel assigned to the  
22 Joint Chiefs of Staff and combatant commands) as  
23 are designated by the Secretary of Defense.

24 “(b) CHAIRMAN AND VICE CHAIRMAN.—The Deputy  
25 Secretary of Defense shall serve as the chairman of the



1 Committee. The Secretary of Defense shall designate one  
2 of the officials specified in paragraphs (2) through (5) of  
3 subsection (a) as the vice chairman of the Committee, who  
4 shall act as chairman in the absence of the Deputy Sec-  
5 retary of Defense.

6 “(c) DUTIES.—(1) In addition to any other matters  
7 assigned to the Committee by the Secretary of Defense,  
8 the Committee shall—

9 “(A) recommend to the Secretary of Defense  
10 policies and procedures necessary to effectively inte-  
11 grate the requirements of section 2222 of this title  
12 into all business activities and any transformation,  
13 reform, reorganization, or process improvement ini-  
14 tiatives undertaken within the Department of De-  
15 fense;

16 “(B) review and approve any major update of  
17 the defense business enterprise architecture devel-  
18 oped under subsection (b) of section 2222 of this  
19 title, including evolving the architecture, and of de-  
20 fense business systems modernization plans; and

21 “(C) manage cross-domain integration con-  
22 sistent with such enterprise architecture.

23 “(2) The Committee shall be responsible for coordi-  
24 nating defense business system modernization initiatives  
25 to maximize benefits and minimize costs for the Depart-



1 ment of Defense and periodically report to the Secretary  
2 on the status of defense business system modernization  
3 efforts.

4 “(3) The Committee shall ensure that funds are obli-  
5 gated for defense business system modernization in a man-  
6 ner consistent with section 2222 of this title.

7 “(c) DEFINITIONS.—In this section, the terms ‘de-  
8 fense business system’ and ‘defense business system mod-  
9 ernization’ have the meanings given such terms in section  
10 2222 of this title.”.

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

“186. Defense Business System Management Committee.”.

14 (c) IMPLEMENTATION REQUIREMENTS.—Not later  
15 than 60 days after the date of the enactment of this Act,  
16 the Secretary of Defense shall—

17 (1) complete the delegation of responsibility for  
18 the review, approval, and oversight of the planning,  
19 design, acquisition, deployment, operation, mainte-  
20 nance, and modernization of defense business sys-  
21 tems required by subsection (f) of section 2222 of  
22 title 10, United States Code, as added by subsection  
23 (a)(1); and

24 (2) designate a vice chairman of the Defense  
25 Business System Management Committee, as re-



1       quired by subsection (b) of section 186 of such title,  
2       as added by subsection (b)(1).

3       (d) **COMPTROLLER GENERAL ASSESSMENT.**—Not  
4 later than 60 days after the date on which the Secretary  
5 of Defense approves the defense business enterprise archi-  
6 tecture and transition plan developed under section 2222  
7 of title 10, United States Code, as added by subsection  
8 (a)(1), and again each year not later than 60 days after  
9 the submission of the annual report required under sub-  
10 section (i), the Comptroller General shall submit to the  
11 congressional defense committees an assessment of the ex-  
12 tent to which the actions taken by the Department comply  
13 with the requirements of such section.

14       (e) **RELATION TO ANNUAL REGISTRATION REQUIRE-**  
15 **MENTS.**—Nothing in sections 186 and 2222 of title 10,  
16 United States Code, as added by this section, shall be con-  
17 strued to alter the requirements of section 8083 of the  
18 Department of Defense Appropriations Act, 2005 (Public  
19 Law 108-287; 118 Stat. 989), with regard to information  
20 technology systems (as defined in subsection (d) of such  
21 section).

22       (f) **REPEAL OF OBSOLETE FINANCIAL MANAGEMENT**  
23 **ENTERPRISE ARCHITECTURE REQUIREMENTS.**—Section  
24 1004 of the Bob Stump National Defense Authorization



1 Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C.  
2 113 note) is repealed.

3 **SEC. 333. REPORT ON MATURITY AND EFFECTIVENESS OF**  
4 **THE GLOBAL INFORMATION GRID BAND-**  
5 **WIDTH EXPANSION (GIG-BE).**

6 (a) REPORT REQUIRED.—Not later than 180 days  
7 after the date of the enactment of this Act, the Secretary  
8 of Defense shall submit to the congressional defense com-  
9 mittees a report on a test program to demonstrate the ma-  
10 turity and effectiveness of the Global Information Grid-  
11 Bandwidth Expansion (hereinafter in this section referred  
12 to as “GIG-BE”).

13 (b) CONTENT OF REPORT.—In the report under sub-  
14 section (a), the Secretary of Defense shall include the fol-  
15 lowing:

16 (1) The Secretary’s determination as to whether  
17 the results of the test program described in sub-  
18 section (a) demonstrate compliance of the GIG-BE  
19 architecture with the overall goals of the GIG-BE  
20 program.

21 (2) Identification of—

22 (A) the extent to which the GIG-BE archi-  
23 tecture does not meet the overall goals of the  
24 GIG-BE program; and



1 (B) the components of that architecture  
2 that are not yet sufficiently developed to  
3 achieve the overall goals of that program.

4 (3) A plan for achieving compliance referred to  
5 in paragraph (1), together with cost estimates for  
6 carrying out that plan.

7 (4) Documentation of the equipment and net-  
8 work configuration used in the test program to dem-  
9 onstrate real-world scenarios for the operation of the  
10 GIG-BE within the continental United States.

## 11 **Subtitle E—Extensions of Program** 12 **Authorities**

### 13 **SEC. 341. TWO-YEAR EXTENSION OF DEPARTMENT OF DE-** 14 **FENSE TELECOMMUNICATIONS BENEFIT.**

15 Section 344(c) of the National Defense Authorization  
16 Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat.  
17 1448) is amended by striking “September 30, 2004” and  
18 inserting “September 30, 2006”.

### 19 **SEC. 342. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-** 20 **TIATIVE.**

21 (a) DURATION OF PROGRAM.—Subsection (a) of sec-  
22 tion 343 of the Floyd D. Spence National Defense Author-  
23 ization Act for Fiscal Year 2001 (as enacted into law by  
24 Public Law 106-398; 10 U.S.C. 4551 note) is amended  
25 by striking “2004” and inserting “2008”.



1 (b) ADDITIONAL REPORT REQUIRED.—Subsection  
2 (g) of such section is amended—

3 (1) in paragraph (1), by striking “2004” and  
4 inserting “2008”; and

5 (2) in paragraph (2), by striking “2003” and  
6 inserting “2007”.

7 **SEC. 343. TWO-YEAR EXTENSION OF WARRANTY CLAIMS RE-**  
8 **COVERY PILOT PROGRAM.**

9 Section 391 of the National Defense Authorization  
10 Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C.  
11 2304 note) is amended—

12 (1) in subsection (f), by striking “September  
13 30, 2004” and inserting “September 30, 2006”; and

14 (2) by adding at the end the following new sub-  
15 section:

16 “(g) REPORTING REQUIREMENT.—Not later than  
17 February 1, 2006, the Secretary of Defense shall submit  
18 to Congress a report on the pilot program, including—

19 “(1) a description of the extent to which com-  
20 mercial firms have been used to provide the services  
21 specified in subsection (b) and the type of services  
22 procured;

23 “(2) a description of any problems that have  
24 limited the ability of the Secretary to utilize the pilot  
25 program to procure such services; and



1           “(3) the recommendation of the Secretary re-  
2           garding whether the pilot program should be made  
3           permanent or extended beyond September 30,  
4           2006.”.

## 5           **Subtitle F—Other Matters**

6   **SEC. 351. REIMBURSEMENT FOR CERTAIN PROTECTIVE,**  
7           **SAFETY, OR HEALTH EQUIPMENT PUR-**  
8           **CHASED BY OR FOR MEMBERS OF THE**  
9           **ARMED FORCES DEPLOYED IN CONTINGENCY**  
10          **OPERATIONS.**

11          (a) REIMBURSEMENT REQUIRED.—The Secretary of  
12   Defense shall reimburse a member of the Armed Forces  
13   for the cost (including any shipping cost) of any protec-  
14   tive, safety, or health equipment that was purchased by  
15   the member or by another person on behalf of the member  
16   for the personal use of the member in anticipation of, or  
17   during, the deployment of the member in connection with  
18   Operation Noble Eagle, Operation Enduring Freedom, or  
19   Operation Iraqi Freedom, but only if—

20           (1) the Secretary of Defense certifies that the  
21   protective, safety, or health equipment was critical  
22   to the protection, safety, or health of the member;

23           (2) the member was not issued the protective,  
24   safety, or health equipment before the member be-  
25   came engaged in operations in areas or situations



1 described in section 310(a)(2) of title 37, United  
2 States Code; and

3 (3) the protective, safety, or health equipment  
4 was purchased by the member during the period be-  
5 ginning on September 11, 2001, and ending on July  
6 31, 2004.

7 (b) AMOUNT OF REIMBURSEMENT.—The amount of  
8 reimbursement provided under subsection (a) per item of  
9 protective, safety, or health equipment purchased by a  
10 member of the Armed Forces may not exceed \$1,100.

11 (c) SUBMISSION OF REIMBURSEMENT CLAIMS.—  
12 Claims for reimbursement for the cost of protective, safe-  
13 ty, or health equipment purchased by a member of the  
14 Armed Forces shall be submitted to the Secretary of De-  
15 fense under this section not later than one year after the  
16 date on which the implementing rules required by sub-  
17 section (d) take effect.

18 (d) RULEMAKING.—Not later than 120 days after the  
19 date of the enactment of this Act, the Secretary of Defense  
20 shall issue rules to expedite the provision of reimburse-  
21 ment under subsection (a). In conducting such rule-  
22 making, the Secretary shall address the circumstances  
23 under which the United States will assume title or owner-  
24 ship of any protective, safety, or health equipment for  
25 which reimbursement is made.



1 **SEC. 352. LIMITATION ON PREPARATION OR IMPLEMENTA-**  
2 **TION OF MID-RANGE FINANCIAL IMPROVE-**  
3 **MENT PLAN PENDING REPORT.**

4 Amounts authorized to be appropriated to the De-  
5 partment of Defense for fiscal year 2005 for operation and  
6 maintenance may not be obligated for the purpose of pre-  
7 paring or implementing the Mid-Range Financial Im-  
8 provement Plan until the Secretary of Defense submits to  
9 the congressional defense committees a report containing  
10 the following:

11 (1) A determination that the enterprise archi-  
12 tecture for defense business systems and the transi-  
13 tion plan for implementing the enterprise architec-  
14 ture have been developed, as required by subsection  
15 (c) of section 2222 of title 10, United States Code,  
16 as added by section 332(a).

17 (2) An explanation of the manner in which the  
18 operation and maintenance funds will be used for  
19 each of the military departments and the Defense  
20 Agencies to prepare or implement the Mid-Range Fi-  
21 nancial Improvement Plan during that fiscal year.

22 (3) An estimate of the costs for future fiscal  
23 years for each of the military departments and the  
24 Defense Agencies to prepare and implement the  
25 Mid-Range Financial Improvement Plan.



1 **SEC. 353. PILOT PROGRAM TO AUTHORIZE ARMY WORKING-**  
2 **CAPITAL FUNDED FACILITIES TO ENGAGE IN**  
3 **COOPERATIVE ACTIVITIES WITH NON-ARMY**  
4 **ENTITIES.**

5 (a) COOPERATIVE ARRANGEMENTS AUTHORIZED.—  
6 Chapter 433 of title 10, United States Code, is amended  
7 by adding at the end the following new section:

8 **“§ 4544. Army industrial facilities: cooperative activi-**  
9 **ties with non-Army entities**

10 “(a) COOPERATIVE ARRANGEMENTS AUTHORIZED.—  
11 A working-capital funded Army industrial facility may  
12 enter into a contract or other cooperative arrangement  
13 with a non-Army entity to carry out with the non-Army  
14 entity a military or commercial project described in sub-  
15 section (b), subject to the conditions prescribed in sub-  
16 section (c).

17 “(b) AUTHORIZED ACTIVITIES.—A cooperative ar-  
18 rangement entered into by an Army industrial facility  
19 under subsection (a) may provide for any of the following  
20 activities:

21 “(1) The sale of articles manufactured by the  
22 facility or services performed by the facility to per-  
23 sons outside the Department of the Army.

24 “(2) The performance of work by a non-Army  
25 entity at the facility.



1           “(3) The performance of work by the facility  
2 for a non-Army entity.

3           “(4) The sharing of work by the facility and a  
4 non-Army entity.

5           “(5) The leasing, or use under a facilities use  
6 contract or otherwise, of the facility (including ex-  
7 cess capacity) or equipment (including excess equip-  
8 ment) of the facility by a non-Army entity.

9           “(6) The preparation and submission of joint  
10 offers by the facility and a non-Army entity for com-  
11 petitive procurements entered into with Federal  
12 agency.

13          “(c) CONDITIONS.—An activity authorized by sub-  
14 section (b) may be carried out at an Army industrial facil-  
15 ity under a cooperative arrangement entered into under  
16 subsection (a) only under the following conditions:

17           “(1) In the case of an article to be manufac-  
18 tured or services to be performed by the facility, the  
19 articles can be substantially manufactured, or the  
20 services can be substantially performed, by the facil-  
21 ity without subcontracting for more than incidental  
22 performance.

23           “(2) The activity does not interfere with per-  
24 formance of—



1           “(A) work by the facility for the Depart-  
2           ment of Defense; or

3           “(B) a military mission of the facility.

4           “(3) The activity meets one of the following ob-  
5           jectives:

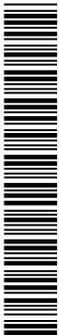
6           “(A) Maximized utilization of the capacity  
7           of the facility.

8           “(B) Reduction or elimination of the cost  
9           of ownership of the facility.

10          “(C) Reduction in the cost of manufac-  
11          turing or maintaining Department of Defense  
12          products at the facility.

13          “(D) Preservation of skills or equipment  
14          related to a core competency of the facility.

15          “(4) The non-Army entity agrees to hold harm-  
16          less and indemnify the United States from any li-  
17          ability or claim for damages or injury to any person  
18          or property arising out of the activity, including any  
19          damages or injury arising out of a decision by the  
20          Secretary of the Army or the Secretary of Defense  
21          to suspend or terminate an activity, or any portion  
22          thereof, during a war or national emergency or to  
23          require the facility to perform other work or provide  
24          other services on a priority basis, except—



1           “(A) in any case of willful misconduct or  
2           gross negligence; and

3           “(B) in the case of a claim by a purchaser  
4           of articles or services under this section that  
5           damages or injury arose from the failure of the  
6           United States to comply with quality, schedule,  
7           or cost performance requirements in the con-  
8           tract to carry out the activity.

9           “(d) **ARRANGEMENT METHODS AND AUTHORITIES.**—  
10          To establish a cooperative arrangement under subsection  
11          (a) with a non-Army entity, the approval authority de-  
12          scribed in subsection (e) for an Army industrial facility  
13          may—

14                 “(1) enter into a firm, fixed-price contract (or,  
15                 if agreed to by the non-Army entity, a cost reim-  
16                 bursement contract) for a sale of articles or services  
17                 or use of equipment or facilities;

18                 “(2) enter into a multiyear contract for a pe-  
19                 riod not to exceed five years, unless a longer period  
20                 is specifically authorized by law;

21                 “(3) charge the non-Army entity the amounts  
22                 necessary to recover the full costs of the articles or  
23                 services provided, including capital improvement  
24                 costs, and equipment depreciation costs associated



1 with providing the articles, services, equipment, or  
2 facilities;

3 “(4) authorize the non-Army entity to use in-  
4 cremental funding to pay for the articles, services, or  
5 use of equipment or facilities; and

6 “(5) accept payment-in-kind.

7 “(e) APPROVAL AUTHORITY.—The authority of an  
8 Army industrial facility to enter into a cooperative ar-  
9 rangement under subsection (a) shall be exercised at the  
10 level of the commander of the major subordinate command  
11 of the Army that has responsibility for the facility. The  
12 commander may approve such an arrangement on a case-  
13 by-case basis or a class basis.

14 “(f) COMMERCIAL SALES.—Except in the case of  
15 work performed for the Department of Defense, for a con-  
16 tract of the Department of Defense, for foreign military  
17 sales, or for authorized foreign direct commercial sales  
18 (defense articles or defense services sold to a foreign gov-  
19 ernment or international organization under export con-  
20 trols), a sale of articles or services may be made under  
21 this section only if the approval authority described in sub-  
22 section (e) determines that the articles or services are not  
23 available from a commercial source located in the United  
24 States in the required quantity or quality, or within the  
25 time required.



1           “(g) EXCLUSION FROM DEPOT-LEVEL MAINTENANCE AND REPAIR PERCENTAGE LIMITATION.—

2           Amounts expended for the performance of a depot-level

3           maintenance and repair workload by non-Federal Govern-

4           ment personnel at an Army industrial facility shall not be

5           counted for purposes of applying the percentage limitation

6           in section 2466(a) of this title if the personnel are pro-

7           vided by a non-Army entity pursuant to a cooperative ar-

8           rangement entered into under subsection (a).

9           “(h) RELATIONSHIP TO OTHER LAWS.—Nothing in

10          this section shall be construed to affect the application

11          of—

12                 “(1) foreign military sales and the export con-

13          trols provided for in sections 30 and 38 of the Arms

14          Export Control Act (22 U.S.C. 2770 and 2778) to

15          activities of a cooperative arrangement entered into

16          under subsection (a); and

17                 “(2) section 2667 of this title to leases of non-

18          excess property in the administration of such an ar-

19          rangement.

20                 “(i) DEFINITIONS.—In this section:

21                 “(1) The term ‘Army industrial facility’ in-

22          cludes an ammunition plant, an arsenal, a depot,

23          and a manufacturing plant.

24



1           “(2) The term ‘non-Army entity’ includes the  
2 following:

3           “(A) A Federal agency (other than the De-  
4 partment of the Army).

5           “(B) An entity in industry or commercial  
6 sales.

7           “(C) A State or political subdivision of a  
8 State.

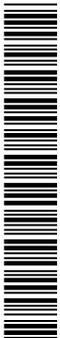
9           “(D) An institution of higher education or  
10 vocational training institution.

11          “(3) The term ‘incremental funding’ means a  
12 series of partial payments that—

13           “(A) are made as the work on manufacture  
14 or articles is being performed or services are  
15 being performed or equipment or facilities are  
16 used, as the case may be; and

17           “(B) result in full payment being com-  
18 pleted as the required work is being completed.

19          “(4) The term ‘full costs’, with respect to arti-  
20 cles or services provided under a cooperative ar-  
21 rangement entered into under subsection (a), means  
22 the variable costs and the fixed costs that are di-  
23 rectly related to the production of the articles or the  
24 provision of the services.





4-1

1                   **TITLE IV—MILITARY**  
2                   **PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

- Sec. 401. End strengths for active forces.  
Sec. 402. Revision in permanent active duty end strength minimum levels.  
Sec. 403. Additional authority for increases of Army and Marine Corps active  
                  duty personnel end strengths for fiscal years 2005 through  
                  2009.  
Sec. 404. Exclusion of service academy permanent and career professors from  
                  a limitation on certain officer grade strengths.

**Subtitle B—Reserve Forces**

- Sec. 411. End strengths for Selected Reserve.  
Sec. 412. End strengths for Reserves on active duty in support of the reserves.  
Sec. 413. End strengths for military technicians (dual status).  
Sec. 414. Fiscal year 2005 limitation on number of non-dual status technicians.  
Sec. 415. Maximum number of Reserve personnel authorized to be on active  
                  duty for operational support.  
Sec. 416. Accounting and management of reserve component personnel per-  
                  forming active duty or full-time National Guard duty for oper-  
                  ational support.

**Subtitle C—Authorizations of Appropriations**

- Sec. 421. Military personnel.  
Sec. 422. Armed Forces Retirement Home.

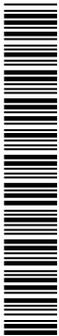
3                   **Subtitle A—Active Forces**

4                   **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

5                   (a) IN GENERAL.—The Armed Forces are authorized  
6 strengths for active duty personnel as of September 30,  
7 2005, as follows:

- 8                   (1) The Army, 502,400.  
9                   (2) The Navy, 365,900.  
10                  (3) The Marine Corps, 178,000.  
11                  (4) The Air Force, 359,700.

12                  (b) LIMITATION.—(1) The authorized strength for  
13 the Army provided in paragraph (1) of subsection (a) for



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1 active duty personnel for fiscal year 2005 is subject to the  
2 condition that costs of active duty personnel of the Army  
3 for that fiscal year in excess of 482,400 shall be paid out  
4 of funds authorized to be appropriated for that fiscal year  
5 for a contingent emergency reserve fund or as an emer-  
6 gency supplemental appropriation.

7 (2) The authorized strength for the Marine Corps  
8 provided in paragraph (3) of subsection (a) for active duty  
9 personnel for fiscal year 2005 is subject to the condition  
10 that costs of active duty personnel of the Marine Corps  
11 for that fiscal year in excess of 175,000 shall be paid out  
12 of funds authorized to be appropriated for that fiscal year  
13 for a contingent emergency reserve fund or as an emer-  
14 gency supplemental appropriation.

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

17 Section 691(b) of title 10, United States Code, is  
18 amended by striking paragraphs (1) through (4) and in-  
19 serting the following:

20 “(1) For the Army, 502,400.

21 “(2) For the Navy, 365,900.

22 “(3) For the Marine Corps, 178,000.

23 “(4) For the Air Force, 359,700.”.



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1 **SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF**  
2 **ARMY ACTIVE DUTY PERSONNEL END**  
3 **STRENGTHS FOR FISCAL YEARS 2005**  
4 **THROUGH 2009.**

5 (a) **AUTHORITY.**—During fiscal years 2005 through  
6 2009, the Secretary of Defense is authorized to increase  
7 by up to 30,000 the end strength authorized for the Army,  
8 and by up to 9,000 the end strength authorized for the  
9 Marine Corps, above the levels authorized for those serv-  
10 ices in the National Defense Authorization Act for Fiscal  
11 Year 2004, as necessary—

12 (1) to support the operational mission of  
13 the Army and Marine Corps in Iraq and Af-  
14 ghanistan; and

15 (2) with respect to end strengths for the  
16 Army, to achieve transformational reorganiza-  
17 tion objectives of the Army, including objectives  
18 for increased numbers of combat brigades, unit  
19 manning, force stabilization and shaping, and  
20 rebalancing of the active and reserve component  
21 forces of the Army.

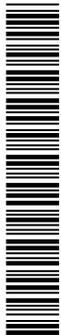
22 (b) **RELATIONSHIP TO PRESIDENTIAL WAIVER AU-**  
23 **THORITY.**—Nothing in this section shall be construed to  
24 limit the President's authority under section 123a of title  
25 10, United States Code, to waive any statutory end  
26 strength in a time of war or national emergency.



1 (c) RELATIONSHIP TO OTHER VARIANCE AUTHOR-  
2 ITY.—The authority under subsection (a) is in addition  
3 to the authority to vary authorized end strengths that is  
4 provided in subsections (e) and (f) of section 115 of title  
5 10, United States Code.

6 (d) BUDGET TREATMENT.—(1) If the Secretary of  
7 Defense plans to increase the Army or Marine Corps ac-  
8 tive duty end strength for a fiscal year under subsection  
9 (a) of this section or pursuant to a suspension of end-  
10 strength limitation under section 123a of title 10, United  
11 States Code, then the budget for the Department of De-  
12 fense for such fiscal year as submitted to Congress shall  
13 specify the amounts necessary for funding the active duty  
14 end strength of the Army in excess of 482,400 and the  
15 Marine Corps in excess of 175,000 (the end strengths au-  
16 thorized for active duty personnel of the Army and Marine  
17 Corps, respectively, for fiscal year 2004 in paragraphs (1)  
18 and (3) of section 401 of the National Defense Authoriza-  
19 tion Act for Fiscal Year 2004 (Public Law 108-136; 117  
20 Stat. 1450)).

21 (2) If the amount proposed for the Department of  
22 Defense for fiscal year 2006 within budget function 050  
23 (National Defense) includes amounts necessary for fund-  
24 ing an active duty end strength of the Army in excess of  
25 482,400, or an active duty end strength of the Marine



1 Corps in excess of 175,000, for that fiscal year, the speci-  
2 fication of amounts necessary for funding such end  
3 strength (as required under paragraph (1)) shall include  
4 the following additional information:

5 (A) A display of the following amounts:

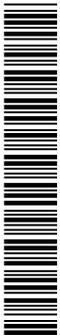
6 (i) The amount that is to be funded out of  
7 the amounts proposed for the Department of  
8 Defense within budget function 050 (National  
9 Defense) other than out of amounts for the  
10 Army and Marine Corps.

11 (ii) The amount that is to be funded out  
12 of the amounts proposed for the Army and Ma-  
13 rine Corps within budget function 050 (Na-  
14 tional Defense).

15 (iii) The estimated amounts that are to be  
16 funded out of emergency reserve funds and sup-  
17 plemental appropriations for fiscal year 2006.

18 (B) A detailed justification for reliance on each  
19 funding source described in subparagraph (A).

20 (C) A detailed discussion of which programs  
21 and plans of the Army and Marine Corps funded in  
22 the proposed budget for fiscal year 2006 must be  
23 modified if the funding sources relied on, as pre-  
24 sented under subparagraph (A), must be changed.



1 (D) The projected Army and Marine Corps ac-  
2 tive duty end strengths for each of fiscal years 2006  
3 through 2010, together with a detailed enumeration  
4 of the component costs of the projected end  
5 strengths for each such fiscal year.

6 **SEC. 404. EXCLUSION OF SERVICE ACADEMY PERMANENT**  
7 **AND CAREER PROFESSORS FROM A LIMITA-**  
8 **TION ON CERTAIN OFFICER GRADE**  
9 **STRENGTHS.**

10 Section 523(b) of title 10, United States Code, is  
11 amended by adding at the end the following new para-  
12 graph:

13 “(8) Permanent professors of the United States  
14 Military Academy and the United States Air Force  
15 Academy and professors of the United States Naval  
16 Academy who are career military professors (as de-  
17 fined in regulations prescribed by the Secretary of  
18 the Navy), but not to exceed 50 from any such acad-  
19 emy.”.

20 **Subtitle B—Reserve Forces**

21 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

22 (a) IN GENERAL.—The Armed Forces are authorized  
23 strengths for Selected Reserve personnel of the reserve  
24 components as of September 30, 2005, as follows:



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

3 (2) The Army Reserve, 205,000.

4 (3) The Naval Reserve, 83,400.

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

6 (5) The Air National Guard of the United  
7 States, 106,800.

8 (6) The Air Force Reserve, 76,100.

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

10 (b) ADJUSTMENTS.—The end strengths prescribed by  
11 subsection (a) for the Selected Reserve of any reserve com-  
12 ponent shall be proportionately reduced by—

13 (1) the total authorized strength of units orga-  
14 nized to serve as units of the Selected Reserve of  
15 such component which are on active duty (other  
16 than for training) at the end of the fiscal year; and

17 (2) the total number of individual members not  
18 in units organized to serve as units of the Selected  
19 Reserve of such component who are on active duty  
20 (other than for training or for unsatisfactory partici-  
21 pation in training) without their consent at the end  
22 of the fiscal year.

23 Whenever such units or such individual members are re-  
24 leased from active duty during any fiscal year, the end  
25 strength prescribed for such fiscal year for the Selected



1 Reserve of such reserve component shall be increased pro-  
2 portionately by the total authorized strengths of such  
3 units and by the total number of such individual members.

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

6 Within the end strengths prescribed in section  
7 411(a), the reserve components of the Armed Forces are  
8 authorized, as of September 30, 2005, the following num-  
9 ber of Reserves to be serving on full-time active duty or  
10 full-time duty, in the case of members of the National  
11 Guard, for the purpose of organizing, administering, re-  
12 cruiting, instructing, or training the reserve components:

13 (1) The Army National Guard of the United  
14 States, 26,602.

15 (2) The Army Reserve, 14,970.

16 (3) The Naval Reserve, 14,152.

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

18 (5) The Air National Guard of the United  
19 States, 12,253.

20 (6) The Air Force Reserve, 1,900.

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

23 The minimum number of military technicians (dual  
24 status) as of the last day of fiscal year 2005 for the re-  
25 serve components of the Army and the Air Force (notwith-



1 standing section 129 of title 10, United States Code) shall  
2 be the following:

3 (1) For the Army Reserve, 7,299.

4 (2) For the Army National Guard of the United  
5 States, 25,076.

6 (3) For the Air Force Reserve, 9,954.

7 (4) For the Air National Guard of the United  
8 States, 22,956.

9 **SEC. 414. FISCAL YEAR 2005 LIMITATION ON NUMBER OF**  
10 **NON-DUAL STATUS TECHNICIANS.**

11 (a) LIMITATIONS.—(1) Within the limitation pro-  
12 vided in section 10217(c)(2) of title 10, United States  
13 Code, the number of non-dual status technicians employed  
14 by the National Guard as of September 30, 2005, may  
15 not exceed the following:

16 (A) For the Army National Guard of the  
17 United States, 1,600.

18 (B) For the Air National Guard of the United  
19 States, 350.

20 (2) The number of non-dual status technicians em-  
21 ployed by the Army Reserve as of September 30, 2005,  
22 may not exceed 795.

23 (3) The number of non-dual status technicians em-  
24 ployed by the Air Force Reserve as of September 30,  
25 2005, may not exceed 90.



1 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
2 this section, the term “non-dual status technician” has the  
3 meaning given that term in section 10217(a) of title 10,  
4 United States Code.

5 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
6 **THORIZED TO BE ON ACTIVE DUTY FOR**  
7 **OPERATIONAL SUPPORT.**

8 During fiscal year 2005, the maximum number of  
9 members of the reserve components of the Armed Forces  
10 who may be serving at any time on full-time operational  
11 support duty under section 115(b) of title 10, United  
12 States Code, is the following:

13 (1) The Army National Guard of the United  
14 States, 10,300.

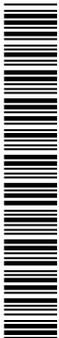
15 (2) The Army Reserve, 5,000.

16 (3) The Naval Reserve, 6,200.

17 (4) The Marine Corps Reserve, 2,500.

18 (5) The Air National Guard of the United  
19 States, 10,100.

20 (6) The Air Force Reserve, 3,600.



1 **SEC. 416. ACCOUNTING AND MANAGEMENT OF RESERVE**  
2 **COMPONENT PERSONNEL PERFORMING AC-**  
3 **TIVE DUTY OR FULL-TIME NATIONAL GUARD**  
4 **DUTY FOR OPERATIONAL SUPPORT.**

5 (a) STRENGTH AUTHORIZATIONS.—Section 115 of  
6 title 10, United States Code, is amended—

7 (1) in subsection (a)(1)(A), by inserting “unless  
8 on active duty pursuant to subsection (b)” after “ac-  
9 tive-duty personnel”;

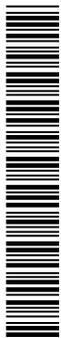
10 (2) in subsection (a)(1)(B), by inserting “unless  
11 on active duty or full-time National Guard duty pur-  
12 suant to subsection (b)” after “reserve personnel”;

13 (3) by redesignating subsections (b), (c), (d),  
14 (e), (f), (g) and (h) as subsections (c), (d), (e), (f),  
15 (g), (h) and (i), respectively; and

16 (4) by inserting after subsection (a) the fol-  
17 lowing new subsection (b):

18 “(b) CERTAIN RESERVES ON ACTIVE DUTY TO BE  
19 AUTHORIZED BY LAW.—(1) Congress shall annually au-  
20 thorize the maximum number of members of a reserve  
21 component permitted to be on active duty or full-time Na-  
22 tional Guard duty at any given time who are called or or-  
23 dered to—

24 “(A) active duty under section 12301(d) of this  
25 title for the purpose of providing operational sup-



1 port, as prescribed in regulation issued by the Sec-  
2 retary of Defense;

3 “(B) full-time National Guard duty under sec-  
4 tion 502(f)(2) of title 32 for the purpose of pro-  
5 viding operational support when authorized by the  
6 Secretary of Defense;

7 “(C) active duty under section 12301(d) of this  
8 title or full-time National Guard duty under section  
9 502(f)(2) of title 32 for the purpose of preparing for  
10 and performing funeral honors functions for funerals  
11 of veterans under section 1491 of this title;

12 “(D) active duty or retained on active duty  
13 under sections 12301(g) of this title while in a cap-  
14 tive status; or

15 “(E) active duty or retained on active duty  
16 under 12301(h) or 12322 of this title for the pur-  
17 pose of medical evaluation or treatment.

18 “(2) A member of a reserve component who exceeds  
19 either of the following limits shall be included in the  
20 strength authorized under subparagraph (A) or subpara-  
21 graph (B), as appropriate, of subsection (a)(1):

22 “(A) A call or order to active duty or full-time  
23 National Guard duty that specifies a period greater  
24 than three years.



1           “(B) The cumulative periods of active duty and  
2 full-time National Guard duty performed by the  
3 member exceed 1095 days in the previous 1460  
4 days.

5           “(3) In determining the period of active service under  
6 paragraph (2), the following periods of active service per-  
7 formed by a member shall not be included:

8           “(A) All periods of active duty performed by a  
9 member who has not previously served in the Se-  
10 lected Reserve of the Ready Reserve.

11           “(B) All periods of active duty or full-time Na-  
12 tional Guard duty for which the member is exempt  
13 from strength accounting under paragraphs (1)  
14 through (8) of subsection (i).”.

15           (b) LIMITATION ON APPROPRIATIONS.—Subsection  
16 (c) of such section (as redesignated by subsection (a)(3))  
17 is amended—

18           (1) by striking “or” at the end of paragraph  
19 (1);

20           (2) by striking the period at the end of para-  
21 graph (2) and inserting “; or”; and

22           (3) by inserting after paragraph (2) the fol-  
23 lowing new paragraph:

24           “(3) the use of reserve component personnel to  
25 perform active duty or full-time National Guard



1 duty under subsection (b) unless the strength for  
2 such personnel for that reserve component for that  
3 fiscal year has been authorized by law.”.

4 (c) AUTHORITY FOR SECRETARY OF DEFENSE  
5 VARIANCES IN MAXIMUM STRENGTHS.—Subsection (f) of  
6 such section (as redesignated by subsection (a)(3)) is  
7 amended—

8 (1) by striking “END” in the heading;

9 (2) by striking “and” at the end of paragraph  
10 (2);

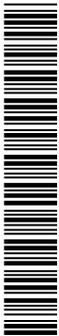
11 (3) by striking the period at the end of para-  
12 graph (3) and inserting “; and”; and

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

15 “(4) increase the maximum strength authorized  
16 pursuant to subsection (b)(1) for a fiscal year for  
17 certain reserves on active duty for any of the reserve  
18 components by a number equal to not more than 10  
19 percent of that strength.”.

20 (d) CONFORMING AMENDMENTS TO SECTION 115.—  
21 Such section is further amended as follows:

22 (1) Subsection (e) (as redesignated by sub-  
23 section (a)(3)) is amended—



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1 (A) in paragraph (1), by striking “sub-  
2 section (a) or (c)” and inserting “subsection (a)  
3 or (d)”;

4 (B) in paragraph (2)—

5 (i) by striking “subsections (a) and  
6 (c)”;

7 (d)”;

8 (ii) by striking “pursuant to sub-  
9 section (e)) and subsection (c)” and insert-  
10 ing “pursuant to subsection (f)) and sub-  
11 section (d)” each place it appears.

12 (2) Subsection (g) (as redesignated by sub-  
13 section (a)(3)) is amended by striking “subsection  
14 (e)(1)” in paragraph (2) and inserting “subsection  
15 (f)(1)”.

16 (3) Subsection (i) (as redesignated by sub-  
17 section (a)(3)) is amended to read as follows:

18 “(i) CERTAIN PERSONNEL EXCLUDED FROM COUNT-  
19 ING FOR ACTIVE-DUTY END STRENGTHS.—In counting  
20 personnel for the purpose of the end strengths authorized  
21 pursuant to subsection (a)(1), persons in the following cat-  
22 egories shall be excluded:

23 “(1) Members of a reserve component ordered  
24 to active duty under section 12301(a) of this title.



1           “(2) Members of a reserve component in an ac-  
2           tive status ordered to active duty under section  
3           12301(b) of this title.

4           “(3) Members of the Ready Reserve ordered to  
5           active duty under section 12302 of this title.

6           “(4) Members of the Selected Reserve of the  
7           Ready Reserve or members of the Individual Ready  
8           Reserve mobilization category described in section  
9           10144(b) of this title ordered to active duty under  
10          section 12304 of this title.

11          “(5) Members of the National Guard called into  
12          Federal service under section 12406 of this title.

13          “(6) Members of the militia called into Federal  
14          service under chapter 15 of this title.

15          “(7) Members of the National Guard on full-  
16          time National Guard duty under section 502(f)(1) of  
17          title 32.

18          “(8) Members of reserve components on active  
19          duty for training or full-time National Guard duty  
20          for training.

21          “(9) Members of the Selected Reserve of the  
22          Ready Reserve on active duty to support programs  
23          described in section 1203(b) of the Cooperative  
24          Threat Reduction Act of 1993 (22 U.S.C. 5952(b)).



1           “(10) Members of the National Guard on active  
2           duty or full-time National Guard duty for the pur-  
3           pose of carrying out drug interdiction and counter-  
4           drug activities under section 112 of title 32.

5           “(11) Members of a reserve component on ac-  
6           tive duty under section 10(b)(2) of the Military Se-  
7           lective Service Act (50 U.S.C. App. 460(b)(2)) for  
8           the administration of the Selective Service System.

9           “(12) Members of the National Guard on full-  
10          time National Guard duty for the purpose of pro-  
11          viding command, administrative, training, or support  
12          services for the National Guard Challenge Program  
13          authorized by section 509 of title 32.”.

14          (e) MILITARY TO MILITARY CONTACT STRENGTH AC-  
15          COUNTING.—Subsection (f) of section 168 of such title is  
16          amended to read as follows:

17          “(f) ACTIVE DUTY END STRENGTHS.—A member of  
18          a reserve component who is engaged in activities author-  
19          ized under this section shall not be counted for purposes  
20          of the following personnel strength limitations:

21                 “(1) The end strength for active-duty personnel  
22                 authorized pursuant to section 115(a)(1) of this title  
23                 for the fiscal year in which the member carries out  
24                 the activities referred to under this section.



1           “(2) The authorized daily average for members  
2           in pay grades E-8 and E-9 under section 517 of  
3           this title for the calendar year in which the member  
4           carries out such activities.

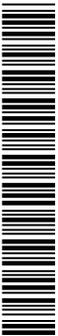
5           “(3) The authorized strengths for commissioned  
6           officers under section 523 of this title for the fiscal  
7           year in which the member carries out such activi-  
8           ties.”.

9           (f) E-8 AND E-9 STRENGTH ACCOUNTING.—Sub-  
10          section (a) of section 517 of such title is amended by strik-  
11          ing “(other than for training) in connection with orga-  
12          nizing, administering, recruiting, instructing, or training  
13          the reserve component of an armed force.” and inserting  
14          “as authorized under section 115(a)(1)(B) or 115(b) of  
15          this title, or excluded from counting for active duty end  
16          strengths under section 115(i) of this title.”.

17          (g) FIELD GRADE OFFICER STRENGTH ACCOUNT-  
18          ING.—(1) Paragraph (1) of section 523(b) of such title  
19          is amended to read as follows:

20                 (1) Reserve officers—

21                         “(A) on active duty as authorized under  
22                         section 115(a)(1)(B) or 115(b)(1) of this title,  
23                         or excluded from counting for active duty end  
24                         strengths under section 115(i) of this title;



1 “(B) on active duty under section 10211,  
2 10302 through 10305, or 12402 of this title or  
3 under section 708 of title 32; or

4 “(C) on full-time National Guard duty.”.

5 (2) Paragraph (7) of such section is amended by  
6 striking “Reserve or retired officers” and inserting “Re-  
7 tired officers”.

8 (h) ACTIVE GUARD AND RESERVE FIELD GRADE OF-  
9 FICER STRENGTH ACCOUNTING.—Paragraph (2) of sec-  
10 tion 12011(e) of such title is amended to read as follows:

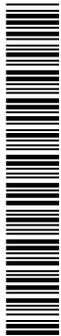
11 “(2) Full-time National Guard duty (other than  
12 for training) under section 502(f) of title 32, except  
13 for duty under section 115(b)(1)(B) and (C) of this  
14 title and section 115(i)(9) of this title.”.

15 (i) WARRANT OFFICER ACTIVE-DUTY LIST EXCLU-  
16 SION.—Paragraph (1) of section 582 of such title is  
17 amended to read as follows:

18 “(1) Reserve warrant officers—

19 “(A) on active duty as authorized under  
20 section 115(a)(1)(B) or 115(b)(1) of this title,  
21 or excluded from counting for active duty end  
22 strengths under section 115(i) of this title; or

23 “(B) on full-time National Guard duty.”.



1 (j) OFFICER ACTIVE-DUTY LIST, APPLICABILITY OF  
2 CHAPTER.—Paragraph (1) of section 641 of such title is  
3 amended to read as follows:

4 “(1) Reserve officers—

5 “(A) on active duty authorized under sec-  
6 tion 115(a)(1)(B) or 115(b)(1) of this title, or  
7 excluded from counting for active duty end  
8 strengths under section 115(i) of this title;

9 “(B) on active duty under section 3038,  
10 5143, 5144, 8038, 10211, 10301 through  
11 10305, 10502, 10505, 10506(a), 10506(b),  
12 10507, or 12402 of this title or section 708 of  
13 title 32; or

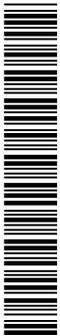
14 “(C) on full-time National Guard duty.”.

15 (k) STRENGTH ACCOUNTING FOR MEMBERS PER-  
16 FORMING DRUG INTERDICTION AND COUNTER-DRUG AC-  
17 TIVITIES.—Section 112 of title 32, United States Code,  
18 is amended—

19 (1) by striking subsection (e);

20 (2) by redesignating subsections (f), (g), (h)  
21 and (i) as subsections (e), (f), (g) and (h) respec-  
22 tively; and

23 (3) in paragraph (1) of subsection (e), as redesi-  
24 gnated by paragraph (2), by striking “for a period  
25 of more than 180 days” each place it appears.



1 (l) REPORT.—Not later than June 1, 2005, the Sec-  
2 retary of Defense shall report to the Committee on Armed  
3 Services of the Senate and the Committee on Armed Serv-  
4 ices of the House of Representatives the Secretary’s rec-  
5 ommendations regarding the exemptions provided in para-  
6 graphs (8) through (11) by section 115(i) of title 10,  
7 United States Code, as amended by this section. The rec-  
8 ommendations shall address the manner in personnel cov-  
9 ered by those exemptions shall be accounted for in author-  
10 izations provided by section 115 of such title. The objec-  
11 tive of the analysis should be to terminate the need for  
12 such exemptions after September 30, 2006.

13 (m) REGULATIONS.—The Secretary of Defense shall  
14 prescribe by regulation the meaning of the term “oper-  
15 ational support” for purposes of paragraph (1) of sub-  
16 section (b) of section 115 of title 10, United States Code,  
17 as added by subsection (a).

18 **Subtitle C—Authorizations of**  
19 **Appropriations**

20 **SEC. 421. MILITARY PERSONNEL.**

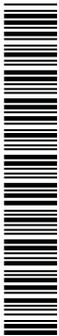
21 There is hereby authorized to be appropriated to the  
22 Department of Defense for military personnel for fiscal  
23 year 2005 a total of \$106,542,982,000. The authorization  
24 in the preceding sentence supersedes any other authoriza-



1 tion of appropriations (definite or indefinite) for such pur-  
2 pose for fiscal year 2005.

3 **SEC. 422. ARMED FORCES RETIREMENT HOME.**

4       There is hereby authorized to be appropriated for fis-  
5 cal year 2005 from the Armed Forces Retirement Home  
6 Trust Fund the sum of \$61,195,000 for the operation of  
7 the Armed Forces Retirement Home.



1 **TITLE V—MILITARY PERSONNEL**  
2 **POLICY**

**Subtitle A—Officer Personnel Policy**

- Sec. 501. Transition of active-duty list officer force to a force of all regular officers.
- Sec. 502. Repeal of requirement that Deputy Chiefs and Assistant Chiefs of Naval Operations be selected from officers in the line of the Navy.
- Sec. 503. Limitation on number of officers frocked to major general and rear admiral.
- Sec. 504. Distribution in grade of Marine Corps reserve officers in an active status in grades below brigadier general
- Sec. 505. Authority for Federal recognition of National Guard commissioned officers appointed from former Coast Guard personnel.
- Sec. 506. Study regarding promotion eligibility of retired officers recalled to active duty.
- Sec. 507. Succession for office of Chief, National Guard Bureau.
- Sec. 508. Redesignation of Vice Chief of the National Guard Bureau as Director of the Joint Staff of the National Guard Bureau.

**Subtitle B—Reserve Component Policy Matters**

- Sec. 511. Modification of stated purpose of the reserve components.
- Sec. 512. Homeland defense activities conducted by the National Guard under authority of title 32.
- Sec. 513. Commission on the National Guard and Reserves.
- Sec. 514. Repeal of exclusion of active duty for training from authority to order Reserves to active duty.
- Sec. 515. Army program for assignment of active component advisers to units of the Selected Reserve.
- Sec. 516. Authority to accept certain voluntary services.
- Sec. 517. Authority to redesignate the Naval Reserve as the Navy Reserve.
- Sec. 518. Comptroller General assessment of integration of active and reserve components of the Navy.
- Sec. 519. Limitation on number of Starbase academies in a State.
- Sec. 520. Recognition items for certain reserve component personnel.

**Subtitle C—Reserve Component Personnel Matters**

- Sec. 521. Status under disability retirement system for reserve members released from active duty due to inability to perform within 30 days of call to active duty.
- Sec. 522. Requirement for retention of Reserves on active duty to qualify for retired pay not applicable to nonregular service retirement system.
- Sec. 523. Federal civil service military leave for Reserve and National Guard civilian technicians.
- Sec. 524. Expanded educational assistance authority for officers commissioned through ROTC program at military junior colleges.
- Sec. 525. Repeal of sunset provision for financial assistance program for students not eligible for advanced training.



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- Sec. 526. Effect of appointment or commission as officer on eligibility for Selected Reserve education loan repayment program for enlisted members.
- Sec. 527. Educational assistance for certain reserve component members who perform active service.
- Sec. 528. Sense of Congress on guidance concerning treatment of employer-provided compensation and other benefits voluntarily provided to employees who are activated Reservists.

**Subtitle D—Joint Officer Management and Professional Military Education**

- Sec. 531. Strategic plan to link joint officer development to overall missions and goals of Department of Defense.
- Sec. 532. Improvement to professional military education in the Department of Defense.
- Sec. 533. Joint requirements for promotion to flag or general officer grade.
- Sec. 534. Clarification of tours of duty qualifying as a joint duty assignment.
- Sec. 535. Two-year extension of temporary standard for promotion policy objectives for joint officers.
- Sec. 536. Two-year extension of authority to waive requirement that Reserve Chiefs and National Guard Directors have significant joint duty experience.

**Subtitle E—Military Service Academies**

- Sec. 541. Revision to conditions on service of officers as service academy superintendents.
- Sec. 542. Academic qualifications of the dean of the faculty of United States Air Force Academy.
- Sec. 543. Board of Visitors of United States Air Force Academy.
- Sec. 544. Appropriated funds for service academy athletic and recreational extracurricular programs to be treated in same manner as for military morale, welfare, and recreation programs.
- Sec. 545. Codification of prohibition on imposition of certain charges and fees at the service academies.

**Subtitle F—Other Education and Training Matters**

- Sec. 551. College First delayed enlistment program.
- Sec. 552. Senior Reserve Officers' Training Corps and recruiter access at institutions of higher education.
- Sec. 553. Tuition assistance for officers.
- Sec. 554. Increased maximum period for leave of absence for pursuit of a program of education in a health care profession.
- Sec. 555. Eligibility of cadets and midshipmen for medical and dental care and disability benefits.
- Sec. 556. Transfer of authority to confer degrees upon graduates of the Community College of the Air Force.
- Sec. 557. Change in titles of leadership positions at the Naval Postgraduate School.

**Subtitle G—Assistance to Local Educational Agencies for Defense Dependents Education**

- Sec. 558. Continuation of impact aid assistance on behalf of dependents of certain members despite change in status of member.



## 5-3

- Sec. 559. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 560. Impact aid for children with severe disabilities.

**Subtitle H—Medals and Decorations and Special Promotions  
and Appointments**

- Sec. 561. Award of medal of honor to individual interred in the Tomb of the Unknowns as representative of casualties of a war.
- Sec. 562. Plan for revised criteria and eligibility requirements for award of Combat Infantryman Badge and Combat Medical Badge for service in Korea after July 28, 1953.
- Sec. 563. Authority to appoint Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list.
- Sec. 564. Posthumous commission of William Mitchell in the grade of major general in the Army.

**Subtitle I—Military Voting**

- Sec. 566. Federal write-in ballots for absentee military voters located in the United States.
- Sec. 567. Repeal of requirement to conduct electronic voting demonstration project for the Federal election to be held in November 2004.
- Sec. 568. Reports on operation of Federal voting assistance program and military postal system.

**Subtitle J—Military Justice Matters**

- Sec. 571. Review on how sexual offenses are covered by Uniform Code of Military Justice.
- Sec. 572. Waiver of recoupment of time lost for confinement in connection with a trial.
- Sec. 573. Processing of forensic evidence collection kits and acquisition of sufficient stocks of such kits.
- Sec. 574. Authorities of the Judge Advocates General.

**Subtitle K—Sexual Assault in the Armed Forces**

- Sec. 576. Examination of sexual assault in the Armed Forces by the Defense Task Force established to examine sexual harassment and violence at the military service academies.
- Sec. 577. Department of Defense policy and procedures on prevention and response to sexual assaults involving members of the Armed Forces.

**Subtitle L—Management and Administrative Matters**

- Sec. 581. Three-year extension of limitation on reductions of personnel of agencies responsible for review and correction of military records.
- Sec. 582. Staffing for Defense Prisoner of War/Missing Personnel Office (DPMO).
- Sec. 583. Permanent ID cards for retiree dependents age 75 and older.
- Sec. 584. Authority to provide civilian clothing to members traveling in connection with medical evacuation.





1           (3)(A) Such section is further amended by adding at  
2 the end the following new subsection:

3           “(f) The Secretary of Defense may waive the require-  
4 ment of paragraph (1) of subsection (a) with respect to  
5 a person who has been lawfully admitted to the United  
6 States for permanent residence when the Secretary deter-  
7 mines that the national security so requires, but only for  
8 an original appointment in a grade below the grade of  
9 major or lieutenant commander.”.

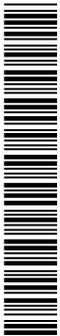
10          (B) Section 619(d) of such title is amended by adding  
11 at the end the following new paragraph:

12           “(5) An officer in the grade of captain or, in  
13 the case of the Navy, lieutenant who is not a citizen  
14 of the United States.”.

15          (4) Section 531(a) of such title is amended to read  
16 as follows:

17           “(a)(1) Original appointments in the grades of sec-  
18 ond lieutenant, first lieutenant, and captain in the Regular  
19 Army, Regular Air Force, and Regular Marine Corps and  
20 in the grades of ensign, lieutenant (junior grade), and lieu-  
21 tenant in the Regular Navy shall be made by the President  
22 alone.

23           “(2) Original appointments in the grades of major,  
24 lieutenant colonel, and colonel in the Regular Army, Reg-  
25 ular Air Force, and Regular Marine Corps and in the



1 grades of lieutenant commander, commander, and captain  
2 in the Regular Navy shall be made by the President, by  
3 and with the advice and consent of the Senate.”.

4 (b) REPEAL OF TOTAL STRENGTH LIMITATIONS FOR  
5 ACTIVE-DUTY REGULAR COMMISSIONED OFFICERS.—(1)  
6 Section 522 of such title is repealed.

7 (2) The table of sections at the beginning of chapter  
8 32 of such title is amended by striking the item relating  
9 to section 522.

10 (c) FORCE SHAPING AUTHORITY.—(1)(A) Sub-  
11 chapter V of chapter 36 of such title is amended by adding  
12 at the end the following new section:

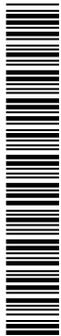
13 **“§ 647. Force shaping authority**

14 “(a) AUTHORITY.—The Secretary concerned may,  
15 solely for the purpose of restructuring an armed force  
16 under the jurisdiction of that Secretary—

17 “(1) discharge an officer described in sub-  
18 section (b); or

19 “(2) transfer such an officer from the active-  
20 duty list of that armed force to the reserve active-  
21 status list of a reserve component of that armed  
22 force.

23 “(b) COVERED OFFICERS.—(1) The authority under  
24 this section may be exercised in the case of an officer  
25 who—



1           “(A) has completed not more than 5 years of  
2           service as a commissioned officer in the armed  
3           forces; or

4           “(B) has completed more than 5 years of serv-  
5           ice as a commissioned officer in the armed forces,  
6           but has not completed a minimum service obligation  
7           applicable to that member.

8           “(2) In this subsection, the term ‘minimum service  
9           obligation’ means the initial period of required active duty  
10          service together with any additional period of required ac-  
11          tive duty service incurred during the initial period of re-  
12          quired active duty service.

13          “(c) APPOINTMENT OF TRANSFERRED OFFICERS.—  
14          An officer of the Regular Army, Regular Air Force, Reg-  
15          ular Navy, or Regular Marine Corps who is transferred  
16          to a reserve active-status list under this section shall be  
17          discharged from the regular component concerned and ap-  
18          pointed as a reserve commissioned officer under section  
19          12203 of this title.

20          “(d) REGULATIONS.—The Secretary concerned shall  
21          prescribe regulations for the exercise of the Secretary’s au-  
22          thority under this section.”.

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

          “647. Force shaping authority.”.



1           (2) Section 1174(e)(2)(B) of such title is amended  
2 by inserting after “obligated service” the following: “, un-  
3 less the member is an officer discharged or released under  
4 the authority of section 647 of this title”.

5           (3) Section 12201(a) of such title is amended—

6                 (A) by inserting “(1)” after “(a)”;

7                 (B) in the first sentence, by inserting “, except  
8 as provided in paragraph (2),” after “the armed  
9 force concerned and”; and

10                (C) by adding at the end the following new  
11 paragraph:

12           “(2) An officer transferred from the active-duty list  
13 of an armed force to a reserve active-status list of an  
14 armed force under section 647 of this title is not required  
15 to subscribe to the oath referred to in paragraph (1) in  
16 order to qualify for an appointment under that para-  
17 graph.”.

18           (4) Section 12203 of such title is amended—

19                 (A) by redesignating subsection (b) as sub-  
20 section (c); and

21                 (B) by inserting after subsection (a) the fol-  
22 lowing new subsection (b):

23           “(b) Subject to the authority, direction, and control  
24 of the President, the Secretary concerned may appoint as  
25 a reserve commissioned officer any regular officer trans-



1 ferred from the active-duty list of an armed force to the  
2 reserve active-status list of a reserve component under sec-  
3 tion 647 of this title, notwithstanding the requirements  
4 of subsection (a).”.

5 (5) Section 531 of such title is amended by adding  
6 at the end the following new subsection:

7 “(c) Subject to the authority, direction, and control  
8 of the President, an original appointment as a commis-  
9 sioned officer in the Regular Army, Regular Air Force,  
10 Regular Navy, or Regular Marine Corps may be made by  
11 the Secretary concerned in the case of a reserve commis-  
12 sioned officer upon the transfer of such officer from the  
13 reserve active-status list of a reserve component of the  
14 armed forces to the active-duty list of an armed force, not-  
15 withstanding the requirements of subsection (a).”.

16 (d) ACTIVE-DUTY READY RESERVE OFFICERS NOT  
17 ON ACTIVE-DUTY LIST.—Section 641(1)(F) of such title  
18 is amended by striking “section 12304” and inserting  
19 “sections 12302 and 12304”.

20 (e) ALL REGULAR OFFICER APPOINTMENTS FOR  
21 STUDENTS OF THE UNIVERSITY OF HEALTH  
22 SCIENCES.—Section 2114(b) of such title is amended by  
23 striking “Notwithstanding any other provision of law, they  
24 shall serve” in the second sentence and all that follows  
25 through “if qualified,” in the third sentence and inserting



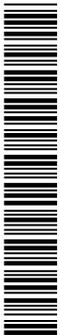
5-10

1 “They shall be appointed as regular officers in the grade  
2 of second lieutenant or ensign and shall serve on active  
3 duty in that grade. Upon graduation they shall be required  
4 to serve on active duty”.

5 (f) TERMINATION OF REQUIREMENT OF 6 YEARS  
6 SERVICE IN A RESERVE COMPONENT FOR NONREGULAR  
7 SERVICE RETIREMENT ELIGIBILITY.—Section  
8 12731(a)(3) of such title is amended by inserting after  
9 “(3)” the following: “in the case of a person who com-  
10 pleted the service requirements of paragraph (2) before  
11 the end of the 180-day period beginning on the date of  
12 the enactment of the National Defense Authorization Act  
13 for Fiscal Year 2005,”.

14 (g) EFFECTIVE DATE.—(1) Except as provided in  
15 paragraph (2), the amendments made by this section shall  
16 take effect on the first day of the first month beginning  
17 more than 180 days after the date of the enactment of  
18 this Act.

19 (2) The amendment made by subsection (a)(1) shall  
20 take effect on May 1, 2005.



5-11

1 **SEC. 502. REPEAL OF REQUIREMENT THAT DEPUTY CHIEFS**  
2 **AND ASSISTANT CHIEFS OF NAVAL OPER-**  
3 **ATIONS BE SELECTED FROM OFFICERS IN**  
4 **THE LINE OF THE NAVY.**

5 (a) DEPUTY CHIEFS OF NAVAL OPERATIONS.—Sec-  
6 tion 5036(a) of title 10, United States Code, is amended  
7 by striking “in the line”.

8 (b) ASSISTANT CHIEFS OF NAVAL OPERATIONS.—  
9 Section 5037(a) of such title is amended by striking “in  
10 the line”.

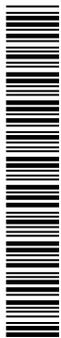
11 **SEC. 503. LIMITATION ON NUMBER OF OFFICERS FROCKED**  
12 **TO MAJOR GENERAL AND REAR ADMIRAL.**

13 Section 777(d) of title 10, United States Code, is  
14 amended—

15 (1) by redesignating paragraphs (1) and (2) as  
16 paragraphs (2) and (3), respectively; and

17 (2) by striking “(d) LIMITATION ON NUMBER  
18 OF OFFICERS FROCKED TO SPECIFIED GRADES.—”  
19 and inserting the following:

20 “(d) LIMITATION ON NUMBER OF OFFICERS  
21 FROCKED TO SPECIFIED GRADES.—(1) The total number  
22 of brigadier generals and Navy rear admirals (lower half)  
23 on the active-duty list who are authorized as described in  
24 subsection (a) to wear the insignia for the grade of major  
25 general or rear admiral, as the case may be, may not ex-  
26 ceed 30.”.



1 **SEC. 504. DISTRIBUTION IN GRADE OF MARINE CORPS RE-**  
 2 **SERVE OFFICERS IN AN ACTIVE STATUS IN**  
 3 **GRADES BELOW BRIGADIER GENERAL**

4 The table in section 12005(c)(1) of title 10, United  
 5 States Code, is amended to read as follows:

“Colonel .....	2 percent
Lieutenant colonel .....	8 percent
Major .....	16 percent
Captain .....	39 percent
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under sec- tion 12004 of this title) .....	35 percent.”.

6 **SEC. 505. AUTHORITY FOR FEDERAL RECOGNITION OF NA-**  
 7 **TIONAL GUARD COMMISSIONED OFFICERS**  
 8 **APPOINTED FROM FORMER COAST GUARD**  
 9 **PERSONNEL.**

10 Section 305(a) of title 32, United States Code, is  
 11 amended—

12 (1) by striking “Army, Navy, Air Force, or Ma-  
 13 rine Corps” in paragraphs (2), (3), and (4) and in-  
 14 serting “armed forces”; and

15 (2) by striking “or the United States Air Force  
 16 Academy” in paragraph (5) and inserting “the  
 17 United States Air Force Academy, or the United  
 18 States Coast Guard Academy”.



1 **SEC. 506. STUDY REGARDING PROMOTION ELIGIBILITY OF**  
2 **RETIRED OFFICERS RECALLED TO ACTIVE**  
3 **DUTY.**

4 (a) **REQUIREMENT FOR STUDY.**—The Secretary of  
5 Defense shall carry out a study to determine whether it  
6 would be equitable for retired officers on active duty, but  
7 not on the active-duty list by reason of section 582(2) or  
8 641(4) of title 10, United States Code, to be eligible for  
9 consideration for promotion under chapter 33A of such  
10 title, in the case of warrant officers, or chapter 36 of such  
11 title, in the case of officers other than warrant officers.

12 (b) **REPORT.**—Not later than 180 days after the date  
13 of the enactment of this Act, the Secretary shall submit  
14 to Congress a report on the results of the study under  
15 subsection (a). The report shall include a discussion of the  
16 Secretary's determination regarding the issue covered by  
17 the study, the rationale for the Secretary's determination,  
18 and any recommended legislation that the Secretary con-  
19 siderers appropriate regarding that issue.

20 **SEC. 507. SUCCESSION FOR OFFICE OF CHIEF, NATIONAL**  
21 **GUARD BUREAU.**

22 (a) **DESIGNATION OF SENIOR OFFICER IN NATIONAL**  
23 **GUARD BUREAU.**—Section 10502 of title 10, United  
24 States Code, is amended by adding at the end the fol-  
25 lowing new subsection:





“10502. Chief of the National Guard Bureau: appointment; adviser on National Guard matters; grade; succession.”.

1 (c) CONFORMING REPEAL.—Subsections (d) and (e)  
2 of section 10505 of such title are repealed.

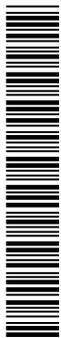
3 **SEC. 508. REDESIGNATION OF VICE CHIEF OF THE NA-**  
4 **TIONAL GUARD BUREAU AS DIRECTOR OF**  
5 **THE JOINT STAFF OF THE NATIONAL GUARD**  
6 **BUREAU.**

7 (a) REDESIGNATION OF POSITION.—Subsection  
8 (a)(1) of section 10505 of title 10, United States Code,  
9 is amended by striking “Vice Chief of the National Guard  
10 Bureau” and inserting “Director of the Joint Staff of the  
11 National Guard Bureau”.

12 (b) CONFORMING AMENDMENTS.—(1) Subsections  
13 (a)(3)(A), (a)(3)(B), (b), and (c) of section 10505 of title  
14 10, United States Code, are amended by striking “Vice  
15 Chief of the National Guard Bureau” and inserting “Di-  
16 rector of the Joint Staff of the National Guard Bureau”.

17 (2) Subsection (a)(3)(B) of such section, as amended  
18 by paragraph (1), is further amended by striking “as the  
19 Vice Chief” and inserting “as the Director”.

20 (3) Paragraphs (2) and (4) of subsection (a) of such  
21 section are amended by striking “Chief and Vice Chief of  
22 the National Guard Bureau” and inserting “Chief of the  
23 National Guard Bureau and the Director of the Joint  
24 Staff of the National Guard Bureau”.



1 (4) Section 10506(a)(1) of such title is amended by  
2 striking “Chief and Vice Chief of the National Guard Bu-  
3 reau” and inserting “Chief of the National Guard Bureau  
4 and the Director of the Joint Staff of the National Guard  
5 Bureau”.

6 (c) CLERICAL AMENDMENTS.—(1) The heading for  
7 section 10505 of such title is amended to read as follows:  
8 **“§ 10505. Director of the Joint Staff of the National  
9 Guard Bureau”.**

10 (2) The item relating to such section in the table of  
11 sections at the beginning of chapter 1011 of such title is  
12 amended to read as follows:

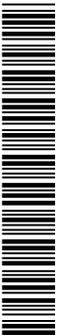
“10505. Director of the Joint Staff of the National Guard Bureau.”.

13 (d) OTHER REFERENCES.—Any reference in any law,  
14 regulation, document, paper, or other record of the United  
15 States to the Vice Chief of the National Guard Bureau  
16 shall be deemed to be a reference to the Director of the  
17 Joint Staff of the National Guard Bureau.

18 **Subtitle B—Reserve Component**  
19 **Policy Matters**

20 **SEC. 511. MODIFICATION OF STATED PURPOSE OF THE RE-**  
21 **SERVE COMPONENTS.**

22 Section 10102 of title 10, United States Code, is  
23 amended by striking “, during” and all that follows  
24 through “planned mobilization,”.



5-17

1 **SEC. 512. HOMELAND DEFENSE ACTIVITIES CONDUCTED BY**  
2 **THE NATIONAL GUARD UNDER AUTHORITY**  
3 **OF TITLE 32.**

4 (a) IN GENERAL.—(1) Title 32, United States Code,  
5 is amended by adding at the end the following new chap-  
6 ter:

7 **“CHAPTER 9—HOMELAND DEFENSE**  
8 **ACTIVITIES**

“Sec.

“901. Definitions.

“902. Homeland defense activities: funds.

“903. Regulations.

“904. Homeland defense duty.

“905. Funding assistance.

“906. Requests for funding assistance.

“907. Relationship to State duty.

“908. Annual report.

9 **“§ 901. Definitions**

10 “In this chapter:

11 “(1) The term ‘homeland defense activity’  
12 means an activity undertaken for the military pro-  
13 tection of the territory or domestic population of the  
14 United States, or of infrastructure or other assets of  
15 the United States determined by the Secretary of  
16 Defense as being critical to national security, from  
17 a threat or aggression against the United States.

18 “(2) The term ‘State’ means each of the several  
19 States, the District of Columbia, the Commonwealth  
20 of Puerto Rico, or a territory or possession of the  
21 United States.



1 **“§ 902. Homeland defense activities: funds**

2       “(a) The Secretary of Defense may provide funds to  
3 a Governor to employ National Guard units or members  
4 to conduct homeland defense activities that the Secretary,  
5 determines to be necessary and appropriate for participa-  
6 tion by the National Guard units or members, as the case  
7 may be.

8 **“§ 903. Regulations**

9       “The Secretary of Defense shall prescribe regulations  
10 to implement this chapter.

11 **“§ 904. Homeland defense duty**

12       “(a) FULL-TIME NATIONAL GUARD DUTY.—All duty  
13 performed under this chapter shall be considered to be  
14 full-time National Guard duty under section 502(f) of this  
15 title. Members of the National Guard performing full-time  
16 National Guard duty in the Active Guard and Reserve  
17 Program may support or execute homeland defense activi-  
18 ties performed by the National Guard under this chapter.

19       “(b) DURATION.—The period for which a member of  
20 the National Guard performs duty under this chapter shall  
21 be limited to 180 days. The Governor of the State may,  
22 with the concurrence of the Secretary of Defense, extend  
23 the period one time for an additional 90 days to meet ex-  
24 traordinary circumstances.

25       “(c) RELATIONSHIP TO REQUIRED TRAINING.—A  
26 member of the National Guard performing duty under this

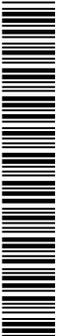


1 chapter shall, in addition to performing such duty, partici-  
2 pate in the training required under section 502(a) of this  
3 title. The pay, allowances, and other benefits of the mem-  
4 ber while participating in the training shall be the same  
5 as those to which the member is entitled while performing  
6 the duty under this chapter. The member is not entitled  
7 to additional pay, allowances, or other benefits for partici-  
8 pation in training required under section 502(a)(1) of this  
9 title.

10 “(d) READINESS.—To ensure that the use of units  
11 and personnel of the National Guard of a State for home-  
12 land defense activities does not degrade the training and  
13 readiness of such units and personnel, the following re-  
14 quirements shall apply in determining the homeland de-  
15 fense activities that units and personnel of the National  
16 Guard of a State may perform:

17 “(1) The performance of the activities is not to  
18 affect adversely the quality of that training or other-  
19 wise interfere with the ability of a member or unit  
20 of the National Guard to perform the military func-  
21 tions of the member or unit.

22 “(2) The performance of the activities is not to  
23 degrade the military skills of the members of the  
24 National Guard performing those activities.



1 **“§ 905. Funding assistance**

2 “In the case of any homeland defense activity for  
3 which the Secretary of Defense determines under section  
4 902 of this title that participation of units or members  
5 of the National Guard of a State is necessary and appro-  
6 priate, the Secretary may provide funds to that State in  
7 an amount that the Secretary determines is appropriate  
8 for the following costs of the participation in that activity  
9 from funds available to the Department for related pur-  
10 poses:

11 “(1) The pay, allowances, clothing, subsistence,  
12 gratuities, travel, and related expenses of personnel  
13 of the National Guard of that State.

14 “(2) The operation and maintenance of the  
15 equipment and facilities of the National Guard of  
16 that State.

17 “(3) The procurement of services and equip-  
18 ment, and the leasing of equipment, for the National  
19 Guard of that State.

20 **“§ 906. Requests for funding assistance**

21 “A Governor of a State may request funding assist-  
22 ance for the homeland defense activities of the National  
23 Guard of that State from the Secretary of Defense. Any  
24 such request shall include the following:

25 “(1) The specific intended homeland defense ac-  
26 tivities of the National Guard of that State.



1           “(2) An explanation of why participation of Na-  
2           tional Guard units or members, as the case may be,  
3           in the homeland defense activities is necessary and  
4           appropriate.

5           “(3) A certification that homeland defense ac-  
6           tivities are to be conducted at a time when the per-  
7           sonnel involved are not in Federal service.

8           **“§ 907. Relationship to State duty**

9           “Nothing in this chapter shall be construed as a limi-  
10          tation on the authority of any unit of the National Guard  
11          of a State, when such unit is not in Federal service, to  
12          perform functions authorized to be performed by the Na-  
13          tional Guard by the laws of the State concerned.

14          **“§ 908. Annual report**

15          “(a) REQUIREMENT FOR REPORT.—After the end of  
16          each fiscal year, the Secretary of Defense shall submit to  
17          the congressional defense committees a report regarding  
18          any assistance provided and activities carried out under  
19          this chapter during that fiscal year. The report for a fiscal  
20          year shall be submitted not later than March 31 of the  
21          year following the year in which such fiscal year ended.

22          “(b) CONTENT.—The report for a fiscal year shall in-  
23          clude the following matters:

24                  “(1) The numbers of members of the National  
25          Guard excluded under subsection (i) of section 115



1 of title 10 from being counted for the purpose of  
2 end-strengths authorized pursuant to subsection  
3 (a)(1) of such section.

4 “(2) A description of the homeland defense ac-  
5 tivities conducted with funds provided under this  
6 chapter.

7 “(3) An accounting of the amount of the funds  
8 provided to each State.

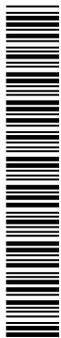
9 “(4) A description of the effect on military  
10 training and readiness of using units and personnel  
11 of the National Guard to perform homeland defense  
12 activities under this chapter.”.

13 (2) The table of chapters at the beginning of such  
14 title is amended by adding at the end the following new  
15 item:

**“9. Homeland Defense Activities ..... 901”.**

16 (b) CONFORMING AMENDMENT.—Section 115 of title  
17 10, United States Code, is amended by adding at the end  
18 the following new subsection:

19 “(i) CERTAIN FULL-TIME NATIONAL GUARD DUTY  
20 PERSONNEL EXCLUDED FROM COUNTING FOR FULL-  
21 TIME NATIONAL GUARD DUTY END STRENGTHS.—In  
22 counting full-time National Guard duty personnel for the  
23 purpose of end-strengths authorized pursuant to sub-  
24 section (a)(1), persons involuntarily performing homeland



1 defense activities under chapter 9 of title 32 shall be ex-  
2 cluded.”.

3 **SEC. 513. COMMISSION ON THE NATIONAL GUARD AND RE-**  
4 **SERVES.**

5 (a) **ESTABLISHMENT.**—There is established a com-  
6 mission to be known as the “Commission on the National  
7 Guard and Reserves”.

8 (b) **COMPOSITION.**—(1) The Commission shall be  
9 composed of 13 members appointed as follows:

10 (A) Three members appointed by the chairman  
11 of the Committee on Armed Services of the Senate.

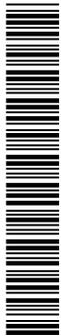
12 (B) Three members appointed by the chairman  
13 of the Committee on Armed Services of the House  
14 of Representatives.

15 (C) Two members appointed by the ranking mi-  
16 nority member of the Committee on Armed Services  
17 of the Senate.

18 (D) Two members appointed by the ranking mi-  
19 nority member of the Committee on Armed Service  
20 of the House of Representatives.

21 (E) Three members appointed by the Secretary  
22 of Defense.

23 (2) The members of the Commission shall be ap-  
24 pointed from among persons who have knowledge and ex-  
25 pertise in the following areas:



5-24

1 (A) National security.

2 (B) Roles and missions of any of the Armed  
3 Forces.

4 (C) The mission, operations, and organization  
5 of the National Guard of the United States.

6 (D) The mission, operations, and organization  
7 of the other reserve components of the Armed  
8 Forces.

9 (E) Military readiness of the Armed Forces.

10 (F) Personnel pay and other forms of com-  
11 pensation.

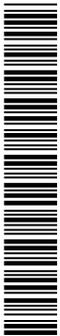
12 (G) Other personnel benefits, including health  
13 care.

14 (3) Members of the Commission shall be appointed  
15 for the life of the Commission. A vacancy in the member-  
16 ship of the Commission shall not affect the powers of the  
17 Commission, but shall be filled in the same manner as the  
18 original appointment.

19 (4) The Secretary of Defense shall designate a mem-  
20 ber of the Commission to be chairman of the Commission.

21 (c) DUTIES.—(1) The Commission shall carry out a  
22 study of the following matters:

23 (A) The roles and missions of the National  
24 Guard and the other reserve components of the  
25 Armed Forces.



5-25

1 (B) The compensation and other benefits, in-  
2 cluding health care benefits, that are provided for  
3 members of the reserve components under the laws  
4 of the United States.

5 (2) In carrying out the study under paragraph (1),  
6 the Commission shall do the following:

7 (A) Assess the current roles and missions of the  
8 reserve components and identify appropriate poten-  
9 tial future roles and missions for the reserve compo-  
10 nents.

11 (B) Assess the capabilities of the reserve com-  
12 ponents and determine how the units and personnel  
13 of the reserve components may be best used to sup-  
14 port the military operations of the Armed Forces  
15 and the achievement of national security objectives,  
16 including homeland defense, of the United States.

17 (C) Assess the Department of Defense plan for  
18 implementation of section 115(b) of title 10, United  
19 States Code, as added by section 404(a)(4).

20 (D) Assess—

21 (i) the current organization and structure  
22 of the National Guard and the other reserve  
23 components; and

24 (ii) the plans of the Department of De-  
25 fense and the Armed Forces for future organi-



1           zation and structure of the National Guard and  
2           the other reserve components.

3           (E) Assess the manner in which the National  
4           Guard and the other reserve components are cur-  
5           rently organized and funded for training and iden-  
6           tify an organizational and funding structure for  
7           training that best supports the achievement of train-  
8           ing objectives and operational readiness.

9           (F) Assess the effectiveness of the policies and  
10          programs of the National Guard and the other re-  
11          serve components for achieving operational readiness  
12          and personnel readiness, including medical and per-  
13          sonal readiness.

14          (G) Assess—

15               (i) the adequacy and appropriateness of  
16               the compensation and benefits currently pro-  
17               vided for the members of the National Guard  
18               and the other reserve components, including the  
19               availability of health care benefits and health  
20               insurance; and

21               (ii) the effects of proposed changes in com-  
22               pensation and benefits on military careers in  
23               both the regular and the reserve components of  
24               the Armed Forces.



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1 (H) Identify various feasible options for improv-  
2 ing the compensation and other benefits available to  
3 the members of the National Guard and the mem-  
4 bers of the other reserve components and assess—

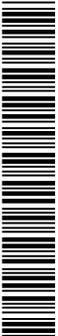
5 (i) the cost-effectiveness of such options;  
6 and

7 (ii) the foreseeable effects of such options  
8 on readiness, recruitment, and retention of per-  
9 sonnel for careers in the regular and reserve  
10 components the Armed Forces.

11 (I) Assess the traditional military career paths  
12 for members of the National Guard and the other  
13 reserve components and identify alternative career  
14 paths that could enhance professional development.

15 (J) Assess the adequacy of the funding provided  
16 for the National Guard and the other reserve compo-  
17 nents for several previous fiscal years, including the  
18 funding provided for National Guard and reserve  
19 component equipment and the funding provided for  
20 National Guard and other reserve component per-  
21 sonnel in active duty military personnel accounts  
22 and reserve military personnel accounts.

23 (d) FIRST MEETING.—The Commission shall hold its  
24 first meeting not later than 30 days after the date on



1 which all members of the Commission have been ap-  
2 pointed.

3 (e) ADMINISTRATIVE AND PROCEDURAL AUTHORI-  
4 TIES.—(1) Sections 955, 956, 957 (other than subsection  
5 (f)), 958, and 959 of the National Defense Authorization  
6 Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C  
7 111 note) shall apply to the Commission, except that in  
8 applying section 957(a) of such Act to the Commission,  
9 “level IV of the Executive Schedule” shall be substituted  
10 for “level V of the Executive Schedule”.

11 (2) The following provisions of law do not apply to  
12 the Commission:

13 (A) Section 3161 of title 5, United States Code.

14 (B) The Federal Advisory Committee Act (5  
15 U.S.C. App.).

16 (f) REPORTS.—(1) Not later than three months after  
17 the first meeting of the Commission, the Commission shall  
18 submit to the Committees on Armed Services of the Sen-  
19 ate and the House of Representatives a report setting  
20 forth—

21 (A) a strategic plan for the work of the Com-  
22 mission;

23 (B) a discussion of the activities of the Com-  
24 mission; and

25 (C) any initial findings of the Commission.



1           (2) Not later than one year after the first meeting  
2 of the Commission, the Commission shall submit a final  
3 report to the committees of Congress referred to in para-  
4 graph (1) and to the Secretary of Defense. The final re-  
5 port shall include any recommendations that the Commis-  
6 sion determines appropriate, including any recommended  
7 legislation, policies, regulations, directives, and practices.

8           (g) TERMINATION.—The Commission shall terminate  
9 90 days after the date on which the final report is sub-  
10 mitted under subsection (f)(2).

11           (h) ANNUAL REVIEW.—(1) The Secretary of Defense  
12 shall annually review the reserve components of the Armed  
13 Forces with regard to—

14                   (A) the roles and missions of the reserve com-  
15 ponents; and

16                   (B) the compensation and other benefits, in-  
17 cluding health care benefits, that are provided for  
18 members of the reserve components under the laws  
19 of the United States.

20           (2) The Secretary shall submit a report of the annual  
21 review, together with any comments and recommendations  
22 that the Secretary considers appropriate, to the Com-  
23 mittee on Armed Services of the Senate and the Com-  
24 mittee on Armed Services of the House of Representatives.



1 (3) The first review under paragraph (1) shall take  
2 place during fiscal year 2006.

3 **SEC. 514. REPEAL OF EXCLUSION OF ACTIVE DUTY FOR**  
4 **TRAINING FROM AUTHORITY TO ORDER RE-**  
5 **SERVES TO ACTIVE DUTY.**

6 (a) GENERAL AUTHORITY TO ORDER RESERVES TO  
7 ACTIVE DUTY.—Section 12301 of title 10, United States  
8 Code, is amended—

9 (1) in the first sentence of subsection (a), by  
10 striking “(other than for training)”;

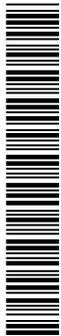
11 (2) in subsection (c)—

12 (A) in the first sentence, by striking  
13 “(other than for training)” and inserting “as  
14 provided in subsection (a)”;

15 (B) in the second sentence, by striking  
16 “ordered to active duty (other than for train-  
17 ing)” and inserting “so ordered to active duty”;  
18 and

19 (3) in subsection (e), by striking “(other than  
20 for training)” and inserting “as provided in sub-  
21 section (a)”.

22 (b) READY RESERVE 24-MONTH CALLUP AUTHOR-  
23 ITY.—Section 12302 of such title is amended by striking  
24 “(other than for training)” in subsections (a) and (c).



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1 (c) SELECTED RESERVE AND INDIVIDUAL READY  
2 RESERVE 270-DAY CALLUP AUTHORITY.—Section  
3 12304(a) of such title is amended by striking “(other than  
4 for training)”.

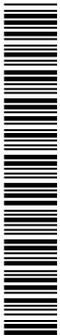
5 (d) STANDBY RESERVE CALLUP AUTHORITY.—Sec-  
6 tion 12306 of such title is amended—

7 (1) in subsection (a), by striking “active duty  
8 (other than for training) only as provided in section  
9 12301 of this title” and inserting “active duty only  
10 as provided in section 12301 of this title, but subject  
11 to the limitations in subsection (b)”;

12 (2) in subsection (b)—

13 (A) in paragraph (1), by striking “(other  
14 than for training)” and inserting “under section  
15 12301(a) of this title”; and

16 (B) in paragraph (2), by striking “no other  
17 member” and all that follows through “without  
18 his consent” and inserting “notwithstanding  
19 section 12301(a) of this title, no other member  
20 in the Standby Reserve may be ordered to ac-  
21 tive duty as an individual under such section  
22 without his consent”.



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1 **SEC. 515. ARMY PROGRAM FOR ASSIGNMENT OF ACTIVE**  
2 **COMPONENT ADVISERS TO UNITS OF THE SE-**  
3 **LECTED RESERVE.**

4 (a) CHANGE IN MINIMUM NUMBER REQUIRED TO BE  
5 ASSIGNED.—Section 414(c)(1) of the National Defense  
6 Authorization Act for Fiscal Years 1992 and 1993 (10  
7 U.S.C. 12001 note) is amended by striking “5,000” and  
8 inserting “3,500”.

9 (b) LIMITATION ON REDUCTIONS.—Notwithstanding  
10 the amendment made by subsection (a), the Secretary of  
11 the Army may not reduce the number of active component  
12 Reserve support personnel below the number of such per-  
13 sonnel as of the date of the enactment of this Act until  
14 the report required by subsection (c) has been submitted.

15 (c) REPORT.—Not later than March 31, 2005, the  
16 Secretary of the Army shall submit to the Committees on  
17 Armed Services of the Senate and House of Representa-  
18 tives a report on the support by active components of the  
19 Army for training and readiness of the Army National  
20 Guard and Army Reserve. The report shall include an  
21 evaluation and determination of each of the following:

22 (1) The effect on the ability of the Army to im-  
23 prove such training and readiness resulting from the  
24 reduction under the amendment made by subsection  
25 (a) in the minimum number of active component Re-  
26 serve support personnel.



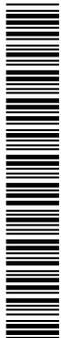
1           (2) The adequacy of having 3,500 members of  
2           the Army (the minimum number required under the  
3           law as so amended) assigned as active component  
4           Reserve support personnel in order to meet emerging  
5           training requirements in the Army reserve compo-  
6           nents in connection with unit and force structure  
7           conversions and preparations for wartime deploy-  
8           ment.

9           (3) The nature and effectiveness of efforts by  
10          the Army to reallocate the 3,500 personnel assigned  
11          as active component Reserve support personnel to  
12          higher priority requirements and to expand the use  
13          of reservists on active duty to meet reserve compo-  
14          nent training needs.

15          (4) Whether the Army is planning further re-  
16          ductions in the number of active component Reserve  
17          support personnel and, if so, the scope and rationale  
18          for those reductions.

19          (5) Whether an increase in Army reserve com-  
20          ponent full-time support personnel will be required  
21          to replace the loss of active component Reserve sup-  
22          port personnel.

23          (d) DEFINITION.—In this section, the term “active  
24          component Reserve support personnel” means the active  
25          component Army personnel assigned as advisers to units



1 of the Selected Reserve of the Ready Reserve of the Army  
2 pursuant to section 414 of the National Defense Author-  
3 ization Act for Fiscal Years 1992 and 1993 (10 U.S.C.  
4 12001 note).

5 **SEC. 516. AUTHORITY TO ACCEPT CERTAIN VOLUNTARY**  
6 **SERVICES.**

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

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

11 “(8) Voluntary services to support programs of  
12 a committee of the Employer Support of the Guard  
13 and Reserve as authorized by the Secretary of De-  
14 fense.”; and

15 (2) in subsection (f)(1), by striking “subsection  
16 (a)(3)” and inserting “paragraph (3) or (8) of sub-  
17 section (a)”.

18 **SEC. 517. AUTHORITY TO REDESIGNATE THE NAVAL RE-**  
19 **SERVE AS THE NAVY RESERVE.**

20 (a) **AUTHORITY OF SECRETARY OF THE NAVY.**—The  
21 Secretary of the Navy may, with the approval of the Presi-  
22 dent, redesignate the reserve component known as the  
23 Naval Reserve as the “Navy Reserve”. Any such redesi-  
24 gnation shall be effective on a date specified by the Sec-  
25 retary, which date may not be earlier than the date that



1 is 180 days after the date on which the Secretary submits  
2 recommended legislation under subsection (c).

3 (b) PUBLICATION OF REDESIGNATION.—If the Sec-  
4 retary of the Navy exercises the authority to redesignate  
5 the Naval Reserve under subsection (a), the Secretary  
6 shall promptly publish in the Federal Register and submit  
7 to the Congress notice of the redesignation, including the  
8 effective date of the redesignation.

9 (c) CONFORMING LEGISLATION.—If the Secretary of  
10 the Navy exercises the authority to redesignate the Naval  
11 Reserve under subsection (a), the Secretary shall submit  
12 to the Congress recommended legislation that identifies  
13 each specific provision of law that refers to the Naval Re-  
14 serve and sets forth an amendment to that specific provi-  
15 sion of law to conform the reference to the new designa-  
16 tion.

17 (d) REFERENCES.—If the Secretary of the Navy ex-  
18 ercises the authority to redesignate the Naval Reserve  
19 under subsection (a), then on and after the effective date  
20 of the redesignation, any reference in any law, map, regu-  
21 lation, document, paper, or other record of the United  
22 States to the Naval Reserve shall be deemed to be a ref-  
23 erence to the Navy Reserve.



5-36

1 **SEC. 518. COMPTROLLER GENERAL ASSESSMENT OF INTE-**  
2 **GRATION OF ACTIVE AND RESERVE COMPO-**  
3 **NENTS OF THE NAVY.**

4 (a) **ASSESSMENT.**—The Comptroller General shall re-  
5 view the plan of the Secretary of the Navy for, and imple-  
6 mentation by the Secretary of, initiatives undertaken with-  
7 in the Navy to improve the integration of the active and  
8 reserve components of the Navy in peacetime and wartime  
9 operations resulting from—

10 (1) the Naval Reserve Redesign Study carried  
11 out by the Navy: and

12 (2) the zero-based review of reserve component  
13 force structure undertaken by the commander of the  
14 Fleet Forces Command of the Navy during fiscal  
15 year 2004.

16 (b) **REPORT.**—No later than March 31, 2005, the  
17 Comptroller General shall submit to the Committees on  
18 Armed Services of the Senate and House of Representa-  
19 tives a report on the results of the review under subsection  
20 (a). The Comptroller General shall include in the report  
21 recommendations for improved active and reserve compo-  
22 nent integration in the Navy.

23 (c) **MATTERS TO BE EXAMINED.**—In conducting the  
24 review under subsection (a), the Comptroller General shall  
25 examine the following:



5-37

1 (1) The criteria the Navy used to determine the  
2 following with respect to integration of the active  
3 and reserve components of the Navy:

4 (A) The future mix of active and reserve  
5 component force structure.

6 (B) Organization of command and control  
7 elements.

8 (C) Manpower levels.

9 (D) Basing changes.

10 (2) The extent to which the plans of the Navy  
11 for improving the integration of the active and re-  
12 serve components of the Navy considered each of the  
13 following:

14 (A) The new Fleet Response Plan of the  
15 Navy.

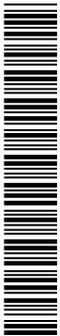
16 (B) The flexible deployment concept.

17 (C) Global operations.

18 (D) Emerging mission requirements.

19 (E) Other evolving initiatives.

20 (3) The manner in which the timing of the exe-  
21 cution of planned active and reserve integration ini-  
22 tiatives will correlate with the funding of those ini-  
23 tiatives, including consideration of an evaluation of  
24 the adequacy of the funding allocated to those inte-  
25 gration initiatives.



1 (4) For naval aviation forces, the extent to  
2 which the active and reserve component integration  
3 plans of the Navy will affect factors such as—

4 (A) common training and readiness stand-  
5 ards for active and reserve forces;

6 (B) reserve component access to the same  
7 equipment as the active component;

8 (C) relationships between command and  
9 headquarters elements of active and reserve  
10 forces; and

11 (D) trends in the use by the Navy of units  
12 referred to as “associate” units or “blended”  
13 units.

14 (E) Basing criteria of future aviation  
15 forces.

16 (F) Employment of Naval Reserve aviation  
17 forces and personnel in peacetime and wartime  
18 operations.

19 **SEC. 519. LIMITATION ON NUMBER OF STARBASE ACAD-**  
20 **EMIES IN A STATE.**

21 Paragraph (3) of section 2193b(c) of title 10, United  
22 States Code, is amended to read as follows:

23 “(3)(A) Except as otherwise provided under subpara-  
24 graph (B), the Secretary may not support the establish-



1 ment in any State of more than two academies under the  
2 program.

3 “(B) The Secretary may support the establishment  
4 and operation of an academy in a State in excess of two  
5 academies in that State if the Secretary expressly waives,  
6 in writing, the limitation in subparagraph (A) with respect  
7 to that State. In the case of any such waiver, appropriated  
8 funds may be used for the establishment and operation  
9 of an academy in excess of two in that State only to the  
10 extent that appropriated funds are expressly available for  
11 that purpose. Any such waiver shall be made under cri-  
12 teria to be prescribed by the Secretary.”.

13 **SEC. 520. RECOGNITION ITEMS FOR CERTAIN RESERVE**  
14 **COMPONENT PERSONNEL.**

15 (a) ARMY RESERVE.—(1) Chapter 1805 of title 10,  
16 United States Code, is amended by adding at the end the  
17 following new section:

18 **“§ 18506. Recruitment and retention: availability of**  
19 **funds for recognition items for Army Re-**  
20 **serve personnel**

21 “(a) AVAILABILITY OF FUNDS.—(1) Under regula-  
22 tions prescribed by the Secretary of the Army, funds au-  
23 thorized to be appropriated to the Army Reserve and avail-  
24 able for recruitment and retention of military personnel  
25 may be obligated and expended for recognition items that



1 are distributed to members of the Army Reserve and to  
2 members of their families and other individuals recognized  
3 as providing support that substantially facilitates service  
4 in the Army Reserve.

5 “(2) The purpose of the distribution of such items  
6 shall be to enhance the recruitment and retention of mem-  
7 bers of the Army Reserve.

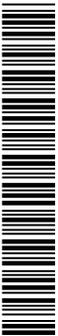
8 “(b) PROVISION OF MEALS AND REFRESHMENTS.—  
9 For purposes of section 520c of this title and any regula-  
10 tion prescribed to implement that section, functions con-  
11 ducted for the purpose of presenting recognition items de-  
12 scribed in subsection (a) shall be treated as recruiting  
13 functions and recipients of such items shall be treated as  
14 persons who are the objects of recruiting efforts.

15 “(c) LIMITATION ON VALUE.—The value of items re-  
16 ferred to in subsection (a) that are distributed to any sin-  
17 gle member of the Army Reserve at any one time may  
18 not exceed \$50.

19 “(d) TERMINATION OF AUTHORITY.—The authority  
20 under this section shall expire December 31, 2005.”.

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

“18506. Recruitment and retention: availability of funds for recognition items  
for Army Reserve personnel.”.

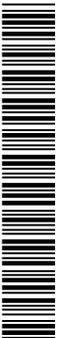


1 (b) USE OF FUNDS TO PROMOTE RETENTION IN THE  
2 NATIONAL GUARD.—(1) Chapter 7 of title 32, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing new section:

5 **“§ 717. Presentation of recognition items for reten-**  
6 **tion purposes**

7 “(a) EXPENDITURES FOR RECOGNITION ITEMS.—  
8 Under regulations prescribed by the Secretary of the Army  
9 and the Secretary of the Air Force, funds appropriated  
10 for the Army National Guard or Air National Guard for  
11 the purpose of recruitment and retention of military per-  
12 sonnel may be expended to procure recognition items of  
13 nominal or modest value for retention purposes and to  
14 present such items to members of the National Guard and  
15 to members of their families and other individuals recog-  
16 nized as providing support that substantially facilitates  
17 service in the National Guard.

18 “(b) PROVISION OF MEALS AND REFRESHMENTS.—  
19 For purposes of section 520c of title 10 and any regulation  
20 prescribed to implement that section, functions conducted  
21 for the purpose of presenting recognition items described  
22 in subsection (a) shall be treated as recruiting functions  
23 and recipients of such items shall be treated as persons  
24 who are the objects of recruiting efforts.



1           “(c) RELATION TO OTHER LAW.—The authority pro-  
2 vided in this section is in addition to other provision of  
3 law authorizing the use of appropriations for recruitment  
4 and retention purposes.

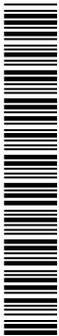
5           “(d) DEFINITION.—The term ‘recognition items of  
6 nominal or modest value’ means commemorative coins,  
7 medals, trophies, badges, flags, posters, paintings, or other  
8 similar items that are valued at less than \$50 per item  
9 and are designed to recognize or commemorate service in  
10 the armed forces or National Guard.

11           “(e) TERMINATION OF AUTHORITY.—The authority  
12 under this section shall expire December 31, 2005.”.

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

“717. Presentation of recognition items for retention purposes.”.

16           (c) EFFECTIVE DATE.—Section 18506 of title 10,  
17 United States Code, as added by subsection (a), and sec-  
18 tion 717 of title 32, United States Code, as added by sub-  
19 section (b), shall take effect as of November 24, 2003,  
20 and as if included in the National Defense Authorization  
21 Act for Fiscal Year 2004 (Public Law 108-136).



1       **Subtitle C—Reserve Component**  
2                   **Personnel Matters**

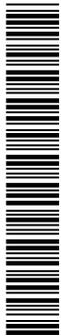
3       **SEC. 521. STATUS UNDER DISABILITY RETIREMENT SYSTEM**  
4                   **FOR RESERVE MEMBERS RELEASED FROM**  
5                   **ACTIVE DUTY DUE TO INABILITY TO PER-**  
6                   **FORM WITHIN 30 DAYS OF CALL TO ACTIVE**  
7                   **DUTY.**

8           (a) IN GENERAL.—Chapter 61 of title 10, United  
9 States Code, is amended by inserting after section 1206  
10 the following new section:

11       **“§ 1206a. Reserve component members unable to per-**  
12                   **form duties when ordered to active duty:**  
13                   **disability system processing**

14           “(a) MEMBERS RELEASED FROM ACTIVE DUTY  
15 WITHIN 30 DAYS.—A member of a reserve component  
16 who is ordered to active duty for a period of more than  
17 30 days and is released from active duty within 30 days  
18 of commencing such period of active duty for a reason  
19 stated in subsection (b) shall be considered for all pur-  
20 poses under this chapter to have been serving under an  
21 order to active duty for a period of 30 days or less.

22           “(b) APPLICABLE REASONS FOR RELEASE.—Sub-  
23 section (a) applies in the case of a member released from  
24 active duty because of a failure to meet—





1 under chapter 1223 of this title)” after “retirement sys-  
2 tem”.

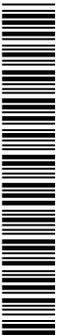
3 **SEC. 523. FEDERAL CIVIL SERVICE MILITARY LEAVE FOR**  
4 **RESERVE AND NATIONAL GUARD CIVILIAN**  
5 **TECHNICIANS.**

6 Section 6323(d)(1) of title 5, United States Code is  
7 amended by striking “(other than active duty during a war  
8 or national emergency declared by the President or Con-  
9 gress)”.

10 **SEC. 524. EXPANDED EDUCATIONAL ASSISTANCE AUTHOR-**  
11 **ITY FOR OFFICERS COMMISSIONED**  
12 **THROUGH ROTC PROGRAM AT MILITARY**  
13 **JUNIOR COLLEGES.**

14 (a) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE  
15 ON ACTIVE DUTY.—Section 2107(c) of title 10, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing new paragraph:

18 “(5)(A) The Secretary of the Army, under regula-  
19 tions and criteria established by the Secretary, may pro-  
20 vide an individual who received a commission as a Reserve  
21 officer in the Army from a military junior college through  
22 a program under this chapter and who does not have a  
23 baccalaureate degree with financial assistance for pursuit  
24 of a baccalaureate degree.



1       “(B) Such assistance is in addition to any financial  
2 assistance provided under paragraph (1), (3), or (4).

3       “(C) The agreement and reimbursement require-  
4 ments established in section 2005 of this title are applica-  
5 ble to financial assistance under this paragraph.

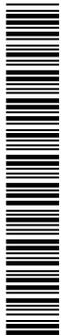
6       “(D) An officer receiving financial assistance under  
7 this paragraph shall be attached to a unit of the Army  
8 as determined by the Secretary and shall be considered  
9 to be a member of the Senior Reserve Officers’ Training  
10 Corps on inactive duty for training, as defined in section  
11 101(23) of title 38.

12       “(E) A qualified officer who did not previously receive  
13 financial assistance under this section is eligible to receive  
14 educational assistance under this paragraph.

15       “(F) A Reserve officer may not be called or ordered  
16 to active duty for a deployment while participating in the  
17 program under this paragraph.

18       “(G) Any service obligation incurred by an officer  
19 under an agreement entered into under this paragraph  
20 shall be in addition to any service obligation incurred by  
21 that officer under any other provision of law or agree-  
22 ment.”.

23       (b) FINANCIAL ASSISTANCE PROGRAM FOR SERVICE  
24 IN TROOP PROGRAM UNITS.—Section 2107a(c) of such



1 title is amended by adding at the end the following new  
2 paragraph:

3 “(4)(A) The Secretary of the Army may provide an  
4 individual who received a commission as a Reserve officer  
5 in the Army from a military junior college through a pro-  
6 gram under this chapter and who does not have a bacca-  
7 laurate degree with financial assistance for pursuit of a  
8 baccalaureate degree.

9 “(B) Such assistance is in addition to any provided  
10 under paragraph (1) or (2).

11 “(C) The agreement and reimbursement require-  
12 ments established in section 2005 of this title are applica-  
13 ble to financial assistance under this paragraph.

14 “(D) An officer receiving financial assistance under  
15 this paragraph shall be attached to a unit of the Army  
16 as determined by the Secretary and shall be considered  
17 to be a member of the Senior Reserve Officers’ Training  
18 Corps on inactive duty for training, as defined in section  
19 101(23) of title 38.

20 “(E) A qualified officer who did not previously receive  
21 financial assistance under this section is eligible to receive  
22 educational assistance under this paragraph.

23 “(F) A Reserve officer may not be called or ordered  
24 to active duty for a deployment while participating in the  
25 program under this paragraph.

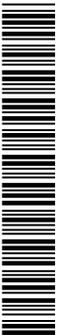


1           “(G) Any service obligation incurred by an officer  
2 under an agreement entered into under this paragraph  
3 shall be in addition to any service obligation incurred by  
4 that officer under any other provision of law or agree-  
5 ment.”.

6           (c) IMPLEMENTATION REPORT.—Not later than  
7 March 31, 2007, the Secretary of the Army shall submit  
8 to the Committee on Armed Services of the Senate and  
9 the Committee on Armed Services of the House of Rep-  
10 resentatives a report providing information on the experi-  
11 ence of the Department of the Army under paragraph (5)  
12 of section 2107(c) of title 10, United States Code, as  
13 added by subsection (a), and under paragraph (4) of sec-  
14 tion 2107a(c) of title 10, United States Code, as added  
15 by subsection (b). The report shall include any rec-  
16 ommendations the Secretary considers necessary for the  
17 improvement of the programs under those paragraphs.

18 **SEC. 525. REPEAL OF SUNSET PROVISION FOR FINANCIAL**  
19 **ASSISTANCE PROGRAM FOR STUDENTS NOT**  
20 **ELIGIBLE FOR ADVANCED TRAINING.**

21           Section 2103a of title 10, United States Code, is  
22 amended by striking subsection (d).



1 **SEC. 526. EFFECT OF APPOINTMENT OR COMMISSION AS**  
2 **OFFICER ON ELIGIBILITY FOR SELECTED RE-**  
3 **SERVE EDUCATION LOAN REPAYMENT PRO-**  
4 **GRAM FOR ENLISTED MEMBERS.**

5 Section 16301(a) of title 10, United States Code, is  
6 amended—

7 (1) in paragraph (2), by striking “The Sec-  
8 retary” in the first sentence and inserting “Except  
9 as provided in paragraph (3), the Secretary of De-  
10 fense”; and

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

13 “(3) In the case of a commitment made by the Sec-  
14 retary of Defense after the date of the enactment of this  
15 paragraph to repay a loan under paragraph (1) condi-  
16 tioned upon the performance by the borrower of service  
17 as an enlisted member under paragraph (2), the Secretary  
18 may repay the loan for service performed by the borrower  
19 as an officer (rather than as an enlisted member) in the  
20 case of a borrower who, after such commitment is entered  
21 into and while performing service as an enlisted member,  
22 accepts an appointment or commission as a warrant offi-  
23 cer or commissioned officer of the Selected Reserve.”.



1 **SEC. 527. EDUCATIONAL ASSISTANCE FOR CERTAIN RE-**  
2 **SERVE COMPONENT MEMBERS WHO PER-**  
3 **FORM ACTIVE SERVICE.**

4 (a) ESTABLISHMENT OF PROGRAM.—Part IV of sub-  
5 title E of title 10, United States Code, is amended by in-  
6 serting after chapter 1606 the following new chapter:

7 **“CHAPTER 1607—EDUCATIONAL ASSIST-**  
8 **ANCE FOR RESERVE COMPONENT**  
9 **MEMBERS SUPPORTING CONTIN-**  
10 **GENCY OPERATIONS AND CERTAIN**  
11 **OTHER OPERATIONS**

“ Sec.

“16161. Purpose.

“16162. Educational assistance program.

“16163. Eligibility for educational assistance.

“16164. Time limitation for use of entitlement.

“16165. Termination of assistance.

“16166. Administration of program.

12 **“§ 16161. Purpose**

13 “The purpose of this chapter is to provide educational  
14 assistance to members of the reserve components called  
15 or ordered to active service in response to a war or na-  
16 tional emergency declared by the President or the Con-  
17 gress, in recognition of the sacrifices that those members  
18 make in answering the call to duty.

19 **“§ 16162. Educational assistance program**

20 “(a) PROGRAM ESTABLISHMENT.— The Secretary of  
21 each military department, under regulations prescribed by  
22 the Secretary of Defense, and the Secretary of Homeland

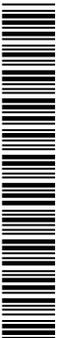


1 Security with respect to the Coast Guard when it is not  
2 operating as a service in the Navy, shall establish and  
3 maintain a program as prescribed in this chapter to pro-  
4 vide educational assistance to members of the Ready Re-  
5 serve of the armed forces under the jurisdiction of the Sec-  
6 retary concerned.

7 “(b) AUTHORIZED EDUCATION PROGRAMS.—Edu-  
8 cational assistance may be provided under this chapter for  
9 pursuit of any program of education that is an approved  
10 program of education for purposes of chapter 30 of title  
11 38.

12 “(c) BENEFIT AMOUNT.—(1) The educational assist-  
13 ance program established under subsection (a) shall pro-  
14 vide for payment by the Secretary concerned, through the  
15 Secretary of Veterans Affairs, an educational assistance  
16 allowance to each member entitled to educational assist-  
17 ance under this chapter who is pursuing a program of edu-  
18 cation authorized under subsection (b).

19 “(2) The educational assistance allowance provided  
20 under this chapter shall be based on the applicable percent  
21 under paragraph (4) to the applicable rate provided under  
22 section 3015 of title 38 for a member whose entitlement  
23 is based on completion of an obligated period of active  
24 duty of three years.



1       “(3) The educational assistance allowance provided  
2 under this section for a person who is undertaking a pro-  
3 gram for which a reduced rate is specified in chapter 30  
4 of title 38, that rate shall be further adjusted by the appli-  
5 cable percent specified in paragraph (4).

6       “(4) The adjusted educational assistance allowance  
7 under paragraph (2) or (3), as applicable, shall be—

8           “(A) 40 percent in the case of a member of a  
9 reserve component who performed active service for  
10 90 consecutive days but less than one continuous  
11 year;

12           “(B) 60 percent in the case of a member of a  
13 reserve component who performed active service for  
14 one continuous year but less than two continuous  
15 years; or

16           “(C) 80 percent in the case of a member of a  
17 reserve component who performed active service for  
18 two continuous years or more.

19       “(d) MAXIMUM MONTHS OF ASSISTANCE.—(1) Sub-  
20 ject to section 3695 of title 38, the maximum number of  
21 months of educational assistance that may be provided to  
22 any member under this chapter is 36 (or the equivalent  
23 thereof in part-time educational assistance).

24       “(2)(A) Notwithstanding any other provision of this  
25 chapter or chapter 36 of title 38, any payment of an edu-



1 cational assistance allowance described in subparagraph  
2 (B) shall not—

3 “(i) be charged against the entitlement of any  
4 individual under this chapter; or

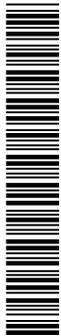
5 “(ii) be counted toward the aggregate period for  
6 which section 3695 of title 38 limits an individual’s  
7 receipt of assistance.

8 “(B) The payment of the educational assistance al-  
9 lowance referred to in subparagraph (A) is the payment  
10 of such an allowance to the individual for pursuit of a  
11 course or courses under this chapter if the Secretary of  
12 Veterans Affairs finds that the individual—

13 “(i) had to discontinue such course pursuit as  
14 a result of being ordered to serve on active duty  
15 under section 12301(a), 12301(d), 12301(g), 12302,  
16 or 12304 of this title; and

17 “(ii) failed to receive credit or training time to-  
18 ward completion of the individual’s approved edu-  
19 cational, professional, or vocational objective as a re-  
20 sult of having to discontinue, as described in clause  
21 (i), the individual’s course pursuit.

22 “(C) The period for which, by reason of this sub-  
23 section, an educational assistance allowance is not charged  
24 against entitlement or counted toward the applicable ag-  
25 gregate period under section 3695 of title 38 shall not ex-



1 ceed the portion of the period of enrollment in the course  
2 or courses for which the individual failed to receive credit  
3 or with respect to which the individual lost training time,  
4 as determined under subparagraph (B)(ii).

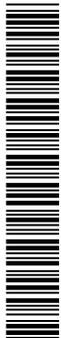
5 **“§ 16163. Eligibility for educational assistance**

6 “(a) ELIGIBILITY.—On or after September 11, 2001,  
7 a member of a reserve component is entitled to educational  
8 assistance under this chapter if the member—

9 “(1) served on active duty in support of a con-  
10 tingency operation for 90 consecutive days or more;  
11 or

12 “(2) in the case of a member of the Army Na-  
13 tional Guard of the United States or Air National  
14 Guard of the United States, performed full time Na-  
15 tional Guard duty under section 502(f) of title 32  
16 for 90 consecutive days or more when authorized by  
17 the President or Secretary of Defense for the pur-  
18 pose of responding to a national emergency declared  
19 by the President and supported by Federal funds.

20 “(b) DISABLED MEMBERS.—Notwithstanding the eli-  
21 gibility requirements in subsection (a), a member who was  
22 ordered to active service as prescribed under subsection  
23 (a)(1) or (a)(2) but is released from duty before com-  
24 pleting 90 consecutive days because of an injury, illness  
25 or disease incurred or aggravated in the line of duty shall



1 be entitled to educational assistance under this chapter at  
2 the rate prescribed in section 16162(c)(4)(A) of this title.

3 “(c) WRITTEN NOTIFICATION.—(1) Each member  
4 who becomes entitled to educational assistance under sub-  
5 section (a) shall be given a statement in writing prior to  
6 release from active service that summarizes the provisions  
7 of this chapter and stating clearly and prominently the  
8 substance of section 16165 of this title as such section  
9 may apply to the member.

10 “(2) At the request of the Secretary of Veterans Af-  
11 fairs, the Secretary concerned shall transmit a notice of  
12 entitlement for each such member to that Secretary.

13 “(d) BAR FROM DUAL ELIGIBILITY.—A member who  
14 qualifies for educational assistance under this chapter may  
15 not receive credit for such service under both the program  
16 established by chapter 30 of title 38 and the program es-  
17 tablished by this chapter but shall make an irrevocable  
18 election (in such form and manner as the Secretary of Vet-  
19 erans Affairs may prescribe) as to the program to which  
20 such service is to be credited.

21 “(e) BAR FROM DUPLICATION OF EDUCATIONAL AS-  
22 SISTANCE ALLOWANCE.—(1) Except as provided in para-  
23 graph (2), an individual entitled to educational assistance  
24 under this chapter who is also eligible for educational as-  
25 sistance under chapter 1606 of this title, chapter 30, 31,



1 32, or 35 of title 38, or under the Hostage Relief Act of  
2 1980 (Public Law 96–449; 5 U.S.C. 5561 note) may not  
3 receive assistance under more than one such programs and  
4 shall elect (in such form and manner as the Secretary con-  
5 cerned may prescribe) under which program the member  
6 elects to receive educational assistance.

7 “(2) The restriction on duplication of educational as-  
8 sistance under paragraph (1) does not apply to the entitle-  
9 ment of educational assistance under section 16131(i) of  
10 this title.

11 **“§ 16164. Time limitation for use of entitlement**

12 “(a) DURATION OF ENTITLEMENT.—Except as pro-  
13 vided in subsection (b), a member remains entitled to edu-  
14 cational assistance under this chapter while serving—

15 “(1) in the Selected Reserve of the Ready Re-  
16 serve, in the case of a member called or ordered to  
17 active service while serving in the Selected Reserve;  
18 or

19 “(2) in the Ready Reserve, in the case of a  
20 member ordered to active duty while serving in the  
21 Ready Reserve (other than the Selected Reserve).

22 “(b) DURATION OF ENTITLEMENT FOR DISABLED  
23 MEMBERS.—(1) In the case of a person who is separated  
24 from the Ready Reserve because of a disability which was  
25 not the result of the individual’s own willful misconduct



1 incurred on or after the date on which such person became  
2 entitled to educational assistance under this chapter, such  
3 person's entitlement to educational assistance expires at  
4 the end of the 10-year period beginning on the date on  
5 which such person became entitled to such assistance.

6 “(2) The provisions of subsections (d) and (f) of sec-  
7 tion 3031 of title 38 shall apply to the period of entitle-  
8 ment prescribed by paragraph (1).

9 **“§ 16165. Termination of assistance**

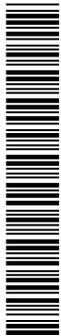
10 “Educational assistance may not be provided under  
11 this chapter, or if being provided under this chapter, shall  
12 be terminated—

13 “(1) if the member is receiving financial assist-  
14 ance under section 2107 of this title as a member  
15 of the Senior Reserve Officers' Training Corps pro-  
16 gram; or

17 “(2) when the member separates from the  
18 Ready Reserve, as provided for under section  
19 16164(a)(1) or section 16164(a)(2), as applicable, of  
20 this title.

21 **“§ 16166. Administration of program**

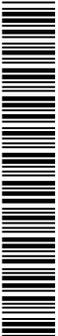
22 “(a) ADMINISTRATION.—Educational assistance  
23 under this chapter shall be provided through the Depart-  
24 ment of Veterans Affairs, under agreements to be entered  
25 into by the Secretary of Defense, and by the Secretary



1 of Homeland Security, with the Secretary of Veterans Af-  
2 fairs. Such agreements shall include administrative proce-  
3 dures to ensure the prompt and timely transfer of funds  
4 from the Secretary concerned to the Department of Vet-  
5 erans Affairs for the making of payments under this chap-  
6 ter.

7 “(b) PROGRAM MANAGEMENT.—Except as otherwise  
8 provided in this chapter, the provisions of sections 503,  
9 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485  
10 of title 38 and the provisions of subchapters I and II of  
11 chapter 36 of such title (with the exception of sections  
12 3686(a), 3687, and 3692) shall be applicable to the provi-  
13 sion of educational assistance under this chapter. The  
14 term ‘eligible veteran’ and the term ‘person’, as used in  
15 those provisions, shall be deemed for the purpose of the  
16 application of those provisions to this chapter to refer to  
17 a person eligible for educational assistance under this  
18 chapter.

19 “(c) FLIGHT TRAINING.—The Secretary of Veterans  
20 Affairs may approve the pursuit of flight training (in addi-  
21 tion to a course of flight training that may be approved  
22 under section 3680A(b) of title 38) by an individual enti-  
23 tled to educational assistance under this chapter if—



1           “(1) such training is generally accepted as nec-  
2           essary for the attainment of a recognized vocational  
3           objective in the field of aviation;

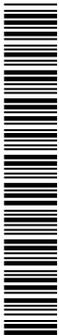
4           “(2) the individual possesses a valid private  
5           pilot certificate and meets, on the day the member  
6           begins a course of flight training, the medical re-  
7           quirements necessary for a commercial pilot certifi-  
8           cate; and

9           “(3) the flight school courses meet Federal  
10          Aviation Administration standards for such courses  
11          and are approved by the Federal Aviation Adminis-  
12          tration and the State approving agency.

13          “(d) TRUST FUND.—Amounts for payments for bene-  
14          fits under this chapter shall be derived from the Depart-  
15          ment of Defense Education Benefits Fund under section  
16          2006 of this title.”.

17          (b) CONFORMING AMENDMENTS.—(1) Section  
18          2006(b) of such title is amended—

19                 (A) in paragraph (1), by striking “chapter  
20                 1606” and inserting “chapters 1606 and 1607, in-  
21                 cluding funds provided by the Secretary of Home-  
22                 land Security for education liabilities for the Coast  
23                 Guard when it is not operating as a service in the  
24                 Department of the Navy”; and



1 (B) in paragraph (2)(C), by striking “for edu-  
 2 cational assistance under chapter 1606” and insert-  
 3 ing “(including funds from the Department in which  
 4 the Coast Guard is operating) for educational assist-  
 5 ance under chapters 1606 and 1607”.

6 (2) Section 3695(a)(5) of title 38, United States  
 7 Code, is amended by inserting “1607,” after “1606,”.

8 (c) CLERICAL AMENDMENT.—The tables of chapters  
 9 at the beginning of subtitle E of title 10, United States  
 10 Code, and at the beginning of part IV of such subtitle,  
 11 are amended by inserting after the item relating to chap-  
 12 ter 1606 the following new item:

“1607. Educational Assistance for Reserve Component Members Sup-  
 porting Contingency Operations and Certain Other  
 Operations ..... 16161”.

13 **SEC. 528. SENSE OF CONGRESS ON GUIDANCE CON-**  
 14 **CERNING TREATMENT OF EMPLOYER-PRO-**  
 15 **VIDED COMPENSATION AND OTHER BENE-**  
 16 **FITS VOLUNTARILY PROVIDED TO EMPLOY-**  
 17 **EES WHO ARE ACTIVATED RESERVISTS.**

18 (a) SENSE OF CONGRESS.—It is the sense of  
 19 Congress—

20 (1) that the Secretary of the Treasury should  
 21 provide guidance with respect to treatment under  
 22 the internal revenue laws of payments made by em-  
 23 ployers to activated Reservist employees under vol-  
 24 untary Reserve-employee differential pay arrange-



1       ments, benefits provided by employers to such em-  
2       ployees, and contributions by employers to employer-  
3       provided retirement savings plans related thereto;  
4       and

5               (2) that the guidance provided under paragraph  
6       (1) should, to the extent possible within the Sec-  
7       retary's authority, be consistent with the goal of pro-  
8       moting and ensuring the validity of voluntary dif-  
9       ferential pay arrangements, benefits, and contribu-  
10      tions referred to in that paragraph.

11      (b) DEFINITIONS.—For purposes of this section:

12              (1) VOLUNTARY RESERVE-EMPLOYEE DIF-  
13      FERENTIAL PAY ARRANGEMENT.—The term “vol-  
14      untary Reserve-employee differential pay arrange-  
15      ment” means an arrangement by which an employer  
16      of an activated Reservist employee voluntarily agrees  
17      to pay, and pays, to that employee, while on active  
18      duty, amounts equivalent to the difference (or some  
19      portion of the difference) between (A) the compensa-  
20      tion of that employee paid by the employer at the  
21      time of the employee's activation for such active  
22      duty, and (B) that employee's military compensa-  
23      tion.

24              (2) ACTIVATED RESERVIST EMPLOYEE.—The  
25      term “activated Reservist employee” means a mem-

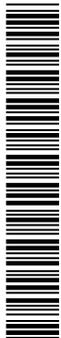


1       ber of a reserve component of the Armed Forces who  
2       is on active duty under a call or order to active duty  
3       (other than for training) and who at the time of  
4       such call or order is employed in a position subject  
5       to chapter 43 of title 38, United States Code (re-  
6       ferred to as the Uniformed Services Employment  
7       and Reemployment Rights Act of 1994 (USERRA)).

8       **Subtitle D—Joint Officer Manage-**  
9       **ment and Professional Military**  
10      **Education**

11      **SEC. 531. STRATEGIC PLAN TO LINK JOINT OFFICER DE-**  
12                                    **VELOPMENT TO OVERALL MISSIONS AND**  
13                                    **GOALS OF DEPARTMENT OF DEFENSE.**

14       (a) PLAN REQUIRED.—(1) The Secretary of Defense  
15      shall develop a strategic plan for joint officer management  
16      and joint professional military education that links joint  
17      officer development to the accomplishment of the overall  
18      missions and goals of the Department of Defense, as set  
19      forth in the most recent national military strategy under  
20      section 153(d) of title 10, United States Code. Such plan  
21      shall be developed for the purpose of ensuring that suffi-  
22      cient numbers of officers fully qualified in occupational  
23      specialties involving combat operations are available as  
24      necessary to meet the needs of the Department for quali-



1 fied officers who are operationally effective in the joint en-  
2 vironment.

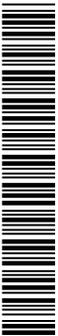
3 (2) The Secretary shall develop the strategic plan  
4 with the advice of the Chairman of the Joint Chiefs of  
5 Staff.

6 (b) MATTERS TO BE INCLUDED.—As part of the stra-  
7 tegic plan under subsection (a), the Secretary shall include  
8 the following:

9 (1) A statement of the levels of joint officer re-  
10 sources needed to be available to properly support  
11 the overall missions of the Department of Defense,  
12 with such resources to be specified by the number of  
13 officers with the joint specialty, the number of offi-  
14 cers required for service in joint duty assignment po-  
15 sitions, and the training and education resources re-  
16 quired.

17 (2) An assessment of the available and pro-  
18 jected joint officer development resources (including  
19 officers, educational and training resources, and  
20 availability of joint duty assignment positions and  
21 tours of duty) necessary to achieve the levels speci-  
22 fied under paragraph (1).

23 (3) Identification of any problems or issues  
24 arising from linking resources for joint officer devel-  
25 opment to accomplishment of the objective of meet-



1       ing the levels specified under paragraph (1) to re-  
2       solve those problems and issues and plans.

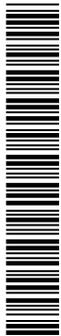
3           (4) A description of the process for identifica-  
4       tion of the present and future requirements for joint  
5       specialty officers.

6           (5) A description of the career development and  
7       management of joint specialty officers and of any  
8       changes to be made to facilitate achievement of the  
9       levels of resources specified in paragraph (1), includ-  
10      ing additional education requirements, promotion op-  
11      portunities, and assignments to fill joint assign-  
12      ments.

13          (6) An assessment of any problems or issues  
14      (and proposed solutions for any such problems and  
15      issues) arising from linking promotion eligibility to  
16      completion of joint professional military education.

17          (7) An assessment of any problems or issues  
18      (and proposed solutions for any such problems and  
19      issues) arising from linking prescribed lengths of  
20      joint duty assignments to qualification as joint spe-  
21      cialty officers.

22          (8) An assessment of any problems or issues  
23      (and proposed solutions for any such problems and  
24      issues) arising from current law regarding expected  
25      rates of promotion for joint specialty officers and of-



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1        ficers who are serving in, or have served in, joint  
2        duty assignments (other than those serving in, or  
3        who have served in, the Joint Staff and joint spe-  
4        cialty officers).

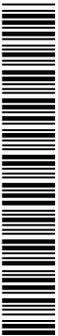
5            (9) An assessment of any problems or issues  
6        (and proposed solutions for any such problems and  
7        issues) arising from current applicability of scientific  
8        and technical qualification waivers for designation as  
9        joint specialty officers.

10           (10) An assessment of the viability of the use  
11        of incentives (such as awarding ribbons) to any per-  
12        son who successfully completes a joint professional  
13        military education program of instruction.

14           (11) An assessment of the feasibility and utility  
15        of a comprehensive written examination as part of  
16        the evaluation criteria for selection of officers for  
17        full-time attendance at an intermediate or senior  
18        level service school.

19           (12) An assessment of the effects on the overall  
20        educational experience at the National Defense Uni-  
21        versity of a small increase in the number of private-  
22        sector civilians eligible to enroll in instruction at the  
23        National Defense University .

24           (13) An assessment of the propriety and impli-  
25        cations in providing joint specialty officer qualifica-



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1           tion to all qualifying reserve offices who have  
2           achieved the statutory prerequisites.

3           (c) INCLUSION OF RESERVE COMPONENT OFFI-  
4           CERS.—In developing the strategic plan required by sub-  
5           section (a), the Secretary shall include joint officer devel-  
6           opment for officers on the reserve active-status list in the  
7           plan.

8           (d) REPORT.—The Secretary shall submit the plan  
9           developed under this section to the Committees on Armed  
10          Services of the Senate and House of Representatives not  
11          later than January 15, 2006.

12          (e) ADDITIONAL ASSESSMENT.—Not later than Jan-  
13          uary 15, 2007, the Secretary of Defense shall submit to  
14          the Committees on Armed Services of the Senate and  
15          House of Representatives, as a follow-on to the report  
16          under subsection (d), a report providing an assessment of,  
17          and initiatives to improve, the performance in joint mat-  
18          ters of the following:

19                (1) Senior civilian officers and employees in the  
20                Office of the Secretary of Defense, the Defense  
21                Agencies, and the military departments.

22                (2) Senior noncommissioned officers.

23                (3) Senior leadership in the reserve compo-  
24                nents.



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1 **SEC. 532. IMPROVEMENT TO PROFESSIONAL MILITARY**  
2 **EDUCATION IN THE DEPARTMENT OF DE-**  
3 **FENSE.**

4 (a) IN GENERAL.—Part III of subtitle A of title 10,  
5 United States Code, is amended—

6 (1) by redesignating chapter 107 as chapter  
7 106A; and

8 (2) by inserting before chapter 108 the fol-  
9 lowing new chapter:

10 **“CHAPTER 107—PROFESSIONAL MILITARY**  
11 **EDUCATION**

“Sec.

“2151. Definitions.

“2152. Professional military education: general requirements.

“2153. Capstone course: newly selected general and flag officers.

“2154. Joint professional military education: three-phase approach.

“2155. Joint professional military education phase II program of instruction.

“2156. Joint Forces Staff College: duration of principal course of instruction.

“2157. Annual report to Congress.

12 **“§ 2151. Definitions**

13 **“(a) JOINT PROFESSIONAL MILITARY EDUCATION.—**

14 Joint professional military education consists of the rig-  
15 orous and thorough instruction and examination of offi-  
16 cers of the armed forces in an environment designed to  
17 promote a theoretical and practical in-depth under-  
18 standing of joint matters and, specifically, of the subject  
19 matter covered. The subject matter to be covered by joint  
20 professional military education shall include at least the  
21 following:



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- 1 “(1) National Military Strategy.
- 2 “(2) Joint planning at all levels of war.
- 3 “(3) Joint doctrine.
- 4 “(4) Joint command and control.
- 5 “(5) Joint force and joint requirements de-
- 6 velopment.

7 “(b) OTHER DEFINITIONS.—In this chapter:

8 “(1) The term ‘senior level service school’

9 means any of the following:

10 “(A) The Army War College.

11 “(B) The College of Naval Warfare.

12 “(C) The Air War College.

13 “(D) The Marine Corps War College.

14 “(2) The term ‘intermediate level service school’

15 means any of the following:

16 “(A) The United States Army Command

17 and General Staff College.

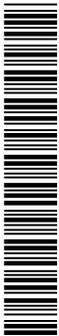
18 “(B) The College of Naval Command and

19 Staff.

20 “(C) The Air Command and Staff College.

21 “(D) The Marine Corps Command and

22 Staff College.



1 **“§ 2152. Joint professional military education: gen-**  
2 **eral requirements**

3 “(a) IN GENERAL.—The Secretary of Defense shall  
4 implement a comprehensive framework for the joint pro-  
5 fessional military education of officers, including officers  
6 nominated under section 661 of this title for the joint spe-  
7 cialty.

8 **“§ 2153. Capstone course: newly selected general and**  
9 **flag officers**

10 “(a) REQUIREMENT.—Each officer selected for pro-  
11 motion to the grade of brigadier general or, in the case  
12 of the Navy, rear admiral (lower half) shall be required,  
13 after such selection, to attend a military education course  
14 designed specifically to prepare new general and flag offi-  
15 cers to work with the other armed forces.

16 “(b) WAIVER AUTHORITY.—(1) Subject to paragraph  
17 (2), the Secretary of Defense may waive subsection (a)—

18 “(A) in the case of an officer whose imme-  
19 diately previous assignment was in a joint duty as-  
20 signment and who is thoroughly familiar with joint  
21 matters;

22 “(B) when necessary for the good of the service;

23 “(C) in the case of an officer whose proposed  
24 selection for promotion is based primarily upon sci-  
25 entific and technical qualifications for which joint re-  
26 quirements do not exist (as determined under regu-



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1 lations prescribed under section 619(e)(4) of this  
2 title); and

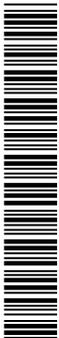
3 “(D) in the case of a medical officer, dental of-  
4 ficer, veterinary officer, medical service officer,  
5 nurse, biomedical science officer, or chaplain.

6 “(2) The authority of the Secretary of Defense to  
7 grant a waiver under paragraph (1) may only be delegated  
8 to the Deputy Secretary of Defense, an Under Secretary  
9 of Defense, or an Assistant Secretary of Defense. Such  
10 a waiver may be granted only on a case-by-case basis in  
11 the case of an individual officer.

12 **“§ 2154. Joint professional military education: three-  
13 phase approach**

14 “(a) THREE-PHASE APPROACH.—The Secretary of  
15 Defense shall implement a three-phase approach to joint  
16 professional military education, as follows:

17 “(1) There shall be a course of instruction, des-  
18 igned and certified by the Secretary of Defense  
19 with the advice and assistance of the Chairman of  
20 the Joint Chiefs of Staff as Phase I instruction, con-  
21 sisting of all the elements of a joint professional  
22 military education (as specified in section 2151(a) of  
23 this title), in addition to the principal curriculum  
24 taught to all officers at an intermediate level service  
25 school.



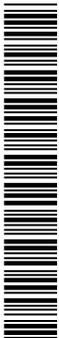
1           “(2) There shall be a course of instruction, des-  
2           ignated and certified by the Secretary of Defense  
3           with the advice and assistance of the Chairman of  
4           the Joint Chiefs of Staff as Phase II instruction,  
5           consisting of a joint professional military education  
6           curriculum taught in residence at—

7                   “(A) the Joint Forces Staff College; or

8                   “(B) a senior level service school that has  
9                   been designated and certified by the Secretary  
10                  of Defense as a joint professional military edu-  
11                  cation institution.

12           “(3) There shall be a course of instruction, des-  
13           ignated and certified by the Secretary of Defense  
14           with the advice and assistance of the Chairman of  
15           the Joint Chiefs of Staff as the Capstone course, for  
16           officers selected for promotion to the grade of brigadier  
17           general or, in the case of the Navy, rear admiral  
18           (lower half) and offered in accordance with section  
19           2153 of this title.

20           “(b) SEQUENCED APPROACH.—The Secretary shall  
21           require the sequencing of joint professional military edu-  
22           cation so that the standard sequence of assignments for  
23           such education requires an officer to complete Phase I in-  
24           struction before proceeding to Phase II instruction, as  
25           provided in section 2155(a) of this title.



1 **“§ 2155. Joint professional military education phase**  
2 **II program of instruction**

3 “(a) PREREQUISITE OF COMPLETION OF JOINT PRO-  
4 FESSIONAL MILITARY EDUCATION I PROGRAM OF IN-  
5 STRUCTION.—(1) After September 30, 2009, an officer of  
6 the armed forces may not be accepted for, or assigned to,  
7 a program of instruction designated by the Secretary of  
8 Defense as joint professional military education Phase II  
9 unless the officer has successfully completed a program  
10 of instruction designated by the Secretary of Defense as  
11 joint professional military education Phase I.

12 “(2) The Chairman of the Joint Chiefs of Staff may  
13 grant exceptions to the requirement under paragraph (1).  
14 Such an exception may be granted only on a case-by-case  
15 basis under exceptional circumstances, as determined by  
16 the Chairman. An officer selected to receive such an excep-  
17 tion shall have knowledge of joint matters and other as-  
18 pects of the Phase I curriculum that, to the satisfaction  
19 of the Chairman, qualifies the officer to meet the min-  
20 imum requirements established for entry into Phase II in-  
21 struction without first completing Phase I instruction. The  
22 number of officers selected to attend an offering of the  
23 principal course of instruction at the Joint Forces Staff  
24 College or a senior level service school designated by the  
25 Secretary of Defense as a joint professional military edu-  
26 cation institution who have not completed Phase I instruc-



1 tion should comprise no more than 10 percent of the total  
2 number of officers selected.

3 “(b) PHASE II REQUIREMENTS.—The Secretary shall  
4 require that the curriculum for Phase II joint professional  
5 military education at any school—

6 “(1) focus on developing joint operational ex-  
7 pertise and perspectives and honing joint  
8 warfighting skills; and

9 “(2) be structured —

10 “(A) so as to adequately prepare students  
11 to perform effectively in an assignment to a  
12 joint, multiservice organization; and

13 “(B) so that students progress from a  
14 basic knowledge of joint matters learned in  
15 Phase I instruction to the level of expertise nec-  
16 essary for successful performance in the joint  
17 arena.

18 “(c) CURRICULUM CONTENT.—In addition to the  
19 subjects specified in section 2151(a) of this title, the cur-  
20 riculum for Phase II joint professional military education  
21 shall include the following:

22 “(1) National security strategy.

23 “(2) Theater strategy and campaigning.

24 “(3) Joint planning processes and systems.





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1           “(b) DEFINITION.—In this section, the term ‘prin-  
2 ciplal course of instruction’ means any course of instruc-  
3 tion offered at the Joint Forces Staff College as Phase  
4 II joint professional military education.

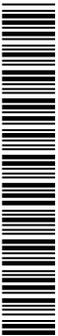
5 **“§ 2157. Annual report to Congress**

6           “The Secretary of Defense shall include in the annual  
7 report of the Secretary to Congress under section 113(c)  
8 of this title, for the period covered by the report, the fol-  
9 lowing information (which shall be shown for the Depart-  
10 ment of Defense as a whole and separately for the Army,  
11 Navy, Air Force, and Marine Corps and each reserve com-  
12 ponent):

13           “(1) The number of officers who successfully  
14 completed a joint professional military education  
15 phase II course and were not selected for promotion.

16           “(2) The number of officer students and faculty  
17 members assigned by each service to the professional  
18 military schools of the other services and to the joint  
19 schools.”.

20           (b) TRANSFER OF OTHER PROVISIONS.—Subsections  
21 (b) and (c) of section 663 of title 10, United States Code,  
22 are transferred to section 2152 of such title, as added by  
23 subsection (a), and added at the end thereof.



1 (c) CONFORMING AMENDMENTS.—(1) Section 663 of  
2 such title, as amended by subsection (b), is further  
3 amended—

4 (A) by striking subsections (a) and (e); and

5 (B) by striking “(d) POST-EDUCATION JOINT  
6 DUTY ASSIGNMENTS.—(1) The” and inserting “(a)  
7 JOINT SPECIALTY OFFICERS.—The”;

8 (C) by striking “(2)(A) The Secretary” and in-  
9 serting “(b) OTHER OFFICERS.—(1) The Sec-  
10 retary”;

11 (D) by striking “in subparagraph (B)” and in-  
12 serting “in paragraph (2)”;

13 (E) by striking “(B) The Secretary” and insert-  
14 ing “(2) The Secretary”; and

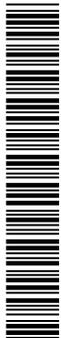
15 (F) by striking “in subparagraph (A)” and in-  
16 serting “in paragraph (1)”.

17 (2)(A) The heading of such section is amended to  
18 read as follows:

19 **“§ 663. Joint duty assignments after completion of**  
20 **joint professional military education”.**

21 (B) The item relating to that section in the table of  
22 sections at the beginning of chapter 38 of such title is  
23 amended to read as follows:

“663. Joint duty assignments after completion of joint professional military  
education.”.



1 (d) CONFORMING REPEAL.—Section 1123(b) of the  
2 National Defense Authorization Act for Fiscal Years 1990  
3 and 1991 (Public Law 101-189; 103 Stat. 1556) is re-  
4 pealed.

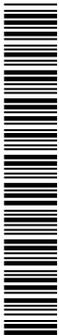
5 (e) CLERICAL AMENDMENT.—The tables of chapters  
6 at the beginning of subtitle A, and at the beginning of  
7 part III of subtitle A, of title 10, United States Code, are  
8 amended by striking the item relating to chapter 107 and  
9 inserting the following:

<b>“106A. Educational Assistance for Persons Enlisting for</b>	
<b>Active Duty .....</b>	<b>2141</b>
<b>“107. Professional Military Education .....</b>	<b>2151”.</b>

10 **SEC. 533. JOINT REQUIREMENTS FOR PROMOTION TO FLAG**  
11 **OR GENERAL OFFICER GRADE.**

12 (a) EFFECTIVE DATE FOR JOINT SPECIALTY OFFI-  
13 CER REQUIREMENT.—Subsection (a)(2) of section 619a of  
14 title 10, United States Code, is amended by striking “Sep-  
15 tember 30, 2007” and inserting “September 30, 2008”.

16 (b) EXCEPTION TO JOINT DUTY REQUIREMENT FOR  
17 OFFICERS SERVING IN JOINT DUTY ASSIGNMENT WHEN  
18 CONSIDERED FOR PROMOTION.—Subsection (b)(4) of  
19 such section is amended by striking “if—” and all that  
20 follows through “(B) the officer’s” and inserting “if the  
21 officer’s”.



1 **SEC. 534. CLARIFICATION OF TOURS OF DUTY QUALIFYING**  
2 **AS A JOINT DUTY ASSIGNMENT.**

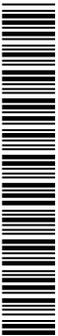
3 (a) JOINT DUTY ASSIGNMENT LIST.—Subsection  
4 (b)(2) of section 668 of title 10, United States Code, is  
5 amended by striking “a list” in the matter preceding sub-  
6 paragraph (A) and inserting “a joint duty assignment  
7 list”.

8 (b) CONSECUTIVE TOURS OF DUTY IN JOINT DUTY  
9 ASSIGNMENTS.—Subsection (c) of such section is amend-  
10 ed by striking “within the same organization”.

11 (c) EFFECTIVE DATE.—The amendment made by  
12 subsection (b) shall not apply in the case of a joint duty  
13 assignment completed by an officer before the date of the  
14 enactment of this Act, except in the case of an officer who  
15 has continued in joint duty assignments, without a break  
16 in service in such assignments, between the end of such  
17 assignment and the date of the enactment of this Act.

18 **SEC. 535. TWO-YEAR EXTENSION OF TEMPORARY STAND-**  
19 **ARD FOR PROMOTION POLICY OBJECTIVES**  
20 **FOR JOINT OFFICERS.**

21 Section 662(a)(2) of title 10, United States Code, is  
22 amended by striking “December 27, 2004” in subpara-  
23 graphs (A) and (B) and inserting “December 27, 2006”.

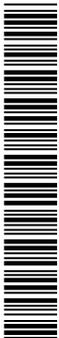


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1 **SEC. 536. TWO-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
2 **REQUIREMENT THAT RESERVE CHIEFS AND**  
3 **NATIONAL GUARD DIRECTORS HAVE SIGNIFI-**  
4 **CANT JOINT DUTY EXPERIENCE.**

5 (a) **EXTENSION.**—Sections 3038(b)(4), 5143(b)(4),  
6 5144(b)(4), 8038(b)(4), and 10506(a)(3)(D) of title 10,  
7 United States Code, are amended by striking “December  
8 31, 2004,” and inserting “December 31, 2006,”.

9 (b) **FUTURE COMPLIANCE.**—Not later than one year  
10 after the date of the enactment of this Act, the Secretary  
11 of Defense shall submit to the Committee on Armed Serv-  
12 ices of the House of Representatives and the Committee  
13 on Armed Services of the Senate a plan for ensuring that  
14 all officers selected after December 31, 2006, for rec-  
15 ommendation for appointment as a Reserve chief or Na-  
16 tional Guard director have significant joint duty experi-  
17 ence, as required by law, and may be so recommended  
18 without requirement for a wavier of such requirement.  
19 Such plan shall be developed in coordination with the  
20 Chairman of the Joint Chiefs of Staff.



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1           **Subtitle E—Military Service**  
2                           **Academies**

3   **SEC. 541. REVISION TO CONDITIONS ON SERVICE OF OFFI-**  
4                           **CERS AS SERVICE ACADEMY SUPERINTEND-**  
5                           **ENTS.**

6           (a) AUTHORITY TO WAIVE REQUIREMENT THAT OF-  
7   FICERS RETIRE AFTER SERVICE AS SUPERINTENDENT.—  
8   Title 10, United States Code, is amended as follows:

9                   (1) MILITARY ACADEMY.—Section 3921 is  
10           amended—

11                           (A) by inserting “(a) MANDATORY RE-  
12                           TIREMENT.—” before “Upon the”; and

13                           (B) by adding at the end the following:

14           “(b) WAIVER AUTHORITY.—The Secretary of De-  
15   fense may waive the requirement in subsection (a) for  
16   good cause. In each case in which such a waiver is granted  
17   for an officer, the Secretary shall submit to the Commit-  
18   tees on Armed Services of the Senate and the House of  
19   Representatives a written notification of the waiver, with  
20   a statement of the reasons supporting the decision that  
21   the officer not retire, and a written notification of the in-  
22   tent of the President to nominate the officer for reassign-  
23   ment.”.

24                   (2) NAVAL ACADEMY.—Section 6371 is  
25           amended—



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1 (A) by inserting “(a) MANDATORY RE-  
2 TIREMENT.—” before “Upon the”; and

3 (B) by adding at the end the following:

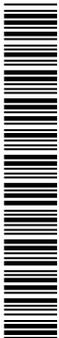
4 “(b) WAIVER AUTHORITY.—The Secretary of De-  
5 fense may waive the requirement in subsection (a) for  
6 good cause. In each case in which such a waiver is granted  
7 for an officer, the Secretary shall submit to the Commit-  
8 tees on Armed Services of the Senate and the House of  
9 Representatives a written notification of the waiver, with  
10 a statement of the reasons supporting the decision that  
11 the officer not retire, and a written notification of the in-  
12 tent of the President to nominate the officer for reassign-  
13 ment.”.

14 (3) AIR FORCE ACADEMY.—Section 8921 is  
15 amended—

16 (A) by inserting “(a) MANDATORY RE-  
17 TIREMENT.—” before “Upon the”; and

18 (B) by adding at the end the following:

19 “(b) WAIVER AUTHORITY.—The Secretary of De-  
20 fense may waive the requirement in subsection (a) for  
21 good cause. In each case in which such a waiver is granted  
22 for an officer, the Secretary shall submit to the Commit-  
23 tees on Armed Services of the Senate and the House of  
24 Representatives a written notification of the waiver, with  
25 a statement of the reasons supporting the decision that



1 the officer not retire, and a written notification of the in-  
2 tent of the President to nominate the officer for reassign-  
3 ment.”.

4 (b) MINIMUM THREE-YEAR TOUR OF DUTY AS SU-  
5 PERINTENDENT.—Title 10, United States Code, is amend-  
6 ed as follows:

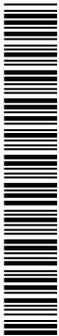
7 (1) MILITARY ACADEMY.—Section 4333a is  
8 amended—

9 (A) by inserting “(a) RETIREMENT.—” be-  
10 fore “As a”;

11 (B) by inserting before the period at the  
12 end the following: “pursuant to section 3921(a)  
13 of this title, unless such retirement is waived  
14 under section 3921(b) of this title”; and

15 (C) by adding at the end the following:

16 “(b) MINIMUM TOUR OF DUTY.—An officer who is  
17 detailed to the position of Superintendent of the Academy  
18 shall be so detailed for a period of not less than three  
19 years. In any case in which an officer serving as Super-  
20 intendent is reassigned or retires before having completed  
21 three years service as Superintendent, or otherwise leaves  
22 that position (other than due to death) without having  
23 completed three years service in that position, the Sec-  
24 retary of the Army shall submit to Congress notice that  
25 such officer left the position of Superintendent without



1 having completed three years service in that position, to-  
2 gether with a statement of the reasons why that officer  
3 did not complete three years service in that position.”.

4 (2) NAVAL ACADEMY.—Section 6951a is  
5 amended—

6 (A) by inserting before the period at the  
7 end of subsection (b) the following: “pursuant  
8 to section 6371(a) of this title, unless such re-  
9 tirement is waived under section 6371(b) of this  
10 title”; and

11 (B) by adding at the end the following new  
12 subsection:

13 “(c) An officer who is detailed to the position of Su-  
14 perintendent shall be so detailed for a period of not less  
15 than three years. In any case in which an officer serving  
16 as Superintendent is reassigned or retires before having  
17 completed three years service as Superintendent, or other-  
18 wise leaves that position (other than due to death) without  
19 having completed three years service in that position, the  
20 Secretary of the Navy shall submit to Congress notice that  
21 such officer left the position of Superintendent without  
22 having completed three years service in that position, to-  
23 gether with a statement of the reasons why that officer  
24 did not complete three years service in that position.”.



1           (3) AIR FORCE ACADEMY.—Section 9333a is  
2 amended—

3           (A) by inserting “(a) RETIREMENT.—” be-  
4 fore “As a”;

5           (B) by inserting before the period at the  
6 end the following: “pursuant to section 8921(a)  
7 of this title, unless such retirement is waived  
8 under section 8921(b) of this title”; and

9           (C) by adding at the end the following:

10          “(b) MINIMUM TOUR OF DUTY.—An officer who is  
11 detailed to the position of Superintendent of the Academy  
12 shall be so detailed for a period of not less than three  
13 years. In any case in which an officer serving as Super-  
14 intendent is reassigned or retires before having completed  
15 three years service as Superintendent, or otherwise leaves  
16 that position (other than due to death) without having  
17 completed three years service in that position, the Sec-  
18 retary of the Air Force shall submit to Congress notice  
19 that such officer left the position of Superintendent with-  
20 out having completed three years service in that position,  
21 together with a statement of the reasons why that officer  
22 did not complete three years service in that position.”.

23          (c) CLERICAL AMENDMENTS.—Title 10, United  
24 States Code, is amended as follows:



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1 (1)(A) The heading for section 3921 is amend-  
2 ed to read as follows:

3 **“§ 3921. Mandatory retirement: Superintendent of the**  
4 **United States Military Academy; waiver**  
5 **authority”.**

6 (B) The item relating to that section in the  
7 table of sections at the beginning of chapter 367 is  
8 amended to read as follows:

“3921. Mandatory retirement: Superintendent of the United States Military  
Academy; waiver authority.”

9 (2)(A) The heading for section 6371 is amend-  
10 ed to read as follows:

11 **“§ 6371. Mandatory retirement: Superintendent of the**  
12 **United States Naval Academy; waiver au-**  
13 **thority”.**

14 (B) The item relating to that section in the  
15 table of sections at the beginning of chapter 573 is  
16 amended to read as follows:

“6371. Mandatory retirement: Superintendent of the United States Naval Acad-  
emy; waiver authority.”.

17 (3)(A) The heading for section 8921 is amend-  
18 ed to read as follows:



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1 **“§ 8921. Mandatory retirement: Superintendent of the**  
2 **United States Air Force Academy; waiver**  
3 **authority”.**

4 (B) The item relating to that section in the  
5 table of sections at the beginning of chapter 867 is  
6 amended to read as follows:

“8921. Mandatory retirement: Superintendent of the United States Air Force  
Academy; waiver authority.”.

7 **SEC. 542. ACADEMIC QUALIFICATIONS OF THE DEAN OF**  
8 **THE FACULTY OF UNITED STATES AIR FORCE**  
9 **ACADEMY.**

10 Section 9335(a) of title 10, United States Code, is  
11 amended by inserting before the period at the end of the  
12 second sentence the following: “, except that a person may  
13 not be appointed or assigned as Dean unless that person  
14 holds the highest academic degree in that person’s aca-  
15 demic field”.

16 **SEC. 543. BOARD OF VISITORS OF UNITED STATES AIR**  
17 **FORCE ACADEMY.**

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

20 **“§ 9355. Board of Visitors**

21 “(a) A Board of Visitors to the Academy is con-  
22 stituted annually. The Board consists of the following  
23 members:

24 “(1) Six persons designated by the President.



1           “(2) The chairman of the Committee on Armed  
2 Services of the House of Representatives, or his des-  
3 ignee.

4           “(3) Four persons designated by the Speaker of  
5 the House of Representatives, three of whom shall  
6 be members of the House of Representatives and the  
7 fourth of whom may not be a member of the House  
8 of Representatives.

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

11           “(5) Three other members of the Senate des-  
12 igned by the Vice President or the President pro  
13 tempore of the Senate, two of whom are members of  
14 the Committee on Appropriations of the Senate.

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

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

23           “(c)(1) If a member of the Board dies or resigns or  
24 is terminated as a member of the board under paragraph  
25 (2), a successor shall be designated for the unexpired por-



1 tion of the term by the official who designated the mem-  
2 ber.

3 “(2)(A) If a member of the Board fails to attend two  
4 successive Board meetings, except in a case in which an  
5 absence is approved in advance, for good cause, by the  
6 Board chairman, such failure shall be grounds for termi-  
7 nation from membership on the Board. A person des-  
8 ignated for membership on the Board shall be provided  
9 notice of the provisions of this paragraph at the time of  
10 such designation.

11 “(B) Termination of membership on the Board under  
12 subparagraph (A)—

13 “(i) in the case of a member of the Board who  
14 is not a member of Congress, may be made by the  
15 Board chairman; and

16 “(ii) in the case of a member of the Board who  
17 is a member of Congress, may be made only by the  
18 official who designated the member.

19 “(C) When a member of the Board is subject to ter-  
20 mination from membership on the Board under subpara-  
21 graph (A), the Board chairman shall notify the official  
22 who designated the member. Upon receipt of such a notifi-  
23 cation with respect to a member of the Board who is a  
24 member of Congress, the official who designated the mem-



1 ber shall take such action as that official considers appro-  
2 priate.

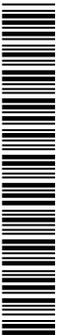
3 “(d) The Board should meet at least four times a  
4 year, with at least two of those meetings at the Academy.  
5 The Board or its members may make other visits to the  
6 Academy in connection with the duties of the Board.  
7 Board meetings should last at least one full day. Board  
8 members shall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

11 “(e)(1) The Board shall inquire into the morale, dis-  
12 cipline, and social climate, the curriculum, instruction,  
13 physical equipment, fiscal affairs, academic methods, and  
14 other matters relating to the Academy that the Board de-  
15 cides to consider.

16 “(2) The Secretary of the Air Force and the Super-  
17 intendent of the Academy shall provide the Board candid  
18 and complete disclosure, consistent with applicable laws  
19 concerning disclosure of information, with respect to insti-  
20 tutional problems.

21 “(3) The Board shall recommend appropriate action.

22 “(f) The Board shall prepare a semiannual report  
23 containing its views and recommendations pertaining to  
24 the Academy, based on its meeting since the last such re-  
25 port and any other considerations it determines relevant.



1 Each such report shall be submitted concurrently to the  
2 Secretary of Defense, through the Secretary of the Air  
3 Force, and to the Committee on Armed Services of the  
4 Senate and the Committee on Armed Services of the  
5 House of Representatives.

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

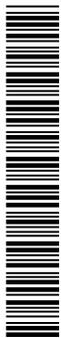
8 “(h) While performing duties as a member of the  
9 Board, each member of the Board and each adviser shall  
10 be reimbursed under Government travel regulations for  
11 travel expenses.”.

12 **SEC. 544. APPROPRIATED FUNDS FOR SERVICE ACADEMY**  
13 **ATHLETIC AND RECREATIONAL EXTRA-**  
14 **CURRICULAR PROGRAMS TO BE TREATED IN**  
15 **SAME MANNER AS FOR MILITARY MORALE,**  
16 **WELFARE, AND RECREATION PROGAMS.**

17 (a) UNITED STATES MILITARY ACADEMY.—(1)  
18 Chapter 403 of title 10, United States Code, is amended  
19 by adding at the end the following new section:

20 **“§ 4359. Mixed-funded athletic and recreational ex-**  
21 **tracurricular programs: authority to**  
22 **manage appropriated funds in same man-**  
23 **ner as nonappropriated funds**

24 “(a) AUTHORITY.—In the case of an Academy mixed-  
25 funded athletic or recreational extracurricular program,



1 the Secretary of the Army may designate funds appro-  
2 priated to the Department of the Army and available for  
3 that program to be treated as nonappropriated funds and  
4 expended for that program in accordance with laws appli-  
5 cable to the expenditure of nonappropriated funds. Appro-  
6 priated funds so designated shall be considered to be non-  
7 appropriated funds for all purposes and shall remain avail-  
8 able until expended.

9 “(b) COVERED PROGRAMS.—In this section, the term  
10 ‘Academy mixed-funded athletic or recreational extra-  
11 curricular program’ means an athletic or recreational ex-  
12 tracurricular program of the Academy to which each of  
13 the following applies:

14 “(1) The program is not considered a morale,  
15 welfare, or recreation program.

16 “(2) The program is supported through appro-  
17 priated funds.

18 “(3) The program is supported by a non-  
19 appropriated fund instrumentality.

20 “(4) The program is not a private organization  
21 and is not operated by a private organization.”.

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

“4359. Mixed-funded athletic and recreational extracurricular programs: author-  
ity to manage appropriated funds in same manner as non-  
appropriated funds.”.



1 (b) UNITED STATES NAVAL ACADEMY.—(1) Chapter  
2 603 of title 10, United States Code, is amended by adding  
3 at the end the following new section:

4 **“§ 6978. Mixed-funded athletic and recreational ex-**  
5 **tracurricular programs: authority to**  
6 **manage appropriated funds in same man-**  
7 **ner as nonappropriated funds**

8 “(a) AUTHORITY.—In the case of a Naval Academy  
9 mixed-funded athletic or recreational extracurricular pro-  
10 gram, the Secretary of the Navy may designate funds ap-  
11 propriated to the Department of the Navy and available  
12 for that program to be treated as nonappropriated funds  
13 and expended for that program in accordance with laws  
14 applicable to the expenditure of nonappropriated funds.  
15 Appropriated funds so designated shall be considered to  
16 be nonappropriated funds for all purposes and shall re-  
17 main available until expended.

18 “(b) COVERED PROGRAMS.—In this section, the term  
19 ‘Naval Academy mixed-funded athletic or recreational ex-  
20 tracurricular program’ means an athletic or recreational  
21 extracurricular program of the Naval Academy to which  
22 each of the following applies:

23 “(1) The program is not considered a morale,  
24 welfare, or recreation program.





1 be nonappropriated funds for all purposes and shall re-  
2 main available until expended.

3 “(b) COVERED PROGRAMS.—In this section, the term  
4 ‘Academy mixed-funded athletic or recreational extra-  
5 curricular program’ means an athletic or recreational ex-  
6 tracurricular program of the Academy to which each of  
7 the following applies:

8 “(1) The program is not considered a morale,  
9 welfare, or recreation program.

10 “(2) The program is supported through appro-  
11 priated funds.

12 “(3) The program is supported by a non-  
13 appropriated fund instrumentality.

14 “(4) The program is not a private organization  
15 and is not operated by a private organization.”.

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

“9359. Mixed-funded athletic and recreational extracurricular programs: author-  
ity to manage appropriated funds in same manner as non-  
appropriated funds.”.

18 (d) EFFECTIVE DATE AND APPLICABILITY.—Sec-  
19 tions 4359, 6978, and 9359 of title 10, United States  
20 Code, shall apply only with respect to funds appropriated  
21 for fiscal years after fiscal year 2004.



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1 **SEC. 545. CODIFICATION OF PROHIBITION ON IMPOSITION**  
2 **OF CERTAIN CHARGES AND FEES AT THE**  
3 **SERVICE ACADEMIES.**

4 (a) UNITED STATES MILITARY ACADEMY.—(1)  
5 Chapter 403 of title 10, United States Code, as amended  
6 by 544(a)(1), is further amended by adding at the end  
7 the following new section:

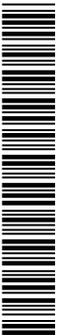
8 **“§ 4360. Cadets: charges and fees for attendance; limi-**  
9 **tation**

10 “(a) PROHIBITION.—Except as provided in sub-  
11 section (b), no charge or fee for tuition, room, or board  
12 for attendance at the Academy may be imposed unless the  
13 charge or fee is specifically authorized by a law enacted  
14 after October 5, 1994.

15 “(b) EXCEPTION.—The prohibition specified in sub-  
16 section (a) does not apply with respect to any item or serv-  
17 ice provided to cadets for which a charge or fee is imposed  
18 as of October 5, 1994. The Secretary of Defense shall no-  
19 tify Congress of any change made by the Academy in the  
20 amount of a charge or fee authorized under this sub-  
21 section.”.

22 (2) The table of sections at the beginning of such  
23 chapter is amended by adding after the item added by sec-  
24 tion 544(a)(2) the following new item:

“4360. Cadets: charges and fees for attendance; limitation.”.



1 (b) UNITED STATES NAVAL ACADEMY.—(1) Chapter  
2 603 of title 10, United States Code, as amended by  
3 544(b)(1), is further amended by adding at the end the  
4 following new section:

5 **“§ 6979. Midshipmen: charges and fees for attend-**  
6 **ance; limitation**

7 “(a) PROHIBITION.—Except as provided in sub-  
8 section (b), no charge or fee for tuition, room, or board  
9 for attendance at the Naval Academy may be imposed un-  
10 less the charge or fee is specifically authorized by a law  
11 enacted after October 5, 1994.

12 “(b) EXCEPTION.—The prohibition specified in sub-  
13 section (a) does not apply with respect to any item or serv-  
14 ice provided to midshipmen for which a charge or fee is  
15 imposed as of October 5, 1994. The Secretary of Defense  
16 shall notify Congress of any change made by the Naval  
17 Academy in the amount of a charge or fee authorized  
18 under this subsection.”.

19 (2) The table of sections at the beginning of such  
20 chapter is amended by adding after the item added by sec-  
21 tion 544(b)(2) the following new item:

“6979. Midshipmen: charges and fees for attendance; limitation.”.

22 (c) UNITED STATES AIR FORCE ACADEMY.—(1)  
23 Chapter 903 title 10, United States Code, as amended by  
24 544(c)(1), is further amended by adding at the end the  
25 following new section:



1 **“§ 9360. Cadets: charges and fees for attendance; limi-**  
2 **tation**

3 “(a) PROHIBITION.—Except as provided in sub-  
4 section (b), no charge or fee for tuition, room, or board  
5 for attendance at the Academy may be imposed unless the  
6 charge or fee is specifically authorized by a law enacted  
7 after October 5, 1994.

8 “(b) EXCEPTION.—The prohibition specified in sub-  
9 section (a) does not apply with respect to any item or serv-  
10 ice provided to cadets for which a charge or fee is imposed  
11 as of October 5, 1994. The Secretary of Defense shall no-  
12 tify Congress of any change made by the Academy in the  
13 amount of a charge or fee authorized under this sub-  
14 section.”.

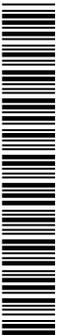
15 (2) The table of sections at the beginning of such  
16 chapter is amended by adding after the item added by sec-  
17 tion 544(c)(2) the following new item:

“9360. Cadets: charges and fees for attendance; limitation.”.

18 (d) UNITED STATES COAST GUARD ACADEMY.—(1)  
19 Chapter 9 of title 14, United States Code, is amended by  
20 adding at the end the following new section:

21 **“§ 197. Cadets: charges and fees for attendance; limi-**  
22 **tation**

23 “(a) PROHIBITION.—Except as provided in sub-  
24 section (b), no charge or fee for tuition, room, or board  
25 for attendance at the Academy may be imposed unless the



1 charge or fee is specifically authorized by a law enacted  
2 after October 5, 1994.

3 “(b) EXCEPTION.—The prohibition specified in sub-  
4 section (a) does not apply with respect to any item or serv-  
5 ice provided to cadets for which a charge or fee is imposed  
6 as of October 5, 1994. The Secretary of Homeland Secu-  
7 rity shall notify Congress of any change made by the  
8 Academy in the amount of a charge or fee authorized  
9 under this subsection.”.

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

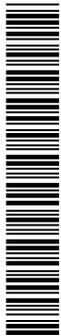
“197. Cadets: charges and fees for attendance; limitation.”.

13 (e) UNITED STATES MERCHANT MARINE ACAD-  
14 EMY.—Section 1303 of the Merchant Marine Act, 1936  
15 (46 U.S.C. App. 1295b), is amended by adding at the end  
16 the following new subsection:

17 “(j) LIMITATION ON CHARGES AND FEES FOR AT-  
18 TENDANCE.—

19 “(1) Except as provided in paragraph (2), no  
20 charge or fee for tuition, room, or board for attend-  
21 ance at the Academy may be imposed unless the  
22 charge or fee is specifically authorized by a law en-  
23 acted after October 5, 1994.

24 “(2) The prohibition specified in paragraph (1)  
25 does not apply with respect to any item or service



1 provided to cadets for which a charge or fee is im-  
2 posed as of October 5, 1994. The Secretary of  
3 Transportation shall notify Congress of any change  
4 made by the Academy in the amount of a charge or  
5 fee authorized under this paragraph.”.

6 (f) REPEAL OF CODIFIED PROVISION.—Section 553  
7 of the National Defense Authorization Act for Fiscal Year  
8 1995 (Public Law 103–337; 10 U.S.C. 4331 note) is re-  
9 pealed.

## 10 **Subtitle F—Other Education and** 11 **Training Matters**

### 12 **SEC. 551. COLLEGE FIRST DELAYED ENLISTMENT PRO-** 13 **GRAM.**

14 (a) CODIFICATION AND EXTENSION OF ARMY PRO-  
15 GRAM.—(1) Chapter 31 of title 10, United States Code,  
16 is amended by inserting after section 510 the following  
17 new section:

#### 18 **“§ 511. College First Program**

19 “(a) PROGRAM AUTHORITY.—The Secretary of each  
20 military department may establish a program to increase  
21 the number of, and the level of the qualifications of, per-  
22 sons entering the armed forces as enlisted members by en-  
23 couraging recruits to pursue higher education or voca-  
24 tional or technical training before entry into active service.



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1       “(b) DELAYED ENTRY WITH ALLOWANCE FOR  
2 HIGHER EDUCATION.—The Secretary concerned may—

3               “(1) exercise the authority under section 513 of  
4 this title—

5                       “(A) to accept the enlistment of a person  
6 as a Reserve for service in the Selected Reserve  
7 or Individual Ready Reserve of a reserve com-  
8 ponent, notwithstanding the scope of the au-  
9 thority under subsection (a) of that section, in  
10 the case of the Army National Guard of the  
11 United States or Air National Guard of the  
12 United States; and

13                       “(B) to authorize, notwithstanding the pe-  
14 riod limitation in subsection (b) of that section,  
15 a delay of the enlistment of any such person in  
16 a regular component under that subsection for  
17 the period during which the person is enrolled  
18 in, and pursuing a program of education at, an  
19 institution of higher education, or a program of  
20 vocational or technical training, on a full-time  
21 basis that is to be completed within the max-  
22 imum period of delay determined for that per-  
23 son under subsection (c); and

24                       “(2) subject to paragraph (2) of subsection (d)  
25 and except as provided in paragraph (3) of that sub-



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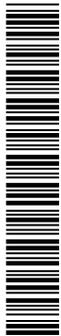
1 section, pay an allowance to a person accepted for  
2 enlistment under paragraph (1)(A) for each month  
3 of the period during which that person is enrolled in  
4 and pursuing a program described in paragraph  
5 (1)(B).

6 “(c) MAXIMUM PERIOD OF DELAY.—The period of  
7 delay authorized a person under paragraph (1)(B) of sub-  
8 section (b) may not exceed the 30-month period beginning  
9 on the date of the person’s enlistment accepted under  
10 paragraph (1)(A) of such subsection.

11 “(d) ALLOWANCE.—(1) The monthly allowance paid  
12 under subsection (b)(2) shall be equal to the amount of  
13 the subsistence allowance provided for certain members of  
14 the Senior Reserve Officers’ Training Corps with the cor-  
15 responding number of years of participation under section  
16 209(a) of title 37. The Secretary concerned may supple-  
17 ment that stipend by an amount not to exceed \$225 per  
18 month.

19 “(2) An allowance may not be paid to a person under  
20 this section for more than 24 months.

21 “(3) A member of the Selected Reserve of a reserve  
22 component may be paid an allowance under this section  
23 only for months during which the member performs satis-  
24 factorily as a member of a unit of the reserve component  
25 that trains as prescribed in section 10147(a)(1) of this



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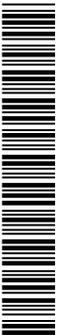
1 title or section 502(a) of title 32. Satisfactory performance  
2 shall be determined under regulations prescribed by the  
3 Secretary concerned.

4 “(4) An allowance under this section is in addition  
5 to any other pay or allowance to which a member of a  
6 reserve component is entitled by reason of participation  
7 in the Ready Reserve of that component.

8 “(e) RECOUPMENT OF ALLOWANCE.—(1) A person  
9 who, after receiving an allowance under this section, fails  
10 to complete the total period of service required of that per-  
11 son in connection with delayed entry authorized for the  
12 person under section 513 shall repay the United States  
13 the amount which bears the same ratio to the total amount  
14 of that allowance paid to the person as the unserved part  
15 of the total required period of service bears to the total  
16 period.

17 “(2) An obligation to repay the United States im-  
18 posed under paragraph (1) is for all purposes a debt owed  
19 to the United States.

20 “(3) A discharge of a person in bankruptcy under  
21 title 11 that is entered less than five years after the date  
22 on which the person was, or was to be, enlisted in the  
23 regular Army pursuant to the delayed entry authority  
24 under section 513 does not discharge that person from a  
25 debt arising under paragraph (1).



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1       “(4) The Secretary concerned may waive, in whole  
2 or in part, a debt arising under paragraph (1) in any case  
3 for which the Secretary determines that recovery would  
4 be against equity and good conscience or would be con-  
5 trary to the best interests of the United States.

6       “(f) SPECIAL PAY AND BONUSES.—Upon enlisting in  
7 the regular component of the member’s armed force, a  
8 person who initially enlisted as a Reserve under this sec-  
9 tion may, at the discretion of the Secretary concerned, be  
10 eligible for all regular special pays, bonuses, education  
11 benefits, and loan repayment programs.”.

12       (2) The table of sections at the beginning of such  
13 chapter is amended by inserting after the item relating  
14 to section 510 the following new item:

“511. College First Program.”.

15       (b) CONTINUATION FOR ARMY OF PRIOR ARMY COL-  
16 LEGE FIRST PROGRAM.—The Secretary of the Army shall  
17 treat the program under section 511 of title 10, United  
18 States Code, as added by subsection (a), as a continuation  
19 of the program under section 573 of the National Defense  
20 Authorization Act for Fiscal Year 2000 (10 U.S.C. 513  
21 note), and for such purpose the Secretary may treat such  
22 section 511 as having been enacted on October 1, 2004.



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1 **SEC. 552. SENIOR RESERVE OFFICERS' TRAINING CORPS**  
2 **AND RECRUITER ACCESS AT INSTITUTIONS**  
3 **OF HIGHER EDUCATION.**

4 (a) EQUAL TREATMENT OF MILITARY RECRUITERS  
5 WITH OTHER RECRUITERS.—Subsection (b)(1) of section  
6 983 of title 10, United States Code, is amended—

7 (1) by striking “entry to campuses” and insert-  
8 ing “access to campuses”; and

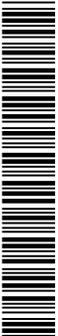
9 (2) by inserting before the semicolon at the end  
10 the following: “in a manner that is at least equal in  
11 quality and scope to the access to campuses and to  
12 students that is provided to any other employer”.

13 (b) PROHIBITION OF FUNDING FOR POST-SEC-  
14 ONDARY SCHOOLS THAT PREVENT ROTC ACCESS OR  
15 MILITARY RECRUITING.—(1) Subsection (d) of such sec-  
16 tion is amended—

17 (A) in paragraph (1)—

18 (i) by striking “limitation established in  
19 subsection (a) applies” and inserting “limita-  
20 tions established in subsections (a) and (b)  
21 apply”;

22 (ii) in subparagraph (B), by inserting “for  
23 any department or agency for which regular ap-  
24 propriations are made” after “made available”;  
25 and



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1 (iii) by adding at the end the following new  
2 subparagraphs:

3 “(C) Any funds made available for the Depart-  
4 ment of Homeland Security.

5 “(D) Any funds made available for the National  
6 Nuclear Security Administration of the Department  
7 of Energy.

8 “(E) Any funds made available for the Depart-  
9 ment of Transportation.

10 “(F) Any funds made available for the Central  
11 Intelligence Agency.”; and

12 (B) by striking paragraph (2).

13 (2)(A) Subsection (b) of such section is amended by  
14 striking “subsection (d)(2)” and inserting “subsection  
15 (d)(1)”.

16 (B) Subsection (e) of such section is amended by in-  
17 serting “, to the head of each other department and agen-  
18 cy the funds of which are subject to the determination,”  
19 after “Secretary of Education”.

20 (c) CODIFICATION AND EXTENSION OF EXCLUSION  
21 OF AMOUNTS TO COVER INDIVIDUAL PAYMENTS.—Sub-  
22 section (d) of such section, as amended by subsection  
23 (b)(1), is further amended—

24 (1) by striking “The” after “(1)” and inserting  
25 “Except as provided in paragraph (2), the”; and



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

3           “(2) Any Federal funding specified in paragraph (1)  
4 that is provided to an institution of higher education, or  
5 to an individual, to be available solely for student financial  
6 assistance, related administrative costs, or costs associated  
7 with attendance, may be used for the purpose for which  
8 the funding is provided.”.

9           (d) CONFORMING AMENDMENTS.—Subsections (a)  
10 and (b) of such section are amended by striking “(includ-  
11 ing a grant of funds to be available for student aid)”.

12           (e) CONFORMING REPEAL OF CODIFIED PROVI-  
13 SION.—Section 8120 of the Department of Defense Ap-  
14 propriations Act, 2000 (Public Law 106–79; 10 U.S.C.  
15 983 note), is repealed.

16           (f) EFFECTIVE DATE.—The amendments made by  
17 this section shall apply with respect to funds appropriated  
18 for fiscal year 2005 and thereafter.

19 **SEC. 553. TUITION ASSISTANCE FOR OFFICERS.**

20           (a) AUTHORITY TO REDUCE OR WAIVE ACTIVE  
21 DUTY SERVICE OBLIGATION.—Subsection (b) of section  
22 2007 of title 10, United States Code, is amended—

23                   (1) by inserting “(1)” after “(b)”;

24                   (2) by inserting “or full-time National Guard  
25 duty” after “active duty” each place it appears; and



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

3           “(2) Notwithstanding paragraph (1), the Secretary of  
4 the military department may reduce or waive the active  
5 duty service obligation—

6           “(A) in the case of a commissioned officer who  
7 is subject to mandatory separation;

8           “(B) in the case of a commissioned officer who  
9 has completed the period of active duty service in  
10 support of a contingency operation; or

11           “(C) in other exigent circumstances as deter-  
12 mined by the Secretary.”.

13           (b) INCREASE IN TUITION ASSISTANCE AUTHORIZED  
14 FOR ARMY OFFICERS IN THE SELECTED RESERVE.—  
15 Paragraph (1) of section 2007(c) of title 10, United States  
16 Code, is amended to read as follows:

17           “(1) Subject to paragraphs (2) and (3), the Secretary  
18 of the Army may pay the charges of an educational insti-  
19 tution for the tuition or expenses of an officer in the Se-  
20 lected Reserve of the Army National Guard or the Army  
21 Reserve for education or training of such officer.”.

22           (c) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) may, at the discretion of the Secretary con-  
24 cerned, be applied to a service obligation incurred by an



1 officer serving on active duty as of the date of the enact-  
2 ment of this Act.

3 **SEC. 554. INCREASED MAXIMUM PERIOD FOR LEAVE OF AB-**  
4 **SENCE FOR PURSUIT OF A PROGRAM OF EDU-**  
5 **CATION IN A HEALTH CARE PROFESSION.**

6 Section 708(a) of title 10, United States Code, is  
7 amended—

8 (1) by striking “for a period not to exceed two  
9 years”; and

10 (2) by adding at the end the following: “The  
11 period of a leave of absence granted under this sec-  
12 tion may not exceed two years, except that the pe-  
13 riod may exceed two years but may not exceed three  
14 years in the case of an eligible member pursuing a  
15 program of education in a health care profession.”.

16 **SEC. 555. ELIGIBILITY OF CADETS AND MIDSHIPMEN FOR**  
17 **MEDICAL AND DENTAL CARE AND DIS-**  
18 **ABILITY BENEFITS.**

19 (a) MEDICAL AND DENTAL CARE.—(1) Chapter 55  
20 of title 10, United States Code, is amended by inserting  
21 after section 1074a the following new section:



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1 **“§ 1074b. Medical and dental care: Academy cadets**  
2 **and midshipmen; members of, and des-**  
3 **ignated applicants for membership in,**  
4 **Senior ROTC**

5 “(a) ELIGIBILITY.—Under joint regulations pre-  
6 scribed by the administering Secretaries, the following  
7 persons are, except as provided in subsection (c), entitled  
8 to the benefits described in subsection (b):

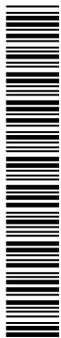
9 “(1) A cadet at the United States Military  
10 Academy, the United States Air Force Academy, or  
11 the Coast Guard Academy, and a midshipman at the  
12 United States Naval Academy, who incurs or aggra-  
13 vates an injury, illness, or disease in the line of duty.

14 “(2) A member of, and a designated applicant  
15 for membership in, the Senior Reserve Officers’  
16 Training Corps who incurs or aggravates an injury,  
17 illness, or disease—

18 “(A) in the line of duty while performing  
19 duties under section 2109 of this title;

20 “(B) while traveling directly to or from the  
21 place at which that member or applicant is to  
22 perform or has performed duties pursuant to  
23 section 2109 of this title; or

24 “(C) in the line of duty while remaining  
25 overnight immediately before the commence-  
26 ment of duties performed pursuant to section



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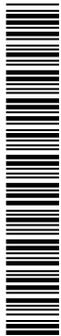
1           2109 of this title or, while remaining overnight,  
2           between successive periods of performing duties  
3           pursuant to section 2109 of this title, at or in  
4           the vicinity of the site of the duties performed  
5           pursuant to section 2109 of this title, if the site  
6           is outside reasonable commuting distance from  
7           the residence of the member or designated ap-  
8           plicant.

9           “(b) BENEFITS.—A person eligible for benefits under  
10          subsection (a) for an injury, illness, or disease is entitled  
11          to—

12                 “(1) the medical and dental care under this  
13          chapter that is appropriate for the treatment of the  
14          injury, illness, or disease until the injury, illness, dis-  
15          ease, or any resulting disability cannot be materially  
16          improved by further hospitalization or treatment;  
17          and

18                 “(2) meals during hospitalization.

19           “(c) EXCEPTION FOR GROSS NEGLIGENCE OR MIS-  
20          CONDUCT.—A person is not entitled to benefits under sub-  
21          section (b) for an injury, illness, or disease, or the aggra-  
22          vation of an injury, illness, or disease that is a result of  
23          the gross negligence or the misconduct of that person.”.



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1 (2) The table of sections at the beginning of such  
2 chapter is amended by inserting after the item relating  
3 to section 1074a the following new item:

“1074b. Medical and dental care: Academy cadets and midshipmen; members  
of, and designated applicants for membership in, Senior  
ROTC.”.

4 (b) ELIGIBILITY OF ACADEMY CADETS AND MID-  
5 SHIPMEN FOR DISABILITY RETIRED PAY.—(1) Section  
6 1217 of title 10, United States Code, is amended to read  
7 as follows:

8 **“§ 1217. Academy cadets and midshipmen: applica-  
9 bility of chapter**

10 “(a) This chapter applies to cadets at the United  
11 States Military Academy, the United States Air Force  
12 Academy, and the United States Coast Guard Academy  
13 and midshipmen of the United States Naval Academy, but  
14 only with respect to physical disabilities incurred after the  
15 date of the enactment of the Ronald W. Reagan National  
16 Defense Authorization Act for Fiscal Year 2005.

17 “(b) Monthly cadet pay and monthly midshipman pay  
18 under section 203(e) of title 37 shall be considered to be  
19 basic pay for purposes of this chapter and the computation  
20 of retired pay and severance and separation pay to which  
21 entitlement is established under this chapter.”.



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1 (2) The item related to section 1217 in the table of  
2 sections at the beginning of chapter 61 of such title is  
3 amended to read as follows:

“1217. Academy cadets and midshipmen: applicability of chapter.”.

4 **SEC. 556. TRANSFER OF AUTHORITY TO CONFER DEGREES**  
5 **UPON GRADUATES OF THE COMMUNITY COL-**  
6 **LEGE OF THE AIR FORCE.**

7 (a) TRANSFER TO COMMANDER OF AIR UNIVER-  
8 SITY.—Subsection (a) of section 9317 of title 10, United  
9 States Code, is amended—

10 (1) by striking “may confer—” and inserting  
11 “may confer academic degrees as follows.”;

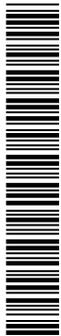
12 (2) by striking “the” in paragraphs (1), (2),  
13 and (3) after the paragraph designation and insert-  
14 ing “The”;

15 (3) by striking the semicolon at the end of  
16 paragraph (1) and inserting a period;

17 (4) by striking “; and” at the end of paragraph  
18 (2) and inserting a period; and

19 (5) by adding at the end the following new  
20 paragraph:

21 “(4) An academic degree at the level of asso-  
22 ciate upon graduates of the Community College of  
23 the Air Force who fulfill the requirements for that  
24 degree.”.



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1 (b) CONFORMING AMENDMENT.—Subsection (c) of  
2 section 9315 of such title is amended to read as follows:

3 “(c) ASSOCIATE DEGREES.—(1) Subject to para-  
4 graph (2), an academic degree at the level of associate  
5 may be conferred under section 9317 of this title upon  
6 any enlisted member who has completed a program pre-  
7 scribed by the Community College of the Air Force.

8 “(2) No degree may be conferred upon any enlisted  
9 member under this section unless the Secretary of Edu-  
10 cation determines that the standards for the award of aca-  
11 demic degrees in agencies of the United States have been  
12 met.”.

13 (c) CLERICAL AMENDMENTS.—(1) The heading of  
14 section 9317 of such title is amended to read as follows:  
15 “§ 9317. Air University: conferral of degrees”.

16 (2) The item relating to such section in the table of  
17 sections at the beginning of chapter 901 of such title is  
18 amended to read as follows:

“9317. Air University: conferral of degrees.”.

19 **SEC. 557. CHANGE IN TITLES OF LEADERSHIP POSITIONS**  
20 **AT THE NAVAL POSTGRADUATE SCHOOL.**

21 (a) DESIGNATION OF PRESIDENT.—(1) The position  
22 of Superintendent of the Naval Postgraduate School is re-  
23 designated as President of the Naval Postgraduate School.

24 (2) Any reference to the Superintendent of the Naval  
25 Postgraduate School in any law, rule, regulation, docu-



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1 ment, record, or other paper of the United States shall  
2 be deemed to be a reference to the President of the Naval  
3 Postgraduate School.

4 (3)(A) Section 7042 of title 10, United States Code,  
5 is amended by striking “Superintendent” each place it ap-  
6 pears in the text and inserting “President”.

7 (B) The heading of such section is amended to read  
8 as follows:

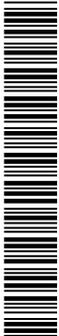
9 **“§ 7042. President; assistants”.**

10 (4)(A) Section 7044 of such title is amended by strik-  
11 ing “Superintendent” and inserting “President of the  
12 school”.

13 (B) Sections 7048(a) and 7049(e) of such title are  
14 amended by striking “Superintendent” and inserting  
15 “President”.

16 (b) DESIGNATION OF PROVOST AND ACADEMIC  
17 DEAN.—(1) The position of Academic Dean of the Naval  
18 Postgraduate School is redesignated as Provost and Aca-  
19 demic Dean of the Naval Postgraduate School.

20 (2) Any reference to the Academic Dean of the Naval  
21 Postgraduate School in any law, rule, regulation, docu-  
22 ment, record, or other paper of the United States shall  
23 be deemed to be a reference to the Provost and Academic  
24 Dean of the Naval Postgraduate School.



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1 (3)(A) Subsection (a) of section 7043 of title 10,  
2 United States Code, is amended to read as follows:

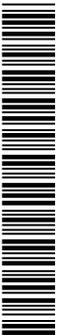
3 “(a) There is at the Naval Postgraduate School the  
4 civilian position of Provost and Academic Dean. The Pro-  
5 vost and Academic Dean shall be appointed, to serve for  
6 periods of not more than five years, by the Secretary of  
7 the Navy. Before making an appointment to the position  
8 of Provost and Academic Dean, the Secretary shall consult  
9 with the Board of Advisors for the Naval Postgraduate  
10 School and shall consider any recommendation of the lead-  
11 ership and faculty of the Naval Postgraduate School re-  
12 garding an appointment to that position.”.

13 (B) The heading of such section is amended to read  
14 as follows:

15 **“§ 7043. Provost and Academic Dean”.**

16 (4) Sections 7043(b) and 7081(a) of title 10, United  
17 States Code, are amended by striking “Academic Dean”  
18 and inserting “Provost and Academic Dean”.

19 (5)(A) Section 5102(e)(10) of title 5, United States  
20 Code, is amended by striking “Academic Dean of the Post-  
21 graduate School of the Naval Academy” and inserting  
22 “Provost and Academic Dean of the Naval Postgraduate  
23 School”.



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1 (B) Subsection (b) of such section is amended by  
2 striking “Academic Dean” and inserting “Provost and  
3 Academic Dean”.

4 (c) CLERICAL AMENDMENTS.—The table of sections  
5 at the beginning of chapter 605 of such title 10, United  
6 States Code, is amended by striking the items related to  
7 sections 7042 and 7043 and inserting the following new  
8 items:

“7042. President; assistants.

“7043. Provost and Academic Dean.”.

9 **Subtitle G—Assistance to Local**  
10 **Educational Agencies for De-**  
11 **fense Dependents Education**

12 **SEC. 558. CONTINUATION OF IMPACT AID ASSISTANCE ON**  
13 **BEHALF OF DEPENDENTS OF CERTAIN MEM-**  
14 **BERS DESPITE CHANGE IN STATUS OF MEM-**  
15 **BER.**

16 (a) SPECIAL RULE.—For purposes of computing the  
17 amount of a payment for an eligible local educational  
18 agency under subsection (a) of section 8003 of the Ele-  
19 mentary and Secondary Education Act (20 U.S.C. 7703)  
20 for school year 2004–2005, the Secretary of Education  
21 shall continue to count as a child enrolled in a school of  
22 such agency under such subsection any child who—

23 (1) would be counted under paragraph (1)(B)  
24 of such subsection to determine the number of chil-



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1       dren who were in average daily attendance in the  
2       school; but

3               (2) due to the deployment of both parents or  
4       legal guardians of the child, the deployment of a  
5       parent or legal guardian having sole custody of the  
6       child, or the death of a military parent or legal  
7       guardian while on active duty (so long as the child  
8       resides on Federal property (as defined in section  
9       8013(5) of such Act (20 U.S.C. 7713(5))), is not eli-  
10      gible to be so counted.

11      (b) TERMINATION.—The special rule provided under  
12      subsection (a) applies only so long as the children covered  
13      by such subsection remain in average daily attendance at  
14      a school in the same local educational agency they at-  
15      tended before their change in eligibility status.

16      **SEC. 559. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**  
17                               **THAT BENEFIT DEPENDENTS OF MEMBERS**  
18                               **OF THE ARMED FORCES AND DEPARTMENT**  
19                               **OF DEFENSE CIVILIAN EMPLOYEES.**

20      (a) CONTINUATION OF DEPARTMENT OF DEFENSE  
21      PROGRAM FOR FISCAL YEAR 2005.—Of the amount au-  
22      thorized to be appropriated pursuant to section 301(5) for  
23      operation and maintenance for Defense-wide activities,  
24      \$30,000,000 shall be available only for the purpose of pro-



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1 viding educational agencies assistance to local educational  
2 agencies.

3 (b) NOTIFICATION.—Not later than June 30, 2005,  
4 the Secretary of Defense shall notify each local edu-  
5 cational agency that is eligible for educational agencies as-  
6 sistance for fiscal year 2005 of—

7 (1) that agency’s eligibility for the assistance;  
8 and

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

11 (c) DISBURSEMENT OF FUNDS.—The Secretary of  
12 Defense shall disburse funds made available under sub-  
13 section (a) not later than 30 days after the date on which  
14 notification to the eligible local educational agencies is  
15 provided pursuant to subsection (b).

16 (d) DEFINITIONS.—In this section:

17 (1) The term “educational agencies assistance”  
18 means assistance authorized under section 386(b) of  
19 the National Defense Authorization Act for Fiscal  
20 Year 1993 (Public Law 102-484; 20 U.S.C. 7703  
21 note).

22 (2) The term “local educational agency” has  
23 the meaning given that term in section 8013(9) of  
24 the Elementary and Secondary Education Act of  
25 1965 (20 U.S.C. 7713(9)).





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1 **“§ 1134. Medal of honor: award to individual interred**  
2 **in Tomb of the Unknowns as representa-**  
3 **tive of casualties of a war**

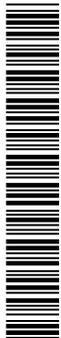
4 “The medal of honor awarded posthumously to a de-  
5 ceased member of the armed forces who, as an unidenti-  
6 fied casualty of a particular war or other armed conflict,  
7 is interred in the Tomb of the Unknowns at Arlington Na-  
8 tional Cemetery, Virginia, is awarded to the member as  
9 the representative of the members of the armed forces who  
10 died in such war or other armed conflict and whose re-  
11 mains have not been identified, and not to the individual  
12 personally.”.

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

“1134. Medal of honor: award to individual interred in Tomb of the Unknowns  
as representative of casualties of a war.”.

16 **SEC. 562. PLAN FOR REVISED CRITERIA AND ELIGIBILITY**  
17 **REQUIREMENTS FOR AWARD OF COMBAT IN-**  
18 **FANTRYMAN BADGE AND COMBAT MEDICAL**  
19 **BADGE FOR SERVICE IN KOREA AFTER JULY**  
20 **28, 1953.**

21 (a) REQUIREMENT FOR PLAN.—Not later than 90  
22 days after the date of the enactment of this Act, the Sec-  
23 retary of the Army shall submit to the Committees on  
24 Armed Services of the Senate and the House of Represent-



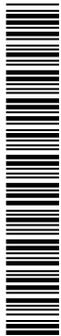
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1 atives a plan for revising the Army's criteria and eligibility  
2 requirements for award of the Combat Infantryman Badge  
3 and the Combat Medical Badge for service in the Republic  
4 of Korea after July 28, 1953, to fulfill the purpose stated  
5 in subsection (b).

6 (b) PURPOSE OF REVISED CRITERIA AND ELIGI-  
7 BILITY REQUIREMENTS.—The purpose for revising the  
8 criteria and eligibility requirements for award of the Com-  
9 bat Infantryman Badge and the Combat Medical Badge  
10 for service in the Republic of Korea after July 28, 1953,  
11 is to ensure fairness in the standards applied to Army per-  
12 sonnel in the awarding of such badges for Army service  
13 in the Republic of Korea in comparison to the standards  
14 applied to Army personnel in the awarding of such badges  
15 for Army service in other areas of operations.

16 **SEC. 563. AUTHORITY TO APPOINT BRIGADIER GENERAL**  
17 **CHARLES E. YEAGER, UNITED STATES AIR**  
18 **FORCE (RETIRED), TO THE GRADE OF MAJOR**  
19 **GENERAL ON THE RETIRED LIST.**

20 The President is authorized to appoint, by and with  
21 the advice and consent of the Senate, Brigadier General  
22 Charles E. Yeager, United States Air Force (retired), to  
23 the grade of major general on the retired list of the Air  
24 Force. Any such appointment shall not affect the retired  
25 pay or other benefits of Charles E. Yeager or any benefits



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1 to which any other person is or may become entitled based  
2 upon his service.

3 **SEC. 564. POSTHUMOUS COMMISSION OF WILLIAM MITCH-**  
4 **ELL IN THE GRADE OF MAJOR GENERAL IN**  
5 **THE ARMY.**

6 (a) **AUTHORITY.**—The President, by and with the ad-  
7 vice and consent of the Senate, may issue posthumously  
8 a commission as major general, United States Army, in  
9 the name of the late William Mitchell, formerly a colonel,  
10 United States Army, who resigned his commission on Feb-  
11 ruary 1, 1926.

12 (b) **DATE OF COMMISSION.**—A commission issued  
13 under subsection (a) shall issue as of the date of the death  
14 of William Mitchell on February 19, 1936.

15 (c) **PROHIBITION OF BENEFITS.**—No person is enti-  
16 tled to receive any bonus, gratuity, pay, allowance, or  
17 other financial benefit by reason of the enactment of this  
18 section.

19 **Subtitle I—Military Voting**

20 **SEC. 566. FEDERAL WRITE-IN BALLOTS FOR ABSENTEE**  
21 **MILITARY VOTERS LOCATED IN THE UNITED**  
22 **STATES.**

23 (a) **DUTIES OF PRESIDENTIAL DESIGNEE.**—Section  
24 101(b)(3) of the Uniformed and Overseas Citizens Absen-  
25 tee Voting Act (42 U.S.C. 1973ff(b)(3)) is amended by



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1 striking “overseas voters” and inserting “absent uni-  
2 formed services voters and overseas voters”.

3 (b) STATE RESPONSIBILITIES.—Section 102(a)(3) of  
4 such Act (42 U.S.C. 1973ff-1(a)(3)) is amended by strik-  
5 ing “overseas voters” and inserting “absent uniformed  
6 services voters and overseas voters”.

7 (c) FEDERAL WRITE-IN ABSENTEE BALLOT.—Sec-  
8 tion 103 of such Act (42 U.S.C. 1973ff-2) is amended—

9 (1) in subsection (a), by striking “overseas vot-  
10 ers” and inserting “absent uniformed services voters  
11 and overseas voters”;

12 (2) in subsection (b), by striking the second  
13 sentence and inserting the following new sentence:  
14 “A Federal write-in absentee ballot of an absent uni-  
15 formed services voter or overseas voter shall not be  
16 counted—

17 “(1) in the case of a ballot submitted by an  
18 overseas voter who is not an absent uniformed serv-  
19 ices voter, if the ballot is submitted from any loca-  
20 tion in the United States;

21 “(2) if the application of the absent uniformed  
22 services voter or overseas voter for a State absentee  
23 ballot is received by the appropriate State election  
24 official after the later of—



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1           “(A) the deadline of the State for receipt  
2 of such application; or

3           “(B) the date that is 30 days before the  
4 general election; or

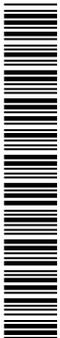
5           “(3) if a State absentee ballot of the absent  
6 uniformed services voter or overseas voter is received  
7 by the appropriate State election official not later  
8 than the deadline for receipt of the State absentee  
9 ballot under State law.”;

10           (3) in subsection (c)(1), by striking “overseas  
11 voter” and inserting “absent uniformed services  
12 voter or overseas voter”;

13           (4) in subsection (d), by striking “overseas  
14 voter” both places it appears and inserting “absent  
15 uniformed services voter or overseas voter”; and

16           (5) in subsection (e)(2), by striking “overseas  
17 voters” and inserting “absent uniformed services  
18 voters and overseas voters”.

19           (d) CONFORMING AMENDMENTS.—(1) The heading  
20 of section 103 of such Act is amended to read as follows:



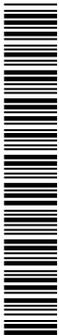
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1 **“SEC. 103. FEDERAL WRITE-IN ABSENTEE BALLOT IN GEN-**  
2 **ERAL ELECTIONS FOR FEDERAL OFFICE FOR**  
3 **ABSENT UNIFORMED SERVICES VOTERS AND**  
4 **OVERSEAS VOTERS.”.**

5 (2) The subsection caption for subsection (d) of such  
6 section is amended by striking “OVERSEAS VOTER” and  
7 inserting “ABSENT UNIFORMED SERVICES VOTER OR  
8 OVERSEAS VOTER”.

9 **SEC. 567. REPEAL OF REQUIREMENT TO CONDUCT ELEC-**  
10 **TRONIC VOTING DEMONSTRATION PROJECT**  
11 **FOR THE FEDERAL ELECTION TO BE HELD IN**  
12 **NOVEMBER 2004.**

13 The first sentence of section 1604(a)(2) of the Na-  
14 tional Defense Authorization Act for Fiscal Year 2002  
15 (Public Law 107-107; 115 Stat. 1277; 42 U.S.C. 1977ff  
16 note) is amended by striking “until the regularly sched-  
17 uled general election for Federal office for November  
18 2004” and inserting the following: “until the first regu-  
19 larly scheduled general election for Federal office which  
20 occurs after the Election Assistance Commission notifies  
21 the Secretary that the Commission has established elec-  
22 tronic absentee voting guidelines and certifies that it will  
23 assist the Secretary in carrying out the project”.



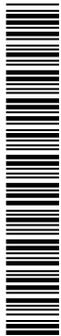
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1 **SEC. 568. REPORTS ON OPERATION OF FEDERAL VOTING**  
2 **ASSISTANCE PROGRAM AND MILITARY POST-**  
3 **AL SYSTEM.**

4 (a) REPORTS ON PROGRAM AND SYSTEM.—(1) Not  
5 later than 60 days after the date of the enactment of this  
6 Act, the Secretary of Defense shall submit to Congress  
7 a report on the actions that the Secretary has taken to  
8 ensure that the Federal Voting Assistance Program car-  
9 ried out under the Uniformed and Overseas Citizens Ab-  
10 sentee Voting Act (42 U.S.C. 1973ff et seq.) functions ef-  
11 fectively to support absentee voting by members of the  
12 Armed Forces deployed outside the United States in sup-  
13 port of Operation Iraqi Freedom, Operation Enduring  
14 Freedom, and all other contingency operations.

15 (2) Not later than 60 days after the date of the sub-  
16 mission of the report required by paragraph (1), the Sec-  
17 retary of Defense shall submit to Congress a report on  
18 the actions that the Secretary has taken to ensure that  
19 the military postal system functions effectively to support  
20 the morale of members referred to in such paragraph and  
21 their ability to vote by absentee ballot.

22 (b) REPORT ON IMPLEMENTATION OF POSTAL SYS-  
23 TEM IMPROVEMENTS.—Not later than 90 days after the  
24 date of the enactment of this Act, the Secretary of Defense  
25 shall submit to Congress a report specifying—



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1 (1) the actions taken to implement the rec-  
2 ommendations of the Military Postal Service Agency  
3 Task Force, dated 28 August 2000; and

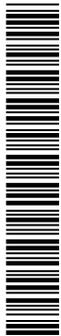
4 (2) in the case of each recommendation not im-  
5 plemented or not fully implemented as of the date of  
6 the submission of the report, the reasons for not im-  
7 plementing or not fully implementing the rec-  
8 ommendation, as the case may be.

9 **Subtitle J—Military Justice**  
10 **Matters**

11 **SEC. 571. REVIEW ON HOW SEXUAL OFFENSES ARE COV-**  
12 **ERED BY UNIFORM CODE OF MILITARY JUS-**  
13 **TICE.**

14 (a) REVIEW REQUIRED.—The Secretary of Defense  
15 shall review the Uniform Code of Military Justice and the  
16 Manual for Courts-Martial with the objective of deter-  
17 mining what changes are required to improve the ability  
18 of the military justice system to address issues relating  
19 to sexual assault and to conform the Uniform Code of  
20 Military Justice and the Manual for Courts-Martial more  
21 closely to other Federal laws and regulations that address  
22 such issues.

23 (b) REPORT.—Not later than March 1, 2005, the  
24 Secretary shall submit to the Committee on Armed Serv-  
25 ices of the Senate and the Committee on Armed Services



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1 of the House of Representatives a report on the review  
2 carried out under subsection (a). The report shall include  
3 the recommendations of the Secretary for revisions to the  
4 Uniform Code of Military Justice and, for each such revision,  
5 the rationale behind that revision.

6 **SEC. 572. WAIVER OF RECOUPMENT OF TIME LOST FOR**  
7 **CONFINEMENT IN CONNECTION WITH A**  
8 **TRIAL.**

9 Section 972 of title 10, United States Code, is  
10 amended by adding at the end the following new sub-  
11 section:

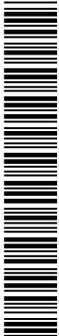
12 “(c) WAIVER OF RECOUPMENT OF TIME LOST FOR  
13 CONFINEMENT.—The Secretary concerned shall waive li-  
14 ability for a period of confinement in connection with a  
15 trial under subsection (a)(3), or exclusion of a period of  
16 confinement in connection with a trial under subsection  
17 (b)(3), in a case upon the occurrence of any of the fol-  
18 lowing events:

19 “(1) For each charge—

20 “(A) the charge is dismissed before or dur-  
21 ing trial in a final disposition of the charge; or

22 “(B) the trial results in an acquittal of the  
23 charge.

24 “(2) For each charge resulting in a conviction  
25 in such trial—



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1           “(A) the conviction is set aside in a final  
2 disposition of such charge, other than in a  
3 grant of clemency; or

4           “(B) a judgment of acquittal or a dis-  
5 missal is entered upon a reversal of the convic-  
6 tion on appeal.”.

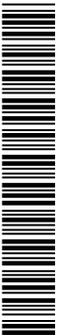
7 **SEC. 573. PROCESSING OF FORENSIC EVIDENCE COLLEC-**  
8 **TION KITS AND ACQUISITION OF SUFFICIENT**  
9 **STOCKS OF SUCH KITS.**

10       (a) **ELIMINATION OF BACKLOG, ETC.**—The Secretary  
11 of Defense shall take such steps as may be necessary to  
12 ensure that—

13           (1) the United States Army Criminal Investiga-  
14 tion Laboratory has the personnel and resources to  
15 effectively process forensic evidence used by the De-  
16 partment of Defense within 60 days of receipt by the  
17 laboratory of such evidence;

18           (2) consistent policies are established among  
19 the Armed Forces to reduce the time period between  
20 the collection of forensic evidence and the receipt  
21 and processing of such evidence by United States  
22 Army Criminal Investigation Laboratory; and

23           (3) there is an adequate supply of forensic evi-  
24 dence collection kits—



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1 (A) for all United States military installa-  
2 tions, including the military service academies;  
3 and

4 (B) for units of the Armed Forces de-  
5 ployed in theaters of operation.

6 (b) TRAINING.—The Secretary shall take such meas-  
7 ures as the Secretary considers appropriate to ensure that  
8 personnel are appropriately trained—

9 (1) in the use of forensic evidence collection  
10 kits; and

11 (2) in the prescribed procedures to ensure pro-  
12 tection of the chain of custody of such kits once  
13 used.

14 **SEC. 574. AUTHORITIES OF THE JUDGE ADVOCATES GEN-**  
15 **ERAL.**

16 (a) DEPARTMENT OF THE ARMY.—Section 3037 of  
17 title 10, United States Code, is amended—

18 (1) in subsection (a), by striking the second and  
19 third sentences and inserting “The term of office of  
20 the Judge Advocate General and the Assistant  
21 Judge Advocate General is four years.”; and

22 (2) by adding at the end the following new sub-  
23 section:

24 “(e) No officer or employee of the Department of De-  
25 fense may interfere with—



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1           “(1) the ability of the Judge Advocate General  
2           to give independent legal advice to the Secretary of  
3           the Army or the Chief of Staff of the Army; or

4           “(2) the ability of judge advocates of the Army  
5           assigned or attached to, or performing duty with,  
6           military units to give independent legal advice to  
7           commanders.”.

8           (b) DEPARTMENT OF THE NAVY.—(1) Section 5148  
9           of such title is amended by adding at the end the following  
10          new subsection:

11          “(e) No officer or employee of the Department of De-  
12          fense may interfere with—

13                 “(1) the ability of the Judge Advocate General  
14                 to give independent legal advice to the Secretary of  
15                 the Navy or the Chief of Naval Operations; or

16                 “(2) the ability of judge advocates of the Navy  
17                 assigned or attached to, or performing duty with,  
18                 military units to give independent legal advice to  
19                 commanders.”.

20          (2) Section 5046 of such title is amended by adding  
21          at the end the following new subsection:

22          “(c) No officer or employee of the Department of De-  
23          fense may interfere with—

24                 “(1) the ability of the Staff Judge Advocate to  
25                 the Commandant of the Marine Corps to give inde-



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1       pendent legal advice to the Commandant of the Ma-  
2       rine Corps; or

3               “(2) the ability of judge advocates of the Ma-  
4       rine Corps assigned or attached to, or performing  
5       duty with, military units to give independent legal  
6       advice to commanders.”.

7       (c) DEPARTMENT OF THE AIR FORCE.—Section  
8       8037 of title 10, United States Code, is amended—

9               (1) in subsection (a), by striking “, but may  
10       be” in the second sentence and all that follows in  
11       that sentence through “President”;

12              (2) in subsection (c)—

13                   (A) by striking “shall” in the matter pre-  
14       ceding paragraph (1);

15                   (B) by striking paragraph (2);

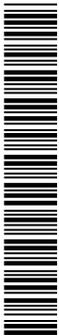
16                   (C) by redesignating paragraph (1) as  
17       paragraph (3) and in that paragraph—

18                           (i) inserting “shall” before “receive,”;

19                           and

20                           (ii) by striking “; and” at the end and  
21       inserting a period; and

22                   (D) by inserting before paragraph (3), as  
23       so redesignated, the following new paragraphs:



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1           “(1) is the legal adviser of the Secretary of the  
2           Air Force and of all officers and agencies of the De-  
3           partment of the Air Force;

4           “(2) shall direct the officers of the Air Force  
5           designated as judge advocates in the performance of  
6           their duties; and”;

7           (3) in subsection (d)(1), by striking “, but may  
8           be” in the second sentence and all that follows in  
9           that sentence through “President”; and

10          (4) by adding at the end the following new sub-  
11          section:

12          “(f) No officer or employee of the Department of De-  
13          fense may interfere with—

14                 “(1) the ability of the Judge Advocate General  
15                 to give independent legal advice to the Secretary of  
16                 the Air Force or the Chief of Staff of the Air Force;  
17                 or

18                 “(2) the ability of officers of the Air Force who  
19                 are designated as judge advocates who are assigned  
20                 or attached to, or performing duty with, military  
21                 units to give independent legal advice to com-  
22                 manders.”.

23          (d) INDEPENDENT REVIEW.—(1) The Secretary of  
24          Defense shall establish an independent panel of outside  
25          experts to conduct a study and review of the relationships



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1 between the legal elements of each of the military depart-  
2 ments and to prepare a report setting forth the panel's  
3 recommendations as to statutory, regulatory, and policy  
4 changes that the panel considers to be desirable to improve  
5 the effectiveness of those relationships and to enhance the  
6 legal support provided to the leadership of each military  
7 department and each of the Armed Forces.

8 (2) The panel shall be composed of seven members,  
9 appointed by the Secretary of Defense from among private  
10 United States citizens who have substantial expertise in  
11 military law and the organization and functioning of the  
12 military departments. No more than one member of the  
13 panel may have served as the Judge Advocate General of  
14 an Armed Force, and no more than one member of the  
15 panel may have served as the General Counsel of a mili-  
16 tary department.

17 (3) The Secretary of Defense shall designate the  
18 chairman of the panel from among the members of the  
19 panel other than a member who has served as a Judge  
20 Advocate General or as a military department General  
21 Counsel.

22 (4) Members shall be appointed for the life of the  
23 panel. Any vacancy in the panel shall be filled in the same  
24 manner as the original appointment.

25 (5) The panel shall meet at the call of the chairman.



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1 (6) All original appointments to the panel shall be  
2 made by January 15, 2005. The chairman shall convene  
3 the first meeting of the panel not later than February 1,  
4 2005.

5 (7) In carrying out the study and review required by  
6 paragraph (1), the panel shall—

7 (A) review the history of relationships between  
8 the uniformed and civilian legal elements of each of  
9 the Armed Forces;

10 (B) analyze the division of duties and respon-  
11 sibilities between those elements in each of the  
12 Armed Forces;

13 (C) review the situation with respect to civilian  
14 attorneys outside the offices of the service general  
15 counsels and their relationships to the Judge Adv-  
16 cates General and the General Counsels;

17 (D) consider whether the ability of judge adv-  
18 cates to give independent, professional legal advice  
19 to their service staffs and to commanders at all lev-  
20 els in the field is adequately provided for by policy  
21 and law; and

22 (E) consider whether the Judge Advocates Gen-  
23 eral and General Counsels possess the necessary au-  
24 thority to exercise professional supervision over  
25 judge advocates, civilian attorneys, and other legal



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1 personnel practicing under their cognizance in the  
2 performance of their duties.

3 (8) Not later than April 15, 2005, the panel shall  
4 submit a report on the study and review required by para-  
5 graph (1) to the Secretary of Defense. The report shall  
6 include the findings and conclusions of the panel as a re-  
7 sult of the study and review, together with any rec-  
8 ommendations for legislative or administrative action that  
9 the panel considers appropriate. The Secretary of Defense  
10 shall transmit the report, together with any comments the  
11 Secretary wishes to provide, to the Committees on Armed  
12 Services of the Senate and House of Representatives not  
13 later than May 1, 2005.

14 (9) In this section, the term “Armed Forces” does  
15 not include the Coast Guard.

16 **Subtitle K—Sexual Assault in the**  
17 **Armed Forces**

18 **SEC. 576. EXAMINATION OF SEXUAL ASSAULT IN THE**  
19 **ARMED FORCES BY THE DEFENSE TASK**  
20 **FORCE ESTABLISHED TO EXAMINE SEXUAL**  
21 **HARASSMENT AND VIOLENCE AT THE MILI-**  
22 **TARY SERVICE ACADEMIES.**

23 (a) EXTENSION OF TASK FORCE.—(1) The task force  
24 in the Department of Defense established by the Secretary  
25 of Defense pursuant to section 526 of the National De-



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1 fense Authorization Act for Fiscal Year 2004 (Public Law  
2 108-136; 117 Stat. 1466) to examine matters relating to  
3 sexual harassment and violence at the United States Mili-  
4 tary Academy and United States Naval Academy shall  
5 continue in existence for a period of at least 18 months  
6 after the date as of which the task force would otherwise  
7 be terminated pursuant to subsection (i) of that section.

8 (2) Upon the completion of the functions of the task  
9 force referred to in paragraph (1) pursuant to section 526  
10 of the National Defense Authorization Act for Fiscal Year  
11 2004, the name of the task force shall be changed to the  
12 Defense Task Force on Sexual Assault in the Military  
13 Services, and the task force shall then carry out the func-  
14 tions specified in this section. The task force shall not  
15 begin to carry out the functions specified in this section  
16 until it has completed its functions under such section  
17 526.

18 (3) Before the task force extended under this sub-  
19 section begins to carry out the functions specified in this  
20 section, the Secretary of Defense may, consistent with the  
21 qualifications required by section 526(f) of Public Law  
22 108-136, change the composition of the task force as the  
23 Secretary considers appropriate for the effective perform-  
24 ance of such functions, except that—



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1 (1) any change initiated by the Secretary in the  
2 membership of the task force under this paragraph  
3 may not take effect before the task force has com-  
4 pleted its functions under section 526 of Public Law  
5 108-136; and

6 (2) the total number of members of the task  
7 force may not exceed 14.

8 (b) EXAMINATION OF MATTERS RELATING TO SEX-  
9 UAL ASSAULT IN THE ARMED FORCES.—The task force  
10 shall conduct an examination of matters relating to sexual  
11 assault in cases in which members of the Armed Forces  
12 are either victims or commit acts of sexual assault.

13 (c) RECOMMENDATIONS.—The Task Force shall in-  
14 clude in its report under subsection (e) recommendations  
15 of ways by which civilian officials within the Department  
16 of Defense and leadership within the Armed Forces may  
17 more effectively address matters relating to sexual assault.  
18 That report shall include an assessment of, and rec-  
19 ommendations (including any recommendations for  
20 changes in law) for measures to improve, with respect to  
21 sexual assault, the following:

22 (1) Victim care and advocacy programs.

23 (2) Effective prevention.

24 (3) Collaboration among military investigative  
25 organizations with responsibility or jurisdiction.



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1 (4) Coordination and resource sharing between  
2 military and civilian communities, including local  
3 support organizations.

4 (5) Reporting procedures, data collection, track-  
5 ing of cases, and use of data on sexual assault by  
6 senior military and civilian leaders.

7 (6) Oversight of sexual assault programs, in-  
8 cluding development of measures of the effectiveness  
9 of those programs in responding to victim needs.

10 (7) Military justice issues.

11 (8) Progress in developing means to investigate  
12 and prosecute assailants who are foreign nationals.

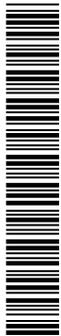
13 (9) Adequacy of resources supporting sexual as-  
14 sault prevention and victim advocacy programs, par-  
15 ticularly for deployed units and personnel.

16 (10) Training of military and civilian personnel  
17 responsible for implementation of sexual assault poli-  
18 cies.

19 (11) Programs and policies, including those re-  
20 lated to confidentiality, designed to encourage vic-  
21 tims to seek services and report offenses.

22 (12) Other issues identified by the task force  
23 relating to sexual assault.

24 (d) **METHODOLOGY.**—In carrying out its examination  
25 under subsection (b) and in formulating its recommenda-



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1 tions under subsection (c), the task force shall consider  
2 the findings and recommendations of previous reviews and  
3 investigations of sexual assault conducted by the Depart-  
4 ment of Defense and the Armed Forces.

5 (e) REPORT.—(1) Not later than one year after the  
6 initiation of its examination under subsection (b), the task  
7 force shall submit to the Secretary of Defense and the Sec-  
8 retaries of the Army, Navy, and Air Force a report on  
9 the activities of the task force and on the activities of the  
10 Department of Defense and the Armed Forces to respond  
11 to sexual assault.

12 (2) The report shall include the following:

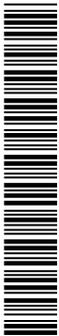
13 (A) A description of any barrier to implementa-  
14 tion of improvements as a result of previous efforts  
15 to address sexual assault.

16 (B) Other areas of concern not previously ad-  
17 dressed in prior reports.

18 (C) The findings and conclusions of the task  
19 force.

20 (D) Any recommendations for changes to policy  
21 and law that the task force considers appropriate.

22 (3) Within 90 days after receipt of the report under  
23 paragraph (1), the Secretary of Defense shall submit the  
24 report, together with the Secretary's evaluation of the re-



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1 port, to the Committees on Armed Services of the Senate  
2 and House of Representatives.

3 (f) TERMINATION.—The task force shall terminate  
4 90 days after the date on which the report of the task  
5 force is submitted to the Committees on Armed Services  
6 of the Senate and House of Representatives pursuant to  
7 subsection (e)(3).

8 **SEC. 577. DEPARTMENT OF DEFENSE POLICY AND PROCE-**  
9 **DURES ON PREVENTION AND RESPONSE TO**  
10 **SEXUAL ASSAULTS INVOLVING MEMBERS OF**  
11 **THE ARMED FORCES.**

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

18 (2) The policy shall be based on the recommendations  
19 of the Department of Defense Task Force on Care for Vic-  
20 tims of Sexual Assaults and on such other matters as the  
21 Secretary considers appropriate.

22 (3) Before developing the comprehensive policy re-  
23 quired by paragraph (1), the Secretary of Defense shall  
24 develop a definition of sexual assault. The definition so  
25 developed shall be used in the comprehensive policy under



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1 paragraph (1) and otherwise within the Department of  
2 Defense and Coast Guard in matters involving members  
3 of the Armed Forces. The definition shall be uniform for  
4 all the Armed Forces and shall be developed in consulta-  
5 tion with the Secretaries of the military departments and  
6 the Secretary of Homeland Security with respect to the  
7 Coast Guard.

8 (b) ELEMENTS OF COMPREHENSIVE POLICY.—The  
9 comprehensive policy developed under subsection (a) shall,  
10 at a minimum, address the following matters:

11 (1) Prevention measures.

12 (2) Education and training on prevention and  
13 response.

14 (3) Investigation of complaints by command  
15 and law enforcement personnel.

16 (4) Medical treatment of victims.

17 (5) Confidential reporting of incidents.

18 (6) Victim advocacy and intervention.

19 (7) Oversight by commanders of administrative  
20 and disciplinary actions in response to substantiated  
21 incidents of sexual assault.

22 (8) Disposition of victims of sexual assault, in-  
23 cluding review by appropriate authority of adminis-  
24 trative separation actions involving victims of sexual  
25 assault.



1           (9) Disposition of members of the Armed  
2 Forces accused of sexual assault.

3           (10) Liaison and collaboration with civilian  
4 agencies on the provision of services to victims of  
5 sexual assault.

6           (11) Uniform collection of data on the incidence  
7 of sexual assaults and on disciplinary actions taken  
8 in substantiated cases of sexual assault.

9           (c) REPORT ON IMPROVEMENT OF CAPABILITY TO  
10 RESPOND TO SEXUAL ASSAULTS.—Not later than March  
11 1, 2005, the Secretary of Defense shall submit to Congress  
12 a proposal for such legislation as the Secretary considers  
13 necessary to enhance the capability of the Department of  
14 Defense to address matters relating to sexual assaults in-  
15 volving members of the Armed Forces.

16           (d) APPLICATION OF COMPREHENSIVE POLICY TO  
17 MILITARY DEPARTMENTS.—The Secretary of Defense  
18 shall ensure that, to the maximum extent practicable, the  
19 policy developed under subsection (a) is implemented uni-  
20 formly by the military departments.

21           (e) POLICIES AND PROCEDURES OF MILITARY DE-  
22 PARTMENTS.—(1) Not later than March 1, 2005, the Sec-  
23 retaries of the military departments shall prescribe regula-  
24 tions, or modify current regulations, on the policies and  
25 procedures of the military departments on the prevention



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1 of and response to sexual assaults involving members of  
2 the Armed Forces in order—

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

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

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

9 (A) A program to promote awareness of the in-  
10 cidence of sexual assaults involving members of the  
11 Armed Forces.

12 (B) A program to provide victim advocacy and  
13 intervention for members of the Armed Force con-  
14 cerned who are victims of sexual assault, which pro-  
15 gram shall make available, at home stations and in  
16 deployed locations, trained advocates who are readily  
17 available to intervene on behalf of such victims.

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

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

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



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1 (iii) procedures for the preservation of evi-  
2 dence; and

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

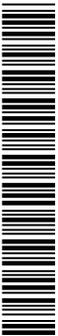
5 (D) Procedures for disciplinary action in cases  
6 of sexual assault by members of the Armed Force  
7 concerned.

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

12 (F) Training on the policies and procedures for  
13 all members of the Armed Force concerned, includ-  
14 ing specific training for members of the Armed  
15 Force concerned who process allegations of sexual  
16 assault against members of such Armed Force.

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

19 (f) ANNUAL REPORT ON SEXUAL ASSAULTS.—(1)  
20 Not later than January 15 of each year, the Secretary of  
21 each military department shall submit to the Secretary of  
22 Defense a report on the sexual assaults involving members  
23 of the Armed Forces under the jurisdiction of that Sec-  
24 retary during the preceding year. In the case of the Sec-



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1 retary of the Navy, separate reports shall be prepared for  
2 the Navy and for the Marine Corps.

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

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

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

13 (C) The policies, procedures, and processes im-  
14 plemented by the Secretary concerned during the  
15 year covered by such report in response to incidents  
16 of sexual assault involving members of the Armed  
17 Force concerned.

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

22 (3) Each report under paragraph (1) for any year  
23 after 2005 shall include an assessment by the Secretary  
24 of the military department submitting the report of the  
25 implementation during the preceding fiscal year of the

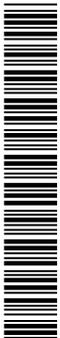


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1 policies and procedures of such department on the preven-  
2 tion of and response to sexual assaults involving members  
3 of the Armed Forces in order to determine the effective-  
4 ness of such policies and procedures during such fiscal  
5 year in providing an appropriate response to such sexual  
6 assaults.

7 (4) The Secretary of Defense shall submit to the  
8 Committees on Armed Services of the Senate and House  
9 of Representatives each report submitted to the Secretary  
10 under this subsection, together with the comments of the  
11 Secretary on the report. The Secretary shall submit each  
12 such report not later than March 15 of the year following  
13 the year covered by the report.

14 (5) For the report under this subsection covering  
15 2004, the applicable date under paragraph (1) is April 1,  
16 2005, and the applicable date under paragraph (4) is May  
17 1, 2005.



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1           **Subtitle L—Management and**  
2           **Administrative Matters**

3   **SEC. 581. THREE-YEAR EXTENSION OF LIMITATION ON RE-**  
4           **DUCTIONS OF PERSONNEL OF AGENCIES RE-**  
5           **SPONSIBLE FOR REVIEW AND CORRECTION**  
6           **OF MILITARY RECORDS.**

7           Section 1559(a) of title 10, United States Code, is  
8   amended by striking “During fiscal years 2003, 2004, and  
9   2005,” and inserting “Before October 1, 2008,”.

10   **SEC. 582. STAFFING FOR DEFENSE PRISONER OF WAR/MISS-**  
11           **ING PERSONNEL OFFICE (DPMO).**

12           (a) REPORT WHEN STAFFING IS BELOW PRE-  
13   SCRIBED LEVEL.—Subparagraph (B) of section  
14   1501(a)(5) of title 10, United States Code, is amended—

15           (1) by inserting “(i)” after “(B)”;

16           (2) by inserting “, whether temporary or per-  
17   manent,” after “civilian personnel”; and

18           (3) by adding at the end the following:

19           “(ii) If for any reason the number of military and  
20   civilian personnel assigned or detailed to the office should  
21   fall below the required level under clause (i), the Secretary  
22   of Defense shall promptly notify the Committees on  
23   Armed Services of the Senate and House of Representa-  
24   tives of the number of personnel so assigned or detailed  
25   and of the Secretary’s plan to restore the staffing level



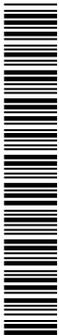
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1 of the office to at least the required minimum number  
2 under clause (i). The Secretary shall publish such notice  
3 and plan in the Federal Register.”.

4 (b) GAO STUDY.—Not later than 180 days after the  
5 date of the enactment of this Act, the Comptroller General  
6 shall submit to the Committee on Armed Services of the  
7 Senate and the Committee on Armed Services of the  
8 House of Representatives a report providing an assess-  
9 ment of staffing and funding levels for the Defense Pris-  
10 oner of War/Missing Personnel Office. The report shall  
11 include—

12 (1) a description of changes, over the period  
13 from the inception of the office to the time of the  
14 submission of the report, in the missions and mis-  
15 sion requirements of the office, together with a com-  
16 parison of personnel and funding requirements of  
17 the office over that period with actual manning and  
18 funding levels over that period; and

19 (2) the Comptroller General’s assessment of the  
20 adequacy of current manning and funding levels for  
21 that office in light of current mission requirements.



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1 **SEC. 583. PERMANENT ID CARDS FOR RETIREE DEPEND-**  
2 **ENTS AGE 75 AND OLDER.**

3 (a) IN GENERAL.—(1) Chapter 53 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

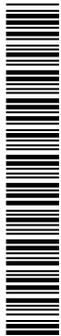
6 **“§ 1060b. Military ID cards: dependents and survivors**  
7 **of retirees; issuance of permanent ID**  
8 **card after attaining 75 years of age**

9 “(a) PERMANENT ID CARD AFTER AGE 75.—In  
10 issuing military ID cards to retiree dependents, the Sec-  
11 retary concerned shall issue a permanent ID card (not  
12 subject to renewal) to any such retiree dependent who has  
13 attained 75 years of age. Such a permanent ID card shall  
14 be issued upon the expiration, after the retiree dependent  
15 attains 75 years of age, of any earlier, renewable military  
16 ID card or, if earlier, upon the request of such a retiree  
17 dependent after attaining age 75.

18 “(b) DEFINITIONS.—In this section:

19 “(1) The term ‘military ID card’ means a card  
20 or other form of identification used for purposes of  
21 demonstrating eligibility for any benefit from the  
22 Department of Defense.

23 “(2) The term ‘retiree dependent’ means a per-  
24 son who is a dependent of a retired member of the  
25 uniformed services, or a survivor of a deceased re-  
26 tired member of the uniformed services, who is eligi-



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1 ble for any benefit from the Department of De-  
2 fense.”.

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

“1060b. Military ID cards: dependents and survivors of retirees; issuance of per-  
manent ID card after attaining 75 years of age.”.

6 (b) EFFECTIVE DATE.—Section 1060b of title 10,  
7 United States Code, as added by subsection (a), shall take  
8 effect on October 1, 2004.

9 **SEC. 584. AUTHORITY TO FURNISH CIVILIAN CLOTHING TO**  
10 **MEMBERS TRAVELING IN CONNECTION WITH**  
11 **MEDICAL EVACUATION.**

12 (a) AUTHORITY.—Section 1047 of title 10, United  
13 States Code, is amended—

14 (1) by inserting “(b) CERTAIN ENLISTED MEM-  
15 BERS.—” before “The Secretary”; and

16 (2) by inserting after the section heading the  
17 following:

18 “(a) MEMBERS TRAVELING IN CONNECTION WITH  
19 MEDICAL EVACUATION.—The Secretary of the military  
20 department concerned may furnish civilian clothing to a  
21 member at a cost not to exceed \$250, or reimburse a mem-  
22 ber for the purchase of civilian clothing in an amount not  
23 to exceed \$250, in the case of a member who—



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1           “(1) is medically evacuated for treatment in a  
2           medical facility by reason of an illness or injury in-  
3           curred or aggravated while on active duty; or

4           “(2) after being medically evacuated as de-  
5           scribed in paragraph (1), is in an authorized travel  
6           status from a medical facility to another location ap-  
7           proved by the Secretary.”.

8           (b) **EFFECTIVE DATE.**—Subsection (a) of section  
9           1047 of title 10, United States Code, as added by sub-  
10          section (a), shall take effect as of October 1, 2004, and  
11          (subject to subsection (c)) shall apply with respect to  
12          clothing furnished, and reimbursement for clothing pur-  
13          chased, on or after that date.

14          (c) **RETROACTIVE APPLICATION.**—With respect to  
15          the period beginning on October 1, 2004, and ending on  
16          the date of the enactment of this Act, the Secretary of  
17          Defense shall provide for subsection (a) of section 1047  
18          of title 10, United States Code, as added by subsection  
19          (a), to be applied as a continuation of the authority pro-  
20          vided in section 1319 of the Emergency Wartime Supple-  
21          mental Appropriations Act, 2003 (Public Law 108-11;  
22          117 Stat. 571), as continued in effect during fiscal year  
23          2004 by section 1103 of the Emergency Supplemental Ap-  
24          propriations Act for Defense and for the Reconstruction



1 of Iraq and Afghanistan, 2004 (Public Law 108–106; 117  
2 Stat. 1214).

3 **SEC. 585. AUTHORITY TO ACCEPT DONATION OF FREQUENT**  
4 **TRAVELER MILES, CREDITS, AND TICKETS TO**  
5 **FACILITATE REST AND RECUPERATION**  
6 **TRAVEL OF DEPLOYED MEMBERS OF THE**  
7 **ARMED FORCES AND THEIR FAMILIES.**

8 (a) OPERATION HERO MILES.—(1) Chapter 155 of  
9 title 10, United States Code, is amended by adding at the  
10 end the following new section:

11 **“§ 2613. Acceptance of frequent traveler miles, cred-**  
12 **its, and tickets; use to facilitate rest and**  
13 **recuperation travel of deployed members**  
14 **and their families**

15 “(a) AUTHORITY TO ACCEPT DONATION OF TRAVEL  
16 BENEFITS.—Subject to subsection (c), the Secretary of  
17 Defense may accept from any person or government agen-  
18 cy the donation of travel benefits for the purposes of use  
19 under subsection (d).

20 “(b) TRAVEL BENEFIT DEFINED.—In the section,  
21 the term ‘travel benefit’ means frequent traveler miles,  
22 credits for tickets, or tickets for air or surface transpor-  
23 tation issued by an air carrier or a surface carrier, respec-  
24 tively, that serves the public.



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1           “(c) CONDITION ON AUTHORITY TO ACCEPT DONA-  
2 TION.—The Secretary may accept a donation of a travel  
3 benefit under this section only if the air or surface carrier  
4 that is the source of the benefit consents to such donation.  
5 Any such donation shall be under such terms and condi-  
6 tions as the surface carrier may specify, and the travel  
7 benefit so donated may be used only in accordance with  
8 the rules established by the carrier.

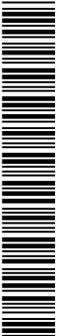
9           “(d) USE OF DONATED TRAVEL BENEFITS.—A trav-  
10 el benefit accepted under this section may be used only  
11 for the purpose of—

12                   “(1) facilitating the travel of a member of the  
13 armed forces who—

14                           “(A) is deployed on active duty outside the  
15 United States away from the permanent duty  
16 station of the member in support of a contin-  
17 gency operation; and

18                           “(B) is granted, during such deployment,  
19 rest and recuperative leave, emergency leave,  
20 convalescent leave, or another form of leave au-  
21 thorized for the member; or

22                   “(2) in the case of a member of the armed  
23 forces recuperating from an injury or illness in-  
24 curred or aggravated in the line of duty during such  
25 a deployment, facilitating the travel of family mem-



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1       bers of the member in order to be reunited with the  
2       member.

3       “(e) ADMINISTRATION.—(1) The Secretary shall des-  
4       ignate a single office in the Department of Defense to  
5       carry out this section. That office shall develop rules and  
6       procedures to facilitate the acceptance and distribution of  
7       travel benefits under this section.

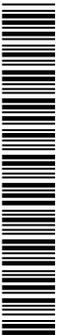
8       “(2) For the use of travel benefits under subsection  
9       (d)(2) by family members of a member of the armed  
10      forces, the Secretary may, as the Secretary determines ap-  
11     propriate, limit—

12           “(A) eligibility to family members who, by rea-  
13           son of affinity, degree of consanguinity, or other-  
14           wise, are sufficiently close in relationship to the  
15           member of the armed forces to justify the travel as-  
16           sistance;

17           “(B) the number of family members who may  
18           travel; and

19           “(C) the number of trips that family members  
20           may take.

21      “(3) The Secretary of Defense may, in an exceptional  
22      case, authorize a person not described in subsection (d)(2)  
23      to use a travel benefit accepted under this subsection to  
24      visit a member of the armed forces described in subsection  
25      (d)(1) if that person has a notably close relationship with



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1 the member. The travel benefit may be used by such per-  
2 son only in accordance with such conditions and restric-  
3 tions as the Secretary determines appropriate and the  
4 rules established by the air carrier or surface carrier that  
5 is the source of the travel benefit.

6 “(f) SERVICES OF NONPROFIT ORGANIZATION.—The  
7 Secretary of Defense may enter into an agreement with  
8 a nonprofit organization to use the services of the  
9 organization—

10 “(1) to promote the donation of travel benefits  
11 under this section, except that amounts appropriated  
12 to the Department of Defense may not be expended  
13 for this purpose; and

14 “(2) to assist in administering the collection,  
15 distribution, and use of travel benefits under this  
16 section.

17 “(g) FAMILY MEMBER DEFINED.—In this section,  
18 the term ‘family member’ has the meaning given that term  
19 in section 411h(b)(1) of title 37.”.

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

“2613. Acceptance of frequent traveler miles, credits, and tickets; use to facili-  
tate rest and recuperation travel of deployed members and  
their families.”.

23 (b) TAX TREATMENT OF TRAVEL BENEFITS DO-  
24 NATED FOR OPERATION HERO MILES.—



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1           (1) EXCLUSION FROM GROSS INCOME.—Sub-  
2           section (b) of section 134 of the Internal Revenue  
3           Code of 1986 (defining qualified military benefit) is  
4           amended by adding at the end the following new  
5           paragraph:

6           “(5) TRAVEL BENEFITS UNDER OPERATION  
7           HERO MILES.—The term ‘qualified military benefit’  
8           includes a travel benefit provided under section 2613  
9           of title 10, United States Code (as in effect on the  
10          date of the enactment of this paragraph).”.

11          (2) CONFORMING AMENDMENTS.—

12           (A) Section 134(b)(3)(A) of such Code is  
13           amended by striking “paragraph (4)” and in-  
14           serting “paragraphs (4) and (5)”.

15           (B) Section 3121(a)(18) of such Code is  
16           amended by striking “or 134(b)(4)” and insert-  
17           ing “134(b)(4), or 134(b)(5)”.

18           (C) Section 3306(b)(13) of such Code is  
19           amended by striking “or 134(b)(4)” and insert-  
20           ing “134(b)(4), or 134(b)(5)”.

21           (D) Section 3401(a)(18) of such Code is  
22           amended by striking “or 134(b)(4)” and insert-  
23           ing “134(b)(4), or 134(b)(5)”.



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1           (3) EFFECTIVE DATE.—The amendments made  
2           by this subsection shall apply to travel benefits pro-  
3           vided after the date of the enactment of this Act.

4 **SEC. 586. ANNUAL REPORT IDENTIFYING REASONS FOR**  
5                           **DISCHARGES FROM THE ARMED FORCES**  
6                           **DURING PRECEDING FISCAL YEAR.**

7           (a) REPORT REQUIRED.—Not later than March 1  
8           each year through 2011, the Secretary of Defense shall  
9           submit to the Committees on Armed Services of the Sen-  
10          ate and House of Representatives a report on discharges  
11          from the Army, Navy, Air Force, and Marine Corps dur-  
12          ing the preceding fiscal year.

13          (b) MATTERS TO BE INCLUDED.—Each such report  
14          shall show, in the aggregate and for each of those Armed  
15          Forces, the following:

16               (1) The total number of persons discharged  
17               during the preceding fiscal year.

18               (2) For each separation code, and for each re-  
19               enlistment eligibility code, used by the Armed  
20               Forces, the number of those discharged persons as-  
21               signed that code.

22               (3) For the persons assigned each such separa-  
23               tion code, classification of discharges by age, by sex,  
24               by race, by military rank or grade, by time in serv-  
25               ice, by unit (shown at the small unit level), by mili-



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1 tary occupational specialty (or the equivalent), and  
2 by reenlistment eligibility code.

3 (c) USE OF GENERIC SEPARATION CODES.—In pre-  
4 paring the reports under this section, the Secretary shall  
5 use a generic interservice separation code that provides  
6 similar, and consistent, data across the services.

7 **SEC. 587. STUDY OF BLENDED WING CONCEPT FOR THE AIR**  
8 **FORCE.**

9 (a) STUDY REQUIRED.—Not later than March 1,  
10 2005, the Secretary of the Air Force shall submit to Con-  
11 gress a report on the blended wing concept for the Air  
12 Force. The report shall include the Secretary's findings  
13 as to the characteristics and locations that are considered  
14 favorable for a blended wing, a description of the manner  
15 in which current blended wings are functioning, and a  
16 statement of the current and future plans of the Air Force  
17 to implement the blended wing concept.

18 (b) SELECTION CRITERIA.—The report shall include  
19 a description of the criteria and attributes that the Sec-  
20 retary requires when choosing units to become blended  
21 wings.



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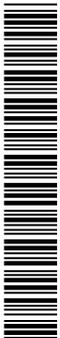
1 **SEC. 588. SENSE OF CONGRESS REGARDING RETURN OF**  
2 **MEMBERS TO ACTIVE DUTY SERVICE UPON**  
3 **REHABILITATION FROM SERVICE-RELATED**  
4 **INJURIES.**

5 (a) FINDINGS.—Congress makes the following find-  
6 ings:

7 (1) The generation of young people currently  
8 serving on active duty in the Armed Forces, which  
9 history will record as being among the greatest, has  
10 shown in remarkable numbers an individual resolve  
11 to recover from injuries incurred in such service and  
12 to return to active service in the Armed Forces.

13 (2) Since September 11, 2001, numerous brave  
14 soldiers, sailors, airmen, and Marines have incurred  
15 serious combat injuries, including (as of June 2004)  
16 approximately 100 members of the Armed Forces  
17 who have been fitted with artificial limbs as a result  
18 of devastating injuries sustained in combat overseas.

19 (3) In cases involving combat-related injuries  
20 and other service-related injuries, it is possible, as a  
21 result of advances in technology and extensive reha-  
22 bilitative services, to restore to members of the  
23 Armed Forces sustaining such injuries the capability  
24 to resume the performance of active military service,  
25 including, in a few cases, the capability to partici-  
26 pate directly in the performance of combat missions.



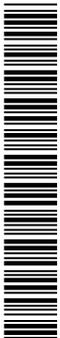
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1 (b) SENSE OF CONGRESS.—It is the sense of Con-  
2 gress that—

3 (1) a member of the Armed Forces who on the  
4 member's own initiative is highly motivated to re-  
5 turn to active duty service following rehabilitation  
6 from injuries incurred in service in the Armed  
7 Forces should, after appropriate medical review and  
8 physical disability evaluation, be given the oppor-  
9 tunity to present the member's case for continuing  
10 to serve on active duty in varied military capacities;

11 (2) other than appropriate medical review and  
12 physical disability evaluation, there should be no  
13 barrier in policy or law to such a member having the  
14 option to return to military service on active duty;  
15 and

16 (3) the Secretary of Defense should develop  
17 specific protocols that include options for such mem-  
18 bers to return to active duty service and to be re-  
19 trained to perform military missions for which they  
20 are fully capable.



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1                   **Subtitle M—Other Matters**

2   **SEC. 591. PROTECTION OF ARMED FORCES PERSONNEL**  
3                   **FROM RETALIATORY ACTIONS FOR COMMU-**  
4                   **NICATIONS MADE THROUGH THE CHAIN OF**  
5                   **COMMAND.**

6           (a)   PROTECTED       COMMUNICATIONS.—Section  
7 1034(b)(1)(B) of title 10, United States Code, is  
8 amended—

9                   (1) by striking “or” at the end of clause (iii)”;

10                  and

11                   (2) by striking clause (iv) and inserting the fol-  
12                  lowing:

13                           “(iv) any person or organization in the  
14                           chain of command; or

15                           “(v) any other person or organization des-  
16                           ignated pursuant to regulations or other estab-  
17                           lished administrative procedures for such com-  
18                           munications.”.

19           (b) EFFECTIVE DATE.—The amendments made by  
20 this section apply with respect to any unfavorable per-  
21 sonnel action taken or threatened, and any withholding of  
22 or threat to withhold a favorable personnel action, on or  
23 after the date of the enactment of this Act.



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1 **SEC. 592. IMPLEMENTATION PLAN FOR ACCESSION OF PER-**  
2 **SONS WITH SPECIALIZED SKILLS.**

3 (a) PLAN FOR ACCESSION OF PERSONS WITH SPE-  
4 CIALIZED SKILLS.—(1) Not later than 180 days after the  
5 date of the enactment of this Act, the Secretary of Defense  
6 shall submit to Congress a plan for implementation of au-  
7 thority, if subsequently provided by law, to allow for acces-  
8 sion into the Armed Forces, on a special or lateral-entry  
9 basis, of persons with specialized skills, for duty involving  
10 the use of such skills.

11 (2) The plan under paragraph (1) shall address mat-  
12 ters such as projected numbers of enlistments and ap-  
13 pointments, initial rank or grade, projected enlistment and  
14 re-enlistment bonuses and pays, projected length of service  
15 obligation (if any), minimum time of active duty require-  
16 ments, the potential effect the use of such authority would  
17 have on other special or lateral-entry programs (such as  
18 those applicable to physicians), and such other matters as  
19 the Secretary considers appropriate.

20 (3) The Secretary shall include with the plan sub-  
21 mitted under paragraph (1) a comparison of that plan  
22 with an alternative for meeting the specialized skills re-  
23 quired by the Armed Forces through the use of civilian  
24 contractor personnel.

25 (b) CIVILIAN SKILLS CORPS FEASIBILITY STUDY.—  
26 (1) The Secretary of Defense shall conduct a feasibility



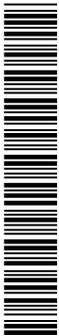
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1 study of how to implement a system that would make civil-  
2 ian volunteers, with skills determined by the Secretary to  
3 be critical, rapidly available for use in, or in support of,  
4 units of the Armed Force on a temporary basis to meet  
5 no-notice, or short-notice, operational requirements. In  
6 conducting the study, the Secretary shall examine a range  
7 of options, including—

8 (A) a system that would embed on short notice  
9 in military units civilian volunteers who were not  
10 part of the military, but who possessed highly re-  
11 quired skills that were in short supply in the Armed  
12 Forces; and

13 (B) a system to provide for the accession into  
14 the active or reserve components of persons with  
15 critical skills required by the Armed Forces for  
16 whom the Secretary could prescribe varying lengths  
17 of service and training requirements.

18 (2) The Secretary shall submit to the Committee on  
19 Armed Services of the Senate and the Committee on  
20 Armed Services of the House of Representatives a report  
21 on the results of the study under paragraph (1) not later  
22 than March 31, 2005.



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1 **SEC. 593. ENHANCED SCREENING METHODS AND PROCESS**  
2 **IMPROVEMENTS FOR RECRUITMENT OF**  
3 **HOME SCHOOLED AND NATIONAL GUARD**  
4 **CHALLENGE PROGRAM GED RECIPIENTS.**

5 (a) ENHANCED SCREEING METHODS AND PROCESS  
6 IMPROVEMENTS.—(1) The Secretary of the Army shall  
7 carry out an initiative—

8 (A) to develop screening methods and process  
9 improvements for recruiting specified GED recipi-  
10 ents so as to achieve attrition patterns, among the  
11 GED recipients so recruited, that match attrition  
12 patterns for Army recruits who are high school di-  
13 ploma graduates; and

14 (B) subject to subsection (b), to implement  
15 such screening methods and process improvements  
16 on a test basis.

17 (2) For purposes of this section, the term “specified  
18 GED recipients” means persons who receive a General  
19 Educational Development (GED) certificate as a result of  
20 home schooling or the completion of a program under the  
21 National Guard Challenge program.

22 (b) SECRETARY OF DEFENSE REVIEW.—Before the  
23 screening methods and process improvements developed  
24 under subsection (a)(1) are put into effect under sub-  
25 section (a)(2), the Secretary of Defense shall review the  
26 proposed screening methods and process improvements.



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1 Based on such review, the Secretary of Defense either  
2 shall approve the use of such screening methods and proc-  
3 ess improvements for testing (with such modifications as  
4 the Secretary may direct) or shall disapprove the use of  
5 such methods and process improvements on a test basis.

6 (c) SECRETARY OF DEFENSE DECISION.—If the Sec-  
7 retary of Defense determines under subsection (b) that the  
8 screening methods and process improvements developed  
9 under subsection (a)(1) should be implemented on a test  
10 basis, then upon completion of the test period, the Sec-  
11 retary of Defense shall, after reviewing the results of the  
12 test program, determine whether the new screening meth-  
13 ods and process improvements developed by the Army  
14 should be extended throughout the Department for recruit  
15 candidates identified by the new procedures to be consid-  
16 ered tier 1 recruits.

17 (d) REPORTS.—(1) If the Secretary of Defense deter-  
18 mines under subsection (b) that the screening methods  
19 and process improvements developed under subsection  
20 (a)(1) should not be implemented on a test basis, the Sec-  
21 retary of Defense shall, not later than 90 days thereafter,  
22 notify the Committee on Armed Services of the Senate and  
23 the Committee on Armed Services of the House of Rep-  
24 resentatives of such determination, together with the rea-  
25 sons of the Secretary for such determination.



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1           (2) If the Secretary of Defense determines under sub-  
2 section (b) that the screening methods and process im-  
3 provements developed under subsection (a)(1) should be  
4 implemented on a test basis, the Secretary of the Army  
5 shall submit to the committees specified in paragraph (1)  
6 a report on the results of the testing. The report shall  
7 be submitted not later than March 31, 2009, except that  
8 if the Secretary of Defense directs an earlier termination  
9 of the testing initiative, the Secretary of the Army shall  
10 submit the report under this paragraph not later than 180  
11 days after such termination. Such report shall include the  
12 determination of the Secretary of Defense under sub-  
13 section (c). If that determination is that the methods and  
14 processes tested should not be extended to the other serv-  
15 ices, the report shall include the Secretary's rationale for  
16 not recommending such extension.

17 **SEC. 594. REDESIGNATION OF NATIONAL GUARD CHAL-**  
18 **LENCE PROGRAM AS NATIONAL GUARD**  
19 **YOUTH CHALLENGE PROGRAM.**

20           (a) REDESIGNATION.—Section 509 of title 32,  
21 United States Code, is amended—

22                   (1) in subsection (a)—

23                           (A) by striking “National Guard Challenge  
24 Program” the first place it appears and insert-



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1 ing “National Guard Youth Challenge Pro-  
2 gram”; and

3 (B) by striking “National Guard Challenge  
4 Program” the second place it appears and in-  
5 serting “Program”;

6 (2) by striking “National Guard Challenge Pro-  
7 gram” each place it appears in subsections (b)  
8 through (k) and subsection (m) and inserting “Pro-  
9 gram”;

10 (3) by striking “program” each place it appears  
11 in subsections (b), (g), (i)(2)(A), (j), (k), and (m)  
12 and inserting “Program”; and

13 (4) in subsection (l), by adding at the end the  
14 following new paragraph:

15 “(3) The term ‘Program’ means the National  
16 Guard Youth Challenge Program carried out pursu-  
17 ant to this section.”.

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

20 **“§ 509. National Guard Youth Challenge Program of  
21 opportunities for civilian youth”.**

22 (2) The table of sections at the beginning of chapter  
23 5 of such title is amended by striking the item relating  
24 to section 509 and inserting the following new item:

“509. National Guard Youth Challenge Program of opportunities for civilian  
youth.”.



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1 **SEC. 595. REPORTS ON CERTAIN MILESTONES RELATING**  
2 **TO DEPARTMENT OF DEFENSE TRANS-**  
3 **FORMATION.**

4 (a) **MILITARY-TO-CIVILIAN CONVERSIONS.**—Not  
5 later than January 31, 2005, the Secretary of Defense  
6 shall submit to the Committee on Armed Services of the  
7 Senate and the Committee on Armed Services of the  
8 House of Representatives a report providing information  
9 as to the number of positions in the Department of De-  
10 fense that were converted during fiscal year 2004 from  
11 performance by military personnel to performance by civil-  
12 ian personnel of the Department of Defense or contractor  
13 personnel. The report shall include the following:

14 (1) A description of the skill sets of the military  
15 positions converted.

16 (2) Specification of the total cost of the conver-  
17 sions and how that cost is being met.

18 (3) The number of positions in the Department  
19 of Defense projected for such conversion during the  
20 period from March 1, 2005, through January 31,  
21 2006.

22 (b) **MILITARY-TO-MILITARY CONVERSIONS.**—Not  
23 later than March 31 of each of 2005, 2006, and 2007,  
24 the Secretary of Defense shall submit to the Committee  
25 on Armed Services of the Senate and the Committee on



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1 Armed Services of the House of Representatives a report  
2 on—

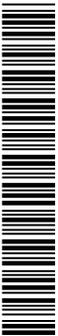
3 (1) the number of units, by type, converted  
4 from one primary military capability to another dur-  
5 ing the previous fiscal year and, for each such unit,  
6 what the new unit designation and new military ca-  
7 pabilities are;

8 (2) the number of military personnel, by mili-  
9 tary skill, who have converted during the previous  
10 fiscal year from one primary military skill to an-  
11 other, with a listing of the military skills to which  
12 the individuals converted;

13 (3) a description of the military unit and mili-  
14 tary personnel conversions planned for the upcoming  
15 fiscal year; and

16 (4) a statement of whether the overall unit and  
17 military personnel conversions planned for the pre-  
18 vious fiscal year were met, and for each such  
19 planned conversion, the reasons why the planned  
20 conversion was or was not met.

21 (c) ARMY TRANSFORMATION TO BRIGADE STRUC-  
22 TURE.—The Secretary of the Army shall submit to the  
23 Committee on Armed Services of the Senate and the Com-  
24 mittee on Armed Services of the House of Representatives  
25 an annual report on the status of the internal trans-



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1 formation of the Army from a division-orientated force to  
2 a brigade-orientated force. Such report shall be submitted  
3 not later than March 31 of each year, except that the re-  
4 quirement to submit such annual report shall terminate  
5 when the Secretary of the Army submits to those commit-  
6 tees the Secretary's certification that the transformation  
7 of the Army to a brigade-orientated force has been com-  
8 pleted. Upon the submission of such certification, the Sec-  
9 retary shall publish in the Federal Register notice of that  
10 certification and that the statutory requirement to submit  
11 an annual report under this subsection has terminated.

12 **SEC. 596. REPORT ON ISSUES RELATING TO REMOVAL OF**  
13 **REMAINS OF PERSONS INTERRED IN UNITED**  
14 **STATES MILITARY CEMETERIES OVERSEAS.**

15 (a) STUDY.—The Secretary of the Army shall exam-  
16 ine the issues relating to requests for disinterment of re-  
17 mains of persons buried in United States overseas military  
18 cemeteries. The examination shall include the following:

19 (1) A review of the historical facts involved in  
20 establishing the United States overseas military  
21 cemeteries and in determining the criteria for inter-  
22 ment in those cemeteries.

23 (2) An examination of the processes for ensur-  
24 ing that the initial disposition decision with respect  
25 to the remains of any decedent was carried out, to-



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1           gether with a review and explanation of the existing  
2           policy and procedures regarding request for disinter-  
3           ment and any exceptions that have been made.

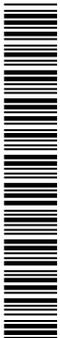
4           (3) An analysis of the potential reasons for jus-  
5           tifying disinterment of remains from those ceme-  
6           teries, including error, misunderstanding, and  
7           change of decision by the original responsible next of  
8           kin or other family member or group of family mem-  
9           bers.

10          (4) An analysis of the potential impact on the  
11          operation of United States overseas military ceme-  
12          teries of permitting disinterment of remains from  
13          those cemeteries

14          (b) REPORT.—Not later than September 30, 2005,  
15          the Secretary shall submit to the Committee on Armed  
16          Services of the Senate and the Committee on Armed Serv-  
17          ices of the House of Representatives a report on the re-  
18          sults of the examination under subsection (a). The report  
19          shall include the following:

20               (1) The matters specified in paragraphs (1),  
21               (2), (3), and (4) of subsection (a).

22               (2) A description of the changes to policy cri-  
23               teria and procedures that would be necessary to sup-  
24               port a system for requesting and authorizing dis-  
25               interment of such remains.



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1           (3) The recommendations of the Secretary of  
2 the Army and the American Battle Monuments  
3 Commission for changing current policy and proce-  
4 dures with respect to such disinterments.

5           (c) CONSULTATION WITH ABMC.—The Secretary  
6 shall carry out the examination under subsection (a) and  
7 prepare the report under subsection (b) in consultation  
8 with the American Battle Monuments Commission.

9           (d) ABMC ASSISTANCE.—The American Battle  
10 Monuments Commission shall provide the Secretary of the  
11 Army such assistance as the Secretary may require in car-  
12 rying out this section.

13           (e) DEFINITIONS.—For purposes of this section:

14           (1) The term “United States overseas military  
15 cemetery” means a cemetery located in a foreign  
16 country that is administered by the Secretary of a  
17 military department or the American Battle Monu-  
18 ments Commission.

19           (2) The term “initial disposition decision”, with  
20 respect to the remains of a person who died outside  
21 the United States and was interred in a United  
22 States overseas military cemetery, means a decision  
23 by a family member (or other designated person) as  
24 to the disposition (in accordance with laws and regu-  
25 lations in effect at the time) of the remains of the



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1       deceased person, such decision being to have the re-  
2       mains interred in a United States overseas military  
3       cemetery (rather than to have those remains trans-  
4       ported to the United States for interment or other  
5       disposition in the United States).

6   **SEC. 597. COMPTROLLER GENERAL REPORTS ON CLOSURE**  
7                   **OF DEPARTMENT OF DEFENSE DEPENDENT**  
8                   **ELEMENTARY AND SECONDARY SCHOOLS**  
9                   **AND COMMISSARY STORES.**

10       (a) REPORT ON DEFENSE DEPENDENT SCHOOLS.—

11       The Comptroller General shall prepare a report  
12       containing—

13               (1) an assessment by the Comptroller General  
14       of the policy of the Department of Defense, and the  
15       criteria utilized by the Department, regarding the  
16       closure of Department of Defense dependent elemen-  
17       tary and secondary schools, including whether or not  
18       such policy and criteria are consistent with Depart-  
19       ment policies and procedures on the preservation of  
20       the quality of life of members of the Armed Forces  
21       and their dependents; and

22               (2) an assessment by the Comptroller General  
23       of any current or on-going studies or assessments of  
24       the Department with respect to any of the schools.



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1 (b) REPORT ON COMMISSARY STORES.—The Comp-  
2 troller General shall prepare a report containing—

3 (1) an assessment by the Comptroller General  
4 of the policy of the Department of Defense, and the  
5 criteria utilized by the Department, regarding the  
6 closure of commissary stores, including whether or  
7 not such policy and criteria are consistent with De-  
8 partment policies and procedures on the preservation  
9 of the quality of life of members of the Armed  
10 Forces and their dependents; and

11 (2) an assessment by the Comptroller General  
12 of any current or on-going studies or assessments of  
13 the Department with respect to any of the com-  
14 missary stores.

15 (c) SUBMISSION OF REPORTS.—The Comptroller  
16 General shall submit the reports required by this section  
17 to the Committee on Armed Services of the Senate and  
18 the Committee on Armed Services of the House of Rep-  
19 resentatives not later than 180 days after the date of the  
20 enactment of this Act.

21 **SEC. 598. COMPTROLLER GENERAL REPORT ON TRANSI-**  
22 **TION ASSISTANCE PROGRAMS FOR MEMBERS**  
23 **SEPARATING FROM THE ARMED FORCES.**

24 (a) REPORT REQUIRED.—Not later than 180 days  
25 after the date of the enactment of this Act, the Comp-



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1 troller General shall submit to Congress a report evalu-  
2 ating the programs of the Department of Defense and  
3 other Federal agencies under which transition assistance  
4 is provided to members of the Armed Forces who are sepa-  
5 rating from active duty service.

6 (b) ELEMENTS OF REPORT.—(1) With regard to the  
7 transition assistance programs under section 1142 and  
8 1144 of title 10, United States Code, the report required  
9 by subsection (a) shall include—

10 (A) an analysis of the extent to which such pro-  
11 grams are meeting the current needs of members of  
12 the Armed Forces as they are discharged or released  
13 from active duty;

14 (B) a discussion of the original purposes of the  
15 programs;

16 (C) a discussion of how the programs are cur-  
17 rently being administered in relationship to those  
18 purposes;

19 (D) an assessment of whether the programs are  
20 adequate to meet the current needs of members of  
21 the reserve components; and

22 (E) such recommendations as the Comptroller  
23 General considers appropriate for improving such  
24 programs, including any recommendation regarding



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1       whether participation by members of the Armed  
2       Forces in such programs should be required.

3       (2) The report shall include an analysis of any dif-  
4       ferences among the Armed Forces and among the com-  
5       mands of military installations of the Armed Forces re-  
6       garding how transition assistance is being provided under  
7       the transition assistance programs and such recommenda-  
8       tions as the Comptroller General considers appropriate—

9               (A) to achieve uniformity in the provision of as-  
10       sistance under such programs; and

11              (B) to ensure that the transition assistance is  
12       provided under such programs to members of the  
13       Armed Forces who are being separated at medical  
14       facilities of the uniformed services or Department of  
15       Veterans Affairs medical centers and to Armed  
16       Forces personnel on a temporary disability retired  
17       list under section 1202 or 1205 of title 10, United  
18       States Code.

19       (3) The report shall include—

20              (A) an analysis of the relationship between the  
21       Department of Defense transition assistance pro-  
22       grams and the transition assistance programs of the  
23       Department of Veterans Affairs and the Department  
24       of Labor, including the relationship between the ben-  
25       efits delivery at discharge program carried out joint-



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1 ly by the Department of Defense and the Depart-  
2 ment of Veterans Affairs and the other transition  
3 assistance programs; and

4 (B) an assessment of the quality and thorough-  
5 ness of information being provided during  
6 preseparation briefings under such transition assist-  
7 ance programs regarding the full range of benefits  
8 available to qualified members of the Armed Forces  
9 under programs operated by the Department of Vet-  
10 erans Affairs and the requirements for qualifying for  
11 those benefits.

12 (4) The report shall specify the rates of participation  
13 of members of the Armed Forces in the transition assist-  
14 ance programs and include such recommendations as the  
15 Comptroller General considers appropriate to increase  
16 such participation rates, including any recommendations  
17 regarding revisions of such programs that could result in  
18 increased participation by members.

19 (5) The report shall include—

20 (A) an assessment of whether the transition as-  
21 sistance information provided to members of the  
22 Armed Forces omits any transition information that  
23 would be beneficial to members;

24 (B) an assessment of the extent to which infor-  
25 mation is provided under the transition assistance



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1 programs regarding participation in Federal pro-  
2 curement opportunities available at prime contract  
3 and subcontract levels to veterans with service-con-  
4 nected disabilities and other veterans; and

5 (C) such recommendations as the Comptroller  
6 General considers appropriate regarding additional  
7 information that should be provided and any other  
8 recommendations that the Comptroller General con-  
9 siders appropriate for enhancing the provision of  
10 counseling on such procurement opportunities.

11 (6) The report shall include—

12 (A) an assessment of the extent to which rep-  
13 resentatives of military service organizations and  
14 veterans' service organizations are afforded opportu-  
15 nities to participate, and do participate, in  
16 preseparation briefings under transition assistance  
17 programs;

18 (B) an assessment of the effectiveness and use-  
19 fulness of the role that military service organizations  
20 and veterans' service organizations are playing in  
21 the preseparation briefing process; and

22 (C) such recommendations as the Comptroller  
23 General considers appropriate regarding whether  
24 such organizations should be given a more formal  
25 role in the preseparation briefing process and how



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1 representatives of such organizations could better be  
2 used to disseminate transition assistance information  
3 and provide prepreparation counseling to members of  
4 the Armed Forces, including members who are being  
5 released from active duty for continuation of service  
6 in a reserve component.

7 (7) The report shall include an analysis of the use  
8 of post-deployment and predischARGE health screenings  
9 and such recommendations as the Comptroller General  
10 considers appropriate regarding whether and how to inte-  
11 grate the health screening process and the transition as-  
12 sistance programs into a single, coordinated prepreparation  
13 program for members of the Armed Forces being dis-  
14 charged or released from active duty.

15 (8) The report shall include an analysis of the proc-  
16 esses of the Armed Forces for conducting physical exami-  
17 nations of members of the Armed Forces in connection  
18 with discharge and release from active duty, including—

19 (A) how post-deployment questionnaires are  
20 used;

21 (B) the extent to which members of the Armed  
22 Forces waive the physical examinations; and

23 (C) how, and the extent to which, members of  
24 the Armed Forces are referred for follow-up health  
25 care.



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1 (9) The report shall include a discussion of the cur-  
2 rent process by which mental health screenings are con-  
3 ducted, follow-up mental health care is provided for, and  
4 services are provided in cases of post-traumatic stress dis-  
5 order and related conditions for members of the Armed  
6 Forces in connection with discharge and release from ac-  
7 tive duty, together with—

8 (A) for each of the Armed Forces, the programs  
9 that are in place to identify and treat cases of post-  
10 traumatic stress disorder and related conditions; and

11 (B) for persons returning from deployments in  
12 connection with Operation Enduring Freedom and  
13 Operation Iraqi Freedom—

14 (i) the number of persons treated as a re-  
15 sult of such screenings; and

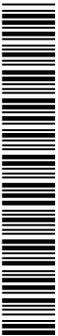
16 (ii) the types of interventions.

17 (c) ACQUISITION OF SUPPORTING INFORMATION.—In  
18 preparing the report under subsection (a), the Comptroller  
19 General shall seek to obtain views from the following per-  
20 sons:

21 (1) The Secretary of Defense and the Secre-  
22 taries of the military departments.

23 (2) The Secretary of Veterans Affairs.

24 (3) The Secretary of Labor.



1           (4) Members of the Armed Forces who have re-  
2           ceived transition assistance under the programs cov-  
3           ered by the report and members of the Armed  
4           Forces who have declined to accept transition assist-  
5           ance offered under such programs.

6           (5) Representatives of military service organiza-  
7           tions and representatives of veterans' service organi-  
8           zations.

9           (6) Persons having expertise in health care (in-  
10          cluding mental health care) provided under the De-  
11          fense Health Program, including Department of De-  
12          fense personnel, Department of Veterans Affairs  
13          personnel, and persons in the private sector.

14 **SEC. 599. STUDY ON COORDINATION OF JOB TRAINING**  
15                   **STANDARDS WITH CERTIFICATION STAND-**  
16                   **ARDS FOR MILITARY OCCUPATIONAL SPE-**  
17                   **CIALTIES.**

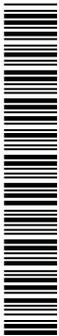
18          (a) **STUDY REQUIRED.**—The Secretary of Defense  
19          and the Secretary of Labor shall jointly carry out a study  
20          to determine ways to coordinate the standards applied by  
21          the Armed Forces for the training and certification of  
22          members of the Armed Forces in military occupational  
23          specialties with the standards that are applied to cor-  
24          responding civilian occupations by occupational licensing



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1 or certification agencies of governments and occupational  
2 certification agencies in the private sector.

3 (b) SUBMISSION OF REPORT.—Not later than 180  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of Labor shall submit to Congress a report con-  
6 taining the results of the study under subsection (a).





# 1 TITLE VI—COMPENSATION AND 2 OTHER PERSONNEL BENEFITS

## Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay for fiscal year 2005.
- Sec. 602. Relationship between eligibility to receive supplemental subsistence allowance and eligibility to receive imminent danger pay, family separation allowance, and certain Federal assistance.
- Sec. 603. Authority to provide family separation basic allowance for housing.
- Sec. 604. Geographic basis for housing allowance during short-assignment permanent changes of station for education or training.
- Sec. 605. Immediate lump-sum reimbursement for unusual nonrecurring expenses incurred for duty outside the continental United States.
- Sec. 606. Authority for certain members deployed in combat zones to receive limited advances on future basic pay.
- Sec. 607. Repeal of requirement that members entitled to basic allowance for subsistence pay subsistence charges while hospitalized.

## Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for certain health care professionals.
- Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
- Sec. 614. One-year extension of other bonus and special pay authorities.
- Sec. 615. Authority to provide hazardous duty incentive pay to military firefighters.
- Sec. 616. Reduced service obligation for nurses receiving nurse accession bonus.
- Sec. 617. Assignment incentive pay.
- Sec. 618. Modification of active and reserve component reenlistment and enlistment bonus authorities.
- Sec. 619. Bonus for certain initial service of officers in the Selected Reserve.
- Sec. 620. Revision of authority to provide foreign language proficiency pay.
- Sec. 621. Eligibility of enlisted members to qualify for critical skills retention bonus while serving on indefinite reenlistment.
- Sec. 622. Eligibility of reserve component members for incentive bonus for conversion to military occupational specialty to ease personnel shortage.
- Sec. 623. Permanent increase in authorized amounts for imminent danger special pay and family separation allowance.

## Subtitle C—Travel and Transportation Allowances

- Sec. 631. Travel and transportation allowances for family members to attend burial ceremony or memorial service of member who dies on duty.
- Sec. 632. Transportation of family members incident to serious illness or injury of members of the uniformed services.
- Sec. 633. Reimbursement for certain lodging costs incurred in connection with dependent student travel.



**Subtitle D—Retired Pay and Survivor Benefits**

- Sec. 641. Computation of high-36 month average for reserve component members retired for disability while on active duty or dying while on active duty.
- Sec. 642. Repeal of phase-in of concurrent receipt of retired pay and veterans' disability compensation for military retirees with service-connected disabilities rated as 100 percent.
- Sec. 643. Death benefits enhancement.
- Sec. 644. Phased elimination of two-tier annuity computation for surviving spouses under Survivor Benefit Plan.
- Sec. 645. One-year open enrollment period for Survivor Benefit Plan commencing October 1, 2005.

**Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits**

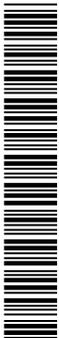
- Sec. 651. Consolidation and reorganization of legislative provisions regarding defense commissary system and exchanges and other morale, welfare, and recreation activities.
- Sec. 652. Consistent State treatment of Department of Defense Non-appropriated Fund Health Benefits Program.

**Subtitle F—Other Matters**

- Sec. 661. Eligibility of members for reimbursement of expenses incurred for adoption placements made by foreign governments.
- Sec. 662. Clarification of education loans qualifying for education loan repayment program for reserve component health professions officers.
- Sec. 663. Receipt of pay by reservists from civilian employers while on active duty in connection with a contingency operation.
- Sec. 664. Relief for mobilized reservists from certain Federal agricultural loan obligations.
- Sec. 665. Survey and analysis of effect of extended and frequent mobilization of reservists for active duty service on reservist income.
- Sec. 666. Study of disability benefits for veterans of service in the Armed Forces with service-connected disabilities.

**1 Subtitle A—Pay and Allowances****2 SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2005.**

- 3 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
- 4 adjustment to become effective during fiscal year 2005 re-
- 5 quired by section 1009 of title 37, United States Code,
- 6 in the rates of monthly basic pay authorized members of
- 7 the uniformed services shall not be made.



1 (b) INCREASE IN BASIC PAY.—Effective on January  
2 1, 2005, the rates of monthly basic pay for members of  
3 the uniformed services are increased by 3.5 percent.

4 **SEC. 602. RELATIONSHIP BETWEEN ELIGIBILITY TO RE-**  
5 **CEIVE SUPPLEMENTAL SUBSISTENCE AL-**  
6 **LOWANCE AND ELIGIBILITY TO RECEIVE IM-**  
7 **MINENT DANGER PAY, FAMILY SEPARATION**  
8 **ALLOWANCE, AND CERTAIN FEDERAL ASSIST-**  
9 **ANCE.**

10 (a) ENTITLEMENT NOT AFFECTED BY RECEIPT OF  
11 IMMINENT DANGER PAY AND FAMILY SEPARATION AL-  
12 LOWANCE.—Subsection (b) of section 402a of title 37,  
13 United States Code, is amended—

14 (1) in paragraph (2), by striking “the Sec-  
15 retary—” and all that follows through “shall take  
16 into consideration” and inserting “the Secretary  
17 concerned shall take into consideration”; and

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

20 “(3) In determining whether a member meets the eli-  
21 gibility criteria under paragraph (1), the Secretary con-  
22 cerned shall not take into consideration—

23 “(A) the amount of the supplemental subsist-  
24 ence allowance that is payable under this section;



1           “(B) the amount of any special pay that is pay-  
2           able to the member under section 310 of this sec-  
3           tion, relating to duty subject to hostile fire or immi-  
4           nent danger; or

5           “(C) the amount of any family separation al-  
6           lowance that is payable to the member under section  
7           427 of this title.”.

8           (b) RELATION TO OTHER FEDERAL ASSISTANCE.—  
9           Such section is further amended—

10           (1) by redesignating subsections (g) and (h) as  
11           subsections (h) and (i), respectively; and

12           (2) by inserting after subsection (f) the fol-  
13           lowing new subsection (g):

14           “(g) ELIGIBILITY FOR OTHER FEDERAL ASSIST-  
15           ANCE.—(1) A child or spouse of a member of the armed  
16           forces receiving the supplemental subsistence allowance  
17           under this section who, except on account of the receipt  
18           of such allowance, would be eligible to receive a benefit  
19           described in paragraph (2) shall be considered to be eligi-  
20           ble for that benefit notwithstanding the receipt of such  
21           allowance.

22           “(2) The benefits referred to in paragraph (1) are  
23           as follows:



1           “(A) Assistance provided under the Richard B.  
2           Russell National School Lunch Act (42 U.S.C. 1751  
3           et seq.).

4           “(B) Assistance provided under the Child Nu-  
5           trition Act of 1966 (42 U.S.C. 1771 et seq.).

6           “(C) A service provided under the Head Start  
7           Act (42 U.S.C. 9831 et seq.).

8           “(D) Assistance under the Child Care and De-  
9           velopment Block Grant Act of 1990 (42 U.S.C.  
10          9858 et seq.).

11          “(3) A household that includes a member of the  
12          armed forces receiving the supplemental subsistence allow-  
13          ance under this section and that, except on account of the  
14          receipt of such allowance, would be eligible to receive a  
15          benefit under the Low-Income Home Energy Assistance  
16          Act of 1981 (42 U.S.C. 8621 et seq.) shall be considered  
17          to be eligible for that benefit notwithstanding the receipt  
18          of such allowance.”.

19          (c) EFFECTIVE DATE.—The amendments made by  
20          this section shall apply in determining, on or after the date  
21          of the enactment of this Act, the eligibility of a person  
22          for a supplemental subsistence allowance under section  
23          402a of title 37, United States Code, or for Federal assist-  
24          ance under a law specified in subsection (g) of such sec-  
25          tion, as so amended.



1 **SEC. 603. AUTHORITY TO PROVIDE FAMILY SEPARATION**  
2 **BASIC ALLOWANCE FOR HOUSING.**

3 Section 403(d) of title 37, United States Code, is  
4 amended—

5 (1) in paragraph (1), by striking “is entitled  
6 to” and inserting “may be paid”; and

7 (2) in paragraph (4), by striking the first sen-  
8 tence and inserting the following new sentence: “A  
9 family separation basic allowance for housing paid to  
10 a member under this subsection is in addition to any  
11 other allowance or per diem that the member re-  
12 ceives under this title.”.

13 **SEC. 604. GEOGRAPHIC BASIS FOR HOUSING ALLOWANCE**  
14 **DURING SHORT-ASSIGNMENT PERMANENT**  
15 **CHANGES OF STATION FOR EDUCATION OR**  
16 **TRAINING.**

17 Section 403(d) of title 37, United States Code, as  
18 amended by section 603, is further amended—

19 (1) in the subsection heading, by striking “ARE  
20 UNABLE TO” and inserting “DO NOT”; and

21 (2) in paragraph (3), by adding at the end the  
22 following new subparagraph:

23 “(C) If the member is reassigned for a perma-  
24 nent change of station or permanent change of as-  
25 signment from a duty station in the United States  
26 to another duty station in the United States for a



1 period of not more than one year for the purpose of  
2 participating in professional military education or  
3 training classes, the amount of the basic allowance  
4 for housing for the member may be based on which-  
5 ever of the following areas the Secretary concerned  
6 determines will provide the more equitable basis for  
7 the allowance:

8 “(i) The area of the duty station to which  
9 the member is reassigned.

10 “(ii) The area in which the dependents re-  
11 side, but only if the dependents reside in that  
12 area when the member departs for the duty sta-  
13 tion to which the member is reassigned and  
14 only for the period during which the dependents  
15 reside in that area.

16 “(iii) The area of the former duty station  
17 of the member, if different than the area in  
18 which the dependents reside.”.

19 **SEC. 605. IMMEDIATE LUMP-SUM REIMBURSEMENT FOR**  
20 **UNUSUAL NONRECURRING EXPENSES IN-**  
21 **CURRED FOR DUTY OUTSIDE THE CONTI-**  
22 **NENTAL UNITED STATES.**

23 (a) **ELIGIBILITY FOR REIMBURSEMENT.**—Section  
24 405 of title 37, United States Code, is amended by adding  
25 at the end the following new subsection:



1 “(d) NONRECURRING EXPENSES.—(1) The Secretary  
2 concerned may reimburse a member of the uniformed serv-  
3 ices on duty as described in subsection (a) for a non-  
4 recurring expense incurred by the member incident to such  
5 duty that—

6 “(A) is directly related to the conditions or lo-  
7 cation of the duty;

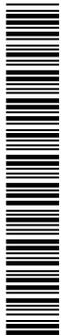
8 “(B) is of a nature or a magnitude not nor-  
9 mally incurred by members of the uniformed services  
10 on duty inside the continental United States; and

11 “(C) is not included in the per diem determined  
12 under subsection (b) as payable to the member  
13 under subsection (a).

14 “(2) Any reimbursement provided to a member under  
15 paragraph (1) is in addition to a per diem payable to that  
16 member under subsection (a).”

17 (b) USE OF DEFINED TERM CONTINENTAL UNITED  
18 STATES.—(1) Subsection (a) of such section is amended  
19 by striking “outside of the United States or in Hawaii or  
20 Alaska” and inserting “outside of the continental United  
21 States”.

22 (2) The heading of such section is amended to read  
23 as follows:



1 **“§ 405. Travel and transportation allowances: per**  
2 **diem while on duty outside the conti-**  
3 **ental United States”.**

4 (3) The table of sections at the beginning of chapter  
5 7 of such title is amended by striking the item relating  
6 to section 405 and inserting the following new item:

“405. Travel and transportation allowances: per diem while on duty outside the  
continental United States.”.

7 **SEC. 606. AUTHORITY FOR CERTAIN MEMBERS DEPLOYED**  
8 **IN COMBAT ZONES TO RECEIVE LIMITED AD-**  
9 **VANCES ON FUTURE BASIC PAY.**

10 (a) **ADVANCEMENT OF BASIC PAY.**—Chapter 3 of  
11 title 37, United States Code, is amended by adding at the  
12 end the following new section:

13 **“§ 212. Advancement of basic pay: members deployed**  
14 **in combat zone for more than one year**

15 “(a) **ELIGIBILITY; AMOUNT ADVANCED.**—If a mem-  
16 ber of the armed forces is assigned to duty in an area  
17 for which special pay under section 310 of this title is  
18 available and the assignment is pursuant to orders speci-  
19 fying an assignment of one year or more (or the assign-  
20 ment is extended beyond one year), the member may re-  
21 quest, during the period of the assignment, the advanced  
22 payment of not more than three months of the basic pay  
23 of the member.



1           “(b) CONSIDERATION OF REQUEST.—A request by a  
2 member described in subsection (a) for the advanced pay-  
3 ment of a single month of basic pay shall be granted. The  
4 Secretary concerned may grant a member’s request for a  
5 second or third month of advanced basic pay during the  
6 assignment upon a showing of financial hardship.

7           “(c) RECOUPMENT OF ADVANCED PAY.—The Sec-  
8 retary concerned shall recoup an advance made on the  
9 basic pay of a member under this section in equal install-  
10 ments over a one-year period beginning as provided in sub-  
11 section (d). If the member is serving on active duty for  
12 any month during the recoupment period, the amount of  
13 the installment for the month shall be deducted from the  
14 basic pay of the member for that month. The estate of  
15 a deceased member shall not be required to repay any por-  
16 tion of the advanced pay paid to the member and not re-  
17 paid before the death of the member.

18           “(d) COMMENCEMENT OF RECOUPMENT.—The  
19 recoupment period for an advancement of basic pay to a  
20 member under this section shall commence on the first day  
21 of the first month beginning on or after the date on which  
22 the member receives the advanced pay.”.

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



“212. Advancement of basic pay: members deployed in combat zone for more than one year.”.

1 **SEC. 607. REPEAL OF REQUIREMENT THAT MEMBERS ENTI-**  
2 **TLED TO BASIC ALLOWANCE FOR SUBSIST-**  
3 **ENCE PAY SUBSISTENCE CHARGES WHILE**  
4 **HOSPITALIZED.**

5 (a) REPEAL.—(1) Section 1075 of title 10, United  
6 States Code, is repealed.

7 (2) The table of sections at the beginning of chapter  
8 55 of such title is amended by striking the item relating  
9 to section 1075.

10 (b) CONFORMING AMENDMENT REGARDING MILI-  
11 TARY-CIVILIAN HEALTH SERVICES PARTNERSHIP PRO-  
12 GRAM.—Section 1096(c) of such title is amended—

13 (1) by inserting “who is a dependent” after  
14 “covered beneficiary”; and

15 (2) by striking “shall pay” and all that follows  
16 through the period at the end of paragraph (2) and  
17 inserting “shall pay the charges prescribed by sec-  
18 tion 1078 of this title.”.



1       **Subtitle B—Bonuses and Special**  
2                                   **and Incentive Pays**

3       **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
4                                   **SPECIAL PAY AUTHORITIES FOR RESERVE**  
5                                   **FORCES.**

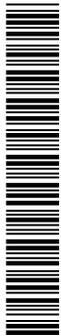
6           (a) **SELECTED RESERVE REENLISTMENT BONUS.**—  
7 Section 308b(g) of title 37, United States Code, is amend-  
8 ed by striking “December 31, 2004” and inserting “De-  
9 cember 31, 2005”.

10          (b) **SELECTED RESERVE ENLISTMENT BONUS.**—Sec-  
11 tion 308c(e) of such title is amended by striking “Decem-  
12 ber 31, 2004” and inserting “December 31, 2005”.

13          (c) **SPECIAL PAY FOR ENLISTED MEMBERS AS-**  
14 **SIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section  
15 308d(c) of such title is amended by striking “December  
16 31, 2004” and inserting “December 31, 2005”.

17          (d) **SELECTED RESERVE AFFILIATION BONUS.**—Sec-  
18 tion 308e(e) of such title is amended by striking “Decem-  
19 ber 31, 2004” and inserting “December 31, 2005”.

20          (e) **READY RESERVE ENLISTMENT AND REENLIST-**  
21 **MENT BONUS.**—Section 308h(g) of such title is amended  
22 by striking “December 31, 2004” and inserting “Decem-  
23 ber 31, 2005”.



1 (f) PRIOR SERVICE ENLISTMENT BONUS.—Section  
2 308i(f) of such title is amended by striking “December  
3 31, 2004” and inserting “December 31, 2005”.

4 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
5 **SPECIAL PAY AUTHORITIES FOR CERTAIN**  
6 **HEALTH CARE PROFESSIONALS.**

7 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
8 GRAM.—Section 2130a(a)(1) of title 10, United States  
9 Code, is amended by striking “December 31, 2004” and  
10 inserting “December 31, 2005”.

11 (b) REPAYMENT OF EDUCATION LOANS FOR CER-  
12 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
13 LECTED RESERVE.—Section 16302(d) of such title is  
14 amended by striking “January 1, 2005” and inserting  
15 “January 1, 2006”.

16 (c) ACCESSION BONUS FOR REGISTERED NURSES.—  
17 Section 302d(a)(1) of title 37, United States Code, is  
18 amended by striking “December 31, 2004” and inserting  
19 “December 31, 2005”.

20 (d) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
21 THETISTS.—Section 302e(a)(1) of such title is amended  
22 by striking “December 31, 2004” and inserting “Decem-  
23 ber 31, 2005”.

24 (e) SPECIAL PAY FOR SELECTED RESERVE HEALTH  
25 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-



1 CIALTIES.—Section 302g(f) of such title is amended by  
2 striking “December 31, 2004” and inserting “December  
3 31, 2005”.

4 (f) ACCESSION BONUS FOR DENTAL OFFICERS.—  
5 Section 302h(a)(1) of such title is amended by striking  
6 “December 31, 2004” and inserting “December 31,  
7 2005”.

8 (g) ACCESSION BONUS FOR PHARMACY OFFICERS.—  
9 Section 302j(a) of such title is amended by striking “the  
10 date of the enactment of the Floyd D. Spence National  
11 Defense Authorization Act for Fiscal Year 2001 and end-  
12 ing on September 30, 2004” and inserting “October 30,  
13 2000, and ending on December 31, 2005”.

14 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
15 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
16 **CERS.**

17 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
18 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
19 312(e) of title 37, United States Code, is amended by  
20 striking “December 31, 2004” and inserting “December  
21 31, 2005”.

22 (b) NUCLEAR CAREER ACCESSION BONUS.—Section  
23 312b(c) of such title is amended by striking “December  
24 31, 2004” and inserting “December 31, 2005”.



6-15

1 (c) NUCLEAR CAREER ANNUAL INCENTIVE  
2 BONUS.—Section 312c(d) of such title is amended by  
3 striking “December 31, 2004” and inserting “December  
4 31, 2005”.

5 **SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND**  
6 **SPECIAL PAY AUTHORITIES.**

7 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
8 tion 301b(a) of title 37, United States Code, is amended  
9 by striking “December 31, 2004” and inserting “Decem-  
10 ber 31, 2005”.

11 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f)  
12 of such title is amended by striking “December 31, 2005”  
13 and inserting “December 31, 2006”.

14 (c) REENLISTMENT BONUS FOR ACTIVE MEM-  
15 BERS.—Section 308(g) of such title is amended by strik-  
16 ing “December 31, 2004” and inserting “December 31,  
17 2005”.

18 (d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—  
19 Section 309(e) of such title is amended by striking “De-  
20 cember 31, 2004” and inserting “December 31, 2005”.

21 (e) RETENTION BONUS FOR MEMBERS WITH CRIT-  
22 ICAL MILITARY SKILLS.—Section 323(i) of such title is  
23 amended by striking “December 31, 2004” and inserting  
24 “December 31, 2005”.



1 (f) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-  
2 ICAL SKILLS.—Section 324(g) of such title is amended by  
3 striking “December 31, 2004” and inserting “December  
4 31, 2005”.

5 **SEC. 615. AUTHORITY TO PROVIDE HAZARDOUS DUTY IN-**  
6 **CENTIVE PAY TO MILITARY FIREFIGHTERS.**

7 Section 301 of title 37, United States Code, is  
8 amended—

9 (1) in subsection (d), by inserting “(1)” after  
10 “(d)”;

11 (2) by redesignating subsection (e) as para-  
12 graph (2) of subsection (d); and

13 (3) by inserting after subsection (d) the fol-  
14 lowing new subsection (e):

15 “(e) A member of a uniformed service who is entitled  
16 to basic pay may be paid incentive pay under this sub-  
17 section, at a monthly rate not to exceed \$150, for any  
18 month during which the member performs duty involving  
19 regular participation as a firefighting crew member, as de-  
20 termined by the Secretary concerned.”.

21 **SEC. 616. REDUCED SERVICE OBLIGATION FOR NURSES RE-**  
22 **CEIVING NURSE ACCESSION BONUS.**

23 (a) PERIOD OF OBLIGATED SERVICE.—Section  
24 302d(a)(1) of title 37, United States Code, is amended  
25 by striking “four years” and inserting “three years”.



1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall apply with respect to agreements en-  
3 tered into under section 302d of title 37, United States  
4 Code, on or after the date of the enactment of this Act.

5 **SEC. 617. ASSIGNMENT INCENTIVE PAY.**

6 (a) DISCRETIONARY WRITTEN AGREEMENTS.—Sub-  
7 section (b) of section 307a of title 37, United States Code,  
8 is amended to read as follows:

9 “(b) WRITTEN AGREEMENT.—The Secretary con-  
10 cerned may require a member performing service in an  
11 assignment designated under subsection (a) to enter into  
12 a written agreement with the Secretary in order to qualify  
13 for incentive pay under this section. The written agree-  
14 ment shall specify the period for which the incentive pay  
15 will be paid to the member and, subject to subsection (c),  
16 the monthly rate of the incentive pay.”.

17 (b) DISCONTINUATION UPON COMMENCEMENT OF  
18 TERMINAL LEAVE.—Subsection (e) of such section is  
19 amended by striking “by reason of” and all that follows  
20 through the period at the end and inserting “by reason  
21 of—

22 “(1) temporary duty performed by the member  
23 pursuant to orders; or

24 “(2) absence of the member for authorized  
25 leave, other than leave authorized for a period end-



1 ing upon the discharge of the member or the release  
2 of the member from active duty.”.

3 (c) EFFECTIVE DATE.—Paragraph (2) of section  
4 307a(e) of title 37, United States Code, as added by sub-  
5 section (b), shall apply with respect to authorized leave  
6 occurring on or after the date of the enactment of this  
7 Act.

8 **SEC. 618. MODIFICATION OF ACTIVE AND RESERVE COMPO-**  
9 **NENT REENLISTMENT AND ENLISTMENT**  
10 **BONUS AUTHORITIES.**

11 (a) ACTIVE-DUTY REENLISTMENT BONUS.—(1)  
12 Paragraph (1) of subsection (a) of section 308 of title 37,  
13 United States Code, is amended—

14 (A) in the matter preceding subparagraph (A),  
15 by striking “A member” and inserting “The Sec-  
16 retary concerned may pay a bonus under paragraph  
17 (2) to a member”;

18 (B) in subparagraph (A), by striking “fourteen  
19 years” and inserting “16 years”;

20 (C) in subparagraph (D), by striking the semi-  
21 colon at the end and inserting a period; and

22 (D) by striking “may be paid a bonus as pro-  
23 vided in paragraph (2).”.

24 (2) Paragraph (3) of such subsection is amended by  
25 striking “16 years” and inserting “18 years”.



1 (b) SELECTED RESERVE REENLISTMENT BONUS.—

2 (1) Subsection (a) of section 308b of title 37, United  
3 States Code, is amended—

4 (A) in the matter preceding paragraph (1), by  
5 striking “An enlisted member” and inserting “The  
6 Secretary concerned may pay a bonus under sub-  
7 section (b) to an enlisted member”;

8 (B) in paragraph (1), by striking “less than 14  
9 years” and inserting “not more than 16 years”;

10 (C) in paragraph (2), by striking the semicolon  
11 at the end and inserting a period; and

12 (D) by striking “may be paid a bonus as pro-  
13 vided in subsection (b).”.

14 (2) Subsection (b)(1) of such section is amended—

15 (A) in subparagraph (A), by striking “\$5,000”  
16 and inserting “\$15,000”;

17 (B) in subparagraph (B), by striking “\$2,500”  
18 and inserting “\$7,500”; and

19 (C) in subparagraph (C), by striking “\$2,000”  
20 and inserting “\$6,000”.

21 (3) Paragraph (2) of subsection (b) of such section  
22 is amended to read as follows:

23 “(2) Bonus payments authorized under this section  
24 may be paid in either a lump sum or in installments. If  
25 the bonus is paid in installments, the initial payment shall



1 be not less than 50 percent of the total bonus amount.  
2 The Secretary concerned shall prescribe the amount of  
3 each subsequent installment payment and the schedule for  
4 making the installment payments.”.

5 (4) Subsection (c) of such section is amended—

6 (A) in the subsection heading, by striking “;  
7 LIMITATION ON NUMBER OF BONUSES”; and

8 (B) by striking paragraph (2) and redesignating  
9 paragraph (3) as paragraph (2).

10 (c) SELECTED RESERVE ENLISTMENT BONUS.—(1)

11 Subsection (b) of section 308c of title 37, United States  
12 Code, is amended by striking “\$8,000” and inserting  
13 “\$10,000”.

14 (2) Subsection (f) of such section is amended to read  
15 as follows:

16 “(f) A member entitled to a bonus under this section  
17 who is called or ordered to active duty shall be paid, during  
18 that period of active duty, any amount of the bonus  
19 that becomes payable to the member during that period  
20 of active duty.”.

21 (d) READY RESERVE ENLISTMENT BONUS FOR PER-  
22 SONS WITHOUT PRIOR SERVICE.—Section 308g(b) of title  
23 37, United States Code, is amended—

24 (1) by striking “\$1,000” and inserting  
25 “\$3,000”; and



1 (2) by adding at the end the following new sen-  
2 tence: “A person entitled to a bonus under this sec-  
3 tion who is called or ordered to active duty shall be  
4 paid, during that period of active duty, any amount  
5 of the bonus that becomes payable to the member  
6 during that period of active duty.”.

7 (e) PRIOR SERVICE READY RESERVE BONUS.—Sec-  
8 tion 308h(b) of title 37, United States Code, is amended—

9 (1) in paragraph (2)(A), by striking “\$1,500”  
10 and inserting “\$3,000”;

11 (2) in paragraph (2)(B), by striking “\$750”  
12 and inserting “\$1,500”; and

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

15 “(4) A person entitled to a bonus under this section  
16 who is called or ordered to active duty shall be paid, dur-  
17 ing that period of active duty, any amount of the bonus  
18 that becomes payable to the member during that period  
19 of active duty.”.

20 (f) PRIOR SERVICE ENLISTMENT BONUS FOR SE-  
21 LECTED RESERVE.—(1) Subsection (a)(2)(A) of section  
22 308i of title 37, United States Code, is amended by strik-  
23 ing “less than 14 years” and inserting “not more than  
24 16 years”.



1 (2) Paragraph (1) of subsection (b) of such section  
2 is amended—

3 (A) in subparagraph (A), by striking “\$8,000”  
4 and inserting “\$15,000”;

5 (B) in subparagraph (B), by striking “\$4,000”  
6 and inserting “\$7,500”; and

7 (C) in subparagraph (C), by striking “\$3,500”  
8 and inserting “\$6,000”.

9 (3) Such subsection is further amended by adding at  
10 the end the following new paragraph:

11 “(3) A person entitled to a bonus under this section  
12 who is called or ordered to active duty shall be paid, dur-  
13 ing that period of active duty, any amount of the bonus  
14 that becomes payable to the member during that period  
15 of active duty.”.

16 (g) EFFECTIVE DATE.—The amendment made by  
17 subsection (a)(2) shall apply only with respect to the com-  
18 putation of a bonus under section 308(a)(2)(A) of title 37,  
19 United States Code, made on or after the date of the en-  
20 actment of this Act.

21 **SEC. 619. BONUS FOR CERTAIN INITIAL SERVICE OF OFFI-  
22 CERS IN THE SELECTED RESERVE.**

23 (a) AUTHORITY.—Chapter 5 of title 37, United  
24 States Code, is amended by inserting after section 308i  
25 the following new section:



1 **“§ 308j. Special pay: bonus for certain initial service**  
2 **of officers in the Selected Reserve**

3 “(a) AFFILIATION BONUS.—(1) The Secretary con-  
4 cerned may pay an affiliation bonus under this section to  
5 an eligible officer in any of the armed forces who enters  
6 into an agreement with the Secretary to serve, for the pe-  
7 riod specified in the agreement, in the Selected Reserve  
8 of the Ready Reserve of an armed force under the Sec-  
9 retary’s jurisdiction—

10 “(A) in a critical officer skill designated under  
11 paragraph (3); or

12 “(B) to meet a manpower shortage in—

13 “(i) a unit of that Selected Reserve; or

14 “(ii) a particular pay grade in that armed  
15 force.

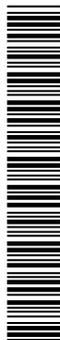
16 “(2) An officer is eligible for an affiliation bonus  
17 under this section if the officer—

18 “(A) either—

19 “(i) is serving on active duty for a period  
20 of more than 30 days; or

21 “(ii) is a member of a reserve component  
22 not on active duty and, if the member formerly  
23 served on active duty, was released from active  
24 duty under honorable conditions;

25 “(B) has not previously served in the Selected  
26 Reserve of the Ready Reserve; and



1           “(C) is not entitled to receive retired or retainer  
2           pay.

3           “(3)(A) The Secretary concerned shall designate for  
4           an armed force under the Secretary’s jurisdiction the crit-  
5           ical officer skills to which the bonus authority under this  
6           subsection is to be applied.

7           “(B) A skill may be designated as a critical officer  
8           skill for an armed force under subparagraph (A) if, to  
9           meet requirements of that armed force, it is critical for  
10          that armed force to have a sufficient number of officers  
11          who are qualified in that skill.

12          “(4) An affiliation bonus payable pursuant to an  
13          agreement under this section to an eligible officer accrues  
14          on the date on which the person is assigned to a unit or  
15          position in the Selected Reserve pursuant to such agree-  
16          ment.

17          “(b) ACCESSION BONUS.—(1) The Secretary con-  
18          cerned may pay an accession bonus under this section to  
19          an eligible person who enters into an agreement with the  
20          Secretary—

21                 “(A) to accept an appointment as an officer in  
22                 the armed forces; and

23                 “(B) to serve in the Selected Reserve of the  
24                 Ready Reserve in a skill designated under paragraph  
25                 (2) for a period specified in the agreement.



1           “(2)(A) The Secretary concerned shall designate for  
2 an armed force under the Secretary’s jurisdiction the offi-  
3 cer skills to which the authority under this subsection is  
4 to be applied.

5           “(B) A skill may be designated for an armed force  
6 under subparagraph (A) if, to mitigate a current or pro-  
7 jected significant shortage of personnel in that armed  
8 force who are qualified in that skill, it is critical to in-  
9 crease the number of persons accessioned into that armed  
10 force who are qualified in that skill or are to be trained  
11 in that skill.

12           “(3) An accession bonus payable to a person pursu-  
13 ant to an agreement under this section accrues on the date  
14 on which that agreement is accepted by the Secretary con-  
15 cerned.

16           “(c) PERIOD OF OBLIGATED SERVICE.—An agree-  
17 ment entered into with the Secretary concerned under this  
18 section shall require the person entering into that agree-  
19 ment to serve in the Selected Reserve for a specified pe-  
20 riod. The period specified in the agreement shall be any  
21 period not less than three years that the Secretary con-  
22 cerned determines appropriate to meet the needs of the  
23 reserve component in which the service is to be performed.



1 “(d) AMOUNT.—The amount of a bonus under this  
2 section may be any amount not in excess of \$6,000 that  
3 the Secretary concerned determines appropriate.

4 “(e) PAYMENT.—(1) Upon acceptance of a written  
5 agreement by the Secretary concerned under this section,  
6 the total amount of the bonus payable under the agree-  
7 ment becomes fixed. The agreement shall specify whether  
8 the bonus is to be paid in one lump sum or in installments.

9 “(2) A person entitled to a bonus under this section  
10 who is called or ordered to active duty shall be paid, dur-  
11 ing that period of active duty, any amount of the bonus  
12 that becomes payable to the member during that period  
13 of active duty.

14 “(f) RELATION TO OTHER ACCESSION BONUS AU-  
15 THORITY.—A person may not receive an affiliation bonus  
16 or accession bonus under this section and financial assist-  
17 ance under chapter 1608, 1609, or 1611 of title 10, or  
18 under section 302g of this title, for the same period of  
19 service.

20 “(g) REPAYMENT FOR FAILURE TO COMMENCE OR  
21 COMPLETE OBLIGATED SERVICE.—(1) A person who,  
22 after receiving all or part of the bonus under an agreement  
23 entered into by that person under this section, does not  
24 accept a commission or an appointment as an officer or  
25 does not commence to participate or does not satisfactorily



1 participate in the Selected Reserve for the total period of  
2 service specified in the agreement shall repay to the  
3 United States such compensation or benefit, except under  
4 conditions prescribed by the Secretary concerned.

5 “(2) The Secretary concerned shall include in each  
6 agreement entered into by the Secretary under this section  
7 the requirements that apply for any repayment under this  
8 subsection, including the method for computing the  
9 amount of the repayment and any exceptions.

10 “(3) An obligation to repay the United States im-  
11 posed under paragraph (1) is for all purposes a debt owed  
12 to the United States. A discharge in bankruptcy under  
13 title 11 that is entered less than five years after the termi-  
14 nation of an agreement entered into under this section  
15 does not discharge a person from a debt arising under an  
16 agreement entered into under this subsection or a debt  
17 arising under paragraph (1).”

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 308i the following new  
21 item:

“308j. Special pay: bonus for certain initial service of officers in the Selected Reserve.”



1 **SEC. 620. REVISION OF AUTHORITY TO PROVIDE FOREIGN**  
2 **LANGUAGE PROFICIENCY PAY.**

3 (a) IN GENERAL.—(1) Section 316 of title 37, United  
4 States Code, is amended to read as follows:

5 **“§ 316. Special pay and bonus for members with for-**  
6 **ign language proficiency**

7 “(a) AVAILABILITY OF SPECIAL PAY.—Subject to  
8 subsection (c), the Secretary concerned may pay monthly  
9 special pay under this section to a member of the uni-  
10 formed services who is entitled to basic pay under section  
11 204 of this title and who—

12 “(1) is qualified in a uniformed services spe-  
13 cialty requiring proficiency in a foreign language  
14 identified by the Secretary concerned as a foreign  
15 language in which it is necessary to have personnel  
16 proficient because of national defense or public  
17 health considerations;

18 “(2) received training, under regulations pre-  
19 scribed by the Secretary concerned, designed to de-  
20 velop a proficiency in such a foreign language;

21 “(3) is assigned to duties requiring a pro-  
22 ficiency in such a foreign language; or

23 “(4) is proficient in a foreign language for  
24 which the uniformed service may have a critical  
25 need, as determined by the Secretary concerned.



1 “(b) AVAILABILITY OF BONUS.—Subject to sub-  
2 section (c), the Secretary concerned may pay an annual  
3 bonus under this section to a member of a reserve compo-  
4 nent who satisfies the eligibility requirements specified in  
5 paragraph (1), (2), (3), or (4) of subsection (a).

6 “(c) CERTIFICATION OF PROFICIENCY.—To be eligi-  
7 ble to receive special pay or a bonus under this section,  
8 a member described in subsection (a) or (b) must be cer-  
9 tified by the Secretary concerned as being proficient in  
10 the foreign language for which the special pay or bonus  
11 is offered. The certification of the member shall expire at  
12 the end of the one-year period beginning on the first day  
13 of the first month beginning on or after the certification  
14 date.

15 “(d) SPECIAL PAY AND BONUS AMOUNTS.—(1) The  
16 monthly rate for special pay paid under subsection (a)  
17 may not exceed \$1,000.

18 “(2) The maximum amount of the bonus paid to a  
19 member under subsection (b) may not exceed \$6,000 for  
20 the one-year period covered by the certification of the  
21 member. The Secretary concerned may pay the bonus in  
22 a single lump sum at the beginning of the certification  
23 period or in installments during the certification period.

24 “(e) RELATIONSHIP TO OTHER PAY OR ALLOW-  
25 ANCE.—(1) Except as provided in paragraph (2), special



1 pay or a bonus paid under this section is in addition to  
2 any other pay or allowance payable to a member under  
3 any other provision of law.

4 “(2) If a member of a reserve component serving on  
5 active duty receives special pay under subsection (a) for  
6 any month occurring during a certification period in which  
7 the member received, or is receiving, a bonus under sub-  
8 section (b), the amount of the special pay paid to the  
9 member for the month shall be reduced by an amount  
10 equal to  $\frac{1}{12}$  of the bonus amount.

11 “(f) CERTIFICATION INTERRUPTED BY CONTIN-  
12 GENCY OPERATION.—(1) Notwithstanding subsection (c),  
13 the Secretary concerned may waive the certification re-  
14 quirement under such subsection and pay monthly special  
15 pay or a bonus under this section to a member who—

16 “(A) is assigned to duty in connection with a  
17 contingency operation;

18 “(B) is unable to schedule or complete the cer-  
19 tification required by subsection (c) because of that  
20 assignment; and

21 “(C) except for the lack of such certification,  
22 satisfies the eligibility requirements for receipt of  
23 special pay under subsection (a) or a bonus under  
24 subsection (b), whichever applies to the member.



1           “(2) For purposes of providing an annual bonus to  
2 a member under the authority of this subsection, the Sec-  
3 retary concerned may treat the date on which the member  
4 was assigned to duty in connection with the contingency  
5 operation as equivalent to a certification date. In the case  
6 of a member whose certification will expire during such  
7 a duty assignment, the Secretary shall commence the next  
8 one-year certification period on the date on which the prior  
9 certification period expires.

10           “(3) A member who is paid special pay or a bonus  
11 under the authority of this subsection shall complete the  
12 certification required by subsection (c) for the foreign lan-  
13 guage for which the special pay or bonus was paid not  
14 later than the end of the 180-day period beginning on the  
15 date on which the member is released from the assignment  
16 in connection with the contingency operation. The Sec-  
17 retary concerned may extend that period for a member  
18 in accordance with regulations prescribed under sub-  
19 section (h).

20           “(4) If a member fails to obtain the required certifi-  
21 cation under subsection (c) before the end of the period  
22 provided under paragraph (3), the Secretary concerned  
23 may require the member to repay all or a portion of the  
24 bonus in the manner provided in subsection (g).



1           “(g) REPAYMENT OF BONUS.—(1) The Secretary  
2 concerned may require a member who receives a bonus  
3 under this section, but who does not satisfy an eligibility  
4 requirement specified in paragraph (1), (2), (3), or (4)  
5 of subsection (a) for the entire certification period, to  
6 repay to the United States an amount which bears the  
7 same ratio to the total amount of the bonus paid to the  
8 member as the unsatisfied portion of the certification pe-  
9 riod bears to the entire certification period.

10           “(2) An obligation to repay the United States im-  
11 posed under paragraph (1) or subsection (f)(4) is for all  
12 purposes a debt owed to the United States. A discharge  
13 in bankruptcy under title 11 that is entered for the mem-  
14 ber less than five years after the expiration of the certifi-  
15 cation period does not discharge the member from a debt  
16 arising under this paragraph. This paragraph applies to  
17 any case commenced under title 11 after the date of the  
18 enactment of this section.

19           “(h) REGULATIONS.—This section shall be adminis-  
20 tered under regulations prescribed by the Secretary of De-  
21 fense for the armed forces under the jurisdiction of the  
22 Secretary, by the Secretary of Homeland Security for the  
23 Coast Guard when the Coast Guard is not operating as  
24 a service in the Navy, by the Secretary of Health and  
25 Human Services for the Commissioned Corps of the Public



1 Health Service, and by the Secretary of Commerce for the  
2 National Oceanic and Atmospheric Administration.”.

3 (2) The table of sections at the beginning of chapter  
4 5 of such title is amended by striking the item relating  
5 to section 316 and inserting the following new item:

“316. Special pay and bonus for members with foreign language proficiency.”.

6 (b) CONFORMING AMENDMENTS.—(1) Section 316a  
7 of title 37, United States Code, is repealed.

8 (2) The table of sections at the beginning of chapter  
9 5 of such title is amended by striking the item relating  
10 to section 316a.

11 **SEC. 621. ELIGIBILITY OF ENLISTED MEMBERS TO QUALIFY**  
12 **FOR CRITICAL SKILLS RETENTION BONUS**  
13 **WHILE SERVING ON INDEFINITE REENLIST-**  
14 **MENT.**

15 Section 323(a) of title 37, United States Code, is  
16 amended—

17 (1) by striking “or” at the end of paragraph

18 (1);

19 (2) in paragraph (2)—

20 (A) by inserting “other than an enlisted  
21 member referred to in paragraph (3),” after  
22 “enlisted member,”; and

23 (B) by striking the period at the end and  
24 inserting “; or”; and



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

3 “(3) in the case of an enlisted member serving  
4 pursuant to an indefinite reenlistment, the member  
5 executes a written agreement to remain on active  
6 duty for a period of at least one year.”.

7 **SEC. 622. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**  
8 **FOR INCENTIVE BONUS FOR CONVERSION TO**  
9 **MILITARY OCCUPATIONAL SPECIALTY TO**  
10 **EASE PERSONNEL SHORTAGE.**

11 (a) ELIGIBILITY.—Section 326 of title 37, United  
12 States Code, is amended—

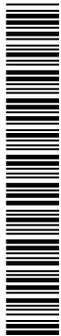
13 (1) in subsection (a), by inserting “of a regular  
14 or reserve component” after “an eligible member”;

15 (2) in subsection (b)—

16 (A) by striking “if—” and all that follows  
17 through “at the time” and inserting “if, at the  
18 time”; and

19 (B) by redesignating subparagraphs (A)  
20 and (B) as paragraphs (1) and (2), respectively;  
21 and

22 (3) in subsection (c)(2), by inserting “regular  
23 or reserve component of the” after “chief personnel  
24 officer of the”.



1 (b) AMOUNT OF BONUS.—Subsection (c)(1) of such  
2 section is amended by inserting before the period at the  
3 end the following: “, in the case of a member of a regular  
4 component of the armed forces, and \$2,000, in the case  
5 of a member of a reserve component of the armed forces”.

6 **SEC. 623. PERMANENT INCREASE IN AUTHORIZED**  
7 **AMOUNTS FOR IMMINENT DANGER SPECIAL**  
8 **PAY AND FAMILY SEPARATION ALLOWANCE.**

9 (a) IMMINENT DANGER PAY.—(1) Subsection (e) of  
10 section 310 of title 37, United States Code, is amended  
11 by striking “December 31, 2004” and inserting “Decem-  
12 ber 31, 2005”.

13 (2) Effective January 1, 2006, such section is further  
14 amended—

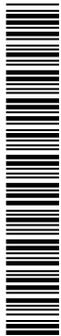
15 (A) in subsection (a), by striking “\$150” and  
16 inserting “\$225”; and

17 (B) by striking subsection (e).

18 (b) FAMILY SEPARATION ALLOWANCE.—(1) Sub-  
19 section (e) of section 427 of such title is amended by strik-  
20 ing “December 31, 2004” and inserting “December 31,  
21 2005”.

22 (2) Effective January 1, 2006, such section is further  
23 amended—

24 (A) in subsection (a)(1), by striking “\$100”  
25 and inserting “\$250”; and



1 (B) by striking subsection (e).

2 **Subtitle C—Travel and**  
3 **Transportation Allowances**

4 **SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES**  
5 **FOR FAMILY MEMBERS TO ATTEND BURIAL**  
6 **CEREMONY OR MEMORIAL SERVICE OF MEM-**  
7 **BER WHO DIES ON DUTY.**

8 (a) AUTHORIZED TRAVEL DESTINATIONS.—Sub-  
9 section (a)(1) of section 411f of title 37, United States  
10 Code, is amended by inserting before the period at the  
11 end the following: “at the location determined under sub-  
12 section (a)(8) of section 1482 of title 10 or attend a me-  
13 morial service for the deceased member, under cir-  
14 cumstances covered by subsection (d) of such section”.

15 (b) LIMITATION ON AMOUNT.—Subsection (b) of  
16 such section is amended to read as follows:

17 “(b) LIMITATION ON AMOUNT.—Allowances for trav-  
18 el under subsection (a) may not exceed the rates for two  
19 days and the time necessary for such travel.”.

20 (c) UNCONDITIONAL ELIGIBILITY OF DECEASED’S  
21 PARENTS.—Subsection (c)(1)(C) of such section is  
22 amended by striking “If no person described in subpara-  
23 graph (A) or (B) is provided travel and transportation al-  
24 lowances under subsection (a)(1), the” and inserting  
25 “The”.



1 **SEC. 632. TRANSPORTATION OF FAMILY MEMBERS INCI-**  
2 **DENT TO SERIOUS ILLNESS OR INJURY OF**  
3 **MEMBERS OF THE UNIFORMED SERVICES.**

4 (a) REMOVAL OF LIMITATION ON NUMBER OF FAM-  
5 ILY MEMBERS.—Subsection (a)(1) of section 411h of title  
6 37, United States Code, is amended—

7 (1) by striking “two family members” and in-  
8 serting “three family members”; and

9 (2) by adding at the end the following new sen-  
10 tence: “In circumstances determined to be appro-  
11 priate by the Secretary concerned, the Secretary  
12 may waive the limitation on the number of family  
13 members provided travel and transportation under  
14 this section.”.

15 (b) AVAILABILITY OF PER DIEM.—Such section is  
16 further amended—

17 (1) in subsection (a)(1), by inserting “travel  
18 and” before “transportation”; and

19 (2) in subsection (c)—

20 (A) by inserting “(1)” after “(c)” ; and

21 (B) by adding at the end the following new  
22 paragraph:

23 “(2) In addition to the transportation authorized by  
24 subsection (a), the Secretary concerned may provide a per  
25 diem allowance or reimbursement for the actual and nec-  
26 essary expenses of the travel, or a combination thereof,



1 but not to exceed the rates established under section  
2 404(d) of this title.”.

3 (c) EFFECTIVE DATE.—Section 411h of title 37,  
4 United States Code, as amended by this section, shall  
5 apply to travel and transportation authorized under such  
6 section that is provided on or after October 1, 2004, to  
7 family members of a member of the Armed Forces who  
8 is ill or injured as described in such section.

9 **SEC. 633. REIMBURSEMENT FOR CERTAIN LODGING COSTS**  
10 **INCURRED IN CONNECTION WITH DEPEND-**  
11 **ENT STUDENT TRAVEL.**

12 Section 430(b) of title 37, United States Code, is  
13 amended—

14 (1) by redesignating paragraphs (2) and (3) as  
15 paragraphs (3) and (4), respectively; and

16 (2) by inserting after paragraph (1) the fol-  
17 lowing new paragraph (2):

18 “(2) The allowance authorized under paragraph (1)  
19 for the travel of an eligible dependent may include reim-  
20 bursement for costs incurred by or on behalf of the de-  
21 pendent for lodging of the dependent that is necessitated  
22 by an interruption in the travel caused by extraordinary  
23 circumstances prescribed in the regulations under sub-  
24 section (a). The amount of the reimbursement shall be de-



1 terminated using the rate applicable to such cir-  
2 cumstances.”.

3           **Subtitle D—Retired Pay and**  
4           **Survivor Benefits**

5 **SEC. 641. COMPUTATION OF HIGH-36 MONTH AVERAGE FOR**  
6           **RESERVE COMPONENT MEMBERS RETIRED**  
7           **FOR DISABILITY WHILE ON ACTIVE DUTY OR**  
8           **DYING WHILE ON ACTIVE DUTY.**

9           (a) COMPUTATION OF HIGH-36 MONTH AVERAGE.—  
10 Subsection (c) of section 1407 of title 10, United States  
11 Code, is amended by adding at the end the following new  
12 paragraph:

13           “(3) SPECIAL RULE FOR RESERVE COMPO-  
14           NENT MEMBERS.—In the case of a member of a re-  
15           serve component who is entitled to retired pay under  
16           section 1201 or 1202 of this title, the member’s  
17           high-three average (notwithstanding paragraphs (1)  
18           and (2)) is computed in the same manner as pre-  
19           scribed in paragraphs (2) and (3) of subsection (d)  
20           for a member entitled to retired pay under section  
21           1204 or 1205 of this title.”.

22           (b) EFFECTIVE DATE.—Paragraph (3) of section  
23 1407(c) of title 10, United States Code, as added by sub-  
24 section (a), shall take effect—



1 (1) for purposes of determining an annuity  
2 under subchapter II or III of chapter 73 of that  
3 title, with respect to deaths on active duty on or  
4 after September 10, 2001; and

5 (2) for purposes of determining the amount of  
6 retired pay of a member of a reserve component en-  
7 titled to retired pay under section 1201 or 1202 of  
8 such title, with respect to such entitlement that be-  
9 comes effective on or after the date of the enactment  
10 of this Act.

11 **SEC. 642. REPEAL OF PHASE-IN OF CONCURRENT RECEIPT**  
12 **OF RETIRED PAY AND VETERANS' DISABILITY**  
13 **COMPENSATION FOR MILITARY RETIREES**  
14 **WITH SERVICE-CONNECTED DISABILITIES**  
15 **RATED AS 100 PERCENT.**

16 (a) TERMINATION OF PHASE-IN AT END OF 2004.—  
17 Subsection (a)(1) of section 1414 of title 10, United  
18 States Code, is amended by inserting before the period at  
19 the end the following: “, except that in the case of a quali-  
20 fied retiree receiving veterans' disability compensation for  
21 a disability rated as 100 percent, payment of retired pay  
22 to such veteran is subject to subsection (c) only during  
23 the period beginning on January 1, 2004, and ending on  
24 December 31, 2004”.



1 (b) CONFORMING AMENDMENT.—Subsection (c) of  
2 such section is amended in the matter preceding para-  
3 graph (1) by inserting “that pursuant to the second sen-  
4 tence of subsection (a)(1) is subject to this subsection”  
5 after “a qualified retiree”.

6 **SEC. 643. DEATH BENEFITS ENHANCEMENT.**

7 (a) ACTIONS ON FISCAL YEAR 2004 DEATH BENE-  
8 FITS STUDY.—(1) The Secretary of Defense shall expedite  
9 the completion and submission of the report, which was  
10 due on March 1, 2004, of the results of the study of the  
11 Federal death benefits for survivors of deceased members  
12 of the Armed Forces required by section 647(b) of the Na-  
13 tional Defense Authorization Act for Fiscal Year 2004  
14 (Public Law 108–136; 117 Stat. 1520).

15 (2) The President should promptly transmit to Con-  
16 gress any recommendation for legislation, together with a  
17 request for appropriations, that the President determines  
18 necessary to implement any death benefits enhancements  
19 that are recommended in the report referred to in para-  
20 graph(1).

21 (b) INCREASES OF DEATH GRATUITY CONSISTENT  
22 WITH INCREASES OF RATES OF BASIC PAY.—Section  
23 1478 of title 10, United States Code, is amended—



1 (1) in subsection (a), by inserting “(as adjusted  
2 under subsection (c))” before the period at the end  
3 of the first sentence; and

4 (2) by adding at the end the following new sub-  
5 section:

6 “(c) Effective on the date on which rates of basic pay  
7 under section 204 of title 37 are increased under section  
8 1009 of that title or any other provision of law, the  
9 amount of the death gratuity in effect under subsection  
10 (a) shall be increased by the same overall average percent-  
11 age of the increase in the rates of basic pay taking effect  
12 on that date.”.

13 (c) FISCAL YEAR 2005 ACTIONS.—At the same time  
14 that the President transmits to Congress the budget for  
15 fiscal year 2006 under section 1105(a) of title 31, United  
16 States Code, the President shall transmit to Congress as-  
17 sessments and recommendations regarding legislation on  
18 proposals that would provide enhanced death benefits for  
19 survivors of deceased members of the uniformed services.  
20 Those assessments and recommendations regarding legis-  
21 lation shall include provisions for the following:

22 (1) Revision of the Servicemembers’ Group Life  
23 Insurance program under chapter 19 of title 38,  
24 United States Code, to provide for—



1 (A) an increase in the maximum benefit  
2 amount provided under that program from  
3 \$250,000 to \$350,000;

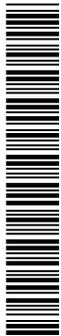
4 (B) an increase, each fiscal year, in that  
5 maximum benefit amount by the same overall  
6 average percentage increase that takes effect  
7 during such fiscal year in the rates of basic pay  
8 under section 204 of title 37, United States  
9 Code; and

10 (C) a minimum benefit amount of  
11 \$100,000 at no cost to the insured members of  
12 the uniformed services who elect the maximum  
13 coverage, together with an increase in such  
14 minimum benefit each fiscal year by the same  
15 percentage increase as is described in subpara-  
16 graph (B).

17 (2) An additional set of death benefits for each  
18 member of the uniformed services who dies in the  
19 line of duty while on active duty that includes, at a  
20 minimum, an additional death gratuity in the  
21 amount that—

22 (A) in the case of a member not described  
23 in subparagraph (B), is equal to the sum of—

24 (i) the total amount of the basic pay  
25 to which the deceased member would have



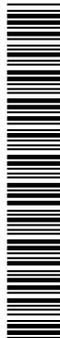
1           been entitled under section 204 of title 37,  
2           United States Code, if the member had not  
3           died and had continued to serve on active  
4           duty for an additional year; and

5                   (ii) the total amount of all allowances  
6           and special pays that the member would  
7           have been entitled to receive under title 37,  
8           United States Code, over the one-year pe-  
9           riod beginning on the member's date of  
10          death as if the member had not died and  
11          had continued to serve on active duty for  
12          an additional year with the unit to which  
13          the member was assigned or detailed on  
14          such date; and

15                   (B) in the case of a member who dies as  
16          a result of an injury caused by or incurred  
17          while exposed to hostile action (including any  
18          hostile fire or explosion and any hostile action  
19          from a terrorist source), is equal to twice the  
20          amount calculated under subparagraph (A).

21                   (3) Any other new death benefits or enhance-  
22          ment of existing death benefits that the President  
23          recommends.

24                   (4) Retroactive applicability of the benefits re-  
25          ferred to in paragraph (2) and, as appropriate, the



1 benefits recommended under paragraph (3) so as to  
2 provide the benefits—

3 (A) for members of the uniformed services  
4 who die in line of duty on or after October 7,  
5 2001, of a cause incurred or aggravated while  
6 deployed in support of Operation Enduring  
7 Freedom; and

8 (B) for members of the uniformed services  
9 who die in line of duty on or after March 19,  
10 2003, of a cause incurred or aggravated while  
11 deployed in support of Operation Iraqi Free-  
12 dom.

13 (d) CONSULTATION.—The President shall consult  
14 with the Secretary of Defense and the Secretary of Vet-  
15 erans Affairs in developing the assessments and rec-  
16 ommendations required under subsection (c).

17 (e) FISCAL YEAR 2006 BUDGET SUBMISSION.—The  
18 budget for fiscal year 2006 that is transmitted to Con-  
19 gress under section 1105(a) of title 31, United States  
20 Code, shall include assessments and recommendations on  
21 legislation (other than draft appropriations) that includes  
22 provisions that, on the basis of the assumption that any  
23 draft legislation transmitted under subsection (c) would  
24 be enacted and would take effect in fiscal year 2006—

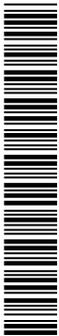


1 (1) would offset fully the increased outlays that  
2 would result from enactment of the provisions of any  
3 draft legislation transmitted under subsection (c),  
4 for fiscal year 2006 and each of the succeeding nine  
5 fiscal years;

6 (2) expressly state that they are proposed for  
7 the purpose of the offset described in paragraph (1);  
8 and

9 (3) are included in full in the estimates that are  
10 made by the Director of the Congressional Budget  
11 Office and the Director of the Office of Management  
12 and Budget under section 252(d) of the Balanced  
13 Budget and Emergency Deficit Control Act of 1985  
14 (2 U.S.C. 902(d)) with respect to the fiscal years re-  
15 ferred to in paragraph (1).

16 (f) EARLY SUBMISSION OF PROPOSAL FOR ADDI-  
17 TIONAL DEATH BENEFITS.—Congress urges the Presi-  
18 dent to transmit any draft of legislation for the additional  
19 set of death benefits under paragraph (2) of subsection  
20 (c) before the time for submission required under that  
21 subsection and as soon as is practicable after the date of  
22 the enactment of this Act.



1 **SEC. 644. PHASED ELIMINATION OF TWO-TIER ANNUITY**  
2 **COMPUTATION FOR SURVIVING SPOUSES**  
3 **UNDER SURVIVOR BENEFIT PLAN.**

4 (a) PHASED INCREASE IN BASIC ANNUITY.—

5 (1) STANDARD ANNUITY.—

6 (A) INCREASE TO 55 PERCENT.—Clause (i)  
7 of subsection (a)(1)(B) of section 1451 of title  
8 10, United States Code, is amended by striking  
9 “35 percent of the base amount.” and inserting  
10 “the product of the base amount and the per-  
11 cent applicable to the month, as follows:

12 “(I) For a month before October  
13 2005, the applicable percent is 35 percent.

14 “(II) For months after September  
15 2005 and before April 2006, the applicable  
16 percent is 40 percent.

17 “(III) For months after March 2006  
18 and before April 2007, the applicable per-  
19 cent is 45 percent.

20 “(IV) For months after March 2007  
21 and before April 2008, the applicable per-  
22 cent is 50 percent.

23 “(V) For months after March 2008,  
24 the applicable percent is 55 percent.”.

25 (B) COORDINATION WITH SAVINGS PROVI-  
26 SION UNDER PRIOR LAW.—Clause (ii) of such



1 subsection is amended by striking “, at the time  
2 the beneficiary becomes entitled to the annu-  
3 ity,”.

4 (2) RESERVE-COMPONENT ANNUITY.—Sub-  
5 section (a)(2)(B)(i)(I) of such section is amended by  
6 striking “35 percent” and inserting “the percent  
7 specified under subsection (a)(1)(B)(i) as being ap-  
8 plicable for the month”.

9 (3) SURVIVORS OF ELIGIBLE PERSONS DYING  
10 ON ACTIVE DUTY, ETC.—

11 (A) INCREASE TO 55 PERCENT.—Clause (i)  
12 of subsection (c)(1)(B) of such section is  
13 amended—

14 (i) by striking “35 percent” and in-  
15 serting “the applicable percent”; and

16 (ii) by adding at the end the fol-  
17 lowing: “The percent applicable for a  
18 month under the preceding sentence is the  
19 percent specified under subsection  
20 (a)(1)(B)(i) as being applicable for that  
21 month.”.

22 (B) COORDINATION WITH SAVINGS PROVI-  
23 SION UNDER PRIOR LAW.—Clause (ii) of such  
24 subsection is amended by striking “, at the time



1 the beneficiary becomes entitled to the annu-  
2 ity,”.

3 (4) CLERICAL AMENDMENT.—The heading for  
4 subsection (d)(2)(A) of such section is amended to  
5 read as follows: “COMPUTATION OF ANNUITY.—”.

6 (b) CORRESPONDING PHASED ELIMINATION OF SUP-  
7 PLEMENTAL ANNUITY.—

8 (1) PHASED REDUCTION OF SUPPLEMENTAL  
9 ANNUITY.—Section 1457(b) of title 10, United  
10 States Code, is amended—

11 (A) by striking “5, 10, 15, or 20 percent”  
12 and inserting “the applicable percent”; and

13 (B) by inserting after the first sentence  
14 the following: “The percent used for the com-  
15 putation shall be an even multiple of 5 percent  
16 and, whatever the percent specified in the elec-  
17 tion, may not exceed 20 percent for months be-  
18 fore October 2005, 15 percent for months after  
19 September 2005 and before April 2006, 10 per-  
20 cent for months after March 2006 and before  
21 April 2007, and 5 percent for months after  
22 March 2007 and before April 2008.”.

23 (2) REPEAL UPON IMPLEMENTATION OF 55  
24 PERCENT SBP ANNUITY.—Effective on April 1,  
25 2008, chapter 73 of such title is amended—



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1 (A) by striking subchapter III; and

2 (B) by striking the item relating to sub-  
3 chapter III in the table of subchapters at the  
4 beginning of that chapter.

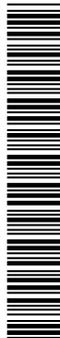
5 (c) RECOMPUTATION OF ANNUITIES.—

6 (1) PERIODIC RECOMPUTATION REQUIRED.—

7 Effective on the first day of each month specified in  
8 paragraph (2)—

9 (A) each annuity under section 1450 of  
10 title 10, United States Code, that commenced  
11 before that month, is computed under a provi-  
12 sion of section 1451 of that title amended by  
13 subsection (a), and is payable for that month  
14 shall be recomputed so as to be equal to the  
15 amount that would be in effect if the percent  
16 applicable for that month under that provision,  
17 as so amended, had been used for the initial  
18 computation of the annuity; and

19 (B) each supplemental survivor annuity  
20 under section 1457 of such title that com-  
21 menced before that month and is payable for  
22 that month shall be recomputed so as to be  
23 equal to the amount that would be in effect if  
24 the percent applicable for that month under  
25 that section, as amended by this section, had



1           been used for the initial computation of the  
2           supplemental survivor annuity.

3           (2) TIME FOR RECOMPUTATION.—The require-  
4           ment under paragraph (1) for recomputation of cer-  
5           tain annuities applies with respect to the following  
6           months:

7                   (A) October 2005.

8                   (B) April 2006.

9                   (C) April 2007.

10                  (D) April 2008.

11           (d) TERMINATION OF RETIRED PAY REDUCTIONS  
12 FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—(1) Except  
13 as provided in paragraph (2), there shall be no reduction  
14 in retired pay under section 1460 of title 10, United  
15 States Code, for any month beginning after the date of  
16 the enactment of this Act.

17           (2) Reductions in retired pay under section 1460 of  
18 title 10, United States Code, shall be made for months  
19 after September 2005 in the case of coverage under sub-  
20 chapter III of chapter 73 of title 10, United States Code,  
21 that is provided (for new coverage or increased coverage)  
22 through an election under the open season provided by sec-  
23 tion 645. The Secretary of Defense shall take such actions  
24 as are necessitated by the amendments made by sub-  
25 section (b) and the requirements of subsection (c)(1)(B)



1 to ensure that reductions in retired pay under section  
2 1460 of title 10, United States Code, pursuant to the pre-  
3 ceding sentence are adjusted to achieve the objectives set  
4 forth in subsection (b) of that section.

5 **SEC. 645. ONE-YEAR OPEN ENROLLMENT PERIOD FOR SUR-**  
6 **VIVOR BENEFIT PLAN COMMENCING OCTO-**  
7 **BER 1, 2005.**

8 (a) PERSONS NOT CURRENTLY PARTICIPATING IN  
9 SURVIVOR BENEFIT PLAN.—

10 (1) ELECTION OF SBP COVERAGE.—An eligible  
11 retired or former member may elect to participate in  
12 the Survivor Benefit Plan during the open enroll-  
13 ment period specified in subsection (f).

14 (2) ELECTION OF SUPPLEMENTAL ANNUITY  
15 COVERAGE.—An eligible retired or former member  
16 who elects under paragraph (1) to participate in the  
17 Survivor Benefit Plan at the maximum level may  
18 also elect during the open enrollment period to par-  
19 ticipate in the Supplemental Survivor Benefit Plan.

20 (3) ELIGIBLE RETIRED OR FORMER MEMBER.—  
21 For purposes of paragraphs (1) and (2), an eligible  
22 retired or former member is a member or former  
23 member of the uniformed services who on the day  
24 before the first day of the open enrollment period is  
25 not a participant in the Survivor Benefit Plan and—



1 (A) is entitled to retired pay; or

2 (B) would be entitled to retired pay under  
3 chapter 1223 of title 10, United States Code,  
4 but for the fact that such member or former  
5 member is under 60 years of age.

6 (4) STATUS UNDER SBP OF PERSONS MAKING  
7 ELECTIONS.—

8 (A) STANDARD ANNUITY.—A person mak-  
9 ing an election under paragraph (1) by reason  
10 of eligibility under paragraph (3)(A) shall be  
11 treated for all purposes as providing a standard  
12 annuity under the Survivor Benefit Plan.

13 (B) RESERVE-COMPONENT ANNUITY.—A  
14 person making an election under paragraph (1)  
15 by reason of eligibility under paragraph (3)(B)  
16 shall be treated for all purposes as providing a  
17 reserve-component annuity under the Survivor  
18 Benefit Plan.

19 (b) ELECTION TO INCREASE COVERAGE UNDER  
20 SBP.—A person who on the day before the first day of  
21 the open enrollment period is a participant in the Survivor  
22 Benefit Plan but is not participating at the maximum base  
23 amount or is providing coverage under the Plan for a de-  
24 pendent child and not for the person's spouse or former  
25 spouse may, during the open enrollment period, elect to—



1 (1) participate in the Plan at a higher base  
2 amount (not in excess of the participant's retired  
3 pay); or

4 (2) provide annuity coverage under the Plan for  
5 the person's spouse or former spouse at a base  
6 amount not less than the base amount provided for  
7 the dependent child.

8 (c) ELECTION FOR CURRENT SBP PARTICIPANTS TO  
9 PARTICIPATE IN SUPPLEMENTAL SBP.—

10 (1) ELECTION.—A person who is eligible to  
11 make an election under this paragraph may elect  
12 during the open enrollment period to participate in  
13 the Supplemental Survivor Benefit Plan.

14 (2) PERSONS ELIGIBLE.—Except as provided in  
15 paragraph (3), a person is eligible to make an elec-  
16 tion under paragraph (1) if on the day before the  
17 first day of the open enrollment period the person is  
18 a participant in the Survivor Benefit Plan at the  
19 maximum level, or during the open enrollment pe-  
20 riod the person increases the level of such partici-  
21 pation to the maximum level under subsection (b) of  
22 this section, and under that Plan is providing annu-  
23 ity coverage for the person's spouse or a former  
24 spouse.



1 (3) LIMITATION ON ELIGIBILITY FOR CERTAIN  
2 SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER  
3 ANNUITY COMPUTATION.—A person is not eligible to  
4 make an election under paragraph (1) if (as deter-  
5 mined by the Secretary concerned) the annuity of a  
6 spouse or former spouse beneficiary of that person  
7 under the Survivor Benefit Plan is to be computed  
8 under section 1451(e) of title 10, United States  
9 Code. However, such a person may during the open  
10 enrollment period waive the right to have that annu-  
11 ity computed under such section 1451(e). Any such  
12 election is irrevocable. A person making such a waiv-  
13 er may make an election under paragraph (1) as in  
14 the case of any other participant in the Survivor  
15 Benefit Plan.

16 (d) MANNER OF MAKING ELECTIONS.—An election  
17 under this section shall be made in writing, signed by the  
18 person making the election, and received by the Secretary  
19 concerned before the end of the open enrollment period.  
20 Any such election shall be made subject to the same condi-  
21 tions, and with the same opportunities for designation of  
22 beneficiaries and specification of base amount, that apply  
23 under the Survivor Benefit Plan or the Supplemental Sur-  
24 vivor Benefit Plan, as the case may be. A person making  
25 an election under subsection (a) to provide a reserve-com-



1 ponent annuity shall make a designation described in sec-  
2 tion 1448(e) of title 10, United States Code.

3 (e) EFFECTIVE DATE FOR ELECTIONS.—Any such  
4 election shall be effective as of the first day of the first  
5 calendar month following the month in which the election  
6 is received by the Secretary concerned.

7 (f) OPEN ENROLLMENT PERIOD.—The open enroll-  
8 ment period under this section is the one-year period be-  
9 ginning on October 1, 2005.

10 (g) EFFECT OF DEATH OF PERSON MAKING ELEC-  
11 TION WITHIN TWO YEARS OF MAKING ELECTION.—If a  
12 person making an election under this section dies before  
13 the end of the two-year period beginning on the effective  
14 date of the election, the election is void and the amount  
15 of any reduction in retired pay of the person that is attrib-  
16 utable to the election shall be paid in a lump sum to the  
17 person who would have been the deceased person's bene-  
18 ficiary under the voided election if the deceased person  
19 had died after the end of such two-year period.

20 (h) APPLICABILITY OF CERTAIN PROVISIONS OF  
21 LAW.—The provisions of sections 1449, 1453, and 1454  
22 of title 10, United States Code, are applicable to a person  
23 making an election, and to an election, under this section  
24 in the same manner as if the election were made under



1 the Survivor Benefit Plan or the Supplemental Survivor  
2 Benefit Plan, as the case may be.

3 (i) PREMIUM FOR OPEN ENROLLMENT ELECTION.—

4 (1) PREMIUMS TO BE CHARGED.—The Sec-  
5 retary of Defense shall prescribe in regulations pre-  
6 miums which a person electing under this section  
7 shall be required to pay for participating in the Sur-  
8 vivor Benefit Plan pursuant to the election. The  
9 total amount of the premiums to be paid by a person  
10 under the regulations shall be equal to the sum of—

11 (A) the total amount by which the retired  
12 pay of the person would have been reduced be-  
13 fore the effective date of the election if the per-  
14 son had elected to participate in the Survivor  
15 Benefit Plan (for the same base amount speci-  
16 fied in the election) at the first opportunity that  
17 was afforded the member to participate under  
18 chapter 73 of title 10, United States Code;

19 (B) interest on the amounts by which the  
20 retired pay of the person would have been so re-  
21 duced, computed from the dates on which the  
22 retired pay would have been so reduced at such  
23 rate or rates and according to such method-  
24 ology as the Secretary of Defense determines  
25 reasonable; and



1 (C) any additional amount that the Sec-  
2 retary determines necessary to protect the actu-  
3 arial soundness of the Department of Defense  
4 Military Retirement Fund against any increased  
5 risk for the fund that is associated with the  
6 election.

7 (2) PREMIUMS TO BE CREDITED TO RETIRE-  
8 MENT FUND.—Premiums paid under the regulations  
9 under paragraph (1) shall be credited to the Depart-  
10 ment of Defense Military Retirement Fund.

11 (h) DEFINITIONS.—In this section:

12 (1) The term “Survivor Benefit Plan” means  
13 the program established under subchapter II of  
14 chapter 73 of title 10, United States Code.

15 (2) The term “Supplemental Survivor Benefit  
16 Plan” means the program established under sub-  
17 chapter III of chapter 73 of title 10, United States  
18 Code.

19 (3) The term “retired pay” includes retainer  
20 pay paid under section 6330 of title 10, United  
21 States Code.

22 (4) The terms “uniformed services” and “Sec-  
23 retary concerned” have the meanings given those  
24 terms in section 101 of title 37, United States Code.



1 (5) The term “Department of Defense Military  
2 Retirement Fund” means the Department of De-  
3 fense Military Retirement Fund established under  
4 section 1461(a) of title 10, United States Code.

5 **Subtitle E—Commissary and Non-**  
6 **appropriated Fund Instrumen-**  
7 **tality Benefits**

8 **SEC. 651. CONSOLIDATION AND REORGANIZATION OF LEG-**  
9 **ISLATIVE PROVISIONS REGARDING DEFENSE**  
10 **COMMISSARY SYSTEM AND EXCHANGES AND**  
11 **OTHER MORALE, WELFARE, AND RECRE-**  
12 **ATION ACTIVITIES.**

13 (a) PROVISIONS RELATED TO COMMISSARY  
14 STORES.—Chapter 147 of title 10, United States Code,  
15 is amended—

16 (1) by striking the table of sections at the be-  
17 ginning of the chapter and sections 2481, 2483,  
18 2485, and 2487;

19 (2) by redesignating sections 2482, 2484, and  
20 2486 as sections 2485, 2483 and 2484, respectively;

21 (3) by inserting after the chapter heading the  
22 following:

“Subchapter	Sec.
“I. Defense Commissary and Exchange Systems .....	2481
“II. Relationship, Continuation, and Common Policies of Defense Com- missary and Exchange Systems .....	2487
“III. Morale, Welfare, and Recreation Programs and Nonappropriated Fund Instrumentalities .....	2491



1 “SUBCHAPTER I—DEFENSE COMMISSARY AND  
2 EXCHANGE SYSTEMS

“Sec.

“2481. Defense commissary and exchange systems: existence and purpose

“2482. Commissary stores: criteria for establishment or closure; store size.

“2483. Commissary stores: use of appropriated funds to cover operating ex-  
penses.

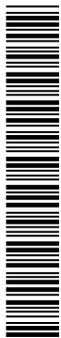
“2484. Commissary stores: merchandise that may be sold; uniform surcharges  
and pricing.

“2485. Commissary stores: operation.

3 “§ 2481. Defense commissary and exchange systems:  
4 **existence and purpose**

5 “(a) SEPARATE SYSTEMS.—The Secretary of Defense  
6 shall operate, in the manner provided by this chapter and  
7 other provisions of law, a world-wide system of com-  
8 missary stores and a separate world-wide system of ex-  
9 change stores. The stores of each system may sell, at re-  
10 duced prices, food and other merchandise to members of  
11 the uniformed services on active duty, members of the uni-  
12 formed services entitled to retired pay, dependents of such  
13 members, and persons authorized to use the system under  
14 chapter 54 of this title.

15 “(b) PURPOSE OF SYSTEMS.—The defense com-  
16 missary system and the exchange system are intended to  
17 enhance the quality of life of members of the uniformed  
18 services, retired members, and dependents of such mem-  
19 bers, and to support military readiness, recruitment, and  
20 retention.



1 “(c) OVERSIGHT.—(1) The Secretary of Defense  
2 shall designate a senior official of the Department of De-  
3 fense to oversee the operation of both the defense com-  
4 missary system and the exchange system.

5 “(2) The Secretary of Defense shall establish an exec-  
6 utive governing body to provide advice to the senior official  
7 designated under paragraph (1) regarding the operation  
8 of the defense commissary and exchange systems and to  
9 ensure the complementary operation of the systems.

10 “(d) REDUCED PRICES DEFINED.—In this section,  
11 the term ‘reduced prices’ means prices for food and other  
12 merchandise determined using the price setting process  
13 specified in section 2484 of this title.

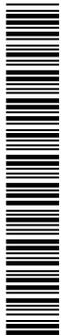
14 **“§ 2482. Commissary stores: criteria for establishment**  
15 **or closure; store size**

16 “(a) PRIMARY CONSIDERATION FOR ESTABLISH-  
17 MENT.—The needs of members of the armed forces on ac-  
18 tive duty and the needs of dependents of such members  
19 shall be the primary consideration whenever the Secretary  
20 of Defense—

21 “(1) assesses the need to establish a com-  
22 missary store; and

23 “(2) selects the actual location for the store.

24 “(b) STORE SIZE.—In determining the size of a com-  
25 missary store, the Secretary of Defense shall take into



1 consideration the number of all authorized patrons of the  
2 defense commissary system who are likely to use the store.

3 “(c) CLOSURE CONSIDERATIONS.—(1) Whenever as-  
4 sessing whether to close a commissary store, the effect of  
5 the closure on the quality of life of members and depend-  
6 ents referred to in subsection (a) who use the store and  
7 on the welfare and security of the military community in  
8 which the commissary is located shall be a primary consid-  
9 eration.

10 “(2) Whenever assessing whether to close a com-  
11 missary store, the Secretary of Defense shall also consider  
12 the effect of the closure on the quality of life of members  
13 of the reserve components of the armed forces.

14 “(d) CONGRESSIONAL NOTIFICATION.—(1) The clo-  
15 sure of a commissary store shall not take effect until the  
16 end of the 90-day period beginning on the date on which  
17 the Secretary of Defense submits to Congress written no-  
18 tice of the reasons supporting the closure. The written no-  
19 tice shall include an assessment of the impact closure will  
20 have on the quality of life for military patrons and the  
21 welfare and security of the military community in which  
22 the commissary is located.

23 “(2) Paragraph (1) shall not apply in the case of the  
24 closure of a commissary store as part of the closure of  
25 a military installation under a base closure law.”;



1 (4) by inserting sections 2483 and 2484, as re-  
2 designated by paragraph (2), after section 2482, as  
3 added by paragraph (3);

4 (5) in section 2484, as redesignated by para-  
5 graph (2)—

6 (A) by striking subsections (a), (b), (c),  
7 and (g);

8 (B) by redesignating subsections (d), (e),  
9 and (f) as subsections (e), (f), and (g), respec-  
10 tively;

11 (C) by inserting before subsection (f), as so  
12 redesignated, the following new subsections:

13 “(a) IN GENERAL.—As provided in section 2481(a)  
14 of this title, commissary stores are intended to be similar  
15 to commercial grocery stores and may sell merchandise  
16 similar to that sold in commercial grocery stores.

17 “(b) AUTHORIZED COMMISSARY MERCHANDISE CAT-  
18 EGORIES.—Merchandise sold in, at, or by commissary  
19 stores may include items in the following categories:

20 “(1) Meat, poultry, seafood, and fresh-water  
21 fish.

22 “(2) Nonalcoholic beverages.

23 “(3) Produce.

24 “(4) Grocery food, whether stored chilled, fro-  
25 zen, or at room temperature.



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1 “(5) Dairy products.

2 “(6) Bakery and delicatessen items.

3 “(7) Nonfood grocery items.

4 “(8) Tobacco products.

5 “(9) Health and beauty aids.

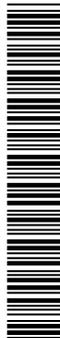
6 “(10) Magazines and periodicals.

7 “(c) INCLUSION OF OTHER MERCHANDISE ITEMS.—

8 (1) The Secretary of Defense may authorize the sale in,  
9 at, or by commissary stores of merchandise not covered  
10 by a category specified in subsection (b). The Secretary  
11 shall notify Congress of all merchandise authorized for  
12 sale pursuant to this paragraph, as well as the removal  
13 of any such authorization.

14 “(2) Notwithstanding paragraph (1), the Department  
15 of Defense military resale system shall continue to main-  
16 tain the exclusive right to operate convenience stores,  
17 shopettes, and troop stores, including such stores estab-  
18 lished to support contingency operations.

19 “(3) A military exchange shall be the vendor for the  
20 sale of tobacco products in commissary stores and may  
21 be the vendor for such merchandise as may be authorized  
22 for sale in commissary stores under paragraph (1). Sub-  
23 sections (d) and (e) shall not apply to the pricing of such  
24 an item when a military exchange serves as the vendor



1 of the item. Commissary store and exchange prices shall  
2 be comparable for such an item.

3 “(d) UNIFORM SALES PRICE SURCHARGE.—The Sec-  
4 retary of Defense shall apply a uniform surcharge equal  
5 to five percent on the sales prices established under sub-  
6 section (e) for each item of merchandise sold in, at, or  
7 by commissary stores.”;

8 (D) in subsection (e), as so redesignated,  
9 by striking “(consistent with this section and  
10 section 2685 of this title)” in paragraph (1);

11 (E) in subsection (g), as so redesignated,  
12 by striking “Subsections (c) and (d)” and in-  
13 serting “Subsections (d) and (e)”; and

14 (F) by adding at the end the following new  
15 subsection:

16 “(h) USE OF SURCHARGE FOR CONSTRUCTION, RE-  
17 PAIR, IMPROVEMENT, AND MAINTENANCE.—(1)(A) The  
18 Secretary of Defense may use the proceeds from the sur-  
19 charges imposed under subsection (d) only—

20 “(i) to acquire (including acquisition by lease),  
21 construct, convert, expand, improve, repair, main-  
22 tain, and equip the physical infrastructure of com-  
23 missary stores and central product processing facili-  
24 ties of the defense commissary system; and



1           “(ii) to cover environmental evaluation and con-  
2           struction costs related to activities described in  
3           clause (i), including costs for surveys, administra-  
4           tion, overhead, planning, and design.

5           “(B) In subparagraph (A), the term ‘physical infra-  
6           structure’ includes real property, utilities, and equipment  
7           (installed and free standing and including computer equip-  
8           ment), necessary to provide a complete and usable com-  
9           missary store or central product processing facility.

10          “(2)(A) The Secretary of Defense may authorize a  
11          nonappropriated fund instrumentality of the United  
12          States to enter into a contract for construction of a shop-  
13          ping mall or similar facility for a commissary store and  
14          one or more nonappropriated fund instrumentality activi-  
15          ties. The Secretary may use the proceeds of surcharges  
16          under subsection (d) to reimburse the nonappropriated  
17          fund instrumentality for the portion of the cost of the con-  
18          tract that is attributable to construction of the com-  
19          missary store or to pay the contractor directly for that  
20          portion of such cost.

21          “(B) In subparagraph (A), the term ‘construction’,  
22          with respect to a facility, includes acquisition, conversion,  
23          expansion, installation, or other improvement of the facil-  
24          ity.



1 “(3) The Secretary of Defense, with the approval of  
2 the Director of the Office of Management and Budget,  
3 may obligate anticipated proceeds from the surcharges  
4 under subsection (d) for any use specified in paragraph  
5 (1) or (2), without regard to fiscal year limitations, if the  
6 Secretary determines that such obligation is necessary to  
7 carry out any use of such adjustments or surcharges speci-  
8 fied in such paragraph.

9 “(4) Revenues received by the Secretary of Defense  
10 from the following sources or activities of commissary  
11 store facilities shall be available for the purposes set forth  
12 in paragraphs (1), (2), and (3):

13 “(A) Sale of recyclable materials.

14 “(B) Sale of excess and surplus property.

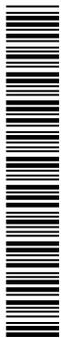
15 “(C) License fees.

16 “(D) Royalties.

17 “(E) Fees paid by sources of products in order  
18 to obtain favorable display of the products for resale,  
19 known as business related management fees.”;

20 (6) by inserting section 2485, as redesignated  
21 by paragraph (2), after section 2484, as amended by  
22 paragraph (5); and

23 (7) in section 2485, as redesignated by para-  
24 graph (2)—



1 (A) in subsection (b)(2), by striking “sec-  
2 tion 2484” and inserting “section 2483”;

3 (B) in subsection (c)(2), by adding at the  
4 end the following new sentences: “The chair-  
5 man of the governing board shall be a commis-  
6 sioned officer or member of the senior executive  
7 service who has demonstrated experience or  
8 knowledge relevant to the management of the  
9 defense commissary system. In selecting other  
10 members of the governing board, the Secretary  
11 shall give priority to persons with experience re-  
12 lated to logistics, military personnel, military  
13 entitlements or other experiences of value of  
14 management of commissaries.”; and

15 (C) by adding at the end the following new  
16 subsections:

17 “(d) ASSIGNMENT OF ACTIVE DUTY MEMBERS.—(1)  
18 Except as provided in paragraph (2), members of the  
19 armed forces on active duty may not be assigned to the  
20 operation of a commissary store.

21 “(2)(A) The Secretary of Defense may assign an offi-  
22 cer on the active-duty list to serve as the Director of the  
23 Defense Commissary Agency.

24 “(B) Not more than 18 members (in addition to the  
25 officer referred to in subparagraph (A)) of the armed



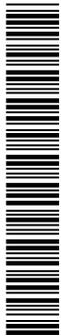
1 forces on active duty may be assigned to the Defense Com-  
2 missary Agency. Members who may be assigned under this  
3 subparagraph to regional headquarters of the agency shall  
4 be limited to enlisted members assigned to duty as advis-  
5 ers in the regional headquarters responsible for overseas  
6 commissaries and to veterinary specialists.

7 “(e) REIMBURSEMENT FOR USE OF COMMISSARY FA-  
8 CILITIES BY MILITARY DEPARTMENTS.—(1) The Sec-  
9 retary of a military department shall pay the Defense  
10 Commissary Agency the amount determined under para-  
11 graph (2) for any use of a commissary facility by the mili-  
12 tary department for a purpose other than commissary  
13 sales or operations in support of commissary sales.

14 “(2) The amount payable under paragraph (1) for  
15 use of a commissary facility by a military department shall  
16 be equal to the share of depreciation of the facility that  
17 is attributable to that use, as determined under regula-  
18 tions prescribed by the Secretary of Defense.

19 “(3) The Director of the Defense Commissary Agency  
20 shall credit amounts paid under paragraph (1) for use of  
21 a facility to an appropriate account to which proceeds of  
22 a surcharge applied under section 2484(d) of this title are  
23 credited.

24 “(4) This subsection applies with respect to a com-  
25 missary facility that is acquired, constructed, converted,



1 expanded, installed, or otherwise improved (in whole or in  
2 part) with the proceeds of a surcharge applied under sec-  
3 tion 2484(d) of this title.

4 “(f) DONATION OF UNUSABLE FOOD.—(1) The Sec-  
5 retary of Defense may donate food described in paragraph  
6 (2) to any of the following entities:

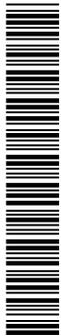
7 “(A) A charitable nonprofit food bank that is  
8 designated by the Secretary of Defense or the Sec-  
9 retary of Health and Human Services as authorized  
10 to receive such donations.

11 “(B) A State or local agency that is designated  
12 by the Secretary of Defense or the Secretary of  
13 Health and Human Services as authorized to receive  
14 such donations.

15 “(C) A chapter or other local unit of a recog-  
16 nized national veterans organization that provides  
17 services to persons without adequate shelter and is  
18 designated by the Secretary of Veterans Affairs as  
19 authorized to receive such donations.

20 “(D) A not-for-profit organization that provides  
21 care for homeless veterans and is designated by the  
22 Secretary of Veterans Affairs as authorized to re-  
23 ceive such donations.

24 “(2) Food that may be donated under this subsection  
25 is commissary store food, mess food, meals ready-to-eat



1 (MREs), rations known as humanitarian daily rations  
2 (HDRs), and other food available to the Secretary of De-  
3 fense that—

4 “(A) is certified as edible by appropriate food  
5 inspection technicians;

6 “(B) would otherwise be destroyed as unusable;  
7 and

8 “(C) in the case of commissary store food, is  
9 unmarketable and unsaleable.

10 “(3) In the case of commissary store food, a donation  
11 under this subsection shall take place at the site of the  
12 commissary store that is donating the food.

13 “(4) This subsection does not authorize any service  
14 (including transportation) to be provided in connection  
15 with a donation under this subsection.

16 “(g) COLLECTION OF DISHONORED CHECKS.—(1)  
17 The Secretary of Defense may impose a charge for the  
18 collection of a check accepted at a commissary store that  
19 is not honored by the financial institution on which the  
20 check is drawn. The imposition and amounts of charges  
21 shall be consistent with practices of commercial grocery  
22 stores regarding dishonored checks.

23 “(2)(A) The following persons are liable to the United  
24 States for the amount of a check referred to in paragraph



1 (1) that is returned unpaid to the United States, together  
2 with any charge imposed under that paragraph:

3 “(i) The person who presented the check.

4 “(ii) Any person whose status and relationship  
5 to the person who presented the check provide the  
6 basis for that person’s eligibility to make purchases  
7 at a commissary store.

8 “(B) Any amount for which a person is liable under  
9 subparagraph (A) may be collected by deducting and with-  
10 holding such amount from any amounts payable to that  
11 person by the United States.

12 “(3) Amounts collected as charges imposed under  
13 paragraph (1) shall be credited to the commissary trust  
14 revolving fund.

15 “(4) Appropriated funds may be used to pay any  
16 costs incurred in the collection of checks and charges re-  
17 ferred to in paragraph (1). An appropriation account  
18 charged a cost under the preceding sentence shall be reim-  
19 bursed the amount of that cost out of funds in the com-  
20 missary trust revolving fund.

21 “(5) In this subsection, the term ‘commissary trust  
22 revolving fund’ means the trust revolving fund maintained  
23 by the Department of Defense for surcharge collections  
24 and proceeds of sales of commissary stores.



1 “(h) RELEASE OF CERTAIN COMMERCIALY VALU-  
2 ABLE INFORMATION TO PUBLIC.—(1) The Secretary of  
3 Defense may limit the release to the public of any informa-  
4 tion described in paragraph (2) if the Secretary deter-  
5 mines that it is in the best interest of the Department  
6 of Defense to limit the release of such information. If the  
7 Secretary determines to limit the release of any such infor-  
8 mation, the Secretary may provide for limited release of  
9 such information in accordance with paragraph (3).

10 “(2) Paragraph (1) applies to the following:

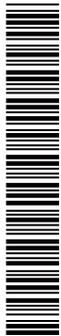
11 “(A) Information contained in the computerized  
12 business systems of commissary stores or the De-  
13 fense Commissary Agency that is collected through  
14 or in connection with the use of electronic scanners  
15 in commissary stores, including the following infor-  
16 mation:

17 “(i) Data relating to sales of goods or serv-  
18 ices.

19 “(ii) Demographic information on cus-  
20 tomers.

21 “(iii) Any other information pertaining to  
22 commissary transactions and operations.

23 “(B) Business programs, systems, and applica-  
24 tions (including software) relating to commissary op-



1 erations that were developed with funding derived  
2 from commissary surcharges.

3 “(3)(A) The Secretary of Defense may, using com-  
4 petitive procedures, enter into a contract to sell informa-  
5 tion described in paragraph (2).

6 “(B) The Secretary of Defense may release, without  
7 charge, information on an item sold in commissary stores  
8 to the manufacturer or producer of that item or an agent  
9 of the manufacturer or producer.

10 “(C) The Secretary of Defense shall establish per-  
11 formance benchmarks and shall submit information on  
12 customer satisfaction and performance data to the Com-  
13 mittee on Armed Services of the Senate and the Com-  
14 mittee on Armed Services of the House of Representatives.

15 “(D) The Secretary of Defense may, by contract en-  
16 tered into with a business, grant to the business a license  
17 to use business programs referred to in paragraph (2)(B),  
18 including software used in or comprising any such pro-  
19 gram. The fee charged for the license shall be based on  
20 the costs of similar programs developed and marketed by  
21 businesses in the private sector, determined by means of  
22 surveys.

23 “(E) Each contract entered into under this para-  
24 graph shall specify the amount to be paid for information



1 released or a license granted under the contract, as the  
2 case may be.

3 “(4) Information described in paragraph (2) may not  
4 be released, under paragraph (3) or otherwise, in a form  
5 that identifies any customer or that provides information  
6 making it possible to identify any customer.

7 “(5) Amounts received by the Secretary under this  
8 section shall be credited to funds derived from commissary  
9 surcharges applied under section 2484(e) of this title,  
10 shall be merged with those funds, and shall be available  
11 for the same purposes as the funds with which merged.”.

12 (b) RELATION BETWEEN DEFENSE COMMISSARY  
13 AND EXCHANGE SYSTEMS.—Chapter 147 of title 10,  
14 United States Code, is further amended—

15 (1) by inserting after section 2485, as amended  
16 by subsection (a)(7), the following:

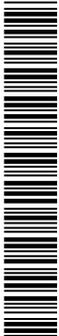
17 “SUBCHAPTER II—RELATIONSHIP, CONTINU-  
18 ATION, AND COMMON POLICIES OF DE-  
19 FENSE COMMISSARY AND EXCHANGE SYS-  
20 TEMS

“Sec.

“2487. Relationship between defense commissary system and exchange stores  
system.

“2488. Combined exchange and commissary stores.

“2489. Overseas commissary and exchange stores: access and purchase restric-  
tions.



1 **“§ 2487. Relationship between defense commissary**  
2 **system and exchange stores system**

3 “(a) SEPARATE OPERATION OF SYSTEMS.—(1) Ex-  
4 cept as provided in paragraph (2), the defense commissary  
5 system and the exchange stores system shall be operated  
6 as separate systems of the Department of Defense.

7 “(2) Paragraph (1) does not apply to the following:

8 “(A) Combined exchange and commissary  
9 stores operated under the authority provided by sec-  
10 tion 2489 of this title.

11 “(B) NEXMART stores of the Navy Exchange  
12 Service Command established before October 1,  
13 2003.

14 “(b) CONSOLIDATION OR OTHER ORGANIZATIONAL  
15 CHANGES OF DEFENSE RETAIL SYSTEMS.—(1) The oper-  
16 ation and administration of the defense retail systems may  
17 not be consolidated or otherwise merged unless the con-  
18 solidation or merger is specifically authorized by an Act  
19 of Congress.

20 “(2) In this subsection, the term ‘defense retail sys-  
21 tems’ means the defense commissary system and exchange  
22 stores system and other revenue-generating facilities oper-  
23 ated by nonappropriated fund instrumentalities of the De-  
24 partment of Defense for the morale, welfare, and recre-  
25 ation of members of the armed forces.”;



1 (2) by redesignating sections 2488, 2489,  
2 2489a as sections 2495, 2495a, and 2495b, respec-  
3 tively; and

4 (3) by redesignating sections 2490a and 2492  
5 as sections 2488 and 2489, respectively, and insert-  
6 ing such sections after section 2487, as added by  
7 paragraph (1).

8 (c) MWR PROGRAMS AND NONAPPROPRIATED FUND  
9 INSTRUMENTALITIES.—Chapter 147 of title 10, United  
10 States Code, is further amended—

11 (1) by inserting after section 2489, as redesign-  
12 nated and moved by subsection (b)(3), the following:

13 “SUBCHAPTER III—MORALE, WELFARE, AND  
14 RECREATION PROGRAMS AND NON-  
15 APPROPRIATED FUND INSTRUMENTAL-  
16 ITIES

“Sec.

“2491. Uniform funding and management of morale, welfare, and recreation programs.

“2491a. Department of Defense golf courses: limitation on use of appropriated funds.

“2491b. Use of appropriated funds for operation of Armed Forces Recreation Center, Europe: limitation.

“2491c. Retention of morale, welfare, and recreation funds by military installations: limitation.

“2492. Nonappropriated fund instrumentalities: contracts with other agencies and instrumentalities to provide and obtain goods and services.

“2493. Fisher Houses: administration as nonappropriated fund instrumentality.

“2494. Nonappropriated fund instrumentalities: furnishing utility services for morale, welfare, and recreation purposes.

“2495. Nonappropriated fund instrumentalities: purchase of alcoholic beverages.

“2495a. Overseas package stores: treatment of United States wines.

“2495b. Sale or rental of sexually explicit material prohibited.”;



1 (2) by redesignating section 2494 as section  
2 2491 and inserting such section after the table of  
3 sections at the beginning of subchapter III, as added  
4 by paragraph (1);

5 (3) by redesignating section 2482a as section  
6 2492 and inserting such section before section 2493;

7 (4) by inserting after section 2493 the following  
8 new section:

9 **“§ 2494. Nonappropriated fund instrumentalities: fur-**  
10 **nishing utility services for morale, wel-**  
11 **fare, and recreation purposes**

12 “Appropriations for the Department of Defense may  
13 be used to provide utility services for—

14 “(1) buildings on military installations author-  
15 ized by regulation to be used for morale, welfare,  
16 and recreation purposes; and

17 “(2) other morale, welfare, and recreation ac-  
18 tivities for members of the armed forces.”; and

19 (5) by inserting sections 2495, 2495a, and  
20 2495b, as redesignated by subsection (b)(2), after  
21 section 2494, as added by paragraph (4).

22 (d) INCLUSION OF OTHER TITLE 10 PROVISIONS.—  
23 Sections 2246, 2247, and 2219 of title 10, United States  
24 Code, are—

25 (1) transferred to chapter 147 of such title;



1 (2) inserted after section 2491, as redesignated  
2 and moved by subsection (c)(2); and

3 (3) redesignated as sections 2491a, 2491b, and  
4 2491c, respectively.

5 (e) CONFORMING AMENDMENTS.—(1) Section 977 of  
6 title 10, United States Code, is repealed.

7 (2) Section 2868 of such title is amended by striking  
8 “for—” and all that follows through the period at the end  
9 and inserting “for buildings constructed at private cost,  
10 as authorized by law.”.

11 (3) Section 367 of the Strom Thurmond National De-  
12 fense Authorization Act for Fiscal Year 1999 (Public Law  
13 105–261; 112 Stat. 1987; 10 U.S.C. 2482 note) is re-  
14 pealed.

15 (f) CLERICAL AMENDMENTS.—(1) The table of sec-  
16 tions at the beginning of chapter 49 of title 10, United  
17 States Code, is amended by striking the item relating to  
18 section 977.

19 (2) The table of sections at the beginning of chapter  
20 131 of such title is amended by striking the item relating  
21 to section 2219.

22 (3) The table of sections at the beginning of sub-  
23 chapter I of chapter 134 of such title is amended by strik-  
24 ing the items relating to sections 2246 and 2247.



1 (g) TEST PROGRAM OF SALE OF CERTAIN ITEMS IN  
2 COMMISSARY STORES.—(1) The Secretary of Defense may  
3 conduct a test program involving the sale of telephone  
4 cards, film, and one-time use cameras in not less than 10  
5 commissary stores for a period selected by the Secretary,  
6 but not less than six months.

7 (2) Within 90 days after the completion of the first  
8 year of the test program or within 90 days after the com-  
9 pletion of the test program, whichever occurs first, the  
10 Secretary shall submit to the Committee on Armed Serv-  
11 ices of the Senate and the Committee on Armed Services  
12 of the House of Representatives a report containing the  
13 results of the test program. The report shall include an  
14 analysis of the impact of the sale of such items on the  
15 exchange dividend and such recommendations as the Sec-  
16 retary considers appropriate regarding legislative changes  
17 necessary to expand the sale of such items in commissary  
18 stores.

19 (h) COMPTROLLER GENERAL STUDY.—(1) The  
20 Comptroller General shall conduct a study evaluating the  
21 impact that the expansion of the categories of merchandise  
22 authorized for sale in commissary stores has on the ex-  
23 change dividend. The Comptroller General shall determine  
24 the amounts derived from exchange sales and allocated as  
25 exchange dividends during the five-year period ending on



1 September 30, 2004, and the morale, welfare, and recre-  
2 ation programs supported using such dividends.

3 (2) The Secretary shall submit the results of the  
4 study to the Committee on Armed Services of the Senate  
5 and the Committee on Armed Services of the House of  
6 Representatives not later than March 31, 2006.

7 **SEC. 652. CONSISTENT STATE TREATMENT OF DEPART-**  
8 **MENT OF DEFENSE NONAPPROPRIATED**  
9 **FUND HEALTH BENEFITS PROGRAM.**

10 Section 349 of the National Defense Authorization  
11 Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C.  
12 1587 note) is amended by adding at the end the following  
13 new subsection:

14 “(c) TREATMENT OF PROGRAM AS FEDERAL  
15 HEALTH BENEFIT PROGRAM.—(1) No State tax, fee,  
16 other monetary payment, or State health plan require-  
17 ment, may be imposed, directly or indirectly, on the Non-  
18 appropriated Fund Uniform Health Benefits Program of  
19 the Department of Defense, or on a carrier or an under-  
20 writing or plan administration contractor of the Program,  
21 to the same extent as such prohibition applies to the  
22 health insurance program authorized by chapter 89 of title  
23 5, United States Code, under section 8909(f) of such title.

24 “(2) Paragraph (1) shall not be construed to exempt  
25 the Nonappropriated Fund Uniform Health Benefits Pro-



1 gram of the Department of Defense, or any carrier or un-  
2 derwriting or plan administration contractor of the Pro-  
3 gram from the imposition, payment, or collection of a tax,  
4 fee, or other monetary payment on the net income or prof-  
5 it accruing to, or realized by, the Program or by such car-  
6 rier or contractor from business conducted under the Pro-  
7 gram, so long as the tax, fee, or payment is applicable  
8 to a broad range of business activity.

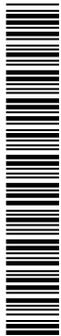
9 “(3) In this subsection, the term ‘State’ means each  
10 of the several States, the District of Columbia, the Com-  
11 monwealth of Puerto Rico, the United States Virgin Is-  
12 lands, Guam, American Samoa, and the Commonwealth  
13 of the Northern Mariana Islands, and any political sub-  
14 division or other non-Federal authority thereof.”.

## 15 **Subtitle F—Other Matters**

### 16 **SEC. 661. ELIGIBILITY OF MEMBERS FOR REIMBURSEMENT** 17 **OF EXPENSES INCURRED FOR ADOPTION** 18 **PLACEMENTS MADE BY FOREIGN GOVERN-** 19 **MENTS.**

20 Section 1052(g)(3) of title 10, United States Code,  
21 is amended by adding at the end the following new sub-  
22 paragraph:

23 “(D) A foreign government or an agency  
24 authorized by a foreign government to place  
25 children for adoption, in any case in which—



1 “(i) the adopted child is entitled to  
2 automatic citizenship under section 320 of  
3 the Immigration and Nationality Act (8  
4 U.S.C. 1431); or

5 “(ii) a certificate of citizenship has  
6 been issued for such child under section  
7 322 of that Act (8 U.S.C. 1433).”.

8 **SEC. 662. CLARIFICATION OF EDUCATION LOANS QUALI-**  
9 **FYING FOR EDUCATION LOAN REPAYMENT**  
10 **PROGRAM FOR RESERVE COMPONENT**  
11 **HEALTH PROFESSIONS OFFICERS.**

12 Section 16302(a)(5) of title 10, United States Code,  
13 is amended by inserting “a basic professional qualifying  
14 degree (as determined under regulations prescribed by the  
15 Secretary of Defense) or graduate education in” after “re-  
16 garding”.

17 **SEC. 663. RECEIPT OF PAY BY RESERVISTS FROM CIVILIAN**  
18 **EMPLOYERS WHILE ON ACTIVE DUTY IN CON-**  
19 **NECTION WITH A CONTINGENCY OPERATION.**

20 Section 209 of title 18, United States Code, is  
21 amended by adding at the end the following new sub-  
22 section:

23 “(h) This section does not prohibit a member of the  
24 reserve components of the armed forces on active duty  
25 pursuant to a call or order to active duty under a provision



1 of law referred to in section 101(a)(13) of title 10 from  
2 receiving from any person that employed such member be-  
3 fore the call or order to active duty any payment of any  
4 part of the salary or wages that such person would have  
5 paid the member if the member's employment had not  
6 been interrupted by such call or order to active duty.”.

7 **SEC. 664. RELIEF FOR MOBILIZED RESERVISTS FROM CER-**  
8 **TAIN FEDERAL AGRICULTURAL LOAN OBLI-**  
9 **GATIONS.**

10 The Consolidated Farm and Rural Development Act  
11 is amended by inserting after section 331F (7 U.S.C.  
12 1981f) the following new section:

13 **“SEC. 332. RELIEF FOR MOBILIZED MILITARY RESERVISTS**  
14 **FROM CERTAIN AGRICULTURAL LOAN OBLI-**  
15 **GATIONS.**

16 “(a) DEFINITION OF MOBILIZED MILITARY RESERV-  
17 IST.—In this section, the term ‘mobilized military reserv-  
18 ist’ means an individual who—

19 “(1) is on active duty under section 688,  
20 12301(a), 12301(g), 12302, 12304, 12306, or  
21 12406, or chapter 15 of title 10, United States  
22 Code, or any other provision of law during a war or  
23 during a national emergency declared by the Presi-  
24 dent or Congress, regardless of the location at which  
25 the active duty service is performed; or



1           “(2) in the case of a member of the National  
2           Guard, is on full-time National Guard duty (as de-  
3           fined in section 101(d)(5) of title 10, United States  
4           Code) under a call to active service authorized by  
5           the President or the Secretary of Defense for a pe-  
6           riod of more than 30 consecutive days under section  
7           502(f) of title 32, United States Code, for purposes  
8           of responding to a national emergency declared by  
9           the President and supported by Federal funds.

10          “(b) FORGIVENESS OF INTEREST PAYMENTS DUE  
11          WHILE BORROWER IS A MOBILIZED MILITARY RESERV-  
12          IST.—Any requirement that a borrower of a direct loan  
13          made under this title make any interest payment on the  
14          loan that would otherwise be required to be made while  
15          the borrower is a mobilized military reservist is rescinded.

16          “(c) DEFERRAL OF PRINCIPAL PAYMENTS DUE  
17          WHILE OR AFTER BORROWER IS A MOBILIZED MILITARY  
18          RESERVIST.—The due date of any payment of principal  
19          on a direct loan made to a borrower under this title that  
20          would otherwise be required to be made while or after the  
21          borrower is a mobilized military reservist is deferred for  
22          a period equal in length to the period for which the bor-  
23          rower is a mobilized military reservist.

24          “(d) NONACCRUAL OF INTEREST.—Interest on a di-  
25          rect loan made to a borrower described in this section shall



1 not accrue during the period the borrower is a mobilized  
2 military reservist.

3 “(e) BORROWER NOT CONSIDERED TO BE DELIN-  
4 QUENT OR RECEIVING DEBT FORGIVENESS.—Notwith-  
5 standing section 373 or any other provision of this title,  
6 a borrower who receives assistance under this section shall  
7 not, as a result of the assistance, be considered to be delin-  
8 quent or receiving debt forgiveness for purposes of receiv-  
9 ing a direct or guaranteed loan under this title.”.

10 **SEC. 665. SURVEY AND ANALYSIS OF EFFECT OF EXTENDED**  
11 **AND FREQUENT MOBILIZATION OF RESERV-**  
12 **ISTS FOR ACTIVE DUTY SERVICE ON RESERV-**  
13 **IST INCOME.**

14 (a) SURVEY OF MOBILIZED RESERVISTS TO DETER-  
15 MINE DIFFERENTIAL BETWEEN PRIVATE SECTOR IN-  
16 COME AND MILITARY COMPENSATION.—(1) The Secretary  
17 of Defense shall conduct a survey involving members of  
18 the reserve components who serve, or have served, on ac-  
19 tive duty in support of a contingency operation at any time  
20 during the period beginning on September 11, 2001, and  
21 ending on September 30, 2005, to determine the extent  
22 to which such members sustained a reduction in monthly  
23 income during their period of active duty service compared  
24 to their average monthly civilian income during the 12  
25 months preceding their mobilization.



1           (2) To the extent practicable, at least 50 percent of  
2 the total number of members of the reserve components  
3 who have served on active duty in support of a contingency  
4 operation at any time during the period specified in para-  
5 graph (1) should be included in the survey. To participate  
6 in the survey, a member shall agree to make available to  
7 the Secretary such information as the Secretary may re-  
8 quire to accurately calculate the average monthly civilian  
9 income of the member.

10           (b) CALCULATION OF INCOME DIFFERENTIAL.—In  
11 the case of each member participating in the survey under  
12 subsection (a) whose total monthly military compensation  
13 during the active duty service of the member was less, or  
14 appeared to be less, than the average monthly civilian in-  
15 come of the member, the Secretary of Defense, in coopera-  
16 tion with the member, shall calculate the monthly active-  
17 duty income differential for the member.

18           (c) COLLECTION OF DEMOGRAPHIC DATA.—The Sec-  
19 retary of Defense shall collect demographic data regarding  
20 each member of a reserve component who participates in  
21 the survey under subsection (a), including, at a minimum,  
22 data on the following:

- 23           (1) Reserve component.  
24           (2) Unit of assignment.  
25           (3) Grade.



1 (4) Age.

2 (5) Years of service.

3 (6) Sex.

4 (7) Marital status.

5 (8) Number of dependents.

6 (9) General category of private-sector employ-  
7 ment, as determined by the Secretary, but to include  
8 an employment category to cover members who are  
9 self-employed.

10 (10) Military occupational specialty, including  
11 specifying all surveyed members who are serving in  
12 a critical wartime specialty.

13 (11) Length of service on active duty during  
14 the most recent mobilization.

15 (12) Number of times mobilized since Sep-  
16 tember 11, 2001.

17 (d) CONSIDERATION OF AVERAGE MONTHLY RE-  
18 SERVE SERVICE INCOME.—The Secretary of Defense shall  
19 collect data to calculate the average monthly reserve serv-  
20 ice income of members of the reserve components before  
21 their mobilization, and consider such data by grade, gen-  
22 eral category of military occupational specialty, and years  
23 of service. The Secretary shall also consider the effect that  
24 the receipt of average monthly reserve service income by  
25 reserve component members before mobilization should



1 have on any obligation of the United States to eliminate  
2 or at least reduce the monthly active-duty income differen-  
3 tial suffered by members serving on active duty in support  
4 of a contingency operation.

5 (e) EFFECT OF INCOME LOSS ON RETENTION.—The  
6 Secretary of Defense shall include in the survey under sub-  
7 section (a) a question intended to solicit information from  
8 members of the reserve components participating in the  
9 survey regarding the likely effect that a reoccurring  
10 monthly active-duty income differential while serving on  
11 active duty would have on their decision to remain in  
12 Armed Forces.

13 (f) ANALYSIS OF SURVEY DATA.—(1) At a minimum,  
14 the Secretary of Defense shall determine, for each variable  
15 listed in paragraphs (2) through (12) of subsection (c),  
16 the number of members of the reserve components sur-  
17 veyed under subsection (a) who sustained a monthly ac-  
18 tive-duty income differential for any month during their  
19 active duty service and compare and contrast that number  
20 with the number of members who did not experience a  
21 monthly active-duty income differential.

22 (2) The Secretary shall also determine the average  
23 amount of the active-duty income differential by reserve  
24 component for each variable within the characteristics list-  
25 ed in paragraphs (2) through (12) of subsection (c).



1 (g) SUBMISSION OF SURVEY RESULTS AND REC-  
2 OMMENDATIONS.—(1) Not later than January 31, 2006,  
3 the Secretary of Defense shall submit to Congress and the  
4 Comptroller General a report containing the results of the  
5 surveys conducted under subsection (a), including the re-  
6 sults of the analysis of survey data required by subsection  
7 (f). The Secretary shall include such recommendations as  
8 the Secretary considers appropriate regarding alternatives  
9 for restoring income lost by members of the reserve com-  
10 ponents who sustained a monthly active-duty income dif-  
11 ferential during their active duty service.

12 (2) Not later than 90 days after receiving the report  
13 of the Secretary of Defense submitted under paragraph  
14 (1), the Comptroller General shall submit to Congress an  
15 assessment of the findings and recommendations of the  
16 Secretary contained in the report.

17 (h) DEFINITIONS USED IN CONDUCTING SURVEY  
18 AND CALCULATIONS.—In this section:

19 (1) The term “monthly active-duty income dif-  
20 ferential”, with respect to a member of a reserve  
21 component who participates in the survey under sub-  
22 section (a), means the difference between—

23 (A) the the average monthly civilian in-  
24 come of the member; and



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1 (B) the total monthly military compensa-  
2 tion of the member during the active duty serv-  
3 ice of the member.

4 (2) The term “total monthly military compensa-  
5 tion”, with respect to a member of a reserve compo-  
6 nent who participates in the survey, means the  
7 amount, computed on a monthly basis, of the sum  
8 of—

9 (A) the amount of the regular military  
10 compensation (RMC), as defined in section  
11 101(25) of title 37, United States Code, of the  
12 member during the period specified in sub-  
13 section (a)(1); and

14 (B) any amount of special pay or incentive  
15 pay and any allowance (other than an allowance  
16 included in regular military compensation) that  
17 is paid to the member on a monthly basis dur-  
18 ing the period specified in subsection (a)(1).

19 (3) The term “average monthly civilian in-  
20 come”, with respect to a member of a reserve com-  
21 ponent who participates in the survey, means the  
22 amount, determined by the Secretary of Defense, of  
23 the earned income of the member for the 12 months  
24 preceding the first mobilization of the member for  
25 active duty service in support of a contingency oper-



1 ation during the period specified in subsection  
2 (a)(1), divided by 12.

3 (4) The term “average monthly reserve service  
4 income”, with respect to a member of a reserve com-  
5 ponent who participates in the survey, means the  
6 amount, determined by the Secretary of Defense, of  
7 the regular military compensation, compensation  
8 under section 206 of title 37, United States Code,  
9 and any special pays and allowances referred to in  
10 paragraph (3)(B) received by the member during the  
11 12 months preceding the first mobilization of the  
12 member for active duty service in support of a con-  
13 tingency operation during the period specified in  
14 subsection (a)(1), divided by 12.

15 **SEC. 666. STUDY OF DISABILITY BENEFITS FOR VETERANS**  
16 **OF SERVICE IN THE ARMED FORCES WITH**  
17 **SERVICE-CONNECTED DISABILITIES.**

18 (a) REQUIREMENT FOR STUDY.—(1) The Secretary  
19 of Defense shall conduct a study of the totality of all cur-  
20 rent and projected disability benefits that are available to  
21 disabled members and former members of the Armed  
22 Forces for service-connected disabilities and, on the basis  
23 of the results of such study, determine the adequacy of  
24 those benefits.

25 (2) In carrying out the study, the Secretary shall—



1 (A) compare the disability benefits for members  
2 of the Armed Forces with commercial and other pri-  
3 vate-sector disability benefits plans that are provided  
4 for other persons in the United States who are dis-  
5 abled by causes other than service in the Armed  
6 Forces; and

7 (B) identify and assess the changes to Depart-  
8 ment of Defense personnel policies needed to en-  
9 hance the financial and nonfinancial benefits that  
10 are provided to members and former members of the  
11 Armed Forces for service-connected disabilities.

12 (b) COORDINATION.—In carrying out the study under  
13 subsection (a) and preparing the report under subsection  
14 (c), the Secretary of Defense shall—

15 (1) consult with the Secretary of Veterans Af-  
16 fairs and take into consideration the veterans dis-  
17 ability benefits programs that are administered by  
18 the Secretary of Veterans Affairs; and

19 (2) consult with, and obtain the assistance of,  
20 the Veterans' Disability Benefits Commission estab-  
21 lished under title XV of the National Defense Au-  
22 thorization Act for Fiscal Year 2004 (Public Law  
23 108–136; 117 Stat. 1676).

24 (c) REPORT.—Not later than 150 days after the date  
25 of the enactment of this Act, the Secretary of Defense



1 shall submit a report on the results of the study under  
2 this section to the committees of Congress specified in  
3 subsection (e). The report shall include the following:

4 (1) The Secretary's assessments, analyses, and  
5 conclusions resulting from the study.

6 (2) Recommended legislation to address the de-  
7 ficiencies in the system of Federal Government dis-  
8 ability benefits for disabled members and former  
9 members of the Armed Forces that are identified in  
10 the course of the study.

11 (3) An estimate of the costs of improvements in  
12 the system of disability benefits that are provided  
13 for in the recommended legislation.

14 (d) GAO STUDY.—(1) The Comptroller General shall  
15 conduct a study to identify the disability benefits that are  
16 payable under Federal, State, and local laws for employees  
17 of the Federal Government, State governments, and local  
18 governments. In carrying out the study, the Comptroller  
19 General shall, to the extent feasible, pay particular atten-  
20 tion to the disability benefits that are provided for disabil-  
21 ities incurred in the performance of jobs in which employ-  
22 ees perform tasks with risks that are analogous to the  
23 risks associated with the performance of military tasks by  
24 members of the Armed Forces.

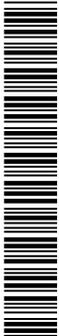


1 (2) Not later than November 1, 2005, the Comp-  
2 troller General shall submit a report on the results of the  
3 study under paragraph (1) to the committees of Congress  
4 specified in subsection (e).

5 (e) RECIPIENTS OF REPORT.—The committees of  
6 Congress to which the reports under subsections (d) and  
7 (e) are to be submitted are as follows:

8 (1) The Committee on Armed Services and the  
9 Committee on Veterans' Affairs of the Senate.

10 (2) The Committee on Armed Services and the  
11 Committee on Veterans' Affairs of the House of  
12 Representatives.





1                   **TITLE VII—HEALTH CARE**  
2                   **PROVISIONS**

**Subtitle A—Enhanced Benefits for Reserves**

- Sec. 701. TRICARE coverage for members of reserve components who commit to continued service in the Selected Reserve after release from active duty.
- Sec. 702. Comptroller General report on the cost and feasibility of providing private health insurance stipends for members of the Ready Reserves.
- Sec. 703. Permanent earlier eligibility date for TRICARE benefits for members of reserve components and their dependents.
- Sec. 704. Waiver of certain deductibles under TRICARE program for members on active duty for a period of more than 30 days.
- Sec. 705. Authority for payment by United States of additional amounts billed by health care providers to activated Reserves.
- Sec. 706. Permanent extension of transitional health care benefits and addition of requirement for preseparation physical examination.

**Subtitle B—Other Benefits Improvements**

- Sec. 711. Opportunity for young child dependent of deceased member to become eligible for enrollment in a TRICARE dental plan.
- Sec. 712. Comptroller General report on provision of health, education, and support services for Exceptional Family Member Program enrollees.
- Sec. 713. Continuation of sub-acute care for transition period.
- Sec. 714. Improvements to pharmacy benefits program
- Sec. 715. Professional accreditation of military dentists.
- Sec. 716. Temporary authority for waiver of collection of payments due for CHAMPUS benefits received by disabled persons unaware of loss of CHAMPUS eligibility.
- Sec. 717. Services of marriage and family therapists.
- Sec. 718. Chiropractic health care benefits advisory committee.

**Subtitle C—Planning, Programming, and Management**

- Sec. 721. Pilot program for health care delivery.
- Sec. 722. Study of provision of travel reimbursement to hospitals for certain military disability retirees.
- Sec. 723. Study of mental health services.
- Sec. 724. Policy for timely notification of next of kin of members seriously ill or injured in combat zones.
- Sec. 725. Revised funding methodology for military retiree health care benefits.
- Sec. 726. Grounds for presidential waiver of requirement for informed consent or option to refuse regarding administration of drugs not approved for general use.
- Sec. 727. TRICARE program regional directors.

**Subtitle D—Medical Readiness Tracking and Health Surveillance**

- Sec. 731. Medical readiness plan and Joint Medical Readiness Oversight Committee.
- Sec. 732. Medical readiness of Reserves.
- Sec. 733. Baseline Health Data Collection Program.
- Sec. 734. Medical care and tracking and health surveillance in the theater of operations.
- Sec. 735. Declassification of information on exposures to environmental hazards.
- Sec. 736. Report on training on environmental hazards.
- Sec. 737. Uniform policy for meeting mobilization-related medical care needs at military installations.
- Sec. 738. Full implementation of Medical Readiness Tracking and Health Surveillance Program and Force Health Protection and Readiness Program.
- Sec. 739. Reports and Internet accessibility relating to health matters.

1 **Subtitle A—Enhanced Benefits for**  
2 **Reserves**

3 **SEC. 701. TRICARE COVERAGE FOR MEMBERS OF RESERVE**  
4 **COMPONENTS WHO COMMIT TO CONTINUED**  
5 **SERVICE IN THE SELECTED RESERVE AFTER**  
6 **RELEASE FROM ACTIVE DUTY.**

7 (a) ELIGIBILITY.—(1) Chapter 55 of title 10, United  
8 States Code, is amended by inserting after section 1076c  
9 the following new section:

10 **“§ 1076d. TRICARE program: coverage for members**  
11 **of reserve components who commit to**  
12 **continued service in the Selected Reserve**  
13 **after release from active duty**

14 “(a) ELIGIBILITY.—A member of the Selected Re-  
15 serve of the Ready Reserve of a reserve component of the  
16 armed forces is eligible for health benefits under  
17 TRICARE Standard as provided in this section after the  
18 member completes service on active duty to which the



1 member was called or ordered for a period of more than  
2 30 days on or after September 11, 2001, under a provision  
3 of law referred to in section 101(a)(13)(B), if the  
4 member—

5 “(1) served continuously on active duty for 90  
6 or more days pursuant to such call or order; and

7 “(2) on or before the date of the release from  
8 such active-duty service, entered into an agreement  
9 with the Secretary concerned to serve continuously  
10 in the Selected Reserve for a period of one or more  
11 whole years following such date.

12 “(b) PERIOD OF COVERAGE.—(1) TRICARE Stand-  
13 ard coverage of a member under this section, on the basis  
14 of active-duty service performed as described in subsection  
15 (a), begins upon the expiration of the member’s entitle-  
16 ment to care and benefits under section 1145(a) of this  
17 title that is based on the same active-duty service.

18 “(2) Unless earlier terminated under paragraph (3),  
19 the period for TRICARE Standard coverage of a member  
20 under this section shall be equal to the lesser of—

21 “(A) one year, in the case of a member who is  
22 otherwise eligible but does not serve continuously on  
23 active duty for 90 days as described in subsection  
24 (a) because of an injury, illness, or disease incurred  
25 or aggravated while deployed;



1           “(B) one year for each consecutive period of 90  
2           days of continuous active-duty service described in  
3           subsection (a); or

4           “(C) the number of whole years for which the  
5           member agrees under paragraph (2) of such sub-  
6           section to continue to serve in the Selected Reserve  
7           after the coverage begins.

8           “(3) Eligibility for TRICARE Standard coverage of  
9           a member under this section shall terminate upon the ter-  
10          mination of the member’s service in the Selected Reserve.

11          “(c) FAMILY MEMBERS.—While a member of a re-  
12          serve component is covered by TRICARE Standard under  
13          the section, the members of the immediate family of such  
14          member are eligible for TRICARE Standard coverage as  
15          dependents of the member.

16          “(d) PREMIUMS.—(1) A member of a reserve compo-  
17          nent covered by TRICARE Standard under this section  
18          shall pay a premium for that coverage.

19          “(2) The Secretary of Defense shall prescribe for the  
20          purposes of this section one premium for TRICARE  
21          Standard coverage of members without dependents and  
22          one premium for TRICARE Standard coverage of mem-  
23          bers with dependents referred to in subsection (f)(1). The  
24          premium prescribed for a coverage shall apply uniformly  
25          to all covered members of the reserve components.



1       “(3) The monthly amount of the premium in effect  
2 for a month for TRICARE Standard coverage under this  
3 section shall be the amount equal to 28 percent of the  
4 total monthly amount that the Secretary determines on  
5 an appropriate actuarial basis as being reasonable for that  
6 coverage.

7       “(4) The premiums payable by a member of a reserve  
8 component under this subsection may be deducted and  
9 withheld from basic pay payable to the member under sec-  
10 tion 204 of title 37 or from compensation payable to the  
11 member under section 206 of such title. The Secretary  
12 shall prescribe the requirements and procedures applicable  
13 to the payment of premiums.

14       “(5) Amounts collected as premiums under this sub-  
15 section shall be credited to the appropriation available for  
16 the Defense Health Program Account under section 1100  
17 of this title, shall be merged with sums in such Account  
18 that are available for the fiscal year in which collected,  
19 and shall be available under subsection (b) of such section  
20 for such fiscal year.

21       “(e) RELATIONSHIP OF SERVICE AGREEMENT TO  
22 OTHER SERVICE COMMITMENTS.—The service agreement  
23 required of a member of a reserve component under sub-  
24 section (a)(2) is separate from any other form of commit-  
25 ment of the member to a period of obligated service in



1 that reserve component and may cover any part or all of  
2 the same period that is covered by another commitment  
3 of the member to a period of obligated service in that re-  
4 serve component.

5 “(f) DEFINITIONS.—In this section:

6 “(1) The term ‘immediate family’, with respect  
7 to a member of a reserve component, means all of  
8 the member’s dependents described in subpara-  
9 graphs (A), (D), and (I) of section 1072(2) of this  
10 title.

11 “(2) The term ‘TRICARE Standard’ means the  
12 Civilian Health and Medical Program of the Uni-  
13 formed Services option under the TRICARE pro-  
14 gram.

15 “(g) REGULATIONS.—The Secretary of Defense, in  
16 consultation with the other administering Secretaries,  
17 shall prescribe regulations for the administration of this  
18 section.”.

19 (2) The table of sections at the beginning of such  
20 chapter is amended by inserting after the item relating  
21 to section 1076c the following new item:

“1076d. TRICARE program: coverage for members of reserve components who  
commit to continued service in the Selected Reserve after re-  
lease from active duty.”.

22 (b) IMPLEMENTATION.—(1) The Secretary of De-  
23 fense shall implement section 1076d of title 10, United



1 States Code, not later than 180 days after the date of  
2 the enactment of this Act.

3 (2)(A) A member of a reserve component of the  
4 Armed Forces who performed active-duty service described  
5 in subsection (a) of section 1076d of title 10, United  
6 States Code, for a period beginning on or after September  
7 11, 2001, and was released from that active-duty service  
8 before the date of the enactment of this Act, or is released  
9 from that active-duty service on or within 180 days after  
10 the date of the enactment of this Act, may, for the purpose  
11 of paragraph (2) of such subsection, enter into an agree-  
12 ment described in such paragraph not later than one year  
13 after the date of the enactment of this Act. TRICARE  
14 Standard coverage (under such section 1076d) of a mem-  
15 ber who enters into such an agreement under this para-  
16 graph shall begin on the later of—

17 (i) the date applicable to the member under  
18 subsection (b) of such section; or

19 (ii) the date of the agreement.

20 (B) The Secretary of Defense shall take such action  
21 as is necessary to ensure, to the maximum extent prac-  
22 ticable, that members of the reserve components eligible  
23 to enter into an agreement as provided in subparagraph  
24 (A) actually receive information on the opportunity and  
25 procedures for entering into such an agreement together



1 with a clear explanation of the benefits that the members  
2 are eligible to receive as a result of entering into such an  
3 agreement under section 1076d of title 10, United States  
4 Code.

5 **SEC. 702. COMPTROLLER GENERAL REPORT ON THE COST**  
6 **AND FEASIBILITY OF PROVIDING PRIVATE**  
7 **HEALTH INSURANCE STIPENDS FOR MEM-**  
8 **BERS OF THE READY RESERVES.**

9 (a) **STUDY REQUIRED.**—The Comptroller General  
10 shall conduct a study on the cost and feasibility of pro-  
11 viding a stipend to members of the Ready Reserves to off-  
12 set the cost of continuing private health insurance cov-  
13 erage for the members' dependents when the members are  
14 on active duty for periods of more than 30 days, with the  
15 dependents being ineligible to enroll in the TRICARE pro-  
16 gram and payment of the stipend ending when the mem-  
17 bers are no longer on active duty.

18 (b) **MATTERS COVERED.**—The study shall include the  
19 following matters:

20 (1) Recommendation for a benefit amount and  
21 cost to the Department of Defense.

22 (2) Potential effects on medical readiness, re-  
23 cruitment, and retention.





1 **SEC. 704. WAIVER OF CERTAIN DEDUCTIBLES UNDER**  
2 **TRICARE PROGRAM FOR MEMBERS ON AC-**  
3 **TIVE DUTY FOR A PERIOD OF MORE THAN 30**  
4 **DAYS.**

5 Section 1095d(a) of title 10, United States Code, is  
6 amended by striking “less than one year” both places it  
7 appears and inserting “more than 30 days”.

8 **SEC. 705. AUTHORITY FOR PAYMENT BY UNITED STATES OF**  
9 **ADDITIONAL AMOUNTS BILLED BY HEALTH**  
10 **CARE PROVIDERS TO ACTIVATED RESERVES.**

11 Section 1079(h) of title 10, United States Code, is  
12 amended by adding at the end of paragraph (4) the fol-  
13 lowing new subparagraph:

14 “(C)(i) In the case of a dependent described in clause  
15 (ii), the regulations shall provide that, in addition to  
16 amounts otherwise payable by the United States, the Sec-  
17 retary may pay the amount referred to in subparagraph  
18 (B)(i).

19 “(ii) This subparagraph applies to a dependent re-  
20 ferred to in subsection (a) of a member of a reserve com-  
21 ponent serving on active duty pursuant to a call or order  
22 to active duty for a period of more than 30 days in support  
23 of a contingency operation under a provision of law re-  
24 ferred to in section 101(a)(13)(B) of this title.”.



7-11

1 **SEC. 706. PERMANENT EXTENSION OF TRANSITIONAL**  
2 **HEALTH CARE BENEFITS AND ADDITION OF**  
3 **REQUIREMENT FOR PRESEPARATION PHYS-**  
4 **ICAL EXAMINATION.**

5 (a) PERMANENT REQUIREMENT.—(1) Paragraph (3)  
6 of section 1145(a) of title 10, United States Code, is  
7 amended to read as follows:

8 “(3) Transitional health care for a member under  
9 subsection (a) shall be available for 180 days beginning  
10 on the date on which the member is separated from active  
11 duty.”.

12 (2) The following provisions of law are repealed:

13 (A) Section 704 of the National Defense Au-  
14 thorization Act for Fiscal Year 2004 (Public Law  
15 108-136; 117 Stat. 1527; 10 U.S.C. 1145 note).

16 (B) Section 1117 of the Emergency Supple-  
17 mental Appropriations Act for Defense and for the  
18 Reconstruction of Iraq and Afghanistan, 2004 (Pub-  
19 lic Law 108-106; 117 Stat. 1218; 10 U.S.C. 1145  
20 note).

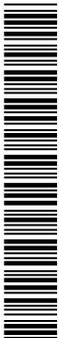
21 (3) Paragraph (1) of such section 1145(a) is amend-  
22 ed by striking “applicable”.

23 (b) REQUIREMENT FOR PHYSICAL EXAMINATION.—  
24 Such section 1145(a), as amended by subsection (a), is  
25 further amended by adding at the end the following new  
26 paragraph:



1           “(4)(A) The Secretary concerned shall require a  
2 member of the armed forces scheduled to be separated  
3 from active duty as described in paragraph (2) to undergo  
4 a physical examination immediately before that separa-  
5 tion. The physical examination shall be conducted in ac-  
6 cordance with regulations prescribed by the Secretary of  
7 Defense.

8           “(B) Notwithstanding subparagraph (A), if a mem-  
9 ber of the armed forces scheduled to be separated from  
10 active duty as described in paragraph (2) has otherwise  
11 undergone a physical examination within 12 months be-  
12 fore the scheduled date of separation from active duty, the  
13 requirement for a physical examination under subpara-  
14 graph (A) may be waived in accordance with regulations  
15 prescribed under this paragraph. Such regulations shall  
16 require that such a waiver may be granted only with the  
17 consent of the member and with the concurrence of the  
18 member’s unit commander.”.



1                   **Subtitle B—Other Benefits**  
2                   **Improvements**

3   **SEC. 711. OPPORTUNITY FOR YOUNG CHILD DEPENDENT**  
4                   **OF DECEASED MEMBER TO BECOME ELIGI-**  
5                   **BLE FOR ENROLLMENT IN A TRICARE DEN-**  
6                   **TAL PLAN.**

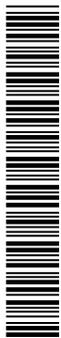
7           Section 1076a(k)(2) of title 10, United States Code,  
8 is amended—

9                   (1) by striking “under subsection (a) or” and  
10                  inserting “under subsection (a),”; and

11                  (2) by inserting after “under subsection (f),”  
12                  the following: “or is not enrolled because the de-  
13                  pendent is a child under the minimum age for en-  
14                  rollment,”.

15   **SEC. 712. COMPTROLLER GENERAL REPORT ON PROVISION**  
16                   **OF HEALTH, EDUCATION, AND SUPPORT**  
17                   **SERVICES FOR EXCEPTIONAL FAMILY MEM-**  
18                   **BER PROGRAM ENROLLEES.**

19           (a) **EVALUATION REQUIREMENT.**—The Comptroller  
20 General shall evaluate the effect of the Exceptional Family  
21 Member Program (in this section referred to as “EFMP”)  
22 on health, education, and support services in selected civil-  
23 ian communities near military installations with a high  
24 concentration of EFMP enrollees.



1 (b) MATTERS COVERED.—The evaluation under sub-  
2 section (a) shall include a discussion of the following:

3 (1) Communities that have high concentrations  
4 of EFMP enrollees that use State and local health,  
5 education, and support services.

6 (2) Needs of EFMP enrollees, if any, that are  
7 not met by State and local health, education, and  
8 support services.

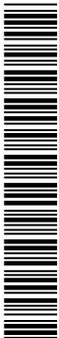
9 (3) The burdens, financial and otherwise,  
10 placed on State and local health, education, and sup-  
11 port services by EFMP enrollees and their families.

12 (4) The ability of the TRICARE program to  
13 meet the needs of EFMP enrollees and their fami-  
14 lies.

15 (5) Reasons for any limitations of the  
16 TRICARE program, the EFMP, and State and local  
17 health, education, and support services in providing  
18 assistance to EFMP enrollees and their families.

19 (6) Recommendations for more effectively meet-  
20 ing the needs of EFMP enrollees and their families.

21 (c) COMMUNITIES COVERED.—The evaluation under  
22 subsection (a) shall examine no fewer than four civilian  
23 communities, as determined by the Comptroller General,  
24 that have high concentrations of EFMP enrollees and that  
25 are near several military installations, including at least



1 two military installations with tenants from more than one  
2 of the Armed Forces.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “health, education, and support  
5 services” means services provided to children and  
6 other dependents with special needs, including spe-  
7 cialized day care, mental health day treatment serv-  
8 ices, respite services, counseling, early childhood  
9 intervention, special education, and other such serv-  
10 ices provided for children and other dependents with  
11 special needs.

12 (2) The term “TRICARE program” has the  
13 meaning given that term in section 1072(7) of title  
14 10, United States Code.

15 (e) REPORT.—Not later than one year after the date  
16 of the enactment of this Act, the Comptroller General shall  
17 submit to the Committees on Armed Services of the Sen-  
18 ate and the House of Representatives a report on the re-  
19 sults of the evaluation required under subsection (a), in-  
20 cluding findings and recommendations.

21 **SEC. 713. CONTINUATION OF SUB-ACUTE CARE FOR TRAN-**  
22 **SITION PERIOD.**

23 Section 1074j(b) of title 10, United States Code, is  
24 amended by adding at the end the following new para-  
25 graph:



1 “(4) The Secretary of Defense may take such actions  
2 as are necessary to ensure that there is an effective transi-  
3 tion in the furnishing of part-time or intermittent home  
4 health care benefits for covered beneficiaries who were re-  
5 ceiving such benefits before the establishment of the pro-  
6 gram under this section. The actions taken under this  
7 paragraph may include the continuation of such benefits  
8 on an extended basis for such time as the Secretary deter-  
9 mines appropriate.”.

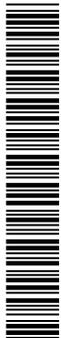
10 **SEC. 714. IMPROVEMENTS TO PHARMACY BENEFITS PRO-**  
11 **GRAM.**

12 (a) REQUIREMENT RELATING TO PRESCRIPTION  
13 DRUG BENEFITS FOR MEDICARE-ELIGIBLE ENROLL-  
14 EES.—Section 1074g(a)(6) of title 10, United States  
15 Code, is amended—

16 (1) by inserting “(A)” after “(6)”; and

17 (2) by adding at the end the following:

18 “(B) For a medicare-eligible beneficiary, the cost-  
19 sharing requirements may not be in excess of the cost-  
20 sharing requirements applicable to all other beneficiaries  
21 covered by section 1086 of this title. For purposes of the  
22 preceding sentence, a medicare-eligible beneficiary is a  
23 beneficiary eligible for health benefits under section 1086  
24 of this title pursuant to subsection (d)(2) of such sec-  
25 tion.”.



1 (b) IMPROVEMENT TO UNIFORM FORMULARY PROC-  
2 ESS.—Section 1974g(a)(2)(E)(i) of such title is amended  
3 by inserting before the semicolon the following: “and addi-  
4 tional determinations by the Pharmacy and Therapeutics  
5 Committee of the relative clinical and cost effectiveness  
6 of the agents”.

7 **SEC. 715. PROFESSIONAL ACCREDITATION OF MILITARY**  
8 **DENTISTS.**

9 Section 1077(c) of title 10, United States Code, is  
10 amended—

11 (1) by striking “A” and inserting “(1) Except  
12 as specified in paragraph (2), a”; and

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

15 “(2)(A) Dependents who are 12 years of age or  
16 younger and are covered by a dental plan established  
17 under section 1076a of this title may be treated by post-  
18 graduate dental residents in a dental treatment facility of  
19 the uniformed services under a graduate dental education  
20 program accredited by the American Dental Association  
21 if—

22 “(i) treatment of pediatric dental patients is  
23 necessary in order to satisfy an accreditation stand-  
24 ard of the American Dental Association that is ap-  
25 plicable to such program, or training in pediatric



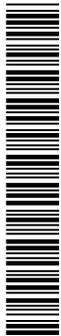
1 dental care is necessary for the residents to be pro-  
2 fessionally qualified to provide dental care for de-  
3 pendent children accompanying members of the uni-  
4 formed services outside the United States; and

5 “(ii) the number of pediatric patients at such  
6 facility is insufficient to support satisfaction of the  
7 accreditation or professional requirements in pedi-  
8 atric dental care that apply to such program or stu-  
9 dents.

10 “(B) The total number of dependents treated in all  
11 facilities of the uniformed services under subparagraph  
12 (A) in a fiscal year may not exceed 2,000.”.

13 **SEC. 716. TEMPORARY AUTHORITY FOR WAIVER OF COL-**  
14 **LECTION OF PAYMENTS DUE FOR CHAMPUS**  
15 **BENEFITS RECEIVED BY DISABLED PERSONS**  
16 **UNAWARE OF LOSS OF CHAMPUS ELIGI-**  
17 **BILITY.**

18 (a) **AUTHORITY TO WAIVE DEBT.**—(1) The Sec-  
19 retary of Defense, in consultation with the other admin-  
20 istering Secretaries, may waive (in whole or in part) the  
21 collection of payments otherwise due from a person de-  
22 scribed in subsection (b) for health benefits received by  
23 such person under section 1086 of title 10, United States  
24 Code, after the termination of that person’s eligibility for  
25 such benefits.



1 (2) If the Secretary of Defense waives collection of  
2 payments from a person under paragraph (1), the Sec-  
3 retary may also authorize a continuation of benefits for  
4 such person under such section 1086 for a period ending  
5 not later than the end of the period specified in subsection  
6 (c) of this section.

7 (b) ELIGIBLE PERSONS.—A person is eligible for re-  
8 lief under subsection (a)(1) if—

9 (1) the person is described in paragraph (1) of  
10 subsection (d) of section 1086 of title 10, United  
11 States Code;

12 (2) except for such paragraph, the person would  
13 have been eligible for the health benefits under such  
14 section; and

15 (3) at the time of the receipt of such benefits—

16 (A) the person satisfied the criteria speci-  
17 fied in paragraph (2)(B) of such subsection (d);  
18 and

19 (B) the person was unaware of the loss of  
20 eligibility to receive the health benefits.

21 (c) PERIOD OF APPLICABILITY.—The authority pro-  
22 vided under this section to waive collection of payments  
23 and to continue benefits shall apply, under terms and con-  
24 ditions prescribed by the Secretary of Defense, to health  
25 benefits provided under section 1086 of title 10, United



1 States Code, during the period beginning on July 1, 1999,  
2 and ending at the end of December 31, 2004.

3 (d) ADMINISTERING SECRETARIES.—In this sub-  
4 section, the term “administering Secretaries” has the  
5 meaning given such term in section 1072(3) of title 10,  
6 United States Code.

7 **SEC. 717. SERVICES OF MARRIAGE AND FAMILY THERA-**  
8 **PISTS.**

9 (a) AUTHORITY TO ENTER INTO PERSONAL SERV-  
10 ICES CONTRACTS.—Section 704(c)(2) of the National De-  
11 fense Authorization Act for Fiscal Year 1995 (Public Law  
12 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amend-  
13 ed by inserting “marriage and family therapists certified  
14 as such by a certification recognized by the Secretary of  
15 Defense,” after “psychologists,”.

16 (b) APPLICABILITY OF LICENSURE REQUIREMENT  
17 FOR HEALTH-CARE PROFESSIONALS.—Section  
18 1094(e)(2) of title 10, United States Code, is amended  
19 by inserting “marriage and family therapist certified as  
20 such by a certification recognized by the Secretary of De-  
21 fense,” after “psychologist,”.

22 **SEC. 718. CHIROPRACTIC HEALTH CARE BENEFITS ADVI-**  
23 **SORY COMMITTEE.**

24 (a) ESTABLISHMENT.—Not later than 120 days after  
25 the date of the enactment of this Act, the Secretary of



1 Defense shall establish an oversight advisory committee to  
2 provide the Secretary with advice and recommendations  
3 regarding the continued development and implementation  
4 of an effective program of chiropractic health care benefits  
5 for members of the uniformed services on active duty.

6 (b) MEMBERSHIP.—The advisory committee shall be  
7 composed of members selected from among persons who,  
8 by reason of education, training, and experience, are ex-  
9 perts in chiropractic health care, as follows:

10 (1) Members appointed by the Secretary of De-  
11 fense in such number as the Secretary determines  
12 appropriate for carrying out the duties of the advi-  
13 sory committee effectively, including not fewer than  
14 three practicing representatives of the chiropractic  
15 health care profession.

16 (2) A representative of each of the uniformed  
17 services, as designated by the administering Sec-  
18 retary concerned.

19 (c) CHAIRMAN.—The Secretary of Defense shall des-  
20 ignate one member of the advisory committee to serve as  
21 the Chairman of the advisory committee.

22 (d) MEETINGS.—The advisory committee shall meet  
23 at the call of the Chairman, but not fewer than three times  
24 each fiscal year, beginning in fiscal year 2005.



1 (e) DUTIES.—The advisory committee shall have the  
2 following duties:

3 (1) Review and evaluate the program of chiro-  
4 practic health care benefits provided to members of  
5 the uniformed services on active duty under chapter  
6 55 of title 10, United States Code.

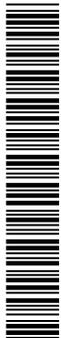
7 (2) Provide the Secretary of Defense with ad-  
8 vice and recommendations as described in subsection  
9 (a).

10 (3) Upon the Secretary's determination that the  
11 program of chiropractic health care benefits referred  
12 to in paragraph (1) has been fully implemented, pre-  
13 pare and submit to the Secretary a report containing  
14 the advisory committee's evaluation of the implemen-  
15 tation of such program.

16 (f) REPORT.—The Secretary of Defense, following re-  
17 ceipt of the report by the advisory committee under sub-  
18 section (e)(3), shall submit to the Committees on Armed  
19 Services of the Senate and of the House of Representa-  
20 tives a report containing the following:

21 (1) A copy of the advisory committee report, to-  
22 gether with the Secretary's comments on the report.

23 (2) An explanation of the criteria and rationale  
24 that the Secretary used to determine that the pro-



1 gram of chiropractic health care benefits was fully  
2 implemented.

3 (3) The Secretary's views with regard to the fu-  
4 ture implementation of the program of chiropractic  
5 health care benefits.

6 (g) APPLICABILITY OF TEMPORARY ORGANIZATIONS  
7 LAW.—(1) Section 3161 of title 5, United States Code,  
8 shall apply to the advisory committee under this section.

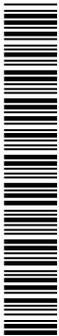
9 (2) The Federal Advisory Committee Act (5 U.S.C.  
10 App.) shall not apply to the oversight advisory committee  
11 under this section.

12 (h) TERMINATION.—The advisory committee shall  
13 terminate 90 days after the date on which the Secretary  
14 submits the report under subsection (f).

15 **Subtitle C—Planning,**  
16 **Programming, and Management**

17 **SEC. 721. PILOT PROGRAM FOR HEALTH CARE DELIVERY.**

18 (a) PILOT PROGRAM.—The Secretary of Defense may  
19 conduct a pilot program at two or more military installa-  
20 tions for purposes of testing initiatives that build coopera-  
21 tive health care arrangements and agreements between  
22 military installations and local and regional non-military  
23 health care systems.



1 (b) REQUIREMENTS OF PILOT PROGRAM.—In con-  
2 ducting the pilot program, the Secretary of Defense  
3 shall—

4 (1) identify and analyze health care delivery op-  
5 tions involving the private sector and health care  
6 services in military facilities located on the installa-  
7 tion;

8 (2) determine the cost avoidance or savings re-  
9 sulting from innovative partnerships between the  
10 Department of Defense and the private sector;

11 (3) study the potential, viability, cost efficiency,  
12 and health care effectiveness of Department of De-  
13 fense health care providers delivering health care in  
14 civilian community hospitals; and

15 (4) determine the opportunities for and barriers  
16 to coordinating and leveraging the use of existing  
17 health care resources, including Federal, State, local,  
18 and contractor assets.

19 (c) CONSULTATION REQUIREMENTS.—The Secretary  
20 of Defense shall develop the pilot program in consultation  
21 with the Secretaries of the military departments, rep-  
22 resentatives from the military installation selected for the  
23 pilot program, Federal, State, and local entities, and the  
24 TRICARE managed care support contractor with respon-  
25 sibility for that installation.



1 (d) SELECTION OF MILITARY INSTALLATION.—The  
2 pilot program may be implemented at two or more military  
3 installations selected by the Secretary of Defense. At least  
4 one of the selected military installations shall meet the fol-  
5 lowing criteria:

6 (1) The military installation has members of  
7 the Armed Forces on active duty and members of re-  
8 serve components of the Armed Forces that use the  
9 installation as a training and operational base, with  
10 members routinely deploying in support of the global  
11 war on terrorism.

12 (2) The number of members of the Armed  
13 Forces on active duty permanently assigned to the  
14 military installation is expected to increase over the  
15 next five years.

16 (3) One or more cooperative arrangements exist  
17 at the military installation with civilian health care  
18 entities in the form of specialty care services in the  
19 military medical treatment facility on the installa-  
20 tion.

21 (4) There is a military treatment facility on the  
22 installation that does not have inpatient or trauma  
23 center care capabilities.

24 (5) There is a civilian community hospital near  
25 the military installation with—



1 (A) limited capability to expand inpatient  
2 care beds, intensive care, and specialty services;  
3 and

4 (B) limited or no capability to provide  
5 trauma care.

6 (e) DURATION OF PILOT PROGRAM.—Implementa-  
7 tion of the pilot program developed under this section shall  
8 begin not later than May 1, 2005, and shall be conducted  
9 during fiscal years 2005, 2006, and 2007.

10 (f) REPORTS.—With respect to any pilot program  
11 conducted under this section, the Secretary of Defense  
12 shall submit to the Committees on Armed Services of the  
13 Senate and of the House of Representatives—

14 (1) an interim report on the program, not later  
15 than 60 days after commencement of the program;  
16 and

17 (2) a final report describing the results of the  
18 program with recommendations for a model health  
19 care delivery system for other military installations,  
20 not later than July 1, 2007.

21 **SEC. 722. STUDY OF PROVISION OF TRAVEL REIMBURSE-**  
22 **MENT TO HOSPITALS FOR CERTAIN MILI-**  
23 **TARY DISABILITY RETIREES.**

24 (a) STUDY.—The Secretary of Defense shall conduct  
25 a study of the feasibility, and of the desirability, of pro-



1 viding that a member of the uniformed services retired  
2 under chapter 61 of title 10, United States Code, shall  
3 be provided reimbursement for the travel expenses of such  
4 member for travel, during the two-year period beginning  
5 on the date of the retirement of the member, to a military  
6 treatment facility for medical care. The Secretary shall in-  
7 clude in that study consideration of whether reimburse-  
8 ment under such a plan should, as nearly as practicable,  
9 be under the same terms and conditions, and at the same  
10 rate, as apply to beneficiary travel reimbursement pro-  
11 vided by the Secretary of Veterans Affairs under section  
12 111 of title 38, United States Code.

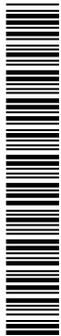
13 (b) REPORT.—The Secretary of Defense shall submit  
14 to the congressional defense committees a report providing  
15 the results of the study under subsection (a). Such report  
16 shall be submitted not later than March 1, 2005.

17 **SEC. 723. STUDY OF MENTAL HEALTH SERVICES.**

18 (a) STUDY REQUIRED.—The Comptroller General  
19 shall conduct a study of mental health services available  
20 to members of the Armed Forces.

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

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



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

3 (A) in the short-term, post-deployment pe-  
4 riod; and

5 (B) in the long-term, following the post-de-  
6 ployment period;

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

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

14 (5) for members of the Armed Forces and their  
15 families described in this subsection who are mem-  
16 bers of reserve components.

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

22 (1) the extent to which existing confidentiality  
23 regulations, or lack thereof, inhibit members of the  
24 Armed Forces from seeking mental health treat-  
25 ment;



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

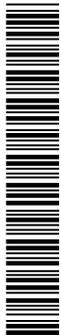
3 (3) the extent to which a social stigma exists  
4 within the Armed Forces that prevents members of  
5 the Armed Forces and military families from seeking  
6 mental health treatment within the Department of  
7 Defense and the individual Armed Forces;

8 (4) the extent to which logistical obstacles, par-  
9 ticularly with respect to members of the Armed  
10 Forces and families residing in rural areas, deter  
11 members in need of mental health services from ob-  
12 taining them; and

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

17 (d) IDENTIFICATION OF PROBLEMS UNIQUE TO RE-  
18 SERVES.—The study shall identify potential problems in  
19 obtaining mental health treatment that are unique to  
20 members of Reserve components.

21 (e) REPORT.—The Comptroller General shall submit  
22 to Congress a report on the study conducted under this  
23 section not later than March 31, 2005. The report shall  
24 contain the results of the study and make specific  
25 recommendations—



1 (1) for improving the effectiveness and accessi-  
2 bility of mental health services provided by Depart-  
3 ment of Defense to the persons listed in subsection  
4 (b), including recommendations to ensure appro-  
5 priate referrals and a seamless transition to the care  
6 of the Department of Veterans Affairs following sep-  
7 aration from the Armed Forces; and

8 (2) for removing or mitigating any obstacles  
9 identified under subsection (c) and problems identi-  
10 fied under subsection (d).

11 **SEC. 724. POLICY FOR TIMELY NOTIFICATION OF NEXT OF**  
12 **KIN OF MEMBERS SERIOUSLY ILL OR IN-**  
13 **JURED IN COMBAT ZONES.**

14 (a) **POLICY REQUIRED.**—The Secretary of Defense  
15 shall prescribe the policy of the Department of Defense  
16 for providing, in the case of the serious illness or injury  
17 of a member of the Armed Forces in a combat zone, timely  
18 notification to the next of kin of the member regarding  
19 the illness or injury, including information on the condi-  
20 tion of the member and the location at which the member  
21 is receiving treatment. In prescribing the policy, the Sec-  
22 retary shall ensure respect for the expressed desires of in-  
23 dividual members of the Armed Forces regarding the noti-  
24 fication of next of kin and shall include standards of time-  
25 liness for both the initial notification of next of kin under



1 the policy and subsequent updates regarding the condition  
2 and location of the member.

3 (b) SUBMISSION OF POLICY.—Not later than 120  
4 days after the date of the enactment of this Act, the Sec-  
5 retary of Defense shall submit to Congress a copy of the  
6 policy.

7 **SEC. 725. REVISED FUNDING METHODOLOGY FOR MILI-**  
8 **TARY RETIREE HEALTH CARE BENEFITS.**

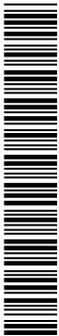
9 (a) REVISION.—Section 1116 of title 10, United  
10 States Code, is amended to read as follows:

11 **“§ 1116. Payments into the Fund**

12 “(a) At the beginning of each fiscal year after Sep-  
13 tember 30, 2005, the Secretary of the Treasury shall  
14 promptly pay into the Fund from the General Fund of  
15 the Treasury—

16 “(1) the amount certified to the Secretary by  
17 the Secretary of Defense under subsection (c), which  
18 shall be the contribution to the Fund for that fiscal  
19 year required by section 1115; and

20 “(2) the amount determined by each admin-  
21 istering Secretary under section 1111(c) as the con-  
22 tribution to the Fund on behalf of the members of  
23 the uniformed services under the jurisdiction of that  
24 Secretary.



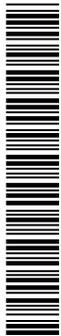
1 “(b) At the beginning of each fiscal year, the Sec-  
2 retary of Defense shall determine the sum of the following:

3 “(1) The amount of the payment for that year  
4 under the amortization schedule determined by the  
5 Board of Actuaries under section 1115(a) of this  
6 title for the amortization of the original unfunded li-  
7 ability of the Fund.

8 “(2) The amount (including any negative  
9 amount) of the Department of Defense contribution  
10 for that year as determined by the Secretary of De-  
11 fense under section 1115(b) of this title.

12 “(3) The amount (including any negative  
13 amount) for that year under the most recent amorti-  
14 zation schedule determined by the Secretary of De-  
15 fense under section 1115(c)(2) of this title for the  
16 amortization of any cumulative unfunded liability (or  
17 any gain) to the Fund resulting from changes in  
18 benefits.

19 “(4) The amount (including any negative  
20 amount) for that year under the most recent amorti-  
21 zation schedule determined by the Secretary of De-  
22 fense under section 1115(c)(3) of this title for the  
23 amortization of any cumulative actuarial gain or loss  
24 to the Fund resulting from actuarial assumption  
25 changes.



1           “(5) The amount (including any negative  
2           amount) for that year under the most recent amorti-  
3           zation schedule determined by the Secretary of De-  
4           fense under section 1115(c)(4) of this title for the  
5           amortization of any cumulative actuarial gain or loss  
6           to the Fund resulting from actuarial experience.

7           “(c) The Secretary of Defense shall promptly certify  
8           the amount determined under subsection (b) each year to  
9           the Secretary of the Treasury.

10          “(d) At the same time as the Secretary of Defense  
11          makes the certification under subsection (c), the Secretary  
12          shall submit to the Committees on Armed Services of the  
13          Senate and the House of Representatives the information  
14          provided to the Secretary of the Treasury under that sub-  
15          section.”.

16          (b) SENSE OF CONGRESS.—It is the sense of Con-  
17          gress that any unsubscribed discretionary budget author-  
18          ity that accrues within the national defense budget func-  
19          tion as a result of the amendments made by this section  
20          shall be applied to cover the unbudgeted costs of—

21                 (1) increases in Army end strengths and  
22                 modularization;

23                 (2) increases in Marine Corps end strengths  
24                 and necessary equipment; and

25                 (3) Navy shipbuilding requirements.



1 (c) CONFORMING AMENDMENTS.—(1) Section  
2 1111(c) of title 10, United States Code, is amended in  
3 the last sentence by striking “1116” and all that follows  
4 through the end of the sentence and inserting “1115(b)  
5 of this title, and such contributions shall be paid into the  
6 Fund as provided in section 1116(a).”.

7 (2) Section 1115(a) of such title is amended by strik-  
8 ing “1116(c)” and inserting “1116”.

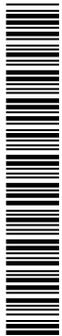
9 (3) Section 1115(b) of such title is amended—

10 (A) by striking “(1) The Secretary of Defense”  
11 and all that follows through “of this title.” and in-  
12 serting “The Secretary of Defense shall determine,  
13 before the beginning of each fiscal year after Sep-  
14 tember 30, 2005, the total amount of the Depart-  
15 ment of Defense contribution to be made to the  
16 Fund for that fiscal year for purposes of section  
17 1116(b)(2).”;

18 (B) by striking paragraph (2);

19 (C) by redesignating subparagraphs (A) and  
20 (B) as paragraphs (1) and (2), respectively;

21 (D) in each of paragraphs (1) and (2), as so re-  
22 designated, by redesignating clauses (i) and (ii) as  
23 subparagraphs (A) and (B), respectively; and



1 (E) in paragraph (2)(B), as so redesignated, by  
2 striking “subparagraph (A)(ii)” and inserting “para-  
3 graph (1)(B)”.

4 (4) Section 1115(c)(1) of such title is amended by  
5 striking “and section 1116(a) of this title”.

6 (5) Section 1115(c)(5) of such title is amended by  
7 striking “1116(c)” and inserting “1116”.

8 (d) EFFECTIVE DATE.—The amendments made by  
9 this section shall take effect on October 1, 2005.

10 **SEC. 726. GROUNDS FOR PRESIDENTIAL WAIVER OF RE-**  
11 **QUIREMENT FOR INFORMED CONSENT OR**  
12 **OPTION TO REFUSE REGARDING ADMINIS-**  
13 **TRATION OF DRUGS NOT APPROVED FOR**  
14 **GENERAL USE.**

15 (a) INVESTIGATIONAL NEW DRUGS.—Section  
16 1107(f) of title 10, United States Code, is amended—

17 (1) in paragraph (1), by striking “obtaining  
18 consent—” and all that follows through “(C) is” and  
19 inserting “obtaining consent is”; and

20 (2) by striking paragraph (2) and inserting the  
21 following new paragraph:

22 “(2) The waiver authority provided in paragraph (1)  
23 shall not be construed to apply to any case other than  
24 a case in which prior consent for administration of a par-  
25 ticular drug is required by reason of a determination by



1 the Secretary of Health and Human Services that such  
2 drug is subject to the investigational new drug require-  
3 ments of section 505(i) of the Federal Food, Drug, and  
4 Cosmetic Act.”.

5 (b) EMERGENCY USE DRUGS.—Section 1107a(a) of  
6 such title is amended—

7 (1) by inserting “(A)” after “PRESIDENT.—  
8 (1)”;

9 (2) by striking “is not feasible,” and all that  
10 follows through “members affected, or”; and

11 (3) by adding at the end the following new sub-  
12 paragraph:

13 “(B) The waiver authority provided in subparagraph  
14 (A) shall not be construed to apply to any case other than  
15 a case in which an individual is required to be informed  
16 of an option to accept or refuse administration of a par-  
17 ticular product by reason of a determination by the Sec-  
18 retary of Health and Human Services that emergency use  
19 of such product is authorized under section 564 of the  
20 Federal Food, Drug, and Cosmetic Act.”.

21 **SEC. 727. TRICARE PROGRAM REGIONAL DIRECTORS.**

22 (a) RECOMMENDATIONS FOR SELECTION PROCESS  
23 FOR TRICARE PROGRAM REGIONAL DIRECTORS.—(1)  
24 The Secretary of Defense shall develop recommendations  
25 for a process for the selection of regional directors for



1 TRICARE program administrative regions from among  
2 nominees and applicants for the position in accordance  
3 with this section.

4 (2) The recommendations developed under paragraph  
5 (1) shall provide for a process for—

6 (A) the Secretary of each military department  
7 to nominate, for each regional director position, one  
8 commissioned officer in a grade above colonel, or, in  
9 the case of the Navy, captain, or member of the  
10 Senior Executive Service under the jurisdiction of  
11 that Secretary; and

12 (B) the Secretary of Defense to accept applica-  
13 tions for assignment or appointment to each such  
14 position from any other qualified person.

15 (3) The recommendations developed under paragraph  
16 (1) shall also include recommendations with respect to—

17 (A) the qualifications for regional directors;

18 (B) the period of assignment of a commissioned  
19 officer as a regional director;

20 (C) procedures for ensuring that fair consider-  
21 ation is given to each nominee and each applicant;  
22 and

23 (D) such other requirements as considered ap-  
24 propriate by the Secretary.



1 (b) REPORT.—Not later than March 1, 2005, the  
2 Secretary of Defense shall submit to the Committees on  
3 Armed Services of the Senate and House of Representa-  
4 tives a report containing the recommendations developed  
5 by the Secretary under subsection (a).

6 **Subtitle D—Medical Readiness**  
7 **Tracking and Health Surveillance**

8 **SEC. 731. MEDICAL READINESS PLAN AND JOINT MEDICAL**  
9 **READINESS OVERSIGHT COMMITTEE.**

10 (a) REQUIREMENT FOR PLAN.—The Secretary of De-  
11 fense shall develop a comprehensive plan to improve med-  
12 ical readiness, and Department of Defense tracking of the  
13 health status, of members of the Armed Forces through-  
14 out their service in the Armed Forces, and to strengthen  
15 medical readiness and tracking before, during, and after  
16 deployment of members of the Armed Forces overseas.  
17 The matters covered by the comprehensive plan shall in-  
18 clude all elements that are described in this title and the  
19 amendments made by this title and shall comply with re-  
20 quirements in law.

21 (b) JOINT MEDICAL READINESS OVERSIGHT COM-  
22 MITTEE.—

23 (1) ESTABLISHMENT.—The Secretary of De-  
24 fense shall establish a Joint Medical Readiness Over-  
25 sight Committee.



1 (2) COMPOSITION.—The members of the Com-  
2 mittee are as follows:

3 (A) The Under Secretary of Defense for  
4 Personnel and Readiness, who shall chair the  
5 Committee.

6 (B) The Vice Chief of Staff of the Army,  
7 the Vice Chief of Naval Operations, the Vice  
8 Chief of Staff of the Air Force, and the Assist-  
9 ant Commandant of the Marine Corp.

10 (C) The Assistant Secretary of Defense for  
11 Health Affairs.

12 (D) The Assistant Secretary of Defense for  
13 Reserve Affairs.

14 (E) The Surgeon General of each of the  
15 Army, the Navy, and the Air Force.

16 (F) The Assistant Secretary of the Army  
17 for Manpower and Reserve Affairs.

18 (G) The Assistant Secretary of the Navy  
19 for Manpower and Reserve Affairs.

20 (H) The Assistant Secretary of the Air  
21 Force for Manpower, Reserve Affairs, Installa-  
22 tions, and Environment.

23 (I) The Chief of the National Guard Bu-  
24 reau.

25 (J) The Chief of Army Reserve.



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1 (K) The Chief of Naval Reserve.

2 (L) The Chief of Air Force Reserve.

3 (M) The Commander, Marine Corps Re-  
4 serve.

5 (N) The Director of the Defense Man-  
6 power Data Center.

7 (O) A representative of the Department of  
8 Veterans Affairs designated by the Secretary of  
9 Veterans Affairs.

10 (3) DUTIES.—The duties of the Committee are  
11 as follows:

12 (A) To advise the Secretary of Defense on  
13 the medical readiness and health status of the  
14 members of the active and reserve components  
15 of the Armed Forces.

16 (B) To advise the Secretary of Defense on  
17 the compliance of the Armed Forces with the  
18 medical readiness tracking and health surveil-  
19 lance policies of the Department of Defense.

20 (C) To oversee the development and imple-  
21 mentation of the comprehensive plan required  
22 by subsection (a) and the actions required by  
23 this title and the amendments made by this  
24 title, including with respect to matters relating  
25 to—



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1 (i) the health status of the members  
2 of the reserve components of the Armed  
3 Forces;

4 (ii) accountability for medical readi-  
5 ness;

6 (iii) medical tracking and health sur-  
7 veillance;

8 (iv) declassification of information on  
9 environmental hazards;

10 (v) postdeployment health care for  
11 members of the Armed Forces; and

12 (vi) compliance with Department of  
13 Defense and other applicable policies on  
14 blood serum repositories.

15 (D) To ensure unity and integration of ef-  
16 forts across functional and organizational lines  
17 within the Department of Defense with regard  
18 to medical readiness tracking and health sur-  
19 veillance of members of the Armed Forces.

20 (E) To establish and monitor compliance  
21 with the medical readiness standards that are  
22 applicable to members and those that are appli-  
23 cable to units.

24 (F) To improve continuity of care in co-  
25 ordination with the Secretary of Veterans Af-



1           fairs, for members of the Armed Forces sepa-  
2           rating from active service with service-connected  
3           medical conditions.

4           (4) FIRST MEETING.—The first meeting of the  
5           Committee shall be held not later than 120 days  
6           after the date of the enactment of this Act.

7           (c) ANNUAL REPORT.—

8           (1) IN GENERAL.—In addition to the duties de-  
9           scribed in subsection (b)(3), the Committee shall  
10          prepare and submit to the Secretary of Defense and  
11          to the Committees on Armed Services of the Senate  
12          and the House of Representatives, not later than  
13          February 1 of each year, a report on—

14                (A) the health status and medical readi-  
15                ness of the members of the Armed Forces, in-  
16                cluding the members of reserve components,  
17                based on the comprehensive plan required under  
18                subsection (a) and the actions required by this  
19                title and the amendments made by this title;  
20                and

21                (B) compliance with Department of De-  
22                fense policies on medical readiness tracking and  
23                health surveillance.

24           (2) OPPORTUNITY FOR COMMENT.—Each year,  
25          before the Committee submits to Congress the re-



1 port required under paragraph (1), the Secretary of  
2 Defense shall provide an opportunity for representa-  
3 tives of veterans and military health advocacy orga-  
4 nizations, and others the Secretary of Defense con-  
5 siders appropriate, to comment on the report. The  
6 report submitted to Congress shall include a sum-  
7 mary of the comments received and the Secretary's  
8 response to them.

9 **SEC. 732. MEDICAL READINESS OF RESERVES.**

10 (a) **COMPTROLLER GENERAL STUDY OF HEALTH OF**  
11 **RESERVES ORDERED TO ACTIVE DUTY FOR OPERATIONS**  
12 **ENDURING FREEDOM AND IRAQI FREEDOM.—**

13 (1) **REQUIREMENT FOR STUDY.—**The Comp-  
14 troller General shall carry out a study of the health  
15 of the members of the reserve components of the  
16 Armed Forces who have been called or ordered to  
17 active duty for a period of more than 30 days in  
18 support of Operation Enduring Freedom and Oper-  
19 ation Iraqi Freedom. The Comptroller General shall  
20 commence the study not later than 180 days after  
21 the date of the enactment of this Act.

22 (2) **PURPOSES.—**The purposes of the study  
23 under this subsection are as follows:



1 (A) To review the health status and med-  
2 ical fitness of the activated Reserves when they  
3 were called or ordered to active duty.

4 (B) To review the effects, if any, on logis-  
5 tics planning and the deployment schedules for  
6 the operations referred to in paragraph (1) that  
7 resulted from deficiencies in the health or med-  
8 ical fitness of activated Reserves.

9 (C) To review compliance of military per-  
10 sonnel with Department of Defense policies on  
11 medical and physical fitness examinations and  
12 assessments that are applicable to the reserve  
13 components of the Armed Forces.

14 (3) REPORT.—The Comptroller General shall,  
15 not later than one year after the date of the enact-  
16 ment of this Act, submit a report on the results of  
17 the study under this subsection to the Committees  
18 on Armed Services of the Senate and the House of  
19 Representatives. The report shall include the fol-  
20 lowing matters:

21 (A) With respect to the matters reviewed  
22 under subparagraph (A) of paragraph (2)—

23 (i) the percentage of activated Re-  
24 serves who were determined to be medi-  
25 cally unfit for deployment, together with



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1 an analysis of the reasons why the member  
2 was unfit, including medical illnesses or  
3 conditions most commonly found among  
4 the activated Reserves that were grounds  
5 for determinations of medical unfitness for  
6 deployment; and

7 (ii) the percentage of the activated  
8 Reserves who, before being deployed, need-  
9 ed medical care for health conditions iden-  
10 tified when called or ordered to active  
11 duty, together with an analysis of the types  
12 of care that were provided for such condi-  
13 tions and the reasons why such care was  
14 necessary.

15 (B) With respect to the matters reviewed  
16 under subparagraph (B) of paragraph (2)—

17 (i) the delays and other disruptions in  
18 deployment schedules that resulted from  
19 deficiencies in the health status or medical  
20 fitness of activated Reserves; and

21 (ii) an analysis of the extent to which  
22 it was necessary to merge units or other-  
23 wise alter the composition of units, and the  
24 extent to which it was necessary to merge  
25 or otherwise alter objectives, in order to



1           compensate for limitations on the  
2           deployability of activated Reserves result-  
3           ing from deficiencies in the health status  
4           or medical fitness of activated Reserves.

5           (C) With respect to the matters reviewed  
6           under subparagraph (C) of paragraph (2), an  
7           assessment of the extent of the compliance of  
8           reserve component personnel with Department  
9           of Defense policies on routine medical and  
10          physical fitness examinations that are applica-  
11          ble to the reserve components of the Armed  
12          Forces.

13          (D) An analysis of the extent to which the  
14          medical care, if any, provided to activated Re-  
15          serves in each theater of operations referred to  
16          in paragraph (1) related to preexisting condi-  
17          tions that were not adequately addressed before  
18          the deployment of such personnel to the the-  
19          ater.

20          (4) DEFINITIONS.—In this subsection:

21           (A) The term “activated Reserves” means  
22           the members of the Armed Forces referred to  
23           in paragraph (1).

24           (B) The term “active duty for a period of  
25           more than 30 days” has the meaning given



1 such term in section 101(d) of title 10, United  
2 States Code.

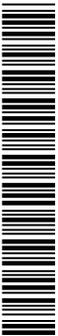
3 (C) The term “health condition” includes a  
4 mental health condition and a dental condition.

5 (D) The term “reserve components of the  
6 Armed Forces” means the reserve components  
7 listed in section 10101 of title 10, United  
8 States Code.

9 (b) ACCOUNTABILITY FOR MEDICAL READINESS OF  
10 INDIVIDUALS AND UNITS OF THE RESERVE COMPO-  
11 NENTS.—

12 (1) POLICY.—The Secretary of Defense shall  
13 take measures, in addition to those required by sec-  
14 tion 1074f of title 10, United States Code, to ensure  
15 that individual members and commanders of reserve  
16 component units fulfill their responsibilities and  
17 meet the requirements for medical and dental readi-  
18 ness of members of the units. Such measures may  
19 include—

20 (A) requiring more frequent health assess-  
21 ments of members than is required by section  
22 1074f(b) of title 10, United States Code, with  
23 an objective of having every member of the Se-  
24 lected Reserve receive a health assessment as



1 specified in section 1074f of such title not less  
2 frequently than once every two years; and

3 (B) providing additional support and infor-  
4 mation to commanders to assist them in im-  
5 proving the health status of members of their  
6 units.

7 (2) REVIEW AND FOLLOWUP CARE.—The meas-  
8 ures under this subsection shall provide for review of  
9 the health assessments under paragraph (1) by a  
10 medical professional and for any followup care and  
11 treatment that is otherwise authorized for medical or  
12 dental readiness.

13 (3) MODIFICATION OF PREDEPLOYMENT  
14 HEALTH ASSESSMENT SURVEY.—In carrying out  
15 paragraph (1), the Secretary shall—

16 (A) to the extent practicable, modify the  
17 predeployment health assessment survey to  
18 bring such survey into conformity with the de-  
19 tailed postdeployment health assessment survey  
20 in use as of October 1, 2004; and

21 (B) ensure the use of the predeployment  
22 health assessment survey, as so modified, for  
23 predeployment health assessments after that  
24 date.



1 (c) UNIFORM POLICY ON DEFERRAL OF MEDICAL  
2 TREATMENT PENDING DEPLOYMENT TO THEATERS OF  
3 OPERATIONS.—

4 (1) REQUIREMENT FOR POLICY.—The Sec-  
5 retary of Defense shall prescribe, for uniform appli-  
6 cability throughout the Armed Forces, a policy on  
7 deferral of medical treatment of members pending  
8 deployment.

9 (2) CONTENT.—The policy prescribed under  
10 paragraph (1) may specify the following matters:

11 (A) The circumstances under which treat-  
12 ment for medical conditions may be deferred to  
13 be provided within a theater of operations in  
14 order to prevent delay or other disruption of a  
15 deployment to that theater.

16 (B) The circumstances under which med-  
17 ical conditions are to be treated before deploy-  
18 ment to that theater.

19 **SEC. 733. BASELINE HEALTH DATA COLLECTION PROGRAM.**

20 (a) REQUIREMENT FOR PROGRAM.—

21 (1) IN GENERAL.—Chapter 55 of title 10,  
22 United States Code, is amended by inserting after  
23 section 1092 the following new section:



1 **“§ 1092a. Persons entering the armed forces: baseline**  
2 **health data**

3 “(a) PROGRAM REQUIRED.—The Secretary of De-  
4 fense shall carry out a program—

5 “(1) to collect baseline health data from each  
6 person entering the armed forces, at the time of  
7 entry into the armed forces; and

8 “(2) to provide for computerized compilation  
9 and maintenance of the baseline health data.

10 “(b) PURPOSES.—The program under this section  
11 shall be designed to achieve the following purposes:

12 “(1) To facilitate understanding of how subse-  
13 quent exposures related to service in the armed  
14 forces affect health.

15 “(2) To facilitate development of early interven-  
16 tion and prevention programs to protect health and  
17 readiness.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-  
19 tions at the beginning of such chapter is amended  
20 by inserting after the item relating to section 1092  
21 the following new item:

“1092a. Persons entering the armed forces: baseline health data.”.

22 (3) TIME FOR IMPLEMENTATION.—The Sec-  
23 retary of Defense shall implement the program re-  
24 quired under section 1092a of title 10, United  
25 States Code (as added by paragraph (1)), not later



1 than two years after the date of the enactment of  
2 this Act.

3 (b) INTERIM STANDARDS FOR BLOOD SAMPLING.—

4 (1) TIME REQUIREMENTS.—Subject to para-  
5 graph (2), the Secretary of Defense shall require  
6 that—

7 (A) the blood samples necessary for the  
8 predeployment medical examination of a member of  
9 the Armed Forces required under section 1074f(b)  
10 of title 10, United States Code, be drawn not earlier  
11 than 120 days before the date of the deployment;  
12 and

13 (B) the blood samples necessary for the  
14 postdeployment medical examination of a member of  
15 the Armed Forces required under such section  
16 1074f(b) of such title be drawn not later than 30  
17 days after the date on which the deployment ends.

18 (2) CONTINGENT APPLICABILITY.—The stand-  
19 ards under paragraph (1) shall apply unless the  
20 Joint Medical Readiness Oversight Committee estab-  
21 lished by section 1301 recommends, and the Sec-  
22 retary approves, different standards for blood sam-  
23 pling.



1 **SEC. 734. MEDICAL CARE AND TRACKING AND HEALTH**  
2 **SURVEILLANCE IN THE THEATER OF OPER-**  
3 **ATIONS.**

4 (a) RECORDKEEPING POLICY.—The Secretary of De-  
5 fense shall prescribe a policy that requires the records of  
6 all medical care provided to a member of the Armed  
7 Forces in a theater of operations to be maintained as part  
8 of a complete health record for the member.

9 (b) IN-THEATER MEDICAL TRACKING AND HEALTH  
10 SURVEILLANCE.—

11 (1) REQUIREMENT FOR EVALUATION.—The  
12 Secretary of Defense shall evaluate the system for  
13 the medical tracking and health surveillance of mem-  
14 bers of the Armed Forces in theaters of operations  
15 and take such actions as may be necessary to im-  
16 prove the medical tracking and health surveillance.

17 (2) REPORT.—Not later than one year after the  
18 date of the enactment of this Act, the Secretary of  
19 Defense shall submit a report on the actions taken  
20 under paragraph (1) to the Committees on Armed  
21 Services of the Senate and the House of Representa-  
22 tives. The report shall include the following matters:

23 (A) An analysis of the strengths and weak-  
24 nesses of the medical tracking system adminis-  
25 tered under section 1074f of title 10, United  
26 States Code.



1 (B) An analysis of the efficacy of health  
2 surveillance systems as a means of detecting—

3 (i) any health problems (including  
4 mental health conditions) of members of  
5 the Armed Forces contemporaneous with  
6 the performance of the assessment under  
7 the system; and

8 (ii) exposures of the assessed mem-  
9 bers to environmental hazards that poten-  
10 tially lead to future health problems.

11 (C) An analysis of the strengths and weak-  
12 nesses of such medical tracking and surveillance  
13 systems as a means for supporting future re-  
14 search on health issues.

15 (D) Recommended changes to such medical  
16 tracking and health surveillance systems.

17 (E) A summary of scientific literature on  
18 blood sampling procedures used for detecting  
19 and identifying exposures to environmental haz-  
20 ards.

21 (F) An assessment of whether there is a  
22 need for changes to regulations and standards  
23 for drawing blood samples for effective tracking  
24 and health surveillance of the medical condi-  
25 tions of personnel before deployment, upon the



1 end of a deployment, and for a followup period  
2 of appropriate length.

3 (c) PLAN TO OBTAIN HEALTH CARE RECORDS FROM  
4 ALLIES.—The Secretary of Defense shall develop a plan  
5 for obtaining all records of medical treatment provided to  
6 members of the Armed Forces by allies of the United  
7 States in Operation Enduring Freedom and Operation  
8 Iraqi Freedom. The plan shall specify the actions that are  
9 to be taken to obtain all such records.

10 (d) POLICY ON IN-THEATER PERSONNEL LOCATOR  
11 DATA.—Not later than one year after the date of the en-  
12 actment of this Act, the Secretary of Defense shall pre-  
13 scribe a Department of Defense policy on the collection  
14 and dissemination of in-theater individual personnel loca-  
15 tion data.

16 **SEC. 735. DECLASSIFICATION OF INFORMATION ON EXPO-**  
17 **SURES TO ENVIRONMENTAL HAZARDS.**

18 (a) REQUIREMENT FOR REVIEW.—The Secretary of  
19 Defense shall review and, as determined appropriate, re-  
20 vise the classification policies of the Department of De-  
21 fense with a view to facilitating the declassification of data  
22 that is potentially useful for the monitoring and assess-  
23 ment of the health of members of the Armed Forces who  
24 have been exposed to environmental hazards during de-  
25 ployments overseas, including the following data:



1 (1) In-theater injury rates.

2 (2) Data derived from environmental surveil-  
3 lance.

4 (3) Health tracking and surveillance data.

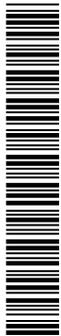
5 (b) CONSULTATION WITH COMMANDERS OF THE-  
6 ATER COMBATANT COMMANDS.—The Secretary shall, to  
7 the extent that the Secretary considers appropriate, con-  
8 sult with the senior commanders of the in-theater forces  
9 of the combatant commands in carrying out the review  
10 and revising policies under subsection (a).

11 **SEC. 736. REPORT ON TRAINING ON ENVIRONMENTAL HAZ-**  
12 **ARDS.**

13 (a) REQUIREMENT FOR REPORT ON TRAINING OF  
14 FIELD MEDICAL PERSONNEL.—Not later than one year  
15 after the date of the enactment of this Act, the Secretary  
16 of Defense shall submit to the Committees on Armed Serv-  
17 ices of the Senate and the House of Representatives a re-  
18 port on the training on environmental hazards that is pro-  
19 vided by the Armed Forces to medical personnel of the  
20 Armed Forces who are deployable to the field in direct  
21 support of combat personnel.

22 (b) CONTENT.—The report under subsection (a) shall  
23 include the following:

24 (1) An assessment of the adequacy of the train-  
25 ing regarding—



1 (A) the identification of common environ-  
2 mental hazards and exposures to such hazards;  
3 and

4 (B) the prevention and treatment of ad-  
5 verse health effects of such exposures.

6 (2) A discussion of the actions taken and to be  
7 taken to improve such training.

8 **SEC. 737. UNIFORM POLICY FOR MEETING MOBILIZATION-**  
9 **RELATED MEDICAL CARE NEEDS AT MILI-**  
10 **TARY INSTALLATIONS.**

11 (a) HEALTH CARE AT MOBILIZATION INSTALLA-  
12 TIONS.—The Secretary of Defense shall take such steps  
13 as necessary, including through the uniform policy estab-  
14 lished under subsection (c), to ensure that anticipated  
15 health care needs of members of the Armed Forces at mo-  
16 bilization installations can be met at those installations.  
17 Such steps may, within authority otherwise available to  
18 the Secretary, include the following with respect to any  
19 such installation:

20 (1) Arrangements for health care to be provided  
21 by the Secretary of Veterans Affairs .

22 (2) Procurement of services from local health  
23 care providers.

24 (3) Temporary employment of health care per-  
25 sonnel to provide services at such installation.



1 (b) MOBILIZATION INSTALLATIONS.—For purposes  
2 of this section, the term “mobilization installation” means  
3 a military installation at which members of the Armed  
4 Forces, in connection with a contingency operation or dur-  
5 ing a national emergency—

6 (1) are mobilized;

7 (2) are deployed; or

8 (3) are redeployed from a deployment location.

9 (c) REQUIREMENT FOR REGULATIONS.—

10 (1) POLICY ON IMPLEMENTATION.—The Sec-  
11 retary of Defense shall by regulation establish a pol-  
12 icy for the implementation of subsection (a) through-  
13 out the Department of Defense.

14 (2) IDENTIFICATION AND ANALYSIS OF  
15 NEEDS.—As part of the policy prescribed under  
16 paragraph (1), the Secretary shall require the Sec-  
17 retary of each military department, with respect to  
18 each mobilization installation under the jurisdiction  
19 of that Secretary, to identify and analyze the antici-  
20 pated health care needs at that installation with re-  
21 spect to members of the Armed Forces who may be  
22 expected to mobilize or deploy or redeploy at that in-  
23 stallation as described in subsection (b)(1). Such  
24 identification and analysis shall be carried out so as



1 to be completed before the arrival of such members  
2 at the installation.

3 (3) RESPONSE TO NEEDS.—The policy estab-  
4 lished by the Secretary of Defense under paragraph  
5 (1) shall require that, based on the results of the  
6 identification and analysis under paragraph (2), the  
7 Secretary of the military department concerned shall  
8 determine how to expeditiously and effectively re-  
9 spond to those anticipated health care needs that  
10 cannot be met within the resources otherwise avail-  
11 able at that installation, in accordance with sub-  
12 section (a).

13 (4) IMPLEMENTATION OF AUTHORITY.—In im-  
14 plementing the policy established under paragraph  
15 (1) at any installation, the Secretary of the military  
16 department concerned shall ensure that the com-  
17 mander of the installation, and the officers and  
18 other personnel superior to that commander in that  
19 commander's chain of command, have appropriate  
20 authority and responsibility for such implementation.

21 (d) POLICY.—The Secretary of Defense shall  
22 ensure—

23 (1) that the policy prescribed under subsection  
24 (c) is carried out with respect to any mobilization in-  
25 stallation with the involvement of all agencies of the



1 Department of Defense that have responsibility for  
2 management of the installation and all organizations  
3 of the Department that have command authority  
4 over any activity at the installation; and

5 (2) that such policy is implemented on a uni-  
6 form basis throughout the Department of Defense.

7 **SEC. 738. FULL IMPLEMENTATION OF MEDICAL READINESS**  
8 **TRACKING AND HEALTH SURVEILLANCE**  
9 **PROGRAM AND FORCE HEALTH PROTECTION**  
10 **AND READINESS PROGRAM.**

11 (a) IMPLEMENTATION AT ALL LEVELS.—The Sec-  
12 retary of Defense, in conjunction with the Secretaries of  
13 the military departments, shall take such actions as are  
14 necessary to ensure that the Army, Navy, Air Force, and  
15 Marine Corps fully implement at all levels—

16 (1) the Medical Readiness Tracking and Health  
17 Surveillance Program under this title and the  
18 amendments made by this title; and

19 (2) the Force Health Protection and Readiness  
20 Program of the Department of Defense (relating to  
21 the prevention of injury and illness and the reduc-  
22 tion of disease and noncombat injury threats).

23 (b) ACTION OFFICIAL.—The Secretary of Defense  
24 may act through the Under Secretary of Defense for Per-  
25 sonnel and Readiness in carrying out subsection (a).



1 **SEC. 739. REPORTS AND INTERNET ACCESSIBILITY RELAT-**  
2 **ING TO HEALTH MATTERS.**

3 (a) ANNUAL REPORTS.—

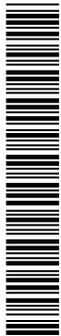
4 (1) REQUIREMENT FOR REPORTS.—Chapter 55  
5 of title 10, United States Code, is amended by in-  
6 sserting after section 1073a the following new sec-  
7 tion:

8 **“§ 1073b. Recurring reports**

9 “(a) ANNUAL REPORT ON HEALTH PROTECTION  
10 QUALITY.—(1) The Secretary of Defense shall submit to  
11 the Committees on Armed Services of the Senate and the  
12 House of Representatives each year a report on the Force  
13 Health Protection Quality Assurance Program of the De-  
14 partment of Defense. The report shall cover the calendar  
15 year preceding the year in which the report is submitted  
16 and include the following matters:

17 “(A) The results of an audit conducted during  
18 the calendar year covered by the report of the extent  
19 to which the blood samples required to be obtained  
20 as described in section 733(b) of the Ronald W.  
21 Reagan National Defense Authorization Act for Fis-  
22 cal Year 2005 from members of the armed forces be-  
23 fore and after a deployment are stored in the blood  
24 serum repository of the Department of Defense.

25 “(B) The results of an audit conducted during  
26 the calendar year covered by the report of the extent



1 to which the records of the health assessments re-  
2 quired under section 1074f of this title for members  
3 of the armed forces before and after a deployment  
4 are being maintained in the electronic database of  
5 the Defense Medical Surveillance System.

6 “(C) An analysis of the actions taken by De-  
7 partment of Defense personnel to respond to health  
8 concerns expressed by members of the armed forces  
9 upon return from a deployment.

10 “(D) An analysis of the actions taken by De-  
11 partment of Defense personnel to evaluate or treat  
12 members of the armed forces who are confirmed to  
13 have been exposed to occupational or environmental  
14 hazards deleterious to their health during a deploy-  
15 ment.

16 “(2) The Secretary of Defense shall act through the  
17 Assistant Secretary of Defense for Health Affairs in car-  
18 rying out this subsection.

19 “(b) ANNUAL REPORT ON RECORDING OF HEALTH  
20 ASSESSMENT DATA IN MILITARY HEALTH RECORDS.—  
21 The Secretary of Defense shall issue each year a report  
22 on the compliance by the military departments with appli-  
23 cable law and policies on the recording of health assess-  
24 ment data in military health records, including compliance  
25 with section 1074f(c) of this title. The report shall cover



1 the calendar year preceding the year in which the report  
2 is submitted and include a discussion of the extent to  
3 which immunization status and predeployment and  
4 postdeployment health care data are being recorded in  
5 such records.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-  
7 tions at the beginning of such chapter is amended  
8 by inserting after the item relating to section 1073a  
9 the following new item:

“1073b. Recurring reports.”.

10 (3) INITIAL REPORTS.—The first reports under  
11 section 1073b of title 10, United States Code (as  
12 added by paragraph (1)), shall be completed not  
13 later than 180 days after the date of the enactment  
14 of this Act.

15 (b) INTERNET ACCESSIBILITY OF HEALTH ASSESS-  
16 MENT INFORMATION FOR MEMBERS OF THE ARMED  
17 FORCES.—Not later than one year after the date of the  
18 enactment of this Act, the Chief Information Officer of  
19 each military department shall ensure that the online por-  
20 tal website of that military department includes the fol-  
21 lowing information relating to health assessments:

22 (1) Information on the policies of the Depart-  
23 ment of Defense and the military department con-  
24 cerned regarding predeployment and postdeployment



1 health assessments, including policies on the fol-  
2 lowing matters:

3 (A) Health surveys.

4 (B) Physical examinations.

5 (C) Collection of blood samples and other  
6 tissue samples.

7 (2) Procedural information on compliance with  
8 such policies, including the following information:

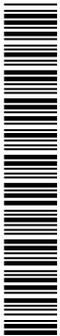
9 (A) Information for determining whether a  
10 member is in compliance.

11 (B) Information on how to comply.

12 (3) Health assessment surveys that are either—

13 (A) web-based; or

14 (B) accessible (with instructions) in  
15 printer-ready form by download.





1 **TITLE VIII—ACQUISITION POLICY,**  
2 **ACQUISITION MANAGEMENT,**  
3 **AND RELATED MATTERS**

**Subtitle A—Acquisition Policy and Management**

- Sec. 801. Software-related program costs under major defense acquisition programs.
- Sec. 802. Internal controls for Department of Defense procurements through GSA Client Support Centers.
- Sec. 803. Defense commercial communications satellite services procurement process.
- Sec. 804. Contractor performance of acquisition functions closely associated with inherently governmental functions.
- Sec. 805. Sustainment plans for existing systems while replacement systems are under development.
- Sec. 806. Applicability of competition exceptions to eligibility of National Guard for financial assistance for performance of additional duties.
- Sec. 807. Inflation adjustment of acquisition-related dollar thresholds.

**Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations**

- Sec. 811. Rapid acquisition authority to respond to combat emergencies.
- Sec. 812. Defense acquisition workforce improvements.
- Sec. 813. Period for multiyear task and delivery order contracts.
- Sec. 814. Funding for contract ceilings for certain multiyear procurement contracts.
- Sec. 815. Increased threshold for senior procurement executive approval of use of procedures other than competitive procedures.
- Sec. 816. Increased threshold for applicability of requirement for defense contractors to provide information on subcontracting authority of contractor personnel to cooperative agreement holders.
- Sec. 817. Extension of authority for use of simplified acquisition procedures.
- Sec. 818. Submission of cost or pricing data on noncommercial modifications of commercial items.
- Sec. 819. Delegations of authority to make determinations relating to payment of defense contractors for business restructuring costs.
- Sec. 820. Availability of Federal supply schedule supplies and services to United Service Organizations, Incorporated.
- Sec. 821. Addition of landscaping and pest control services to list of designated industry groups participating in the Small Business Competitiveness Demonstration Program.
- Sec. 822. Increased thresholds under special emergency procurement authority.

**Subtitle C—United States Defense Industrial Base Provisions**

- Sec. 831. Defense trade reciprocity.
- Sec. 832. Assessment and report on the acquisition of polyacrylonitrile (PAN) carbon fiber from foreign sources.

**Subtitle D—Extensions of Temporary Program Authorities**



- Sec. 841. Extension of mentor-protege program.  
Sec. 842. Amendment to mentor-protege program.  
Sec. 843. Extension of test program for negotiation of comprehensive small business subcontracting plans.  
Sec. 844. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities.

#### **Subtitle E—Other Acquisition Matters**

- Sec. 851. Review and demonstration project relating to contractor employees.  
Sec. 852. Inapplicability of certain fiscal laws to settlements under special temporary contract closeout authority.  
Sec. 853. Contracting with employers of persons with disabilities.  
Sec. 854. Defense procurements made through contracts of other agencies.  
Sec. 855. Requirements relating to source selection for integrated support of aerial refueling aircraft fleet for the Air Force.

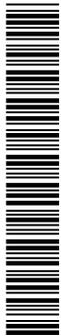
## 1 **Subtitle A—Acquisition Policy and** 2 **Management**

### 3 **SEC. 801. SOFTWARE-RELATED PROGRAM COSTS UNDER** 4 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

5 (a) CONTENT OF QUARTERLY UNIT COST RE-  
6 PORT.—Subsection (b) of section 2433 of title 10, United  
7 States Code, is amended by adding at the end the fol-  
8 lowing new paragraph:

9 “(5) Any significant changes in the total pro-  
10 gram cost for development and procurement of the  
11 software component of the program, schedule mile-  
12 stones for the software component of the program,  
13 or expected performance for the software component  
14 of the program that are known, expected, or antici-  
15 pated by the program manager.”.

16 (b) CONTENT OF SELECTED ACQUISITION RE-  
17 PORT.—(1) Subsection (g)(1) of such section is amended  
18 by adding at the end the following new subparagraph:



1           “(Q) In any case in which one or more prob-  
2           lems with the software component of the program  
3           significantly contributed to the increase in program  
4           unit costs, the action taken and proposed to be  
5           taken to solve such problems.”.

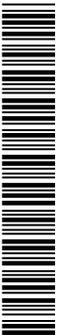
6           (2) Section 2432(e) of title 10, United States Code,  
7           is amended—

8           (A) by redesignating paragraphs (7), (8), and  
9           (9) as paragraphs (8), (9), and (10), respectively;  
10          and

11          (B) by inserting after paragraph (6) the fol-  
12          lowing new paragraph (7):

13           “(7) The reasons for any significant changes  
14           (from the previous Selected Acquisition Report) in  
15           the total program cost for development and procure-  
16           ment of the software component of the program,  
17           schedule milestones for the software component of  
18           the program, or expected performance for the soft-  
19           ware component of the program that are known, ex-  
20           pected, or anticipated by the program manager.”.

21          (c) EFFECTIVE DATE.—The amendments made by  
22          this section shall take effect on the date occurring 60 days  
23          after the date of the enactment of this Act, and shall apply  
24          with respect to reports due to be submitted to Congress  
25          on or after such date.



1 **SEC. 802. INTERNAL CONTROLS FOR DEPARTMENT OF DE-**  
2 **FENSE PROCUREMENTS THROUGH GSA CLI-**  
3 **ENT SUPPORT CENTERS.**

4 (a) INITIAL INSPECTOR GENERAL REVIEW AND DE-  
5 TERMINATION.—(1) Not later than March 15, 2005, the  
6 Inspector General of the Department of Defense and the  
7 Inspector General of the General Services Administration  
8 shall jointly—

9 (A) review—

10 (i) the policies, procedures, and internal  
11 controls of each GSA Client Support Center;  
12 and

13 (ii) the administration of those policies,  
14 procedures, and internal controls; and

15 (B) for each such Center, determine in writing  
16 whether—

17 (i) the Center is compliant with defense  
18 procurement requirements;

19 (ii) the Center is not compliant with de-  
20 fense procurement requirements, but the Center  
21 made significant progress during 2004 toward  
22 becoming compliant with defense procurement  
23 requirements; or

24 (iii) neither of the conclusions stated in  
25 clauses (i) and (ii) is correct.



1 (2) If the Inspectors General determine under para-  
2 graph (1) that the conclusion stated in clause (ii) or (iii)  
3 of subparagraph (B) of such paragraph is correct in the  
4 case of a GSA Client Support Center, those Inspectors  
5 General shall, not later than March 15, 2006, jointly—

6 (A) conduct a second review regarding that  
7 GSA Client Support Center as described in para-  
8 graph (1)(A); and

9 (B) determine in writing whether that GSA Cli-  
10 ent Support Center is or is not compliant with de-  
11 fense procurement requirements.

12 (b) COMPLIANCE WITH DEFENSE PROCUREMENT  
13 REQUIREMENTS.—For the purposes of this section, a GSA  
14 Client Support Center is compliant with defense procure-  
15 ment requirements if the GSA Client Support Center’s  
16 policies, procedures, and internal controls, and the manner  
17 in which they are administered, are adequate to ensure  
18 compliance of that Center with the requirements of laws  
19 and regulations that apply to procurements of property  
20 and services made directly by the Department of Defense.

21 (c) LIMITATIONS ON PROCUREMENTS THROUGH  
22 GSA CLIENT SUPPORT CENTERS.—(1) After March 15,  
23 2005, and before March 16, 2006, no official of the De-  
24 partment of Defense may, except as provided in subsection  
25 (d) or (e), order, purchase, or otherwise procure property



1 or services in an amount in excess of \$100,000 through  
2 any GSA Client Support Center for which a determination  
3 described in paragraph (1)(B)(iii) of subsection (a) has  
4 been made under that subsection.

5 (2) After March 15, 2006, no official of the Depart-  
6 ment of Defense may, except as provided in subsection (d)  
7 or (e), order, purchase, or otherwise procure property or  
8 services in an amount in excess of \$100,000 through any  
9 GSA Client Support Center that has not been determined  
10 under this section as being compliant with defense pro-  
11 curement requirements.

12 (d) EXCEPTION FROM APPLICABILITY OF LIMITA-  
13 TIONS.—(1) No limitation applies under subsection (c)  
14 with respect to the procurement of property and services  
15 from a particular GSA Client Support Center during any  
16 period that there is in effect a determination of the Under  
17 Secretary of Defense for Acquisition, Technology, and Lo-  
18 gistics, made in writing, that it is necessary in the interest  
19 of the Department of Defense to continue to procure prop-  
20 erty and services through that GSA Client Support Cen-  
21 ter.

22 (2) A written determination with respect to a GSA  
23 Client Support Center under paragraph (1) is in effect for  
24 the period, not in excess of one year, that the Under Sec-  
25 retary of Defense for Acquisition, Technology, and Logis-



1 ties shall specify in the written determination. The Under  
2 Secretary may extend from time to time, for up to one  
3 year at a time, the period for which the written determina-  
4 tion remains in effect.

5 (e) TERMINATION OF APPLICABILITY OF LIMITA-  
6 TIONS.—Subsection (c) shall cease to apply to a GSA Cli-  
7 ent Support Center on the date on which the Inspector  
8 General of the Department of Defense and the Inspector  
9 General of the General Services Administration jointly de-  
10 termine that such Center is compliant with defense pro-  
11 curement requirements and notify the Secretary of De-  
12 fense of that determination.

13 (f) GSA CLIENT SUPPORT CENTER DEFINED.—In  
14 this section, the term “GSA Client Support Center”  
15 means a Client Support Center of the Federal Technology  
16 Service of the General Services Administration.

17 **SEC. 803. DEFENSE COMMERCIAL COMMUNICATIONS SAT-**  
18 **ELLITE SERVICES PROCUREMENT PROCESS.**

19 (a) REQUIREMENT FOR DETERMINATION.—The Sec-  
20 retary of Defense shall review all potential mechanisms for  
21 procuring commercial communications satellite services  
22 and provide guidance to the Director of the Defense Infor-  
23 mation Systems Agency and the Secretaries of the military  
24 departments on how such procurements should be con-  
25 ducted. The alternative procurement mechanisms reviewed



1 by the Secretary of Defense shall, at a minimum, include  
2 the following:

3 (1) Procurement under indefinite delivery, in-  
4 definite quantity contracts of other departments and  
5 agencies of the Federal Government, including the  
6 Federal Technology Service of the General Services  
7 Administration.

8 (2) Procurement directly from commercial  
9 sources that are qualified as described in subsection  
10 (b), using full and open competition (as defined in  
11 section 4(6) of the Office of Federal Procurement  
12 Policy Act (41 U.S.C. 403(6))).

13 (3) Procurement by any other means that has  
14 been used by the Director of the Defense Informa-  
15 tion Systems Agency or the Secretary of a military  
16 department to enter into a contract for the procure-  
17 ment of commercial communications satellite serv-  
18 ices that is in force on the date of the enactment of  
19 this Act, including through commercial communica-  
20 tions satellite service integrators and resellers.

21 (4) Procurement under the method used as of  
22 the date of the enactment of this Act, modified with  
23 streamlined processes to ensure increased efficiency  
24 and cost effectiveness.



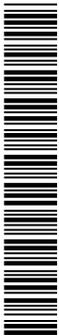
1 (b) QUALIFIED SOURCES.—A source of commercial  
2 communications satellite services referred to in paragraph  
3 (2) of subsection (a) is a qualified source if the source  
4 is incorporated under the laws of a State of the United  
5 States and is either—

6 (1) a source of commercial communications sat-  
7 ellite services under a Federal Technology Service  
8 contract for the procurement of commercial commu-  
9 nications satellite services described in paragraph  
10 (1) of such subsection that is in force on the date  
11 of the enactment of this Act; or

12 (2) a source of commercial communications sat-  
13 ellite services that meets qualification requirements  
14 (as defined in section 2319 of title 10, United States  
15 Code, and established in accordance with that sec-  
16 tion) to enter into a Federal Technology Service con-  
17 tract for the procurement of commercial communica-  
18 tions satellite services.

19 (c) REPORT.—Not later than April 30, 2005, the Sec-  
20 retary of Defense shall submit to Congress a report setting  
21 forth the conclusions resulting from the Secretary’s review  
22 under subsection (a). The report shall include—

23 (1) the guidance provided under such sub-  
24 section; and



1           (2) a discussion of the rationale for that guid-  
2           ance and how the guidance will address each rec-  
3           ommendation made in the December 2003 report of  
4           the General Accounting Office titled “Satellite Com-  
5           munications: Strategic Approach Needed for DOD’s  
6           Procurement of Commercial Satellite BandWidth”  
7           (GAO–04–206).

8           (d) EFFECTIVE DATE.—(1) The Secretary may not  
9           enter into a contract for commercial communications sat-  
10          ellite services (using any mechanism reviewed under sub-  
11          section (a) or otherwise) until the expiration of 30 days  
12          after the date on which the report described in subsection  
13          (c) has been received by Congress, unless the Secretary  
14          determines that such a contract is required to meet urgent  
15          national security requirements.

16          (2) Notwithstanding paragraph (1), the Secretary  
17          may issue a task order or delivery order under a contract  
18          for commercial communications satellite services that was  
19          awarded before the date of the enactment of this Act.

20       **SEC. 804. CONTRACTOR PERFORMANCE OF ACQUISITION**

21                       **FUNCTIONS CLOSELY ASSOCIATED WITH IN-**

22                       **HERENTLY GOVERNMENTAL FUNCTIONS.**

23          (a) LIMITATION.—(1) Chapter 141 of title 10, United  
24          States Code, is amended by inserting after section 2382  
25          the following new section:



1 **“§ 2383. Contractor performance of acquisition func-**  
2 **tions closely associated with inherently**  
3 **governmental functions**

4 “(a) LIMITATION.—The head of an agency may enter  
5 into a contract for the performance of acquisition func-  
6 tions closely associated with inherently governmental func-  
7 tions only if the contracting officer for the contract en-  
8 sures that—

9 “(1) appropriate military or civilian personnel  
10 of the Department of Defense cannot reasonably be  
11 made available to perform the functions;

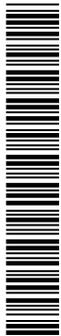
12 “(2) appropriate military or civilian personnel  
13 of the Department of Defense are—

14 “(A) to supervise contractor performance  
15 of the contract; and

16 “(B) to perform all inherently govern-  
17 mental functions associated with the functions  
18 to be performed under the contract; and

19 “(3) the agency addresses any potential organi-  
20 zational conflict of interest of the contractor in the  
21 performance of the functions under the contract,  
22 consistent with subpart 9.5 of part 9 of the Federal  
23 Acquisition Regulation and the best interests of the  
24 Department of Defense.

25 “(b) DEFINITIONS.—In this section:



1           “(1) The term ‘head of an agency’ has the  
2 meaning given such term in section 2302(1) of this  
3 title, except that such term does not include the Sec-  
4 retary of Homeland Security or the Administrator of  
5 the National Oceanic and Atmospheric Administra-  
6 tion.

7           “(2) The term ‘inherently governmental func-  
8 tions’ has the meaning given such term in subpart  
9 7.5 of part 7 of the Federal Acquisition Regulation.

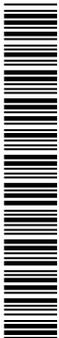
10           “(3) The term ‘functions closely associated with  
11 inherently governmental functions’ means the func-  
12 tions described in section 7.503(d) of the Federal  
13 Acquisition Regulation.

14           “(4) The term ‘organizational conflict of inter-  
15 est’ has the meaning given such term in subpart 9.5  
16 of part 9 of the Federal Acquisition Regulation.”.

17           (2) The table of sections at the beginning of such  
18 chapter is amended by inserting after the item relating  
19 to section 2382 the following new item:

“2383. Contractor performance of acquisition functions closely associated with  
inherently governmental functions.”.

20           (b) EFFECTIVE DATE.—Section 2383 of title 10,  
21 United States Code (as added by subsection (a)), shall  
22 apply to contracts entered into on or after the date of the  
23 enactment of this Act.



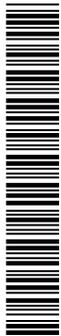
1 **SEC. 805. SUSTAINMENT PLANS FOR EXISTING SYSTEMS**  
2 **WHILE REPLACEMENT SYSTEMS ARE UNDER**  
3 **DEVELOPMENT.**

4 (a) EXISTING SYSTEMS TO BE MAINTAINED WHILE  
5 REPLACEMENT SYSTEMS ARE UNDER DEVELOPMENT.—

6 (1) Chapter 144 of title 10, United States Code, is amend-  
7 ed by inserting after section 2436 the following new sec-  
8 tion:

9 **“§ 2437. Development of major defense acquisition**  
10 **programs: sustainment of system to be re-**  
11 **placed**

12 “(a) REQUIREMENT FOR SUSTAINING EXISTING  
13 FORCES.—(1) The Secretary of Defense shall require that,  
14 whenever a new major defense acquisition program begins  
15 development, the defense acquisition authority responsible  
16 for that program shall develop a plan (to be known as  
17 a ‘sustainment plan’) for the existing system that the sys-  
18 tem under development is intended to replace. Any such  
19 sustainment plan shall provide for an appropriate level of  
20 budgeting for sustaining the existing system until the re-  
21 placement system to be developed under the major defense  
22 acquisition program is fielded and assumes the majority  
23 of responsibility for the mission of the existing system.  
24 This section does not apply to a major defense acquisition  
25 that reaches initial operational capability before October  
26 1, 2008.



1           “(2) In this section, the term ‘defense acquisition au-  
2 thority’ means the Secretary of a military department or  
3 the commander of the United States Special Operations  
4 Command.

5           “(b) SUSTAINMENT PLAN.—The Secretary of De-  
6 fense shall require that each sustainment plan under this  
7 section include, at a minimum, the following:

8                   “(1) The milestone schedule for the develop-  
9 ment of the major defense acquisition program, in-  
10 cluding the scheduled dates for low-rate initial pro-  
11 duction, initial operational capability, full-rate pro-  
12 duction, and full operational capability and the date  
13 as of when the replacement system is scheduled to  
14 assume the majority of responsibility for the mission  
15 of the existing system.

16                   “(2) An analysis of the existing system to as-  
17 sess the following:

18                           “(A) Anticipated funding levels necessary  
19 to—

20                                   “(i) ensure acceptable reliability and  
21 availability rates for the existing system;  
22 and

23                                   “(ii) maintain mission capability of  
24 the existing system against the relevant  
25 threats.



1           “(B) The extent to which it is necessary  
2           and appropriate to—

3                   “(i) transfer mature technologies from  
4                   the new system or other systems to en-  
5                   hance the mission capability of the existing  
6                   system against relevant threats; and

7                   “(ii) provide interoperability with the  
8                   new system during the period from initial  
9                   fielding until the new system assumes the  
10                  majority of responsibility for the mission of  
11                  the existing system.

12          “(c) EXCEPTIONS.—Subsection (a) shall not apply to  
13 a major defense acquisition program if the Secretary of  
14 Defense determines that—

15                  “(1) the existing system is no longer relevant to  
16                  the mission;

17                  “(2) the mission has been eliminated;

18                  “(3) the mission has been consolidated with an-  
19                  other mission in such a manner that another exist-  
20                  ing system can adequately meet the mission require-  
21                  ments; or

22                  “(4) the duration of time until the new system  
23                  assumes the majority of responsibility for the exist-  
24                  ing system’s mission is sufficiently short so that mis-



1 sion availability, capability, interoperability, and  
2 force protection requirements are maintained.

3 “(d) WAIVER.—The Secretary of Defense may waive  
4 the applicability of subsection (a) to a major defense ac-  
5 quisition program if the Secretary determines that, but for  
6 such a waiver, the Department would be unable to meet  
7 national security objectives. Whenever the Secretary  
8 makes such a determination and authorizes such a waiver,  
9 the Secretary shall submit notice of such waiver and of  
10 the Secretary’s determination and the reasons therefor in  
11 writing to the congressional defense committees.”.

12 (2) The table of sections at the beginning of such  
13 chapter is amended by inserting after the item relating  
14 to section 2436 the following new item:

“2437. Development of major defense acquisition programs: sustainment of sys-  
tem to be replaced.”.

15 (b) APPLICATION TO EXISTING PROGRAMS IN DE-  
16 VELOPMENT.—Section 2437 of title 10, United States  
17 Code, as added by subsection (a), shall apply with respect  
18 to a major defense acquisition program for a system that  
19 is under development as of the date of the enactment of  
20 this Act and is not expected to reach initial operational  
21 capability before October 1, 2008. The Secretary of De-  
22 fense shall require that a sustainment plan under that sec-  
23 tion be developed not later than one year after the date



1 of the enactment of this Act for the existing system that  
2 the system under development is intended to replace.

3 **SEC. 806. APPLICABILITY OF COMPETITION EXCEPTIONS**  
4 **TO ELIGIBILITY OF NATIONAL GUARD FOR FI-**  
5 **NANCIAL ASSISTANCE FOR PERFORMANCE**  
6 **OF ADDITIONAL DUTIES.**

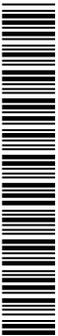
7 Section 113(b)(1)(B) of title 32, United States Code,  
8 is amended by inserting before the period at the end the  
9 following: “, subject to the exceptions provided in section  
10 2304(c) of title 10”.

11 **SEC. 807. INFLATION ADJUSTMENT OF ACQUISITION-RE-**  
12 **LATED DOLLAR THRESHOLDS.**

13 (a) INFLATION ADJUSTMENT AUTHORITY.—(1) The  
14 Office of Federal Procurement Policy Act (41 U.S.C. 403  
15 et seq.) is amended by inserting after section 35 the fol-  
16 lowing new section:

17 **“SEC. 35A. INFLATION ADJUSTMENT OF ACQUISITION-RE-**  
18 **LATED DOLLAR THRESHOLDS.**

19 “(a) REQUIREMENT FOR PERIODIC ADJUSTMENT.—  
20 (1) On October 1 of each year that is evenly divisible by  
21 five, the Federal Acquisition Regulatory Council shall ad-  
22 just each acquisition-related dollar threshold provided by  
23 law, as described in subsection (c), to the baseline constant  
24 dollar value of that threshold.



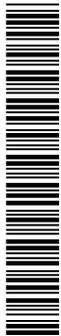
1           “(2) For the purposes of paragraph (1), the baseline  
2 constant dollar value—

3           “(A) for a dollar threshold in effect on October  
4 1, 2000, that was first specified in a law that took  
5 effect on or before such date shall be the October 1,  
6 2000, constant dollar value of that dollar threshold;  
7 and

8           “(B) for a dollar threshold specified in a law  
9 that takes effect after October 1, 2000, shall be the  
10 constant dollar value of that threshold as of the ef-  
11 fective date of that dollar threshold pursuant to such  
12 law.

13           “(b) ADJUSTMENTS EFFECTIVE UPON PUBLICA-  
14 TION.—The Federal Acquisition Regulatory Council shall  
15 publish a notice of the adjusted dollar thresholds under  
16 this section in the Federal Register. The adjusted dollar  
17 thresholds shall take effect on the date of publication.

18           “(c) ACQUISITION-RELATED DOLLAR THRESH-  
19 OLDS.—Except as provided in subsection (d), the require-  
20 ment for adjustment under subsection (a) applies to a dol-  
21 lar threshold that is specified in law as a factor in defining  
22 the scope of the applicability of a policy, procedure, re-  
23 quirement, or restriction provided in that law to the pro-  
24 curement of property or services by an executive agency,



1 as determined by the Federal Acquisition Regulatory  
2 Council.

3 “(d) EXCLUDED THRESHOLDS.—Subsection (a) does  
4 not apply to—

5 “(1) dollar thresholds in sections 3141 through  
6 3144, 3146, and 3147 of title 40, United States  
7 Code;

8 “(2) dollar thresholds in the Service Contract  
9 Act of 1965 (41 U.S.C. 351, et seq.); or

10 “(3) dollar thresholds established by the United  
11 States Trade Representative pursuant to title III of  
12 the Trade Agreements Act of 1979 (19 U.S.C. 2511  
13 et seq.).

14 “(e) CALCULATION OF ADJUSTMENTS.—An adjust-  
15 ment under this section shall—

16 “(1) be calculated on the basis of changes in  
17 the Consumer Price Index for all-urban consumers  
18 published monthly by the Department of Labor; and

19 “(2) be rounded—

20 “(A) in the case of a dollar threshold that  
21 (as in effect on the day before the adjustment)  
22 is less than \$10,000, to the nearest \$500;

23 “(B) in the case of a dollar threshold that  
24 (as in effect on the day before the adjustment)



1 is not less than \$10,000, but is less than  
2 \$100,000, to the nearest \$5,000;

3 “(C) in the case of a dollar threshold that  
4 (as in effect on the day before the adjustment)  
5 is not less than \$100,000, but is less than  
6 \$1,000,000, to the nearest \$50,000; and

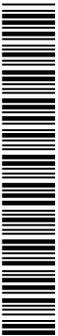
7 “(D) in the case of a dollar threshold that  
8 (as in effect on the day before the adjustment)  
9 is \$1,000,000 or more, to the nearest \$500,000.

10 “(f) PETITION FOR INCLUSION OF OMITTED  
11 THRESHOLD.—(1) If a dollar threshold adjustable under  
12 this section is not included in a notice of adjustment pub-  
13 lished under subsection (b), any person may request ad-  
14 justment of that dollar threshold by submitting a petition  
15 for adjustment to the Administrator for Federal Procure-  
16 ment Policy.

17 “(2) Upon receipt of a petition for adjustment of a  
18 dollar threshold under paragraph (1), the Administrator  
19 shall—

20 “(A) determine, in writing, whether that dollar  
21 threshold is required to be adjusted under this sec-  
22 tion; and

23 “(B) if so, shall publish in the Federal Register  
24 a revised notice of the adjusted dollar thresholds



1 under this section that includes the adjustment of  
2 the dollar threshold covered by the petition.

3 “(3) The adjustment of a dollar threshold pursuant  
4 to a petition under this subsection shall take effect on the  
5 date of the publication of the revised notice adding the  
6 adjustment of that dollar threshold under paragraph  
7 (2)(B).”.

8 (2) The table of contents in section 1(b) of such Act  
9 is amended by inserting after the item relating to section  
10 35 the following new item:

“Sec. 35A. Inflation adjustment of acquisition-related dollar thresholds.”.

11 (b) DEFINITION OF FEDERAL ACQUISITION REGU-  
12 LATORY COUNCIL.—Section 4 of such Act is amended by  
13 adding at the end the following new paragraph:

14 “(17) The term ‘Federal Acquisition Regulatory  
15 Council’ means the Federal Acquisition Regulatory  
16 Council established under section 25.”.

17 (c) RELATIONSHIP TO OTHER INFLATION ADJUST-  
18 MENT AUTHORITIES.—(1) Section 35A of the Office of  
19 Federal Procurement Policy Act, as added by subsection  
20 (a), supersedes the applicability of any other provision of  
21 law that provides for the adjustment of a dollar threshold  
22 that is adjustable under such section.

23 (2) After the date of the enactment of this Act, a  
24 dollar threshold adjustable under section 35A of the Office  
25 of Federal Procurement Policy Act, as added by sub-



1 section (a), shall be adjusted only as provided under that  
2 section.

3 **Subtitle B—Amendments to Gen-**  
4 **eral Contracting Authorities,**  
5 **Procedures, and Limitations**

6 **SEC. 811. RAPID ACQUISITION AUTHORITY TO RESPOND TO**  
7 **COMBAT EMERGENCIES.**

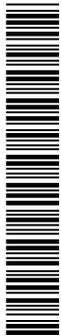
8 Section 806 of the Bob Stump National Defense Au-  
9 thorization Act for Fiscal Year 2003 (10 U.S.C. 2302  
10 note) is amended—

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

13 (2) by inserting after subsection (b) the fol-  
14 lowing new subsections (c) and (d):

15 “(c) RESPONSE TO COMBAT EMERGENCIES.—(1) In  
16 the case of any equipment that, as determined in writing  
17 by the Secretary of Defense without delegation, is urgently  
18 needed to eliminate a combat capability deficiency that has  
19 resulted in combat fatalities, the Secretary shall use the  
20 procedures developed under this section in order to accom-  
21 plish the rapid acquisition and deployment of the needed  
22 equipment.

23 “(2)(A) Whenever the Secretary makes a determina-  
24 tion under paragraph (1) that certain equipment is ur-  
25 gently needed to eliminate a combat capability deficiency



1 that has resulted in combat fatalities, the Secretary shall  
2 designate a senior official of the Department of Defense  
3 to ensure that the needed equipment is acquired and de-  
4 ployed as quickly as possible, with a goal of awarding a  
5 contract for the acquisition of the equipment within 15  
6 days.

7 “(B) Upon designation of a senior official under sub-  
8 paragraph (A), the Secretary shall authorize that official  
9 to waive any provision of law, policy, directive, or regula-  
10 tion described in subsection (d) that such official deter-  
11 mines in writing would unnecessarily impede the rapid ac-  
12 quisition and deployment of the needed equipment. In a  
13 case in which the needed equipment cannot be acquired  
14 without an extensive delay, the senior official shall require  
15 that an interim solution be implemented and deployed  
16 using the procedures developed under this section to mini-  
17 mize the combat capability deficiency and combat fatali-  
18 ties.

19 “(3) The authority of this section may not be used  
20 to acquire equipment in an amount aggregating more than  
21 \$100,000,000 during any fiscal year. For acquisitions of  
22 equipment under this section during the fiscal year in  
23 which the Secretary makes the determination described in  
24 paragraph (1) with respect to such equipment, the Sec-



1 retary may use any funds available to the Department of  
2 Defense for that fiscal year.

3 “(4) The Secretary of Defense shall notify the con-  
4 gressional defense committees within 15 days after each  
5 determination made under paragraph (1). Each such no-  
6 tice shall identify—

7 “(A) the equipment to be acquired;

8 “(B) the amount anticipated to be expended for  
9 the acquisition; and

10 “(C) the source of funds for the acquisition.

11 “(5) Any acquisition initiated under this subsection  
12 shall transition to the normal acquisition system not later  
13 than two years after the date on which the Secretary  
14 makes the determination described in paragraph (1) with  
15 respect to that equipment.

16 “(d) WAIVER OF CERTAIN STATUTES AND REGULA-  
17 TIONS.—(1) Upon a determination described in subsection  
18 (c)(1), the senior official designated in accordance with  
19 subsection (c)(2) with respect to that designation is au-  
20 thorized to waive any provision of law, policy, directive or  
21 regulation addressing—

22 “(A) the establishment of the requirement for  
23 the equipment;

24 “(B) the research, development, test, and eval-  
25 uation of the equipment; or



1           “(C) the solicitation and selection of sources,  
2           and the award of the contract, for procurement of  
3           the equipment.

4           “(2) Nothing in this subsection authorizes the waiver  
5 of—

6           “(A) the requirements of this section or the  
7           regulations implementing this section; or

8           “(B) any provision of law imposing civil or  
9           criminal penalties.”.

10 **SEC. 812. DEFENSE ACQUISITION WORKFORCE IMPROVE-**  
11 **MENTS.**

12           (a) SELECTION CRITERIA FOR ACQUISITION CORPS  
13 AND FOR CRITICAL ACQUISITION POSITIONS.—(1) Section  
14 1732(b) of title 10, United States Code, is amended by  
15 striking paragraph (1) and redesignating paragraphs (2),  
16 (3), and (4) as paragraphs (1), (2), and (3), respectively.

17           (2) Section 1733(b)(1) of title 10, United States  
18 Code, is amended in subparagraph (A) by striking “in a  
19 position within grade GS-14 or above of the General  
20 Schedule,” and inserting “in a senior position in the Na-  
21 tional Security Personnel System, as determined in ac-  
22 cordance with guidelines prescribed by the Secretary,”.

23           (b) SCHOLARSHIP PROGRAM REQUIREMENTS.—Sec-  
24 tion 1742 of such title is amended—



1           (1) by inserting “(a) PROGRAMS.—” at the be-  
2           ginning of the text; and

3           (2) by adding at the end the following new sub-  
4           section:

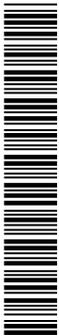
5           “(b) SCHOLARSHIP PROGRAM REQUIREMENTS.—  
6 Each recipient of a scholarship under a program con-  
7 ducted under subsection (a)(3) shall be required to sign  
8 a written agreement that sets forth the terms and condi-  
9 tions of the scholarship. The agreement shall be in a form  
10 prescribed by the Secretary and shall include terms and  
11 conditions, including terms and conditions addressing re-  
12 imbursement in the event that a recipient fails to fulfill  
13 the requirements of the agreement, that are comparable  
14 to those set forth as a condition for providing advanced  
15 education assistance under section 2005. The obligation  
16 to reimburse the United States under an agreement under  
17 this subsection is, for all purposes, a debt owing the  
18 United States.”.

19           (c) AUTHORITY TO ESTABLISH MINIMUM REQUIRE-  
20 MENTS.—(1) Section 1764(b) of such title is amended—

21           (A) by redesignating paragraph (5) as para-  
22           graph (6); and

23           (B) by inserting after paragraph (4) the fol-  
24           lowing new paragraph (5):

25           “(5) Deputy program manager.”.

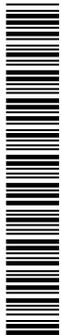


1 (2) Paragraph (1) of such section is amended by  
2 striking “in paragraph (5)” and inserting “in paragraph  
3 (6)”.

4 **SEC. 813. PERIOD FOR MULTIYEAR TASK AND DELIVERY**  
5 **ORDER CONTRACTS.**

6 (a) REVISED MAXIMUM PERIOD.—Section 2304a(f)  
7 of title 10, United States Code, is amended by striking  
8 “a total period of not more than five years.” and inserting  
9 “any period up to five years and may extend the contract  
10 period for one or more successive periods pursuant to an  
11 option provided in the contract or a modification of the  
12 contract. The total contract period as extended may not  
13 exceed 10 years unless such head of an agency determines  
14 in writing that exceptional circumstances necessitate a  
15 longer contract period.”.

16 (b) ANNUAL REPORT.—Not later than 60 days after  
17 the end of each of fiscal years 2005 through 2009, the  
18 Secretary of Defense shall submit to Congress a report  
19 setting forth each extension of a contract period to a total  
20 of more than 10 years that was granted for task and deliv-  
21 ery order contracts of the Department of Defense during  
22 such fiscal year under section 2304a(f) of title 10, United  
23 States Code. The report shall include, with respect to each  
24 such contract period extension—



1 (1) a discussion of the exceptional cir-  
2 cumstances on which the extension was based; and

3 (2) the justification for the determination of ex-  
4 ceptional circumstances.

5 **SEC. 814. FUNDING FOR CONTRACT CEILINGS FOR CER-**  
6 **TAIN MULTIYEAR PROCUREMENT CON-**  
7 **TRACTS.**

8 (a) MULTIYEAR CONTRACTS RELATING TO PROP-  
9 erty.—Section 2306b(g) of title 10, United States Code,  
10 is amended—

11 (1) by inserting “(1)” before “Before any”;

12 (2) by striking “Committee” through “House of  
13 Representatives” and inserting “congressional de-  
14 fense committees”; and

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

17 “(2) In the case of a contract described in subsection  
18 (a) with a cancellation ceiling described in paragraph (1),  
19 if the budget for the contract does not include proposed  
20 funding for the costs of contract cancellation up to the  
21 cancellation ceiling established in the contract, the head  
22 of the agency concerned shall, as part of the certification  
23 required by subsection (i)(1)(A), give written notification  
24 to the congressional defense committees of—



1           “(A) the cancellation ceiling amounts planned  
2           for each program year in the proposed multiyear  
3           procurement contract, together with the reasons for  
4           the amounts planned;

5           “(B) the extent to which costs of contract can-  
6           cellation are not included in the budget for the con-  
7           tract; and

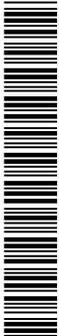
8           “(C) a financial risk assessment of not includ-  
9           ing budgeting for costs of contract cancellation.”.

10          (b) MULTIYEAR CONTRACTS RELATING TO SERV-  
11 ICES.—Section 2306c(d) of title 10, United States Code,  
12 is amended—

13           (1) in paragraphs (1), (3), and (4), by striking  
14           “committees of Congress named in paragraph (5)”  
15           and inserting “congressional defense committees”  
16           each place it appears; and

17           (2) by amending paragraph (5) to read as fol-  
18           lows:

19           “(5) In the case of a contract described in subsection  
20 (a) with a cancellation ceiling described in paragraph (4),  
21 if the budget for the contract does not include proposed  
22 funding for the costs of contract cancellation up to the  
23 cancellation ceiling established in the contract, the head  
24 of the agency concerned shall give written notification to  
25 the congressional defense committees of—



1           “(A) the cancellation ceiling amounts planned  
2           for each program year in the proposed multiyear  
3           procurement contract, together with the reasons for  
4           the amounts planned;

5           “(B) the extent to which costs of contract can-  
6           cellation are not included in the budget for the con-  
7           tract; and

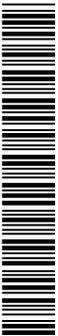
8           “(C) a financial risk assessment of not includ-  
9           ing budgeting for costs of contract cancellation.”.

10 **SEC. 815. INCREASED THRESHOLD FOR SENIOR PROCURE-**  
11 **MENT EXECUTIVE APPROVAL OF USE OF**  
12 **PROCEDURES OTHER THAN COMPETITIVE**  
13 **PROCEDURES.**

14           Section 2304(f)(1)(B) of title 10, United States  
15 Code, is amended by striking “\$50,000,000” both places  
16 it appears and inserting “\$75,000,000”.

17 **SEC. 816. INCREASED THRESHOLD FOR APPLICABILITY OF**  
18 **REQUIREMENT FOR DEFENSE CONTRACTORS**  
19 **TO PROVIDE INFORMATION ON SUBCON-**  
20 **TRACTING AUTHORITY OF CONTRACTOR**  
21 **PERSONNEL TO COOPERATIVE AGREEMENT**  
22 **HOLDERS.**

23           Section 2416(d) of title 10, United States Code, is  
24 amended by striking “\$500,000” and inserting  
25 “\$1,000,000”.



1 **SEC. 817. EXTENSION OF AUTHORITY FOR USE OF SIM-**  
2 **PLIFIED ACQUISITION PROCEDURES.**

3 Section 4202(e) of the Clinger-Cohen Act (division D  
4 of Public Law 104-106; 110 Stat. 652; 10 U.S.C. 2304  
5 note) is amended by striking “January 1, 2006” and in-  
6 serting “January 1, 2008”.

7 **SEC. 818. SUBMISSION OF COST OR PRICING DATA ON NON-**  
8 **COMMERCIAL MODIFICATIONS OF COMMER-**  
9 **CIAL ITEMS.**

10 (a) INAPPLICABILITY OF COMMERCIAL ITEMS EX-  
11 CEPTION TO NONCOMMERCIAL MODIFICATIONS OF COM-  
12 MERCIAL ITEMS.—Subsection (b) of section 2306a of title  
13 10, United States Code, is amended by adding at the end  
14 the following new paragraph:

15 “(3) NONCOMMERCIAL MODIFICATIONS OF COM-  
16 MERCIAL ITEMS.—(A) The exception in paragraph  
17 (1)(B) does not apply to cost or pricing data on non-  
18 commercial modifications of a commercial item that  
19 are expected to cost, in the aggregate, more than  
20 \$500,000 or 5 percent of the total price of the con-  
21 tract, whichever is greater.

22 “(B) In this paragraph, the term ‘noncommer-  
23 cial modification’, with respect to a commercial item,  
24 means a modification of such item that is not a  
25 modification described in section 4(12)(C)(i) of the



1 Office of Federal Procurement Policy Act (41 U.S.C.  
2 403(12)(C)(i)).

3 “(C) Nothing in subparagraph (A) shall be  
4 construed—

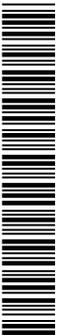
5 “(i) to limit the applicability of the excep-  
6 tion in subparagraph (A) or (C) of paragraph  
7 (1) to cost or pricing data on a noncommercial  
8 modification of a commercial item; or

9 “(ii) to require the submission of cost or  
10 pricing data on any aspect of an acquisition of  
11 a commercial item other than the cost and pric-  
12 ing of noncommercial modifications of such  
13 item.”.

14 (b) **EFFECTIVE DATE AND APPLICABILITY.**—Para-  
15 graph (3) of section 2306a of title 10, United States Code  
16 (as added by subsection (a)), shall take effect on June 1,  
17 2005, and shall apply with respect to offers submitted,  
18 and to modifications of contracts or subcontracts made,  
19 on or after that date.

20 **SEC. 819. DELEGATIONS OF AUTHORITY TO MAKE DETER-**  
21 **MINATIONS RELATING TO PAYMENT OF DE-**  
22 **FENSE CONTRACTORS FOR BUSINESS RE-**  
23 **STRUCTURING COSTS.**

24 Section 2325(a)(2) of title 10, United States Code,  
25 is amended—



1 (1) by striking “paragraph (1) to an official”  
2 and all that follows and inserting “paragraph (1),  
3 with respect to a business combination, to an official  
4 of the Department of Defense—”; and

5 (2) by adding at the end the following:

6 “(A) below the level of an Assistant Secretary  
7 of Defense for cases in which the amount of restruc-  
8 turing costs is expected to exceed \$25,000,000 over  
9 a 5-year period; or

10 “(B) below the level of the Director of the De-  
11 fense Contract Management Agency for all other  
12 cases.”.

13 **SEC. 820. AVAILABILITY OF FEDERAL SUPPLY SCHEDULE**  
14 **SUPPLIES AND SERVICES TO UNITED SERV-**  
15 **ICE ORGANIZATIONS, INCORPORATED.**

16 Section 220107 of title 36, United States Code, is  
17 amended by inserting after “Department of Defense” the  
18 following: “, including access to General Services Adminis-  
19 tration supplies and services through the Federal Supply  
20 Schedule of the General Services Administration,”.



1 **SEC. 821. ADDITION OF LANDSCAPING AND PEST CONTROL**  
2 **SERVICES TO LIST OF DESIGNATED INDUS-**  
3 **TRY GROUPS PARTICIPATING IN THE SMALL**  
4 **BUSINESS COMPETITIVENESS DEMONSTRA-**  
5 **TION PROGRAM.**

6 (a) IN GENERAL.—Subsection (a) of section 717 of  
7 the Small Business Competitiveness Demonstration Pro-  
8 gram Act of 1988 (15 U.S.C. 644 note) is amended—

9 (1) in paragraph (3), by striking “and” at the  
10 end;

11 (2) in paragraph (4), by striking the period at  
12 the end and inserting “; and”; and

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

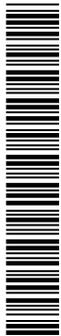
15 “(5) landscaping and pest control services.”.

16 (b) LANDSCAPING AND PEST CONTROL SERVICES.—  
17 Section 717 of the Small Business Competitiveness Dem-  
18 onstration Program Act of 1988 (15 U.S.C. 644 note) is  
19 amended—

20 (1) by redesignating subsection (e) as sub-  
21 section (f), and

22 (2) by inserting after subsection (d) the fol-  
23 lowing new subsection:

24 “(e) LANDSCAPING AND PEST CONTROL SERV-  
25 ICES.—Landscaping and pest control services shall include  
26 contract awards assigned to North American Industrial



1 Classification Code 561710 (relating to exterminating and  
2 pest control services) or 561730 (relating to landscaping  
3 services).”.

4 **SEC. 822. INCREASED THRESHOLDS UNDER SPECIAL EMER-**  
5 **GENCY PROCUREMENT AUTHORITY.**

6 Section 32A(b) of the Office of Federal Procurement  
7 Policy Act (41 U.S.C. 428a(b)) is amended—

8 (1) by striking paragraph (1) and inserting the  
9 following:

10 “(1) the amount specified in subsections (c),  
11 (d), and (f) of section 32 shall be deemed to be—

12 “(A) \$15,000 in the case of any contract  
13 to be awarded and performed, or purchase to be  
14 made, inside the United States; and

15 “(B) \$25,000 in the case of any contract  
16 to be awarded and performed, or purchase to be  
17 made, outside the United States; and”;

18 (2) in paragraph (2)(B), by striking  
19 “\$500,000” and inserting “\$1,000,000”.

20 **Subtitle C—United States Defense**  
21 **Industrial Base Provisions**

22 **SEC. 831. DEFENSE TRADE RECIPROCITY.**

23 (a) POLICY.—It is the policy of Congress that pro-  
24 curement regulations used in the conduct of trade in de-  
25 fense articles and defense services should be based on the



1 principle of fair trade and reciprocity consistent with  
2 United States national security, including the need to en-  
3 sure comprehensive manufacturing capability in the  
4 United States defense industrial base.

5 (b) REQUIREMENT.—The Secretary of Defense shall  
6 make every effort to ensure that the policies and practices  
7 of the Department of Defense reflect the goal of estab-  
8 lishing an equitable trading relationship between the  
9 United States and its foreign defense trade partners, in-  
10 cluding ensuring that United States firms and United  
11 States employment in the defense sector are not disadvan-  
12 taged by unilateral procurement practices by foreign gov-  
13 ernments, such as the imposition of offset agreements in  
14 a manner that undermines the United States defense in-  
15 dustrial base. In pursuing this goal, the Secretary shall—

16 (1) develop a comprehensive defense acquisition  
17 trade policy that provides the necessary guidance  
18 and incentives for the elimination of any adverse ef-  
19 fects of offset agreements in defense trade; and

20 (2) review and make necessary modifications to  
21 existing acquisition policies and strategies, and re-  
22 view and seek to make necessary modifications to ex-  
23 isting memoranda of understanding, cooperative  
24 project agreements, or related agreements with for-  
25 eign defense trade partners, to reflect this goal.



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1 (c) REGULATIONS.—The Secretary shall prescribe  
2 regulations to implement this section in the Department  
3 of Defense supplement to the Federal Acquisition Regula-  
4 tion.

5 (d) DEFINITIONS.—In this section:

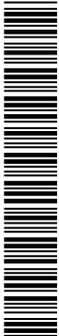
6 (1) The term “foreign defense trade partner”  
7 means a foreign country with respect to which there  
8 is—

9 (A) a memorandum of understanding or  
10 related agreement described in section 2531(a)  
11 of title 10, United States Code; or

12 (B) a cooperative project agreement de-  
13 scribed in section 27 of the Arms Export Con-  
14 trol Act (22 U.S.C. 2767).

15 (2) The term “offset agreement” has the mean-  
16 ing provided that term by section 36(e) of the Arms  
17 Export Control Act (22 U.S.C. 2776(e)).

18 (3) The terms “defense article” and “defense  
19 service” have the meanings provided those terms by  
20 section 47(7) of the Arms Export Control Act (22  
21 U.S.C. 2794(7)).



1 **SEC. 832. ASSESSMENT AND REPORT ON THE ACQUISITION**  
2 **OF POLYACRYLONITRILE (PAN) CARBON**  
3 **FIBER FROM FOREIGN SOURCES.**

4 (a) REQUIREMENT.—The Secretary of Defense shall  
5 delay the phase-out of the restriction on acquisition of  
6 polyacrylonitrile (PAN) carbon fiber from foreign sources  
7 (described in subpart 225.7103 of the Department of De-  
8 fense supplement to the Federal Acquisition Regulation)  
9 until an assessment of PAN carbon fiber industry is com-  
10 pleted and 30 days have passed after submission of the  
11 report required under subsection (c).

12 (b) ASSESSMENT.—The Secretary of Defense shall  
13 perform a assessment of the domestic and international  
14 industrial structure that produces PAN carbon fibers, cur-  
15 rent and anticipated market trends for the product, and  
16 how the trends compare to the assessment as reported by  
17 the Secretary of Defense in January 2001.

18 (c) REPORT REQUIRED.—Not later than one year  
19 after the date of the enactment of this Act, the Secretary  
20 of Defense shall submit to the Committees on Armed Serv-  
21 ices of the Senate and the House of Representatives a re-  
22 port on the assessment performed under subsection (b)  
23 and on any decision made to maintain or discontinue the  
24 phase-out of procurement restrictions on foreign acquisi-  
25 tion of PAN carbon fibers in the Department of Defense  
26 supplement to the Federal Acquisition Regulation.



1                   **Subtitle D—Extensions of**  
2                   **Temporary Program Authorities**

3   **SEC. 841. EXTENSION OF MENTOR-PROTEGE PROGRAM.**

4           (a) EXTENSION OF PROGRAM.—Subsection (j) of sec-  
5   tion 831 of the National Defense Authorization Act for  
6   Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302  
7   note) is amended—

8               (1) in paragraph (1), by striking “September  
9               30, 2005” and inserting “September 30, 2010”; and

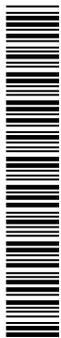
10              (2) in paragraph (2), by striking “September  
11              30, 2008” and inserting “September 30, 2013”.

12           (b) EXTENSION OF REQUIREMENT FOR ANNUAL RE-  
13   PORT.—Subsection (l)(3) of such section is amended by  
14   striking “2007” and inserting “2010”.

15           (c) ADDITIONAL FEASIBILITY REVIEW OF TRANSI-  
16   TION TO OTHER FINANCING METHODS.—(1) The Sec-  
17   retary of Defense shall conduct an additional review of the  
18   Mentor-Protege Program under section 811(d)(2) of the  
19   National Defense Authorization Act for Fiscal Year 2000  
20   (Public Law 106–65; 113 Stat. 708).

21               (2) Not later than September 30, 2005, the Secretary  
22   shall submit to the Committees on Armed Services of the  
23   Senate and the House of Representatives—

24                   (A) a report on the results of the review con-  
25                   ducted under paragraph (1); and



1 (B) any recommendations of the Secretary for  
2 legislative action.

3 (d) ADDITIONAL STUDY OF PROGRAM IMPLEMENTA-  
4 TION.—(1) The Comptroller General shall conduct an ad-  
5 ditional study of the Mentor-Protege Program under sec-  
6 tion 811(d)(3) of the National Defense Authorization Act  
7 for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 709).

8 (2) Not later than September 30, 2006, the Comp-  
9 troller General shall submit a report on the results of the  
10 study conducted under paragraph (1) to the Committees  
11 on Armed Services of the Senate and the House of Rep-  
12 resentatives.

13 **SEC. 842. AMENDMENT TO MENTOR-PROTEGE PROGRAM.**

14 Section 831(m)(2) of the National Defense Author-  
15 ization Act for Fiscal Year 1991 (Public Law 101–510;  
16 10 U.S.C. 2302 note) is amended—

17 (1) in subparagraph (D), by striking “or” at  
18 the end;

19 (2) in subparagraph (E), by striking the period  
20 at the end and inserting a semicolon; and

21 (3) by adding at the end the following:

22 “(F) a small business concern owned and  
23 controlled by service–disabled veterans (as de-  
24 fined in section 8(d)(3) of the Small Business  
25 Act); and



1 “(G) a qualified HUBZone small business  
2 concern (as defined in section 3(p) of the Small  
3 Business Act).”.

4 **SEC. 843. EXTENSION OF TEST PROGRAM FOR NEGOTIA-**  
5 **TION OF COMPREHENSIVE SMALL BUSINESS**  
6 **SUBCONTRACTING PLANS.**

7 Section 834(e) of the National Defense Authorization  
8 Act for Fiscal Years 1990 and 1991 (Public Law 101–  
9 189; 15 U.S.C. 637 note) is amended by striking “Sep-  
10 tember 30, 2005” and inserting “September 30, 2010”.

11 **SEC. 844. EXTENSION OF PILOT PROGRAM ON SALES OF**  
12 **MANUFACTURED ARTICLES AND SERVICES**  
13 **OF CERTAIN ARMY INDUSTRIAL FACILITIES.**

14 Section 141(a) of the National Defense Authorization  
15 Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C.  
16 4543 note) is amended by striking “through 2004” in the  
17 first sentence and inserting “through 2009”.

18 **Subtitle E—Other Acquisition**  
19 **Matters**

20 **SEC. 851. REVIEW AND DEMONSTRATION PROJECT RELAT-**  
21 **ING TO CONTRACTOR EMPLOYEES.**

22 (a) GENERAL REVIEW.—(1) The Secretary of De-  
23 fense shall conduct a review of policies, procedures, prac-  
24 tices, and penalties of the Department of Defense relating  
25 to employees of defense contractors for purposes of ensur-



1 ing that the Department of Defense is in compliance with  
2 Executive Order No. 12989 (relating to a prohibition on  
3 entering into contracts with contractors that are not in  
4 compliance with the Immigration and Nationality Act).

5 (2) In conducting the review, the Secretary shall—

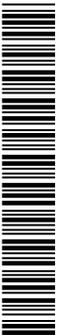
6 (A) identify potential weaknesses and areas for  
7 improvement in existing policies, procedures, prac-  
8 tices, and penalties;

9 (B) develop and implement reforms to strength-  
10 en, upgrade, and improve policies, procedures, prac-  
11 tices, and penalties of the Department of Defense  
12 and its contractors; and

13 (C) review and analyze reforms developed pur-  
14 suant to this paragraph to identify for purposes of  
15 national implementation those which are most effi-  
16 cient and effective.

17 (3) The review under this subsection shall be com-  
18 pleted not later than 180 days after the date of the enact-  
19 ment of this Act.

20 (b) DEMONSTRATION PROJECT.—The Secretary of  
21 Defense shall conduct a demonstration project in accord-  
22 ance with this section, in one or more regions selected by  
23 the Secretary, for purposes of promoting greater con-  
24 tracting opportunities for contractors offering effective,  
25 reliable staffing plans to perform defense contracts that



1 ensure all contract personnel employed for such projects,  
2 including management employees, professional employees,  
3 craft labor personnel, and administrative personnel, are  
4 lawful residents or persons properly authorized to be em-  
5 ployed in the United States and properly qualified to per-  
6 form services required under the contract. The demonstra-  
7 tion project shall focus on contracts for construction, ren-  
8 ovation, maintenance, and repair services for military in-  
9 stallations.

10 (c) DEMONSTRATION PROJECT PROCUREMENT PRO-  
11 CEDURES.—As part of the demonstration project under  
12 subsection (b), the Secretary of Defense may conduct a  
13 competition in which there is a provision in contract solici-  
14 tations and request for proposal documents to require sig-  
15 nificant weight or credit be allocated to—

16 (1) reliable, effective workforce programs of-  
17 fered by prospective contractors that provide back-  
18 ground checks and other measures to ensure the  
19 contractor is in compliance with the Immigration  
20 and Nationality Act; and

21 (2) reliable, effective project staffing plans of-  
22 fered by prospective contractors that specify for all  
23 contract employees (including management employ-  
24 ees, professionals, and craft labor personnel) the  
25 skills, training, and qualifications of such persons



1 and the labor supply sources and hiring plans or  
2 procedures used for employing such persons.

3 (d) IMPLEMENTATION OF DEMONSTRATION  
4 PROJECT.—The Secretary of Defense shall begin oper-  
5 ation of the demonstration project required under this sec-  
6 tion after completion of the review under subsection (a),  
7 but in no event later than 270 days after the date of the  
8 enactment of this Act.

9 (e) REPORT ON DEMONSTRATION PROJECT.—Not  
10 later than six months after award of a contract under the  
11 demonstration project, the Secretary of Defense shall sub-  
12 mit to the Committees on Armed Services of the Senate  
13 and House of Representatives a report setting forth a re-  
14 view of the demonstration project and recommendations  
15 on the actions, if any, that can be implemented to ensure  
16 compliance by the Department of Defense with Executive  
17 Order No. 12989.

18 (f) DEFINITION.—In this section, the term “military  
19 installation” means a base, camp, post, station, yard, cen-  
20 ter, homeport facility for any ship, or other activity under  
21 the jurisdiction of the Department of Defense, including  
22 any leased facility, which is located within any of the sev-  
23 eral States, the District of Columbia, the Commonwealth  
24 of Puerto Rico, American Samoa, the Virgin Islands, or  
25 Guam. Such term does not include any facility used pri-



1 marily for civil works, rivers and harbors projects, or flood  
2 control projects.

3 **SEC. 852. INAPPLICABILITY OF CERTAIN FISCAL LAWS TO**  
4 **SETTLEMENTS UNDER SPECIAL TEMPORARY**  
5 **CONTRACT CLOSEOUT AUTHORITY.**

6 Section 804(a) of the National Defense Authorization  
7 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
8 1541) is amended—

9 (1) by inserting “(1)” after “(a) AUTHORITY.—  
10 ”; and

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

13 “(2) Under regulations which the Secretary of De-  
14 fense may prescribe, a settlement of a financial account  
15 for a contract for the procurement of property or services  
16 under paragraph (1) may be made without regard to—

17 “(A) section 1301 of title 31, United States  
18 Code; and

19 “(B) any other provision of law that would pre-  
20 clude the Secretary from charging payments under  
21 the contract—

22 “(i) to an unobligated balance in an appro-  
23 priation available for funding that contract; or

24 “(ii) if and to the extent that the unobli-  
25 gated balance (if any) in such appropriation is



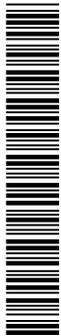
1 insufficient for funding such payments, to any  
2 current appropriation that is available to the  
3 Department of Defense for funding contracts  
4 for the procurement of the same or similar  
5 property or services.”.

6 **SEC. 853. CONTRACTING WITH EMPLOYERS OF PERSONS**  
7 **WITH DISABILITIES.**

8 (a) INAPPLICABILITY OF RANDOLPH-SHEPPARD ACT  
9 TO MESS HALL SERVICES UNDER EXISTING JAVITS-  
10 WAGNER-O’DAY ACT CONTRACTS.—(1) The Randolph-  
11 Sheppard Act (20 U.S.C. 107 et seq.) does not apply to  
12 any contract described in paragraph (2) for so long as the  
13 contract is in effect, including for any period for which  
14 the contract is extended pursuant to an option provided  
15 in the contract.

16 (2) Paragraph (1) applies to any contract for the op-  
17 eration of all or any part of a military mess hall, military  
18 troop dining facility, or any similar dining facility operated  
19 for the purpose of providing meals to members of the  
20 Armed Forces that—

21 (A) was entered into before September 30,  
22 2005, with a qualified nonprofit agency for the blind  
23 or a qualified nonprofit agency for other severely  
24 handicapped in compliance with section 3 of the Jav-  
25 its-Wagner-O’Day Act (41 U.S.C. 48); and



1 (B) either—

2 (i) is in effect on such date; or

3 (ii) was in effect on November 24, 2003.

4 (b) INAPPLICABILITY OF JAVITS-WAGNER-O'DAY  
5 ACT TO MESS HALL SERVICES UNDER EXISTING RAN-  
6 DOLPH-SHEPPARD ACT CONTRACTS.—(1) The Javits-  
7 Wagner-O'Day Act (41 U.S.C. 46 et seq.) does not apply  
8 to any contract described in paragraph (2) for so long as  
9 the contract is in effect, including for any period for which  
10 the contract is extended pursuant to an option provided  
11 in the contract.

12 (2) Paragraph (1) applies to any contract for the op-  
13 eration of all or any part of a military mess hall, military  
14 troop dining facility, or any similar dining facility operated  
15 for the purpose of providing meals to members of the  
16 Armed Forces that—

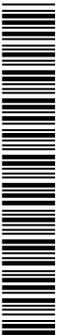
17 (A) was entered into before September 30,  
18 2005, with a State licensing agency under the Ran-  
19 dolph-Sheppard Act (20 U.S.C. 107 et seq.); and

20 (B) either—

21 (i) is in effect on such date; or

22 (ii) was in effect on November 24, 2003.

23 (3) In this subsection, the term “State licensing  
24 agency” means an agency designated under section



1 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C.  
2 107a(a)(5)).

3 (c) REPEAL OF SUPERSEDED LAW.—Subsections (a)  
4 and (b) of section 852 of the National Defense Authoriza-  
5 tion Act for Fiscal Year 2004 (Public Law 108–136; 117  
6 Stat. 1556) are repealed.

7 **SEC. 854. DEFENSE PROCUREMENTS MADE THROUGH CON-**  
8 **TRACTS OF OTHER AGENCIES.**

9 (a) LIMITATION.—The head of an agency may not  
10 procure goods or services (under section 1535 of title 31,  
11 United States Code, pursuant to a designation under sec-  
12 tion 11302(e) of title 40, United States Code, or other-  
13 wise) through a contract entered into by an agency outside  
14 the Department of Defense for an amount greater than  
15 the simplified acquisition threshold referred to in section  
16 2304(g) of title 10, United States Code, unless the pro-  
17 curement is done in accordance with procedures prescribed  
18 by that head of an agency for reviewing and approving  
19 the use of such contracts.

20 (b) EFFECTIVE DATE.—The limitation in subsection  
21 (a) shall apply only with respect to orders for goods or  
22 services that are issued by the head of an agency to an  
23 agency outside the Department of Defense on or after the  
24 date that is 180 days after the date of the enactment of  
25 this Act.



1 (c) INAPPLICABILITY TO CONTRACTS FOR CERTAIN  
2 SERVICES.—This section does not apply to procurements  
3 of the following services:

4 (1) Printing, binding, or blank-book work to  
5 which section 502 of title 44, United States Code,  
6 applies.

7 (2) Services available under programs pursuant  
8 to section 103 of the Library of Congress Fiscal Op-  
9 erations Improvement Act of 2000 (Public Law  
10 106-481; 114 Stat. 2187; 2 U.S.C. 182e).

11 (d) ANNUAL REPORT.—(1) For each of fiscal years  
12 2005 and 2006, each head of an agency shall submit to  
13 the Secretary of Defense a report on the service charges  
14 imposed on purchases made for an amount greater than  
15 the simplified acquisition threshold during such fiscal year  
16 through a contract entered into by an agency outside the  
17 Department of Defense.

18 (2) In the case of procurements made on orders  
19 issued by the head of a Defense Agency, Department of  
20 Defense Field Activity, or any other organization within  
21 the Department of Defense (other than a military depart-  
22 ment) under the authority of the Secretary of Defense as  
23 the head of an agency, the report under paragraph (1)  
24 shall be submitted by the head of that Defense Agency,



1 Department of Defense Field Activity, or other organiza-  
2 tion, respectively.

3 (3) The report for a fiscal year under this subsection  
4 shall be submitted not later than December 31 of the cal-  
5 endar year in which such fiscal year ends.

6 (e) DEFINITIONS.—In this section:

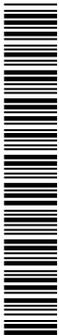
7 (1) The term “head of an agency” means the  
8 Secretary of Defense, the Secretary of the Army, the  
9 Secretary of the Navy, the Secretary of the Air  
10 Force.

11 (2) The term “Defense Agency” has the mean-  
12 ing given such term in section 101(a)(11) of title 10,  
13 United States Code.

14 (3) The term “Department of Defense Field  
15 Activity” has the meaning given such term in section  
16 101(a)(12) of such title.

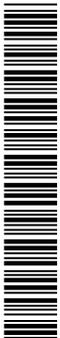
17 **SEC. 855. REQUIREMENTS RELATING TO SOURCE SELEC-**  
18 **TION FOR INTEGRATED SUPPORT OF AERIAL**  
19 **REFUELING AIRCRAFT FLEET FOR THE AIR**  
20 **FORCE.**

21 For the selection of a provider of integrated support  
22 for the aerial refueling aircraft fleet in any acquisition of  
23 aerial refueling aircraft for the Air Force, the Secretary  
24 of the Air Force shall—



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- 1           (1) before selecting the provider, perform all  
2 analyses required by law of—
- 3           (A) the costs and benefits of—
- 4                 (i) the alternative of using Federal  
5 Government personnel to provide such sup-  
6 port; and
- 7                 (ii) the alternative of using contractor  
8 personnel to provide such support;
- 9           (B) the core logistics requirements;
- 10           (C) use of performance-based logistics; and
- 11           (D) the length of contract period; and
- 12           (2) select the provider in accordance with the  
13 procedures under the provisions of law referred to as  
14 the Competition in Contracting Act.





1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND MAN-**  
3 **AGEMENT**

**Subtitle A—Duties and Functions of Department of Defense**

Sec. 901. Study of roles and authorities of the Director of Defense Research and Engineering.

Sec. 902. Change of membership of specified council.

**Subtitle B—Space Activities**

Sec. 911. Space posture review.

Sec. 912. Panel on the future of national security space launch.

Sec. 913. Operationally responsive national security satellites.

Sec. 914. Nondisclosure of certain products of commercial satellite operations.

**Subtitle C—Intelligence-Related Matters**

Sec. 921. Two-year extension of authority of the Secretary of Defense to engage in commercial activities as security for intelligence collection activities abroad.

Sec. 922. Pilot program on cryptologic service training.

**Subtitle D—Other Matters**

Sec. 931. Strategic plan for destruction of lethal chemical agents and munitions stockpile.

Sec. 932. Secretary of Defense criteria for and guidance on identification and internal transmission of critical information.

4 **Subtitle A—Duties and Functions of**  
5 **Department of Defense**

6 **SEC. 901. STUDY OF ROLES AND AUTHORITIES OF THE DI-**  
7 **RECTOR OF DEFENSE RESEARCH AND ENGI-**  
8 **NEERING.**

9 (a) **STUDY REQUIRED.**—The Secretary of Defense  
10 shall carry out a study of the roles and authorities of the  
11 Director of Defense Research and Engineering.

12 (b) **CONTENT OF STUDY.**—The study under sub-  
13 section (a) shall include the following:



1           (1) An examination of the past and current  
2 roles and authorities of the Director of Defense Re-  
3 search and Engineering.

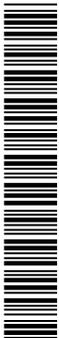
4           (2) An analysis to determine appropriate future  
5 roles and authorities for the Director, including an  
6 analysis of the following matters:

7                   (A) The relationship of the Director to  
8 other senior science and technology and acquisi-  
9 tion officials of the military departments and  
10 the Defense Agencies

11                   (B) The relationship of the Director to the  
12 performance of the following functions:

13                           (i) The planning, programming, and  
14 budgeting of the science and technology  
15 programs of the Department of Defense,  
16 including those of the military departments  
17 and the Defense Agencies.

18                           (ii) The management of Department  
19 of Defense laboratories and technical cen-  
20 ters, including the management of the  
21 Federal Government scientific and tech-  
22 nical workforce for such laboratories and  
23 centers.



9-3

1 (iii) The promotion of the rapid tran-  
2 sition of technologies to acquisition pro-  
3 grams within the Department of Defense.

4 (iv) The promotion of the transfer of  
5 technologies into and from the commercial  
6 sector.

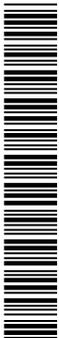
7 (v) The coordination of Department of  
8 Defense science and technology activities  
9 with organizations outside the Department  
10 of Defense, including other Federal Gov-  
11 ernment agencies, international research  
12 organizations, industry, and academia.

13 (vi) The technical review of Depart-  
14 ment of Defense acquisition programs and  
15 policies.

16 (vii) The training and educational ac-  
17 tivities for the national scientific and tech-  
18 nical workforce.

19 (viii) The development of science and  
20 technology policies and programs relating  
21 to the maintenance of the national tech-  
22 nology and industrial base.

23 (ix) The development of new tech-  
24 nologies in support of the transformation  
25 of the Armed Forces.



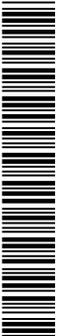
1           (3) An examination of the duties of the Direc-  
2           tor as the Chief Technology Officer of the Depart-  
3           ment of Defense as prescribed by Department of De-  
4           fense Directive 5134.3, dated November 3, 2003, es-  
5           pecially in comparison to the duties of similar posi-  
6           tions in the Federal Government and industry.

7           (4) An examination of any other matter that  
8           the Secretary considers appropriate for the study.

9           (c) REPORT.—(1) Not later than February 1, 2006,  
10          the Secretary shall submit to the Committee on Armed  
11          Services of the Senate and the Committee on Armed Serv-  
12          ices of the House of Representatives a report on the re-  
13          sults of the study under this section.

14          (2) The report shall include recommendations regard-  
15          ing the appropriate roles and authorities that should be  
16          assigned and resources that should be provided to the Di-  
17          rector of Defense Research and Engineering.

18          (d) ROLE OF DEFENSE SCIENCE BOARD IN STUDY  
19          AND REPORT.—The Secretary shall act through the De-  
20          fense Science Board in carrying out the study under sub-  
21          section (a) and in preparing the report under subsection  
22          (c).



1 **SEC. 902. CHANGE OF MEMBERSHIP OF SPECIFIED COUN-**  
2 **CIL.**

3 (a) MEMBERSHIP OF COUNCIL UNDER SECTION  
4 179.—Subsection (a) of section 179 of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new paragraph:

7 “(4) The Under Secretary of Defense for Pol-  
8 icy.”.

9 (b) CONFORMING AND CLARIFYING AMENDMENTS.—  
10 Such subsection is further amended in the matter pre-  
11 ceding paragraph (1)—

12 (1) by striking “Joint”; and

13 (2) by striking “composed of three members as  
14 follows:” and inserting “operated as a joint activity  
15 of the Department of Defense and the Department  
16 of Energy. The membership of the Council is com-  
17 prised of the following officers of those depart-  
18 ments:”.

19 (c) OTHER TECHNICAL AND CLARIFYING AMEND-  
20 MENTS.—Such section is further amended as follows:

21 (1) Subsection (c)(3)(B) is amended by striking  
22 “appointed” and inserting “designated”.

23 (2) Subsection (e) is amended by striking “In  
24 addition” and all that follows through “also” and in-  
25 serting “The Council shall”.



9-6

1           (3) Subsection (f) is amended by striking  
2           “Committee on” the first place it appears and all  
3           that follows through “Representatives” and inserting  
4           “congressional defense committees”.

5           (d) **STYLISTIC AMENDMENTS.**—Such section is fur-  
6           ther amended as follows:

7           (1) Subsection (a) is amended by inserting “ES-  
8           TABLISHMENT; MEMBERSHIP.—” after “(a)”.

9           (2) Subsection (b) is amended by inserting  
10          “CHAIRMAN; MEETINGS.—” after “(b)”.

11          (3) Subsection (c) is amended by inserting  
12          “STAFF AND ADMINISTRATIVE SERVICES; STAFF  
13          DIRECTOR.—” after “(c)”.

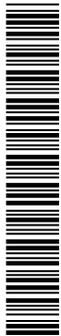
14          (4) Subsection (d) is amended by inserting  
15          “RESPONSIBILITIES.—” after “(d)”.

16          (5) Subsection (e) is amended by inserting  
17          “REPORT ON DIFFICULTIES RELATING TO SAFETY  
18          OR RELIABILITY.—” after “(e)”.

19          (6) Subsection (f) is amended by inserting “AN-  
20          NUAL REPORT.—” after “(f)”.

21          (e) **FURTHER CONFORMING AMENDMENTS.**—Section  
22          3212(e) of the National Nuclear Security Administration  
23          Act (50 U.S.C. 2402(e)) is amended—

24                  (1) by striking “JOINT” in the subsection head-  
25                  ing; and



1 (2) by striking “Joint”.

2 **Subtitle B—Space Activities**

3 **SEC. 911. SPACE POSTURE REVIEW.**

4 (a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—

5 In order to clarify the national security space policy and  
6 strategy of the United States for the near term, the Sec-  
7 retary of Defense shall conduct a comprehensive review  
8 of the space posture of the United States over the posture  
9 review period.

10 (b) ELEMENTS OF REVIEW.—The review conducted  
11 under subsection (a) shall include, for the posture review  
12 period, the following:

13 (1) The definition, policy, requirements, and ob-  
14 jectives for each of the following:

15 (A) Space situational awareness.

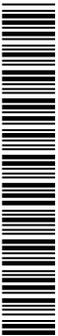
16 (B) Space control.

17 (C) Space superiority, including defensive  
18 and offensive counterspace.

19 (D) Force enhancement and force applica-  
20 tion.

21 (E) Space-based intelligence, surveillance,  
22 and reconnaissance from space.

23 (F) Any other matter the Secretary con-  
24 siders relevant to understanding the United  
25 States space posture.



1           (2) Current and planned space acquisition pro-  
2           grams that are in acquisition categories 1 and 2, in-  
3           cluding how each such program will address the pol-  
4           icy, requirements, and objectives described under  
5           each of subparagraphs (A) through (F) of paragraph  
6           (1).

7           (3) Future space systems and technology devel-  
8           opment (other than those in development as of the  
9           date of the enactment of this Act) necessary to ad-  
10          dress the policy, requirements, and objectives de-  
11          scribed under each of subparagraphs (A) through  
12          (F) of paragraph (1).

13          (4) The relationship among—

- 14                (A) United States military space policy;  
15                (B) national security space policy;  
16                (C) national security space objectives; and  
17                (D) arms control policy.

18          (5) Effect of United States military and na-  
19          tional security space policy on the proliferation of  
20          weapons capable of targeting objects in space or ob-  
21          jects on Earth from space.

22          (c) REPORTS.—(1) Not later than March 15, 2005,  
23          the Secretary of Defense shall submit to the congressional  
24          committees specified in paragraph (4) an interim report  
25          on the review conducted under subsection (a).



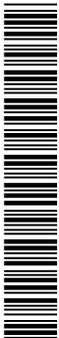
1           (2) Not later than December 31, 2005, the Secretary  
2 shall submit to those committees a final report on that  
3 review.

4           (3) Each report under this subsection shall be sub-  
5 mitted in unclassified form, but may include a classified  
6 annex.

7           (4) The reports under this subsection shall be sub-  
8 mitted to the Committee on Armed Services and the Select  
9 Committee on Intelligence of the Senate and the Com-  
10 mittee on Armed Services and the Permanent Select Com-  
11 mittee on Intelligence of the House of Representatives.

12           (d) JOINT UNDERTAKING WITH THE DIRECTOR OF  
13 CENTRAL INTELLIGENCE (OR SUCCESSOR).—The Sec-  
14 retary of Defense shall conduct the review under this sec-  
15 tion, and shall submit the reports under subsection (c),  
16 jointly with the Director of Central Intelligence (or any  
17 successor official who has responsibility for management  
18 of the intelligence community).

19           (e) POSTURE REVIEW PERIOD.—In this section, the  
20 term “posture review period” means the 10-year period  
21 beginning on the first day of the first month beginning  
22 more than one year after the date of the enactment of  
23 this Act.



1 **SEC. 912. PANEL ON THE FUTURE OF NATIONAL SECURITY**  
2 **SPACE LAUNCH.**

3 (a) IN GENERAL.—(1) The Secretary of Defense  
4 shall enter into a contract with a federally funded research  
5 and development center to establish a panel on the future  
6 national security space launch requirements of the United  
7 States, including means of meeting those requirements.

8 (2) The Secretary shall enter into the contract not  
9 later than 60 days after the date of the enactment of this  
10 Act.

11 (b) MEMBERSHIP AND ADMINISTRATION OF  
12 PANEL.—(1) The panel shall consist of individuals se-  
13 lected by the federally funded research and development  
14 center from among private citizens of the United States  
15 with knowledge and expertise in one or more of the fol-  
16 lowing areas:

17 (A) Space launch operations.

18 (B) Space launch technologies.

19 (C) Satellite and satellite payloads.

20 (D) State and national launch complexes.

21 (E) Space launch economics.

22 (2) The federally funded research and development  
23 center shall establish appropriate procedures for the ad-  
24 ministration of the panel, including designation of the  
25 chairman of the panel from among its members.



1 (3) All panel members shall hold security clearances  
2 appropriate for the work of the panel.

3 (4) The panel shall convene its first meeting not later  
4 than 30 days after the date on which all members of the  
5 panel have been selected.

6 (c) DUTIES.—(1) The panel shall conduct a review  
7 and assessment of the future national security space  
8 launch requirements of the United States, including the  
9 means of meeting those requirements.

10 (2) The review and assessment shall take into ac-  
11 count the following matters:

12 (A) Launch economics.

13 (B) Operational concepts and architectures.

14 (C) Launch technologies, including—

15 (i) reusable launch vehicles;

16 (ii) expendable launch vehicles;

17 (iii) low cost options; and

18 (iv) revolutionary approaches.

19 (D) Payloads, including the implications of pay-  
20 loads for launch requirements.

21 (E) Launch infrastructure.

22 (F) Launch industrial base.

23 (G) Relationships among military, civilian, and  
24 commercial launch requirements.



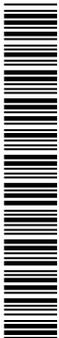
1 (3) The review and assessment shall address national  
2 security space launch requirements over each of the 5-  
3 year, 10-year, and 15-year periods beginning with 2005.

4 (d) INFORMATION FROM FEDERAL AND STATE  
5 AGENCIES.—(1) The panel may secure directly from the  
6 Department of Defense, from any other department or  
7 agency of the Federal Government, and any State govern-  
8 ment any information that the panel considers necessary  
9 to carry out its duties.

10 (2) The Secretary of Defense shall designate at least  
11 one senior civilian employee of the Department of Defense  
12 and at least one general or flag officer of an Armed Force  
13 to serve as liaison between the Department, the Armed  
14 Forces, and the panel.

15 (e) REPORT.—Not later than one year after the date  
16 of the first meeting of the panel under subsection (b)(4),  
17 the panel shall submit to the Secretary of Defense, the  
18 congressional defense committees, the Select Committee  
19 on Intelligence of the Senate, and the Permanent Select  
20 Committee on Intelligence of the House of Representatives  
21 a report on the results of the review and assessment under  
22 subsection (c). The report shall include—

23 (1) the findings and conclusions of the panel on  
24 the future national security space launch require-





1 **“§ 2273a. Operationally responsive national security**  
2 **payloads and buses: separate program**  
3 **element required**

4 “(a) REQUIREMENT FOR PROGRAM ELEMENT.—The  
5 Secretary of Defense shall ensure that, within budget pro-  
6 gram elements for space programs of the Department of  
7 Defense, there is a separate, dedicated program element  
8 for operationally responsive national security payloads and  
9 buses of the Department of Defense for space satellites  
10 and that programs and activities for such payloads and  
11 buses are planned, programmed, and budgeted for through  
12 that program element.

13 “(b) MANAGEMENT AUTHORITY.—The Secretary of  
14 Defense shall assign management authority for the pro-  
15 gram element required under subsection (a) to the Direc-  
16 tor of the Office of Force Transformation of the Depart-  
17 ment of Defense.

18 “(c) DEFINITION OF OPERATIONALLY RESPON-  
19 SIVE.—In this section, the term ‘operationally responsive’,  
20 with respect to a national security payload and bus for  
21 a space satellite, means an experimental or operational  
22 payload and bus with a weight not in excess of 5,000  
23 pounds that—

24 “(1) can be developed and acquired within 18  
25 months after authority to proceed with development  
26 is granted; and



1           “(2) is responsive to requirements for capabili-  
2           ties at the operational and tactical levels of war-  
3           fare.”.

4           (2) The table of sections at the beginning of such  
5           chapter is amended by inserting after the item relating  
6           to section 2273 the following new item:

          “2273a. Operationally responsive national security payloads and buses: separate  
          program element required.”.

7           (b) TIME FOR IMPLEMENTATION.—Subsection (a) of  
8           section 2273a of title 10, United States Code, as added  
9           by subsection (a), shall apply with respect to fiscal years  
10          after fiscal year 2005.

11   **SEC. 914. NONDISCLOSURE OF CERTAIN PRODUCTS OF**  
12                                   **COMMERCIAL SATELLITE OPERATIONS.**

13          (a) MANDATORY DISCLOSURE REQUIREMENTS INAP-  
14          PLICABLE.—The requirements to make information avail-  
15          able under section 552 of title 5, United States Code, shall  
16          not apply to land remote sensing information.

17          (b) LAND REMOTE SENSING INFORMATION DE-  
18          FINED.—In this section, the term “land remote sensing  
19          information”—

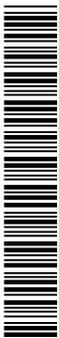
20                 (1) means any data that—

21                         (A) are collected by land remote sensing;

22                         and

23                         (B) are prohibited from sale to customers

24                         other than the United States Government and



1 United States Government-approved customers  
2 for reasons of national security pursuant to the  
3 terms of an operating license issued pursuant to  
4 the Land Remote Sensing Policy Act of 1992  
5 (15 U.S.C. 5601 et seq.); and

6 (2) includes any imagery and other product  
7 that is derived from such data and which is prohib-  
8 ited from sale to customers other than the United  
9 States Government and United States Government-  
10 approved customers for reasons of national security  
11 pursuant to the terms of an operating license de-  
12 scribed in paragraph (1)(B).

13 (c) STATE OR LOCAL GOVERNMENT DISCLOSURES.—  
14 Land remote sensing information provided by the head of  
15 a department or agency of the United States to a State,  
16 local, or tribal government may not be made available to  
17 the general public under any State, local, or tribal law re-  
18 lating to the disclosure of information or records.

19 (d) SAFEGUARDING INFORMATION.—The head of  
20 each department or agency of the United States having  
21 land remote sensing information within that department  
22 or agency or providing such information to a State, local,  
23 or tribal government shall take such actions, commensu-  
24 rate with the sensitivity of that information, as are nec-  
25 essary to protect that information from disclosure other



1 than in accordance with this section and other applicable  
2 law.

3 (e) ADDITIONAL DEFINITION.—In this section, the  
4 term “land remote sensing” has the meaning given such  
5 term in section 3 of the Land Remote Sensing Policy Act  
6 of 1992 (15 U.S.C. 5602).

7 (f) DISCLOSURE TO CONGRESS.—Nothing in this sec-  
8 tion shall be construed to authorize the withholding of in-  
9 formation from the appropriate committees of Congress.

## 10 **Subtitle C—Intelligence-Related** 11 **Matters**

### 12 **SEC. 921. TWO-YEAR EXTENSION OF AUTHORITY OF THE** 13 **SECRETARY OF DEFENSE TO ENGAGE IN** 14 **COMMERCIAL ACTIVITIES AS SECURITY FOR** 15 **INTELLIGENCE COLLECTION ACTIVITIES** 16 **ABROAD.**

17 Section 431(a) of title 10, United States Code, is  
18 amended by striking “December 31, 2004” and inserting  
19 “December 31, 2006”.

### 20 **SEC. 922. PILOT PROGRAM ON CRYPTOLOGIC SERVICE** 21 **TRAINING.**

22 (a) PROGRAM AUTHORIZED.—The Director of the  
23 National Security Agency may carry out a pilot program  
24 on cryptologic service training for the intelligence commu-  
25 nity.

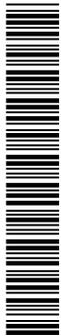


1 (b) OBJECTIVE OF PROGRAM.—The objective of the  
2 pilot program is to increase the number of qualified entry-  
3 level language analysts and intelligence analysts available  
4 to the National Security Agency and the other elements  
5 of the intelligence community through the directed prepa-  
6 ration and recruitment of qualified entry-level language  
7 analysts and intelligence analysts who commit to a period  
8 of service or a career in the intelligence community.

9 (c) PROGRAM SCOPE.—The pilot program shall be  
10 national in scope.

11 (d) PROGRAM PARTICIPANTS.—(1) Subject to the  
12 provisions of this subsection, the Director shall select the  
13 participants in the pilot program from among individuals  
14 qualified to participate in the pilot program utilizing such  
15 procedures as the Director considers appropriate for pur-  
16 poses of the pilot program.

17 (2) Each individual who receives financial assistance  
18 under the pilot program shall perform one year of obli-  
19 gated service with the National Security Agency, or an-  
20 other element of the intelligence community approved by  
21 the Director, for each academic year for which such indi-  
22 vidual receives such financial assistance upon such individ-  
23 ual's completion of post-secondary education.



1           (3) Each individual selected to participate in the pilot  
2 program shall be qualified for a security clearance appro-  
3 priate for the individual under the pilot program.

4           (4) The total number of participants in the pilot pro-  
5 gram at any one time may not exceed 400 individuals.

6           (e) PROGRAM MANAGEMENT.—In carrying out the  
7 pilot program, the Director shall—

8                   (1) identify individuals interested in working in  
9 the intelligence community, and committed to taking  
10 college-level courses that will better prepare them for  
11 a career in the intelligence community as a language  
12 analyst or intelligence analyst;

13                   (2) provide each individual selected for partici-  
14 pation in the pilot program—

15                           (A) financial assistance for the pursuit of  
16 courses at institutions of higher education se-  
17 lected by the Director in fields of study that  
18 will qualify such individual for employment by  
19 an element of the intelligence community as a  
20 language analyst or intelligence analyst; and

21                           (B) educational counseling on the selection  
22 of courses to be so pursued; and

23                   (3) provide each individual so selected informa-  
24 tion on the opportunities available for employment in  
25 the intelligence community.



1 (f) DURATION OF PROGRAM.—(1) The Director shall  
2 terminate the pilot program not later than six years after  
3 the date of the enactment of this Act.

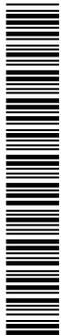
4 (2) The termination of the pilot program under para-  
5 graph (1) shall not prevent the Director from continuing  
6 to provide assistance, counseling, and information under  
7 subsection (e) to individuals who are participating in the  
8 pilot program on the date of termination of the pilot pro-  
9 gram throughout the academic year in progress as of that  
10 date.

11 **Subtitle D—Other Matters**

12 **SEC. 931. STRATEGIC PLAN FOR DESTRUCTION OF LETHAL**  
13 **CHEMICAL AGENTS AND MUNITIONS STOCK-**  
14 **PILE.**

15 Subsection (d) of section 1412 of the Department of  
16 Defense Authorization Act, 1986 (50 U.S.C. 1521), is  
17 amended to read as follows:

18 “(d) REQUIREMENT FOR STRATEGIC PLAN.—(1) The  
19 Under Secretary of Defense for Acquisition, Technology,  
20 and Logistics and the Secretary of the Army shall jointly  
21 prepare, and from time to time shall update as appro-  
22 priate, a strategic plan for future activities for destruction  
23 of the United States’ stockpile of lethal chemical agents  
24 and munitions.



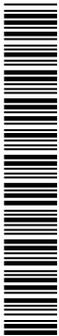
1           “(2) The plan shall include, at a minimum, the fol-  
2           lowing considerations:

3                   “(A) Realistic budgeting for stockpile destruc-  
4                   tion and related support programs.

5                   “(B) Contingency planning for foreseeable or  
6                   anticipated problems.

7                   “(C) A management approach and associated  
8                   actions that address compliance with the obligations  
9                   of the United States under the Chemical Weapons  
10                  Convention treaty and that take full advantage of  
11                  opportunities to accelerate destruction of the stock-  
12                  pile.

13                  “(3) The Secretary of Defense shall each year submit  
14                  to the Committee on the Armed Services of the Senate  
15                  and the Committee on Armed Services of the House of  
16                  Representatives the strategic plan as most recently pre-  
17                  pared and updated under paragraph (1). Such submission  
18                  shall be made each year at the time of the submission to  
19                  the Congress that year of the President’s budget for the  
20                  next fiscal year.”.



1 **SEC. 932. SECRETARY OF DEFENSE CRITERIA FOR AND**  
2 **GUIDANCE ON IDENTIFICATION AND INTER-**  
3 **NAL TRANSMISSION OF CRITICAL INFORMA-**  
4 **TION.**

5 (a) **CRITERIA FOR CRITICAL INFORMATION.**—(1) The  
6 Secretary of Defense shall establish criteria for deter-  
7 mining categories of critical information that should be  
8 made known expeditiously to senior civilian and military  
9 officials in the Department of Defense. Those categories  
10 should be limited to matters of extraordinary significance  
11 and strategic impact to which rapid access by those offi-  
12 cials is essential to the successful accomplishment of the  
13 national security strategy or a major military mission. The  
14 Secretary may from time to time modify the list to suit  
15 the current strategic situation.

16 (2) The Secretary shall provide the criteria estab-  
17 lished under paragraph (1) to the Chairman of the Joint  
18 Chiefs of Staff, the Secretaries of the military depart-  
19 ments, the commanders of the unified and specified com-  
20 mand, the commanders of deployed forces, and such other  
21 elements of the Department of Defense as the Secretary  
22 considers necessary.

23 (b) **MATTERS TO BE INCLUDED.**—The criteria estab-  
24 lished under subsection (a) shall include, at a minimum,  
25 requirement for identification of the following:



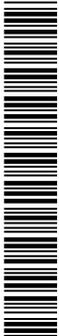
1           (1) Any incident that may result in a contin-  
2           gency operation, based on the incident's nature,  
3           gravity, or potential for significant adverse con-  
4           sequences to United States citizens, military per-  
5           sonnel, interests, or assets, including an incident  
6           that could result in significant adverse publicity hav-  
7           ing a major strategic impact.

8           (2) Any event, development, or situation that  
9           could be reasonably assumed to escalate into an inci-  
10          dent described in paragraph (1).

11          (3) Any deficiency or error in policy, standards,  
12          or training that could be reasonably assumed to have  
13          the effects described in paragraph (1).

14          (c) REQUIREMENTS FOR TRANSMISSION OF CRITICAL  
15          INFORMATION.—The criteria under subsection (a) shall  
16          include such requirements for transmission of such critical  
17          information to such senior civilian and military officials  
18          of the Department of Defense as the Secretary of Defense  
19          considers appropriate.

20          (d) TIME FOR ISSUANCE OF CRITERIA.—The Sec-  
21          retary of Defense shall establish the criteria required by  
22          subsection (a) not later than 120 days after the date of  
23          the enactment of this Act.





# 1 TITLE X—GENERAL PROVISIONS

## Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.
- Sec. 1002. United States contribution to NATO common-funded budgets in fiscal year 2005.
- Sec. 1003. Budget justification documents for operation and maintenance.
- Sec. 1004. Licensing of intellectual property.
- Sec. 1005. Repeal of funding restrictions concerning development of medical countermeasures against biological warfare threats.
- Sec. 1006. Report on budgeting for exchange rates for foreign currency fluctuations.
- Sec. 1007. Fiscal year 2004 transfer authority.
- Sec. 1008. Clarification of fiscal year 2004 funding level for a National Institute of Standards and Technology account.
- Sec. 1009. Notification of fund transfers from working-capital funds.
- Sec. 1010. Charges for Defense Logistics Information Services materials.

## Subtitle B—Naval Vessels and Shipyards

- Sec. 1011. Authority for award of contracts for ship dismantling on net-cost basis.
- Sec. 1012. Use of proceeds from exchange and sale of obsolete navy service craft and boats.
- Sec. 1013. Transfer of naval vessels to certain foreign recipients.
- Sec. 1014. Independent study to assess cost effectiveness of the Navy ship construction program.
- Sec. 1015. Limitation on disposal of obsolete naval vessel.

## Subtitle C—Counterdrug Matters

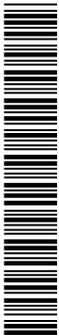
- Sec. 1021. Use of funds for unified counterdrug and counterterrorism campaign in Colombia.
- Sec. 1022. Sense of Congress and report regarding counter-drug efforts in Afghanistan.

## Subtitle D—Matters Relating to Museums and Commemorations

- Sec. 1031. Recognition of the Liberty Memorial Museum, Kansas City, Missouri, as America's National World War I Museum.
- Sec. 1032. Program to commemorate 60th anniversary of World War II.
- Sec. 1033. Annual report on Department of Defense operation and financial support for military museums.

## Subtitle E—Reports

- Sec. 1041. Quarterly detailed accounting for operations conducted as part of the Global War on Terrorism.
- Sec. 1042. Report on post-major combat operations phase of Operation Iraqi Freedom.
- Sec. 1043. Report on training provided to members of the Armed Forces to prepare for post-conflict operations.
- Sec. 1044. Report on establishing National Centers of Excellence for unmanned aerial and ground vehicles.



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- Sec. 1045. Study of continued requirement for two-crew manning for ballistic missile submarines.
- Sec. 1046. Report on Department of Defense programs for repositioning of materiel and equipment.
- Sec. 1047. Report on al Qaeda and associated groups in Latin America and the Caribbean.

**Subtitle F—Defense Against Terrorism and Other Domestic Security Matters**

- Sec. 1051. Acceptance of communications equipment provided by local public safety agencies.
- Sec. 1052. Determination and report on full-time airlift support for homeland defense operations.
- Sec. 1053. Survivability of critical systems exposed to chemical or biological contamination.

**Subtitle G—Personnel Security Matters**

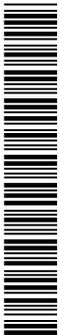
- Sec. 1061. Use of National Driver Register for personnel security investigations and determinations.
- Sec. 1062. Standards for disqualification from eligibility for Department of Defense security clearance.

**Subtitle H—Transportation-Related Matters**

- Sec. 1071. Use of military aircraft to transport mail to and from overseas locations.
- Sec. 1072. Reorganization and clarification of certain provisions relating to control and supervision of transportation within the Department of Defense.
- Sec. 1073. Evaluation of procurement practices relating to transportation of security-sensitive cargo.

**Subtitle I—Other Matters**

- Sec. 1081. Liability protection for Department of Defense volunteers working in maritime environment.
- Sec. 1082. Sense of Congress concerning media coverage of the return to the United States of the remains of deceased members of the Armed Forces from overseas.
- Sec. 1083. Transfer of historic F3A-1 Brewster Corsair aircraft.
- Sec. 1084. Technical and clerical amendments.
- Sec. 1085. Preservation of search and rescue capabilities of the Federal Government.
- Sec. 1086. Acquisition of aerial firefighting equipment for National Interagency Fire Center.
- Sec. 1087. Revision to requirements for recognition of institutions of higher education as Hispanic-serving institutions for purposes of certain grants and contracts.
- Sec. 1088. Military extraterritorial jurisdiction over contractors supporting defense missions overseas.
- Sec. 1089. Definition of United States for purposes of Federal crime of torture.
- Sec. 1090. Energy savings performance contracts.
- Sec. 1091. Sense of Congress and policy concerning persons detained by the United States.
- Sec. 1092. Actions to prevent the abuse of detainees.



Sec. 1093. Reporting requirements.

Sec. 1094. Findings and sense of Congress concerning Army Specialist Joseph Darby.

1                   **Subtitle A—Financial Matters**

2   **SEC. 1001. TRANSFER AUTHORITY.**

3           (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

4   (1) Upon determination by the Secretary of Defense that  
5 such action is necessary in the national interest, the Sec-  
6 retary may transfer amounts of authorizations made avail-  
7 able to the Department of Defense in this division for fis-  
8 cal year 2005 between any such authorizations for that  
9 fiscal year (or any subdivisions thereof). Amounts of au-  
10 thorizations so transferred shall be merged with and be  
11 available for the same purposes as the authorization to  
12 which transferred.

13       (2) The total amount of authorizations that the Sec-  
14 retary may transfer under the authority of this section  
15 may not exceed \$3,500,000,000.

16       (b) **LIMITATIONS.—**The authority provided by this  
17 section to transfer authorizations—

18           (1) may only be used to provide authority for  
19 items that have a higher priority than the items  
20 from which authority is transferred; and

21           (2) may not be used to provide authority for an  
22 item that has been denied authorization by Con-  
23 gress.



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1 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
2 transfer made from one account to another under the au-  
3 thority of this section shall be deemed to increase the  
4 amount authorized for the account to which the amount  
5 is transferred by an amount equal to the amount trans-  
6 ferred.

7 (d) NOTICE TO CONGRESS.—The Secretary shall  
8 promptly notify Congress of each transfer made under  
9 subsection (a).

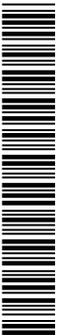
10 **SEC. 1002. UNITED STATES CONTRIBUTION TO NATO COM-**  
11 **MON-FUNDED BUDGETS IN FISCAL YEAR 2005.**

12 (a) FISCAL YEAR 2005 LIMITATION.—The total  
13 amount contributed by the Secretary of Defense in fiscal  
14 year 2005 for the common-funded budgets of NATO may  
15 be any amount up to, but not in excess of, the amount  
16 specified in subsection (b) (rather than the maximum  
17 amount that would otherwise be applicable to those con-  
18 tributions under the fiscal year 1998 baseline limitation).

19 (b) TOTAL AMOUNT.—The amount of the limitation  
20 applicable under subsection (a) is the sum of the following:

21 (1) The amounts of unexpended balances, as of  
22 the end of fiscal year 2004, of funds appropriated  
23 for fiscal years before fiscal year 2005 for payments  
24 for those budgets.

25 (2) The amount specified in subsection (c)(1).



1 (3) The amount specified in subsection (c)(2).

2 (4) The total amount of the contributions au-  
3 thORIZED to be made under section 2501.

4 (c) AUTHORIZED AMOUNTS.—Amounts authorized to  
5 be appropriated by titles II and III of this Act are avail-  
6 able for contributions for the common-funded budgets of  
7 NATO as follows:

8 (1) Of the amount provided in section 201(1),  
9 \$756,000 for the Civil Budget.

10 (2) Of the amount provided in section 301(1),  
11 \$222,492,000 for the Military Budget.

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

13 (1) COMMON-FUNDED BUDGETS OF NATO.—  
14 The term “common-funded budgets of NATO”  
15 means the Military Budget, the Security Investment  
16 Program, and the Civil Budget of the North Atlantic  
17 Treaty Organization (and any successor or addi-  
18 tional account or program of NATO).

19 (2) FISCAL YEAR 1998 BASELINE LIMITATION.—  
20 The term “fiscal year 1998 baseline limitation”  
21 means the maximum annual amount of Department  
22 of Defense contributions for common-funded budgets  
23 of NATO that is set forth as the annual limitation  
24 in section 3(2)(C)(ii) of the resolution of the Senate  
25 giving the advice and consent of the Senate to the



1 ratification of the Protocols to the North Atlantic  
2 Treaty of 1949 on the Accession of Poland, Hun-  
3 gary, and the Czech Republic (as defined in section  
4 4(7) of that resolution), approved by the Senate on  
5 April 30, 1998.

6 **SEC. 1003. BUDGET JUSTIFICATION DOCUMENTS FOR OP-**  
7 **ERATION AND MAINTENANCE.**

8 (a) IN GENERAL.—(1) Chapter 9 of title 10, United  
9 States Code, is amended by adding after section 232, as  
10 added by section 214(a), the following new section:

11 **“§ 233. Operation and maintenance budget presen-**  
12 **tation**

13 “(a) IDENTIFICATION OF BASELINE AMOUNTS IN  
14 O&M JUSTIFICATION DOCUMENTS.—In any case in which  
15 the amount requested in the President’s budget for a fiscal  
16 year for a Department of Defense operation and mainte-  
17 nance program, project, or activity is different from the  
18 amount appropriated for that program, project, or activity  
19 for the current year, the O&M justification documents  
20 supporting that budget shall identify that appropriated  
21 amount and the difference between that amount and the  
22 amount requested in the budget, stated as an amount and  
23 as a percentage.

24 “(b) NAVY FOR SHIP DEPOT MAINTENANCE AND  
25 FOR INTERMEDIATE SHIP MAINTENANCE.—In the O&M



1 justification documents for the Navy for any fiscal year,  
2 amounts requested for ship depot maintenance and  
3 amounts requested for intermediate ship maintenance  
4 shall be identified and distinguished.

5 “(c) DEFINITIONS.—In this section:

6 “(1) The term ‘O&M justification documents’  
7 means Department of Defense budget justification  
8 documents with respect to accounts for operation  
9 and maintenance submitted to the congressional de-  
10 fense committees in support of the Department of  
11 Defense component of the President’s budget for  
12 any fiscal year.

13 “(2) The term ‘President’s budget’ means the  
14 budget of the President submitted to Congress  
15 under section 1105 of title 31 for any fiscal year.

16 “(3) The term ‘current year’ means the fiscal  
17 year during which the President’s budget is sub-  
18 mitted in any year.”.

19 (2) The table of sections at the beginning of such  
20 chapter is amended by adding after the item relating to  
21 section 232, as added by section 214(b), the following new  
22 item:

“233. Operation and maintenance budget presentation.”.

23 (b) COMPONENTS OF LINE ITEMS FOR OTHER COSTS  
24 AND OTHER CONTRACTS.—Not later than March 1, 2005,  
25 the Secretary of Defense shall submit to the congressional



1 defense committees a report setting forth the component  
2 elements of the line items identified as “Other Costs” and  
3 “Other Contracts” in the exhibit identified as “Summary  
4 of Price and Program Changes” in the budget justification  
5 materials submitted to those committees in support of the  
6 budget for fiscal year 2006.

7 **SEC. 1004. LICENSING OF INTELLECTUAL PROPERTY.**

8 (a) **AUTHORITY.**—Subchapter II of chapter 134 of  
9 title 10, United States Code, is amended by adding at the  
10 end the following new section:

11 **“§ 2260. Licensing of intellectual property: retention**  
12 **of fees**

13 “(a) **AUTHORITY.**—Under regulations prescribed by  
14 the Secretary of Defense, the Secretary concerned may li-  
15 cense trademarks, service marks, certification marks, and  
16 collective marks owned or controlled by the Secretary con-  
17 cerned and may retain and expend fees received from such  
18 licensing in accordance with this section.

19 “(b) **DESIGNATED MARKS.**—The Secretary con-  
20 cerned shall designate the trademarks, service marks, cer-  
21 tification marks, and collective marks regarding which the  
22 Secretary will exercise the authority to retain licensing  
23 fees under this section.



1       “(c) USE OF FEES.—The Secretary concerned shall  
2 use fees retained under this section for the following pur-  
3 poses:

4               “(1) For payment of the following costs in-  
5 curred by the Secretary:

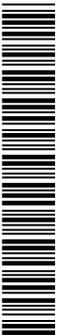
6                       “(A) Costs of securing trademark registra-  
7 tions.

8                       “(B) Costs of operating the licensing pro-  
9 gram under this section.

10               “(2) For morale, welfare, and recreation activi-  
11 ties under the jurisdiction of the Secretary, to the  
12 extent (if any) that the total amount of the licensing  
13 fees available under this section for a fiscal year ex-  
14 ceed the total amount needed for such fiscal year  
15 under paragraph (1).

16       “(d) AVAILABILITY.—Fees received in a fiscal year  
17 and retained under this section shall be available for obli-  
18 gation in such fiscal year and the following two fiscal  
19 years.

20       “(e) DEFINITIONS.—In this section, the terms ‘trade-  
21 mark’, ‘service mark’, ‘certification mark’, and ‘collective  
22 mark’ have the meanings given such terms in section 45  
23 of the Act of July 5, 1946 (commonly referred to as the  
24 Trademark Act of 1946; 15 U.S.C. 1127).”.



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1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such subchapter is amended by adding  
3 at the end the following new item:

“2260. Licensing of intellectual property: retention of fees.”.

4 **SEC. 1005. REPEAL OF FUNDING RESTRICTIONS CON-**  
5 **CERNING DEVELOPMENT OF MEDICAL COUN-**  
6 **TERMEASURES AGAINST BIOLOGICAL WAR-**  
7 **FARE THREATS.**

8 (a) REPEAL.—Section 2370a of title 10, United  
9 States Code, is repealed.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of chapter 139 of such title is amended  
12 by striking the item relating to that section.

13 **SEC. 1006. REPORT ON BUDGETING FOR EXCHANGE RATES**  
14 **FOR FOREIGN CURRENCY FLUCTUATIONS.**

15 (a) SECRETARY OF DEFENSE REPORT.—(1) Not  
16 later than December 1, 2004, the Secretary of Defense  
17 shall submit to the Committee on Armed Services of the  
18 Senate and the Committee on Armed Services of the  
19 House of Representatives a report on the foreign currency  
20 exchange rate projection used in annual Department of  
21 Defense budget presentations.

22 (2) In the report under paragraph (1), the Secretary  
23 shall—

24 (A) identify alternative approaches for selecting  
25 foreign currency exchange rates that would produce



1 more realistic estimates of amounts required to be  
2 appropriated or otherwise made available for the De-  
3 partment of Defense to accommodate foreign cur-  
4 rency exchange rate fluctuations;

5 (B) discuss the advantages and disadvantages  
6 of each approach identified pursuant to subpara-  
7 graph (A); and

8 (C) identify the Secretary's preferred approach  
9 among the alternatives identified pursuant to sub-  
10 paragraph (A) and provide the Secretary's rationale  
11 for preferring that approach.

12 (3) In identifying alternative approaches pursuant to  
13 paragraph (2)(A), the Secretary shall examine—

14 (A) approaches used by other Federal depart-  
15 ments and agencies; and

16 (B) the feasibility of using private economic  
17 forecasting.

18 (b) COMPTROLLER GENERAL REVIEW AND RE-  
19 PORT.—The Comptroller General shall review the report  
20 under subsection (a), including the basis for the Sec-  
21 retary's conclusions stated in the report, and shall submit,  
22 not later than January 15, 2005, to the Committee on  
23 Armed Services of the Senate and the Committee on  
24 Armed Services of the House of Representatives a report  
25 containing the results of that review.



10–12

1 **SEC. 1007. FISCAL YEAR 2004 TRANSFER AUTHORITY.**

2 Section 1001(a)(2) of the National Defense Author-  
3 ization Act for Fiscal Year 2004 (Public Law 108–136;  
4 117 Stat. 1582) is amended by striking “\$2,500,000,000”  
5 and inserting “\$2,800,000,000”.

6 **SEC. 1008. CLARIFICATION OF FISCAL YEAR 2004 FUNDING**  
7 **LEVEL FOR A NATIONAL INSTITUTE OF**  
8 **STANDARDS AND TECHNOLOGY ACCOUNT.**

9 For the purposes of applying sections 204 and 605  
10 of the Departments of Commerce, Justice, and State, the  
11 Judiciary, and Related Agencies Appropriations Act, 2004  
12 (division B of Public Law 108–199) to matters in title  
13 II of such Act under the heading “NATIONAL INSTITUTE  
14 OF STANDARDS AND TECHNOLOGY” (118 Stat. 69), in the  
15 account under the heading “INDUSTRIAL TECHNOLOGY  
16 SERVICES”, the Secretary of Commerce shall make all de-  
17 terminations based on the Industrial Technology Services  
18 funding level of \$218,782,000 for reprogramming and  
19 transferring of funds for the Manufacturing Extension  
20 Partnership program and may submit such a reprogram-  
21 ming or transfer, as the case may be, to the appropriate  
22 committees within 30 days after the date of the enactment  
23 of this Act.



10–13

1 **SEC. 1009. NOTIFICATION OF FUND TRANSFERS FROM**  
2 **WORKING-CAPITAL FUNDS.**

3 Section 2208 of title 10, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(r) NOTIFICATION OF TRANSFERS.—(1) Notwith-  
7 standing any authority provided in this section to transfer  
8 funds, the transfer of funds from a working-capital fund,  
9 including a transfer to another working-capital fund, shall  
10 not be made under such authority unless the Secretary  
11 of Defense submits, in advance, a notification of the pro-  
12 posed transfer to the congressional defense committees in  
13 accordance with customary procedures.

14 “(2) The amount of a transfer covered by a notifica-  
15 tion under paragraph (1) that is made in a fiscal year  
16 does not count toward any limitation on the total amount  
17 of transfers that may be made for that fiscal year under  
18 authority provided to the Secretary of Defense in a law  
19 authorizing appropriations for a fiscal year for military  
20 activities of the Department of Defense or a law making  
21 appropriations for the Department of Defense.”.

22 **SEC. 1010. CHARGES FOR DEFENSE LOGISTICS INFORMA-**  
23 **TION SERVICES MATERIALS.**

24 (a) AUTHORITY.—Subchapter I of chapter 8 of title  
25 10, United States Code, is amended by adding at the end  
26 the following new section:



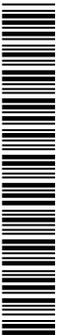
1 **“§ 197. Defense Logistics Agency: fees charged for lo-**  
2 **gistics information**

3 “(a) AUTHORITY.—The Secretary of Defense may  
4 charge fees for providing information in the Federal Lo-  
5 gistics Information System through Defense Logistics In-  
6 formation Services to a department or agency of the exec-  
7 utive branch outside the Department of Defense, or to a  
8 State, a political subdivision of a State, or any person.

9 “(b) AMOUNT.—The fee or fees prescribed under sub-  
10 section (a) shall be such amount or amounts as the Sec-  
11 retary of Defense determines appropriate for recovering  
12 the costs of providing information as described in such  
13 subsection.

14 “(c) RETENTION OF FEES.—Fees collected under  
15 this section shall be credited to the appropriation available  
16 for Defense Logistics Information Services for the fiscal  
17 year in which collected, shall be merged with other sums  
18 in such appropriation, and shall be available for the same  
19 purposes and period as the appropriation with which  
20 merged.

21 “(d) DEFENSE LOGISTICS INFORMATION SERVICES  
22 DEFINED.—In this section, the term ‘Defense Logistics  
23 Information Services’ means the organization within the  
24 Defense Logistics Agency that is known as Defense Logis-  
25 tics Information Services.”



10–15

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such subchapter is amended by adding  
3 at the end the following new item:

“197. Defense Logistics Agency: fees charged for logistics information.”.

4 **Subtitle B—Naval Vessels and Shipyards**

5 **SEC. 1011. AUTHORITY FOR AWARD OF CONTRACTS FOR**  
6 **SHIP DISMANTLING ON NET-COST BASIS.**

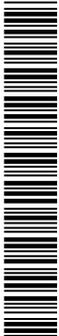
7 (a) IN GENERAL.—Chapter 633 of title 10, United  
8 States Code, is amended by inserting after section 7305  
9 the following new section:

10 **“§ 7305a. Vessels stricken from Naval Vessel Register:**  
11 **contracts for dismantling on net-cost**  
12 **basis**

13 “(a) AUTHORITY FOR NET-COST BASIS CON-  
14 TRACTS.—When the Secretary of the Navy awards a con-  
15 tract for the dismantling of a vessel stricken from the  
16 Naval Vessel Register, the Secretary may award the con-  
17 tract on a net-cost basis.

18 “(b) RETENTION BY CONTRACTOR OF PROCEEDS OF  
19 SALE OF SCRAP AND REUSABLE ITEMS.—When the Sec-  
20 retary awards a contract on a net-cost basis under sub-  
21 section (a), the Secretary shall provide in the contract that  
22 the contractor may retain the proceeds from the sale of  
23 scrap and reusable items removed from the vessel disman-  
24 tled under the contract.

25 “(c) DEFINITIONS.—In this section:



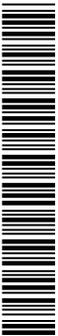
1           “(1) The term ‘net-cost basis’, with respect to  
2           a contract for the dismantling of a vessel, means  
3           that the amount to be paid to the contractor under  
4           the contract for dismantling and for removal and  
5           disposal of hazardous waste material is discounted  
6           by the offeror’s estimate of the value of scrap and  
7           reusable items that the contractor will remove from  
8           the vessel during performance of the contract.

9           “(2) The term ‘scrap’ means personal property  
10          that has no value except for its basic material con-  
11          tent.

12          “(3) The term ‘reusable item’ means a demili-  
13          tarized component or a removable portion of a vessel  
14          or equipment that the Secretary of the Navy has  
15          identified as excess to the needs of the Navy but  
16          which has potential resale value on the open mar-  
17          ket.”.

18          (b) CLERICAL AMENDMENT.—The table of sections  
19          at the beginning of such chapter is amended by inserting  
20          after the item relating to section 7305 the following new  
21          item:

          “7305a. Vessels stricken from Naval Vessel Register: contracts for dismantling  
          on net-cost basis.”.



1 **SEC. 1012. USE OF PROCEEDS FROM EXCHANGE AND SALE**  
2 **OF OBSOLETE NAVY SERVICE CRAFT AND**  
3 **BOATS.**

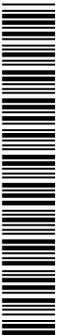
4 (a) COSTS OF PREPARATION FOR DISPOSAL.—(1)  
5 Chapter 633 of title 10, United States Code, is amended  
6 by inserting after section 7311 the following new section:

7 **“§ 7312. Service craft stricken from Naval Vessel Reg-**  
8 **ister; obsolete boats: use of proceeds from**  
9 **exchange or sale**

10 “(a) EXCHANGE OR SALE OF SIMILAR ITEMS.—  
11 When the Secretary of the Navy sells an obsolete service  
12 craft or an obsolete boat, or exchanges such a craft or  
13 boat in a transaction for which a similar craft or boat is  
14 acquired, the Secretary may retain the proceeds of the sale  
15 or the exchange allowance from the exchange, as the case  
16 may be, and apply the proceeds of sale or the exchange  
17 allowance for any of the following purposes:

18 “(1) For payment, in whole or in part, for a  
19 similar service craft or boat acquired as a replace-  
20 ment, as authorized by section 503 of title 40.

21 “(2) For reimbursement, to the extent prac-  
22 ticable, of the appropriate accounts of the Navy for  
23 the full costs of preparation of such obsolete craft or  
24 boat for such sale or exchange.



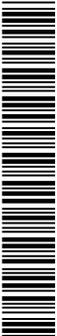
1           “(3) For deposit to the special account estab-  
2           lished under subsection (b), to be available in ac-  
3           cordance with that subsection.

4           “(b) SPECIAL ACCOUNT.—Amounts retained under  
5           subsection (a) that are not applied as provided in para-  
6           graph (1) or (2) of that subsection shall be deposited into  
7           a special account. Amounts in the account shall be avail-  
8           able under subsection (c) without regard to fiscal year lim-  
9           itation. Amounts in the account that the Secretary of the  
10          Navy determines are not needed for the purpose stated  
11          in subsection (c) shall be transferred at least annually to  
12          the General Fund of the Treasury.

13          “(c) COSTS OF PREPARATION OF OBSOLETE SERV-  
14          ICE CRAFT AND BOATS FOR FUTURE SALE OR EX-  
15          CHANGE.—The Secretary may use amounts in the account  
16          under subsection (b) for payment, in whole or in part, for  
17          the full costs of preparation of obsolete service craft and  
18          obsolete boats for future sale or exchange.

19          “(d) COSTS OF PREPARATION FOR SALE OR EX-  
20          CHANGE.—In this section, the term ‘full costs of prepara-  
21          tion’ means the full costs (direct and indirect) incurred  
22          by the Navy in preparing an obsolete service craft or an  
23          obsolete boat for exchange or sale, including the cost of  
24          the following:

25                 “(1) Towing.



1 “(2) Storage.

2 “(3) Defueling.

3 “(4) Removal and disposal of hazardous wastes.

4 “(5) Environmental surveys to determine the  
5 presence of regulated materials containing poly-  
6 chlorinated biphenyl (PCB) and, if such materials  
7 are found, the removal and disposal of such mate-  
8 rials.

9 “(6) Other costs related to such preparation.

10 “(e) OBSOLETE SERVICE CRAFT.—For purposes of  
11 this section, an obsolete service craft is a service craft that  
12 has been stricken from the Naval Vessel Register.

13 “(f) INAPPLICABILITY OF ADVERTISING REQUIRE-  
14 MENT.—Section 3709 of the Revised Statutes (41 U.S.C.  
15 5) does not apply to sales of service craft and boats de-  
16 scribed in subsection (a).

17 “(g) REGULATIONS.—The Secretary of the Navy  
18 shall prescribe regulations for the purposes of this sec-  
19 tion.”.

20 (2) The table of sections at the beginning of such  
21 chapter is amended by inserting after the item relating  
22 to section 7311 the following new item:

“7312. Service craft stricken from Naval Vessel Register; obsolete boats: use of  
proceeds from exchange or sale.”.

23 (b) APPLICABILITY.—Section 7312 of title 10, United  
24 States Code, as added by subsection (a), shall apply with



1 respect to amounts received on or after the date of the  
2 enactment of this Act and to amounts received before the  
3 date of the enactment of this Act and not obligated as  
4 of that date.

5 **SEC. 1013. TRANSFER OF NAVAL VESSELS TO CERTAIN FOR-**  
6 **EIGN RECIPIENTS.**

7 (a) **TRANSFERS BY GRANT.**—The President is au-  
8 thorized to transfer vessels to foreign recipients on a grant  
9 basis under section 516 of the Foreign Assistance Act of  
10 1961 (22 U.S.C. 2321j), as follows:

11 (1) **CHILE.**—To the Government of Chile, the  
12 **SPRUANCE** class destroyer **USS O'BANNON**  
13 (**DD-987**).

14 (2) **PORTUGAL.**—To the Government of Por-  
15 tugal, the **OLIVER HAZARD PERRY** class guided  
16 missile frigates **GEORGE PHILIP (FFG-12)** and  
17 **SIDES (FFG-14)**.

18 (b) **TRANSFERS BY SALE.**—The President is author-  
19 ized to transfer vessels to foreign recipients on a sale basis  
20 under section 21 of the Arms Export Control Act (22  
21 U.S.C. 2761), as follows:

22 (1) **CHILE.**—To the Government of Chile, the  
23 **SPRUANCE** class destroyer **FLETCHER (DD-**  
24 **992)**.



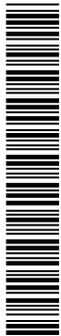
## 10-21

1           (2) TAIWAN.—To the Taipei Economic and  
2           Cultural Representative Office of the United States  
3           (which is the Taiwan instrumentality designated  
4           pursuant to section 10(a) of the Taiwan Relations  
5           Act (22 U.S.C. 3309(a))), the ANCHORAGE class  
6           dock landing ship ANCHORAGE (LSD-36).

7           (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF  
8           TRANSFERRED EXCESS DEFENSE ARTICLES.—The value  
9           of a vessel transferred to another country on a grant basis  
10          pursuant to authority provided by subsection (a) shall not  
11          be counted against the aggregate value of excess defense  
12          articles transferred to countries in any fiscal year under  
13          section 516(g) of the Foreign Assistance Act of 1961 (22  
14          U.S.C. 2321j(g)).

15          (d) COSTS OF TRANSFERS.—Any expense incurred by  
16          the United States in connection with a transfer authorized  
17          under subsection (a) or (b) shall be charged to the recipi-  
18          ent.

19          (e) REPAIR AND REFURBISHMENT IN UNITED  
20          STATES SHIPYARDS.—To the maximum extent prac-  
21          ticable, the President shall require, as a condition of the  
22          transfer of a vessel under this section, that the country  
23          to which the vessel is transferred have such repair or re-  
24          furbishment of the vessel as is needed, before the vessel  
25          joins the naval forces of that country, performed at a ship-



1 yard located in the United States, including a United  
2 States Navy shipyard.

3 (f) EXPIRATION OF AUTHORITY.—The authority to  
4 transfer a vessel under this section shall expire at the end  
5 of the two-year period beginning on the date of the enact-  
6 ment of this Act.

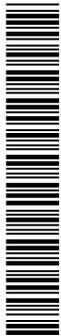
7 **SEC. 1014. INDEPENDENT STUDY TO ASSESS COST EFFEC-**  
8 **TIVENESS OF THE NAVY SHIP CONSTRUC-**  
9 **TION PROGRAM.**

10 (a) STUDY.—The Secretary of Defense shall provide  
11 for a study of the cost effectiveness of the ship construc-  
12 tion program of the Navy. The study shall be conducted  
13 by a group of industrial experts independent of the De-  
14 partment of Defense. The study shall examine both—

15 (1) a variety of approaches by which the Navy  
16 ship construction program could be made more effi-  
17 cient in the near term; and

18 (2) a variety of approaches by which, with a na-  
19 tionally integrated effort over the next decade, the  
20 United States shipbuilding industry might enhance  
21 its health and viability.

22 (b) NEAR-TERM IMPROVEMENTS IN EFFICIENCY.—  
23 With respect to the examination under subsection (a)(1)  
24 of approaches by which the Navy ship construction pro-  
25 gram could be made more efficient in the near term, the



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1 Secretary shall provide for the persons conducting the  
2 study to—

3 (1) determine the potential cost savings on an  
4 annual basis, with an estimate of return on invest-  
5 ment, from implementation of each approach exam-  
6 ined; and

7 (2) establish priorities for potential implementa-  
8 tion of the approaches examined.

9 (c) UNITED STATES SHIPBUILDING INFRASTRUC-  
10 TURE MODERNIZATION PLAN.—With respect to the exam-  
11 ination under subsection (a)(2) of approaches by which the  
12 United States shipbuilding industry might enhance its  
13 health and viability through a nationally integrated effort  
14 over the next decade, the Secretary shall provide for the  
15 persons conducting the study to—

16 (1) propose a plan incorporating a variety of  
17 approaches that would modernize the United States  
18 shipbuilding infrastructure within the next decade,  
19 resulting in a healthier and more viable shipbuilding  
20 industrial base;

21 (2) establish priorities for potential implementa-  
22 tion of the approaches examined; and

23 (3) estimate the resources required to imple-  
24 ment each of the approaches examined.



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1 (d) REPORT.—Not later than October 1, 2005, the  
2 Secretary of Defense shall submit a report to the congres-  
3 sional defense committees providing the results of the  
4 study under subsection (a). The report shall include the  
5 matters specified in subsections (b) and (c).

6 **SEC. 1015. LIMITATION ON DISPOSAL OF OBSOLETE NAVAL**  
7 **VESSEL.**

8 The Secretary of the Navy may not dispose of the  
9 decommissioned destroyer ex-Edson (DD–946) before Oc-  
10 tober 1, 2007, to an entity that is not a nonprofit organi-  
11 zation unless the Secretary first determines that there is  
12 no nonprofit organization that meets the criteria for dona-  
13 tion of that vessel under section 7306(a)(3) of title 10,  
14 United States Code.

15 **Subtitle C—Counterdrug Matters**

16 **SEC. 1021. USE OF FUNDS FOR UNIFIED COUNTERDRUG**  
17 **AND COUNTERTERRORISM CAMPAIGN IN CO-**  
18 **LOMBIA.**

19 (a) AUTHORITY.—(1) In fiscal years 2005 and 2006,  
20 funds available to the Department of Defense to provide  
21 assistance to the Government of Colombia may be used  
22 by the Secretary of Defense to support a unified campaign  
23 by the Government of Colombia against narcotics traf-  
24 ficking and against activities by organizations designated  
25 as terrorist organizations, such as the Revolutionary



1 Armed Forces of Colombia (FARC), the National Libera-  
2 tion Army (ELN), and the United Self-Defense Forces of  
3 Colombia (AUC).

4 (2) The authority to provide assistance for a cam-  
5 paign under this subsection includes authority to take ac-  
6 tions to protect human health and welfare in emergency  
7 circumstances, including the undertaking of rescue oper-  
8 ations.

9 (b) APPLICABILITY OF CERTAIN LAWS AND LIMITA-  
10 TIONS.—The use of funds pursuant to the authority in  
11 subsection (a) shall be subject to the following:

12 (1) Sections 556, 567, and 568 of the Foreign  
13 Operations, Export Financing, and Related Pro-  
14 grams Appropriations Act, 2002 (Public Law 107–  
15 115; 115 Stat. 2160, 2165, and 2166).

16 (2) Section 8076 of the Department of Defense  
17 Appropriations Act, 2005 (Public Law 108–287;  
18 118 Stat. 988).

19 (c) NUMERICAL LIMITATION ON ASSIGNMENT OF  
20 UNITED STATES PERSONNEL.—Notwithstanding section  
21 3204(b) of the Emergency Supplemental Act, 2000 (Divi-  
22 sion B of Public Law 106–246; 114 Stat. 575), as amend-  
23 ed by the Foreign Operations, Export Financing, and Re-  
24 lated Programs Appropriations Act, 2002 (Public Law  
25 107–115; 115 Stat. 2131), the number of United States



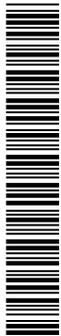
1 personnel assigned to conduct activities in Colombia in  
2 connection with support of Plan Colombia under sub-  
3 section (a) in fiscal years 2005 and 2006 shall be subject  
4 to the following limitations:

5 (1) The number of United States military per-  
6 sonnel assigned for temporary or permanent duty in  
7 Colombia in connection with support of Plan Colom-  
8 bia may not exceed 800.

9 (2) The number of United States individual  
10 citizens retained as contractors in Colombia in con-  
11 nection with support of Plan Colombia who are  
12 funded by Federal funds may not exceed 600.

13 (d) LIMITATION ON PARTICIPATION OF UNITED  
14 STATES PERSONNEL.—No United States Armed Forces  
15 personnel, United States civilian employees, or United  
16 States civilian contractor personnel employed by the  
17 United States may participate in any combat operation in  
18 connection with assistance using funds pursuant to the au-  
19 thority in subsection (a), except for the purpose of acting  
20 in self defense or of rescuing any United States citizen,  
21 including any United States Armed Forces personnel,  
22 United States civilian employee, or civilian contractor em-  
23 ployed by the United States.

24 (e) RELATION TO OTHER AUTHORITY.—The author-  
25 ity provided by subsection (a) is in addition to any other



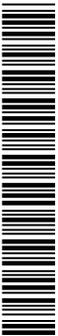
1 authority in law to provide assistance to the Government  
2 of Colombia.

3 (f) REPORT ON RELATIONSHIPS BETWEEN TER-  
4 RORIST ORGANIZATIONS IN COLOMBIA AND FOREIGN  
5 GOVERNMENTS AND ORGANIZATIONS.—(1) Not later than  
6 60 days after the date of the enactment of this Act, the  
7 Secretary of State, in consultation with the Secretary of  
8 Defense and the Director of Central Intelligence, shall  
9 submit to the congressional defense committees and the  
10 Committee on Foreign Relations of the Senate and the  
11 Committee on International Relations of the House of  
12 Representatives a report that describes—

13 (A) any relationships between foreign govern-  
14 ments or organizations and organizations based in  
15 Colombia that have been designated as foreign ter-  
16 rorist organizations under United States law, includ-  
17 ing the provision of any direct or indirect assistance  
18 to such organizations; and

19 (B) United States policies that are designed to  
20 address such relationships.

21 (2) The report under paragraph (1) shall be sub-  
22 mitted in unclassified form, but may include a classified  
23 annex.



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1 **SEC. 1022. SENSE OF CONGRESS AND REPORT REGARDING**  
2 **COUNTER-DRUG EFFORTS IN AFGHANISTAN.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that—

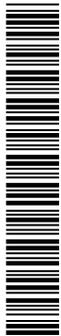
5 (1) the President should make the substantial  
6 reduction of illegal drug trafficking in Afghanistan a  
7 priority in the Global War on Terrorism;

8 (2) the Secretary of Defense, in coordination  
9 with the Secretary of State and the heads of other  
10 appropriate Federal agencies, should expand co-  
11 operation with the Government of Afghanistan and  
12 international organizations involved in counter-drug  
13 activities to assist in providing a secure environment  
14 for counter-drug personnel in Afghanistan; and

15 (3) the United States, in conjunction with the  
16 Government of Afghanistan and coalition partners,  
17 should undertake additional efforts to reduce illegal  
18 drug trafficking and related activities that provide  
19 financial support for terrorist organizations in Af-  
20 ghanistan and neighboring countries.

21 (b) REPORT REQUIRED.—(1) The Secretary of De-  
22 fense and the Secretary of State shall jointly prepare a  
23 report that describes—

24 (A) the progress made towards substantially re-  
25 ducing poppy cultivation and heroin production ca-  
26 pabilities in Afghanistan; and



1 (B) the extent to which profits from illegal drug  
2 activity in Afghanistan are used to financially sup-  
3 port terrorist organizations and groups seeking to  
4 undermine the Government of Afghanistan.

5 (2) The report required by this subsection shall be  
6 submitted to Congress not later than 120 days after the  
7 date of the enactment of this Act.

8 **Subtitle D—Matters Relating to**  
9 **Museums and Commemorations**

10 **SEC. 1031. RECOGNITION OF THE LIBERTY MEMORIAL MU-**  
11 **SEUM, KANSAS CITY, MISSOURI, AS AMER-**  
12 **ICA'S NATIONAL WORLD WAR I MUSEUM.**

13 (a) FINDINGS.—Congress makes the following find-  
14 ings:

15 (1) The Liberty Memorial Museum in Kansas  
16 City, Missouri, was built in honor of those individ-  
17 uals who served in World War I in defense of liberty  
18 and the United States.

19 (2) The Liberty Memorial Association, the non-  
20 profit organization that originally built the Liberty  
21 Memorial Museum, is responsible for the finances,  
22 operations, and collections management of the Lib-  
23 erty Memorial Museum.

24 (3) The Liberty Memorial Museum is the only  
25 public museum in the United States that exists for

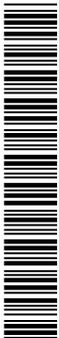


1 the exclusive purpose of interpreting the experiences  
2 of the United States and its allies in the World War  
3 I years (1914–1918), both on the battlefield and on  
4 the home front.

5 (4) The Liberty Memorial Museum project  
6 began after the 1918 Armistice through the efforts  
7 of a large-scale, grass-roots civic and fundraising ef-  
8 fort by the citizens of the Kansas City metropolitan  
9 area, including veterans of World War I. After the  
10 conclusion of a national architectural design com-  
11 petition, ground was broken in 1921, construction  
12 began in 1923, and the Liberty Memorial Museum  
13 was opened to the public in 1926.

14 (5) In 1994, the Liberty Memorial Museum  
15 closed for a massive restoration and expansion  
16 project. The restored museum reopened to the public  
17 on Memorial Day in 2002 during a gala rededication  
18 ceremony.

19 (6) Exhibits prepared for the original museum  
20 buildings presaged the dramatic, underground ex-  
21 pansion of core exhibition gallery space, with over  
22 30,000 square feet of new interpretive and edu-  
23 cational exhibits currently in development. The new  
24 exhibits, along with an expanded research library  
25 and archives, will more fully utilize the many thou-



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1 sands of historical objects, books, maps, posters,  
2 photographs, diaries, letters, and reminiscences of  
3 World War I participants that are preserved for posterity in the collections of the Liberty Memorial Museum. The new core exhibition is scheduled to open  
4 on Veterans Day in 2006.

7 (7) The City of Kansas City, the State of Missouri, and thousands of private donors and philanthropic foundations have contributed millions of dollars to first build and later restore the Liberty Memorial Museum. The Liberty Memorial Museum continues to receive the strong support of residents  
9 from the States of Missouri and Kansas and across  
10 the United States.

15 (8) Since its restoration and rededication in  
16 2002, the Liberty Memorial Museum has attracted  
17 thousands of visitors from across the United States  
18 and many foreign countries.

21 (9) There remains a need to preserve in a museum setting evidence of the honor, courage, patriotism, and sacrifice of those Americans who offered  
22 their services and who gave their lives in defense of  
23 liberty during World War I, evidence of the roles of  
24 women and African Americans during World War I,  
25 and evidence of other relevant subjects.



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1           (10) The Liberty Memorial Museum seeks to  
2           educate a diverse group of audiences through its  
3           comprehensive collection of historical materials, em-  
4           phasizing eyewitness accounts of the participants on  
5           the battlefield and the home front and the impact of  
6           World War I on individuals, then and now. The Lib-  
7           erty Memorial Museum continues to actively acquire  
8           and preserve such materials.

9           (11) A great opportunity exists to use the in-  
10          valuable resources of the Liberty Memorial Museum  
11          to teach the “Lessons of Liberty” to schoolchildren  
12          in the United States through on-site visits, class-  
13          room curriculum development, distance-learning ac-  
14          tivities, and other educational initiatives.

15          (12) The Liberty Memorial Museum should re-  
16          main the foremost museum in the United States re-  
17          garding the national experience in the World War I  
18          years, which people can visit to learn about World  
19          War I and where the history of this monumental  
20          struggle will be preserved so that current and future  
21          generations may understand the role played by the  
22          United States in the preservation and advancement  
23          of democracy, freedom, and liberty in the early 20th  
24          century.



1           (13) The work of the Liberty Memorial Mu-  
2           seum to recognize and preserve the history of the  
3           Nation’s sacrifices in World War I will take on  
4           added significance as the centennial observance of  
5           the war approaches.

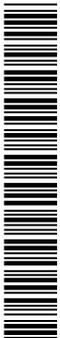
6           (14) It is fitting and proper to refer to the Lib-  
7           erty Memorial Museum as “America’s National  
8           World War I Museum”.

9           (b) CONGRESSIONAL RECOGNITION.—Congress—

10           (1) recognizes the Liberty Memorial Museum in  
11           Kansas City, Missouri, including the museum’s fu-  
12           ture and expanded exhibits, collections, library, ar-  
13           chives, and educational programs, as “America’s Na-  
14           tional World War I Museum”;

15           (2) recognizes that the continuing collection,  
16           preservation, and interpretation of the historical ob-  
17           jects and other historical materials held by the Lib-  
18           erty Memorial Museum will enhance the knowledge  
19           and understanding of the experiences of the United  
20           States and its allies in the World War I years  
21           (1914–1918), both on the battlefield and on the  
22           home front;

23           (3) commends the ongoing development and vis-  
24           ibility of the “Lessons of Liberty” educational out-  
25           reach programs prepared by the Liberty Memorial



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1 Museum for teachers and students throughout the  
2 United States; and

3 (4) encourages present generations of Ameri-  
4 cans to understand the magnitude of World War I,  
5 how it shaped the United States, other countries,  
6 and later world events, and how the sacrifices made  
7 by Americans then helped preserve liberty, democ-  
8 racy, and other founding principles of the United  
9 States for generations to come.

10 **SEC. 1032. PROGRAM TO COMMEMORATE 60TH ANNIVER-**  
11 **SARY OF WORLD WAR II.**

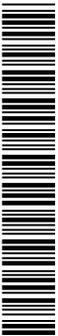
12 (a) IN GENERAL.—For fiscal year 2005, the Sec-  
13 retary of Defense may conduct a program—

14 (1) to commemorate the 60th anniversary of  
15 World War II; and

16 (2) to coordinate, support, and facilitate other  
17 such commemoration programs and activities of the  
18 Federal Government, State and local governments,  
19 and other persons.

20 (b) PROGRAM ACTIVITIES.—The program referred to  
21 in subsection (a) may include activities and ceremonies—

22 (1) to provide the people of the United States  
23 with a clear understanding and appreciation of the  
24 lessons and history of World War II;



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1 (2) to thank and honor veterans of World War  
2 II and their families;

3 (3) to pay tribute to the sacrifices and contribu-  
4 tions made on the home front by the people of the  
5 United States;

6 (4) to foster an awareness in the people of the  
7 United States that World War II was the central  
8 event of the 20th century that defined the postwar  
9 world;

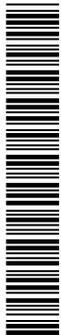
10 (5) to highlight advances in technology, science,  
11 and medicine related to military research conducted  
12 during World War II;

13 (6) to inform wartime and postwar generations  
14 of the contributions of the Armed Forces of the  
15 United States to the United States;

16 (7) to recognize the contributions and sacrifices  
17 made by World War II allies of the United States;  
18 and

19 (8) to highlight the role of the Armed Forces of  
20 the United States, then and now, in maintaining  
21 world peace through strength.

22 (c) ESTABLISHMENT OF ACCOUNT.—(1) There is es-  
23 tablished in the Treasury of the United States an account  
24 to be known as the “Department of Defense 60th Anniver-



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1 sary of World War II Commemoration Account” which  
2 shall be administered by the Secretary as a single account.

3 (2) There shall be deposited in the account, from  
4 amounts appropriated to the Department of Defense for  
5 operation and maintenance of Defense Agencies, such  
6 amounts as the Secretary considers appropriate to conduct  
7 the program referred to in subsection (a).

8 (3) The Secretary may use the funds in the account  
9 established in paragraph (1) only for the purpose of con-  
10 ducting the program referred to in subsection (a).

11 (4) Not later than 60 days after the termination of  
12 the authority of the Secretary to conduct the program re-  
13 ferred to in subsection (a), the Secretary shall transmit  
14 to the Committee on Armed Services of the Senate and  
15 the Committee on Armed Services of the House of Rep-  
16 resentatives a report containing an accounting of all the  
17 funds deposited into and expended from the account or  
18 otherwise expended under this section, and of any amount  
19 remaining in the account. Unobligated funds which remain  
20 in the account after termination of the authority of the  
21 Secretary under this section shall be held in the account  
22 until transferred by law after the Committees receive the  
23 report.

24 (d) ACCEPTANCE OF VOLUNTARY SERVICES.—(1)  
25 Notwithstanding section 1342 of title 31, United States



1 Code, the Secretary may accept from any person voluntary  
2 services to be provided in furtherance of the program re-  
3 ferred to in subsection (a).

4 (2) A person providing voluntary services under this  
5 subsection shall be considered to be an employee for the  
6 purposes of chapter 81 of title 5, United States Code, re-  
7 lating to compensation for work-related injuries. Such a  
8 person who is not otherwise employed by the Federal Gov-  
9 ernment shall not be considered to be a Federal employee  
10 for any other purposes by reason of the provision of such  
11 service.

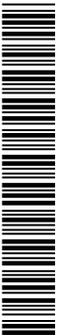
12 (3) The Secretary may reimburse a person providing  
13 voluntary services under this subsection for incidental ex-  
14 penses incurred by such person in providing such services.  
15 The Secretary shall determine which expenses are eligible  
16 for reimbursement under this paragraph.

17 **SEC. 1033. ANNUAL REPORT ON DEPARTMENT OF DEFENSE**

18 **OPERATION AND FINANCIAL SUPPORT FOR**

19 **MILITARY MUSEUMS.**

20 (a) REPORT REQUIRED.—Chapter 23 of title 10,  
21 United States Code, is amended by adding at the end the  
22 following new section:



1 **“§ 489. Annual report on Department of Defense oper-**  
2 **ation and financial support for military**  
3 **museums**

4 “(a) REPORT REQUIRED.—As part of the budget ma-  
5 terials submitted to Congress in connection with the sub-  
6 mission of the budget for a fiscal year pursuant to section  
7 1105 of title 31, but in no case later than March 15 of  
8 each year, the Secretary of Defense shall submit a report  
9 identifying all military museums that, during the most re-  
10 cently completed fiscal year—

11 “(1) were operated by the Secretary of Defense  
12 or the Secretary of a military department;

13 “(2) were otherwise supported using funds ap-  
14 propriated to the Department of Defense; or

15 “(3) were located on property under the juris-  
16 diction of the Department of Defense, although nei-  
17 ther operated by the Department of Defense nor  
18 supported using funds appropriated to the Depart-  
19 ment of Defense.

20 “(b) INFORMATION ON INDIVIDUAL MUSEUMS.—For  
21 each museum identified in a report under this section, the  
22 Secretary of Defense shall include in the report the fol-  
23 lowing:

24 “(1) The purpose and functions of the museum  
25 and the justification for the museum.



1           “(2) A description of the facilities dedicated to  
2           the museum, including the location, size, and type of  
3           facilities and whether the facilities are included or  
4           eligible for inclusion on the National Register of  
5           Historic Places.

6           “(3) An itemized listing of the funds appro-  
7           priated to the Department of Defense that were obli-  
8           gated to support the museum during the fiscal year  
9           covered by the report and a description of the proc-  
10          ess used to determine the annual allocation of De-  
11          partment of Defense funds for the museum.

12          “(4) An itemized listing of any other Federal  
13          funds, funds from a nonappropriated fund instru-  
14          mentality account of the Department of Defense,  
15          and non-Federal funds obligated to support the mu-  
16          seum.

17          “(5) The management structure of the mu-  
18          seum, including identification of the persons respon-  
19          sible for preparing the budget for the museum and  
20          for making acquisition and management decisions  
21          for the museum.

22          “(6) The number of civilian employees of the  
23          Department of Defense and members of the armed  
24          forces who served full-time or part-time at the mu-





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1 (1) a full accounting of all costs incurred for  
2 such operation during such quarter and all amounts  
3 expended during such quarter for such operation;  
4 and

5 (2) a description of the purposes for which  
6 those costs were incurred and those amounts were  
7 expended.

8 (b) OPERATIONS COVERED.—The operations referred  
9 to in subsection (a) are the following:

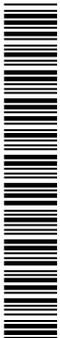
10 (1) Operation Iraqi Freedom.

11 (2) Operation Enduring Freedom.

12 (3) Operation Noble Eagle.

13 (4) Any other operation that the President des-  
14 ignates as being an operation of the Global War on  
15 Terrorism.

16 (c) REQUIREMENT FOR COMPREHENSIVENESS.—For  
17 the purpose of providing a full and complete accounting  
18 of the costs and expenditures under subsection (a) for an  
19 operation specified in subsection (b), the Secretary shall  
20 account in the quarterly submission under subsection (a)  
21 for all costs and expenditures that are reasonably attrib-  
22 utable to that operation, including personnel costs.



1 **SEC. 1042. REPORT ON POST-MAJOR COMBAT OPERATIONS**  
2 **PHASE OF OPERATION IRAQI FREEDOM.**

3 (a) REPORT REQUIRED.—(1) Not later than June 1,  
4 2005, the Secretary of Defense shall submit to the con-  
5 gressional defense committees a report on the conduct of  
6 military operations during the post-major combat oper-  
7 ations phase of Operation Iraqi Freedom.

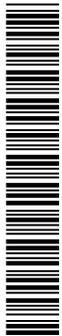
8 (2) The report shall be prepared in consultation with  
9 the Chairman of the Joint Chiefs of Staff, the commander  
10 of the United States Central Command, and such other  
11 officials as the Secretary considers appropriate.

12 (b) CONTENT.—(1) The report shall include a discus-  
13 sion of the matters described in paragraph (2), with a par-  
14 ticular emphasis on accomplishments and shortcomings  
15 and on near-term and long-term corrective actions to ad-  
16 dress such shortcomings.

17 (2) The matters to be discussed in the report are as  
18 follows:

19 (A) The military and political objectives of the  
20 international coalition conducting the post-major  
21 combat operations phase of Operation Iraqi Free-  
22 dom, and the military strategy selected to achieve  
23 such objectives, together with an assessment of the  
24 execution of the military strategy.

25 (B) The mobilization process for the reserve  
26 components of the Armed Forces, including the



1 timeliness of notification, training and certification,  
2 and subsequent demobilization.

3 (C) The use and performance of major items of  
4 United States military equipment, weapon systems,  
5 and munitions (including non-lethal weapons and  
6 munitions, items classified under special access pro-  
7 cedures, and items drawn from prepositioned stocks)  
8 and any expected effects of the experience with the  
9 use and performance of such items on the doctrinal  
10 and tactical employment of such items and on plans  
11 for continuing the acquisition of such items.

12 (D) Any additional requirements for military  
13 equipment, weapon systems, munitions, force struc-  
14 ture, or other capability identified during the post-  
15 major combat operations phase of Operation Iraqi  
16 Freedom, including changes in type or quantity for  
17 future operations.

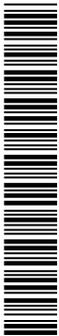
18 (E) The effectiveness of joint air operations, to-  
19 gether with an assessment of the effectiveness of—

20 (i) the employment of close air support;

21 and

22 (ii) attack helicopter operations.

23 (F) The use of special operations forces, includ-  
24 ing operational and intelligence uses.



1 (G) The scope of logistics support, including  
2 support to and from other nations and from inter-  
3 national organizations and organizations and indi-  
4 viduals from the private sector in Iraq.

5 (H) The incidents of accidental fratricide, in-  
6 cluding a discussion of the effectiveness of the track-  
7 ing of friendly forces and the use of the combat  
8 identification systems in mitigating friendly fire inci-  
9 dents.

10 (I) The adequacy of spectrum and bandwidth to  
11 transmit information to operational forces and as-  
12 sets, including unmanned aerial vehicles, ground ve-  
13 hicles, and individual soldiers.

14 (J) The effectiveness of strategic, operational,  
15 and tactical information operations, including psy-  
16 chological operations and assets, organization, and  
17 doctrine related to civil affairs, in achieving estab-  
18 lished objectives, together with a description of tech-  
19 nological and other restrictions on the use of infor-  
20 mation operations capabilities.

21 (K) The readiness of the reserve component  
22 forces used in the post-major combat operations  
23 phase of Operation Iraqi Freedom, including an as-  
24 sessment of the success of the reserve component  
25 forces in accomplishing their missions.



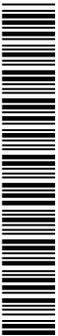
1 (L) The adequacy of intelligence support during  
2 the post-major combat operations phase of Oper-  
3 ation Iraqi Freedom, including the adequacy of such  
4 support in searches for weapons of mass destruction.

5 (M) The rapid insertion and integration, if any,  
6 of developmental but mission-essential equipment,  
7 organizations, or procedures during the post-major  
8 combat operations phase of Operation Iraqi Free-  
9 dom.

10 (N) A description of the coordination, commu-  
11 nication, and unity of effort between the Armed  
12 Forces, the Coalition Provisional Authority, other  
13 United States government agencies and organiza-  
14 tions, nongovernmental organizations, and political,  
15 security, and nongovernmental organizations of Iraq,  
16 including an assessment of the effectiveness of such  
17 efforts.

18 (O) The adequacy of training for military units  
19 once deployed to the area of operations of the  
20 United States Central Command, including training  
21 for changes in unit mission and continuation train-  
22 ing for high-intensity conflict missions.

23 (P) An estimate of the funding required to re-  
24 turn or replace equipment used through the period  
25 covered by the report in Operation Iraqi Freedom,



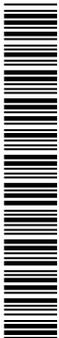
1 including equipment in prepositioned stocks, to mis-  
2 sion-ready condition.

3 (Q) A description of military civil affairs and  
4 reconstruction efforts, including efforts through the  
5 Commanders Emergency Response Program, and an  
6 assessment of the effectiveness of such efforts and  
7 programs.

8 (R) The adequacy of the requirements deter-  
9 mination and acquisition processes, acquisition, and  
10 distribution of force protection equipment, including  
11 personal gear, vehicles, helicopters, and defense de-  
12 vices.

13 (S) The most critical lessons learned that could  
14 lead to long-term doctrinal, organizational, and tech-  
15 nological changes, and the probable effects that an  
16 implementation of those changes would have on cur-  
17 rent visions, goals, and plans for transformation of  
18 the Armed Forces or the Department of Defense.

19 (T) The planning for and implementation of  
20 morale, welfare, and recreation programs for de-  
21 ployed forces and support to dependents, including  
22 rest and recuperation programs and personal com-  
23 munication benefits such as telephone, mail, and  
24 email services, including an assessment of the effec-  
25 tiveness of such programs.



1 (U) An analysis of force rotation plans, includ-  
2 ing individual personnel and unit rotations, differing  
3 deployment lengths, and in-theater equipment repair  
4 and leave behinds.

5 (V) The organization of United States Central  
6 Command to conduct post-conflict operations and  
7 lessons for other combatant commands to conduct  
8 other such operations in the future.

9 (c) FORM OF REPORT.—The report shall be sub-  
10 mitted in unclassified form, but may include a classified  
11 annex.

12 (d) POST-MAJOR COMBAT OPERATIONS PHASE OF  
13 OPERATION IRAQI FREEDOM DEFINED.—In this section,  
14 the term “post-major combat operations phase of Oper-  
15 ation Iraqi Freedom” means the period of Operation Iraqi  
16 Freedom beginning on May 2, 2003, and ending on De-  
17 cember 31, 2004.

18 **SEC. 1043. REPORT ON TRAINING PROVIDED TO MEMBERS**  
19 **OF THE ARMED FORCES TO PREPARE FOR**  
20 **POST-CONFLICT OPERATIONS.**

21 (a) STUDY ON TRAINING.—The Secretary of Defense  
22 shall conduct a study to determine the extent to which  
23 members of the Armed Forces assigned to duty in support  
24 of contingency operations receive training in preparation



1 for post-conflict operations and to evaluate the quality of  
2 such training.

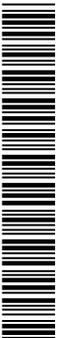
3 (b) MATTERS TO BE INCLUDED IN STUDY.—As part  
4 of the study under subsection (a), the Secretary shall spe-  
5 cifically evaluate the following:

6 (1) The doctrine, training, and leader-develop-  
7 ment system necessary to enable members of the  
8 Armed Forces to successfully operate in post-conflict  
9 operations.

10 (2) The adequacy of the curricula at military  
11 educational facilities to ensure that the Armed  
12 Forces has a cadre of members skilled in post-con-  
13 flict duties, including a familiarity with applicable  
14 foreign languages and foreign cultures.

15 (3) The training time and resources available to  
16 members and units of the Armed Forces to develop  
17 awareness about ethnic backgrounds, religious be-  
18 liefs, and political structures of the people living in  
19 areas in which the Armed Forces operate and areas  
20 in which post-conflict operations are likely to occur.

21 (4) The adequacy of training transformation to  
22 emphasize post-conflict operations, including inter-  
23 agency coordination in support of commanders of  
24 combatant commands.



1 (c) REPORT ON STUDY.—Not later than May 1,  
2 2005, the Secretary shall submit to the Committee on  
3 Armed Services of the Senate and the Committee on  
4 Armed Services of the House of Representatives a report  
5 on the result of the study conducted under this section.

6 **SEC. 1044. REPORT ON ESTABLISHING NATIONAL CENTERS**  
7 **OF EXCELLENCE FOR UNMANNED AERIAL**  
8 **AND GROUND VEHICLES.**

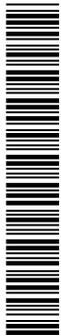
9 (a) REPORT REQUIRED.—Not later than 120 days  
10 after the date of the enactment of this Act, the Secretary  
11 of Defense shall submit to the congressional defense com-  
12 mittees a report on the need for one or more national cen-  
13 ters of excellence for unmanned aerial and ground vehi-  
14 cles.

15 (b) GOAL OF CENTERS.—The goal of the centers cov-  
16 ered by the report is to promote interservice cooperation  
17 and coordination in the following areas:

18 (1) Development of joint doctrine for the orga-  
19 nization, training, and use of unmanned aerial and  
20 ground vehicles.

21 (2) Joint research, development, test, and eval-  
22 uation, and joint procurement of unmanned aerial  
23 and ground vehicles.

24 (3) Identification and coordination, in conjunc-  
25 tion with the private sector and academia, of the fu-



1       ture development of unmanned aerial and ground ve-  
2       hicles.

3           (4) Monitoring of the development and utiliza-  
4       tion of unmanned aerial and ground vehicles in other  
5       nations for both military and non-military purposes.

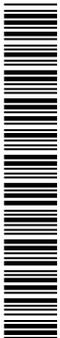
6           (5) The providing of joint training and profes-  
7       sional development opportunities in the use and op-  
8       eration of unmanned aerial and ground vehicles to  
9       military personnel of all ranks and levels of responsi-  
10      bility.

11      (c) REPORT REQUIREMENTS.—The report shall in-  
12      clude, at a minimum, the following:

13           (1) A list of facilities at which the Department  
14      of Defense currently conducts or plans to conduct  
15      research, development, and testing activities on un-  
16      manned aerial and ground vehicles.

17           (2) A list of facilities at which the Department  
18      of Defense currently deploys or has committed to de-  
19      ploying unmanned aerial or ground vehicles.

20           (3) The extent to which existing facilities de-  
21      scribed in paragraphs (1) and (2) have sufficient un-  
22      used capacity and expertise to research, develop,  
23      test, and deploy the current and next generations of  
24      unmanned aerial and ground vehicles and to provide



1 for the development of doctrine on the use and  
2 training of operators of such vehicles.

3 (4) The extent to which efficiencies with respect  
4 to research, development, testing, and deployment of  
5 existing or future unmanned aerial and ground vehi-  
6 cles can be achieved through consolidation at one or  
7 more national centers of excellence for unmanned  
8 aerial and ground vehicles.

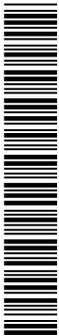
9 (5) A list of potential locations for the national  
10 centers of excellence under this section.

11 (d) CONSIDERATIONS.—In determining the potential  
12 locations for the national centers of excellence under this  
13 section, the Secretary of Defense shall take into consider-  
14 ation existing military facilities that have—

15 (1) a workforce of skilled personnel;

16 (2) existing capacity of runways and other fa-  
17 cilities to accommodate the research, development,  
18 testing, and deployment of current and future un-  
19 manned aerial vehicles; and

20 (3) minimal restrictions on the research, devel-  
21 opment, testing, and deployment of unmanned aerial  
22 vehicles resulting from proximity to large population  
23 centers or airspace heavily utilized by commercial  
24 flights.



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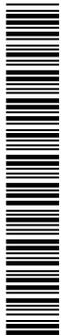
1 **SEC. 1045. STUDY OF CONTINUED REQUIREMENT FOR TWO-**  
2 **CREW MANNING FOR BALLISTIC MISSILE**  
3 **SUBMARINES.**

4 (a) STUDY AND DETERMINATION.—The Secretary of  
5 Defense shall conduct a study of whether the practice of  
6 using two alternating crews (referred to as the “Gold  
7 Crew” and the “Blue Crew”) for manning of ballistic mis-  
8 sile submarines (SSBNs) continues to be justified under  
9 the changed circumstances since the end of the Cold War  
10 and, based on that study, shall make a determination of  
11 whether that two-crew manning practice should be contin-  
12 ued or should be modified or terminated.

13 (b) REPORT.—Not later than six months after the  
14 date of the enactment of this Act, the Secretary shall sub-  
15 mit to the Committees on Armed Services of the Senate  
16 and House of Representatives a report providing notice  
17 of the Secretary’s determination under subsection (a) and  
18 the reasons for that determination.

19 **SEC. 1046. REPORT ON DEPARTMENT OF DEFENSE PRO-**  
20 **GRAMS FOR PREPOSITIONING OF MATERIEL**  
21 **AND EQUIPMENT.**

22 (a) SECRETARY OF DEFENSE ASSESSMENT AND RE-  
23 PORT.—(1) The Secretary of Defense shall conduct an as-  
24 sessment of the programs of the Armed Forces for the  
25 prepositioning of materiel and equipment. Such assess-  
26 ment shall focus on how those programs will support the



1 goal of the Secretary to have the capability, from the onset  
2 of a contingency situation, to—

3 (A) deploy forces to a distant theater within 10  
4 days;

5 (B) defeat an enemy within 30 days; and

6 (C) be ready for an additional conflict within  
7 another 30 days.

8 (2) The Secretary shall submit to Congress a report  
9 on such assessment not later than October 1, 2005.

10 (b) MATTERS TO BE INCLUDED.—The assessment  
11 under subsection (a) shall include the following:

12 (1) A review of the prepositioning of materiel  
13 and equipment used in Operation Iraqi Freedom and  
14 Operation Enduring Freedom, including identifica-  
15 tion of challenges and potential solutions.

16 (2) A description of changes to doctrine, strat-  
17 egy, and transportation plans that could be nec-  
18 essary to support the goal of the Secretary described  
19 in subsection (a).

20 (3) A description of modifications to  
21 prepositioning programs that could be required in  
22 order to incorporate modularity concepts, future  
23 force structure changes, and sea-basing concepts.



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1 (4) A discussion of joint operations and train-  
2 ing that support force projection requirements,  
3 including—

4 (A) theater opening requirements at poten-  
5 tial aerial and sea ports of debarkation;

6 (B) joint force reception capabilities;

7 (C) joint theater distribution operations;

8 and

9 (D) use of joint prepositioned stocks, mate-  
10 riel, and systems.

11 **SEC. 1047 REPORT ON AL QAEDA AND ASSOCIATED GROUPS**

12 **IN LATIN AMERICA AND THE CARIBBEAN.**

13 (a) REPORT.—Not later than 180 days after the date  
14 of the enactment of this Act, the Secretary of Defense  
15 shall, in consultation with the Secretary of State, submit  
16 to the Committees on Armed Services of the Senate and  
17 House of Representatives a report on the activities of al  
18 Qaeda and associated groups in Latin America and the  
19 Caribbean, including—

20 (1) an assessment of the extent to which such  
21 groups have established a presence in the area;

22 (2) a description of the activities of such groups  
23 in the area, including fundraising, money laun-  
24 dering, narcotrafficking, and associations with crimi-  
25 nal groups;



1 (3) an assessment of the threat posed by such  
2 groups to the peace and stability of the nations in  
3 the area and to United States interests; and

4 (4) a description of United States policies in-  
5 tended to deal with such a threat.

6 (b) FORM OF REPORT.—The report shall be sub-  
7 mitted in unclassified form, but may include a classified  
8 annex.

9 **Subtitle F—Defense Against Ter-**  
10 **rorism and Other Domestic Se-**  
11 **curity Matters**

12 **SEC. 1051. ACCEPTANCE OF COMMUNICATIONS EQUIPMENT**  
13 **PROVIDED BY LOCAL PUBLIC SAFETY AGEN-**  
14 **CIES.**

15 (a) AUTHORITY.—Chapter 155 of title 10, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing new section:

18 **“§ 2613. Emergency communications equipment: ac-**  
19 **ceptance from local public safety agen-**  
20 **cies for temporary use related to disas-**  
21 **ters**

22 **“(a) AUTHORITY TO ACCEPT EQUIPMENT.—(1) Sub-**  
23 **ject to subsection (c), the Secretary concerned—**

24 **“(1) may accept communications equipment for**  
25 **use in coordinating joint response and recovery oper-**



1 ations with public safety agencies in the event of a  
2 disaster; and

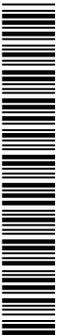
3 “(2) may accept services related to the oper-  
4 ation and maintenance of such equipment.

5 “(b) REGULATIONS.—The authority under subsection  
6 (a) shall be exercised under regulations prescribed by the  
7 Secretary of Defense.

8 “(c) LIMITATIONS.—(1) Equipment may be accepted  
9 under subsection (a)(1) only to the extent that commu-  
10 nications equipment under the control of the Secretary  
11 concerned at the potential disaster response site is inad-  
12 equate to meet military requirements for communicating  
13 with public safety agencies during the period of response  
14 to the disaster.

15 “(2) Services may be accepted under subsection  
16 (a)(2) related to the operation and maintenance of com-  
17 munications equipment only to the extent that the nec-  
18 essary capabilities are not available to the military com-  
19 mander having custody of the equipment.

20 “(c) LIABILITY.—A person providing services accept-  
21 ed under this section may not be considered, by reason  
22 of the provision of such services, to be an officer, em-  
23 ployee, or agent of the United States for any purpose.”.



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

“2613. Emergency communications equipment: acceptance from local public  
safety agencies for temporary use related to disasters.”.

4 **SEC. 1052. DETERMINATION AND REPORT ON FULL-TIME**  
5 **AIRLIFT SUPPORT FOR HOMELAND DEFENSE**  
6 **OPERATIONS.**

7 (a) DETERMINATION REQUIRED.—(1) The Secretary  
8 of Defense shall determine the feasibility and advisability  
9 of dedicating an airlift capability of the Armed Forces to  
10 the support of homeland defense operations, including op-  
11 erations in support of contingent requirements for trans-  
12 portation of any of the following in response to a disaster:

13 (A) Weapons of Mass Destruction Civil Support  
14 Teams.

15 (B) National Guard Chemical, Biological, Radi-  
16 ological, Nuclear, High Explosive Enhanced Re-  
17 sponse Force Packages.

18 (C) Air Force expeditionary medical teams.

19 (D) Department of Energy emergency response  
20 teams.

21 (2) In making the determination under paragraph  
22 (1), the Secretary shall take into consideration the results  
23 of the study required under subsection (b).



1 (b) REQUIREMENT FOR STUDY AND PLAN.—(1) The  
2 Secretary of Defense shall conduct a study of the plans  
3 and capabilities of the Department of Defense for meeting  
4 contingent requirements for transporting teams and pack-  
5 ages specified in subsection (a)(1) in response to disasters.

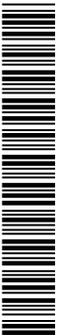
6 (2) The Secretary shall prepare a plan for resolving  
7 any deficiencies in the plans and capabilities for meeting  
8 the transportation requirements described in paragraph  
9 (1).

10 (3) The Secretary of Defense shall require the com-  
11 mander of the United States Northern Command and the  
12 commander of the United States Transportation Com-  
13 mand to carry out jointly the study required under para-  
14 graph (1) and to prepare jointly the plan required under  
15 paragraph (2).

16 (c) REPORT.—Not later than April 1, 2005, the Sec-  
17 retary shall submit to the Committees on Armed Services  
18 of the Senate and the House of Representatives a report  
19 on the results of the study under subsection (b). The re-  
20 port shall include the following matters:

21 (1) The Secretary's determination under sub-  
22 section (a).

23 (2) An assessment and discussion of the ade-  
24 quacy of existing plans and capabilities of the De-



1       partment of Defense for meeting the transportation  
2       requirements described in subsection (b)(1).

3               (3) The plan required under subsection (b)(2).

4       (d) DEFINITION.—In this section, the term “Weap-  
5       ons of Mass Destruction Civil Support Team” has the  
6       meaning given that term in section 305b(e) of title 37,  
7       United States Code.

8       **SEC. 1053. SURVIVABILITY OF CRITICAL SYSTEMS EXPOSED**  
9                       **TO CHEMICAL OR BIOLOGICAL CONTAMINA-**  
10                      **TION.**

11       (a) REQUIREMENT FOR IMPLEMENTATION PLAN.—  
12       Not later than 120 days after the date of the enactment  
13       of this Act, the Secretary of Defense shall submit to the  
14       Committee on Armed Services of the Senate and the Com-  
15       mittee on Armed Services of the House of Representatives  
16       a plan, for implementation by the Department of Defense,  
17       that sets forth a systematic approach for ensuring the sur-  
18       vivability of defense critical systems upon contamination  
19       of any such system by chemical or biological agents.

20       (b) CONTENT.—At a minimum, the plan under sub-  
21       section (a) shall include the following:

22               (1) Policies for ensuring that the survivability  
23       of defense critical systems in the event of contamina-  
24       tion by chemical or biological agents is adequately  
25       addressed throughout the Department of Defense.



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1           (2) A systematic process for identifying those  
2 systems which are defense critical systems.

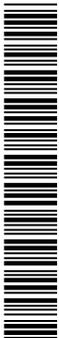
3           (3) Specific testing procedures to be used dur-  
4 ing the design and development of new defense crit-  
5 ical systems.

6           (4) A centralized database that—

7               (A) contains comprehensive information on  
8 the effects of chemical and biological agents  
9 and decontaminants on materials used in de-  
10 fense critical systems; and

11               (B) is easily accessible to personnel who  
12 have duties to ensure the survivability of de-  
13 fense critical systems upon contamination of  
14 such systems by chemical and biological agents.

15       (c) DEFENSE CRITICAL SYSTEM DEFINED.—In this  
16 section, the term “defense critical system” means a De-  
17 partment of Defense system that, as determined by the  
18 Secretary of Defense, is vital to an essential defense mis-  
19 sion.



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1           **Subtitle G—Personnel Security**  
2                           **Matters**

3   **SEC. 1061. USE OF NATIONAL DRIVER REGISTER FOR PER-**  
4                           **SONNEL SECURITY INVESTIGATIONS AND DE-**  
5                           **TERMINATIONS.**

6           Section 30305(b) of title 49, United States Code, is  
7 amended—

8                   (1) by redesignating paragraphs (9) through  
9                   (11) as paragraphs (10) through (12), respectively;  
10                  and

11                  (2) by inserting after paragraph (8) the fol-  
12                  lowing new paragraph:

13                  “(9) An individual who has or is seeking access to  
14 national security information for purposes of Executive  
15 Order No. 12968, or any successor Executive order, or  
16 an individual who is being investigated for Federal em-  
17 ployment under authority of Executive Order No. 10450,  
18 or any successor Executive order, may request the chief  
19 driver licensing official of a State to provide information  
20 about the individual pursuant to subsection (a) of this sec-  
21 tion to a Federal department or agency that is authorized  
22 to investigate the individual for the purpose of assisting  
23 in the determination of the eligibility of the individual for  
24 access to national security information or for Federal em-  
25 ployment in a position requiring access to national secu-



1 rity information. A Federal department or agency that re-  
2 ceives information about an individual under the preceding  
3 sentence may use such information only for purposes of  
4 the authorized investigation and only in accordance with  
5 applicable law.”.

6 **SEC. 1062. STANDARDS FOR DISQUALIFICATION FROM ELI-**  
7 **GIBILITY FOR DEPARTMENT OF DEFENSE SE-**  
8 **CURITY CLEARANCE.**

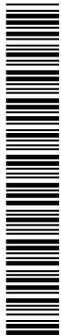
9 (a) **DISQUALIFIED PERSONS.**—Subsection (c)(1) of  
10 section 986 of title 10, United States Code, is amended—

11 (1) by striking “and” and inserting “, was”;  
12 and

13 (2) by inserting before the period at the end the  
14 following: “, and was incarcerated as a result of that  
15 sentence for not less than one year”.

16 (b) **WAIVER AUTHORITY.**—Subsection (d) of such  
17 section is amended to read as follows:

18 “(d) **WAIVER AUTHORITY.**—In a meritorious case, an  
19 exception to the prohibition in subsection (a) may be au-  
20 thorized for a person described in paragraph (1) or (4)  
21 of subsection (c) if there are mitigating factors. Any such  
22 waiver may be authorized only in accordance with stand-  
23 ards and procedures prescribed by, or under the authority  
24 of, an Executive order or other guidance issued by the  
25 President.”.



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1 **Subtitle H—Transportation-Related**  
2 **Matters**

3 **SEC. 1071. USE OF MILITARY AIRCRAFT TO TRANSPORT**  
4 **MAIL TO AND FROM OVERSEAS LOCATIONS.**

5 (a) AUTHORITY FOR USE OF MILITARY AIRCRAFT.—  
6 Section 3401 of title 39, United States Code, is  
7 amended—

8 (1) in subsection (b)—

9 (A) in the matter preceding paragraph  
10 (1)(A), by striking “title 49,” and inserting  
11 “title 49, or on military aircraft at rates not to  
12 exceed those so fixed and determined for sched-  
13 uled United States air carriers,”; and

14 (B) in the sentence following paragraph  
15 (3), by striking “carriers” each place it appears  
16 and inserting “carriers and military aircraft”;  
17 and

18 (2) in subsection (c)—

19 (A) in the first sentence, by striking “title  
20 49,” and inserting “title 49, or on military air-  
21 craft at rates not to exceed those so fixed and  
22 determined for scheduled United States air car-  
23 riers,”; and

24 (B) in the second sentence—



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1 (i) by inserting “and military air-  
2 craft” after “carriers” the first place it ap-  
3 pears; and

4 (ii) by striking “by air carriers other  
5 than scheduled United States air carriers”  
6 and inserting “by other than scheduled  
7 United States air carriers and military air-  
8 craft”.

9 (b) DEFINITION.—Such section is further amended  
10 by adding at the end the following new subsection:

11 “(g) In this section:

12 “(1) The term ‘military aircraft’ means an air-  
13 craft owned, operated, or chartered by the Depart-  
14 ment of Defense.

15 “(2) The term ‘United States air carrier’ has  
16 the meaning given the term ‘air carrier’ in section  
17 40102 of title 49.”.

18 **SEC. 1072. REORGANIZATION AND CLARIFICATION OF CER-**  
19 **TAIN PROVISIONS RELATING TO CONTROL**  
20 **AND SUPERVISION OF TRANSPORTATION**  
21 **WITHIN THE DEPARTMENT OF DEFENSE.**

22 (a) TRANSFER OF CERTAIN TRANSPORTATION AU-  
23 THORITIES.—Sections 4744, 4745, 4746, and 4747 of  
24 title 10, United States Code, are transferred to chapter  
25 157 of such title, inserted (in that order) at the end of



1 such chapter, and redesignated as sections 2648, 2649,  
2 2650, and 2651, respectively.

3 (b) CLARIFICATION OF APPLICABILITY OF TRANS-  
4 FERRED AUTHORITIES THROUGHOUT THE DEPARTMENT  
5 OF DEFENSE.—(1) Section 2648 of such title, as trans-  
6 ferred and redesignated by subsection (a), is amended—

7 (A) by striking “Secretary of the Army” in the  
8 matter preceding paragraph (1) and inserting “Sec-  
9 retary of Defense”;

10 (B) by striking “Army transport agencies” in  
11 the matter preceding paragraph (1) and all that fol-  
12 lows through “military transport agency of”;

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

14 (D) by redesignating paragraph (4), (5), (6),  
15 and (7) as paragraphs (1), (2), (3), and (4), respec-  
16 tively;

17 (E) by redesignating paragraph (8) as para-  
18 graph (5) and in that paragraph striking “persons  
19 described in clauses (1), (2), (4), (5), and (7)” and  
20 inserting “members of the armed forces, officers and  
21 employees of the Department of Defense or the  
22 Coast Guard, and persons described in paragraphs  
23 (1), (2), and (4)”;

24 (F) by striking “clause (7) or (8)” in the last  
25 sentence and inserting “paragraph (4) or (5)”.



1 (2) Section 2649 of such title, as transferred and re-  
2 designated by subsection (a), is amended—

3 (A) by striking the section heading and insert-  
4 ing the following:

5 **“§ 2649. Civilian passengers and commercial cargoes:**  
6 **transportation on Department of Defense**  
7 **vessels”;**

8 (B) by striking “(1) on vessels” and all that  
9 follows through “Department of the Army”;

10 (C) by striking “any transport agency of”; and

11 (D) by striking “Secretary of the Army” and all  
12 that follows through “be transported” and inserting  
13 “Secretary of Defense, be transported”.

14 (3) Section 2650 of such title, as transferred and re-  
15 designated by subsection (a), is amended—

16 (A) in the matter preceding paragraph (1), by  
17 striking “Army transport agencies” and all that fol-  
18 lows through “military transport agency of”;

19 (B) in paragraph (1), by striking “Secretary of  
20 the Army” and inserting “Secretary of Defense”;  
21 and

22 (C) in paragraph (4), by striking “by air—”  
23 and all that follows through “the transportation can-  
24 not” and inserting “by air, the transportation can-  
25 not”.



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1 (4) Section 2651 of such title, as transferred and re-  
2 designated by subsection (a), is amended by striking  
3 “Army transport agencies” and all that follows and insert-  
4 ing “the Department of Defense, under regulations and  
5 at rates to be prescribed by the Secretary of Defense.”.

6 (c) REPEAL OF SUPERSEDED AND OBSOLETE PROVI-  
7 SIONS.—The following sections of such title are repealed:  
8 sections 4741, 4743, 9741, 9743, and 9746.

9 (d) CLERICAL AMENDMENTS.—

10 (1) The table of sections at the beginning of  
11 chapter 157 of such title is amended by adding at  
12 the end the following new items:

“2648. Persons and supplies: sea transportation.

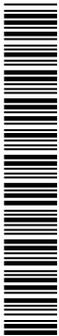
“2649. Civilian passengers and commercial cargoes: transportation on Depart-  
ment of Defense vessels.

“2650. Civilian personnel in Alaska.

“2651. Passengers and merchandise to Guam: sea transport.”.

13 (2) The table of sections at the beginning of  
14 chapter 447 of such title is amended by striking the  
15 items relating to sections 4741, 4743, 4744, 4745,  
16 4746, and 4747.

17 (3) The table of sections at the beginning of  
18 chapter 947 of such title is amended by striking the  
19 items relating to sections 9741, 9743, and 9746.



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1 **SEC. 1073. EVALUATION OF PROCUREMENT PRACTICES RE-**  
2 **LATING TO TRANSPORTATION OF SECURITY-**  
3 **SENSITIVE CARGO.**

4 (a) **EVALUATION REQUIREMENT.**—The Secretary of  
5 Defense shall evaluate the procurement practices of the  
6 Department of Defense in the award of service contracts  
7 for domestic freight transportation for security-sensitive  
8 cargo (such as arms, ammunitions, explosives, and classi-  
9 fied material) to determine whether such practices are in  
10 the best interests of the Department of Defense.

11 (b) **REPORT.**—Not later than January 1, 2005, the  
12 Secretary of Defense shall submit to the Committees on  
13 Armed Services of the House of Representatives and the  
14 Senate a report on the results of the evaluation conducted  
15 under subsection (a).

16 **Subtitle I—Other Matters**

17 **SEC. 1081. LIABILITY PROTECTION FOR DEPARTMENT OF**  
18 **DEFENSE VOLUNTEERS WORKING IN MARI-**  
19 **TIME ENVIRONMENT.**

20 Section 1588(d)(1)(B) of title 10, United States  
21 Code, is amended by inserting before the period at the  
22 end the following: “and the Act of March 9, 1920, com-  
23 monly known as the ‘Suits in Admiralty Act’ (41 Stat.  
24 525; 46 U.S.C. App. 741 et seq.) and the Act of March  
25 3, 1925, commonly known as the ‘Public Vessels Act’ (43



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1 Stat. 1112; 46 U.S.C. App. 781 et seq.) (relating to claims  
2 for damages or loss on navigable waters)’’.

3 **SEC. 1082. SENSE OF CONGRESS CONCERNING MEDIA COV-**  
4 **ERAGE OF THE RETURN TO THE UNITED**  
5 **STATES OF THE REMAINS OF DECEASED**  
6 **MEMBERS OF THE ARMED FORCES FROM**  
7 **OVERSEAS.**

8 (a) FINDINGS.—Congress makes the following find-  
9 ings:

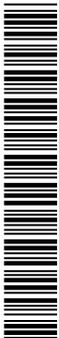
10 (1) The Department of Defense, since 1991,  
11 has relied on a policy of no media coverage of the  
12 transfers of the remains of deceased members of the  
13 Armed Forces—

14 (A) at Ramstein Air Force Base, Germany;

15 (B) at Dover Air Force Base, Delaware,  
16 and the Port Mortuary Facility at Dover Air  
17 Force Base; and

18 (C) at interim stops en route to the point  
19 of final destination in the transfer of the re-  
20 mains.

21 (2) The principal focus and purpose of the pol-  
22 icy is to protect the wishes and the privacy of fami-  
23 lies of deceased members of the Armed Forces dur-  
24 ing their time of great loss and grief and to give  
25 families and friends of the dead the privilege to de-



1       cide whether to allow media coverage at the mem-  
2       ber’s duty or home station, at the interment site, or  
3       at or in connection with funeral and memorial serv-  
4       ices.

5           (3) In a 1991 legal challenge to the Depart-  
6       ment of Defense policy, as applied during Operation  
7       Desert Storm, the policy was upheld by the United  
8       States District Court for the District of Columbia,  
9       and on appeal, by the United States Court of Ap-  
10      peals for the District of Columbia in the case of JB  
11      Pictures, Inc. v. Department of Defense and Donald  
12      B. Rice, Secretary of the Air Force on the basis that  
13      denying the media the right to view the return of re-  
14      mains at Dover Air Force Base does not violate the  
15      first amendment guarantees of freedom of speech  
16      and of the press.

17           (4) The United States Court of Appeals for the  
18      District of Columbia in that case cited the following  
19      two key Government interests that are served by the  
20      Department of Defense policy:

21           (A) Reducing the hardship on the families  
22      and friends of the war dead, who may feel obli-  
23      gated to travel great distances to attend arrival  
24      ceremonies at Dover Air Force Base if such  
25      ceremonies were held.



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1 (B) Protecting the privacy of families and  
2 friends of the dead, who may not want media  
3 coverage of the unloading of caskets at Dover  
4 Air Force Base.

5 (5) The Court also noted, in that case, that the  
6 bereaved may be upset at the public display of the  
7 caskets of their loved ones and that the policy gives  
8 the family the right to grant or deny access to the  
9 media at memorial or funeral services at the home  
10 base and that the policy is consistent in its concern  
11 for families.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that the Department of Defense policy regarding no  
14 media coverage of the transfer of the remains of deceased  
15 members of the Armed Forces—

16 (1) appropriately protects the privacy of the  
17 families and friends of the deceased; and

18 (2) is consistent with United States constitu-  
19 tional guarantees of freedom of speech and freedom  
20 of the press.

21 **SEC. 1083. TRANSFER OF HISTORIC F3A-1 BREWSTER COR-**  
22 **SAIR AIRCRAFT.**

23 (a) AUTHORITY TO CONVEY.—The Secretary of the  
24 Navy may convey, without consideration, to Lex Cralley  
25 of Princeton Minnesota (in this section referred to as



1 “transferee”), all right, title, and interest of the United  
2 States in and to a F3A-1 Brewster Corsair aircraft (Bu-  
3 reau Number 04634). The conveyance shall be made by  
4 means of a deed of gift.

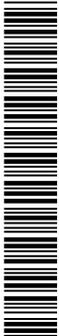
5 (b) **CONDITION OF AIRCRAFT.**—The aircraft shall be  
6 conveyed under subsection (a) in its current unflyable, “as  
7 is” condition. The Secretary is not required to repair or  
8 alter the condition of the aircraft before conveying owner-  
9 ship of the aircraft.

10 (c) **CONVEYANCE AT NO COST TO THE UNITED**  
11 **STATES.**—The conveyance of the aircraft under subsection  
12 (a) shall be made at no cost to the United States. Any  
13 costs associated with the conveyance and costs of oper-  
14 ation and maintenance of the aircraft conveyed shall be  
15 borne by the transferee.

16 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The  
17 Secretary may require such additional terms and condi-  
18 tions in connection with a conveyance under this section  
19 as the Secretary considers appropriate to protect the inter-  
20 ests of the United States.

21 **SEC.1084. TECHNICAL AND CLERICAL AMENDMENTS.**

22 (a) **CLARIFICATION OF DEFINITION OF “OPER-**  
23 **ATIONAL RANGE”.**—Section 101(e)(3) of title 10, United  
24 States Code, is amended by striking “Secretary of De-



1 fense” and inserting “Secretary of a military depart-  
2 ment”.

3 (b) AMENDMENTS RELATING TO DEFINITION OF  
4 CONGRESSIONAL DEFENSE COMMITTEES.—Title 10,  
5 United States Code, is amended as follows:

6 (1) Section 2215 is amended—

7 (A) by striking “(a) CERTIFICATION RE-  
8 QUIRED.—”;

9 (B) by striking “congressional committees  
10 specified in subsection (b)” and inserting “con-  
11 gressional defense committees”; and

12 (C) by striking subsection (b).

13 (2) Section 2306b(g) is amended by striking  
14 “Committee on” the first place it appears and all  
15 that follows through “House of Representatives”  
16 and inserting “congressional defense committees”.

17 (3) Section 2515(d) is amended—

18 (A) by striking “(1)” before “The Sec-  
19 retary”;

20 (B) by striking “congressional committees  
21 specified in paragraph (2)” and inserting “con-  
22 gressional defense committees”; and

23 (C) by striking paragraph (2).

24 (4) Section 2676(d) is amended by striking  
25 “appropriate committees of Congress” at the end of



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1 the first sentence and inserting “congressional de-  
2 fense committees”.

3 (c) AMENDMENTS RELATING TO CHANGE OF NAME  
4 OF GAO.—Title 10, United States Code, is amended as  
5 follows:

6 (1) Section 1084 is amended by striking “Gen-  
7 eral Accounting Office” and inserting “Comptroller  
8 General”.

9 (2) Section 1102(d)(2) is amended by striking  
10 “General Accounting Office” and inserting “Comp-  
11 troller General”.

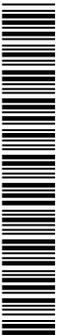
12 (3) Section 2014(g) is amended by striking  
13 “General Accounting Office” and inserting “Govern-  
14 ment Accountability Office”.

15 (d) MISCELLANEOUS AMENDMENTS TO TITLE 10,  
16 UNITED STATES CODE.—Title 10, United States Code, is  
17 amended as follows:

18 (1) The tables of chapters at the beginning of  
19 subtitle A, and at the beginning of part I of subtitle  
20 A, are amended by striking “481” in the item relat-  
21 ing to chapter 23 and inserting “480”.

22 (2) Section 130a is amended—

23 (A) by striking “Effective October 1, 2002,  
24 the” in subsection (a) and inserting “The”;



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1 (B) by striking “baseline number” in sub-  
2 section (a) and all that follows through “means  
3 the” in subsection (c);

4 (C) by transferring subsection (e) so as to  
5 appear before subsection (d) and redesignating  
6 that subsection as subsection (b);

7 (D) by redesignating subsections (d) and  
8 (f) as subsection (c) and (d), respectively; and

9 (E) by striking subsection (g).

10 (3) Section 437(c) is amended by inserting “(50  
11 U.S.C. 415b)” after “National Security Act of  
12 1947”.

13 (4) Section 487(d) is amended by striking  
14 “OTHER DEFINITIONS” and inserting “INAPPLICA-  
15 BILITY TO COAST GUARD”.

16 (5) Section 503(c)(1)(B) is amended by striking  
17 “education” in the second sentence and inserting  
18 “educational”.

19 (6) Section 632(c)(1) is amended—

20 (A) by striking “paragraph (2)” and in-  
21 serting “paragraph (3)”; and

22 (B) by striking “under that paragraph”  
23 and inserting “under that subsection”.



## 10-76

1 (7) The item relating to section 1076b in the  
2 table of sections at the beginning of chapter 55 is  
3 amended to read as follows:

“1076b. TRICARE program: coverage for members of the Ready Reserve.”.

4 (8) Section 1108(e) is amended by striking  
5 “heath” and inserting “health”.

6 (9) Section 1406(g) is amended—

7 (A) by striking “section 305” and insert-  
8 ing “section 245”; and

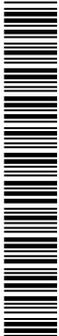
9 (B) by striking “Officers Act of 2002” and  
10 inserting “Officer Corps Act of 2002 (33  
11 U.S.C. 3045)”.

12 (10) Sections 1448(b)(1)(F), 1448(d)(2)(B),  
13 1448(d)(6)(A), and 1458(j) are amended by striking  
14 “on or after the date of the enactment of the Na-  
15 tional Defense Authorization Act for Fiscal Year  
16 2004” and inserting “after November 23, 2003,”.

17 (11) Sections 1463(a)(1), 1465(c)(1)(A),  
18 1465(c)(1)(B), 1465(c)(4)(A), 1465(c)(4)(B), and  
19 1466(b)(2)(D) are amended by striking “1413,  
20 1413a,” and inserting “1413a”.

21 (12) Section 1557(b) is amended by striking  
22 “Effective October 1, 2002, final” and inserting  
23 “Final”.

24 (13) Section 1566 is amended—



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1 (A) in subsection (g)(2), by striking “the  
2 date that is 6 months after the date of the en-  
3 actment of the Help America Vote Act of  
4 2002” in the last sentence and inserting “April  
5 29, 2003”; and

6 (B) in subsections (h), (i)(1), and (i)(3),  
7 by striking “Armed Forces” and inserting  
8 “armed forces”.

9 (14) Sections 1724(d) and 1732(d)(1) are  
10 amended by striking “its decision” in the second  
11 sentence and inserting “the decision of the Sec-  
12 retary”.

13 (15) Section 1761(b) is amended—

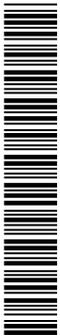
14 (A) in the matter preceding paragraph (1),  
15 by striking “provide for—” and inserting “pro-  
16 vide for the following:”;

17 (B) in paragraphs (1), (2), and (3), by  
18 capitalizing the first letter of the first word;

19 (C) at the end of paragraphs (1) and (2),  
20 by striking the semicolon and inserting a pe-  
21 riod;

22 (D) at the end of paragraph (3), by strik-  
23 ing “; and” and inserting a period; and

24 (E) by striking paragraph (4).



## 10–78

1 (16) Section 2193b(c)(2) is amended by strik-  
2 ing “the date of the enactment of this section” and  
3 inserting “October 5, 1999”.

4 (17) Section 2224(c) is amended in the matter  
5 preceding paragraph (1) by striking “subtitle II of  
6 chapter 35” and inserting “subchapter II of chapter  
7 35”.

8 (18) Section 2349(d) is amended by striking  
9 “section 2350a(i)(3)” and inserting “section  
10 2350a(i)(2)”.

11 (19) Section 2350b(g) is amended—

12 (A) in the matter preceding paragraph (1),  
13 by inserting “the Secretary of Defense” after  
14 “authorizing”; and

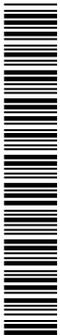
15 (B) in paragraph (1), by striking “the Sec-  
16 retary of Defense”.

17 (20) Section 2474(f)(2) is amended by striking  
18 “section 2466(e)” and inserting “section 2466(d)”.

19 (21) Section 2540(b)(2) is amended by insert-  
20 ing “, as in effect on that date” before the period  
21 at the end.

22 (22) Section 2662(a)(2) is amended—

23 (A) in the first sentence, by striking “must  
24 include a summarization” and inserting “shall  
25 include a summary”; and



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1 (B) in the second sentence, by inserting  
2 “of paragraph (1)” after “in subparagraph  
3 (E)”.

4 (23) Section 2672a(a) is amended—

5 (A) in the matter preceding paragraph (1),  
6 by inserting “in any case in which the Secretary  
7 determines” after “in land”;

8 (B) in paragraph (1), by striking “the Sec-  
9 retary determines” and inserting “the acquisi-  
10 tion”; and

11 (C) in paragraph (2), by inserting “the ac-  
12 quisition” after “(2)”.

13 (24) Section 2701 is amended—

14 (A) in subsection (a)(2), by inserting “(42  
15 U.S.C. 9620)” before the period at the end;

16 (B) in subsection (c)(2), by striking “of  
17 CERCLA (relating to settlements)” and insert-  
18 ing “(relating to settlements) of CERCLA (42  
19 U.S.C. 9622)”;

20 (C) in subsection (e), by inserting “(42  
21 U.S.C. 9619)” after “CERCLA”; and

22 (D) in subsection (j)(2), by striking “the  
23 Comprehensive” and all the follows through “of  
24 1980” and inserting “CERCLA”.



## 10–80

1           (25) Section 2702 is amended by inserting “(42  
2           U.S.C. 9660(a)(5))” in the second sentence of sub-  
3           section (a) before the period at the end.

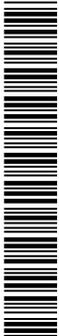
4           (26) Section 2703(b) is amended by striking  
5           “The terms” at the beginning of the second sentence  
6           and inserting “For purposes of the preceding sen-  
7           tence, the terms”.

8           (27) Section 2704 is amended by inserting “(42  
9           U.S.C. 9604(i))” in subsections (c), (e), and (f)  
10          after “CERCLA”.

11          (28) The second section 3755, added by section  
12          543(b)(1) of the Bob Stump National Defense Au-  
13          thorization Act for Fiscal Year 2003 (Public Law  
14          107–314; 116 Stat. 2549), is redesignated as section  
15          3756, and the item relating to that section in the  
16          table of sections at the beginning of chapter 357 is  
17          revised to reflect such redesignation.

18          (29) Section 4689 is amended by striking  
19          “Building” after “Capitol”.

20          (30) The second section 6257, added by section  
21          543(c)(1) of the Bob Stump National Defense Au-  
22          thorization Act for Fiscal Year 2003 (Public Law  
23          107–314; 116 Stat. 2549), is redesignated as section  
24          6258, and the item relating to that section in the



## 10–81

1 table of sections at the beginning of chapter 567 is  
2 revised to reflect such redesignation.

3 (31) Section 7102 is amended—

4 (A) by striking “AUTHORITY” at the begin-  
5 ning of subsection (a) and inserting “MASTER  
6 OF MILITARY STUDIES”;

7 (B) by striking “MARINE CORPS WAR  
8 COLLEGE” at the beginning of subsection (b)  
9 and inserting “MASTER OF STRATEGIC STUD-  
10 IES”;

11 (C) by striking “COMMAND AND STAFF  
12 COLLEGE OF THE MARINE CORPS UNIVER-  
13 SITY” at the beginning of subsection (c) and in-  
14 serting “MASTER OF OPERATIONAL STUDIES”;  
15 and

16 (D) by striking “subsections (a) and (b)”  
17 in subsection (d) and inserting “subsections (a),  
18 (b), and (c)”.

19 (32) Section 8084 is amended by striking  
20 “capabilty” and inserting “capability”.

21 (33) The second section 8755, added by section  
22 543(d)(1) of the Bob Stump National Defense Au-  
23 thorization Act for Fiscal Year 2003 (Public Law  
24 107–314; 116 Stat. 2550), is redesignated as section  
25 8756, and the item relating to that section in the



1 table of sections at the beginning of chapter 857 is  
2 revised to reflect such redesignation.

3 (34) The table in section 12012(a) is amended  
4 by inserting a colon after “Air National Guard”.

5 (e) TITLE 37, UNITED STATES CODE.—Title 37,  
6 United States Code, is amended as follows:

7 (1) Section 301a(b)(4) is amended by striking  
8 “section 301(a)(11)” and inserting “section  
9 301(a)(13)”.

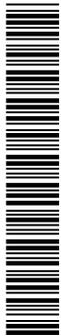
10 (2) Section 323(h) is amended by striking “Sec-  
11 retary of Transportation” and inserting “Secretary  
12 of Homeland Security”.

13 (f) PUBLIC LAW 108–136.—Effective as of Novem-  
14 ber 24, 2003, and as if included therein as enacted, the  
15 National Defense Authorization Act for Fiscal Year 2004  
16 (Public Law 108–136) is amended as follows:

17 (1) Sections 832(a) and 834(a) (117 Stat.  
18 1550) are each amended by striking “such title” and  
19 inserting “title 10, United States Code,”.

20 (2) Section 931(a)(1) (117 Stat. 1580) is  
21 amended by striking “and donations” in the first  
22 quoted matter and inserting “or donations”.

23 (3) Section 2204(b) (117 Stat. 1706) is amend-  
24 ed by striking “section 2101(a)” each place it ap-  
25 pears and inserting “section 2201(a)”.



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1 (g) PUBLIC LAW 107–314.—Effective as of Decem-  
2 ber 2, 2002, and as if included therein as enacted, section  
3 1064(a)(2) of the Bob Stump National Defense Author-  
4 ization Act for Fiscal Year 2003 (Public Law 107–314;  
5 116 Stat. 2654) is amended by inserting “the item relat-  
6 ing to” after “is amended by inserting after”.

7 (h) PUBLIC LAW 107–107.—Effective as of Decem-  
8 ber 28, 2001, and as if included therein as enacted, the  
9 National Defense Authorization Act for Fiscal Year 2002  
10 (Public Law 107–107) is amended as follows:

11 (1) Section 824(a)(1)(C) (115 Stat. 1183) is  
12 amended by striking “(3)(A)” and inserting  
13 “(3)(B)”.

14 (2) Section 1048(e)(4) (115 Stat. 1227) is  
15 amended by striking “Subsection” and inserting  
16 “Section”.

17 (3) Section 1111(c) (115 Stat. 1238) is amend-  
18 ed by striking “This provision” and inserting “Sec-  
19 tion 5949 of title 5, United States Code, as added  
20 by subsection (a),”.

21 (i) PUBLIC LAW 101–510.—Section 2902(e)(2)(B) of  
22 the Defense Base Closure and Realignment Act of 1990  
23 (part A of title XXIX of Public Law 101–510; 10 U.S.C.  
24 2687 note) is amended—



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1 (1) in clause (i), by striking “Subcommittee on  
2 Readiness, Sustainability, and Support” and insert-  
3 ing “Subcommittee on Readiness and Management  
4 Support”; and

5 (2) in clause (ii), by striking “Subcommittee on  
6 Military Installations and Facilities” and inserting  
7 “Subcommittee on Readiness”.

8 (j) NATIONAL SECURITY ACT OF 1947.—Sections  
9 702(a)(6)(B)(iv)(I), 703(a)(6)(B)(iv)(I), and  
10 704(f)(2)(D)(i) of the National Security Act of 1947 are  
11 amended by striking “responsible records” and inserting  
12 “responsive records”.

13 (k) CODIFICATION RELATING TO LEAVE FOR AT-  
14 TENDANCE AT CERTAIN HEARINGS.—Subsection (b) of  
15 section 363 of the Personal Responsibility and Work Op-  
16 portunity Reconciliation Act of 1996 (10 U.S.C. 704 note)  
17 is—

18 (1) transferred to section 704 of title 10,  
19 United States Code;

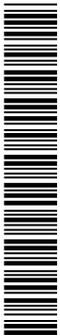
20 (2) inserted at the end of that section;

21 (3) redesignated as subsection (c); and

22 (4) amended—

23 (A) by striking “Armed Forces” each place  
24 it appears and inserting “armed forces”;

25 (B) in paragraph (1)—



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1 (i) by striking “Secretary of each”  
2 and all that follows through “in the Navy,”  
3 and inserting “Secretary concerned”; and

4 (ii) by striking “(as defined in section  
5 101 of title 10, United States Code)”; and  
6 (C) in paragraph (3)—

7 (i) by striking “For purposes of this  
8 subsection—” and inserting “In this sub-  
9 section:”;

10 (ii) in subparagraph (A), by striking  
11 “title 10, United States Code” and insert-  
12 ing “this title”; and

13 (iii) in subparagraph (B), by striking  
14 “such term” and inserting “that term”.

15 **SEC. 1085. PRESERVATION OF SEARCH AND RESCUE CAPA-**  
16 **BILITIES OF THE FEDERAL GOVERNMENT.**

17 The Secretary of Defense may not reduce or elimi-  
18 nate search and rescue capabilities at any military instal-  
19 lation in the United States unless the Secretary first cer-  
20 tifies to the Committees on Armed Services of the Senate  
21 and the House of Representatives that equivalent search  
22 and rescue capabilities will be provided, without interrup-  
23 tion and consistent with the policies and objectives set  
24 forth in the United States National Search and Rescue  
25 Plan entered into force on January 1, 1999, by—



1 (1) the Department of Interior, the Department  
2 of Commerce, the Department of Homeland Secu-  
3 rity, the Department of Transportation, the Federal  
4 Communications Commission, or the National Aero-  
5 nautics and Space Administration; or

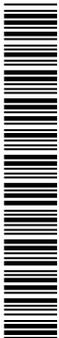
6 (2) the Department of Defense, either directly  
7 or through a Department of Defense contract with  
8 an emergency medical service provider or other pri-  
9 vate entity to provide such capabilities.

10 **SEC. 1086. ACQUISITION OF AERIAL FIREFIGHTING EQUIP-**  
11 **MENT FOR NATIONAL INTERAGENCY FIRE**  
12 **CENTER.**

13 (a) FINDINGS.—Congress makes the following find-  
14 ings:

15 (1) The National Interagency Fire Center does  
16 not possess an adequate number of aircraft for use  
17 in aerial firefighting, and personnel at the Center  
18 rely on military aircraft to provide such firefighting  
19 services.

20 (2) It is in the national security interest of the  
21 United States for the National Interagency Fire  
22 Center to acquire aircraft for use in aerial fire-  
23 fighting so that the military aircraft made available  
24 for aerial firefighting will instead be available for  
25 use by the Armed Forces.



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1 (b) AUTHORITY TO PURCHASE AERIAL FIRE-  
2 FIGHTING EQUIPMENT.—(1) The Secretary of Agriculture  
3 is authorized to purchase 10 aircraft, as described in para-  
4 graph (2), for the National Interagency Fire Center for  
5 use in aerial firefighting.

6 (2) The aircraft referred to in paragraph (1) shall  
7 be aircraft that are—

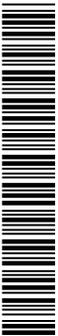
8 (A) specifically designed and built for aerial  
9 firefighting;

10 (B) certified by the Chief of the Forest Service  
11 as suited for conditions commonly experienced in  
12 aerial firefighting operations carried out in the  
13 United States, including Alaska; and

14 (C) manufactured in a manner that is con-  
15 sistent with the recommendations for aircraft used  
16 in aerial firefighting contained in—

17 (i) the Blue Ribbon Panel Report to the  
18 Chief of the Forest Service and the Director of  
19 the Bureau of Land Management dated Decem-  
20 ber 2002; and

21 (ii) the Safety Recommendation of the  
22 Chairman of the National Transportation Safe-  
23 ty Board related to aircraft used in aerial fire-  
24 fighting dated April 23, 2004.



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1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to the Secretary of Agri-  
3 culture for fiscal year 2005 such funds as may be nec-  
4 essary to purchase the 10 aircraft described in subsection  
5 (b).

6 **SEC. 1087. REVISION TO REQUIREMENTS FOR RECOGNI-**  
7 **TION OF INSTITUTIONS OF HIGHER EDU-**  
8 **CATION AS HISPANIC-SERVING INSTITUTIONS**  
9 **FOR PURPOSES OF CERTAIN GRANTS AND**  
10 **CONTRACTS.**

11 Section 502(a)(5)(C) of the Higher Education Act of  
12 1965 (20 U.S.C. 1101a(a)(5)(C)) is amended by inserting  
13 before the period the following: “, which assurances—

14 “(i) may employ statistical extrapola-  
15 tion using appropriate data from the Bu-  
16 reau of the Census or other appropriate  
17 Federal or State sources; and

18 “(ii) the Secretary shall consider as  
19 meeting the requirements of this subpara-  
20 graph, unless the Secretary determines,  
21 based on a preponderance of the evidence,  
22 that the assurances do not meet the re-  
23 quirements”.



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1 **SEC. 1088. MILITARY EXTRATERRITORIAL JURISDICTION**  
2 **OVER CONTRACTORS SUPPORTING DEFENSE**  
3 **MISSIONS OVERSEAS.**

4 Section 3267(1)(A) of title 18, United States Code,  
5 is amended to read as follows:

6 “(A) employed as—

7 “(i) a civilian employee of—

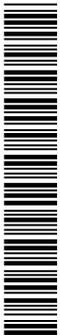
8 “(I) the Department of Defense  
9 (including a nonappropriated fund in-  
10 strumentality of the Department); or

11 “(II) any other Federal agency,  
12 or any provisional authority, to the  
13 extent such employment relates to  
14 supporting the mission of the Depart-  
15 ment of Defense overseas;

16 “(ii) a contractor (including a subcon-  
17 tractor at any tier) of—

18 “(I) the Department of Defense  
19 (including a nonappropriated fund in-  
20 strumentality of the Department); or

21 “(II) any other Federal agency,  
22 or any provisional authority, to the  
23 extent such employment relates to  
24 supporting the mission of the Depart-  
25 ment of Defense overseas; or



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1 “(iii) an employee of a contractor (or  
2 subcontractor at any tier) of—

3 “(I) the Department of Defense  
4 (including a nonappropriated fund in-  
5 strumentality of the Department); or

6 “(II) any other Federal agency,  
7 or any provisional authority, to the  
8 extent such employment relates to  
9 supporting the mission of the Depart-  
10 ment of Defense overseas;”.

11 **SEC. 1089. DEFINITION OF UNITED STATES FOR PURPOSES**  
12 **OF FEDERAL CRIME OF TORTURE.**

13 Section 2340(3) of title 18, United States Code, is  
14 amended to read as follows:

15 “(3) ‘United States’ means the several States of  
16 the United States, the District of Columbia, and the  
17 commonwealths, territories, and possessions of the  
18 United States.”.

19 **SEC. 1090. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

20 (a) IN GENERAL.—Section 801(e) of the National  
21 Energy Conservation Policy Act (42 U.S.C. 8287(e)) is  
22 amended by striking “2003” and inserting “2006”.

23 (b) PAYMENT OF COSTS.—Section 802 of the Na-  
24 tional Energy Conservation Policy Act (42 U.S.C. 8287a)



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1 is amended by inserting “, water, or wastewater treat-  
2 ment” after “payment of energy”.

3 (c) ENERGY SAVINGS.—Section 804(2) of the Na-  
4 tional Energy Conservation Policy Act (42 U.S.C.  
5 8287c(2)) is amended to read as follows:

6 “(2) The term ‘energy savings’ means a reduc-  
7 tion in the cost of energy, water, or wastewater  
8 treatment, from a base cost established through a  
9 methodology set forth in the contract, used in an ex-  
10 isting federally owned building or buildings or other  
11 federally owned facilities as a result of—

12 “(A) the lease or purchase of operating  
13 equipment, improvements, altered operation and  
14 maintenance, or technical services;

15 “(B) the increased efficient use of existing  
16 energy sources by cogeneration or heat recov-  
17 ery, excluding any cogeneration process for  
18 other than a federally owned building or build-  
19 ings or other federally owned facilities; or

20 “(C) the increased efficient use of existing  
21 water sources in either interior or exterior ap-  
22 plications.”.

23 (d) ENERGY SAVINGS CONTRACT.—Section 804(3) of  
24 the National Energy Conservation Policy Act (42 U.S.C.  
25 8287c(3)) is amended to read as follows:



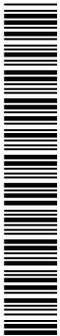
1           “(3) The terms ‘energy savings contract’ and  
2           ‘energy savings performance contract’ mean a con-  
3           tract that provides for the performance of services  
4           for the design, acquisition, installation, testing, and,  
5           where appropriate, operation, maintenance, and re-  
6           pair, of an identified energy or water conservation  
7           measure or series of measures at 1 or more loca-  
8           tions. Such contracts shall, with respect to an agen-  
9           cy facility that is a public building (as such term is  
10          defined in section 3301 of title 40, United States  
11          Code), be in compliance with the prospectus require-  
12          ments and procedures of section 3307 of title 40,  
13          United States Code.”.

14          (e) ENERGY OR WATER CONSERVATION MEASURE.—  
15          Section 804(4) of the National Energy Conservation Pol-  
16          icy Act (42 U.S.C. 8287c(4)) is amended to read as fol-  
17          lows:

18                 “(4) The term ‘energy or water conservation  
19                 measure’ means—

20                         “(A) an energy conservation measure, as  
21                         defined in section 551; or

22                         “(B) a water conservation measure that  
23                         improves the efficiency of water use, is life-cycle  
24                         cost-effective, and involves water conservation,  
25                         water recycling or reuse, more efficient treat-

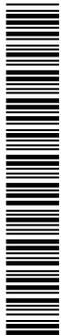


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1           ment of wastewater or stormwater, improve-  
2           ments in operation or maintenance efficiencies,  
3           retrofit activities, or other related activities, not  
4           at a Federal hydroelectric facility.”.

5           (f) REVIEW.—Not later than 180 days after the date  
6 of the enactment of this Act, the Secretary of Energy shall  
7 complete a review of the Energy Savings Performance  
8 Contract program to identify statutory, regulatory, and  
9 administrative obstacles that prevent Federal agencies  
10 from fully utilizing the program. In addition, this review  
11 shall identify all areas for increasing program flexibility  
12 and effectiveness, including audit and measurement ver-  
13 ification requirements, accounting for energy use in deter-  
14 mining savings, contracting requirements, including the  
15 identification of additional qualified contractors, and en-  
16 ergy efficiency services covered. The Secretary shall report  
17 these findings to Congress and shall implement identified  
18 administrative and regulatory changes to increase pro-  
19 gram flexibility and effectiveness to the extent that such  
20 changes are consistent with statutory authority.

21           (g) EXTENSION OF AUTHORITY.—Any energy sav-  
22 ings performance contract entered into under section 801  
23 of the National Energy Conservation Policy Act (42  
24 U.S.C. 8287) after October 1, 2003, and before the date  
25 of enactment of this Act, shall be deemed to have been



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1 entered into pursuant to such section 801 as amended by  
2 subsection (a) of this section.

3 **SEC. 1091. SENSE OF CONGRESS AND POLICY CONCERNING**  
4 **PERSONS DETAINED BY THE UNITED STATES.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that —

7 (1) the abuses inflicted upon detainees at the  
8 Abu Ghraib prison in Baghdad, Iraq, are incon-  
9 sistent with the professionalism, dedication, stand-  
10 ards, and training required of individuals who serve  
11 in the United States Armed Forces;

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

17 (3) the abuse of persons in United States cus-  
18 tody in Iraq is appropriately condemned and de-  
19 plored by the American people;

20 (4) the Armed Forces are moving swiftly and  
21 decisively to identify, try, and, if found guilty, pun-  
22 ish persons who perpetrated such abuse;

23 (5) the Department of Defense and appropriate  
24 military authorities must continue to undertake cor-  
25 rective action, as appropriate, to address chain-of-



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1 command deficiencies and the systemic deficiencies  
2 identified in the incidents in question;

3 (6) the Constitution, laws, and treaties of the  
4 United States and the applicable guidance and regu-  
5 lations of the United States Government prohibit the  
6 torture or cruel, inhuman, or degrading treatment of  
7 foreign prisoners held in custody by the United  
8 States;

9 (7) the alleged crimes of a handful of individ-  
10 uals should not detract from the commendable sac-  
11 rifices of over 300,000 members of the Armed  
12 Forces who have served, or who are serving, in Op-  
13 eration Iraqi Freedom; and

14 (8) no detainee shall be subject to torture or  
15 cruel, inhuman, or degrading treatment or punish-  
16 ment that is prohibited by the Constitution, laws, or  
17 treaties of United States.

18 (b) POLICY.—It is the policy of the United States  
19 to—

20 (1) ensure that no detainee shall be subject to  
21 torture or cruel, inhuman, or degrading treatment or  
22 punishment that is prohibited by the Constitution,  
23 laws, or treaties of the United States;

24 (2) investigate and prosecute, as appropriate,  
25 all alleged instances of unlawful treatment of detain-



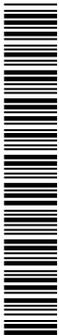
1       ees in a manner consistent with the international ob-  
2       ligations, laws, or policies of the United States;

3           (3) ensure that all personnel of the United  
4       States Government understand their obligations in  
5       both wartime and peacetime to comply with the legal  
6       prohibitions against torture, cruel, inhuman, or de-  
7       grading treatment of detainees in the custody of the  
8       United States;

9           (4) ensure that, in a case in which there is  
10      doubt as to whether a detainee is entitled to prisoner  
11      of war status under the Geneva Conventions, such  
12      detainee receives the protections accorded to pris-  
13      oners of war until the detainee’s status is deter-  
14      mined by a competent tribunal; and

15          (5) expeditiously process and, if appropriate,  
16      prosecute detainees in the custody of the United  
17      States, including those in the custody of the United  
18      States Armed Forces at Guantanamo Bay, Cuba.

19      (c) **DETAINEES.**—For purposes of this section, the  
20      term “detainee” means a person in the custody or under  
21      the physical control of the United States as a result of  
22      armed conflict.



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1 **SEC. 1092. ACTIONS TO PREVENT THE ABUSE OF DETAIN-**  
2 **EES.**

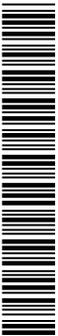
3 (a) **POLICIES REQUIRED.**—The Secretary of Defense  
4 shall ensure that policies are prescribed not later than 150  
5 days after the date of the enactment of this Act regarding  
6 procedures for Department of Defense personnel and con-  
7 tractor personnel of the Department of Defense intended  
8 to ensure that members of the Armed Forces, and all per-  
9 sons acting on behalf of the Armed Forces or within facili-  
10 ties of the Armed Forces, treat persons detained by the  
11 United States Government in a humane manner consistent  
12 with the international obligations and laws of the United  
13 States and the policies set forth in section 1091(b).

14 (b) **MATTERS TO BE INCLUDED.**—In order to achieve  
15 the objective stated in subsection (a), the policies under  
16 that subsection shall specify, at a minimum, procedures  
17 for the following:

18 (1) Ensuring that each commander of a De-  
19 partment of Defense detention facility or interroga-  
20 tion facility—

21 (A) provides all assigned personnel with  
22 training, and documented acknowledgment of  
23 receiving training, regarding the law of war, in-  
24 cluding the Geneva Conventions; and

25 (B) establishes standard operating proce-  
26 dures for the treatment of detainees.



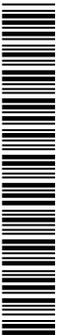
1           (2) Ensuring that each Department of Defense  
2 contract in which contract personnel in the course of  
3 their duties interact with individuals detained by the  
4 Department of Defense on behalf of the United  
5 States Government include a requirement that such  
6 contract personnel have received training, and docu-  
7 mented acknowledgment of receiving training, re-  
8 garding the international obligations and laws of the  
9 United States applicable to the detention of per-  
10 sonnel.

11           (3) Providing all detainees with information, in  
12 their own language, of the applicable protections af-  
13 forded under the Geneva Conventions.

14           (4) Conducting periodic unannounced and an-  
15 nounced inspections of detention facilities in order to  
16 provide continued oversight of interrogation and de-  
17 tention operations.

18           (5) Ensuring that, to the maximum extent  
19 practicable, detainees and detention facility per-  
20 sonnel of a different gender are not alone together.

21           (c) SECRETARY OF DEFENSE CERTIFICATION.—The  
22 Secretary of Defense shall certify that all Federal employ-  
23 ees and civilian contractors engaged in the handling or in-  
24 terrogation of individuals detained by the Department of  
25 Defense on behalf of the United States Government have



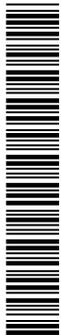
1 fulfilled an annual training requirement on the law of war,  
2 the Geneva Conventions, and the obligations of the United  
3 States under international law.

4 **SEC. 1093. REPORTING REQUIREMENTS.**

5 (a) TRANSMISSION OF REGULATIONS, ETC.—Not  
6 later than 30 days after the date on which regulations,  
7 policies, and orders are first prescribed under section  
8 1092(a), the Secretary of Defense shall transmit to the  
9 Committee on Armed Services of the Senate and the Com-  
10 mittee on Armed Services of the House of Representatives  
11 copies of such regulations, policies, or orders, together  
12 with a report on steps taken to the date of the report to  
13 implement section 1092.

14 (b) ONE-YEAR IMPLEMENTATION REPORT.—Not  
15 later than one year after the date on which regulations,  
16 policies, and orders are first prescribed under section  
17 1092(a), the Secretary shall submit to such committees  
18 a report on further steps taken to implement section 1092  
19 to the date of such report.

20 (c) ANNUAL REPORT.—Nine months after the date  
21 of the enactment of this Act and annually thereafter, the  
22 Secretary shall submit to the Committee on Armed Serv-  
23 ices of the Senate and the Committee on Armed Services  
24 of the House of Representatives a report for the preceding  
25 12-months containing the following:



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1 (1) Notice of any investigation into any viola-  
2 tion of international obligations or laws of the  
3 United States regarding the treatment of individuals  
4 detained by the United States Armed Forces or by  
5 a person providing services to the Department of  
6 Defense on a contractual basis, if the notice will not  
7 compromise any ongoing criminal or administrative  
8 investigation or prosecution.

9 (2) General information on the foreign national  
10 detainees in the custody of the Department of De-  
11 fense during the 12-month period covered by the re-  
12 port, including the following:

13 (A) The best estimate of the Secretary of  
14 Defense of the total number of detainees in the  
15 custody of the Department as of the date of the  
16 report.

17 (B) The best estimate of the Secretary of  
18 Defense of the total number of detainees re-  
19 leased from the custody of the Department dur-  
20 ing the period covered by the report.

21 (C) An aggregate summary of the number  
22 of persons detained as enemy prisoners of war,  
23 civilian internees, and unlawful combatants, in-  
24 cluding information regarding the average



1 length of detention for persons in each cat-  
2 egory.

3 (D) An aggregate summary of the nation-  
4 ality of persons detained.

5 (E) Aggregate information as to the trans-  
6 fer of detainees to the jurisdiction of other  
7 countries, and the countries to which trans-  
8 ferred.

9 (d) CLASSIFICATION OF REPORTS.—Reports sub-  
10 mitted under this section shall be submitted, to the extent  
11 practicable, in unclassified form, but may include a classi-  
12 fied annex as necessary to protect the national security  
13 of the United States.

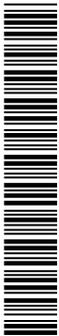
14 (e) TERMINATION.—The requirements of this section  
15 shall cease to be in effect on December 31, 2007.

16 **SEC. 1094. FINDINGS AND SENSE OF CONGRESS CON-**  
17 **CERNING ARMY SPECIALIST JOSEPH DARBY.**

18 (a) FINDINGS.—Congress makes the following find-  
19 ings:

20 (1) The need to act in accord with one's con-  
21 science, risking one's career and even the esteem of  
22 one's colleagues by pursuing what is right is espe-  
23 cially important today.

24 (2) While the Department of Defense inves-  
25 tigates the horrific abuses in American detention fa-



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1 cilities in Iraq, the Nation should bear in mind that  
2 the abuses were only brought to light because of the  
3 courage of an American soldier.

4 (3) By alerting his superiors to abuses at Abu  
5 Ghraib prison in Iraq, Army Specialist Joseph  
6 Darby demonstrated the courage to speak out and  
7 do what is right for his country.

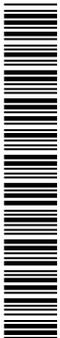
8 (4) Such an action is especially important in  
9 light of the many challenges facing the country.

10 (5) Specialist Darby deserves the Nation's  
11 thanks for speaking up and for standing up for what  
12 is right.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that—

15 (1) the Secretary of Defense should make every  
16 protection available to Army Specialist Joseph  
17 Darby and others who demonstrate such courage;  
18 and

19 (2) Specialist Darby should be commended ap-  
20 propriately by the Secretary of the Army.



11-1

1 **TITLE XI—CIVILIAN PERSONNEL**  
2 **MATTERS**

Sec. 1101. Payment of Federal employee health benefit premiums for mobilized Federal employees.

Sec. 1102. Foreign language proficiency pay.

Sec. 1103. Pay and performance appraisal parity for civilian intelligence personnel.

Sec. 1104. Pay parity for senior executives in defense nonappropriated fund instrumentalities.

Sec. 1105. Science, mathematics, and research for transformation (SMART) defense scholarship pilot program.

Sec. 1106. Report on how to recruit and retain individuals with foreign language skills.

Sec. 1107. Plan on implementation and utilization of flexible personnel management authorities in Department of Defense laboratories.

3 **SEC. 1101. PAYMENT OF FEDERAL EMPLOYEE HEALTH BEN-**  
4 **EFIT PREMIUMS FOR MOBILIZED FEDERAL**  
5 **EMPLOYEES.**

6 (a) AUTHORITY TO CONTINUE BENEFIT COV-  
7 ERAGE.—Section 8905a of title 5, United States Code is  
8 amended—

9 (1) in subsection (a), by striking “paragraph  
10 (1) or (2) of”;

11 (2) in subsection (b)—

12 (A) in paragraph (1)(B), by striking “and”  
13 at the end;

14 (B) in paragraph (2)(C), by striking the  
15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following new  
17 paragraph:

18 “(3) any employee who—



11-2

1 “(A) is enrolled in a health benefits plan  
2 under this chapter;

3 “(B) is a member of a reserve component  
4 of the armed forces;

5 “(C) is called or ordered to active duty in  
6 support of a contingency operation (as defined  
7 in section 101(a)(13) of title 10);

8 “(D) is placed on leave without pay or sep-  
9 arated from service to perform active duty; and

10 “(E) serves on active duty for a period of  
11 more than 30 consecutive days.”; and

12 (4) in subsection (e)(1)—

13 (A) in subparagraph (A), by striking “or”  
14 at the end;

15 (B) in subparagraph (B), by striking the  
16 period at the end and inserting “; or”; and

17 (C) by adding at the end the following new  
18 subparagraph:

19 “(C) in the case of an employee described  
20 in subsection (b)(3), the date which is 24  
21 months after the employee is placed on leave  
22 without pay or separated from service to per-  
23 form active duty.”.

24 (b) AUTHORITY FOR AGENCIES TO PAY PRE-  
25 MIUMS.—Subparagraph (C) of section 8906(e)(3) of such



1 title is amended by striking “18 months” and inserting  
2 “24 months”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to Federal employees  
5 called or ordered to active duty on or after September 14,  
6 2001.

7 **SEC. 1102. FOREIGN LANGUAGE PROFICIENCY PAY.**

8 (a) ELIGIBILITY FOR SERVICE NOT RELATED TO  
9 CONTINGENCY OPERATIONS.—Section 1596a(a)(2) of  
10 title 10, United States Code, is amended by striking “dur-  
11 ing a contingency operation supported by the armed  
12 forces”.

13 (b) EFFECTIVE DATE.—The amendment by this sec-  
14 tion shall take effect on the first day of the first month  
15 that begins after the date of the enactment of this Act.

16 **SEC. 1103. PAY AND PERFORMANCE APPRAISAL PARITY**  
17 **FOR CIVILIAN INTELLIGENCE PERSONNEL.**

18 (a) PAY RATES.—Section 1602 of title 10, United  
19 States Code, is amended—

20 (1) in subsection (a), by striking “in relation to  
21 the rates of pay provided in subpart D of part III  
22 of title 5 for positions subject to that subpart which  
23 have corresponding levels of duties and responsibil-  
24 ities” and inserting “in relation to the rates of pay  
25 provided for comparable positions in the Department



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1 of Defense and subject to the same limitations on  
2 maximum rates of pay established for employees of  
3 the Department of Defense by law or regulation”;

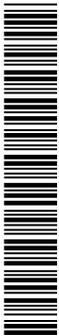
4 (2) by striking subsection (b); and

5 (3) by redesignating subsection (c) as sub-  
6 section (b).

7 (b) PERFORMANCE APPRAISAL SYSTEM.—Section  
8 1606 of such title is amended by adding at the end the  
9 following new subsection:

10 “(d) PERFORMANCE APPRAISALS.—(1) The Defense  
11 Intelligence Senior Executive Service shall be subject to  
12 a performance appraisal system which, as designed and  
13 applied, is certified by the Secretary of Defense under sec-  
14 tion 5307 of title 5 as making meaningful distinctions  
15 based on relative performance.

16 “(2) The performance appraisal system applicable to  
17 the Defense Intelligence Senior Executive Service under  
18 paragraph (1) may be the same performance appraisal  
19 system that is established and implemented within the De-  
20 partment of Defense for members of the Senior Executive  
21 Service.”.



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1 **SEC. 1104. PAY PARITY FOR SENIOR EXECUTIVES IN DE-**  
2 **FENSE NONAPPROPRIATED FUND INSTRU-**  
3 **MENTALITIES.**

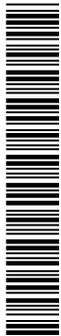
4 (a) **AUTHORITY.**—Chapter 81 of title 10, United  
5 States Code, is amended by inserting after section 1587  
6 the following new section:

7 **“§ 1587a. Employees of nonappropriated fund instru-**  
8 **mentalities: senior executive pay levels**

9 “(a) **AUTHORITY.**—To achieve the objective stated in  
10 subsection (b), the Secretary of Defense may regulate the  
11 amount of total compensation that is provided for senior  
12 executives of nonappropriated fund instrumentalities who,  
13 for the fixing of pay by administrative action, are under  
14 the jurisdiction of the Secretary of Defense or the Sec-  
15 retary of a military department.

16 “(b) **PAY PARITY.**—The objective of an action taken  
17 with respect to the compensation of senior executives  
18 under subsection (a) is to provide for parity between the  
19 total compensation provided for such senior executives and  
20 total compensation that is provided for Department of De-  
21 fense employees in Senior Executive Service positions or  
22 other senior executive positions.

23 “(c) **STANDARDS OF COMPARABILITY.**—Subject to  
24 subsection (d), the Secretary of Defense shall prescribe the  
25 standards of comparison that are to apply in the making



1 of the determinations necessary to achieve the objective  
2 stated in subsection (b).

3 “(d) ESTABLISHMENT OF PAY RATES.—The Sec-  
4 retary of Defense shall apply subsections (a) and (b) of  
5 section 5382 of title 5 in the regulation of compensation  
6 under this section.

7 “(e) RELATIONSHIP TO PAY LIMITATION.—The Sec-  
8 retary of Defense may exercise the authority provided in  
9 subsection (a) without regard to section 5373 of title 5.

10 “(f) DEFINITIONS.—In this section:

11 “(1) The term ‘compensation’ includes rate of  
12 basic pay.

13 “(2) The term ‘Senior Executive Service posi-  
14 tion’ has the meaning given such term in section  
15 3132 of title 5.”

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of such chapter is amended by inserting  
18 after the item relating to section 1587 the following new  
19 item:

“1587a. Employees of nonappropriated fund instrumentalities: senior executive  
pay levels.”

20 **SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR**  
21 **TRANSFORMATION (SMART) DEFENSE SCHOL-**  
22 **ARSHIP PILOT PROGRAM.**

23 (a) REQUIREMENT FOR PROGRAM.—(1) The Sec-  
24 retary of Defense shall carry out a pilot program to pro-



1 vide financial assistance for education in science, mathe-  
2 matics, engineering, and technology skills and disciplines  
3 that, as determined by the Secretary, are critical to the  
4 national security functions of the Department of Defense  
5 and are needed in the Department of Defense workforce.

6 (2) The pilot program under this section shall be car-  
7 ried out for three years beginning on the date of the enact-  
8 ment of this Act.

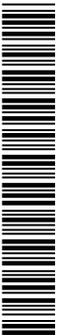
9 (b) SCHOLARSHIPS.—(1) Under the pilot program,  
10 the Secretary of Defense may award a scholarship in ac-  
11 cordance with this section to a person who—

12 (A) is a citizen of the United States;

13 (B) is pursuing an undergraduate or advanced  
14 degree in a critical skill or discipline described in  
15 subsection (a) at an institution of higher education;  
16 and

17 (C) enters into a service agreement with the  
18 Secretary of Defense as described in subsection (c).

19 (2) The amount of the financial assistance provided  
20 under a scholarship awarded to a person under this sub-  
21 section shall be the amount determined by the Secretary  
22 of Defense as being necessary to pay all educational ex-  
23 penses incurred by that person, including tuition, fees,  
24 cost of books, laboratory expenses, and expenses of room  
25 and board. The expenses paid, however, shall be limited



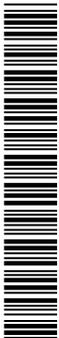
1 to those educational expenses normally incurred by stu-  
2 dents at the institution of higher education involved.

3 (c) SERVICE AGREEMENT FOR RECIPIENTS OF AS-  
4 SISTANCE.—(1) To receive financial assistance under this  
5 section—

6 (A) in the case of an employee of the Depart-  
7 ment of Defense, the employee shall enter into a  
8 written agreement to continue in the employment of  
9 the department for the period of obligated service  
10 determined under paragraph (2); and

11 (B) in the case of a person not an employee of  
12 the Department of Defense, the person shall enter  
13 into a written agreement to accept and continue em-  
14 ployment in the Department of Defense for the pe-  
15 riod of obligated service determined under paragraph  
16 (2).

17 (2) For the purposes of this subsection, the period  
18 of obligated service for a recipient of a scholarship under  
19 this section shall be the period determined by the Sec-  
20 retary of Defense as being appropriate to obtain adequate  
21 service in exchange for the financial assistance provided  
22 under the scholarship. In no event may the period of serv-  
23 ice required of a recipient be less than the total period  
24 of pursuit of a degree that is covered by the scholarship.  
25 The period of obligated service is in addition to any other



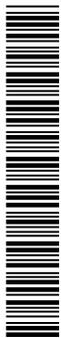
1 period for which the recipient is obligated to serve in the  
2 civil service of the United States.

3 (3) An agreement entered into under this subsection  
4 by a person pursuing an academic degree shall include any  
5 terms and conditions that the Secretary of Defense deter-  
6 mines necessary to protect the interests of the United  
7 States or otherwise appropriate for carrying out this sec-  
8 tion.

9 (d) REFUND FOR PERIOD OF UNSERVED OBLIGATED  
10 SERVICE.—(1) A person who voluntarily terminates serv-  
11 ice before the end of the period of obligated service re-  
12 quired under an agreement entered into under subsection  
13 (c) shall refund to the United States an amount deter-  
14 mined by the Secretary of Defense as being appropriate  
15 to obtain adequate service in exchange for financial assist-  
16 ance.

17 (2) An obligation to reimburse the United States im-  
18 posed under paragraph (1) is for all purposes a debt owed  
19 to the United States.

20 (3) The Secretary of Defense may waive, in whole or  
21 in part, a refund required under paragraph (1) if the Sec-  
22 retary determines that recovery would be against equity  
23 and good conscience or would be contrary to the best inter-  
24 ests of the United States.



1 (4) A discharge in bankruptcy under title 11, United  
2 States Code, that is entered less than five years after the  
3 termination of an agreement under this section does not  
4 discharge the person signing such agreement from a debt  
5 arising under such agreement or under this subsection.

6 (e) RELATIONSHIP TO OTHER PROGRAMS.—The pilot  
7 program under this section is in addition to the authorities  
8 provided in chapter 111 of title 10, United States Code.  
9 The Secretary of Defense shall coordinate the provision  
10 of financial assistance under the authority of this section  
11 with the provision of financial assistance under the au-  
12 thorities provided in such chapter in order to maximize  
13 the benefits derived by the Department of Defense from  
14 the exercise of all such authorities.

15 (f) RECOMMENDATION ON PILOT PROGRAM.—Not  
16 later than February 1, 2007, the Secretary of Defense  
17 shall submit to the Committees on Armed Services of the  
18 Senate and the House of Representatives, the Committee  
19 on Governmental Affairs of the Senate, and the Com-  
20 mittee on Government Reform of the House of Represent-  
21 atives a plan for expanding and improving the national  
22 defense science and engineering workforce educational as-  
23 sistance pilot program carried out under this section as  
24 appropriate to improve recruitment and retention to meet  
25 the requirements of the Department of Defense for its



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1 science and engineering workforce on a short-term basis  
2 and on a long-term basis.

3 (g) CRITICAL HIRING NEED.—Section 3304(a)(3) of  
4 title 5, United States Code, is amended by striking sub-  
5 paragraph (B) and inserting the following:

6 “(B)(i) the Office of Personnel Manage-  
7 ment has determined that there exists a severe  
8 shortage of candidates or there is a critical hir-  
9 ing need; or

10 “(ii) the candidate is a participant in the  
11 Science, Mathematics, and Research for Trans-  
12 formation (SMART) Defense Scholarship Pilot  
13 Program under section 1105 of the Ronald W.  
14 Reagan National Defense Authorization Act for  
15 Fiscal Year 2005.”.

16 (h) INSTITUTION OF HIGHER EDUCATION DE-  
17 FINED.—In this section, the term “institution of higher  
18 education” has the meaning given such term in section  
19 101 of the Higher Education Act of 1965 (21 U.S.C.  
20 1001).

21 **SEC. 1106. REPORT ON HOW TO RECRUIT AND RETAIN INDI-**  
22 **VIDUALS WITH FOREIGN LANGUAGE SKILLS.**

23 Not later than March 31, 2005, the Secretary of De-  
24 fense shall submit to the Committees on Armed Services  
25 of the Senate and the House of Representatives and the



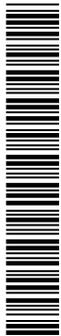
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1 Select Committee on Intelligence of the Senate and the  
2 Permanent Select Committee on Intelligence of the House  
3 of Representatives, a plan for expanding and improving  
4 the national security foreign language workforce of the  
5 Department of Defense as appropriate to improve recruit-  
6 ment and retention to meet the requirements of the De-  
7 partment for its foreign language workforce on a short-  
8 term basis and on a long-term basis.

9 **SEC. 1107. PLAN ON IMPLEMENTATION AND UTILIZATION**  
10 **OF FLEXIBLE PERSONNEL MANAGEMENT AU-**  
11 **THORITIES IN DEPARTMENT OF DEFENSE**  
12 **LABORATORIES.**

13 (a) **PLAN REQUIRED.**—The Under Secretary of De-  
14 fense for Acquisition, Technology, and Logistics and the  
15 Under Secretary of Defense for Personnel and Readiness  
16 shall jointly develop a plan for the effective utilization of  
17 the personnel management authorities referred to in sub-  
18 section (b) in order to increase the mission responsiveness,  
19 efficiency, and effectiveness of Department of Defense lab-  
20 oratories.

21 (b) **COVERED AUTHORITIES.**—The personnel man-  
22 agement authorities referred to in this subsection are the  
23 personnel management authorities granted to the Sec-  
24 retary of Defense by the provisions of law as follows:



1           (1) Section 342(b) of the National Defense Au-  
2           thorization Act for Fiscal Year 1995 (Public Law  
3           103–337; 108 Stat. 2721), as amended by section  
4           1114 of the Floyd D. Spence National Defense Au-  
5           thorization Act for Fiscal Year 2001 (as enacted  
6           into law by Public Law 106–398 (114 Stat. 1654A–  
7           315)).

8           (2) Section 1101 of the Strom Thurmond Na-  
9           tional Defense Authorization Act for Fiscal Year  
10          1999 (Public Law 105–261; 5 U.S.C. 3104 note).

11          (3) Section 9902(c) of title 5, United States  
12          Code.

13          (4) Such other provisions of law as the Under  
14          Secretaries jointly consider appropriate for purposes  
15          of this section.

16          (c) PLAN ELEMENTS.—The plan under subsection  
17          (a) shall—

18               (1) include such elements as the Under Secre-  
19               taries jointly consider appropriate to provide for the  
20               effective utilization of the personnel management au-  
21               thorities referred to in subsection (b) as described in  
22               subsection (a), including the recommendations of the  
23               Under Secretaries for such additional authorities, in-  
24               cluding authorities for demonstration programs or  
25               projects, as are necessary to achieve the effective



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1 utilization of such personnel management authori-  
2 ties; and

3 (2) include procedures, including a schedule for  
4 review and decisions, on proposals to modify current  
5 demonstration programs or projects, or to initiate  
6 new demonstration programs or projects, on flexible  
7 personnel management at Department laboratories

8 (d) SUBMITTAL TO CONGRESS.—The Under Secre-  
9 taries shall jointly submit to the Committee on Armed  
10 Services of the Senate and the Committee on Armed Serv-  
11 ices of the House of Representatives the plan under sub-  
12 section (a) not later than December 1, 2005.



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1 **TITLE XII—MATTERS RELATING**  
2 **TO OTHER NATIONS**

**Subtitle A—Matters Relating to Iraq, Afghanistan, and Global  
War on Terrorism**

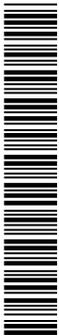
- Sec. 1201. Commanders' Emergency Response Program.
- Sec. 1202. Assistance to Iraq and Afghanistan military and security forces.
- Sec. 1203. Redesignation and modification of authorities relating to Inspector General of the Coalition Provisional Authority.
- Sec. 1204. Presidential report on strategy for stabilization of Iraq.
- Sec. 1205. Guidance on contractors supporting deployed forces in Iraq.
- Sec. 1206. Report on contractors supporting deployed forces and reconstruction efforts in Iraq.
- Sec. 1207. United Nations Oil-for-Food Program.
- Sec. 1208. Support of military operations to combat terrorism.

**Subtitle B—Counterproliferation Matters**

- Sec. 1211. Defense international counterproliferation programs.
- Sec. 1212. Policy and sense of Congress on nonproliferation of ballistic missiles.
- Sec. 1213. Sense of Congress on the global partnership against the spread of weapons of mass destruction.
- Sec. 1214. Report on collaborative measures to reduce the risks of a launch of Russian nuclear weapons.

**Subtitle C—Other Matters**

- Sec. 1221. Authority for humanitarian assistance for the detection and clearance of landmines extended to include other explosive remnants of war.
- Sec. 1222. Expansion of entities of the People's Republic of China subject to certain presidential authorities when operating in the United States.
- Sec. 1223. Assignment of NATO naval personnel to submarine safety programs.
- Sec. 1224. Availability of Warsaw Initiative Funds for new NATO members.
- Sec. 1225. Bilateral exchanges and trade in defense articles and defense services between the United States and the United Kingdom and Australia.
- Sec. 1226. Study on missile defense cooperation.



1 **Subtitle A—Matters Relating to**  
2 **Iraq, Afghanistan, and Global**  
3 **War on Terrorism**

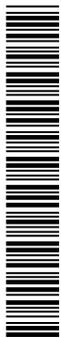
4 **SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PRO-**  
5 **GRAM.**

6 (a) FISCAL YEAR 2005 AUTHORITY.—During fiscal  
7 year 2005, from funds made available to the Department  
8 of Defense for operation and maintenance pursuant to  
9 title XV, not to exceed \$300,000,000 may be used to pro-  
10 vide funds—

11 (1) for the Commanders' Emergency Response  
12 Program, established by the Administrator of the  
13 Coalition Provisional Authority for the purpose of  
14 enabling United States military commanders in Iraq  
15 to respond to urgent humanitarian relief and recon-  
16 struction requirements within their areas of respon-  
17 sibility by carrying out programs that will imme-  
18 diately assist the Iraqi people; and

19 (2) for a similar program to assist the people  
20 of Afghanistan.

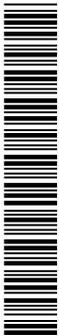
21 (b) QUARTERLY REPORTS.—Not later than 15 days  
22 after the end of each fiscal-year quarter (beginning with  
23 the first quarter of fiscal year 2005), the Secretary of De-  
24 fense shall submit to the congressional defense committees  
25 a report regarding the source of funds and the allocation



1 and use of funds during that quarter that were made  
2 available pursuant to the authority provided in this section  
3 or under any other provision of law for the purposes stated  
4 in subsection (a).

5 (c) WAIVER AUTHORITY.—For purposes of the exer-  
6 cise of the authority provided by this section or any other  
7 provision of law making funding available for the Com-  
8 manders' Emergency Response Program referred to in  
9 subsection (a) (including a program referred to in para-  
10 graph (2) of that subsection), the Secretary may waive any  
11 provision of law not contained in this section that would  
12 (but for the waiver) prohibit, restrict, limit, or otherwise  
13 constrain the exercise of that authority.

14 (d) REVIEW OF LAWS.—Not later than 120 days  
15 after the date of the enactment of this Act, the Secretary  
16 shall submit to the Committee on Armed Services of the  
17 Senate and the Committee on Armed Services of the  
18 House of Representatives a report identifying all provi-  
19 sions of law that (if not waived) would prohibit, restrict,  
20 limit, or otherwise constrain the exercise of the authority  
21 provided in this section or any other provision of law using  
22 funds available for the purposes stated in subsection (a).



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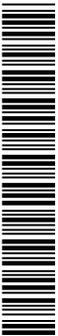
1 **SEC. 1202. ASSISTANCE TO IRAQ AND AFGHANISTAN MILI-**  
2 **TARY AND SECURITY FORCES.**

3 (a) **AUTHORITY.**—The Secretary of Defense may pro-  
4 vide assistance under this section to Iraq and Afghanistan  
5 military and security forces. Such assistance shall be pro-  
6 vided, subject to the provisions of this section, solely to  
7 enhance the ability of such forces to combat terrorism and  
8 support United States or coalition military operations in  
9 Iraq and Afghanistan, respectively.

10 (b) **TYPE OF ASSISTANCE.**—Assistance provided  
11 under subsection (a) may include equipment, supplies,  
12 services, and training.

13 (c) **LIMITATIONS.**—Assistance under this section or  
14 under any other provision of law for the purpose described  
15 in subsection (a) may be provided only from funds avail-  
16 able to the Department of Defense for fiscal year 2005  
17 for operation and maintenance under title XV. The total  
18 amount of such assistance may not exceed \$500,000,000.

19 (d) **CONGRESSIONAL NOTIFICATION.**—Before any  
20 provision of assistance under this section or any other pro-  
21 vision of law for the purpose described in subsection (a),  
22 the Secretary of Defense shall submit to the congressional  
23 defense committees a notification of the assistance pro-  
24 posed to be provided. Any such notification shall be sub-  
25 mitted not less than 15 days before the provision of such  
26 assistance.



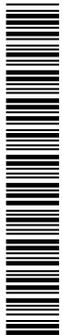
1 (e) MILITARY AND SECURITY FORCES DEFINED.—  
2 For purposes of this section, the term “military and secu-  
3 rity forces” means national armies, national guard forces,  
4 border security forces, civil defense forces, infrastructure  
5 protection forces, and police.

6 **SEC. 1203. REDESIGNATION AND MODIFICATION OF AU-**  
7 **THORITIES RELATING TO INSPECTOR GEN-**  
8 **ERAL OF THE COALITION PROVISIONAL AU-**  
9 **THORITY.**

10 (a) REDESIGNATION.—(1) Subsections (b) and (c)(1)  
11 of section 3001 of the Emergency Supplemental Appro-  
12 priations Act for Defense and for the Reconstruction of  
13 Iraq and Afghanistan, 2004 (Public Law 108–106; 117  
14 Stat. 1234; 5 U.S.C. App. 3 section 8G note) are each  
15 amended by striking “Office of the Inspector General of  
16 the Coalition Provisional Authority” and inserting “Office  
17 of the Special Inspector General for Iraq Reconstruction”.

18 (2) Subsection (c)(1) of such section is further  
19 amended by striking “Inspector General of the Coalition  
20 Provisional Authority” and inserting “Special Inspector  
21 General for Iraq Reconstruction (in this section referred  
22 to as the ‘Inspector General’)”.

23 (3)(A) The heading of such section is amended to  
24 read as follows:



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1 **“SEC. 3001. SPECIAL INSPECTOR GENERAL FOR IRAQ RE-**  
2 **CONSTRUCTION.”.**

3 (B) The heading of title III of such Act is amended  
4 to read as follows:

5 **“TITLE III—SPECIAL INSPECTOR**  
6 **GENERAL FOR IRAQ RECON-**  
7 **STRUCTION”.**

8 (b) CONTINUATION IN OFFICE.—The individual serv-  
9 ing as the Inspector General of the Coalition Provisional  
10 Authority as of the date of the enactment of this Act may  
11 continue to serve in that position after that date without  
12 reappointment under paragraph (1) of section 3001(c) of  
13 the Emergency Supplemental Appropriations Act for De-  
14 fense and for the Reconstruction of Iraq and Afghanistan,  
15 2004, but remaining subject to removal as specified in  
16 paragraph (4) of that section.

17 (c) PURPOSES.—Subsection (a) of such section is  
18 amended—

19 (1) in paragraph (1), by striking “of the Coali-  
20 tion Provisional Authority (CPA)” and inserting  
21 “funded with amounts appropriated or otherwise  
22 made available to the Iraq Relief and Reconstruction  
23 Fund”;

24 (2) in paragraph (2)(B), by striking “fraud”  
25 and inserting “waste, fraud,”; and



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1 (3) in paragraph (3), by striking “the head of  
2 the Coalition Provisional Authority” and inserting  
3 “the Secretary of State and the Secretary of De-  
4 fense”.

5 (d) RESPONSIBILITIES OF ASSISTANT INSPECTOR  
6 GENERAL FOR AUDITING.—Subsection (d)(1) of such sec-  
7 tion is amended by striking “of the Coalition Provisional  
8 Authority” and inserting “supported by the Iraq Relief  
9 and Reconstruction Fund”.

10 (e) SUPERVISION.—Such section is further  
11 amended—

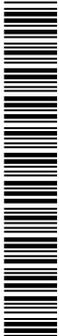
12 (1) in subsection (e)—

13 (A) in paragraph (1), by striking “the  
14 head of the Coalition Provisional Authority”  
15 and inserting “the Secretary of State and the  
16 Secretary of Defense”; and

17 (B) in paragraph (2)—

18 (i) by striking “Neither the head of  
19 the Coalition Provisional Authority,” and  
20 all that follows through “nor any other of-  
21 ficer” and inserting “No officer”; and

22 (ii) by striking “investigation,” and  
23 all that follows through “course of any”  
24 and inserting “investigation related to the  
25 Iraq Relief and Reconstruction Fund or



12–8

1 from issuing any subpoena during the  
2 course of any such”;

3 (2) in subsection (h)—

4 (A) in paragraphs (4)(B) and (5), by strik-  
5 ing “head of the Coalition Provisional Author-  
6 ity” and inserting “Secretary of State or Sec-  
7 retary of Defense, as appropriate,”; and

8 (B) in paragraph (5), by striking “at the  
9 central and field locations of the Coalition Pro-  
10 visional Authority” and inserting “within the  
11 Department of Defense or at appropriate loca-  
12 tions of the Department of State in Iraq”;

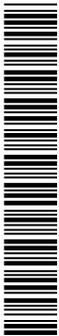
13 (3) in subsection (j)—

14 (A) in paragraph (1), by striking “the  
15 head of the Coalition Provisional Authority”  
16 and inserting “the Secretary of State and the  
17 Secretary of Defense”; and

18 (B) in paragraph (2)—

19 (i) in subparagraph (A)—

20 (I) by striking “the head of the  
21 Coalition Provisional Authority” the  
22 first place it appears and inserting  
23 “the Secretary of State or the Sec-  
24 retary of Defense”; and



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1 (II) by striking “the head of the  
2 Coalition Provisional Authority” the  
3 second place it appears and inserting  
4 “the Secretary of State or the Sec-  
5 retary of Defense, as the case may  
6 be,”; and

7 (ii) in subparagraph (B), by striking  
8 “the head of the Coalition Provisional Au-  
9 thority” and inserting “the Secretary of  
10 State or the Secretary of Defense, as the  
11 case may be,”; and

12 (4) in subsection (k), by striking “the head of  
13 the Coalition Provisional Authority shall” both  
14 places it appears and inserting “the Secretary of  
15 State and the Secretary of Defense shall jointly”.

16 (f) DUTIES.—Subsection (f)(1) of such section is  
17 amended—

18 (1) in the matter preceding subparagraph (A),  
19 by striking “appropriated funds by the Coalition  
20 Provisional Authority in Iraq” and inserting  
21 “amounts appropriated or otherwise made available  
22 to the Iraq Relief and Reconstruction Fund”; and

23 (2) in subparagraph (D), by striking “the Coa-  
24 lition Provisional Authority,” and all that follows  
25 through “Government, and” and inserting “depart-



12-10

1 ments, agencies, and entities of the United States  
2 and”.

3 (g) INTERAGENCY COORDINATION.—Subsection (f)  
4 of such section is further amended by striking paragraphs  
5 (4) and (5) and inserting the following new paragraph (4):

6 “(4) In carrying out the duties, responsibilities, and  
7 authorities of the Inspector General under this section, the  
8 Inspector General shall coordinate with, and receive the  
9 cooperation of, each of the following:

10 “(A) The Inspector General of the Department  
11 of State.

12 “(B) The Inspector General of the Department  
13 of Defense.

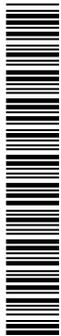
14 “(C) The Inspector General of the United  
15 States Agency for International Development.”.

16 (h) POWERS AND AUTHORITIES.—Subsection (g)(1)  
17 of such section is amended by inserting before the period  
18 the following: “, including the authorities under subsection  
19 (e) of such section”.

20 (i) REPORTS.—Subsection (i) of such section is  
21 amended—

22 (1) in paragraph (1)—

23 (A) by striking the first sentence and in-  
24 serting the following: “Not later than 30 days  
25 after the end of each fiscal-year quarter, the In-



12-11

1           spectator General shall submit to the appropriate  
2           committees of Congress a report summarizing,  
3           for the period of that quarter and, to the extent  
4           possible, the period from the end of such quar-  
5           ter to the time of the submission of the report,  
6           the activities during such period of the Inspec-  
7           tor General and the activities under programs  
8           and operations funded with amounts appro-  
9           priated or otherwise made available to the Iraq  
10          Relief and Reconstruction Fund.”;

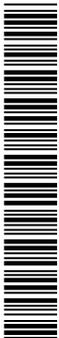
11           (B) in subparagraph (B), by striking “the  
12          Coalition Provisional Authority” and inserting  
13          “the Department of Defense, the Department  
14          of State, and the United States Agency for  
15          International Development, as applicable,”;

16           (C) in subparagraph (E)—

17           (i) by striking “the Coalition Provi-  
18          sional Authority and of any other” ; and

19           (ii) by striking “appropriated funds”  
20          and inserting “amounts appropriated or  
21          otherwise made available to the Iraq Relief  
22          and Reconstruction Fund”; and

23           (D) in subparagraph (F)(iii), by striking  
24          “the Coalition Provisional Authority” and in-



12-12

1           serting “the contracting department or agen-  
2           cy”;

3           (2) in paragraph (2), by striking “by the Coali-  
4           tion Provisional Authority” and inserting “by any  
5           department or agency of the United States Govern-  
6           ment that involves the use of amounts appropriated  
7           or otherwise made available to the Iraq Relief and  
8           Reconstruction Fund”;

9           (3) in paragraph (3)—

10           (A) by striking “Not later than June 30,  
11           2004, and semiannually thereafter, the” and in-  
12           serting “The”;

13           (B) by striking “a report” and inserting  
14           “semiannual reports”; and

15           (C) and by adding at the end the following  
16           new sentence: “The first such report for a year,  
17           covering the first six months of the year, shall  
18           be submitted not later than July 31 of that  
19           year, and the second such report, covering the  
20           second six months of the year, shall be sub-  
21           mitted not later than January 31 of the fol-  
22           lowing year.”; and

23           (4) in paragraph (4), by striking “of the Coali-  
24           tion Provisional Authority” and inserting “of the



12-13

1 Department of State and of the Department of De-  
2 fense”.

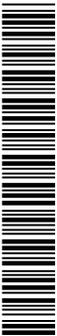
3 (j) TERMINATION.—Subsection (o) of such section is  
4 amended to read as follows:

5 “(o) TERMINATION.—The Office of the Inspector  
6 General shall terminate on the date that is 10 months  
7 after the date, as determined by the Secretary of State  
8 and the Secretary of Defense, on which 80 percent of the  
9 amounts appropriated or otherwise made available to the  
10 Iraq Relief and Reconstruction Fund by chapter 2 of title  
11 II of this Act have been obligated.”.

12 **SEC. 1204. PRESIDENTIAL REPORT ON STRATEGY FOR STA-**  
13 **BILIZATION OF IRAQ.**

14 (a) STABILIZATION STRATEGY.—Not later than 120  
15 days after the date of the enactment of this Act, the Presi-  
16 dent shall submit to Congress an unclassified report (with  
17 classified annex, if necessary) on the strategy of the  
18 United States and coalition forces for stabilizing Iraq. The  
19 report shall contain a detailed explanation of the strategy,  
20 together with the following:

21 (1) A description of the efforts of the President  
22 to work with the United Nations to provide support  
23 for, and assistance to, the transitional government in  
24 Iraq and, in particular, the efforts of the President



12-14

1 to negotiate and secure adoption by the United Na-  
2 tions Security Council of Resolution 1546.

3 (2) A description of the efforts of the President  
4 to continue to work with North Atlantic Treaty Or-  
5 ganization (NATO) member states and non-NATO  
6 member states to provide support for and augment  
7 coalition forces, including—

8 (A) the current military forces of coalition  
9 countries deployed to Iraq;

10 (B) the current police forces of coalition  
11 countries deployed to Iraq;

12 (C) the current financial resources of coali-  
13 tion countries pledged and provided for the sta-  
14 bilization and reconstruction of Iraq; and

15 (D) a list of countries that have pledged to  
16 deploy military or police forces, including the  
17 schedule and level of such deployments.

18 (3) The strategic plan referred to in subsection  
19 (b) relating to Iraqi security forces.

20 (4) A description of the efforts of the United  
21 States and coalition forces to assist in the recon-  
22 struction of essential infrastructure of Iraq, includ-  
23 ing the oil industry, electricity generation, roads,  
24 schools, and hospitals.



12-15

1 (5) A description of the efforts of the United  
2 States, coalition partners, and relevant international  
3 agencies to assist in the development of political in-  
4 stitutions and prepare for democratic elections in  
5 Iraq.

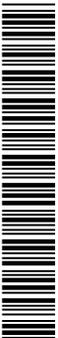
6 (6) A description of the obstacles, including fi-  
7 nancial, technical, logistic, personnel, political, and  
8 other obstacles, faced by NATO in generating and  
9 deploying military forces out of theater to locations  
10 such as Iraq.

11 (b) IRAQI SECURITY FORCES.—The President shall  
12 include in the report under subsection (a) a strategic plan  
13 setting forth the manner in which the coalition will achieve  
14 the goal of establishing viable and professional Iraqi secu-  
15 rity forces able to provide for the long-term security of  
16 the Iraqi people. That strategic plan shall include at least  
17 the following:

18 (1) Recruiting and retention goals, shown for  
19 each service of the Iraqi security forces.

20 (2) Training plans for each service of the Iraqi  
21 security forces.

22 (3) A description of metrics by which progress  
23 toward the goal of Iraqi provision for its own secu-  
24 rity can be measured.



12-16

1 (4) A description of equipment needs, shown for  
2 each service of the Iraqi security forces.

3 (5) A resourcing plan for achieving the goals of  
4 the strategic plan.

5 (6) Personnel plans in terms of United States  
6 military and contractor personnel to be used in  
7 training each such service.

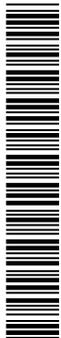
8 (7) A description of challenges faced and oppor-  
9 tunities presented in particular regions of Iraq and  
10 a plan for addressing those challenges.

11 (8) A discussion of training and deployment  
12 successes and failures to the date of the report and  
13 how lessons from those successes and failures will be  
14 incorporated into the strategic plan.

15 (c) QUARTERLY REPORTS.—Not later than 30 days  
16 after the end of each quarter of calendar year 2005, the  
17 Secretary of Defense shall submit to the Congress a report  
18 on the actions taken under the strategic plan set forth  
19 pursuant to subsection (b) since the date of the enactment  
20 of this Act. Each such report shall be prepared in conjunc-  
21 tion with the Secretary of State.

22 **SEC. 1205. GUIDANCE ON CONTRACTORS SUPPORTING DE-**  
23 **PLOYED FORCES IN IRAQ.**

24 (a) GUIDANCE.—Not later than 180 days after the  
25 date of the enactment of this Act, the Secretary of Defense



12-17

1 shall issue guidance on how the Department of Defense  
2 shall manage contractor personnel who support deployed  
3 forces and shall direct the Secretaries of the military de-  
4 partments to develop procedures to ensure implementation  
5 of that guidance. The guidance shall—

6 (1) establish policies for the use of contractors  
7 to support deployed forces;

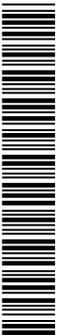
8 (2) delineate the roles and responsibilities of  
9 commanders regarding the management and over-  
10 sight of contractor personnel who support deployed  
11 forces; and

12 (3) integrate into a single document other guid-  
13 ance and doctrine that may affect Department of  
14 Defense responsibilities to contractors in locations  
15 where members of the Armed Forces are deployed.

16 (b) ISSUES TO BE ADDRESSED.—The guidance  
17 issued under subsection (a) shall address at least the fol-  
18 lowing matters:

19 (1) Warning contractor security personnel of  
20 potentially hazardous situations.

21 (2) Coordinating the movement of contractor  
22 security personnel, especially through areas of in-  
23 creased risk or planned or ongoing military oper-  
24 ations.



12-18

1 (3) Rapidly identifying contractor security per-  
2 sonnel by members of the Armed Forces.

3 (4) Sharing relevant threat information with  
4 contractor security personnel and receiving informa-  
5 tion gathered by contractor security personnel for  
6 use by United States and coalition forces.

7 (5) Providing appropriate assistance to con-  
8 tractor personnel who become engaged in hostile sit-  
9 uations.

10 (6) Providing medical assistance for, and evacu-  
11 ation of, contractor personnel who become casualties  
12 as a result of enemy actions.

13 (7) Investigating background and qualifications  
14 of contractor security personnel and organizations.

15 (8) Establishing rules of engagement for armed  
16 contractor security personnel, and ensuring proper  
17 training and compliance with the rules of engage-  
18 ment.

19 (9) Establishing categories of security, intel-  
20 ligence, law enforcement, and criminal justice func-  
21 tions that are—

22 (A) inherently governmental functions  
23 under Subpart 7.5 of the Federal Acquisition  
24 Regulation; or



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1 (B) although not inherently governmental  
2 functions, should not ordinarily be performed  
3 by contractors in areas of operations.

4 (10) Establishing procedures for making and  
5 documenting determinations about which security,  
6 intelligence, law enforcement, and criminal justice  
7 functions will be performed by military personnel  
8 and which will be performed by private companies.

9 (c) REPORT.—Not later than 30 days after issuing  
10 the guidance required under subsection (a), the Secretary  
11 of Defense shall submit to the Committees on Armed Serv-  
12 ices of the Senate and House of Representatives a report  
13 on the guidance issued under subsection (a).

14 **SEC. 1206. REPORT ON CONTRACTORS SUPPORTING DE-**  
15 **PLOYED FORCES AND RECONSTRUCTION EF-**  
16 **FORTS IN IRAQ.**

17 (a) REPORT REQUIRED.—Not later than 180 days  
18 after the date of the enactment of this Act, the Secretary  
19 of Defense shall submit to the Committee on Armed Serv-  
20 ices of the Senate and the Committee on Armed Services  
21 of the House of Representatives a report on contractors  
22 supporting deployed forces and reconstruction efforts in  
23 Iraq.

24 (b) MATTERS TO BE INCLUDED.—The report re-  
25 quired by subsection (a) shall include, at a minimum, the



12-20

1 following matters with respect to contractors, and employ-  
2 ees of contractors, described in subsection (a):

3 (1) A description of the overall chain of com-  
4 mand and oversight mechanisms that are in place to  
5 ensure adequate command and supervision of such  
6 contractor employees in critical security roles.

7 (2) A description of sanctions that are available  
8 to be imposed on such a contractor employee who—

9 (A) fails to comply with a requirement of  
10 law or regulation that applies to such employee;

11 or

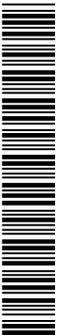
12 (B) engages in other misconduct.

13 (3) A description of disciplinary and criminal  
14 actions brought against contractor employees during  
15 the period beginning on May 1, 2003, and ending on  
16 the date of the enactment of this Act.

17 (4) An explanation of the legal status of con-  
18 tractor employees engaged in the performance of se-  
19 curity functions in Iraq after the transfer of sov-  
20 ereign power to Iraq on June 28, 2004.

21 (5) A specification of casualty and fatality fig-  
22 ures for contractor employees supporting deployed  
23 forces and reconstruction efforts in Iraq, shown, to  
24 the extent practicable, in the following categories:

25 (A) Total casualties and total fatalities.



12-21

1 (B) Casualties and fatalities among—  
2 (i) nationals of the United States;  
3 (ii) nationals of Iraq; and  
4 (iii) nationals of states other than the  
5 United States and Iraq.

6 (6) A description, to the maximum extent prac-  
7 ticable, of incidents in which contractor employees  
8 supporting deployed forces and reconstruction ef-  
9 forts in Iraq have been engaged in hostile fire or  
10 other incidents of note during the period beginning  
11 on May 1, 2003, and ending on the date of the en-  
12 actment of this Act.

13 (c) PLANS.—The Secretary shall include with the re-  
14 port under subsection (a) the following plans:

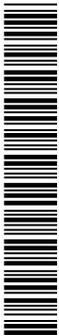
15 (1) A plan for establishing and implementing a  
16 process for collecting data on individual contractors,  
17 the value of the contracts, the number of casualties  
18 incurred, and the number of personnel in Iraq per-  
19 forming the following services for the Department of  
20 Defense and other Federal agencies:

21 (A) Personal security details.

22 (B) Nonmilitary site security.

23 (C) Nonmilitary convoy security.

24 (D) Interrogation services at interrogation  
25 centers operated by the Department of Defense.



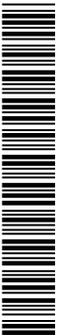
12-22

1           (2) A plan for ensuring that military com-  
2           manders in the theater of operations have accurate  
3           information on the number, types, and sources of  
4           weapons and other critical equipment (such as body  
5           armor, armored vehicles, secure communications and  
6           friend-foe identification) that contractor personnel  
7           performing services specified in paragraph (1) are  
8           authorized to possess.

9           (d) COORDINATION.—In the preparation of the report  
10          under this section (including the plans under subsection  
11          (c)), the Secretary of Defense shall coordinate, as appro-  
12          priate, with the head of any Federal agency that is in-  
13          volved in the procurement of services from contractors  
14          supporting deployed forces and reconstruction efforts in  
15          Iraq. The head of any such agency shall provide to the  
16          Secretary of Defense such information as the Secretary  
17          may require about such contractors to complete the report.

18          **SEC. 1207. UNITED NATIONS OIL-FOR-FOOD PROGRAM.**

19          (a) ACCESS TO DOCUMENTS.—It is the sense of Con-  
20          gress that the Secretary of State should seek to conclude  
21          a memorandum of understanding with the Interim Gov-  
22          ernment of Iraq to ensure that the United States will have  
23          access to all documents in the possession of that Govern-  
24          ment related to the United Nations Oil-for-Food Program.



12-23

1 (b) INFORMATION FROM THE UNITED NATIONS.—

2 (1) The Secretary of State shall use the voice and vote  
3 of the United States in the United Nations to urge the  
4 Secretary General of the United Nations to provide to the  
5 United States copies of all audits and core documents re-  
6 lated to the United Nations Oil-for-Food Program, includ-  
7 ing all audits, examinations, studies, reviews, or similar  
8 documents prepared by the United Nations Office of In-  
9 ternal Oversight Services and all responses to such docu-  
10 ments.

11 (2) It is the sense of Congress that, pursuant to sec-  
12 tion 941(b)(6) of the United Nations Reform Act of 1999  
13 (title IX of division A of H.R. 3427 of the 106th Congress,  
14 as enacted into law by section 1000(a)(7) of Public Law  
15 106-113; 113 Stat. 1501A-483), the Comptroller General  
16 should have full and complete access to financial informa-  
17 tion relating to the United Nations, including information  
18 related to the financial transactions, organization, and ac-  
19 tivities of the United Nations Oil-for-Food Program.

20 (3) The Secretary of State shall facilitate access by  
21 the Comptroller General to the financial information de-  
22 scribed in paragraph (2).

23 (c) COOPERATION IN INVESTIGATIONS.—The head of  
24 any Executive agency (including the Secretary of State,  
25 the Secretary of Defense, the Secretary of the Treasury,



12-24

1 and the Director of the Central Intelligence Agency) shall,  
2 upon a request in connection with an investigation of the  
3 United Nations Oil-for-Food Program made by a com-  
4 mittee of jurisdiction of the Senate or House of Represent-  
5 atives, promptly provide to the chairman of that  
6 committee—

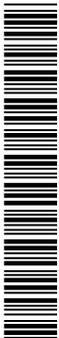
7 (1) access to any information or document de-  
8 scribed in subsection (a) or (b) that is under the  
9 control of such agency and responsive to the request;  
10 and

11 (2) cooperation in gaining access to information  
12 and documents described in subsections (a) and (b)  
13 that are not under the control of such agency, as ap-  
14 propriate.

15 (d) REVIEW OF OIL-FOR-FOOD PROGRAM BY COMP-  
16 TROLLER GENERAL.—(1) The Comptroller General shall  
17 conduct a review of the United Nations Oil-for-Food Pro-  
18 gram, including the role of the United States in that pro-  
19 gram. The review—

20 (A) in accordance with generally accepted gov-  
21 ernment auditing standards, should not interfere  
22 with any ongoing criminal investigation or inquiry  
23 related to that program; and

24 (B) may take into account the results of any in-  
25 vestigation or inquiry related to that program.



12-25

1 (2) The head of each Executive agency shall fully co-  
2 operate with the review of the Comptroller General under  
3 paragraph (1).

4 (e) EXECUTIVE AGENCY DEFINED.—In this section,  
5 the term “Executive agency” has the meaning given that  
6 term in section 105 of title 5, United States Code.

7 **SEC. 1208 SUPPORT OF MILITARY OPERATIONS TO COMBAT**  
8 **TERRORISM.**

9 (a) AUTHORITY.—The Secretary of Defense may ex-  
10 pend up to \$25,000,000 during any fiscal year during  
11 which this subsection is in effect to provide support to for-  
12 eign forces, irregular forces, groups, or individuals en-  
13 gaged in supporting or facilitating ongoing military oper-  
14 ations by United States special operations forces to com-  
15 bat terrorism.

16 (b) PROCEDURES.—The Secretary of Defense shall  
17 establish procedures for the exercise of the authority  
18 under subsection (a). The Secretary shall notify the con-  
19 gressional defense committees of those procedures before  
20 any exercise of that authority.

21 (c) NOTIFICATION.—Upon using the authority pro-  
22 vided in subsection (a) to make funds available for support  
23 of an approved military operation, the Secretary of De-  
24 fense shall notify the congressional defense committees ex-  
25 peditiously, and in any event in not less than 48 hours,



12-26

1 of the use of such authority with respect to that operation.  
2 Such a notification need be provided only once with re-  
3 spect to any such operation. Any such notification shall  
4 be in writing.

5 (d) LIMITATION ON DELEGATION.—The authority of  
6 the Secretary of Defense to make funds available under  
7 subsection (a) for support of a military operation may not  
8 be delegated.

9 (e) INTELLIGENCE ACTIVITIES.—This section does  
10 not constitute authority to conduct a covert action, as such  
11 term is defined in section 503(e) of the National Security  
12 Act of 1947 (50 U.S.C. 413b(e)).

13 (f) ANNUAL REPORT.—Not later than 30 days after  
14 the close of each fiscal year during which subsection (a)  
15 is in effect, the Secretary of Defense shall submit to the  
16 congressional defense committees a report on support pro-  
17 vided under that subsection during that fiscal year. Each  
18 such report shall describe the support provided, including  
19 a statement of the recipient of the support and the amount  
20 obligated to provide the support.

21 (g) FISCAL YEAR 2005 LIMITATION.—Support may  
22 be provided under subsection (a) during fiscal year 2005  
23 only from funds made available for operations and mainte-  
24 nance pursuant to title XV of this Act.



12-27

1 (h) PERIOD OF AUTHORITY.—The authority under  
2 subsection (a) is in effect during each of fiscal years 2005  
3 through 2007.

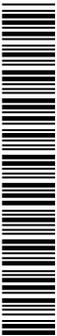
4 **Subtitle B—Counterproliferation**  
5 **Matters**

6 **SEC. 1211. DEFENSE INTERNATIONAL**  
7 **COUNTERPROLIFERATION PROGRAMS.**

8 (a) INTERNATIONAL SECURITY PROGRAM TO PRE-  
9 VENT UNAUTHORIZED TRANSFER AND TRANSPORTATION  
10 OF WMDs.—Subsection (b) of section 1424 of the De-  
11 fense Against Weapons of Mass Destruction Act of 1996  
12 (50 U.S.C. 2333) is amended to read as follows:

13 “(b) OTHER COUNTRIES.—The Secretary of Defense  
14 may carry out programs under subsection (a) in a country  
15 other than a country specified in that subsection if the  
16 Secretary determines that there exists in that country a  
17 significant threat of the unauthorized transfer and trans-  
18 portation of nuclear, biological, or chemical weapons or re-  
19 lated materials.”.

20 (b) INTERNATIONAL TRAINING PROGRAM TO DETER  
21 WMD PROLIFERATION.—Section 1504(e)(3)(A) of the  
22 National Defense Authorization Act for Fiscal Year 1995  
23 (Public Law 103-337; 108 Stat. 2918) is amended—



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1 (1) by striking “The training program referred  
2 to in paragraph (1)(B) is a” and inserting “The Sec-  
3 retary of Defense may participate in a”;

4 (2) by inserting “of” after “acquisition”;

5 (3) by striking “and” after “countries,”; and

6 (4) by inserting before the period at the end the  
7 following: “, and in other countries in which, as de-  
8 termined by the Secretary of Defense, there exists a  
9 significant threat of such proliferation and acquisi-  
10 tion”.

11 **SEC. 1212. POLICY AND SENSE OF CONGRESS ON NON-**  
12 **PROLIFERATION OF BALLISTIC MISSILES.**

13 (a) FINDINGS.—Congress makes the following find-  
14 ings:

15 (1) Certain countries are seeking to acquire bal-  
16 listic missiles and related technologies that could be  
17 used to attack the United States or place at risk  
18 United States interests, deployed members of the  
19 Armed Forces, and allies of the United States and  
20 other friendly foreign countries.

21 (2) Certain countries continue to actively trans-  
22 fer or sell ballistic missile technologies in contraven-  
23 tion of standards of behavior established by the  
24 United States and allies of the United States and  
25 other friendly foreign countries.



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1           (3) The spread of ballistic missiles and related  
2 technologies worldwide has been slowed by a com-  
3 bination of national and international export con-  
4 trols, forward-looking diplomacy, and multilateral  
5 interdiction activities to restrict the development and  
6 transfer of such missiles and technologies.

7           (b) POLICY.—It is the policy of the United States to  
8 develop, support, and strengthen international accords and  
9 other cooperative efforts to curtail the proliferation of bal-  
10 listic missiles and related technologies which could threat-  
11 en the territory of the United States, allies of the United  
12 States and other friendly foreign countries, and deployed  
13 members of the Armed Forces of the United States with  
14 weapons of mass destruction.

15           (c) SENSE OF CONGRESS.—It is the sense of Con-  
16 gress that—

17           (1) the United States should vigorously pursue  
18 foreign policy initiatives aimed at eliminating, reduc-  
19 ing, or retarding the proliferation of ballistic missiles  
20 and related technologies; and

21           (2) the United States and the international  
22 community should continue to support and strength-  
23 en established international accords and other coop-  
24 erative efforts, including United Nations Security  
25 Council Resolution 1540 (April 28, 2004) and the



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1 Missile Technology Control Regime, that are de-  
2 signed to eliminate, reduce, or retard the prolifera-  
3 tion of ballistic missiles and related technologies.

4 **SEC. 1213. SENSE OF CONGRESS ON THE GLOBAL PARTNER-**  
5 **SHIP AGAINST THE SPREAD OF WEAPONS OF**  
6 **MASS DESTRUCTION.**

7 (a) COMMENDATION OF PRESIDENT.—Congress com-  
8 mends the President for the steps taken at the G–8 sum-  
9 mit at Sea Island, Georgia, on June 8–10, 2004—

10 (1) to demonstrate continued support for the  
11 Global Partnership against the Spread of Nuclear  
12 Weapons and Materials of Mass Destruction; and

13 (2) to expand the Partnership (A) by welcoming  
14 new members, and (B) by using the Partnership to  
15 coordinate nonproliferation projects in Libya, Iraq,  
16 and other countries.

17 (b) FUTURE ACTIONS.—It is the sense of Congress  
18 that the President should seek to—

19 (1) expand the membership of donor nations to  
20 the Global Partnership against the Spread of Nu-  
21 clear Weapons and Materials of Mass Destruction;

22 (2) ensure that the Russian Federation remains  
23 the primary focus of the Partnership, but also seek  
24 to fund, through the Partnership, efforts in other  
25 countries that need assistance to secure or dismantle



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1 their own potentially vulnerable weapons or mate-  
2 rials;

3 (3) develop for the Partnership clear program  
4 goals;

5 (4) develop for the Partnership transparent  
6 project prioritization and planning;

7 (5) develop for the Partnership project imple-  
8 mentation milestones under periodic review;

9 (6) develop under the Partnership agreements  
10 between partners for project implementation; and

11 (7) give high priority and senior-level attention  
12 to resolving disagreements on site access and worker  
13 liability under the Partnership.

14 **SEC. 1214. REPORT ON COLLABORATIVE MEASURES TO RE-**  
15 **DUCE THE RISKS OF A LAUNCH OF RUSSIAN**  
16 **NUCLEAR WEAPONS.**

17 Not later than November 1, 2005, the Secretary of  
18 Defense shall submit to Congress a report on collaborative  
19 measures between the United States and the Russian Fed-  
20 eration to reduce the risks of a launch of a nuclear-armed  
21 ballistic missile as a result of accident, misinformation,  
22 miscalculation, or unauthorized use. The report shall  
23 provide—

24 (1) a description and assessment of the collabo-  
25 rative measures that are currently in effect;



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1 (2) a description and assessment of other col-  
2 laborative measures that could be pursued in the fu-  
3 ture;

4 (3) an assessment of the potential contributions  
5 of such collaborative measures to the national secu-  
6 rity of the United States;

7 (4) an assessment of the effect of such collabo-  
8 rative measures on relations between the United  
9 States and the Russian Federation;

10 (5) a description of the obstacles and opportu-  
11 nities associated with pursuing such collaborative  
12 measures; and

13 (6) an assessment of the future of the Joint  
14 Data Exchange Center.

## 15 **Subtitle C—Other Matters**

### 16 **SEC. 1221. AUTHORITY FOR HUMANITARIAN ASSISTANCE** 17 **FOR THE DETECTION AND CLEARANCE OF** 18 **LANDMINES EXTENDED TO INCLUDE OTHER** 19 **EXPLOSIVE REMNANTS OF WAR.**

20 (a) EXTENSION OF AUTHORITY.—Subsection (e)(5)  
21 of section 401 of title 10, United States Code, is amended  
22 by inserting “and other explosive remnants of war” after  
23 “landmines” both places it appears.

24 (b) CONFORMING AMENDMENTS.—Such section is  
25 further amended—



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1 (1) in subsection (a)(4)(A), by inserting “or  
2 other explosive remnants of war” after “landmines”;  
3 and

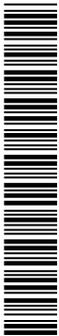
4 (2) in subsection (c)(2)(B), by striking “land-  
5 mine clearing equipment or supplies” and inserting  
6 “equipment or supplies for clearing landmines or  
7 other explosive remnants of war”.

8 **SEC. 1222. EXPANSION OF ENTITIES OF THE PEOPLE’S RE-**  
9 **PUBLIC OF CHINA SUBJECT TO CERTAIN**  
10 **PRESIDENTIAL AUTHORITIES WHEN OPER-**  
11 **ATING IN THE UNITED STATES.**

12 Section 1237(b)(4)(B)(i) of the Strom Thurmond  
13 National Defense Authorization Act for Fiscal Year 1999  
14 (50 U.S.C. 1701 note) is amended—

15 (1) by inserting “, or affiliated with,” after “or  
16 controlled by”; and

17 (2) by inserting after “the People’s Liberation  
18 Army” the following: “or a ministry of the govern-  
19 ment of the People’s Republic of China or that is  
20 owned or controlled by an entity affiliated with the  
21 defense industrial base of the People’s Republic of  
22 China”.



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1 **SEC. 1223. ASSIGNMENT OF NATO NAVAL PERSONNEL TO**  
2 **SUBMARINE SAFETY PROGRAMS.**

3 (a) IN GENERAL.—Chapter 631 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

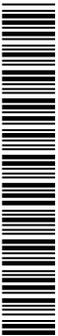
6 **“§ 7234. Submarine safety programs: participation of**  
7 **NATO naval personnel**

8 “(a) ACCEPTANCE OF ASSIGNMENT OF FOREIGN  
9 NAVAL PERSONNEL.—In order to facilitate the develop-  
10 ment, standardization, and interoperability of submarine  
11 vessel safety and rescue systems and procedures, the Sec-  
12 retary of the Navy may conduct a program under which  
13 members of the naval service of any of the member nations  
14 of the North Atlantic Treaty Organization may be as-  
15 signed to United States commands to work on such sys-  
16 tems and procedures.

17 “(b) RECIPROCITY NOT REQUIRED.—The authority  
18 under subsection (a) is not an exchange program. Recip-  
19 rocal assignments of members of the Navy to the naval  
20 service of a foreign country is not a condition for the exer-  
21 cise of such authority.

22 “(c) COSTS FOR FOREIGN PERSONNEL.—(1) The  
23 United States may not pay the following costs for a mem-  
24 ber of a foreign naval service sent to the United States  
25 under the program authorized by this section:

26 “(A) Salary.



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1 “(B) Per diem.

2 “(C) Cost of living.

3 “(D) Travel costs.

4 “(E) Cost of language or other training.

5 “(F) Other costs.

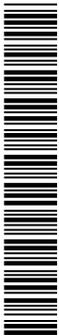
6 “(2) Paragraph (1) does not apply to the following  
7 costs, which may be paid by the United States:

8 “(A) The cost of temporary duty directed by  
9 the Secretary of the Navy or an officer of the Navy  
10 authorized to do so.

11 “(B) The cost of training programs conducted  
12 to familiarize, orient, or certify members of foreign  
13 naval services regarding unique aspects of their as-  
14 signments.

15 “(C) Costs incident to the use of the facilities  
16 of the Navy in the performance of assigned duties.

17 “(d) RELATIONSHIP TO OTHER AUTHORITY.—The  
18 provisions of this section shall apply in the exercise of any  
19 authority of the Secretary of the Navy to enter into an  
20 agreement with the government of a foreign country, sub-  
21 ject to the concurrence of the Secretary of State, to pro-  
22 vide for the assignment of members of the naval service  
23 of the foreign country to a Navy submarine safety pro-  
24 gram. The Secretary of the Navy may prescribe regula-



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1 tions for the application of this section in the exercise of  
2 such authority.

3 “(e) **TERMINATION OF AUTHORITY.**—The Secretary  
4 of the Navy may not accept the assignment of a member  
5 of the naval service of a foreign country under this section  
6 after September 30, 2008.”.

7 (b) **CLERICAL AMENDMENT.**—The table of sections  
8 at the beginning of such chapter is amended by adding  
9 at the end the following new item:

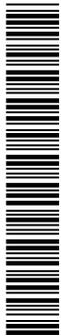
“7234. Submarine safety programs: participation of NATO naval personnel.”.

10 **SEC. 1224. AVAILABILITY OF WARSAW INITIATIVE FUNDS**  
11 **FOR NEW NATO MEMBERS.**

12 (a) **AVAILABILITY OF FUNDS.**—Of the amount au-  
13 thorized to be appropriated by section 301(5) for oper-  
14 ation and maintenance, defense-wide activities, and avail-  
15 able for the Defense Security Cooperation Agency for the  
16 Warsaw Initiative Funds (WIF), \$4,000,000 may be avail-  
17 able only in fiscal year 2005 for the participation of the  
18 North Atlantic Treaty Organization (NATO) members set  
19 forth in subsection (b) in the exercises and programs of  
20 the Partnership for Peace program of the North Atlantic  
21 Treaty Organization.

22 (b) **NATO MEMBERS.**—The North Atlantic Treaty  
23 Organization members set forth in this subsection are as  
24 follows:

25 (1) Bulgaria.



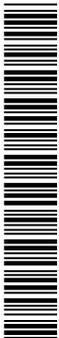
12-37

- 1 (2) Estonia.
- 2 (3) Latvia.
- 3 (4) Lithuania.
- 4 (5) Romania.
- 5 (6) Slovakia.
- 6 (7) Slovenia.

7 **SEC. 1225. BILATERAL EXCHANGES AND TRADE IN DE-**  
8 **FENSE ARTICLES AND DEFENSE SERVICES**  
9 **BETWEEN THE UNITED STATES AND THE**  
10 **UNITED KINGDOM AND AUSTRALIA.**

11 (a) POLICY.—It is the policy of Congress that bilat-  
12 eral exchanges and trade in defense articles and defense  
13 services between the United States and the United King-  
14 dom and Australia are in the national security interest of  
15 the United States and that such exchanges and trade  
16 should be subjected to accelerated review and processing  
17 consistent with national security and the requirements of  
18 the Arms Export Control Act (22 U.S.C. 2751 et seq.).

19 (b) REQUIREMENT.—The Secretary of State shall en-  
20 sure that any license application submitted for the export  
21 of defense articles or defense services to Australia or the  
22 United Kingdom is expeditiously processed by the Depart-  
23 ment of State, in consultation with the Department of De-  
24 fense, without referral to any other Federal department



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1 or agency, except where the item is classified or excep-  
2 tional circumstances apply.

3 (c) REGULATIONS.—The President shall ensure that  
4 regulations are prescribed to implement this section.

5 **SEC. 1226. STUDY ON MISSILE DEFENSE COOPERATION.**

6 (a) REQUIREMENT FOR STUDY.—The Secretary of  
7 Defense, in consultation with the Secretary of State, shall  
8 carry out a study to determine the advisability of author-  
9 izing or requiring—

10 (1) the Secretary of State to establish proce-  
11 dures for considering technical assistance agree-  
12 ments and related amendments and munitions li-  
13 cense applications for the export of defense items re-  
14 lated to missile defense not later than 30 days after  
15 receiving such agreements, amendments, and muni-  
16 tions license applications, except in cases in which  
17 the Secretary of State determines that additional  
18 time is required to complete a review of a technical  
19 assistance agreement or related amendment or a  
20 munitions license application for foreign policy or  
21 national security reasons, including concerns regard-  
22 ing the proliferation of ballistic missile technology;  
23 and

24 (2) the Secretary of Defense to establish proce-  
25 dures to increase the efficiency and transparency of

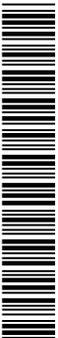


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1 the practices used by the Department of Defense to  
2 review technical assistance agreements and related  
3 amendments and munitions license applications re-  
4 lated to international cooperation on missile defense  
5 that are referred to the Department.

6 (b) FEASIBILITY OF REQUIRING COMPREHENSIVE  
7 AUTHORIZATIONS FOR MISSILE DEFENSE.—In carrying  
8 out the study under subsection (a), the Secretary of De-  
9 fense, in consultation with the Secretary of State, shall  
10 examine the feasibility of providing major project author-  
11 izations for programs related to missile defense similar to  
12 the comprehensive export authorization specified in sec-  
13 tion 126.14 of the International Traffic in Arms Regula-  
14 tions (section 126.14 of title 22, Code of Federal Regula-  
15 tions).

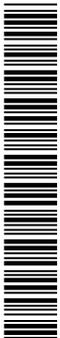
16 (c) REPORT.—Not later than 180 days after the date  
17 of the enactment of this Act, the Secretary of Defense  
18 shall, in consultation with the Secretary of State, submit  
19 to the Committee on Armed Services and the Committee  
20 on Foreign Relations of the Senate and the Committee  
21 on Armed Services and the Committee on International  
22 Relations of the House of Representatives a report on the  
23 results of the study under subsection (a). The report shall  
24 include—



1           (1) the determinations resulting from the study,  
2           including a determination on the feasibility of pro-  
3           viding the major project authorization for projects  
4           related to missile defense described in subsection (b);  
5           and

6           (2) a discussion of the justification for each  
7           such determination.

8           (d) DEFINITION OF DEFENSE ITEMS.—In this sec-  
9           tion, the term “defense items” has the meaning given that  
10          term in section 38(j)(4)(A) of the Arms Export Control  
11          Act (22 U.S.C. 2778(j)(4)(A)).



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1 **TITLE** **XIII—COOPERATIVE**  
2 **THREAT** **REDUCTION** **WITH**  
3 **STATES OF THE FORMER SOVIET**  
4 **UNION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Temporary authority to waive limitation on funding for chemical weapons destruction facility in Russia.

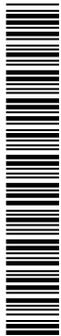
Sec. 1304. Inclusion of descriptive summaries in annual Cooperative Threat Reduction reports and budget justification materials.

5 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
6 **DUCTION PROGRAMS AND FUNDS.**

7 (a) SPECIFICATION OF CTR PROGRAMS.—For pur-  
8 poses of section 301 and other provisions of this Act, Co-  
9 operative Threat Reduction programs are the programs  
10 specified in section 1501(b) of the National Defense Au-  
11 thorization Act for Fiscal Year 1997 (Public Law 104-  
12 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

13 (b) FISCAL YEAR 2005 COOPERATIVE THREAT RE-  
14 Duction FUNDS DEFINED.—As used in this title, the  
15 term “fiscal year 2005 Cooperative Threat Reduction  
16 funds” means the funds appropriated pursuant to the au-  
17 thorization of appropriations in section 301 for Coopera-  
18 tive Threat Reduction programs.

19 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
20 pursuant to the authorization of appropriations in section



1 301 for Cooperative Threat Reduction programs shall be  
2 available for obligation for three fiscal years.

3 **SEC. 1302. FUNDING ALLOCATIONS.**

4 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
5 \$409,200,000 authorized to be appropriated to the De-  
6 partment of Defense for fiscal year 2005 in section  
7 301(19) for Cooperative Threat Reduction programs, the  
8 following amounts may be obligated for the purposes spec-  
9 ified:

10 (1) For strategic offensive arms elimination in  
11 Russia, \$58,522,000.

12 (2) For nuclear weapons storage security in  
13 Russia, \$48,672,000.

14 (3) For nuclear weapons transportation security  
15 in Russia, \$26,300,000.

16 (4) For weapons of mass destruction prolifera-  
17 tion prevention in the states of the former Soviet  
18 Union, \$40,030,000.

19 (5) For chemical weapons destruction in Rus-  
20 sia, \$158,400,000.

21 (6) For biological weapons proliferation preven-  
22 tion in the former Soviet Union, \$54,959,000.

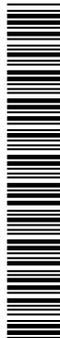
23 (7) For defense and military contacts,  
24 \$8,000,000.



1 (8) For activities designated as Other Assess-  
2 ments/Administrative Support, \$14,317,000.

3 (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
4 FUNDS FOR OTHER PURPOSES.—No fiscal year 2005 Co-  
5 operative Threat Reduction funds may be obligated or ex-  
6 pended for a purpose other than a purpose listed in para-  
7 graphs (1) through (8) of subsection (a) until 30 days  
8 after the date that the Secretary of Defense submits to  
9 Congress a report on the purpose for which the funds will  
10 be obligated or expended and the amount of funds to be  
11 obligated or expended. Nothing in the preceding sentence  
12 shall be construed as authorizing the obligation or expend-  
13 iture of fiscal year 2005 Cooperative Threat Reduction  
14 funds for a purpose for which the obligation or expendi-  
15 ture of such funds is specifically prohibited under this title  
16 or any other provision of law.

17 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
18 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any  
19 case in which the Secretary of Defense determines that  
20 it is necessary to do so in the national interest, the Sec-  
21 retary may obligate amounts appropriated for fiscal year  
22 2005 for a purpose listed in any of the paragraphs in sub-  
23 section (a) in excess of the specific amount authorized for  
24 that purpose.



1 (2) An obligation of funds for a purpose stated in  
2 any of the paragraphs in subsection (a) in excess of the  
3 specific amount authorized for such purpose may be made  
4 using the authority provided in paragraph (1) only after—

5 (A) the Secretary submits to Congress notifica-  
6 tion of the intent to do so together with a complete  
7 discussion of the justification for doing so; and

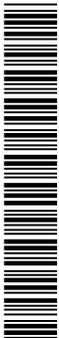
8 (B) 15 days have elapsed following the date of  
9 the notification.

10 (3) The Secretary may not, under the authority pro-  
11 vided in paragraph (1), obligate amounts for a purpose  
12 stated in any of paragraphs (5) through (8) of subsection  
13 (a) in excess of 125 percent of the specific amount author-  
14 ized for such purpose.

15 **SEC. 1303. TEMPORARY AUTHORITY TO WAIVE LIMITATION**  
16 **ON FUNDING FOR CHEMICAL WEAPONS DE-**  
17 **STRUCTION FACILITY IN RUSSIA.**

18 (a) TEMPORARY AUTHORITY.—Section 1305 of the  
19 National Defense Authorization Act for Fiscal Year 2000  
20 (Public Law 106-65; 22 U.S.C. 5952 note) shall not apply  
21 for a calendar year for which the President submits to  
22 Congress a written certification that includes—

23 (1) a statement as to why a waiver of the condi-  
24 tions described in such section 1305 is important to  
25 the national security interests of the United States;



1 (2) a full and complete justification for the  
2 waiver of the conditions; and

3 (3) a plan to promote a full and accurate dislo-  
4 sure by Russia regarding the size, content, status,  
5 and location of its chemical weapons stockpile.

6 (b) EXPIRATION.—The authority in subsection (a)  
7 shall expire on December 31, 2006, and no waiver shall  
8 remain in effect after that date.

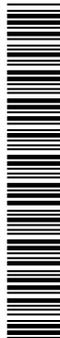
9 **SEC. 1304. INCLUSION OF DESCRIPTIVE SUMMARIES IN AN-**  
10 **NUAL COOPERATIVE THREAT REDUCTION**  
11 **REPORTS AND BUDGET JUSTIFICATION MA-**  
12 **TERIALS.**

13 Section 1307 of the Strom Thurmond National De-  
14 fense Authorization Act for Fiscal Year 1999 (Public Law  
15 105-261; 112 Stat. 2165; 22 U.S.C. 5952 note) is  
16 amended—

17 (1) in subsection (a), by striking “as part of the  
18 Secretary’s annual budget request to Congress” in  
19 the matter preceding paragraph (1) and inserting  
20 “in the materials and manner specified in subsection  
21 (c)”;

22 (2) by adding at the end the following new sub-  
23 section:

24 “(c) INCLUSION IN CERTAIN MATERIALS SUBMITTED  
25 TO CONGRESS.—The summary required to be submitted



1 to Congress in a fiscal year under subsection (a) shall be  
2 set forth by project category, and by amounts specified  
3 in paragraphs (1) and (2) of that subsection in connection  
4 with such project category, in each of the following:

5           “(1) The annual report on activities and assist-  
6           ance under Cooperative Threat Reduction programs  
7           required in such fiscal year under section 1308 of  
8           the Floyd D. Spence National Defense Authorization  
9           Act for Fiscal Year 2001 (as enacted into law by  
10          Public Law 106-398).

11          “(2) The budget justification materials sub-  
12          mitted to Congress in support of the Department of  
13          Defense budget for the fiscal year succeeding such  
14          fiscal year (as submitted with the budget of the  
15          President under section 1105(a) of title 31, United  
16          States Code).”.



1 **TITLE XIV—SUNKEN MILITARY**  
2 **CRAFT**

- Sec. 1401. Preservation of title to sunken military craft and associated contents.
- Sec. 1402. Prohibitions.
- Sec. 1403. Permits.
- Sec. 1404. Penalties.
- Sec. 1405. Liability for damages.
- Sec. 1406. Relationship to other laws.
- Sec. 1407. Encouragement of agreements with foreign countries.
- Sec. 1408. Definitions.

3 **SEC. 1401. PRESERVATION OF TITLE TO SUNKEN MILITARY**  
4 **CRAFT AND ASSOCIATED CONTENTS.**

5 Right, title, and interest of the United States in and  
6 to any United States sunken military craft—

7 (1) shall not be extinguished except by an ex-  
8 press divestiture of title by the United States; and

9 (2) shall not be extinguished by the passage of  
10 time, regardless of when the sunken military craft  
11 sank.

12 **SEC. 1402. PROHIBITIONS.**

13 (a) **UNAUTHORIZED ACTIVITIES DIRECTED AT**  
14 **SUNKEN MILITARY CRAFT.**—No person shall engage in  
15 or attempt to engage in any activity directed at a sunken  
16 military craft that disturbs, removes, or injures any sunk-  
17 en military craft, except—

18 (1) as authorized by a permit under this title;

19 (2) as authorized by regulations issued under  
20 this title; or

21 (3) as otherwise authorized by law.



1 (b) POSSESSION OF SUNKEN MILITARY CRAFT.—No  
2 person may possess, disturb, remove, or injure any sunken  
3 military craft in violation of—

4 (1) this section; or

5 (2) any prohibition, rule, regulation, ordinance,  
6 or permit that applies under any other applicable  
7 law.

8 (c) LIMITATIONS ON APPLICATION.—

9 (1) ACTIONS BY UNITED STATES.—This section  
10 shall not apply to actions taken by, or at the direc-  
11 tion of, the United States.

12 (2) FOREIGN PERSONS.—This section shall not  
13 apply to any action by a person who is not a citizen,  
14 national, or resident alien of the United States, ex-  
15 cept in accordance with—

16 (A) generally recognized principles of inter-  
17 national law;

18 (B) an agreement between the United  
19 States and the foreign country of which the  
20 person is a citizen; or

21 (C) in the case of an individual who is a  
22 crew member or other individual on a foreign  
23 vessel or foreign aircraft, an agreement between  
24 the United States and the flag State of the for-



1           eign vessel or aircraft that applies to the indi-  
2           vidual.

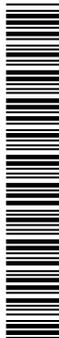
3           (3) LOAN OF SUNKEN MILITARY CRAFT.—This  
4           section does not prohibit the loan of United States  
5           sunken military craft in accordance with regulations  
6           issued by the Secretary concerned.

7   **SEC. 1403. PERMITS.**

8           (a) IN GENERAL.—The Secretary concerned may  
9           issue a permit authorizing a person to engage in an activ-  
10          ity otherwise prohibited by section 1402 with respect to  
11          a United States sunken military craft, for archaeological,  
12          historical, or educational purposes, in accordance with reg-  
13          ulations issued by such Secretary that implement this sec-  
14          tion.

15          (b) CONSISTENCY WITH OTHER LAWS.—The Sec-  
16          retary concerned shall require that any activity carried out  
17          under a permit issued by such Secretary under this section  
18          must be consistent with all requirements and restrictions  
19          that apply under any other provision of Federal law.

20          (c) CONSULTATION.—In carrying out this section (in-  
21          cluding the issuance after the date of the enactment of  
22          this Act of regulations implementing this section), the Sec-  
23          retary concerned shall consult with the head of each Fed-  
24          eral agency having authority under Federal law with re-



1 spect to activities directed at sunken military craft or the  
2 locations of such craft.

3 (d) APPLICATION TO FOREIGN CRAFT.—At the re-  
4 quest of any foreign State, the Secretary of the Navy, in  
5 consultation with the Secretary of State, may carry out  
6 this section (including regulations promulgated pursuant  
7 to this section) with respect to any foreign sunken military  
8 craft of that foreign State located in United States waters.

9 **SEC. 1404. PENALTIES.**

10 (a) IN GENERAL.—Any person who violates this title,  
11 or any regulation or permit issued under this title, shall  
12 be liable to the United States for a civil penalty under  
13 this section.

14 (b) ASSESSMENT AND AMOUNT.—The Secretary con-  
15 cerned may assess a civil penalty under this section, after  
16 notice and an opportunity for a hearing, of not more than  
17 \$100,000 for each violation.

18 (c) CONTINUING VIOLATIONS.—Each day of a contin-  
19 ued violation of this title or a regulation or permit issued  
20 under this title shall constitute a separate violation for  
21 purposes of this section.

22 (d) IN REM LIABILITY.—A vessel used to violate this  
23 title shall be liable in rem for a penalty under this section  
24 for such violation.



1 (e) OTHER RELIEF.—If the Secretary concerned de-  
2 termines that there is an imminent risk of disturbance of,  
3 removal of, or injury to any sunken military craft, or that  
4 there has been actual disturbance of, removal of, or injury  
5 to a sunken military craft, the Attorney General, upon re-  
6 quest of the Secretary concerned, may seek such relief as  
7 may be necessary to abate such risk or actual disturbance,  
8 removal, or injury and to return or restore the sunken  
9 military craft. The district courts of the United States  
10 shall have jurisdiction in such a case to order such relief  
11 as the public interest and the equities of the case may  
12 require.

13 (f) LIMITATIONS.—An action to enforce a violation  
14 of section 1402 or any regulation or permit issued under  
15 this title may not be brought more than 8 years after the  
16 date on which—

17 (1) all facts material to the right of action are  
18 known or should have been known by the Secretary  
19 concerned; and

20 (2) the defendant is subject to the jurisdiction  
21 of the appropriate district court of the United States  
22 or administrative forum.

23 **SEC. 1405. LIABILITY FOR DAMAGES.**

24 (a) IN GENERAL.—Any person who engages in an ac-  
25 tivity in violation of section 1402 or any regulation or per-



1 mit issued under this title that disturbs, removes, or in-  
2 jures any United States sunken military craft shall pay  
3 the United States enforcement costs and damages result-  
4 ing from such disturbance, removal, or injury.

5 (b) INCLUDED DAMAGES.—Damages referred to in  
6 subsection (a) may include—

7 (1) the reasonable costs incurred in storage,  
8 restoration, care, maintenance, conservation, and  
9 curation of any sunken military craft that is dis-  
10 turbed, removed, or injured in violation of section  
11 1402 or any regulation or permit issued under this  
12 title; and

13 (2) the cost of retrieving, from the site where  
14 the sunken military craft was disturbed, removed, or  
15 injured, any information of an archaeological, histor-  
16 ical, or cultural nature.

17 **SEC. 1406. RELATIONSHIP TO OTHER LAWS.**

18 (a) IN GENERAL.—Except to the extent that an ac-  
19 tivity is undertaken as a subterfuge for activities prohib-  
20 ited by this title, nothing in this title is intended to  
21 affect—

22 (1) any activity that is not directed at a sunken  
23 military craft; or

24 (2) the traditional high seas freedoms of navi-  
25 gation, including—



1 (A) the laying of submarine cables and  
2 pipelines;

3 (B) operation of vessels;

4 (C) fishing; or

5 (D) other internationally lawful uses of the  
6 sea related to such freedoms.

7 (b) INTERNATIONAL LAW.—This title and any regu-  
8 lations implementing this title shall be applied in accord-  
9 ance with generally recognized principles of international  
10 law and in accordance with the treaties, conventions, and  
11 other agreements to which the United States is a party.

12 (c) LAW OF FINDS.—The law of finds shall not apply  
13 to—

14 (1) any United States sunken military craft,  
15 wherever located; or

16 (2) any foreign sunken military craft located in  
17 United States waters.

18 (d) LAW OF SALVAGE.—No salvage rights or awards  
19 shall be granted with respect to—

20 (1) any United States sunken military craft  
21 without the express permission of the United States;

22 or

23 (2) any foreign sunken military craft located in  
24 United States waters without the express permission  
25 of the relevant foreign state.



1 (e) LAW OF CAPTURE OR PRIZE.—Nothing in this  
2 title is intended to alter the international law of capture  
3 or prize with respect to sunken military craft.

4 (f) LIMITATION OF LIABILITY.—Nothing in sections  
5 4281 through 4287 and 4289 of the Revised Statutes (46  
6 U.S.C. App. 181 et seq.) or section 3 of the Act of Feb-  
7 ruary 13, 1893 (chapter 105; 27 Stat. 445; 46 U.S.C.  
8 App. 192), shall limit the liability of any person under this  
9 section.

10 (g) AUTHORITIES OF THE COMMANDANT OF THE  
11 COAST GUARD.—Nothing in this title is intended to pre-  
12 clude or limit the application of any other law enforcement  
13 authorities of the Commandant of the Coast Guard.

14 (h) PRIOR DELEGATIONS, AUTHORIZATIONS, AND  
15 RELATED REGULATIONS.—Nothing in this title shall in-  
16 validate any prior delegation, authorization, or related reg-  
17 ulation that is consistent with this title.

18 (i) CRIMINAL LAW.—Nothing in this title is intended  
19 to prevent the United States from pursuing criminal sanc-  
20 tions for plundering of wrecks, larceny of Government  
21 property, or violation of any applicable criminal law.

22 **SEC. 1407. ENCOURAGEMENT OF AGREEMENTS WITH FOR-**  
23 **EIGN COUNTRIES.**

24 The Secretary of State, in consultation with the Sec-  
25 retary of Defense, is encouraged to negotiate and conclude



1 bilateral and multilateral agreements with foreign coun-  
2 tries with regard to sunken military craft consistent with  
3 this title.

4 **SEC. 1408. DEFINITIONS.**

5 In this title:

6 (1) ASSOCIATED CONTENTS.—The term “asso-  
7 ciated contents” means—

8 (A) the equipment, cargo, and contents of  
9 a sunken military craft that are within its de-  
10bris field; and

11 (B) the remains and personal effects of the  
12 crew and passengers of a sunken military craft  
13 that are within its debris field.

14 (2) SECRETARY CONCERNED.—The term “Sec-  
15 retary concerned” means—

16 (A) subject to subparagraph (B), the Sec-  
17 retary of a military department; and

18 (B) in the case of a Coast Guard vessel,  
19 the Secretary of the Department in which the  
20 Coast Guard is operating.

21 (3) SUNKEN MILITARY CRAFT.—The term  
22 “sunken military craft” means all or any portion  
23 of—

24 (A) any sunken warship, naval auxiliary, or  
25 other vessel that was owned or operated by a



1 government on military noncommercial service  
2 when it sank;

3 (B) any sunken military aircraft or mili-  
4 tary spacecraft that was owned or operated by  
5 a government when it sank; and

6 (C) the associated contents of a craft re-  
7 ferred to in subparagraph (A) or (B),  
8 if title thereto has not been abandoned or trans-  
9 ferred by the government concerned.

10 (4) UNITED STATES CONTIGUOUS ZONE.—The  
11 term “United States contiguous zone” means the  
12 contiguous zone of the United States under Presi-  
13 dential Proclamation 7219, dated September 2,  
14 1999.

15 (5) UNITED STATES INTERNAL WATERS.—The  
16 term “United States internal waters” means all wa-  
17 ters of the United States on the landward side of the  
18 baseline from which the breadth of the United  
19 States territorial sea is measured.

20 (6) UNITED STATES TERRITORIAL SEA.—The  
21 term “United States territorial sea” means the wa-  
22 ters of the United States territorial sea under Presi-  
23 dential Proclamation 5928, dated December 27,  
24 1988.



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1           (7) UNITED STATES WATERS.—The term  
2           “United States waters” means United States inter-  
3           nal waters, the United States territorial sea, and the  
4           United States contiguous zone.





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1 **TITLE XV—AUTHORIZATION FOR**  
2 **INCREASED COSTS DUE TO OP-**  
3 **ERATION IRAQI FREEDOM AND**  
4 **OPERATION ENDURING FREE-**  
5 **DOM**

Sec. 1501. Purpose.  
Sec. 1502. Army procurement.  
Sec. 1503. Navy and Marine Corps procurement.  
Sec. 1504. Defense-wide activities procurement.  
Sec. 1505. Operation and maintenance.  
Sec. 1506. Defense working capital funds.  
Sec. 1507. Iraq Freedom Fund.  
Sec. 1508. Defense health program.  
Sec. 1509. Military personnel.  
Sec. 1510. Treatment as additional authorizations.  
Sec. 1511. Transfer authority.

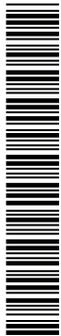
6 **SEC. 1501. PURPOSE.**

7       The purpose of this title is to authorize emergency  
8 appropriations for the Department of Defense for fiscal  
9 year 2005 to provide funds for additional costs due to Op-  
10 eration Iraqi Freedom and Operation Enduring Freedom.  
11 Funds in this title are available upon the enactment of  
12 this Act.

13 **SEC. 1502. ARMY PROCUREMENT.**

14       Funds are hereby authorized to be appropriated for  
15 fiscal year 2005 for procurement accounts of the Army  
16 in amounts as follows:

- 17           (3) For weapons and tracked combat vehicles,  
18       \$50,000,000.  
19           (4) For ammunition, \$110,000,000.  
20           (5) For other procurement, \$755,000,000.



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1 (6) For National Guard and Reserve equip-  
2 ment, \$50,000,000.

3 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

4 (a) MARINE CORPS.—Funds are hereby authorized to  
5 be appropriated for fiscal year 2005 for the procurement  
6 account for the Marine Corps in the amount of  
7 \$150,000,000.

8 (b) NAVY AND MARINE CORPS AMMUNITION.—  
9 Funds are hereby authorized to be appropriated for fiscal  
10 year 2005 for the procurement account for ammunition  
11 for the Navy and the Marine Corps in the amount of  
12 \$30,000,000.

13 **SEC. 1504. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 2005 for the procurement account for Defense-  
16 wide procurement in the amount of \$50,000,000.

17 **SEC. 1505. OPERATION AND MAINTENANCE.**

18 Funds are hereby authorized to be appropriated for  
19 fiscal year 2005 for the use of the Armed Forces for ex-  
20 penses, not otherwise provided for, operation and mainte-  
21 nance, in amounts as follows:

22 (1) For the Army, \$13,550,000,000.

23 (2) For the Navy, \$367,000,000.

24 (3) For the Marine Corps, \$1,665,000,000.

25 (4) For the Air Force, \$419,000,000.



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1 (5) For Defense-wide, \$404,000,000.

2 **SEC. 1506. DEFENSE WORKING CAPITAL FUNDS.**

3 Funds are hereby authorized to be appropriated for  
4 fiscal year 2005 for Defense Working Capital Program in  
5 the amount of \$1,478,000,000.

6 **SEC. 1507. IRAQ FREEDOM FUND.**

7 (a) IN GENERAL.—Funds are hereby authorized to  
8 be appropriated for fiscal year 2005 for the account of  
9 the Iraq Freedom Fund in amount of \$3,892,000,000, to  
10 remain available for transfer to other accounts in this title  
11 until September 30, 2006. Amounts of authorization so  
12 transferred shall be merged with and be made available  
13 for the same purposes as the authorization to which trans-  
14 ferred. Of the amounts provided in this section  
15 \$1,800,000,000 shall only be used for classified programs.

16 (b) NOTICE TO CONGRESS.—A transfer may be made  
17 from the Iraq Freedom Fund only after the Secretary of  
18 Defense notifies the congressional defense committees  
19 with respect to the proposed transfer in writing not less  
20 than five days before the transfer is made.

21 **SEC. 1508. DEFENSE HEALTH PROGRAM.**

22 Funds are hereby authorized to be appropriated for  
23 the Department of Defense for fiscal year 2005 for ex-  
24 penses, not otherwise provided for, the Defense Health



1 Program, in the amount of \$780,000,000, for Operation  
2 and Maintenance.

3 **SEC. 1509. MILITARY PERSONNEL.**

4 There is hereby authorized to be appropriated to the  
5 Department of Defense for military personnel accounts for  
6 fiscal year 2005 a total of \$1,250,000,000.

7 **SEC. 1510. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

8 The amounts authorized to be appropriated by this  
9 title are in addition to amounts otherwise authorized to  
10 be appropriated by this Act.

11 **SEC. 1511. TRANSFER AUTHORITY.**

12 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

13 (1) Upon determination by the Secretary of Defense that  
14 such action is necessary in the national interest, the Sec-  
15 retary may transfer amounts of authorizations made avail-  
16 able to the Department of Defense in this title for fiscal  
17 year 2005 between any such authorizations for that fiscal  
18 year (or any subdivisions thereof). Amounts of authoriza-  
19 tions so transferred shall be merged with and be available  
20 for the same purposes as the authorization to which trans-  
21 ferred.

22 (2) The total amount of authorizations that the Sec-  
23 retary may transfer under the authority of this section  
24 may not exceed \$1,500,000,000. The transfer authority



1 provided in this section is in addition to any other transfer  
2 authority available to the Secretary of Defense.

3 (b) LIMITATIONS.—The authority provided by this  
4 section to transfer authorizations—

5 (1) may only be used to provide authority for  
6 items that have a higher priority than the items  
7 from which authority is transferred;

8 (2) may not be used to provide authority for an  
9 item that has been denied authorization by Con-  
10 gress; and

11 (3) may not be combined with the authority  
12 under section 1001.

13 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
14 transfer made from one account to another under the au-  
15 thority of this section shall be deemed to increase the  
16 amount authorized for the account to which the amount  
17 is transferred by an amount equal to the amount trans-  
18 ferred.

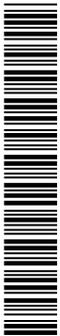
19 (d) NOTICE TO CONGRESS.—A transfer may be made  
20 under the authority of this section only after the Secretary  
21 of Defense—

22 (1) consults with the chairmen and ranking  
23 members of the congressional defense committees  
24 with respect to the proposed transfer; and



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1           (2) after such consultation, notifies those com-  
2           mittees in writing of the proposed transfer not less  
3           than five days before the transfer is made.



1 **DIVISION B—MILITARY CON-**  
 2 **STRUCTION AUTHORIZATIONS**

3 **SEC. 2001. SHORT TITLE.**

4 This division may be cited as the “Military Construc-  
 5 tion Authorization Act for Fiscal Year 2005”.

6 **TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2004 projects.
- Sec. 2106. Modification of authority to carry out certain fiscal year 2003 project.

7 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 8 **ACQUISITION PROJECTS.**

9 (a) **INSIDE THE UNITED STATES.**—Using amounts  
 10 appropriated pursuant to the authorization of appropria-  
 11 tions in section 2104(a)(1), the Secretary of the Army  
 12 may acquire real property and carry out military construc-  
 13 tion projects for the installations or locations inside the  
 14 United States, and in the amounts, set forth in the fol-  
 15 lowing table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Alabama .....	Anniston Army Depot .....	\$23,690,000
	Fort Rucker .....	\$16,000,000
Alaska .....	Fort Richardson .....	\$24,300,000
	Fort Wainwright .....	\$92,459,000
Arizona .....	Fort Huachuca .....	\$18,000,000
California .....	Fort Irwin .....	\$38,100,000
	Sierra Army Depot .....	\$12,600,000
Colorado .....	Fort Carson .....	\$59,508,000



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**Army: Inside the United States—Continued**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Florida .....	Camp Rudder .....	\$1,850,000
Georgia .....	Fort Benning .....	\$71,777,000
	Fort Gillem .....	\$5,800,000
	Fort McPherson .....	\$4,900,000
	Fort Stewart/Hunter Army Air Field .....	\$65,495,000
Hawaii .....	Helemano Military Reservation ..	\$75,300,000
	Hickam Air Force Base .....	\$11,200,000
	Schofield Barracks .....	\$249,792,000
Kansas .....	Fort Riley .....	\$59,550,000
Kentucky .....	Fort Campbell .....	\$89,600,000
	Fort Knox .....	\$75,750,000
Louisiana .....	Fort Polk .....	\$70,953,000
Maryland .....	Aberdeen Proving Ground .....	\$13,000,000
	Fort Detrick .....	\$4,000,000
Missouri .....	Fort Leonard Wood .....	\$31,850,000
New Jersey .....	Picatinny Arsenal .....	\$9,900,000
New Mexico .....	White Sands Missile Range .....	\$33,000,000
New York .....	Fort Drum .....	\$13,650,000
	Fort Hamilton .....	\$7,600,000
	Hancock Field .....	\$6,000,000
	Military Entrance Processing Station, Buffalo .....	\$6,200,000
	United States Military Academy, West Point .....	\$60,000,000
North Carolina .....	Fort Bragg .....	\$111,687,000
Oklahoma .....	Fort Sill .....	\$17,800,000
Pennsylvania .....	Letterkenny Depot .....	\$5,400,000
Texas .....	Fort Bliss .....	\$19,400,000
	Fort Hood .....	\$85,188,000
	Fort Sam Houston .....	\$11,400,000
Virginia .....	Fort A.P. Hill .....	\$10,775,000
	Fort Lee .....	\$4,250,000
	Fort Myer .....	\$49,526,000
Washington .....	Fort Lewis .....	\$56,200,000
	Total .....	\$1,623,450,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the



1 United States, and in the amounts, set forth in the fol-  
 2 lowing table:

**Army: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Grafenwoehr .....	\$77,200,000
Italy .....	Livorno .....	\$26,000,000
Korea .....	Camp Humphreys .....	\$12,000,000
	Total .....	\$115,200,000

3 **SEC. 2102. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using  
 5 amounts appropriated pursuant to the authorization of ap-  
 6 propriations in section 2104(a)(5)(A), the Secretary of the  
 7 Army may construct or acquire family housing units (in-  
 8 cluding land acquisition and supporting facilities) at the  
 9 installations or locations, for the purposes, and in the  
 10 amounts set forth in the following table:

**Army: Family Housing**

State	Installation or Location	Purpose	Amount
Alaska .....	Fort Richardson .....	92 Units .....	\$42,000,000
	Fort Wainwright .....	246 Units .....	\$124,000,000
Arizona .....	Fort Huachuca .....	205 Units .....	\$41,000,000
	Yuma Proving Ground	55 Units .....	\$14,900,000
Kansas .....	Fort Riley .....	126 Units .....	\$33,000,000
New Mexico .....	White Sands Missile		
	Range .....	156 Units .....	\$31,000,000
Oklahoma .....	Fort Sill .....	247 Units .....	\$47,000,000
Virginia .....	Fort Lee .....	218 Units .....	\$46,000,000
	Fort Monroe .....	68 Units .....	\$16,000,000
	Total .....	.....	\$394,900,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-  
 12 priated pursuant to the authorization of appropriations in



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1 section 2104(a)(5)(A), the Secretary of the Army may  
2 carry out architectural and engineering services and con-  
3 struction design activities with respect to the construction  
4 or improvement of family housing units in an amount not  
5 to exceed \$29,209,000.

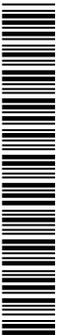
6 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
7 **UNITS.**

8 Subject to section 2825 of title 10, United States  
9 Code, and using amounts appropriated pursuant to the  
10 authorization of appropriations in section 2104(a)(5)(A),  
11 the Secretary of the Army may improve existing military  
12 family housing units in an amount not to exceed  
13 \$211,990,000.

14 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
16 are hereby authorized to be appropriated for fiscal years  
17 beginning after September 30, 2004, for military con-  
18 struction, land acquisition, and military family housing  
19 functions of the Department of the Army in the total  
20 amount of \$3,537,141,000, as follows:

21 (1) For military construction projects inside the  
22 United States authorized by section 2101(a),  
23 \$1,453,950,000.



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1           (2) For military construction projects outside  
2 the United States authorized by section 2101(b),  
3 \$115,200,000.

4           (3) For unspecified minor military construction  
5 projects authorized by section 2805 of title 10,  
6 United States Code, \$20,000,000.

7           (4) For architectural and engineering services  
8 and construction design under section 2807 of title  
9 10, United States Code, \$151,335,000.

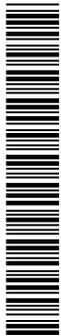
10          (5) For military family housing functions:

11           (A) For construction and acquisition, plan-  
12 ning and design, and improvement of military  
13 family housing and facilities, \$636,099,000.

14           (B) For support of military family housing  
15 (including the functions described in section  
16 2833 of title 10, United States Code),  
17 \$926,507,000.

18          (6) For the construction of phase 2 of a bar-  
19 racks complex, 5th & 16th Street, at Fort Stewart/  
20 Hunter Army Air Field, Georgia, authorized by sec-  
21 tion 2101(a) of the Military Construction Authoriza-  
22 tion Act for Fiscal Year 2004 (division B of Public  
23 Law 108-136; 117 Stat. 1697), \$32,950,000.

24          (7) For the construction of phase 3 of a bar-  
25 racks complex renewal, Capron Road, at Schofield



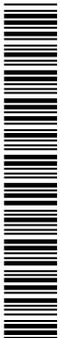
21-6

1 Barracks, Hawaii, authorized by section 2101(a) of  
2 the Military Construction Authorization Act for Fis-  
3 cal Year 2002 (division B of Public Law 107-107;  
4 115 Stat. 1283), as amended by section 2105 of the  
5 Military Construction Authorization Act for Fiscal  
6 Year 2004 (division B of Public Law 108-136; 117  
7 Stat. 1697), \$48,000,000.

8 (8) For the construction of phase 2 of the  
9 Lewis & Clark instructional facility at Fort Leaven-  
10 worth, Kansas, authorized by section 2101(a) of the  
11 Military Construction Authorization Act for Fiscal  
12 Year 2003 (division B of Public Law 107-314; 116  
13 Stat. 2681), \$44,000,000.

14 (9) For the construction of phase 2 of a bar-  
15 racks complex at Wheeler Sack Army Air Field at  
16 Fort Drum, New York, authorized by section  
17 2101(a) of the Military Construction Authorization  
18 Act for Fiscal Year 2004 (division B of Public Law  
19 108-136; 117 Stat. 1697), \$48,000,000.

20 (10) For the construction of phase 2 of a bar-  
21 racks complex, Bastogne Drive, Fort Bragg, North  
22 Carolina, authorized by section 2101(a) of the Mili-  
23 tary Construction Authorization Act for Fiscal Year  
24 2004 (division B of Public Law 108-136; 117 Stat.  
25 1697), \$48,000,000.



21-7

1           (11) For the construction of phase 3 of a main-  
2           tenance complex at Fort Sill, Oklahoma, authorized  
3           by section 2101(a) of the Military Construction Au-  
4           thorization Act for Fiscal Year 2003 (division B of  
5           Public Law 107-314; 116 Stat. 2681), \$13,100,000.

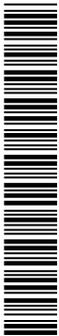
6           (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
7           PROJECTS.—Notwithstanding the cost variations author-  
8           ized by section 2853 of title 10, United States Code, and  
9           any other cost variation authorized by law, the total cost  
10          of all projects carried out under section 2101 of this Act  
11          may not exceed the sum of the following:

12           (1) The total amount authorized to be appro-  
13           priated under paragraphs (1) and (2) of subsection  
14           (a).

15           (2) \$41,000,000 (the balance of the amount au-  
16           thorized under section 2101(a) to upgrade Drum  
17           Road, Helemano Military Reservation, Hawaii).

18           (3) \$25,000,000 (the balance of the amount au-  
19           thorized under section 2101(a) for construction of a  
20           vehicle maintenance facility, Schofield Barracks, Ha-  
21           waii).

22           (4) \$25,000,000 (the balance of the amount au-  
23           thorized under section 2101(a) for construction of a  
24           barracks complex, Fort Campbell, Kentucky).



21–8

1 (5) \$22,000,000 (the balance of the amount au-  
2 thORIZED under section 2101(a) for construction of  
3 trainee barracks, Basic Training Complex 1, Fort  
4 Knox, Kentucky).

5 (6) \$25,500,000 (the balance of the amount au-  
6 thORIZED under section 2101(a) for construction of a  
7 library and learning facility, United States Military  
8 Academy, West Point, New York).

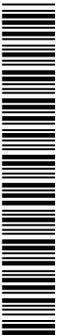
9 (7) \$31,000,000 (the balance of the amount au-  
10 thORIZED under section 2101(a) for a barracks com-  
11 plex renewal project, Fort Bragg, North Carolina).

12 (c) ADJUSTMENT.—The total amount authorized to  
13 be appropriated pursuant to paragraphs (1) through (11)  
14 of subsection (a) is the sum of the amounts authorized  
15 to be appropriated in such paragraphs, reduced by  
16 \$5,550,000, which represents prior year savings.

17 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
18 **CERTAIN FISCAL YEAR 2004 PROJECTS.**

19 (a) MODIFICATION OF INSIDE THE UNITED STATES  
20 PROJECTS.—The table in section 2101(a) of the Military  
21 Construction Authorization Act for Fiscal Year 2004 (di-  
22 vision B of Public Law 108–136; 117 Stat. 1697) is  
23 amended—

24 (1) in the item relating to Fort Stewart/Hunter  
25 Army Air Field, Georgia, by striking



21-9

1 “\$113,500,000” in the amount column and inserting  
2 “\$114,450,000”;

3 (2) in the item relating to Fort Drum, New  
4 York, by striking “\$130,700,000” in the amount  
5 column and inserting “\$135,700,000”; and

6 (3) by striking the amount identified as the  
7 total in the amount column and inserting  
8 “\$1,043,150,000”.

9 (b) CONFORMING AMENDMENTS.—Section 2104(b)  
10 of that Act (117 Stat. 1700) is amended—

11 (1) in paragraph (2), by striking  
12 “\$32,000,000” and inserting “\$32,950,000”; and

13 (2) in paragraph (4), by striking  
14 “\$43,000,000” and inserting “\$48,000,000”.

15 **SEC. 2106. MODIFICATION OF AUTHORITY TO CARRY OUT**  
16 **CERTAIN FISCAL YEAR 2003 PROJECT.**

17 (a) MODIFICATION OF INSIDE THE UNITED STATES  
18 PROJECT.—The table in section 2101(a) of the Military  
19 Construction Authorization Act for Fiscal Year 2003 (di-  
20 vision B of Public Law 107-314; 116 Stat. 2681), as  
21 amended by section 2105(a) of the Military Construction  
22 Authorization Act for Fiscal Year 2004 (division B of  
23 Public Law 108-136; 117 Stat. 1700), is further  
24 amended—

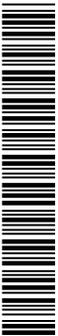


## 21-10

1 (1) in the item relating to Fort Sill, Oklahoma,  
2 by striking “\$39,652,000” in the amount column  
3 and inserting “\$40,752,000”; and

4 (2) by striking the amount identified as the  
5 total in the amount column and inserting  
6 “\$1,157,267,000”.

7 (b) CONFORMING AMENDMENT.—Section 2104(b)(6)  
8 of the Military Construction Authorization Act for Fiscal  
9 Year 2003 (division B of Public Law 107-314; 116 Stat.  
10 2684) is amended by striking “\$25,000,000” and insert-  
11 ing “\$26,100,000”.



1

**TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.

**2 SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
**3 ACQUISITION PROJECTS.**

4 (a) INSIDE THE UNITED STATES.—Using amounts  
 5 appropriated pursuant to the authorization of appropria-  
 6 tions in section 2204(a)(1), the Secretary of the Navy may  
 7 acquire real property and carry out military construction  
 8 projects for the installations or locations inside the United  
 9 States, and in the amounts, set forth in the following  
 10 table:

**Navy: Inside the United States**

State	Installation or Location	Amount
Arizona .....	Marine Corps Air Station, Yuma	\$26,670,000
California .....	Marine Corps Air-Ground Task Force Training Center, Twentynine Palms .....	\$15,700,000
	Marine Corps Air Station, Camp Pendleton .....	\$11,540,000
	Marine Corps Base, Camp Pendleton .....	\$26,915,000
	Marine Corps Logistics Base, Barstow .....	\$4,930,000
	Naval Air Facility, El Centro .....	\$54,331,000
	Naval Air Station, North Island ..	\$10,180,000
	Naval Surface Warfare Center, Division Corona .....	\$9,850,000
	Recruit Depot San Diego .....	\$8,110,000
Connecticut .....	Naval Submarine Base, New London .....	\$50,302,000
District of Columbia ....	Naval Observatory, Washington ..	\$3,239,000
Florida .....	Eglin Air Force Base .....	\$2,060,000
	Naval Station, Mayport .....	\$6,200,000
Georgia .....	Strategic Weapons Facility Atlantic, Kings Bay .....	\$16,000,000
Hawaii .....	Naval Shipyard, Pearl Harbor .....	\$5,100,000



**Navy: Inside the United States—Continued**

State	Installation or Location	Amount
Illinois .....	Naval Training Center, Great Lakes .....	\$74,781,000
Indiana .....	Naval Surface Warfare Center, Crane .....	\$12,600,000
Maine .....	Naval Air Station, Brunswick .....	\$6,220,000
Maryland .....	Naval Surface Warfare Center, Indian Head .....	\$23,000,000
North Carolina .....	Marine Corps Air Station, New River .....	\$35,140,000
	Marine Corps Base, Camp Lejeune .....	\$11,030,000
	Navy Outlying Landing Field, Washington County .....	\$136,900,000
Nevada .....	Naval Air Station, Fallon .....	\$4,980,000
Rhode Island .....	Naval Air Station, Newport .....	\$5,490,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$5,480,000
	Naval Weapons Station, Charleston .....	\$12,209,000
Virginia .....	Camp Elmore Marine Corps Detachment .....	\$13,500,000
	Marine Corps Air Facility, Quantico .....	\$73,838,000
	Marine Corps Combat Development Command, Quantico .....	\$25,090,000
	Naval Air Station, Oceana .....	\$2,770,000
	Naval Amphibious Base, Little Creek .....	\$9,220,000
	Naval Station, Norfolk .....	\$4,330,000
Washington .....	Naval Weapons Station, Yorktown .....	\$9,870,000
	Naval Air Station, Whidbey Island .....	\$1,990,000
	Naval Shipyard, Puget Sound .....	\$20,305,000
	Naval Station, Bremerton .....	\$74,125,000
	Strategic Weapons Facility Pacific, Bangor .....	\$138,060,000
	Total .....	\$952,055,000



1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2204(a)(2), the Secretary of the Navy may  
 4 acquire real property and carry out military construction  
 5 projects for the installations or locations outside the

1 United States, and in the amounts, set forth in the fol-  
 2 lowing table:

**Navy: Outside the United States**

Country	Installation or Location	Amount
Diego Garcia .....	Naval Support Facility, Diego Garcia .....	\$17,500,000
Guam .....	Naval Public Works Center, Guam .....	\$20,700,000
	Naval Station, Guam .....	\$12,500,000
Italy .....	Sigonella .....	\$22,550,000
Spain .....	Naval Station, Rota .....	\$32,700,000
	Total .....	\$105,950,000

3 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
 4 appropriated pursuant to the authorization of appropria-  
 5 tions in section 2204(a)(3), the Secretary of the Navy may  
 6 acquire real property and carry out military construction  
 7 projects for unspecified installations or locations in the  
 8 amount set forth in the following table:

**Navy: Unspecified Worldwide**

Location	Installation or Location	Amount
	Unspecified Worldwide .....	\$105,982,000
	Total .....	\$105,982,000

9 **SEC. 2202. FAMILY HOUSING.**

10 Using amounts appropriated pursuant to the author-  
 11 ization of appropriations in section 2204(a)(6)(A), the  
 12 Secretary of the Navy may construct or acquire family  
 13 housing units (including land acquisition and supporting  
 14 facilities) at the installation, for the purpose, and in the  
 15 amount set forth in the following table:



**Navy: Family Housing**

State	Installation	Purpose	Amount
North Carolina	Marine Corps Air Station, Cherry Point ...	198 Units .....	\$27,002,000
	Total .....	.....	\$27,002,000

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 2 **UNITS.**

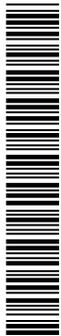
3 Subject to section 2825 of title 10, United States  
 4 Code, and using amounts appropriated pursuant to the  
 5 authorization of appropriations in section 2204(a)(6)(A),  
 6 the Secretary of the Navy may improve existing military  
 7 family housing units in an amount not to exceed  
 8 \$112,105,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
 11 are hereby authorized to be appropriated for fiscal years  
 12 beginning after September 30, 2004, for military con-  
 13 struction, land acquisition, and military family housing  
 14 functions of the Department of the Navy in the total  
 15 amount of \$1,897,245,000, as follows:

16 (1) For military construction projects inside the  
 17 United States authorized by section 2201(a),  
 18 \$712,927,000.

19 (2) For military construction projects outside  
 20 the United States authorized by section 2201(b),  
 21 \$94,950,000.



1           (3) For the military construction projects at  
2           unspecified worldwide locations authorized by section  
3           2201(c), \$40,000,000.

4           (4) For unspecified minor military construction  
5           projects authorized by section 2805 of title 10,  
6           United States Code, \$12,000,000.

7           (5) For architectural and engineering services  
8           and construction design under section 2807 of title  
9           10, United States Code, \$87,067,000.

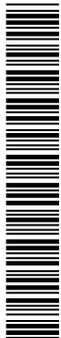
10          (6) For military family housing functions:

11               (A) For construction and acquisition, plan-  
12               ning and design, and improvement of military  
13               family housing and facilities, \$139,107,000.

14               (B) For support of military family housing  
15               (including functions described in section 2833  
16               of title 10, United States Code), \$696,304,000.

17          (7) For the construction of increment 2 of the  
18           tertiary sewage treatment plant at Marine Corps  
19           Base, Camp Pendleton, California, authorized by  
20           section 2201(a) of the Military Construction Author-  
21           ization Act for Fiscal Year 2004 (division B of Pub-  
22           lic Law 108–136; 117 Stat. 1703), \$25,690,000.

23          (8) For the construction of increment 2 of the  
24           general purpose berthing pier at Naval Weapons  
25           Station, Earle, New Jersey, authorized by section



1 2201(a) of the Military Construction Authorization  
2 Act for Fiscal Year 2004 (division B of Public Law  
3 108-136; 117 Stat. 1704), \$49,200,000.

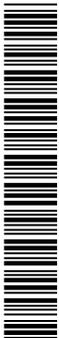
4 (9) For the construction of increment 2 of pier  
5 11 replacement at Naval Station, Norfolk, Virginia,  
6 authorized by section 2201(a) of the Military Con-  
7 struction Authorization Act for Fiscal Year 2004  
8 (division B of Public Law 108-136; 117 Stat.  
9 1704), \$40,000,000.

10 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
11 PROJECTS.—Notwithstanding the cost variations author-  
12 ized by section 2853 of title 10, United States Code, and  
13 any other cost variation authorized by law, the total cost  
14 of all projects carried out under section 2201 of this Act  
15 may not exceed the sum of the following:

16 (1) The total amount authorized to be appro-  
17 priated under paragraphs (1), (2), and (3) of sub-  
18 section (a).

19 (2) \$21,000,000 (the balance of the amount au-  
20 thorized under section 2201(a) for apron and hangar  
21 recapitalization, Naval Air Facility, El Centro, Cali-  
22 fornia).

23 (3) \$116,750,000 (the balance of the amount  
24 authorized under section 2201(a) for land acquisi-



1 tion for an outlying landing field in Washington  
2 County, North Carolina).

3 (4) \$34,098,000 (the balance of the amount au-  
4 thorized under section 2201(a) for construction of a  
5 White Side complex, Marine Corps Air Facility,  
6 Quantico, Virginia).

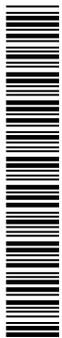
7 (5) \$40,000,000 (the balance of the amount au-  
8 thorized under section 2201(a) for construction of  
9 bachelor enlisted quarters, Naval Station, Brem-  
10 erton, Washington).

11 (6) \$95,320,000 (the balance of the amount au-  
12 thorized under section 2201(a) for construction of a  
13 limited area processing and storage complex, Stra-  
14 tegic Weapons Facility Pacific, Bangor, Wash-  
15 ington).

16 (7) \$65,982,000 (the balance of the amount au-  
17 thorized under section 2201(c) for construction of a  
18 presidential helicopter programs support facility at  
19 an unspecified location).

20 (c) ADJUSTMENT.—The total amount authorized to  
21 be appropriated pursuant to paragraphs (1) through (9)  
22 of subsection (a) is the sum of the amounts authorized  
23 to be appropriated in such paragraphs, reduced by  
24 \$5,549,000, which represents prior year savings.





1 **TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

2 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 3 **LAND ACQUISITION PROJECTS.**

4 (a) INSIDE THE UNITED STATES.—Using amounts  
 5 appropriated pursuant to the authorization of appropria-  
 6 tions in section 2304(a)(1), the Secretary of the Air Force  
 7 may acquire real property and carry out military construc-  
 8 tion projects for the installations or locations inside the  
 9 United States, and in the amounts, set forth in the fol-  
 10 lowing table:

**Air Force: Inside the United States**

State	Installation or Location	Amount
Alaska .....	Elmendorf Air Force Base .....	\$52,057,000
Arizona .....	Davis-Monthan Air Force Base ...	\$17,029,000
	Luke Air Force Base .....	\$17,900,000
Arkansas .....	Little Rock Air Force Base .....	\$8,931,000
California .....	Beale Air Force Base .....	\$10,186,000
	Edwards Air Force Base .....	\$9,965,000
	Travis Air Force Base .....	\$18,894,000
Colorado .....	Buckley Air Force Base .....	\$12,247,000
Delaware .....	Dover Air Force Base .....	\$9,500,000
Florida .....	Tyndall Air Force Base .....	\$27,614,000
	Patrick Air Force Base .....	\$8,800,000
Georgia .....	Moody Air Force Base .....	\$9,600,000
	Robins Air Force Base .....	\$21,900,000
Hawaii .....	Hickam Air Force Base .....	\$30,900,000
	Maui Site .....	\$7,500,000
Louisiana .....	Barksdale Air Force Base .....	\$13,800,000
Maryland .....	Andrews Air Force Base .....	\$17,100,000
Mississippi .....	Columbus Air Force Base .....	\$7,700,000
Missouri .....	Whiteman Air Force Base .....	\$7,600,000
Montana .....	Malmstrom Air Force Base .....	\$5,600,000
Nebraska .....	Offutt Air Force Base .....	\$6,221,000
New Mexico .....	Cannon Air Force Base .....	\$9,500,000
	Kirtland Air Force Base .....	\$9,200,000



**Air Force: Inside the United States**—Continued

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
North Carolina .....	Pope Air Force Base .....	\$15,150,000
North Dakota .....	Minot Air Force Base .....	\$8,900,000
Ohio .....	Wright-Patterson Air Force Base .....	\$9,904,000
Oklahoma .....	Altus Air Force Base .....	\$7,000,000
	Tinker Air Force Base .....	\$8,000,000
South Carolina .....	Shaw Air Force Base .....	\$7,000,000
South Dakota .....	Ellsworth Air Force Base .....	\$9,867,000
Tennessee .....	Arnold Air Force Base .....	\$24,500,000
Texas .....	Dyess Air Force Base .....	\$14,300,000
	Lackland Air Force Base .....	\$2,596,000
	Laughlin Air Force Base .....	\$6,900,000
	Sheppard Air Force Base .....	\$50,284,000
Utah .....	Hill Air Force Base .....	\$25,713,000
Wyoming .....	F.E. Warren Air Force Base .....	\$5,500,000
	Total .....	\$535,358,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations or locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Air Force: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Germany .....	Ramstein Air Base .....	\$25,404,000
Greenland .....	Thule Air Base .....	\$19,800,000
Guam .....	Andersen Air Force Base .....	\$19,593,000
Italy .....	Aviano Air Base .....	\$6,760,000
Korea .....	Kunsan Air Base .....	\$37,100,000
	Osan Air Base .....	\$18,600,000
Portugal .....	Lajes Field, Azores .....	\$5,689,000
Spain .....	Naval Station, Rota .....	\$14,153,000
United Kingdom .....	Royal Air Force Lakenheath .....	\$5,500,000
	Total .....	\$152,599,000



1 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-  
 2 propriated pursuant to the authorization of appropriations  
 3 in section 2304(a)(3), the Secretary of the Air Force may  
 4 acquire real property and carry out military construction  
 5 projects for the unspecified installations or locations, and  
 6 in the amounts, set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation or Location	Amount
	Classified Locations .....	\$26,121,000
	Unspecified Worldwide .....	\$28,090,000
	Total .....	\$54,211,000

7 **SEC. 2302. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using  
 9 amounts appropriated pursuant to the authorization of ap-  
 10 propriations in section 2304(a)(6)(A), the Secretary of the  
 11 Air Force may construct or acquire family housing units  
 12 (including land acquisition and supporting facilities) at the  
 13 installations or locations, for the purposes, and in the  
 14 amounts set forth in the following table:

**Air Force: Family Housing**

State	Installation or Location	Purpose	Amount
Arizona .....	Davis-Monthan Air Force Base .....	250 Units .....	\$48,500,000
California .....	Edwards Air Force Base .....	218 Units .....	\$41,202,000
	Vandenberg Air Force Base .....	120 Units .....	\$30,906,000
Florida .....	MacDill Air Force Base .....	61 Units .....	\$21,723,000



**Air Force: Family Housing**—Continued

State	Installation or Location	Purpose	Amount
	MacDill Air Force Base .....	Housing Maintenance Facility .....	\$1,250,000
Idaho .....	Mountain Home Air Force Base .....	147 Units .....	\$39,333,000
Mississippi .....	Columbus Air Force Base .....	Housing Management Facility .....	\$711,000
Missouri .....	Whiteman Air Force Base .....	160 Units .....	\$37,087,000
Montana .....	Malmstrom Air Force Base .....	115 Units .....	\$29,910,000
North Carolina	Seymour Johnson Air Force Base .....	167 Units .....	\$32,693,000
North Dakota ..	Grand Forks Air Force Base .....	90 Units .....	\$26,169,000
	Minot Air Force Base	142 Units .....	\$37,087,000
South Carolina	Charleston Air Force Base .....	Fire Station ....	\$1,976,000
South Dakota ..	Ellsworth Air Force Base .....	75 Units .....	\$21,482,000
Texas .....	Dyess Air Force Base	127 Units .....	\$28,664,000
	Goodfellow Air Force Base .....	127 Units .....	\$20,604,000
Germany .....	Ramstein Air Base .....	144 Units .....	\$57,691,000
Italy .....	Aviano Air Base .....	Housing Office	\$2,542,000
Korea .....	Osan Air Base .....	117 Units .....	\$46,834,000
United Kingdom.	Royal Air Force Lakenheath .....	154 Units .....	\$43,976,000
	Total .....	.....	\$570,340,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
 2 priated pursuant to the authorization of appropriations in  
 3 section 2304(a)(6)(A), the Secretary of the Air Force may  
 4 carry out architectural and engineering services and con-  
 5 struction design activities with respect to the construction  
 6 or improvement of military family housing units in an  
 7 amount not to exceed \$38,266,000.



1 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
2 **UNITS.**

3 Subject to section 2825 of title 10, United States  
4 Code, and using amounts appropriated pursuant to the  
5 authorization of appropriations in section 2304(a)(6)(A),  
6 the Secretary of the Air Force may improve existing mili-  
7 tary family housing units in an amount not to exceed  
8 \$238,353,000.

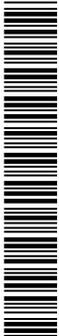
9 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
10 **FORCE.**

11 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds  
12 are hereby authorized to be appropriated for fiscal years  
13 beginning after September 30, 2004, for military con-  
14 struction, land acquisition, and military family housing  
15 functions of the Department of the Air Force in the total  
16 amount of \$2,559,768,000, as follows:

17 (1) For military construction projects inside the  
18 United States authorized by section 2301(a),  
19 \$525,358,000.

20 (2) For military construction projects outside  
21 the United States authorized by section 2301(b),  
22 \$142,771,000.

23 (3) For military construction projects at un-  
24 specified worldwide locations authorized by section  
25 2301(c), \$54,211,000.



1           (4) For unspecified minor military construction  
2 projects authorized by section 2805 of title 10,  
3 United States Code, \$13,000,000.

4           (5) For architectural and engineering services  
5 and construction design under section 2807 of title  
6 10, United States Code, \$124,085,000.

7           (6) For military family housing functions:

8                 (A) For construction and acquisition, plan-  
9 ning and design, and improvement of military  
10 family housing and facilities, \$846,959,000.

11                 (B) For support of military family housing  
12 (including functions described in section 2833  
13 of title 10, United States Code), \$853,384,000.

14           (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
15 PROJECTS.—Notwithstanding the cost variations author-  
16 ized by section 2853 of title 10, United States Code, and  
17 any other cost variation authorized by law, the total cost  
18 of all projects carried out under section 2301 of this Act  
19 may not exceed the sum of the following:

20                 (1) The total amount authorized to be appro-  
21 priated under paragraphs (1), (2), and (3) of sub-  
22 section (a).

23                 (2) \$10,000,000 (the balance of the amount au-  
24 thorized under section 2301(a) for construction of a

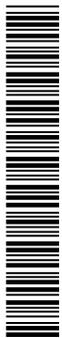


23-7

1 hanger for an aircraft maintenance unit, Tyndall Air  
2 Force Base, Florida).

3 (c) ADJUSTMENT.—The total amount authorized to  
4 be appropriated pursuant to paragraphs (1) through (6)  
5 of subsection (a) is the sum of the amounts authorized  
6 to be appropriated in such paragraphs, reduced by  
7 \$5,550,000, which represents prior year savings.





1 **TITLE XXIV—DEFENSE**  
 2 **AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.

3 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

4  
 5 (a) INSIDE THE UNITED STATES.—Using amounts  
 6 appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may  
 7 acquire real property and carry out military construction  
 8 projects for the installations or locations inside the United  
 9 States, and in the amounts, set forth in the following  
 10 table:  
 11

**Defense Agencies: Inside the United States**

Agency	Installation or Location	Amount
Defense Intelligence Agency .....	Bolling Air Force Base, District of Columbia .....	\$6,000,000
Defense Logistics Agency .....	Defense Distribution Depot, New Cumberland, Pennsylvania .....	\$22,300,000
	Defense Distribution Depot, Richmond, Virginia .....	\$10,100,000
	Defense Fuel Support Point, Naval Air Station, Oceana, Virginia .....	\$3,589,000
	Marina Corps Air Station, Cherry Point, North Carolina .....	\$22,700,000
	Naval Air Station, Kingsville, Texas .....	\$3,900,000
	Naval Station, Pearl Harbor, Hawaii .....	\$3,500,000
	Tinker Air Force Base, Oklahoma	\$5,400,000
	Missile Defense Agency	Travis Air Force Base, California
	Redstone Arsenal, Alabama .....	\$19,560,000



**Defense Agencies: Inside the United States**—Continued

Agency	Installation or Location	Amount
National Security Agency .....	Fort Meade, Maryland .....	\$15,007,000
Special Operations Command .....	Corona, California .....	\$13,600,000
	Fleet Combat Training Center, Dam Neck, Virginia .....	\$5,700,000
	Fort A.P. Hill, Virginia .....	\$1,500,000
	Fort Bragg, North Carolina .....	\$42,888,000
	Fort Campbell, Kentucky .....	\$3,500,000
	Fort Stewart/Hunter Army Air Field, Georgia .....	\$17,600,000
	Hurlburt Field, Florida .....	\$2,500,000
	Naval Amphibious Base, Little Creek, Virginia .....	\$33,200,000
	Niland, California .....	\$1,000,000
TRICARE Management Activity .....	Buckley Air Force Base, Colorado	\$2,100,000
	Defense Language Institute, Presidio, Monterey .....	\$6,700,000
	Fort Belvoir, Virginia .....	\$100,000,000
	Fort Benning, Georgia .....	\$7,100,000
	Langley Air Force Base, Virginia	\$50,800,000
	Marine Corps Recruit Depot, Parris Island, South Carolina ..	\$25,000,000
	Naval Air Station, Jacksonville, Florida .....	\$28,438,000
	Total .....	\$468,782,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2404(a)(2), the Secretary of Defense may  
 4 acquire real property and carry out military construction  
 5 projects for the installations or locations outside the  
 6 United States, and in the amounts, set forth in the fol-  
 7 lowing table:

**Defense Agencies: Outside the United States**

Agency	Installation or Location	Amount
Defense Education Activity .....	Grafenwoehr, Germany .....	\$36,247,000



**Defense Agencies: Outside the United States—**  
Continued

Agency	Installation or Location	Amount
Defense Logistics Agency .....	Naval Station, Guam .....	\$26,964,000
	Vilseck, Germany .....	\$9,011,000
Special Operations Command .....	Defense Fuel Support Point, Lajes Field, Portugal .....	\$19,113,000
TRICARE Management Activity .....	Naval Station, Guam, Mariana Islands .....	\$2,200,000
	Diego Garcia .....	\$3,800,000
	Grafenwoehr, Germany .....	\$13,000,000
	Total .....	\$110,335,000

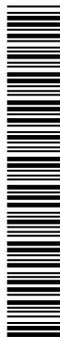
1 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2404(a)(3), the Secretary of Defense may  
 4 acquire real property and carry out military construction  
 5 projects for the installations or locations, and in the  
 6 amounts, set forth in the following table:

**Defense Agencies: Unspecified Worldwide**

Location	Installation or Location	Amount
Special Operations Command .....	Classified Locations .....	\$7,400,000
	Unspecified Worldwide .....	\$2,900,000
	Total .....	\$10,300,000

7 **SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 8 **UNITS.**

9 Subject to section 2825 of title 10, United States  
 10 Code, and using amounts appropriated pursuant to the  
 11 authorization of appropriations in section 2404(a)(9)(A),



1 the Secretary of Defense may improve existing military  
2 family housing units in an amount not to exceed \$49,000.

3 **SEC. 2403. ENERGY CONSERVATION PROJECTS.**

4 Using amounts appropriated pursuant to the author-  
5 ization of appropriations in section 2404(a)(7), the Sec-  
6 retary of Defense may carry out energy conservation  
7 projects under section 2865 of title 10, United States  
8 Code, in the amount of \$50,000,000.

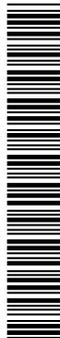
9 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-**  
10 **FENSE AGENCIES.**

11 (a) IN GENERAL.—Funds are hereby authorized to  
12 be appropriated for fiscal years beginning after September  
13 30, 2004, for military construction, land acquisition, and  
14 military family housing functions of the Department of  
15 Defense (other than the military departments) in the total  
16 amount of \$1,055,663,000, as follows:

17 (1) For military construction projects inside the  
18 United States authorized by section 2401(a),  
19 \$411,782,000.

20 (2) For military construction projects outside  
21 the United States authorized by section 2401(b),  
22 \$110,335,000.

23 (3) For the military construction projects at  
24 unspecified worldwide locations authorized by section  
25 2401(c), \$10,300,000.



1 (4) For unspecified minor military construction  
2 projects under section 2805 of title 10, United  
3 States Code, \$20,938,000.

4 (5) For contingency construction projects of the  
5 Secretary of Defense under section 2804 of title 10,  
6 United States Code, \$10,000,000.

7 (6) For architectural and engineering services  
8 and construction design under section 2807 of title  
9 10, United States Code, \$62,182,000.

10 (7) For energy conservation projects authorized  
11 by section 2403 of this Act, \$50,000,000.

12 (8) For base closure and realignment activities  
13 as authorized by the Defense Base Closure and Re-  
14 alignment Act of 1990 (part A of title XXIX of  
15 Public Law 101-510; 10 U.S.C. 2687 note),  
16 \$246,116,000.

17 (9) For military family housing functions:

18 (A) For improvement of military family  
19 housing and facilities, \$49,000.

20 (B) For support of military family housing  
21 (including functions described in section 2833  
22 of title 10, United States Code), \$49,575,000.

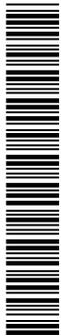
23 (C) For credit to the Department of De-  
24 fense Family Housing Improvement Fund es-



1            established by section 2883(a)(1) of title 10,  
2            United States Code, \$2,500,000.

3            (10) For the construction of phase 6 of an am-  
4            munition demilitarization facility at Pueblo Depot  
5            Activity, Colorado, authorized by section 2401(a) of  
6            the Military Construction Authorization Act for Fis-  
7            cal Year 1997 (division B of Public Law 104-201;  
8            110 Stat. 2775), as amended by section 2406 of the  
9            Military Construction Authorization Act for Fiscal  
10           Year 2000 (division B of Public Law 106-65; 113  
11           Stat. 839) and section 2407 of the Military Con-  
12           struction Authorization Act for Fiscal Year 2003  
13           (division B of Public Law 107-314; 116 Stat.  
14           2698), \$44,792,000.

15           (11) For the construction of phase 5 of an am-  
16           munition demilitarization facility at Blue Grass  
17           Army Depot, Kentucky, authorized by section  
18           2401(a) of the Military Construction Authorization  
19           Act for Fiscal Year 2000 (division B of Public Law  
20           106-65; 113 Stat. 835), as amended by section  
21           2405 of the Military Construction Authorization Act  
22           of 2002 (division B of Public Law 107-107; 115  
23           Stat. 1298) and section 2405 of the Military Con-  
24           struction Authorization Act for Fiscal Year 2003

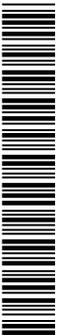


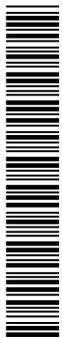
1 (division B of Public Law 107-314; 116 Stat.  
2 2698), \$37,094,000.

3 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
4 PROJECTS.—Notwithstanding the cost variations author-  
5 ized by section 2853 of title 10, United States Code, and  
6 any other cost variation authorized by law, the total cost  
7 of all projects carried out under section 2401 of this Act  
8 may not exceed the sum of the following:

9 (1) The total amount authorized to be appro-  
10 priated under paragraphs (1), (2) and (3) of sub-  
11 section (a).

12 (2) \$57,000,000 (the balance of the amount au-  
13 thorized under section 2401(a) for hospital replace-  
14 ment, Fort Belvoir, Virginia).





1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION SECUR-**  
3 **RITY INVESTMENT PROGRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

4 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
5 **ACQUISITION PROJECTS.**

6 The Secretary of Defense may make contributions for  
7 the North Atlantic Treaty Organization Security Invest-  
8 ment program as provided in section 2806 of title 10,  
9 United States Code, in an amount not to exceed the sum  
10 of the amount authorized to be appropriated for this pur-  
11 pose in section 2502 and the amount collected from the  
12 North Atlantic Treaty Organization as a result of con-  
13 struction previously financed by the United States.

14 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal years beginning after September 30, 2004, for con-  
17 tributions by the Secretary of Defense under section 2806  
18 of title 10, United States Code, for the share of the United  
19 States of the cost of projects for the North Atlantic Treaty  
20 Organization Security Investment program authorized by  
21 section 2501, in the amount of \$160,800,000.





1                   **TITLE XXVI—GUARD AND**  
2                   **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

3   **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
4                   **TION AND LAND ACQUISITION PROJECTS.**

5           Funds are hereby authorized to be appropriated for  
6 fiscal years beginning after September 30, 2004, for the  
7 costs of acquisition, architectural and engineering services,  
8 and construction of facilities for the Guard and Reserve  
9 Forces, and for contributions therefor, under chapter  
10 1803 of title 10, United States Code (including the cost  
11 of acquisition of land for those facilities), the following  
12 amounts:

13                   (1) For the Department of the Army—

14                           (A) for the Army National Guard of the  
15                   United States, \$434,363,000; and

16                           (B) for the Army Reserve, \$90,310,000.

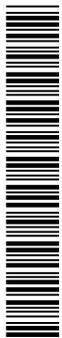
17                   (2) For the Department of the Navy, for the  
18                   Naval and Marine Corps Reserve, \$48,185,000.

19                   (3) For the Department of the Air Force—

20                           (A) for the Air National Guard of the  
21                   United States, \$233,518,000; and

22                           (B) for the Air Force Reserve,  
23                   \$122,756,000.





# 1 **TITLE XXVII—EXPIRATION AND** 2 **EXTENSION OF AUTHORIZATIONS**

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 2002 projects.

Sec. 2703. Extension and renewal of authorizations of certain fiscal year 2001 projects.

## 3 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND** 4 **AMOUNTS REQUIRED TO BE SPECIFIED BY** 5 **LAW.**

6 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
7 YEARS.—Except as provided in subsection (b), all author-  
8 izations contained in titles XXI through XXVI for military  
9 construction projects, land acquisition, family housing  
10 projects and facilities, and contributions to the North At-  
11 lantic Treaty Organization Security Investment program  
12 (and authorizations of appropriations therefor) shall ex-  
13 pire on the later of—

14 (1) October 1, 2007; or

15 (2) the date of the enactment of an Act author-  
16 izing funds for military construction for fiscal year  
17 2008.

18 (b) EXCEPTION.—Subsection (a) shall not apply to  
19 authorizations for military construction projects, land ac-  
20 quisition, family housing projects and facilities, and con-  
21 tributions to the North Atlantic Treaty Organization Se-  
22 curity Investment program (and authorizations of appro-



1 priations therefor), for which appropriated funds have  
 2 been obligated before the later of—

- 3 (1) October 1, 2007; or  
 4 (2) the date of the enactment of an Act author-  
 5 izing funds for fiscal year 2008 for military con-  
 6 struction projects, land acquisition, family housing  
 7 projects and facilities, or contributions to the North  
 8 Atlantic Treaty Organization Security Investment  
 9 program.

10 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 11 **FISCAL YEAR 2002 PROJECTS.**

12 (a) **EXTENSION.**—Notwithstanding section 2701 of  
 13 the Military Construction Authorization Act for Fiscal  
 14 Year 2002 (division B of Public Law 107-107; 115 Stat.  
 15 1301), authorizations set forth in the tables in subsection  
 16 (b), as provided in section 2101, 2302, or 2601 of that  
 17 Act, shall remain in effect until October 1, 2005, or the  
 18 date of the enactment of an Act authorizing funds for mili-  
 19 tary construction for fiscal year 2006, whichever is later.

20 (b) **TABLES.**—The tables referred to in subsection (a)  
 21 are as follows:

**Army: Extension of 2002 Project Authorizations**

State	Installation or Location	Project	Amount
Alaska .....	Fort Wainwright	Power plant cool- ing tower .....	\$23,000,000



**Army: Extension of 2002 Project Authorizations—**  
Continued

State	Installation or Location	Project	Amount
Hawaii .....	Pohakuloa Training Facility .....	Parker Ranch land acquisition	\$1,500,000

**Air Force: Extension of 2002 Project Authorizations**

State	Installation or Location	Project	Amount
Colorado .....	Buckley Air Force Base .....	Family housing (55 Units) .....	\$11,400,000
Louisiana .....	Barksdale Air Force Base .....	Family housing (56 Units) .....	\$7,300,000

**Army National Guard: Extension of 2002 Project Authorization**

State	Installation or Location	Project	Amount
California .....	Lancaster .....	Readiness Center	\$4,530,000

**1 SEC. 2703. EXTENSION AND RENEWAL OF AUTHORIZATIONS**  
**2 OF CERTAIN FISCAL YEAR 2001 PROJECTS.**

3 (a) EXTENSION AND RENEWAL.—Notwithstanding  
4 section 2701 of the Military Construction Authorization  
5 Act for Fiscal Year 2001 (division B of the Floyd D.  
6 Spence National Defense Authorization Act for Fiscal  
7 Year 2001 (as enacted into law by Public Law 106-398;  
8 114 Stat. 1654A-407)), authorizations set forth in the ta-  
9 bles in subsection (b), as provided in section 2102 or 2401  
10 of that Act and, in the case of the authorization set forth  
11 in the first table in subsection (b), extended by section



1 2702 of the Military Construction Authorization Act for  
 2 Fiscal Year 2004 (division B of Public Law 108-136; 117  
 3 Stat. 1716), shall remain in effect until October 1, 2005,  
 4 or the date of the enactment of an Act authorizing funds  
 5 for military construction for fiscal year 2006, whichever  
 6 is later.

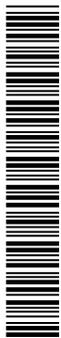
7 (b) TABLES.—The tables referred to in subsection (a)  
 8 are as follows:

**Army: Extension of 2001 Project Authorization**

State	Installation or Location	Project	Amount
South Carolina ...	Fort Jackson .....	Family housing (1 unit) .....	\$250,000

**Defense Agencies: Renewal of 2001 Project Authorization**

Agency	Installation or Location	Project	Amount
Defense Education Activity .....	Osan Air Base, Korea .....	Osan Elementary School addition	\$843,000



1                   **TITLE XXVIII—GENERAL**  
2                   **PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Modification of approval and notice requirements for facility repair projects.
- Sec. 2802. Reporting requirements regarding military family housing requirements for general officers and flag officers.
- Sec. 2803. Congressional notification of deviations from authorized cost variations for military construction projects and military family housing projects.
- Sec. 2804. Assessment of vulnerability of military installations to terrorist attack and annual report on military construction requirements related to antiterrorism and force protection.
- Sec. 2805. Repeal of limitations on use of alternative authority for acquisition and improvement of military housing.
- Sec. 2806. Additional reporting requirements relating to alternative authority for acquisition and improvement of military housing.
- Sec. 2807. Temporary authority to accelerate design efforts for military construction projects carried out using design-build selection procedures.
- Sec. 2808. Notification thresholds and requirements for expenditures or contributions for acquisition of facilities for reserve components.
- Sec. 2809. Authority to exchange reserve component facilities to acquire replacement facilities.
- Sec. 2810. One-year extension of temporary, limited authority to use operation and maintenance funds for construction projects outside the United States.
- Sec. 2811. Consideration of combination of military medical treatment facilities and health care facilities of Department of Veterans Affairs.

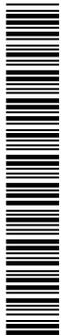
**Subtitle B—Real Property and Facilities Administration**

- Sec. 2821. Reorganization of existing administrative provisions relating to real property transactions.
- Sec. 2822. Development of Heritage Center for the National Museum of the United States Army.
- Sec. 2823. Elimination of reversionary interests clouding United States title to property used as Navy homeports.

**Subtitle C—Base Closure and Realignment**

- Sec. 2831. Establishment of specific deadline for submission of revisions to force-structure plan and infrastructure inventory.
- Sec. 2832. Specification of final selection criteria for 2005 base closure round.
- Sec. 2833. Repeal of authority of Secretary of Defense to recommend that installations be placed in inactive status.
- Sec. 2834. Voting requirements for Defense Base Closure and Realignment Commission to add to or otherwise expand closure and realignment recommendations made by Secretary of Defense.

**Subtitle D—Land Conveyances**



## 28-2

## PART I—ARMY CONVEYANCES

- Sec. 2841. Land conveyance, Sunflower Army Ammunition Plant, Kansas.
- Sec. 2842. Land exchange, Fort Campbell, Kentucky and Tennessee.
- Sec. 2843. Land conveyance, Louisiana Army Ammunition Plant, Doyline, Louisiana.
- Sec. 2844. Land conveyance, Fort Leonard Wood, Missouri.
- Sec. 2845. Transfer of administrative jurisdiction, Defense Supply Center, Columbus, Ohio.
- Sec. 2846. Jurisdiction and utilization of former public domain lands, Umatilla Chemical Depot, Oregon.
- Sec. 2847. Modification of authority for land conveyance, equipment and storage yard, Charleston, South Carolina.
- Sec. 2848. Land conveyance, Fort Hood, Texas.
- Sec. 2849. Land conveyance, local training area for Browning Army Reserve Center, Utah.
- Sec. 2850. Land conveyance, Army Reserve Center, Hampton, Virginia.
- Sec. 2851. Land conveyance, Army National Guard Facility, Seattle, Washington.
- Sec. 2852. Modification of land exchange and consolidation, Fort Lewis, Washington.

## PART II—NAVY CONVEYANCES

- Sec. 2861. Land exchange, former Richmond Naval Air Station, Florida.
- Sec. 2862. Land conveyance, Honolulu, Hawaii.
- Sec. 2863. Land conveyance, Navy property, former Fort Sheridan, Illinois.
- Sec. 2864. Land exchange, Naval Air Station, Patuxent River, Maryland.
- Sec. 2865. Modification of land acquisition authority, Perquimans County, North Carolina.
- Sec. 2866. Land conveyance, Naval Weapons Station, Charleston, South Carolina.
- Sec. 2867. Land conveyance, Navy YMCA building, Portsmouth, Virginia.

## PART III—AIR FORCE CONVEYANCES

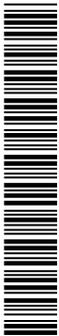
- Sec. 2871. Land exchange, Maxwell Air Force Base, Alabama.
- Sec. 2872. Land conveyance, March Air Force Base, California.
- Sec. 2873. Land conveyance, former Griffiss Air Force Base, New York.

## PART IV—OTHER CONVEYANCES

- Sec. 2881. Land exchange, Arlington County, Virginia.

**Subtitle E—Other Matters**

- Sec. 2891. One-year resumption of Department of Defense Laboratory Revitalization Demonstration Program.
- Sec. 2892. Designation of Airmen Leadership School at Luke Air Force Base, Arizona, in honor of John J. Rhodes, a former minority leader of the House of Representatives.
- Sec. 2893. Settlement of claim of Oakland Base Reuse Authority and Redevelopment Agency.
- Sec. 2894. Report on establishment of mobilization station at Camp Ripley National Guard Training Center, Little Falls, Minnesota.
- Sec. 2895. Report on feasibility of establishment of veterans memorial at Marine Corps Air Station, El Toro, California.



Sec. 2896. Sense of Congress regarding effect of military housing policies and force structure and basing changes on local educational agencies.

Sec. 2897. Sense of Congress and study regarding memorial honoring non-United States citizens killed in the line of duty while serving in the United States Armed Forces.

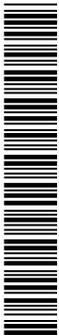
1 **Subtitle A—Military Construction**  
2 **Program and Military Family**  
3 **Housing Changes**

4 **SEC. 2801. MODIFICATION OF APPROVAL AND NOTICE RE-**  
5 **QUIREMENTS FOR FACILITY REPAIR**  
6 **PROJECTS.**

7 (a) INCREASE IN THRESHOLD FOR APPROVAL RE-  
8 QUIREMENT.—Subsection (b) of section 2811 of title 10,  
9 United States Code, is amended by striking “\$5,000,000”  
10 and inserting “\$7,500,000”.

11 (b) DECREASE IN THRESHOLD FOR CONGRESSIONAL  
12 NOTIFICATION.—Subsection (d) of such section is amend-  
13 ed by striking “\$10,000,000” and inserting  
14 “\$7,500,000”.

15 (c) INFORMATION REQUIRED IN COST ESTIMATE  
16 FOR MULTI-YEAR PROJECTS.—Subsection (d)(1) of such  
17 section is amended by inserting before the semicolon the  
18 following: “, including, in the case of a multi-year repair  
19 project to a single facility, the total cost of all phases of  
20 the project”.



1 **SEC. 2802. REPORTING REQUIREMENTS REGARDING MILI-**  
2 **TARY FAMILY HOUSING REQUIREMENTS FOR**  
3 **GENERAL OFFICERS AND FLAG OFFICERS.**

4 (a) REPORTS ON COST OF GENERAL AND FLAG OF-  
5 FICERS QUARTERS.—Section 2831 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new subsection:

8 “(e) REPORTS ON COST OF GENERAL OFFICERS AND  
9 FLAG OFFICERS QUARTERS.—(1) As part of the budget  
10 materials submitted to Congress in connection with the  
11 submission of the budget for a fiscal year pursuant to sec-  
12 tion 1105 of title 31, the Secretary of Defense shall sub-  
13 mit a report—

14 “(A) identifying each family housing unit used,  
15 or intended for use, as quarters for a general officer  
16 or flag officer for which the total operation, mainte-  
17 nance, and repair costs for the unit are anticipated  
18 to exceed \$35,000 in the next fiscal year; and

19 “(B) for each family housing unit so identified,  
20 specifying the total of such anticipated operation,  
21 maintenance, and repair costs for the unit.

22 “(2) Not later than 120 days after the end of each  
23 fiscal year, the Secretary of Defense shall submit to the  
24 congressional defense committees a report specifying, for  
25 each family housing unit used as quarters for a general  
26 officer or flag officer at any time during that fiscal year,



1 the total expenditures for operation and maintenance, util-  
2 ities, lease, and repairs of the unit during that fiscal  
3 year.”.

4 (b) NOTICE AND WAIT REQUIREMENT.—Such sec-  
5 tion is further amended by inserting after subsection (e),  
6 as added by subsection (a), the following new subsection:

7 “(f) NOTICE AND WAIT REQUIREMENT.—(1) Except  
8 as provided in paragraphs (2) and (3), the Secretary con-  
9 cerned may not carry out a maintenance or repair project  
10 for a family housing unit used, or intended for use, as  
11 quarters for a general officer or flag officer if the project  
12 will or may result in the total operation, maintenance, and  
13 repair costs for the unit for the fiscal year to exceed  
14 \$35,000, until—

15 “(A) the Secretary concerned submits to the  
16 congressional defense committees, in writing, a jus-  
17 tification of the need for the maintenance or repair  
18 project and an estimate of the cost of the project;  
19 and

20 “(B) a period of 21 days has expired following  
21 the date on which the justification and estimate are  
22 received by the committees or, if over sooner, a pe-  
23 riod of 14 days has expired following the date on  
24 which a copy of the justification and estimate are



1 provided in an electronic medium pursuant to sec-  
2 tion 480 of this title.

3 “(2) The project justification and cost estimate re-  
4 quired by paragraph (1)(A) may be submitted after the  
5 commencement of a maintenance or repair project for a  
6 family housing unit used, or intended for use, as quarters  
7 for a general officer or flag officer if the project is a nec-  
8 essary enviromental remediation project for the unit or is  
9 necessary for occupant safety or security, and the need  
10 for the project arose after the submission of the most re-  
11 cent report under subsection (e).

12 “(3) Paragraph (1) shall not apply in the case of a  
13 family housing unit used, or intended for use, as quarters  
14 for a general officer or flag officer if the unit was identi-  
15 fied in the most recent report submitted under subsection  
16 (e) and the cost of the maintenance or repair project was  
17 included in the total of anticipated operation, mainte-  
18 nance, and repair costs for the unit specified in the re-  
19 port.”.

20 (c) REPORT ON NEED FOR GENERAL AND FLAG OF-  
21 FICERS QUARTERS IN NATIONAL CAPITAL REGION.—Not  
22 later than March 30, 2005, the Secretary of Defense shall  
23 submit to the congressional defense committees a report  
24 containing an analysis of anticipated needs in the National  
25 Capital Region for family housing units for general offi-



1 cers and flag officers. In conducting the analysis, the Sec-  
2 retary shall consider the extent of available housing in the  
3 National Capital Region and the necessity of providing  
4 housing for general officers and flag officers in secure lo-  
5 cations.

6 (d) REPORT ON CURRENT WORLD-WIDE INVENTORY  
7 OF GENERAL AND FLAG OFFICERS QUARTERS.—Not  
8 later than March 30, 2005, the Secretary of Defense shall  
9 submit to the congressional defense committees a report—

10 (1) containing a worldwide inventory of family  
11 housing units used, or intended for use, for general  
12 officers and flag officers; and

13 (2) identifying annual expenditures for fiscal  
14 years 2002, 2003, and 2004 for operation and main-  
15 tenance, utilities, leases, and repairs of each unit.

16 (e) DEFINITIONS.—In this section:

17 (1) The terms “general officer” and “flag offi-  
18 cer” have the meanings given such terms in section  
19 101(b) of title 10, United States Code.

20 (2) The term “National Capital Region” has  
21 the meaning given such term in section 2674(f) of  
22 such title.



1 **SEC. 2803. CONGRESSIONAL NOTIFICATION OF DEVIATIONS**  
2 **FROM AUTHORIZED COST VARIATIONS FOR**  
3 **MILITARY CONSTRUCTION PROJECTS AND**  
4 **MILITARY FAMILY HOUSING PROJECTS.**

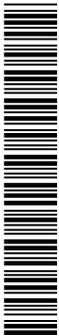
5 Section 2853(c)(3) of title 10, United States Code,  
6 is amended by inserting before the period at the end the  
7 following: “or, if over sooner, a period of 14 days has  
8 elapsed after the date on which a copy of the notification  
9 is provided in an electronic medium pursuant to section  
10 480 of this title”.

11 **SEC. 2804. ASSESSMENT OF VULNERABILITY OF MILITARY**  
12 **INSTALLATIONS TO TERRORIST ATTACK AND**  
13 **ANNUAL REPORT ON MILITARY CONSTRUC-**  
14 **TION REQUIREMENTS RELATED TO**  
15 **ANTITERRORISM AND FORCE PROTECTION.**

16 (a) ANNUAL ASSESSMENT AND REPORT.—(1) Chap-  
17 ter 169 of title 10, United States Code, is amended by  
18 inserting after section 2858 the following new section:

19 **“§ 2859. Construction requirements related to**  
20 **antiterrorism and force protection**

21 “(a) ANTITERRORISM AND FORCE PROTECTION  
22 GUIDANCE AND CRITERIA.—The Secretary of Defense  
23 shall develop common guidance and criteria to be used by  
24 each Secretary concerned—



1 “(1) to assess the vulnerability of military in-  
2 stallations located inside and outside of the United  
3 States to terrorist attack;

4 “(2) to develop construction standards designed  
5 to reduce the vulnerability of structures to terrorist  
6 attack and improve the security of the occupants of  
7 such structures;

8 “(3) to prepare and carry out military construc-  
9 tion projects, such as gate and fenceline construc-  
10 tion, to improve the physical security of military in-  
11 stallations; and

12 “(4) to assist in prioritizing such projects with-  
13 in the military construction budget of each of the  
14 armed forces.

15 “(b) VULNERABILITY ASSESSMENTS.—The Secretary  
16 of Defense shall require vulnerability assessments of mili-  
17 tary installations to be conducted, at regular intervals,  
18 using the criteria developed under subsection (a).

19 “(c) MILITARY CONSTRUCTION REQUIREMENTS.—As  
20 part of the budget materials submitted to Congress in con-  
21 nection with the submission of the budget for a fiscal year  
22 pursuant to section 1105 of title 31, but in no case later  
23 than March 15 of each year, the Secretary of Defense shall  
24 submit a report, in both classified and unclassified form,  
25 describing—



1 “(1) the location and results of the vulnerability  
2 assessments conducted under subsection (b) during  
3 the most recently completed fiscal year;

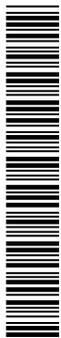
4 “(2) the military construction requirements an-  
5 ticipated to be necessary during the period covered  
6 by the then-current future-years defense plan under  
7 section 221 of this title to improve the physical secu-  
8 rity of military installations; and

9 “(3) the extent to which funds to meet those re-  
10 quirements are not requested in the Department of  
11 Defense budget for the fiscal year for which the  
12 budget is submitted.”.

13 (2) The table of sections at the beginning of sub-  
14 chapter III of chapter 169 of such title is amended by  
15 inserting after the item relating to section 2858 the fol-  
16 lowing new item:

“2859. Construction requirements related to antiterrorism and force protec-  
tion.”.

17 (b) SPECIAL REQUIREMENT FOR 2006 REPORT.—In  
18 the case of the report required to be submitted in 2006  
19 under section 2859(c) of title 10, United States Code, as  
20 added by subsection (a), the Secretary of Defense shall  
21 include a certification by the Secretary that since Sep-  
22 tember 11, 2001, assessments regarding the vulnerability  
23 of military installations to terrorist attack have been un-  
24 dertaken for all major military installations. The Sec-



1 retary shall indicate the basis by which the Secretary dif-  
2 ferentiated between major and nonmajor military installa-  
3 tions for purposes of making the certification.

4 **SEC. 2805. REPEAL OF LIMITATIONS ON USE OF ALTER-**  
5 **NATIVE AUTHORITY FOR ACQUISITION AND**  
6 **IMPROVEMENT OF MILITARY HOUSING.**

7 (a) REPEAL OF BUDGET AUTHORITY LIMITATION ON  
8 USE OF AUTHORITY.—Section 2883 of title 10, United  
9 States Code, is amended by striking subsection (g).

10 (b) REPEAL OF TERMINATION DATE ON USE OF AU-  
11 THORITY.—(1) Section 2885 of such title is repealed.

12 (2) The table of sections at the beginning of sub-  
13 chapter IV of chapter 169 of such title is amended by  
14 striking the item relating to section 2885.

15 **SEC. 2806. ADDITIONAL REPORTING REQUIREMENTS RE-**  
16 **LATING TO ALTERNATIVE AUTHORITY FOR**  
17 **ACQUISITION AND IMPROVEMENT OF MILI-**  
18 **TARY HOUSING.**

19 (a) PROJECT REPORTS.—Paragraph (2) of sub-  
20 section (a) of section 2884 of title 10, United States Code,  
21 is amended to read as follows:

22 “(2) For each proposed contract, conveyance, or lease  
23 described in paragraph (1), the report required by such  
24 paragraph shall include the following:



1           “(A) A description of the contract, conveyance,  
2           or lease, including a summary of the terms of the  
3           contract, conveyance, or lease.

4           “(B) A description of the authorities to be uti-  
5           lized in entering into the contract, conveyance, or  
6           lease and the intended method of participation of the  
7           United States in the contract, conveyance, or lease,  
8           including a justification of the intended method of  
9           participation.

10          “(C) A statement of the scored cost of the con-  
11          tract, conveyance, or lease, as determined by the Of-  
12          fice of Management and Budget.

13          “(D) A statement of the United States funds  
14          required for the contract, conveyance, or lease and  
15          a description of the source of such funds.

16          “(E) An economic assessment of the life cycle  
17          costs of the contract, conveyance, or lease, including  
18          an estimate of the amount of United States funds  
19          that would be paid over the life of the contract, con-  
20          veyance, or lease from amounts derived from pay-  
21          ments of government allowances, including the basic  
22          allowance for housing under section 403 of title 37,  
23          if the housing affected by the project were fully oc-  
24          cupied by military personnel over the life of the con-  
25          tract, conveyance, or lease.”.



1 (b) ANNUAL REPORTS.—Subsection (b) of such sec-  
2 tion is amended—

3 (1) by redesignating paragraph (5) as para-  
4 graph (6); and

5 (2) by inserting after paragraph (4) the fol-  
6 lowing new paragraph (5):

7 “(5) A report setting forth, by armed force—

8 “(A) an estimate of the amounts of basic  
9 allowance for housing under section 403 of title  
10 37 that will be paid, during the current fiscal  
11 year and the fiscal year for which the budget is  
12 submitted, to members of the armed forces liv-  
13 ing in housing provided under the authorities in  
14 this subchapter; and

15 “(B) the number of units of military fam-  
16 ily housing and military unaccompanied housing  
17 upon which the estimate under subparagraph  
18 (A) for the current fiscal year and the next fis-  
19 cal year is based.”.



1 **SEC. 2807. TEMPORARY AUTHORITY TO ACCELERATE DE-**  
2 **SIGN EFFORTS FOR MILITARY CONSTRUC-**  
3 **TION PROJECTS CARRIED OUT USING DE-**  
4 **SIGN-BUILD SELECTION PROCEDURES.**

5 Section 2305a of title 10, United States Code, is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(f) SPECIAL AUTHORITY FOR MILITARY CONSTRUC-  
9 TION PROJECTS.—(1) The Secretary of a military depart-  
10 ment may use funds available to the Secretary under sec-  
11 tion 2807(a) or 18233(e) of this title to accelerate the de-  
12 sign effort in connection with a military construction  
13 project for which the two-phase selection procedures de-  
14 scribed in subsection (c) are used to select the contractor  
15 for both the design and construction portion of the project  
16 before the project is specifically authorized by law and be-  
17 fore funds are appropriated for the construction portion  
18 of the project. Notwithstanding the limitations contained  
19 in such sections, use of such funds for the design portion  
20 of a military construction project may continue despite the  
21 subsequent authorization of the project. The advance no-  
22 tice requirement of section 2807(b) of this title shall con-  
23 tinue to apply whenever the estimated cost of the design  
24 portion of the project exceeds the amount specified in such  
25 section.



1           “(2) Any military construction contract that provides  
2 for an accelerated design effort, as authorized by para-  
3 graph (1), shall include as a condition of the contract that  
4 the liability of the United States in a termination for con-  
5 venience may not exceed the actual costs incurred as of  
6 the termination date.

7           “(3) For each fiscal year during which the authority  
8 provided by this subsection is in effect, the Secretary of  
9 a military department may select not more than two mili-  
10 tary construction projects to include the accelerated design  
11 effort authorized by paragraph (1) for each armed force  
12 under the jurisdiction of the Secretary. To be eligible for  
13 selection under this subsection, a request for the author-  
14 ization of the project, and for the authorization of appro-  
15 priations for the project, must have been included in the  
16 annual budget of the President for a fiscal year submitted  
17 to Congress under section 1105(a) of title 31.

18           “(4) Not later than March 1, 2007, the Secretary of  
19 Defense shall submit to the congressional defense commit-  
20 tees a report evaluating the usefulness of the authority  
21 provided by this subsection in expediting the design and  
22 construction of military construction projects. The author-  
23 ity provided by this subsection expires September 30,  
24 2007, except that, if the report required by this paragraph



1 is not submitted by March 1, 2007, the authority shall  
2 expire on that date.”.

3 **SEC. 2808. NOTIFICATION THRESHOLDS AND REQUIRE-**  
4 **MENTS FOR EXPENDITURES OR CONTRIBU-**  
5 **TIONS FOR ACQUISITION OF FACILITIES FOR**  
6 **RESERVE COMPONENTS.**

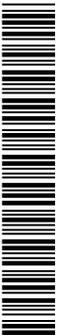
7 (a) **AUTHORITY TO CARRY OUT SMALL PROJECTS.—**  
8 Section 18233a of title 10, United States Code, is amend-  
9 ed to read as follows:

10 **“§ 18233a. Notice and wait requirements for certain**  
11 **projects**

12 “(a) **CONGRESSIONAL NOTIFICATION.—**Except as  
13 provided in subsection (b), an expenditure or contribution  
14 in an amount in excess of \$750,000 may not be made  
15 under section 18233 of this title for any facility until—

16 “(1) the Secretary of Defense has notified the  
17 congressional defense committees of the location, na-  
18 ture, and estimated cost of the facility; and

19 “(2) a period of 21 days has elapsed after the  
20 notification has been received by those committees  
21 or, if over sooner, a period of 14 days has elapsed  
22 after the date on which a copy of the notification is  
23 provided in an electronic medium pursuant to sec-  
24 tion 480 of this title.



1 “(b) CERTAIN EXPENDITURES OR CONTRIBUTIONS  
2 EXEMPTED.—Subsection (a) does not apply to expendi-  
3 tures or contributions for the following:

4 “(1) Facilities acquired by lease.

5 “(2) A project for a facility that has been au-  
6 thorized by Congress, if the location and purpose of  
7 the facility are the same as when authorized and if,  
8 based upon bids received—

9 “(A) the scope of work of the project, as  
10 approved by Congress, is not proposed to be re-  
11 duced by more than 25 percent; and

12 “(B) the current working estimate of the  
13 cost of the project does not exceed the amount  
14 approved for the project by more than the less-  
15 er of the following:

16 “(i) 25 percent.

17 “(ii) 200 percent of the amount speci-  
18 fied by section 2805(a)(2) of this title as  
19 the maximum amount for a minor military  
20 construction project.

21 “(3) A repair project (as that term is defined  
22 in section 2811(e) of this title) that costs less than  
23 \$7,500,000.”.

24 (b) RECODIFICATION OF LIMITED AUTHORITY TO  
25 USE OPERATION AND MAINTENANCE FUNDS.—Chapter



1 1803 of such title is amended by inserting after section  
2 18233a the following new section:

3 **“§ 18233b. Authority to carry out small projects with**  
4 **operation and maintenance funds**

5 “Under such regulations as the Secretary of Defense  
6 may prescribe, the Secretary may expend, from appropria-  
7 tions available for operation and maintenance, amounts  
8 necessary to carry out any project authorized under sec-  
9 tion 18233(a) of this title that costs not more than—

10 “(1) the amount specified in section  
11 2805(e)(1)(A) of this title, in the case of a project  
12 intended solely to correct a deficiency that is life-  
13 threatening, health-threatening, or safety-threat-  
14 ening; or

15 “(2) the amount specified in section  
16 2805(e)(1)(B) of this title, in the case of any other  
17 project.”.

18 (c) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of chapter 1803 of such title is amended  
20 by striking the item relating to section 18233a and insert-  
21 ing the following new items:

“18233a. Notice and wait requirements for certain projects.

“18233b. Authority to carry out small projects with operation and maintenance  
funds.”.



1 **SEC. 2809. AUTHORITY TO EXCHANGE RESERVE COMPO-**  
2 **NENT FACILITIES TO ACQUIRE REPLACE-**  
3 **MENT FACILITIES.**

4 (a) EXCHANGE AUTHORITY.—(1) Chapter 1803 of  
5 title 10, United States Code, is amended by adding at the  
6 end the following new section:

7 **“§ 18240. Acquisition of facilities by exchange**

8 “(a) EXCHANGE AUTHORITY.—In addition to the ac-  
9 quisition authority provided by section 18233 of this title,  
10 the Secretary of Defense may authorize the Secretary of  
11 a military department to acquire a facility, or addition to  
12 an existing facility, needed to satisfy military requirements  
13 for a reserve component by carrying out an exchange of  
14 an existing facility under the control of that Secretary  
15 through an agreement with a State, local government,  
16 local authority, or private entity.

17 “(b) FACILITIES ELIGIBLE FOR EXCHANGE.—Only a  
18 facility of a reserve component that is not excess property  
19 (as defined in section 102(3) of title 40) may be exchanged  
20 using the authority provided by this section.

21 “(c) EQUAL VALUE EXCHANGE.—In any exchange  
22 carried out using the authority provided by this section,  
23 the value of the replacement facility, or addition to an ex-  
24 isting facility, acquired by the United States shall be at  
25 least equal to the fair market value of the facility conveyed  
26 by the United States under the agreement. If the values



1 are unequal, the values may not be equalized by any pay-  
2 ment of cash consideration by either party to the agree-  
3 ment.

4 “(d) REQUIREMENTS FOR REPLACEMENT FACILI-  
5 TIES.—The Secretary of a military department may not  
6 accept a replacement facility, or addition to an existing  
7 facility, to be acquired by the United States in an ex-  
8 change carried out using the authority provided by this  
9 section until that Secretary determines that the facility or  
10 addition—

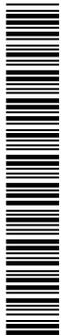
11 “(1) is complete and usable, fully functional,  
12 and ready for occupancy;

13 “(2) satisfies all operational requirements; and

14 “(3) meets all applicable Federal, State, and  
15 local requirements relating to health, safety, fire,  
16 and the environment.

17 “(e) CONSULTATION REQUIREMENTS.—The Sec-  
18 retary of a military department authorized to enter into  
19 an agreement under subsection (a) to convey an existing  
20 facility under the control of that Secretary by exchange  
21 shall consult with representatives of other reserve compo-  
22 nents to evaluate—

23 “(1) the value of using the facility to meet the  
24 military requirements of another reserve component,



1 instead of conveying the facility under this section;  
2 and

3 “(2) the feasibility of using the conveyance of  
4 the facility to acquire a facility, or an addition to an  
5 existing facility, that would be jointly used by more  
6 than one reserve component or unit.

7 “(f) ADVANCE NOTICE OF PROPOSED EXCHANGE.—  
8 (1) When a decision is made to enter into an agreement  
9 under subsection (a) to exchange a facility using the au-  
10 thority provided by this section, the Secretary of the mili-  
11 tary department authorized to enter into the agreement  
12 shall submit to the congressional defense committees a re-  
13 port on the proposed agreement. The report shall include  
14 the following:

15 “(A) A description of the agreement, including  
16 the terms and conditions of the agreement, the par-  
17 ties to be involved in the agreement, the origin of  
18 the proposal that lead to the agreement, the in-  
19 tended use of the facility to be conveyed by the  
20 United States under the agreement, and any costs to  
21 be incurred by the United States to make the ex-  
22 change under the agreement.

23 “(B) A description of the facility to be conveyed  
24 by the United States under the agreement, including  
25 the current condition and fair market value of the



1 facility, and a description of the method by which  
2 the fair market value of the facility was determined.

3 “(C) Information on the facility, or addition to  
4 an existing facility, to be acquired by the United  
5 States under the agreement and the intended use of  
6 the facility or addition, which shall meet require-  
7 ments for information provided to Congress for mili-  
8 tary construction projects to obtain a similar facility  
9 or addition to an existing facility.

10 “(D) A certification that the Secretary complied  
11 with the consultation requirements under subsection  
12 (e).

13 “(E) A certification that the conveyance of the  
14 facility under the agreement is in the best interests  
15 of the United States and that the Secretary used  
16 competitive procedures to the maximum extent prac-  
17 ticable to protect the interests of the United States.

18 “(2) The agreement described in a report prepared  
19 under paragraph (1) may be entered into, and the ex-  
20 change covered by the agreement made, only after the end  
21 of the 30-day period beginning on the date the report is  
22 received by the congressional defense committees or, if  
23 earlier, the end of the 21-day period beginning on the date  
24 on which a copy of the report is provided in an electronic  
25 medium pursuant to section 480 of this title.



1 “(3) Section 2662 of this title shall not apply to an  
2 exchange carried out using the authority provided by this  
3 section.

4 “(g) RELATION TO OTHER MILITARY CONSTRUCTION  
5 REQUIREMENTS.—The acquisition of a facility, or an ad-  
6 dition to an existing facility, using the authority provided  
7 by this section shall not be treated as a military construc-  
8 tion project for which an authorization is required by sec-  
9 tion 2802 of this title.”.

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

“18240. Acquisition of facilities by exchange.”.

13 (b) CONFORMING AMENDMENT.—Section  
14 18233(f)(2) of such title is amended by striking “gift, ex-  
15 change of Government-owned land, or otherwise” and in-  
16 serting “or gift”.

17 (c) TEMPORARY AUTHORITY TO INCLUDE CASH  
18 EQUALIZATION PAYMENTS IN EXCHANGE.—(1) Notwith-  
19 standing subsection (c) of section 18240 of title 10,  
20 United States Code, as added by subsection (a), the Sec-  
21 retary of Defense may authorize the Secretary of a mili-  
22 tary department, as part of an exchange agreement under  
23 such section, to make or accept a cash equalization pay-  
24 ment if the value of the facility, or addition to an existing  
25 facility, to be acquired by the United States under the



1 agreement is not equal to the fair market value of the fa-  
2 cility to be conveyed by the United States under the agree-  
3 ment. All other requirements of such section shall continue  
4 to apply to the exchange.

5 (2) Cash equalization payments received by the Sec-  
6 retary of a military department under this subsection shall  
7 be deposited in a separate account in the Treasury.  
8 Amounts in the account shall be available to the Secretary  
9 of Defense, without further appropriation and until ex-  
10 pended, for transfer to the Secretary of a military  
11 department—

12 (A) to make any cash equalization payments re-  
13 quired to be made by the United States in connec-  
14 tion with an exchange agreement covered by this  
15 subsection, and the account shall be the only source  
16 for such payments; and

17 (B) to cover costs associated with the mainte-  
18 nance, protection, alteration, repair, improvement, or  
19 restoration (including environmental restoration) of  
20 facilities, and additions to existing facilities, ac-  
21 quired using an exchange agreement covered by this  
22 subsection.

23 (3) Not more than 15 exchange agreements under  
24 section 18240 of title 10, United States Code, may include  
25 the exception for cash equalization payments authorized



1 by this subsection. Of those 15 exchange agreements, not  
2 more than eight may be for the same reserve component.

3 (4) In this section, the term “facility” has the mean-  
4 ing given that term in section 18232(2) of title 10, United  
5 States Code.

6 (5) No cash equalization payment may be made or  
7 accepted under the authority of this subsection after Sep-  
8 tember 30, 2007. Except as otherwise specifically author-  
9 ized by law, the authority provided by this subsection to  
10 make or accept cash equalization payments in connection  
11 with the acquisition or disposal of facilities of the reserve  
12 components is the sole authority available in law to the  
13 Secretary of Defense or the Secretary of a military depart-  
14 ment for that purpose.

15 (6) Not later than March 1, 2008, the Secretary of  
16 Defense shall submit to the congressional defense commit-  
17 tees a report on the exercise of the authority provided by  
18 this subsection. The report shall include the following:

19 (A) A description of the exchange agreements  
20 under section 18240 of title 10, United States Code,  
21 that included the authority to make or accept cash  
22 equalization payments.

23 (B) A description of the analysis and criteria  
24 used to select such agreements for inclusion of the



1 authority to make or accept cash equalization pay-  
2 ments.

3 (C) An assessment of the utility to the Depart-  
4 ment of Defense of the authority, including rec-  
5 ommendations for modifications of such authority in  
6 order to enhance the utility of such authority for the  
7 Department.

8 (D) An assessment of interest in the future use  
9 of the authority, in the event the authority is ex-  
10 tended.

11 (E) An assessment of the advisability of making  
12 the authority, including any modifications of the au-  
13 thority recommended under subparagraph (C), per-  
14 manent.

15 **SEC. 2810. ONE-YEAR EXTENSION OF TEMPORARY, LIMITED**  
16 **AUTHORITY TO USE OPERATION AND MAIN-**  
17 **TENANCE FUNDS FOR CONSTRUCTION**  
18 **PROJECTS OUTSIDE THE UNITED STATES.**

19 Section 2808 of the Military Construction Authoriza-  
20 tion Act for Fiscal Year 2004 (division B of Public Law  
21 108-136; 117 Stat. 1723) is amended—

22 (1) in subsection (a), by inserting “and, subject  
23 to subsection (d)(2), fiscal year 2005” after “During  
24 fiscal year 2004”;



28-27

1 (2) in subsection (e)(1), by striking “in fiscal  
2 year 2004” and inserting “in a fiscal year”; and

3 (3) in subsection (d)—

4 (A) by inserting “(1)” before “Not later  
5 than”;

6 (B) by striking “fiscal year 2004,” and in-  
7 serting “fiscal years 2004 and 2005,”; and

8 (C) by adding at the end the following new  
9 paragraph:

10 “(2) The ability to use this section as authority dur-  
11 ing fiscal year 2005 to obligate appropriated funds avail-  
12 able for operation and maintenance to carry out construc-  
13 tion projects outside the United States shall commence  
14 only after the date on which the Secretary of Defense sub-  
15 mits to the congressional committees specified in sub-  
16 section (f) all of the quarterly reports that were required  
17 under paragraph (1) for fiscal year 2004.”.

18 **SEC. 2811. CONSIDERATION OF COMBINATION OF MILITARY**  
19 **MEDICAL TREATMENT FACILITIES AND**  
20 **HEALTH CARE FACILITIES OF DEPARTMENT**  
21 **OF VETERANS AFFAIRS.**

22 (a) DEPARTMENT OF DEFENSE CONSIDERATION OF  
23 JOINT CONSTRUCTION.—When considering any military  
24 construction project for the construction of a new military  
25 medical treatment facility in the United States or a terri-



1 tory or possession of the United States, the Secretary of  
2 Defense shall consult with the Secretary of Veterans Af-  
3 fairs regarding the feasibility of carrying out a joint  
4 project to construct a medical facility that—

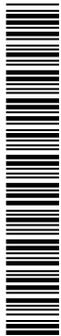
5 (1) could serve as a facility for health-resources  
6 sharing between the Department of Defense and the  
7 Department of Veterans Affairs; and

8 (2) would be no more costly to each Depart-  
9 ment to construct and operate than separate facili-  
10 ties for each Department.

11 (b) DEPARTMENT OF VETERANS AFFAIRS CONSID-  
12 ERATION OF JOINT CONSTRUCTION.—When considering  
13 the construction of a new or replacement medical facility  
14 for the Department of Veterans Affairs, the Secretary of  
15 Veterans Affairs shall consult with the Secretary of De-  
16 fense regarding the feasibility of carrying out a joint  
17 project to construct a medical facility that—

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

21 (2) would be no more costly to each Depart-  
22 ment to construct and operate than separate facili-  
23 ties for each Department.



1           **Subtitle B—Real Property and**  
2           **Facilities Administration**

3   **SEC. 2821. REORGANIZATION OF EXISTING ADMINISTRA-**  
4                   **TIVE PROVISIONS RELATING TO REAL PROP-**  
5                   **ERTY TRANSACTIONS.**

6           (a) **LIMITATION ON COMMISSIONS.**—(1) Section 2661  
7 of title 10, United States Code, is amended by adding at  
8 the end the following new subsection:

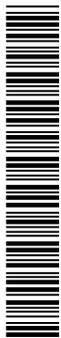
9           “(c) **COMMISSIONS ON LAND PURCHASE CON-**  
10 **TRACTS.**—The maximum amount payable as a commission  
11 on a contract for the purchase of land from funds appro-  
12 priated for the Department of Defense is two percent of  
13 the purchase price.”.

14           (2) Section 2666 of such title is repealed.

15           (b) **REPEAL OF OBSOLETE AUTHORITY TO ACQUIRE**  
16 **LAND FOR TIMBER PRODUCTION.**—Section 2664 of such  
17 title is repealed.

18           (c) **CONSOLIDATION OF CERTAIN PROVISIONS ON**  
19 **USE OF FACILITIES.**—(1) Section 2670 of such title is  
20 amended by adding at the end the following new sub-  
21 section:

22           “(c) **USE OF SPACE AND EQUIPMENT BY VETERANS**  
23 **SERVICE ORGANIZATIONS.**—(1) Upon certification to the  
24 Secretary concerned by the Secretary of Veterans Affairs,  
25 the Secretary concerned shall allow accredited, paid, full-



1 time representatives of the organizations named in section  
2 5902 of title 38, or of other organizations recognized by  
3 the Secretary of Veterans Affairs, to function on military  
4 installations under the jurisdiction of the Secretary con-  
5 cerned that are on land and from which persons are dis-  
6 charged or released from active duty.

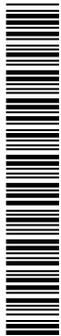
7 “(2) The commanding officer of a military installa-  
8 tion allowing representatives to function on the installa-  
9 tion under paragraph (1) shall allow the representatives  
10 to use available space and equipment at the installation.

11 “(3) This subsection does not authorize the violation  
12 of measures of military security.”

13 (2) Section 2679 of such title is repealed.

14 (3) The regulations prescribed to carry out section  
15 2679 of title 10, United States Code, as in effect on the  
16 day before the date of the enactment of this Act, shall  
17 remain in effect with regard to section 2670(c) of such  
18 title, as added by paragraph (1), until changed by joint  
19 action of the Secretary concerned (as defined in section  
20 101(9) of such title) and the Secretary of Veterans Af-  
21 fairs.

22 (d) AVAILABILITY OF FUNDS FOR ACQUISITION OF  
23 CERTAIN INTERESTS IN REAL PROPERTY.—(1) Section  
24 2672 of such title is amended by adding at the end the  
25 following new subsection:



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1 “(d) AVAILABILITY OF FUNDS.—Appropriations  
2 available to the Department of Defense for operation and  
3 maintenance or construction may be used for the acqui-  
4 tion of land or interests in land under this section.”.

5 (2) Section 2673 of such title is repealed.

6 (3) Section 2675 of such title is amended—

7 (A) by inserting “(a) LEASE AUTHORITY; DU-  
8 RATION.—” before “The Secretary”; and

9 (B) by adding at the end the following new sub-  
10 section:

11 “(b) AVAILABILITY OF FUNDS.—Appropriations  
12 available to the Department of Defense for operation and  
13 maintenance or construction may be used for the acqui-  
14 tion of interests in land under this section.”.

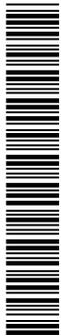
15 (e) STYLISTIC AND CLERICAL AMENDMENTS.—(1)

16 Section 2661 of such title is further amended—

17 (A) in subsection (a), by inserting “AVAIL-  
18 ABILITY OF OPERATION AND MAINTENANCE  
19 FUNDS.—” after “(a)” ; and

20 (B) in subsection (b), by inserting “LEASING  
21 AND ROAD MAINTENANCE AUTHORITY.—” after  
22 “(b)”.

23 (2) The heading of section 2670 of such title is  
24 amended to read as follows:



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1 **“§ 2670. Use of facilities by private organizations; use**  
2 **as polling places”.**

3 (3) The table of sections at the beginning of chapter  
4 159 of such title is amended—

5 (A) by striking the items relating to sections  
6 2664, 2666, 2673, and 2679; and

7 (B) by striking the item relating to section  
8 2670 and inserting the following new item:

“2670. Use of facilities by private organizations; use as polling places.”.

9 **SEC. 2822. DEVELOPMENT OF HERITAGE CENTER FOR THE**  
10 **NATIONAL MUSEUM OF THE UNITED STATES**  
11 **ARMY.**

12 (a) **AUTHORITY TO ENTER INTO AGREEMENT FOR**  
13 **DEVELOPMENT OF CENTER.**—Chapter 449 of title 10,  
14 United States Code, is amended by inserting after section  
15 4771 the following new section:

16 **“§ 4772. Heritage Center for the National Museum of**  
17 **the United States Army: development and**  
18 **operation**

19 “(a) **AGREEMENT FOR DEVELOPMENT OF CEN-**  
20 **TER.**—The Secretary of the Army may enter into an  
21 agreement with the Army Historical Foundation, a non-  
22 profit organization, for the design, construction, and oper-  
23 ation of a facility or group of facilities at Fort Belvoir,  
24 Virginia, for the National Museum of the United States  
25 Army. The facility or group of facilities constructed pursu-



1 ant to the agreement shall be known as the Heritage Cen-  
2 ter for the National Museum of the United States Army  
3 (in this section referred to as the ‘Center’).

4 “(b) PURPOSE OF CENTER.—The Center shall be  
5 used for the identification, curation, storage, and public  
6 viewing of artifacts and artwork of significance to the  
7 United States Army, as agreed to by the Secretary of the  
8 Army. The Center may also be used to support such edu-  
9 cation, training, research, and associated purposes as the  
10 Secretary considers appropriate.

11 “(c) DESIGN AND CONSTRUCTION.—(1) The design  
12 of the Center shall be subject to the approval of the Sec-  
13 retary of the Army.

14 “(2) For each phase of the development of the Cen-  
15 ter, the Secretary may—

16 “(A) accept funds from the Army Historical  
17 Foundation for the design and construction of such  
18 phase of the Center; or

19 “(B) permit the Army Historical Foundation to  
20 contract for the design and construction of such  
21 phase of the Center.

22 “(d) ACCEPTANCE BY SECRETARY.—Upon the satis-  
23 factory completion, as determined by the Secretary of the  
24 Army, of any phase of the Center, and upon the satisfac-  
25 tion of any financial obligations incident to such phase of



1 the Center by the Army Historical Foundation, the Sec-  
2 retary shall accept such phase of the Center from the  
3 Army Historical Foundation, and all right, title, and inter-  
4 est in and to such phase of the Center shall vest in the  
5 United States. Upon becoming the property of the United  
6 States, the Secretary shall assume administrative jurisdic-  
7 tion over the Center.

8 “(e) USE OF CERTAIN GIFTS.—(1) Under regula-  
9 tions prescribed by the Secretary of the Army, the Com-  
10 mander of the United States Army Center of Military His-  
11 tory may, without regard to section 2601 of this title, ac-  
12 cept, hold, administer, invest, and spend any gift, devise,  
13 or bequest of personal property of a value of \$250,000  
14 or less made to the United States if such gift, devise, or  
15 bequest is for the benefit of the National Museum of the  
16 United States Army or the Center.

17 “(2) The Secretary may pay or authorize the pay-  
18 ment of any reasonable and necessary expense in connec-  
19 tion with the conveyance or transfer of a gift, devise, or  
20 bequest under this subsection.

21 “(f) LEASE OF FACILITY.—(1) Under such terms  
22 and conditions as the Secretary of the Army considers ap-  
23 propriate, the Secretary may lease portions of the Center  
24 to the Army Historical Foundation to be used by the



1 Foundation, consistent with the purpose of the Center,  
2 for—

3 “(A) generating revenue for activities of the  
4 Center through rental use by the public, commercial  
5 and nonprofit entities, State and local governments,  
6 and other Federal agencies; and

7 “(B) such administrative purposes as may be  
8 necessary for the support of the Center.

9 “(2) The annual amount of consideration paid to the  
10 Secretary by the Army Historical Foundation for a lease  
11 under paragraph (1) may not exceed an amount equal to  
12 the actual cost, as determined by the Secretary, of the an-  
13 nual operations and maintenance of the Center.

14 “(3) Notwithstanding any other provision of law, the  
15 Secretary shall use amounts paid under paragraph (2) to  
16 cover the costs of operation of the Center.

17 “(g) **ADDITIONAL TERMS AND CONDITIONS.**—The  
18 Secretary of the Army may require such additional terms  
19 and conditions in connection with the agreement author-  
20 ized by subsection (a) as the Secretary considers appro-  
21 priate to protect the interests of the United States.”.

22 (b) **CLERICAL AMENDMENT.**—The table of sections  
23 at the beginning of such chapter is amended by inserting  
24 after the item relating to section 4771 the following new  
25 item:



“4772. Heritage Center for the National Museum of the United States Army: development and operation.”.

1 **SEC. 2823. ELIMINATION OF REVERSIONARY INTERESTS**  
2 **CLOUDING UNITED STATES TITLE TO PROP-**  
3 **ERTY USED AS NAVY HOMEPORTS.**

4 (a) **AUTHORITY TO ACQUIRE COMPLETE TITLE.**—If  
5 real property owned by the United States and used as a  
6 Navy homeport is subject to a reversionary interest of any  
7 kind, the Secretary of the Navy may enter into an agree-  
8 ment with the holder of the reversionary interest to ac-  
9 quire the reversionary interest and thereby secure for the  
10 United States all right, title, and interest in and to the  
11 property.

12 (b) **AUTHORIZED CONSIDERATION.**—(1) As consider-  
13 ation for the acquisition of a reversionary interest under  
14 subsection (a), the Secretary shall provide the holder of  
15 the reversionary interest with in-kind consideration, to be  
16 determined pursuant to negotiations between the Sec-  
17 retary and the holder of the reversionary interest.

18 (2) In determining the type and value of any in-kind  
19 consideration to be provided for the acquisition of a rever-  
20 sionary interest under subsection (a), the Secretary shall  
21 take into account the nature of the reversionary interest,  
22 including whether it would require the holder of the rever-  
23 sionary interest to pay for any improvements acquired by  
24 the holder as part of the reversion of the real property,



1 and the long-term use and ultimate disposition of the real  
2 property if the United States were to acquire all right,  
3 title, and interest in and to the real property subject to  
4 the reversionary interest.

5 (c) PROHIBITED CONSIDERATION.—Cash payments  
6 are not authorized to be made as consideration for the  
7 acquisition of a reversionary interest under subsection (a).

8 **Subtitle C—Base Closure and**  
9 **Realignment**

10 **SEC. 2831. ESTABLISHMENT OF SPECIFIC DEADLINE FOR**  
11 **SUBMISSION OF REVISIONS TO FORCE-**  
12 **STRUCTURE PLAN AND INFRASTRUCTURE IN-**  
13 **VENTORY.**

14 Section 2912(a)(4) of the Defense Base Closure and  
15 Realignment Act of 1990 (part A of title XXIX of Public  
16 Law 101–510; 10 U.S.C. 2687 note) is amended by strik-  
17 ing “as part of the budget justification documents sub-  
18 mitted to Congress for fiscal year 2006.” and inserting  
19 the following: “not later than March 15, 2005. For pur-  
20 poses of selecting military installations for closure or re-  
21 alignment under this part in 2005, no revision of the  
22 force-structure plan or infrastructure inventory is author-  
23 ized after that date.”.



1 **SEC. 2832. SPECIFICATION OF FINAL SELECTION CRITERIA**  
2 **FOR 2005 BASE CLOSURE ROUND.**

3 Section 2913 of the Defense Base Closure and Re-  
4 alignment Act of 1990 (part A of title XXIX of Public  
5 Law 101–510; 10 U.S.C. 2687 note) is amended to read  
6 as follows:

7 **“SEC. 2913. FINAL SELECTION CRITERIA FOR ADDITIONAL**  
8 **ROUND OF BASE CLOSURES AND REALIGN-**  
9 **MENTS.**

10 **“(a) FINAL SELECTION CRITERIA.—**The final cri-  
11 teria to be used by the Secretary in making recommenda-  
12 tions for the closure or realignment of military installa-  
13 tions inside the United States under this part in 2005  
14 shall be the military value and other criteria specified in  
15 subsections (b) and (c).

16 **“(b) MILITARY VALUE CRITERIA.—**The military  
17 value criteria are as follows:

18 **“(1)** The current and future mission capabili-  
19 ties and the impact on operational readiness of the  
20 total force of the Department of Defense, including  
21 the impact on joint warfighting, training, and readi-  
22 ness.

23 **“(2)** The availability and condition of land, fa-  
24 cilities, and associated airspace (including training  
25 areas suitable for maneuver by ground, naval, or air  
26 forces throughout a diversity of climate and terrain



1 areas and staging areas for the use of the Armed  
2 Forces in homeland defense missions) at both exist-  
3 ing and potential receiving locations.

4 “(3) The ability to accommodate contingency,  
5 mobilization, surge, and future total force require-  
6 ments at both existing and potential receiving loca-  
7 tions to support operations and training.

8 “(4) The cost of operations and the manpower  
9 implications.

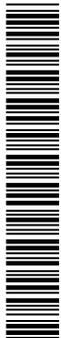
10 “(c) OTHER CRITERIA.—The other criteria that the  
11 Secretary shall use in making recommendations for the  
12 closure or realignment of military installations inside the  
13 United States under this part in 2005 are as follows:

14 “(1) The extent and timing of potential costs  
15 and savings, including the number of years, begin-  
16 ning with the date of completion of the closure or re-  
17 alignment, for the savings to exceed the costs.

18 “(2) The economic impact on existing commu-  
19 nities in the vicinity of military installations.

20 “(3) The ability of the infrastructure of both  
21 the existing and potential receiving communities to  
22 support forces, missions, and personnel.

23 “(4) The environmental impact, including the  
24 impact of costs related to potential environmental



1 restoration, waste management, and environmental  
2 compliance activities.

3 “(d) PRIORITY GIVEN TO MILITARY VALUE.—The  
4 Secretary shall give priority consideration to the military  
5 value criteria specified in subsection (b) in the making of  
6 recommendations for the closure or realignment of mili-  
7 tary installations.

8 “(e) EFFECT ON DEPARTMENT AND OTHER AGENCY  
9 COSTS.—The selection criteria relating to the cost savings  
10 or return on investment from the proposed closure or re-  
11 alignment of military installations shall take into account  
12 the effect of the proposed closure or realignment on the  
13 costs of any other activity of the Department of Defense  
14 or any other Federal agency that may be required to as-  
15 sume responsibility for activities at the military installa-  
16 tions.

17 “(f) RELATION TO OTHER MATERIALS.—The final  
18 selection criteria specified in this section shall be the only  
19 criteria to be used, along with the force-structure plan and  
20 infrastructure inventory referred to in section 2912, in  
21 making recommendations for the closure or realignment  
22 of military installations inside the United States under  
23 this part in 2005.

24 “(g) RELATION TO CRITERIA FOR EARLIER  
25 ROUNDS.—Section 2903(b), and the selection criteria pre-



1 pared under such section, shall not apply with respect to  
2 the process of making recommendations for the closure or  
3 realignment of military installations in 2005.”.

4 (c) CONFORMING AMENDMENTS.—The Defense Base  
5 Closure and Realignment Act of 1990 is amended—

6 (1) in section 2912(c)(1)(A), by striking “cri-  
7 teria prepared under section 2913” and inserting  
8 “criteria specified in section 2913”; and

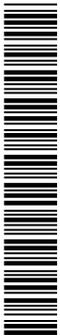
9 (2) in section 2914(a), by striking “criteria pre-  
10 pared by the Secretary under section 2913” and in-  
11 serting “criteria specified in section 2913”.

12 **SEC. 2833. REPEAL OF AUTHORITY OF SECRETARY OF DE-**  
13 **FENSE TO RECOMMEND THAT INSTALLA-**  
14 **TIONS BE PLACED IN INACTIVE STATUS.**

15 Section 2914 of the Defense Base Closure and Re-  
16 alignment Act of 1990 (part A of title XXIX of Public  
17 Law 101-510; 10 U.S.C. 2687 note) is amended by strik-  
18 ing subsection (c).

19 **SEC. 2834. VOTING REQUIREMENTS FOR DEFENSE BASE**  
20 **CLOSURE AND REALIGNMENT COMMISSION**  
21 **TO ADD TO OR OTHERWISE EXPAND CLO-**  
22 **SURE AND REALIGNMENT RECOMMENDA-**  
23 **TIONS MADE BY SECRETARY OF DEFENSE.**

24 Subsection (d) of section 2914 of the Defense Base  
25 Closure and Realignment Act of 1990 (part A of title



1 XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as  
2 added by section 3003 of the Military Construction Au-  
3 thorization Act for Fiscal Year 2002 (division B of Public  
4 Law 107-107; 115 Stat, 1346) and amended by section  
5 2854 of the Military Construction Authorization Act for  
6 Fiscal Year 2003 (division B of Public Law 107-314; 116  
7 Stat. 2728), is amended—

8 (1) in paragraph (3), by striking “TO ADD” and  
9 inserting “TO CONSIDER ADDITIONS”; and

10 (2) by striking paragraph (5) and inserting the  
11 following new paragraph:

12 “(5) REQUIREMENTS TO EXPAND CLOSURE OR  
13 REALIGNMENT RECOMMENDATIONS.—In the report  
14 required under section 2903(d)(2)(A) that is to be  
15 transmitted under paragraph (1), the Commission  
16 may not make a change in the recommendations of  
17 the Secretary that would close a military installation  
18 not recommended for closure by the Secretary,  
19 would realign a military installation not rec-  
20 ommended for closure or realignment by the Sec-  
21 retary, or would expand the extent of the realign-  
22 ment of a military installation recommended for re-  
23 alignment by the Secretary unless—



1           “(A) at least two members of the Commis-  
2           sion visit the military installation before the  
3           date of the transmittal of the report; and

4           “(B) the decision of the Commission to  
5           make the change to recommend the closure of  
6           the military installation, the realignment of the  
7           installation, or the expanded realignment of the  
8           installation is supported by at least seven mem-  
9           bers of the Commission.”.

## 10           **Subtitle D—Land Conveyances**

### 11           **PART I—ARMY CONVEYANCES**

#### 12           **SEC. 2841. LAND CONVEYANCE, SUNFLOWER ARMY AMMU- 13           NITION PLANT, KANSAS.**

14           (a) CONVEYANCE AUTHORIZED.—The Secretary of  
15           the Army, in consultation with the Administrator of Gen-  
16           eral Services, may convey to an entity selected by the  
17           Board of Commissioners of Johnson County, Kansas (in  
18           this section referred to as the “entity” and the “Board”,  
19           respectively), all right, title, and interest of the United  
20           States in and to a parcel of real property, including any  
21           improvements thereon, consisting of approximately 9,065  
22           acres and containing the Sunflower Army Ammunition  
23           Plant. The purpose of the conveyance is to facilitate the  
24           re-use of the property for economic development and revi-  
25           talization.



1 (b) CONSIDERATION.—(1) As consideration for the  
2 conveyance under subsection (a), the entity shall provide  
3 the United States, whether by cash payment, in-kind con-  
4 sideration, or a combination thereof, an amount that is  
5 not less than the fair market value of the conveyed prop-  
6 erty, as determined by an appraisal of the property accept-  
7 able to the Administrator and the Secretary. As a form  
8 of in-kind consideration for the conveyance of the prop-  
9 erty, the Secretary may authorize the entity to carry out  
10 environmental remediation activities for the conveyed  
11 property.

12 (2) Cash consideration received under paragraph (1)  
13 shall be deposited in the special account in the Treasury  
14 established under subsection (b) of section 572 of title 40,  
15 United States Code, and shall be available in accordance  
16 with paragraph (5)(B)(i) of such subsection.

17 (c) CONSTRUCTION WITH PREVIOUS LAND CONVEY-  
18 ANCE AUTHORITY.—The conveyance authority provided  
19 by subsection (a) is in addition to the conveyance author-  
20 ity provided by section 2823 of the Military Construction  
21 Authorization Act for Fiscal Year 2003 (division B of  
22 Public Law 107-314; 116 Stat. 2712) to convey a portion  
23 of the Sunflower Army Ammunition Plant to the Johnson  
24 County Park and Recreation District.



1 (d) AGREEMENTS CONCERNING ENVIRONMENTAL  
2 REMEDIATION AND EXPLOSIVES CLEANUP.—(1) The Sec-  
3 retary, in consultation with the Administrator, may enter  
4 into a multi-year cooperative agreement or contract with  
5 the entity for the environmental remediation and explo-  
6 sives cleanup of the conveyed property, and may utilize  
7 amounts authorized to be appropriated to the Secretary  
8 for purposes of environmental remediation and explosives  
9 cleanup under the agreement or contract.

10 (2) The cooperative agreement or contract may pro-  
11 vide for advance payments on an annual basis or for pay-  
12 ments on a performance basis. Payments may be made  
13 over a period of time agreed to by the Secretary and the  
14 entity or for such time as may be necessary to perform  
15 the environmental remediation and explosives cleanup of  
16 the property, including any long-term operation and main-  
17 tenance requirements.

18 (e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
19 Secretary may require the entity to cover costs to be in-  
20 curred by the Secretary, or to reimburse the Secretary for  
21 costs incurred by the Secretary, to carry out the convey-  
22 ance under subsection (a), including survey costs, costs re-  
23 lated to environmental documentation, and other adminis-  
24 trative costs related to the conveyance. If amounts are col-  
25 lected from the entity in advance of the Secretary incur-



1 ring the actual costs, and the amount collected exceeds  
2 the costs actually incurred by the Secretary to carry out  
3 the conveyance, the Secretary shall refund the excess  
4 amount to the entity.

5 (2) Amounts received as reimbursement under para-  
6 graph (1) shall be credited to the fund or account that  
7 was used to cover the costs incurred by the Secretary in  
8 carrying out the conveyance. Amounts so credited shall be  
9 merged with amounts in such fund or account, and shall  
10 be available for the same purposes, and subject to the  
11 same conditions and limitations, as amounts in such fund  
12 or account.

13 (f) DESCRIPTION OF PROPERTY.—The exact acreage  
14 and legal description of the real property to be conveyed  
15 under subsection (a) shall be determined by a survey satis-  
16 factory to the Secretary and the Administrator.

17 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
18 Secretary and the Administrator may require such addi-  
19 tional terms and conditions in connection with the convey-  
20 ance of real property under subsection (a), and the envi-  
21 ronmental remediation and explosives cleanup under sub-  
22 section (d), as the Secretary and the Administrator jointly  
23 consider appropriate to protect the interests of the United  
24 States.



1 **SEC. 2842. LAND EXCHANGE, FORT CAMPBELL, KENTUCKY**  
2 **AND TENNESSEE.**

3 (a) LAND EXCHANGE AUTHORIZED.—In exchange  
4 for the real property described in subsection (b), the Sec-  
5 retary of the Army may convey to Bi-County Solid Waste  
6 Management System, a local government agency (in this  
7 section referred to as “Bi-County”), all right, title, and  
8 interest of the United States in and to a parcel of real  
9 property, including any improvements thereon, consisting  
10 of approximately 358 acres located at Fort Campbell in  
11 Montgomery County, Tennessee, for the purpose of per-  
12 mitting Bi-County to expand a landfill facility.

13 (b) CONSIDERATION.—As consideration for the con-  
14 veyance under subsection (a), Bi-County shall convey to  
15 the United States all right, title, and interest of Bi-County  
16 in and to a parcel of real property consisting of approxi-  
17 mately 670 acres located adjacent to Fort Campbell in  
18 Trigg County, Kentucky, and Stewart County, Tennessee.  
19 The Secretary shall have jurisdiction over the real prop-  
20 erty received under this subsection.

21 (c) CONDITION OF CONVEYANCE.—The conveyance  
22 under subsection (a) shall be subject to the condition that  
23 Bi-County construct a fence, acceptable to the Secretary,  
24 consisting of at least six-foot high, nine-gauge chain-link  
25 and three-strand barbed wire along the boundary between



1 Fort Campbell and the real property conveyed under sub-  
2 section (a).

3 (d) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
4 Secretary may require Bi-County to cover costs to be in-  
5 curred by the Secretary, or to reimburse the Secretary for  
6 costs incurred by the Secretary, to carry out the convey-  
7 ances under this section, including survey costs, costs re-  
8 lated to environmental documentation, and other adminis-  
9 trative costs related to the conveyances. If amounts are  
10 collected from Bi-County in advance of the Secretary in-  
11 curring the actual costs, and the amount collected exceeds  
12 the costs actually incurred by the Secretary to carry out  
13 the conveyance, the Secretary shall refund the excess  
14 amount to Bi-County.

15 (2) Amounts received as reimbursement under para-  
16 graph (1) shall be credited to the fund or account that  
17 was used to cover the costs incurred by the Secretary in  
18 carrying out the conveyances. Amounts so credited shall  
19 be merged with amounts in such fund or account, and  
20 shall be available for the same purposes, and subject to  
21 the same conditions and limitations, as amounts in such  
22 fund or account.

23 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
24 and legal description of the property to be conveyed under



1 this section shall be determined by surveys satisfactory to  
2 the Secretary and Bi-County.

3 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
4 retary may require such additional terms and conditions  
5 in connection with the conveyances under this section as  
6 the Secretary considers appropriate to protect the inter-  
7 ests of the United States.

8 **SEC. 2843. LAND CONVEYANCE, LOUISIANA ARMY AMMUNI-**  
9 **TION PLANT, DOYLINE, LOUISIANA.**

10 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
11 the Army may convey, without consideration, to the State  
12 of Louisiana (in this section referred to as the “State”)  
13 all right, title, and interest of the United States in and  
14 to a parcel of real property, including any improvements  
15 thereon, consisting of approximately 14,949 acres located  
16 at the Louisiana Army Ammunition Plant, Doyline, Lou-  
17 isiana.

18 (b) CONDITIONS OF CONVEYANCE.—The conveyance  
19 under subsection (a) shall be subject to the following con-  
20 ditions:

21 (1) That at least 13,500 acres of the real prop-  
22 erty conveyed under such subsection is maintained  
23 by the State for the purpose of military training, un-  
24 less the Secretary determines that fewer acres are  
25 required for such purpose.



1 (2) That the State ensure that any other uses  
2 made of the conveyed property do not adversely im-  
3 pact such military training.

4 (3) That the State accommodate the use of the  
5 conveyed property, at no cost or fee, for meeting the  
6 present and future training needs of units of the  
7 Armed Forces, including units of the Louisiana Na-  
8 tional Guard and the other active and reserve com-  
9 ponents of the Armed Forces.

10 (4) That the State assume the rights and re-  
11 sponsibilities of the Department of the Army under  
12 the armaments retooling manufacturing support  
13 agreement between the Department of the Army and  
14 the facility use contractor with respect to the Lou-  
15 isiana Army Ammunition Plant, in accordance with  
16 the terms of such agreement in effect at the time of  
17 the conveyance.

18 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
19 Secretary may require the State to cover costs to be in-  
20 curred by the Secretary, or to reimburse the Secretary for  
21 costs incurred by the Secretary, to carry out the convey-  
22 ance under subsection (a), including survey costs, costs re-  
23 lated to environmental documentation, and other adminis-  
24 trative costs related to the conveyance. If amounts are col-  
25 lected from the State in advance of the Secretary incurring



1 the actual costs, and the amount collected exceeds the  
2 costs actually incurred by the Secretary to carry out the  
3 conveyance, the Secretary shall refund the excess amount  
4 to the State.

5 (2) Amounts received as reimbursement under para-  
6 graph (1) shall be credited to the fund or account that  
7 was used to cover the costs incurred by the Secretary in  
8 carrying out the conveyance. Amounts so credited shall be  
9 merged with amounts in such fund or account, and shall  
10 be available for the same purposes, and subject to the  
11 same conditions and limitations, as amounts in such fund  
12 or account.

13 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
14 and legal description of the real property to be conveyed  
15 under subsection (a) shall be determined by a survey satis-  
16 factory to the Secretary. The cost of the survey shall be  
17 borne by the State.

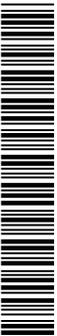
18 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
19 Secretary may require such additional terms and condi-  
20 tions in connection with the conveyance under subsection  
21 (a) as the Secretary considers appropriate to protect the  
22 interests of the United States.



1 **SEC. 2844. LAND CONVEYANCE, FORT LEONARD WOOD, MIS-**  
2 **SOURI.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
4 the Army may convey, without consideration, to the State  
5 of Missouri (in this section referred to as the “State”)  
6 all right, title, and interest of the United States in and  
7 to a parcel of real property, including improvements there-  
8 on, consisting of approximately 227.7 acres at Fort Leon-  
9 ard Wood, Missouri, for the purpose of permitting the  
10 State to establish on the property a State-operated ceme-  
11 tery for veterans of the Armed Forces.

12 (b) REVERSIONARY INTEREST.—If the Secretary de-  
13 termines at any time that the real property conveyed  
14 under subsection (a) is not being used in accordance with  
15 the purpose of the conveyance specified in such subsection,  
16 all right, title, and interest in and to the property shall  
17 revert, at the option of the Secretary, to the United States,  
18 and the United States shall have the right of immediate  
19 entry onto the property. Any determination of the Sec-  
20 retary under this subsection shall be made on the record  
21 after an opportunity for a hearing.



22 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
23 Secretary may require the State to cover costs to be in-  
24 curred by the Secretary, or to reimburse the Secretary for  
25 costs incurred by the Secretary, to carry out the convey-  
26 ance under subsection (a), including survey costs, costs re-

1 lated to environmental documentation, and other adminis-  
2 trative costs related to the conveyance. If amounts are col-  
3 lected from the State in advance of the Secretary incurring  
4 the actual costs, and the amount collected exceeds the  
5 costs actually incurred by the State to carry out the con-  
6 veyance, the Secretary shall refund the excess amount to  
7 the State. The authority of the Secretary to require the  
8 State to cover administrative costs related to the convey-  
9 ance does not include costs related to any environmental  
10 remediation required for the property.

11 (2) Amounts received as reimbursement under para-  
12 graph (1) shall be credited to the fund or account that  
13 was used to cover the costs incurred by the Secretary in  
14 carrying out the conveyance. Amounts so credited shall be  
15 merged with amounts in such fund or account, and shall  
16 be available for the same purposes, and subject to the  
17 same conditions and limitations, as amounts in such fund  
18 or account.

19 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
20 and legal description of the real property to be conveyed  
21 under subsection (a) shall be determined by a survey satis-  
22 factory to the Secretary.

23 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
24 Secretary may require such additional terms and condi-  
25 tions in connection with the conveyance under subsection



1 (a) as the Secretary considers appropriate to protect the  
2 interests of the United States.

3 **SEC. 2845. TRANSFER OF ADMINISTRATIVE JURISDICTION,**  
4 **DEFENSE SUPPLY CENTER, COLUMBUS,**  
5 **OHIO.**

6 (a) **TRANSFER AUTHORIZED.**—The Secretary of the  
7 Army may transfer, without reimbursement, to the admin-  
8 istrative jurisdiction of the Secretary of Veterans Affairs  
9 a parcel of real property consisting of approximately 20  
10 acres and comprising a portion of the Defense Supply  
11 Center in Columbus, Ohio.

12 (b) **USE OF PROPERTY.**—The Secretary of Veterans  
13 Affairs may only use the property transferred under sub-  
14 section (a) as the site for the construction of a new out-  
15 patient clinic for the provision of medical services to vet-  
16 erans.

17 (c) **COSTS.**—Any administrative costs in connection  
18 with the transfer of property under subsection (a), includ-  
19 ing the costs of the survey required by subsection (e), shall  
20 be borne by the Secretary of Veterans Affairs.

21 (d) **RETURN OF JURISDICTION TO ARMY.**—If con-  
22 struction of the outpatient clinic described in subsection  
23 (b) has not commenced on the property transferred under  
24 subsection (a) by the end of the three-year period begin-  
25 ning on the date on which the property is transferred, the



1 Secretary of Veterans Affairs shall return, at the request  
2 of the Secretary of the Army, administrative jurisdiction  
3 over the property to the Secretary of the Army.

4 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
5 and legal description of the real property to be transferred  
6 under subsection (a) shall be determined by a survey satis-  
7 factory to the Secretary of the Army.

8 **SEC. 2846. JURISDICTION AND UTILIZATION OF FORMER**  
9 **PUBLIC DOMAIN LANDS, UMATILLA CHEM-**  
10 **ICAL DEPOT, OREGON.**

11 (a) RETENTION OF JURISDICTION.—The various par-  
12 cels of real property consisting of approximately 8,300  
13 acres within the boundaries of Umatilla Chemical Depot,  
14 Oregon, that were previously withdrawn from the public  
15 domain are no longer suitable for return to the public do-  
16 main and shall remain under the administrative jurisdic-  
17 tion of the Secretary of the Army.

18 (b) UTILIZATION.—The Secretary shall combine the  
19 real property described in subsection (a) with other real  
20 property comprising the Umatilla Chemical Depot for pur-  
21 poses of their management and disposal pursuant to title  
22 II of the Defense Authorization Amendments and Base  
23 Closure and Realignment Act of 1988 (Public Law 100–  
24 526; 10 U.S.C. 2687 note) and other applicable law.



1 **SEC. 2847. MODIFICATION OF AUTHORITY FOR LAND CON-**  
2 **VEYANCE, EQUIPMENT AND STORAGE YARD,**  
3 **CHARLESTON, SOUTH CAROLINA.**

4 Subsection (h) of section 563 of the Water Resources  
5 Development Act of 1999 (Public Law 106-53; 113 Stat.  
6 360) is amended to read as follows:

7 “(h) CHARLESTON, SOUTH CAROLINA.—

8 “(1) CONVEYANCE AUTHORIZED.—The Sec-  
9 retary may convey to the City of Charleston, South  
10 Carolina (in this subsection referred to as the  
11 ‘City’), all right, title, and interest of the United  
12 States in and to a parcel of real property of the  
13 Corps of Engineers, including any improvements  
14 thereon, that is known as the Equipment and Stor-  
15 age Yard and consists of approximately 1.06 acres  
16 located on Meeting Street in Charleston, South  
17 Carolina. The property shall be conveyed in as-is  
18 condition.

19 “(2) CONSIDERATION.—As consideration for  
20 the conveyance under this subsection, the City shall  
21 provide the United States, whether by cash payment,  
22 in-kind consideration, or a combination thereof, an  
23 amount that is not less than the fair market value  
24 of the property conveyed, as determined by the Sec-  
25 retary.



1           “(3) USE OF PROCEEDS.—(A) Notwithstanding  
2 any requirements associated with the Plant Replace-  
3 ment and Improvement Program, amounts received  
4 as consideration under paragraph (2) may be used  
5 by the Corps of Engineers, Charleston District—

6           “(i) to lease, purchase, or construct an of-  
7 fice facility within the boundaries of Charleston,  
8 Berkeley, or Dorchester County, South Caro-  
9 lina;

10           “(ii) to cover costs associated with the de-  
11 sign and furnishing of such facility; and

12           “(iii) to satisfy any Plant Replacement and  
13 Improvement Program balances.

14           “(B) Any amounts received as consideration  
15 under paragraph (2) that are in excess of the fair  
16 market value of the real property conveyed under  
17 this subsection may be used for any authorized ac-  
18 tivities of the Corps of Engineers, Charleston Dis-  
19 trict.

20           “(4) DESCRIPTION OF PROPERTY.—The exact  
21 acreage and legal description of the real property to  
22 be conveyed under this subsection and any property  
23 transferred to the United States as consideration  
24 under paragraph (2) shall be determined by surveys  
25 satisfactory to the Secretary.

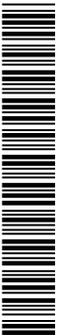


1           “(5) ADDITIONAL TERMS AND CONDITIONS.—  
2           The Secretary may require such additional terms  
3           and conditions in connection with the conveyance  
4           under this subsection as the Secretary considers ap-  
5           propriate to protect the interests of the United  
6           States.”.

7   **SEC. 2848. LAND CONVEYANCE, FORT HOOD, TEXAS.**

8           (a) CONVEYANCE AUTHORIZED.—The Secretary of  
9           the Army may convey to the Texas A&M University Sys-  
10          tem of the State of Texas (in this section referred to as  
11          the “University System”) all right, title, and interest of  
12          the United States in and to a parcel of real property, in-  
13          cluding improvements thereon, consisting of approxi-  
14          mately 662 acres at Fort Hood, Texas, for the sole pur-  
15          pose of permitting the University System to establish on  
16          the property an upper level (junior, senior, and graduate)  
17          university that will be State-supported, separate from  
18          other universities of the University System, and des-  
19          ignated as Texas A&M University, Central Texas.

20          (b) CONSIDERATION.—(1) As consideration for the  
21          conveyance under subsection (a), the University System  
22          shall pay to the United States an amount equal to the  
23          fair market value of the conveyed property, as determined  
24          pursuant to an appraisal acceptable to the Secretary.



1 (2) In lieu of all or a portion of the cash consideration  
2 required by paragraph (1), the Secretary may accept in-  
3 kind consideration, including the conveyance by the Uni-  
4 versity System of real property acceptable to the Sec-  
5 retary.

6 (c) CONDITION OF CONVEYANCE.—The conveyance  
7 under subsection (a) shall be subject to the condition that  
8 the Secretary determine that the conveyance of the prop-  
9 erty and the establishment of a university on the property  
10 will not adversely impact the operation of Robert Grey  
11 Army Airfield, which is located on Fort Hood approxi-  
12 mately one mile from the property authorized for convey-  
13 ance.

14 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
15 and legal description of the real property to be conveyed  
16 under subsection (a) shall be determined by a survey satis-  
17 factory to the Secretary. The cost of the survey shall be  
18 borne by the University System.

19 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
20 Secretary may require such additional terms and condi-  
21 tions in connection with the conveyance under subsection  
22 (a) as the Secretary considers appropriate to protect the  
23 interests of the United States.



28-60

1 **SEC. 2849. LAND CONVEYANCE, LOCAL TRAINING AREA FOR**  
2 **BROWNING ARMY RESERVE CENTER, UTAH.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
4 the Army may convey, without consideration, to the State  
5 of Utah (in this section referred to as the “State”) all  
6 right, title, and interest of the United States in and to  
7 a parcel of unimproved real property consisting of approxi-  
8 mately 10 acres of the Local Training Area for the Brown-  
9 ing Army Reserve Center, Utah, for the purpose of facili-  
10 tating the construction and operation of a nursing-care fa-  
11 cility for veterans. The parcel to be conveyed under this  
12 subsection shall be selected by the Secretary in consulta-  
13 tion with the State.

14 (b) REVERSIONARY INTEREST.—If the Secretary de-  
15 termines at any time that the real property conveyed  
16 under subsection (a) is not being used in accordance with  
17 the purpose of the conveyance specified in such subsection,  
18 all right, title, and interest in and to the property shall  
19 revert, at the option of the Secretary, to the United States,  
20 and the United States shall have the right of immediate  
21 entry onto the property. Any determination of the Sec-  
22 retary under this subsection shall be made on the record  
23 after an opportunity for a hearing.

24 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
25 Secretary may require the State to cover costs to be in-  
26 curred by the Secretary, or to reimburse the Secretary for



1 costs incurred by the Secretary, to carry out the convey-  
2 ance under subsection (a), including survey costs, costs re-  
3 lated to environmental documentation, and other adminis-  
4 trative costs related to the conveyance. If amounts paid  
5 to the Secretary in advance exceed the costs actually in-  
6 curred by the Secretary to carry out the conveyance, the  
7 Secretary shall refund the excess amount to the State.

8 (2) Amounts received as reimbursement under para-  
9 graph (1) shall be credited to the fund or account that  
10 was used to cover the costs incurred by the Secretary.  
11 Amounts so credited shall be merged with amounts in such  
12 fund or account, and shall be available for the same pur-  
13 poses, and subject to the same conditions and limitations,  
14 as amounts in such fund or account.

15 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
16 and legal description of the real property to be conveyed  
17 under subsection (a) shall be determined by a survey satis-  
18 factory to the Secretary.

19 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
20 Secretary may require such additional terms and condi-  
21 tions in connection with the conveyance under subsection  
22 (a) as the Secretary considers appropriate to protect the  
23 interests of the United States.



28-62

1 **SEC. 2850. LAND CONVEYANCE, ARMY RESERVE CENTER,**  
2 **HAMPTON, VIRGINIA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
4 the Army may convey, without consideration, to the  
5 Hampton City School Board of Hampton, Virginia (in this  
6 section referred to as the “Board”), all right, title, and  
7 interest of the United States in and to a parcel of real  
8 property, including any improvements thereon, that con-  
9 sists of approximately 13.42 acres, is located on Downey  
10 Farm Road in Hampton, Virginia, and is known as the  
11 Butler Farm United States Army Reserve Center for the  
12 purpose of permitting the Board to use the property for  
13 public education purposes.

14 (b) CONDITION OF CONVEYANCE.—The conveyance  
15 under subsection (a) shall be subject to the condition that  
16 the Board accept the real property described in subsection  
17 (a) in its condition at the time of the conveyance, com-  
18 monly known as conveyance “as is”.

19 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
20 Secretary may require the Board to cover costs to be in-  
21 curred by the Secretary, or to reimburse the Secretary for  
22 costs incurred by the Secretary, to carry out the convey-  
23 ance under subsection (a), including survey costs, costs re-  
24 lated to environmental documentation, and other adminis-  
25 trative costs related to the conveyance. If amounts are col-  
26 lected from the Board in advance of the Secretary incur-



1 ring the actual costs, and the amount collected exceeds  
2 the costs actually incurred by the Secretary to carry out  
3 the conveyance, the Secretary shall refund the excess  
4 amount to the Board.

5 (2) Amounts received as reimbursement under para-  
6 graph (1) shall be credited to the fund or account that  
7 was used to cover the costs incurred by the Secretary in  
8 carrying out the conveyance. Amounts so credited shall be  
9 merged with amounts in such fund or account, and shall  
10 be available for the same purposes, and subject to the  
11 same conditions and limitations, as amounts in such fund  
12 or account.

13 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
14 and legal description of the property to be conveyed under  
15 subsection (a) shall be determined by a survey satisfactory  
16 to the Secretary.

17 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
18 Secretary may require such additional terms and condi-  
19 tions in connection with the conveyance under subsection  
20 (a) as the Secretary considers appropriate to protect the  
21 interests of the United States.

22 **SEC. 2851. LAND CONVEYANCE, ARMY NATIONAL GUARD**  
23 **FACILITY, SEATTLE, WASHINGTON.**

24 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
25 the Army may convey, without consideration, to the State



1 of Washington (in this section referred to as the “State”)  
2 all right, title, and interest of the United States in and  
3 to a parcel of real property, including any improvements  
4 thereon, consisting of approximately 9.747 acres in Se-  
5 attle, Washington, and comprising a portion of the Na-  
6 tional Guard Facility, Pier 91, for the purpose of permit-  
7 ting the State to convey the facility unencumbered for eco-  
8 nomic development purposes.

9 (b) **CONDITION OF CONVEYANCE.**—The conveyance  
10 under subsection (a) shall be subject to the condition that  
11 the State accept the real property in its condition at the  
12 time of the conveyance, commonly known as conveyance  
13 “as is”.

14 (c) **ADMINISTRATIVE EXPENSES.**—(1) The State  
15 shall reimburse the Secretary for the administrative ex-  
16 penses incurred by the Secretary in carrying out the con-  
17 veyance under subsection (a), including expenses related  
18 to surveys and legal descriptions, boundary  
19 monumentation, environmental surveys, necessary docu-  
20 mentation, travel, and deed preparation.

21 (2) Section 2695(c) of title 10, United States Code,  
22 shall apply to any amounts received by the Secretary as  
23 reimbursement under this subsection.

24 (d) **DESCRIPTION OF PROPERTY.**—The exact acreage  
25 and legal description of the property to be conveyed under



1 subsection (a) shall be determined by a survey satisfactory  
2 to the Secretary. The cost of the survey shall be borne  
3 by the United States, subject to the requirement for reim-  
4 bursement under subsection (c).

5 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
6 Secretary may require such additional terms and condi-  
7 tions in connection with the conveyance under subsection  
8 (a) as the Secretary considers appropriate to protect the  
9 interests of the United States.

10 **SEC. 2852. MODIFICATION OF LAND EXCHANGE AND CON-**  
11 **SOLIDATION, FORT LEWIS, WASHINGTON.**

12 (a) PROPERTY TO BE TRANSFERRED TO SECRETARY  
13 OF THE INTERIOR IN TRUST.—Subsection (a)(1) of sec-  
14 tion 2837 of the Military Construction Authorization Act  
15 for Fiscal Year 2002 (division B of Public Law 107–107;  
16 115 Stat. 1315) is amended—

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

20 (2) by striking “Washington, in” and all that  
21 follows through the period and inserting “Wash-  
22 ington. The Secretary of the Army may make the  
23 transfer under the preceding sentence, and the Sec-  
24 retary of the Interior may accept the property trans-  
25 ferred in trust for the Nisqually Tribe under the



1 preceding sentence, only in conjunction with the con-  
2 conveyance described in subsection (b)(2).”.

3 (b) INCREASE IN ACREAGE TO BE TRANSFERRED.—

4 Such subsection is further amended by striking “138  
5 acres” and inserting “168 acres”.

6 (c) QUALIFICATION ON PROPERTY TO BE TRANS-  
7 FERRED.—Subsection (a)(2) of such section is amended—

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

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

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

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

17 (2) in paragraph (2), by striking “fee title over  
18 the acquired property to the Secretary” and insert-  
19 ing “to the United States fee title to the property  
20 acquired under paragraph (1), free from all liens,  
21 encumbrances or other interests other than those, if  
22 any, acceptable to the Secretary of the Army”.

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



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

3 (2) by inserting after subsection (c) the fol-  
4 lowing new subsection:

5 “(d) TREATMENT OF EXISTING PERMIT RIGHTS;  
6 GRANT OF EASEMENT.—(1) The transfer under sub-  
7 section (a) recognizes and preserves to the Bonneville  
8 Power Administration, in perpetuity and without the right  
9 of revocation except as provided in paragraph (2), rights  
10 in existence at the time of the conveyance under the per-  
11 mit dated February 4, 1949, as amended January 4,  
12 1952, between the Department of the Army and the Bon-  
13 neville Power Administration with respect to any portion  
14 of the property transferred under subsection (a) upon  
15 which the Bonneville Power Administration retains trans-  
16 mission facilities. The rights recognized and preserved in-  
17 clude the right to upgrade those transmission facilities.

18 “(2) The permit rights recognized and preserved  
19 under paragraph (1) shall terminate only upon the Bonne-  
20 ville Power Administration’s relocation of the transmission  
21 facilities referred to in paragraph (1), and then only with  
22 respect to that portion of those transmission facilities that  
23 are relocated.

24 “(3) The Secretary of the Interior, as trustee for the  
25 Nisqually Tribe, shall grant to the Bonneville Power Ad-



1 ministration, without consideration and subject to the  
2 same rights recognized and preserved in paragraph (1),  
3 such additional easements across the property transferred  
4 under subsection (a) as the Bonneville Power Administra-  
5 tion considers necessary to accommodate the relocation or  
6 reconnection of Bonneville Power Administration trans-  
7 mission facilities from property owned by the Tribe and  
8 held by the Secretary of the Interior in trust for the  
9 Tribe.”.

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

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

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

17 (B) by inserting “of the Army” after “Sec-  
18 retary”; and

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

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



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1 (A) by inserting “of the Army” after “Sec-  
2 retary” both place it appears; and

3 (B) by striking “conveyances under this sec-  
4 tion” and inserting “transfer under subsection (a)  
5 and conveyances under subsections (b)(2) and (c)”.

6 **PART II—NAVY CONVEYANCES**

7 **SEC. 2861. LAND EXCHANGE, FORMER RICHMOND NAVAL**  
8 **AIR STATION, FLORIDA.**

9 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
10 the Army may convey to the University of Miami, Miami,  
11 Florida (in this section referred to as the “University”),  
12 all right, title, and interest of the United States in and  
13 to certain parcels of real property, together with any im-  
14 provements thereon, consisting of approximately 14 acres  
15 and located in the vicinity of the former Richmond Naval  
16 Air Station, Florida, in order to facilitate force protection  
17 and security needs of Department of Defense facilities lo-  
18 cated on the former Richmond Naval Air Station.

19 (b) RELEASE OF EASEMENTS.—As part of the con-  
20 veyance of property authorized by subsection (a), the Sec-  
21 retary may also—

22 (1) release and extinguish any interest of the  
23 United States in a clearance easement on the west-  
24 ern portion of the property of the University; and



1 (2) release and extinguish any interest of the  
2 United States in a certain easement for ingress and  
3 egress extending southwest and south from South-  
4 west 127th Street along the western property line of  
5 a certain portion of United States property referred  
6 to as “IE2” in the Agreement in Principle referred  
7 to in subsection (e)(2).

8 (c) CONSIDERATION.—As consideration for the con-  
9 veyance of property authorized by subsection (a) and the  
10 release and extinguishment of interests authorized by sub-  
11 section (b), the University shall—

12 (1) convey to the United States all right, title,  
13 and interest of the University in and to certain par-  
14 cels of real property, together with any improve-  
15 ments thereon, consisting of approximately 12 acres;

16 (2) grant to the United States such easement  
17 over a parcel of real property located along the west-  
18 ern boundary of the property of the University as  
19 the Secretary considers appropriate to permit the  
20 United States to exercise dominion and control over  
21 the portion of the western boundary of the property  
22 of the University that has been, or may be, des-  
23 ignated as Natural Forest Community habitat;

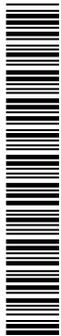


1 (3) construct and install a berm and fence secu-  
2 rity system along the entirety of the new property  
3 line between the United States and the University;

4 (4) relocate the existing security gate and  
5 guard building, or establish a new security gate and  
6 guard building similar in design and size to the ex-  
7 isting security gate and guard building, at a point  
8 where the property of the United States and the  
9 University intersect on the existing ingress-egress  
10 road; and

11 (5) construct a new two-lane access road from  
12 Southwest 152nd Street at the western boundary of  
13 the property of the University to a point that con-  
14 nects with the existing road on the property of the  
15 United States (commonly referred to as the “FAA  
16 Road”).

17 (d) CONSTRUCTION WITH PREVIOUS CONVEY-  
18 ANCE.—Any restrictions on the use as an animal research  
19 facility of a certain parcel of real property, consisting of  
20 approximately 30 acres, conveyed by the Secretary of  
21 Health and Human Services to the University pursuant  
22 to section 647 of the Ominbus Consolidated Appropria-  
23 tions Act, 1997 (Public Law 104–208; 110 Stat. 3009–  
24 366) shall terminate upon the execution of the agreement  
25 of exchange required by subsection (e).



1 (e) TERMS OF EXCHANGE.—(1) The Secretary and  
2 the University shall carry out the conveyances and releases  
3 of interest authorized by this section pursuant to an agree-  
4 ment of exchange (to be known as the “Exchange Agree-  
5 ment”) between the Secretary and the University.

6 (2) The agreement of exchange shall conform to, and  
7 develop with more particularity, the Agreement in Prin-  
8 ciple executed by the United States and the University on  
9 July 13 through 15, 2004.

10 (f) PAYMENT OF COSTS.—(1) The Secretary may re-  
11 quire the University to cover costs to be incurred by the  
12 Secretary, or to reimburse the Secretary for costs incurred  
13 by the Secretary, to carry out the conveyances under this  
14 section and the release and grants of interests under this  
15 section, including survey costs, costs related to environ-  
16 mental documentation, and other administrative costs re-  
17 lated to such activities. If amounts paid to the Secretary  
18 in advance exceed the costs actually incurred by the Sec-  
19 retary to carry out such activities, the Secretary shall re-  
20 fund the excess amount to the University.

21 (2) Amounts received as reimbursement under para-  
22 graph (1) shall be credited to the fund or account that  
23 was used to cover the costs incurred by the Secretary.  
24 Amounts so credited shall be merged with amounts in such  
25 fund or account, and shall be available for the same pur-



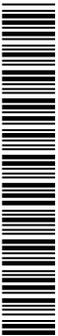
1 poses, and subject to the same conditions and limitations,  
2 as amounts in such fund or account.

3 (g) DESCRIPTION OF PROPERTY.—The exact acreage  
4 and legal description of the property to be conveyed under  
5 this section, and of the interests to be released or granted  
6 under this section, shall be determined by surveys satisfac-  
7 tory to the Secretary.

8 (h) ADDITIONAL TERMS AND CONDITIONS.—The  
9 Secretary may require such additional terms and condi-  
10 tions in connection with the conveyances under this sec-  
11 tion, and the release and grants of interests under this  
12 section, as the Secretary considers appropriate to protect  
13 the interests of the United States.

14 **SEC. 2862. LAND CONVEYANCE, HONOLULU, HAWAII.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
16 the Navy may convey, without consideration but subject  
17 to the conditions specified in subsection (b), to the City  
18 and County of Honolulu, Hawaii, all right, title, and inter-  
19 est of the United States in and to a parcel of real property,  
20 including improvements thereon, consisting of approxi-  
21 mately 5.16 acres located at 890 Valkenberg Avenue,  
22 Honolulu, Hawaii, and currently used by the City and  
23 County of Honolulu as the site of a fire station and fire-  
24 fighting training facility. The purpose of the conveyance  
25 is to enhance the capability of the City and County of



1 Honolulu to provide fire protection and firefighting serv-  
2 ices to the civilian and military properties in the area and  
3 to provide a location for firefighting training for civilian  
4 and military personnel.

5 (b) CONDITIONS OF CONVEYANCE.—The conveyance  
6 under subsection (a) shall be subject to the following con-  
7 ditions:

8 (1) That the City and County of Honolulu ac-  
9 cept the real property in its condition at the time of  
10 the conveyance, commonly known as conveyance “as  
11 is”.

12 (2) That the City and County of Honolulu  
13 make the firefighting training facility available to  
14 the fire protection and firefighting units of the mili-  
15 tary departments for training not less than two days  
16 per week on terms satisfactory to the Secretary.

17 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
18 Secretary shall require the City and County of Honolulu  
19 to cover costs to be incurred by the Secretary, or to reim-  
20 burse the Secretary for costs incurred by the Secretary,  
21 to carry out the conveyance under subsection (a), includ-  
22 ing survey costs, costs related to environmental docu-  
23 mentation, and other administrative costs related to the  
24 conveyance. If amounts are collected from the City and  
25 County of Honolulu in advance of the Secretary incurring



1 the actual costs, and the amount collected exceeds the  
2 costs actually incurred by the Secretary to carry out the  
3 conveyance, the Secretary shall refund the excess amount,  
4 without interest, to the City and County of Honolulu.

5 (2) Amounts received as reimbursement under para-  
6 graph (1) shall be credited to the fund or account that  
7 was used to cover the costs incurred by the Secretary in  
8 carrying out the conveyance. Amounts so credited shall be  
9 merged with amounts in such fund or account, and shall  
10 be available for the same purposes, and subject to the  
11 same conditions and limitations, as amounts in such fund  
12 or account.

13 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
14 and legal description of the property to be conveyed under  
15 subsection (a) shall be determined by a survey satisfactory  
16 to the Secretary.

17 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
18 Secretary may require such additional terms and condi-  
19 tions in connection with the conveyance under subsection  
20 (a) as the Secretary considers appropriate to protect the  
21 interests of the United States.

22 **SEC. 2863. LAND CONVEYANCE, NAVY PROPERTY, FORMER**  
23 **FORT SHERIDAN, ILLINOIS.**

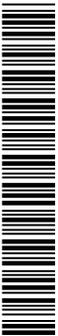
24 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
25 the Navy may convey, without consideration, to the State



1 of Illinois, a political subdivision of the State, or a non-  
2 profit land conservation organization (in this section re-  
3 ferred to as the “grantee”) all right, title, and interest  
4 of the United States in and to certain parcels of real prop-  
5 erty consisting of a total of approximately 25 acres of envi-  
6 ronmentally sensitive land at the former Fort Sheridan,  
7 Illinois, for the purpose of ensuring the permanent protec-  
8 tion of the land.

9 (b) REVERSIONARY INTEREST.—If the Secretary de-  
10 termines at any time that the real property conveyed  
11 under subsection (a) is not being used or maintained in  
12 accordance with the purpose of the conveyance specified  
13 in such subsection, all right, title, and interest in and to  
14 the property shall revert, at the option of the Secretary,  
15 to the United States, and the United States shall have  
16 the right of immediate entry onto the property. Any deter-  
17 mination of the Secretary under this subsection shall be  
18 made on the record after an opportunity for a hearing.

19 (c) RECONVEYANCE AUTHORIZED.—The Secretary  
20 may permit the grantee to convey the real property con-  
21 veyed under subsection (a) to another eligible entity de-  
22 scribed in such subsection, subject to the same covenants  
23 and terms and conditions as provided in the deed from  
24 the United States.



1 (d) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
2 Secretary shall require the grantee to cover costs to be  
3 incurred by the Secretary, or to reimburse the Secretary  
4 for costs incurred by the Secretary, to carry out the con-  
5 veyance under subsection (a), including survey costs, costs  
6 related to environmental documentation, and other admin-  
7 istrative costs related to the conveyance. If amounts are  
8 collected from the grantee in advance of the Secretary in-  
9 curring the actual costs, and the amount collected exceeds  
10 the costs actually incurred by the Secretary to carry out  
11 the conveyance, the Secretary shall refund the excess  
12 amount to the grantee.

13 (2) Amounts received as reimbursement under para-  
14 graph (1) shall be credited to the fund or account that  
15 was used to cover the costs incurred by the Secretary in  
16 carrying out the conveyance. Amounts so credited shall be  
17 merged with amounts in such fund or account, and shall  
18 be available for the same purposes, and subject to the  
19 same conditions and limitations, as amounts in such fund  
20 or account.

21 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
22 and legal description of the real property to be conveyed  
23 under subsection (a) shall be determined by a survey satis-  
24 factory to the Secretary.



1 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
2 retary may require such additional terms and conditions  
3 in connection with the conveyance under subsection (a) as  
4 the Secretary considers appropriate to protect the inter-  
5 ests of the United States.

6 (g) USE OF ALTERNATE CONVEYANCE AUTHOR-  
7 ITY.—In lieu of using the authority provided by this sec-  
8 tion to convey the real property described in subsection  
9 (a), the Secretary may elect to include the property in a  
10 conveyance authorized by section 2878 of title 10, United  
11 States Code, subject to such terms, reservations, restric-  
12 tions, and conditions as may be necessary to ensure the  
13 permanent protection of the property, if the Secretary de-  
14 termines that a conveyance under such section is advan-  
15 tageous to the interests of the United States.

16 **SEC. 2864. LAND EXCHANGE, NAVAL AIR STATION, PATUX-**  
17 **ENT RIVER, MARYLAND.**

18 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
19 the Navy may convey to the State of Maryland (in this  
20 section referred to as “State”) all right, title, and interest  
21 of the United States in and to a parcel of real property,  
22 including improvements thereon, consisting of approxi-  
23 mately five acres at Naval Air Station, Patuxent River,  
24 Maryland, and containing the Point Lookout Lighthouse,  
25 other structures related to the lighthouse, and an archae-



1 ological site pertaining to the military hospital that was  
2 located on the property during the Civil War. The convey-  
3 ance shall include artifacts pertaining to the military hos-  
4 pital recovered by the Navy and held at the installation.

5 (b) PROPERTY RECEIVED IN EXCHANGE.—As con-  
6 sideration for the conveyance of the real property under  
7 subsection (a), the State shall convey to the United States  
8 a parcel of real property at Point Lookout State Park,  
9 Maryland, consisting of approximately five acres, or a  
10 smaller parcel that the Secretary considers sufficient and  
11 such related property interests as the Secretary and the  
12 State may agree to.

13 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
14 Secretary may require the State to cover costs to be in-  
15 curred by the Secretary, or to reimburse the Secretary for  
16 costs incurred by the Secretary, to carry out the convey-  
17 ance under subsection (a), including survey costs, costs re-  
18 lated to environmental documentation, relocation expenses  
19 incurred in connection with the acquisition of real property  
20 under subsection (b), and other administrative costs re-  
21 lated to the conveyance. If amounts are collected from the  
22 State in advance of the Secretary incurring the actual  
23 costs, and the amount collected exceeds the costs actually  
24 incurred by the Secretary to carry out the conveyance, the  
25 Secretary shall refund the excess amount to State.



1 (2) Amounts received as reimbursement under para-  
2 graph (1) shall be credited to the fund or account that  
3 was used to cover the costs incurred by the Secretary in  
4 carrying out the conveyance. Amounts so credited shall be  
5 merged with amounts in such fund or account, and shall  
6 be available for the same purposes, and subject to the  
7 same conditions and limitations, as amounts in such fund  
8 or account.

9 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
10 and legal description of the properties to be conveyed  
11 under this section shall be determined by surveys satisfac-  
12 tory to the Secretary.

13 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
14 Secretary may require such additional terms and condi-  
15 tions in connection with the conveyances under this section  
16 as the Secretary considers appropriate to protect the inter-  
17 ests of the United States.

18 **SEC. 2865. MODIFICATION OF LAND ACQUISITION AUTHOR-**  
19 **ITY, PERQUIMANS COUNTY, NORTH CARO-**  
20 **LINA.**

21 Section 2846 of the Military Construction Authoriza-  
22 tion Act for Fiscal Year 2002 (division B of Public Law  
23 107–107; 115 Stat. 1320) is amended by striking “240  
24 acres” and insert “840 acres”.



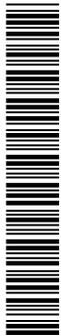
1 **SEC. 2866. LAND CONVEYANCE, NAVAL WEAPONS STATION,**  
2 **CHARLESTON, SOUTH CAROLINA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
4 the Navy may convey to the Berkeley County Sanitation  
5 Authority, South Carolina (in this section referred to as  
6 the “Authority”), all right, title, and interest of the United  
7 States in and to a parcel of real property, including any  
8 improvements thereon, consisting of not more than 38  
9 acres and comprising a portion of the Naval Weapons Sta-  
10 tion, Charleston, South Carolina, for the purpose of allow-  
11 ing the Authority to expand an existing sewage treatment  
12 plant.

13 (b) CONSIDERATION.—(1) As consideration for the  
14 conveyance of the real property under subsection (a), the  
15 Authority shall provide the United States, whether by cash  
16 payment, in-kind services, or a combination thereof, an  
17 amount that is not less than the fair market value of the  
18 conveyed property.

19 (2) The fair market value of the real property con-  
20 veyed under subsection (a) shall be determined by an ap-  
21 praisal acceptable to the Secretary.

22 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
23 Secretary may require the Authority to cover costs in-  
24 curred by the Secretary, or to reimburse the Secretary for  
25 costs incurred by the Secretary, to carry out the convey-  
26 ance under subsection (a), including survey costs, costs re-

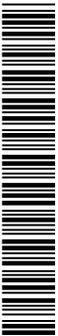


1 lated to environmental documentation, and other adminis-  
2 trative costs related to the conveyance. If amounts are col-  
3 lected from the Authority in advance of the Secretary in-  
4 ccurring the actual costs, and the amount collected exceeds  
5 the costs actually incurred by the Secretary to carry out  
6 the conveyance, the Secretary shall refund the excess  
7 amount to the Authority.

8 (2) Amounts received as reimbursement under para-  
9 graph (1) shall be credited to the fund or account that  
10 was used to cover the costs incurred by the Secretary in  
11 carrying out the conveyance. Amounts so credited shall be  
12 merged with amounts in such fund or account, and shall  
13 be made available for the same purposes, and subject to  
14 the same conditions and limitations, as amounts in such  
15 fund or account.

16 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
17 and legal description of the real property to be conveyed  
18 under subsection (a) shall be determined by a survey satis-  
19 factory to the Secretary.

20 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
21 Secretary may require such additional terms and condi-  
22 tions in connection with the conveyance under subsection  
23 (a) as the Secretary considers appropriate to protect the  
24 interests of the United States.



1 **SEC. 2867. LAND CONVEYANCE, NAVY YMCA BUILDING,**  
2 **PORTSMOUTH, VIRGINIA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
4 the Navy may convey to the City of Portsmouth, Virginia  
5 (in this section referred to as the “City”), all right, title,  
6 and interest of the United States in and to a parcel of  
7 real property, including any improvements thereon, con-  
8 sisting of approximately 0.49 acres located at 517 King  
9 Street in Portsmouth, Virginia, and known as the “Navy  
10 YMCA Building”, for the purpose of permitting the City  
11 to use the property for economic revitalization purposes.

12 (b) CONSIDERATION.—As consideration for the con-  
13 veyance under subsection (a), the City shall provide the  
14 United States, whether by cash payment, in-kind consider-  
15 ation, or a combination thereof, an amount equal to the  
16 costs related to the environmental remediation of the real  
17 property to be conveyed.

18 (c) PAYMENT OF OTHER COSTS OF CONVEYANCE.—  
19 (1) The Secretary may require the City to cover costs to  
20 be incurred by the Secretary, or to reimburse the Sec-  
21 retary for costs incurred by the Secretary, to carry out  
22 the conveyance under subsection (a), including survey  
23 costs, costs related to environmental documentation, and  
24 other administrative costs related to the conveyance. If  
25 amounts paid to the Secretary in advance exceed the costs  
26 actually incurred by the Secretary to carry out the convey-



1 ance, the Secretary shall refund the excess amount to the  
2 City.

3 (2) Amounts received as reimbursement under para-  
4 graph (1) shall be credited to the fund or account that  
5 was used to cover the costs incurred by the Secretary.  
6 Amounts so credited shall be merged with amounts in such  
7 fund or account, and shall be available for the same pur-  
8 poses, and subject to the same conditions and limitations,  
9 as amounts in such fund or account.

10 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
11 and legal description of the property to be conveyed under  
12 subsection (a) shall be determined by a survey satisfactory  
13 to the Secretary.

14 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
15 Secretary may require such additional terms and condi-  
16 tions in connection with the conveyance under subsection  
17 (a) as the Secretary considers appropriate to protect the  
18 interests of the United States.

### 19 **PART III—AIR FORCE CONVEYANCES**

#### 20 **SEC. 2871. LAND EXCHANGE, MAXWELL AIR FORCE BASE,** 21 **ALABAMA.**

22 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
23 the Air Force may convey to the City of Montgomery, Ala-  
24 bama (in this section referred to as the “City”), all right,  
25 title, and interest of the United States in and to a parcel



1 of real property, including improvements thereon, con-  
2 sisting of approximately 28 acres and containing the Max-  
3 well Heights Housing site at Maxwell Air Force Base, Ala-  
4 bama.

5 (b) CONSIDERATION.—(1) As consideration for the  
6 conveyance of the real property under subsection (a), the  
7 City shall convey to the United States a parcel of real  
8 property, including any improvements thereon, located  
9 contiguous to Maxwell Air Force Base, consisting of ap-  
10 proximately 35 acres, and designated as project AL 6–  
11 4, for the purpose of allowing the Secretary to incorporate  
12 the parcel into a project for the acquisition or improve-  
13 ment of military housing. The military housing project  
14 may consist of or include a project conducted under the  
15 authority of subchapter IV of chapter 169 of title 10,  
16 United States Code. The Secretary shall have jurisdiction  
17 over the real property received under this paragraph.

18 (2) If the fair market value of the real property re-  
19 ceived under paragraph (1) is less than the fair market  
20 value of the real property conveyed under subsection (a),  
21 the Secretary may require the City to make up the dif-  
22 ference through the payment of cash, the provision of in-  
23 kind consideration, or a combination thereof, to be deter-  
24 mined pursuant to negotiations between the Secretary and  
25 the City.



1 (3) The fair market values of the real property to  
2 be exchanged under this section shall be determined by  
3 appraisals acceptable to the Secretary and the City.

4 (c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The  
5 Secretary may require the City to cover costs to be in-  
6 curred by the Secretary, or to reimburse the Secretary for  
7 costs incurred by the Secretary, to carry out the convey-  
8 ances under subsections (a) and (b), including survey  
9 costs, costs related to environmental documentation, and  
10 other administrative costs related to the conveyances. If  
11 amounts are collected from the City in advance of the Sec-  
12 retary incurring the actual costs, and the amount collected  
13 exceeds the costs actually incurred by the Secretary to  
14 carry out the conveyances, the Secretary shall refund the  
15 excess amount to the City.

16 (2) Amounts received as reimbursement under para-  
17 graph (1) shall be credited to the fund or account that  
18 was used to cover the costs incurred by the Secretary in  
19 carrying out the conveyances. Amounts so credited shall  
20 be merged with amounts in such fund or account, and  
21 shall be available for the same purposes, and subject to  
22 the same conditions and limitations, as amounts in such  
23 fund or account.

24 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
25 and legal description of the properties to be conveyed



1 under this section shall be determined by surveys satisfac-  
2 tory to the Secretary.

3 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The  
4 Secretary may require such additional terms and condi-  
5 tions in connection with the conveyances under this section  
6 as the Secretary considers appropriate to protect the inter-  
7 ests of the United States.

8 **SEC. 2872. LAND CONVEYANCE, MARCH AIR FORCE BASE,**  
9 **CALIFORNIA.**

10 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of  
11 the Air Force may convey to the March Joint Powers Au-  
12 thority (in this section referred to as the “Authority”) all  
13 right, title, and interest of the United States in and to  
14 a parcel of real property, including any improvements  
15 thereon, consisting of approximately 15 acres located in  
16 Riverside County, California, and containing the former  
17 Defense Reutilization and Marketing Office facility for  
18 March Air Force Base, which is also known as Parcel A-  
19 6, for the purpose of permitting the Authority to use the  
20 property for economic development and revitalization.

21 (b) **CONSIDERATION.**—As consideration for the con-  
22 veyance of the real property under subsection (a), the Au-  
23 thority shall pay the United States an amount equal to  
24 the fair market value of the conveyed property, as deter-  
25 mined by the Secretary. The payment shall be deposited



1 in the special account in the Treasury referred to in para-  
2 graph (5) of section 572(b) of title 40, United States  
3 Code, and shall be available as provided in subparagraph  
4 (B)(ii) of such paragraph.

5 (c) DESCRIPTION OF PROPERTY.—The exact acreage  
6 and legal description of the real property to be conveyed  
7 under subsection (a) shall be determined by a survey satis-  
8 factory to the Secretary. The cost of the survey shall be  
9 borne by the Authority.

10 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
11 Secretary may require such additional terms and condi-  
12 tions in connection with the conveyance under subsection  
13 (a) as the Secretary considers appropriate to protect the  
14 interests of the United States.

15 **SEC. 2873. LAND CONVEYANCE, FORMER GRIFFISS AIR**  
16 **FORCE BASE, NEW YORK.**

17 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary  
18 of the Air Force may convey to the Oneida County Indus-  
19 trial Development Agency, New York, the local reuse au-  
20 thority for the former Griffiss Air Force Base (in this sec-  
21 tion referred to as the “Authority”), all right, title and  
22 interest of the United States in and to two parcels of real  
23 property consisting of 7.897 acres and 1.742 acres and  
24 containing the four buildings specified in paragraph (2),  
25 which were vacated by the Air Force in conjunction with



1 its relocation to the Consolidated Intelligence and Recon-  
2 naissance Laboratory at Air Force Research Laboratory—  
3 Rome Research Site, Rome, New York.

4 (2) The buildings referred to in paragraph (1) are  
5 the following:

6 (A) Building 240 (117,323 square feet).

7 (B) Building 247 (13,199 square feet).

8 (C) Building 248 (4,000 square feet).

9 (D) Building 302 (20,577 square feet).

10 (3) The purpose of the conveyance under this sub-  
11 section is to permit the Authority to develop the parcels  
12 and buildings for economic purposes in a manner con-  
13 sistent with section 2905 of the Defense Base Closure and  
14 Realignment Act of 1990 (part A of title XXIX of Public  
15 Law 101–510; 10 U.S.C. 2687 note).

16 (b) **CONDITION OF CONVEYANCE.**—The conveyance  
17 under subsection (a) shall be subject to the condition that  
18 the Authority accept the real property in its condition at  
19 the time of the conveyance, commonly known as convey-  
20 ance “as is”.

21 (c) **CONSIDERATION.**—As consideration for the con-  
22 veyance under subsection (a), the Authority shall provide  
23 the United States, whether by cash payment, in-kind con-  
24 tribution, or a combination thereof, an amount equal to



1 the fair market of value of the conveyed real property, as  
2 determined by the Secretary.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
4 and legal description of the real property to be conveyed  
5 under subsection (a) shall be determined by a survey satis-  
6 factory to the Secretary. The cost of the survey shall be  
7 borne by the Authority.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
9 Secretary may require such additional terms and condi-  
10 tions in connection with the conveyance under subsection  
11 (a) as the Secretary considers appropriate to protect the  
12 interests of the United States.

13 **PART IV—OTHER CONVEYANCES**

14 **SEC. 2881. LAND EXCHANGE, ARLINGTON COUNTY, VIR-**  
15 **GINIA.**

16 (a) EXCHANGE AUTHORIZED.—The Secretary of De-  
17 fense may convey to Arlington County, Virginia (in this  
18 section referred to as the “County”), all right, title, and  
19 interest of the United States in and to a parcel of real  
20 property, together with any improvements thereon, that  
21 consists of not more than 4.5 acres and is located north  
22 of Columbia Pike on the Navy Annex property in Arling-  
23 ton County, Virginia, for the purpose of the construction  
24 of a freedmen heritage museum and an Arlington history  
25 museum.



1 (b) CONSIDERATION.—As consideration for the con-  
2 veyance of the real property under subsection (a), the  
3 County shall convey to the United States all right, title,  
4 and interest of the County in and to a parcel of real prop-  
5 erty, together with any improvements thereon, that is of  
6 a size equivalent to the total acreage of the real property  
7 conveyed by the Secretary under subsection (a) and is lo-  
8 cated in the area known as the Southgate Road right-of-  
9 way between Arlington National Cemetery, Virginia, and  
10 the Navy Annex property.

11 (c) SELECTION OF PROPERTY FOR CONVEYANCE.—  
12 The Secretary, in consultation with the County, shall de-  
13 termine the acreage of the parcels of real property to be  
14 exchanged under this section, and such determination  
15 shall be final. In selecting the real property for conveyance  
16 to the County under subsection (a), the Secretary shall  
17 seek—

18 (1) to provide the County with sufficient prop-  
19 erty for museum construction that is compatible  
20 with, and honors, the history of the freedmen's vil-  
21 lage that was located in the area and the heritage  
22 of the County;

23 (2) to preserve the appropriate traditions of Ar-  
24 lington National Cemetery; and



1 (3) to maintain the amount of acreage currently  
2 available for potential grave sites at Arlington Na-  
3 tional Cemetery.

4 (d) PAYMENT OF COSTS OF CONVEYANCES.—(1) The  
5 Secretary may require the County to cover costs to be in-  
6 curred by the Secretary, or to reimburse the Secretary for  
7 costs incurred by the Secretary, to carry out the convey-  
8 ances under subsections (a) and (b), including survey  
9 costs, costs related to environmental documentation, and  
10 other administrative costs related to the conveyances. If  
11 amounts are collected from the County in advance of the  
12 Secretary incurring the actual costs, and the amount col-  
13 lected exceeds the costs actually incurred by the Secretary  
14 to carry out the conveyance, the Secretary shall refund  
15 the excess amount to the County.

16 (2) Amounts received as reimbursement under para-  
17 graph (1) shall be credited to the fund or account that  
18 was used to cover the costs incurred by the Secretary in  
19 carrying out the conveyances. Amounts so credited shall  
20 be merged with amounts in such fund or account, and  
21 shall be available for the same purposes, and subject to  
22 the same conditions and limitations, as amounts in such  
23 fund or account.

24 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
25 and legal description of the real property to be conveyed



1 under this section shall be determined by surveys satisfac-  
2 tory to the Secretary.

3 (f) REVERSIONARY INTEREST.—(1) If at any time  
4 the Secretary determines that the property conveyed to the  
5 County under subsection (a) is not being used for the pur-  
6 poses stated in that subsection, then, at the option of the  
7 Secretary, all right, title, and interest in and to the prop-  
8 erty, including any improvements thereon, shall revert to  
9 the United States, and the United States shall have the  
10 right of immediate entry onto the property.

11 (2) If the Secretary exercises the reversionary inter-  
12 est provided for in paragraph (1), the Secretary shall pay  
13 the County, from amounts available to the Secretary for  
14 military construction for the Defense Agencies, an amount  
15 equal to the fair market value of the property that reverts  
16 to the United States, as determined by the Secretary.

17 (g) INCLUSION OF SOUTHGATE ROAD RIGHT-OF-  
18 WAY PROPERTY IN TRANSFER OF NAVY ANNEX PROP-  
19 erty FOR ARLINGTON NATIONAL CEMETERY.—Sub-  
20 section (a) of section 2881 of the Military Construction  
21 Authorization Act for Fiscal Year 2000 (division B of  
22 Public Law 106–65; 113 Stat. 879) is amended by strik-  
23 ing “three parcels of real property consisting of approxi-  
24 mately 36 acres” and inserting “four parcels of real prop-  
25 erty consisting of approximately 40 acres”.



1 (h) TERMINATION OF RESERVATION OF CERTAIN  
2 NAVY ANNEX PROPERTY FOR MEMORIALS OR MUSE-  
3 UMS.—(1) Subsection (b) of such section, as amended by  
4 section 2863(f) of the Military Construction Authorization  
5 Act for Fiscal Year 2002 (division B of Public Law 107-  
6 107; 115 Stat. 1332) and section 2851(a)(1) of the Mili-  
7 tary Construction Authorization Act for Fiscal Year 2003  
8 (division B of Public Law 107-314; 116 Stat. 2726), is  
9 further amended—

10 (A) by striking “(1) Subject to paragraph (2),  
11 the Secretary” and inserting “The Secretary”; and

12 (B) by striking paragraph (2).

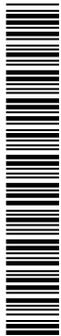
13 (2) Subsection (d)(2) of such section, as amended by  
14 section 2851(a)(2) of the Military Construction Authoriza-  
15 tion Act for Fiscal Year 2003 (division B of Public Law  
16 107-314; 116 Stat. 2726), is further amended—

17 (A) by striking “(A)”; and

18 (B) by striking “, and (B)” and all that follows  
19 through “Museum.” and inserting a period.

20 (2) Subsection (f) of such section is amended by  
21 striking “reserved under subsection (b)(2) and of the por-  
22 tion”.

23 (i) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
24 retary may require such additional terms and conditions  
25 in connection with the conveyances under this section as



1 the Secretary considers appropriate to protect the inter-  
2 ests of the United States.

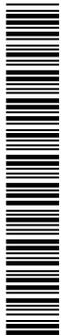
### 3 **Subtitle E—Other Matters**

#### 4 **SEC. 2891. ONE-YEAR RESUMPTION OF DEPARTMENT OF** 5 **DEFENSE LABORATORY REVITALIZATION** 6 **DEMONSTRATION PROGRAM.**

7 Section 2892(g) of the National Defense Authoriza-  
8 tion Act for Fiscal Year 1996 (Public Law 104-106; 10  
9 U.S.C. 2805 note) is amended by striking “September 30,  
10 2003” and inserting “September 30, 2005”.

#### 11 **SEC. 2892. DESIGNATION OF AIRMEN LEADERSHIP SCHOOL** 12 **AT LUKE AIR FORCE BASE, ARIZONA, IN** 13 **HONOR OF JOHN J. RHODES, A FORMER MI-** 14 **NORITY LEADER OF THE HOUSE OF REP-** 15 **RESENTATIVES.**

16 The Airmen Leadership School at Luke Air Force  
17 Base, Arizona, building 156, shall be known and des-  
18 ignated as the “John J. Rhodes Airmen Leadership  
19 School”. Any reference to such facility in any law, regula-  
20 tion, map, document, record, or other paper of the United  
21 States shall be considered to be a reference to the John  
22 J. Rhodes Airmen Leadership School.



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1 **SEC. 2893. SETTLEMENT OF CLAIM OF OAKLAND BASE**  
2 **REUSE AUTHORITY AND REDEVELOPMENT**  
3 **AGENCY.**

4 (a) **AUTHORITY TO SETTLE CLAIM.**—The Secretary  
5 of the Navy may make a payment in the amount of  
6 \$2,100,000 to the Oakland Base Reuse Authority and Re-  
7 development Agency of the City of Oakland, California,  
8 in settlement of Oakland Base Reuse Authority and Rede-  
9 velopment Agency of the City of Oakland v. the United  
10 States, Case No. C02-4652 MHP, United States District  
11 Court, Northern District of California, including any ap-  
12 peal.

13 (b) **RELEASE OF CLAIM.**—The payment made under  
14 subsection (a) shall be in full satisfaction of all claims of  
15 the Oakland Base Reuse Authority and Redevelopment  
16 Agency against the United States related to the case re-  
17 ferred to in subsection (a), and the Oakland Base Reuse  
18 Authority and Redevelopment Agency shall give to the  
19 Secretary a release of all claims to 18 officer housing units  
20 and related real property located at the former Naval Med-  
21 ical Center Oakland, California. The release shall be in  
22 a form that is satisfactory to the Secretary.

23 (c) **SOURCE OF FUNDS FOR SETTLEMENT.**—To make  
24 the payment authorized by subsection (a), the Secretary  
25 may use—



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1 (1) funds in the Department of Defense Base  
2 Closure Account 1990; or

3 (2) the proceeds from the sale of the housing  
4 units and property described in subsection (b).

5 **SEC. 2894. REPORT ON ESTABLISHMENT OF MOBILIZATION**

6 **STATION AT CAMP RIPLEY NATIONAL GUARD**

7 **TRAINING CENTER, LITTLE FALLS, MIN-**

8 **NESOTA.**

9 Not later than 120 days after the date of the enact-  
10 ment of this Act, the Secretary of Defense shall submit  
11 to Congress a report regarding the feasibility of using  
12 Camp Ripley National Guard Training Center in Little  
13 Falls, Minnesota, as a mobilization station for members  
14 of a reserve component ordered to active duty under any  
15 provision of law specified in section 101(a)(13)(B) of title  
16 10, United States Code. The report shall include a discus-  
17 sion of the actions necessary to establish the center as a  
18 mobilization station.

19 **SEC. 2895. REPORT ON FEASIBILITY OF ESTABLISHMENT**

20 **OF VETERANS MEMORIAL AT MARINE CORPS**

21 **AIR STATION, EL TORO, CALIFORNIA.**

22 Not later than 30 days after the date of the enact-  
23 ment of this Act, the Secretary of the Navy shall submit  
24 to Congress a report on whether the anticipated future  
25 uses of the former Marine Corps Air Station, El Toro,



1 California, by the City of Irvine, California, would permit  
2 the establishment and maintenance, at no cost to the  
3 United States, of a veterans memorial at the former in-  
4 stallation.

5 **SEC. 2896. SENSE OF CONGRESS REGARDING EFFECT OF**  
6 **MILITARY HOUSING POLICIES AND FORCE**  
7 **STRUCTURE AND BASING CHANGES ON**  
8 **LOCAL EDUCATIONAL AGENCIES.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) There are approximately 750,000 school-  
11 aged children of members of the active duty Armed  
12 Forces in the United States.

13 (2) Approximately 650,000 of those students  
14 are currently attending public elementary or sec-  
15 ondary schools in the United States.

16 (3) Changes to the military family housing poli-  
17 cies of the military departments affect both military  
18 housing requirements and the number of dependent  
19 children living on military installations in the United  
20 States.

21 (4) Proposed restationing of units of the Armed  
22 Forces worldwide, including the return of a signifi-  
23 cant number of members of the Armed Forces sta-  
24 tioned overseas to the United States and the Army  
25 proposal to modify its force structure to establish so-



1 called units of action, will increase military housing  
2 requirements at military installations in the United  
3 States and may result in the need for additional  
4 educational facilities at such installations and in the  
5 adjacent communities.

6 (5) To help provide sufficient housing for mem-  
7 bers of the Armed Forces and their families, the  
8 Secretaries of the military departments intend to  
9 continue to use the authorities provided in sub-  
10 chapter IV of chapter 169 of title 10, United States  
11 Code, to carry out privatization initiatives that will  
12 improve or replace an additional 120,000 military  
13 family housing units in the United States.

14 (6) The Secretaries of the military departments  
15 may include the construction of school facilities as  
16 one of the ancillary supporting facilities authorized  
17 as part of a privatization initiative carried out under  
18 such subchapter.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that the Department of Defense should—

21 (1) consider the effects that changes in force  
22 structure and overseas stationing arrangements will  
23 have on—

24 (A) military housing requirements at spe-  
25 cific military installations in the United States;



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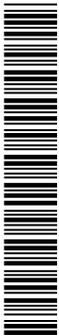
1 (B) the number of school-aged military de-  
2 pendants at those installations; and

3 (C) the need for additional educational fa-  
4 cilities to serve such dependents; and

5 (2) consult with local communities and local  
6 educational agencies about the best ways to address  
7 such changing housing requirements and satisfy the  
8 need for additional educational facilities, including  
9 using the authority of subchapter IV of chapter 169  
10 of title 10, United States Code, to include the con-  
11 struction of educational facilities as one of the ancil-  
12 lary supporting facilities authorized as part of mili-  
13 tary privatization housing initiatives.

14 **SEC. 2897. SENSE OF CONGRESS AND STUDY REGARDING**  
15 **MEMORIAL HONORING NON-UNITED STATES**  
16 **CITIZENS KILLED IN THE LINE OF DUTY**  
17 **WHILE SERVING IN THE UNITED STATES**  
18 **ARMED FORCES.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-  
20 gress that a memorial marker or monument should be de-  
21 signed and placed in an appropriate location to honor the  
22 service and sacrifice of individuals who, although not  
23 United States citizens, served in the United States Armed  
24 Forces and were killed in the line of duty.



1 (b) STUDY.—The Secretary of the Army, in consulta-  
2 tion with the Secretary of Veterans Affairs and the Amer-  
3 ican Battle Monuments Commission, shall conduct a study  
4 examining the feasibility of placing in Arlington National  
5 Cemetery, or some other appropriate location, a memorial  
6 marker honoring the service and sacrifice of non-United  
7 States citizens killed in the line of duty while serving in  
8 the Armed Forces.

9 (c) CONTENT OF STUDY.—The study required by  
10 subsection (b) shall include the following:

11 (1) A discussion of the historical development  
12 of Arlington National Cemetery.

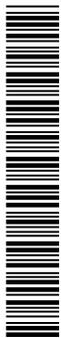
13 (2) Comprehensive information on the memorial  
14 markers presently located in Arlington National  
15 Cemetery.

16 (3) A description of any limitations affecting  
17 the ability to establish new monuments, markers,  
18 tributes, or plaques in Arlington National Cemetery.

19 (4) A discussion of alternative locations outside  
20 of Arlington National Cemetery that have been used  
21 for comparable memorial markers.

22 (5) Recommendations for appropriate locations  
23 for a memorial marker that may be considered.

24 (d) REPORT AND RECOMMENDATIONS.—Not later  
25 than April 1, 2005, the Secretary of the Army shall submit



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1 to the Committee on Armed Services and the Committee  
2 on Veterans' Affairs of the House of Representatives and  
3 the Committee on Armed Services and the Committee on  
4 Veterans' Affairs of the Senate a report containing the  
5 results of the study required by subsection (b), together  
6 with any recommendations for an appropriate plan to  
7 honor the service of non-United States citizens killed in  
8 the line of duty while serving in the Armed Forces.



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1 **DIVISION C—DEPARTMENT OF**  
2 **ENERGY NATIONAL SECURITY**  
3 **AUTHORIZATIONS AND OTHER**  
4 **AUTHORIZATIONS**  
5 **TITLE XXXI—DEPARTMENT OF**  
6 **ENERGY NATIONAL SECURITY**  
7 **PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.

**Subtitle B—Program Authorizations, Restrictions, and  
Limitations**

- Sec. 3111. Report on requirements for Modern Pit Facility.
- Sec. 3112. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3113. Limited authority to carry out new projects under Facilities and Infrastructure Recapitalization Program after project selection deadline.
- Sec. 3114. Modification of milestone and report requirements for National Ignition Facility.
- Sec. 3115. Modification of submittal date of annual plan for stewardship, management, and certification of warheads in the nuclear weapons stockpile.
- Sec. 3116. Defense site acceleration completion.
- Sec. 3117. Treatment of waste material.
- Sec. 3118. Local stakeholder organizations for 2006 closure sites.
- Sec. 3119. Report to Congress on Advanced Nuclear Weapons Concepts Initiative.

**Subtitle C—Proliferation Matters**

- Sec. 3131. Modification of authority to use International Nuclear Materials Protection and Cooperation Program funds outside the former Soviet Union.
- Sec. 3132. Acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
- Sec. 3133. Silk Road Initiative.
- Sec. 3134. Nuclear nonproliferation fellowships for scientists employed by United States and Russian Federation.
- Sec. 3135. Utilization of international contributions to the elimination of weapons grade plutonium production program.



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**Subtitle D—Other Matters**

- Sec. 3141. Indemnification of Department of Energy contractors.
- Sec. 3142. Report on maintenance of retirement benefits for certain workers at 2006 closure sites after closure of sites.
- Sec. 3143. Report on efforts of National Nuclear Security Administration to understand plutonium aging.
- Sec. 3144. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.
- Sec. 3145. Review of Waste Isolation Pilot Plant, New Mexico, pursuant to competitive contract.
- Sec. 3146. National Academy of Sciences study on management by Department of Energy of certain radioactive waste streams.
- Sec. 3147. Compensation of Pajarito Plateau, New Mexico, homesteaders for acquisition of lands for Manhattan Project in World War II.
- Sec. 3148. Modification of requirements relating to conveyances and transfer of certain land at Los Alamos National Laboratory, New Mexico.

**Subtitle E—Energy Employees Occupational Illness Compensation Program**

- Sec. 3161. Contractor employee compensation.
- Sec. 3162. Conforming amendments.
- Sec. 3163. Technical amendments.
- Sec. 3164. Transfer of funds for fiscal year 2005.
- Sec. 3165. Use of Energy Employees Occupational Illness Compensation Fund for certain payments to covered uranium employees.
- Sec. 3166. Improvements to Subtitle B of Energy Employees Occupational Illness Compensation Program Act of 2000.
- Sec. 3167. Emergency Special Exposure Cohort meeting and report.
- Sec. 3168. Coverage of individuals employed at atomic weapons employer facilities during periods of residual contamination.
- Sec. 3169. Update of report on residual contamination of facilities.
- Sec. 3170. Sense of Congress on resource center for energy employees under Energy Employee Occupational Illness Compensation Program in western New York and western Pennsylvania region.

1           **Subtitle A—National Security**  
 2           **Programs Authorizations**

3   **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
 4                                   **TION.**

- 5           (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
 6 are hereby authorized to be appropriated to the Depart-  
 7 ment of Energy for fiscal year 2005 for the activities of  
 8 the National Nuclear Security Administration in carrying



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1 out programs necessary for national security in the  
2 amount of \$9,082,300,000, to be allocated as follows:

3 (1) For weapons activities, \$6,592,053,000.

4 (2) For defense nuclear nonproliferation activi-  
5 ties, \$1,348,647,000.

6 (3) For naval reactors, \$797,900,000.

7 (4) For the Office of the Administrator for Nu-  
8 clear Security, \$343,700,000.

9 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

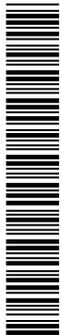
10 From funds referred to in subsection (a) that are available  
11 for carrying out plant projects, the Secretary of Energy  
12 may carry out, for weapons activities, the following new  
13 plant projects:

14 Project 05-D-140, project engineering and de-  
15 sign, various locations, \$11,600,000.

16 Project 05-D-160, facilities and infrastructure  
17 recapitalization program, project engineering and de-  
18 sign, various locations, \$8,700,000.

19 Project 05-D-170, project engineering and de-  
20 sign, safeguards and security, various locations,  
21 \$17,000,000.

22 Project 05-D-401, production bays upgrade,  
23 Pantex Plant, Amarillo, Texas, \$25,100,000.



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1 Project 05-D-402, beryllium capability project,  
2 Y-12 national security complex, Oak Ridge, Ten-  
3 nessee, \$3,627,000.

4 Project 05-D-601, compressed air upgrades  
5 project, Y-12 national security complex, Oak Ridge,  
6 Tennessee, \$4,400,000.

7 Project 05-D-602, power grid infrastructure  
8 upgrade, Los Alamos National Laboratory, Los Ala-  
9 mos, New Mexico, \$10,000,000.

10 Project 05-D-603, new master substation,  
11 Sandia National Laboratories, Albuquerque, New  
12 Mexico, \$600,000.

13 Project 05-D-701, security perimeter, Los Ala-  
14 mos National Laboratory, Los Alamos, New Mexico,  
15 \$20,000,000.

16 **SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

17 Funds are hereby authorized to be appropriated to  
18 the Department of Energy for fiscal year 2005 for defense  
19 environmental management activities in carrying out pro-  
20 grams necessary for national security in the amount of  
21 \$6,957,307,000, to be allocated as follows:

22 (1) For defense site acceleration completion,  
23 \$5,970,837,000.

24 (2) For defense environmental services,  
25 \$986,470,000.



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1 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

2 Funds are hereby authorized to be appropriated to  
3 the Department of Energy for fiscal year 2005 for other  
4 defense activities in carrying out programs necessary for  
5 national security in the amount of \$636,036,000.

6 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

7 Funds are hereby authorized to be appropriated to  
8 the Department of Energy for fiscal year 2005 for defense  
9 nuclear waste disposal for payment to the Nuclear Waste  
10 Fund established in section 302(c) of the Nuclear Waste  
11 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount  
12 of \$120,000,000.

13 **Subtitle B—Program Authoriza-**  
14 **tions, Restrictions, and Limita-**  
15 **tions**

16 **SEC. 3111. REPORT ON REQUIREMENTS FOR MODERN PIT**  
17 **FACILITY.**

18 (a) REPORT.—Not later than January 31, 2005, the  
19 Administrator for Nuclear Security shall submit to the  
20 congressional defense committees a report setting forth  
21 the validated pit production requirements for the Modern  
22 Pit Facility.

23 (b) VALIDATED PIT PRODUCTION REQUIREMENTS.—

24 (1) The validated pit production requirements in the re-  
25 port under subsection (a) shall be established by the Ad-



1 administrator in conjunction with the Chairman of the Nu-  
2 clear Weapons Council.

3 (2) The validated pit production requirements shall—

4 (A) include specifications regarding the total  
5 number of pits per year, and the number of pits to  
6 be produced per year for each weapon type, that will  
7 be required to be produced in order to support the  
8 weapons that will be retained in the nuclear weapons  
9 stockpile pursuant to the revised nuclear weapons  
10 stockpile plan submitted to the congressional defense  
11 committees as specified in the joint explanatory  
12 statement to accompany the report of the Committee  
13 on Conference on the bill H.R. 2754 of the 108th  
14 Congress;

15 (B) identify any surge capacity that may be in-  
16 cluded in the annual pit production requirements;  
17 and

18 (C) assume that the lifetime of any particular  
19 pit type is each of 40 years, 50 years, 60 years, and  
20 70 years.

21 (c) FORM OF REPORT.—The report under subsection  
22 (a) shall be submitted in unclassified form and shall in-  
23 clude a classified annex.



1 **SEC. 3112. TWO-YEAR EXTENSION OF AUTHORITY FOR AP-**  
2 **POINTMENT OF CERTAIN SCIENTIFIC, ENGI-**  
3 **NEERING, AND TECHNICAL PERSONNEL.**

4 Section 4601(c)(1) of the Atomic Energy Defense Act  
5 (50 U.S.C. 2701(c)(1)) is amended by striking “Sep-  
6 tember 30, 2004” and inserting “September 30, 2006”.

7 **SEC. 3113. LIMITED AUTHORITY TO CARRY OUT NEW**  
8 **PROJECTS UNDER FACILITIES AND INFRA-**  
9 **STRUCTURE RECAPITALIZATION PROGRAM**  
10 **AFTER PROJECT SELECTION DEADLINE.**

11 (a) LIMITED AUTHORITY TO CARRY OUT NEW  
12 PROJECTS.—Section 3114(a) of the National Defense Au-  
13 thorization Act for Fiscal Year 2004 (Public Law 108-  
14 136; 117 Stat. 1744; 50 U.S.C. 2453 note) is amended—

15 (1) in the subsection caption, by striking  
16 “DEADLINE FOR”;

17 (2) in paragraph (2), by striking “No project”  
18 and inserting “Except as provided in paragraph (3),  
19 no project”; and

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

22 “(3)(A) Subject to the provisions of this paragraph,  
23 a project described in subparagraph (B) may be carried  
24 out under the Facilities and Infrastructure Recapitaliza-  
25 tion Program after December 31, 2004, if the Adminis-  
26 trator approves the project. The Administrator may not



1 delegate the authority to approve projects under the pre-  
2 ceding sentence.

3 “(B) A project described in this subparagraph is a  
4 project that consists of a specific building, facility, or  
5 other improvement (including fences, roads, or similar im-  
6 provements).

7 “(C) Funds may not be obligated or expended for a  
8 project under this paragraph until 60 days after the date  
9 on which the Administrator submits to the congressional  
10 defense committees a notice on the project, including a  
11 description of the project and the nature of the project,  
12 a statement explaining why the project was not included  
13 in the Facilities and Infrastructure Recapitalization Pro-  
14 gram under paragraph (1), and a statement explaining  
15 why the project was not included in any other program  
16 under the jurisdiction of the Administrator.

17 “(D) The total number of projects that may be car-  
18 ried out under this paragraph in any fiscal year may not  
19 exceed five projects.

20 “(E) The Administrator may not utilize the authority  
21 in this paragraph until 60 days after the later of—

22 “(i) the date of the submittal to the congress-  
23 sional defense committees of a list of the projects se-  
24 lected for inclusion in the Facilities and Infrastruc-



1       ture Recapitalization Program under paragraph (1);  
2       or

3               “(ii) the date of the submittal to the congress-  
4       sional defense committees of the report required by  
5       subsection (c).

6       “(F) A project may not be carried out under this  
7       paragraph unless the project will be completed by Sep-  
8       tember 30, 2011.”.

9       (b) CONSTRUCTION OF AUTHORITY.—The amend-  
10      ments made by subsection (a) may not be construed to  
11      authorize any delay in either of the following:

12               (1) The selection of projects for inclusion in the  
13      Facilities and Infrastructure Recapitalization Pro-  
14      gram under subsection (a) of section 3114 of the  
15      National Defense Authorization Act for Fiscal Year  
16      2004.

17               (2) The submittal of the report required by sub-  
18      section (c) of such section.

19      **SEC. 3114. MODIFICATION OF MILESTONE AND REPORT RE-**  
20                               **QUIREMENTS FOR NATIONAL IGNITION FA-**  
21                               **CILITY.**

22               (a) NOTIFICATION ON MILESTONES TO ACHIEVE IG-  
23      NITION.—Subsection (a) of section 3137 of the National  
24      Defense Authorization Act for Fiscal Year 2002 (Public  
25      Law 107-107; 115 Stat. 1369) is amended by striking



1 “each Level I milestone and Level II milestone for the Na-  
2 tional Ignition Facility.” and inserting the following:  
3 “each milestone for the National Ignition Facility as fol-  
4 lows:

5           “(1) Each Level I milestone.

6           “(2) Each Level II milestone.

7           “(3) Each milestone to achieve ignition.”.

8           (b) REPORT ON FAILURE OF TIMELY ACHIEVEMENT  
9 OF MILESTONES.—Subsection (b) of such section is  
10 amended by striking “a Level I milestone or Level II mile-  
11 stone for the National Ignition Facility” and inserting “a  
12 milestone for the National Ignition Facility referred to in  
13 subsection (a)”.

14           (c) MILESTONES TO ACHIEVE IGNITION.—Sub-  
15 section (c) of such section is amended to read as follows:

16           “(c) MILESTONES.—For purposes of this section:

17           “(1) The Level I milestones and Level II mile-  
18 stones for the National Ignition Facility are as es-  
19 tablished in the August 2000 revised National Igni-  
20 tion Facility baseline document.

21           “(2) The milestones for the National Ignition  
22 Facility to achieve ignition are such milestones  
23 (other than the milestones referred to in paragraph  
24 (1)) as the Administrator shall establish on any ac-  
25 tivities at the National Ignition Facility that are re-



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1       quired to enable the National Ignition Facility to  
2       achieve ignition and be a fully functioning user facil-  
3       ity by December 31, 2011.”.

4       (d) SUBMITTAL TO CONGRESS OF MILESTONES TO  
5       ACHIEVE IGNITION.—Not later than January 31, 2005,  
6       the Administrator for Nuclear Security shall submit to the  
7       congressional defense committees a report setting forth  
8       the milestones of the National Ignition Facility to achieve  
9       ignition as established by the Administration under sub-  
10      section (c)(2) of section 3137 of the National Defense Au-  
11      thorization Act for Fiscal Year 2002, as amended by sub-  
12      section (c) of this section. The report shall include—

13           (1) a description of each milestone established;

14           and

15           (2) a proposal for the funding to be required to  
16           meet each such milestone.

17      (e) EXTENSION OF SUNSET.—Subsection (d) of sec-  
18      tion 3137 of such Act is amended by striking “September  
19      30, 2004” and inserting “December 31, 2011”.

20      **SEC. 3115. MODIFICATION OF SUBMITTAL DATE OF ANNUAL**  
21                           **PLAN FOR STEWARDSHIP, MANAGEMENT,**  
22                           **AND CERTIFICATION OF WARHEADS IN THE**  
23                           **NUCLEAR WEAPONS STOCKPILE.**

24      Section 4203(c) of the Atomic Energy Defense Act  
25      (50 U.S.C. 2523(c)) is amended by striking “March 15



1 of each year thereafter” and inserting “May 1 of each year  
2 thereafter”.

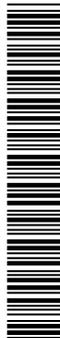
3 **SEC. 3116. DEFENSE SITE ACCELERATION COMPLETION.**

4 (a) IN GENERAL.—Notwithstanding the provisions of  
5 the Nuclear Waste Policy Act of 1982, the requirements  
6 of section 202 of the Energy Reorganization Act of 1974,  
7 and other laws that define classes of radioactive waste,  
8 with respect to material stored at a Department of Energy  
9 site at which activities are regulated by a covered State  
10 pursuant to approved closure plans or permits issued by  
11 the State, the term “high-level radioactive waste” does not  
12 include radioactive waste resulting from the reprocessing  
13 of spent nuclear fuel that the Secretary of Energy (in this  
14 section referred to as the “Secretary”), in consultation  
15 with the Nuclear Regulatory Commission (in this section  
16 referred to as the “Commission”), determines—

17 (1) does not require permanent isolation in a  
18 deep geologic repository for spent fuel or high-level  
19 radioactive waste;

20 (2) has had highly radioactive radionuclides re-  
21 moved to the maximum extent practical; and

22 (3)(A) does not exceed concentration limits for  
23 Class C low-level waste as set out in section 61.55  
24 of title 10, Code of Federal Regulations, and will be  
25 disposed of—



1 (i) in compliance with the performance ob-  
2 jectives set out in subpart C of part 61 of title  
3 10, Code of Federal Regulations; and

4 (ii) pursuant to a State-approved closure  
5 plan or State-issued permit, authority for the  
6 approval or issuance of which is conferred on  
7 the State outside of this section; or

8 (B) exceeds concentration limits for Class C  
9 low-level waste as set out in section 61.55 of title  
10 10, Code of Federal Regulations, but will be dis-  
11 posed of—

12 (i) in compliance with the performance ob-  
13 jectives set out in subpart C of part 61 of title  
14 10, Code of Federal Regulations;

15 (ii) pursuant to a State-approved closure  
16 plan or State-issued permit, authority for the  
17 approval or issuance of which is conferred on  
18 the State outside of this section; and

19 (iii) pursuant to plans developed by the  
20 Secretary in consultation with the Commission.

21 (b) MONITORING BY NUCLEAR REGULATORY COM-  
22 MISSION.—(1) The Commission shall, in coordination with  
23 the covered State, monitor disposal actions taken by the  
24 Department of Energy pursuant to subparagraphs (A)  
25 and (B) of subsection (a)(3) for the purpose of assessing



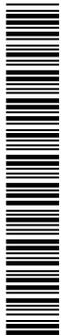
1 compliance with the performance objectives set out in sub-  
2 part C of part 61 of title 10, Code of Federal Regulations.

3 (2) If the Commission considers any disposal actions  
4 taken by the Department of Energy pursuant to those  
5 subparagraphs to be not in compliance with those per-  
6 formance objectives, the Commission shall, as soon as  
7 practicable after discovery of the noncompliant conditions,  
8 inform the Department of Energy, the covered State, and  
9 the following congressional committees:

10 (A) The Committee on Armed Services, the  
11 Committee on Energy and Commerce, and the Com-  
12 mittee on Appropriations of the House of Represent-  
13 atives.

14 (B) The Committee on Armed Services, the  
15 Committee on Energy and Natural Resources, the  
16 Committee on Environment and Public Works, and  
17 the Committee on Appropriations of the Senate.

18 (3) For fiscal year 2005, the Secretary shall, from  
19 amounts available for defense site acceleration completion,  
20 reimburse the Commission for all expenses, including sala-  
21 ries, that the Commission incurs as a result of perform-  
22 ance under subsection (a) and this subsection for fiscal  
23 year 2005. The Department of Energy and the Commis-  
24 sion may enter into an interagency agreement that speci-  
25 fies the method of reimbursement. Amounts received by



1 the Commission for performance under subsection (a) and  
2 this subsection may be retained and used for salaries and  
3 expenses associated with those activities, notwithstanding  
4 section 3302 of title 31, United States Code, and shall  
5 remain available until expended.

6 (4) For fiscal years after 2005, the Commission shall  
7 include in the budget justification materials submitted to  
8 Congress in support of the Commission budget for that  
9 fiscal year (as submitted with the budget of the President  
10 under section 1105(a) of title 31, United States Code) the  
11 amounts required, not offset by revenues, for performance  
12 under subsection (a) and this subsection.

13 (c) INAPPLICABILITY TO CERTAIN MATERIALS.—  
14 Subsection (a) shall not apply to any material otherwise  
15 covered by that subsection that is transported from the  
16 covered State.

17 (d) COVERED STATES.—For purposes of this section,  
18 the following States are covered States:

19 (1) The State of South Carolina.

20 (2) The State of Idaho.

21 (e) CONSTRUCTION.—(1) Nothing in this section  
22 shall impair, alter, or modify the full implementation of  
23 any Federal Facility Agreement and Consent Order or  
24 other applicable consent decree for a Department of En-  
25 ergy site.



1 (2) Nothing in this section establishes any precedent  
2 or is binding on the State of Washington, the State of  
3 Oregon, or any other State not covered by subsection (d)  
4 for the management, storage, treatment, and disposition  
5 of radioactive and hazardous materials.

6 (3) Nothing in this section amends the definition of  
7 “transuranic waste” or regulations for repository disposal  
8 of transuranic waste pursuant to the Waste Isolation Pilot  
9 Plant Land Withdrawal Act or part 191 of title 40, Code  
10 of Federal Regulations.

11 (4) Nothing in this section shall be construed to af-  
12 fect in any way the obligations of the Department of En-  
13 ergy to comply with section 4306A of the Atomic Energy  
14 Defense Act (50 U.S.C. 2567).

15 (5) Nothing in this section amends the West Valley  
16 Demonstration Act (42 U.S.C. 2121a note).

17 (f) JUDICIAL REVIEW.—Judicial review shall be  
18 available in accordance with chapter 7 of title 5, United  
19 States Code, for the following:

20 (1) Any determination made by the Secretary  
21 or any other agency action taken by the Secretary  
22 pursuant to this section.

23 (2) Any failure of the Commission to carry out  
24 its responsibilities under subsection (b).



1 **SEC. 3117. TREATMENT OF WASTE MATERIAL.**

2 Of the amounts made available pursuant to the au-  
3 thorization of appropriations in section 3102(1) for envi-  
4 ronmental management for defense site acceleration com-  
5 pletion for the High-Level Waste Proposal, \$350,000,000  
6 shall be available at specified sites for any defense site  
7 acceleration completion activities at those sites, as follows:

8 (1) The Idaho National Engineering and Envi-  
9 ronmental Laboratory, Idaho, \$97,300,000.

10 (2) The Savannah River Site, Aiken, South  
11 Carolina, \$188,600,000.

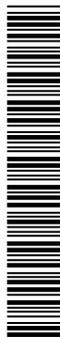
12 (3) The Hanford Site, Richland, Washington,  
13 \$64,100,000.

14 **SEC. 3118. LOCAL STAKEHOLDER ORGANIZATIONS FOR 2006**  
15 **CLOSURE SITES.**

16 (a) ESTABLISHMENT.—(1) The Secretary of Energy  
17 shall establish for each Department of Energy 2006 clo-  
18 sure site a local stakeholder organization having the re-  
19 sponsibilities set forth in subsection (c).

20 (2) The local stakeholder organization shall be estab-  
21 lished in consultation with interested elected officials of  
22 local governments in the vicinity of the closure site con-  
23 cerned.

24 (b) COMPOSITION.—A local stakeholder organization  
25 for a Department of Energy 2006 closure site under sub-  
26 section (a) shall be composed of such elected officials of



1 local governments in the vicinity of the closure site con-  
2 cerned as the Secretary considers appropriate to carry out  
3 the responsibilities set forth in subsection (c) who agree  
4 to serve on the organization, or the designees of such offi-  
5 cials.

6 (c) RESPONSIBILITIES.—A local stakeholder organi-  
7 zation for a Department of Energy 2006 closure site  
8 under subsection (a) shall—

9 (1) solicit and encourage public participation in  
10 appropriate activities relating to the closure and  
11 post-closure operations of the site;

12 (2) disseminate information on the closure and  
13 post-closure operations of the site to the State gov-  
14 ernment of the State in which the site is located,  
15 local and tribal governments in the vicinity of the  
16 site, and persons and entities having a stake in the  
17 closure or post-closure operations of the site;

18 (3) transmit to appropriate officers and employ-  
19 ees of the Department of Energy questions and con-  
20 cerns of governments, persons, and entities referred  
21 to paragraph (2) on the closure and post-closure op-  
22 erations of the site; and

23 (4) perform such other duties as the Secretary  
24 and the local stakeholder organization jointly deter-  
25 mine appropriate to assist the Secretary in meeting



1 post-closure obligations of the Department at the  
2 site.

3 (d) DEADLINE FOR ESTABLISHMENT.—The local  
4 stakeholder organization for a Department of Energy  
5 2006 closure site shall be established not later than six  
6 months before the closure of the site.

7 (e) DEPARTMENT OF ENERGY 2006 CLOSURE SITE  
8 DEFINED.—In this section, the term “Department of En-  
9 ergy 2006 closure site” means the following:

10 (1) The Rocky Flats Environmental Technology  
11 Site, Colorado.

12 (2) The Fernald Plant, Ohio.

13 (3) The Mound Plant, Ohio.

14 **SEC. 3119. REPORT TO CONGRESS ON ADVANCED NUCLEAR**  
15 **WEAPONS CONCEPTS INITIATIVE.**

16 (a) REPORT REQUIRED.—Not later than March 1,  
17 2005, the Administrator for Nuclear Security shall submit  
18 to the congressional defense committees a detailed report  
19 on the planned activities for studies under the Advanced  
20 Nuclear Weapons Concepts Initiative for fiscal year 2005.

21 (b) FORM OF REPORT.—The report under subsection  
22 (a) shall be submitted in unclassified form, but may in-  
23 clude a classified annex.



1     **Subtitle C—Proliferation Matters**

2     **SEC. 3131. MODIFICATION OF AUTHORITY TO USE INTER-**  
3                   **NATIONAL NUCLEAR MATERIALS PROTEC-**  
4                   **TION AND COOPERATION PROGRAM FUNDS**  
5                   **OUTSIDE THE FORMER SOVIET UNION.**

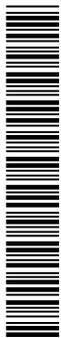
6           (a) **APPLICABILITY OF AUTHORITY LIMITED TO**  
7 **PROJECTS NOT PREVIOUSLY AUTHORIZED.**—Subsection  
8 (a) of section 3124 of the National Defense Authorization  
9 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
10 1747) is amended by inserting “that has not previously  
11 been authorized by Congress” after “states of the former  
12 Soviet Union”.

13           (b) **REPEAL OF LIMITATION ON TOTAL AMOUNT OF**  
14 **OBLIGATION.**—Such section is further amended—

15                   (1) by striking subsection (c); and

16                   (2) by redesignating subsections (d), (e), and  
17 (f) as subsections (c), (d), and (e), respectively.

18           (c) **APPLICABILITY BEYOND FISCAL YEAR 2004.**—  
19 Subsection (e) of such section (as redesignated by sub-  
20 section (b)) is amended by striking “the funds appro-  
21 priated pursuant to the authorization of appropriations in  
22 section 3101(a)(2) for such program” and inserting “the  
23 funds appropriated pursuant to an authorization of appro-  
24 priations for the International Nuclear Materials Protec-  
25 tion and Cooperation Program”.



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1 **SEC. 3132. ACCELERATION OF REMOVAL OR SECURITY OF**  
2 **FISSILE MATERIALS, RADIOLOGICAL MATE-**  
3 **RIALS, AND RELATED EQUIPMENT AT VUL-**  
4 **NERABLE SITES WORLDWIDE.**

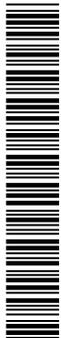
5 (a) SENSE OF CONGRESS.—(1) It is the sense of Con-  
6 gress that the security, including the rapid removal or se-  
7 cure storage, of high-risk, proliferation-attractive fissile  
8 materials, radiological materials, and related equipment at  
9 vulnerable sites worldwide should be a top priority among  
10 the activities to achieve the national security of the United  
11 States.

12 (2) It is the sense of Congress that the President may  
13 establish in the Department of Energy a task force to be  
14 known as the Task Force on Nuclear Materials to carry  
15 out the program authorized by subsection (b).

16 (b) PROGRAM AUTHORIZED.—The Secretary of En-  
17 ergy may carry out a program to undertake an acceler-  
18 ated, comprehensive worldwide effort to mitigate the  
19 threats posed by high-risk, proliferation-attractive fissile  
20 materials, radiological materials, and related equipment  
21 located at sites potentially vulnerable to theft or diversion.

22 (c) PROGRAM ELEMENTS.—(1) Activities under the  
23 program under subsection (b) may include the following:

24 (A) Accelerated efforts to secure, remove, or  
25 eliminate proliferation-attractive fissile materials or



1 radiological materials in research reactors, other re-  
2 actors, and other facilities worldwide.

3 (B) Arrangements for the secure shipment of  
4 proliferation-attractive fissile materials, radiological  
5 materials, and related equipment to other countries  
6 willing to accept such materials and equipment, or  
7 to the United States if such countries cannot be  
8 identified, and the provision of secure storage or dis-  
9 position of such materials and equipment following  
10 shipment.

11 (C) The transportation of proliferation-attract-  
12 tive fissile materials, radiological materials, and re-  
13 lated equipment from sites identified as proliferation  
14 risks to secure facilities in other countries or in the  
15 United States.

16 (D) The processing and packaging of prolifera-  
17 tion-attractive fissile materials, radiological mate-  
18 rials, and related equipment in accordance with re-  
19 quired standards for transport, storage, and disposi-  
20 tion.

21 (E) The provision of interim security upgrades  
22 for vulnerable, proliferation-attractive fissile mate-  
23 rials, radiological materials, and related equipment  
24 pending their removal from their current sites.



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1 (F) The utilization of funds to upgrade security  
2 and accounting at sites where proliferation-attractive  
3 fissile materials or radiological materials will remain  
4 for an extended period of time in order to ensure  
5 that such materials are secure against plausible po-  
6 tential threats and will remain so in the future.

7 (G) The management of proliferation-attractive  
8 fissile materials, radiological materials, and related  
9 equipment at secure facilities.

10 (H) Actions to ensure that security, including  
11 security upgrades at sites and facilities for the stor-  
12 age or disposition of proliferation-attractive fissile  
13 materials, radiological materials, and related equip-  
14 ment, continues to function as intended.

15 (I) The provision of technical support to the  
16 International Atomic Energy Agency (IAEA), other  
17 countries, and other entities to facilitate removal of,  
18 and security upgrades to facilities that contain, pro-  
19 liferation-attractive fissile materials, radiological ma-  
20 terials, and related equipment worldwide.

21 (J) The development of alternative fuels and ir-  
22 radiation targets based on low-enriched uranium to  
23 convert research or other reactors fueled by highly-  
24 enriched uranium to such alternative fuels, as well  
25 as the conversion of reactors and irradiation targets



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1 employing highly-enriched uranium to employment  
2 of such alternative fuels and targets.

3 (K) Accelerated actions for the blend down of  
4 highly-enriched uranium to low-enriched uranium.

5 (L) The provision of assistance in the closure  
6 and decommissioning of sites identified as presenting  
7 risks of proliferation of proliferation-attractive fissile  
8 materials, radiological materials, and related equip-  
9 ment.

10 (M) Programs to—

11 (i) assist in the placement of employees  
12 displaced as a result of actions pursuant to the  
13 program in enterprises not representing a pro-  
14 liferation threat; and

15 (ii) convert sites identified as presenting  
16 risks of proliferation regarding proliferation-at-  
17 tractive fissile materials, radiological materials,  
18 and related equipment to purposes not rep-  
19 resenting a proliferation threat to the extent  
20 necessary to eliminate the proliferation threat.

21 (2) The Secretary of Energy shall, in coordination  
22 with the Secretary of State, carry out the program in con-  
23 sultation with, and with the assistance of, appropriate de-  
24 partments, agencies, and other entities of the United  
25 States Government.



1           (3) The Secretary of Energy shall, with the concur-  
2      rence of the Secretary of State, carry out activities under  
3      the program in collaboration with such foreign govern-  
4      ments, non-governmental organizations, and other inter-  
5      national entities as the Secretary of Energy considers ap-  
6      propriate for the program.

7           (d) REPORTS.—(1) Not later than March 15, 2005,  
8      the Secretary of Energy shall submit to Congress a classi-  
9      fied interim report on the program under subsection (b).

10          (2) Not later than January 1, 2006, the Secretary  
11      shall submit to Congress a classified final report on the  
12      program under subsection (b) that includes the following:

13           (A) A survey by the Secretary of the facilities  
14      and sites worldwide that contain proliferation-attract-  
15      ive fissile materials, radiological materials, or re-  
16      lated equipment.

17           (B) A list of sites determined by the Secretary  
18      to be of the highest priority, taking into account risk  
19      of theft from such sites, for removal or security of  
20      proliferation-attractive fissile materials, radiological  
21      materials, or related equipment, organized by level of  
22      priority.

23           (C) A plan, including activities under the pro-  
24      gram under this section, for the removal, security, or  
25      both of proliferation-attractive fissile materials, radi-



1       ological materials, or related equipment at vulner-  
2       able facilities and sites worldwide, including measur-  
3       able milestones, metrics, and estimated costs for the  
4       implementation of the plan.

5       (3) A summary of each report under this subsection  
6       shall also be submitted to Congress in unclassified form.

7       (e) FUNDING.—Amounts authorized to be appro-  
8       priated to the Secretary of Energy for defense nuclear  
9       nonproliferation activities shall be available for purposes  
10      of the program under this section.

11      (f) DEFINITIONS.—In this section:

12           (1) The term “fissile materials” means pluto-  
13           nium, highly-enriched uranium, or other material ca-  
14           pable of sustaining an explosive nuclear chain reac-  
15           tion, including irradiated items containing such ma-  
16           terials if the radiation field from such items is not  
17           sufficient to prevent the theft or misuse of such  
18           items.

19           (2) The term “radiological materials” includes  
20           Americium-241, Californium-252, Cesium-137, Co-  
21           balt-60, Iridium-192, Plutonium-238, Radium-226,  
22           Strontium-90, Curium-244, and irradiated items  
23           containing such materials, or other materials des-  
24           ignated by the Secretary of Energy for purposes of  
25           this paragraph.



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1           (3) The term “related equipment” includes  
2           equipment useful for enrichment of uranium in the  
3           isotope 235 and for extraction of fissile materials  
4           from irradiated fuel rods and other equipment des-  
5           ignated by the Secretary of Energy for purposes of  
6           this section.

7           (4) The term “highly-enriched uranium” means  
8           uranium enriched to or above 20 percent in the iso-  
9           tope 235.

10          (5) The term “low-enriched uranium” means  
11          uranium enriched below 20 percent in the isotope  
12          235.

13          (6) The term “proliferation-attractive”, in the  
14          case of fissile materials and radiological materials,  
15          means quantities and types of such materials that  
16          are determined by the Secretary of Energy to  
17          present a significant risk to the national security of  
18          the United States if diverted to a use relating to  
19          proliferation.

20   **SEC. 3133. SILK ROAD INITIATIVE.**

21          (a) PROGRAM AUTHORIZED.—(1) The Secretary of  
22          Energy may carry out a program, to be known as the Silk  
23          Road Initiative, to promote non-weapons-related employ-  
24          ment opportunities for scientists, engineers, and techni-  
25          cians formerly engaged in activities to develop and produce



1 weapons of mass destruction in Silk Road nations. The  
2 program should—

3 (A) incorporate best practices under the Initia-  
4 tives for Proliferation Prevention program; and

5 (B) facilitate commercial partnerships between  
6 private entities in the United States and scientists,  
7 engineers, and technicians in the Silk Road nations.

8 (2) Before implementing the program with respect to  
9 multiple Silk Road nations, the Secretary of Energy shall  
10 carry out a pilot program with respect to one Silk Road  
11 nation selected by the Secretary. It is the sense of Con-  
12 gress that the Secretary should select the Republic of  
13 Georgia.

14 (b) SILK ROAD NATIONS DEFINED.—In this section,  
15 the Silk Road nations are Armenia, Azerbaijan, the Re-  
16 public of Georgia, Kazakhstan, Kyrgyzstan, Tajikistan,  
17 Turkmenistan, and Uzbekistan.

18 (c) FUNDING.—Of the funds authorized to be appro-  
19 priated to the Department of Energy for nonproliferation  
20 and international security for fiscal year 2005, up to  
21 \$10,000,000 may be used to carry out this section.



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1 **SEC. 3134. NUCLEAR NONPROLIFERATION FELLOWSHIPS**  
2 **FOR SCIENTISTS EMPLOYED BY UNITED**  
3 **STATES AND RUSSIAN FEDERATION.**

4 (a) IN GENERAL.—(1) From amounts made available  
5 to carry out this section, the Administrator for Nuclear  
6 Security may carry out a program under which the Ad-  
7 ministrator awards, to scientists employed at nonprolifera-  
8 tion research laboratories of the Russian Federation and  
9 the United States, international exchange fellowships, to  
10 be known as Nuclear Nonproliferation Fellowships, in the  
11 nuclear nonproliferation sciences.

12 (2) The purpose of the program shall be to provide  
13 opportunities for advancement in the nuclear nonprolifera-  
14 tion sciences to scientists who, as demonstrated by their  
15 academic or professional achievements, show particular  
16 promise of making significant contributions in those  
17 sciences.

18 (3) A fellowship awarded to a scientist under the pro-  
19 gram shall be for collaborative study and training or ad-  
20 vanced research at—

21 (A) a nonproliferation research laboratory of  
22 the Russian Federation, in the case of a scientist  
23 employed at a nonproliferation research laboratory  
24 of the United States; and

25 (B) a nonproliferation research laboratory of  
26 the United States, in the case of a scientist em-



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1       ployed at a nonproliferation research laboratory of  
2       the Russian Federation.

3       (4) The duration of a fellowship under the program  
4       may not exceed two years, except that the Administrator  
5       may provide for a longer duration in an individual case  
6       to the extent warranted by extraordinary circumstances,  
7       as determined by the Administrator.

8       (5) In a calendar year, the Administrator may not  
9       award more than—

10           (A) one fellowship to a scientist employed at a  
11           nonproliferation research laboratory of the Russian  
12           Federation; and

13           (B) one fellowship to a scientist employed at a  
14           nonproliferation research laboratory of the United  
15           States.

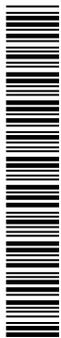
16       (6) A fellowship under the program shall include—

17           (A) travel expenses; and

18           (B) any other expenses that the Administrator  
19       considers appropriate, such as room and board.

20       (b) DEFINITIONS.—In this section:

21           (1) The term “nonproliferation research labora-  
22           tory” means, with respect to a country, a national  
23           laboratory of that country at which research in the  
24           nuclear nonproliferation sciences is carried out.



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1           (2) The term “nuclear nonproliferation  
2 sciences” means bodies of scientific knowledge rel-  
3 evant to developing or advancing the means to pre-  
4 vent or impede the proliferation of nuclear weap-  
5 onry.

6           (3) The term “scientist” means an individual  
7 who has a degree from an institution of higher edu-  
8 cation in a science that has practical application in  
9 the nuclear nonproliferation sciences.

10       (c) FUNDING.—Amounts available to the Department  
11 of Energy for defense nuclear nonproliferation activities  
12 shall be available for the fellowships authorized by sub-  
13 section (a).

14 **SEC. 3135. UTILIZATION OF INTERNATIONAL CONTRIBU-**  
15 **TIONS TO THE ELIMINATION OF WEAPONS**  
16 **GRADE PLUTONIUM PRODUCTION PROGRAM.**

17       Section 3151 of the Bob Stump National Defense  
18 Authorization Act for Fiscal Year 2003 (Public Law 107-  
19 314; 116 Stat. 2736; 22 U.S.C. 5952 note) is amended  
20 by adding at the end the following new subsection:

21       “(e) INTERNATIONAL PARTICIPATION IN PRO-  
22 GRAM.—(1) In order to achieve international participation  
23 in the program referred to in subsection (a), the Secretary  
24 of Energy may, in consultation with the Secretary of  
25 State, enter into one or more agreements with any person,



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1 foreign government, or other international organization  
2 that the Secretary considers appropriate for the contribu-  
3 tion of funds by such person, government, or organization  
4 for purposes of the program.

5 “(2) Notwithstanding section 3302 of title 31, United  
6 States Code, and subject to paragraphs (3) and (4), the  
7 Secretary may retain and utilize any amounts contributed  
8 by a person, government, or organization under an agree-  
9 ment under paragraph (1) for purposes of the program  
10 without further appropriation and without fiscal year limi-  
11 tation.

12 “(3) The Secretary may not utilize under paragraph  
13 (2) any amount contributed under an agreement under  
14 paragraph (1) until 30 days after the date on which the  
15 Secretary notifies the congressional defense committees of  
16 the intent to utilize such amount, including the source of  
17 such amount and the proposed purpose for which such  
18 amount will be utilized.

19 “(4) If any amount contributed under paragraph (1)  
20 has not been utilized within five years of receipt under  
21 that paragraph, the Secretary shall return such amount  
22 to the person, government, or organization contributing  
23 such amount under that paragraph.

24 “(5) Not later than 30 days after the receipt of any  
25 amount contributed under paragraph (1), the Secretary



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1 shall submit to the congressional defense committees a no-  
2 tice of the receipt of such amount.

3 “(6) Not later than October 31 each year, the Sec-  
4 retary shall submit to the congressional defense commit-  
5 tees a report on the receipt and utilization of amounts  
6 under this subsection during the preceding fiscal year.  
7 Each report for a fiscal year shall set forth—

8 “(A) a statement of any amounts received  
9 under this subsection, including the source of each  
10 such amount; and

11 “(B) a statement of any amounts utilized under  
12 this subsection, including the purpose for which such  
13 amounts were utilized.

14 “(7) The authority of the Secretary to accept and uti-  
15 lize amounts under this subsection shall expire on Decem-  
16 ber 31, 2011.”.

## 17 **Subtitle D—Other Matters**

### 18 **SEC. 3141. INDEMNIFICATION OF DEPARTMENT OF ENERGY**

#### 19 **CONTRACTORS.**

20 Section 170 d.(1)(A) of the Atomic Energy Act of  
21 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking  
22 “until December 31, 2004” and inserting “until December  
23 31, 2006”.



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1 **SEC. 3142. REPORT ON MAINTENANCE OF RETIREMENT**  
2 **BENEFITS FOR CERTAIN WORKERS AT 2006**  
3 **CLOSURE SITES AFTER CLOSURE OF SITES.**

4 (a) REPORT REQUIRED.—Not later than 60 days  
5 after the date of the enactment of this Act, the Assistant  
6 Secretary of Energy for Environmental Management shall  
7 submit to the Secretary of Energy a report on the mainte-  
8 nance of retirement benefits for workers at Department  
9 of Energy 2006 closure sites after closure of such sites.

10 (b) ELEMENTS.—The report under subsection (a)  
11 shall include the following:

12 (1) The number of workers at Department of  
13 Energy 2006 closure sites who would be eligible for  
14 regular or early retirement benefits if such sites  
15 close on or after their target completion dates, but  
16 who would not be eligible for regular or early retire-  
17 ment benefits if such sites close before their target  
18 completion dates (by calendar quarter).

19 (2) The cost of providing regular or full retire-  
20 ment benefits, after the closure of Department of  
21 Energy 2006 closure sites, to workers at such sites  
22 who would fail to qualify for regular or early retire-  
23 ment benefits because of the early closure of such  
24 sites (by calendar quarter).

25 (3) The impact on collective-bargaining agree-  
26 ments and any applicable retirement benefit plan



1 documents covering workers at Department of En-  
2 ergy 2006 closure sites of providing regular or early  
3 retirement benefits as set forth herein.

4 (c) TRANSMITTAL TO CONGRESS.—Not later than 30  
5 days after receiving the report under subsection (a), the  
6 Secretary shall transmit the report to Congress, together  
7 with such recommendations, including recommendations  
8 for legislative action, as the Secretary considers appro-  
9 priate.

10 (d) DEFINITIONS.—In this section:

11 (1) The term “Department of Energy 2006 clo-  
12 sure site” means the following:

13 (A) The Rocky Flats Environmental Tech-  
14 nology Site, Colorado.

15 (B) The Fernald Plant, Ohio.

16 (C) The Mound Plant, Ohio.

17 (2) The term “worker” means any employee  
18 who is employed by contract or first or second tier  
19 subcontract to perform cleanup, security, or admin-  
20 istrative duties or responsibilities at a Department  
21 of Energy 2006 closure site.

22 (3) The term “retirement benefits” means pen-  
23 sion, health, and other similar post-retirement bene-  
24 fits.



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1           (4) The term “target completion date”, with re-  
2           spect to a Department of Energy 2006 closure site,  
3           means the physical completion date specified in the  
4           site contracts.

5 **SEC. 3143. REPORT ON EFFORTS OF NATIONAL NUCLEAR**  
6                           **SECURITY ADMINISTRATION TO UNDER-**  
7                           **STAND PLUTONIUM AGING.**

8           (a) STUDY.—(1) The Administrator for Nuclear Se-  
9           curity shall enter into a contract with a Federally Funded  
10          Research and Development Center (FFRDC) providing  
11          for a study to assess the efforts of the National Nuclear  
12          Security Administration to understand the aging of pluto-  
13          nium in nuclear weapons.

14          (2) The Administrator shall make available to the  
15          FFRDC contractor under this subsection all information  
16          that is necessary for the contractor to successfully com-  
17          plete a meaningful study on a timely basis.

18          (b) REPORT REQUIRED.—(1) Not later than two  
19          years after the date of the enactment of this Act, the Ad-  
20          ministrator shall submit to Congress a report on the find-  
21          ings of the study required by subsection (a)(1).

22          (2) The report shall include the recommendations of  
23          the study for improving the knowledge, understanding,  
24          and application of the fundamental and applied sciences  
25          related to the study of plutonium aging.



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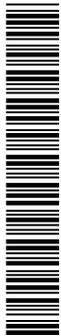
1 (3) The report shall be submitted in unclassified  
2 form, but may include a classified annex.

3 **SEC. 3144. SUPPORT FOR PUBLIC EDUCATION IN THE VI-**  
4 **CINITY OF LOS ALAMOS NATIONAL LABORA-**  
5 **TORY, NEW MEXICO.**

6 The Secretary of Energy shall require that the pri-  
7 mary management and operations contract for Los Ala-  
8 mos National Laboratory, New Mexico, that involves Lab-  
9 oratory operations after September 30, 2005, shall contain  
10 terms requiring the contractor under such contract to pro-  
11 vide support to the Los Alamos Public School District,  
12 New Mexico, for the elementary and secondary education  
13 of students in the school district in the amount of  
14 \$8,000,000 in each fiscal year.

15 **SEC. 3145. REVIEW OF WASTE ISOLATION PILOT PLANT,**  
16 **NEW MEXICO, PURSUANT TO COMPETITIVE**  
17 **CONTRACT.**

18 (a) CONTRACT REQUIREMENT.—The Secretary of  
19 Energy shall use competitive procedures to enter into a  
20 contract to conduct independent reviews and evaluations  
21 of the design, construction, and operations of the Waste  
22 Isolation Pilot Plant in New Mexico (in this section re-  
23 ferred to as the “WIPP”) as they relate to the protection  
24 of the public health and safety and the environment. The  
25 contract shall be for a period of one year, beginning on



1 October 1, 2004, and shall be renewable for four addi-  
2 tional one-year periods with the consent of the contractor  
3 and subject to the authorization and appropriation of  
4 funds for such purpose.

5 (b) CONTENT OF CONTRACT.—A contract entered  
6 into under subsection (a) shall require the following:

7 (1) The contractor shall appoint a Director and  
8 Deputy Director, who shall be scientists of national  
9 eminence in the field of nuclear waste disposal, shall  
10 be free from any biases related to the activities of  
11 the WIPP, and shall be widely known for their in-  
12 tegrity and scientific expertise.

13 (2) The Director shall appoint staff. The pro-  
14 fessional staff shall consist of scientists and engi-  
15 neers of recognized integrity and scientific expertise  
16 who represent scientific and engineering disciplines  
17 needed for a thorough review of the WIPP, including  
18 disciplines such as geology, hydrology, health phys-  
19 ics, environmental engineering, probability risk anal-  
20 ysis, mining engineering, and radiation chemistry.  
21 The disciplines represented in the staff shall change  
22 as may be necessary to meet changed needs in car-  
23 rying out the contract for expertise in any certain  
24 scientific or engineering discipline. Scientists and en-  
25 gineers employed under the contract shall have



1 qualifications and experience equivalent to the quali-  
2 fications and experience required for scientists and  
3 engineers employed by the Federal Government in  
4 grades GS-13 through GS-15.

5 (3) Scientists and engineers employed under the  
6 contract shall have an appropriate support staff.

7 (4) The Director and Deputy Director shall  
8 each be appointed for a term of 5 years, subject to  
9 contract renewal, and may be removed only for mis-  
10 conduct or incompetence. The staff shall be ap-  
11 pointed for such terms as the Director considers ap-  
12 propriate.

13 (5) The rates of pay of professional staff and  
14 the procedures for increasing the rates of pay of pro-  
15 fessional staff shall be equivalent to those rates and  
16 procedures provided for the General Schedule pay  
17 system under chapter 53 of title 5, United States  
18 Code.

19 (6) The results of reviews and evaluations car-  
20 ried out under the contract shall be published.

21 (c) ADMINISTRATION.—The contractor shall establish  
22 general policies and guidelines to be used by the Director  
23 in carrying out the work under the contract.



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1 **SEC. 3146. NATIONAL ACADEMY OF SCIENCES STUDY ON**  
2 **MANAGEMENT BY DEPARTMENT OF ENERGY**  
3 **OF CERTAIN RADIOACTIVE WASTE STREAMS.**

4 (a) **STUDY REQUIRED.**—The Secretary of Energy  
5 shall, as soon as practicable, enter into an arrangement  
6 with the National Research Council of the National Acad-  
7 emy of Sciences to carry out a study of the plans of the  
8 Department of Energy to manage those waste streams  
9 specified in subsection (b) that—

10 (1) exceed the concentration limits for Class C  
11 low-level waste as set out in section 61.55 of title  
12 10, Code of Federal Regulations; and

13 (2) the Department plans to dispose of on the  
14 sites specified in subsection (b)(3) rather than in a  
15 repository for spent nuclear fuel and high-level  
16 waste.

17 (b) **COVERED WASTE STREAMS.**—The waste streams  
18 referred to in subsection (a) are the streams of waste,  
19 from reprocessed spent nuclear fuel, that—

20 (1) exceed the concentration limits for Class C  
21 low-level waste as set out in section 61.55 of title  
22 10, Code of Federal Regulations;

23 (2) the Department does not plan for disposal  
24 in a repository for spent nuclear fuel and high-level  
25 waste; and

26 (3) are stored in tanks at the following sites:



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1 (A) The Savannah River Site, South Caro-  
2 lina.

3 (B) The Idaho National Engineering Lab-  
4 oratory, Idaho.

5 (C) The Hanford Reservation, Washington.

6 (c) MATTERS INCLUDED.—The study required by  
7 subsection (a) shall evaluate—

8 (1) the state of the Department's under-  
9 standing of the physical, chemical, and radiological  
10 characteristics of the waste referred to in subsection  
11 (b), including an assessment of data uncertainties;

12 (2) any actions additional to those contained in  
13 current plans that the Department should consider  
14 to ensure that the plans referred to in subsection (a)  
15 will comply with the performance objectives of part  
16 61 of title 10, Code of Federal Regulations;

17 (3) the adequacy of the Department's plans for  
18 monitoring disposal sites and the surrounding envi-  
19 ronment to verify compliance with those performance  
20 objectives;

21 (4) existing technology alternatives to the plans  
22 referred to in subsection (a) and, for each such al-  
23 ternative, an assessment of the cost, consequences  
24 for worker safety, and long-term consequences for  
25 environmental and human health;



1           (5) any technology gaps that exist to effect im-  
2           proved efficiency in removal and treatment of waste  
3           from the tanks referred to in subsection (b)(3); and

4           (6) any other matters that the National Re-  
5           search Council considers appropriate and directly re-  
6           lated to the subject matter of the study.

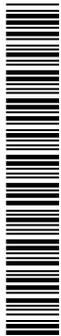
7           (d) RECOMMENDATIONS.—In carrying out the study  
8           required by subsection (a), the National Research Council  
9           may develop recommendations it considers appropriate  
10          and directly related to the subject matter of the study.  
11          It is the sense of Congress that the National Research  
12          Council should develop recommendations on—

13           (1) improvements to the scientific and technical  
14           basis for managing the waste covered by the study,  
15           including the identification of technology alternatives  
16           and mitigation of technology gaps; and

17           (2) the best means of monitoring any on-site  
18           disposal sites from the waste streams referred to in  
19           subsection (b), to include soil, groundwater, and sur-  
20           face water monitoring.

21          (e) REPORTS.—(1) The National Research Council  
22          shall submit to the Secretary of Energy and the congres-  
23          sional committees described in paragraph (2)—

24           (A) not later than six months after entering  
25           into the arrangement required by subsection (a), an



1 interim report on the study that, with respect to the  
2 requirements of subsection (c)(2), specifically ad-  
3 dresses any additional actions the Department  
4 should consider to ensure that the Department's  
5 plans for the Savannah River Site, including plans  
6 for grouting of tanks, will comply with the perform-  
7 ance objectives referred to in that subsection in a  
8 more effective manner; and

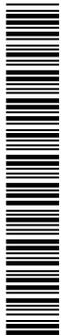
9 (B) not later than one year after entering into  
10 the arrangement required by subsection (a), a final  
11 report on the study that includes all findings, con-  
12 clusions, and recommendations.

13 (2) The congressional committees referred to in para-  
14 graph (1) are as follows:

15 (A) The Committee on Appropriations, Com-  
16 mittee on Armed Services, and Committee on En-  
17 ergy and Commerce of the House of Representa-  
18 tives.

19 (B) The Committee on Appropriations, Com-  
20 mittee on Armed Services, Committee on Energy  
21 and Natural Resources, and Committee on Environ-  
22 ment and Public Works of the Senate.

23 (f) PROVISION OF INFORMATION.—The Secretary of  
24 Energy shall, in a timely manner, make available to the  
25 National Research Council all information that the Na-



1 tional Research Council considers necessary to carry out  
2 its responsibilities under this section.

3 (g) RULE OF CONSTRUCTION.—This section shall not  
4 be construed to affect section 3116.

5 (h) FUNDING.—Of the amounts made available to the  
6 Department of Energy pursuant to the authorization of  
7 appropriations in section 3102, \$1,500,000 shall be avail-  
8 able only for carrying out the study required by this  
9 section.

10 **SEC. 3147. COMPENSATION OF PAJARITO PLATEAU, NEW**  
11 **MEXICO, HOMESTEADERS FOR ACQUISITION**  
12 **OF LANDS FOR MANHATTAN PROJECT IN**  
13 **WORLD WAR II.**

14 (a) ESTABLISHMENT OF COMPENSATION FUND.—  
15 There is established in the Treasury of the United States  
16 a fund to be known as the Pajarito Plateau Homesteaders  
17 Compensation Fund (in this section referred to as the  
18 “Fund”). The Fund shall be dedicated to the settlement  
19 of the two lawsuits in the United States District Court  
20 for the District of New Mexico consolidated as Civ. No.  
21 00-60.

22 (b) ELEMENTS OF FUND.—The Fund shall consist  
23 of the following:

24 (1) Amounts available for deposit in the Fund  
25 under subsection (j).



1           (2) Interest earned on amounts in the Fund  
2           under subsection (g).

3           (c) USE OF FUND.—The Fund shall be available for  
4 the settlement of the consolidated lawsuits in accordance  
5 with the following requirements:

6           (1) The settlement shall be subject to prelimi-  
7 nary and final approval by the Court in accordance  
8 with rule 23(e) of the Federal Rules of Civil Proce-  
9 dure.

10          (2) The Court shall appoint a special master in  
11 accordance with rule 53 of the Federal Rules of Civil  
12 Procedure to—

13                   (A) identify class members;

14                   (B) receive claims from class members so  
15 identified;

16                   (C) determine in accordance with sub-  
17 section (d) eligible claimants from among class  
18 members so identified;

19                   (D) resolve contests, if any, among claim-  
20 ants with respect to a particular eligible tract,  
21 regarding the disbursement of monies in the  
22 Fund with respect to that eligible tract; and

23                   (E) address such other matters as the  
24 Court may order.



1           (3) Lead counsel for claimants shall provide evi-  
2           dence to the special master to assist the special mas-  
3           ter in the duties set forth in paragraph (2).

4           (4) If more than 10 percent of the class mem-  
5           bers object to the settlement, or the Court fails to  
6           approve the settlement—

7                   (A) the Fund shall not serve as the basis  
8                   for the settlement of the consolidated lawsuits  
9                   and the provisions of this section shall have no  
10                  further force or effect; and

11                   (B) amounts in the Fund shall not be dis-  
12                   bursed, but shall be retained in the Treasury as  
13                   miscellaneous receipts.

14           (5) The Court may award compensation for the  
15           special master and attorney fees and expenses from  
16           the Fund pursuant to rule 23 of the Federal Rules  
17           of Civil Procedure, except that the award of attorney  
18           fees may not exceed 20 percent of the Fund and the  
19           award of expenses may not exceed 2 percent of the  
20           Fund. Any compensation and attorney fees and ex-  
21           penses so paid shall be paid from the Fund by the  
22           Court before distribution of the amount in the Fund  
23           to eligible claimants entitled thereto.

24           (6) The Fund shall be available to pay settle-  
25           ment awards in accordance with the following:



1 (A) The balance of the amount of the  
2 Fund that is available for disbursement after  
3 any award of attorney fees and expenses under  
4 paragraph (5) shall be allocated proportionally  
5 by eligible tract according to its acreage as  
6 compared with all eligible tracts.

7 (B) The allocation for each eligible tract  
8 shall be allocated pro rata among all eligible  
9 claimants having an interest in such eligible  
10 tract according to the extent of their interest in  
11 such eligible tract, as determined under the  
12 laws of the State of New Mexico.

13 (7) The special master shall disburse the allo-  
14 cated amounts from the Fund after approval by the  
15 Court.

16 (8) Any amounts available for disbursement  
17 with respect to an eligible tract that are not awarded  
18 to eligible claimants with respect to that tract shall  
19 be retained in the Treasury as miscellaneous re-  
20 ceipts.

21 (d) ELIGIBLE CLAIMANTS.—(1) For purposes of this  
22 section, an eligible claimant is any class member deter-  
23 mined by the Court, by a preponderance of evidence, to  
24 be a person or entity who held a fee simple ownership in  
25 an eligible tract at the time of its acquisition by the United

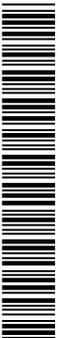


1 States during World War II for use in the Manhattan  
2 Project, or the heir, successor in interest, assignee, or ben-  
3 eficiary of such a person or entity.

4 (2) The status of a person or entity as an heir, suc-  
5 cessor in interest, assignee, or beneficiary for purposes of  
6 this subsection shall be determined under the laws of the  
7 State of New Mexico, including the descent and distribu-  
8 tion law of the State of New Mexico.

9 (e) FULL RESOLUTION OF CLAIMS AGAINST UNITED  
10 STATES.—(1) The acceptance of a disbursement from the  
11 Fund by an eligible claimant under this section shall con-  
12 stitute a final and complete release of the defendants in  
13 the consolidated lawsuits with respect to such eligible  
14 claimant, and shall be in full satisfaction of any and all  
15 claims of such eligible claimant against the United States  
16 arising out of acts described in the consolidated lawsuits.

17 (2) Upon the disbursement of the amount in the  
18 Fund to eligible claimants entitled thereto under this sec-  
19 tion, the Court shall, subject to the provisions of rule 23(e)  
20 of the Federal Rules of Civil Procedure, enter a final judg-  
21 ment dismissing with prejudice the consolidated lawsuits  
22 and all claims and potential claims on matters covered by  
23 the consolidated lawsuits.



1 (f) COMPENSATION LIMITED TO AMOUNTS IN  
2 FUND.—(1) An eligible claimant may be paid under this  
3 section only from amounts in the Fund.

4 (2) Nothing in this section shall authorize the pay-  
5 ment to a class member by the United States Government  
6 of any amount authorized by this section from any source  
7 other than the Fund.

8 (g) INVESTMENT OF FUND.—(1) The Secretary of  
9 the Treasury shall, in accordance with the requirements  
10 of section 9702 of title 31, United States Code, and the  
11 provisions of this subsection, direct the form and manner  
12 by which the Fund shall be safeguarded and invested so  
13 as to maximize its safety while earning a return com-  
14 parable to other common funds in which the United States  
15 Treasury is the source of payment.

16 (2) Interest on the amount deposited in the Fund  
17 shall accrue from the date of the enactment of the Act  
18 appropriating amounts for deposit in the Fund until the  
19 date on which the Secretary of the Treasury disburses the  
20 amount in the Fund to eligible claimants who are entitled  
21 thereto under subsection (c).

22 (h) PRESERVATION OF RECORDS.—(1) All docu-  
23 ments, personal testimony, and other records created or  
24 received by the Court in the consolidated lawsuits shall  
25 be kept and maintained by the Archivist of the United



1 States, who shall preserve such documents, testimony, and  
2 records in the National Archives of the United States.

3 (2) The Archivist shall make available to the public  
4 the materials kept and maintained under paragraph (1).

5 (i) DEFINITIONS.—In this section:

6 (1) The term “Court” means the United States  
7 District Court for the District of New Mexico having  
8 jurisdiction over the consolidated lawsuits.

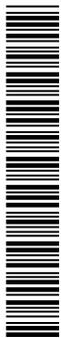
9 (2) The term “consolidated lawsuits” means the  
10 two lawsuits in the United States District Court for  
11 the District of New Mexico consolidated as Civ. No.  
12 00–60.

13 (3)(A) The term “eligible tract” means private  
14 real property located on the Pajarito Plateau of  
15 what is now Los Alamos County, New Mexico, that  
16 was acquired by the United States during World  
17 War II for use in the Manhattan Project and which  
18 is the subject of the consolidated lawsuits.

19 (B) The term does not include lands of the Los  
20 Alamos Ranch School and of the A.M. Ross Estate  
21 (doing business as Anchor Ranch).

22 (4) The term “class member” means the fol-  
23 lowing:

24 (A) Any person or entity who claims to  
25 have held a fee simple ownership in an eligible



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1 tract at the time of its acquisition by the  
2 United States during World War II for use in  
3 the Manhattan Project.

4 (B) Any person or entity claiming to be  
5 the heir, successor in interest, assignee, or ben-  
6 eficiary of a person or entity who held a fee  
7 simple ownership in an eligible tract at the time  
8 of its acquisition by the United States during  
9 World War II for use in the Manhattan Project.

10 (j) FUNDING.—Of the amount authorized to be ap-  
11 propriated by section 3101(a)(4) for the National Nuclear  
12 Security Administration for the Office of the Adminis-  
13 trator for Nuclear Security, \$10,000,000 shall be available  
14 for deposit in the Fund under subsection (b)(1).

15 **SEC. 3148. MODIFICATION OF REQUIREMENTS RELATING**  
16 **TO CONVEYANCES AND TRANSFER OF CER-**  
17 **TAIN LAND AT LOS ALAMOS NATIONAL LAB-**  
18 **ORATORY, NEW MEXICO.**

19 Section 632(a) of Public Law 105-119 (111 Stat.  
20 2523; 42 U.S.C. 2391 note) is amended—

21 (1) in paragraph (1)—

22 (A) by inserting “except as provided in  
23 paragraph (2),” before “convey”; and

24 (B) by striking “and” at the end;



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1 (2) by redesignating paragraph (2) as para-  
2 graph (3); and

3 (3) by inserting after paragraph (1) the fol-  
4 lowing new paragraph (2):

5 “(2) notwithstanding paragraph (1) and the  
6 agreement under subsection (e), convey, without con-  
7 sideration, to the Board of Education of the Los Al-  
8 amos Public Schools, New Mexico, within the Coun-  
9 ty, fee title to the parcels of land identified by the  
10 Department of Energy as Parcel A–8 and Parcel A–  
11 15–1 that are currently located in Technical Area–  
12 21 of Los Alamos National Laboratory upon the  
13 entry of Los Alamos Public Schools and the County  
14 into an agreement for the use of the parcel of land  
15 identified as Parcel A–8; and”.

16 **Subtitle E—Energy Employees Oc-**  
17 **cupational Illness Compensa-**  
18 **tion Program**

19 **SEC. 3161. CONTRACTOR EMPLOYEE COMPENSATION.**

20 The Energy Employees Occupational Illness Com-  
21 pensation Program Act of 2000 (title XXXVI of the Floyd  
22 D. Spence National Defense Authorization Act for Fiscal  
23 Year 2001 (as enacted into law by Public Law 106–398))  
24 is amended by adding after subtitle D (42 U.S.C. 7385o)  
25 the following new title:



1    **“Subtitle E—Contractor Employee**  
2                    **Compensation**

3    **“SEC. 3671. DEFINITIONS.**

4            “In this subtitle:

5                    “(1) The term ‘covered DOE contractor em-  
6            ployee’ means any Department of Energy contractor  
7            employee determined under section 3675 to have  
8            contracted a covered illness through exposure at a  
9            Department of Energy facility.

10                   “(2) The term ‘covered illness’ means an illness  
11            or death resulting from exposure to a toxic sub-  
12            stance.

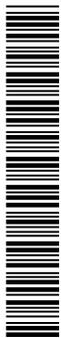
13                   “(3) The term ‘Secretary’ means the Secretary  
14            of Labor.

15    **“SEC. 3672. COMPENSATION TO BE PROVIDED.**

16            “Subject to the other provisions of this subtitle:

17                   “(1) CONTRACTOR EMPLOYEES.—A covered  
18            DOE contractor employee shall receive contractor  
19            employee compensation under this subtitle in accord-  
20            ance with section 3673.

21                   “(2) SURVIVORS.—After the death of a covered  
22            DOE contractor employee, compensation referred to  
23            in paragraph (1) shall not be paid. Instead, the sur-  
24            vivor of that employee shall receive compensation as  
25            follows:



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1           “(A) Except as provided in subparagraph  
2           (B), the survivor of that employee shall receive  
3           contractor employee compensation under this  
4           subtitle in accordance with section 3674.

5           “(B) In a case in which the employee’s  
6           death occurred after the employee applied  
7           under this subtitle and before compensation was  
8           paid under paragraph (1), and the employee’s  
9           death occurred from a cause other than the cov-  
10          ered illness of the employee, the survivor of that  
11          employee may elect to receive, in lieu of com-  
12          pensation under subparagraph (A), the amount  
13          of contractor employee compensation that the  
14          employee would have received in accordance  
15          with section 3673 if the employee’s death had  
16          not occurred before compensation was paid  
17          under paragraph (1).

18 **“SEC. 3673. COMPENSATION SCHEDULE FOR CONTRACTOR**

19                           **EMPLOYEES.**

20           “(a) COMPENSATION PROVIDED.—The amount of  
21          contractor employee compensation under this subtitle for  
22          a covered DOE contractor employee shall be the sum of  
23          the amounts determined under paragraphs (1) and (2),  
24          as follows:



1           “(1) IMPAIRMENT.—(A) The Secretary shall  
2 determine—

3           “(i) the minimum impairment rating of  
4 that employee, expressed as a number of per-  
5 centage points; and

6           “(ii) the number of those points that are  
7 the result of any covered illness contracted by  
8 that employee through exposure to a toxic sub-  
9 stance at a Department of Energy facility.

10          “(B) The employee shall receive an amount  
11 under this paragraph equal to \$2,500 multiplied by  
12 the number referred to in clause (ii) of subpara-  
13 graph (A).

14          “(2) WAGE LOSS.—(A) The Secretary shall  
15 determine—

16          “(i) the calendar month during which the  
17 employee first experienced wage loss as the re-  
18 sult of any covered illness contracted by that  
19 employee through exposure to a toxic substance  
20 at a Department of Energy facility;

21          “(ii) the average annual wage of the em-  
22 ployee for the 36-month period immediately  
23 preceding the calendar month referred to in  
24 clause (i), excluding any portions of that period



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1 during which the employee was unemployed;  
2 and

3 “(iii) beginning with the calendar year that  
4 includes the calendar month referred to in  
5 clause (i), through and including the calendar  
6 year during which the employee attained normal  
7 retirement age (for purposes of the Social Secu-  
8 rity Act)—

9 “(I) the number of calendar years  
10 during which, as the result of any covered  
11 illness contracted by that employee  
12 through exposure to a toxic substance at a  
13 Department of Energy facility, the employ-  
14 ee’s annual wage exceeded 50 percent of  
15 the average annual wage determined under  
16 clause (ii), but did not exceed 75 percent  
17 of the average annual wage determined  
18 under clause (ii); and

19 “(II) the number of calendar years  
20 during which, as the result of any covered  
21 illness contracted by that employee  
22 through exposure to a toxic substance at a  
23 Department of Energy facility, the employ-  
24 ee’s annual wage did not exceed 50 percent



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1 of the average annual wage determined  
2 under clause (ii).

3 “(B) The employee shall receive an amount  
4 under this paragraph equal to the sum of—

5 “(i) \$10,000 multiplied by the number re-  
6 ferred to in clause (iii)(I) of subparagraph (A);  
7 and

8 “(ii) \$15,000 multiplied by the number re-  
9 ferred to in clause (iii)(II) of subparagraph (A).

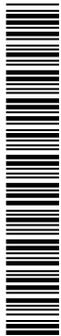
10 “(b) DETERMINATION OF MINIMUM IMPAIRMENT  
11 RATING.—For purposes of subsection (a), a minimum im-  
12 pairment rating shall be determined in accordance with  
13 the American Medical Association’s Guides to the Evalua-  
14 tion of Permanent Impairment.

15 **“SEC. 3674. COMPENSATION SCHEDULE FOR SURVIVORS.**

16 “(a) CATEGORIES OF COMPENSATION.—The amount  
17 of contractor employee compensation under this subtitle  
18 for the survivor of a covered DOE contractor employee  
19 shall be determined as follows:

20 “(1) CATEGORY ONE.—The survivor shall re-  
21 ceive the amount of \$125,000, if the Secretary de-  
22 termines that—

23 “(A) the employee would have been enti-  
24 tled to compensation under section 3675 for a  
25 covered illness; and



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1           “(B) it is at least as likely as not that ex-  
2           posure to a toxic substance at a Department of  
3           Energy facility was a significant factor in ag-  
4           gravating, contributing to, or causing the death  
5           of such employee.

6           “(2) CATEGORY TWO.—The survivor shall re-  
7           ceive the amount of \$150,000, if paragraph (1) ap-  
8           plies to the employee and the Secretary also deter-  
9           mines that there was an aggregate period of not less  
10          than 10 years, before the employee attained normal  
11          retirement age (for purposes of the Social Security  
12          Act), during which, as the result of any covered ill-  
13          ness contracted by that employee through exposure  
14          to a toxic substance at a Department of Energy fa-  
15          cility, the employee’s annual wage did not exceed 50  
16          percent of the average annual wage of that em-  
17          ployee, as determined under section  
18          3673(a)(2)(A)(ii).

19          “(3) CATEGORY THREE.—The survivor shall re-  
20          ceive the amount of \$175,000, if paragraph (1) ap-  
21          plies to the employee and the Secretary also deter-  
22          mines that there was an aggregate period of not less  
23          than 20 years, before the employee attained normal  
24          retirement age (for purposes of the Social Security  
25          Act), during which, as the result of any covered ill-



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1       ness contracted by that employee through exposure  
2       to a toxic substance at a Department of Energy fa-  
3       cility, the employee's annual wage did not exceed 50  
4       percent of the average annual wage of that em-  
5       ployee, as determined under section  
6       3673(a)(2)(A)(ii).

7       “(b) ONE AMOUNT ONLY.—The survivor of a covered  
8       DOE contractor employee to whom more than one amount  
9       under subsection (a) applies shall receive only the highest  
10      such amount.

11      “(c) DETERMINATION AND ALLOCATION OF  
12      SHARES.—The amount under subsection (a) shall be paid  
13      only as follows:

14           “(1) If a covered spouse is alive at the time of  
15           payment, such payment shall be made to such sur-  
16           viving spouse.

17           “(2) If there is no covered spouse described in  
18           paragraph (1), such payment shall be made in equal  
19           shares to all covered children who are alive at the  
20           time of payment.

21           “(3) Notwithstanding the other provisions of  
22           this subsection, if there is—

23                   “(A) a covered spouse described in para-  
24                   graph (1); and



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1           “(B) at least one covered child of the em-  
2           ployee who is living at the time of payment and  
3           who is not a recognized natural child or adopt-  
4           ed child of such covered spouse,

5           “then half of such payment shall be made to such  
6           covered spouse, and the other half of such payment  
7           shall be made in equal shares to each covered child  
8           of the employee who is living at the time of pay-  
9           ment.

10          “(d) DEFINITIONS.—In this section:

11           “(1) The term ‘covered spouse’ means a spouse  
12           of the employee who was married to the employee  
13           for at least one year immediately before the employ-  
14           ee’s death.

15           “(2) The term ‘covered child’ means a child of  
16           the employee who, as of the employee’s death—

17           “(A) had not attained the age of 18 years;

18           “(B) had not attained the age of 23 years  
19           and was a full-time student who had been con-  
20           tinuously enrolled as a full-time student in one  
21           or more educational institutions since attaining  
22           the age of 18 years; or

23           “(C) had been incapable of self-support.

24           “(3) The term ‘child’ includes a recognized nat-  
25           ural child, a stepchild who lived with an individual



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1 in a regular parent-child relationship, and an adopt-  
2 ed child.

3 **“SEC. 3675. DETERMINATIONS REGARDING CONTRACTION**  
4 **OF COVERED ILLNESSES.**

5 “(a) CASES DETERMINED UNDER SUBTITLE B.—A  
6 determination under subtitle B that a Department of En-  
7 ergy contractor employee is entitled to compensation  
8 under that subtitle for an occupational illness shall be  
9 treated for purposes of this subtitle as a determination  
10 that the employee contracted that illness through exposure  
11 at a Department of Energy facility.

12 “(b) CASES DETERMINED UNDER FORMER SUB-  
13 TITLE D.—In the case of a covered illness of an employee  
14 with respect to which a panel has made a positive deter-  
15 mination under section 3661(d) and the Secretary of En-  
16 ergy has accepted that determination under section  
17 3661(e)(2), or with respect to which a panel has made  
18 a negative determination under section 3661(d) and the  
19 Secretary of Energy has found significant evidence to the  
20 contrary under section 3661(e)(2), that determination  
21 shall be treated for purposes of this subtitle as a deter-  
22 mination that the employee contracted the covered illness  
23 through exposure at a Department of Energy facility.

24 “(c) OTHER CASES.—(1) In any other case, a De-  
25 partment of Energy contractor employee shall be deter-



1 mined for purposes of this subtitle to have contracted a  
2 covered illness through exposure at a Department of En-  
3 ergy facility if—

4 “(A) it is at least as likely as not that exposure  
5 to a toxic substance at a Department of Energy fa-  
6 cility was a significant factor in aggravating, con-  
7 tributing to, or causing the illness; and

8 “(B) it is at least as likely as not that the expo-  
9 sure to such toxic substance was related to employ-  
10 ment at a Department of Energy facility.

11 “(2) A determination under paragraph (1) shall be  
12 made by the Secretary.

13 “(d) APPLICATIONS BY SPOUSES AND CHILDREN.—  
14 If a spouse or child of a Department of Energy contractor  
15 employee applies for benefits under this subtitle, the Sec-  
16 retary shall make a determination under this section with  
17 respect to that employee without regard to whether the  
18 spouse is a ‘covered spouse’, or the child is a ‘covered  
19 child’, under this subtitle.

20 **“SEC. 3676. APPLICABILITY TO CERTAIN URANIUM EMPLOY-  
21 EES.**

22 “(a) IN GENERAL.—This subtitle shall apply to—

23 “(1) a section 5 payment recipient who con-  
24 tracted a section 5 illness through a section 5 expo-  
25 sure at a section 5 facility, or



1           “(2) a section 5 uranium worker determined  
2           under section 3675(c) to have contracted a covered  
3           illness through exposure to a toxic substance at a  
4           section 5 mine or mill,  
5           “(or to the survivor of that employee, as applicable) on  
6           the same basis as it applies to a Department of Energy  
7           contractor employee determined under section 3675 to  
8           have contracted a covered illness through exposure to a  
9           toxic substance at a Department of Energy facility (or to  
10          the survivor of that employee, as applicable).

11          “(b) DEFINITIONS.—In this section:

12           “(1) The term ‘section 5 payment recipient’  
13           means an individual who receives, or has received,  
14           \$100,000 under section 5 of the Radiation Exposure  
15           Compensation Act (42 U.S.C. 2210 note) for a claim  
16           made under that Act.

17           “(2) The terms ‘section 5 exposure’, ‘section 5  
18           facility’, and ‘section 5 illness’ mean the exposure,  
19           facility, and illness, respectively, to which an individ-  
20           ual’s status as a section 5 payment recipient relates.

21           “(3) The term ‘section 5 uranium worker’  
22           means an individual to whom subsection (a)(1)(A)(i)  
23           of section 5 of the Radiation Exposure Compensa-  
24           tion Act applies (whether directly or by reason of  
25           subsection (a)(2)).



1           “(4) The term ‘section 5 mine or mill’ means  
2           the mine or mill to which an individual’s status as  
3           a section 5 uranium worker relates.

4   **“SEC. 3677. ADMINISTRATIVE AND JUDICIAL REVIEW.**

5           “(a) JUDICIAL REVIEW.—A person adversely affected  
6           or aggrieved by a final decision of the Secretary under  
7           this subtitle may review that order in the United States  
8           district court in the district in which the injury was sus-  
9           tained, the employee lives, the survivor lives, or the Dis-  
10          trict of Columbia, by filing in such court within 60 days  
11          after the date on which that final decision was issued a  
12          written petition praying that such decision be modified or  
13          set aside. The person shall also provide a copy of the peti-  
14          tion to the Secretary. Upon such filing, the court shall  
15          have jurisdiction over the proceeding and shall have the  
16          power to affirm, modify, or set aside, in whole or in part,  
17          such decision. The court may modify or set aside such de-  
18          cision only if the court determines that such decision was  
19          arbitrary and capricious.

20          “(b) ADMINISTRATIVE REVIEW.—The Secretary shall  
21          ensure that recommended decisions of the Secretary with  
22          respect to a claim under this subtitle are subject to admin-  
23          istrative review. The Secretary shall prescribe regulations  
24          for carrying out such review or shall apply to this subtitle



1 the regulations applicable to recommended decisions under  
2 subtitle B.

3 **“SEC. 3678. PHYSICIANS SERVICES.**

4 “(a) IN GENERAL.—The Secretary may utilize the  
5 services of physicians for purposes of making determina-  
6 tions under this subtitle.

7 “(b) PHYSICIANS.—Any physicians whose services  
8 are utilized under subsection (a) of this section shall pos-  
9 sess appropriate expertise and experience in the evaluation  
10 and determination of the extent of permanent physical im-  
11 pairments or in the evaluation and diagnosis of illnesses  
12 or deaths aggravated, contributed to, or caused by expo-  
13 sure to toxic substances.

14 “(c) ARRANGEMENT.—The Secretary may secure the  
15 services of physicians utilized under subsection (a) of this  
16 section through the appointment of physicians or by con-  
17 tract.

18 **“SEC. 3679. MEDICAL BENEFITS.**

19 “A covered DOE contractor employee shall be fur-  
20 nished medical benefits specified in section 3629 for the  
21 covered illness to the same extent, and under the same  
22 conditions and limitations, as an individual eligible for  
23 medical benefits under that section is furnished medical  
24 benefits under that section.



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1 **“SEC. 3680. ATTORNEY FEES.**

2 “Section 3648 shall apply to a payment under this  
3 subtitle to the same extent that it applies to a payment  
4 under subtitle B.

5 **“SEC. 3681. ADMINISTRATIVE MATTERS.**

6 “(a) IN GENERAL.—The Secretary shall administer  
7 this subtitle.

8 “(b) CONTRACT AUTHORITY.—The Secretary may  
9 enter into contracts with appropriate persons and entities  
10 to administer this subtitle.

11 “(c) RECORDS.—(1)(A) The Secretary of Energy  
12 shall provide to the Secretary all records, files, and other  
13 data, whether paper, electronic, imaged, or otherwise, de-  
14 veloped by the Secretary of Energy that are applicable to  
15 the administration of this subtitle, including records, files,  
16 and data on facility industrial hygiene, employment of in-  
17 dividuals or groups, exposure and medical records, and  
18 claims applications.

19 “(B) In providing records, files, and other data under  
20 this paragraph, the Secretary of Energy shall preserve the  
21 current organization of such records, files, and other data,  
22 and shall provide such description and indexing of such  
23 records, files, and other data as the Secretary considers  
24 appropriate to facilitate their use by the Secretary.

25 “(2) The Secretary of Energy and the Secretary shall  
26 jointly undertake such actions as are appropriate to re-



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1 retrieve records applicable to the claims of Department of  
2 Energy contractor employees for contractor employee com-  
3 pensation under this subtitle, including employment  
4 records, records of exposure to beryllium, radiation, silica,  
5 or other toxic substances, and records regarding medical  
6 treatment.

7       “(d) INFORMATION.—At the request of the Secretary,  
8 the Secretary of Energy and any contractor who employed  
9 a Department of Energy contractor employee shall, within  
10 time periods specified by the Secretary, provide to the Sec-  
11 retary and to the employee information or documents in  
12 response to the request.

13       “(e) REGULATIONS.—The Secretary shall prescribe  
14 regulations necessary for the administration of this sub-  
15 title. The initial regulations shall be prescribed not later  
16 than 210 days after the date of the enactment of this sub-  
17 title. The Secretary may prescribe interim final regula-  
18 tions necessary to meet the deadlines specified in this sub-  
19 title.

20       “(f) TRANSITION PROVISIONS.—(1) The Secretary  
21 shall commence the administration of the provisions of  
22 this subtitle not later than 210 days after the date of the  
23 enactment of this subtitle.

24       “(2) Until the commencement of the administration  
25 of this subtitle, the Department of Energy Physicians



1 Panels appointed pursuant to subtitle D shall continue to  
2 consider and issue determinations concerning any cases  
3 pending before such Panels immediately before the date  
4 of the enactment of this subtitle.

5 “(3) The Secretary shall take such actions as are ap-  
6 propriate to identify other activities under subtitle D that  
7 will continue until the commencement of the administra-  
8 tion of subtitle E.

9 “(g) PREVIOUS APPLICATIONS.—Upon the com-  
10 mencement of the administration of this subtitle, any ap-  
11 plication previously filed with the Secretary of Energy pur-  
12 suant to subtitle D shall be considered to have been filed  
13 with the Secretary as a claim for benefits pursuant to this  
14 subtitle.

15 **“SEC. 3682. COORDINATION OF BENEFITS WITH RESPECT**  
16 **TO STATE WORKERS COMPENSATION.**

17 “(a) IN GENERAL.—An individual who has been  
18 awarded compensation under this subtitle, and who has  
19 also received benefits from a State workers compensation  
20 system by reason of the same covered illness, shall receive  
21 compensation specified in this subtitle reduced by the  
22 amount of any workers compensation benefits, other than  
23 medical benefits and benefits for vocational rehabilitation,  
24 that the individual has received under the State workers  
25 compensation system by reason of the covered illness, after



1 deducting the reasonable costs, as determined by the Sec-  
2 retary, of obtaining those benefits under the State workers  
3 compensation system.

4 “(b) WAIVER.—The Secretary may waive the provi-  
5 sions of subsection (a) if the Secretary determines that  
6 the administrative costs and burdens of implementing sub-  
7 section (a) with respect to a particular case or class of  
8 cases justifies such a waiver.

9 “(c) INFORMATION.—Notwithstanding any other pro-  
10 vision of law, each State workers compensation authority  
11 shall, upon request of the Secretary, provide to the Sec-  
12 retary on a quarterly basis information concerning work-  
13 ers compensation benefits received by any covered DOE  
14 contractor employee entitled to compensation or benefits  
15 under this subtitle, which shall include the name, Social  
16 Security number, and nature and amount of workers com-  
17 pensation benefits for each such employee for which the  
18 request was made.

19 **“SEC. 3683. MAXIMUM AGGREGATE COMPENSATION.**

20 “For each individual whose illness or death serves as  
21 the basis for compensation or benefits under this subtitle,  
22 the total amount of compensation (other than medical ben-  
23 efits) paid under this subtitle, to all persons, in the aggre-  
24 gate, on the basis of that illness or death shall not exceed  
25 \$250,000.



1 **“SEC. 3684. FUNDING OF ADMINISTRATIVE COSTS.**

2 “There is authorized and hereby appropriated to the  
3 Secretary for fiscal year 2005 and thereafter such sums  
4 as may be necessary to carry out this subtitle.

5 **“SEC. 3685. PAYMENT OF COMPENSATION AND BENEFITS**  
6 **FROM COMPENSATION FUND.**

7 “The compensation and benefits provided under this  
8 title, when authorized or approved by the President, shall  
9 be paid from the compensation fund established under sec-  
10 tion 3612.

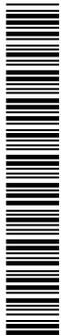
11 **“SEC. 3686. OFFICE OF OMBUDSMAN.**

12 “(a) ESTABLISHMENT.—There is established in the  
13 Department of Labor an office to be known as the ‘Office  
14 of the Ombudsman’ (in this section referred to as the ‘Of-  
15 fice’).

16 “(b) HEAD.—The head of the Office shall be the Om-  
17 budsman. The individual serving as Ombudsman shall be  
18 either of the following:

19 “(1) An officer or employee of the Department  
20 of Labor designated by the Secretary for purposes of  
21 this section from among officers and employees of  
22 the Department who have experience and expertise  
23 necessary to carry out the duties of the Office speci-  
24 fied in subsection (c).

25 “(2) An individual employed by the Secretary  
26 from the private sector from among individuals in



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1 the private sector who have experience and expertise  
2 necessary to carry out the duties of the Office speci-  
3 fied in subsection (c).

4 “(c) DUTIES.—The duties of the Office shall be as  
5 follows:

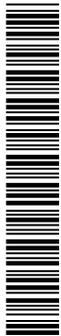
6 “(1) To provide information on the benefits  
7 available under this subtitle and on the requirements  
8 and procedures applicable to the provision of such  
9 benefits.

10 “(2) To make recommendations to the Sec-  
11 retary regarding the location of centers (to be known  
12 as ‘resource centers’) for the acceptance and devel-  
13 opment of claims for benefits under this subtitle.

14 “(3) To carry out such other duties with re-  
15 spect to this subtitle as the Secretary shall specify  
16 for purposes of this section.

17 “(d) INDEPENDENT OFFICE.—The Secretary shall  
18 take appropriate actions to ensure the independence of the  
19 Office within the Department of Labor, including inde-  
20 pendence from other officers and employees of the Depart-  
21 ment engaged in activities relating to the administration  
22 of the provisions of this subtitle.

23 “(e) ANNUAL REPORT.—(1) Not later than February  
24 15 each year, the Ombudsman shall submit to Congress  
25 a report on activities under this subtitle.



1 “(2) Each report under paragraph (1) shall set forth  
2 the following:

3 “(A) The number and types of complaints,  
4 grievances, and requests for assistance received by  
5 the Ombudsman under this subtitle during the pre-  
6 ceding year.

7 “(B) An assessment of the most common dif-  
8 ficulties encountered by claimants and potential  
9 claimants under this subtitle during the preceding  
10 year.

11 “(3) The first report under paragraph (1) shall be  
12 the report submitted in 2006.

13 “(f) OUTREACH.—The Secretary of Labor and the  
14 Secretary of Health and Human Services shall each under-  
15 take outreach to advise the public of the existence and du-  
16 ties of the Office.

17 “(g) SUNSET.—Effective on the date that is 3 years  
18 after the date of the enactment of this section, this section  
19 shall have no further force or effect.”.

20 **SEC. 3162. CONFORMING AMENDMENTS.**

21 (a) OFFSET FOR CERTAIN PAYMENTS.—Section  
22 3641 of the Energy Employees Occupational Illness Com-  
23 pensation Program Act of 2000 (42 U.S.C. 7385) is  
24 amended—



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1 (1) by striking “subtitle B” and inserting “this  
2 title”; and

3 (2) by striking “on account of” and all that fol-  
4 lows through the period at the end and inserting “on  
5 account of the exposure for which compensation is  
6 payable under this title.”.

7 (b) SUBROGATION OF THE UNITED STATES.—Sec-  
8 tion 3642 of such Act (42 U.S.C. 7385a) is amended by  
9 striking “subtitle B” and inserting “this title”.

10 (c) PAYMENT IN FULL SETTLEMENT OF CLAIMS.—  
11 Section 3643 of such Act (42 U.S.C. 7385b) is amended  
12 by striking “The acceptance” and inserting “Except as  
13 provided in subtitle E, the acceptance”.

14 (d) EXCLUSIVITY OF REMEDY.—Section 3644 of  
15 such Act (42 U.S.C. 7385c(a)) is amended by adding at  
16 the end the following new subsection:

17 “(d) APPLICABILITY TO SUBTITLE E.—This section  
18 applies with respect to subtitle E to the covered medical  
19 condition or covered illness or death of a covered DOE  
20 contractor employee on the same basis as it applies with  
21 respect to subtitle B to the cancer (including a specified  
22 cancer), chronic silicosis, covered beryllium illness, or  
23 death of a covered employee.”.

24 (e) CERTIFICATION OF TREATMENT OF PAYMENTS  
25 UNDER OTHER LAWS.—Section 3646 of such Act (42



1 U.S.C. 7385e) is amended by striking “subtitle B” and  
2 inserting “this title”.

3 (f) CLAIMS NOT ASSIGNABLE OR TRANSFERABLE.—  
4 Section 3647(a) of such Act (42 U.S.C. 7385f(a)) is  
5 amended by striking “subtitle B” and inserting “this  
6 title”.

7 (g) CERTAIN CLAIMS NOT AFFECTED BY AWARDS  
8 OF DAMAGES.—Section 3649 of such Act (42 U.S.C.  
9 7385h) is amended by striking “subtitle B” both places  
10 such term appears and inserting “this title”.

11 (h) FORFEITURE OF BENEFITS BY CONVICTED FEL-  
12 ONS.—Section 3650 of such Act (42 U.S.C. 7385i) is  
13 amended by striking “subtitle B” each place such term  
14 appears and inserting “this title”.

15 (i) REPEAL OF SUBTITLE D.—Subtitle D of the En-  
16 ergy Employees Occupational Illness Compensation Pro-  
17 gram Act of 2000 (title XXXVI of the Floyd D. Spence  
18 National Defense Authorization Act for Fiscal Year 2001  
19 (as enacted into law by Public Law 106-398); 42 U.S.C.  
20 7385o) is repealed.

21 **SEC. 3163. TECHNICAL AMENDMENTS.**

22 (a) SUBPOENAS.—Subtitle B of such Act is amended  
23 by adding after section 3631 (42 U.S.C. 7384v) the fol-  
24 lowing new section:



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1 **“SEC. 3632. SUBPOENAS; OATHS; EXAMINATION OF WIT-**  
2 **NESSES.**

3 “The Secretary of Labor, with respect to any matter  
4 under this subtitle, may—

5 “(1) issue subpoenas for and compel the attend-  
6 ance of witnesses;

7 “(2) administer oaths;

8 “(3) examine witnesses; and

9 “(4) require the production of books, papers,  
10 documents, and other evidence.”.

11 (b) **SOCIAL SECURITY EARNINGS INFORMATION.**—

12 Subtitle C of such Act is amended by adding after section  
13 3651 (42 U.S.C. 7385j) the following new section:

14 **“SEC. 3652. SOCIAL SECURITY EARNINGS INFORMATION.**

15 “Notwithstanding the provision of section 552a of  
16 title 5, United States Code, or any other provision of Fed-  
17 eral or State law, the Social Security Administration shall  
18 make available to the Secretary of Labor, upon written  
19 request, the Social Security earnings information of living  
20 or deceased employees who may have sustained an illness  
21 that is the subject of a claim under this title, which the  
22 Secretary of Labor may require to carry out the provisions  
23 of this title.”.

24 (c) **RECOVERY OF OVERPAYMENT.**—Subtitle C of  
25 such Act is further amended by adding after section 3652  
26 (as added by subsection (b)) the following new section:



1 **“SEC. 3653. RECOVERY AND WAIVER OF OVERPAYMENTS.**

2 “(a) IN GENERAL.—When an overpayment has been  
3 made to an individual under this title because of an error  
4 of fact or law, recovery shall be made under regulations  
5 prescribed by the Secretary of Labor by decreasing later  
6 payments to which the individual is entitled. If the indi-  
7 vidual dies before the recovery is completed, recovery shall  
8 be made by decreasing later benefits payable under this  
9 title with respect to the individual’s death.

10 “(b) WAIVER.—Recovery by the United States under  
11 this section may not be made when incorrect payment has  
12 been made to an individual who is without fault and when  
13 adjustment or recovery would defeat the purpose of this  
14 title or would be against equity and good conscience.

15 “(c) LIABILITY.—A certifying or disbursing official  
16 is not liable for an amount certified or paid by him when  
17 recovery of the amount is waived under subsection (b) of  
18 this section, or when recovery under subsection (a) of this  
19 section is not completed before the death of all individuals  
20 against whose benefits deductions are authorized.”.

21 **SEC. 3164. TRANSFER OF FUNDS FOR FISCAL YEAR 2005.**

22 Of the funds appropriated to the Secretary of Energy  
23 for fiscal year 2005 for the Energy Employees Occupa-  
24 tional Illness Compensation Program, the Secretary of  
25 Energy shall transfer to the Secretary of Labor the  
26 amount of funds that the Secretary of Energy, in consulta-



1 tion with the Secretary of Labor, determine will be nec-  
2 essary for fiscal year 2005 to administer the provisions  
3 of subtitle E of the Energy Employees Occupational Ill-  
4 ness Compensation Program Act of 2000, as added by this  
5 Act.

6 **SEC. 3165. USE OF ENERGY EMPLOYEES OCCUPATIONAL**  
7 **ILLNESS COMPENSATION FUND FOR CER-**  
8 **TAIN PAYMENTS TO COVERED URANIUM EM-**  
9 **PLOYEES.**

10 (a) IN GENERAL.—Section 3630 of the Energy Em-  
11 ployees Occupational Illness Compensation Program Act  
12 of 2000 (42 U.S.C. 7384u) is amended in subsection (d)  
13 by inserting after “The compensation provided under this  
14 section” the following: “and the compensation provided  
15 under section 5 of the Radiation Exposure Compensation  
16 Act”.

17 (b) CONFORMING AMENDMENT.—Section 6(e)(1) of  
18 the Radiation Exposure Compensation Act (42 U.S.C.  
19 2210 note) is amended by inserting after “Fund” the fol-  
20 lowing: “(or, in the case of a payment under section 5,  
21 from the Energy Employees Occupational Illness Com-  
22 pensation Fund, pursuant to section 3630(d) of the En-  
23 ergy Employees Occupational Illness Compensation Pro-  
24 gram Act of 2000)”.





1           “(f) INFORMATION.—The Secretary of Energy shall,  
2 in accordance with law, provide to the Board and the con-  
3 tractors of the Board access to any information that the  
4 Board considers relevant to carry out its responsibilities  
5 under this title, including information such as Restricted  
6 Data (as defined in section 11 y. of the Atomic Energy  
7 Act of 1954 (42 U.S.C. 2014(y))) and information covered  
8 by the Privacy Act.”.

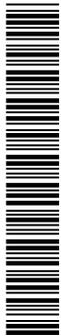
9           (b) DEADLINES FOR SPECIAL EXPOSURE COHORT  
10 ACTIONS.—(1) Section 3626 of the Energy Employees Oc-  
11 cupational Illness Compensation Program Act of 2000 (42  
12 U.S.C. 7384q) is amended—

13           (A) by redesignating subsection (c) as sub-  
14 section (d); and

15           (B) by inserting after subsection (b) the fol-  
16 lowing new subsection:

17           “(c) DEADLINES.—(1) Not later than 180 days after  
18 the date on which the President receives a petition for des-  
19 ignation as members of the Special Exposure Cohort, the  
20 Director of the National Institute for Occupational Safety  
21 and Health shall submit to the Advisory Board on Radi-  
22 ation and Worker Health a recommendation on that peti-  
23 tion, including all supporting documentation.

24           “(2)(A) Upon receipt by the President of a rec-  
25 ommendation of the Advisory Board on Radiation and



1 Worker Health that the President should determine in the  
2 affirmative that paragraphs (1) and (2) of subsection (b)  
3 apply to a class, the President shall have a period of 30  
4 days in which to determine whether such paragraphs apply  
5 to the class and to submit that determination (whether  
6 affirmative or negative) to Congress.

7 “(B) If the determination submitted by the President  
8 under subparagraph (A) is in the affirmative, the Presi-  
9 dent shall also submit a report meeting the requirements  
10 of section 3621(14)(C)(ii).

11 “(C) If the President does not submit a determina-  
12 tion required by subparagraph (A) within the period re-  
13 quired by subparagraph (A), then upon the day following  
14 the expiration of that period, it shall be deemed for pur-  
15 poses of section 3621(14)(C)(ii) that the President sub-  
16 mitted the report under that provision on that day.”.

17 (2) Section 3621(14)(C)(ii) of that Act (42 U.S.C.  
18 7384l(14)(C)(ii)) is amended by striking “180 days” and  
19 inserting “30 days”.

20 (c) SITE PROFILES.—Subtitle B of that Act is  
21 amended by adding after section 3632 (as added by sec-  
22 tion 3163(a)) the following new section:

23 **“SEC. 3633. COMPLETION OF SITE PROFILES.**

24 “(a) IN GENERAL.—To the extent that the Secretary  
25 of Labor determines it useful and practicable, the Sec-



1 retary of Labor shall direct the Director of the National  
2 Institute for Occupational Safety and Health to prepare  
3 site profiles for a Department of Energy facility based on  
4 the records, files, and other data provided by the Secretary  
5 of Energy and such other information as is available, in-  
6 cluding information available from the former worker  
7 medical screening programs of the Department of Energy.

8       “(b) INFORMATION.—The Secretary of Energy shall  
9 furnish to the Secretary of Labor any information that  
10 the Secretary of Labor finds necessary or useful for the  
11 production of such site profiles, including records from the  
12 Department of Energy former worker medical screening  
13 program.

14       “(c) DEFINITION.—In this section, the term ‘site pro-  
15 file’ means an exposure assessment of a facility that iden-  
16 tifies the toxic substances or processes that were com-  
17 monly used in each building or process of the facility, and  
18 the time frame during which the potential for exposure  
19 to toxic substances existed.

20       “(d) TIME FRAMES.—The Secretary of Health and  
21 Human Services shall establish time frames for completing  
22 site profiles for those Department of Energy facilities for  
23 which a site profile has not been completed. Not later than  
24 March 1, 2005, the Secretary of Health and Human Serv-



1 ices shall submit to Congress a report setting forth those  
2 time frames.”.

3 **SEC. 3167. EMERGENCY SPECIAL EXPOSURE COHORT**  
4 **MEETING AND REPORT.**

5 (a) MEETING OF ADVISORY BOARD.—(1) For pur-  
6 poses of carrying out section 3626 of the Energy Employ-  
7 ees Occupational Illness Compensation Program Act of  
8 2000 (42 U.S.C. 7384q), the President shall require the  
9 Advisory Board on Radiation and Worker Health to con-  
10 vene a meeting of the Board at which the Board considers  
11 each petition for designation as members of the Special  
12 Exposure Cohort—

13 (A) that was filed not later than October 1,  
14 2004; and

15 (B) the evaluation of which (by the Director of  
16 the National Institute of Occupational Safety and  
17 Health) was completed more than 10 days before a  
18 previously scheduled meeting of the Board.

19 (2) Effective March 1, 2005, this subsection shall  
20 have no further force or effect.

21 (b) REPORT TO CONGRESS.—Not later than March  
22 15, 2005, the President shall submit to Congress a report  
23 on the status of the petitions referred to in subsection (a).  
24 The report shall include, for each petition, the estimated  
25 time to complete the consideration of that petition and any



1 anticipated actions or circumstances that could preclude  
2 the Board from acting upon that petition before the end  
3 of fiscal year 2005.

4 **SEC. 3168. COVERAGE OF INDIVIDUALS EMPLOYED AT**  
5 **ATOMIC WEAPONS EMPLOYER FACILITIES**  
6 **DURING PERIODS OF RESIDUAL CONTAMINA-**  
7 **TION.**

8 (a) **COVERAGE.**—Paragraph (3) of section 3621 of  
9 the Energy Employees Occupational Illness Compensation  
10 Program Act of 2000 (title XXXVI of the Floyd D.  
11 Spence National Defense Authorization Act for Fiscal  
12 Year 2001 (as enacted into law by Public Law 106-398);  
13 42 U.S.C. 7384l) is amended to read as follows:

14 “(3) The term ‘atomic weapons employee’  
15 means any of the following:

16 “(A) An individual employed by an atomic  
17 weapons employer during a period when the  
18 employer was processing or producing, for the  
19 use by the United States, material that emitted  
20 radiation and was used in the production of an  
21 atomic weapon, excluding uranium mining and  
22 milling.

23 “(B) An individual employed—

24 “(i) at a facility with respect to which  
25 the National Institute for Occupational



1 Safety and Health, in its report dated Oc-  
2 tober 2003 and titled ‘Report on Residual  
3 Radioactive and Beryllium Contamination  
4 at Atomic Weapons Employer Facilities  
5 and Beryllium Vendor Facilities’, or any  
6 update to that report, found that there is  
7 a potential for significant residual contami-  
8 nation outside of the period in which weap-  
9 ons-related production occurred;

10 “(ii) by an atomic weapons employer  
11 or subsequent owner or operators of a fa-  
12 cility described in clause (i); and

13 “(iii) during a period, as specified in  
14 such report or any update to such report,  
15 of potential for significant residual radio-  
16 active contamination at such facility.”.

17 (b) RADIATION DOSE FOR CERTAIN ATOMIC WEAP-  
18 ONS EMPLOYEES.—Section 3623 of that Act (42 U.S.C.  
19 7384n) is amended by adding at the end of subsection (c)  
20 the following new paragraph:

21 “(4) In the case of an atomic weapons employee de-  
22 scribed in section 3621(3)(B), the following doses of radi-  
23 ation shall be treated, for purposes of paragraph (3)(A)  
24 of this subsection, as part of the radiation dose received  
25 by the employee at such facility:



1           “(A) Any dose of ionizing radiation received by  
2           that employee from facilities, materials, devices, or  
3           byproducts used or generated in the research, devel-  
4           opment, production, dismantlement, transportation,  
5           or testing of nuclear weapons, or from any activities  
6           to research, produce, process, store, remediate, or  
7           dispose of radioactive materials by or on behalf of  
8           the Department of Energy (except for activities cov-  
9           ered by Executive Order No. 12344, dated February  
10          1, 1982 (42 U.S.C. 7158 note) pertaining to the  
11          Naval Nuclear Propulsion Program).

12           “(B) Any dose of ionizing radiation received by  
13           that employee from a source not covered by subpara-  
14           graph (A) that is not distinguishable through reli-  
15           able documentation from a dose covered by subpara-  
16           graph (A).”.

17   **SEC. 3169. UPDATE OF REPORT ON RESIDUAL CONTAMINA-**  
18                           **TION OF FACILITIES.**

19           (a) UPDATE OF REPORT.—Not later than December  
20   31, 2006, the Director of the National Institute for Occu-  
21   pational Safety and Health shall submit to Congress an  
22   update to the report required by section 3151(b) of the  
23   National Defense Authorization Act for Fiscal Year 2002  
24   (Public Law 107–107; 42 U.S.C. 7384 note).

25           (b) ELEMENTS.—The update shall—



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1           (1) for each facility for which such report found  
2           that insufficient information was available to deter-  
3           mine whether significant residual contamination was  
4           present, determine whether significant residual con-  
5           tamination was present;

6           (2) for each facility for which such report found  
7           that significant residual contamination remained  
8           present as of the date of the report, determine the  
9           date on which such contamination ceased to be  
10          present;

11          (3) for each facility for which such report found  
12          that significant residual contamination was present  
13          but for which the Director has been unable to deter-  
14          mine the extent to which such contamination is at-  
15          tributable to atomic weapons-related activities, iden-  
16          tify the specific dates of coverage attributable to  
17          such activities and, in so identifying, presume that  
18          such contamination is attributable to such activities  
19          until there is evidence of decontamination of residual  
20          contamination identified with atomic weapons-re-  
21          lated activities;

22          (4) for each facility for which such report found  
23          significant residual contamination, determine wheth-  
24          er it is at least as likely as not that such contamina-  
25          tion could have caused an employee who was em-



1       employed at such facility only during the residual con-  
2       tamination period to contract a cancer or beryllium  
3       illness compensable under subtitle B of the Energy  
4       Employees Occupational Illness Compensation Pro-  
5       gram Act of 2000; and

6               (5) if new information that pertains to the re-  
7       port has been made available to the Director since  
8       that report was submitted, identify and describe  
9       such information.

10       (c) PUBLICATION.—The Director shall ensure that  
11       the report referred to in subsection (a) is published in the  
12       Federal Register not later than 15 days after being re-  
13       leased.

14       **SEC. 3170. SENSE OF CONGRESS ON RESOURCE CENTER**  
15                       **FOR ENERGY EMPLOYEES UNDER ENERGY**  
16                       **EMPLOYEE OCCUPATIONAL ILLNESS COM-**  
17                       **PENSATION PROGRAM IN WESTERN NEW**  
18                       **YORK AND WESTERN PENNSYLVANIA RE-**  
19                       **GION.**

20       (a) FINDINGS.—Congress makes the following find-  
21       ings:

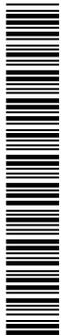
22               (1) New York has 36 current or former Depart-  
23       ment of Energy facilities involved in nuclear weap-  
24       ons production-related activities statewide, mostly  
25       atomic weapons employer facilities, and 14 such fa-



1 facilities in western New York. Despite having one of  
2 the greatest concentrations of such facilities in the  
3 United States, western New York, and abutting  
4 areas of Pennsylvania, continue to be severely under-  
5 served by the Energy Employees Occupational Ill-  
6 ness Compensation Program under the Energy Em-  
7 ployees Occupational Illness Compensation Program  
8 Act of 2000 (title XXXVI of the Floyd D. Spence  
9 National Defense Authorization Act for Fiscal Year  
10 2001 (as enacted into law by Public Law 106-398);  
11 42 U.S.C. 7384 et seq.).

12 (2) The establishment of a permanent resource  
13 center in western New York would represent a sub-  
14 stantial step toward improving services under the  
15 Energy Employees Occupational Illness Compensa-  
16 tion Program for energy employees in this region.

17 (3) The number of claims submitted to the De-  
18 partment under subtitle B of the Energy Employees  
19 Occupational Illness Compensation Program Act of  
20 2000 from the western New York region, including  
21 western Pennsylvania, exceeds the number of such  
22 claims filed at resource centers in Hanford, Wash-  
23 ington, Portsmouth, Ohio, Los Alamos, New Mexico,  
24 the Nevada Test Site, Nevada, the Rocky Flats En-  
25 vironmental Technology Site, Colorado, the Idaho



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1 National Engineering Laboratory, Idaho, and the  
2 Amchitka Test Site, Alaska.

3 (4) Energy employees in the western New York  
4 region, including western Pennsylvania, deserve as-  
5 sistance under subtitle B of the Energy Employees  
6 Occupational Illness Compensation Program Act of  
7 2000 commensurate with the assistance provided en-  
8 ergy employees at other locations in the United  
9 States.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-  
11 gress that the Secretary of Labor should—

12 (1) review the availability of assistance under  
13 subtitle B of the Energy Employees Occupational  
14 Illness Compensation Program Act of 2000 for en-  
15 ergy employees in the western New York region, in-  
16 cluding western Pennsylvania; and

17 (2) recommend a location in that region for a  
18 resource center to provide such assistance to such  
19 energy employees.





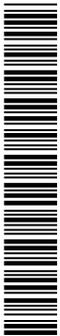
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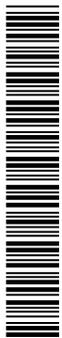
1 **TITLE XXXII—DEFENSE NU-**  
2 **CLEAR FACILITIES SAFETY**  
3 **BOARD**

Sec. 3201. Authorization.

4 **SEC. 3201. AUTHORIZATION.**

5       There are authorized to be appropriated for fiscal  
6 year 2005, \$21,268,000 for the operation of the Defense  
7 Nuclear Facilities Safety Board under chapter 21 of the  
8 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).





33-1

1                   **TITLE XXXIII—NATIONAL**  
2                   **DEFENSE STOCKPILE**

Sec. 3301. Authorized uses of National Defense Stockpile funds.

Sec. 3302. Revision of earlier authority to dispose of certain materials in National Defense Stockpile.

Sec. 3303. Disposal of ferromanganese.

Sec. 3304. Prohibition on storage of mercury at certain facilities.

3   **SEC. 3301. AUTHORIZED USES OF NATIONAL DEFENSE**  
4                   **STOCKPILE FUNDS.**

5           (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-  
6 cal year 2005, the National Defense Stockpile Manager  
7 may obligate up to \$59,700,000 of the funds in the Na-  
8 tional Defense Stockpile Transaction Fund established  
9 under subsection (a) of section 9 of the Strategic and Crit-  
10 ical Materials Stock Piling Act (50 U.S.C. 98h) for the  
11 authorized uses of such funds under subsection (b)(2) of  
12 such section, including the disposal of hazardous materials  
13 that are environmentally sensitive.

14           (b) ADDITIONAL OBLIGATIONS.—The National De-  
15 fense Stockpile Manager may obligate amounts in excess  
16 of the amount specified in subsection (a) if the National  
17 Defense Stockpile Manager notifies Congress that extraor-  
18 dinary or emergency conditions necessitate the additional  
19 obligations. The National Defense Stockpile Manager may  
20 make the additional obligations described in the notifica-  
21 tion after the end of the 45-day period beginning on the  
22 date on which Congress receives the notification.



1 (c) LIMITATIONS.—The authorities provided by this  
2 section shall be subject to such limitations as may be pro-  
3 vided in appropriations Acts.

4 **SEC. 3302. REVISION OF EARLIER AUTHORITY TO DISPOSE**  
5 **OF CERTAIN MATERIALS IN NATIONAL DE-**  
6 **FENSE STOCKPILE.**

7 Section 3303(a) of the Strom Thurmond National  
8 Defense Authorization Act for Fiscal Year 1999 (Public  
9 Law 105-261; 50 U.S.C. 98d note) is amended by striking  
10 paragraphs (4) and (5) and inserting the following new  
11 paragraphs:

12 “(4) \$785,000,000 by the end of fiscal year  
13 2005; and

14 “(5) \$870,000,000 by the end of fiscal year  
15 2009.”.

16 **SEC. 3303. DISPOSAL OF FERROMANGANESE.**

17 (a) DISPOSAL AUTHORIZED.—The Secretary of De-  
18 fense may dispose of up to 50,000 tons of ferromanganese  
19 from the National Defense Stockpile during fiscal year  
20 2005.

21 (b) CONTINGENT AUTHORITY FOR ADDITIONAL DIS-  
22 POSAL.—(1) If the Secretary of Defense completes the dis-  
23 posal of the total quantity of ferromanganese authorized  
24 for disposal by subsection (a) before September 30, 2005,  
25 the Secretary of Defense may dispose of up to an addi-



1 tional 25,000 tons of ferromanganese from the National  
2 Defense Stockpile before that date.

3 (2) If the Secretary completes the disposal of the  
4 total quantity of additional ferromanganese authorized for  
5 disposal by paragraph (1) before September 30, 2005, the  
6 Secretary may dispose of up to an additional 25,000 tons  
7 of ferromanganese from the National Defense Stockpile  
8 before that date.

9 (c) CERTIFICATION.—The Secretary of Defense may  
10 dispose of ferromanganese under the authority of para-  
11 graph (1) or (2) of subsection (b) only if the Secretary  
12 submits written certification to the Committee on Armed  
13 Services of the Senate and the Committee on Armed Serv-  
14 ices of the House of Representatives, not later than 30  
15 days before the commencement of disposal under the ap-  
16 plicable paragraph, that—

17 (1) the disposal of the additional  
18 ferromanganese from the National Defense Stockpile  
19 is in the interest of national defense;

20 (2) the disposal of the additional  
21 ferromanganese will not cause undue disruption to  
22 the usual markets of producers and processors of  
23 ferromanganese in the United States; and



1           (3) the disposal of the additional  
2 ferromanganese is consistent with the requirements  
3 and purpose of the National Defense Stockpile.

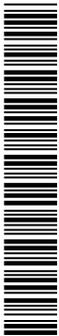
4           (d) DELEGATION OF RESPONSIBILITY.—The Sec-  
5 retary of Defense may delegate the responsibility of the  
6 Secretary under subsection (c) to an appropriate official  
7 within the Department of Defense.

8           (e) NATIONAL DEFENSE STOCKPILE DEFINED.—In  
9 this section, the term “National Defense Stockpile” means  
10 the stockpile provided for in section 4 of the Strategic and  
11 Critical Materials Stock Piling Act (50 U.S.C. 98c).

12 **SEC. 3304. PROHIBITION ON STORAGE OF MERCURY AT**  
13 **CERTAIN FACILITIES.**

14           (a) PROHIBITION.—During fiscal year 2005, the Sec-  
15 retary of Defense may not store mercury from the Na-  
16 tional Defense Stockpile at any facility that is not owned  
17 or leased by the United States.

18           (b) NATIONAL DEFENSE STOCKPILE DEFINED.—In  
19 this section, the term “National Defense Stockpile” means  
20 the stockpile provided for in section 4 of the Strategic and  
21 Critical Materials Stock Piling Act (50 U.S.C. 98c).



34-1

1                   **TITLE XXXIV—NAVAL**  
2                   **PETROLEUM RESERVES**

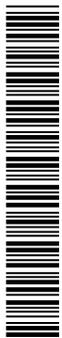
Sec. 3401. Authorization of appropriations.

3   **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

4           (a) AUTHORIZATION OF APPROPRIATIONS.—There  
5 are hereby authorized to be appropriated to the Secretary  
6 of Energy \$20,000,000 for fiscal year 2005 for the pur-  
7 pose of carrying out activities under chapter 641 of title  
8 10, United States Code, relating to the naval petroleum  
9 reserves.

10          (b) PERIOD OF AVAILABILITY.—Funds appropriated  
11 pursuant to the authorization of appropriations in sub-  
12 section (a) shall remain available until expended.





35-1

1                   **TITLE XXXV—MARITIME**  
2                   **ADMINISTRATION**

Sec. 3501. Authorization of appropriations for Maritime Administration.

Sec. 3502. Extension of authority to provide war risk insurance for merchant marine vessels.

Sec. 3503. Modification of priority afforded applications for national defense tank vessel construction assistance.

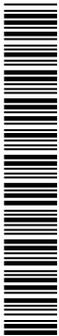
3   **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR MAR-**  
4                   **ITIME ADMINISTRATION.**

5           There are authorized to be appropriated to the Sec-  
6   retary of Transportation for the Maritime Administration  
7   for fiscal year 2005 (in lieu of amounts authorized for the  
8   same purposes by section 3511 of the National Defense  
9   Authorization Act for Fiscal Year 2004)—

10           (1) for expenses necessary for operations and  
11           training activities, \$109,300,000;

12           (2) for administrative expenses under the loan  
13           guarantee program authorized by title XI of the  
14           Merchant Marine Act, 1936 (46 U.S.C. App. 1271  
15           et seq.), \$4,764,000; and

16           (3) for ship disposal, \$35,000,000, of which  
17           \$2,000,000 shall be for decommissioning, removal,  
18           and disposal of the nuclear reactor and hazardous  
19           materials on board the vessel SAVANNAH.

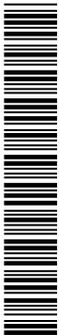


35-2

1 **SEC. 3502. EXTENSION OF AUTHORITY TO PROVIDE WAR**  
2 **RISK INSURANCE FOR MERCHANT MARINE**  
3 **VESSELS.**

4 (a) EXTENSION.—Section 1214 of the Merchant Ma-  
5 rine Act, 1936 (46 U.S.C. App. 1294), is amended by  
6 striking “June 30, 2005” and inserting “December 31,  
7 2010”.

8 (b) INVESTMENT OF ASSETS IN INSURANCE FUND.—  
9 Section 1208(a) of such Act (46 U.S.C. App. 1288), is  
10 amended by striking the third sentence and inserting the  
11 following: “The Secretary of Transportation may request  
12 the Secretary of the Treasury to invest such portion of  
13 the Fund as is not, in the judgment of the Secretary of  
14 Transportation, required to meet the current needs of the  
15 fund. Such investments shall be made by the Secretary  
16 of the Treasury in public debt securities of the United  
17 States, with maturities suitable to the needs of the fund,  
18 and bearing interest rates determined by the Secretary of  
19 the Treasury, taking into consideration current market  
20 yields on outstanding marketable obligations of the United  
21 States of comparable maturity.”.



35-3

1 **SEC. 3503. MODIFICATION OF PRIORITY AFFORDED APPLI-**  
2 **CATIONS FOR NATIONAL DEFENSE TANK VES-**  
3 **SEL CONSTRUCTION ASSISTANCE.**

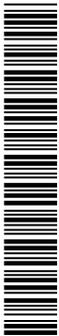
4 Section 3542(d)(2) of the Maritime Security Act of  
5 2003 (title XXXV of Public Law 108-136; 117 Stat.  
6 1821; 46 U.S.C. 53101 note) is amended—

7 (1) in subparagraph (A), by striking “and” at  
8 the end;

9 (2) in subparagraph (B) by striking the period  
10 at the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(C) with respect to any proposal for fi-  
13 nancial assistance to be provided from amounts  
14 appropriated for a fiscal year after fiscal year  
15 2005, acceptance of the vessel to be constructed  
16 with the assistance for participation in the  
17 Shipboard Technology Evaluation Program as  
18 outlined in Navigation and Vessel Inspection  
19 Circular 01-04, issued by the Commandant of  
20 the United States Coast Guard on January 2,  
21 2004.”.





36-1

1     **TITLE XXXVI—ASSISTANCE TO**  
2                   **FIREFIGHTERS**

Sec. 3601. Short title.

Sec. 3602. Amendments to Federal Fire Prevention and Control Act of 1974.

Sec. 3603. Report on assistance to firefighters.

3     **SEC. 3601. SHORT TITLE.**

4             This title may be cited as the “Assistance to Fire-  
5 fighters Grant Program Reauthorization Act of 2004”.

6     **SEC. 3602. AMENDMENTS TO FEDERAL FIRE PREVENTION**  
7                   **AND CONTROL ACT OF 1974.**

8             Section 33 of the Federal Fire Prevention and Con-  
9 trol Act of 1974 (15 U.S.C. 2229) is amended—

10            (1) in subsection (b)(1)(A)—

11                 (A) by inserting “throughout the Nation”  
12 after “personnel”; and

13                 (B) by striking “and” at the end;

14            (2) in subsection (b)(1)(B)—

15                 (A) by inserting “and firefighter safety re-  
16 search and development” after “fire preven-  
17 tion”; and

18                 (B) by striking the period and inserting “;  
19 and”;

20            (3) by adding at the end of subsection (b)(1)  
21 the following new subparagraph:



36-2

1           “(C) provide assistance for nonaffiliated  
2           EMS organizations for the purpose of para-  
3           graph (3)(F).”;

4           (4) in subsection (b)(3)(F), by inserting “and  
5           nonaffiliated EMS organizations” after “fire depart-  
6           ments”;

7           (5) in subsection (b)(4)—

8           (A) by inserting “AND FIREFIGHTER SAFE-  
9           TY RESEARCH AND DEVELOPMENT” after “PRE-  
10          VENTION” in the paragraph heading;

11          (B) in subparagraph (A)(ii)—

12           (i) by inserting “that are not fire de-  
13           partments and” after “community organi-  
14           zations”;

15           (ii) by inserting “and firefighter re-  
16           search and development programs,” after  
17           “fire safety programs and activities,”; and

18           (iii) by inserting “and research to im-  
19           prove firefighter health and life safety”  
20           after “fire prevention programs”;

21          (C) in subparagraph (B), by striking “to  
22          children from fire” and inserting “to high risk  
23          groups from fire, as well as research programs  
24          that demonstrate the potential to improve fire-  
25          fighter safety”; and



1 (D) by adding at the end the following new  
2 subparagraph:

3 “(C) GRANT LIMITATION.—A grant under  
4 this paragraph shall not be greater than  
5 \$1,000,000 for a fiscal year.”;

6 (6) in subsection (b)(5)(B)—

7 (A) by redesignating clause (iv) as clause  
8 (v); and

9 (B) by inserting after clause (iii) the fol-  
10 lowing new clause:

11 “(iv) OTHER FEDERAL SUPPORT.—A  
12 list of other sources of Federal funding re-  
13 ceived by the applicant. The Director, in  
14 coordination with the Secretary of Home-  
15 land Security, shall use such list to prevent  
16 unnecessary duplication of grant funds.”.

17 (7) in subsection (b)(6), by striking subpara-  
18 graphs (A) and (B) and inserting the following:

19 “(A) IN GENERAL.—Subject to subpara-  
20 graphs (B) and (C), the Director may provide  
21 assistance under this subsection only if the ap-  
22 plicant for such assistance agrees to match 20  
23 percent of such assistance for any fiscal year  
24 with an equal amount of non-Federal funds.



36-4

1           “(B) REQUIREMENT FOR SMALL COMMU-  
2           NITY ORGANIZATIONS.—In the case of an appli-  
3           cant whose personnel—

4                   “(i) serve jurisdictions of 50,000 or  
5                   fewer residents, the percent applied under  
6                   the matching requirement of subparagraph  
7                   (A) shall be 10 percent; and

8                   “(ii) serve jurisdictions of 20,000 or  
9                   fewer residents, the percent applied under  
10                  the matching requirement of subparagraph  
11                  (A) shall be 5 percent.

12           “(C) FIRE PREVENTION AND FIREFIGHTER  
13           SAFETY GRANTS.—There shall be no matching  
14           requirement for a grant described in paragraph  
15           (4)(A)(ii).”;  
16           (8) in subsection (b)(10)—

17                   (A) by amending subparagraph (A) to read  
18           as follows:

19                   “(A) RECIPIENT LIMITATIONS.—A grant  
20           recipient under subsection (b)(1)(A)—

21                   “(i) that serves a jurisdiction with  
22                   500,000 people or less may not receive  
23                   grants in excess of \$1,000,000 for any fis-  
24                   cal year;



1                   “(ii) that serves a jurisdiction with  
 2                   more than 500,000 but not more than  
 3                   1,000,000 people may not receive grants in  
 4                   excess of \$1,750,000 for any fiscal year;  
 5                   and

6                   “(iii) that serves a jurisdiction with  
 7                   more than 1,000,000 people may not re-  
 8                   ceive grants in excess of \$2,750,000 for  
 9                   any fiscal year.

10                   The Director may award grants in excess of the  
 11                   limitations provided in clause (i) and (ii) if the  
 12                   Director determines that extraordinary need for  
 13                   assistance by a jurisdiction warrants a waiver.”;

14                   (B) by redesignating subparagraph (B) as  
 15                   subparagraph (C);

16                   (C) by inserting after subparagraph (A)  
 17                   the following new subparagraph:

18                   “(B)     DISTRIBUTION.—Notwithstanding  
 19                   subparagraph (A), no single recipient may re-  
 20                   ceive more than the lesser of \$2,750,000 or one  
 21                   half of one percent of the funds appropriated  
 22                   under this section for a single fiscal year.”; and

23                   (D) by adding at the end the following new  
 24                   subparagraphs:



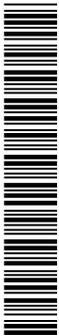
1           “(D) REQUIREMENTS FOR GRANTS FOR  
2           EMERGENCY MEDICAL SERVICES.—Subject to  
3           the restrictions in subparagraph (E), not less  
4           than 3.5 percent of the funds appropriated  
5           under this section for a fiscal year shall be  
6           awarded for purposes described in paragraph  
7           (3)(F).

8           “(E) NONAFFILIATED EMS LIMITATION.—  
9           Not more than 2 percent of the funds appro-  
10          priated to provide grants under this section for  
11          a fiscal year shall be awarded to nonaffiliated  
12          EMS organizations.

13          “(F) APPLICATION OF SELECTION CRI-  
14          TERIA TO GRANT APPLICATIONS FROM NON-  
15          AFFILIATED EMS ORGANIZATIONS.—In review-  
16          ing applications submitted by nonaffiliated  
17          EMS organizations, the Director shall consider  
18          the extent to which other sources of Federal  
19          funding are available to provide assistance re-  
20          quested in such grant applications.”;

21          (9) in subsection (b), by adding at the end the  
22          following new paragraphs:

23          “(13) ANNUAL MEETING.—The Director shall  
24          convene an annual meeting of individuals who are  
25          members of national fire service organizations and



1 are recognized for expertise in firefighting or emer-  
2 gency medical services provided by fire services, and  
3 who are not employees of the Federal Government,  
4 for the purpose of recommending criteria for award-  
5 ing grants under this section for the next fiscal year  
6 and recommending any necessary administrative  
7 changes to the grant program.

8 “(14) GUIDELINES.—(A) Each year, prior to  
9 making any grants under this section, the Director  
10 shall publish in the Federal Register—

11 “(i) guidelines that describe the process for  
12 applying for grants and the criteria for award-  
13 ing grants; and

14 “(ii) an explanation of any differences be-  
15 tween the guidelines and the recommendations  
16 made pursuant to paragraph (13).

17 “(B) The criteria for awarding grants under  
18 subsection (b)(1)(A) shall include the extent to  
19 which the grant would enhance the daily operations  
20 of the applicant and the impact of such a grant on  
21 the protection of lives and property.

22 “(15) PEER REVIEW.—The Director shall, after  
23 consultation with national fire service organizations,  
24 appoint fire service personnel to conduct peer review  
25 of applications received under paragraph (5). In



1 making grants under this section, the Director shall  
2 consider the results of such peer review evaluations.

3 “(16) APPLICABILITY OF FEDERAL ADVISORY  
4 COMMITTEE ACT.—The Federal Advisory Committee  
5 Act (5 U.S.C. App.) shall not apply to activities  
6 under paragraphs (13) and (15).

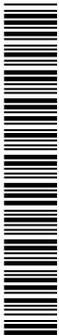
7 “(17) ACCOUNTING DETERMINATION.—Not-  
8 withstanding any other provision of law, rule, regu-  
9 lation, or guidance, for purposes of receiving assist-  
10 ance under this section, equipment costs shall in-  
11 clude, but not be limited to, all costs attributable to  
12 any design, purchase of components, assembly, man-  
13 ufacture, and transportation of equipment not other-  
14 wise commercially available.”;

15 (10) by amending subsection (d) to read as fol-  
16 lows:

17 “(d) DEFINITIONS.—In this section—

18 “(1) the term ‘Director’ means the Director,  
19 acting through the Administrator;

20 “(2) the term ‘nonaffiliated EMS organization’  
21 means a public or private nonprofit emergency med-  
22 ical services organization that is not affiliated with  
23 a hospital and does not serve a geographic area in  
24 which the Director finds that emergency medical



1 services are adequately provided by a fire depart-  
2 ment; and

3 “(3) the term ‘State’ includes the District of  
4 Columbia and the Commonwealth of Puerto Rico.”;  
5 and

6 (11) in subsection (e)(1), by striking the first  
7 sentence and inserting “There are authorized to be  
8 appropriated for the purposes of this section  
9 \$900,000,000 for fiscal year 2005, \$950,000,000 for  
10 fiscal year 2006, and \$1,000,000,000 for each of the  
11 fiscal years 2007 through 2009.”.

12 **SEC. 3603. REPORT ON ASSISTANCE TO FIREFIGHTERS.**

13 (a) STUDY AND REPORT ON ASSISTANCE TO FIRE-  
14 FIGHTERS.—

15 (1) STUDY.—The Administrator of the United  
16 States Fire Administration, in conjunction with the  
17 National Fire Protection Association, shall conduct a  
18 study to—

19 (A) define the current roles and activities  
20 associated with the fire services on a national,  
21 State, regional, and local level;

22 (B) identify the equipment, staffing, and  
23 training required to fulfill the roles and activi-  
24 ties defined under subparagraph (A);



1 (C) conduct an assessment to identify gaps  
2 between what fire departments currently pos-  
3 sess and what they require to meet the equip-  
4 ment, staffing, and training needs identified  
5 under subparagraph (B) on a national and  
6 State-by-State basis; and

7 (D) measure the impact of the Assistance  
8 to Firefighters Grant program under section 33  
9 of the Federal Fire Prevention and Control Act  
10 of 1974 (15 U.S.C. 2229) in meeting the needs  
11 of the fire services identified in the report sub-  
12 mitted to Congress under section 1701(b) of  
13 the Floyd D. Spence National Defense Author-  
14 ization Act for Fiscal Year 2001 and filling the  
15 gaps identified under subparagraph (C).

16 (2) REPORT.—Not later than 18 months after  
17 the date of enactment of this Act, the Administrator  
18 shall submit to the Committee on Commerce,  
19 Science, and Transportation of the Senate and the  
20 Committee on Science of the House of Representa-  
21 tives a report on the findings of the study described  
22 in paragraph (1).

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to the United States



36-11

- 1 Fire Administration \$300,000 for fiscal year 2005 to
- 2 carry out the study required by subsection (a).

And the Senate agree to the same.

